



**TOWN OF SHADY SHORES
PLANNING AND ZONING COMMISSION
REGULAR SESSION
APRIL 11, 2019; 7:00 PM
SHADY SHORES COMMUNITY CENTER
101 S. SHADY SHORES ROAD
SHADY SHORES, TX 76208**

AGENDA

1. CALL TO ORDER
2. ROLL CALL
 Establish a quorum
3. REGULAR BUSINESS
 1. Minutes- Consider and act on approval of the November 13, 2018 Planning and Zoning Commission Minutes.
4. WORKSESSION
 1. Conduct a worksession relative to changes to the Subdivision Ordinance and/or the Zoning Ordinance- to include a discussion regarding the need for 1) open space and recreation areas, 2) perimeter wall and/or fencing requirements, 3) adjustments to lot size requirements
5. FUTURE AGENDA ITEMS
6. ADJOURN

I, _____, _____ of the Town of Shady Shores do hereby certify that the above notice of the Planning and Zoning Commission was posted on the bulletin board at the Community Center, 101 S. Shady Shores Road, Shady Shores, Texas on _____ Day of _____, _____, at _____ .M.

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

Wendy Withers, Town Secretary



TOWN OF SHADY SHORES
PLANNING AND ZONING COMMISSION
SPECIAL CALLED MEETING
NOVEMBER 14, 2018; 7 PM
SHADY SHORES COMMUNITY CENTER
101 S. SHADY SHORES ROAD
SHADY SHORES, TEXAS 76208

MINUTES

Allen Lea	Chairman	Present
Rebecca Morgan	Vice Chairman	Present
Tom Spencer	Commissioner	Absent
Paul Brown	Commissioner	Present
Tillman Strahan	Commissioner	Absent
Linda Winter	Commissioner- Alternate	Present

Staff Present: Joan Davis, Office Clerk; Jim Shepherd, Town Attorney; Jack Nelson, Council Liaison

1. CALL TO ORDER

Allen Lea called the meeting to order at 7:02 pm

2. ROLL CALL

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

3. MINUTES

Motion was made by Rebecca Morgan and seconded by Linda Winter to accept the minutes of the October 11, 2018 Planning & Zoning Commission Meeting, as written. Motion carried unanimously.

4. STAFF REPORT: Update on joint work session that was held on October 22, 2018 between the Town of Shady Shores, Hickory Creek, Lake Dallas and Corinth.

Handouts were made available and it was decided to discuss further at the next meeting.

5. WORKSESSION-Subdivision Ordinance

Discussion was held regarding the fact that the ordinance was somewhat generic and committee members agreed to evaluate specifics they would like to have added to the ordinance and be prepared to discuss at the next meeting.

6. ADJOURN

Motion was made by Rebecca Morgan and seconded by Linda Winter to adjourn at 7:47 pm. Motion passed unanimously

PASSED AND APPROVED THIS THE _____ DAY OF _____, 2019.

APPROVED:

Allen Lea, Chairman

ATTEST:

Wendy Withers, Town Secretary

CHAPTER 10

SUBDIVISION REGULATION

ARTICLE 10.01 GENERAL PROVISIONS

Sec. 10.01.001 Subdivision regulations extended to extraterritorial jurisdiction

- (a) All ordinances of the town establishing rules and regulations governing plats and the subdivision of land shall henceforth apply to all land within the extraterritorial jurisdiction of the town.
- (b) The town shall have the right to institute an action in the district court to enjoin the violation of any provision of any such ordinance in the town's extraterritorial jurisdiction. A fine or criminal penalty prescribed by the ordinance does not apply to a violation in the extraterritorial jurisdiction.

(Ordinance 72 adopted 4/5/82; Ordinance 300-03-17 adopted 3/13/17)

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

ARTICLE 10.02 SUBDIVISION ORDINANCE^{*}

Sec. 10.02.001 Adopted

The subdivision ordinance, Ordinance 130, adopted by the town on June 5, 2000, as amended by Ordinance 300-03-17 adopted 3/13/17, is included at the end of this chapter as [exhibit A](#). Due to the nature of the subdivision ordinance and the technicalities involved in adopting or amending it, such ordinance is printed herein as enacted, with only nonsubstantive formatting and style changes. Capitalization, punctuation and numbering of articles, sections and subsections have been retained as enacted. Subsequent amendments will be inserted in their proper place and denoted by a history note following the amended section. The absence of a history note indicates the material is unchanged from the original. Obviously misspelled words have been corrected without notation. Any other material added for purposes of clarification is enclosed in brackets. (Ordinance adopting Code)

EXHIBIT A

SUBDIVISION ORDINANCE

ARTICLE 1. GENERAL PROVISIONS AND POLICIES

SECTION 1.1 AUTHORITY

This ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including particularly Subchapter A and B of Chapter 212 of the Local Government Code. (Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 1.2 SHORT TITLE

This Ordinance shall be known as the SUBDIVISION ORDINANCE of the Town of Shady Shores, Texas. It may be renumbered as necessary to be codified within the Municipal Code (the "Code") of the Town of Shady Shores, (the "Town"). (Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 1.3 POLICY STATEMENTS

A. It is the intent of the Town of Shady Shores to encourage and promote quality development within the Town consistent with the rural atmosphere and quality of life, as legally permitted for subdivision ordinances. The Town's approval of construction plans for public improvements and all other construction plans required in conjunction with the consideration of a preliminary or final plat are a prerequisite for approval of any plat or replat to which the construction applies. The construction of private improvements, such as homes to be constructed on an approved platted lot, are regulated by the Zoning Ordinance, and the building codes of the Town.

B. Drainage plans required by this ordinance and approved by the Town are to be complied with by the Developer, the Builder, and the Owner of the property. Failure to do so is a violation of this

ordinance by the person or entity not complying with the drainage requirements.

C. Concept Plans and development proposals may be reviewed for conformance with the Town plan, zoning, and development policy and nonconformance shall be deemed sufficient for denial of the development proposal. Such plans or proposals are not part of the platting process, and should normally be submitted independently of the platting process. Proposals regarding a change in use should be presented under the Zoning Ordinance. Proposals that request variances to the Town Zoning or Subdivision Ordinances should be submitted as requests for variances, and not as Concept Plans or Development Proposals.

D. Private restrictions on land use (Deed restrictions, Restrictive Covenants, etc.) imposed not by the Town by ordinance, but contractually by current or prior owners, or Property Owners Associations, are not enforced by the Town, and are to be enforced by those creating and imposing them on the property, or their successors. Any exceptions to this policy requires specific written authority from the Town Council.

E. It is hereby declared to be the policy of the Town of Shady Shores to consider the subdivision of land and the subsequent development of the subdivided lots as subject to the control of the municipality pursuant to the ordinances of the municipality to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality.

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

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

H. The Town Planning and Zoning Commission is a recommending and advisory board to the Town Council. All references in this ordinance to "approval" or "denial" by the Commission are interpreted as their recommendation to the Town Council, which holds the final authority under this ordinance.

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 1.4 PURPOSE

These regulations are adopted for the following purposes:

A. To protect and provide for the public health, safety, and general welfare of the municipality in accordance with state law.

B. To guide the future growth and development of the municipality, in accordance with the Zoning Ordinance, the Comprehensive Plan and adopted Development Policies.

C. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.

D. To protect the character and the social and economic stability of all parts of the municipality and to encourage the orderly and beneficial development of all parts of the Town of Shady Shores.

E. To protect and conserve the value of land throughout the Town of Shady Shores and the value of buildings and improvements upon the land.

F. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, drainage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

G. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

H. To establish reasonable standards of design and procedures for subdivisions and replats, in order

to further the orderly layout and to insure proper legal descriptions and monumenting of subdivided land.

I. To insure that public improvements are available and shall have a sufficient capacity to serve the proposed subdivision.

J. To prevent the pollution of air, streams, and ponds, to assure the adequacy of drainage facilities; and to encourage the wise use and management of natural resources throughout the Town in order to preserve the integrity, stability, and beauty of the community and the value of the land.

K. To preserve the natural beauty and topography of the municipality and to insure appropriate development with regard to trees and other natural features.

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

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 1.5 INTERPRETATION, CONFLICT

This ordinance is to be interpreted in compliance with state and federal law. Any conflict between the terms of this ordinance and the state and/or federal law is to be resolved and enforced in accord with those laws. (Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 1.6 PLATTING REQUIRED

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

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

1. The subdivider/owner of property, with any proposed public infrastructure construction, has submitted and obtained a review of the proposal by the Planning and Zoning Commission[;] and

2. The subdivider/owner has obtained approval of the Preliminary Plat (when required) or Final Plat by the Planning and Zoning Commission and Town Council; or, as authorized elsewhere in this ordinance, by the Mayor, City Engineer and City Attorney; and

3. An approved final plat is filed with the Denton County Clerk. To be recorded, the plat at a minimum must provide the following, and such other provisions as this ordinance requires:

(a) describe the subdivision by metes and bounds;

(b) locate the subdivision with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part; and

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

(d) The owner or proprietor of the tract or the owner's or proprietor's agent must acknowledge the plat in the manner required for the acknowledgment of deeds.

(e) The plat must be filed and recorded with the county clerk of the county in which the tract is located.

(f) The plat is subject to the filing and recording provisions of Section 12.002, Texas Property Code.

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 1.7 APPROVAL OF PLAT

A. No plat shall be filed of record, no lot may be sold and no transfer of title to any part of such tract shall be made, and no tract of land within the corporate limits or extraterritorial jurisdiction of the Town of Shady Shores shall be improved until a plat shall have been approved by the Town Council, after a recommendation of the Planning and Zoning Commission, in accordance with these provisions and

Subchapter A or B of Chapter 212 of The Texas Local Government Code, or a Plat that has been reviewed by the City Staff and the Planning and Zoning Commission and approved by the Town Council in accordance with [Section 4.3.C](#) of this Ordinance, and filed in the plat records of Denton County, Texas.

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

C. No plat shall be recommended for approval by the Planning and Zoning Commission or approved by the Town Council unless it generally conforms and unless each lot, block or tract therein fronts upon a dedicated street. The Town Council may grant an exception in the case of approved private streets.

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

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 1.8 IMPROVEMENTS REQUIRED

A. The subdivider shall furnish, install and/or construct the water and sewerage systems and the street and drainage facilities necessary for the proper development of the subdivision. All such facilities shall be designed and constructed in accordance with the Design Provisions provided by LCMUA, and other standards, specifications, and drawings as may be hereafter adopted, approved by the Town Council and LCMUA. No new subdivision with lots less than one acre shall be approved unless each lot is connected to the Town's public sanitary sewer system, provided by LCMUA.

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

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 1.9 CONSTRUCTION; BUILDING PERMITS; CERTIFICATES OF OCCUPANCY

A. No construction of any public improvements shall be initiated by the developer/owner until[:]

- (1) a final plat has been approved by the Planning and Zoning Commission and Town Council;
- (2) a Subdivider's Agreement has been approved by the Town Council and signed by the Mayor;
- (3) all performance and maintenance bonds, or their equivalent, have been provided to the Town;
- (4) all inspection and permit fees in accordance with the Fee Schedule have been paid; and
- (5) a Notice to proceed is issued by the Town Engineer.

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

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

1. Such time as the subdivider/owner has fully completed the improvements required to be made by the terms of this ordinance, including the installation of streets with proper paving, drainage structures or improvements, alleys and the installation of water and sanitary sewer mains, all according to the specifications of the Town and any other required public improvements; and/or
2. The construction of public improvements suspended due to a stop-work order issued by the Town has been allowed to proceed; and/or

3. A Subdivider Agreement has been executed in accordance with Article VI, [Section 6.1](#) of this ordinance and the required performance bond, meeting the requirements set forth in Article VI, [Section 6.2](#) sufficient to pay for the cost of such improvements, as approved by the Town, has been furnished to the Mayor or designee.

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

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

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

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

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 1.10 ACCEPTANCE OF DEDICATION

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

A. For any subdivision for which a plat has been filed for record, or where land has been divided by metes and bounds and no plat filed for record, and which has not been approved according to these regulations, or which fails to meet the standards contained or referred to herein, the Planning and Zoning Commission shall recommend to the Town Council, the adoption of a Resolution concerning such failures or lack of approval and indicating that same is in violation of the provisions of this Ordinance. The Town shall cause a copy of such Resolution, signed by the Mayor and attested to and notarized by the Town Secretary or designee, to be filed in the Deed Record of Denton County.

B. If compliance and approval are secured following the filing of said Resolution, the Planning and Zoning Commission shall file in the Deed Records of Denton County an instrument which, in effect, rescinds such earlier filed resolution.

C. Disapproval of a plat by the Council shall be deemed a refusal by the Town to accept the offered dedications shown thereon. Approval of a plat shall not impose any duty upon the Town concerning the maintenance or improvement of any such dedicated parts until the proper authorities of the Town have actually appropriated the same by entry, use, or improvement. Any such dedication, before or after actual appropriation may be vacated by the Council in any manner provided by law.

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 1.11 AMENDMENTS

The Town Council may from time to time amend this Ordinance, in accordance with appropriate procedures provided by law. (Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

ARTICLE II. DEFINITIONS

SECTION 2.1 USAGE

For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning ascribed to them in this section. Words and terms not expressly defined herein are to be construed according to their customary usage in the practice of municipal planning and engineering. Words used in the present tense shall include the future, words used in the singular number shall include the plural number and words used in the plural shall include the singular, the word "building" includes the word "structure," the word "lot" includes the words "parcel," "plot," or "tract," the word "shall" is mandatory and not discretionary and the word "may" is permissive. (Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 2.2 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Collector Street: See Street, Collector.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Drainage area or basin means the land area upon which all rainfall that falls on that area is directed towards or

flows to a given point or stream.

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

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

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

Drainage Requirements and Design Standards: See [Article V](#) of this Ordinance[.]

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

Easement: The word “easement” shall mean an area for restricted use on private property upon which any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements. Any public utility shall at all times have the right of ingress and egress to and from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

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

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

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

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

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

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

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

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

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

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

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

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

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

Freeboard means the vertical distance between the design water surface level (base flood) and the top of an open

conduit left to allow for wave action, floating debris or any other condition or emergency without overtopping the structure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Petition: A written request.

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

Pipe means a closed conduit through which water flows.

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

Planning and Zoning Commission: Same as Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

Re-subdivision: A change in an approved or recorded subdivision plat if such change affects any street layout or area reserved thereon for public use, or any lot line. May occur by Amending Plat, revised plat, or vacated and a new plat.

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

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

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

Sanitary Sewer Collection System/Line: Nonpressurized, gravity flow sanitary sewer system line.

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

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

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

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

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

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

- a. Arterial Streets or Major Thoroughfares provide vehicular movement from one neighborhood to another, to distant points within the urban area or to freeways leading to other communities.
- b. Collector streets provide vehicular circulation within neighborhoods and from local streets to Major Thoroughfares. Due to similarity of traffic volume and wheel loadings, streets through commercial and industrial areas are frequently constructed to same design as Arterial Streets.
- c. Local streets provide direct vehicular access to abutting residential property. Local streets include residential and residential estates designations.
- d. A "private street" is a vehicular access way under private ownership and maintenance that has not been dedicated to the Town and accepted by the Town.

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

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

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

Street Width: The words "street width" shall be the shortest distance between the lines which delineate the rights-of-way of a street.

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

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

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

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

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

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

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

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

Town Attorney: The attorney appointed by the City Council to provide legal advice to the Town staff and officials.

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

Town Engineer: See City Engineer.

Town Inspector: See City Inspector.

Town Planner: See City Planner.

Town Secretary: See City Secretary.

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

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

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

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

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

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

ARTICLE III. ADMINISTRATION^{*}

SECTION 3.1 PLANNING AND ZONING COMMISSION

A. MEMBERSHIP:

1. There shall be a City Planning and Zoning Commission consisting of five (5) members appointed by the Mayor with approval of the Town Council. Commissioners shall be appointed for terms of two (2) years and shall be selected from the residents of the Town. Each member shall be appointed to a Place with a designated term.

(a) Places 1, 3, and 5 terms shall be from October 1st of each odd year to September 30th of the next odd-numbered year.

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

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

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

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

D. OFFICERS, RULES AND MEETINGS:

1. The Planning and Zoning Commission shall elect a chairman and vice-chairman from among its members. Terms of all elected officers shall be for one (1) year, which shall run concurrently with the May general election each year. Officers continue to serve until their successors are elected and qualified.

2. The Town Secretary or her designee shall serve as Secretary to the Planning and Zoning Commission.

3. The Planning and Zoning Commission shall keep a record of meeting attendance, resolutions,

actions, findings, and determinations or if absent or abstaining from voting indicating such fact. The minutes of the Planning and Zoning Commission shall be public record.

4. A quorum shall consist of three (3) members. An agenda shall be prepared by the Town Secretary or her designee for each meeting of the Planning and Zoning Commission.

5. Regular meetings may be held at least once monthly, on a day and time to be established by Planning and Zoning Commission resolution. Meetings may be cancelled or rescheduled as needed.

6. Special meetings may be held: (1) on the call of the chairman; or (2) on request of two or more members; or (3) on the call of the Mayor. The calling and posting of such meetings shall be accordance with state law.

7. The commission may review and make recommendations to the Mayor and council in matters of zoning and subdivision control, including:

Review proposed plats as required.

Review proposed zoning amendments as required.

Review the comprehensive plan for the Town.

Make written recommendations to the Mayor and Council.

E. The Town Engineer shall be a licensed Engineer, and shall:

1. Review and make recommendations regarding all Major Plat submittals and Minor Plats where public infrastructure improvements are involved.

2. Review and recommend approval, conditional approval, or disapproval of engineering requirements for the Topography and Preliminary Drainage Plan as required on a Preliminary Plat of a Major Subdivision.

3. Review and recommend approval, conditional approval, or disapproval of Engineering and other requirements ([SECTION 4.4](#)) for the Construction Plans and Calculations.

4. Review and recommend approval, conditional approval, or disapproval of any other related materials as required by the Planning and Zoning Commission and/or Town Council.

5. Issue Notice to Proceed for construction, monitor construction through the Town's Inspector and issue Stop-work orders where necessary.

(Ordinance 130 adopted 6/5/00; Ordinance 217-9-2009, sec. 1, adopted 9/14/09; Ordinance 271-10-14 adopted 10/6/14; Ordinance 300-03-17 adopted 3/13/17)

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

SECTION 3.2 VARIANCES

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

1. The granting of the variance will not be detrimental to public safety, health, or Welfare, or injurious to other property;

2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property; and

3. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land; and

4. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

5. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this ordinance.

6. In approving variances, the Town Council may impose such conditions, as will, in its judgment, substantially secure the objectives of these regulations.

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

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

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

E. The Planning and Zoning Commission, in the recommendation of a variance to the Town Council, shall submit to them a letter containing all the specific facts and pertinent data upon which such a variance has been based, and such documents shall be entered into the official minutes of the Council Meeting. The Town Council will then vote upon a decision, after considering the material submitted by the Planning and Zoning Commission, and any further information received or requested by the Town Council.

SECTION 3.3 VIOLATIONS

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

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

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

The Town may take any and all other actions available to it pursuant to Texas or federal law to prosecute a violation of this ordinance, or otherwise obtain compliance.

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

ARTICLE IV. PLAT PROCEDURES, STANDARDS, AND SPECIFICATIONS

SECTION 4.1 GENERAL PROCEDURES

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

1. Standard Operating Procedures: The procedures established by this Ordinance and adopted by the Town Council, which detail application procedures, filing dates, review, filing fees as set by the Fee Schedule, standards for preliminary plats and final plats, all required construction plans, and any accompanying material.

2. Classification: The classification of subdivisions into Major or Minor Subdivisions as established by this Ordinance.

3. Subdivision Design Criteria and Standards: The design criteria and standards as adopted by the City Council which detail the requirements regarding the physical appearance and other standards for the

subdivision.

4. Standard Specifications for Construction of Public Improvements: The standards and specifications set by this Ordinance and adopted requirements for the construction of streets, drainage, and sewer facilities.

5. Other Standards: The provisions of the Town Mobile Home Ordinance, the City Building Code, and any other Town ordinances which are applicable to the particular subdivision.

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

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 4.2 CLASSIFICATION OF SUBDIVISIONS

Subdivisions shall be classified as Major, Minor, Replat and Development Plat[.]

A. MAJOR SUBDIVISION.

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

2. A Major Subdivision shall require the submittal of a preliminary plat and, following approval of the preliminary plat and required construction plans, and upon approval of construction in accordance with the approved plans, shall require the submittal of a final plat with required accompanying materials.

B. MINOR SUBDIVISION.

1. A Minor Subdivision shall be one that has been determined to be of such character that there shall be minor measurable impact on the topography, drainage, sewage, streets, and similar features and facilities both within the subdivision, the neighboring properties, and/or the community at large. As a general rule, subdivisions creating three or fewer new lots and no new streets or other public improvements are required, shall be considered as Minor Plats.

2. A Minor Subdivision shall require the submittal of a preliminary plat and, following approval of the preliminary plat and required construction plans, and upon approval of construction in accordance with the approved plans, shall require the submittal of a final plat with required accompanying materials.

C. REPLAT. A Replat, (and for purposes of this ordinance, any related modifications to an approved plat) shall include modification of an existing plat that creates new lots or alters any previously dedicated rights-of-way or easements, as provided in Sections 212.013, through 212.016 of the Texas Local Government Code, as applicable, and this Ordinance. Any Replat that meets the requirements of an Amending plat (Section 212.016 TX Loc. Govt. Code) including the combination of existing lots, may be processed as a Final Plat.

[D. RESERVED.]

E. DEVELOPMENT PLAT. A plat required of a single lot, pursuant to the adoption by this ordinance of Subchapter B. of Chapter 212 of the Texas Local Government Code, as set forth below at [section 4.5.1](#).

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 4.3 PROCEDURE SUMMARY

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

A. CONCEPT PLAN: The subdivider may submit a Concept Plan describing the proposed subdivision, and may request a preliminary conference. If so, the subdivider shall clearly identify the provisions of the subdivision ordinance that it has questions or concerns. If the issues are for the Comprehensive Zoning Ordinance, rather than the Subdivision Ordinance, the subdivider should identify the provisions of that Ordinance at issue. All concept plans which include zoning requirements will be reviewed under the Zoning Ordinance, rather than this Subdivision Ordinance.

B. PRELIMINARY CONFERENCE: Following submittal of the concept plan to the Town, a preliminary conference shall be held with the Planning and Zoning Commission for general comments and clarifications which are usually necessary. Prior to that time, the subdivider shall obtain copies of all requirements of the Town's ordinances, and such forms, publications, design criteria and standards available from the Town applicable to the subdivision for his reference and for the benefit of his/her engineer. The Town Engineer will review all Plats and make recommendations to P&Z.

C. The subdivider shall prepare and submit to the Town Planning and Zoning Commission a Preliminary Plat of a subdivision, and required construction plans for public improvements, drainage, grading, for its study and recommendations. The Preliminary Plat shall then be submitted to the Town Council for final action if the Planning and Zoning Commission recommends approval. If approval is not recommended, the subdivider may request more time to amend its submitted documents for a rehearing before the P&Z. Or, in the alternative, the subdivider may proceed to the Town Council for a decision.

1. Plats and plans must be submitted to the Town not less than 30 business days prior to a scheduled meeting before P&Z or the Town Council for minor plats. Thirty days is required for both Major preliminary and final plats. The submission of any plat for consideration by P&Z and/or council with inadequate time for engineering review is likely to result in a recommendation for denial.

2. Proposed plats and plans must be submitted with the required copies shown below at [Section 4.4.B](#).

D. Upon approval of the preliminary plat by the Town Council, the subdivider may then prepare a Final Plat and engineering plans for review by the Town Engineer. Upon approval of the engineering plans by the Town Engineer, the subdivider may then construct the improvements to be dedicated to the city, as well as the grading and drainage work to be done in compliance with the approved plans. When all the construction to be done in compliance with the approved engineering plans is complete, the subdivider may submit a Final Plat to the Planning and Zoning Commission for action. The Final Plat shall be accompanied by the final approved (as built) engineering plans.

E. Upon approval of any such final plat by the Town Planning and Zoning Commission, the same shall be referred to the Town Council, and the Town Council shall consider such final plat for acceptance of the dedication of all public property therein set forth, provided that the plat shall in all things fully comply with the terms and provisions of this Ordinance, and shall take final action on acceptance or denial of the proposed subdivision.

F. Upon acceptance of such plat and public properties by the Town Council, the Mayor or designee shall immediately cause such plat to be recorded in the Records of Denton County, Texas. The recording of this plat shall be the responsibility of the City Secretary or his or her designee.

G. No building permits for construction of public improvements on the subdivision property may occur without construction plans having been submitted, and approved, in addition to the preliminary plat. No building permits for homes or other real estate improvements will be issued until the Final Plat, with approved plans, has been filed in the Denton County records.

H. A prerequisite to plat approval is proof by the applicant that city property taxes are paid in full and current.

(Ordinance 130 adopted 6/5/00; Ordinance 217-9-2009, secs. 2, 3, adopted 9/14/09; Ordinance 300-03-17 adopted 3/13/17)

SECTION 4.4 TYPES OF PLATS; FORM AND CONTENT; CONCEPT PLAN

A. CONCEPT PLAN: A Concept Plan is not a plat, and is submitted at the option of the subdivider or developer. Discussion of a concept plan that includes discussion of zoning requirements is held under the terms of the Comprehensive Zoning Ordinance of the Town.

The concept plan is used for discussion purposes between the subdivider/developer and the Planning & Zoning Commission, and is intended to discuss development problems raised by the subdivider/developer prior to their submitting zoning or plat requests.

1. Before submitting the Concept Plan the applicant should discuss with the Planning & Zoning Chairman the procedures set for the adoption of a subdivision plat and the requirements of any pertinent Town ordinances. The applicant is responsible to identify any existing conditions which may affect the proposed subdivision, such as existing or proposed streets, adjacent subdivision or properties, floodplain and drainage, sewage, fire protection, reservation of land, and similar matters.

The applicant will need to identify the proper agencies if services are not provided by the Town. An example is water and sanitary sewer services provided by Lake Cities Municipal Water Authority.

2. A concept plan may be required by the Town in the event the applicant submits a plat or replat application which does not include the entire contiguous tract of the property. A property proposed to be platted in stages or phases may be required by the Town to provide a concept plan and/or a preliminary plat for the entire tract.

3. Any form of plat that does not comply with existing zoning on the tract will be rejected in the absence of an appropriate variance.

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

a) Name of Subdivision.

(1) Name of subdivision if property is within an existing subdivision.

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

(3) Name of property if no subdivision name has been chosen.

b) Ownership:

(1) Name and address, including telephone number, of legal owner or agent of property. A notarized statement from the owner, authorizing the applicant to submit a concept plan and/or preliminary and/or final plat on the property.

(2) Name and address, including telephone number, of the applicant if different from the owner[.]

c) Description: Location of property by metes and bounds description, with survey. Or, if within an existing subdivision, by lot and block.

d) Features:

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

(2) Location of significant existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent buildings on or immediately adjacent to the site and utility rights-of-way.

(3) Approximate topography suitable to understand general drainage patterns. This may be obtained from previous topographic maps.

(4) The approximate location and proposed width of all proposed street right-of-way.

(5) Preliminary concept for connection with existing water and sewer system and preliminary concept for collecting and discharging surface water drainage.

(6) The approximate location, dimensions, and area of all parcels of land to be set aside for park or other public use, or for common use of property owners in the proposed subdivision.

(7) The location of temporary stakes to enable the Town to find and appraise features of the Concept Plan in the field if other landmarks are not present.

(8) Whenever the Concept Plan covers only a part of an applicant's contiguous holdings, the applicant shall submit a sketch of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.

(9) A vicinity map showing streets and other general development of the surrounding area. The Concept Plan shall show all zoning district boundaries within or adjacent to the tract if proposed to be

changed from current boundaries.

[4.]2. Six copies of a blueline and one electronic copy of the Concept Plan shall be required for any subdivision or replatting of a subdivision. It may be drawn at a standard scale and size suitable for discussion purposes, and shall show the location of the subdivision, number of lots, typical lot depth and width, proposed utilities and streets, and any other information which may be necessary. An electronic version of the same documents shall be sent to the town engineer and town secretary not less than two weeks prior to any Planning and Zoning Commission or Town Council meeting at which they are to be deliberated and acted upon.

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

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

The application shall be accompanied by the following:

a) The filing fee for preliminary plat and the fee for preliminary plat Engineering review as established by Town Fee Schedule.

b) At least six (6) blueline copies and an electronic copy of the preliminary plat, drawn in accordance with requirements set forth in this Section. Upon receipt, the town staff will distribute copies of the preliminary plat to the following parties:

Planning and Zoning Commission

Town Secretary

Town Engineer

Upon approval of the preliminary plat by the Planning and Zoning Commission, the applicant shall submit an additional 11 blueline copies and an electronic copy revised to reflect any changes recommended by the Planning and Zoning Commission and signed by the owners and surveyor. Upon receipt, the Town staff will distribute copies of the revised preliminary plat to the following parties:

5 copies to the Town Council

1 copy to the Mayor

1 copy to the Town Secretary or designee

1 copy to the Town Engineer

1 copy to the Town Attorney

c) Three (3) blueline copies of the Drainage Plan, and grading plan, if different.

d) A written request for any variances, if necessary, within the subdivision and citing the ordinance provision and section to which a variance is being requested.

e) If the proposed subdivision constitutes a unit of a larger tract owned by the subdivider, which may be subsequently subdivided as additional units of the same subdivision, a layout of the entire area showing the tentative proposal for streets, blocks, and drainage improvements for such areas.

2. Form and Content of Preliminary Plat: The preliminary plat will be of the form and content as described and will contain as a minimum but not be limited to the following:

a) The preliminary plat shall be drawn to a minimum scale of 100 feet to 1 inch by a licensed surveyor on sheets of 18 x 24 inches, unless otherwise approved by the Town. Whenever the size of the subdivision is such that a full area cannot be covered on a single sheet with space for titles and other required identifications, the plans shall be drawn on separate sheets with matching lines to facilitate joining them together as a continuous composite plat. If more than one sheet is necessary, a photographic reduction of the combined sheets to show the entire subdivision shall be prepared on an 18 x 24 inch sheet.

b) Name and address of the subdivider, owner of record and surveyor.

c) The signature of the owner on the preliminary plat, or a notarized statement from the owner,

authorizing the applicant to submit a preliminary plat on the property.

- d) Proposed name under which the subdivision is to be recorded. All subdivisions shall be named and the name approved by the Town before the Final Plat is submitted. No name shall be a duplication, either in part or in whole or be similar in spelling or pronunciation to the name of any other subdivision within the Town or within any distance outside the Town, which might result in confusion to operators of emergency vehicles. The name of the subdivider may be incorporated in the subdivision name. Whenever possible the name shall be in keeping with the geographical location, the natural features, and/or the historical significance of the area. Final acceptance and approval of the subdivision name shall be by the Town Council.
- e) Names of contiguous subdivisions and those across adjacent streets, location of contiguous lots, and the name and address of owners of contiguous parcels of land and indication of whether contiguous properties are platted and filed of record.
- f) The location of existing blocks, lots, building lines, watercourses, ravines, bridges, culverts, present structures and any pertinent natural features in the area affected, with principal dimensions and all significant information in regard to property immediately adjacent on all sides.
- g) Other conditions adjacent to the tract affecting design of the subdivision including such information as may be available from field observation, aerial photographs and available maps.
- h) The tract designation and other description according to the real estate records of the county.
- i) Primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred. Such primary control points shall be either a Town recorded benchmark or a USGS benchmark, if such monument is within 2,000 feet of the proposed subdivision.
- j) A location map of the proposed subdivision showing existing and proposed streets and thoroughfares covering an area of at least one (1) mile outside the proposed subdivision.
- k) Subdivision boundary lines of the total proposed for subdivision and the computed acreage of the total area.
- l) Bearing and length of each boundary line shall be shown and description by metes and bounds of the subdivision perimeter shall be placed on the plat.
- m) The location, dimensions, and name (if applicable) of all existing or recorded streets, alleys, reservations, public or private easements or other public rights-of-way within the proposed subdivision, intersecting or contiguous with its boundaries or forming such boundaries. All existing or recorded residential lots, parks, public areas, and permanent structures within or contiguous with the proposed subdivision shall be shown.
- n) The location, dimensions, rights-of-way, and names of all proposed streets according to current adopted Town ordinances and policies. When curved streets are proposed, the radius of the curve shall be shown.
- o) Each proposed street, within the subdivision area, shall be named and shall conform with names of any existing street of which they may be or become extensions. Extensions of existing streets or roads shall use the name already established. All streets shall be named and the name approved by the Town before the Final Plat is submitted. No name shall be a duplication, either in part or in whole, or be similar in spelling or pronunciation to, the name of any other street within the Town or within any distance outside the Town, which might result in confusion to operators of emergency vehicles. No street shall be named for a living person, but may be named for a person of historical significance, especially within the immediate area. Whenever possible the name shall be in keeping with the geographical location, the natural features, and/or historical significance of the area. Final acceptance and approval of street names shall be by the Town Council.
- p) Topography is required to be shown at contour intervals of not more than two feet (2') [.]
- q) The location of existing and proposed sewers, water and gas mains and other public utilities easements and improvements and any existing on-site sewage systems and absorption fields.
- r) The location of any existing buildings or other structures.
- s) The location of existing and proposed drainage structures, storm drainage easements and

improvements. A copy of all design computations shall be submitted along with the plans.

- t) The location of proposed blocks, lots and other sites within the proposed subdivision.
- u) A number shall be used to identify each lot, site or block.
- v) The specific size of each lot, in acres, and outside dimensions, in feet.
- w) Front building setback lines on all lots and sites. Second front yard building setback lines at street intersection. For lots facing on curved streets the chord width of the lot at the front building setback line shall be shown.
- x) Location of Town's limits line and the outer border of the Town's extraterritorial jurisdiction, if they traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary.
- y) The date of preparation, and date of latest revision.
- z) The boundaries and flood elevations of all areas located in flood hazard areas as determined by the FEMA maps provided by the Flood Insurance Administration.
- aa) The location of all existing pipeline easements and information concerning the size of the pipe, type of product being transported and the pressure in the pipeline.
- bb) The name of the registered Surveyor or Engineer responsible for preparing the plat.
- cc) A North Point arrow and graphic scale.
- dd) Data specifying the gross area of the subdivision, the proposed number of residential lots and area thereof, and the approximate area in parks and in other nonresidential uses.
- ee) All land intended to be dedicated for public use or reserved in the deeds for the use of purchasers or owners of lots in the proposed subdivision together with the purpose of conditions or limitations of such dedications, if any.
- ff) Additional requirements for Phased Development:
 - (1) The plat shall show the entire subdivision.
 - (2) The location of lots and blocks proposed for inclusion in the first section of a development.
 - (3) Proposed plans for the remainder of the subdivision.
- gg) The following notice shall be placed on the face of each preliminary plat by the subdivider.
"Preliminary Plat"
- hh) The following certificate shall be placed on the preliminary plat by the subdivider:
"Recommended for Approval by Planning & Zoning Commission:
Chairman: _____
Approved by Town Council:
Mayor: _____
Attested by:
Town Secretary: _____
Date of Town Council Approval: _____"
- jj) All construction, grading, and drainage plans as required by the City Engineer for the construction of the public improvements, to be dedicated to the Town, such as roads, and construction plans and drawings for grading and drainage for the public, and private, improvements to be made. These engineering plans, referred to as the "construction drawings" are a critical part of the platting process, and are considered as part of and required for the preliminary and/or final plat.

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

- a) No Preliminary Plat or Replat shall be accepted for processing if it is determined to be administratively incomplete by the Mayor or the Mayor's designee.
- b) The Town Engineer shall make preliminary review comments to the Planning & Zoning Commission, in addition to any made to the applicant.

- c) No Preliminary Plat or Preliminary Replat shall be approved unless it is shown to be in compliance with those provisions of the Comprehensive Plan that apply to subdivision plats.
- d) A Preliminary Plat or Preliminary Replat will not be accepted for processing if all or any portion of the land area encompassed within the Plat is included in or directly affected by any proposed amendment to the Comprehensive Plan, if such amendment has been set for formal presentation to the Planning and Zoning Commission or the Town Council by placement on a formal agenda.
- e) Whenever a Preliminary Plat is submitted covering an area encompassing five (5) acres or greater, or a Preliminary Replat of an existing subdivision is submitted for consideration by the Planning and Zoning Commission, written notice of the consideration of such submission shall be mailed to the owners of all property located within two hundred feet (200') of the exterior boundaries of the Plat or Replat, exclusive of public street rights-of-way. The notice shall identify the location of the property being platted or replatted and shall specify the time and place where the Planning and Zoning Commission will formally consider action on the platting or replatting. Notice shall be given no earlier than twenty (20) days prior to such hearing and not less than ten (10) days prior to such hearing, and will be mailed to the property owner at their address as reflected in the municipal tax records. This notice requirement shall not apply to proposed Plats or Replats lying within the extraterritorial jurisdiction of the Town.
- f) In the absence of a valid waiver of the 30 day review requirement, the Planning and Zoning Commission shall act on a plat within thirty (30) days after the plat is filed. The preliminary plat shall be considered filed on the date on which formal application, the plat, and any required plans are filed and the requisite fees paid. The Planning and Zoning Commission shall recommend approval, conditional approval, or disapproval of the Preliminary Plat. In the absence of a 30 day waiver, the preliminary plat is considered approved by the Planning and Zoning Commission unless it is disapproved within thirty (30) days after the date the preliminary plat is filed.
- g) In the absence of a waiver of the 30 day review requirement, the Town Council shall act on a preliminary plat within thirty (30) days after the date the preliminary plat is approved by the Planning and Zoning Commission or is considered approved by the inaction of same. The Town Council shall grant approval, conditional approval or disapproval of the Preliminary Plat. The preliminary plat is considered approved by the Town Council unless it is disapproved within thirty (30) days after the date the preliminary plat is approved by the Planning and Zoning Commission.
- h) If a Preliminary Plat is approved by the Town Council subject to certain conditions three (3) copies of a revised Preliminary Plat reflecting those conditions shall be submitted to the Mayor or designee within thirty (30) days after approval or the approval lapses unless the applicant demonstrates good cause for delay in submitting the revised Preliminary Plat. Submission of a Final Plat within thirty (30) days reflecting the conditions approved shall meet the requirements of this provision.
- i) Approval or conditional approval of a preliminary plat by the Town Council shall be valid for a period of six (6) months from the date of approval. Failure to prepare a final plat and have it recorded in accordance with the provisions of this Ordinance within six (6) months from the date of preliminary plat approval shall result in the expiration of the previous approval. The six (6) month period for Final Plat submission may be extended up to six (6) months upon a majority vote of the Planning and Zoning Commission if a developer demonstrates good cause why the authorization should continue. The Preliminary Plat extends authorization of the remaining portion of the Preliminary Plat by an additional six (6) month from filing the latest Final Plat.
- j) No construction, including grading, shall be commenced on the subdivision prior to approval and filing of the final plat.

4. Variance: If a variance has been granted, a statement from the Town Council which describes the modification approved, as a part of the conditional approval shall be filed and included on the plat.

C. FINAL PLAT.

1. Application Procedures: After obtaining approval of the Preliminary Plat of the property, and any required construction by the Town Engineer, the applicant shall file an application for approval of the final plat on forms available at the office of the Town. The application shall be accompanied by the appropriate filing fee. Patching and pasting of paper attachments is not acceptable. All figures and lettering shall be neat and easily legible. For final approval, the final plat must comply in all respects with the approved preliminary plat, with any changes approved by the Town.

a) Major Subdivision.

- (1) The applicant shall submit at least six (6) blue line and one electric copy of a Final Plat meeting all the requirements as to Form and Content listed below for review by the staff.
- (2) The Final Plat shall be accompanied by the following:
 - (a) The required review and filing fees for Final Plat Approval as set by the Town Fee Schedule.
 - (b) A completed form of Performance and/or Surety Bonds or other Surety Funds required by the Town, for submittal to the Town Attorney for approval.
 - (c) One copy of private deed restrictions, if any, as filed in the records of Denton County. The Town does not enforce private deed restrictions unless specifically adopted by ordinance.
 - (d) Three copies of the Final Drainage Plans, Final Water and Sewer Plans, and Final Street Paving Plans as further defined in this ordinance.
 - (e) At least one copy of any other reviews, plans or studies.
 - (f) The final plat applications shall be considered complete only upon receipt of all items required in paragraphs (a) through (f) above. Upon approval of all submittals by the Town, the applicant shall submit two Mylar and six blue line copies measuring 18" x 24" of the plat, signed and suitable for filing purposes.

b) Minor Subdivision.

- (1) Following the review and classification of the application as a Minor Subdivision by the Town, if the applicant wishes to proceed with the subdivision, he shall file a request on a form provided by the Town to appear before the Planning and Zoning Commission. This request must be filed at least thirty (30) days prior to the Planning and Zoning Commission meeting at which he wishes to appear.
- (2) The applicant shall submit at least six (6) blue line copies of a Final Plat meeting all requirements as to Form and Content listed below, at least thirty (30) days prior to the Planning and Zoning Commission meeting at which he wishes to appear.
- (3) The Final Plat shall be accompanied by the following:
 - (a) The required review and filing fees for Final Plat Approval as set by the Town Fee Schedule.
 - (b) One copy of the private deed restrictions, if any, as filed in the records of Denton County.
 - (c) Three copies of Topography and Preliminary Drainage Plan, as described in this Section.
- (4) Upon recommendation of approval from the Planning and Zoning Commission, the applicant shall submit at least six (6) revised blue line copies of the final plat for review by the Town Council. The revised blue lines shall reflect any changes required to meet conditions imposed by the Planning and Zoning Commission and all copies shall be signed by the owners and surveyor.
- (5) Upon approval by the Town Council, the applicant shall submit two (2) mylars and six (6) blue line copies of the revised Final Plat, signed and suitable for filing with the County.

c) Replat.

- (1) Following the review and classification of the concept plat as a Replat by the Town, the applicant shall file a request on a form provided by the Town to appear before the Planning and Zoning Commission. This request must be filed at least thirty (30) days prior to the Planning and Zoning Commission meeting at which he wishes to appear. Processing of a Replat shall conform to the applicable requirements of the Texas Local Government Code, including Sections 212.013 through 212.016, as applicable. The review and approval procedure set forth below is subject to compliance with state law for the type of replat, amended plat, vacated plat, or other procedure. Sections 2-6 [sic] below will be modified as needed to conform to state law. (See also [section 4.5](#), below)
- (2) The applicant shall submit at least six (6) blue line copies of a Final Plat meeting all requirements as to Form and content listed below, at least thirty (30) days prior to the Planning and Zoning Commission meeting at which he wishes to appear.
- (3) The Replat shall be accompanied by the following:
 - (a) The required review and filing fees for a Replat are the same as for Final Plat Approval as set by the Town Fee Schedule.

- (b) One copy of the private deed restrictions, if any, as filed in the records of Denton County.
 - (c) Three copies of Topography and Preliminary Drainage Plan, as described in this Section.
 - (d) The names and mailing addresses of all owners of lots within 200 feet of the proposed replat; as indicated on the most recently approved tax roll.
 - (4) The Mayor or designee shall cause the publication of a notice of the public hearing in the official newspaper at least 16 days prior to the hearing and mail written notice of the hearing to all property owners within the original subdivision whose lots are within 200 feet of the proposed Replat.
 - (5) Upon recommendation of approval from the Planning and Zoning Commission following the public hearing, the applicant shall submit at least six (6) revised blueline copies of the final plat for review by the Town Council. The revised bluelines shall reflect any changes required to meet conditions imposed by the Planning and Zoning Commission and all copies shall be signed by the owners and surveyor.
 - (6) Upon approval by the Town Council, the applicant shall submit two (2) mylars and six (6) blue line copies of the revised Replat, signed and suitable for filing with the County.
2. Final Plat Approval: Approval of the Final Plat is required prior to any building permits for private improvements will be issued by the Town. Provision may be made for adequate security or bond to be posted for unfinished public improvements if the final plat and construction plans are otherwise approved. Bonds are generally required in 150% of the construction cost of the unfinished public improvements.
3. Form and Content: The final plat shall comply in all respects with the approved Preliminary Plat , except as necessary to show approved “as built” conditions, or changes approved by the Town. The applicant shall submit the Final Plat drawn by a licensed surveyor and shall include the following:
- a) The final plat shall be drawn to a minimum scale of 100 feet to 1 inch by a licensed surveyor on sheets of 18 x 24 inches, unless otherwise approved by the Town. Whenever the size of the subdivision is such that a full area cannot be covered on a single sheet with space for titles and other required identifications, the plans shall be drawn on separate sheets with matching lines to facilitate joining them together as a continuous composite plat. If more than one sheet is necessary, a photographic reduction of the combined sheets to show the entire subdivision shall be prepared on an 18 x 24 inch sheet.
 - b) A blank 3-inch by 3-inch block shall be provided at the lower right-hand corner of each sheet for the recording stamp by the Denton County Clerk.
 - c) Name and address of the subdivider, owner of record, and surveyor.
 - d) The signature of the owner on the final plat, or a notarized statement from the owner, authorizing the applicant to submit a final plat on the property.
 - e) Proposed name under which the subdivision is to be recorded. All subdivisions shall be named and the name approved by the Town Council before the Final Plat is submitted. No name shall be a duplication, either in part or in whole or be similar in spelling or pronunciation to the name of any other subdivision within the Town or within any distance outside the Town, which might result in confusion to operators of emergency vehicles. The name of the subdivider may be incorporated in the subdivision names. Whenever possible the name shall be in keeping with the geographic location, the natural features, and/or the historical significance of the area. Final acceptance and approval of the subdivision name shall be by the Town Council.
 - f) Names of contiguous subdivisions, location of contiguous lots, and indication of whether contiguous properties are platted and filed of record.
 - g) The tract designation and other description according to the real estate records of the county.
 - h) Primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred. Such primary control points shall be either a Town recorded benchmark or a USGS benchmark, if such monument is within 2,000 feet of the proposed subdivision.
 - i) A location map of the proposed subdivision showing existing and proposed streets and thoroughfares covering an area of at least one (1) mile outside the proposed subdivision.
 - j) Subdivision boundary lines of the total area proposed for subdivision and the computed acreage of the total area.

- k) Bearing and length of each boundary line shall be shown and description by metes and bounds of the subdivision perimeter shall be placed on the plat.
- l) The location, dimensions, and name (if applicable) of all existing or recorded streets, alleys, reservations, public or private easements or other public rights-of-way within the proposed subdivision, intersecting or contiguous with its boundaries or forming such boundaries. All existing or recorded residential lots, parks, public areas, and permanent structures within or contiguous with the proposed subdivision shall be shown.
- m) The location, dimensions, rights-of-way, and names, of all proposed streets according to current adopted Town policies. When curved streets are proposed, the radius of the curve shall be shown.
- n) Each proposed street, within the subdivision area, shall be named and shall conform with names of any existing street of which they may be or become extensions. Extensions of existing streets or roads shall use the name already established. All streets shall be named and the name approved by the Town before the Final Plat is submitted. No name shall be duplication, either in part or in whole, or be similar in spelling or pronunciation to, the name of any other street within the Town or within any distance outside the Town, which might result in confusion to operators of emergency vehicles. No street shall be named for a living person, but may be named for a person of historical significance, especially within the immediate area. Whenever possible the name shall be in keeping with the geographical location, the natural features, and/or the historical significance of the area. Final acceptance and approval of street names shall be by the Town Council.
- o) The location of existing and proposed public utilities easements and improvements.
- p) The location of existing and proposed drainage structures, storm drainage easements and improvements.
- q) The location of proposed blocks, lots, and other sites within the proposed subdivision.
- r) A number shall be used to identify each lot, site or block.
- s) The specific size of each lot, in acres, and outside dimensions, in feet.
- t) Front building setback lines on all lots and sites. Second front yard building setback lines at street intersection. For lots facing on curved streets the chord width of the lot at the front building setback line shall be shown.
- u) Location of Town limits line and the outer border of the Town's extraterritorial jurisdiction, if they traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary.
- v) The date of preparation, and date of latest revision.
- w) The location of all existing pipeline easements and information concerning the size of pipe, type of product being transported and the pressure in the pipeline.
- x) The name of the registered Surveyor or Engineer responsible for preparing the plat.
- y) A list of the proposed restrictive covenants, conditions, and limitations to govern the nature and use of the property being subdivided.
- z) A North Point arrow.
- aa) Data specifying the gross area of the subdivision, the proposed number of residential lots and area thereof, and the area in parks and in other nonresidential uses.
- bb) All land intended to be dedicated for public use or reserved in the deeds for the use of purchasers or owners of lots in the proposed subdivision, together with the purpose of conditions or limitations of such dedications, if any.
- cc) The following certificate shall be placed on the final plat by the subdivider:

"Recommended for Approval by Planning and Zoning Commission:

Chairman: _____

Approved by Town Council:

Mayor: _____

Attested by:

Town Secretary: _____

Date of Town Council Approval: _____”

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

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

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

STATE OF TEXAS

COUNTY OF DENTON

OWNER’S ACKNOWLEDGEMENT AND DEDICATION

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

(Metes and Bounds Description of Boundary)

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

Owner

Date: _____

STATE OF TEXAS

COUNTY OF DENTON

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

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

Notary Public

_____ County

gg) A notation on the Plat indicating that “Any public utility, including the Town of Shady Shores, shall have the right to move and keep moved all or part of any buildings, fences, trees, shrubs, other growths, or improvements which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system on any of the easements shown on the Plat. Any public utility, including the Town of Shady Shores, shall have the right at all times of ingress and egress to and from and upon said easements for the purposes of constructing, reconstructing, inspection, patrol, maintaining, and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.”

hh) Certificate, including the original seal and the original signature of the surveyor responsible for surveying the subdivision area.

STATE OF TEXAS

COUNTY OF DENTON

CERTIFICATE OF SURVEYOR

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

ground.

(Surveyor's Seal) _____

Registered Public Surveyor

Date: _____

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

jj) A statement on the face of the final plat requiring the lot owners to connect to a sewage collection system when made available.

kk) Five sets of Engineering Plans and Specifications where applicable.

(Ordinance 130 adopted 6/5/00; Ordinance 217-9-2009, sec. 4, adopted 9/14/09; Ordinance 300-03-17 adopted 3/13/17)

SECTION 4.5 VACATING AND AMENDING PLATS

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

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

1. to correct an error in any course or distance shown on the preceding plat;
2. to add a course or distance that was omitted on the preceding plat;
3. to correct an error in a real property description shown on the preceding plat;
4. to indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments.
5. to show the location or character of a monument which has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
6. to correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plat, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
7. to correct an error in courses and distances of lot lines between two (2) adjacent lots if:
 - a) both lot owners join in the application for amending the plat;
 - b) neither lot is abolished;
 - c) the amendment does not attempt to remove recorded covenants or restrictions; and
 - d) the amendment does not have a materially adverse effect on the property rights of the other owners in the plat;
8. to relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
9. to relocate one or more lot lines between one or more adjacent lots if:
 - a) the owners of all those lots join in the application for amending the plat;
 - b) the amendment does not attempt to remove recorded covenants or restrictions; and
 - c) the amendment does not increase the number of lots; or
10. to make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
 - a) the changes do not affect applicable zoning and other regulations of the municipality[;]
 - b) the changes do not attempt to amend or remove any covenants or restrictions; and
 - c) the area covered by the changes is located in an area that the Planning and Zoning Commission

or Town Council has approved, after a public hearing, as a residential improvement area.

11. To replat one or more lots fronting on an existing street if:

- a) The owners of all those lots join in the application for amending the plat;
- b) The amendment does not attempt to remove recorded covenants or restrictions;
- c) The amendment does not increase the number of lots; and
- d) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

C. PROCEDURE.

- 1. An application for vacating or amending a plat shall be filed with the Town.
- 2. The appropriate filing fee as set forth in the Fee Schedule shall be paid at the time of application.
- 3. Amended plats should meet the same requirements set forth in the Ordinance as for Major or Minor, as determined by the size and characteristics of the subdivision prior to the amendment.
- 4. Administrative approval for replats or plats to be vacated meeting the criteria above in this section 4.5 shall be reviewed and may be approved administratively, unless referred by Town staff to the Planning and Zoning commission. If referred, The Planning and Zoning Commission would review the application, and may recommend and the Town Council may approve, conditionally approve or disapprove any amended plat or plat to be vacated request in accordance with the procedures for plat approval set forth in this article.

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 4.5.1 DEVELOPMENT PLATS REGULATION OF PROPERTY DEVELOPMENT

A. MUNICIPALITY COVERED BY SUBCHAPTER. The Town has chosen by this ordinance to be covered by Subchapter B. of Chapter 212 of the Texas Local Government Code.

B. APPLICATION OF SUBCHAPTER A. The provisions of Subchapter A of Chapter 212 that do not conflict with Subchapter B apply to development plats.

C. DEFINITIONS. In this section:

- 1. “Development” means the new construction or the enlargement of any exterior dimension of any building, structure, or improvement.

A Development plat is not required for an enlargement to a single-family residence of less than twenty-five percent (25%) of the floor area of the residence or for the addition of an approved accessory building unless: (i) “the property is in an area of known development needs, such as traffic or drainage that could be improved through the plat process. Or (ii) a variance is being requested to either the Zoning Ordinance or this Subdivision Ordinance

- 2. “Extraterritorial jurisdiction” means a municipality’s extraterritorial jurisdiction.

D. PLANS, RULES, AND ORDINANCES. The Town has chosen to adopt general plans, rules, or ordinances governing development plats of land within the limits and in the extraterritorial jurisdiction of the municipality to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality. Unless in conflict with the specific provisions of this ordinance, those are the same as set forth above for subdivision plats.

E. DEVELOPMENT PLAT REQUIRED.

- 1. Any person who proposes the development of a tract of land located within the limits or in the extraterritorial jurisdiction of the Town must have a development plat of the tract prepared in accordance with this subchapter and the applicable plans, rules, or ordinances of the Town.

- 2. A development plat must be prepared by a registered professional land surveyor as a boundary survey showing:

- a) each existing or proposed building, structure, or improvement or proposed modification of the external configuration of the building, structure, or improvement involving a change of the building, structure, or improvement;
- b) each easement and right-of-way within or abutting the boundary of the surveyed property; and

c) the dimensions of each street, sidewalk, alley, square, park, or other part of the property intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, sidewalk, alley, square, park, or other part.

3. New development may not begin on the property until the development plat is filed with and approved by the Town in accordance with Section 212.047 Tx Loc. Govt. code.

4. If a person is required under Subchapter A or an ordinance of the Town to file a subdivision plat, a development plat is not required in addition to the subdivision plat.

F. RESTRICTION ON ISSUANCE OF BUILDING AND OTHER PERMITS BY MUNICIPALITY, COUNTY, OR OFFICIAL OF OTHER GOVERNMENTAL ENTITY. The municipality, a county, or an official of another governmental entity may not issue a building permit or any other type of permit for development on lots or tracts subject to this subchapter until a development plat is filed with and approved by the municipality in accordance with Section 212.047.

G. APPROVAL OF DEVELOPMENT PLAT. The municipality shall endorse approval on a development plat filed with it if the plat conforms to:

1. the general plans, rules, and ordinances of the municipality concerning its current and future streets, sidewalks, alleys, parks, playgrounds, and public utility facilities;

2. the general plans, rules, and ordinances for the extension of the municipality or the extension, improvement, or widening of its roads, streets, and public highways within the municipality and in its extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities; and

3. any general plans, rules, or ordinances adopted under Section 212.044.

H. EFFECT OF APPROVAL ON DEDICATION. The approval of a development plat is not considered an acceptance of any proposed dedication for public use or use by persons other than the owner of the property covered by the plat and does not impose on the Town any duty regarding the maintenance or improvement of any purportedly dedicated parts until the Town's governing body makes an actual appropriation of the dedicated parts by formal acceptance, entry, use, or improvement.

I. BUILDING PERMITS IN EXTRATERRITORIAL JURISDICTION. This Subchapter B. does not authorize the Town to require municipal building permits or otherwise enforce the Town's building code in its extraterritorial jurisdiction. Other state law should be reviewed for that authority.

J. ENFORCEMENT; PENALTY.

1. If it appears that a violation or threat of a violation of this subchapter or a plan, rule, or ordinance adopted under this subchapter or consistent with this subchapter exists, the Town is entitled to appropriate injunctive relief against the person who committed, is committing, or is threatening to commit the violation.

2. A suit for injunctive relief may be brought in the county in which the defendant resides, the county in which the violation or threat of violation occurs, or any county in which the Town is wholly or partly located.

3. In a suit to enjoin a violation or threat of a violation of a plan, rule, ordinance, or other order adopted under this subchapter, the court may grant the Town any prohibitory or mandatory injunction warranted by the facts including a temporary restraining order, temporary injunction, or permanent injunction.

4. A person commits an offense if the person violates this subchapter or a plan, rule, or ordinance adopted under this subchapter or consistent with this subchapter within the limits of the municipality. An offense under this subsection is a Class C misdemeanor. Each day the violation continues constitutes a separate offense.

5. A suit under this section shall be given precedence over all other cases of a different nature on the docket of the trial or appellate court.

6. It is no defense to a criminal or civil suit under this section that an agency of government other than the Town issued a license or permit authorizing the construction, repair, or alteration of any building, structure, or improvement. It also is no defense that the defendant had no knowledge of this subchapter or of an applicable plan, rule, or ordinance.

SECTION 4.6 SIGNING AND RECORDING OF SUBDIVISION PLAT

A. SIGNING OF PLAT.

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

B. RECORDING OF PLAT.

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

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 4.7 PROCESSING OF FINAL PLAT AND CONSTRUCTION PLANS

- A. No Final Plat or Replat shall be accepted for processing if it is determined to be administratively incomplete by the Town. The application and fees shall be returned to the applicant until the application is complete.
- B. Upon receipt of the final plat with construction plans and the required filing fees, the Town shall check the plat as to its conformity with the Town Comprehensive Plan, Land Use Plan, zoning districts, lot size requirements, subdivision and street names and other applicable Town standards.
- C. The Town shall transmit copies of the final plat and construction plans to the Town Engineer who will check same for conformity with applicable engineering standards and specifications set forth herein as well as with generally accepted engineering principles when not covered specifically herein. The Town Engineer shall submit a written report to the Town with his/her suggestions as to modifications, additions, alterations or other matters pertinent to the plat.
- D. In the absence of a valid 30 day waiver, the Planning and Zoning Commission shall act on a plat within thirty (30) days after the plat is filed. The plat is considered filed when formal application has been made for approval to the Planning and Zoning Commission and the requisite fees paid. The Plat is considered approved by the Planning and Zoning Commission unless it is disapproved within thirty (30) days after the plat is filed.
- E. In the absence of a valid 30 day waiver, the Town Council shall act on a plat within thirty (30) days after the date the plat is approved by the Planning and Zoning Commission or is considered approved by the inaction of the same. The plat is considered approved by the Town Council unless it is disapproved within thirty (30) days after the date the plat is approved by the Planning and Zoning Commission or is considered approved by the inaction of same.
- F. If a final plat is disapproved, the Town Council, on request of an owner of an affected tract, shall provide the reasons for the action taken on the application.
- G. If the Planning and Zoning Commission or Town Council, as the case may be, fails to act on a plat within the prescribed period, the Planning and Zoning Commission or Council, as the case may be, on request shall issue a certificate stating the date the plat was filed and that the Planning and Zoning Commission or Council, as the case may be, failed to act on the plat within the period.
- H. If the final plat is approved the Town shall have the approval certificate on the plat executed by the Mayor and attested by the Town Secretary or designee, contingent to the developer paying all inspection fees, impact fees, assessment charges and pro-rata charges.
- I. Approval by lapse of the 30 day limit is not approval of the required grading, drainage, and/or construction plans for the subdivision. Before the construction of water, sewer, street or drainage improvements may commence, the Subdivider shall furnish the Town with six (6) sets of the completed plans and specifications for review and approval of the Town Engineer, and any other related entity, including the Lake Cities Municipal Utility District. Construction may begin only on approval of the plans.

- J. Lot markers shall be iron pins not less than one-half inch (1/2") in diameter and no less than eighteen inches (18") long and shall be set flush with the ground at each lot corner. Block corners shall be set prior to construction of public facilities and all lot corners shall be set prior to the issuance of any building permits. Elevation benchmarks shall be set as required by the Town Engineer.
- K. The final plat shall be recorded by the Town in the office of the County Clerk of the County within 20 days from and after the date of final acceptance by the Town Council.
- L. Upon filing the plat in the County Records, the Town shall have two (2) photostatic copies made by the County Recording Clerk on standard 18-inch by 24-inch sheets showing the Volume and Page where filed. One (1) copy will be placed in the permanent plat record book at the Town Hall.
- M. The final plat shall be accompanied by certificates from the Town, School District and County Tax Collectors showing that all Town, School District and County taxes on the land being subdivided have been paid to the current year. All impact fees, assessments and applicable pro-rata charges shall be paid to the Town prior to issuance of a Notice to Proceed to commence construction by the Town Engineer.

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

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

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

A. That adherence to the previously approved overall layout will hinder the orderly subdivision of other land in the area in accordance with the provisions of this Ordinance; or

B. That adherence to the previously approved overall layout will be detrimental to the public health, safety, or welfare; or will be injurious to other property in the area.

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

Grading, drainage and construction plans for each phase of the subdivision must be submitted, and approved, prior to approval to proceed with public improvements for each phase.

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

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

SECTION 5.1 DRAINAGE PLAN

The Drainage Plan sheet and supporting documentation, as applicable, shall be submitted with the Preliminary Plat. This sheet shall be prepared on a reproducible copy of the Plat so that the same information shall be repeated together with the following:

A. Topographical information of the existing land included within the proposed plat boundaries and extending 200 feet outside the boundaries or covering the limits of adjacent property that will affect or impact stormwater drainage on or across the site, whichever is greater, as shown by contour lines of two-foot (2') intervals. Contour information is available from the Town Engineer. Topography shall be based on the North American Vertical Datum of 1988 (NAVD88).

B. A drainage area map at a suitable scale (1"=200' or larger) showing all proposed onsite and existing offsite drainage areas with points of concentration/discharge and contours at two foot intervals identified; the location, dimension, description and flow lines of existing and proposed drainage features and systems; existing and proposed streets and alleys; proposed crests, sags and street intersections with proposed flow arrows; existing and proposed floodplains and floodways on or adjacent to the site; any proposed topographic changes affecting drainage; benchmark information; a bar scale and a north arrow.

C. Include a table of runoff calculations with the following headings and subsequent information for each offsite and onsite drainage area and concentration/discharge point.

- * Drainage area designation
- * Area in acres (A)
- * Runoff coefficient (C)
- * Frequency factor (Cf)
- * Time of concentration (Tc)
- * Proposed 100 year intensity (I_{100})
- * Proposed 100 year runoff (Q_{100})
- * Comments indicating to where runoff is proposed to flow

D. All drainage must be planned in the best interests of the immediate and adjacent properties.

E. Drainage arrows shall be shown for all streets and drainage easements. When the maximum permissible capacity of streets to carry stormwater is exceeded the location of storm sewers, curb inlets and open channels shall be shown.

F. Supplemental information showing the preliminary design calculations for drainage shall be furnished on 8-1/2 x 11 inch paper attached to the Preliminary Drainage Plan.

G. A general description/narrative indicating how proposed onsite and offsite drainage runoff is to be handled in accordance with drainage criteria and the adequacy of the existing downstream drainage system as it relates to proposed runoff from the site.

H. The width of drainage and other easements shall be shown.

I. Typical sections of any channels with dimensions and depth of flow and freeboard indicated.

J. Finished floor elevations of existing and proposed residential and commercial structures and garages.

[K.]H. The Town Engineer may reduce the above requirements or request additional information as applicable to the lot(s) associated with the replat or development plat.

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 5.2 CONSTRUCTION PLANS FOR PUBLIC IMPROVEMENTS

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

A. GENERAL REQUIREMENTS.

1. Prior to the commencement of any construction of public works improvements, the developer or person who intends to construct such project shall present plans, specifications, and projections of probable cost setting forth in detail all elements of construction to the Town for approval. In the case of public improvements associated with subdivision development, the engineering plans (including descriptions of all necessary off-site easements) must be approved in accordance with all requirements of this Subdivision Ordinance prior to approval of the Final Plat.

2. The developer shall retain a registered Civil Engineer, licensed to practice in the State of Texas, for all design in new subdivisions or developments, including streets, storm drains, water and sanitary sewers. Each plan sheet shall show the seal and signature of the registered professional Engineer who prepared the plan, including registration number. Alternately, a note signed by the engineer of record that the plans are preliminary, not intended for construction and were prepared under the authority of the subject engineer including registration number of the engineer may be used. However, prior to bidding the project for construction and before a preconstruction conference is held the construction plans shall be signed and sealed by a professional engineer licensed by the State of Texas.

3. These plans shall be submitted on standard 22 x 34 or 24 x 36 inch sheets, and shall include the information required herein. Plan and profile sheets shall be presented with the profile view lines up and placed directly underneath the plan view at a scale of 1" = 40' or larger horizontal and 1"=4' or larger vertical scale. A north arrow, date of preparation and bar scale shall be included on each sheet, as applicable.

4. Construction plans greater than one (1) sheet shall contain a cover sheet showing the name of the project; the engineer of record including address, phone number, and Texas Board of Professional Engineers firm registration number; the name of the developer or owner including address and phone number; a location map; an index of drawings; and a signature line for LCMUA approval, as applicable.
 - [5. Reserved.]
 6. Provide benchmark information on all construction plan sheets involving elevations.
 7. Two (2) copies of the engineering plans which contain a copy of the Final Plat shall be submitted to the Town Engineer for review and approval. One (copy) shall be submitted to the Town Secretary.
 8. Six (6) copies of complete and approved plans, specifications, engineering calculations, and detailed cost estimates for streets, drainage, sanitary sewers, water distribution, and any other improvements to be performed are required for submission with the Final Plat for approval by the Planning and Zoning Commission and shall be based on studies approved by the Planning and Zoning Commission at the time of preliminary plat approval.
 9. Six (6) copies of complete and approved plans, specifications, engineering calculations, and detailed cost estimates for streets, drainage, sanitary sewers, water distribution, and any other improvements to be performed are required for submission with the Final Plat for approval by the Town Council.
 10. Upon approval of the plans, the Developer shall furnish two (2) sets of signed final approved plans to the Town.
 11. An electronic version of the construction plan set shall be included with each submittal.
- B. FINAL DRAINAGE PLANS: Unless otherwise specified herein, drainage requirements shall be based on the City of Denton Drainage Design Criteria Manual. The Hydraulic Manual prepared and compiled by the Texas Department of Transportation Bridge Division, with current revisions, may be used in cases not covered by the City of Denton Drainage Design Criteria Manual.
1. DRAINAGE AREA MAP AND TABLES.
 - a) Provide a drainage area map at a suitable scale (1"=200' or larger) showing all proposed onsite and existing offsite drainage areas and sub-areas with points of concentration/discharge and contours at two foot intervals identified; the location, dimension, description and flow lines of existing and proposed drainage features and systems; existing and proposed streets and alleys; proposed crests, sags and street intersections with proposed flow arrows; existing and proposed floodplains and floodways on or adjacent to the site; any proposed topographic changes affecting drainage; benchmark information; a bar scale and a north arrow.
 - b) Include a table of runoff calculations with the following headings and subsequent information for each offsite and onsite drainage area and concentration/discharge point.
 - * Drainage area designation
 - * Area in acres (A)
 - * Runoff coefficient (C)
 - * Frequency factor (Cf)
 - * Time of concentration (Tc)
 - * Proposed 100 year intensity (I_{100})
 - * Proposed 100 year runoff (Q_{100})
 - * Comments indicating to where runoff is proposed to flow
 - c) Provide open channel calculations.
 - d) Provide street capacity calculations.
 - e) Provide an inlet design table. Inlet designations should match drainage area designations.
 - f) Label proposed storm sewer lines.
 - g) Present pre-developed versus post-developed runoff comparison for all discharge points.
 - h) Provide a general location map of the subdivision showing the entire watershed (a 7-1/2 minute

USGS Quadrangle is satisfactory).

2. STORM SEWER PLAN & PROFILE.

- a) Show stationing plan and profile of all storm sewers.
- b) Tie storm sewer stationing with paving stationing.
- c) Show and label sized and type of pipe, curb inlets, junction boxes, etc. in plan and profile. Label inlet top of curb elevation, flowline elevation and paving station number on plan view. Label inlets as "Special" when nonstandard depths is used.
- d) Show hydraulics on each segment of pipe to include Q_{100} , C = Manning's flowing full flow capacity, S , V , $V^2/2g$.
- e) Plot and label HGL elevations and friction slope whenever full flow in pipe system is anticipated.
- f) Show all existing and proposed utilities in plan and profile view.
- g) Show inlet bypass and flow arrows on plan views.
- h) Show laterals on trunk profile with stations.
- i) Provide lateral profiles for all laterals longer than 25 feet or with a utility crossing.
- j) Show existing and proposed ground line in profile view.
- k) Indicate flow line elevations of storm sewers on profile on 100-foot stations and at the entrance and exits of manholes and junction boxes, etc. Show pipe slope (percent grade).
- l) Show water surface at all outfall of storm drain in profile and label elevation.
- m) Provide scaled and dimensioned cross sections for road, railroad and other ditches and associated hydraulic computations.
- n) Show construction details of all nonstandard structures and appurtenances including dimensions, reinforcing, and components.

3. CHANNELS.

- a) Provide typical section for channel improvements. Include a section for each location where the channel changes in its dimensions or configuration.
- b) Provide plan and profile showing existing contours and proposed centerline, top of bank, flow line elevations, stationing and 100-year water surface elevation.
- c) Provide hydraulic calculations on all sections.
- d) Provide structural details for channel section that involves concrete, gabions, paving material, etc.
- e) Show all erosion control measures and concrete rip-rap, as applicable.

4. DETENTION PONDS.

- a) Provide drainage area map and show all computations for runoff affecting the detention basin.
- b) Provide a plan with existing and proposed contours for the detention pond and plan for structural measures, including outflow structure.
- c) Show and label maintenance access width, concrete pilot channels, access ramp, slope protection, fencing and emergency spillway with dimensions and type of material, as applicable.
- d) Provide structural details and calculations for any item that is not a standard detail.
- e) Provide detention basin volume calculations and elevation versus storage curve.
- f) Provide hydraulic calculation for outflow structure and elevation versus discharge curve.
- g) Provide routings or modified rational determination of storage requirements, demonstrating the critical duration is used, as applicable.
- h) Show all erosion control measures and concrete rip-rap, as applicable.

C. WATER AND SEWER PLANS.

1. Water and Sewer plans shall comply with the requirements of the Lake Cities Municipal Utility Authority. Property served by pre-existing private water systems may apply for a waiver of this

requirement...[sic]

2. Water Plans shall include the following:

- a) An overall plan view of the water system for the entire development.
- b) Stationed plan view of all water mains and stationed profile for all water mains 12 inches in diameter or larger, including pipe size (according to LCMUA requirements) and type of material.
- c) When profile views are required, show flow line elevations of proposed water mains in the profile view on 100 foot intervals and at bends and connections to existing systems and include grades of pipe segments.
- d) Stationed locations of all valves, bends, crosses, tees, fire hydrants, reducers and other fittings and appurtenances in the plan view.
- e) Stationed location of all valves, fittings and other appurtenances in the profile view, as applicable, along with existing and proposed utilities and storm drains that will cross over or under the water line.
- f) The location of lot lines, easement lines, right-of-way lines, proposed and existing water mains, sewer mains, storm sewers and other utilities in the plan view.

3. Sewer Plans shall include the following:

- a) An overall plan for the sanitary sewer systems for the entire development.
- b) Stationed plan and profile views of all sanitary sewers, including the pipe size and type of material.
- c) Flow line elevations of proposed sanitary sewers in the profile views on 100 foot intervals and at entrances and exits of manholes and tie-ins to existing systems. Existing and proposed ground elevations over the sanitary sewer should be included in the profile view. Grades for each main between manholes shall be included.
- d) Stationed location of all proposed manholes, cleanouts and service lines in the plan view, along with existing and proposed utilities and storm drains that will cross over or under the sanitary sewer.
- e) The location of lot lines, easement lines, right-of-way lines, locations of proposed and existing sewer mains, water mains, storm sewers and other utilities in the plan view.

D. GRADING PLAN.

1. Provide a grading plan showing the existing topography using one-foot contours based on the on-the-ground survey or controlled aerial topographic map (dashed lines and labeled) to extend a minimum of 20 feet from the property line onto adjacent property. Show proposed one-foot contours (solid lines and labeled).
2. The grading plan shall also include spot elevations and water directional arrows to define the flow pattern.
3. Show proposed minimum finished floor elevations and finished pad elevations.
4. Show centerline of roadways and stationing every 100 feet.
5. Show existing to remain and proposed sidewalks.
6. Show proposed right-of-way, easements and building setback lines.
7. Show the 100-year flood limits, if any.
8. Show existing inlets scheduled to remain and proposed inlets.
9. Show existing storm sewer pipes scheduled to remain and proposed storm sewer pipes.
10. Show roadway and alley sags and high points.
11. Show top of curb elevations every 50 feet on streets, alleys and parking lots.
12. Show proposed retaining walls with top and bottom of wall elevations every 50 feet.
13. Provide cross sections of typical swale, berm, channel, etc. as a component of the grading plan.
14. Where reclamation of the 100-year floodplain is involved provide a note on the grading plan that states Upon completion of all public improvements, submission of all documents necessary to obtain a Letter of Map Revision (LOMR) from FEMA shall be submitted to the Town of Shady Shores. The LOMR will then be reviewed and sent to FEMA prior to acceptance of the subdivision. The LOMR is

necessary to remove any lot within the floodplain from the Flood Insurance Rate Map. All changes or additional data, as requested by FEMA upon its review of the LOMR are the responsibility of the owner and/or developer.

E. FINAL STREET PAVING PLANS.

1. Provide a plan and profile of all streets showing existing grades at each side of the right-of-way and proposed top of curb grades.
2. Provide elevations in profile every 100 feet and at changes in slope for the centerline and/or back of curb on both sides of the street. Provide elevations in profile every 25 feet through a vertical curve. Show percent grades.
3. Show typical right-of-way cross-sections of proposed streets showing the width, thickness and type of pavement, base and subgrade; the location within the right-of-way; specific street crown information; and pavement reinforcing steel, as applicable.
4. Show horizontal and vertical curve data.
5. Show sidewalk, sidewalk ramps, flume entrances and driveway locations when driveways are intended to be constructed with street improvements.
6. Show curb return elevations in the plan view on the street and on the intersecting street.
7. Show inlets, flumes and other structures in the plan view that may affect the street.
8. Show top of inlet elevations.
9. Show positive overflow drainage path at sag inlets.
10. All other requirements of the current street standards shall be included in the plans.
11. Provide anticipated trip generation table as a separate document for review based on proposed land use and Institute of Transportation Engineers (ITE) Trip Generation Manual. For purposes of determining if a Traffic Impact Analysis (TIA) is required, trips are calculated based on the ITE Trip Generation Manual average rates for the proposed use and proposed or expected square footage of buildings or land area as appropriate. The applicant may provide trip generation calculations based on the uses and square footages or land areas using the ITE regression equation or the average. The Town Engineer shall review the information to determine if further analysis is required and may waive the requirement.

F. EROSION CONTROL PLAN.

1. An erosion control plan shall be included with the construction plans showing all proposed temporary erosion and sedimentation controls, including location, dimensions and details for any required sedimentation ponds. Contour information and proposed inlet locations shall be shown along with any special standard details.

G. SIGNING AND LIGHTING PLANS.

1. Signing plans shall show the location and type of signs to be installed throughout the development.
2. Lighting plans shall show the location of proposed street lights and conduit throughout the development. Lighting standards shall be submitted to the Town for approval prior to construction.
3. Signing and lighting plan information can be included on the same plan sheets if the information can be clearly shown.

H. SPECIFICATIONS AND COST ESTIMATES.

1. The Town has adopted the specifications outlined in the Public Works Construction Standards as published by the North Central Texas Council of Governments (NCTCOG), latest version (See [Section 5.5](#) below). Any alternate or special specifications must be submitted, reviewed and approved by the Town Engineer prior to approval of the construction plans.
2. Estimates of probable construction cost shall be prepared using quantities shown on the construction plans and recent unit prices from bids on similar projects. Reasonable contingencies should be included to cover uncertainty in the projection. Actual recent bids supported by bid and performance bonds may be used in lieu of projections of probable cost.
3. Upon approval of the construction plans, specifications and estimates of probable construction cost

by the Town Engineer, approval of the contract documents, bonds and financial assurance; acquisition of all necessary off-site easements, and upon receipt of the inspection fees, the Town shall issue a permit for the construction of public improvements.

(Ordinance 130 adopted 6/5/00; Ordinance 217-9-2009, sec. 5, adopted 9/14/09; Ordinance 300-03-17 adopted 3/13/17)

SECTION 5.3 OTHER UTILITIES

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

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

The Subdivider's choices for public utilities to serve the subdivision are required to be approved, in advance of Final Plat approval by the Town Council.

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 5.4 DESIGN SUMMARY

A separate document of report entitled "Engineering Report" shall be submitted with final plans and specifications. This report shall summarize calculations and other Engineering information pertaining to the major items of design significance as may be necessary in the Town's review of the plans and specifications to determine whether the facilities proposed for construction have been designed in accordance with the intent of the Design Standards contained or referenced herein. Calculations should include drainage facilities, water demand, sewage flows, and any others which are considered necessary by the Town. (Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 5.5 STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION

The Town of Shady Shores, Texas, does adopt the Public Works Construction Standards as published by the North Central Texas Council Governments (NCTCOG), plus any local amendments adopted by the Town of Shady Shores, for use in public works or facilities construction within the Town of Shady Shores and its Extraterritorial jurisdiction. These specifications are adopted in their entirety. All builders, developers, and contractors are to utilize said specifications in the construction of any public facilities or projects which are anticipated to be dedicated to, accepted by, or utilized by the public within the Town of Shady Shores and its extraterritorial jurisdiction. To the extent that any of the provisions of these standard specifications are in conflict with any other Town ordinances, the most restrictive or exacting standard shall apply. (Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 5.6 DRAINAGE REQUIREMENTS AND DESIGN STANDARDS

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

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

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

1. Drainage study required. All drainage studies, calculations and designs both off-site and on-site shall be based upon the full development of the drainage basin.
2. Drainage improvements required. All developments shall provide for any new drainage facilities, the improvement of any existing drainage facilities, channel improvement or grading, driveway adjustments, culvert improvements or any other improvements, drainage facility or work which is necessary to provide for the stormwater drainage needs of the development in accordance with the requirements and design standards of this section, including but not limited to any drainage facilities, improvements or other work which is necessary to:

- a) Adequately protect the development from flooding, including the effects of the one-hundred-year flood;
- b) Provide for the conveyance of all stormwater from the development when fully developed to an adequate discharge point.
- c) Provide for the conveyance of existing storm drainage flowing through the development.
- d) Properly control any increase in the upstream or downstream stage, concentration or water surface elevation caused by the development to a minimum.

3. Off-site drainage. Off-site drainage facilities and improvements shall be provided by the development wherever additional stormwater runoff from the development would adversely affect any off-site property or would overload an existing drainage facility, whether natural or manmade. If the developer cannot obtain the necessary easements to make required off-site drainage improvements, upon the request of the developer after compliance with the provisions contained herein, the Town may bring condemnation proceedings to obtain the off-site drainage easements.

4. Detention facilities. Detention facilities may be used to reduce peak discharges. All detention facilities shall comply with the design criteria of this section. Detailed engineering studies of the entire basin shall be required to ensure that the timing of peak flows has not been altered to create higher peak flow elsewhere in the basin. Detention facilities may be constructed in phases, if phased so as to provide for the timely needs of the development.

5. Development in Floodplains. Development within a floodplain as defined by the base flood is prohibited.

6. Floodplain modification and permitting. When any development desires to redefine the floodplain area as defined by the Federal Emergency Management Agency within the development, the necessary engineering studies shall be submitted. The studies will demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community and the limits of the revised floodplain area. The area within the floodplain which will be necessary to provide for the drainage needs of the development shall be dedicated to the public as a drainage easement on the final plat.

7. Drainageways and improvements.

a. Generally, drainageways which are still functioning primarily in a natural and adequate state shall not be altered or improved to provide for the drainage needs of a development, unless there is no other reasonable means or method to provide for such drainage as determined by the Town Engineer.

b. As part of the required improvements, all debris, small brush, vines and other obstructions shall be cleared from that portion of any channel located within or on the perimeter of the development, as directed by the Town Engineer, prior to the connection of any utilities for any building within a development. A development may also be required to provide clearing of off-site floodways to the extent necessary to adequately receive or convey stormwater runoff from the development, based on the roughness coefficient approved during the design process for the final plat.

c. Development discharging stormwater runoff into a floodway shall provide supplemental vegetation, on-site and off-site, when necessary to preserve or restore any disruption to the natural state. The vegetation planted shall be as approved by the Town Engineer. The vegetation requirement shall apply to any portion of any floodway, on-site or off-site, which would be affected by runoff from the development.

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

C. GENERAL DESIGN STANDARDS: General design standards shall be as follows:

1. Drainage design manual adopted. The City of Denton Drainage Design Criteria Manual as amended, including associated Water Quality Requirements is adopted. In addition to meeting the requirements expressly set out herein, all drainage systems shall comply with the design requirements contained in

the drainage design manual adopted by ordinance. Where there is any conflict between a provision set forth herein this ordinance and a provision of the City of Denton Drainage Design Manual, the provisions herein shall apply.

2. Drainage computation data. Design of drainage facilities and improvements shall be based on hydraulic and hydrologic computations prepared by the developer engineer. Computations and data shall be submitted to the Town Engineer for approval.

3. Street access crossing channels. No development shall be designed to access a public street across a channel without providing adequate clearance for the channel. All bridges crossing channels shall have one (1) foot of freeboard between the 100-year water surface elevation and the lowest beam of the bridge. All culvert crossings shall have two (2) feet of freeboard between the 100-year water surface elevation and lowest top of curb or pavement elevation of the street.

4. Channel requirements. Channel regulations and improvement shall be in accordance with the following:

a) Channels which serve as drainageways shall be maintained in a natural state as provided for in this section. Undeveloped branches of natural channels and creeks of local drainage systems should remain in a natural state unless maintenance and hydraulic considerations require improvements.

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

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

Type of Lining	Roughness Coefficient "N"	Maximum Permissible Mean Velocity
Mowed Grass	0.035	6 ft./sec.
Natural Vegetation	0.030–0.120*	6 ft./sec.
Concrete Lined	0.015	15 ft./sec.

* As applicable

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

c) The minimum grade allowed on a channel or ditch shall be 0.5% (five-tenths foot per one hundred feet) for a concrete-lined channel or ditch and 1.0% (one foot per one hundred feet) for a grass-lined channel or ditch unless otherwise approved by the Town Engineer.

d) Channels shall have one (1) foot of freeboard above the one-hundred-year flood.

e) The design for all open channels shall be based on geotechnical investigations, unless determined to be unnecessary by the Town Engineer.

5. Lot drainage. Generally, each lot shall be designed or graded to direct stormwater into an abutting street, alley, channel or inlet. If drainage is provided in the rear of any lot by a channel or closed storm drainage system the facilities shall be designed for the 100-year flood. Where it is not practical to provide abutting drainage facilities for each lot, drainage facilities such as a closed pipe system or drainage ditch shall generally be required whenever the stormwater runoff from one (1) or more lots is directed across a second residential lot, or whenever facilities are necessary to avoid an adverse effect on any other lot. It shall be unlawful for any person to fill, modify or otherwise obstruct any drainage easement designed or used as a drainage channel or structure.

D. SPECIFIC DESIGN CRITERIA. Design criteria. Design criteria shall be as follows:

1. Where a subdivision is traversed by a watercourse, drainageway, natural channel or stream, there shall be provided an easement and/or right-of-way conforming substantially to the limit of the one hundred (100) year flood. In the new subdivisions the developer shall provide all the necessary easement and right-of-way required for drainage structures, including storm drain piping and open channels. Easement width for storm sewer pipe shall not be less than twenty (20) feet.

2. Drainage structures are to be constructed at all street crossings over the major streams in the

Town and shall accommodate the 100-year design discharge.

3. In determining the most feasible flood control method, consideration shall be given to nonstructural measures as well as structural measures.
4. In developments adjacent to floodplains, all floor elevations shall be at least two (2) feet above the one hundred (100) year flood elevations and shall be substantiated by an elevation certificate, certified by a licensed professional engineer. The elevation certificate must be presented before the issuance of a building permit.
5. In areas where the 100-year flood elevation has been previously determined the 100-year flood elevation shall not be increased due to new development.
6. Design flood frequencies. The following listed facilities shall be designed to handle the flood frequencies indicated:

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

* The Town will allow driveway culverts and ditches to be designed for the 25-year storm where physical constraints exist. This determination will be made at the time the permit is issued. This provision does not apply to new development, including residential and nonresidential.

7. Street drainage requirements.

- a. The permissible water spreads for curbed streets are based on the 100-year flood. All streets shall be capable of conveying the 100-year flood flows and shall not exceed the top of curb. The spread limits listed below shall apply to the following streets and facilities:

Permissible Water Spread 100-Year Flood	
Street Classification	Permissible Spread
Arterial	One lane open in each direction or one travel lane open, as applicable
Collector	One travel lane open
Local or Residential	Top of curb
Historic	Within the right-of-way

- b. Curb height on all streets are to be not more than six (6) inches and at least equal to the depth of water at design flow.
- c. The combined capacity of storm drain pipe, street and surface drainage shall contain the one hundred (100) year design flow within street rights-of-way and/or drainage easements.
- d. Drainage flows across intersections will be allowed at local or residential street intersections (none

allowed across arterial or collector streets) and shall be at valley crossings.

- e. Street crowns for curbed streets shall be reduced for approximately one hundred (100) feet on each side of valleys[.]
- f. Concrete valley gutters shall be provided where the gutter flow must be carried across intersections of curbed streets, minimum width of valley gutters shall be eight (8) feet.

8. Pipe system requirements.

- a. Storm drain systems capable of conveying the 100-year frequency flood are required when water spread and intersection cross flow limits are exceeded for curbed streets. Closed pipe systems shall be required for discharges up to and including the equivalent flow of a forty-eight (48) inch pipe, unless the grade of the natural ground is less than 0.5 percent, then an enclosed pipe system shall be required for discharges up to and including one hundred (100) c.f.s.
- b. The minimum velocity with the pipe flowing full shall be three (3) c.f.s. per second.
- c. The minimum storm drain pipe diameter shall be eighteen (18) inches.
- d. Pipe soffits at changes in pipe sizes shall be set at the same elevation.
- e. Vertical curves in the conduit will not be permitted, and horizontal curves will be permitted only with the approval of the Town Engineer.
- f. Manufactured “Y” fittings shall be required at all pipe junctions.
- g. Pipe junction angles shall be a maximum of 60 degrees.
- h. Manholes shall be placed at the connection of two (2) or more laterals, at bends greater than 30 degrees, at grade changes, and at the beginning/end of the storm drain system when required by the Town Engineer. Maximum manhole spacing shall be as follows:

Pipe Size (inches)	Maximum Spacing (feet)
18–36	600
42–60	1,000
Larger than 60	1,000

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

- a. Culverts shall be designed to carry the expected water flow (based on design flood frequency) within the channel. Culverts shall not be less than 18-inch diameter unless otherwise approved by the Town Engineer.
- b. For all driveways with open ditch drainage the culvert size will be determined by the Town engineer and sized on a case-by-case basis to meet current standards. Replacing an existing broken pipe or resetting an existing pipe does not require increasing its size to meet current standards. Residential homeowners, builders and developers will set their own culverts within Town right-of-way, subject to inspection by the Town Engineer or Building Official at the following phases:
 - 1. After the culverts are set in place to check the proper elevation of the flow line. For concrete driveways forms must be in place (steel reinforcement not required at this inspection phase). For asphalt driveways base material should be in place.
 - 2. After application of driveway surface and headwalls.

Each culvert end must be even with the roadway ditch elevation, not below it. In some cases this will require the driveway to have a slight rise or re-grading the entire ditch in front of the property and/or beyond. Permission to excavate along another’s property must be obtained, in writing, by the permittee.

Developments which are required to submit engineering plans shall include culvert sizing as part of those plans, including associated catchment areas and flow calculations based on current drainage criteria.

- c. Culverts shall be made of approved classes of reinforced concrete pipe (RCP) or corrugated metal

pipe (CMP) and shall be joined together properly by materials approved by the Town Engineer.

d. The minimum grade allowed for all culverts shall be 0.5% (five-tenths foot per one hundred feet) unless otherwise approved by the Town Engineer.

e. Headwalls shall be provided at all culverts.

f. Culvert discharge - velocity limitations[:]

Culvert Discharging On To:	Maximum Allowable Velocity (F.P.S.)
Native soil	6
Sod Earth	6
Paved or Riprap Apron	15
Rock	15

Outlet protection shall be provided where discharge velocities will cause erosive conditions.

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

a. The one-hundred-year flood shall be used to determine the volume of detention storage required. Detention facilities shall be designed so that any additional runoff generated by the proposed development will not increase the amount of original discharge for storm frequencies from the five-year to the one-hundred-year flood.

b. The modified rational method shall be used to construct runoff hydrographs for detention storage design when the contributing drainage area is two hundred (200) acres or less. The procedures outlined in Soil Conservation Service Technical Release No. 20 (TR-20) or in the U.S. Corps of Engineers' Flood Hydrographs Package (HEC-1) shall be used to determine runoff hydrographs for detention storage design when the contributing drainage area exceeds two hundred (200) acres. The Town Engineer may approve the use of other methods for runoff hydrographs when appropriate.

c. The outflow structure of a detention basin discharging water into any natural stream or unlined channel shall discharge at a culvert discharge rate.

d. Detention basins resulting from excavation shall provide positive drainage. The side slopes for any excavated detention basin, which is not in rock, shall not exceed 4:1.

e. Earthen embankments used for water impoundments must be constructed according to specifications for fill material and be designed based upon geotechnical investigations of the site.

f. Detention basins shall be designed with adequate ingress and egress to allow for regular maintenance, including periodic desilting and debris removal.

g. An emergency spillway or overflow area shall be provided at the maximum 100-year water level with a minimum capacity for 25-year storm with six inches of freeboard. The spillway shall be constructed of concrete, unless otherwise approved by the Town Engineer. The spillway must also meet all applicable State and Federal criteria.

h. All detention ponds shall be stabilized against significant erosion, including at outflow structures and inlets.

i. A concrete pilot channel shall be provided with a minimum width of 10 feet and a minimum grade of 0.50% for publicly maintained ponds and a 6 foot width and a minimum grade of 0.50% for privately maintained ponds.

11. Easements. In addition to any other provisions herein relating to easements for improvements, the following requirements for easements for drainage improvements, channels and facilities required for any development by this section shall apply:

a. All drainage systems and facilities which are not to be included within an existing or proposed

public street right-of-way shall be located within easements to be dedicated to the town and shall have adequate access to a public street. Prior to acceptance of any public drainage facilities, all easements within which the facilities are located shall be cleared of all buildings, structures, or other obstacles that would interfere with access to the easements.

12. Positive Overflow. At all sag inlets positive overflow shall be provided such that the overflow elevation at the low point shall not be higher than 0.5 feet above the top of curb.

(Ordinance 130 adopted 6/5/00; Ordinance 217-9-2009, sec. 6, adopted 9/14/09; Ordinance 300-03-17 adopted 3/13/17)

SECTION 5.7 MONUMENTATION AND BENCHMARKS

The boundaries of any subdivision presented for review and filing shall be monumented and such monuments shall be duly noted on said plat and within the accompanying dedication instrument according to Rule 663.11 of the Texas Board of Land Surveying (Certification and Monumentation of Surveys), in no case shall a boundary course of said subdivision to be monumented in intervals greater than 1,300 feet.

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

A. All monuments shall be of materials recognizable as being those property boundary monuments by professional surveying standards, and shall be of sufficient length and girth and placed in locations sufficiently stable to withstand abuse of normal conditions with significant movement.

1. Under most circumstances no steel rods smaller than 1/2" in diameter and shorter than 13" in length should be used nor should pipes smaller than 1/2" inside diameter and shorter than 13" in length be used.

2. No monument made of a wood material shall be used.

B. The point of beginning for land in a subdivision described by metes and bounds should be clearly defined on the plat, and any plat shall be clearly related to the survey, tract, or subdivision of which it is a part.

C. All distances shown on the final plat shall be horizontal ground lengths.

D. A minimum of three (3) elevation benchmarks shall be installed in all Major subdivision reflecting elevation using North American Vertical Datum of 1988. The Town Engineer may require the installation of additional benchmarks in unusually large or complex site.

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 5.8 EROSION AND SEDIMENTATION CONTROL

All construction projects shall include temporary erosion and sedimentation controls in accordance with item 3.12 of the Standard Specifications and Stormwater Quality Best Management Practices for Construction Activities published by the North Central Texas Council of Governments. Stormwater Pollution Prevention Plans shall be submitted for approval by the Town Engineer prior to approval of construction projects. (Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

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

SECTION 6.1 PROCEDURES

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

B. APPROVAL OF CONTRACT:

1. After the contract has been signed by the developer and the required performance bond, payment bond, surety, or irrevocable letters of credit, and maintenance bonds meeting the requirements of Article 5160, Tex. Rev. Civ. Stat. Ann. have been posted with the Town, the Town Secretary or designee shall forward the Subdivider's Agreement to the Town Attorney for review and approval.

2. The Mayor shall review and sign the contract on behalf of the Town after receiving comments of the Town Attorney and approval by the Town Council.
3. If any special provisions or deviations from established policies are included in the contract, specific approval of only the special provisions or deviations by the Town Council is required.
4. No construction work shall begin on the subdivision before the Subdivider's Agreement is approved and signed by the Mayor. This provision shall preclude the moving of dirt except in conditions covered in other development regulations.
5. The Town will use its best effort to expedite all necessary instruments and documents within the Town administration.

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

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 6.2 PERFORMANCE BONDS AND MAINTENANCE BONDS

A. Performance bonds, sureties or irrevocable letters of credit in forms provided by the Town Attorney meeting the requirements of Section 212.073 of the Tx Loc. Govt. Code shall be required for any required public improvements or community facilities prior to the filing of the Final Plat and issuing of any building permits. Bonds, irrevocable letters of credit, certificates of deposit or cash deposits will be for 100% of the value, as determined by the Town Engineer, of the construction costs of all facilities to be constructed by the developer.

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

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 6.3 INSPECTIONS AND APPROVAL OF PUBLIC IMPROVEMENTS

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

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

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

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

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

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

G. Any work, which in the opinion of the Town inspector that does not meet the Town requirements or

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

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 6.4 DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS

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

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

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 6.5 PUBLIC CONSTRUCTION CONTRACTS

For projects where the Town of Shady Shores will act as owner, plans and specifications shall be prepared by the Town Engineer and projects bid according to requirements of the Texas Local Government Code. Contractors will be required to provide performance bonds, payment bonds, insurance and a two-year maintenance bond in accordance with Town requirements. The developer shall be required to pay a cash deposit to cover the work in accordance with the terms of the Developer's Agreement. Such agreement shall be subject to Sec. 252 of the Local Government Code, and not section 212.071, so long as Shady Shores has fewer than 5,000 inhabitants.

A. Since the developer is providing a financial assurance surety to cover performance under [Section 6.2.A](#), a separate performance and payment bond is not required from the contractor. However, it may be in the developer's best interest to require those from his/her contractors since the Town will not release the financial assurance until work is complete and a release of lien is provided by subcontractors.

B. MAINTENANCE BOND: The contractor will be required to make a Maintenance Bond of not less than one hundred percent (100%) of the contract price conditioned upon the maintenance of and the repairs to the construction under contract for a period of two (2) years from the date of acceptance of the project. All contractors employed by the subdivider shall furnish the Town a good and sufficient maintenance bond, in an amount equal to one hundred (100%) percent of the costs of the improvements required for the first year and twenty-five percent (25%) for the second year, executed by a reputable and solvent corporate surety, holding a license to do business in the State of Texas, in favor of the Town to indemnify the Town against any repairs which may become necessary to any part of the construction work performed in connection with the subdivision, arising from defective workmanship or materials used therein, for a full period of two (2) years from the date of final acceptance of the entire project. Final acceptance will be withheld until said maintenance bond is furnished to the Town. Such Bond to be approved as to form and legality by the Town Attorney.

C. STATE SALES TAX: This contract is for the improvement of streets, storm sewers and utilities in right-of-way which has been dedicated to the Public and the Town of Shady Shores, an organization which qualifies for exemption pursuant to the provisions of Section 151 of the Texas Limited Sales, Excise and Use Tax Code.

The Contractor performing this contract can probably purchase, rent or lease all material, supplies and equipment used or consumed in the performance of this contract by issuing to his supplier an exemption certificate in lieu of the tax, said exemption certificate complying with State Comptrollers regulations.

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

E. INDEMNIFICATION: Approval by the Town Engineer, of any plans, designs or specifications submitted by the developer pursuant to the commencing of work shall not constitute or be deemed to release the responsibility or liability of the developer, contractor, their engineers, employees, officers or agents for the accuracy and competency of their design and specifications prepared by the developer's

consulting engineer, his officers, agents, servants or employees, it being the intent of the developer and the Town that the approval by the Town Engineer, signifies the Town's approval on only the general design concept of the improvements to be constructed. In addition the Developer shall indemnify and hold harmless the Town, its officers, agents, servants and employees, from any loss, damage, liability or expense on account of any damages to property and injuries, including death, to all and all persons which may arise out of any defect, deficiency or negligence of the Developer's engineer's designs and specifications incorporated into any improvements constructed in accordance therewith, and the Developer shall defend at his own expense any suits or other proceedings brought against the Town, its officers, agents, servants or employees, or any of them, rendered against them or any of them in connection with the development plans, designs, or specifications. All responsibility and liability for drainage to adjacent and downstream properties from the development will accrue to the Developer or his/her Contractors. The Contractor further agrees to comply with all applicable laws, regulations, ordinances, buildings and construction codes of the Town of Shady Shores and the State of Texas, and with any regulations for the protection of workers which may be promulgated by the government, and shall protect such work with all necessary lights, barriers, safeguards, and warnings as are provided for in said specifications and in the ordinances and regulations of said Town.

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 6.6 GENERAL CONSTRUCTION REQUIREMENTS

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

Step 1. Install temporary erosion sedimentation controls

Step 2. Excavate detention ponds

Step 3. Rough cut streets

Step 4. Install utilities

Step 5. Final grading

Step 6. Paving

Step 7. Finish detention ponds

Step 8. Hydro-mulch, final cleanup

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 6.7 APPROVAL OF WORK

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

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

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 6.8 OWNERSHIP AND MAINTENANCE OF COMPLETED PUBLIC FACILITIES

Upon acceptance of completed construction, all street improvements including construction of streets, alleys, thoroughfares, curbs, gutters, storm sewers, and drainage channels within dedicated right-of-way and easements shall be and remain the property of the Town of Shady Shores. The Contractor shall be responsible for maintenance of the completed public improvement for a two (2) year period, following acceptance by the Town. After expiration of the two (2) year maintenance period, the improvements shall be maintained by the town. (Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 6.9 RECORDS

The Town shall maintain a record of the project, front foot basis determined by the Town Engineer, refund limit, date construction was completed, limits upon which front foot fee may be Collected, and the name of the developer entitled to refund. (Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

ARTICLE VII. DESIGN STANDARDS AND REQUIREMENTS

SECTION 7.1 GENERAL DESIGN PRINCIPLES

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

A. PHYSICAL CONDITIONS: The arrangement of lots and blocks and the street system should be designed to make the most advantageous use of topography and natural physical features. Trees and native vegetation should be preserved. The system of streets and sidewalks, and the layout and arrangement of blocks and lots should be designed to take advantage of the natural and scenic qualities of the area. Land which the Town finds to be unsuitable for subdivision or development due to flooding, improper drainage, adverse earth formation, utility or pipeline easements or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or its surroundings, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning and Zoning Commission and Town Council that will solve the problems created by the unsuitable land conditions.

B. The following general design requirements ensure that the proposed subdivision is coordinated with its immediate neighbors with respect to land use, street constructions, utilities, drainage facilities and the possible dedication of parks and open spaces.

1. Conformity with Comprehensive Plan and existing zoning: The subdivision shall conform to the Comprehensive Plan and/or the existing zoning of the Town and elements thereof, as applicable to the specific tract.

2. When a tract is subdivided into larger than normal building lots, such lots shall be so arranged as to permit the logical location and opening of future streets and possible replat of lots with provision for adequate easements and connections.

3. When the plat to be submitted includes only part of the contiguous property owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the portion not subdivided shall be prepared and submitted by the subdivider.

4. The subdivision plat shall provide for the logical extension of abutting and proposed utilities and drainage easements and improvements in order to provide for system continuity and to promote future development of adjacent areas.

5. Provision for Future Subdivision: If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow the opening of future streets.

6. Reserve Strips Prohibited: There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use.

7. Access to Lots: Each lot shall abut on a dedicated public street or an approved private street.

8. Public Improvements: All public improvements shall be designed and constructed in a manner to meet or exceed the Town of Shady Shores Specifications.

9. Access to Subdivision: Each subdivision shall be designed to have at least two points of access.

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 7.2 PRESERVATION OF TREES AND NATIVE VEGETATION

Landscape shall be preserved in its natural state to the greatest extent feasible. Structures, driveways, and parking areas shall be designed and located to fit harmoniously with the natural environment and to minimize the necessity for removing trees, native vegetation, and soil, or the addition of fill. Site clearing, beyond what is necessary to provide locations for structures, driveways, parking, or small yard areas not visible from the street, shall not be permitted. The developer shall leave undisturbed native tree growth to the maximum extent feasible. (Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 7.3 LAND UNSUITABLE FOR SUBDIVISION

Any land which, in its natural state is subject to a 100-year flood or which cannot be properly drained shall not be subdivided, resubdivided or developed until receipt of evidence that the construction of specific improvements proposed by the Developer can be expected to yield a usable building site. Thereafter the Town Council may

approve plats; however, construction upon such land shall be prohibited until the specific improvements have been planned and construction guaranteed. (Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 7.4 EASEMENTS

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

1. All utility easements shall be fifteen (15) feet unless special circumstances warrant additional or reduced easements which can be recommended by the Planning and Zoning Commission and approved by the Town Council. The Planning and Zoning Commission may recommend easements of greater width for the extension of storm sewers, water lines or sanitary sewers and other utilities when it is deemed necessary. Temporary construction easements contiguous to the permanent easement may extend an additional 15 feet of each side of the permanent easement.
2. Employees of the Town of Shady Shores and its agents shall have the authority to view or access the easement at any time for the purpose of inspecting, repairing or construction within any easement.
3. Where not adjacent to a public way, easements at least 15 feet wide of utility construction service, and maintenance shall be provided where necessary in locations approved by the Planning and Zoning Commission. Easements of at least seven and one half (7-1/2) feet in width shall be provided on each side of all rear lot lines and along side lot lines, where necessary, for utilities such as electric, telephone, street lights and natural gas. Easements having greater width dimensions may also be required along or across lots where engineering design or special conditions make it necessary for the installation of utilities outside public rights-of-way.
4. When the town finds that easements in areas adjoining a proposed subdivision are necessary to provide adequate easement and/or to provide utilities, the subdivider shall obtain such easement or make arrangement with the Town to obtain them.
5. Drainage easements shall generally be located along the existing drainageway and should be of sufficient width for the designed improvements to be installed and enough extra width for maintenance equipment to be able to work.
6. Emergency access easements and fire lanes will be provided where required by the Town inspector, acting as the Fire Marshal. These easements shall have a minimum width of twenty (20) feet and a minimum height clearance of fourteen (14) feet and have a minimum inside turning radius of twenty-five feet (25'). Any emergency access and fire lane easement more than one hundred (100) feet in length shall either connect at each end to a dedicated public street or be provided with a cul-de-sac having a minimum diameter of eighty (80) feet with an additional distance of ten (10) feet on all sides clear of permanent structures. These easements shall be paved to Design Standards and Specifications recommended by the Town Engineer.
7. All easements which will be used for water and/or sewer facilities, or which may potentially be used in the future for water and/or sewer facilities shall be designed to meet those required by LCMUA.

B. UTILITY EASEMENTS.

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

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 7.5 STREETS

A. GENERAL: In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, sanitation, and

street-maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, an adequate street and thoroughfare system shall be designed in accordance with the standards set forth in these provisions, the Town's Official Thoroughfare Plan, the Association of State Highway and Transportation Officials (AASHTO) A Policy on Geometric Design of Highways and Streets, and the Texas Manual of Uniform Traffic Control Devices (TMUTCD) latest editions. In the event of a conflict between these or other regulations and those contained in such documents, the more specific and/or restrictive provisions of other regulations and such documents shall be applied with the Design Requirements contained herein and the following provisions taking precedence:

1. Dedication of Right-of-way: The property owner shall be required to dedicate appropriate right-of-way for all existing or future streets within and abutting said subdivision and in accordance with the adopted Official Thoroughfare Plan or other valid development plans approved by Town Council. A minimum parkway width of eleven (11) feet shall be provided along existing constructed thoroughfares. In such cases, no additional right-of-way will be required, except at intersections or other locations when deemed necessary by the Town engineer. The dedication of easements, in addition to dedicated rights-of-way shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three feet horizontal to one foot vertical (3:1).

2. Arterial Street Access: Where a residential subdivision borders on or contains an existing or proposed arterial street, the Planning and Zoning Commission shall require that access to such streets be limited where possible by:

- a) The subdivision of lots so as to back into the primary arterial and front onto a parallel local street with no access from the arterial;
- b) Providing a series of cul-de-sac, U-shaped local streets, or short loops entered from and designed generally at right angles to a parallel street, with the rear lot lines of their terminal lots backing into the arterial street.

3. Design of Local Streets: The arrangement, character, extent, width, grade and location of all proposed streets shall be related to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relations to the proposed uses of the land to be served by such streets. All streets shall be arranged so as to obtain building sites when possible at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Local streets shall be curved wherever possible to avoid conformity of lot appearance. Local streets shall be laid out so as to serve only local traffic and discourage their use by through traffic. Local streets in residential subdivision shall be designed in a curvilinear manner, except when:

- a) In the determination of the Planning and Zoning Commission, the shape or topography of the subdivision, existing zoning or the pattern of the adjacent street would make the provision of such curvilinear streets impractical; or
- b) The subdivision is part of and conforms to an unexpired Preliminary Plat approved prior to the adoption of these Rules, Regulations and Procedures.

4. Relation to Adjoining Street System: The proposed street system shall extend all existing arterial and collector streets up to logical termination. All streets shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way as established on the Town's thoroughfare plan. Local streets shall be designed to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property. Local access streets are to be extended as may be desirable for public safety and convenience of circulation. Where possible, the width and the horizontal and vertical alignment of extended streets shall be preserved. All streets should be designed to be in line with existing streets in adjoining subdivisions. Street layout shall provide for continuation of collector streets in areas between arterials. Those local streets designated by the Planning and Zoning Commission shall be extended to the tract boundary to provide future connection with adjoining unplatted lands, unless prevented by topography or other physical conditions, or unless in the opinion of the commission such extension is not necessary or desirable for the coordination of the layout of the subdivision or addition with the existing layout or the most advantageous future development of adjacent tracts. In general, these

extensions should be at such intervals as necessary to facilitate internal vehicular circulation with adjoining unplatted lands.

5. Projection of Streets: Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into such unsubdivided areas.

6. Reserve Strips: The reservation in private ownership of strips of land at the end of proposed or existing streets and intended solely or primarily for the purpose of controlling access to property not included in the subdivision shall be prohibited.

7. Adequate Access: To insure adequate access to each subdivision, there should be at least two (2) planned points of ingress and egress.

8. Relation to Lots: All streets should be planned so that all resulting lots shall be sufficient size and shape to conform to applicable zoning regulations. All streets shall be arranged so as to obtain building sites when possible at, or above, the grades of streets.

9. Street Names: Street names must be submitted to the Town for approval. Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of, or in alignment with existing streets, in which case names of existing streets shall be used. Streets shall be named to provide continuity with existing streets.

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

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

11. Private residential streets: Existing private streets are to be maintained to the standards originally approved when the subdivision encompassing the private roads was approved. Future subdivisions proposing private roads would need specific city approval for the roads to be private, or the subdivision to be gated, or both. Subdivisions proposing private roads after the adoption of this ordinance must be built to city road standards, unless specific approval is given by the Town Council for different standards.

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

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

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

TABLE 7.1

SUMMARY OF RECOMMENDED THOROUGHFARE DESIGN STANDARDS FOR COLLECTOR AND LOCAL (RESIDENTIAL) THOROUGHFARES

Item	Standard
1. Pavement Width (feet) (face to face)	27
2. Pavement Section	
a. Stabilized Subgrade (in)	6
b. Asphalt/Concrete Pavement (in)	6/6
3. Number of Traffic Lanes	2
4. Lane Width (feet)	12
5. Right-of-way Width (feet)	60
6. Vehicle Capacity Policy (vehicles per hr./vehicles per day)	400/5,250
7. Design Speed (mph)	30
8. Minimum Grade (%) **	0.5
9. Maximum Grade (%) **	7
10. Minimum Centerline Radius (feet) (collector/local)	(400/250)
11. Stopping Sight Distance (feet)	200
12. Minimum Median Width (feet)	12
13. Minimum Spacing Median Opening (feet)	400*
14. Minimum Radius for Curb Returns at intersection (feet)	
a. Local to Local or Connector	20
b. Local or Collector to Collector	25
c. Collector or Arterial to Arterial	35

* May be reduced to 300 feet with supporting traffic study

** Also applies to alleys

2. Street Section: The Town of Shady Shores minimum street section for a local, collector or arterial shall be not less than six inches (6") of lime or cement stabilized subgrade and six inches (6") of reinforced Portland cement concrete or Hot Mix Asphalt Concrete (HMAC). Commercial and industrial-use roadways shall have a minimum section of six inches (6") of lime or cement-stabilized subgrade and eight inches (8") of reinforced Portland cement concrete or HMAC pavement.

A parabolic crown shall be provided on streets. Crown height shall be five inches (5") for streets up to thirty feet (30') wide, six inches (6") for streets up to forty feet (40') wide and eight inches (8") for streets forty-four feet (44') wide or greater.

The developer's engineer shall provide soil tests for determining lime or cement content for the subgrade and for pavement design. The recommendations shall address the percentage (%) of lime or

cement to be applied. The design shall be in accordance with AASHTO Guidelines and shall be based upon a 20-year design life. The distance between expansion joints shall not exceed 500 feet, and expansion joints shall be required at structures, intersections, points of curvature, points of tangency, and at the start of cul-de-sac points of curvature and such that no joint falls within the limits of a driveway approach. The concrete for all street sections shall have a minimum compressive strength of 3,600 pounds per square inch (psi). The Town Engineer may require more stringent design requirements in locations of unusual soil or traffic conditions. Any deviations from the typical sections shall require the approval of the Town Engineer.

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

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

3. Street Alignment: A curved street pattern which follows the topography is preferred to a grid pattern imposed upon the land. This provides use of the streets for drainage purposes, a more interesting pattern of development, and slows traffic driving through residential neighborhoods. Streets should traverse the topography in the following manner:

- a) Cross streams and drainageways at a right angle; this minimizes bridge and culvert costs.
- b) Streets on sloping terrain should gradually cross hills rather than directly up and down.
- c) Cul-de-sacs and loop streets should curve with the flow of the topography to best handle drainage.
- d) Where possible, drainage should be away from the cul-de-sac or loop street.
- e) Property boundaries should not serve as the primary basis for street layout, with other property features (topography, soils, vegetation, etc.) serving as the overall guide.

4. Intersections: Intersections should have only two streets intersecting at right angles. This provides the safest type of intersection. Another type of intersection is the "T" intersection. These are useful for discouraging through traffic and should be used more than 125 feet away from any other intersection.

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

Visibility triangles shall be provided at all street intersections either as dedicated right-of-way or as public open space easement. The minimum triangle shall be forty-five feet (45') along each curb line and/or in accordance with current zoning ordinance. Additional open space easement may be required when necessary to achieve the necessary sight distance.

5. Alleys: If provided or required alleys shall be constructed to the following provisions:

- a) Alleys for front entry lots shall be constructed a minimum of ten feet in width within a minimum 15-foot right-of-way.
- b) Alleys for rear entry lots shall be constructed a minimum 12 feet in width within a minimum 20-foot right-of-way.
- c) Wider alleys, required for drainage or other purposes, shall be constructed in rights-of-way approved by the Town engineer.
- d) Alley turnouts shall be a minimum of 12 feet in width at the street right-of-way line or the width of the alley, whichever is greater.
- e) Paving in alleys adjacent to masonry screening walls shall be constructed a minimum of 12.5 feet width and shall abut the screening wall.
- f) Alleys for other than residential uses shall be dedicated and paved a minimum of 20 feet in width.

g) The owner shall construct the full width of the alley at his own cost.

6. Street and Alley Length: Local streets and alleys shall not exceed 1,200 feet in length between intersections (outlets).

7. Cul-de-sacs and Loop Streets: Streets designated to be dead-ended permanently shall be platted and constructed with a paved cul-de-sac, in accordance with the following provisions:

a) The maximum length of a cul-de-sac with a permanent turnaround shall be six hundred (600) feet, unless specifically recommended by the Planning and Zoning Commission and approved by the Town Council. The Planning & Zoning Commission and Town Council may approve longer cul-de-sacs for developments with extra-wide lots and fewer than 20 lots fronting on the cul-de-sac.

b) A street ending permanently in a cul-de-sac less than six hundred (600) feet in length shall be provided at the closed end with a turnaround having an outside roadway diameter of at least ninety (90) feet, and a street right-of-way diameter of at least one hundred ten (110) feet. On cul-de-sacs which have been approved for lengths greater than six hundred feet (600'), the turnaround shall have an outside roadway diameter of at least one hundred feet (100') and a street right-of-way diameter of one hundred twenty feet (120').

c) When the Town Council determines that there is a reasonable expectation that a dead-end street will be extended within two (2) years, construction of a temporary cul-de-sac may be approved. The Town Council upon recommendation by the Planning and Zoning Commission, may waive temporary cul-de-sac requirements for dead-end streets when the street is less than two hundred (200) feet in length. Any dead-end street of a temporary nature, if longer than two hundred (200) feet, shall have a paved turning area of ninety (90) feet in diameter for a cul-de-sac. Any temporary cul-de-sac over six hundred feet (600') in length shall have a paved turning area of one hundred feet (100') in diameter. Temporary dead-end streets shall provide for the future extension of the street and utilities and, if a temporary cul-de-sac is utilized, a reversionary right to the land abutting the turnaround for excess right-of-way shall be provided. The portion of the temporary cul-de-sac which will serve as the extension of the street shall be constructed in accordance with the Town standards, while the remaining portion of the temporary cul-de-sac may be constructed with an all-weather surface adequate to accommodate, fire, sanitation and school bus vehicles.

d) Cul-de-sacs and loop streets shall drain to other streets or dedicated drainage easements.

8. One-Way Streets: One-way streets are generally prohibited in the Town.

9. Minimum and Maximum Grades: Street and alley grades should conform to the natural terrain where possible and shall conform to the requirements in Table 7.1.

10. Horizontal Curves: Horizontal curves for local streets shall not be less than two hundred fifty feet (250') along the centerline radius, collector streets not less than four hundred feet (400') along the centerline radius, and arterials not less than one thousand two hundred feet (1,200') along the centerline radius. Local streets should be designed in a curvilinear manner to the extent possible, and avoid long street segments with a maximum centerline radius less than eight hundred feet (800'). These requirements may be made more stringent by the Town Engineer if deemed necessary to provide minimum stopping distance, sight distance, design speeds, and other safety requirements consistent with good engineering practices.

11. Design Speeds: Unless otherwise approved by the Town Council, design speeds shall be in conformance with Table 7.1.

12. Medians: Medians shall not be constructed in dedicated public right-of-way unless specifically required by and/or approved by the Planning and Zoning Commission and Town Council. Medians approved for aesthetic purposes shall be maintained by, and at the expense of, the dedicator in accordance with specific contractual arrangements with the Town. Medians required for traffic shall be designed for minimum maintenance.

13. Driveways and Median Openings:

a) Each land owner is entitled to access to the Town thoroughfare system. On the other hand, it is Town policy to limit the number of driveways entering streets and thoroughfares to protect public safety and maintain traffic efficiency. Therefore each land owner is entitled to only one driveway for each lot or parcel. Additional drive approaches shall be approved only when it has been determined that the

additional driveway is necessary for adequate traffic circulation and that street efficiency and safety are preserved. Circle drives will be generally permitted when the Town Engineer determines that traffic safety is not hindered.

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

c) Minimum Spacing between Driveways:

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

d) Sight Distance, On-site Maneuvering and Parking Lot Design: Adequate sight distance and on-site maneuvering should be available from every driveway. Any movement for which adequate sight distance is not available or any parking lot design that does not provide adequate on-site maneuvering should not be permitted.

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

f) Width of Driveway Approaches:

(1) Residential: Residential driveways to serve single car garages, carports, and/or storage areas shall be not less than ten (10) feet nor more than twenty (20) feet in width, measured at the property line. Residential driveways to serve two (2) car garages, carports, and/or storage areas shall be no less than twelve (12) feet, nor more than twenty-four (24) feet in width, measured at the property line. When residential driveways are required to serve three or more car garages, carports, and/or storage areas, the size and location of the driveway(s) shall be subject to the approval of the Town Engineer, after an adequate engineering analysis of the parking, maneuvering and access requirements. A driveway should not begin less than five (5) feet from the point of tangency of the corner radius of an intersection.

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

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

g) Permit Procedure: The location of any driveway ingress or egress from any lot onto any public street or right-of-way shall be approved by the Town.

14. Traffic-Control and Street Signs: The developer shall provide all street identification signs and attachment hardware for streets within the subdivision. The street identification signs shall be constructed of extruded aluminum and shall have black reflective letters on a white background indicating the street name and block numbers. The Developer shall provide poles and any necessary traffic-control signs (such as stop signs) as directed by the Town Engineer.

15. Streetlights: If street lighting is required by the Town or offered by the subdivider the Town shall approve light standards prior to construction.

16. Sidewalks: Sidewalks shall be provided in locations required by the Town Council. Sidewalks shall

be constructed of concrete. Sidewalks shall have a minimum width of five feet (5') and a minimum pavement thickness of four inches (4") of reinforced concrete. Sidewalks shall have a minimum cross slope of one-fourth inch per foot for drainage. All sidewalk in public right-of-way shall be designed and constructed to comply with the requirements of the Texas Accessibility Standards (TAS) and Americans with Disabilities Act (ADA). Barrier free ramps shall be constructed in accordance the latest Texas Department of Transportation Pedestrian Facilities Curb Ramps standard details.

Sidewalk construction may be delayed until development of lots, but in locations not adjacent to lots and across bridges and culverts, the sidewalk shall be constructed with the other improvements to the subdivision or addition. Sidewalks adjacent to screening walls shall generally be placed against the screening walls to the subdivision or addition. Routing to clear poles, trees or other obstacles shall be subject to approval by the Town Engineer.

17. Level-Up Material: Sand may not be used as fill or level-up material under any paving within Town right-of-way. Approved fill is per NCTCOG specifications, and approved level-up material is crushed concrete flexible base per TxDOT Item No. 247. Grade 1, Type D.

18. Parking lots: The required number of parking and loading spaces shall be provided in accordance with the Town's Zoning Ordinance. Parking shall be designed to facilitate efficient traffic movement with a minimum conflict. All parking maneuvers shall be accomplished off of public rights-of-way. Off-street parking layouts shall afford the driver the ability to accomplish all maneuvers to enter or exit the parking spaces on private property. Off-street parking areas shall be maintained by the Owner.

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

- a) During widening and/or reconstruction of streets, the driveways will be brought into conformity with the present standards.
- b) During new building construction or major additions and remodeling of existing buildings all driveways and parking requirements will be brought into conformity with the present standards.

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 7.6 BLOCKS AND LOTS

A. BLOCKS.

1. The length of a block shall be considered to be the distance from property corner to property corner measured along the property line of the block face of greatest dimension, or on which the greatest number of lots face. The width of a block shall be considered to be the distance from property corner to property corner measured along the property line of the block face of least dimension, or on which the fewest number of lots face. The length, width and shapes of blocks shall be determined with due regard to provision of adequate building sites suitable to the special needs of the type of use contemplated, zoning requirements as to lot sizes and dimensions, and needs for convenient access, circulation, control and safety of street traffic.

2. In general, intersecting streets should be provided at such intervals as to serve traffic adequately and to meet existing streets or customary subdivision practices. Where no existing subdivision controls, the block lengths should not exceed one thousand three hundred twenty (1,320) feet. Where no existing subdivision controls, the blocks should not be less than five hundred (500) feet in length; however, in cases where physical barrier, property ownership, or individual usage creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased to meet existing conditions, having due regard for connecting streets, circulation of traffic and public safety.

3. Where long blocks in the vicinity of a school or park are platted, the Planning and Zoning Commission may require a public walkway near the middle of long blocks or opposite a street that terminates between the streets at the ends of the block. If required, the walkway shall be not less than four (4) feet nor more than eight (8) feet in width, and shall have a concrete walk of a minimum width of four (4) feet through the block from sidewalk to sidewalk, or curb to curb, or if no street, to the property line adjacent to a school, or park.

B. LOTS.

1. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.

2. All side lines of lots shall be at approximately right angles to straight street lines and radial to curved street lines except where a variation to this rule will provide a better street and lot layout. Rear lot lines should be straight and avoid acute angles with side yard lines. Odd-shaped lots should be avoided. Where utility easements are to be located along rear lot lines, these lines should be as straight as possible for long lengths.
3. No lot shall have less area or width at the building line than is required by the zoning regulations that apply to the area in which it is located.
4. Lots shall be consistent with zoning regulations. When the specific proposed use of a lot or tract depends upon future action by the Town Council or other property [properly] designated authority, lot lines shall also be shown on the preliminary plat appropriate to a use which does not require such action. Proposed uses shall be shown on the preliminary plat.
5. Generally lots should be deeper than they are wide. It is recommended to have the depth twice the width. The important consideration is to assure that the lots are neither too deep nor too shallow to allow for good placement of a dwelling unit on a lot.
6. Corner lots shall be larger than interior lots so that dwellings can be placed further from the street. Corner lots shall be 10 to 20 percent larger than interior lots. Lots facing onto heavy traffic streets shall be avoided. This can be accomplished by providing deeper lots with the houses backing onto the heavy traffic street. Other methods include, a) providing an access street parallel to the major street, b) cul-de-sac if the property has sufficient depth, or c) provide a loop street, if the property has sufficient depth and width.
7. Surface drainage must be diverted away from house sites. Sufficient slope must exist on the lot to enable drainage to run off from the building site across sidewalks, and onto the street. Swales may be needed to provide drainage from back yards.
8. Building Lines: Front and second front building lines shall be shown on all lots in the subdivision. The building lines shall be listed in accordance with the applicable zoning ordinances.

(Ordinance 130 adopted 6/5/00; Ordinance adopting Code; Ordinance 300-03-17 adopted 3/13/17)

SECTION 7.7 DRAINAGE

GENERAL: The Planning and Zoning Commission shall not recommend for approval any plat of a subdivision which does not make adequate provisions for storm or floodwater runoff channels or basins. Drainage provisions shall ensure the health and safety of the public and the property in times of flood. Development shall not increase the peak flow discharge or velocities over natural conditions, particularly to adjacent and downstream properties. Storm drainage facilities shall be designed in accordance with the City of Denton Drainage Design Criteria (1990) unless otherwise specified herein. For drainage requirements and design standards see Article 5, [Section 5.6](#) of this ordinance. (Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 7.8 SANITARY SEWER

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

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

C. SEPTIC TANKS:

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

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

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

SECTION 7.9 WATER SUPPLY AND DISTRIBUTION

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

All developments within the jurisdiction of the Town of Shady Shores shall be required to have approved water supply and sanitary sewerage facilities and shall be required to connect to the LCMUA facilities, where available, unless alternative arrangements have been approved by the Town.

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

1. Water well operation and quality meet the minimum requirements of the Texas Natural Resources Conservation Commission and The Town of Shady Shores.

2. Water wells are not utilized in any commercial sale of the water.

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

(Ordinance 130 adopted 6/5/00; Ordinance 300-03-17 adopted 3/13/17)

CHAPTER 14

ZONING

ARTICLE 14.01 GENERAL PROVISIONS

(Reserved)

ARTICLE 14.02 ZONING ORDINANCE^{*}

Sec. 14.02.001 Adopted

The zoning ordinance, Ordinance 256-5-2013, adopted by the town on May 6, 2013, as amended, is included at the end of this chapter as exhibit A. Due to the nature of the zoning ordinance and the technicalities involved in adopting or amending it, such ordinance is printed herein as enacted, with only nonsubstantive formatting and style changes. Capitalization, punctuation and numbering of articles, sections and subsections have been retained as enacted. The numbering for the definitions in [article 1.1](#) has been omitted without notation. Subsequent amendments will be inserted in their proper place and denoted by a history note following the amended section. The absence of a history note indicates the material is unchanged from the original. Obviously misspelled words have been corrected without notation. Any other material added for purposes of clarification is enclosed in brackets. (Ordinance adopting Code)

EXHIBIT A

ZONING ORDINANCE

ORDINANCE NO. 256-5-2013

(Revised Comprehensive Zoning Ordinance Restating Ordinance 124)

AN ORDINANCE OF THE TOWN OF SHADY SHORES, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF SHADY SHORES AS HERETOFORE AMENDED, BY ESTABLISHING AND PROVIDING REGULATIONS FOR ZONING DISTRICTS AS SET FORTH HEREIN; PROVIDING FOR SPECIAL CONDITIONS; REVISING AND RESTATING ORDINANCE 124 IN ITS ENTIRETY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF \$2,000.00 FOR EACH OFFENSE; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Shady Shores Planning and Zoning Commission and the governing body of the Town of Shady Shores, in compliance with the laws of the State of Texas and the ordinances of the Town of Shady Shores have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion have concluded that the Comprehensive Zoning Ordinance of the Town of Shady Shores should be amended to zone the land described herein;

NOW, THEREFORE, be it ordained by the Town Council of the Town of Shady Shores, Denton County, Texas:

ARTICLE 1.1 DEFINITIONS

(a) Certain words used in this Ordinance are defined as follows:

Words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular. The word "shall" is mandatory and not discretionary.

Accessory Building is a subordinate building attached, or detached, and used for a purpose customarily incidental to the main building, not involving the conduct of a business, and not built for or used for living quarters. An Accessory Building is located on the same lot or tract as the main building. Such as, but not limited to: a private garage or carport for automobile or boat storage, tool house, greenhouse, home workshop, children's playhouse, barn or storage building. See regulations at [Article 2.1\(k\)](#) [[Article 2.1\(c\)\(2\)\(K\)](#)].

A private airplane hangar, as defined in [Article 1.1\(a\)\(4\)](#), is not an accessory building and is regulated under [Article 2.1\(c\)\(2\)\(J\)\(iii\)](#).

Adult Care Center is a facility that provides care for six (6) or more persons over 18 years of age who are not related by blood, marriage, or adoption to the owner or operator of the facility. The persons being cared for under this use may not use the facility as a residence.

Agricultural Building is a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged; nor shall it be a place used by the public.

Airplane Hangar, Private is an accessory structure (attached or detached) situated on the same lot, tract or parcel of land with the main building, for the storage only of airplanes and for the private use of the occupants of the premise on which it is located.

Alley is a public or private right-of-way, which extends only secondary means of access to adjacent property.

Breezeway is an unenclosed passage connecting two buildings or portions of a building.

Building is a structure for the support or shelter of any use or occupancy.

Building Line or Setback Line is the minimum distance a building may be erected from a street, alley or lot line.

Business means commercial or mercantile activity engaged as a means of livelihood or economic dealings.

Caretaker is a person who spends more than 50% of his time working at the residence of, and performing duties for the family occupying the premises to which the caretaker's house is an accessory building.

Caretaker's Quarters is an accessory dwelling unit for a bona fide caretaker and his or her immediate family on a lot not less than ten acres. The Caretaker's Quarters may not exceed one-half of the size of the Main Building.

Carport - a Carport is a Type 2 Accessory Building, which is more specifically defined as follows: Carport means an enclosure, not exceeding 12 feet in height and completely open to the free movement of air from floor to roof on at least two sides, designed primarily for the shelter of motor vehicles.

Child Care Center is a facility that provides care for seven (7) or more persons under 18 years of age who are not related by blood, marriage, or adoption to the owner or operator of the facility. The persons being cared for under this use may not use the facility as a residence.

Coverage is that area or percentage of lot area covered by all buildings and structures. The largest of the roof, floor, or other structure is used for the calculation of lot coverage.

Customary Home Occupation is an occupation customarily carried on in the home by a member of the occupant's family, without structural alterations in the building or in any of its rooms, without the installation or outside storage of any machinery, equipment or materials other than that customary to normal household operations, without the employment of persons not residing in the home, without the use of a sign to advertise the occupation, without offering a commodity for sale on the premises, which does not cause the generation of additional traffic in the street, or vehicles parking at or near the residence and which does not create obnoxious conditions to neighboring properties such as noise, odor, light or smoke.

District means a section of the Town of Shady Shores for which the regulations governing the lot areas, building size, heights and setbacks are specified as one of the zoning districts defined in this Comprehensive Zoning Ordinance.

Drive Approach is the portion of the driveway extending from the right-of-way line, or private street easement line, to the main travel surface of the road.

Driveway is a vehicle travelway connecting the parking spaces on a lot, or tract of land, to the right-of-way or private street.

Dwelling, Multiple is a building, which is designed to be occupied by two or more families living independently of each other.

Dwelling, One-family is a building having accommodations for and occupied by only one family.

Dwelling Unit means one or more rooms designed to accommodate one family and containing only one kitchen plus living, sanitary and sleeping facilities.

Easement means an interest in land owned by another that entitles its holder to a specific limited use of said land and that has been recorded in the office of the County Clerk of Denton County, Texas, or is in conformance with the lawful definition of a public prescriptive easement.

Eaves are the lowest border of a roof, including any overhang.

Family means individuals living together as a single housekeeping unit in which not more than four individuals are unrelated to the head of the household by blood, marriage, or adoption.

Farm, Ranch, Garden and Orchard is an area of five (5) acres or more which is used for the growing of usual farm products, vegetables, fruits, trees, and/or grain and for the raising thereon of the usual farm poultry and farm

animals such as horses, cattle and sheep. Including the necessary accessory uses for raising, treating and storing products raised on the premise, but not including the commercial feeding of offal and garbage to swine and other animals, and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

Floor Area is the total square feet of floor space in a building measured to the outside faces of the exterior walls.

Front Yard is an open and unoccupied space on the same lot with a building, between the building and the property line extending across the front of the lot.

Garage, Private is an accessory structure (attached or detached) situated on the same lot, tract or parcel of land with the main building, with capacity for not more than five (5) motor-driven vehicles, for storage only and for the private use of the occupants of the premise on which it is located.

Greenhouse - A greenhouse may be constructed of material approved by the city engineer provided the structure is used exclusively as a greenhouse and maintained as such. In the event a greenhouse is converted to another use, it must be made to comply with the residential building code requirements. A Greenhouse is included in Type 1, 2 and 3 Accessory buildings dependent on size, and location.

Height means the vertical distance measured from the average established grade at the street lot line or from the average natural ground level, if higher than the street, to:

- (A) The midpoint of the vertical dimension between the lowest eaves and the highest ridge of a structure with a gable, hip or gambrel roof; and
- (B) The midpoint of the vertical dimension of the dome for a structure with a dome roof; and
- (C) The deck line of structures with mansard roofs; and
- (D) The highest point of the structure for any other structure.

Note: in measuring the height of a building, the following structures shall be excluded: chimneys, ornamental cupolas, domes or spires, none of which shall be more than 15 feet taller than the medium height of the building.

Hobby is an accessory use carried on by the occupant of the premise in a shop, studio or other work room, purely for personal enjoyment, amusement or recreation; provided, that the articles produced or constructed are not sold on the premise, and provided such use will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.

Institution is a building or buildings occupied by a nonprofit organization or corporation, or any nonprofit establishment for such use.

Junk means and shall include but not be limited to: scrap iron, tin, brass, copper, lead, zinc, or any other scrap metal and their alloys; bones, rags, used cloth, rubber, tires, rope, tinfoil, bottles, or cotton; inoperable or broken tools, machinery, appliances, fixtures, or utensils; used boxes, crates, lumber, or pipe fittings; inoperable automobiles or airplanes; and any other manufactured goods that are worn, deteriorated or obsolete so as to make them unusable in their existing condition.

Kindergarten is a school for more than six (6) children of pre-school age in which constructive endeavors, object lessons or helpful games are prominent features of the curriculum.

Lakefront is property on the shoreline of Lake Lewisville, which abuts land owned by the U.S. Corps of Engineers.

Lot, is land identified by metes and bounds, or lot and block if platted, which is occupied or to be occupied by a building and its accessory building(s), and including such open spaces as are required under this Ordinance, and having frontage on a public or private street in accordance with this zoning ordinance, and the subdivision regulations of the Town.

Lot Area: The net area of the lot, exclusive of any portion of private streets, alleys, or right-of-ways.

Lot, Corner: A lot or parcel of land abutting two (2) or more streets at their intersection, or abutting two (2) parts of the same street which form an interior angle of less than 135 degrees. (Reference [Figure #1, Appendix A.](#))

Lot Coverage: The proportion of a lot or site covered, or permitted to be covered, by a building and all structures.

Lot Depth: The average horizontal distance between the front and rear lot lines. (Reference [Figure #2, Appendix A.](#))

Lot, Double Frontage: A lot having frontage on two (2) non-intersecting streets, as distinguished from a corner lot. (Reference [Figure #3, Appendix A.](#))

Lot, Flag: A lot having access to a street by means of a parcel or portion of land having a greater depth than its frontage, and having a width less than the minimum required lot width. (Reference [Figure #1, Appendix A.](#))

Lot, Interior: A lot whose side lot lines do not abut upon any street. (Reference [Figure #1, Appendix A.](#))

Lot Line: A line dividing one lot from another, or from a street or place. (Reference [Figure #4, Appendix A.](#))

Lot of Record: A lot which is created by an approved subdivision, the plat of which has been duly recorded in the office of the appropriate county clerk.

Lot Width: The shortest distance between the side lot lines measured at the front building line. (Reference [Figure #5, Appendix A.](#))

Main Building means a building on a lot intended for occupancy by the main use.

Main Use means those uses defined in [Article 3.2](#) for which a property may legally be used.

Manufactured or Mobile Home means a structure transportable, in one or more sections, which is built on a permanent chassis and which is designed for use, with or without a permanent foundation, when connected to the required utilities, and is in compliance with HUD requirements[.]

Manufactured or Mobile Home Park means a site of 5 or more acres that has been established for the placing of Manufactured or Mobile Homes, allowing for such to be connected to utilities and used as single-family dwellings.

Nonconforming Structure means a structure which does not conform to the regulations of this ordinance but which was lawfully constructed under the regulations in force at the time of construction.

Nonconforming Use means a use that does not conform to the use regulations of this ordinance but which was lawfully established under the regulations in force at the beginning of operation and has been in regular use since that time.

Open Storage: The outside placement of an item, including all types of trailers, for a continuous period in excess of 24 hours. Outside placement includes storage in a structure that is open or not entirely enclosed.

Parking Space means open space with a surface of 4" reinforced concrete, or substitute approved by the Town engineer and the Town Council, or garage space reserved exclusively for the parking of motor vehicles that has a minimum rectangular area of nine (9) feet in width and twenty-two (22) feet in length.

Person means any natural person, association of persons, partnership, corporation or society. The term "person" shall include both singular and plural and shall include both the feminine and masculine gender.

Plat: A map of a subdivision or site plan that represents a tract of land showing the boundaries and location of individual properties and streets.

Rear Yard is an open and unoccupied space on the same lot with a building, between the building and the property line extending across the rear of the lot.

Reversed Frontage means a corner lot fronting the street, which was originally platted as a side yard.

Right-of-Way means an area, publicly owned, dedicated to public use for pedestrian and/or vehicular movement.

Right-of-Way Line is a dividing line between a lot, tract, or parcel of land and the public right-of-way.

Setback line is the minimum distance a building may be erected from a right-of-way, private street, alley, or lot line. Also referred to as building line.

Side Yard is an open and unoccupied space on the same lot with a building, between the building and the side property line extending through from the street or front property line to the rear property line. Any property line that is not a front line or a rear line shall be deemed a side line.

Signs: Any device, flag, light, figure, picture, letter, word, message, symbol, plaque, poster, display, design, painting, drawing, billboard, or other thing visible from outside the premise on which it is located and that is designed, intended, or used to inform or advertise to persons not on that premise. Signs are regulated by separate ordinance.

Standard Masonry Construction: That form of construction composed of stone, brick, concrete, gypsum, hollow clay tile, concrete block or tile, cementitious panel boards, or other similar building materials, approved in advance by the building inspector, or combination of these materials.

Story is that portion of a building between any two successive floors or between the top floor and the ceiling above it. A half story being under a gable, hip or gambrel roof and having wall plates on at least two exterior walls, extending not more than two feet above an adjacent full story wall.

Street: Any public thoroughfare dedicated to the public and not designated as an alley, also known as "Public Street" or "Right-of-Way"

Street Line: The dividing line between the street and the abutting property.

Street, Private is a private vehicular accessway shared by and serving two or more lots, which is not dedicated to the public and is not publicly maintained. Private streets and alleys may be established only under the terms of the Subdivision Ordinance. The term "private street" shall be inclusive of alleys and is also known as "Road, Private."

Street Right-of-way: A street, including its pavement and all the publicly owned property adjacent to it, dedicated for street purposes.

Structural Alteration is any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Structure is that which is built or constructed, an edifice or building of any kind or any piece of work artificially built up composed of parts, joined together in some definite manner; excluding fences, retaining walls, sidewalks, driveways and curbs.

Subdivider is an individual, firm, association, syndicate, partnership, or corporation dividing or proposing to divide land so as to effect a subdivision of [land] hereunder for himself, or for itself, or for another.

Subdivision is the division of any lot, tract or parcel of land into two or more lots or sites for the planned purpose of sale or of building development, whether immediate or future. The term includes resubdivision, but does not include the division of land for agricultural purposes into parcels or tracts of ten acres (10) or more and not involving any new streets, alleys or easement of access. When appropriate to context, the term subdivision shall relate to the process of subdividing or to the land subdivided, in accordance with the ordinance of the Town, and the state law.

Trailer, Boat is a vehicle without means of motivation, designed to be hauled, towed, or pulled by a motor vehicle, which by design is used for the transporting of boats.

Trailer, Construction is a vehicle without means of motivation, designed to be hauled, towed or pulled by a motor vehicle, which by design may be used for:

- (A) A temporary office or storage building,
- (B) The conveyance, storage or display of construction materials including, but not limited to, lumber, forms, pipe, wire, sand, rock, concrete, landscape materials or plants, or
- (C) The conveyance, storage or display of construction equipment such as, but not limited to, earth moving equipment, ditching machines, generators or tools.
- (D) Empty flatbed trailers, less than eighteen feet in length with two or less axles are not included within this definition.

Trailer, General purpose is a vehicle without means of motivation, designed to be hauled, towed or pulled by a motor vehicle, which is eighteen feet in length or less, has two or less axles, and is not being used as a construction trailer.

Trailer, Horse or Stock is a vehicle without means of motivation, designed to be hauled, towed or pulled by a motor vehicle, which is designed for the transporting of livestock.

Trailer, Travel or Recreational is a vehicular portable structure built on a chassis designed to be hauled, towed or pulled by a motor vehicle and designed to be used for travel and recreational purposes.

Visibility Clearance Area is the portion of a corner lot (in all zoning districts) which is to be left open and unobstructed by fences, structures, shrubs, trees or other plant life.

- (A) This area is the portion of a corner lot within a triangular area formed by connecting together the point of intersection of the adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 45 feet from the intersection.

(Reference [Figure #6, Appendix A](#).)

- (B) The area between two and one-half feet and eight feet in height, measured from the grade of the street adjacent to the visibility triangle.

- (C) Shrubs in this area must be kept trimmed so as to be shorter than two and one-half feet tall and trees are to be kept trimmed so as not to have any side branches below eight feet.

Zoning Classification is a classification assigned to a particular area of the town within which zoning regulations are uniform.

- (A) R-1350-1 District means the residential district established under [Article 2.2](#).

- (B) R-1500-3/4 District means the residential district established under [Article 2.3](#).

- (C) R-1800-1/2 District means the residential district established under [Article 2.4](#).

- (D) All property within the Town that has not been rezoned to a R-1350-1, R-1500-3/4, H-1200-4300, or Planned Development District, is zoned R-2000-1/2, as defined in [Article 2.5](#).]

- (E) H-1200-4300 District means the residential district established under Article 2.7.

Zoning District Map is the official map upon which the zoning districts of the town are delineated.

(b) Words and terms not expressly defined above are to be construed, for purposes of this zoning ordinance, in accordance to their customary usage in the practice of municipal planning and engineering.

(Ordinance 256-5-2013 adopted 5/16/13; Ordinance 279-07-2015, sec. I, adopted 7/13/15)

ARTICLE 1.2 PURPOSE

(a) Establishing of Controls and Comprehensive Plan

(1) These regulations and controls shall be known and may be cited as the “Zoning Ordinance” of the Town.

(2) The purpose of this ordinance is to prevent ill effects of urbanization by providing for the orderly, safe and healthful development of the area within the Town and within the area surrounding the Town and to promote the health, safety and general welfare of the community.

(3) These regulations are adopted under the authority granted by the laws of the State of Texas and particularly as contained in The Texas Local Government Code Chapters 211 (Municipal Zoning Authority) and Chapter 212 (Municipal Regulation of Subdivisions and Property Development).

(4) No person shall create a subdivision of land within the corporate limits of the Town or within the extraterritorial jurisdiction thereof without complying with the provisions of these regulations. All plats and subdivisions of any such land shall conform to the rules and regulations set forth herein.

(5) The Town shall have extraterritorial jurisdiction concerning land not within the corporate limits as cited by the Texas Local Government Code chapter 42 (Extraterritorial Jurisdiction of Municipalities).

(b) Scope: In order to implement the purpose of these regulations it shall be the intent of the controls:

(1) To ensure that development of land and subdivisions shall be of such nature, shape and location that utilization will not impair the general welfare and to ensure against the dangers of fires, floods, erosion, landslides or other such menaces;

(2) to provide proper utilities and services for adequate drainage, water supply and disposal of sanitary and industrial waste;

(3) to provide streets that ensure safe, convenient and functional systems for vehicular and pedestrian circulation;

(4) to furnish adequate sites, convenient to schools, parks, playgrounds, beaches and other community services, respecting topography and existing vegetation so that the natural beauty of the land shall be preserved;

(5) to provide adequate light and air;

(6) to prevent the overcrowding of land;

(7) to avoid undue concentration of population;

(8) to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements; and

(9) to ensure that all subdivision and land development relates directly to the adopted Town Plan (Comprehensive Plan).

(c) General:

(1) All property not specifically zoned otherwise by city ordinance within the Town is zoned R-2000-1/2 Residential. All property to be platted or subdivided properties shall be R-2000 Residential, unless the owner applies for and is granted by the Town Council a change in zoning by Ordinance specific to that property. Subdivision and platting of the property shall comply with the Zoning District regulations on the property, and shall be platted or subdivided in accordance with the Town’s subdivision ordinance and regulations. No other subdivisions will be recognized by the Town. Prior to the consideration of the plat by the Town Planning and Zoning Commission and the Town Council, the Town Engineer will check the plat and make recommendations, all in accordance with the Texas Local Government Code chapter 212 (Municipal Regulation of Subdivisions and Property Development) and the Subdivision Regulations of the Town.

(2) It shall be unlawful for any owner, or agent of any owner, to lay out, subdivide or plat any land into lots, blocks and streets within the Town which has not been laid off, subdivided and platted according to these regulations and the rules of the Town Zoning Commission.

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

(4) The Town hereby defines its policy to be that the Town will take all legal action available to the Town to prosecute illegal subdivisions, and/or any unlawful construction in the Town. No permits shall be issued, nor improvements begun, until approval has been given of any required plats, rezoning, and permits.

(5) No construction of new buildings, structural alterations to existing buildings nor additions to existing buildings shall begin until a building permit has been issued by the Town of Shady Shores, Texas. Such permit shall be posted in a conspicuous place at the construction site until the construction is complete and final inspections have been made.

(6) All "single-family" zoning districts may only have one residence per lot, unless a conditional use permit is applied for, and granted, by the Town Council. A violation of any condition of the permit may result in termination of the permit by the town council, or a violation of this zoning ordinance by the municipal court, or both.

(Ordinance 256-5-2013 adopted 5/16/13; Ordinance 301-06-2017, sec. A.1, adopted 6/12/17)

ARTICLE 2.1 ZONING CLASSIFICATIONS

(a) Required: The Town of Shady Shores is hereby defining districts. The use heights and regulations are uniform within each District.

R-1350-1 Residential District

R-1500-3/4 Residential District

R-1800-1/2 Residential District

R-2000-1/2 Residential District

H-1200-4300 Historical District

(b) Maps:

(1) Zoning Map - Each area of land in the Town of Shady Shores zoned under this ordinance or any pre-existing ordinance shall be shown on the zoning map of the Town of Shady Shores, Texas.

(2) Planning Map - Town of Shady Shores, as a portion of the comprehensive plan established for planning growth and development within the Town, attached hereto is a planning map, indicating future land use and zoning within the Town.

(3) FEMA Flood Insurance Rate Map (FIRM) - A map created by the NFIP for floodplain management and insurance purposes. The FIRM shows the Town of Shady Shores' base flood elevations, flood zones and floodplain boundaries.

(c) Regulations Applicable to all Areas of the Town:

(1) All consideration possible will be given to the preservation of the natural environment. Placement of dwellings and other improvements will be planned with a minimum number of trees to be removed.

(2) Area Regulations:

(A) Required front, side & rear yards:

(i) Required front, side and rear yards must be open and unobstructed, except for fences, shrubs and trees except as otherwise provided in this section.

(ii) No covered porch, covered terrace or accessory building shall project into the required front, side or rear yard setback area of the lot.

(B) Side Yard: For the purpose of side yard regulations, one (1) main building and one (1) or more accessory buildings shall be considered as one (1) building when occupying one (1) lot; provided,

however, there shall be a minimum of ten (10) feet between the sides of the buildings on the same lot.

(i) On corner lots there shall be a side yard of not less than fifteen (15) feet, or the minimum side yard required by the district in which the lot is located, whichever is greater, on the street side of the lot. In the case of side street or reversed frontage (where corner lot faces an intersecting street) there shall be a side yard on the street side equal to the front yard on the lots in the rear.

(ii) No accessory building on a corner lot shall be located all or in part in the front or side yard setback areas adjacent to a public street.

(C) Setback and Side Yard Measurements: All setback and side yard minimum requirements are measured from the property lines of the lot.

(D) Height Limit: No main or miscellaneous (chimneys monuments, cupolas, domes, spires, standpipes, false mansards, and other similar structures) structure shall exceed the height of thirty-five (35) feet measured from the foundation of the house on lots that are at least 1/4 acre and are within 100 yards of lakefront area.

(i) Basis of Height Measurements: The height of a building shall be measured from the finished floor.

(E) Lot Area: On any lot held under separate distinct ownership from adjoining lots at the time of passage of this ordinance, such separately owned property being of record at the time, a single-family dwelling may be erected even though the lot be of less area than required by the regulations relating to lot area; provided, however, that in any event the combined area of the dwelling and accessory building shall not cover more than forty (40) percent of the total area of the lot.

(F) Drainage: Subdivisions and lots shall have a registered engineer's storm drainage plan prepared to provide drainage to standards required by the Town Engineer, and with the approval of the Town Council. The subdivision or lot must then be developed in strict conformity with the drainage plan, and maintained in compliance with the drainage plan by the owner.

(G) Manufactured Houses, Mobile Homes, Travel Trailers & Construction Trailers: No manufactured house, mobile home, travel trailer, construction trailer, or similar structure shall be moved into the Town of Shady Shores and used as a dwelling or otherwise unless:

(i) The Zoning Board of Adjustments approves a variance.

(ii) It is a manufactured house or mobile home to be located in an existing mobile home park, in compliance with Ordinance No. 188-1-2007, as amended.

(H) Parking: There shall be provided, in connection with every use permitted, off-street parking spaces in accordance with the provisions of [Article 3.3](#).

(I) Sewage Requirements: Unless served by the Lake Cities Municipal Utility Authority, each residence and each dwelling unit shall be provided with and connected to a properly constructed and adequate aerobic system or septic tank of not less than 500 gallon capacity, and with not less than 200 feet of lateral lines. And, such aerobic system shall be built and maintained in accordance with any and all rules and recommendations of the Department of Public Health of the State of Texas as authorized by the Texas Health and Safety Code, Chapter 366, and the same shall meet or exceed the minimum requirements of the Federal Housing Administration. A satisfactory percolation test is required prior to the issuance of a building permit. All must comply with Town of Shady Shores Ordinance 197-9-2007, as amended [[article 13.02](#) of the Code of Ordinances].

(J) Type of Materials:

(i) Exterior wall construction for residential structures shall consist of a minimum of 75% standard masonry construction with no single wall face of any residence containing less than 50% of its exposed surface of standard masonry construction, excluding windows and doors, as defined in [Article 1.1](#).

(ii) Exterior wall construction for accessory buildings shall meet the requirements of [Article 2.1\(K\)](#) [[Article 2.1\(c\)\(2\)\(K\)](#)].

(iii) Airplane hangars built on residential lots shall be built using colors to coordinate with the main structure and with the lower 1/3 of each wall, excluding doorways, to be consistent with the main structure masonry.

(iv) Agricultural buildings must be constructed of new materials meeting the building code of the Town, or the specific provisions of this ordinance. They may not be architecturally compatible with the

principal residence if the accessory building meets the requirements of a Type 1 Accessory Building.

(K) Accessory Building Regulations: All accessory buildings must be of one of the types listed below. A building permit is required for all accessory buildings prior to the commencement of construction. All accessory buildings shall meet the following requirements:

(i) The building, (except a Carport on a lot of less than 1/2 acre) shall be located behind the residence, and shall not be located within the rear or the side yard setback areas of the rear yard. A structure with a roof, without walls, for the storage of, vehicles, trailers, boats and/or farm implements, may be classed as either a Type 1 or Type 2 Accessory building, but is only permitted to be located on properties with Agricultural Tax Exemptions or on properties of more than 5 acres or under 1/2 acre.

(ii) Detached garages built to replace garages which are enclosed or converted to living space as required herein shall be constructed of brick, stone, cementitious materials or a combination thereof in proportions similar to those on the principal building and the detached garage shall be architecturally compatible with the principal building as determined by the city engineer or designee.

(iii) All Accessory Buildings maximum height and square footage limits shall be as set forth below in (vii) [subsection (viii)].

(iv) Masonry is as defined in [Article 1.1](#) DEFINITIONS (62) Standard Masonry Construction of this Zoning Ordinance.

(v) Type 1 Accessory Buildings. This type or class of accessory building consists of accessory buildings that support the agricultural use of the property as defined or permitted in areas with Agricultural Tax Exemptions (or a lot size of not less than 5 acres), such as barns, loafing sheds, private stables or tool/equipment sheds. Electricity and water connections are permitted. Use as living quarters is prohibited. If toilet and/or shower facilities are provided, adequate wastewater disposal must be provided and approved by the Town building inspector.

(1) Maximum Size: The maximum number of square feet of usable enclosed area is regulated by lot size, below in (vii) [subsection (viii)].

(2) Location: All portions of the accessory building must be:

- a. not less than 30 feet from any property line of an adjacent owner, and
- b. not less than 40 feet from any dwelling on any adjacent property, and
- c. not less than 40 feet from any road,

whichever is greater.

(3) Construction: The building's construction materials must be of material defined by the Town Building Codes. The Type 1 Accessory Building does not have to comply with "Standard Masonry Construction" and may be constructed of wood and/or factory painted or colored sheet metal, including standing metal seam products. Corrugated metal is not allowed.

(4) Maximum Height: The height of the building shall not exceed 24 feet in height, or the height of the main building, whichever is less.

(vi) Type 2 Accessory Buildings. This type or class of accessory building consists of accessory buildings that are not classed as Type 1 Accessory Buildings or Type 3 Accessory Buildings. Type 2 accessory buildings include but are not limited to a shop or recreation building, swimming pool cabana, boat storage, detached garage for boat, recreational vehicle and motor vehicle storage, home office, tool/equipment storage, greenhouse or stable. Type 2 Accessory buildings may not be used for living quarters, or commercial purposes and may not be used as rental property. No Type 2 Accessory building will be permitted unless there is a principal residential dwelling on the property. A carport for the storage of vehicles, trailers, boats and/or farm implements classed as a Type 2 Accessory building is only permitted to be located on properties that are less than 1/2 acre or on properties not less than 5 acres in size, or on lots that are between 1/2 acre and 5 acres with Agricultural exemptions.

(1) Maximum Size: The maximum number of square feet of usable enclosed area of the Accessory building is regulated by lot size, below in (vii) [subsection (viii)]. The covered floor space of all structures on the property, including all accessory buildings and the principal residence may not exceed the maximum lot coverage of the property. Porch areas may not exceed an additional 20% of the total usable enclosed area.

(2) Maximum Height: The height of the building shall not exceed the height regulated by lot size, below in Article (vii) [subsection (viii)], or the height of the main building, whichever is less.

(3) Location: Type 2 Accessory buildings must be located not less than the minimum front and rear setback and side yard requirements from the property lines, as required in the zoning district in which the accessory building is to be located.

(4) Construction: The building's construction materials must be substantially similar in color, composition and design as that of the residential building, the lower 1/3 of each wall excluding doorways must be brick or masonry, and generally meet the requirements for the principal residential building. Corrugated sheet metal siding is expressly prohibited. Roofing material must also be substantially similar in color, composition and design as that of the residential building and comply with the Town's building codes. For accessory buildings in excess of 300 square feet, including, but not limited to, detached garages each exterior wall shall be constructed with not less than the lower one third (1/3) of the wall as masonry construction[.]

(5) Foundation: A concrete foundation is required for all Type 2 Accessory buildings, with the exception of "Greenhouses."

(vii) Type 3 Accessory Buildings. Type 3 Accessory buildings include pre-fabricated buildings and buildings on skids used for the storage of tools, lawn care equipment, and similar storage related to the residential dwelling on the property.

(1) Maximum Size: 300 square feet.

(2) Location: A Type 3 Accessory building must be located not less than the minimum front and rear setback and side yard requirements from the property lines, as required in the zoning district in which the accessory building is to be located.

(3) Maximum Height: 12 feet in height.

(4) Construction: Accessory buildings of 300 square feet or less may be of non-masonry construction or may be of all metal with baked-on or pre-painted surface.

(vii)[viii] LOT SIZE DETERMINES THE TYPE AND SIZE OF ACCESSORY BUILDINGS.

(1) Less than 1/2 acre: One Type 2 (not to exceed 700 square feet and 16 feet in height) or one Type 3 accessory building.

(2) 1/2 acre to less than 1 acre: One Type 2 (not to exceed 1500 square feet and 16 feet in height) or one Type 3 accessory building.

(3) 1 to less than 2 acres: One Type 1 or Type 2 (not to exceed 2000 square feet and 16 feet in height) and one Type 3 accessory building.

(4) 2 to less than 5 acres: The total of all accessory structures should not to exceed 4500 square feet and 16 feet in height with a maximum of three (3) accessory structures of Type 1, 2 and/or 3.

(5) 5 acres or more: Not more than four (4) type 1 or type 2 Accessory buildings. The total cumulative floor space of all accessory buildings, (Type 1, 2, and/or 3) may not exceed ten [percent] (10%) of the lot size. The height of Type 1 and Type 2 accessory buildings may not exceed 24 feet. Type 3 may not exceed 12 feet in height. The building materials do not have to match the principal residence.

(Ordinance 256-5-2013 adopted 5/16/13; Ordinance 279-07-2015, secs. II, IV, adopted 7/13/15; Ordinance 302-06-2017, sec. 2.3.II, adopted 7/10/17)

ARTICLE 2.2 "R-1350-1" RESIDENTIAL DISTRICT REGULATIONS

(a) Use Regulations: In a R-1350-1 Residential District no land shall be used and no building erected or converted to any other use than permitted in [ARTICLE 3.2](#).

(b) Building Regulations:

Minimum Size: The minimum floor area of the main building shall be one thousand three hundred and fifty (1,350) square feet living area, which excludes, porches, breezeways, and attached garages.

(c) Area Regulations:

- (1) Front Yards: There shall be a front yard for every building having a depth of not less than forty (40) feet from the front property line to the face of the building.
 - (2) Rear Yard: There shall be a rear yard for every building which shall have a depth of not less than twenty-five (25) feet measured from the back of the building to the rear property line.
 - (3) Side Yard: There shall be two (2) side yards for each building, one on each side of the building. No side yard shall be less than twenty-five (25) feet, measured from the side property line to the side of the building.
 - (4) Corner Lots: refer to [Article 2.1](#) (c) (2) (B) (i) (ii).
 - (5) Lot Area: The minimum area of any lot shall be one acre.
 - (6) Lot Width: The minimum lot width shall be one hundred and fifty (150) feet.
 - (7) Lot Depth: The minimum lot depth shall be one hundred and twenty-five (125) feet.
 - (8) Lot Coverage: The combined area of the main building and accessory buildings shall not cover more than thirty (30) percent of the total area of any lot.
- (Ordinance 256-5-2013 adopted 5/16/13)

ARTICLE 2.3 “R-1500-3/4” RESIDENTIAL DISTRICT REGULATIONS

- (a) Use Regulations: In a R-1500-3/4 Residential District, no land shall be used and no buildings be erected for or converted to any other use than permitted in ARTICLE 3.2.
 - (b) Building Regulations:
Minimum Size: The minimum floor area of the main buildings shall be fifteen hundred (1500) square feet living area, which excludes porches, breezeways, attached garages and caretaker’s quarters.
 - (c) Area Regulations:
 - (1) Front Yards: There shall be a front yard for every building having a depth of not less than thirty-five (35) feet from the front property line to the face of the building.
 - (2) Rear Yard: There shall be a rear yard for every building which shall have a depth of not less than twenty-five (25) feet measured from the back of the building to the rear property line.
 - (3) Side Yard: There shall be two (2) side yards for each building, one on each side of the building. No side yard shall be less than twenty-five (25) feet measured from the side property line to the side of the building.
 - (4) Corner Lots: refer to [Article 2.1](#) (c) (2) (B) (i) (ii)
 - (5) Lot Area: The minimum lot area of any lot shall be 3/4 of an acre.
 - (6) Lot Width: The minimum lot width shall be one hundred and twenty-five (125) feet.
 - (7) Lot Depth: The minimum lot depth shall be one hundred (100) feet.
 - (8) Lot Coverage: The combined area of the main building and accessory buildings shall not cover more than thirty percent (30%) percent [sic] of the total area of any lot.
- (Ordinance 256-5-2013 adopted 5/16/13)

ARTICLE 2.4 “R-1800-1/2” RESIDENTIAL DISTRICT REGULATIONS

- (a) Use Regulations: In a R-1800-1/2 Residential District, no land shall be used and no building shall be erected or converted to any other use than permitted as per [ARTICLE 3.2](#).
- (b) Building Regulations:
Minimum Size: The minimum floor area of the main building shall be eighteen hundred (1,800) square feet living area, which excludes porches, breezeways, attached garages and caretaker’s quarters.
- (c) Area Regulations:
 - (1) Front Yards: There shall be a front yard for every building having a depth of not less than twenty-

five (25) feet measured from the front property line to the face of the building.

(2) Rear Yards: There shall be a rear yard for every building which shall have a depth of not less than twenty-five (25) feet measured from the back of the building to the rear property line.

(3) Side Yards: There shall be two (2) side yards for each building, one on each side of the building. No side yard shall be less than fifteen (15) feet measured from the side property line to the side of the building.

(4) Corner Lots: refer to [Article 2.1](#) (c) (2) (B) (i) (ii)

(5) Lot Area: The minimum area of any lot shall be 1/2 acre.

(6) Lot Width: The minimum lot width shall be one hundred (100) feet.

(7) Lot Depth: The minimum lot depth shall be one hundred (100) feet.

(8) Lot Coverage: The combined area of the main building and accessory buildings shall not cover more than thirty (30) percent of the total area of any lot.

(Ordinance 256-5-2013 adopted 5/16/13)

ARTICLE 2.5 “R-2000-1/2” RESIDENTIAL DISTRICT REGULATIONS

These regulations are minimum standards to be used on all lots in the Town of Shady Shores that have not been rezoned to a R-1350-1, R-1500-3/4, R-1800-1/2, or Planned Development District.

(a) Use Regulations: In a R-2000-1/2 Residential Area, no land shall be used and no building erected or converted to any other use than permitted in [ARTICLE 3.2](#).

(b) Building Regulations:

Minimum Size: The minimum floor area of the main building shall be two thousand (2,000) square feet living area, which excludes porches, breezeways, attached garages and caretaker's quarters.

(c) Area Regulations:

(1) Front Yards: There shall be a front yard for every building having a depth of not less than twenty-five (25) feet from the front property line to the face of the building.

(2) Rear Yard: There shall be a rear yard for every building which shall have a depth of not less than twenty-five (25) feet measured from the back of the building to the rear property line.

(3) Side Yard: There shall be two (2) side yards for each building, one on each side of the building. No side yard shall be less than ten (10) feet, measured from the side property line to the side of the building.

(4) Corner Lots: refer to [Article 2.1](#) (c) (2) (B) (i) (ii).

(5) Lot Area: The minimum lot area in the Town of Shady Shores shall be 21,780 square feet, excluding Public Rights-of-Way, alleys, and private streets.

(6) Lot Width: The minimum lot width shall be one hundred (100) feet.

(7) Lot Depth: The minimum lot depth shall be one hundred (100) feet.

(8) Lot Coverage: The combined area of the main building and accessory buildings shall not cover more than thirty (30) percent of the total area of any lot.

(Ordinance 256-5-2013 adopted 5/16/13; Ordinance 301-06-2017, sec. A.2, adopted 6/12/17)

ARTICLE 2.6 MANUFACTURED AND INDUSTRIAL HOUSING REGULATIONS*

SECTION 1 [Manufactured Housing Regulations Adopted; Nonconforming Uses]

A. The Comprehensive Zoning Ordinance of the Town of Shady Shores, Texas, Ordinance No. 124, as heretofore amended be, and the same is hereby amended by adopting “Manufactured Housing” regulations set forth in Exhibit A, incorporated in this ordinance in their entirety.

B. The areas of Town which may have manufactured housing, with written approval of the Town, as

shown by passage of a resolution or ordinance by the Town Council, are as follows:

1. An area of Town specifically zoned as a “Manufactured Housing” district.
2. A single lot or lots which are recognized by the Town as a lot, or lots, which have, under applicable law, a nonconforming use status. A nonconforming use is defined and regulated as follows:

NONCONFORMING USES

- (a) Any lawful use of property existing on the date of the original adoption of the Comprehensive Zoning Ordinances of Shady Shores, which does not conform to the regulations prescribed herein, shall be deemed a nonconforming use and may be continued subject to such regulations as to the maintenance of premises and conditions of operations as may, in the judgment of the Town Council, be reasonably required for the protection of adjacent property. A nonconforming use may not be expanded within an existing building nor may the building be expanded or structurally altered to accommodate the nonconforming use. A nonconforming use of a building may be changed to another nonconforming use of the same or more restrictive classification; however once a change is made to a more restrictive use, the use shall not be changed back to the prior nonconforming use.
 - (b) A nonconforming use, if changed to a conforming use, may not thereafter be changed back to any nonconforming use. If a nonconforming use is discontinued for a period exceeding six months, such nonconforming use shall be deemed to have been abandoned and any future use thereof shall conform to the terms of this ordinance.
 - (c) If a structure occupied by a nonconforming use is destroyed by fire, the elements or other cause, it may not be rebuilt except to conform to the provisions of this ordinance. In the case of partial destruction of a nonconforming use not to exceed 50 percent of its reasonable value, reconstruction will be permitted but the size or function of the nonconforming use cannot be expanded or enlarged.
 - (d) At the discretion of the Town Council, incremental site improvements, including, but not limited to, landscaping or screening, may be made without meeting the minimum requirements of this ordinance where no building or circulation changes are proposed.
 - (e) The business known as Lakeside Manor, at 425 South Shady Shores Road, is a legal nonconforming use on residentially zoned property. As a nonconforming use, it is limited to not more than forty-three (43) manufactured housing units only, installed and provided in accordance with this ordinance, and applicable state law. Three buildings on the site are used as residences, and one is used as an office for the manufactured housing park. In the event the owners of the park tear down one or more of these four buildings, one new residential manufactured housing unit may replace each building removed, not to exceed four units.
3. Special use permit [conditional use permit] - An area subject to and operating as a manufactured housing area is subject to all requirements of these regulations, unless specifically modified by the Special Use Permit [Conditional Use Permit] for the area.

(Ordinance 188-1-2007, sec. 1, adopted 1/8/07)

SECTION 2 State Law and Regulations

- A. This ordinance is adopted, and subject to, applicable state laws. To the full extent applicable and legally authorized, the requirements and standards of chapter 1201 of the Texas Occupations Code, and chapter 80 of Title 10, Part 1 of the Texas Administrative Code are adopted, and incorporated herein in this ordinance. A violation of said state law, collectively the “State Requirements,” is also a violation of the health, safety and welfare requirements of this ordinance. Specifically excluded from Town enforcement is any provision of state law which falls exclusively to the jurisdiction of a state or federal agency, e.g., the Texas Department of Housing and Community Affairs, the Texas Attorney General, or the Denton County District Attorney.
- B. The provisions in A. above shall also apply to Industrialized Housing, as regulated in chapter 1202 of the Texas Occupations Code, and related statutes.
- C. Attached to this ordinance, for purposes of illustration of state regulations to be followed, are the following provisions:

Rule § 80.54 Requirements for the Installation of Manufactured Homes

Rule § 80.55 Generic Standards for Anchoring Systems

Rule § 80.64 Procedures for Alterations

Rule § 80.66 Rebuilding or Repairing a “Salvaged” Manufactured Home

Rule § 80.119 Installation Responsibilities

Rule § 80.123 License Requirements

D. Any person required by state law to be licensed under the State Requirements shall produce such license, licenses or state required permit on request by the Town. The failure to produce a license or permit required by the State Requirements on request by the Town is a violation of this ordinance.

State required licenses include, but are not limited to the following (TAC, Title 10, Part 1, Chapter 80, Subchapter E, Rule 80.123):

1. Manufacturer
2. Retailer
3. Broker
4. Rebuilder
5. Installer
6. Homeowner’s Temporary Installation
7. Salesperson

State required permits include, but are not limited to:

1. Statement of ownership and location (Section 1201.205, Texas Occupations Code)
(Ordinance 188-1-2007, sec. 2, adopted 1/8/07)

SECTION 3 Industrialized Housing Regulations

A. The Town adopts all the regulatory authority granted cities and towns by Section 1202 of the Texas Occupations Code. The standards applied to industrialized housing (as defined in the Occupations Code) shall conform to the Town’s zoning classification of R-2000-1/2 to the full extent authorized by the Occupations Code. This includes the following, as applicable:

1. land use and zoning requirements;
2. building setback requirements;
3. side and rear yard requirements;
4. site planning and development and property line requirements;
5. subdivision control; and
6. landscape architectural requirements.

B. The Town does require the following for industrialized housing:

1. for compliance with mandatory building codes, a complete set of designs, plans, and specifications bearing the council’s stamp of approval for each installation of industrialized housing or buildings in the municipality;
2. all applicable local permits and licenses be obtained before construction begins on a building site;
3. in accordance with applicable state rules, that all modules or modular components bear an approved decal or insignia indicating inspection by the state; and
4. the Mayor, in consultation with the Building Inspector, may establish procedures for the inspection of:
 - (a) the erection and installation of industrialized housing or buildings to be located in the municipality, to ensure compliance with mandatory building codes and commission rules; and
 - (b) all foundation and other on-site construction, to ensure compliance with approved designs, plans, and specifications.
5. The Procedures described by subsection B.4, above, may require:
 - (a) before occupancy, a final inspection or test in accordance with mandatory building codes; and

(b) correction of any deficiency identified by the test or discovered in the final inspection.

6. Permits and Related Requirements -

(a) Single-family industrialized housing must have all local permits and licenses that are applicable to other single-family or duplex dwellings.

(b) For purposes of this section, single-family or duplex industrialized housing is real property.

(c) Single-family industrialized housing is required to:

(1) have a value equal to or greater than the medial taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for each county in which the properties are located;

(2) have exterior siding, roofing, roof pitch (or roofing pitch), foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located;

(3) comply with municipal aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings; and

(4) be securely fixed to a permanent foundation.

(d) For purposes of subsection B.6.(c), "value" means the taxable value of the industrialized housing and the lot after installation of the housing.

(Ordinance 188-1-2007, sec. 3, adopted 1/8/07)

Exhibit A - Manufactured Housing

A. PURPOSE.

1. A Manufactured Housing Permit area is designated in order to provide an adequately controlled area for the placement of Manufactured Homes, and to assure an environment suitable for family living. The terms "HUD-Code Manufactured Home," "Mobile Home," "Manufactured Housing" and "Recreational Vehicle" as used herein are as defined in applicable Texas state law, as amended.

(a) a "HUD code manufactured home" is defined as follows:

(A) means a structure:

(i) constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development;

(ii) built on a permanent chassis;

(iii) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;

(iv) transportable in one or more sections; and

(v) in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on-site, at least 320 square feet;

(B) includes the plumbing, heating, air conditioning, and electrical systems of the home; and

(C) does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).

(b) a "Mobile home" is defined as follows:

(A) means a structure:

(i) constructed before June 15, 1976;

(ii) built on a permanent chassis;

(iii) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;

(iv) transportable in one or more sections; and

(v) in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on-site, at least 320 square feet; and

(B) includes the plumbing, heating, air conditioning, and electrical systems of the home.

2. Any violations of the provisions of any prior Ordinance or Permit regarding Manufactured Housing and/or Mobile Homes passed, which occurred prior to the date of any amendments to this Zoning Ordinance in effect on the date of any violation of this Ordinance shall be interpreted as still being in effect on the date any violation is prosecuted. Further, no amendments to this ordinance shall waive, accept, or approve any nonconforming use which existed immediately prior to the date this Ordinance is enacted.

B. PRINCIPAL PERMITTED USES. Rental lots for placement of Manufactured Homes with utilities.

C. GENERAL PROVISIONS.

1. MOBILE HOMES (CONSTRUCTED PRIOR TO JUNE 15, 1976). No mobile home may be installed for use or occupancy as a residential dwelling unit within the Town of Shady Shores, effective the date of this Ordinance. Any mobile home previously legally permitted and used or occupied as a residential dwelling unit within the Town is deemed a nonconforming use. A permit for such legal nonconforming use and occupancy shall be granted for a lawful nonconforming mobile home within the Town so long as a replacement is a HUD-Code Manufactured Home, and is located within the Permitted Areas of the Town.

2. HUD-CODE MANUFACTURED HOMES (CONSTRUCTED ON OR AFTER JUNE 15, 1976). No HUD-Code Manufactured Homes (constructed on or after June 15, 1976) shall be permitted as a residential dwelling, or otherwise, unless the installation is within a manufactured housing permit district approved by the Town. (An application to install a new HUD-Code manufactured home for use and occupancy as a residential dwelling is deemed approved and granted unless the Mayor denies the application in writing, within 45 days of the receipt of the application, setting forth the reason for denial. Denial reasons include, but are not limited to an unsafe or unsanitary condition of the manufactured housing.

3. RECREATIONAL VEHICLES. No Recreational Vehicle may be installed, used, or occupied as a residential dwelling within the corporate limits of the Permit Area.

4. WASTEWATER REQUIREMENTS. All wastewater connections, plumbing, and drainage requirements within the permitted areas shall meet the highest standards of federal, state and county regulations including those of Lake Cities Municipal Utility Authority ("LCMUA").

5. MANUFACTURED HOME PARKS.

(a) SITE PLAN REQUIRED. A Manufactured Home Permit Area shall provide a site plan and construction plans (5 copies) drawn to scale, acceptable to the Town Engineer, complying with the requirements of the Subdivision Ordinance. A preliminary and final plat is required on all Manufactured Home Parks. The boundary survey shall be prepared by a Registered Professional Land Surveyor and layout and design shall be prepared by a Registered Professional Engineer. The Manufactured Home park shall comply with the design and construction requirements of the Town's subdivision ordinance regarding supporting data, drainage, paving, and utility facilities. The site plan and construction plans shall show:

- (i) The area and dimensions of the tract of land, with identification of location and boundaries
- (ii) The number, location and size of all Manufactured Home spaces
- (iii) The number and specifications of sewer lines and riser pipes
- (iv) The location and specifications of water lines and service connections
- (v) The location and details of lighting, electrical and gas systems
- (vi) The location and specifications of all Buildings constructed or to be constructed within the park
- (vii) Existing and proposed topography
- (viii) The location of fire mains, including the size, the hydrants, and any other equipment which may be provided
- (ix) Proposed pavement sections
- (x) Proposed storm drainage facilities, with calculations
- (xi) Proposed wastewater treatment facilities.

(b) PARK AND LOT SIZE REQUIREMENTS.

(1) Minimum Park Size. A site to be developed as a Manufactured Home Park shall have a minimum area of five (5) acres, unless permitted by the Town Council at a smaller size.

(ii) Minimum Manufactured Home Lot Size. Each Manufactured Home space shall have a minimum area of 2,400 square feet exclusive of any floodplain or easements; however, no Manufactured Home space shall have dimensions less than 50 feet the narrow dimension nor 70 feet on the long dimension, not including off-street parking required.

(c) TEMPORARY HOOKUPS. No temporary hookups will be permitted. Power, water, and sewer service must be supplied to every lot.

(d) STREETS, PARKING AND TRAFFIC.

(i) Streets. An internal street system (which shall also be drainage, utility, fire, and emergency access easement) shall provide access to each Manufactured Home space. Such internal street system shall comply with Subdivision Ordinance requirements regarding streets including construction requirements.

Driveways and Parking Areas are considered private. Maintenance of driveways and parking areas shall be a private responsibility. All other streets shall be dedicated as public, unless stated otherwise in the ordinance zoning the property.

(ii) Tenant Parking. Tenants shall be provided with at least two (2) off-street parking spaces for each Manufactured Home space. Each parking space shall be hard surfaced and located so as to eliminate interference with access to parking areas provided for either Manufactured Homes or public parking in the Manufactured Home Park.

(iii) Visitor and Supplemental Parking. In addition to parking spaces required for each Manufactured Home unit, there shall be provided for the Manufactured Home Park:

One visitor space for every four (4) Manufactured Home spaces, and

One supplemental parking or vehicle storage space for every two (2) Manufactured Home spaces for the parking or storage of boats, recreational vehicles, and similar vehicles or equipment.

These visitor and supplemental spaces may be located anywhere within the Manufactured Home community provided that no Manufactured Home space shall be situated further than one hundred fifty (150) feet from a visitor space.

All supplemental parking areas shall be screened by fencing and/or landscaping.

(e) SIGNS. All signage will comply with the Ordinance zoning the Property, and shall comply with the Town Sign ordinance. Private streets shall indicate that they are private. A Manufactured Home Park shall have no more than one sign visible from a public street, which shall be no larger than three feet by four feet, and the top of which shall be no higher than five feet above grade.

(f) ACCESS. Every Manufactured Home Park of more than 10 units shall have at least two points of direct access to and from a public street and each Manufactured Home space shall have direct access to an internal public street. Where an internal street provides access, the same shall be used as an emergency access easement to allow for the rapid and safe movement of vehicles used for purposes of providing emergency health or public safety services.

Each emergency access easement shall have a clear, unobstructed width in compliance with Town ordinances on street and road design, shall connect to a dedicated public street, or shall have a turn-around radius with a minimum of at least forty (40) feet in radius of paving. Corners of intersecting streets shall have sufficient turning area to permit free movement of emergency vehicles.

(g) WALKWAYS. Designated, paved walkways will be provided on both sides of roadways or streets.

(h) ELECTRIC AND TELEPHONE SERVICE. All distribution and service lines of electrical, telephone, television, and other wirer type utilities shall be underground, except that the system of supply lines for multiple subdivision service by utilities may be overhead. Transformers, amplifiers, or similar devices associated with the underground lines shall be located upon the ground or below the ground level. Where the underground installation of such facilities is not a standard practice of the utilities involved, the Subdivider, Developer or Owner shall make all arrangements for payments associated with the nonstandard installation.

(i) DRAINAGE AND SOIL PROTECTION. The ground surface in all parts of a Manufactured Home Park

shall be graded and equipped to drain all surface water in a safe, efficient manner. Each Manufactured Home space shall provide adequate drainage for placement of a Manufactured Home.

No portion of any Lot shall be located below the 100-year floodplain. Drainage facilities shall comply with the Town Subdivision Regulations.

(j) FIRE SAFETY. Storage and handling of flammable gases and liquids:

Whenever liquefied petroleum gases are stored and/or dispensed, their handling and storage shall comply with requirements of the Town ordinances as applicable.

Wherever gasoline, fuel, oil, or other flammable liquids are stored and/or dispensed, their handling and storage shall comply with requirements of the Town ordinances and State regulations.

(k) WATER SUPPLY FACILITIES. Water supply facilities for fire protection service shall meet the minimum requirements of the Key Rate Schedule for a standard Town as last adopted by the State Board of Insurance of Texas and the minimum requirements of the Town.

(l) FIREFIGHTING.

(i) Approaches to all Manufactured Homes shall be kept clear for firefighting.

(ii) The owner or agent of a Manufactured Home Park shall be responsible for the instruction of his/her staff in the use of the park fire protection equipment and in their specific duties in the event of a fire. The owner shall provide standard Town fire hydrants located within one hundred (100) feet of all Manufactured Home spaces, measured along the driveways or streets.

(iii) The owner or agent of a Manufactured Home Park shall be responsible for maintaining the entire area of the park free of dry brush, leaves and weeds.

(iv) The owner or agent of a Manufactured Home Park shall provide an adequate system of collection and safe disposal of rubbish, approved by the Town.

(m) MANUFACTURED HOME SPACING STANDARDS. In order to provide adequate separation of Manufactured Homes and of other Buildings and Structures for the purposes of safety against the hazards of fire and explosion, and to promote structural safety in the placement of Manufactured Homes on their respective sites, the following spacing standards shall apply:

(i) The minimum front yard setback shall be twenty (20) feet from the nearest corner of the Manufactured Home to the front line of the Manufactured Home space.

(ii) No Manufactured Home shall be closer than thirty (30) feet to the outer perimeter property line. If the Manufactured Housing District is adjacent to a non Manufactured Housing District, the setback from the outer perimeter property line shall be at least the setback of the adjacent district, if the setback of the adjacent district is greater than thirty (30) feet.

(iii) Other structures on each Manufactured Home space must be placed to the back of the Manufactured Home space and must be a minimum of ten (10) feet away from any line of the Manufactured Home space.

(iv) The minimum distance between Manufactured Homes at any point shall be twenty-five (25) feet.

(v) The average vertical clearance height of the Manufactured Home frame above the finished ground elevation shall not exceed three (3) feet.

(n) LANDSCAPING. The park will provide attractively and esthetically designed and installed screening (on public road) and landscaping to assure privacy and suitable environments for Manufactured Home occupants. The proposed screening and landscape plan shall be submitted for review and approval by the Town. Landscaping areas will be not less than five (5%) percent of the gross site area.

(o) COMMUNITY BUILDINGS AND SERVICE FACILITIES.

(i) Structural and Other Requirements for Buildings. Construction of all buildings shall comply with applicable ordinances of the Town. All portions of Structures shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

All rooms containing sanitary or laundry facilities shall:

Have Sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, lavatories, and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof materials or covered with moisture-resistant materials.

Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall not be less than ten (10%) percent of the floor area served by them.

Have at least one window which can be opened easily or have a mechanical device which will adequately ventilate the room.

(ii) Sanitary Facilities. Toilets shall be located in separate compartments equipped with self-closing doors. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

Hot and cold water shall be furnished in every lavatory, sink, and laundry fixture; and cold water shall be furnished in every water closet and urinal.

(iii) Lighting. Illumination level shall be maintained as follows:

General seeing tasks: At least five (5) footcandles.

Laundry room work area: At least forty (40) footcandles.

Toilet room in front of mirrors: At least forty (40) footcandles.

Pedestrian walkways: At least five (5) footcandles.

Visitor and supplemental parking areas: At least five (5) footcandles.

Recreation Areas: At least five (5) footcandles.

(p) STORAGE FACILITIES. Storage facilities with a minimum size of 640 square feet per Manufactured Home space, shall be provided on the space, or in compounds located within one hundred (100) feet of each space. Wherever provided, storage facilities shall be faced with masonry, porcelainized enamel, baked enamel, steel, or other material equal in fire resistance, durability, and appearance. All storage facilities shall be anchored to a concrete slab.

(q) INCINERATORS. Incinerators will be specifically prohibited. Incineration of trash and garbage will be prohibited.

(r) RECREATIONAL AREAS. Every Manufactured Home Park shall have at least one (1) visibly identifiable recreation area for the benefit and use of its residents. Not less than five (5%) percent of the gross site area of the Manufactured Home Park shall be devoted to recreational facilities. Playground space shall be protected from traffic, thoroughfares, and parking areas. Such space shall be maintained in a sanitary condition and free of safety hazards. Lighting must be provided for all recreation areas.

(s) WATER SYSTEM.

(i) Supply. An adequate, safe and potable supply of water shall be provided by the owner or agent. Connection shall be made to the LCMUA water system.

The Manufactured Home Park shall have a commercial water meter from LCMUA, regardless of the distribution of the water within the Manufactured Home Park.

(ii) Connections. The water supply system shall be connected by pipes to all Manufactured Homes, buildings, and other facilities requiring water. All water piping, fixtures, and other equipment shall be constructed and maintained in accordance with State and Town regulations and requirements.

All water line mains will be eight (8) inches or larger, or as approved by LCMUA, and the Fire Chief.

Individual water riser pipes and connections shall be constructed and maintained in accordance with the Town ordinances, as applicable.

(t) ELECTRICAL UTILITIES. The wiring, fixtures, equipment and appurtenances of every electrical wiring system shall be installed and maintained in accordance with applicable ordinances and regulations for such systems.

Power distribution lines shall be located underground. All power distribution lines, individual electrical connections and grounding of the Manufactured Homes and equipment shall comply with the Town ordinances, as applicable.

(u) SEWAGE OR WASTEWATER FACILITIES.

- (i) A connection to municipal sanitary sewage service shall be required at the landowner's cost.
- (ii) All requirements of the County, Town and the State of Texas as to sanitation, water quality preservation and pollution will be met. Where any such statutes or regulations are in conflict, the more restrictive statute or regulation shall apply, as determined by the Building Inspector of the Town, subject to the review and approval of the Mayor. Unless otherwise stated in such regulations, each residential unit within a Manufactured Housing District shall be connected to a sanitary sewer line.
- (iii) Sewage or Wastewater Connections. All materials used for sewer connections shall be in accordance with the Town ordinances and/or LCMUA regulations, as applicable.

Each Manufactured Home stand shall be provided with at least four (4) inch diameter sewer riser pipe. The sewer riser pipe shall extend at least four (4) inches above the ground and shall be so located on each stand that the sewer connection to the Manufactured Home drain outlet will approximate a vertical position.

The sewer connection to the Manufactured Home from the sewer riser pipe and any other sewer connections shall be in accordance with the requirements of the Town ordinances, as applicable.

Provision shall be made for plugging the sewer riser pipe when no Manufactured Home occupies the space. Surface drainage shall be diverted away from the riser.

(v) FUEL AND SUPPLY STORAGE.

- (i) Natural gas piping systems shall be installed underground and maintained in accordance with applicable ordinances and regulations governing such systems. Each Manufactured Home space provided with piped gas shall have a cap on the outlet when not in use to prevent accidental discharge of gas and shall be in accordance with applicable Town ordinances.

- (ii) Liquefied petroleum gas systems shall not be installed.

(w) REFUSE HANDLING AND COLLECTIONS. The storage, collection and disposal of refuse shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

- (i) Storage Facilities. One or both of the following systems shall be used:

- a) If refuse is gathered at the individual Manufactured Home spaces, it shall be stored in flytight, watertight, rodentproof containers, which shall be located at each manufactured home site. Containers for this use shall be provided by the park in sufficient number and capacity to properly store all refuse.

- b) In lieu of storage at individual sites, centrally located refuse containers, appropriately screened, and having a capacity of three (3) cubic yards or larger may be provided. Such containers shall be so designed as to prevent spillage or container deterioration, and to facilitate cleaning around them.

- (ii) Removal. Refuse and garbage shall be removed from the park at least once each week. The licensee or agent shall insure that containers in the park are emptied regularly and are maintained in a usable, sanitary condition.

(x) INSECT AND RODENT CONTROL. Grounds, Buildings, and Structures shall be maintained free of insect and rodent harborage and infestation. Parks shall be maintained free of accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests. The growth of brush, weeds and grass shall be controlled to prevent harborage of noxious insects or other pests. Parks shall be maintained so as to prevent the growth of noxious weeds detrimental to health. Open areas shall be maintained free of heavy undergrowth.

(y) STRUCTURAL PROTECTION.

Anchorage of Manufactured Homes: To insure against natural hazards such as tornadoes, high winds, and electrical storms, anchorage at each Manufactured Home shall be provided according to applicable state law for Wind Zone I areas.

- (i) Permanent Structures.

Park Buildings, Patio Awnings, and Cabana Roofs: All permanent park buildings, patio awnings, and cabana roofs hereafter constructed and all extensions to existing Structures shall comply with applicable ordinances of the Town.

(ii) General Application. These provisions for structural protection shall also apply to individual Manufactured Home Lots.

(z) RESPONSIBILITIES OF PARK MANAGEMENT. The licensee, or his agent, of every Manufactured Home Park located within the corporate limits of the Town shall operate and maintain the park in compliance with these regulations and with all other applicable ordinances of the Town. He shall provide adequate supervision to maintain the Park, its facilities, and equipment in good repair and in a clean and sanitary condition.

The licensee or agent shall notify park occupants of all applicable provisions of these and state regulations and inform them of their duties and responsibilities under the regulations. The licensee or agent shall bear final responsibility for any violations of the ordinances set forth for Manufactured Home parks, except as specifically outlined as the responsibility of park occupants.

(i) Registration.

All Information Required: The licensee or agent shall maintain a register of park occupancy, which shall contain the following information:

Statement of ownership and location for each unit;

Name and address of park residents;

Manufactured Home registration data including make, length, width, year of manufacture, and identification number;

Location of each Manufactured Home within the park by space or lot number and street address;

Dates of arrival and departure.

(ii) Information to Tax Assessor-Collector. The licensee or agent shall furnish to the Tax Assessor-Collector for the Town, no later than January 10th and July 10th of each year, a list of all Manufactured Home residents in the park on the last day of the preceding month. The register shall provide information on the make, length, width, year of manufacture and identification number of the Manufactured Home; the address or location description of said Manufactured Home within the park; and information on Manufactured Homes which have moved out of the park since the last report including the foregoing data plus the departure dates of each Manufactured Home and, if known, its destination. Said lists shall be prepared using forms provided by the Tax Assessor-Collector for the Town.

(aa) RESPONSIBILITIES OF OWNER/AGENT. The Owner/Agent shall ensure that every occupant of a space in a Manufactured Home Park located within the corporate limits of the Town shall maintain their manufactured home space, its facilities and equipment in good repair and in a clean sanitary condition. He/she shall be responsible for proper placement of his/her manufactured home in its manufactured home space and proper installation of all utility connections in accordance with the instructions of the Park Management.

(i) Skirting and Additions. Fire-resistant skirting with the necessary vents, screens and/or openings shall be required on all Manufactured Homes in Manufactured Home Parks and shall be installed within ten (10) days after emplacement of the Manufactured Home. Skirting, porches, awnings, and other additions, when installed, shall be maintained in good repair.

(ii) Prohibition of Storage Under Homes. The use of space immediately underneath a Manufactured Home for storage shall be prohibited.

(bb) INSPECTIONS.

(i) Inspections by Public Officials. The mayor or his or her designee, and the Fire Chief or his designee, are hereby authorized and directed to make such inspections as are necessary to determine compliance with these regulations.

(ii) Authority to Inspect. The Mayor or the Mayor's designee, the Fire Marshal or his designee, the Tax Assessor-Collector, and the Water Superintendent shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting or investigating conditions relating to the enforcement of these regulations.

(iii) Access to Premises. It shall be the duty of every occupant of a Manufactured Home Park to give the Park Manager, his agent, or authorized employee access to any part of such park at reasonable

times for the purpose of making repairs or alterations as are necessary to effect compliance with these regulations.

(Ordinance 188-1-2007, ex. A, adopted 1/8/07)

ARTICLE 2.7 “H-1200-4300” HISTORICAL DISTRICT REGULATIONS

(a) Use Regulations: In a H-1200-4300 HISTORICAL DISTRICT, no land shall be used and no building erected or converted to any other use than permitted in [ARTICLE 3.2](#). The Historical district zoning is only available in those portions of the Town of Shady Shores designated on the Comprehensive Plan for that Zoning, which are areas of the Town developed prior to the incorporation of the Town, or since, in small lots in the subdivision averaging 1,500 square feet or less; on right of ways or prescriptive easements of less than 20 feet in width. No other vacant or developed areas of Shady Shores are to be rezoned as H-1200-4300. Areas rezoned to H-1200-4300 will be required to replat the existing lot or lots to comply with the new zoning. Lots located on rights-of-way of less than 20 feet in width will be required to dedicate up to five feet of the lot to the city for additional right-of-way as a part of the zoning and replat required of the property.

(b) Building Regulations:

Minimum Size: The minimum floor area of the main building shall be one thousand two hundred (1,200) square feet living area, which excludes porches, breezeways, attached garages and caretaker's quarters.

(c) Area Regulations:

(1) Front Yards: There shall be a front yard for every building having a depth of not less than ten (10) feet from the front property line to the face of the building.

(2) Rear Yard: There shall be a rear yard for every building which shall have a depth of not less than ten (10) feet measured from the back of the building to the rear property line.

(3) Side Yard: There shall be two (2) side yards for each building, one on each side of the building. No side yard shall be less than five (5) feet, measured from the side property line to the side of the building.

(4) Corner Lots: The Town's standard corner lot regulations are set forth in the Zoning Ordinance and Subdivision Ordinances shall apply. The owners of existing developed areas designated in the Comprehensive Plan as available for rezoning to the H-1200-4300 zoning may, upon rezoning, have the front and side yard on the corner of not less than 10 feet each. Or, they may request alternative regulations for corner lots based on the limitations of the proposed development on the corner lot, and the available and acquired right-of-way. The City Engineer may review alternative plans, and refer the applicant to the Zoning Board of Adjustment with his recommendation.

(5) Lot Area: The minimum lot area in the H-1200-4300 district shall be 4300 square feet, excluding Public Rights-of-Way, alleys, and Private streets.

(6) Lot Width: The minimum lot width shall be fifty (50) feet.

(7) Lot Depth: The minimum lot depth shall be thirty (30) feet.

(8) Lot Coverage: The combined area of the main building and accessory buildings shall not cover more than forty (40) percent of the total area of any lot.

(9) Parking: A minimum of two (2) off-street all-weather surfaced parking spaces shall be provided for each residential lot. A carport must be set back not less than ten (10) feet from the front property line. A garage must be set back not less than twenty (20) feet from the front property line.

(Ordinance 302-06-2017, sec. 2.3.III, adopted 7/10/17)

ARTICLE 3.1 APPLICABLE REGULATIONS

(a) Use: No building or structure shall be erected, raised, moved, placed, extended, enlarged, converted, constructed, reconstructed, or structurally altered, and no building or structure shall be used or designed to be used or occupied for any purpose other than those permitted by these regulations; and no land shall be used or occupied for any purpose other than those permitted by these regulations.

- (b) Height: No building or structure shall be erected, raised, constructed, extended, enlarged, reconstructed, or structurally altered so as to extend the height limit established by these regulations.
- (c) Area: No lot shall be reduced or diminished so that the yards or other open spaces shall be smaller, nor shall the density of population be increased in any manner except in conformity with the regulations hereby established. No side yard areas for the building shall be included as part of the required areas of any other building. No parking area or parking space which exists at the time these regulations become effective or which subsequent thereto is provided for the purpose of complying therewith shall thereafter be relinquished or reduced, in any manner below the requirement established hereby; every building hereafter erected for human habitation shall be of standard masonry construction and shall be located on a lot as herein defined and in no case shall there be more than one building or use on one lot, except as hereinafter provided.
- (d) Rules and Regulations: The Council shall adopt regulations governing the submittal and review of plats and subdivisions and rules of procedure to govern its actions. Such rules and regulations shall be consistent with the provisions of this ordinance.

(Ordinance 256-5-2013 adopted 5/16/13)

ARTICLE 3.2 DWELLING REGULATIONS OF THE TOWN OF SHADY SHORES

(a) Uses Permitted:

- (1) One-Family dwellings
- (2) Farms, truck gardens, orchards or nurseries for the growing of plants, shrubs and trees. Not for commercial purpose.
- (3) Accessory buildings
- (4) Home occupation, defined as business activity in the home that does not involve more than 1 other unrelated person, client visitation without appointment, operation of commercial trucks, or signage or outside storage of business-related equipment or materials.
- (5) Installations of telephone companies, either publicly or privately owned; fire stations, sewage lift stations, water towers and water lines, transformer stations, and transmission lines for all public utilities, either privately or publicly owned.

(b) Conditional Uses: The following uses may be permitted only under Conditional Use Permits granted in the manner specified in ARTICLE 3.5 [3.4] below.

- (1) Airports or aircraft landing fields and airport facilities.
- (2) Public buildings for use by City, County, State, or Federal Governments.
- (3) Medical and dental clinics, private schools, child care centers, adult care centers, and kindergartens which are not legally established as a residence. Must be on sites of one (1) acre or more.
- (4) Institutions of religious assembly, subject to federal law regulating religion.
- (5) Riding academies, public stables on tracts on sites of five acres or more.
- (6) Mobile home parks or trailer courts. (See [Article 2.6](#))
- (7) Private clubs and community buildings owned and operated by nonprofit organizations on sites of three (3) acres or more.
- (8) Barbering and coiffuring when limited to a homeowner. No signage allowed.
- (9) Picnic groves and areas on sites of one (1) acre or more.
- (10) Sewing, dress, and suit making where located in the home of the owner; and where operated by the homeowner.
- (11) Music studios, photographic studios, studios for portrait and similar painting, making of art objects, art crafts, and printing, where located in the home of the owner, and where operated by the homeowner.

(Ordinance 256-5-2013 adopted 5/16/13; Ordinance 279-07-2015, sec. V, adopted 7/13/15)

ARTICLE 3.3 OFF-STREET PARKING REQUIREMENTS

There shall be provided in connection with the appropriate allowable uses, off-street parking space, enclosed or open, in accordance with the requirements indicated:

(a) Single-family dwelling: There shall be at least a single car garage with 400 square feet of defined parking space and at least 800 square feet additional parking space for non-garage.

(Ordinance 256-5-2013 adopted 5/16/13)

ARTICLE 3.4 CONDITIONAL USE PERMITS

(a) Conditional Use Permits Authorized: The uses listed or referred to in [ARTICLE 3.2](#) (b) may be authorized or permitted by Conditional Use Permits which may be granted, upon application to the Town Council, in the manner hereinafter described in this Article.

(b) Application and Procedure:

(1) Upon receipt of an application for a Conditional Use Permit by the Town Council, such application shall be referred to the Zoning Commission for investigation as to the effect of the proposed location and character of the Conditional Use on the Master Town Plan for the Town of Shady Shores, Texas. Application for a Conditional Use Permit does not constitute an authorization or an assurance that the use will be permitted. Each Conditional Use Permit must be evaluated as to its probable effect on the adjacent properties and the Community welfare and may be approved or denied as the findings indicate appropriate. Each Conditional Use Permit must be granted by the Town Council by separate ordinance.

(2) At the public hearing according to the law, The Zoning Commission shall report its recommendations to the Town Council, and if such report is favorable toward the application, the Town Council may, after public notice and hearing according to law, grant such Conditional Use Permit, including therein such specific conditions of use as the Zoning Commission may deem essential to preserve the integrity of the Master Town Plan, and such additional special conditions as the Town Council may deem essential to protect neighboring property.

(3) A Conditional Use Permit shall be granted by the Town Council with or without a favorable report from the Zoning Commission as long as the council shall find from the evidence submitted that such conditional use:

(A) Is consistent with the spirit, purpose and intent of these Ordinances

(B) Will not substantially and permanently injure the appropriate use of neighboring property; and

(C) Will substantially serve the public convenience and welfare.

(c) Violation of Conditions: Violation of any of the conditions contained in a Conditional Use Permit by any person, association of persons, firm or corporation using or occupying property under such permit shall constitute a violation of this Article, and any such violation shall be punishable as provided in Penalty for Violations, [Article 4.4](#), and/or the revocation of the Conditional Use Permit.

(d) Discontinuance of Conditional Use: Upon the discontinuance of a conditional use on any property, the uses then permitted by [ARTICLE 3.2](#) (a) shall apply as if such permit had not been issued.

(Ordinance 256-5-2013 adopted 5/16/13)

ARTICLE 3.5 NONCONFORMING USES

(a) Existing Buildings, Structures, And Uses: Except as hereinafter specified, any use, building, or structure existing at the time of the adoption of the original Zoning Ordinance of the Town may be continued, even though that use, building, or structure may not conform with the provisions of this ordinance for the district in which it is located; provided, however, that this section shall not apply to any use, building, or structure established in violation of any ordinance previously in effect in the city, unless that use, building, or structure now conforms with this ordinance.

(b) Conditional Uses. Any use existing on the effective date of Ord. 242A [124] which is listed as a conditional use in the use district where it is located shall remain a nonconforming use until a special

use permit [conditional use permit] is obtained as provided in this ordinance.

(c) Alteration of Nonconforming Uses. No existing building or premises devoted to a use that is not permitted by this chapter in the use district in which the building or premises is located shall be enlarged or improved, except when required to do so by law or written order, unless the use thereof is changed to a use that is permitted in the district in which the building or premises is located, and except as follows.

(1) When authorized by the City Council in accordance with the provisions of this chapter, the substitution for a nonconforming use of another nonconforming use, or an extension of a nonconforming use, may be made.

(2) Whenever a nonconforming use has been changed to a conforming use, that use shall not thereafter be changed to a nonconforming use.

(3) When authorized by the City Council in accordance with the provisions of this chapter, enlargement or completion of a building devoted to a nonconforming use may be made upon the lot occupied by that building, where that extension is necessary and incidental to the existing use of the building and does not exceed 25% of its area of nonconformity, as measured by the square footage of the building or land area.

(4) When authorized by the City Council in accordance with the provisions of this chapter, a nonconforming use may be extended throughout those parts of a building which were manifestly designed or arranged for that use prior to the date on which that use of the building became nonconforming, if no structural alterations, except those required by law, are made therein.

(d) Cessation of Use of Building or Land. For the purposes of the succeeding divisions, a use shall be deemed to have ceased when it has been discontinued for 12 months, whether with the intent to abandon the use, or not.

(e) Construction Approved Prior to Ordinance. Nothing herein shall be construed to require any change in the overall plans, construction, or designated use of any development, structure, or part thereof, where official approval and the required building permits were granted before the enactment of this chapter, or any amendment thereto, where construction thereof, conforming with those plans, shall have been started prior to the effective date of this chapter or the amendment, and where that construction shall have been completed in a normal manner within the subsequent 6-month period, with no interruption, except for reasons beyond the builder's control.

(f) Repair Of Unsafe Buildings. Nothing in this chapter shall be construed to prohibit the strengthening or repair of any part of any building or structure declared unsafe by proper authority.

(g) Damage or Destruction.

(1) Any nonconforming structure except a dwelling, which is damaged as measured by the cost to repair as more than 50% of the then appraised value for tax purposes above its foundation, by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or act of God, shall not be restored or reconstructed and used as it was before that happening. If the structure is damaged less than 50% of its then appraised value for tax purposes, it may be restored, reconstructed, or used as before, provided that the restoration or reconstruction is completed within 12 months of the damaging event.

(2) Dwellings may be restored or reconstructed provided that the reconstruction or restoration is at least to the same size and quality as the damaged or destroyed dwelling.

(h) Repairs and Maintenance.

(1) A nonconforming structure may be repaired and maintained as necessary to keep it in sound condition, but no structural alterations shall be made unless required by law or ordinance or unless authorized by the Council.

(2) Except as otherwise provided in this chapter, the total structural repairs and alterations that may be made to a nonconforming structure shall not exceed 50% of its appraised value for tax purposes. This restriction on rebuilding does not apply to accessory dwellings or single-family residences.

(i) Moving of Nonconforming Structure or Building. No nonconforming building or structure shall be moved in whole or in part to any other location on the lot, or on any other lot, unless every portion of the building or structure is made to conform to all the regulations of the district where relocated.

(j) Regulation of Nonconforming Uses: The right to continue a nonconforming use shall be subject to

such regulations as to maintenance of the premises and conditions of operation as may, at the discretion of the Town Council be reasonably required for the protection of adjacent property. A nonconforming use, when abandoned or discontinued, shall not be resumed. For the purpose of this Article, abandonment or discontinuance shall be defined as follows:

- (1) When land being used for a nonconforming use shall cease to be used in a bona fide manner for twelve (12) calendar months;
- (2) When a building or structure is designed or arranged for a nonconforming use and shall cease to be used in a bona fide manner as a nonconforming use for a continuous period of twelve (12) consecutive months;
- (3) The Town Council shall have the authority in case of substantial hardship, to extend the above limits not to exceed six (6) months.

(Ordinance 256-5-2013 adopted 5/16/13)

ARTICLE 3.6 COMPLETION OF EXISTING BUILDINGS

Construction:

- (a) Nothing herein shall require any change in the plans, construction, or designated use of a building actually under construction at the time of the adoption of these Articles, and which entire building shall be completed within one year from the date of the passage of this ordinance.
- (b) Nothing herein contained shall require any change in plans, construction, or designated use of building for which a building permit has heretofore been issued, and which entire building shall be completed within six (6) months from the date of the passage of this ordinance.

(Ordinance 256-5-2013 adopted 5/16/13)

ARTICLE 3.7 BOARD OF ADJUSTMENT^{*}

- (a) Establishment. There is hereby created a Board of Adjustment, which shall be organized, appointed, and function as follows.

- (b) Organization.

- (1) The Board of Adjustment shall consist of 5 members who are residents of the city, each to be appointed by resolution of the City Council for a term of 2 years and removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause, in the same manner as the original appointment was made. The City Council may provide for the appointment of 2 alternate members of the Board who shall serve in the absence of 1 or more of the regular members when requested to do so by the Mayor or City Secretary, as the case may be. All cases to be heard by the Board of Adjustment will always be heard by a minimum number of 4 members. The alternate members, when appointed, shall serve for a term of 2 years, and any vacancy shall be filled in the same manner, and they shall be subject to removal the same as the regular members.

- (2) The person acting as Ordinance Administrator for the city shall be an ex-officio member of the Board of Adjustment without power of vote, and as an ex-officio member of the Board shall set up and maintain a separate file for each application for appeal and variance received and shall record therein the names and addresses of all persons, firms, and corporations to whom notices are mailed, including the date of mailings and the person by whom the notices were delivered to the mailing clerk, post office, or mailbox, and further keep a record of all notices published as required herein. All records and files herein provided for shall be permanent and official files and records of the city.

- (3) The Board shall forthwith notify in writing the City Council, the Commission, and the City Building Inspector of each decision, interpretation, and variance granted under the provisions of this chapter.

- (c) Operational Procedure.

- (1) The Board of Adjustment shall adopt rules to govern its proceedings; provided, however, that the rules are not inconsistent with this chapter or state law. Meetings of the Board shall be held at the call of

the chairperson and at other times as the Board may determine. The chairperson, or in his or her absence, the acting chairperson, may administer oath[s] and compel the attendance of witnesses.

(2) All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact, and shall keep record of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

(3) Appeals to the Board may be made in writing by any person aggrieved or by any municipal officer, department, or board affected by any decision of the Administrator. The appeal shall be filed with the Board by the Administrator within 15 days after the original decision rendered by the Administrator. The appeal shall be accompanied by all papers constituting the record pertaining to that appeal. Formal notice of the appeal shall be issued by the Administrator, this notice to specify the grounds upon which the appeal is made.

(4) Appeal shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. In these cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

(5) Upon notice of appeal being given to the Administrator and before the appeal shall be construed as having been perfected, the applicant must file with the notice of appeal to the Board an amount of money estimated by Administrator to be sufficient to mail and publish all notices required herein, that amount in no case to be less than \$25.

(6) No appeal to the Board for the same or related variance on the same piece of property shall be allowed prior to the expiration of 6 months from the previous ruling by the Board on any appeal to that body unless other property in the immediate vicinity has, within that 6-month period, been changed or acted on by the Board or City Council so as to alter the facts and conditions on which the previous Board action was based. Such a change of circumstances shall permit the rehearing of an appeal by the Board prior to the expiration of the 6-month period, but those conditions shall in no wise have any force in law to compel the Board, after a hearing, to grant a subsequent appeal. The subsequent appeal shall be considered entirely on its merits and the peculiar and specific conditions related to the property on which the appeal is brought.

(7) At a public hearing relative to any appeal, any interested party may appear in person or by agent or by attorney. The burden of proof shall be on the applicant to establish the necessary facts to warrant favorable action of the Board on any appeal. Any variance granted or authorized by the Board under the provisions of this chapter shall authorize the issuance of a building permit or a certificate of occupancy, as the case may be, for a period of 180 days from the date of the favorable action of the Board, unless the Board shall have in its action approved a longer period of time and has so shown that specific longer period of time in the minutes of its action. If the building permit or certificate of occupancy shall not have been applied for within the 180-day period or extended period as the Board may have specifically granted, then the variance shall be deemed to have been waived and all rights thereunder terminated. This termination and waiver shall be without prejudice to a subsequent appeal, and the subsequent appeal shall be subject to the same regulations and requirements for hearing as herein specified for the original appeal.

(d) Actions of the Board.

(1) In exercising its powers, the Board of Adjustment may, on conformity with the provisions of the statutes of this state as existing or hereafter amended, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such an order, requirement, decision, or determination as ought to be made, and shall have all the powers of the officer from whom the appeal is taken. The Board shall have the power to impose reasonable conditions to be complied with by the applicant.

(2) The concurring vote of 4 members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variance in this chapter.

(3) Any person or persons, jointly or severally aggrieved by any decision of the Board, or any taxpayer or any officer, department, or board of the municipality, may present to a court of record (district court) a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of illegality. The petition shall be presented to the court within 10 days after the filing of the decision in the office of the Board and not thereafter.

(e) Notice of Hearing Before the Board Required. The Board of Adjustment shall hold a public hearing on all appeals made to it, and written notice of the public hearing shall be sent to the applicant and all other persons who are owners of real property lying within 200 feet of the property on which the appeal is made. This notice shall be given not less than 10 days nor more than 30 days before the date set for the hearing to all above-mentioned owners who have rendered their property for city taxes as the ownership appears on the last city tax roll. The notice may be served by depositing the same, properly addressed and postage paid, in the U.S. post office. Notice shall be given by publishing the same in official publication of the city at least 10 days and not more than 30 days prior to the date set for the hearing, which shall state the time and place of the hearing.

(f) Authority of the Board.

(1) A variance is an authorization by the Board of Adjustment granting relief and doing substantial justice in the use of the applicant's property by a property owner where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship.

(2) When, in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Board may, in specific cases, after public notice and public hearing, and subject to appropriate conditions and safeguards, authorize the following variances to the regulations herein established and take action relative to the continuance or discontinuance of a nonconforming use.

(3) (A) A variance may be granted an applicant when the Board finds:

(i) There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to that land or building and do not apply generally to lands or buildings in the same district or neighborhood, and that those circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land or building;

(ii) The granting of the variance will not be detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located;

(iii) The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted by the Board is the minimum variance that will accomplish this purpose; and

(iv) The literal enforcement and strict application of the provisions of this chapter will result in an unnecessary hardship inconsistent with the general provisions and intent of this chapter, and in granting the variance the spirit of the chapter will be preserved and substantial justice done.

(B) The Board may, after public notice and hearing and subject to the conditions and safeguards herein contained, vary or adapt the strict application of any of the terms of this chapter under the power and authority herein granted.

(C) In granting any variance under the provisions of this chapter, the Board may designate conditions in connection therewith which, in its opinion, will secure substantially the purpose and intent of this chapter.

(4) The Board may:

(A) Hear and decide appeals where it is alleged there is error on any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this chapter;

(B) Interpret the intent of the Zoning Map where uncertainty exists because the physical features on the ground vary from those on the Zoning Map and none of the rules set forth herein apply;

(C) Initiate on its motion, or cause to be presented by interested property owners, action to bring about the discontinuance of a nonconforming structure or use under any plan whereby full value of the structure can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this chapter;

- (D) Permit the change of occupancy from one nonconforming use to another nonconforming use when the extent of the second nonconforming use is found to be less detrimental to the environment than the first;
- (E) Permit the enlargement of a nonconforming use only when the enlargement will not prolong the life of the nonconforming use. A specific period of time for the return to conformity can be required;
- (F) Permit the reconstruction of a nonconforming structure or building on the lot or tract occupied by that building; provided the reconstruction does not, in the judgment of the Board, prevent the return of the property to a conforming use or increase the nonconformity of a nonconforming structure;
- (G) Require the vacation and demolition of a nonconforming structure which is deemed to be obsolete, dilapidated, or substandard; and
- (H) Permit variance of the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum setback standards, off-street parking, or off-street loading regulations where the literal enforcement of the provisions of this chapter would result in an unnecessary hardship, and where the variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same district by being of such a restricted area, shape, or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district. A modification of the standard established by this chapter shall not be granted to relieve a self-created or personal hardship, nor for financial reason only, nor shall a modification be granted to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land in the district.
- (g) Appeals from the Board. Any person or persons, or any board, taxpayer, department, board, or bureau of the city aggrieved by any decision of the Board of Adjustment, may seek review by a court of record of that decision, in the manner provided by the laws of this state.

(Ordinance 256-5-2013 adopted 5/16/13)

State law reference—Establishment and authority of zoning board of adjustment, V.T.C.A., Local Government Code, sec. 211.008 et seq.

ARTICLE 4.1 ENFORCEMENT

Building Inspector: The provisions of these Articles shall be administered by the Building Inspector of the Town of Shady Shores, Texas or the Mayor, the Code Enforcement Officer, or the Mayor's designee.

(a) All applications for building permits shall be accompanied by a plat in triplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, its position on the lot, house plans, and such other information as may be necessary to provide for the enforcement of these regulation[s].

(b) A careful record of such applications, plans and plats shall be maintained by the Building Inspector.

(Ordinance 256-5-2013 adopted 5/16/13)

ARTICLE 4.2 ENFORCEMENT INTERPRETATION

(a) Uses Prohibited by Other Ordinances: Nothing in this ordinance shall be construed as repealing any existing ordinances of the Town of Shady Shores regulating nuisances or permitting uses which are now prohibited by ordinance.

(b) Deed Restriction: No provision or application of these Articles shall be construed as affecting in any manner the rights of individual property owners to privately enforce deed restrictions upon the use of any property zoned under the terms of this ordinance if such restrictions are of higher or more restrictive classification than the provisions contained herein.

(Ordinance 256-5-2013 adopted 5/16/13)

ARTICLE 4.3 CHANGES AND AMENDMENTS

(a) Authority to Amend: The Town Council may from time to time on its own action, or on petition of an interested property owner or owners, amend, supplement or change by ordinance the boundaries of the District or the regulations herein established, and may create additional Districts and establish separate regulations applicable to the additional Districts created.

(b) Filing Petition Fee: Each and every petition to the Town Council, as provided in subsection (a) of this Article, shall be filed with the Town Secretary prior to being presented to the Town Council, and shall be accompanied by the fee established in current ordinance, payable to the Town of Shady Shores. No part to be returned regardless of the action taken on the petition.

(c) Referral to Zoning Commission: Before taking any action on any proposed amendment, supplement or change, the Town Council shall submit the same to the Zoning Commission for its recommendation and report.

(d) Public Hearing and Notice:

(1) A public hearing shall be held by the Town Council before adopting any such amendment, supplement or change.

(2) Notice of such hearing shall be given in the manner prescribed by law, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the first date of publication.

(e) Amendment Over Protest: Unless such proposed amendment, supplement or change has been approved by the Zoning Commission; or if a protest against such proposed amendment, supplement or change has been filed with the Town Secretary; duly signed and acknowledged by the owners of twenty (20) percent or more either of the area or the lots included in such proposed changes, or those immediately adjacent in the rear thereof extending two hundred (200) feet therefrom, or of those directly opposite thereto extending two hundred (200) feet from the street frontage of such opposite lots; such amendment, supplement or change shall not become effective except by a three-fourth (3/4) vote of all the members of the Town Council.

(Ordinance 256-5-2013 adopted 5/16/13)

State law reference—Procedures governing adoption of zoning regulations and district boundaries, V.T.C.A., Local Government Code, sec. 211.006.

ARTICLE 4.4 PENALTY FOR VIOLATIONS

(a) Violations: Any person, association of persons, firm or corporation violating any of the provisions of this ordinance or failing to comply therewith, or with any of the requirements thereof, or building or altering any building or structure in violation of any detailed statement or plan submitted and approved hereunder, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined any sum not more than Two Thousand dollars (\$2,000.00). Each and every day any such violation continues shall constitute a separate offense.

(b) Persons Responsible for Violations: The owner or owners of any building, structure or premises, or part thereof, where anything in violation of this ordinance shall be placed or shall exist, and the architect, builder, contractor, agent, person, firm, or corporation employed in connection therewith, and who assisted in the commission of any such violation, shall each be guilty of a separate offense, and upon conviction thereof, shall be fined as provided in subsection (a) of this Article.

(Ordinance 256-5-2013 adopted 5/16/13; Ordinance 279-07-2015, sec. VI, adopted 7/13/15)

ARTICLE 5.1 DUTIES OF BUILDING OFFICIAL (INSPECTOR)

(a) The Building Official shall receive applications required by the construction codes of the Town of Shady Shores, Texas; issue permits; and furnish the prescribed certificates. He shall examine the premises for which permits have been issued and shall make necessary inspections to see that the provisions of the law are complied with and that construction is prosecuted safely. He shall enforce all provisions of the construction codes. He shall, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in codes and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to

secure the necessary safeguards during construction, or to require adequate exit facilities in buildings and structures, he shall issue such notices or orders as may be necessary.

(b) Inspections required under the provisions of the construction codes shall be made by the Building Official, or his duly appointed assistants, provided the person who shall make plumbing inspections shall be licensed in accordance with the Plumbing License Law of 1947. The Building Official may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provisions of the construction codes shall be issued on such reports unless the same are in writing and certified by a responsible officer of such service.

(c) The Building Official shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued.

(d) All such records shall be open to public inspection during office hours, but shall not be removed from the office of the Building Official without his written consent.

(e) The Building Official shall make written reports to the Town Council once each month, or more often if requested, including statements of permits and certificates issued, and orders promulgated.

(f) The Building Official shall perform such other duties, as the Town Council shall, from time to time, impose upon the office.

(Ordinance 256-5-2013 adopted 5/16/13)

ARTICLE 5.2 LIABILITY OF TOWN OFFICIALS

To the extent legally authorized, any officer, employee, or appointed official charged with the enforcement of the construction codes, acting for the Town in the discharge of his duties, shall not thereby render himself liable personally. And, he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act, required or permitted, in the discharge of his duties. Any suit brought against any officer, employee or appointed official, because of such act performed by him in the enforcement of any provision of the construction codes shall be defended by the attorney for the Town of Shady Shores, Texas, or his designee, until the final termination of the proceedings. (Ordinance 256-5-2013 adopted 5/16/13)

ARTICLE 6.1 SEVERABILITY CLAUSE

If for any reason any section, paragraph, subdivision, word, phrase, clause or provision of this Ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, word, phrase, clause or provision of this Ordinance. For it is the definite intent of this Town Council that every section, paragraph, subdivision, word, phrase, clause or provision of this Ordinance be given full force and effect for its purpose. (Ordinance 256-5-2013 adopted 5/16/13)

ARTICLE 6.2 REPEALING CLAUSE

All provisions of the ordinances of the Town of Shady Shores in conflict with the provisions of this ordinance are hereby, repealed, and all other provisions of the ordinances of the Town of Shady Shores not in conflict with the provisions of this ordinance shall remain in full force and effect. (Ordinance 256-5-2013 adopted 5/16/13)

APPENDIX A

FIGURES

FIGURE 1 LOTS

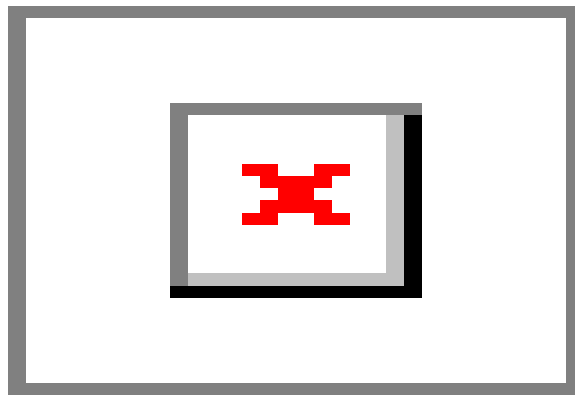


FIGURE 2 LOT DEPTH

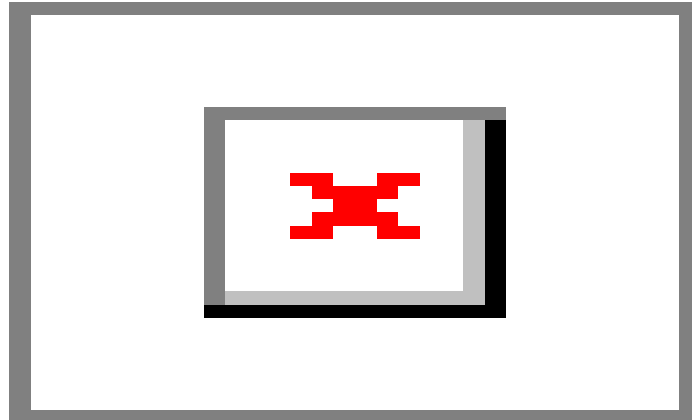


FIGURE 3 LOT, DOUBLE FRONTAGE

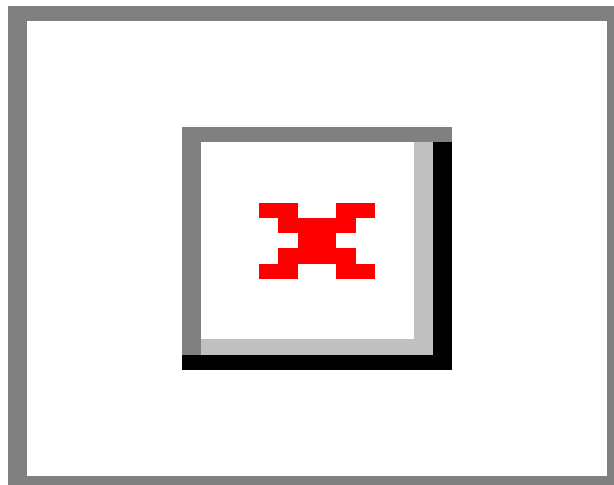


FIGURE 4 LOT LINES

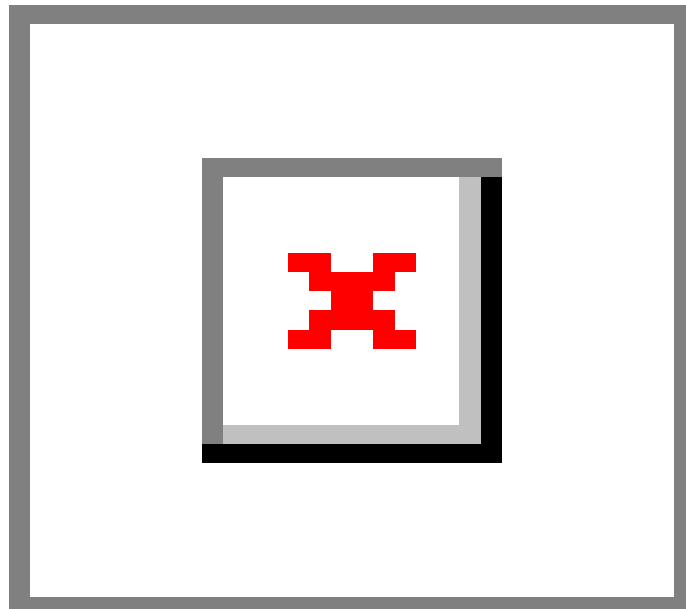


FIGURE 5 LOT WIDTH

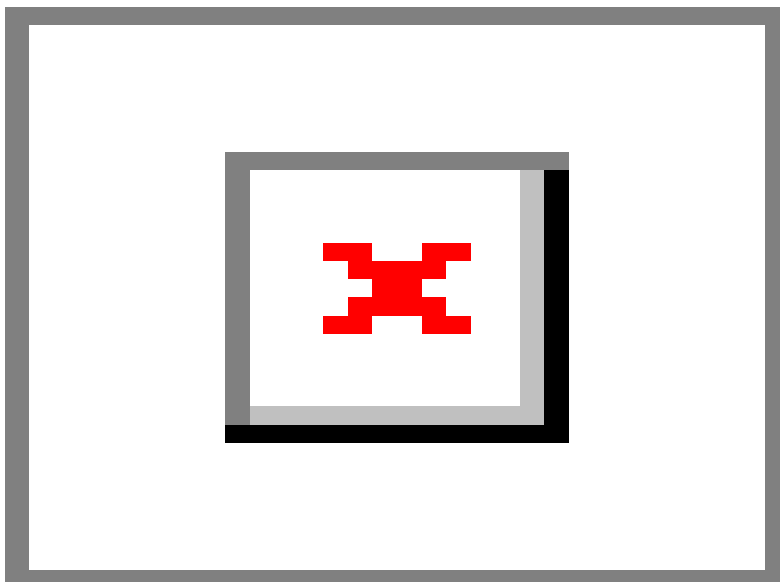
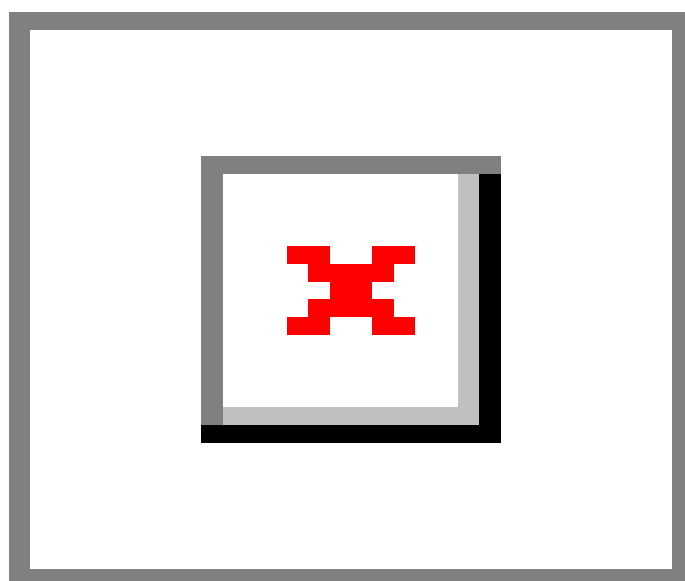


FIGURE 6 VISIBILITY CLEARANCE AREA



(Ordinance 256-5-2013 adopted 5/16/13)