



**NOTICE OF REGULAR COUNCIL MEETING
CITY OF PILOT POINT
CITY COUNCIL MEETING**

NOTICE IS HEREBY GIVEN THAT CITY COUNCIL OF THE CITY OF PILOT POINT, TEXAS, WILL HOLD A REGULAR COUNCIL MEETING ON:

February 9, 2023

AT 6:30 PM - PILOT POINT CITY HALL - COUNCIL CHAMBERS

AGENDA

A. ROLL CALL/CALL TO ORDER

B. PLEDGE TO FLAGS

1. United States of America

2. Texas Flag

Honor the Texas Flag, I pledge allegiance to thee,
Texas, one state under God, one and indivisible

C. INVOCATION

D. ITEMS OF COMMUNITY INTEREST

- Tuesday, February 14, 2023 – Application Deadline for Citizens Government Academy
- Wednesday, February 15, 2023 - Mayor's Prayer Breakfast, The Sterling, 8:00am
- Thursday, February 16, 2023 - Coffee with the City Manager, Pilot Point Coffee House, 7:00am-9:00am
- Friday, February 17, 2023 - Last Day to File Application for Name on the May 6, 2023 General Election Ballot for City Council Place One or City Council Place Three, 5:00pm Deadline.
- Thursday, February 23, 2023 - City Council Meeting, City Hall, 6:30pm
- Saturday, February 25, 2023 - Pilot Point Educational Foundation Gala, St. Thomas Aquinas Parish Center, 6:00pm

E. PUBLIC FORUM, PRESENTATIONS AND RECOGNITION:

Public Forum:(Citizens are allowed 3 minutes to speak. If the issue is on the agenda, the City Council may choose to discuss and consider the item. If the issue is not on the agenda, the Council is not permitted by state law to respond to or discuss the item other than to make statements of specific factual information in response to a citizen's inquiry or to recite existing policy in response to the inquiry. The Council may request the issue to be placed on a future agenda for action in accordance with state law. This forum is not the appropriate place to address complaints against Public Officials and/or Staff . Complaints of this nature should be made in writing and filed with the City Manager.)

1. Life on Point Award

F. CONSENT AGENDA

1. Approval of the January 26, 2023 City Council meeting minutes.

2. Approval of Pay Application #10 with Vessels Construction in the amount of \$179,851.49 for the Rural Water Extension Line Project.
3. Approval of Wall Engineering Invoice #1 in the amount of \$37,500 for the CDBG Sidewalk Improvement Project.
4. Approval of Wall Engineering Invoice #4 payment in the amount of \$7,476.75 for the Rural Water Improvement Project.
5. Approval of Wall Engineering Invoice #6 payment in the amount of \$276,229.00 for the Water System Improvement Project.
6. Approval of Wall Engineering Invoice #16 payment in the amount of \$638,477.50 for the Wastewater System Improvement Project.

G. REGULAR AGENDA

1. Discuss and act on Board appointment for vacancy on the Main Street Advisory Board.
2. Consider and act on a resolution accepting the resignation of Dean Cordell and declaring a vacancy for City Council Place Five.
RESOLUTION 2023-07-581
3. Discuss and act on an ordinance of the City of Pilot Point, Denton County, Texas, ordering a General (Regular) Election to be held on May 6, 2023, for the purpose of electing City Council Place 1 and City Council Place 3 for three (3) year terms each; ordering a Special Election to be held on May 6, 2023, for the purpose of electing City Council Member Place 5 for an unexpired term ending in may 2024; calling a Runoff Election, if needed; designating polling places with the City; establishing other procedures for the conduct of the election, including providing that the election is to be held as a joint election in conjunction with Denton County; providing for canvassing returns; authorizing the Mayor, City Manager, and City Secretary to take all actions necessary to comply with applicable election laws; providing a savings/repealing clause, severability clause; finding and determining the meeting at which this ordinance is adopted to be open to the public as required by law; and providing an effective date.
ORDINANCE 519-15-2023
4. Discuss and act on an ordinance of the City of Pilot Point, Texas, amending the Code of Ordinances to repeal and replace Chapter 10 "Subdivision Regulation" to provide for standards and procedures for plats, subdivisions, and construction plans in the corporate limits of the City of Pilot Point and the extraterritorial jurisdiction, attached as Exhibit "A"; providing for the incorporation of premises; providing for amendment; providing for cumulative repealer clause; providing for penalty clause; providing a savings clause; providing a severability clause; and providing for publication and an effective date.
ORDINANCE 520-15-2023
5. Discuss and act on a letter of support/acknowledgement on Lonestar Compassionate Care Group.
6. Discuss and act on revising the Drug Free Workplace Policy for the City of Pilot Point Personnel Handbook.

H. FUTURE AGENDA ITEMS/REQUESTS BY COUNCILMEMBERS TO BE ON NEXT AGENDA

Councilmembers shall not comment upon, deliberate, or discuss any item that is not on the agenda. Councilmembers shall not make routine inquiries about operations or project status on an

item that is not posted. Any Councilmember may, however, state an issue and a request that this issue be placed on a future agenda.

I. ADJOURN

The City Council reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including 551.071 (private consultation with the attorney for the City); 551.072 (discussing purchase, exchange, lease or value of real property); 551.074 (discussing personnel or to hear complaints against personnel); and 551.087 (discussing economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

Pursuant to Section 551.127, Texas Government Code, one or more Councilmembers may attend this meeting remotely using videoconferencing technology. The video and audio feed of the videoconferencing equipment can be viewed and heard by the public at the address posted above as the location of the meeting. A quorum will be physically present at the posted meeting location of City Hall. In compliance with the Americans with Disabilities Act, the City of Pilot Point will provide reasonable accommodations for disabled persons attending this meeting. Requests should be received at least 24 hours prior to the scheduled meeting by contacting the City Secretary's office at 940-686-2165.

I the undersigned authority do hereby certify this notice was posted on the official bulletin board for the City of Pilot Point, Texas on Monday, February 6, 2023, and shall remain posted for at least 72 hours preceding the scheduled time of said meeting.

Lenette Cox, City Secretary



CITY COUNCIL STAFF REPORT

DATE: February 9, 2023

SUBMITTED BY: Lenette Cox

ITEM TYPE: Presentation

AGENDA SECTION: PUBLIC FORUM, PRESENTATIONS AND RECOGNITION:

SUBJECT: Life on Point Award

**BACKGROUND
INFORMATION:**

FINANCIAL INFORMATION:

SUGGESTED ACTION:

ATTACHMENTS:



CITY COUNCIL STAFF REPORT

DATE: February 9, 2023

SUBMITTED BY: Lenette Cox, City Secretary

ITEM TYPE: Minute Resolution

AGENDA SECTION: CONSENT AGENDA

SUBJECT: Approval of the January 26, 2023 City Council meeting minutes.

BACKGROUND INFORMATION:

FINANCIAL INFORMATION:

SUGGESTED ACTION:

ATTACHMENTS:
[230126 CC Minutes.docx](#)

City of Pilot Point, Texas

Minutes of the January 26, 2023

City Council Meeting

A) ROLL CALL/CALL TO ORDER

Mayor Beasley called the meeting to order at 6:31pm and conducted roll call.

Place 1 Aaron Rocha – Present

Place 2 Everett Cummings – Present

Place 3 Ray Dane - Present

Place 4 Elizabeth Jones – Present

Place 5 Dean Cordell –Absent

Place 6 Andrew Ambrosio – Absent

Mayor Elisa Beasley - Present

B) PLEDGE TO FLAGS

C) INVOCATION

Mayor Elisa Beasley led the invocation.

D) ITEMS OF COMMUNITY INTEREST

Mayor Beasley announced the following items:

- Thursday, February 9, 2023 – City Council Meeting, 6:30pm, City Hall
- Tuesday, February 14, 2023 – Application Deadline for Citizens Government Academy
- Wednesday, February 15, 2023 – Mayor’s Prayer Breakfast, 8:00am, The Sterling
- Friday, February 17, 2023 – Last Day to File Application for Name on the May 6, 2023 General Election Ballot for City Council Place One or City Council Place Three, 5:00pm Deadline.
- Monday, February 20, 2023 – City Offices Closed, Presidents’ Day
- Lake Ray Roberts Rotary Club meets every Tuesday at Noon at Lizzy Gator
- The Pilot Point Podcast is now streaming.

E) PUBLIC FORUM, PRESENTATIONS AND RECOGNITION:

Cindy Farris was called to speak and stated the Meals on Wheels Program is now serving 23 citizens and they had started with seven in July 2022.

F) CONSENT AGENDA

F.1 Approval of the January 12, 2023 City Council meeting minutes.

F.2 Approval of Final Pay Application to Advance Paving Company in the amount of \$13,322.25 for the downtown parking lot project.

F.3 Approval to authorize the Mayor to enter into a Joint Election Agreement and Contract with Denton County for the May 2023 Election Services.

Councilmember Cummings made a motion to approve the Consent Agenda. Councilmember Jones seconded the motion. Motion carried 5- 0

AYES: Aaron Rocha, Everett Cummings, Ray Dane, Elisa Beasley, and Elizabeth Jones

ABSENT: Dean Cordell and Andrew Ambrosio

G) REGULAR AGENDA

**G.1 Discuss and act on an ordinance of the City of Pilot Point, Denton County, Texas, ordering a General (Regular) Election to be held on May 6, 2023, for the purpose of electing City Council Place 1 and City Council Place 3; calling a Runoff Election, if needed; designating polling places with the City; establishing other procedures for the conduct of the election, including providing that the election is to be held as a joint election in conjunction with Denton County; providing for canvassing returns; authorizing the Mayor, City Manager, and City Secretary to take all actions necessary to comply with applicable election laws; providing a savings/repealing clause, severability clause; finding and determining the meeting at which this ordinance is adopted to be open to the public as required by law; and providing an effective date.
ORDINANCE 519-15-2023**

Mayor Beasley stated this item will be moved to the February 9, 2023 meeting and she would like to move Item G.7. up to accommodate the citizens present for the Board and Commission appointments.

G.7 Discuss and act on Board and Commission appointments for vacancies on the Main Street Advisory Board, Planning and Zoning Commission, and the Municipal Development District Board.

Councilmember Jones made a motion to appoint Bryan Hale to the Main Street Advisory Board. Councilmember Cummings seconded the motion. Motion carried 5- 0

AYES: Aaron Rocha, Everett Cummings, Ray Dane, Elisa Beasley, and Elizabeth Jones

ABSENT: Dean Cordell and Andrew Ambrosio

Councilmember Jones made a motion to appoint Jennifer Neal to the Planning and Zoning Commission. Councilmember Dane seconded the motion. Motion carried 5- 0

AYES: Aaron Rocha, Everett Cummings, Ray Dane, Elisa Beasley, and Elizabeth Jones
ABSENT: Dean Cordell and Andrew Ambrosio

G.2 Discuss and act upon a resolution of intent to annex approximately 84.973 acres, describing the municipal services to be provided to the area and the time in which municipal services will be provided, calling a public hearing, directing notices to be provided, directing that a petition for annexation of the area be prepared and opportunity to sign provided, providing for matters related thereto for the following areas:

An approximate 50.484 acre tract of land situated in Denton County, Texas, described as James H. Melroy Survey, Abstract No. 895, the James A. McPherson Survey, Abstract No. 1481, and the T. & P.R.R. Survey, Abstract No. 1299; generally located north of FM 428 and west of FM 1385; and

Denton CAD Property IDs 78618, 988725 and 988724, being an approximate 34.489 acre tract of land in Denton County, Texas, described as Abstract No. 1504A in the MEP and PRR Survey, Tract 10 and in Abstract 14674A E. Steen Survey, Tracts 3A(1) and 3B; generally located at southeast corner of FM 1385 and Mobberly Road; and those portions of FM 1385 and Mobberly Road adjacent to said territory.

RESOLUTION 2023-07-579

Councilmember Rocha made a motion to approve the resolution. Councilmember Jones seconded the motion. Motion carried 5- 0

AYES: Aaron Rocha, Everett Cummings, Ray Dane, Elisa Beasley, and Elizabeth Jones
ABSENT: Dean Cordell and Andrew Ambrosio

G.3 Discuss and act on a proposal for strategic planning services.

Councilmember Rocha made a motion to postpone this item in order for the City Manager to obtain additional information on options for the services. Councilmember Dane seconded the motion. Motion carried 3-2

AYES: Aaron Rocha, Everett Cummings, and Elisa Beasley
NAYS: Elizabeth Jones
ABSTAIN: Ray Dane
ABSENT: Dean Cordell and Andrew Ambrosio

G.4 Discuss and act on surveillance and security equipment being purchased for City Hall, Old City Park, the Fire Department, and the Police Department in the amount of \$168,662.08.

Councilmember Dane made a motion to approve the purchase. Councilmember Cummings seconded the motion. Motion carried 5- 0

AYES: Aaron Rocha, Everett Cummings, Ray Dane, Elisa Beasley, and Elizabeth Jones
ABSENT: Dean Cordell and Andrew Ambrosio

G.5 Discuss and act on brush truck proposal.

Councilmember Rocha made a motion to approve the purchase. Councilmember Jones seconded the motion. Motion carried 5 - 0

AYES: Aaron Rocha, Everett Cummings, Ray Dane, Elisa Beasley, and Elizabeth Jones
ABSENT: Dean Cordell and Andrew Ambrosio

G.6 Discuss and act on Pierce Enforcer Pumper Proposal

Councilmember Rocha made a motion to approve the purchase. Councilmember Cummings seconded the motion. Motion carried 5 - 0

AYES: Aaron Rocha, Everett Cummings, Ray Dane, Elisa Beasley, and Elizabeth Jones
ABSENT: Dean Cordell and Andrew Ambrosio

G.8 Discussion of Dangerous, Vicious, and Prohibited Animals Ordinance Article 2.04

Attorney Cynthia Kirchoff gave an overview of the Dangerous Animal ordinance.

H) STAFF REPORTS

H.1 December 2022 Animal Control Report

H.2 December 2023 Development Services Report

H.3 December 2022 Fire Department Report

H.4 December 2022 Library and Cultural Arts Report

H.5 December 2022 Parks Department Report

H.6 December 2022 Police Department Report

I) FUTURE AGENDA ITEMS/REQUESTS BY COUNCILMEMBERS TO BE ON NEXT AGENDA

Councilmember Rocha asked that the Pilot Point Podcast and other communications be placed on the home page of the city website.

Mayor Beasley requested discussions on the water tower lights and a Town Hall meeting in the spring or fall, an update on the 102 W. Main property, and would like a representative for Rhino Removal to come and speak with the City Council.

J) ADJOURN

Councilmember Dane made a motion to adjourn the meeting at 8:17pm. Councilmember Rocha seconded the motion. Motion carried 5– 0

AYES: Aaron Rocha, Everett Cummings, Ray Dane, Elisa Beasley, and Elizabeth Jones
ABSENT: Dean Cordell and Andrew Ambrosio

Elisa Beasley, Mayor

ATTEST:

Lenette Cox, City Secretary



CITY COUNCIL STAFF REPORT

DATE: February 9, 2023

SUBMITTED BY: Lana Ensminger, Finance

ITEM TYPE: Minute Resolution

AGENDA SECTION: CONSENT AGENDA

SUBJECT: Approval of Pay Application #10 with Vessels Construction in the amount of \$179,851.49 for the Rural Water Extension Line Project.

**BACKGROUND
INFORMATION:**

FINANCIAL INFORMATION:

SUGGESTED ACTION:

ATTACHMENTS:

[012723 Vessels Pilot Point Pay App 10.pdf](#)

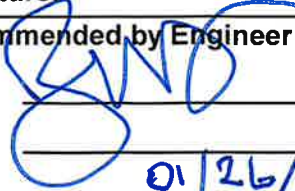
Contractor's Application for Payment

Owner:	City of Pilot Point	Owner's Project No.:	PP-21-02
Engineer:	Wall Engineering, LLC	Engineer's Project	PP-21-02
Contractor:	Vessels Construction	Contractor's Project	PP-21-02
Project:	Rural Watermain Extensions		
Contract:			
Application No.:	10	Application Date:	12/31/2022
Application Period:	From 12/1/2022	to	12/31/2022

1. Original Contract Price	\$ 2,005,910.84
2. Net change by Change Orders	\$ 617,618.40
3. Current Contract Price (Line 1 + Line 2)	\$ 2,623,529.24
4. Total Work completed and materials stored to date (Sum Column G Lump Sum Total & Column J Unit Price Total)	\$ 2,464,791.35
5. Retainage	
a. 5% X \$ 2,345,550.17 Work Completed	\$ 117,277.51
b. 5% X \$ 119,241.18 Stored Materials	\$ 5,962.06
c. Total Retainage (Line 5.a + Line 5.b)	\$ 123,239.57
6. Amount eligible to date (Line 4 - Line 5.c)	\$ 2,341,551.78
7. Less previous payments (Line 6 from prior application)	\$ 2,161,700.29
8. Amount due this application	\$ 179,851.49
9. Balance to finish, including retainage (Line 3 - Line 4 + Line 5.c)	\$ 281,977.46

Contractor's Certification
 The undersigned Contractor certifies, to the best of its knowledge, the following:
 (1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;
 (2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such liens, security interest, or encumbrances); and
 (3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor: Vessels Construction	
Signature: <i>Bill Vessels, Pres</i>	Date: 12/31/2022

Recommended by Engineer	Approved by Owner
By: 	By: _____
Title: _____	Title: _____
Date: 01/26/23	Date: _____
Approved by Funding Agency	
By: _____	By: _____
Title: _____	Title: _____
Date: _____	Date: _____

Progress Estimate - Unit Price Work
Contractor's Application for Payment

Owner:	City of Pilot Point	Owner's Project No.:	PP-21-02
Engineer:	Wall Engineering, LLC	Engineer's Project No.:	PP-21-02
Contractor:	Vessels Construction	Contractor's Project No.:	PP-21-02
Project:	Rural Watermain Extensions		
Contract:			

Application No.: From 12/01/22 to 12/31/22 Application Date: 12/31/22

A	B	C	D	E	F	G	H	I	J	K	L
Bid Item No.	Description	Contract Information				Work Completed		Materials Currently Stored (not in G) (\$)	Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (J / F) (%)	Balance to Finish (F - J) (\$)
		Item Qty	Units	Unit Price (\$)	Value of Bid Item (C X E) (\$)	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) (\$)				
Original Contract											
1	Mobilization, Demobilization, Bonds & Ins	1	ls	88,958.00	88,958.00	1.00	88,958.00		88,958.00	100%	-
2	Construction Staking	1	ls	14,213.00	14,213.00	1.00	14,213.00		14,213.00	100%	-
3	Materials Testing & Disinfection	1	ls	16,550.00	16,550.00	1.00	16,550.00		16,550.00	100%	-
4	Traffic Control Plan & Implementation	1	ls	12,680.00	12,680.00	1.00	12,680.00		12,680.00	100%	-
5	Trench Safety System	1	ls	1,365.00	1,365.00	1.00	1,365.00		1,365.00	100%	-
6	Erosion Control	1	ls	4,875.00	4,875.00	1.00	4,875.00		4,875.00	100%	-
7	Grassing	1	ls	60,362.17	60,362.17	0.26	15,836.92		15,836.92	26%	44,525.25
8	Waterline Restoration	1	ls	21,869.00	21,869.00	1.00	21,869.00		21,869.00	100%	-
9	Exc & Loc I Exstg Utilities, etc	1	ls	650.00	650.00	1.00	650.00		650.00	100%	-
10	Site Preparation	1	ls	650.00	650.00	1.00	650.00		650.00	100%	-
11	8" C900 PVC Watermain	8,912	lf	48.75	434,460.00	8,912	434,460.00	-	434,460.00	100%	-
12	12" C900 PVC Watermain	7,910	lf	74.16	586,605.60	7,910	586,605.60	-	586,605.60	100%	-
13	Road Bore with 3" Encasement	330	lf	71.04	23,443.20	330	23,443.20		23,443.20	100%	-
14	8" Uncased Driveway Bore	810	lf	69.63	56,400.30	810	56,400.30		56,400.30	100%	-
15	12" Uncased Driveway Bore	280	lf	94.76	26,532.80	280	26,532.80		26,532.80	100%	-
16	Bore with 16" Encasement	44	lf	293.33	12,906.52	44	12,906.52		12,906.52	100%	-
17	1" HDPE DR9	1,400	lf	0.91	1,274.00	1,400	1,274.00	-	1,274.00	100%	-
18	8" Gate Valve	1	ea	1,615.00	1,615.00	1	1,615.00	-	1,615.00	100%	-
19	Rel Exslg Meter & Appurt2	5	ea	482.16	2,410.80	5	2,410.80		2,410.80	100%	-
20	Conn 1" HDPE to Exstg Service	33	ea	233.96	7,720.68	33	7,720.68	-	7,720.68	100%	-
21	Connect 1" HDPE to 8"/12" Main	38	ea	757.33	28,778.54	38	28,778.54	-	28,778.54	100%	-
22	Water Meter Assy (meter by others)	7	ea	453.33	3,173.31	7	3,173.31		3,173.31	100%	-
23	1" Air/Vac Valve Assembly	3	ea	2,242.10	6,726.30	3	6,726.30	-	6,726.30	100%	-
24	Fire Hydrant & Valve Assy on 8"	19	ea	9,129.45	173,459.55	19	173,459.55	-	173,459.55	100%	-
25	ant & Valve Assy on 12" Main	16	ea	11,773.96	188,383.36	16	188,383.36		188,383.36	100%	-
26	Pressure Reducing Valve Assembly	2	ea	16,357.36	32,714.72	2.00	32,714.72	-	32,714.72	100%	-
27	Automated Flushing System Assy	2	ea	6,362.26	12,724.52	2	12,724.52	-	12,724.52	100%	-
28	Allowance as Directed by Ownder	1	alw	25,000.00	25,000.00	-	-		-	0%	25,000.00
A1-1	12" Uncased Bore	900	lf	117.51	105,759.00	900	105,759.00		105,759.00	100%	-
A1-2	Del Base Bid Items replaced by Alt #1	1	ls	(58,860.55)	(58,860.55)	1	(58,860.55)		(58,860.55)	100%	-
A2-1	Traffic Control Plan	1	ls	1,610.00	1,610.00	1	1,610.00		1,610.00	100%	-
A2-2	Erosion Control	1	ls	-	-	-	-		-	-	-
A2-3	Construction Staking	1	ls	1,560.00	1,560.00	1	1,560.00		1,560.00	100%	-
A2-4	Grassing	1	ls	7,838.00	7,838.00	0.5	3,919.00		3,919.00	50%	3,919.00
A2-5	Waterline Restoration	1	ls	4,953.00	4,953.00	1	4,953.00		4,953.00	100%	-
A2-6	Materials Testing & Disinfection	1	ls	3,566.00	3,566.00	1	3,566.00	-	3,566.00	100%	-
A2-7	Exc & Loc to Confirm Exstg Utilities,etc	1	ls	215.00	215.00	1	215.00		215.00	100%	-
A2-8	Site Prep	1	ls	199.00	199.00	1	199.00		199.00	100%	-
A2-9	3" HDPE DR11	3,810	lf	21.54	82,067.40	3,810	82,067.40	-	82,067.40	100%	-
A2-10	1" HDPE DR9	65	lf	4.11	267.15	65	267.15		267.15	100%	-
A2-11	Roadway Bore with 6" Encasement	44	lf	123.16	5,419.04	44	5,419.04	-	5,419.04	100%	-
A2-12	Connect 3" DR11 to Proposed 2" Main	1	ea	430.00	430.00	1	430.00		430.00	100%	-
A2-13	Connect 1" DR11 to Proposed 3" Main	3	ea	705.07	2,115.21	3	2,115.21	-	2,115.21	100%	-
A2-14	Connect 1" HDPE to Existing Service	3	ea	233.74	701.22	3	701.22		701.22	100%	-
A2-15	1" Air/Vac Assembly	1	ea	1,570.00	1,570.00	1	1,570.00		1,570.00	100%	-
A2-16	Del Base Bid Items replaced by Alt #2	1	ls	-	-	-	-		-	-	-
Original Contract Totals					\$ 2,005,910.84		\$ 1,932,466.59	\$ -	\$ 1,932,466.59	96%	\$ 73,444.25

Progress Estimate - Unit Price Work

Contractor's Application for Payment

Owner:	City of Pilot Point	Owner's Project No.:	PP-21-02
Engineer:	Wall Engineering, LLC	Engineer's Project No.:	PP-21-02
Contractor:	Vessels Construction	Contractor's Project No.:	PP-21-02
Project:	Rural Watermain Extensions		
Contract:			

Application No.:	From 12/01/22 to 12/31/22	Application Date:	12/31/22
------------------	---------------------------	-------------------	----------

	B	C	D	E	F	G	H	I	J	K	L
Bid Item No.	Description	Contract Information				Work Completed		Materials Currently Stored (not in G) (\$)	Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (J / F) (%)	Balance to Finish (F - J) (\$)
		Item Qty	Units	Unit Price (\$)	Value of Bid Item (C X E) (\$)	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) (\$)				
Change Orders											
CO #1 Allsups											
1	Bonding Insurance	1	ls	2,111.00	2,111.00	1.00	2,111.00		2,111.00	100%	-
2	Construction Staking	1	ls	660.00	660.00	1.00	660.00		660.00	100%	-
3	Test & Disinfect	1	ls	1,056.00	1,056.00	1.00	1,056.00		1,056.00	100%	-
4	Traffic Control	1	ls	396.00	396.00	1.00	396.00		396.00	100%	-
6	Erosion Control	1	ls	666.00	666.00	1.00	666.00		666.00	100%	-
8	Waterline Restoration	1	ls	688.00	688.00	1.00	688.00		688.00	100%	-
9	Excavation to Locate Existing Utilities	1	ls	52.00	52.00	1.00	52.00		52.00	100%	-
10	Site Prep, Repair Fence	1	ls	792.00	792.00	1.00	792.00		792.00	100%	-
11	8" C900 - 400 lf @\$77.47 f	400	lf	77.47	30,988.00	400.00	30,988.00		30,988.00	100%	-
14	8" Bore W/No Casing	170	lf	79.51	13,516.70	170.00	13,516.70		13,516.70	100%	-
17	1" HDPE DR 9	15	lf	0.92	13.80	15.00	13.80		13.80	100%	-
18	8" Gate Valve	1	ea	1,639.00	1,639.00	1.00	1,639.00		1,639.00	100%	-
21	1" Service	1	ea	988.68	988.68	1.00	988.68		988.68	100%	-
24	Fire Hydrant Assembly Triple Valve	1	ea	12,783.40	12,783.40	-	-	5,311.86	5,311.86	42%	7,471.54
	Substitute 12" C900 DR14 W/DR18	6,686	lf	(7.80)	(52,150.80)	6,686.00	(52,150.80)		(52,150.80)	100%	-
	Substitute 8" C900 DR14 W/DR18	8,102	lf	(3.00)	(24,306.00)	8,102.00	(24,306.00)		(24,306.00)	100%	-
	Delete Anchor Couplings for all thread w/lock nuts	35	ea	(173.06)	(6,057.10)	35.00	(6,057.10)		(6,057.10)	100%	-
	Delete 6" Bore @ Emberson	44	lf	(141.34)	(6,218.96)	44.00	(6,218.96)		(6,218.96)	100%	-
	Increase Depth on 8" to 42" Depth	8,912	lf	1.00	8,912.00	8,912.00	8,912.00		8,912.00	100%	-
	Increase Depth on 12" to 48" Depth	7,910	lf	2.00	15,820.00	7,910.00	15,820.00		15,820.00	100%	-
CO #2 Berend											
1	Bonding & Insurance	1	ls	8,616.10	8,616.10	1.00	8,616.10		8,616.10	100%	-
2	Construction Staking	1	ls	3,459.62	3,459.62	1.00	3,459.62		3,459.62	100%	-
3	Testing & Disinfection	1	ls	1,710.03	1,710.03	-	-		-	0%	1,710.03
4	Traffic Control	1	ls	233.75	233.75	-	-		-	0%	233.75
5	Trench Safety	1	ls	389.58	389.58	-	-		-	0%	389.58
6	Erosion Control	1	ls	505.87	505.87	-	-		-	0%	505.87
7	Grassing	1	ls	7,626.48	7,626.48	-	-		-	0%	7,626.48
8	Waterline Restoration	1	ls	6,065.11	6,065.11	-	-		-	0%	6,065.11
9	Excavate to Locate Existg Utilities	1	ls	762.64	762.64	1.00	762.64		762.64	100%	-
10	Site Prep	1	ls	7,279.31	7,279.31	1.00	7,279.31		7,279.31	100%	-
	6" C900 PVC	80	lf	25.52	2,041.60	-	-	1,092.91	1,092.91	54%	948.69
12	12" C900 PVC @48" Depth	1,700	lf	94.99	161,483.00	900.00	85,491.00	56,464.39	141,955.39	88%	19,527.61
	12" Roadway Bore W/12" Casing	40	lf	242.51	9,700.40	40.00	9,700.40	-	9,700.40	100%	-
	6" Gate Valve	1	ea	1,381.46	1,381.46	-	-	-	-	0%	1,381.46
18	8" Gate Valve Deleted?	1	ea	4,362.38	4,362.38	-	-	3,815.58	3,815.58	87%	546.80
25	FH Assembly w/3 Valves on 12"	4	ea	15,470.40	61,881.60	1.00	15,470.40	34,134.72	49,605.12	80%	12,276.48
CO #3 Holford											
1	Bonding & Insurance	1	ls	5,980.72	5,980.72	1.00	5,980.72		5,980.72	100%	-
2	Construction Staking	1	ls	2,401.38	2,401.38	1.00	2,401.38		2,401.38	100%	-
3	Test & Disinfect	1	ls	1,186.97	1,186.97	0.50	593.49		593.49	50%	593.48
4	Traffic Control	1	ls	162.25	162.25	1.00	162.25		162.25	100%	-
5	Trench Safety	1	ls	270.42	270.42	1.00	270.42		270.42	100%	-
6	Erosion Control	1	ls	351.13	351.13	1.00	351.13		351.13	100%	-
7	Grassing	1	ls	5,293.68	5,293.68	-	-		-	0%	5,293.68
8	Waterline Restoration	1	ls	14,629.97	14,629.97	0.50	7,314.99		7,314.99	50%	7,314.98
9	Excavate to Locate Existing Utilities	1	ls	529.36	529.36	1.00	529.36		529.36	100%	-
10	Site Prep	1	ls	5,052.69	5,052.69	1.00	5,052.69		5,052.69	100%	-
12	12" C900 PVC	1,180	lf	111.15	131,157.00	1,180.00	131,157.00	-	131,157.00	100%	-
RR Bore	RR Bore Steel Casing & 12 RJ C900	120	lf	557.71	66,925.20	120.00	66,925.20	-	66,925.20	100%	-
	12" Valves	2	ea	4,362.28	8,724.56	2.00	8,724.56		8,724.56	100%	-
25	FH Assembly W/Triples Valves on 12"	2	ea	15,470.40	30,940.80	-	-	18,421.72	18,421.72	60%	12,519.08
		1,300									
CO #4 Holford Revisions											
1	Bonding & Insurance	1	ls	608.21	608.21	1.00	608.21		608.21	100%	-
2	Construction Staking	1	ls	244.20	244.20	1.00	244.20		244.20	100%	-
3	Test & Disinfect	1	ls	214.50	214.50	1.00	214.50		214.50	100%	-
5	Trench Safety	1	ls	27.72	27.72	1.00	27.72		27.72	100%	-
6	Erosion Control	1	ls	35.98	35.98	-	-		-	0%	35.98
7	Grassing	1	ls	689.04	689.04	-	-		-	0%	689.04
8	Waterline Restoration	1	ls	164.00	164.00	-	-		-	0%	164.00
9	Locate Existing Utilities	1	ls	54.00	54.00	1.00	54.00		54.00	100%	-
10	Site Prep	1	ls	518.00	518.00	1.00	518.00		518.00	100%	-
	Conn Exstg	1	ls	1,417.00	1,417.00	1.00	1,417.00		1,417.00	100%	-
12	12" C900 PVC	100	lf	113.88	11,388.00	100.00	11,388.00	-	11,388.00	100%	-
12	Misc. Fittings	1	ea	7,936.45	7,936.45	1.00	7,936.45	-	7,936.45	100%	-
25	6" Valves	3	ea	2,511.89	7,535.67	3.00	7,535.67	-	7,535.67	100%	-
25	8" Valves	1	ea	3,266.35	3,266.35	1.00	3,266.35	-	3,266.35	100%	-
25	12" Valves	3	ea	5,249.34	15,748.02	3.00	15,748.02	-	15,748.02	100%	-
25	Fire Hydrant	1	ea	5,727.48	5,727.48	1.00	5,727.48	-	5,727.48	100%	-

Progress Estimate - Unit Price Work

Contractor's Application for Payment

Owner: City of Pilot Point
 Engineer: Wall Engineering, LLC
 Contractor: Vessels Construction
 Project: Rural Watermain Extensions
 Contract:

Owner's Project No.: PP-21-02
 Engineer's Project No.: PP-21-02
 Contractor's Project No.: PP-21-02

Application No.:		From	12/01/22	to	12/31/22	Application Date: 12/31/22					
A	B	C	D	E	F	G	H	I	J	K	L
Bid Item No.	Description	Contract Information				Work Completed					
		Item Qty	Units	Unit Price (\$)	Value of Bid Item (C X E) (\$)	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) (\$)	Materials Currently Stored (not in G) (\$)	Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (J / F) (%)	Balance to Finish (F - J) (\$)
	12' Bore (Bore Only)	60	lf	112.45	6,747.00	60.00	6,747.00		6,747.00	100%	-
	Remobilization of Bore Rig	1	ea	1,000.00	1,000.00	1.00	1,000.00		1,000.00	100%	-
	Add cost for RR req depth	100	lf	44.12	4,412.00	100.00	4,412.00		4,412.00	100%	-
	Add cost for RR req 24/7 bore zone A	1	ea	3,146.00	3,146.00	1.00	3,146.00		3,146.00	100%	-
	Ded HDPE in Bore + 100 lf each way	1	ea	(6,716.00)	(6,716.00)	1.00	(6,716.00)		(6,716.00)	100%	-
					\$ 617,618.40		\$ 413,083.58	\$ 119,241.18	\$ 532,324.76	86%	\$ 85,293.64
Original Contract and Change Orders											
Project Totals					\$ 2,623,529.24		\$ 2,345,550.17	\$ 119,241.18	\$ 2,464,791.35	94%	\$ 158,737.89

Stored Materials Summary
Contractor's Application for Payment

Owner: City of Pilot Point
 : Wall Engineering, LLC
 or: Vessels Construction
 Project: Rural Watermain Extensions

Owner's Project No.: PP-21-02
 Engineer's Project No.: PP-21-02
 Contractor's Project No.: PP-21-02

Contract: _____

Application No.: 10 Application Period: From 12/01/22 to 12/31/22 Application Date: 12/31/22

						\$ -								
A	B	C	D	E	F	G		H	I	J		K	L	M
Bid Item No. (Unit Price Tab)	Supplier Invoice No.	Submittal No. (with Specificati on Section No.)	Description of Materials or Equipment Stored	Storage Location	App No. When Materials Placed in Storage	Materials Stored			Incorporated in Work			Materials Remaining in Storage (I-L) (\$)		
						Previous Amount Stored (\$)	Amount Stored this Period (\$)	Amount Stored to Date (G+H) (\$)	Amount Previously Incorporated in the Work (\$)	Amount Incorporated in the Work this Period (\$)	Total Amount Incorporated in the Work (J+K) (\$)			
	5747208	3-25	5-1/4 Hyd 5'0"	Jobsite	5	3,355.00	-	3,355.00	-	-	-	-	3,355.00	
		3-25	6" MJXF GV	Jobsite	5	1,015.00	-	1,015.00	-	-	-	-	1,015.00	
		1-24	8" MJ GV	Jobsite	5	1,585.00	-	1,585.00	-	-	-	-	1,585.00	
		1-24	8" MJXF GV	Jobsite	5	3,170.00	-	3,170.00	-	-	-	-	3,170.00	
		24	6X13 MJ ANC CPLG	Jobsite	5	247.82	-	247.82	-	-	-	-	247.82	
		1-24	8"X6" FLG Tee	Jobsite	5	556.86	-	556.86	-	-	-	-	556.86	
		3-25	6" MJ Regular ACC	Jobsite	5	30.50	-	30.50	-	-	-	-	30.50	
		3-25	8" MJ Regular ACC	Jobsite	5	411.84	-	411.84	-	-	-	-	411.84	
	Fortiline	2&3-12	12" C900 DR 18 Blue Pipe	Jobsite	6	114,957.92	-	114,957.92	-	67,183.20	67,183.20	-	47,774.72	
	Fortiline 5792087	2-25	12" Stargrip MJ Rest	Jobsite	7	2,046.24	-	2,046.24	-	255.78	255.78	-	1,790.46	
		CO-2	6" Stargrip MJ Rest PVC	Jobsite	7	1,216.88	-	1,216.88	-	43.46	43.46	-	1,173.42	
		2-25	12" FLG ACC Kit FF 1/8"	Jobsite	7	652.32	-	652.32	-	108.72	108.72	-	543.60	
		2-25	5-1/4 HYD 5'0"	Jobsite	7	16,170.00	-	16,170.00	-	2,695.00	2,695.00	-	13,475.00	
		2-25	12" MJXF GV O/L	Jobsite	7	27,980.00	-	27,980.00	-	5,596.00	5,596.00	-	22,384.00	
		2-25	6" MJXF GV O/L	Jobsite	7	5,730.00	-	5,730.00	-	955.00	955.00	-	4,775.00	
		CO-2	6" MJ Tee	Jobsite	7	382.72	-	382.72	-	-	-	-	382.72	
		2-25	Blue Hydrant PVMNT Mrkr	Jobsite	7	58.08	-	58.08	-	9.68	9.68	-	48.40	
		2-25	562S Screw VB Comp	Jobsite	7	2,261.52	-	2,261.52	-	1,507.68	1,507.68	-	753.84	
		2-12	6" MJ Long Sleeve	Jobsite	7	120.99	-	120.99	-	-	-	-	120.99	
		2-11	8" MJ Long Sleeve	Jobsite	7	194.45	-	194.45	-	-	-	-	194.45	
		2-11	8" MJ Tee	Jobsite	7	286.43	-	286.43	-	-	-	-	286.43	
		3-25	12"X6" FLG Tee	Jobsite	7	2,578.80	-	2,578.80	-	859.60	859.60	-	1,719.20	
		3-25	12" MJ ACC Less Gland	Jobsite	7	605.28	-	605.28	-	75.66	75.66	-	529.62	
		3-25	6" MJ Regular ACC Less Gland	Jobsite	7	683.20	-	683.20	-	24.40	24.40	-	658.80	
		3-25	6" FLG Acc Kit FF 1/8	Jobsite	7	140.16	-	140.16	-	23.36	23.36	-	116.80	
	Fortiline 5792077	CO-2	6" C900 DR 18 Pipe Blue	Jobsite	7	589.20	-	589.20	-	-	-	-	589.20	
	Fortiline		12" MJ 45 C153	Jobsite	10	-	661.46	661.46	-	-	-	-	661.46	
	Fortiline		12" MJ Plug C153	Jobsite	10	-	140.31	140.31	-	-	-	-	140.31	
			12" MJ T	Jobsite	10	-	497.44	497.44	-	-	-	-	497.44	
			12" MJ Reg Acc - Gland	Jobsite	10	-	147.95	147.95	-	-	-	-	147.95	
	Fortiline 5895101		12" Stargrip MJ Rest	Jobsite	10	-	840.48	840.48	-	-	-	-	840.48	
			12" MJXF GV	Jobsite	10	-	8,865.00	8,865.00	-	-	-	-	8,865.00	
			12" FLG Acc Kit FF	Jobsite	10	-	227.64	227.64	-	-	-	-	227.64	
			12" MJ Reg Acc	Jobsite	10	-	252.42	252.42	-	-	-	-	252.42	
Totals						\$ 1,099,705.98	\$ 39,379.35	\$ 1,139,085.33	\$ 878,173.01	\$ 132,594.57	\$ 1,018,066.04	\$ 119,241.18		

7025 Northwinds Dr. NW
Concord, NC 28027
Payment Inquiries 704-788-9800

INVOICE

INVOICE NUMBER: 5895101
BILL OF LADING:
INVOICE DATE: 12/06/22
DUE DATE: 1/04/23

Please Remit Payment To:
PO. Box 841499
Dallas, Texas 75284-1499

Federal Tax ID# 57-0819190

Warehouse:
FORTILINE PROSPER
600 HAYS ROAD
BLDG B WAREHOUSE
PROSPER, TX 75078
Telephone: 972-347-4421

SOLD TO

VESSELS CONSTRUCTION
PO BOX 28
SHERMAN, TX
75091

SHIP TO

VESSELS CONSTRUCTION
BEREND & HOLFORD ST
CHRIS 469/441-2228
PILOT POINT, TX 76258

BRANCH NO	FROM CONTRACT	ORDER NO	SHIPPING METHOD		CUSTOMER NO		TERMS
040	5741495	5895101	Our Truck		214223		NET 30 DAYS
PO NO		JOB NAME	JOB NO		SLS	DUE DATE	SHIP DATE
HOLFORD		HOLFORD & BEREN	HOLFORD		JWE	1/04/23	12/02/22
PRODUCT NO	DESCRIPTION	UOM	ORDERED	SHIPPED	BACK ORDERED	UNIT PRICE	EXTENDED PRICE
LUBEG	GALLON LUBE	EA	1	1	0	25.0000	25.00
124000G2	12" STARGRIP MJ REST PVC 4000 F/C900 13.20 OD BID LINE # 00210	EA	6	6	0	140.0800	840.48
84000	8" STARGRIP MJ REST PVC 4000 F/C900 9.05 OD BID LINE # 00340	EA	2	2	0	70.3800	140.76
64000	6" STARGRIP MJ REST PVC 4000 F/C900 6.90 OD BID LINE # 00140	EA	8	8	0	47.6000	380.80
MHV6406713SS	6" MJXF GV O/L 4067-13 316SS L/ACC BID LINE # 00430	EA	3	3	0	1021.0000	3,063.00
MHV8406713SS	8" MJXF GV O/L 4067-13 316SS L/ACC	EA	1	1	0	1565.0000	1,565.00
MHV12406713SS	12" MJXF GV O/L 4067-13 316SS L/ACC BID LINE # 00420	EA	3	3	0	2955.0000	8,865.00
MHV12951460	5-1/4" VO HYD 5'0" 6MJ O/L 129 L/ACC BID LINE # 00400	EA	1	1	0	3065.0000	3,065.00
2PW100	2"X100' POLY TAPE BID LINE # 00390	EA	6	6	0	12.0000	72.00
562SI	562S SCREW VB COMP IMPORT BID LINE # 00230	EA	7	7	0	130.0000	910.00
6MS	6" MJ LONG SLEEVE C153 BID LINE # 00130	EA	2	2	0	125.5700	251.14
128MR	12"X8" MJ REDUCER C153	EA	1	1	0	201.8000	201.80



a MORSCO company

7025 Northwinds Dr. NW
Concord, NC 28027
Payment Inquiries 704-788-9800

INVOICE

INVOICE NUMBER: 5895101
BILL OF LADING:
INVOICE DATE: 12/06/22
DUE DATE: 1/04/23

Please Remit Payment To:
PO. Box 841499
Dallas, Texas 75284-1499

Federal Tax ID# 57-0819190

Warehouse:

FORTILINE PROSPER
600 HAYS ROAD
BLDG B WAREHOUSE
PROSPER, TX 75078
Telephone: 972-347-4421

SOLD TO

VESSELS CONSTRUCTION
PO BOX 28
SHERMAN, TX
75091

SHIP TO

VESSELS CONSTRUCTION
BEREND & HOLFORD ST
CHRIS 469/441-2228
PILOT POINT, TX 76258

BRANCH NO	FROM CONTRACT	ORDER NO	SHIPPING METHOD		CUSTOMER NO		TERMS	
040	5741495	5895101	Our Truck		214223		NET 30 DAYS	
PO NO		JOB NAME	JOB NO		SLS	DUE DATE	SHIP DATE	
HOLFORD		HOLFORD & BEREN	HOLFORD		JWE	1/04/23	12/02/22	
PRODUCT NO	DESCRIPTION		UOM	ORDERED	SHIPPED	BACK ORDERED	UNIT PRICE	EXTENDED PRICE
	BID LINE # 00260							
12MS	12" MJ LONG SLEEVE C153 BID LINE # 00280		EA	1	1	0	324.8000	324.80
126FT	12"X6" FLG TEE C110 BID LINE # 00410		EA	1	1	0	973.5300	973.53
12FX	12" FLG CROSS C110		EA	1	1	0	1529.8300	1,529.83
126FR	12"X6" FLG CONC REDUCER C110		EA	2	2	0	497.1300	994.26
8BF	8" BLIND FLG C110		EA	1	1	0	174.4500	174.45
12BF	12" BLIND FLG C110		EA	1	1	0	350.7400	350.74
6RALG	6" MJ REGULAR ACC LESS GLAND BID LINE # 00150		EA	8	8	0	27.1400	217.12
12FK	12" FLG ACC KIT FF 1/8" RR BID LINE # 00440		EA	4	4	0	56.9100	227.64
8FK	8" FLG ACC KIT FF 1/8" RR		EA	1	1	0	25.8700	25.87
8RALG	8" MJ REGULAR ACC LESS GLAND BID LINE # 00350		EA	2	2	0	30.5400	61.08
6FK	6" FLG ACC KIT FF 1/8" RR BID LINE # 00450		EA	3	3	0	24.4900	73.47
12RALG	12" MJ REGULAR ACC LESS GLAND		EA	6	6	0	42.0700	252.42

TO VIEW AND PAY ONLINE:

Fortiline.com

USE THIS ENROLLMENT TOKEN:

ZDB WHR PZB



a MORSCO company

7025 Northwinds Dr. NW
Concord, NC 28027
Payment Inquiries 704-788-9800

INVOICE

INVOICE NUMBER: 5895101
BILL OF LADING:
INVOICE DATE: 12/06/22
DUE DATE: 1/04/23

Please Remit Payment To:
PO. Box 841499
Dallas, Texas 75284-1499

Federal Tax ID# 57-0819190

Warehouse:

FORTILINE PROSPER
600 HAYS ROAD
BLDG B WAREHOUSE
PROSPER, TX 75078
Telephone: 972-347-4421

SOLD TO

VESSELS CONSTRUCTION
PO BOX 28
SHERMAN, TX
75091

SHIP TO

VESSELS CONSTRUCTION
BEREND & HOLFORD ST
CHRIS 469/441-2228
PILOT POINT, TX 76258

BRANCH NO	FROM CONTRACT	ORDER NO	SHIPPING METHOD		CUSTOMER NO		TERMS		
040	5741495	5895101	Our Truck		214223		NET 30 DAYS		
PO NO		JOB NAME		JOB NO		SLS	DUE DATE	SHIP DATE	
HOLFORD		HOLFORD & BEREN		HOLFORD		JWE	1/04/23	12/02/22	
PRODUCT NO	DESCRIPTION			UOM	ORDERED	SHIPPED	BACK ORDERED	UNIT PRICE	EXTENDED PRICE
29PW200BLACK	BID LINE # 00220								
	29"X200' BLACK POLYWRAP 8MIL			EA	1	1	0	136.6700	136.6
	BID LINE # 00380								



FORTILINE offers online payments and access to invoice copies for your convenience at <http://Fortiline.Billtrust.com>.

REGISTER TO ACCESS YOUR ONLINE ACCOUNT AT <http://FORTILINE.BILLTRUST.COM>

[Online Payments, View, and Download Invoices and Statements.](#)

NO RETURNS ACCEPTED WITHOUT PRIOR AUTHORIZATION. AUTHORIZED RETURNS ARE SUBJECT TO RESTOCKING FEES.
SPECIAL ORDER ITEMS ARE NOT RETURNABLE. ALL CLAIMS MUST BE FILED WITH THE CARRIER.

For TERMS and CONDITIONS of sale, please visit <http://www.fortiline.com>

AMOUNT DUE	\$24,721.86
TAX	\$0.00
FREIGHT	\$0.00
OTHER	\$0.00
TOTAL DUE	\$24,721.86

TO VIEW AND PAY ONLINE:

Fortiline.com

USE THIS ENROLLMENT TOKEN:

ZDB WHR PZB

INVOICE NUMBER: 5904762
BILL OF LADING:
INVOICE DATE: 12/10/22
DUE DATE: 1/08/23

7025 Northwinds Dr. NW
Concord, NC 28027
Payment Inquiries 704-788-9800

Please Remit Payment To:
PO. Box 841499
Dallas, Texas 75284-1499

Federal Tax ID# 57-0819190

Warehouse:
FORTILINE PROSPER
600 HAYS ROAD
BLDG B WAREHOUSE
PROSPER, TX 75078
Telephone: 972-347-4421


SOLD TO

SHIP TO

Customer Pickup

VESSELS CONSTRUCTION
PO BOX 28
SHERMAN, TX
75091

BRANCH NO	FROM CONTRACT	ORDER NO	SHIPPING METHOD	CUSTOMER NO	TERMS		
040	5598224	5904762	Pickup	214223	NET 30 DAYS		
PO NO	JOB NAME	JOB NO	SLS	DUE DATE	SHIP DATE		
2022 PILOT POINT	PILOT PT RURAL	2022	JWE	1/08/23	12/08/22		
PRODUCT NO	DESCRIPTION	UOM	ORDERED	SHIPPED	BACK ORDERED	UNIT PRICE	EXTENDED PRICE
12M4	12" MJ 45 C153	EA	2	2	0	330.7300	661.4
1211 C900 PP							



FORTILINE offers online payments and access to invoice copies for your convenience at <http://Fortiline.Billtrust.com>.

REGISTER TO ACCESS YOUR ONLINE ACCOUNT AT <http://FORTILINE.BILLTRUST.COM>

[Online Payments, View, and Download Invoices and Statements.](#)

NO RETURNS ACCEPTED WITHOUT PRIOR AUTHORIZATION. AUTHORIZED RETURNS ARE SUBJECT TO RESTOCKING FEES. SPECIAL ORDER ITEMS ARE NOT RETURNABLE. ALL CLAIMS MUST BE FILED WITH THE CARRIER.

For TERMS and CONDITIONS of sale, please visit <http://www.fortiline.com>

AMOUNT DUE	\$661.4
TAX	\$0.0
FREIGHT	\$0.0
OTHER	\$0.0
TOTAL DUE	\$661.4

FORTILINE

WATERWORKS



a MORSCO company

7025 Northwinds Dr. NW
Concord, NC 28027
Payment Inquiries 704-788-9800

INVOICE

INVOICE NUMBER: 5900403
BILL OF LADING:
INVOICE DATE: 12/06/22
DUE DATE: 1/04/23

Please Remit Payment To:
PO. Box 841499
Dallas, Texas 75284-1499

Federal Tax ID# 57-0819190


Warehouse:
FORTILINE PROSPER
600 HAYS ROAD
BLDG B WAREHOUSE
PROSPER, TX 75078
Telephone: 972-347-4421

SOLD TO

VESSELS CONSTRUCTION
PO BOX 28
SHERMAN, TX
75091

SHIP TO

VESSELS CONSTRUCTION
102 E.MAIN
BILL 903/821-6060
PILOT POINT, TX 76258

BRANCH NO	FROM CONTRACT	ORDER NO	SHIPPING METHOD	CUSTOMER NO	TERMS		
040	5598224	5900403	Our Truck	214223	NET 30 DAYS		
PO NO	JOB NAME	JOB NO	SLS	DUE DATE	SHIP DATE		
2022 PILOT POINT	PILOT PT RURAL	2022	JWE	1/04/23	12/02/22		
PRODUCT NO	DESCRIPTION	UOM	ORDERED	SHIPPED	BACK ORDERED	UNIT PRICE	EXTENDED PRICE
DFW1600121ANBU	16X22 METER BOX W/LID NBU DFW1600.12.1A BID LINE # 00540	EA	1	1	0	77.9900	77.99
meter box							
Entered in MCH							
<div><div></div><div><p>FORTILINE offers online payments and access to invoice copies for your convenience at http://Fortiline.Billtrust.com.</p><p>REGISTER TO ACCESS YOUR ONLINE ACCOUNT AT http://FORTILINE.BILLTRUST.COM</p><p><u>Online Payments, View, and Download Invoices and Statements.</u></p></div></div>							

NO RETURNS ACCEPTED WITHOUT PRIOR AUTHORIZATION. AUTHORIZED RETURNS ARE SUBJECT TO RESTOCKING FEES.
SPECIAL ORDER ITEMS ARE NOT RETURNABLE. ALL CLAIMS MUST BE FILED WITH THE CARRIER.

For TERMS and CONDITIONS of sale, please visit <http://www.fortiline.com>

AMOUNT DUE	\$77.99
TAX	\$0.00
FREIGHT	\$0.00
OTHER	\$0.00
TOTAL DUE	\$77.99

TO VIEW AND PAY ONLINE:

Fortiline.com

USE THIS ENROLLMENT TOKEN:

ZDB WHR PZB



a MORSCO company

7025 Northwinds Dr. NW
Concord, NC 28027
Payment Inquiries 704-788-9800

INVOICE

INVOICE NUMBER: 5900414
BILL OF LADING:
INVOICE DATE: 12/06/22
DUE DATE: 1/04/23

Please Remit Payment To:
PO. Box 841499
Dallas, Texas 75284-1499

Federal Tax ID# 57-0819190

Warehouse:
FORTILINE PROSPER
600 HAYS ROAD
BLDG B WAREHOUSE
PROSPER, TX 75078
Telephone: 972-347-4421

SOLD TO

VESSELS CONSTRUCTION
PO BOX 28
SHERMAN, TX
75091

SHIP TO

VESSELS CONSTRUCTION
BEREND & HOLFORD ST
CHRIS 469/441-2228
PILOT POINT, TX 76258

BRANCH NO	FROM CONTRACT	ORDER NO	SHIPPING METHOD	CUSTOMER NO		TERMS	
040	5741495	5900414	Our Truck	214223		NET 30 DAYS	
PO NO		JOB NAME	JOB NO	SLS	DUE DATE	SHIP DATE	
HOLFORD		HOLFORD & BEREN	HOLFORD	JWE	1/04/23	12/02/22	
PRODUCT NO	DESCRIPTION	UOM	ORDERED	SHIPPED	BACK ORDERED	UNIT PRICE	EXTENDED PRICE
1218B	12" C900 DR18 PIPE BLUE BID LINE # 00010	FT	120	120	0	54.0000	6,480.
Entered manually							

ck

Entered mail



FORTILINE offers online payments and access to invoice copies for your convenience at <http://Fortiline.Billtrust.com>.

REGISTER TO ACCESS YOUR ONLINE ACCOUNT AT <http://FORTILINE.BILLTRUST.COM>

[Online Payments, View, and Download Invoices and Statements.](#)

NO RETURNS ACCEPTED WITHOUT PRIOR AUTHORIZATION. AUTHORIZED RETURNS ARE SUBJECT TO RESTOCKING FEES.
SPECIAL ORDER ITEMS ARE NOT RETURNABLE. ALL CLAIMS MUST BE FILED WITH THE CARRIER.

For TERMS and CONDITIONS of sale, please visit <http://www.fortiline.com>

AMOUNT DUE	\$6,480
TAX	\$0
FREIGHT	\$0
OTHER	\$0
TOTAL DUE	\$6,480



INVOICE

a ~~MORSCO~~ company

7025 Northwinds Dr. NW
Concord, NC 28027
Payment Inquiries 704-788-9800

INVOICE NUMBER: 5903789
BILL OF LADING:
INVOICE DATE: 12/08/22
DUE DATE: 1/06/23

Please Remit Payment To:
PO. Box 841499
Dallas, Texas 75284-1499

Federal Tax ID# 57-0819190

Warehouse:
FORTILINE PROSPER
600 HAYS ROAD
BLDG B WAREHOUSE
PROSPER, TX 75078
Telephone: 972-347-4421

SOLD TO

VESSELS CONSTRUCTION
PO BOX 28
SHERMAN, TX
75091

SHIP TO

Customer Pickup

BRANCH NO	FROM CONTRACT	ORDER NO	SHIPPING METHOD		CUSTOMER NO		TERMS		
040	5598224	5903789	Pickup		214223		NET 30 DAYS		
PO NO		JOB NAME		JOB NO		SLS	DUE DATE	SHIP DATE	
2022 PILOT POINT		PILOT PT RURAL		2022		JWE	1/06/23	12/06/22	
PRODUCT NO	DESCRIPTION			UOM	ORDERED	SHIPPED	BACK ORDERED	UNIT PRICE	EXTENDED PRICE
8M4	8" MJ 45 C153			EA	2	2	0	179.5200	359.0



FORTILINE offers online payments and access to invoice copies for your convenience at <http://Fortiline.Billtrust.com>.

REGISTER TO ACCESS YOUR ONLINE ACCOUNT AT <http://FORTILINE.BILLTRUST.COM>

[Online Payments, View, and Download Invoices and Statements.](#)

NO RETURNS ACCEPTED WITHOUT PRIOR AUTHORIZATION. AUTHORIZED RETURNS ARE SUBJECT TO RESTOCKING FEES.
SPECIAL ORDER ITEMS ARE NOT RETURNABLE. ALL CLAIMS MUST BE FILED WITH THE CARRIER.

For TERMS and CONDITIONS of sale, please visit <http://www.fortiline.com>

AMOUNT DUE	\$359.0
TAX	\$0.0
FREIGHT	\$0.0
OTHER	\$0.0
TOTAL DUE	\$359.0

INVOICE AFFIDAVIT*(This form shall accompany the Contractor's Application for Payment)*STATE OF Texas)

: SS.

COUNTY OF Grayson)

The undersigned Bill Vessels, of lawful age, being first duly sworn, on oath says that this (invoice, claim, or contract) is true and correct. Affiant further states that the work, services and/or materials as shown by this invoice or claim have been completed and/or supplied in accordance with the plans, specifications, orders, or requests furnished to the affiant. Affiant further states that he has made no payment, given, or donated or agreed to pay, give, or donate, either directly or indirectly, to any elected official, officer, or employee of the State, of money or any other thing of value to obtain payment or the award of this contract.

Vessels Construction

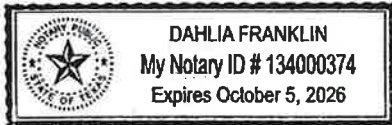
Contractor



Bill Vessels

Pres.

Title

Subscribed and sworn to before me this 12 day of January, 2023
Notary PublicMy Commission Expires: 10/5/24



CITY COUNCIL STAFF REPORT

DATE: February 9, 2023

SUBMITTED BY: Lana Ensminger, Finance

ITEM TYPE: Minute Resolution

AGENDA SECTION: CONSENT AGENDA

SUBJECT: Approval of Wall Engineering Invoice #1 in the amount of \$37,500 for the CDBG Sidewalk Improvement Project.

**BACKGROUND
INFORMATION:**

FINANCIAL INFORMATION:

SUGGESTED ACTION:

ATTACHMENTS:
[Pilot Point CDBG Sidewalk Improvements Invoice #1 013123.pdf](#)



223 N Washington Avenue, Durant, OK 74701
Phone: 580.924.1800 Fax: 580.924.1801

Invoice	No.1
Date	Billing Period
	NTP thru 01/31/23

Project:

TxCDBG Sidewalk Improvements (TxCDBG Contract #7220212)
Wall Engineering Project No. PROJECT NO PP-21-01
Wall Engineering Contact: Brandon Wall, P.E.
Ph: (580) 924-1800
brandon@wallengineering.com

Client:

City of Pilot Point
102 E Main St, Pilot Point, TX 76258
Billing Contact: Britt Lusk, City Manager
Ph: (940) 686-2165
BLusk@cityofpilotpoint.org

Task Description	Contract Amount	Percent of Task Complete	Amount Completed This Invoice Period	Previously Invoiced	Total Work Completed to Date
Approval of Preliminary Engineering Plans and Specifications by City.	\$15,000.00	100%	\$15,000.00	\$0.00	\$15,000.00
Approval of Plans and Specifications by Regulatory Agency(ies).	\$22,500.00	100%	\$22,500.00	\$0.00	\$22,500.00
Completion of bid advertisement and contract award.	\$15,000.00	0%	\$0.00	\$0.00	\$0.00
Completion of construction staking.	\$7,500.00	0%	\$0.00	\$0.00	\$0.00
Completion of Closeout Assessment and submittal of "As Builts"	\$7,500.00	0%	\$0.00	\$0.00	\$0.00
Completion of final inspection and acceptance by the City.	\$7,500.00	0%	\$0.00	\$0.00	\$0.00
TOTAL	\$75,000.00		\$37,500.00	\$0.00	\$37,500.00

Total Contract Amount	\$75,000.00
Total Complete	\$37,500.00
Total Remaining	\$37,500.00

Total Amount to Date	\$37,500.00
Less Previous Billings	\$0.00
TOTAL DUE THIS INVOICE	\$37,500.00

Term: Net 30 Days

Remit Payment To: Wall Engineering, PO Box 1457, Durant, OK 74702



CITY COUNCIL STAFF REPORT

DATE: February 9, 2023

SUBMITTED BY: Lana Ensminger, Finance

ITEM TYPE: Minute Resolution

AGENDA SECTION: CONSENT AGENDA

SUBJECT: Approval of Wall Engineering Invoice #4 payment in the amount of \$7,476.75 for the Rural Water Improvement Project.

BACKGROUND INFORMATION:

FINANCIAL INFORMATION:

SUGGESTED ACTION:

ATTACHMENTS:

[Pilot Point Rural Water System Improvements Invoice #4 013123.pdf](#)



223 N Washington Avenue, Durant, OK 74701
Phone: 580.924.1800 Fax: 580.924.1801

Invoice	No.4
Date	Billing Period
1/31/2023	8/01/2022 to 01/31/23

Project:

Rural Water System Improvements
Wall Engineering Project No. PROJECT NO PP-21-02
Wall Engineering Contact: Brandon Wall, P.E.
Ph: (580) 924-1800
brandon@wallengineering.com

Client:

City of Pilot Point
102 E Main St, Pilot Point, TX 76258
Billing Contact: Britt Lusk, City Manager
Ph: (940) 686-2165
BLusk@cityofpilotpoint.org

Task Description	Contract Amount	Percent of Task Complete	Amount Completed This Invoice Period	Previously Invoiced	Total Work Completed to Date
Preliminary Engineering, Topographic Survey & Data Collection	\$28,140.00	100%	\$0.00	\$28,140.00	\$28,140.00
Easement Preparation (by RPLS)	\$14,270.00	100%	\$0.00	\$14,270.00	\$14,270.00
Engineering Design, Plans & Specifications	\$25,360.00	100%	\$0.00	\$25,360.00	\$25,360.00
Contract Documents, Bidding & Procurement	\$6,690.00	100%	\$0.00	\$6,690.00	\$6,690.00
Construction Administration (No Inspection)	\$16,615.00	95%	\$7,476.75	\$8,307.50	\$15,784.25
TOTAL	\$91,075.00		\$7,476.75	\$82,767.50	\$90,244.25

Total Contract Amount	\$91,075.00
Total Complete	\$90,244.25
Total Remaining	\$830.75

Total Amount to Date	\$90,244.25
Less Previous Billings	\$82,767.50
TOTAL DUE THIS INVOICE	\$7,476.75

Term: Net 30 Days

Remit Payment To: Wall Engineering, PO Box 1457, Durant, OK 74702



CITY COUNCIL STAFF REPORT

DATE: February 9, 2023

SUBMITTED BY: Lana Ensminger, Finance

ITEM TYPE: Minute Resolution

AGENDA SECTION: CONSENT AGENDA

SUBJECT: Approval of Wall Engineering Invoice #6 payment in the amount of \$276,229.00 for the Water System Improvement Project.

**BACKGROUND
INFORMATION:**

FINANCIAL INFORMATION:

SUGGESTED ACTION:

ATTACHMENTS:
[Pilot Point Water System Improvements Invoice #6 013123.pdf](#)



223 N Washington Avenue, Durant, OK
74701
Phone: 580.924.1800 Fax: 580.924.1801

Project:

2022 Water System Improvements
Wall Engineering Project No. PROJECT NO PP-21-06
Wall Engineering Contact: Brandon Wall, P.E.
Ph: (580) 924-1800
brandon@wallengineering.com

Invoice	No.6
Date	Billing Period
1/31/2023	09/01/22 thru 01/31/23

Client:

City of Pilot Point
102 E Main St, Pilot Point, TX 76258
Billing Contact: Britt Lusk, City Manager
Ph: (940) 686-2165
BLusk@cityofpilotpoint.org

Task Description	Contract Amount	Percent of Task Complete	Amount Completed This Invoice Period	Previously Invoiced	Total Work Completed to Date
Preliminary Design					
Preliminary Engineering, Survey & Data Collection	\$93,105.00	100%	\$0.00	\$93,105.00	\$93,105.00
Additional Survey - Not in Original Scope	\$15,410.00	100%	\$0.00	\$15,410.00	\$15,410.00
Geotechnical Engineering & Soils Testing	\$32,450.00	100%	\$0.00	\$32,450.00	\$32,450.00
TCEQ Well Permitting Reports & Submissions	\$11,340.00	0%	\$0.00	\$0.00	\$0.00
Engineering Design					
SCADA Design, RFP & Bidding Assistance	\$15,440.00	100%	\$0.00	\$15,440.00	\$15,440.00
Elevated Storage Tank	\$207,300.00	50%	\$62,190.00	\$41,460.00	\$103,650.00
Waterwells & Ground Storage w/ Chlorination & Booster PS	\$283,030.00	60%	\$113,212.00	\$56,606.00	\$169,818.00
Distribution System	\$336,090.00	90%	\$100,827.00	\$201,654.00	\$302,481.00
Berend Buster & Holford & Alsup Watermains	\$29,305.00	100%	\$0.00	\$29,305.00	\$29,305.00
Contract Documents, Bidding & Procurement					
Elevated Storage Tank	\$24,560.00	0%	\$0.00	\$0.00	\$0.00
Waterwells & Ground Storage w/ Chlorination & Booster PS	\$26,780.00	0%	\$0.00	\$0.00	\$0.00
Distribution System	\$28,910.00	0%	\$0.00	\$0.00	\$0.00
Construction Administration					
SCADA	\$9,980.00	0%	\$0.00	\$0.00	\$0.00
Elevated Storage Tank	\$63,910.00	0%	\$0.00	\$0.00	\$0.00
Waterwells & Ground Storage w/ Chlorination & Booster PS	\$82,930.00	0%	\$0.00	\$0.00	\$0.00
Distribution System	\$92,800.00	0%	\$0.00	\$0.00	\$0.00
Construction Oversight & Inspection					
Construction Inspection Services	\$225,000.00	0%	\$0.00	\$0.00	\$0.00
Project Closeout & As-Builts					
Elevated Storage Tank	\$6,340.00	0%	\$0.00	\$0.00	\$0.00
Waterwells & Ground Storage w/ Chlorination & Booster PS	\$7,130.00	0%	\$0.00	\$0.00	\$0.00
Distribution System	\$11,310.00	0%	\$0.00	\$0.00	\$0.00
TOTAL	\$1,603,120.00		\$276,229.00	\$485,430.00	\$761,659.00

Total Contract Amount	\$1,603,120.00
Total Complete	\$761,659.00
Total Remaining	\$841,461.00

Total Amount to Date	\$761,659.00
Less Previous Billings	\$485,430.00
TOTAL DUE THIS INVOICE	\$276,229.00

Term: Net 30 Days

Remit Payment To: Wall Engineering, PO Box 1457, Durant, OK 74702



CITY COUNCIL STAFF REPORT

DATE: February 9, 2023

SUBMITTED BY: Lana Ensminger, Finance

ITEM TYPE: Minute Resolution

AGENDA SECTION: CONSENT AGENDA

SUBJECT: Approval of Wall Engineering Invoice #16 payment in the amount of \$638,477.50 for the Wastewater System Improvement Project.

**BACKGROUND
INFORMATION:**

FINANCIAL INFORMATION:

SUGGESTED ACTION:

ATTACHMENTS:

[Pilot Point Wastewater System Imps Invoice #16 013123.pdf](#)



223 N Washington Avenue, Durant, OK
74701
Phone: 580.924.1800 Fax:
580.924.1801

Project:

Wastewater System Improvements
Wall Engineering Project No. PROJECT NO PP-17-05
Wall Engineering Contact: Brandon Wall, P.E.
Ph: (580) 924-1800
brandon@wallengineering.com

Invoice	No.16
Date	Billing Period
1/31/2023	07/01/22 thru 01/31/23

Client:

City of Pilot Point
102 E Main St, Pilot Point, TX 76258
Billing Contact: Britt Lusk, City Manager
Ph: (940) 686-2165
BLusk@cityofpilotpoint.org

Task Description	Contract Amount	Percent of Task Complete	Amount Completed This Invoice Period	Previously Invoiced	Total Work Completed to Date
Planning (ER & Preliminary Studies)	\$101,510.00	100%	\$0.00	\$101,510.00	\$101,510.00
Engineering Design	\$1,748,280.00	50%	\$611,898.00	\$262,242.00	\$874,140.00
Construction Engineering	\$539,050.00	0%	\$0.00	\$0.00	\$0.00
Bidding & Procurement	\$59,810.00	0%	\$0.00	\$0.00	\$0.00
Environmental	\$58,190.00	100%	\$0.00	\$58,190.00	\$58,190.00
Archeological Field Survey	\$5,370.00	100%	\$0.00	\$5,370.00	\$5,370.00
TWDB Preliminary Information & Application Assistance	\$6,975.00	100%	\$0.00	\$6,975.00	\$6,975.00
Water Cons Plan & Misc Studies/ER for Funding	\$26,950.00	100%	\$6,737.50	\$20,212.50	\$26,950.00
I/I Studies / Santuary Sewer Evaluation Survey	\$396,840.00	75%	\$19,842.00	\$277,788.00	\$297,630.00
SSOI TCEQ Submittal	\$3,500.00	100%	\$0.00	\$3,500.00	\$3,500.00
Survey, Data Collection & Preliminary Engineering	\$172,900.00	100%	\$0.00	\$172,900.00	\$172,900.00
Geotechnical Engineering	\$18,780.00	100%	\$0.00	\$18,780.00	\$18,780.00
TCEQ/EPA Discharge Permit	\$46,210.00	100%	\$0.00	\$46,210.00	\$46,210.00
Construction Oversight & Inspection	\$397,300.00	0%	\$0.00	\$0.00	\$0.00
O&M Manuals	\$15,000.00	0%	\$0.00	\$0.00	\$0.00
Emergency Preparedness & Planning Report	\$75,000.00	0%	\$0.00	\$0.00	\$0.00
TOTAL	\$3,671,665.00		\$638,477.50	\$973,677.50	\$1,612,155.00

Total Contract Amount	\$3,671,665.00
Total Complete	\$1,612,155.00
Total Remaining	\$2,059,510.00

Total Amount to Date	\$1,612,155.00
Less Previous Billings	\$973,677.50
TOTAL DUE THIS INVOICE	\$638,477.50

Term: Net 30 Days

Remit Payment To: Wall Engineering, PO Box 1457, Durant, OK 74702



CITY COUNCIL STAFF REPORT

DATE: February 9, 2023

SUBMITTED BY: Lenette Cox, City Secretary

ITEM TYPE: Minute Resolution

AGENDA SECTION: REGULAR AGENDA

SUBJECT: Discuss and act on Board appointment for vacancy on the Main Street Advisory Board.

BACKGROUND INFORMATION:

FINANCIAL INFORMATION:

SUGGESTED ACTION:

ATTACHMENTS:

[Board Application-MS-Larry Bailey.pdf](#)

[Board Application-MS- Emily Hoke.pdf](#)

[Board Application-MS-Tatiana Ambrosio.pdf](#)

CITY OF PILOT POINT BOARDS AND COMMISSIONS

Please note preference of Board or Commission by numbering your choice(s):

Note: Vacancies may not exist on all boards and commissions.

1 equals most interest and 5 equals least

These board members must reside in city limits

Board of Adjustments	<i>Field not completed.</i>
----------------------	-----------------------------

Planning and Zoning Commission	<i>Field not completed.</i>
-----------------------------------	-----------------------------

These board must reside within the ETJ

Economic Development Corporation	<i>Field not completed.</i>
-------------------------------------	-----------------------------

Economic Development Foundation	<i>Field not completed.</i>
------------------------------------	-----------------------------

Library and Cultural Arts Board	<i>Field not completed.</i>
------------------------------------	-----------------------------

Main Street Advisory Board	1
----------------------------	---

Parks and Recreation Advisory Board	<i>Field not completed.</i>
--	-----------------------------

Name	Larry Bailey
------	--------------

Email Address	baileymarineservices@gmail.com
---------------	--

Address	1204 High Point Dr
---------	--------------------

City	Pilot Point
------	-------------

State	TX
-------	----

Zip Code	76258
----------	-------

Phone Number	7133763180
--------------	------------

Age	78
-----	----

Occupation / Address / Business Phone	Retired
--	---------

Registered Voter?	Yes
Resident in City for how many years?	3 years
Education	Electrical Engineering Degree Self-employed off-shore Captain
Special Knowledge or experience	Travels across the United States
Other information (civic activities, etc.)	Previous experience on the Historical Board Committee
Are you, or a member of your family, involved in any business transaction with the City of Pilot Point? Yes or No	No
Have you ever been convicted of a felony? Yes or No	No
I am aware of the meeting dates and times of the Board,Commission I have applied an if appointed, I agree to serve on the Board/Commission which I have applied or would consider an alternate appointment to my second or third service preference.	
Date Submitted	12/10/2022 9:30 AM

CITY OF PILOT POINT BOARDS AND COMMISSIONS

Please note preference of Board or Commission by numbering your choice(s):

Note: Vacancies may not exist on all boards and commissions.

1 equals most interest and 5 equals least

These board members must reside in city limits

Board of Adjustments	7
----------------------	---

Planning and Zoning Commission	5
-----------------------------------	---

These board must reside within the ETJ

Economic Development Corporation	6
-------------------------------------	---

Economic Development Foundation	3
------------------------------------	---

Library and Cultural Arts Board	2
------------------------------------	---

Main Street Advisory Board	1
----------------------------	---

Parks and Recreation Advisory Board	4
--	---

Name	Emily Hoke
------	------------

Email Address	erhoke.97@gmail.com
---------------	--

Address	9586 Jordon Moore Rd
---------	----------------------

City	Pilot Point
------	-------------

State	TX
-------	----

Zip Code	76258
----------	-------

Phone Number	573 660 3424
--------------	--------------

Age	25
-----	----

Occupation / Address / Business Phone	Self employed
--	---------------

Registered Voter?	No
Resident in City for how many years?	1
Education	High school diploma
Special Knowledge or experience	<i>Field not completed.</i>
Other information (civic activities, etc.)	<i>Field not completed.</i>
Are you, or a member of your family, involved in any business transaction with the City of Pilot Point? Yes or No	No
Have you ever been convicted of a felony? Yes or No	No
I am aware of the meeting dates and times of the Board,Commission I have applied an if appointed, I agree to serve on the Board/Commission which I have applied or would consider an alternate appointment to my second or third service preference.	
Date Submitted	12/28/2022 9:00 PM

CITY OF PILOT POINT BOARDS AND COMMISSIONS

Please note preference of Board or Commission by numbering your choice(s):

Note: Vacancies may not exist on all boards and commissions.

1 equals most interest and 5 equals least

These board members must reside in city limits

Board of Adjustments	<i>Field not completed.</i>
----------------------	-----------------------------

Planning and Zoning Commission	<i>Field not completed.</i>
-----------------------------------	-----------------------------

These board must reside within the ETJ

Economic Development Corporation	<i>Field not completed.</i>
-------------------------------------	-----------------------------

Economic Development Foundation	<i>Field not completed.</i>
------------------------------------	-----------------------------

Library and Cultural Arts Board	<i>Field not completed.</i>
------------------------------------	-----------------------------

Main Street Advisory Board	1
----------------------------	---

Parks and Recreation Advisory Board	<i>Field not completed.</i>
--	-----------------------------

Name	Tatiana Ambrosio
------	------------------

Email Address	ambrosio.tatiana@gmail.com
---------------	--

Address	325 W Grove Stq
---------	-----------------

City	Pilot Poing
------	-------------

State	TX
-------	----

Zip Code	76258
----------	-------

Phone Number	94.-597-3715
--------------	--------------

Age	40
-----	----

Occupation / Address / Business Phone	Business Owner
--	----------------

Registered Voter?	Yes
Resident in City for how many years?	2
Education	Brazosport College
Special Knowledge or experience	Retail marketing for nationwide shopping centers, Marketing for tourism Ft Worth and Dallas CVBs, Own a 120 year old historic Pilot Point home, active in the community with PTA and city council issues. PPYSA coach.
Other information (civic activities, etc.)	<i>Field not completed.</i>
Are you, or a member of your family, involved in any business transaction with the City of Pilot Point? Yes or No	No
Have you ever been convicted of a felony? Yes or No	No
I am aware of the meeting dates and times of the Board,Commission I have applied an if appointed, I agree to serve on the Board/Commission which I have applied or would consider an alternate appointment to my second or third service preference.	
Date Submitted	2/5/2001 12:00 AM



CITY COUNCIL STAFF REPORT

DATE: February 9, 2023

SUBMITTED BY: Lenette Cox, City Secretary

ITEM TYPE: Resolution

AGENDA SECTION: REGULAR AGENDA

SUBJECT: Consider and act on a resolution accepting the resignation of Dean Cordell and declaring a vacancy for City Council Place Five.
RESOLUTION 2023-07-581

BACKGROUND INFORMATION:

FINANCIAL INFORMATION:

SUGGESTED ACTION:

ATTACHMENTS:

[2023-07-581 Accepting Dean Cordell Resignation.docx](#)

**CITY OF PILOT POINT
RESOLUTION NO. 2023-07-581**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PILOT POINT, TEXAS, ACCEPTING THE RESIGNATION OF COUNCIL MEMBER DEAN CORDELL (PLACE 5); DECLARING A VACANCY IN PLACE 5 ON THE PILOT POINT CITY COUNCIL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 26, 2023, Council Member Dean Cordell (Place 5) provided written notice of his resignation from the Pilot Point City Council; and

WHEREAS, in accordance with Section 3.06(a) of the City Charter, upon a Councilmember's resignation, the office shall become vacant.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PILOT POINT, TEXAS, THAT:

Section 1. The findings are hereby true and correct and are incorporated herein in their entirety.

Section 2. The resignation of Dean Cordell is hereby accepted.

Section 3. There is hereby declared a vacancy in Place 5 on the City Council.

Section 4. The Resolution is effective upon passage and approval.

PASSED AND APPROVED on this 9th day of February 2023 by a vote of the City Council of the City of Pilot Point, Texas.

Elisa Beasley, Mayor

ATTEST:

Lenette Cox, City Secretary



CITY COUNCIL STAFF REPORT

DATE: February 9, 2023

SUBMITTED BY: Lenette Cox, City Secretary

ITEM TYPE: Ordinance

AGENDA SECTION: REGULAR AGENDA

SUBJECT: Discuss and act on an ordinance of the City of Pilot Point, Denton County, Texas, ordering a General (Regular) Election to be held on May 6, 2023, for the purpose of electing City Council Place 1 and City Council Place 3 for three (3) year terms each; ordering a Special Election to be held on May 6, 2023, for the purpose of electing City Council Member Place 5 for an unexpired term ending in may 2024; calling a Runoff Election, if needed; designating polling places with the City; establishing other procedures for the conduct of the election, including providing that the election is to be held as a joint election in conjunction with Denton County; providing for canvassing returns; authorizing the Mayor, City Manager, and City Secretary to take all actions necessary to comply with applicable election laws; providing a savings/repealing clause, severability clause; finding and determining the meeting at which this ordinance is adopted to be open to the public as required by law; and providing an effective date.

ORDINANCE 519-15-2023

**BACKGROUND
INFORMATION:**

FINANCIAL INFORMATION:

SUGGESTED ACTION:

ATTACHMENTS:

[519-15-2023 Ordering General Election and Special Election.docx](#)

**CITY OF PILOT POINT, TEXAS
ORDINANCE NO. 519-15-2023**

AN ORDINANCE OF THE CITY OF PILOT POINT, DENTON COUNTY, TEXAS, ORDERING A GENERAL (REGULAR) ELECTION TO BE HELD ON MAY 6, 2023, FOR THE PURPOSE OF ELECTING CITY COUNCIL MEMBER PLACE 1 AND CITY COUNCIL MEMBER PLACE 3 FOR THREE (3) YEAR TERMS EACH; ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 6, 2023, FOR THE PURPOSE OF ELECTING CITY COUNCIL MEMBER PLACE 5 FOR AN UNEXPIRED TERM ENDING IN MAY 2024; CALLING A RUN-OFF ELECTION, IF NEEDED; DESIGNATING POLLING PLACES WITH THE CITY; ESTABLISHING OTHER PROCEDURES FOR THE CONDUCT OF THE ELECTION, INCLUDING PROVIDING THAT THE ELECTION IS TO BE HELD AS A JOINT ELECTION IN CONJUNCTION WITH DENTON COUNTY; PROVIDING FOR CANVASSING RETURNS; AUTHORIZING THE MAYOR, CITY MANAGER, AND CITY SECRETARY TO TAKE ALL ACTIONS NECESSARY TO COMPLY WITH APPLICABLE ELECTION LAWS; PROVIDING A SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE; FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Pilot Point, Texas (the “City”) has determined that the City shall conduct its general municipal election, in conjunction with Denton County, on May 6, 2023; and

WHEREAS, the City Council desires to and hereby calls a general (regular) election for the purpose of electing two (2) Council Members for Place 1 and 3 for three (3) year terms each; and

WHEREAS, the City Council desires to and hereby calls a special election for the purpose of electing one (1) Council Member for Place 5 for an unexpired term ending May 2024; and

WHEREAS, the City Council has authority pursuant to Chapter 31, Texas Election Code (the “Code”), to enter into an election services contract with the Denton County Election Officer to furnish certain election services to those citizens of the City residing in Denton County; and

WHEREAS, the City Council has authority pursuant to Chapter 271, Texas Election Code, to enter into joint election agreements with political subdivisions holding elections on the same day in all or part of the same territory.

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

Section 1. Election Date; Purpose of Election; Officers and Terms of Office. A general (regular) election shall be held in and throughout the City on Saturday, May 6,

2023, for the purpose of electing the following officers: Two (2) Council Members (Place 1 and Place 3) for three (3) year terms each. A special election shall be held in and throughout the City on Saturday, May 6, 2023, for the purpose of electing the following officer: One (1) Council Member (Place 5) for an unexpired term ending in May 2024.

- Section 2. Eligibility for Candidacy.** In accordance with the Code and City's Charter, no person shall be eligible for the office unless that person is a qualified voter of the City, shall have resided in the City for at least six months prior to the election, and shall never have been convicted of a felony offense or any offense involving moral turpitude from which the person has not been pardoned or otherwise released from the resulting disabilities.
- Section 3. Application for a Place on the Ballot.** In accordance with Section 143.007 of the Code, any eligible and qualified person may have that person's name printed upon the official ballot as a candidate for Place 1 and Place 3 by filing the person's sworn application with the City Secretary not earlier than **Wednesday, January 18, 2023, and not later than 5:00 p.m. on February 17, 2023.** In accordance with Section 201.054 of the Code, any eligible and qualified person may have that person's name printed upon the official ballot as a candidate for the Place 5 by filing the person's sworn application with the City Secretary not earlier than **Friday, February 10, 2023, and not later than 5:00 p.m. on March 6, 2023.** Each such application shall be on a form as prescribed by Section 141.031 of the Code. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing of the City Secretary as provided by Section 52.094 of the Code. Notice of the time and place for such drawing shall be given in accordance with the Code.
- Section 4. Runoff Election.** The candidate for each respective office who shall receive a majority of all votes cast for the office for which that person is a candidate shall be declared elected. In the event any candidate fails to receive a majority of all votes cast for the office for which that person is a candidate, a run-off election shall be held on **Saturday, June 10, 2023,** between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of resolving the run-off of each office for which a candidate did not receive a majority of all votes cast at the general election as ordered above.
- Section 5. Election Precinct; Polling Place; Election Hours.** The election precinct for said election shall be the corporate limits of the City of Pilot Point, Denton County, Texas. The precinct numbers for the same shall be the corresponding Denton County precinct numbers. The polling places for the general election shall be as set forth in the Joint Election Agreement (as defined in Section 7, below). In accordance with and pursuant to the requirements of the Code, said polling places shall be open from 7:00 a.m. to 7:00 p.m. on May 6, 2023.
- Section 6. Joint Election; Appointment of a Presiding Election Judge and Alternate Presiding Election Judge; Qualifications to Serve as Election Judge;**

Confirmation of Appointments; Notice of Appointments. Chapter 31 of the Code authorizes county election officers to contract with the governing body of a political subdivision situated wholly or partly in the county served by the officer to perform certain election services. Pursuant to Chapter 31 of the Code, the Election shall be conducted in accordance with the terms and conditions of the Contract for Election Services between the Elections Administrator of Denton County and the City of Pilot Point (“Denton County Election Services Contract”), which shall be approved by separate action of the City Council.

Chapter 271 of the Code provides that the authorities of two or more political subdivisions that have ordered elections for the same day in all or part of the same territory, may enter into an agreement to hold the elections jointly in election precincts that can be served by common polling places, and the City Council is expressly authorizing this action. Pursuant to Chapter 271 of the Code, the Election shall be conducted jointly between the City and Denton County. Such Joint Election Agreement shall be approved by separate action of the City Council.

The election shall be held as a joint election with Denton County and other municipalities and school districts pursuant to a Joint Election Agreement for the conduct of a joint election to be held on May 6, 2023 (the “Joint Election Agreement,” a copy of which is or will be placed on file in the Office of the City Secretary), and the County shall be responsible for appointing all election judges and clerks, and shall be responsible for their compensation. Election judges and clerks shall have the qualifications required by law, and notice of appointment shall be given to such judges and clerks by the Administrator (as defined in Section 11 herein) in accordance with the law.

Section 7. Method of Voting. Pursuant to a Joint Election Agreement, Denton County shall be responsible for a voting system that complies with law. Denton County shall be responsible for the preparation of the official ballots for the election, and they shall conform to the requirements of the Code, and in so doing shall permit the voter to vote for two (2) Council Members for three (3) year terms each and to vote for one (1) Council Member for an unexpired term ending May 2024.

Section 8. Governing Law; Qualified Voters. The election shall be held in accordance with the Constitution of the State of Texas, the Code, and all resident, qualified voters of the City shall be eligible to vote at the election. In addition, the election materials enumerated in the Code shall be printed in both English and Spanish as required by law, including for use at the polling place and for early voting for the election.

Section 9. Publication and Posting of Notice. Notice of the election shall be given by posting a notice of election in both English and Spanish at City Hall, 102 East Main Street, Pilot Point, Texas 76258 on the bulletin board or other location used for posting notices of the meetings of the City Council not less than twenty-one (21) days prior to the date upon which the election is to be held, and by publication of said notice at least once in a newspaper published in the City or if none, then in a newspaper

of general circulation with the City, the date of said publication to be not less than ten (10) days nor more than thirty (30) days prior to the date set for the election, as required by the Code.

In addition thereto, a copy of the notice shall also be filed with the City Secretary at least twenty-one (21) days before the election. Upon publication of the election notice, the City Secretary shall secure a publisher's affidavit, which complies with the requirements of the Election Code.

Section 10. Early Voting. Early voting by personal appearance shall be conducted in accordance with Section 271.006 of the Code. Frank Phillips, Denton County Elections Administrator ("Administrator"), is hereby appointed as the Early Voting Clerk. Early voting by personal appearance will be conducted beginning Monday, April 24, 2023, and continue through Tuesday, May 2, 2023, in accordance with the Joint Election Agreement and law. Any qualified voter for the joint election may also vote early by personal appearance at the main early voting location:

Frank Phillips, Early Voting Clerk
Denton County Elections
701 Kimberly Drive, Suite A101
Denton, Texas 76208

And at any of the branch locations set forth in the Joint Election Agreement (such locations being subject to change in accordance with law).

Dates and times of early voting by personal appearance are as follows (subject to change by the Administrator in accordance with law):

Monday, April 24, 2023 through Saturday, April 29, 2023	8:00 a.m. to 5:00 p.m.
Sunday, April 30, 2023	11:00 a.m. to 5:00 p.m.
Monday, May 1, 2023 through Tuesday, May 2, 2023	7:00 a.m. to 7:00 p.m.

Applications for ballot for early voting by mail shall be requested from and mailed to the Denton County Elections Department, 701 Kimberly, Denton, Texas 76202, and such applications must be received by a date and time in accordance with the Code. All requests for early voting ballots by mail that are received by authorities participating in the Joint Election Agreement ("participating authorities") will be transported by runner on the day of receipt to the Denton County Elections Department for processing. Persons voting by mail will send their voted ballots to the Denton County Elections Department.

All early voting ballots will be prepared for counting by an Early Voting Ballot Board appointed in accordance with Section 87.001 of the Code. Pilot Point hereby waives its right under the Joint Election Agreement to appoint a member to the Board, and will have Denton County appoint a member for the City.

Run-Off

Early voting by personal appearance for the run-off election, if a run-off election is necessary, shall be conducted at the main early voting location and at any of the branch locations set forth in the Joint Election Agreement (such locations being subject to change in accordance with law). Dates and times of early voting by personal appearance are set forth in the Joint Election Agreement (subject to change by the Administrator in accordance with law).

- Section 11. Delivery of Returns; Preservation of Election Records.** A general custodian of the voted ballots and all records of the joint election as authorized by Section 271.010 of the Code shall be appointed.

Access to the election records will be available to each participating authority as well as to the public in accordance with the Texas Public Information Act, Chapter 552, Government Code, at the Denton County Election Department, 701 Kimberly, Denton, Texas, at any time during normal business hours. The Administrator shall ensure that the records are maintained in an orderly manner.

Records of the election will be retained and disposed of in accordance with the City's records retention schedules, and in accordance with provisions of Title 6, Subtitle C, Chapters 201 through 205 Texas Local Government Code, including the minimum retention requirements established by the Texas State Library and Archives Commission.

- Section 12. Canvassing of Returns.** In accordance with the Code, the City Council of the City shall convene in accordance with the Code to canvass the returns of the election.

- Section 13. Necessary Actions.** The Mayor, City Manager and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the election, whether or not expressly authorized herein.

- Section 14. Preamble Incorporation.** The recitals contained in the preamble hereof are hereby found to be true and correct, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

- Section 15. Inconsistent Provisions.** All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

- Section 16. Severability.** Should any part, section, subsection, paragraph, sentence, clause or phrase of this Ordinance be held unconstitutional or of no force or effect, such holding shall not effect the validity of the remaining portion of this ordinance, but in all respects the validity of the remaining portions of this Ordinance shall remain

in full force and effect. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

Section 17. Proper Notice and Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

Section 18. Effective Date. This Ordinance is effective from and after its passage and approval as may be required by law, by the City Charter or by ordinance.

PASSED AND APPROVED on this 9th day of February 2023 by a vote of the City Council of the City of Pilot Point, Texas.

CITY OF PILOT POINT, TEXAS

Elisa Beasley, Mayor

ATTEST:

Lenette Cox, City Secretary



CITY COUNCIL STAFF REPORT

DATE: February 9, 2023

SUBMITTED BY: John Taylor, Development Services

ITEM TYPE: Ordinance

AGENDA SECTION: REGULAR AGENDA

SUBJECT: Discuss and act on an ordinance of the City of Pilot Point, Texas, amending the Code of Ordinances to repeal and replace Chapter 10 "Subdivision Regulation" to provide for standards and procedures for plats, subdivisions, and construction plans in the corporate limits of the City of Pilot Point and the extraterritorial jurisdiction, attached as Exhibit "A"; providing for the incorporation of premises; providing for amendment; providing for cumulative repealer clause; providing for penalty clause; providing a savings clause; providing a severability clause; and providing for publication and an effective date.

ORDINANCE 520-15-2023

BACKGROUND INFORMATION: This proposed amendment to the City Subdivision Ordinance is a part of a 2023 work program to comprehensively update and modernize development related codes and ordinances. The ultimate objective is to provide all development related codes and ordinances in a Unified Development Code (UDO).

The proposed Subdivision Ordinance amendment will be a stand-alone ordinance but later incorporated into the UDO. Previously, the City Council adopted another stand-alone ordinance, the Design and Construction Standards and Specifications Manual (DCSS Manual). A PowerPoint presentation will be provided by staff to identify the significant changes and differences between the existing and proposed Subdivision Ordinance.

FINANCIAL INFORMATION: NA

SUGGESTED ACTION:

ATTACHMENTS:

[520-15-2023 Subdivision Regulations Ordinance .docx](#)

[ag 230202 D2 Proposed Subdivision Ordinance Draft 1-27-23.docx](#)

**CITY OF PILOT POINT, TEXAS
ORDINANCE NO. 520-15-2023**

AN ORDINANCE OF THE CITY OF PILOT POINT, TEXAS, AMENDING THE CODE OF ORDINANCES TO REPEAL AND REPLACE CHAPTER 10 “SUBDIVISION REGULATION” TO PROVIDE FOR STANDARDS AND PROCEDURES FOR PLATS, SUBDIVISIONS, AND CONSTRUCTION PLANS IN THE CORPORATE LIMITS OF THE CITY OF PILOT POINT AND THE EXTRATERRITORIAL JURISDICTION, ATTACHED AS EXHIBIT “A”; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENT; PROVIDING FOR CUMULATIVE REPEALER CLAUSE; PROVIDING FOR PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Pilot Point, Texas (hereinafter referred to as “City”) is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, Chapters 212 and 242 of the Texas Local Government Code authorize the City to adopt regulations and rules governing plats, subdivisions and constructions plans, as applicable, in the City and its extraterritorial jurisdiction (“ETJ”); and

WHEREAS, in 1993, the City Council of the City (the “City Council”) adopted Chapter 10 “Subdivision Regulation” in its Code of Ordinances to establish procedures and standards for subdivisions, including sketch plats, preliminary plats, final plats, and replats, as well as construction plans for the construction of public infrastructure; and

WHEREAS, the City Council has investigation and determined it is in the best interest of the citizens of Pilot Point to amend standards in Chapter 10 to address changes in development patterns and update procedures to comply with changes in federal and state law regarding subdivisions and dedications of land; and

WHEREAS, on February 9, 2023, the City Council held a public hearing to receive input on the proposed amendments to Chapter 10, and having considered that input and has determined that it is in the best interest of the citizens of Pilot Point to repeal Chapter 10 and replace it with the new Subdivision Regulations, attached hereto as Exhibit “A”; and

WHEREAS, the City Council has determined that the City’s subdivision regulations should be amended to promote the health, safety, morals or general welfare, and the safe, orderly, and healthful development of the City and the City’s extraterritorial jurisdiction.

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

**SECTION 1
INCORPORATION OF PREMISES**

That the above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2
AMENDMENT**

That Chapter 10, "Subdivision Regulation" in the Code of Ordinances of the City of Pilot Point is hereby repealed in its entirety and replaced with Subdivision Regulations in Exhibit "A," attached hereto and incorporated herein.

**SECTION 3
CUMULATIVE REPEALER CLAUSE**

This Ordinance shall be cumulative of all provisions of ordinances of the City of Pilot Point, Texas, and shall not repeal any of the provisions of said ordinances except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict. All other provisions of ordinances of the City of Pilot Point, Texas not in direct conflict with this Ordinance shall remain in full force and effect.

**SECTION 4
PENALTY**

Any person, firm, entity or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined not more than two thousand dollars (\$2,000). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

**SECTION 5
SAVINGS CLAUSE**

All rights and remedies of the City of Pilot Point, Texas are expressly saved as to any and all violations of the provisions of any other ordinance, which have secured at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

**SECTION 6
SEVERABILITY**

The sections, paragraphs, sentences, phrases, clauses and words of this ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this ordinance or application thereof to any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the City Council hereby declares that it would have passed such remaining

portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 7
PUBLICATION AND EFFECTIVE DATE

This Ordinance shall become effective immediately upon its adoption and publication as required by law.

PASSED AND APPROVED by the City Council of the City of Pilot Point, Texas this the 9th day of February 2023.

Elisa Beasley, Mayor

ATTEST:

Lenette Cox, City Secretary

EXHIBIT A
SUBDIVISION REGULATIONS

CITY OF PILOT POINT, TEXAS SUBDIVISION ORDINANCE



DRAFT

Draft date: July 11, 2022
Revision date: August 17, 2022
Revision date: January 25, 2023
TABLE OF CONTENTS

SECTION 1.	GENERAL PROVISIONS	Page
Section 10.01.001	Title.	1
Section 10.01.002	Authority, purpose, and applicability.	1
Section 10.01.003	Applicability.	2
Section 10.01.004	General subdivision and platting policies.	3
Section 10.01.005	Documents comprising subdivision regulations.	4
Section 10.01.006	Compliance with city plans and ordinances required.	5
Section 10.01.007	Amendments and expiration of current projects.	5
Section 10.01.008	Expiration.	6
Section 10.01.009	Enforcement.	7
SECTION 2.	APPLICATION SUBMITTAL AND PROCESSING PROCEDURES	
Section 10.02.001	Pre-application meeting.	7
Section 10.02.002	Application submittal and completeness determination.	8
Section 10.02.003	Application review.	9
SECTION 3.	PLATTING REQUIREMENTS	
Section 10.03.001	Preliminary plat.	10
Section 10.03.002	Civil construction plans.	13
Section 10.03.003	Final plat.	16
Section 10.03.004	Minor plat or minor replat.	21
Section 10.03.005	Replat.	23
Section 10.03.006	Amending plat.	25
Section 10.03.007	Plat vacation.	27
Section 10.03.008	Extension request.	29
SECTION 4	SUBDIVISION DESIGN STANDARDS	
Section 10.04.001	General standards.	29
Section 10.04.002	Adequate public facilities.	40
Section 10.04.003	Dedication required.	43

Section 10.04.004	Underground utilities.	43
Section 10.04.005	Operations and maintenance of public improvements.	44
Section 10.04.006	Enforcing payment of proportional cost.	44
Section 10.04.007	Charges to be credited with proportionality fund.	44
Section 10.04.008	Lift stations and special installations.	44
Section 10.04.009	Streets.	44
Section 10.04.010	Sidewalks	51
Section 10.04.011	Water and sanitary sewer standards.	52
Section 10.04.012	Water.	55
Section 10.04.013	Wastewater.	60
Section 10.04.014	Drainage.	63
Section 10.04.015	Park and recreation dedication requirements.	72
Section 10.04.016	Construction and inspections of public improvements.	75
Section 10.04.017	Acceptance and maintenance.	77
Section 10.04.018	Homeowner and property owner's associations required.	78
SECTION 5 SUBDIVISION AND DEVELOPMENT AGREEMENTS		
Section 10.05.001	Requirements.	83
Section 10.05.002	Assurance for completion and maintenance.	84
SECTION 6. EXTERRITORIAL JURISDICTION (ETJ) POLICIES AND REGULATIONS		
Section 10.06.001	Application of requirements.	85
Section 10.06.002	Design and construction standards for public improvements in the city's ETJ.	85
Section 10.06.003	County interlocal agreements.	85
Section 10.06.004	Agreements for emergency services required.	86
SECTION 7. RELIEF PROCEDURES		
Section 10.07.001	Modifications and variations.	86
Section 10.07.002	Waivers.	87

Section 10.07.003	Proportionality appeal.	89
Section 10.07.004	Vested rights.	91
Section 10.07.005	Dormant projects.	97
SECTION 8 - DEFINITIONS		
Section 10.08.001	Usage.	99
Section 10.08.002	Definitions.	100

SUBDIVISION ORDINANCE

SECTION 1. GENERAL PROVISIONS

Section 10.01.001 Title.

These regulations shall officially be known, cited, and referred to as the Subdivision Ordinance of the City of Pilot Point, Texas, shall be known as the "Subdivision Ordinance" or "this Ordinance."

Section 10.01.002 Authority, purpose and applicability.

- (a) Authority. The regulations of this Subdivision Ordinance are authorized under the authority of Texas Local Government Code (TLGC), ch. 212 (including Subchapter B) and the City's Charter. The provisions of the Subdivision Ordinance expressly extend to all areas inside the City limits and throughout the City's extraterritorial jurisdiction (ETJ), as either may be adjusted in the future, and as may be provided in an interlocal agreement with the County in accordance with TLGC ch. 242.
- (b) Purpose.
 - (1) The development and Subdivision of land, as they affect a community's quality of life, are activities for which regulation is a valid function of municipal government. The regulations contained within this Subdivision Ordinance are intended to protect the interests of the public and of private parties by granting certain rights and privileges. The requirements in this Ordinance are also intended to establish a fair and rational procedure for developing and subdividing land such that land will be developed in accordance with the Comprehensive Plan and existing physical, social, economic, and environmental conditions.
 - (2) The provisions of this Ordinance are intended to implement standards and requirements provided for herein and shall be requirements for the platting and developing of Subdivisions within the City and its ETJ.
 - (3) This Subdivision Ordinance intends to implement the following objectives:
 - a. Promote the development and the utilization of land in a manner that provides an attractive and high-quality community environment in accordance with the Comprehensive Plan, other plans and the Zoning Ordinance of the City;
 - b. Preserve the nature beauty and topography of public and private properties by encouraging where possible that natural features and landforms are incorporated into developments as amenities;
 - c. Minimize pollution of the air, streams, bodies of water, and aquifers, promote adequacy of storm drainage facilities, minimize erosion, safeguard both surface and groundwater supplies, as well as natural resources and endangered or threatened plant and animal life, and encourage the

conservation and management of natural resources in order to preserve the integrity, stability and beauty of the community and the value of the land;

- d. Provide for adequate light and privacy; improve safety from fire, flood and other dangers; and prevent overcrowding of the land and undue congestion of population;
- e. Provide for public or private facilities that are available and with sufficient capacity to serve proposed and future developments and citizens within the City and its ETJ;
- f. Protect the public interest by having standards for, but not limited to, the location, design of streets, sidewalks, trails, alley, utilities, and essential public services;
- g. Assist orderly, efficient, and coordinated development within the City's limits and its ETJ;
- h. Guide and assist property owners and applicants in the correct procedures to be followed, and to inform them of the required standards;
- i. Integrate the development of various tracts of land into the community, and coordinate the future development of adjoining tracts;
- j. Promote the most efficient and beneficial provision of public facilities and services for each tract being subdivided;
- k. Encourage the development of residential areas that incorporate a range of housing and lifestyle choices, including diverse platting designing techniques that promotes non-grid and grid lot layouts;
- l. Provide for compatible relationships between land uses and buildings; Provide for efficient traffic circulation throughout the municipality;
- m. Provide for pedestrian and bicycle circulation that is appropriate for the various uses of land and buildings; and
- n. Establish adequate and accurate records of land Subdivision.

Section 10.01.003 Applicability.

- (a) The provisions of this Subdivision Ordinance apply to any non-exempt Section of land, combination of separate land parcels, and/or development of land within the corporate boundaries of the City and within its ETJ.
- (b) No permit shall be issued for any building or structure on a property until a plat has been approved and filed for recordation unless specifically exempted herein.

Section 10.01.004 General Subdivision and platting policies.

- (a) Every owner of every tract of land located within the corporate limits or extraterritorial jurisdiction of the city who divides the tract into two (2) or more parts as provided in chapter 212, subchapters A and B, of the TLGC 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.
- (b) Exemptions - The following land Sections are exempt from the requirements of this Subdivision Ordinance that apply to plats:
 - (1) Use of existing cemeteries complying with all State and local laws and regulations;
 - (2) A Section of land created by order of a court of competent jurisdiction, provided however, that prior to construction of improvements, a plat meeting the requirements of this Ordinance shall be approved and recorded prior to the issuance of permits; and
 - (3) A division of land into parts greater than five acres, where each part has access to a public street, no public improvements are being constructed and no permit is being requested. If a division of land is requested, then a plat must be prepared in accordance with Section 10.01.063 (6).
- (c) Zoning - Inside the City limits of the City, the following shall apply:
 - (1) Conformance with Existing Zoning - All applications shall be in conformance with the existing zoning on the property (if applicable).
 - (2) Request to Rezone First - If an applicant seeks to amend the zoning for the property, the request to rezone the land shall be submitted and approved prior to acceptance of an application for filing a plat unless as otherwise provided below.
 - (3) Site Plan Approval - Where Site Plan approval is required prior to development, a Preliminary Plat may be approved prior to the approval of a Preliminary Site Plan if the Preliminary Site Plan is under review. No application for a Final Plat shall be accepted for filing until a Site Plan and Construction documents have been approved for the land subject to the proposed plat.
- (d) Platting Exemptions for Single Tracts Prior to Construction. Any owner of an unplatted single tract of land shall submit for approval and have filed of record a plat of the tract prior to the commencement of construction or issuance of a building permit. However, nothing in these regulations requires a plat to be approved and recorded as a prerequisite to construction under the following conditions:

-
- (1) The tract is zoned residential and the construction is for any of the following purposes, and the addition or alteration conforms with this Ordinance:
 - a. Adding to or altering an existing lawfully conforming single-family building or structure;
 - b. Adding a fence on the tract; or
 - c. Adding an accessory building or structure to an existing lawfully conforming single-family use.
 - (2) The tract is not zoned residential as noted above or is zoned residential but contains a permitted non-residential land use, the construction is for any of the following purposes, and the alteration conforms with this Ordinance:
 - a. Adding an accessory building to an existing lawfully conforming use on the same tract;
 - b. Adding a fence on the tract;
 - c. Remodeling or altering an existing commercial or industrial building;
 - d. Adding a wireless communications antenna to an existing utility transmission tower or existing telecommunications tower; or
 - e. Any improvement that does not create infrastructure impacts or more intensive development or land use than the exceptions listed above

(b) Engineering standards. The Design and Construction Standards and Specifications (hereafter called DCSS Manual) and other engineering design standards may be drafted and amended from time to time, at the discretion and determination of the City Manager, or his/her designee. As the DCSS Manual) and other engineering standards are drafted and amended, they must subsequently be approved and/or adopted by ordinance of the City Council.

After approval/adoption by City Council, said standards shall be included and substituted for the existing standards and shall thereafter have the same force of law and effect as if originally adopted hereby. A copy of the current DCSS Manual shall be kept on file and available for review with the Departments of Public Works and Development Services office and on the Department of Development Services and Public Works website pages.

Section 10.01.006 Compliance with city plans and ordinances required.

Compliance with all City ordinances pertaining to the Subdivision and development of land, the provision of infrastructure, and the Comprehensive Plan (where applicable), shall be required prior to approval of any application pursuant to this Ordinance. All such ordinances and the

Comprehensive Plan shall be construed to mean those documents as they exist or may be amended. It is the property owner's responsibility to be familiar with, and to comply with, City ordinances, the Comprehensive Plan, and the provisions of this Ordinance. Applicable City ordinances and plans with which all applications must comply include, but are not limited to, the following:

- (1) Comprehensive Plan (including all associated maps and plans);
 - (2) Master Thoroughfare Plan;
 - (3) Trails Master Plan;
 - (4) Parks Master Plan;
 - (5) Unified Development Code;
 - (6) Building Codes;
 - (7) International Fire Code;
 - (8) Impact Fee Ordinance;
 - (9) Engineering Documents including:
 - a. DCSS Manual, and
 - b. Other development-related engineering standards.
 - (10) Federal, State and Local Environmental Regulations; and
 - (11) Capital Improvement Plans for streets, drainage, parks and trails, and water and wastewater facilities.
- (G) Nature of this Ordinance. This Ordinance is not a zoning regulation and is not subject to the procedural requirements of TLGC, ch. 211.

Section 10.01.007 Amendments and expiration of current projects.

- (a) Amendments/Revisions to an Approved Application. Unless another method is expressly provided by this Subdivision Ordinance, any request to amend or revise an approved application shall be considered a new application, which must be considered in accordance with the procedures governing the original application and the standards in effect at the time such new application is filed with the City.
- (b) Expiration.
 - (1) Unless otherwise expressly provided by this Subdivision Ordinance, an approved application shall automatically expire one (1) year following the approval date of the application, and shall become null and void, and all activities under the application thereafter shall be deemed in violation of this Subdivision Ordinance, if:

-
- i. The applicant fails to satisfy any condition that was imposed by this Subdivision Ordinance or as part of the approval of the application or that was made under the terms of any Development Agreement, within the time limits established for satisfaction of such condition or term; or
 - ii. The applicant fails to submit a subsequent complete application required by this Subdivision Ordinance within the time so required; or
 - (2) If no time limit for satisfaction of conditions is specified in the decision on the application, the time shall be presumed to be two (2) years following the date the application was approved, except as may be specified in a vested rights petition.
 - (3) An expiration date may differ from the first anniversary of approval upon approval of a different date being determined pursuant to a vested rights petition (Section 10.07.005, Vested Rights).

Section 10.01.008 Expiration.

- (a) Two-year expiration established. Notwithstanding any other provision of this Subdivision Ordinance, for any approved plat for which no expiration date was in effect on the date this Subdivision Ordinance was duly adopted by City Council, an expiration date of two (2) years following the date of approval of the plat shall apply, unless the applicant files a written petition before such date for a vested rights determination pursuant to Section 10.07.004 Vested Rights, alleging that progress has been made toward completion of the project for which the application subject to expiration was filed. If a vested rights petition is timely filed and subsequently approved, the City Council shall determine the expiration date of the plat in deciding the petition.
- (b) Five-year expiration established. Notwithstanding any other provision of this Subdivision Ordinance, once a plat has expired as described above, all previously approved applications for the same land also shall expire no later than five (5) years following the date of filing of the first plat application for the project for which the expired application was filed, unless the applicant files a written petition before such date for a vested rights determination pursuant to Section 10.07.004, Vested Rights. If a vested rights petition is timely filed and subsequently approved, the City Council shall determine the expiration date of the previously approved applications in deciding the petition.

Section 10.01.009 Enforcement.

- (a) Fines. Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed two thousand dollars (\$2,000.00) for all violations affecting or involving fire safety or public health and sanitation and five hundred dollars (\$500.00) for all other violations. The above penalty shall not apply to a violation in the city's extraterritorial jurisdiction. Each day that a violation exists shall constitute a separate offense.
- (b) Injunctions. The city shall have the right to institute an action in a court of competent jurisdiction to enjoin the violation of any provision of this Ordinance within its municipal boundary or within its extraterritorial jurisdiction, and this remedy shall be in addition to any penal provision in this Ordinance or in this code.
- (c) Permit denial. No building, plumbing, electrical, mechanical, excavation, permits, zoning actions, certificates of occupancy or authorizations for utility service connection shall be made for any construction, activity or occupancy occurring on a lot, tract or parcel in an unrecorded Subdivision or development until the Subdivision or development is brought into compliance with the terms and conditions hereof.

SECTION 2. APPLICATION SUBMITTAL AND PROCESSING PROCEDURES

Section 10.02.001 Pre-application meeting.

- (1) PURPOSE: The purpose of pre-application meetings are to provide an opportunity for an informal evaluation of an applicant's proposal and for the applicant to become familiar with the City of Pilot Point's submittal requirements, development standards, and approval criteria. Pre-application meetings are also intended to allow the City Engineer and other departments review and discuss civil engineering plans and details for a proposed development. Such meetings are also intended to assist in achieving approval of an application within the 30-day period established by state law.

The Administrator or designee may provide recommendations and/or inform the applicant of any potential issues that might be presented to the applicable decision-making body. This provides an opportunity to address any major issues before the applicant and the city spend substantial time and expense on the application.

- (2) APPLICABILITY: A pre-application meeting is required prior to certain types of applications in accordance with the Subdivision Ordinance.
- (3) MEETING PROCESS: City staff shall coordinate with the applicant and facilitate the meeting, including scheduling the time and location of the meeting. At the meeting, city staff may:

-
- (a) Determine the required application(s) and the timing of multiple application submittals (i.e., whether they may be processed concurrently or must be processed sequentially);
 - (b) Provide the applicant with application materials and inform the applicant of submittal requirements and procedures;
 - (c) Provide the applicant with an estimated time frame for the review process;
 - (d) Based on a conceptual plan of the proposal (if required), generally discuss compliance with the Ordinance's zoning, use, density, and design and development standards, and attempt to identify any potentially significant issues regarding compliance;
 - (e) Refer the applicant to other departments or agencies to discuss any potential significant issues prior to application submittal; and
 - (f) Consider or answer questions by the applicant relating to the application process, the standards established in this Ordinance, required documents, fees, and any other inquiries relating to the application.
- (4) Applicants are advised that the meeting should take place prior to any substantial investment in time or resources, such as a land acquisition for a proposed development, site and engineering design, or the preparation of other data.
 - (5) The informal evaluation and recommendations provided by the staff during a pre-application meeting shall not be considered binding upon the applicant or the City.

Section 10.02.002 Application submittal and completeness determination.

- (1) **APPLICABILITY:** This section applies to any application that is subject to this Ordinance.
- (2) **APPLICATION MATERIALS:** In accordance with the submittal schedule, the applicant shall submit to the Administrator all of the information required in the application packet, along with any information identified in any pre-development meeting and all required information stated elsewhere in this Ordinance for the type of application.
 - (a) No application is complete unless all required information and all materials are submitted, and all required application fees are paid. An application is not considered filed until the day it is complete.
 - (b) The Administrator shall establish a schedule for filing and reviewing any application that requires action by the City Council, Planning and Zoning Commission, Zoning Board of Adjustment, Main Street Advisory Board, or Administrator. The schedule shall provide adequate time for review, notice and/or publication consistent with the applicable Statutes and this Ordinance. Completed applications shall be filed according to any published schedule.
- (3) **COMPLETENESS DETERMINATION:**

-
- (a) The Administrator shall make a determination of application completeness within ten (10) business days of application filing. If the application is determined to be complete, the applicant will be notified and the application shall then be processed according to the procedures set forth in this Ordinance.
 - (b) An application will be considered filed if it is submitted in the required form, includes all mandatory information and supporting materials specified in the application packet, this Ordinance, and is accompanied by the applicable fee.
 - (c) If the application is determined to be incomplete and not accepted for filing, the Administrator shall provide notice to the applicant that includes an explanation of the application deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a new application.
 - (d) If any false or misleading information is submitted or supplied by an applicant on an application, that application will be deemed void and a new application must be submitted together with payment of applicable development review fees.
 - (e) Whenever this Ordinance establishes a time period for processing an application, the time period does not begin until the Administrator has reviewed the application for completeness and determined it to be complete and accepted for filing. If the applicant is deemed incomplete, the application will not be accepted for filing until the applicant has corrected all deficiencies in the application.

Section 10.02.003 Application review.

- (1) Following a determination that an application is complete, the Administrator shall circulate the application to staff and appropriate City departments and other entities for review.
- (2) The Administrator may also refer applications to other boards, commissions, government agencies, and non-governmental agencies not referenced in this Ordinance.
- (3) If a Minor or Major Waiver is requested, an applicant shall follow the requirements and procedures as set forth in Section 10.07, Relief Procedures in this Ordinance.
- (4) The Administrator may request a meeting with the applicant to discuss the application and any written comments. Based on the written comments, the applicant shall have an opportunity to revise the application prior to further processing. Additional submittals and reviews may be subject to additional fees as determined by the Administrator.
- (5) If a public hearing is required for an application, the Administrator shall prepare a staff report once written comments have been adequately addressed, including requests for relief as set forth in Section 10.07 of this Ordinance. The staff report shall be made available to the applicant and to the public prior to the scheduled public hearing on the

application. The staff report shall indicate whether, in the opinion of the Administrator, the application complies with all applicable standards of this Ordinance.

- (5) If an applicant is seeking a waiver to a Subdivision Ordinance rule or requirement, then such waiver request may be defined as Minor or Major Waiver requests.

SECTION 3. PLATTING REQUIREMENTS

Section 10.03.001 Preliminary plat.

- (a) **PURPOSE AND APPLICABILITY:** The purpose of a Preliminary Plat shall be to determine the general layout of the Subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the land Section with applicable requirements of this Ordinance. Preliminary plats shall be approved prior to any land Section and commencement of any new development or construction project.
- (b) **EXCEPTIONS:**
1. A Preliminary Plat is not required when a Minor Plat is submitted.
 2. A Final Plat, along with Civil Construction Plans, may be submitted in lieu of a Preliminary Plat if a Development Agreement and appropriate surety are submitted along with the application. (Requires approval from City Council.)
- (c) **PRE-APPLICATION MEETING:** Pre-application meeting is required for Preliminary Plats.
- (d) **APPLICATION SUBMITTAL:** The application may only be submitted on the dates listed in the Submittal Schedule. In addition to submittal requirements in Section 2, the application submittal shall include the items and information outlined in the City's most current "Preliminary Plat Checklist," as maintained by the Development Services Department, including but not limited to:
1. a preliminary plat prepared by a licensed professional engineer or registered professional land surveyor.
 2. Additional engineering plans and studies prepared by a licensed professional engineer, including:
 - i. Preliminary Drainage Plan;
 - ii. Preliminary Water and Sewer Utility Plans;
 - iii. Traffic Impact Analysis (if 100 acres or more or will generate 1,000 trips or more);
 - iv. Floodplain Reclamation Concept Plan, if applicable; and

-
- v. If deemed necessary for thorough review by Administrator, other plans may be required.
- (e) COMPLETENESS DETERMINATION: Requirements in Section 2 shall apply.
- (f) APPLICATION REVIEW: All complete applications for Preliminary Plats shall be reviewed by the Administrator based on the requirements in this Ordinance.
- (g) NOTICE: None.
- (h) APPROVAL PROCEDURES:
- (1) Action by the Planning and Zoning Commission: The Planning and Zoning Commission shall take action on any Preliminary Plat within 30 days after it is filed. The Commission shall make a recommendation to approve, approve with conditions, or deny the application and forward its report and recommendation to the City Council. If the Preliminary Plat is submitted with a zoning change application, the public hearing for the zoning change may be combined with the application for the Preliminary Plat.
- (2) Action by the City Council: The City Council has final authority to approve, approve with conditions, or deny, any Preliminary Plat within 30 days after the date the Planning and Zoning Commission makes a recommendation.
- (i) REVIEW AND APPROVAL CRITERIA: In addition to submittal requirements in Section 2, the following criteria shall be used to determine whether the application for a Preliminary Plat shall be approved, approved with conditions, or disapproved:
1. The Preliminary Plat is consistent with all zoning requirements for the property, including any applicable Planned Development or Special Zoning District standards; and
2. The proposed provision and configuration of public improvements including, but not limited to, roads, water, wastewater, storm drainage, park facilities, open spaces, habitat restoration, easements and rights-of-way are adequate to serve the development, meet applicable standards of this Ordinance, and conform to the City's adopted master plans for those facilities; and
3. The Preliminary Plat is in accordance with the City's interlocal agreements with the County if the proposed development is located in whole or in part in the ETJ of the City; and
4. The Preliminary Plat has been duly reviewed by applicable City staff; and

-
5. The Preliminary Plat conforms to design requirements and construction standards as set forth in this Ordinance and the Design Criteria and Construction Standards; and
 6. The Preliminary Plat is consistent with the Comprehensive Plan, except where application of the Plan may conflict with State law (e.g., land use in the ETJ); and
- (k) **CONDITIONAL APPROVAL OR DISAPPROVAL REQUIREMENTS.** If a Preliminary Plat is conditionally approved or disapproved, the City Council shall provide the applicant with a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the written statement:
1. must:
 - a. be directly related to the requirements in The Subdivision Ordinance and the DCSS Manual; and
 - b. include a citation to the law, including a statute, the Subdivision Ordinance, the City DCSS Manual, or City Ordinance that is the basis for the conditional approval or disapproval; and
 2. may not be arbitrary.
- (l) **APPLICANT RESPONSE TO CONDITIONAL APPROVAL OR DISAPPROVAL.** After the conditional approval or disapproval of a Preliminary Plat, the applicant may submit to the City Council a written response that adequately satisfies each condition for the conditional approval or adequately remedies each reason for disapproval provides. The applicant response may only be submitted on the dates listed in the Submittal Schedule. Upon receipt of the applicant response, the Administrator shall determine if the applicant response adequately satisfies each condition or adequately remedies each reason and schedule the Preliminary Plat for consideration by the City Council not later than the 15th day after the applicant response was submitted.
- (m) **EFFECT OF APPROVAL.** Approval of a Preliminary Plat authorizes the applicant to apply for approval of Civil Construction Plans or a Final Plat, if approval of Civil Construction Plans will be delayed until after Final Plat approval.
- (n) **AMENDMENTS:** The following amendments can be made to a Preliminary Plat following approval:
1. **Minor Amendments** - Minor amendments to the design of the development subject to an approved Preliminary Plat may be incorporated in an application for approval of a Final Plat without the necessity of filing a new application for re-approval of a Preliminary Plat. Minor amendments

may only include minor adjustments in street or alley alignments, lengths and paving details, and minor adjustments to lot lines that do not result in creation of additional lots or any non-conforming lots (such as to Zoning standards), provided that such amendments are consistent with applicable approved prior applications.

2. Major Amendments - All other proposed changes to the design of the development subject to an approved Preliminary Plat shall be deemed major amendments that require submittal and approval of a new application for approval of a Preliminary Plat (including new fees, new reviews, new official filing date, etc.) before approval of Construction Plans and/or a Final Plat.
3. Determination - The Director of Development Services shall make a determination of whether proposed amendments are deemed to be minor or major thereby requiring new submittal of a Preliminary Plat.

Section 10.03.002 Civil construction plans.

- (a) PURPOSE AND APPLICABILITY. To require that Public Improvements be installed to serve a development in accordance with The Subdivision Ordinance.
- (b) EXCEPTIONS. Civil construction plans are not required when no Public Improvements are required as part of a plat.
- (c) PRE-APPLICATION MEETING. Pre-application meetings are required for Civil Construction Plans. Standards for pre-application meetings in Section 2 shall apply to pre-application meetings.
- (d) APPLICATION SUBMITTAL. The application may only be submitted on the dates listed in the Submittal Schedule. In addition to the submittal requirements in Section 2, the application submittal shall include the items and information outlined in the City's most current "Civil Construction Plans Checklist," including but not limited to:
 1. Information required to be submitted for a Preliminary Plat.
- (e) COMPLETENESS DETERMINATION. Requirements in Section 2 shall apply.
- (f) APPLICATION REVIEW.
 1. Review and Approval Action. The Director of Development Services shall be the Responsible Official for review and approval of Construction Plans.
 2. Outside Review. If an outside consultant is contracted to review Construction Plans, then the Applicant shall reimburse the City for the review fees.

-
3. Decision-Maker Options. In this capacity, therefore, the Administrator shall approve, approve subject to modifications, or deny the Construction Plans.
- (g) NOTICE. None.
 - (h) APPROVAL PROCEDURES. The Administrator has final authority to approve, approve with conditions, or disapprove any Civil Construction Plans.
 - (i) REVIEW AND APPROVAL CRITERIA. The Administrator shall approve Civil Construction Plans once said plans are deemed complete for processing, if:
 1. The Civil Construction Plans are consistent with the City's DCSS Manual requirements, and approved Preliminary Plat, or the proposed Final Plat;
 2. The Civil Construction Plans conform to the subject property's zoning and PD, Planned Development standards (including zoning design standards), the Subdivision Ordinance, and all other applicable City ordinances and regulations; and
 3. Payment of inspection fee listed on the Fee Schedule is paid to the City.
 - (j) CONDITIONAL APPROVAL OR DISAPPROVAL REQUIREMENTS. If Civil Construction Plans are conditionally approved or disapproved, the Administrator shall provide the applicant with a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the written statement:
 1. must:
 - a. be directly related to the requirements in The Subdivision Ordinance and DCSS Manual; and
 - b. include a citation to the law, including a statute or City ordinances that is the basis for the conditional approval or disapproval; and
 2. may not be arbitrary.
 - (k) APPLICANT RESPONSE TO CONDITIONAL APPROVAL OR DISAPPROVAL. After the conditional approval or disapproval of Civil Construction Plans, the applicant may submit to the Administrator a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provides. The applicant response may only be submitted on the dates listed in the Submittal Schedule. Upon receipt of the applicant's response, the Administrator shall determine if the applicant response adequately satisfies each condition or adequately remedies each reason and shall approve, approve with conditions, or disapprove with reasons not later than the 15th day after the applicant response was submitted.

-
- (l) EFFECT OF APPROVAL. Approval of Civil Construction Plans authorizes the Applicant to:
1. Apply for Final Plat.
- (m) EXPIRATION DATE FOR CONSTRUCTION PLANS. Approved Civil Construction Plans shall expire on the earlier of either one year from the date of approval, or on the date of final acceptance by the City, provided that progress toward completion of the project continues to be demonstrated, unless the Civil Construction Plans are extended in accordance with the Extension of Construction Plans beyond Expiration Date below.
- (n) EXTENSION OF CONSTRUCTION PLANS BEYOND EXPIRATION DATE.
1. General.
 - a. Civil Construction Plans may be extended for one period of six (6) additional months beyond the expiration date.
 - b. A request must be made in writing to the Administrator for such extension prior to expiration of the plans, and shall include reasons why the plan approval should be extended.
 2. Consideration. The Administrator may extend Civil Construction Plans approval for a period of one six (6) additional months beyond the expiration date if:
 - a. A Final Plat has been submitted, approved or filed of record for any portion of the property shown on the Civil Construction Plans.
 - b. The Civil Construction Plans comply with new ordinances (i.e., ordinances that have been adopted after approval of the original Civil Construction Plans.) that impact the health, safety and general welfare of the City.
 - c. Demonstrable forward progress has been made to proceed with construction or required improvements; and
 - d. A Development Agreement if applicable, is still valid and in full effect.
 - c. Conditions. In granting an extension, the Administrator may impose such conditions as are needed to ensure that the land will be developed in a timely fashion and that the public interest is served. Any extension may be predicated upon compliance with new development regulations and/or the Applicant waiving any vested rights.
 4. Total Extension. A second six (6) month extension may be requested using the same process outlined above.

-
- (o) CONSTRUCTION RELEASE. Upon approval of the Preliminary Plat and the Civil Construction Plans, receipt of all documentation (e.g., insurance information, bonds, etc.), receipt of required fees, and park land dedication, if applicable, and after the pre-construction meeting with city staff, the Administrator may release the plans for construction if all city requirements pertaining to construction have been met. The Construction Release shall remain in effect for a period of one (1) year from the date of issuance, or for the duration of construction of the project, provided that progress toward completion of the project continues to be demonstrated. Expiration, and possible extension, of the Construction Release shall be the same as for the construction plans.

Section 10.03.003 Final plat.

- (a) PURPOSE AND APPLICABILITY: The purpose of a Final Plat is to ensure that the proposed development of the land is consistent with all standards of this Ordinance pertaining to the adequacy of public facilities, that public improvements to serve the development have been installed and accepted by the City or that provision for such installation has been made, that all other requirements and conditions have been satisfied or provided for to allow the Final Plat to be recorded.
- (b) EXCEPTIONS: A Final Plat is not required when a Minor Plat is submitted.
- (c) PRE-APPLICATION MEETING: Pre-application meetings are required for Final Plats.
- (d) APPLICATION SUBMITTAL: The application may only be submitted on the dates listed in the Submittal Schedule. In addition to submittal requirements in Section 2, the application submittal shall include the items and information outlined in the City's most current "Final Plat Checklist", including, but not limited to:
1. A Final Plat prepared by a licensed professional engineer or registered professional land surveyor.
 2. The Final Plat may be accompanied by Civil Construction Plans (approval of each shall be separate). Should the property have a prior approved Preliminary Plat, the Final Plat shall conform to the Preliminary Plat as approved or approved with conditions by the City Council. Title commitment is required.
 3. The Final Plat shall be signed by each owner, or by the representative of the owners authorized to sign legal documents for the owners and each lienholder, effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the Final Plat. Dedication of all streets and alleys shall be fee simple. Such consent shall be subject to review and approval by the City Attorney, and the applicant shall pay the City a fee as defined in the City's current

Fee Schedule for all related legal costs for review. This reimbursement shall be paid in full prior to Planning and Zoning Action on the application.

4. If common lots are proposed, then the POA or HOA covenants, conditions, and restrictions (CCRs) for the City Attorney's review. The following statements shall appear on the face of the Final Plat and be incorporated into a single article in the CCRs:
 - a. The owner of fee simple title to every individual lot of land within the Subdivision must be a member of the homeowners association.
 - b. The homeowners association membership fees shall be mandatory.
 - c. The homeowners association must be responsible for the maintenance of all common areas and screening walls.
 - d. The homeowners association must grant the city the right of access to common areas to abate any nuisances thereon, and attach a lien for the prorated cost of abatement upon each individual lot. THE HOMEOWNERS ASSOCIATION SHALL INDEMNIFY AND HOLD THE CITY HARMLESS FROM ANY AND ALL COSTS, EXPENSES, SUITS, DEMANDS, LIABILITIES, DAMAGES, OR OTHERWISE INCLUDING ATTORNEY'S FEES AND COSTS OF SUIT, IN CONNECTION WITH THE CITY'S MAINTENANCE OF COMMON AREAS.
 - e. The homeowners association shall enter into a license agreement with the City of Pilot Point where additional right-of-way has been dedicated for the purpose of providing landscaping, additional areas for sidewalks, walls, or other amenities, and shall be responsible for the installation and maintenance of all landscape areas that are in the public right-of-way.
- (e) COMPLETENESS DETERMINATION: Requirements in Section 2 shall apply.
- (f) APPLICATION REVIEW: All complete applications for Final Plats shall be reviewed by the Administrator based on the requirements in this Ordinance in Section 10.01.06.
- (g) NOTICE: None.
- (h) APPROVAL PROCEDURES:
 1. Action by the Planning and Zoning Commission: The Planning and Zoning Commission shall, not later than 30 days after the a complete application is determined, and approve, approve with conditions, or disapprove, any Final Plats that follow a Preliminary Plat.

-
2. Action by the City Council: None if the Applicant has completed the Preliminary Plat process. If the applicant skips the Preliminary Plat and goes directly to Final Plat, then City Council, within 30 days of the Planning & Zoning Commission decision, must approve, approve with conditions, or disapprove the Final Plat within 30 days after being filed.
- (i) REVIEW AND APPROVAL CRITERIA - PRIOR APPROVED PRELIMINARY PLAT: In addition to submittal requirements in Section 2, the following criteria shall be used by the Commission to determine whether the application for a Final Plat is complete for review and processing:
1. The Final Plat conforms to the approved Preliminary Plant except for minor amendments that are authorized under Section 2 and that may be approved without the necessity of revising the approved Preliminary Plat.
 2. All conditions imposed at the time of approval of the Preliminary Plat, as applicable, have been satisfied.
 3. The Construction Plans conform to design requirements and construction standards as set forth in this Ordinance and the Design and Construction Standards and Specifications and have been approved by the Director of Development Services.
 4. Where public improvements have been installed, the improvements conform to the approved Construction Plans and have been approved for acceptance by the Director of Development Services.
 5. Where the Director of Development Services has authorized public improvements to be deferred, a Development Agreement with an escrow agreement has been executed and submitted by the property owner in conformity with Section 5.
 6. The final layout of the Subdivision or development meets all standards for adequacy of public facilities contained in this Ordinance,
 7. The Final Plat meets all applicable County standards to be applied under an interlocal agreement between the City and the County under TLGC, ch. 242, where the proposed development is located in whole or in part in the ETJ of the City and the County.
 8. The plat conforms to design requirements and construction standards as set forth in the DCSS Manual.
- (k) REVIEW AND APPROVAL CRITERIA - NO PRIOR APPROVED PRELIMINARY PLAT: In addition to submittal requirements in Section 2, the following criteria shall be used to determine whether the application for a Final Plat is complete for review and/or approval:

-
1. The Final Plat conforms to same criteria for approval of a Preliminary Plat;
 2. The Construction Plans shall conform to design requirements and construction standards as set forth in this Ordinance and the DCSS Manual.
 3. A Community Facilities Agreement (CFA) or surety for installation of public improvements has been prepared and executed by the property owner in conformity with Section 5, Subdivision and Development Agreement.
 4. The final layout of the Subdivision or development meets all standards for adequacy of public facilities contained in this Ordinance and DCSS Manual.
 5. The Final Plat meets all applicable County standards to be applied under an interlocal agreement between the City and the County under TLGC, ch. 242, where the proposed development is located in whole or in part in the ETJ of the City and the County.
- (l) **CONDITIONAL APPROVAL OR DISAPPROVAL REQUIREMENTS.** If a Final Plat is conditionally approved or disapproved, the Planning and Zoning Commission shall provide the applicant with a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the written statement:
1. must:
 - i. be directly related to the requirements in the Subdivision Ordinance and DCSS Manual.
 - ii. include a citation to the law, including a statute, DCSS Manual or City ordinance that is the basis for the conditional approval or disapproval; and
 2. may not be arbitrary.
- (m) **APPLICANT RESPONSE TO CONDITIONAL APPROVAL OR DISAPPROVAL.** After the conditional approval or disapproval of a Final Plat, the applicant may submit to the City Council a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provides. The applicant response may only be submitted on the dates listed in the Submittal Schedule. Upon receipt of the applicant response, the Administrator shall determine if the applicant response adequately satisfies each condition or adequately remedies each reason and schedule the Final Plat for consideration by the City Council not later than the 15th day after the applicant response was submitted. The City Council may approve, approve with conditions, or disapprove with reasons.
- (n) **PROCEDURES FOR RECORDATION UPON APPROVAL:** The applicant shall supply the required number of signed and executed copies of the Final Plat that will be

needed to file the Plat, upon approval, at the County (in County's required format) at least seven (7) calendar days prior to the City Council meeting at which it will be considered for approval.

1. Signatures - After approval of the Final Plat, the Director of Development Services shall procure the appropriate City signatures on the Final Plat.
2. Recording Upon Performance - The Final Plat shall not be recorded until after the Final Plat is approved by the City Council; the required public improvements have been completed and accepted by the City (or a Subdivision Improvement Agreement has been executed and appropriate surety provided in accordance with Section 5 of this Ordinance); and all County filing requirements are met.
3. Effect of Approval - The approval of a Final Plat supersedes any prior approved Preliminary Plat for the same land; authorizes the applicant to install any improvements in public rights-of-way in conformance with approved Civil Construction Plans and under a Community Facilities Agreement, if applicable; and authorizes the applicant to seek Construction Release and/or issuance of a Building Permit.
4. Revisions Before Recording – The Director of Development Services has the authority to approve a minor amendment to a Final Plat after approval but prior to recordation. A minor amendment means any change in the Final Plat that meets the definition and criteria of a minor amendment in Section 7, Relief Procedures.
5. Revisions Following Recording - Revisions may only be processed and approved as a Replat or Amending Plat, as applicable.

Section 10.03.004 Minor plat or minor replat.

- (a) PURPOSE AND APPLICABILITY: The purpose of a Minor Plat or Minor Replat is to simplify Sections of land under certain circumstances outlined in State law. An application for approval of a Minor Plat or Minor Replat may be filed when all of the following circumstances apply:
1. The proposed Section results in four (4) or fewer lots;
 2. All lots in the proposed Subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of this Ordinance; and
 3. Except for right-of-way widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the development.

If minor revisions are required for a previously platted, recorded lot, a Minor Plat may be utilized in lieu of a Replat if allowed by state law.

- (b) PRE-APPLICATION MEETING: A pre-application meeting is required for Minor Plats or Minor Replat. Standards for pre-application meetings in Section 2, Application Submittal and Procedures shall apply to pre-application meetings.
- (c) APPLICATION SUBMITTAL: The application may only be submitted on the dates listed in the Submittal Schedule. In addition to submittal requirements in Section 2, Application Submittal and Procedures, the application submittal shall follow the same requirements for a Final Plat in Section 10.03.003.
- (d) COMPLETENESS DETERMINATION: Requirements for determining completeness, as set forth in Section 2, Application Submittal and Procedures shall apply.
- (e) APPLICATION REVIEW: All complete applications for Minor Plats or Minor Replats shall be reviewed by the Administrator based on the requirements in this Ordinance in Section 2, Application Submittal and Procedures.
- (f) ADMINISTRATIVE DECISION: All Minor Plats or Minor Replats that meet the requirements of this Ordinance shall be approved or approved with conditions by the Administrator 30 days after being filed. The Administrator may not disapprove any applications for Minor Plats or Minor Replats but shall forward the applications to the City Council for action within 30 days after being filed.
- (g) APPROVAL PROCEDURES: Should the application not meet the requirements of this Ordinance, approval will require action by the City Council which has final authority to approve, approve with conditions, or disapprove, any Minor Plat or Minor Replat within 30 days after being filed.
- (h) REVIEW AND APPROVAL CRITERIA: Approval criteria for Minor Plats or Minor Replat shall be in accordance with general criteria in Section 2 and the following criteria:
 - 1. All lots to be created by the plat already are adequately served by a public street and by all required utilities and services and by alleys, if applicable;
 - 2. The ownership, maintenance and allowed uses of all designated easements have been stated on the Minor Plat; and
 - 3. Except for right-of-way widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the development.
- (i) CONDITIONAL APPROVAL OR DISAPPROVAL REQUIREMENTS. If a Minor Plat or Minor Replat is conditionally approved by the Administrator or disapproved by the City Council, the applicant shall be provided with a written statement of the conditions for the conditional approval or reasons for disapproval that clearly

articulates each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the written statement:

1. must:
 - i. be directly related to the requirements in the Subdivision Ordinance and DCSS Manual.
 - ii. include a citation to the law, including a statute, DCSS Manual, or City ordinance that is the basis for the conditional approval or disapproval; and
 2. may not be arbitrary.
- (j) RESPONSE TO CONDITIONAL APPROVAL OR DISAPPROVAL. After the conditional approval or disapproval of a Minor Plat or Minor Replat, the applicant may submit to the Administrator or City Council a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provides. The applicant response may only be submitted on the dates listed in the Submittal Schedule. Upon receipt of the applicant response, the Administrator shall determine if the applicant response adequately satisfies each condition or adequately remedies each reason and schedule the Minor Plat for consideration by the City Council not later than the 15th day after the applicant response was submitted. The City Council may approve, approve with conditions, or disapprove with reasons.

Section 10.03.005 Replat.

- (a) PURPOSE AND APPLICABILITY: In accordance with State Law, a Replat shall be required any time a platted, recorded lot is further divided or expanded, thereby changing the boundary and dimensions of the property. If a Replat is submitted for only a portion of a previously platted property, the Replat must reference the previous property name and recording information, and must state on the Replat the specific lots which are being changed along with a detailed "Purpose for Replat" statement. A Replat of all or a portion of a recorded plat may be approved in accordance with State law without vacation of the recorded plat, if the Replat:
1. Is signed and acknowledged by only the owners of the property being replatted; and
 2. Does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded plat.
- (b) PRE-APPLICATION MEETING: A pre-application meeting is required for Replats. Standards for pre-application meetings in Section 2, Application Submittal and Procedures shall apply to pre-application meetings.

-
- (c) APPLICATION SUBMITTAL: The application may only be submitted on the dates listed in the Submittal Schedule. The application submittal must be in conformance with submittal requirements in Section 2, Application Submittal and Procedures.
 - (d) COMPLETENESS DETERMINATION: Requirements in Section 2, Application Submittal and Procedures shall apply.
 - (e) APPLICATION REVIEW: All complete applications for Replats shall be reviewed by the Director of Development Services based on the requirements in this Ordinance in Section 2, Application Submittal and Procedures.
 - (f) NOTICE: If the Replat includes a request for a major waiver, the public hearing notice shall be published and written. The public hearing shall be held by the City Council. If the Replat lies within the ETJ, written notices must be mailed to the owners of lots that are in the original Subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved county tax roll. If twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original Subdivision, file a protest with the City Council prior to the close of the public hearing, the major waiver must receive, in order to be approved, an affirmative vote of at least three-fourths of the City Council members present.
 - (g) REVIEW AND APPROVAL CRITERIA: Approval criteria for Replats shall be in accordance with Final Plat general criteria.
 - (h) CONDITIONAL APPROVAL OR DISAPPROVAL REQUIREMENTS. If a Replat Plat is conditionally approved or disapproved, the City Council shall provide the applicant with a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the written statement:
 - 1. must:
 - a. be directly related to the requirements in The Subdivision Ordinance and DCSS Manual.
 - b. include a citation to the law, including a statute, DCSS Manual or City ordinance that is the basis for the conditional approval or disapproval; and
 - 2. may not be arbitrary.
 - (i) NOTICE FOLLOWING APPROVAL. Written notice of the approval or approval with conditions of the Replat shall be mailed to each owner of a lot in the original Subdivision that is within 200 feet of the lots to be replatted according to the

most recent City or County tax roll. This notice is not required if the City Council holds a public hearing and provides notice in accordance with TLGC, Sec. 212.015.

- (j) **APPLICANT RESPONSE TO CONDITIONAL APPROVAL OR DISAPPROVAL.** After the conditional approval or disapproval of a Replat, the applicant may submit to the City Council a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provides. The applicant response may only be submitted on the dates listed in the Submittal Schedule. Upon receipt of the applicant response, the Administrator shall determine if the applicant response adequately satisfies each condition or adequately remedies each reason and schedule the Replat for consideration by the City Council not later than the 15th day after the applicant response was submitted. The City Council may approve, approve with conditions, or disapprove with reasons.

Section 10.03.006 Amending plat.

- (a) **PURPOSE AND APPLICABILITY:** The purpose of an Amending Plat shall be to provide an expeditious means of making minor revisions to a recorded plat consistent with provisions of this Ordinance and State law. The procedures for an Amending Plat shall apply only if the sole purpose of the Amending Plat is to achieve one or more of the following:
1. Correct an error in a course or distance shown on the preceding plat;
 2. Add a course or distance that was omitted on the preceding plat;
 3. Correct an error in a real property description shown on the preceding plat;
 4. Indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor responsible for setting monuments;
 5. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
 6. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
 7. Correct an error in courses and distances of lot lines between two 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 material adverse effect on the property rights of the other owners in the plat.
 8. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement, whereas "inadvertent encroachment" is defined as when an existing structure or other permanent facility is located on top of an existing lot line or easement;
 9. 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.
 10. Make necessary changes to the preceding plat to create six (6) or fewer lots in the development or a part of the development 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 municipal planning and zoning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area; or
 11. 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.

-
- (b) PRE-APPLICATION MEETING: A pre-application meeting is required for Amending Plats. Standards for Final Plat pre-application meetings shall apply to pre-application meetings.
 - (c) APPLICATION SUBMITTAL: The application may only be submitted on the dates listed in the Submittal Schedule. The application submittal shall conform to submittal and completeness requirements for Final Plats.
 - (d) APPLICATION REVIEW: All complete applications for Amending Plats shall be reviewed by the Director of Development Services based on the requirements in this Ordinance.
 - (e) ADMINISTRATIVE DECISION: All Amending Plats that meet the requirements of this Ordinance may either be approved or conditionally approved by the Administrator. Any applications for Amending Plats that do not meet this Ordinance will require approval from the City Council.
 - (f) NOTICE: None.
 - (g) APPROVAL PROCEDURES: Should the application not meet the requirements of this Ordinance, approval will require action by the City Council which has final authority to approve, approve with conditions, or deny, any Amending Plat.
 - (h) REVIEW AND APPROVAL CRITERIA: Approval criteria for Amending Plats shall be in accordance with general criteria in Section 2.
 - (i) CONDITIONAL APPROVAL OR DISAPPROVAL REQUIREMENTS. If an Amending Plat is conditionally approved or disapproved, the City Council shall provide the applicant with a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the written statement:
 - 1. must:
 - i. be directly related to the requirements in the Subdivision Ordinance and DCSS Manual.
 - ii. include a citation to the law, including a statute, DCSS Manual, or City ordinance that is the basis for the conditional approval or disapproval; and
 - 2. may not be arbitrary.
 - (j) RESPONSE TO CONDITIONAL APPROVAL OR DISAPPROVAL. After the conditional approval or disapproval of an Amending Plat, the applicant may submit to the City Council a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provides. The applicant response may only be submitted on the dates listed in the Submittal Schedule.

Upon receipt of the applicant response, the Administrator shall determine if the applicant response adequately satisfies each condition or adequately remedies each reason and schedule the Replat for consideration by the City Council not later than the 15th day after the applicant response was submitted. The City Council may approve, approve with conditions, or disapprove with reasons.

Section 10.03.007 Plat vacation.

- (a) **PURPOSE AND APPLICABILITY:** The purpose of a Plat Vacation is to provide an expeditious means of vacating a recorded plat in its entirety, consistent with provisions of this Ordinance and when no public improvements have been constructed.
- (b) **PRE-APPLICATION MEETING:** A pre-application meeting is required for a Plat Vacation. Standards for pre-application meetings in Section 2 shall apply to pre-application meetings.
- (c) **APPLICATION SUBMITTAL:** The application may only be submitted on the dates listed in the Submittal Schedule. The application submittal must conform to submittal requirements in Section 2, Application Submittal and Procedures and must be initiated as follows:
 - 1. When by or at the sole discretion of the property owner determines to vacate a plat and the property owner of the tract covered by a plat may submit an application to vacate the plat at any time before any lot in the plat is sold; or
 - 2. When by or with the written consent agreement of all lot owners that vacating a plat is desired. If lots in the plat have been sold, then an application to vacate the plat must be submitted by all of the owner of the lots in the plat
- (d) **COMPLETENESS DETERMINATION:** Requirements in Section 2, Subdivision Submittal and Procedures shall apply.
- (e) **APPLICATION REVIEW:** All complete applications for Plat Vacations shall be reviewed by the Administrator based on the requirements in this Ordinance in Section 2, Subdivision Submittal and Procedures.
- (f) **NOTICE:** Published and written notice required.
- (g) **APPROVAL PROCEDURES:**
 - 1. **Action by the Planning and Zoning Commission:** The Planning and Zoning Commission shall hold a hearing on any Plat Vacation. The Commission shall make a recommendation to the City Council to approve, approve with conditions, or disapprove the application and forward its report and recommendation to the City Council.

-
2. Action by the City Council: The City Council has final authority to approve, approve with conditions, or disapprove, any Plat Vacation.
- (h) REVIEW AND APPROVAL CRITERIA: Approval criteria for Plat Vacation shall be in accordance with general criteria in Section 2, Subdivision Submittal and Procedures. The City Council has discretion to retain, in proportionality to proposed plat vacation, all or specific portions of road rights-of-way or easements shown on the plat being considered for vacation.
- (i) CONDITIONAL APPROVAL OR DISAPPROVAL REQUIREMENTS: If a Plat Vacation is conditionally approved or disapproved, the City Council shall provide the applicant with a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the written statement:
1. must:
 - i. be directly related to the requirements in the Subdivision Ordinance and DCSS Manual.
 - ii. include a citation to the law, including a statute, DCSS Manual or City ordinance that is the basis for the conditional approval or disapproval; and
 2. may not be arbitrary.
- (j) RESPONSE TO CONDITIONAL APPROVAL OR DISAPPROVAL: After the conditional approval or disapproval of a Plat Vacation, the applicant may submit to the City Council a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provides. Once the conditions for approval are fulfilled, then the Plat Vacation shall be considered to have been approved.
- (k) PROCEDURES FOR RECORDING INSTRUMENT. If the City Council approves a resolution approving the plat vacation, then a copy of the resolution shall be recorded at the County Clerk's Office. If the City Council approves a resolution to vacate the plat in part, then a copy of the resolution along with a revised Final Plat shall be recorded with at the County Clerk's Office to show which portion of the plat has been vacated and not been vacated.
- (l) EFFECT. Upon the recording of the signed and acknowledged City Council resolution approving the plat vacation, the previously filed plat is vacated and has no effect. The property owner has no right to a refund of any monies, fees, or charges paid to the City or to the return of any property or consideration dedicate or delivered to the City, except as agreed to the City Council.

Section 10.03.008 Extension request.

- (a) Request. An applicant may submit in writing a request to extend the 30-day action period for a period not to exceed 30 days, as allowed by state law. The extension request must be received by the Administrator on or before the 11th calendar day before the Administrator or City Council's deadline to take action on the plat.
- (b) Action. If the extension request is properly filed, then the Administrator or City Council shall take action on the request.

SECTION 4 SUBDIVISION DESIGN STANDARDS

Section 10.04.001 General standards.

- (a) Zoning compliance. All lots shall conform with the zoning district requirements, unless located in the ETJ in which they shall comply with any agreements between the City and the County.
- (b) DCSS Manual. Subdivision lot layout and designs shall comply with applicable DCSS Manual requirements and specifications.
- (c) Residential lots adjacent to drainage areas. Lots shall be exclusive of any portion of a natural drainage area (i.e., major creek, stream, tributary, etc.), maintenance access, and required setback, if required. Retaining walls on individual lots may be allowed on lots adjacent to natural drainage areas as approved by the Administrator provided the Administrator determines the retaining wall will not be detrimental to the natural drainage area.
- (d) Lot shape. The City reserves the right to disapprove any lot which, in its sole discretion, will not be suitable or desirable for the purpose intended, or which is so oddly shaped as to create a hindrance to the logical lot layout of surrounding properties and/or create an irregular building envelope. The following requirements shall also apply:
 - (1) Lots shall be generally rectangular in shape. Sharp angles (typically ninety (50°) degrees and less) between lot lines shall be avoided.
 - (2) Flag lots are prohibited.
 - (3) Irregularly shaped lots shall have sufficient width at the building line to meet minimum lot width and frontage requirements for the appropriate zoning district (if applicable), and shall provide the minimum building pad required by zoning without encroachment into front, side or rear yard setbacks or into any type of easement.
- (e) Lot lines and buildability.

-
- (1) Side Lot Lines - Side lot lines shall be at ninety degree (90°) angles or radial to street right-of-way lines to the greatest extent possible. A Minor Waiver may be granted if unusual circumstances exist on the subject property or on adjacent property that make it impossible to comply with this requirement.
 - (2) Lot Lines and Jurisdictional Boundaries - All lot lines shall, to the greatest extent possible, align along county, school district, and other jurisdictional boundary lines such that lots are fully within one county, school district, or other jurisdiction. A Minor Waiver to this requirement may be granted if a county, school district or other jurisdictional boundary line will bisect a lot, provided that the entire residential dwelling or main structure is constructed entirely within one county, school district or other jurisdiction (i.e., the structure does not "straddle" school district or jurisdictional boundary line).
 - (3) Lot Buildability - Any portion of a lot that is non-buildable, such as a designated floodplain, for any reason shall be clearly shown as such on the Preliminary and Final Plats. A "Lot Buildability" (net buildable lot area excluding any designated floodplain area) detail shall be submitted along with the Preliminary and Final Plats, and shall verify that the buildable portion of such a lot can accommodate a dwelling or main structure that complies with applicable City zoning regulations (if located within the City's limits) and building codes.
- (f) Lot orientation restrictions.
- (1) No single-family, two-family, or townhome lot(s) shall front onto or have a driveway onto any arterial or collector thoroughfares.
 - (2) Single-family, two-family, or townhome residential lots are prohibited from backing to any arterial or collector thoroughfares.
- (g) Lot frontages.
- (1) Street Frontage.
 - a. Adequate Frontage - Each lot shall have adequate access to a public street (or an approved public way) by having frontage on such a street that is not less than forty feet (40') at the street right-of-way line and twenty (20) foot of pavement section back of curb, or as otherwise specified in the Zoning Ordinance for the lot's specific zoning or a Planned Development (PD) Ordinance, if applicable. Lots fronting onto an eyebrow or bulb portion of a cul-de-sac shall also have a minimum frontage of forty feet (40') at the street right-of-way line. All residential lots shall directly abut a public street. An access easement shall not serve as the primary access to the street,

unless determined to essential for public safety reasons as necessary.

- b. Frontage Exception - For non-residential developments ten (10) acres or greater, the lots may be platted to a public way instead of a dedicated street upon approval by the Director or Development Services and City Engineer. The applicant shall demonstrate by study or analysis why the use of a public way is not detrimental to public safety.

When a proposed lot layout meets the spirit and intent of this Ordinance and applicable DCSS Manual requirements, then the use of a public way may be approved by Director of Development Services and City Engineer.

(2) Double Frontage.

- a. Single-Family, Two-Family and Townhome Lot(s) - Double frontage lots are prohibited, except that single-family, two-family or townhome lots may back or side onto a major arterial thoroughfare with appropriate screening as described in this Ordinance. Where lots back or side onto a major arterial thoroughfare, no driveway access is allowed onto the thoroughfare from the rear or side of the lot. Where lots side onto two collector thoroughfares, a front building line shall be established for each street.
- b. Multifamily and Non-Residential Lots - Where lots have frontage on more than one street, a front building line shall be established for each street, regardless of orientation of structure.

(3) Lots Facing Other Lots. Each residential lot shall face the front of a similar lot, or shall face a park or open space if one exists or is planned across the street. Reverse frontage lots shall be avoided. A Minor Waiver may be granted if unusual circumstances exist on the subject property or on adjacent property that make it impossible to comply with this requirement.

- (h) Lots in relation to parks/open space. All lots that are located directly across a street from a park/open space shall face onto the park/open space, where feasible.
- (i) Large lots and tracts. If the lots or tracts of land in a proposed development are large enough to suggest possible further Subdivision in the future, or if portions of the property are not subdivided or developed immediately, then the Preliminary Plat shall show how such large tracts or remainder portions of the property can be subdivided into conforming lots at a later time, and shall also show how streets can be extended and how median openings can be aligned and shared in the future.

-
- (i) Lot and block numbering. All lots within each phase of a development are to be numbered consecutively within each block. Each block shall have a numeric designation (e.g., "Block 6," etc.). Each lot shall have a numeric designation (e.g., Lot 1, 2, etc.)
 - (k) Lot addressing.
 - (1) Addressing for plats in the city boundaries shall be performed by the city in accordance with the adopted addressing procedures. Addressing for plats in the ETJ shall be performed by the County. No address shall be issued prior to approval of and submission of final documents for recording of Subdivisions.
 - (2) Upon recording of a final plat, replat, or amending plat, addresses shall be assigned to each lot created by such plat. Whenever possible, a current or previous address of an unplatted parcel of land shall be assigned if the address meets the following criteria:
 - a. The address is in accordance with county 9-1-1 recommended guidelines.
 - b. Address sequencing is not affected.
 - (3) Addresses will be assigned in the following manner:
 - a. Even address will be assigned to the right side of streets (when facing north or east) as proceeding with increasing street address numbers at intervals of four (4).
 - b. Odd addresses will be assigned to the left side of streets (when facing north or east) as proceeding with increasing street address at intervals of four (4).
 - (4) The City is responsible for distributing City assigned addresses to all government offices, including utility companies both public and private.
 - (5) An owner may request an address change in writing to the City Manager stating the purpose of the request. A new address will not be considered and assigned if the assigned address is out of sequence or if it is determined that public safety services and delivery services are compromised with the assigned address. Notifications for address changes are supplied to all government offices, including county 9-1-1, utility companies both public and private, and the owner or his designee.
 - (6) Street name signs for "private" streets shall be distinguished from "public" street name signs by using the standards described in the DCSS Manual.
 - (l) Block requirements. Subdivision block lengths shall be a minimum of 200 feet and shall not exceed 600 feet in length, except along arterial thoroughfares. The
-

maximum block length along an arterial thoroughfare shall be 1,200 feet, including large commercial retail centers, school campus or large industrial park campuses.

- (1) The length, width, and shape of blocks shall be determined with due regard to:
 - a. Provision of adequate building sites suitable to the special needs of the type of use contemplated;
 - b. Zoning requirements as to lot size and dimensions; and
 - c. Need for convenient and safe access, circulation, and control of street traffic.
- (2) In general, intersecting streets determining the block lengths and widths shall be provided at such intervals as to serve cross traffic adequately, and to meet existing streets. Where no existing Subdivision establishes control, the block lengths shall not exceed 600 feet, nor be less than 200 feet in length. However, in cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be recommended by the Planning and Zoning Commission and waived by the City Council, the length may be increased or decreased to meet the existing conditions, having due regard for connecting streets circulation of traffic and public safety. Prior to recommendation for block length waiver is given, developer must present adequate evidence to the Director of Development Services and City Engineer that standard block lengths would result in a significant reduction in lots.
- (3) Where blocks are adjacent to a school or public park, or are platted 800 feet or longer, the city may require a walkway near the middle of the block or at a street that terminates between the streets at the ends of the block. The walkway shall be concrete and shall not be less than eight feet in width, and shall extend through the block from sidewalk to sidewalk, or to the rear property line of the lots that front the street, if a double row of lots do not exist.

(m) Monuments.

- (1) Survey Pins, General Placement - Survey pin monumentation consisting of minimum three-eighths inch (3/8") diameter steel rods, at least twenty-four inches (24") long, shall be placed at all:
 - a. Lot and block corners (wherever a lot line bearing changes);
 - b. Intersection points of alley and block lines; and
 - c. Curve and tangent points along block, lot and right-of-way lines within the Subdivision.

-
- (2) Subdivision Monumentation - At least two (2) property corners shall be marked with monuments of three dimensional coordinates. The corners so marked should be at opposing ends of the property unless otherwise approved by the Administrator.
- (n) Subdivision names. New Subdivisions shall be named so as to prevent conflict or "sound-alike" confusion with the names of other Subdivisions. Subdivisions with similar names shall be located in proximity to each other, not in different areas of the City. Subdivision names shall be reviewed and approved by the Administrator to ensure that the proposed Subdivision name will not cause confusion, especially for emergency responders.
- (o) Subdivision amenities.
- (1) Description and Definition - The term "amenity" is defined as the aesthetic or other physical improvements to a development that increase its quality, desirability, and/or marketability to the public.
- (2) Requirements - Where amenities are proposed in conjunction with a development, such amenities shall be reviewed and approved in accordance with the following:
- a. Preliminary plans and illustrations, along with a written statement of such concepts, shall be submitted for review and approval with the Preliminary Plat.
 - b. Plans for amenities shall submitted as part of the Construction Plans.
 - c. Structural elements shall be sealed by a licensed professional engineer and shall be considered for approval by the City.
 - d. A Site Plan, reviewed and approved in accordance with this Ordinance, is required for private recreational facilities and parks;
 - e. City review and approval of plans for amenities and review of the HOA documents required in Subdivision (4) below shall be required prior to issuance of a Letter of Final Acceptance for the Subdivision improvements.
- (3) Design of Amenities - The design of amenities shall conform to the following:
- a. Entry features shall be constructed entirely on privately owned property (i.e., not within public right-of-way), and shall not suspend over a public right-of-way, unless otherwise approved by the grant of a license by the City Council. Minor elements of an entry feature (such as landscaping, hardscaping, monumentation signage, etc.) may be placed within an entry street median upon City Council
-

approval, provided that such street median is platted as a non-buildable lot and dedicated to a mandatory HOA for private ownership and maintenance in the form described below. An entry feature having a water pond shall only be allowed if approved by the Director of Development Services if said entry feature with water pond is in conflict with any utility easement or ultimate rights-of-way for public streets and shall not inhibit or restrict drainage flows. Such entry features shall be installed based on an approved City building permit and applicable plans. Additionally, said entry feature with a water pond shall prohibit and restrict public access by signage and fencing.

- b. No entry feature, other than screening walls or extensions of screening walls, may be constructed on any portion of a single-family, two-family, or townhome lot(s). All such features shall be constructed on lots that are platted as "non-buildable" lots and dedicated to a mandatory HOA for private ownership and maintenance.
- c. Entry features shall not encroach into visibility easements or otherwise impair pedestrian or vehicular visibility.
- d. The maximum height for entry features and structures shall be the maximum height of the governing zoning district, if applicable, as measured from the nearest street or sidewalk grade, whichever is higher.
- e. Private recreation facilities, if provided in a development, shall, to the greatest extent possible, be centrally located within the overall development.

(4) The developer shall provide for perpetual maintenance of the amenity.

(p) Easements.

- (1) All existing and proposed easements shall be shown on the Preliminary and Final Plats. All easements shall be labeled on the Final Plat and dedicated for the specific purpose intended (e.g., "Public Utility Easement," "Public Drainage Easement," "Electric Easement," etc.).
- (2) Off-site easements that are necessary to fulfill City requirements or are required by the City shall be dedicated to the City (unless easement(s) contain no City infrastructure or have no City purpose) by separate instrument (unless the abutting property is platted) and shall be approved by the City Council. If the abutting property is platted, then an Amended Plat or Replat of that property shall be required to establish the off-site easement.

(3) General Requirements.

- a. All easements shall be located along the side or rear of front lot lines and/or drainage flow lines and shall be labeled accordingly on the final plat.
- b. Employees of the city and its agents shall have the authority to enter premises at any time for the purpose of inspecting, repairing or constructing within any easement.
- c. Where not adjacent to a public way, easements at least fifteen feet (15') wide for 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 feet (7-1/2') 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, streetlights and natural gas. Easements having greater width dimensions may also be required along or across lots where engineering or special conditions make it necessary for the installation of utilities outside public rights-of-way.
- d. Easements for water and sewer improvements shall be a minimum of fifteen feet (15') in width and shall be contained in one lot to the extent that it does not impact the buildable area unless otherwise recommended by the Administrator. Easements for electrical utilities shall be a minimum of fifteen feet (15') in width and may be centered on lot lines unless otherwise recommended by the Administrator.
- e. Easements for drainage, under normal conditions, shall be measured from the centerline of creeks, ditches or drainage channels, and shall be of width sufficient to adequately serve the intended purposes.
- f. Easements dedicated on the plat shall be deemed dedicated to the public and to the city unless specified otherwise.

(4) Types of easements.

- a. Utility easements.
 - 1. Any franchised public utility 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 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 a minimum of fifteen feet (15') in width. Easements may be greater or lesser than fifteen feet (15') in width as required by the Administrator.

b. Drainage easements.

1. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-way, perpetual unobstructed segments for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
2. When a proposed drainage system will carry water across private land outside the Subdivision, appropriate drainage rights must be secured and indicated on the plat or other instrument as approved by the city attorney. In the case of clear public interest, the city may participate in easement acquisition by power of condemnation.
3. The applicant shall dedicate an appropriate drainage easement either in fee or by drainage easement or by conservation easement of land on both sides of existing watercourses to a distance to be determined by the planning and zoning commission.
4. The following full statement shall be placed in the dedication instrument of the Subdivision plat:

"Drainage Restriction: No construction, without the written approval of the city shall be allowed within a drainage easement, and then only after detailed engineering plans and/or studies show that no drainage is obstructed, interrupted or diverted to where pre-construction flow did not occur, subject to any and all owners of property in

immediate vicinity affected by said drainage course shall becoming a party to the request.

Said drainage shall be done in compliance with this Ordinance rules and requirements, and the DCSS Manual."

5. Easements for storm drainage facilities shall be provided at locations containing proposed or existing drainageways.
6. Storm drainage easements of fifteen feet (15') minimum width shall be provided for existing and proposed enclosed drainage systems. Easements shall be centered on the systems. Larger easements, where necessary, shall be provided as directed by the Administrator.
6. Storm drainage easements along proposed or existing open channels shall provide sufficient width for the required channel and an additional fifteen feet (15') width as may be required to provide ingress and egress of maintenance equipment; to provide clearance from fences and space for utility poles; to allow maintenance of the channel bank; and to provide adequate slopes necessary along the bank.
7. Storm drainage easements shall be provided for emergency overflow drainageways of sufficient width to contain within the easement stormwater resulting from a 100-year frequency storm less the amount of stormwater carried in an enclosed system of a capacity required by the city.
8. The width of the easements shall be substantiated by a drainage study and drainage calculations or other criteria submitted to and approved by the Administrator.

c. Floodplain easements.

1. Floodplain easements shall be provided along natural drainageways and lakes or reservoirs. Floodplain easements shall encompass all areas beneath the water surface elevation resulting from a storm whose design frequency is one hundred (100) years, plus such additional width as may be required to provide ingress and egress to allow maintenance of the banks and for the protection of adjacent property, as determined and required by the Administrator.
2. The following full statement of restrictions shall be placed in the dedication instrument of the Subdivision plat:

"Floodplain Restriction: No construction, without the written approval of the city shall be allowed within a floodplain easement, and then only after detailed engineering plans and studies show that no flooding will result, that no obstruction to the natural flow of water will result; and subject to all owners of the property affected by such construction becoming a party to the request. These engineering studies shall be done in compliance with FEMA (Federal Management Agency) guidelines which address acceptable studies, methods and limits of work done inside the 100-year floodplain. Where construction is permitted, all finished floor elevations shall be a minimum of one (1) foot above the 100-year elevation.

Any existing creeks, lakes, reservoirs, or drainage channels traversing along or across portions of this addition, will remain as an open channel at all times and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots. The city will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion. Each property owner shall keep the natural drainage channels traversing adjacent to his property clean and free of debris, silt, or any substance which would result in unsanitary conditions and the city shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions which may occur. The natural drainage channel, as in the case of all natural drainage channels, is subject to stormwater overflow and natural bank erosion to an extent that cannot be definitely defined. The city shall not be liable for damages of any nature resulting from the occurrence of these natural phenomena, nor resulting from a failure of any structures within the natural drainage channels. The natural drainage channel crossing each lot is shown by the floodplain easement line as shown on the plat."

- d. Easement abandonment. The following procedures are to be used for the abandonment of easements. In both cases outlined below it will be the responsibility of the applicant to obtain original signatures from the utility company representatives on the Mylar to be filed at the county prior to the city obtaining the signatures of approval from the city representative. A processing fee entitled "Abandonment" shall be set by council in the schedule of fees. This

fee shall be paid upon submittal of the application and shall not be refunded under any circumstances.

1. If the property is being platted then the required abandonment statement and signature block should be shown on the face of the plat revision. The easement to be abandoned shall be shown in faint lines on the plat and clearly marked "to be abandoned with this plat."
 2. For all other abandonments a Mylar exhibit clearly defining the easement by metes and bounds must be prepared and include the required abandonment statement and signature block provided by the city manager.
- e. Off-site easements. Any necessary easements not shown on the plat shall be procured by separate instrument and shall be the developer or property owner's responsibility. If the developer or property owner cannot obtain a required off-site easement, then the developer or property owner may request that the city assist in the acquisition. The developer must make an offer in writing, based on the fair-market value of the easement, to the property owner from whom the easement is being acquired. In any event, all costs of obtaining the easement shall be the responsibility of the developer or property owner and the city must be reimbursed for any costs incurred including its attorney fees, condemnation award and any fees or expenses of litigation whether at the trial or the appellate level or both.

Section 10.04.002 Adequate public facilities.

- (a) Proportionality. All dedications or exactions of any sort or kind, including the payment of money shall be proportional to the development rights sought by the applicant as determined by a licensed engineer retained by the City, in accordance with Texas Local Govt. Code Section 212.904
- (b) Provision of adequate public facilities. No Subdivision shall be approved by the City unless adequate public facilities are provided. Adequate public facilities shall include adequate streets, pedestrian circulation, water, sanitary sewer, drainage, and parks and recreation facilities to serve the proposed development, whether or not the facilities are to be located within the property being platted or off-site. A Subdivision shall not be approved until adequate public facilities necessary to serve the development exist or provisions have been made for the facilities, whether the facilities are to be located within the property being developed or offsite.
- (c) Impact studies required; city's cost of review.

-
- (1) The City may require that a developer prepare a comprehensive Traffic Impact Analysis (TIA), flood or drainage study or downstream assessment, or other facilities impact studies in order to assist the City in determining whether a proposed development will be supported with adequate levels of public facilities and services concurrent with the demand for the facilities created by the development. The cost of such study or studies shall be borne by the applicant.
 - (2) Timing and approval of studies. Any outside study shall be subject to approval by the Administrator prior to approval of the Preliminary Plat and the construction plans. The City also may require, at the time of approval of subsequent applications (e.g., Final Plat), an update of a facilities impact studies that were approved in conjunction with a prior application (e.g., Preliminary Plat).
 - (3) City's cost of review. Should the City deem that adequate review of the roadway, water, wastewater, or drainage submittal should be outsourced to a third party, the cost of such review shall be passed through to the developer or applicant.
- (d) Criteria for adequate public facilities. Public facilities are considered adequate if they meet the minimum level of service established in the appropriate sections of this Ordinance and the following standards:
- (1) Street access. All platted lots shall have safe and reliable street access for daily use and emergency purposes.
 - a. All platted lots shall have direct access to a paved public street that meets the City's minimum design and paving standards. Refer to Section 10.04.009, Streets for additional criteria.
 - b. Except for lots that are provided access from an approved cul-de-sac, all lots within a development shall have at least two (2) means of access or approach. Where development phasing or constraints of the land prevent the provision of a second, separate means of access, the City may, but is not required to, accept a temporary, paved street connection provided that a second permanent access point can be reasonably anticipated with future development of adjacent properties.
 - c. In certain circumstances where providing two (2) means of access to a site is not feasible, the Planning & Zoning Commission may waive this requirement if staff can demonstrate that the site can be adequately served by emergency vehicles and that life and safety issues have not been compromised.
-

-
- d. For properties situated adjacent to an existing or planned median-divided thoroughfare, at least one (1) of the required access points shall occur at, or through access easement connection to, a median opening.
 - e. Where a substandard street abuts or traverses a proposed development, the City may require the property owner to dedicate additional right-of-way and to improve the street to the current City design and construction standards as set forth in the DCSS Manual. Such requirements to improve the substandard street to the City's current standards shall only be imposed following careful review of factors including, but not limited to:
 - 1. The impact of the new development on the street;
 - 2. The timing of the development in relation to need for the street; and
 - 3. The likelihood that adjoining property will develop in a timely manner.
 - 4. Proportionality of such requirements shall be determined by a licensed engineer retained by the City.
 - f. In the case of frontage or service roads for state or federally designated highways, the entire abutting right-of-way shall be dedicated to the City and improved to the County, State or Federal agency's applicable construction design standards if such improvement is approved by the agency and is proportional to the development application.
- (2) Water. All lots platted after the date of this Ordinance shall be connected to a public water system that provides water for health and emergency purposes. The water system shall be consistent with the Water Distribution System Model and Master Plan, and the City's DCSS Manual.
- 1. Except for lots along an approved cul-de-sac, all lots shall be provided service connections from a looped water main providing water flow from two (2) directions or sources.
 - 2. Water service shall be sufficient to meet the fire flow requirements of the proposed development, except where a suitable alternative means of fire protection is approved by the Fire Chief.
 - 3. The City may require the phasing of development and/or improvements to the water system to ensure adequate fire protection.
- (3) Sanitary sewer. All lots platted after the date of this Ordinance shall be connected to a public sanitary sewer collection and treatment system. The
-

sanitary sewer system shall be consistent with the Wastewater System Model and Master Plan, and the most current version of the City's Design and Construction Standards and Specifications.

1. On-site sanitary sewer treatment systems are not permitted, except for the pretreatment of industrial waste or if the Public Works Director determines that connection to the public sanitary sewer system is impractical.
 2. The projected sanitary sewer discharge of a proposed development shall not exceed the capacity of the sanitary sewer system.
- (4) Drainage and stormwater management. Increased storm water runoff attributable to new development shall not cause impacts to adjoining, upstream or downstream properties. Impacts are defined as the change (delta) in runoff between pre- and post-development counts.
1. Where the projected runoff from a new development exceeds runoff from pre-development conditions, the City may require the phasing of development, the use of control methods such as retention or detention, obtaining off-site drainage easements, and/or the construction of off-site drainage improvements as means of mitigation.
 2. All designs shall comply with the DCSS Manual Standards, as it exists or may be amended.
- (5) Parks and recreation. Parks and recreation facilities are adequate when all land dedication or fees paid in lieu of land dedication comply with the park and recreation dedication requirements in this Subdivision Ordinance.
- (6) Electricity. All lots platted after the date of this Ordinance shall have access to a public utility that provides electricity for retail consumption.
- (7) Telecommunications. All lots platted after the date of this Ordinance shall have access to a public utility that provides telecommunications for retail consumption.
- (8) Natural gas. If natural gas from a public utility is available within 2,000 feet of a Subdivision, then all lots platted after the date of this Ordinance shall have access to a public utility that provides natural gas for retail consumption.

Section 10.04.003 Dedication required.

- (a) Generally. The developer or property owner shall dedicate all rights-of-way and easements for, and shall construct and extend, all necessary on-site and off-site public improvements for water, wastewater, streets, drainage, parks and recreational facilities, and other improvements necessary to serve each phase of

a proposed Subdivision at service levels that are consistent with the City's applicable plans, ordinances, and DCSS Manual. Dedication of and acceptance by the City of the property is a condition of plat approval.

Section 10.04.004 Underground Utilities.

- (a) Lateral and service lines. All lateral and service lines serving residential and non-residential development shall be placed and maintained underground.
- (b) Feeder lines. Overhead feeder lines are prohibited unless they are located:
 - (1) Adjacent to a public street where overhead lines exist; or
 - (2) Along the perimeter of a Subdivision where overhead lines exist.

Section 10.04.005 Operations and maintenance of public improvements.

- (a) The property owner shall provide for all operations and maintenance of the shared public improvements located on private property, or shall provide proof that a separate entity will be responsible for the operation and maintenance of the facilities.
- (b) In Subdivisions developed with amenities or property held in common ownership, including but not limited to amenity lots, drainage features subject to a maintenance agreement, and perimeter fencing, a mandatory property owners' association shall own and is responsible for the maintenance of the amenity or property.

Section 10.04.006 Enforcing payment of proportional cost.

The City shall have the authority to enforce payment of costs by all legal means available including the disconnection of water and sanitary sewer service to a development or lot. Nothing in this Section shall be deemed in any way to be an exclusive method of enforcing the payment of the pro rata cost against the consumers and property owners, and this Section shall not be deemed in any manner to be a waiver of the City's right to assess the property owners and/or consumers pro rata fees concerned for cost of the installation of water, wastewater, and street improvements and to fix and enforce liens against such property, all of which may be done as provided by Ordinance in the manner prescribed by law.

Section 10.04.007 Charges to be credited with proportionality fund.

Any and all sums of money hereinafter collected as a proportionality charge or deposit for pavement and sanitary sewer and water extensions shall be credited to the proportionality fund of the City and all refunds shall be paid from this same account. Interest earned on proportionality fund investments shall be used to accelerate the retirement of the City's water and sewer revenue bonds or street improvement bonds.

Section 10.04.008 Lift stations and special installations.

In the event a lift station or other special installations are required, the same shall be installed under separate agreements between the City and the property owner.

Section 10.04.009 Streets.

- (a) Generally.
 - (1) Application of Requirements - Street design requirements are subject to the provisions included in the DCSS Manual and this Ordinance.
 - (2) Street Widths and Rights-of-Way - Street(s) widths and related rights-of-way shall be designed in accordance with the City's:
 - a. Master Thoroughfare Plan;
 - b. DCSS Manual;
 - c. Trails Master Plan;
 - d. Corridor Design Standards; and
 - e. Environmental Design Criteria.
 - f. All streets shall be paved with a permanent type of pavement in accordance with the DCSS Manual.
 - (3) Conformity to the Thoroughfare Plan - The general location of streets shall conform to the Thoroughfare Plan. For streets that are not shown on the Master Thoroughfare Plan, such as local residential streets, the arrangement of such streets shall:
 - a. Provide for the continuation or appropriate projection of existing streets or street stubs from or into surrounding areas (refer to street stub and connectivity requirements outlined in this Section);
 - b. Conform to any plan for the neighborhood approved or adopted by the City to address a particular situation where topographical or other conditions make continuance or conformity to existing streets impractical; and
 - c. Not conflict with existing or proposed streets or driveway openings, including those on the opposite side of an existing or planned thoroughfare, as described within the DCSS Manual. New streets shall align with opposite streets and driveway openings such that median openings can be shared.
 - (4) Relation to Adjoining Street System - The proposed street system shall extend all existing major streets and such existing secondary and local streets as may be necessary for convenience of traffic circulation and emergency ingress and egress.
- (b) Requirements. The streets of a proposed Subdivision shall conform to the general intent of the Thoroughfare Plan and shall be designed in accordance with the following provisions:

-
- (1) Streets and public ways. Every owner of property to be subdivided, platted or replatted for which a plat has been submitted for approval 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, drainage improvements, or other public purposes, and such dedication requirements, as imposed and necessitated by the proposed development shall be a prerequisite to plat approval. It shall be the responsibility of the owner of property to furnish, install and/or construct the street and drainage facilities necessary for the proper development of the Subdivision.
 - (2) Continuity of street systems. Proposed streets for a Subdivision shall be effectively related to the present and future street system and development of the surrounding area. Any proposed streets shall provide for appropriate continuation or completion of any existing streets, whether constructed or dedicated, which project to the limits of a proposed Subdivision or are adjacent to the Subdivision. In the event that dead-end streets either dedicated or constructed are not to be extended, permanent turnaround facilities shall be constructed by the developer not extending such street. Appropriate provisions shall be made for access to adjoining unsubdivided land.
 - (3) Ingress and egress. To ensure adequate access to each Subdivision, there shall be at least two (2) planned points of ingress and egress, except that cul-de-sacs shall be permitted in conformity with Subdivision (c)(1) of this section. The separate points of access shall be located to provide maximum public safety access as determined by the Fire Marshall, whose decision shall be final.

The city council shall require that more than two (2) access points, if recommended by the City Engineer, Fire Marshall and Director of Development Services, be constructed if the configuration, number of lots, or other consideration creates the need for the additional access points.
 - (4) Controlling access strips. The reservation of private ownerships of strips of land at the end of or alongside proposed or existing streets which are intended solely or primarily for the purpose of controlling access to property not included in the Subdivision is prohibited.
 - (5) Improvement of Existing Substandard Streets.
 - a. If the proposed Subdivision is located along only one side of a substandard street, and if the City makes a determination that it is not feasible to improve the full width of said substandard street at that time the City shall require the developer to enter into a
-

Development Agreement to pay into escrow funds for the future improvement of the street as a condition of Final Plat approval for the development.

- b. The developer may request a Major Waiver or may file a proportionality appeal, in accordance with Texas Local Govt Code Section 212.904.

if the requirements for improving an existing substandard street would result in unnecessary hardship or would be disproportional to the impacts generated by the development on the City's street system.

- (6) New Perimeter Streets. When a proposed Subdivision is developed abutting an existing or planned major thoroughfare, minor thoroughfare or collector street (as shown on the Master Thoroughfare Plan), the developer shall construct that portion of the abutting street to minimum half street widths as specified on the DCSS Manual and Master Thoroughfare Plan with its appurtenances (such as curbs and gutters, sidewalks, barrier-free ramps, street trees, etc.) necessary to serve the proposed development, in accordance with standards for that type of street.

If the City Engineer and Director of Public Works determines that it is not feasible to construct the abutting half street width and its appurtenances at that time, the City shall require the developer to enter into a Development Agreement to pay into escrow funds for the future construction of the street as a condition of Final Plat approval for the development. A Plat will not be approved, unless all proposed lots have safe and reliable street access for daily use and emergency purposes as determined by the Fire Marshal.

- (7) New Internal Streets.
 - a. All new streets and their appurtenances internal to a Subdivision shall, at a minimum, be built to required half street width and design which will adequately serve that development and shall conform to the City's design standards in the Subdivision Ordinance. If oversizing of an internal street is deemed necessary by the City for traffic safety or efficiency (such as adjacent to a school or park site), then the City and/or the applicable Independent School District may participate in such oversizing costs as part of a Development Agreement with the developer.
 - b. Streets that are shown on the Master Thoroughfare Plan as through streets with specified minimum roadway width as shown on the Master Thoroughfare Plan, but which temporarily dead end

at power lines, railroads or similar rights-of-way shall be constructed for at least one-half the distance across these rights-of-way, or the City shall require the developer to enter into a Development Agreement to pay into escrow funds for the construction cost for street improvements.

c. When, in the City Engineer and Director of Public Works determination, it is not feasible to construct an internal street at a minimum of half street width, and/or appurtenances to an internal street at the time of development of the Subdivision, the City may require the developer to enter into a Development Agreement to pay into escrow funds for the future construction of the street or its appurtenances as a condition of Final Plat approval for the development.

- (8) Private streets. One hundred percent (100%) of the owners of property in an existing Subdivision may petition the City Council to convert the public streets in the Subdivision to private streets. Subdivisions containing private streets must comply with the Subdivision Ordinance and DCSS Manual improvement requirements. Private streets shall be maintained by all owners of property with access to said streets.
- (9) 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.
- (10) Adequate access. To ensure adequate access to each Subdivision, there shall be at least two (2) planned points of ingress and egress to provide maximum public safety access as determined by the Fire Marshall and City Engineer, whose decisions shall be final. Planned cul-de-sacs shall comply with Subdivision Ordinance and DCSS Manual requirements and approved by the Fire Marshall and City Engineer, whose decisions are final.
- (11) Access prohibited. To minimize traffic hazards created by numerous intersections along arterial streets, where a residential Subdivision will abut on or contain an existing or proposed arterial street, the plan shall be designed so that direct vehicular access from any residential lot to such arterial street is prohibited. Where other means of access are not available or permitted, alleys. Private access easements are not encouraged or to be utilized, except to promote fewer driveway curb cuts in commercial developments. The street system should be designed to allow a minimum of individual access drives to collector streets.

-
- (12) Plat requirement. The following note may be required on the face of any plat intended to be filed in the county plat records:

No lot within this addition shall be allowed driveway access onto an _____ street.

- (c) Street types, pavement width, and right-of-way width.

- (1) Street rights-of-way shall be not less than the following:

Street Type	Pavement Width	Right-of-Way Width
State/County	Varies	Varies
Primary arterial	75 feet	95 feet
Secondary arterial	50 feet	70 feet
Collector streets	45 feet	65 feet
Local streets	30 feet	50 feet

- (2) Additional ROW may be required at intersections where adjacent property is zoned commercial, industrial, or other high intensity use for the purposes of providing free right turns, center turn lanes, or other beneficial alignments which are intended to alleviate existing or potential traffic congestion.
- (3) Additional ROW dedications may be required to eliminate street intersection offsets, as determined by the Administrator.
- (4) The owner shall be required to dedicate right-of-way as shown in the Thoroughfare Plan, or as required in this section for all streets, or parts thereof, within or at the perimeter of the Subdivision as a prerequisite for plat approval unless specifically stated otherwise. In the event that a major state or county thoroughfare lies within or directly adjacent to a development, the development shall only be required to dedicate such right-of-way as reasonably relates to the need created by and the benefit received by that development.

- (d) Miscellaneous.

- (1) Cul-de-sacs. A maximum number of twenty (20) dwelling units should be permitted on a cul-de-sac street permanently designed as such. Additionally, the length of the cul-de-sac shall not exceed one thousand feet (1,000') or be less than one hundred fifty feet (150') in length. However, where density of development, topography, lot sizes and other

significant factors will be weighed in necessitating additional cul-de-sac length, such additional length may be approved by the Fire Marshall and City Engineer, whose decision shall be final.

- (2) Block lengths. Residential and industrial blocks generally shall not be longer than one thousand two hundred feet (1,200') and business blocks not longer than one thousand feet (1,000'). Conditions of topography, surrounding platted Subdivisions or circulation requirements may dictate further study of the block length. Extremely short block lengths shall be avoided to eliminate the potential for increased traffic congestion created by too many intersections. Council may require a public walkway midway in a block for the purpose of allowing pedestrian access to parks, schools, etc. The minimum width of the right-of-way for a public walkway (other than sidewalks) shall be six feet (6'). The entire right-of-way shall be paved.
- (3) Dead-end streets.
 - (a) Future connections. Dead-end streets shall be permitted only where a future extension or connection is to be made. Street stubs shall be provided into adjacent property at a minimum of one thousand feet (1,000') apart.
 - (b) Drainage improvements. Proper provision shall be made for adequate storm drainage at the ends of dead-end streets.
 - (c) Barricades. Appropriate barricades and other traffic controls shall be installed by the developer at dead ends, in accordance with the paving and drainage ordinances.
 - (d) Temporary turnaround easements. In the event that a dead-end street is allowed, the city may require an adequate cul-de-sac or temporary turnaround easement to be shown on the plat as a dotted line.
- (e) Compound curves. Compound curves are prohibited.
- (f) Street Names, Street Name Signs, Traffic Control Signs, and Streetlights.
 - (1) Street Names - New streets shall be named so as to provide name continuity with existing streets, and so as to prevent conflict or "sound-alike" confusion with similar street names. All street names shall be approved by the Administrator prior to any Plat approval, and prior to approval of the Civil Construction Plans. Street name suffixes such as "Place" or "Court" shall be designated on streets that are cul-de-sac streets. Suffixes such as "Boulevard" or "Parkway" shall be confined to designated arterial or collector streets. Street name prefixes such as "North," "South," "East," and "West" may be used to clarify the general location of the street, however the prefixes shall be consistent with the

-
- existing and established street naming and address numbering system of the general area in which the street is located.
- (2) Street Signs.
- a. The total cost of street signs and posts shall be borne by the owner for all intersections within or abutting the Subdivision. Such signs shall be of a type approved by the City's designated official, and shall be installed by the owner as per City standards.
 - b. Street signs shall be installed at all intersections providing access to development on a block prior to the issuance of a certificate of occupancy on that block. Block numbers are required on all street signs unless otherwise approved by the City's designated official.
- (3) City Standards. All street name signs and traffic control signs shall conform to the City's details for street name sign design and the latest edition of the Texas Manual of Uniform Traffic Control Devices.
- (g) Street Lengths.
- (1) See the block requirements in Sec. 10.04.001(k).
 - (2) A Preliminary Plat or Final Plat approved and adopted by City Council prior to the effective date of this Subdivision Ordinance shall be exempted from the street length requirement. However, the City may consider, and shall be authorized to enforce, application of these requirements if major changes to the approved Preliminary Plat or Final Plat are sought by the applicant. Major changes include, but are not limited to:
 - a. Rerouting or removal of streets; or
 - b. Increasing or decreasing the lot count by five percent (5%) or more from the previously approved Preliminary Plat or Final Plat.
- (h) Street Lighting – Streetlights shall be installed by the developer at all street intersections within the Subdivision. The initial cost of the installation shall be paid by the developer. After acceptance of the Subdivision by the City, maintenance and operation shall be provided by the City.
- (i) Alleys. Alleys shall be prohibited unless they are part of an approved Planned Development. If approved, alleys shall be constructed according to design criteria in the DCSS Manual.
- (j) Preliminary paving plan. If a Preliminary Plat, Replat or Minor Plat are not being submitted concurrently with a Development Plan or Site Plan, the developer shall submit a map or plan showing the location of all proposed paving, including streets, alleys or parking, which will provide adequate service and fire protection to the lots specified in the proposed plat. The preliminary paving plan shall
-

indicate pavement widths, horizontal curve data, intersection radii, and proposed pavement sections.

Section 10.04.010 Sidewalks.

- (a) General provisions. The purpose of this section is to provide for the orderly, safe and healthful construction of sidewalks within the city and to promote the health, safety and general welfare of the community. In order to carry out these purposes, it is hereby declared to be the policy of the city to guide and regulate sidewalk construction within the city.
- (b) Requirements.
 - (1) General requirements. Any new development in the city shall provide for the location and construction of sidewalks as provided in this section. This shall include the dedication of necessary right-of-way or public access easement and the construction of sidewalks according to the specifications provided herein.
 - (2) Residential requirements.
 - a. Applicability. Sidewalks shall be required in all residential Subdivisions with average lot sizes of less than one acre platted or replatted after the effective date hereof.
 - b. Time of construction. Each owner/home builder within a residential Subdivision platted after the effective date hereof shall construct sidewalks at the time of construction of the house. In those circumstances where a sidewalk would impact the construction of driveways and access walls, the sidewalks shall be constructed before the city's final building inspection. A certificate of occupancy will not be issued until required sidewalks are in place.
- (c) Sidewalk specifications.
 - (1) Sidewalk size and locations. All sidewalks shall be at least five feet (5') wide.
 - (2) Fire hydrant locations. Where a sidewalk is to be constructed and a fire hydrant would be within the forms, the forms shall curve around the fire hydrant such that the walk misses the fire hydrant by a minimum distance of one foot (1'). A transition of ten feet (10') is required in and out of curved areas.
 - (3) Service and meter boxes. Where a sidewalk is to be built and a water meter box would be within the forms, a precast, concrete box shall replace the plastic box. This box shall have a hinged metal lid and be set at an elevation that will be equal to the finished grade of the sidewalk. If the builder so

chooses, the builder may move the water meter box outside the forms at the builder's expense.

- (4) Drainage. All sidewalks shall be built at an elevation that will not impede or be otherwise detrimental to proper lot drainage, with natural grade preferred.
- (5) Once installed, sidewalks shall be the responsibility of and maintained by the adjacent property owner.

Section 10.04.011 Water and sanitary sewer standards.

- (a) Generally. The design and construction of the water and wastewater system to serve the development shall be in conformance with the City's master plans for water and wastewater facilities, and with the DCSS Manual, and shall be subject to approval by the Administrator prior to approval of the Construction Plans and the Final Plat.

- (1) Requirements.

- a. All public water and wastewater mains shall be located in the frontage of the property along streets, or in easements adjacent to the development in order to provide service to adjacent property.
- b. Public water and/or wastewater mains shall not be located within a private street, drive or access easement unless a public utility easement is provided.
- c. The minimum easement width for water or wastewater mains shall be fifteen feet (15'), or larger if depth of the main requires additional width. Where it is necessary for water and wastewater facilities to be located within the same easement, the easement shall be a minimum of twenty feet (20') in width.
- d. No portion of a structure (including, but not limited to, walls, foundations, porches/patios and porch/patio covers, canopies, roof extensions/overhangs, chimneys, fire flues, etc.) shall encroach over or into any easement, except that wall- attached window awnings, "bay" style windows, and roof eaves shall be allowed to encroach into an easement a maximum of twenty-four inches (24").
- e. A water or wastewater easement between two lots must fall entirely on a single lot.
- f. Easements shall be dedicated for exclusive use for water and wastewater facilities and shall be shown on the Final Plat for the specific purpose intended. When it is necessary for additional utilities to be placed within an easement, additional width shall be

-
- provided and the easement shall be labeled for its intended purpose on the Final Plat.
- g. When it is necessary to relocate or replace an existing water or sewer facility to accommodate a proposed Subdivision, the developer is responsible for all costs associated with the relocation.
- (2) Construction Plans - Plans for construction of all water and wastewater facilities required by these regulations shall be prepared in accordance with the requirements and specifications contained in the DCSS Manual, the regulations of the Texas Commission on Environmental Quality (TCEQ), National Sanitation Foundations (NSF), Texas Department of Insurance, Insurance Services Office, and the City's current adopted Fire Code, which are incorporated by reference and made a part hereof. Plans for the improvements must be prepared by an engineer licensed in the State of Texas.
- (3) Acquisition of Easements - The developer shall be responsible for the acquisition of all required off-site easements. If the developer is unable to acquire the necessary off-site easement, the City shall be provided with easement or right-of way survey documents and exhibits, documentation, including evidence of a reasonable offer made to the affected property owner. Upon receiving a written request for assistance, the City may, at its option, acquire these easements either through negotiations or through the exercise of eminent domain in appropriate situations. The developer shall reimburse the City for the costs of acquiring the necessary easements including but not limited to attorney fees, expert fees and title searches.
- (b) Preliminary utility plan. Concurrent with the submission of a preliminary plat, replat or minor plat, the developer shall submit a map or plan showing the location and size of water and wastewater mains, which will be required to provide adequate service and fire protection to the lots specified in the proposed plat. Plans and specifications for fire hydrant systems shall be submitted to the Fire Marshal for review prior to construction.
- (1) Plan Document - The plan shall be prepared in accordance with the City's DCSS Manual.
- (2) Coordination with other Utility Providers.
- a. Preliminary Plat - When the Subdivision is located in an area served by a utility provider other than the City, the developer must provide a water system analysis.
- b. Minor Plat and Replat - When a Subdivision is located in an area served by a utility provider other than the City, the developer must provide a letter from the utility provider stating that facilities exist
-

in the area to provide adequate domestic service and fire protection. If the City has reason to believe that there may be water supply or pressure concerns, a water system analysis may be required.

- c. Final Plat - The final plat will not be filed with the County until a letter has been provided from the utility provider stating that it has accepted the plans for construction.

(c) Miscellaneous requirements.

- (1) No building shall be constructed over an existing wastewater, lateral, water main or storm drain unless approved by the City Council.
- (2) Ownership and maintenance of water and wastewater mains and service connections shall be regulated as follows:
 - a. The title to all wastewater lines constructed, including wastewater service connections located in a right-of-way or dedicated easement, shall be vested in the City or the applicable utility provider.
 - b. The developer, or single customer, shall be responsible for all maintenance of the wastewater service connection, unless replacement of the service is required under the roadway or pavement. When replacement is determined to be necessary by the City, the City shall assume the responsibility for replacement of that portion under the pavement.
 - c. The title to all water mains and water meters constructed, and installed, including the title to service connections, shall be vested in the City or the applicable utility provider.
- (3) The City makes no representation or guarantee that water supply or wastewater capacity will be available to accommodate new development.
- (4) Water or wastewater service lines shall not cross any adjacent lot. The public main shall be extended so as not to require the service to extend across another lot. Water and wastewater service lines shall be maintained by the property owner.
- (5) Public water and wastewater mains adjacent to federal, state, or county roadways shall be constructed outside the right-of-way in a separate easement unless otherwise agreed by those agencies and the City. Regional water and wastewater mains constructed and owned by federal, state, county, or any entity other than the City shall be constructed outside the City's right-of-way in a separate easement unless otherwise agreed by those agencies and the City.

Section 10.04.012 Water.

- (a) General. A Plat shall not be approved unless all of the proposed lots are connected to a public water system which is capable of providing adequate water for health and emergency purposes.
 - (1) All lots shall be provided service connections from a looped water main providing water flow from two (2) directions or sources.
 - (2) Water service shall be sufficient to meet the fire flow requirements of the proposed development, except where a suitable alternative means of fire protection is approved by the Director of Public Safety.
 - (3) The City may require the phasing of development and/or improvements to the water system to ensure adequate fire protection.
- (b) Location.
 - (1) Shown on Construction Plans - The location and design of all fire hydrants, all water supply improvements and the boundary lines of special districts, private systems and certified water service areas, indicating all improvements proposed to be served, shall be shown on the Construction Plans.
 - (2) Extension of Lines - Extension of water lines shall be made along the entire frontage of the development adjacent to a street. If the Subdivision is not adjacent to a street, the extension of water lines shall be accomplished, in compliance with standards of the City Master Water Plan and DCSS Manual requirements, to allow convenient future connections to said lines by new Subdivisions.
 - (3) Waiver for Requirement - If new Subdivisions will never be constructed beyond a developing Subdivision due to physical constraints a Minor Waiver may be approved for this requirement in accordance with Section 10.07.002, Relief Procedures of this Ordinance prior to action on the Construction Plans or prior to action on any Plat.
- (c) Design and Construction.
 - (1) Installation of Water Facilities - Where water is to be provided through the City system, the property owner shall install adequate water facilities, including fire hydrants, in accordance with the Subdivision Ordinance, the adopted Fire Code, the current Rules and Regulations for Public Water Systems of the Texas Commission of Environmental Quality (TCEQ), and the firefighting standards of the Texas Board of Insurance. If any such requirements conflict, the most stringent requirement shall apply.

(d) Materials.

(1) Water mains.

- a. All water mains twelve inches (12") in diameter and smaller shall be AWWA C900 polyvinyl chloride (PVC) pipe. Water mains larger than twelve inches (12") in diameter may be constructed with either pretensioned or prestressed concrete steel cylinder pipe or ductile iron pipe.
- b. The subdivider shall comply with all applicable.

(2) Gate valves. Gate valves shall be furnished in accordance with the DCSS Manual.

(3) Fire hydrants.

- a. Fire hydrants shall be furnished in accordance with the DCSS Manual.
- b. Fire hydrants spacing shall be placed on block corners or near the center of the block to place all of every lot within a radius of five hundred feet (500') in residential area, but under no circumstances shall a hose lay of more than five hundred feet (500') be made from the fire hydrant to cover all of every lot within the Subdivision or tract under development.
- c. The owner of commercial tracts of real estate located in the city shall cause to be installed upon such premises fire hydrants in a radius of three hundred feet (300') in commercial or industrial areas, but under no circumstances shall a hose lay of more than three hundred feet (300') be made to adequately afford fire protection to the building.
- d. (i) All fire hydrants shall be painted by the developer in accordance with the size of the line constructed.

Size of Line	Color
6 inch	Bright red
8 inch	Royal blue

- (ii) The top and outlet caps of all hydrants installed shall be painted with a machine-implement paint or approved equal. The body of all hydrants shall be painted a silver color with an approved aluminum paint.

-
- (ii) Each hydrant shall be set upon a slab of stone or concrete not less than four inches (4") thick and not less than one square foot of surface area. Where solid rock exists in the bottom of the trench and same is excavated to the proper depth to form a foundation for the hydrant, the slab of stone or concrete above specified may be omitted. The hydrant shall be set perpendicular, and to the proper depth, and shall be carefully and substantially blocked against firm trench walls using class 2,000 concrete.
 - (e) Installation and testing.
 - (1) Water mains, fittings, gate valves and fire hydrants.
 - a. The subdivider shall comply with all applicable standard specification for public works for installing materials that comply with the standards of the city.
 - b. Prior to approval of plans and specifications for ductile iron pipe, the subdivider shall perform a soil survey to establish the corrosive characteristics of the soil at and along the alignment of the proposed water mains. If the corrosive characteristics of the soil are found to be excessive or indicate a potential for corrosive condition, then an approved polyethylene encasement or wrapping shall be installed to protect the pipe in accordance with the DCSS Manual.
 - c. Tap installations on PVC pipe will be made by attaching a bronze service clamp equipped with a sealed threaded port on the periphery of the main; then drilling through the pipe wall to complete each service port. Taps may be made either on an uncharged system or into a main under pressure.
 - (2) Location.
 - a. All water mains shall be constructed within street rights-of-way or easements dedicated to the city.
 - b. Easements shall be provided for water mains which parallel any state-numbered highway.
 - c. Water mains shall be installed in or extended along all frontage streets of the proposed Subdivision and shall be connected to all existing water mains where convenient. Provisions of water mains in conjunction with cul-de-sac streets shall be at the discretion of the Administrator based on a determination that such locations are in accordance with standards and requirements of the Master Water Plan and DCSS Manual. To ensure reliability of service, dead-
-

end mains of adequate capacity shall not exceed three thousand feet (3,000') in length. Adequate capacity shall be determined by the standards for fireflow as accepted by the state board of insurance and the state fire prevention and engineering bureau.

- d. In zoning districts commonly referred to as "residential districts," the minimum size of water main shall be six inches (6") in diameter. Where intervals between "cross-connecting" mains must exceed one thousand two hundred feet (1,200'), or where dead ends must exist, eight inch (8") diameter or larger mains shall be installed.
- e. Eight inch (8") diameter and larger mains shall be installed in all streets in zoning districts commonly referred to as "commercial" or "industrial," with minimum size eight inch (8") diameter intersecting mains every six hundred feet (600'). Where dead ends must exist, eight inch (8") diameter or larger mains shall be installed. The minimum limits set forth in the above shall not be exceeded except upon the specific approval by the Administrator based on their determination that such minimum limits are in compliance with The Master Water Plan and applicable DCSS Manual, and the city building official, but in no event shall these requirements be less than the minimum required by the state board of insurance or the state fire prevention and engineering bureau.
- f. Twelve inch (12") diameter or larger mains shall be installed in all streets in zoning districts commonly referred to as "commercial" or "industrial," where service is to be provided to developments that may require fire sprinkler systems.
- g. All valves buried in the ground shall be provided with cast-iron valve boxes of proper dimensions to fit over the valve bonnets and to extend to such elevation at or slightly above the finished street grade or ground line, as approved by the city. Tops shall be complete with covers marked "water" and shall be adjustable. Valve boxes shall be set vertical and concentric with the valve stem.

Any valve box which has so moved from its original position as to prevent the application of the valve key shall be satisfactorily reset by the developer at his own expense. A reinforced concrete pad of the dimensions, three feet by three feet by six inches (3' x 3' x 6") shall be poured around all valve boxes that are outside the pavement section, unless otherwise directed by the city.

-
- (f) Cost of Installation. The cost of installing all water supply improvements to be made by the developer, including off-site improvements, shall be included in the performance guarantees and Development Agreement, if applicable.
 - (g) Cost of Extension. Where the City's water distribution system is not planned to be extended in time to serve a proposed new development, all necessary water facilities to serve such development shall be provided by and at the expense of the developer. If oversizing of a water facility is deemed necessary by the Administrator for future developments, then the City may participate in such oversizing costs as part of a Development Agreement.
 - (h) Alternative Water Systems. Developments may be approved with alternative water facilities according to the following criteria:
 - (1) Water well operation and quality shall meet the minimum requirements of the Texas Commission on Environmental Quality, County, City health ordinances, and all other regulatory agencies, if applicable.
 - (2) Water wells may not be used for commercial sale of water.
 - (3) The cost to tie onto the public water system must exceed the certified initial capital cost of a well by twenty-five percent (25%). All costs and engineering designs shall be submitted by a licensed professional engineer. All costs and engineering designs shall be subject to approval by the Administrator. If a residence is located within one thousand feet (1,000') of a domestic water supply, that residence must hook up to that service.
 - (4) The water pressure and quality are adequate to meet all requirements of this Ordinance to meet public safety needs.
 - (i) Individual Wells.
 - (1) Within the City's Extraterritorial Jurisdiction (ETJ) - Individual wells within the City's ETJ shall be subject to approval by the applicable County health official, and this approval shall be documented by the health official's signature on the water system statement on the Preliminary and Final Plat. The property owner must submit with the Preliminary and Final Plat applications a certificate from a professional engineer who is registered, or a geoscientist who is licensed, to practice in the State of Texas verifying the adequacy of the proposed well water supply and potability prior to Preliminary Plat and Construction Plans approvals.
 - (2) Compliance with Other Regulations - Installation, operations and maintenance of individual wells shall comply with City standards, regulations of the Texas Commission on Environmental Quality (TCEQ), and any other applicable County or State rules and regulations. In the
-

event of conflict among these regulations, whichever is the most stringent shall apply.

- (j) Facilities for Health and Safety Emergencies; Alternative Water Sources - All water facilities connected to the City's water system shall be capable of providing water for health and emergency purposes, including fire protection and suppression. Water supply facilities shall be in accordance with the Subdivision Ordinance. The design and construction of water system improvements and alternative water sources shall also comply with the following standards:
 - (1) Design and construction of a water source on the site shall be in accordance with applicable regulations of the Texas Commission of Environmental Quality (TCEQ).
 - (2) Design and construction of water service from the City shall be in accordance with the standards in the City's DCSS Manual.
 - (3) Design and construction of a fire protection and suppression system shall be in accordance with the standards in the Subdivision Ordinance, and in accordance with the City's Department of Public Safety (DPS) and adopted Fire Code.

Section 10.04.013 Wastewater.

- (a) Generally. A plat will not be approved unless all of the proposed lots are served by an approved means of wastewater collection and treatment.
 - (1) The projected wastewater discharge of a proposed development shall not exceed the proposed capacity of the wastewater system.
 - (2) The City may require the phasing of development and/or improvements to the sanitary sewer system so as to maintain adequate wastewater capacity.
- (b) Extension of and Connection to the City's Wastewater Collection System - Extension of, and connection to, the City's sanitary sewer system shall be required for all new developments within the City's limits. Extension of, and connection to, the municipal sewer system shall also be required for new developments within the City's ETJ for any proposed development, lot, tract or parcel that is less than one and one-half (1.5) acre in size. The City is not in any way obligated to allow extension of municipal sewers outside the City's limits. The required extension of, and connection to, the municipal sewer system may be waived as a Minor Waiver if it is determined that such extension would require unreasonable expenditures and that an on-site wastewater disposal system will function properly and safely.
- (c) Design and Construction - It is the policy of the City to require all wastewater collection lines to have gravity flow. The use of lift stations and force mains is prohibited unless a gravity design is impractical, as determined by the Administrator. The location, design and sizing of all wastewater improvements

shall be shown on the Construction Plans and are subject to approval by the Administrator.

- (d) Cost of Installation - The cost of installing all wastewater improvements to be made by the developer, including off-site improvements, shall be included in the performance guarantees and Development Agreement, if applicable.
- (e) Extension.
 - (1) Cost - Where the City's wastewater system is not planned to be extended in time to serve a proposed new development, all necessary wastewater facilities to serve such development shall be provided by and at the expense of the developer. If oversizing of a wastewater facility is deemed necessary by the Administrator for future developments, then the City may participate in such oversizing costs as part of a Development Agreement.
 - (2) Future Extensions - Pipe stub-outs shall be located in manholes to facilitate the future extension of wastewater lines. The Administrator will determine the location and size of the stub-outs.
- (f) Basic requirements.
 - (1) No sewer main shall be less than six inches (6") in nominal diameter. Sewer service lines shall not be less than four inches (4") in diameter. Sewer lines shall utilize PVC, SDR-40 pipe where applicable unless size or special conditions warrant other materials.
 - (2) All sewers shall be designed with consideration for serving the full drainage area subject to collection by the sewer in question except as modified with the concurrence of the city's engineer because of the projected rate of development or the financial feasibility of the proposed extension.
 - (3) Manholes shall be located at all intersections of other sewers and at intermediate spacings along the line. Generally the maximum spacing should not exceed five hundred feet (500'). Manholes should be located at all changes in grade and at the ends of all sewers.
 - (4) Sewers should be designed with straight alignment whenever possible. When horizontal curvatures must be used, the smallest radius should be determined by the pipe manufacturers data, but in no case less than a one hundred foot (100') radius shall be used.
 - (5) All sewers shall be designed with hydraulic slopes sufficient to give mean velocities, when flowing full or half full, or not less than two feet (2') per second on Kutter's or Manning's formulas using an "n" value of 0.01, except that the minimum allowable grades shall be maintained as follows:

Line size	Minimum Grade
4 feet	2.00 percent
6 feet	1.00 percent
8 feet	0.40 percent
10 feet	0.29 percent
12 feet	0.22 percent
15 feet	0.16 percent
18 feet	0.12 percent
24 feet and larger	0.8 percent

- (6) No connection shall be made to any sanitary sewerage system within the city which will permit the entrance of surface water and waste of other than domestic sewage characteristics.
- (7) All materials and workmanship incorporated in the sewage system extensions shall be in accordance with the currently adopted DCSS Manual requirements and standards.
- (8) All lateral and sewer mains installed within a Subdivision must extend to the borders of the Subdivision as required for future extensions of the collecting system regardless of whether or not such extensions are required for service within the Subdivision.
- (9) Service laterals shall be constructed at an elevation designed to gravity flow the lot or tract of land to which it will serve as computed at a grade of two percent (2%) from the service riser pipe to the proposed building site. However, the minimum cover for service riser pipe at the property line or easement line shall be a minimum of four feet (4'). All service laterals below proposed areas to be paved shall be installed and properly backfilled prior to compaction of the subgrade and placement of the paving.
- (10) Any service lateral used for the discharge of industrial waste into the city's sanitary sewers shall have a control manhole constructed and maintained by the discharger of the industrial waste. The control manhole shall be constructed downstream from any storage tanks or pretreatment works and shall be used by the city for sampling and monitoring the industrial waste.

-
- (11) Sewage lift stations (pumping stations) shall not be allowed unless physical conditions will not permit a conventional gravity flow sewer system. All lift stations will utilize two (2) pump or duplex systems, with each pump having the capacity to meet maximum flow demands. The pumping system shall utilize automatic mercury float control switches for start-stop and automatic pumping cycles. The facilities may be designed for specific locations, employing wet well/dry well, surface mounted pumps or submersible pumps. The Administrator will review and direct the type of lift station to be installed.

Section 10.04.014 Drainage.

- (a) Generally. A plat will not be approved unless adequate provisions for drainage facilities are provided. Drainage provisions shall ensure the health and safety of the public and the property in times of flood. The design and construction of the storm drainage system or facilities to serve new Subdivisions shall be in conformance with the DCSS Manual, the applicable Stormwater Drainage Utility System ordinance, Flood Damage Prevention ordinances, and the following:
- (1) Development not to increase flow. The Subdivision shall not increase the peak flow discharge or velocities over natural conditions, particularly to adjacent and downstream properties. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point.
 - (2) Spring or surface water. The developer may be required by the Planning and Zoning Commission to carry away by pipe or open ditch any spring or surface water that exists previous to, or as a result of the Subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed drainage easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications of the city.
 - (3) Coordination with drainage plan. Coordination with the comprehensive master drainage plan is required. The developer shall provide those drainage improvements which traverse or abut the proposed Subdivision, where specified in the comprehensive plan. All cost for such improvements shall be paid by the developer, except where the Administrator shall determine that the improvements benefit other citizens more than that of the proposed Subdivision and shall determine the equitable city participation in such improvements. Such city participation, or any appeal of such requirements, shall be approved by the city council.

-
- (4) Basic drainage requirements. Storm drainage system or facilities shall be provided and constructed by the developer in accordance with the following basic requirements:
- a. All drainage improvements shall be designed to an acceptable outfall as approved by the Administrator based on a determination that the outfall volume and velocity complies with the regional requirements and DCSS Manual requirements set forth herein.
 - b. The developer may install a concrete lined channel in lieu of installing pipe larger than sixty inches (60"). This open channel shall be at the rear of residential lots. In the event it is necessary to locate the drainage facility adjacent to and parallel to a street ROW shall be a closed conduit even though pipe sizes larger than sixty inches (60") are required.
 - c. A permanent chainlink fence or other fence meeting the requirements of the city shall be constructed along the top of any channel exceeding three feet (3') in depth to enclose the area where it is adjacent to residential lots and also in other cases, where it is deemed necessary to restrict access to the channel.
 - d. All drainage facilities shall be constructed on public right-of-way or easements dedicated for the purpose in accordance with this section. Drainage easements shall be of a sufficient size to permit access for maintenance of the drainage facility.
 - e. When a drainage ditch or storm drain pipe, culvert or bridge is proposed, calculations shall be submitted showing the basis for design. When a drainage channel, storm drain pipe, culvert or bridge is proposed, completed plans, profiles and specifications shall be submitted, showing complete construction details and detailed cost estimate.
 - f. Retention (maintains a permanent pool elevation) and detention (no permanent pool storage) shall be constructed only with the approval of the city. Retention/detention ponds shall be encompassed by an easement. The facility will remain the maintenance responsibility of the owner/developer or homeowner's association, unless otherwise accepted by the city. Acceptance by the city will be contingent upon the facility being a part of a dedicated park or other such property which meets with the city's approval at its sole discretion. Utilization of retention ponds and dispersion areas and preservation of major floodplains, etc., shall be strongly encouraged and may be required if a proposed drainage improvement is found to create actual or
-

potential upstream, adjacent or downstream property damage due to the creation of excessive flood velocities or heights.

- g. The developer of property to be subdivided shall be responsible for all storm drainage flowing on his property. This responsibility includes the drainage directed to that property by ultimate development as well as drainage naturally flowing through the property by reason of topography, and developer/owner shall install such drainage improvements necessary to eliminate negative upstream and downstream effects of the proposed development.
- h. The developer shall pay for the cost of all storm drainage system or facilities improvements required for the development of the Subdivision, including any necessary off-site channels or storm sewers and acquisition of the required easements.
- i. Where it is anticipated that additional runoff incidental to the development of the Subdivision will overload an existing downstream drainage facility, whether natural or manmade, the Planning and Zoning Commission may withhold approval of the Subdivision until appropriate provision has been made to accommodate the problem, and plans shall be provided which include all necessary off-site improvements including storm sewer systems, channel grading, driveway adjustments, culvert improvements, etc.
- j. In areas where downstream pipes or channels are inadequate to handle proposed increased flows, the developer must show that the proposed pipe system to handle the flow from the development would not function properly without substantial downstream improvements. Prior to permitting any development that will significantly increase flood heights downstream or upstream, a hearing before the Planning and Zoning Commission is required with special notice to the adjacent property owners. Developer must demonstrate that there is zero negative effect to adjacent properties, upstream or downstream.
- k. Adequate consideration shall be given by the developer in the development of Subdivision to determine how the discharge of water leaving the proposed development will affect adjacent property.

-
- (b) Exceptions. The following exceptions will apply for the period of time set forth herein:
- (1) Subdivision phases for which a preliminary plat has been approved prior to the effective date of this ordinance and for which a final plat application is filed in accordance with this Subdivision Ordinance.
 - (2) Developments for which construction plans have been submitted in compliance with the construction plan requirements of this Subdivision Ordinance prior to the effective date of this Ordinance and for which construction is underway within one year from the effective date of this Subdivision Ordinance.
 - (3) Buildings for which a complete detailed site plan has been approved prior to the effective date of this Subdivision Ordinance and for which construction is underway within one year from the effective date of this Ordinance.
 - (4) Buildings for which a plat has been approved and recorded prior to the effective date of this Subdivision Ordinance and for which construction is underway within one year from the effective date of this Subdivision Ordinance.
 - (5) Subdivisions recorded with a final plat prior to the effective date of this Subdivision Ordinance for which a replat for administrative changes is filed.
- (c) Storm drainage system or facilities requirements.
- (1) Drainage plan.
 - a. This plan shall show the watershed affecting the development and how the runoff from the fully-developed watershed will be conveyed to, through, and from the development. It must comply with the standards outlined in this Ordinance and in the Design Criteria and Construction Standards. The preliminary drainage plan is a guide for the detailed drainage design. The review of the preliminary drainage plan does not constitute final drainage plan approval or authorize a waiver to this Ordinance.
 - b. A preliminary drainage plan shall be provided, at the developer's expense, for the proposed Subdivision. For property with a previously accepted preliminary drainage plan, the accepted preliminary drainage plan may be submitted and enforced unless a revised preliminary drainage plan is required by the City due to lot reconfiguration or other conditions created by the new plat. The Administrator may waive the requirement for a preliminary drainage plan if the submitted plat is not anticipated to cause any

significant change in runoff characteristics from a previously accepted drainage study or for single residential properties where no drainage problems are anticipated. If the applicant requests a waiver in writing, a copy of any previous drainage plan shall be provided.

- c. Three (3) paper copies of the preliminary drainage plan shall be submitted with the submittal of a preliminary plat, replat, or minor plat for review and acceptance. The plan shall be labeled as "Preliminary." The plan shall be stamped by and dated by the engineer.

- (2) Easements. Easements are required for all drainage systems that convey stormwater runoff across a development and must include sufficient area for operation and maintenance of the drainage system. The easements may be public or private, as determined by the Administrator based on a determination that such an easement will or will not function as a part of an existing public drainage easement system. Public easements will be maintained by the City and private easements will be maintained by the owner or through an owner's association. The City shall have the right, but no obligation, to maintain private easements to protect the public. Types of easements to be used include:

- a. Drainage easements are required for both on-site and off-site public or private storm drains and for improved channels designed according to the DCSS Manual.
- b. Floodplain easements shall be provided on-site along areas that are in a designated flood zone on the effective FEMA FIRM maps. No construction shall be allowed within a floodplain easement without the written approval of the Administrator based on a determination that a hydrology/hydraulic analysis is required to determine appropriate easement boundaries and locations.
- c. Temporary drainage easements are required off-site for temporary channels when future off-site development is anticipated to be enclosed underground or follows an altered alignment. Temporary drainage easements will not be maintained by the City and will not terminate until permanent drainage improvements meeting City standards are installed and accepted. Temporary drainage easements will require written approval from the Administrator.
- d. Drainage and utility easements can be combined for underground storm drains and channels, subject to adequate easement width as approved by the Administrator based on a determination that said

-
- underground facilities comply with requirements of this Ordinance and the DCSS Manual.
- e. Drainage easements shall include adequate width for access and maintenance beyond the top of bank for improved channels.
 - f. Improved channels shall have drainage easements dedicated to meet the requirements of the width of the channel, the one-foot freeboard, any perimeter fencing, and any underground tie-backs or anchors.
 - g. Easements for detention ponds and permanent stormwater control devices shall be provided in a form approved by the City Attorney.
 - h. The entire reach or each section of any drainage facility must be readily accessible to maintenance equipment. Additional easement(s) shall be required at the access point(s) and the access points shall be appropriately designed to restrict access by the public (including motorcycles).
- (3) Stormwater Quality - Designs for Subdivisions shall manage stormwater in a manner that protects water quality by addressing the development's potential to cause erosion, pollution, siltation, and sedimentation in the MS4 and natural major creeks. The goal is to maintain after development, to the maximum extent practicable, the predevelopment characteristics in the major creek, which ultimately receives stormwater runoff from the development. It is the developer's responsibility to ensure that designs for new development meet the stormwater management requirements in the General Permit for Stormwater Discharges from Construction Activities issued by the TCEQ and its successor agencies. This permit includes the requirement for measures that will be installed during construction to control pollutants in stormwater discharges after construction operations have been completed.
- (4) Stormwater Runoff - Stormwater runoff shall be calculated anticipating a fully developed watershed. The Comprehensive Plan, existing land use, and zoning maps shall be used to determine fully developed conditions. The Administrator reserves the right to review the determination of fully developed conditions and may require revisions.
- (5) Minimum Finish Floor Elevations - The minimum finished floor elevation for structures adjacent to a FEMA floodplain shall be two feet (2') above the effective FEMA base flood elevation.
- (6) Off-site Drainage.
-

-
- a. When any proposed development requires off-site grading where stormwater runoff has been collected or concentrated, it shall not be permitted to drain onto adjacent property except in existing Major creeks, channels, storm sewers or streets unless a drainage easement is provided in a form approved by the City Attorney.
 - b. In the event the developer cannot obtain a drainage easement, the developer shall provide the City with documentation of all efforts, including evidence of a reasonable offer made to the affected property owner and a written request for assistance. The City may, but is not obligated to, pursue acquisition of these easements through negotiations. If the negotiations are unsuccessful, the request may, at the developer's option, be submitted to City Council for consideration of acquisition through eminent domain. Any expenses, including attorney's fees, incurred by the City to acquire or attempt to acquire an easement shall be paid by the developer.
- (7) Floodplain development requirements. All Subdivisions proposed adjacent to or within the 100-year floodplain shall be in accordance with the Design Criteria and Construction Standards and this Subdivision Ordinance.
- (1) No land shall be modified in any 100-year flood drainageway until a drainage modification permit is issued by the city manager or designee upon direction by the city's engineer. The city's engineer, as a condition of the permit, shall certify that such modification will, as a minimum, fulfill the requirements of this Section with special attention that peak flow heights or velocities will not be increased on adjacent properties.
 - (2) Drainage modification permits for drainageways whose basin exceeds one square mile may be approved by the Planning and Zoning Commission after notification of adjacent property owners. Drainage modification permits for drainageways less than one square mile may be approved by the city manager or designee upon direction by the city's engineer. Smaller drainageways which do not carry runoff from upstream properties and do not change the downstream concentration point will not require permits.
 - (3) Any decision by the city's engineer can be referred to the Planning and Zoning Commission by either the city's engineer or the applicant for final determination. Upon such referral all adjacent property owners will be notified of the hearing at least ten (10) days prior to the scheduled Planning and Zoning Commission meeting.
-

-
- (f) Major creeks.
- (1) The Drainage Master Plan identifies the creeks classified as major creeks in the City.
 - (2) 100-Year Floodplain Restrictions - For the health, safety and welfare of the City's residents and for the conservation of water, storm drainage and sanitary sewer facilities, the City prohibits development of any portion of a property that lies within the fully-developed 100-year floodplain of any major creek. Major creeks shall be protected from destruction or damage resulting from clearing, grading, and dumping of earth, waste or other foreign materials. Clearing, grading, excavation or filling of any area within the fully-developed 100-year floodplain or within any major creek shall be prohibited unless authorized in writing by the City and prior to approval of civil construction plans being released by City.
 - (3) Major Creek Restrictions - All major creeks shall be protected and maintained in accordance with this Ordinance.
 - (4) Access - Access shall be dedicated for maintenance purposes. Proper access will require a twenty-five-foot (25') rear or side yard setback for adjacent lots not separated by a street. If site conditions warrant, an additional ten-foot (10') paved or other drivable surface between the adjacent lot line and the 100-year floodplain buffer fifty-foot (50') may be required.
 - (5) Retaining Wall(s) - Retaining walls may be permitted on lots adjacent to a drainage easement in a residential area in order to reduce the easement width. Retaining walls adjacent to the channel are allowed in non-residential areas only if the property owner provides an agreement for private maintenance. All retaining walls, regardless of height or location, must be designed and the construction plans sealed by a professional engineer licensed in Texas.
 - (6) Adjacent Street(s) Widths - Streets adjacent to a major creek shall have a minimum right-of-way width of fifty feet (50').
 - (7) Adjacent Street(s) Types:
 - a. Parallel Streets. A minimum 60% of the linear frontage of the major creek shall be adjacent to a parallel street.
 - b. Cul-de-sac Streets. Cul-de-sacs, if allowed, shall comply with the following criteria:
 - i. A minimum 50% of an adjacent cul-de-sac bulb shall be open to the major creek and no residential lot shall encroach within the area between this line and the major creek.
-

-
- ii. An entry monument(s) or feature(s) as well as landscaping shall be provided at the end of the cul-de-sac and a minimum 10-foot (10') pathway located within a public pedestrian access easement shall be provided as access to the major creek
 - (8) Setbacks - Any side or rear lot line adjacent to a major creek shall provide a twenty-five-foot (25') building setback.
 - (9) Fences - Fences adjacent to a major creek shall comply with the following criteria:
 - a. Have a maximum fifty percent (50%) opacity;
 - b. Have a height of six feet (6') to eight feet (8') as measured from grade at that location;
 - c. Ornamental metal fences, with either masonry columns or a masonry base of a maximum three feet (3') in height shall be located along the rear and side of the lots; and
 - d. The lot owner or owner's association is responsible for the maintenance of the fence.
 - (10) Exceptions for Planned Development - For properties which have an approved Concept Plan that is part of a Planned Development Ordinance adopted prior to the effective date of this Ordinance, this Section shall not apply; provided, however, said properties are subject to the following conditions:
 - a. Any lot that backs to the 100-year floodplain shall have a minimum rear yard setback of twenty-five feet (25');
 - b. Any lot that sides to the 100-year floodplain shall have a minimum side yard setback of fifteen feet (15');
 - c. Alternating cul-de-sacs and looped streets shall be provided at intervals not to exceed one thousand two hundred feet (1,200') for access to the 100-year floodplain; and
 - d. The 100-year floodplain shall be available to public access from the end of a cul-de-sac.
 - (11) Additional Studies - At the request of the City, the property owner shall submit additional studies, including but not limited to the following, as deemed appropriate and necessary by the City, as part of the Preliminary Plat submittal requirements. These studies shall be considered during review and approval of the Preliminary Plat.
 - a. Wetland Delineation Study;
-

-
- b. Habitat Study;
 - c. Vegetative Study;
 - d. Erosion Hazard Setback Study;
 - e. Storm Drainage Study;
 - f. Riparian (i.e., Tributary) Study;
 - g. Flood Study; and
 - h. Downstream Assessment Study

Section 10.04.015 Park and recreation dedication requirements.

- (a) Purpose and intent. The requirements for open space, park and recreational, and preserved natural areas contained in this Section are intended to ensure that there will be sufficient land dedicated or otherwise set aside to meet the demand and need of the future residents for open space, passive natural areas, and parks. In determining the size, shape and quality of open space, natural and parks areas that should be set aside and reserved in the manner set out in this Section, the city has considered the projected growth in population and development within the municipality and the amount of open space, park and recreational facilities needed to accommodate such growth.

- (b) Applicability

Dedication is required. At the City's discretion, City may require a fee in lieu of dedication. Such fees is to be deposited in a fund to provide park improvements that will benefit the property and community at large.

- (1) This Section, as amended, applies to all property, within the city limits and its extraterritorial jurisdiction, for which a final plat has not been formally submitted to the city for approval, unless otherwise noted herein.
 - (2) Any tract or lot occupied by an existing residential dwelling unit at the time of adoption hereof shall be exempt from the dedication requirements of this Section if the residential dwelling remains on the lot. This exemption pertains only to the tract or lot with the existing residential dwelling. Any additional lots created by further Subdivision of the property shall be subject to the requirements herein.
- (c) All requirements contained in this Section shall be assessed at the time of approval of the final plat of any applicable property.

(c) Land dedication requirements

(1) Anticipated land dedication. Every residential developer shall dedicate land for the preservation of park and recreation amenities, including of passive, natural open space areas as follows: Said dedications shall be provide on preliminary and final plats. These requirements shall only apply to residential development.

a. Parkland meeting the requirements contained within this Section shall be dedicated to the city at a ratio of one acre of parkland for every forty (40) residential dwelling units or prorated portion thereof.

b. Off-site dedications. A developer may dedicate the required parkland for a development at another location owned by the same developer within the city with the consent of the city, provided that the off-site land dedication is in accordance with this Section.

(2) Transfers and credits for prior dedications, fees and gifts. In considering the amount of land dedication required of a proposed development, the city may, at its discretion, apply former dedications which were in excess of the requirement at that time to current or future dedication requirements of the same owner/applicant. At the discretion of the city, any former gift of land to the municipality may be credited under the terms of the current ordinance toward eventual land dedication requirements imposed on the donor of such lands.

(d) Characteristics of parkland. In determining whether to accept or refuse the dedication of parklands, the city council may consider the location, size, topography, access, preservation as a natural area, proximity to residential development, suitability for park development and other considerations as a guideline for such decisions.

(e) Alternatives to land dedication. In any case where a dedication is required, the city shall have the right to accept the dedication as submitted for approval, or in the alternative, to refuse dedication of the same, and in lieu thereof to require payment of cash under the formula contained in this section or to allow the developer to construct recreation or park improvements. The city may permit a combination of dedication, improvements and fees to be used to fulfill this requirement.

(1) Fee payment alternative.

- a. Approval of fee payment alternative. The City Council, at its sole discretion, shall, determine the acceptability of a developer's payment of fees in lieu of the land dedication requirement of this Section.
- b. Calculation of fees. The amount of the fee in lieu of park land dedication shall be the average estimated fair market value per acre of land. The value shall be set forth in the fee schedule and may be updated as deemed appropriate by the city council.
 - (i) Residential dwelling unit fees. Fees paid in lieu of dedication shall be based on the determined cost of one acre of land divided by forty (40), for a resulting fee per residential dwelling unit.
- c. Collection of fees. No building permit shall be issued nor shall any construction be allowed to begin until payment of any fees required by this Section has been made.

(2) Physical or equipment improvements to parks; compatibility with park comprehensive plan. A developer may have the option of dedicating and improving facilities within municipal parks or improving dedicated parkland in lieu of parkland dedication or payment of cash, based on recommendations of the Planning and Zoning Commission.

Private amenities within a development shall not count toward a park dedication requirements as set forth herein.

Should any of these options be exercised, the municipality and the developer shall, prior to initiation of work on such improvements, enter into an agreement for credit of expenses for authorized park improvements. In no case shall the municipality be required to reimburse the developer if they chooses to improve parklands at an amount greater than required. Such a proposed agreement to provide facility improvements in lieu of dedication shall be submitted in writing with the initial application and sketch plat.

(f) Approval process

(1) Land dedications.

-
- a. The city council shall consider any request submitted for proposed parkland and dedication with the preliminary plat or final plat if a preliminary plat is not required.
 - b. Where review of development applications has resulted in the requirement for land dedication, such land dedication shall be shown on a final plat and shall contain a clear fee simple dedication of that land to the city and shall be acknowledged by all persons or entities, including lenders, holding an interest in the property to be dedicated.
 - (2) Fee payments in lieu of dedication and/or facilities improvements. Upon accepting fees in lieu of dedication, the city council shall approve an agreement with the developer for the provision of dedicated parkland, fees in lieu of dedication, facilities construction or improvement. This agreement will be incorporated into the subdivider's agreement.
 - (g) Use of funds
 - (1) Parkland dedication fund. Funds received by the city in lieu of dedication will be deposited in a special fund known as the parkland dedication fund.
 - (2) Fund to be used exclusive. Monies placed in this fund may be expended only for the purchase, lease, or other acquisition of park and open space areas by the city, the improvement and site preparation of such areas and sites, the extension of utilities to or within such sites, the installation of landscaping, play equipment or recreation improvements on such sites, and/or attendant engineering and planning costs associated with such park development.
 - (3) Use of monies restricted. Monies placed in this fund may not be utilized for any other general business activity of the city or for maintenance of park facilities. Funds deposited will be used to improve parks that will serve the residents living within the platted property for which the fee was paid.
 - (4) Authorization for use of funds. All expenditures from this fund shall be approved by the city council.

Section 10.04.016 Construction and inspections of public improvements.

- (a) Construction.
 - (1) All public improvements shall be in accordance with approved Civil Construction Plans. Any significant change in design required during
-

construction shall be made by the applicant's engineer, and shall be subject to approval by the City.

- (2) The developer 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 city.

(b) Inspections.

- (1) The City Council shall establish fees for the inspection of public improvements as part of the fee schedule on file in the office of the city secretary. No person shall be granted notice to proceed to construct, reconstruct, cut or repair any street, drainage or sanitary sewer facility without paying the fees for the inspection of such work.
- (2) The developer's contractor shall give at least twenty-four (24) hours' notice in writing to the city of intent to commence actual construction of the facilities in order for inspection personnel to be made available.
- (3) It shall be the duty of the developer to notify all contractors and subcontractors working for them that all of their work is subject to inspection by the city inspector at any time. Certification of materials being used may be required by the city inspector.
- (4) The Administrator and/or his designee shall inspect the construction of improvements while in progress in accordance with the inspection schedule maintained in the Development Services office, as well as upon completion. The developer, or their contractor, shall maintain contact with the Administrator and/or designee during construction of improvements.
- (5) If the Administrator and/or designee finds, upon inspection, that any of the required public improvements have not been constructed properly and/or in accordance with the approved Construction Plans, the applicant shall be responsible for completing and/or correcting the public improvements to bring such into compliance.
- (6) Failure to request the required inspections is a violation of this Subdivision Ordinance and in addition to the criminal penalty established for such violation will include a stop work order or an injunction as remedies for work that has not been inspected.
- (7) Laboratory tests required by the city inspector shall be performed by approved independent testing laboratories and will be at the discretion of the city 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.

- (8) Should any point not be covered in the plans, or Subdivision agreement, the developer shall be required to contact the Administrator for a determination as to the city's requirements.

Section 10.04.017 Acceptance and maintenance.

- (a) Maintenance during construction - The owner shall maintain all required public improvements during construction of the development, or shall provide proof that a separate entity will be responsible for the operations and maintenance of the facilities.
- (b) Submission of record (as-built) drawings - The City shall accept required public improvements when the owner's engineer has certified to the Administrator, through submission of detailed "record" drawings of the project and filed copies of any off-site easements, unless otherwise noted within the Subdivision Ordinance, that the public improvements have been built in accordance with the approved Construction Plans. The City shall not accept improvements until the Final Plat is approved by the City and recorded at the County. Each record drawing sheet shall show all changes made in the plans during construction, and on each sheet, there shall be a "record" stamp bearing the signature of the engineer and date. Detailed requirements for such drawings are available in the office of Development Services.
- (c) Acceptance or rejection of improvements.
- (1) Responsible Official - The Administrator shall be responsible for inspecting all required public improvements shown in the Civil Construction Plans, and for accepting completed Subdivision improvements intended for dedication to the City.
- (2) Final Inspection – After completion of all improvements (both public and private), franchise utilities, grading, and erosion control, the Administrator, and other designated representatives (as applicable) will perform a final inspection before recommending acceptance of the improvements.
- (3) Letter of Final Acceptance – If all improvements are completed, inspected, tested (if applicable), and determined by the City to be in conformance with this Subdivision Ordinance, the City's design standards, and the approved Civil Construction Plans, then the Administrator shall issue a Letter of Final Acceptance to the applicant, thereby notifying the applicant of the City's acceptance.

-
- (4) Meaning of Acceptance - Acceptance of the improvements shall mean that the owner has transferred all rights to all the public improvements to the City for title, use and maintenance.
 - (5) Rejection - The Administrator shall reject those improvements that were not inspected in accordance with the requirements herein or that fail to comply with the City's standards and specifications. The City shall enforce the guarantee provided by agreement(s).
 - (d) Disclaimer - Approval of a Preliminary Plat or Final Plat by the City Council, or Civil Construction Plans by the Administrator, shall not constitute acceptance of any of the public improvements required to serve the Subdivision or development. No public improvements shall be accepted by the City except in accordance with this Section.
 - (e) Acceptance of improvements for land in extraterritorial jurisdiction (ETJ) - Where the improvements to be constructed under a Development Agreement are located within the City's ETJ and are to be dedicated to the public, the Administrator shall inform the County that the public improvements have been constructed in accordance with approved Construction Plans and are ready for acceptance by the County.
 - (f) Maintenance bond following acceptance - The applicant or applicant's contractor shall furnish to the Administrator a sufficient maintenance bond with a reputable and solvent corporate surety registered with the State of Texas, in favor of the City, to indemnify the City against any failure, repair or maintenance of the public improvements. The bond shall be in effect for two (2) years from the date of final acceptance of the entire project. The bond, which is a part of the requirements for final acceptance, shall be a minimum of one hundred and ten percent (110%) of the value of the work constructed. Final acceptance shall be withheld until said maintenance bond is furnished to the City in a form acceptable by the City Attorney. Once the maintenance bond has been examined and approved by the City Attorney, the City Attorney shall certify the bond is valid and enforceable as provided by law prior to recommending acceptance by the Administrator. The applicant shall reimburse the City for all related legal costs for review (this reimbursement shall be paid in full prior to filing of the Final Plat).

Section 10.04.018 Homeowner and property owner's associations required.

- (a) Purpose. The City's interest in the establishment of a Homeowners' Association (HOA) or Property Owners' Association (POA) (also referred to as "Association") for property development is to create an organization that owns and is responsible for maintaining, among other things, commonly owned properties, amenities, landscaping in rights-of-way, entry signage, and riparian areas for the communal good of the development's property owners and residents.

-
- (b) Applicability. An HOA shall be established for any development that contains any of the following: an amenity, common areas, lots owned by the Association, perimeter fencing, a major creek or tributary, or thoroughfare screening. For purposes of this section, the terms "Homeowners' Association" and "Association" are interchangeable with the term "Property Owners' Association" for multifamily and non-residential developments.
- (c) Descriptions of elements requiring a POA. Any one (1) or more of the following elements created as part of a development shall require formation and continued operation of a mandatory POA:
- (1) Amenity - Where proposed in conjunction with a development, the word "amenity" shall include, but not be limited to, the following:
- a. Amenity center (i.e., private swimming pool, club house, tennis courts, etc.);
 - b. Private recreational facility;
 - c. Entry features;
 - d. Open space - voluntary or as required by zoning or Development Agreement;
 - e. Ponds;
 - f. Water fountains;
 - g. Water features;
 - h. Hike-and-bike trails;
 - i. Playgrounds and picnic areas;
 - j. Parking lots; and
 - k. Other commonly owned facilities, and perimeter fencing.
- (2) Major Creek.
- (3) Thoroughfare Screening.
- (d) Procedure. The establishment of a required Association shall occur in conjunction with the recordation of the Subdivision Final Plat, and shall generally be established as follows:
- (1) Documents Submitted for Review - The declaration, covenants and other necessary documents establishing the Association shall be submitted to the City for review by the City Attorney for conformance with this and other applicable ordinances prior to submission of the Final Plat. Association documents shall include descriptions of any amenities, stub streets, thoroughfare screening, major creek(s) or tributary(ies), and other
-

-
- areas for which the Association is responsible for maintenance, and shall outline the organization of the Association.
- (2) Review By City Attorney - All Association documents shall contain the items set forth in section and shall be reviewed by the City Attorney prior to recordation of the Final Plat. The applicant shall reimburse the City for all related legal costs for review of the Association documents. This reimbursement shall be paid in full prior to recordation of the Final Plat.
 - (3) Recordation - All Association documents shall be recorded at the County prior to the recordation of the Final Plat. Two (2) copies of the recorded documents shall be submitted to Administrator prior to release of the Final Plat for recording.
 - (4) Additional Phases - An additional phase to an existing Subdivision is not required to establish a separate and distinct Association, provided that:
 - a. The existing, recorded Association documents are amended to incorporate the area of the new Subdivision phase and to adopt the responsibility of its amenities, major creeks and tributaries, thoroughfare screening, and other areas for which the Association is responsible for maintenance;
 - b. The applicant shall provide a draft of the amended covenants to the City Attorney for review prior to recording the amendment; and
 - c. The applicant shall provide two (2) copies of the recorded amendment prior to release of the Final Plat for recording.
 - (e) Notice to purchasers. A residential developer shall be required to post notice in a prominent place at all model homes and sales offices stating the following:
 - (1) That an HOA has been established for the Subdivision;
 - (2) That membership in the HOA is mandatory for all lot owners; and
 - (3) That the developer is required to provide to any person, upon their request, a complete copy of the HOA documents and a five (5)-year projection (at a minimum), of HOA dues, income and expenses.
 - (f) General requirements. The following shall be set forth in a single Article in the Association documents:
 - (1) A statement that membership in the Association is mandatory for all owners of property within the Subdivision;
 - (2) A listing of all required maintenance responsibilities, and where possible, the lot number(s), legal descriptions, street name(s), etc. as shown on the approved plat for areas to be the responsibility of the Association;
-

-
- (3) Covenants for maintenance assessments, which shall run with the land;
 - (4) Responsibility for liability insurance and local taxes;
 - (5) Statement that the authority for enforcement of Association rules and regulations is solely the responsibility of the Association and is not, in any way, the responsibility of the City;
 - (6) Authority for the Association to secure funds from its members sufficient to meet its responsibilities. This authority shall include the ability to collect dues, to increase dues, to charge special assessments, and to place liens against property for failing to pay dues and assessments;
 - a. Dues shall be calculated based on a cost projection for the maintenance of all amenities and based on eventual build-out of the Subdivision;
 - b. Dues shall not be based on calculations which include monies from the developer which will not be provided following the transfer of the Association from the developer to the lot owners;
 - c. Dues shall be required to be disclosed to all lot owners at the time of property purchase by the lot owners.
 - (7) Provision that no amendment of the Association documents relating to maintenance of amenities, major creeks and tributaries, thoroughfare screening, any other Association-maintained area or facility, or related reserve funds (as applicable) shall occur without prior City approval;
 - (8) Written release of liability for maintenance to benefit the City; written indemnification of the City outlining that under no circumstances shall the City be liable to the Association or any property owner or their respective heirs, executors, administrators, devisees, personal representatives, successors or assigns for any damages, injuries (including death), and/or liability resulting from any amenity, within or adjacent to any major creek or tributary, associated with any thoroughfare screening or common landscaping, or from any other Association-owned and maintained area or facility;
 - (9) Written assurance of funds based on an accredited cost projection analysis within a specific reserve account of the Association for the maintenance and removal of amenities as determined by the City; and
 - (10) Written consent giving the City the authority to take the actions for violations, including:
 - a. The City's ability to enter the property without liability to abate the violation, including the violation of City Ordinances;
-

-
- b. The Association's indemnification to the City for any City action to abate such violations; and
 - c. The requirement that the Association shall reimburse the City for all costs associated with such actions; and
 - d. Authorization for the City to place a lien on the Association's property in the event the Association fails to reimburse the City for its costs; and
 - e. Authorization for the City to assess and place a lien for a pro rata share of the City's reimbursement on individual properties within the Association.
 - (11) Other City requirements as applicable.
 - (g) Supplementary requirements. The Association shall also comply with the following regulations, where applicable:
 - (1) Association documents shall not overrule the landscaping or other provisions of this Ordinance by penalizing or restricting water conserving landscapes, or by requiring landscape materials that do not comply with this Ordinance's landscape requirements.
 - (2) Amenities - When amenities are proposed in conjunction with a development, the applicant shall comply with the regulations of this Ordinance.
 - (3) Major Creeks, Tributaries, Ponds and Water Features (100-Year Floodplain) - For single-family and two-family residential developments, the 100-year floodplain shall be owned and maintained by an Association subject to City approval. The Final Plat shall reflect, and the Association's documents shall provide:
 - a. City access for emergency vehicles, equipment and personnel and for the improvement and maintenance of the 100-year floodplain in the event they are not being properly maintained, as determined by the Director of Public Works; and
 - b. That the Association shall reimburse the City for all costs incurred by the City for maintenance.
 - (4) Thoroughfare Screening - All Subdivisions that are required to provide thoroughfare screening shall comply with the following:
 - a. The Association shall own and be responsible for the maintenance of all required screening walls and fences, landscaping, landscape edges, and landscape irrigation systems, and shall provide for the payment of dues and assessments required to maintain such improvements.
-

-
- b. The Association documents shall state that the City has no obligation to maintain or reconstruct the screening walls and fences, landscaping, landscape edges, and landscape irrigation systems in the event of damage to such improvements.
 - c. The Association documents shall state that the City may, but is not obligated to, inspect screening walls and fences, landscaping, landscape edges, and landscape irrigation systems, and that the City may require maintenance and repairs necessary to ensure that such improvements are maintained to City standards.
 - (h) Violations, revocations and liens.
 - (1) The City will notify the Association of violations of any of the regulations specified within this Ordinance.
 - (2) The Administrator is authorized to give notice, by personal service or U.S. mail to the owner or occupant, as the case may be, of any violation, directly to the owner to remedy the violation within 30 days.
 - (3) The City shall have all lien, assessment and enforcement rights granted therein to the Association, and the City shall have the ability to enforce the liens and assessments, and avail itself of any other enforcement actions available to the City pursuant to State law and/or City regulations.

SECTION 5 SUBDIVISION AND DEVELOPMENT AGREEMENTS

Section 10.05.001 Requirements.

- (a) The developer shall be required to:
 - a. Enter into a Subdivision improvement agreement when any of the required improvements will be posted and constructed after the final plat is recorded in accordance with section 10.05.002.
 - b. Enter into a development agreement if there are pro rata payments, city participation and cost, escrow deposits or other future considerations, or other nonstandard development regulation(s).
- (b) This agreement shall be based upon the requirements of this Ordinance and shall provide the City with specific authority to complete the improvements required in the agreement in the event of failure by the developer and to recover the full legal cost of such measures. The City may subordinate the developer's agreement to the prime lender if provided for in said agreement.
- (c) The agreement shall be a legally binding agreement running with the land that is recorded at the County between the City and the developer specifying the individual and joint responsibilities of both the City and the developer. The agreement shall include a hold harmless indemnity clause agreeing to release and

hold the City harmless against any claim arising out of the Subdivision or development, or any actions taken therein.

- (d) The developer shall have a continuing responsibility under the agreement after the filing of the final plat and until all facilities and improvements required under the agreement have been completed. When the construction of required improvements has proceeded to the point that certain parts of the Subdivision are adequately served, the Administrator may release specified portions of the Subdivision prior to the completion of all improvements. This shall not be done if the release of such improvements would jeopardize or hinder the continued construction of required improvements, and the agreement shall remain in force for all portions of the Subdivision for which a release has not been executed.

Section 10.05.002 Assurance for completion and maintenance.

- (a) Assurance for completion.

- (1) Improvement Agreement and Security for Completion. When any of the required public improvements will be postponed and constructed after Final Plat approval and recordation, the Final Plat shall not be accepted for filing, nor shall it be approved, unless and until the applicant enters into a Subdivision improvement agreement by which the applicant:
- a. Will complete the improvements and provide, in escrow, an amount equal to 120 percent of the es;
 - b. Warrants the improvements for a period of two (2) years following final acceptance by the City;
 - c. Will provide a maintenance bond in the amount of one hundred and ten percent (110%) of the costs of the improvements for such period consistent with the requirements contained in Subdivision (4) below;
 - d. Provides provisions for securing the obligations of the agreement consistent with this section; and
 - e. Outlines other terms and conditions as are agreed to by the applicant and the City, or as may be required by this Ordinance.
- (2) Agreement to Run with the Land. The Subdivision improvement Agreement shall provide that the covenants and other items of agreement contained therein shall run with the land and shall bind all successors, heirs and assignees of the applicant. All existing owners and entities with a security interest in the property shall be required to execute the agreement or provide written consent to the covenants and other items contained in the agreement.

-
- (3) Approval by City Council. The City Council shall review the Subdivision improvement agreement, and shall approve it, approve it with conditions, or deny it. The agreement shall also be subject to review by the City Attorney, and the applicant shall reimburse the City for all related legal costs for review. This reimbursement shall be paid in full prior to filing of the Final Plat at the County.
- (4) Security for Completion of Improvements.
- a. Type of Security - When any of the required public improvements will be constructed after approval and recordation of the Final Plat, the applicant shall guarantee proper construction of such postponed improvements, in accordance with the City's DCS Manual and with this Ordinance, by a cash payment deposited with an escrow agent.
 - b. Estimated Cost and Security Approval - Security shall be issued in the amount of one hundred and ten percent (110%) of the cost to construct and complete all required public improvements to the City's standards as estimated by the applicant's professional engineer, and as approved by the Administrator. The escrow agreement shall be subject to the review and approval of the City Attorney. The applicant shall reimburse the City for all related legal costs for review (this reimbursement shall be paid in full prior to filing of the Final Plat).
 - c. Security for Construction in Extraterritorial Jurisdiction (ETJ) - Where all or some portion of the proposed development is located in the City's ETJ, the security shall be in a form and shall contain such terms as are consistent with the City's interlocal agreements with the County (as applicable) under TLGC, ch. 242. In cases where the requirements governing the form and terms of the security are defined in such an agreement, they will supersede any conflicting provisions within this Ordinance.

SECTION 6. EXTRATERRITORIAL JURISDICTION (ETJ) POLICIES AND REGULATIONS

Section 10.06.001 Application of requirements.

Unless otherwise stated within this Subdivision Ordinance, all standards, specifications and regulations herein shall apply to development within the City's ETJ.

Section 10.06.002 Design and construction standards for public improvements in the city's ETJ.

All public improvements constructed, in conjunction with a new development or when platting is otherwise required in the City's ETJ, shall be designed, engineered, and constructed in

accordance with the City's standards and all other applicable City master plans.

Section 10.06.003 County interlocal agreements.

- (a) The City has executed interlocal cooperation agreements, as authorized under ch. 242, TLGC, with Denton or Grayson County.
- (b) Denton or Grayson County has assigned to the City its authority to approve plats in the City's ETJ. The agreement also provides for the City to enforce its Subdivision regulations, together with specified regulations of Denton or Grayson County, within the City's ETJ via Interlocal Cooperation Agreements.
- (c) In the event that the Subdivision rules and regulations of Denton or Grayson County provide a more stringent standard than those of the City, then the more stringent standards shall apply.
- (d) International Fire Codes apply to all ETJ properties for health, life, and safety purposes.

Section 10.06.004 Agreements for emergency services required.

The developer of a Subdivision in the City's ETJ shall be required to enter into agreements with the City for the provision of police, fire, and emergency medical services (EMS).

SECTION 7. RELIEF PROCEDURES

Section 10.07.001 Modifications and Waivers.

Purpose. The purpose of these relief procedures is to allow an applicant to differ from a particular standard or requirement of this Ordinance that would substantially limit an applicant's ability to utilize the land in a manner requested. Waivers shall require consideration by the City Council.

- (1) The rules and regulations of this Subdivision Ordinance are the standard requirements of the City. Suspension or waiver of these rules and regulations may be granted upon a good and sufficient showing by the applicant that there are special circumstances or conditions affecting the property in question, or that enforcement of the provisions of this Chapter will deprive the applicant of a substantial property right, and that such suspension or waiver, if granted, will not be materially detrimental to the public welfare or injurious to other property or property rights in the immediate vicinity.
- (2) Each and every waiver request shall be decided solely and entirely on its own merits and the disposition of any prior or pending application shall not be allowed to enter into or affect any decision on the application in question.
- (3) Pecuniary interests (i.e. financial interests) standing alone shall not be justification for the granting of a waiver.

Relief Levels. The Director of Development Services shall be responsible for classifying any relief procedure as "minor" or major". A Minor waiver may be acted upon by the discretion of the Director of Development Services, or the City Engineer. A Director decision on a Minor waiver, modification or variance shall be appealable to the Board of Adjustment. The Board of Adjustment shall be the final decision-maker.

- (a) Compliance. Where the council finds that compliance with this Subdivision Ordinance would cause unusual hardship or extraordinary difficulties because of exceptional and unique conditions of access, location, shape, size, drainage, or other physical features of the site, the requirements may be modified to mitigate the hardship, provided that the public interest is protected and the development is in keeping with the general spirit and intent hereof.
 - (1) This section shall not be interpreted to permit the development of land which is inherently unsuitable for the use proposed.
 - (2) Any modification will not have the effect of preventing the orderly Subdivision of other land in the area in accordance with the provisions hereof.
- (b) Discretion of council. At the discretion of the council, the normal standards and requirements of this article may also be modified in the case of a planned unit development. Such departures from the standards specified may be made only when the council finds that the plan provides for convenience and safe access, adequate space for recreation, and provision for light and air, and offers all essential utility services and necessary public and other facilities, and is in conformance with all provisions of this code which specifically apply to planned unit developments.

Section 10.07.002 Waivers.

- (a) Petition.
 - (1) Purpose. The purpose of a petition for a waiver to a particular provision of this Ordinance is to determine whether the provision should be applied to any plat or civil construction plans or modified.

(2) Definitions.

- a. Major waiver means any waiver that is not a minor waiver as shown in the table below.
- b. Minor waiver means the waivers listed in this Table. All others shall be considered Major Waivers subject to procedures and requirement herein.

Section	Standard
10.04.001(d)(1)	Side Lot Lines
10.04.001(d)(2)	Lot Lines and Jurisdictional Boundaries
10.04.001(f)(3)	Lots Facing Other Lots
10.04.012(b)(3)	Waiver for Requirement
10.04.009(b)(5)(b)	Improvement of Existing Substandard Streets
10.04.012(b)(3)	Connection to Water System

(3) Approval authority.

- a. Major waiver: The City Council has the authority to approve a major waiver, following a recommendation from the Planning and Zoning Commission, that meet the criteria in this section. The City Council's decision is final.
- b. Minor waiver. The Administrator has the authority to approve minor waivers that meet the criteria in this section.

(4) Application. An applicant may submit a petition for a waiver of a particular provision of the Subdivision Ordinance in conjunction with any plat or civil construction plans required by the Subdivision Ordinance. The request for the waiver shall be specific in nature and shall involve relief consideration for one particular standard or requirement. No waiver will be considered by the Administrator or City Council unless the applicant has made the specific waiver request. The application shall state grounds for the waiver request, based on the criteria in section 10.07.002(a)(5), and all of the facts relied upon by the applicant. A request for a waiver shall not be accepted in lieu of a proportionality appeal or a vested rights petition.

(5) Criteria.

- a. The approval authority shall take into account the following factors:
 - (i) The nature of the proposed land use involved and existing uses of the land in the vicinity;

-
- (ii) The number of persons who will reside or work in the proposed development; and
 - (iii) The effect such Subdivision waiver might have upon traffic conditions and upon the public health, safety, convenience, and welfare of the vicinity.
 - c. No waiver shall be granted unless it represents the minimum degree of variation of requirements necessary to meet the needs of the applicant.
 - d. The approval authority shall not authorize a waiver that would constitute a violation of, or conflict with, any other valid ordinance, Zoning code regulation, master plan or Comprehensive Plan of the City.
 - e. Any false information submitted by the applicant shall be cause for the approval authority to deny the waiver request. If the waiver is approved based upon false information, whether intentional or not, discovery of such false information shall nullify prior approval of the waiver and shall be grounds for reconsideration of the waiver.
- (6) Burden of proof. The applicant bears the burden to demonstrate that the requirement for which a waiver is request, if uniformly applied, imposes an undue hardship on the applicant.
- (7) Decision. The approval authority shall take one of the following actions:
- a. deny the petition and impose the provision as stated in this Ordinance; or
 - b. approve the petition and waive in whole or in part the provision that is stated in this Ordinance.
- (8) Notice of Decision. The applicant shall be notified of the decision on the waiver by the approval authority within 14 calendar days following the decision.
- (9) Appeal of Administrator's decision. The applicant may appeal the Administrator's decision to deny a waiver request to the Planning and Zoning Commission within 10 days following the date of the written decision. The Planning and Zoning Commission shall consider the appeal at a public meeting no later than thirty (30) calendar days after which the notice of appeal is submitted to the Administrator. The Planning and Zoning Commission may affirm, modify, or revise the Administrator's decision by majority vote.
-

-
- (10) Effect of approval. Following the approval of the waiver, the applicant may submit or continue the processing of a plat or civil construction plans required by this Ordinance. The waiver granted shall remain in effect for the period the plat or civil construction plans are in effect and shall expire upon expiration of either or both of those applications. Extension of the applications shall also result in the extension of the waiver.
 - (11) If the waiver was approved for a lot, that lot shall be declined to be a legal lot of record and shall not be considered nonconforming.

Section 10.07.003 Proportionality appeal.

- (a) Notwithstanding anything in this Ordinance to the contrary, if the City requires as a condition of approval for a property development project that the developer bear a portion of the costs of municipal infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs pursuant to this Ordinance, the developer's portion may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer retained by the City. Municipal infrastructure improvements have the meaning set forth in the TLGC, Sec. 212.904, as that term is interpreted by the Texas Attorney General and Texas courts.
- (b) The dedication or construction of an infrastructure improvement imposed by the City as a condition of plat or site plan approval in accordance with the City's adopted Subdivision and development regulations shall be deemed to be the City's determination, upon the advice of a professional engineer duly licensed in this state and retained by the City, that such requirements, together with any impact fees due for the development, are roughly proportionate to the impacts created by the development on the City's municipal infrastructure.
- (c) A developer who disputes the City's determination made under Subdivision (b) above, may appeal to the City Council. Prior to filing the appeal, the developer shall notify the Administrator, in writing, of the pending dispute. The Administrator shall send the developer their written response, reviewed and approved by the professional engineer on behalf of the City, to the proportionality issues raised by the developer and in so doing may revise the dedication or construction requirement(s) at issue. If the developer is not satisfied with the City's professional engineer's response, they may file an appeal to the City Council with the City Secretary. At the appeal, the developer may present evidence and testimony under procedures adopted by the City Council.
- (d) The City may not require a developer to waive the right of appeal authorized by this section as a condition of approval for a development project.

-
- (e) For municipal infrastructure improvements for which the City has enacted impact fees, the measure of rough proportionality shall be the maximum impact fee per service unit then in effect for that category of infrastructure improvements, as may be amended from time to time, unless an alternative measure is approved by the Administrator. To the extent that the impact fee charged against a new development, as may be amended from time to time, is less than the maximum impact fee per service unit, such difference is hereby declared to be founded on policies unrelated to measurement of the impacts of the new development on the City's infrastructure systems. The maximum impact fee per service unit may be used in evaluating any claim by a property owner that the dedication of land for right-of-way or construction of an infrastructure improvement within an impact fee service area, which is imposed as a condition of development approval pursuant to the Subdivision Ordinance, together with the imposition of an impact fee, is disproportionate to the impacts created by the development on the City's infrastructure system for that category of infrastructure improvements.
- (f) After hearing any testimony and reviewing the evidence, the City Council shall make its determination within thirty (30) days following the final submission of any testimony or evidence by the developer. The Council shall decide whether requirements imposed by the Subdivision Ordinance is roughly proportional to the nature and extent of the development proposed. In reaching such determination, the Council shall take into account the information in the evidence supplied by the applicant, the measure of proportionality in Subdivision (e) or any alternative measure proposed by the Administrator, the total costs to the City for supplying infrastructure capacity to the proposed development and all developments associated with the original plat of which the proposed development is a part, and the extent to which requirements imposed by the City benefit the proposed development.
- (g) If the City Council finds that the requirement is not roughly proportional to the nature and extent of the development being proposed, it may take any of the following actions:
- (1) Waive in whole or in part a dedication or construction requirement imposed by the City's development regulations and/or reduce the amount of impact fees due; or
 - (2) Direct that the City participate in the costs of acquiring or constructing such a municipal infrastructure improvement pursuant to standard participation policies; or
 - (3) Require some combination of such measures.
- (h) The developer may appeal the determination of the City Council in accordance with state law.
-

Section 10.07.004 Vested rights.

- (a) Purpose. The purpose of a vested rights petition is to determine whether an application should be processed under the terms of a previous ordinance, to provide a process for determination of possible vested status, and to determine when certain permits are subject to expiration.
- (b) Applicability.
 - (1) A vested rights petition may be submitted for any application authorized under this Ordinance.
 - (2) A vested rights petition cannot be submitted by an applicant along with submission of a request for a text amendment to this Ordinance, a Zoning Map amendment, or any other request for a legislative decision by the City Council.
- (c) Submission. A vested rights petition shall be submitted to and officially filed with the City's responsible official in accordance with State law. Submission of a vested rights petition shall be deemed as an automatic waiver of the applicant's right, and the City's obligation, to process and act upon applications as required by State law and as provided by this Ordinance. Submission of such petition shall stay further proceedings on the related application until a final decision is reached on the vested rights petition.
- (d) Effect. If a properly submitted vested rights petition is approved in whole or in part, the responsible official shall then process the original application and the decision-maker shall decide the application in accordance with the standards specified in the relief order based on prior ordinance requirements or development standards existing at the date vesting is established, or shall extend the validity of the original application that would otherwise be subject to expiration pursuant to this Ordinance.
- (e) Form of Petition. The vested rights petition shall allege in writing that the applicant has a vested right for some or all of the land subject to the application under State law that requires the City to review and decide the application under standards that were in effect prior to the effective date of the currently applicable standards. The petition shall include the following information and documents:
 - (1) A written vested rights petition form, with a notarized original signature of the property owner;
 - (2) A narrative description of the grounds for the petition, including a statement as to whether the petition asserts a vested right related to a specific standard or to an entire project;
 - (3) A copy of each approved or pending application that is the basis for the contention that the City may not apply current standards to the

-
- application;
- (4) The official filing date of the application;
 - (5) The date the Subdivision for which the application was submitted was commenced;
 - (6) Identification of all standards otherwise applicable to the application from which relief is sought;
 - (7) Identification of any current standards which applicant agrees can be applied to the application at issue;
 - (8) A narrative description of how the application of current standards affect proposed landscaping, open space or park dedication, shown on the application for which the petition is filed;
 - (9) A copy of any prior vested rights determination involving the same land; and
 - (10) Whenever the applicant alleges that an application subject to expiration should not be terminated, a description of the events constituting progress toward completion of the Subdivision for which the application was approved. The applicant shall reimburse the City for all related legal costs for review of the vested rights petition. This reimbursement shall be paid in full prior to any decision on the petition.
- (f) Timing for Filing Petition. A vested rights petition shall be filed with an application for which a vested right is claimed, except that the petition may be filed before the date of expiration of any already approved application when filed pursuant to Section 10.07.005, Dormant Projects. Where more than one application is authorized to be filed simultaneously by this Ordinance, the petition may be filed simultaneously for each application.
- (g) Processing and Decision.
- (1) Responsible Official. The responsible official for a vested rights petition is the same as that for processing the application with which the petition is associated. Where multiple applications are submitted, and there is more than one (1) responsible official, the decision of each responsible official shall be coordinated with that of any other responsible official on the vested rights petition. The City Attorney shall also be notified of the vested rights petition following its filing and acceptance for processing. The applicant shall reimburse the City for all related legal costs for review of a vested rights petition. This reimbursement shall be paid in full prior to filing of the Final Plat.
 - (2) Action and/or Decision by Responsible Official.
 - a. If the responsible official is the decision-maker on the original related application, that official shall determine whether the relief requested in the vested rights petition should be granted in whole or in part, and shall formulate a written report summarizing the official's reasoning and recommendation.
-

-
- b. The applicant shall be notified of the decision within fourteen (14) calendar days following the date the vested rights petition was filed at the City.
 - c. The responsible official may defer making a decision on the vested rights petition and instead forward the petition to the Commission for a decision, in accordance with the process outlined in Section 10.07.004(g)(3), Decision by Planning & Zoning Commission.
- (3) Decision by Planning & Zoning Commission. If the original application is to be decided by the Commission, or if the responsible official defers making a decision on a vested rights petition, the responsible official for that type of application shall submit a report in the form of a recommendation on the vested rights petition to the Planning & Zoning Commission. The Commission shall render a decision on the vested rights petition within thirty (30) calendar days following the date the petition was filed with the City. The Commission's decision on a vested rights petition shall be upon a simple majority vote of the full Commission's voting members.
 - (3) Decision by City Council. Where the City Council is the final decision-maker on the related application, or for any petition submitted pursuant to Section 10.07.005, Dormant Projects, the responsible official for that type of application shall submit a report in the form of a recommendation on the vested rights petition to the City Council. The Council shall render a decision on the vested rights petition within thirty (30) calendar days following the date the petition was filed with the City. The City Council's decision on a vested rights petition shall be upon a simple majority vote of the full Council's voting members, and shall be final.
 - (4) Appeal of Decision. The applicant may appeal to City Council the responsible official's or Commission's decision on the vested rights petition by submitting written notice of appeal to the applicable responsible official within fourteen (14) calendar days following the date of such decision. The City Council shall hear and decide the appeal within thirty (30) calendar days following receipt of the notice of appeal by the City. Approval of an appeal by the City Council shall only be upon a favorable vote of at least four (4) of the Council's voting members, and shall be final.
 - (5) Effect on Related Applications. A final decision on the vested rights petition or appeal under this section must be achieved prior to further processing, and prior to any consideration of, or decision on, the related application. Upon such final resolution and decision on a vested rights petition, the responsible official shall commence processing, review and consideration for the related application as provided in this Ordinance.
-

(f) Criteria for Approval.

- (a) Factors. The decision-maker shall decide the vested rights petition based upon the following factors:
- i. The nature and extent of prior applications filed for the land subject to the petition;
 - ii. Whether any prior vested rights determinations have been made with respect to the property subject to the petition;
 - iii. Whether any prior approved applications for the property have expired or have been terminated in accordance with State law or local ordinances;
 - iv. Whether current standards adopted after commencement of the project affect proposed use of the land, landscaping or tree preservation, open space or park dedication, lot size, lot dimensions, lot coverage or building size based upon the proposed application;
 - v. Whether any statutory exception applies to the standards in the current Subdivision Ordinance from which the applicant seeks relief;
 - vi. Whether any prior approved applications relied upon by the applicant have expired;
 - vii. For petitions filed pursuant to Section 10.07.008 of this Ordinance, Expiration for Projects Approved Prior to the Adoption of Subdivision Ordinance, whether any of the events in Section 10.07.008 have occurred; or
 - viii. Any other applicable provisions of State law.
- (b) Conditions. If the claim of vested rights is based upon a pending application, subject to standards that have been superseded by current standards of this Ordinance, the decision-maker may condition any relief granted on the vested rights petition on the approval of the pending application.

(g) Action and Record of Action.

- (1) Action. The decision-maker may take any of the following actions:
- a. Deny the relief requested in the petition, and direct that the application shall be reviewed and decided under currently applicable standards; or
 - b. Grant the relief requested in the petition, and direct that the related application be reviewed and decided in accordance with the standards contained in identified prior regulations; or
 - c. Grant the relief requested in part, and direct that certain identified current standards be applied to the related application,

while standards contained in identified prior regulations also shall be applied; or

- d. For petitions filed pursuant to Section 10.07.008, Expiration for Projects Approved Prior to the Adoption of Subdivision Ordinance, specify the expiration date or the conditions of expiration for the related application(s).

- (2) Record. The responsible official's report and the decision on the vested rights petition shall be recorded in writing in an order identifying the following:

- a. The nature of the relief granted, if any;
- b. The related applications upon which relief is premised under the petition;
- c. Current standards which shall apply to the related application for which relief is sought, if applicable;
- d. Prior standards which shall apply to the related application for which relief is sought, including any procedural standards, if applicable;
- e. The statutory exception or other grounds upon which relief is denied in whole or in part on the petition;
- f. To the extent feasible, subsequent related applications that are subject to the same relief granted on the petition; and
- g. For petitions filed pursuant to Section 10.07.008, Expiration for Projects Approved Prior to the Adoption of Subdivision Ordinance, the date of expiration of the related application.

- (h) Associated Applications Following Final Decision.

- (1) Following the City's final decision on the vested rights petition, the applicant shall, if necessary, revise the related application such that it conforms to the City's decision on the vested rights petition.
- (2) The decision-maker on the related application shall review and consider the revised application in accordance with the procedures for deciding that type of application, as outlined in this Ordinance, and in conformity with any relief granted.
- (3) If the relief granted on the vested rights petition is consistent with the related application on file, no revisions shall be necessary, and the related application shall be deemed officially filed at the time of the final decision on the vested rights petition.

- (i) Appeal.

- (1) Initiation of an Appeal. The applicant may appeal the decision of the Commission by submitting a written notice of appeal to the Director of Development Services within fourteen (14) calendar days following the

date of the Commission's decision.

- i. For a City Council-initiated appeal, the Council shall consider and act on whether it will appeal the Commission's decision at its first regular meeting (for which there is time to include such appeal on its posted agenda, as required by State law) that occurs after the Commission meeting at which the decision was made.
- ii. Written notice of the City Council's vote to appeal shall be submitted to the Director of Development Services within seven (7) calendar days following the City Council's vote to appeal the decision.
- iii. For an applicant-initiated appeal, a letter stating the reasons for the appeal, citing the specific applicable sections of the Subdivision Ordinance, shall be submitted by the applicant.
- iv. The Director of Development Services may, on his/her own initiative, appeal the decision of the Commission by scheduling an appeal on the City Council's next regular meeting (for which there is time to include such appeal on its posted agenda as required by State law) that occurs after the Commission meeting at which the decision was made.

- (2) Council Decision. The City Council shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the notice of appeal is submitted to the Director of Development Services. The City Council may affirm, modify or reverse the decision of the Commission by simple majority vote. The decision of the City Council is final.

(j) Expiration & Extension.

- (1) Expiration. Relief granted on a vested rights petition shall expire on occurrence of one of the following events:

- a. The applicant fails to submit a revised application that is consistent with the relief granted, if any, within sixty (60) calendar days following the final decision on the vested rights petition;
- b. The application for which relief was granted on the vested rights petition is denied; or
- c. The application for which relief was granted on the vested rights petition expires.

- (2) Extension. Extension of the date of expiration for the application for which relief was granted on a vested rights petition shall result in extension of the relief granted on the vested rights petition for the same time period.

Section 10.07.005 Dormant projects.

- (a) Definitions. For purposes of this Subdivision Ordinance only:
 - (1) Initial permit means any of the following types of approvals granted under this Subdivision Ordinance, or any predecessor Subdivision or development-related ordinance that was in effect prior to the adoption of this Ordinance: Preliminary Plat, construction plans, Construction Release, Variances to any requirement in this Subdivision Ordinance, or any other application that was approved subject to a schematic drawing illustrating the location, arrangement, orientation or design of development, lots or improvements on a site intended for development.
 - (2) Final permit means a Final Plat approved under this Subdivision Ordinance, or any predecessor Subdivision or development-related ordinance that was in effect prior to the adoption of this Ordinance.
- (b) Expiration of Permits. Any application for an initial permit that was approved or filed before, but that was not subject to an expiration date, two (2) years prior to the adoption date of this Subdivision Ordinance shall expire on the effective date of this Subdivision Ordinance.
- (c) Reinstatement. The property owner of the land subject to an initial permit that expires under Section 10.07.005, Dormant Projects, may petition the Commission to reinstate such permit by filing a written petition within sixty (60) calendar days following the effective date of this Subdivision Ordinance. The petition shall clearly state the grounds for reinstatement, and shall be accompanied by documentation of one of the following:
 - (1) As of two (2) years prior to the effective date of this Subdivision Ordinance, one of the following events had occurred:
 - a. A final permit to continue toward completion of the project was submitted to the City for all or part of the land subject to the approved initial permit and was approved by the City, or was filed and was subsequently approved by the City;
 - b. An application for a final permit to continue toward completion of the project was submitted to the City for all or part of the land subject to the expired initial permit, but such application was rejected on grounds of incompleteness consistent with State law.
 - c. Costs for development of the land subject to the initial permit, including costs associated with roadway, utility and other infrastructure facilities designed to serve the land in whole or in part, but exclusive of land acquisition costs, were incurred in the aggregate amount of five percent (5%) of the most recent appraised market value of the land;

-
- d. Fiscal security was posted with the City to guarantee performance of obligations required under this Subdivision Ordinance, including the construction of required improvements associated with the proposed development, for all or a part of the land subject to the approved initial permit; or
 - e. Utility connection fees or impact fees for all or part of the land subject to the approved initial permit were paid to the City.
 - (2) After two (2) years prior to the adoption date of this Subdivision Ordinance, but before the expiration date specified in Section 10.07.005(b), Expiration of Permits, one of the following events had occurred:
 - a. A final permit was approved for all or part of the land subject to the approved application, and remained in effect for such land on such expiration date; or
 - b. A complete application for approval of a final permit for all or part of the land subject to the approved initial permit was pending for decision on such expiration date.
 - (d) Planning & Zoning Commission Action on Reinstatement. The Planning and Commission may take one of the following actions:
 - (1) Reinstatement the expired initial permit without an expiration date, if it finds that the applicant has met any of the criteria listed in Section 10.07.005(c), Reinstatement;
 - (2) Reinstatement the initial permit for all or part of the land subject thereto, if it finds that the applicant has met any of the criteria listed in Section 10.07.005(c), Reinstatement, subject to such expiration dates or other conditions that ensure that the remaining land that is not subject to an approved or pending final permit application will be developed in a timely fashion. In granting relief under this provision, the Commission may require that development of such remaining land is subject to standards enacted after approval of the initial permit;
 - (3) Deny the reinstatement petition, if it finds that the applicant has failed to meet any of the criteria in Section 10.07.005(c), Reinstatement, or
 - (4) Reinstatement the permit for only that part of the land subject to a pending final permit application, if it finds that the applicant has met the criteria in Section 10.07.005(c), Reinstatement and the pending application subsequently was approved, and deny the reinstatement petition for the remaining land subject to the expired initial permit

SECTION 8 - DEFINITIONS

Section 10.08.001 Usage.

- (a) Usage. The definitions within this Section 8 are intended to provide descriptions

for words and terms used within this Subdivision Ordinance. Absent any conflict, words and terms used in this Subdivision Ordinance shall have the meanings ascribed thereto in this Section 8.

- (b) Conflicts. When words and terms are defined herein, and are also defined in other ordinance(s) of the City, they shall be read in harmony unless there exists an irreconcilable conflict, in which case the definition contained in this Section and subject to the terms of this Section shall control.
- (c) Present & Past Tenses. Words used in the present tense include the future; words in the singular number include the plural number, and words used in the plural number include the singular number.
- (d) Usage of Shall & May. The words shall and must are mandatory and not directory. The word may is discretionary and not mandatory.
- (e) Words Not Defined. For any definition not listed in section 10.008.002, the definition found within the latest edition of Webster's Dictionary shall be used.
- (f) Certain Terms & Words. Certain terms and words are to be used and interpreted as described and/or defined within the sections of this Subdivision Ordinance wherein they apply to certain regulations.
- (g) Words of Gender. Words of masculine gender shall include the feminine gender and vice versa.

Section 10.08.002 Definitions.

Access. Ingress and egress between the site and a paved public street, private street, or approved access easement.

Acreage, gross. The acreage included within the boundary of a plat.

Acreage, net. The acreage included within the boundary line of a particular Subdivision, tract, parcel, lot, etc., but excluding all public rights-of-way.

Adequate Public Facilities. The minimum level of service required for transportation, utilities, drainage, park, and other City services to serve the proposed development, taking into account surrounding development.

Administrator. The Development Services Director or designee.

Alley. A public way less in size than a street, designed for the special accommodation of the property it reaches, and not intended for general travel or primary access.

Applicant. The owner of land proposed to be subdivided or representative.

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

Bench mark, elevation. A permanent bench mark that identifies the vertical elevation above mean sea level or other approved level.

Block. A tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad right-of-way, airport boundaries, bulkheads, or shorelines where no bulkheads have been established, or corporate boundary lines of the city.

Block Face. A side of a block between two streets in which lots face an abutting street.

Bond. Any form of security including cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the council.

Build. To erect, convert, enlarge, reconstruct, restore, or alter a building or structure.

Building. Any structure which is built for the support, shelter or enclosure of persons, animals, chattels, or moveable property of any kind.

Building permit. An official certificate issued by the city that indicates conformance with city regulations and authorizes construction of buildings or other described construction on the premises for which it is issued.

Building setback line. A line established a distance away from public and private ROW beyond which no part of a building shall project, except as otherwise provided in the zoning ordinance.

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.

City. The City of Pilot Point, Texas.

Civil 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.

Commission. The planning and zoning commission of the city.

Common area. Private lot owned and maintained by the homeowners' association.

Comprehensive plan. Those plans and policies adopted by the council as a guide to the systematic physical development of the city. Policies in graphic and text form adopted by the city council are 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 city 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 city and all of its functions and services. The comprehensive plan includes, but is not limited to, the zoning ordinance, the land use plan, and floodplain map.

Construction Release. Official authorization by the City that indicates conformance with City regulations and authorizes construction of improvements or other described construction, in conformance with approved construction plans, on the premises for which it is given.

Council. The city council of the city.

County plat records. The plat records of Denton, Cooke or Grayson County, Texas.

Cul-de-sac. A street with an approved turnaround having only one common entry and exit.

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

Dedication. The designation by the developer of land set aside for public purposes.

Density, gross. The number of dwelling units per gross acre.

Density, net. The number of dwelling units per net acre.

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

Developer. The owner of land proposed to be subdivided or his representative. See subdivider.

Development. Any activities related to the platting or physical Subdivision of land including the construction, reconstruction, conversion, or enlargement of buildings or structures; the construction of impervious surfaces (e.g., parking lots); the installation of utilities, roadways, drainage facilities or other infrastructure; or any disturbance of the surface or subsurface of the land in preparation for such construction activities, including grading, drainage, storage, paving, clearing, filling, and/or removal of vegetation or soil, and any mining, dredging, excavation or drilling operations.

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

Driveway. A paved entranceway serving primarily vehicles that allows for access to a lot or facility, and is intended for vehicular movements between the roadway and any portion outside the street right-of-way.

Dwelling. Any building or portion thereof, which is designed for or used for residential purposes.

Easement. The granting of one or more property rights by the owner to a person, property, government agency, or public utility for a specific purpose.

Easement, common access. Common access easements are easements which are intended to provide shared drives for commercial, industrial, and high-density residential developments. These are private easements owned and maintained by the adjacent lot owners.

Easement, drainage. A delineated portion of land set aside for the overland or underground transfer of stormwater. This area shall not have any permanent structures, fences, or other obstacles hindering the safe transfer of water through the easement.

Easement, emergency access. An easement for the purpose of ingress, egress, access, and passage to and across private property for police, fire and other public safety and governmental vehicles and personnel. This is a private easement to be maintained by the owners of the land encumbered by the easement, typically used in conjunction with private streets.

Easement, utility. An easement generally used for the installation, maintenance, and operation of water, sewer, electric, telephone, cable, gas, and other similar utilities. No permanent structures other than fences shall be allowed in these easements.

Engineer. Any person who has been licensed and registered by the state board of registration for professional engineers to engage in the practice of engineering in this state, and listed in state records as "Civil."

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

Escrow. Money placed in the possession of the City to accomplish a purpose set out in this Ordinance, including funds for any public improvements necessitated by the development that cannot reasonably be constructed at the time of development.

ETJ. See Extraterritorial Jurisdiction.

Extraterritorial Jurisdiction (ETJ). The unincorporated area, not a part of any other municipality, which is contiguous to the corporate limits of the City, the outer limits of which are measured from the extremities of the corporate limits of the City outward for the distance as stipulated in CHAPTER 42 OF THE TEXAS LOCAL GOVERNMENT CODE, according to the population of the City, and in which area the City may regulate Subdivisions and enjoin violation of provisions of this Subdivision Ordinance.

Feeder Line. Any line, wire, or cable that distributes, transmits, or delivers a utility service to a general area and not to a specified end user.

Filed of Record. Plats and other legal instruments that are filed in the Plat Records or Deed Records of in the County where the property is located.

Final plat. The one official and authentic map of any given Subdivision of land prepared from actual field measurement and staking of all identifiable points by a surveyor with the Subdivision location references to a survey corner and all boundaries, corners and curves of the land Section 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 plat of any lot, tract, or parcel of land shall be recorded in the records of Denton County, Texas (see definition of plat, final).

Floodplain. An area identified by the Federal Emergency Management Agency as a one-percent (1%) or greater chance of flooding (the 100-year floodplain). 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 floodprone 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 (1').

Force main. A pipe which conveys water or wastewater under pressure.

Frontage. That side of a lot, parcel, or tract abutting a street right-of-way and ordinarily regarded as the frontal orientation of the lot.

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.

Floodplain or Flood-Prone Area. Any land area susceptible to being inundated by water from any source.

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

Homeowners Association (HOA). A community association that is organized within a development in which individual owners share common interests and responsibilities for open space, landscaping, amenities or facilities, and which operates under recorded land agreements. This term also includes Property Owners' Associations (POAs) and Property Management Corporations (PMCs) which are more typically formed for multi-family and nonresidential developments.

Improvement, Public. Any improvement, facility or service together with its associated public site, right-of-way or easement necessary to provide transportation, storm drainage, public or private utilities, parks or recreational, energy or similar essential public services and facilities, for which the City ultimately assumes the responsibility, upon a Letter of Final Acceptance being issued, for maintenance, operation and/or ownership.

Infrastructure. Facilities and services needed to sustain industrial, residential, commercial and all other land use activities. The term infrastructure includes but is not limited to water, sewer lines, and other utilities, streets and roads, communications, and public facilities, such as fire houses, civic buildings, parks, and schools.

Landscape Area. An area which is covered by grass, ground cover, or other natural plant materials, including screening.

Landscape Setback. A setback adjacent to a public street in which landscaping is required as measured from the street right-of-way line for local streets, or as measured from the right-of-way as required on the adopted Thoroughfare Development Plan for collector or arterial streets.

Landscaping. Living plant material, including but not limited to grass, trees, shrubs, berms, water forms, and planters.

Lateral Line. Any line, wire, or cable that distributes, transmits, or delivers a utility service from a feeder line to two or more sites or end users of the utility service.

Letter of Final Acceptance. Letter issued by the City indicating that all requirements for a new development as defined in this Ordinance have been completed to the satisfaction of the City.

Lot. A platted parcel of land intended to be separately owned or developed, and that is recorded in the Property Records of in the County where the property is located.

Lot, Adjoining or Adjacent. Any lot, parcel, or piece of land that shares with the lot under consideration a common lot line, alley, or any point of tangency.

Lot, Amenity. Any lot or parcel created to develop a neighborhood amenity such as open space, landscape or entry features, drainage ways, or recreational areas, and is not required to meet minimum lot area or dimension requirements.

Lot Area. That area of a horizontal plane bounded by the front, side, and rear lot lines, including any portion of an easement which may exist within such property lines, and exclusive of approved access easements or rights-of-way for public street, private street, alley, or rail purposes.

Lot, Contiguous. Two lots which have one boundary or part thereof which is common to both lots.

Lot, Corner. A lot situated at the intersection of two or more streets.

Lot Depth. The average horizontal distance between the front and rear lot lines.

Lot, Double Frontage or Lot, Through. A lot having frontage on two parallel public streets, private streets, or approved access easements.

Lot, Flag. A lot having access to a street by means of a parcel of land having a depth greater than its frontage, and having a width less than the minimum required lot width.

Lot, Interior. A lot other than a corner lot.

Lot Line, Front. That boundary of a lot that abuts a public street, private street, or approved access easement. On corner lots, the front lot line shall be the shorter line abutting a public street, private street, or approved access easement.

Lot Line, Interior. A lot line which is common to two lots.

Lot Line, Rear. That boundary of lot that is opposite the front lot line and that is most nearly parallel with the front lot line.

Lot Line, Side. That boundary that is not a front or rear lot line.

Lot of Record. An area of land designated as a lot on a plat of a Subdivision recorded in the Plat Records of the County is located, pursuant to statute, with the County Clerk.

Lot, Private Street. A lot created that comprises the area contained in an approved access easement or private street and is not required to meet minimum lot area or dimension requirements.

Lot, Reverse Corner. A corner lot that has a front lot line perpendicular to an adjoining lot's front lot line.

Lot Width. The horizontal distance between side lot lines measured at the required front setback line.

Major wavier. A major change to the standards of this Ordinance that requires City Council approval.

Master Thoroughfare Plan. An element of the City's Comprehensive Plan that identifies the City's future street system and roadway network and including policies and standards.

Marker. A permanent iron rod generally used on lot corners, points of curvature and tangency.

Minor Waiver. A minor change to the standards, but not the intent, of this Subdivision Ordinance, which involves the Administrator's approval unless otherwise noted.

Monument. A permanent concrete survey monument generally used on Subdivision property corners adjacent to public right-of-way.

Municipal Separate Storm Sewer System (MS4). The system of conveyances owned and operated by the City and designed or used for collecting or conveying stormwater.

Natural Creek/Natural Undisturbed Area. An existing drainage feature or pristine area of land in its natural undisturbed state that has not been graded, filled, modified, cleared, or created by equipment. Natural creek also includes areas that have been naturalized or restored to mimic an undisturbed state.

Off-site. All areas that lie outside the boundary of the proposed development.

On-site. All areas that lie within the boundaries of a development, including areas proposed to be dedicated to the public.

Owner. The term "owner" herein is an all inclusive term denoting the person, firm, corporation, or partnership with primary responsibility toward the city to see that these Subdivision rules and regulations and the ordinances of the city are complied with. Such term as used herein always includes one or more of the above who own all or any part of the land which is to be developed.

Park. An area developed for active or passive play and recreation that includes open space, sports courts or fields, play equipment, and trails.

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

Planned unit development. A development concept which allows flexibility in accordance with the zoning ordinance.

Planner. A person other than surveyors or engineers who also possess a proficiency in the planning of residential, commercial, industrial and other related developments; such proficiency often having been acquired by education in the field of planning, landscape architecture or other specialized planning curriculum and/or by actual experience and practice in the field of planning.

Plat. The plan or map for the development to be filed for record in the Plat Records or Deed Records of the County where the property is located.

Plat, Amending. A plat correcting errors or making minor changes to the original recorded plat, as permitted in the Texas Local Government Code.

Plat, Conveyance. A plat utilized to subdivide land and to provide for the recording of the plat for the purpose of conveying the property to another owner or selling the property or interests therein, but without developing the property.

Plat, Final. The instrument that becomes the official, accurate permanent record of the Section of land.

Plat, Minor. A Subdivision resulting in four or fewer lots and that does not require the creation of any new public street or the extension of municipal facilities.

Plat, Preliminary. A preliminary plan or map indicating the proposed arrangements of streets, lots, easements, public facilities, and other spaces in the development.

Plat Vacation. A plat that returns platted property to the condition of the property prior to the filing of the latest plat filed of record.

Pollution. The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animals, life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Positive overflow. A drainage plan that requires stormwater flows to be conveyed above ground in either street right-of-way or drainage easements, in such a way as to prevent damage or flooding to improvements.

Project. An endeavor over which the City exerts its jurisdiction and for which more than one (1) permit is required to initiate, continue, or complete the endeavor.

Public works improvements. Improvements to streets, water, sewer, drainage, and similar improvements intended for dedication to or maintenance by the city.

Private Access Easement. An easement across private property that provides access to one or more properties.

Public Facilities. Transportation, utility, and drainage infrastructure, parks, and other City services required to serve a development.

Public Improvements. Facilities such as streets, streetlights, street signs, signals, pavement markings, sidewalks, water lines, sewer lines, storm drain systems, parks, or other similar facilities constructed within public right-of-way, public easements, or City properties for use by the public.

Replat. A revision of existing platted lots, or existing platted lots in combination with existing tracts, for the purpose of creating a new lot configuration.

Right-of-way ("ROW"). A strip of land, other than a drainage or utility easement, occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use.

Right-of-way reservation. An area of land reserved for future ROW dedication or acquisition. No structures may be placed within the reserved area or within the limits of the required building setbacks from said ROW reservation.

Roadway. The traveled portion of a street upon which vehicles traverse and circulate, to include the area from back-to-back of the outer curblines, or where curbs do not exist, said roadway

includes the traveled area from the outer edges of the surfaced and prepared portion of the roadway, excluding shoulders, etc.

Service Line. Any line, wire, or cable that distributes, transmits, or delivers a utility service from a feeder line or lateral line to an end user.

Setback. An open space, other than a court, on a lot unoccupied and unobstructed from the ground upward, unless specifically otherwise permitted in this Ordinance.

Setback, Interior Rear. A yard extending across the rear of a lot between the side lot lines and/or street frontage setback and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projections thereof other than steps, unenclosed balconies, or unenclosed porches.

Setback, Interior Side. A yard extending along the side lot line that is not adjacent to a street, from the street frontage setback to the rear setback, being the minimum horizontal distance between any building or projections thereof and the side lot line.

Setback, Street Frontage Building. A yard extending along street frontages and being the minimum horizontal distance between the street right-of-way line or private drive and main building or any projections thereof other than steps and unenclosed porches.

Sidewalk. A concrete walking surface of various widths intended primarily for pedestrian use.

Stormwater Management Site Plan. A plan that addresses the long-term effect of development on stormwater quantity or quality and satisfies the requirement for post-construction water quality maintenance in an EPA or TCEQ stormwater discharge general permit.

Stormwater Pollution Prevention Plan. A plan required by an EPA or TCEQ stormwater discharge general permit for the implementation of best management practices to reduce pollutants in stormwater discharges associated with construction.

Street, Perimeter. Any street that abuts a development and may be partially contained within the development.

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

- (1) 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.
- (2) 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.

Subdivider. Any person who:

- (1) Having an interest in land, causes it, directly or indirectly, to be divided into a Subdivision, or who

-
- (2) Directly or indirectly, sells, leases, or develops, or offers to sell, lease or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit, or plot in a Subdivision, or who
 - (3) Engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a Subdivision or an interest, lot, parcel, site, unit, or plot in a Subdivision, and who
 - (4) Is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

Subdivision agreement. A written contractual agreement between the city 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 or proposed to be divided by metes and bounds, deed, contract for deed, lease instrument, other instrument, or by another method, into two (2) or more lots, parcels, sites, units, plots or interests for the purpose of offer, sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions, including reSubdivision.

Surety. A financial guarantee from a financial institution authorized to operate in the State of Texas.

Surveyor. Any person registered as a registered public surveyor or licensed state land surveyor by the state board of land surveying.

TCEQ. The acronym for the Texas Commission on Environmental Quality.

Thoroughfare Plan Map. A component of the Master Thoroughfare Plan that generally represents the proposed grid-system of major and minor thoroughfares that will support the Future Land Use Plan. The exact locations of future roadways cannot be determined without engineering and environmental analysis, but the Map should be used as a guide as development occurs in terms of how connections should be made and by what type of thoroughfare. The Thoroughfare Plan Map also shows existing railroads and proposed transit rail stations.



CITY COUNCIL STAFF REPORT

DATE: February 9, 2023

SUBMITTED BY: Britt Lusk, City Manager

ITEM TYPE: Minute Resolution

AGENDA SECTION: REGULAR AGENDA

SUBJECT: Discuss and act on a letter of support/acknowledgement on Lonestar Compassionate Care Group.

BACKGROUND INFORMATION: In mid-December staff met with member of the Lonestar Compassionate Care Group team, through the meeting they described their proposed operations, location, and plan. The location of their property is currently in Denton County and is in neither Pilot Point's ETJ nor Aubrey's ETJ; however, once both cities build out will be located within the boundary of Aubrey. This facility will have a direct effect on the City of Pilot Point as it currently located within our fire district will be on the border of our southern city limits and has proposed development directly north. A description of the proposed facility is attached. The project is regulated by the Texas Department of Public Safety and will produce medical grade marijuana.

FINANCIAL INFORMATION:

SUGGESTED ACTION:

ATTACHMENTS:

[Letter of Support_Pilot Point TX.docx](#)

[Letter of Acknowledgement_Pilot Point TX.docx](#)

[20220726_LOS_Rep. Jared Patterson.pdf](#)

[20220203_LCC_2 Pager_For Pilot Point.pdf](#)

[OFFICIAL LETTERHEAD]

City Council of Pilot Point, TX

102 E. Main Street

Pilot Point, TX 76258

[DATE]

Texas Department of Public Safety

Attn to: Compassionate Use Program

5805 N. Lamar Blvd

Austin, TX 78752

To Whom it May Concern,

It has come to the City Council of Pilot Point's attention that Lonestar Compassionate Care Group is considering our area for locating their low-THC cannabis cultivation and processing facility should they be awarded a license from the Texas Department of Public Safety's Compassionate Use Program. Members of our City Council have been contacted by leadership from Lonestar Compassionate Care Group and on numerous occasions, we have had the opportunity to meet with their team to discuss their vision for placing a facility in the area. We are pleased to offer our support for Lonestar Compassionate Care Group as they pursue this license to operate such a facility in the state of Texas.

Our local municipal leadership and many of our local community members are confident that the Hwy 377 corridor north of Dallas-Fort Worth is poised for strong economic growth in the coming years. We have been experiencing rapid development and are now considered one of the fastest-growing areas in the state of Texas. Lonestar Compassionate Care Group's primary site of interest will foster development in the greater vicinity of Pilot Point that will bring the area benefits such as diverse job opportunities, local vendor and contractor opportunities, and general increased economic activity in Pilot Point and Denton County. We see this as an excellent opportunity to welcome a new industry to our area and hope to see Lonestar Compassionate Care Group achieve success in the CUP application process. Should Lonestar be awarded a license, the City of Pilot Point is excited to welcome its facility development to our area.

Best regards,

[SIGNATURE]

[NAME OF CITY COUNCIL REPRESENTATIVE]

[OFFICIAL LETTERHEAD]

City Council of Pilot Point, TX

102 E. Main Street

Pilot Point, TX 76258

[DATE]

Texas Department of Public Safety

Attn to: Compassionate Use Program

5805 N. Lamar Blvd

Austin, TX 78752

To Whom it May Concern,

It has come to the City Council of Pilot Point's attention that Lonestar Compassionate Care Group is considering our area for locating their low-THC cannabis cultivation and processing facility should they be awarded a dispensing organization license from the Texas Department of Public Safety's Compassionate Use Program. Leadership from Lonestar Compassionate Care Group have made appreciated efforts to communicate with Members of our City Council and on numerous occasions, we have had the opportunity to meet with their team to discuss their vision for placing a facility in the area. We appreciate their earnest efforts in community outreach and consideration of the local community impact such a facility would bring.

Our local municipal leadership and many of our local community members are confident that the Hwy 377 corridor north of Dallas-Fort Worth is poised for strong economic growth in the coming years. We have been experiencing rapid development and are now considered one of the fastest-growing areas in the state of Texas. Lonestar Compassionate Care Group's primary site of interest will foster further development in the greater vicinity of Pilot Point and offer significant economic benefit in the way of job opportunities, local vendor opportunities, and general increase in economic activity. We wish Lonestar Compassionate Care Group the best of luck in their CUP application process and look forward to continued interest in our area should they be awarded a license from the program.

Best regards,

[SIGNATURE]

[NAME OF CITY COUNCIL REPRESENTATIVE]



JARED PATTERSON

TEXAS STATE REPRESENTATIVE • DISTRICT 106

July 14, 2022

Texas Department of Public Safety
Texas Compassionate Use Program "CUP"

RE: Letter of Support for Lonestar Compassionate Care Group, LLC

To Whom It May Concern:

I am writing today to provide written verification of my support and approval for the application of Lonestar Compassionate Care Group, LLC ("Lonestar Compassionate Care") to operate a medical cannabis facility in the great State of Texas. After meeting with principals Armen Yemenidjian and Bill Penz and reviewing their proposal and their commitment to advancing safe and legal access to medical cannabis for some of our most vulnerable citizens, I strongly endorse this proposed business.

As the State Representative for Texas House District 106, I have been ranked among the top 10 most conservative based on my voting record for both of my terms in the Texas House. My utmost priority is the safety of our citizens. I am confident that Lonestar Compassionate Care will provide a safe and secure environment for medical cannabis patients in our community. While a medical cannabis facility enables access to medicine for patients and economic development to areas like ours, health and safety are my primary concerns. I recognize that the introduction of a medical cannabis facility can present both real and potential issues, but it is clear to me that this team has gone to great lengths to alleviate these concerns. Lonestar Compassionate Care's dedication to becoming a reputable and involved member of the community is obvious. The organization has assembled an impressive team of business, healthcare, medical cannabis, and security professionals. Their proposal demonstrates a clear commitment to operate within the parameters of the law. Additionally, their proactive and continuing commitment to coordination with local officials, law enforcement, and community stakeholders ensures that we will work together in a positive and transparent manner for years to come. This project would be a welcome addition to the State of Texas' Compassionate Use Program, and we will not impede their progress. I feel very confident that Lonestar Compassionate Care will provide a safe and secure environment for the local community in which they operate.



JARED PATTERSON

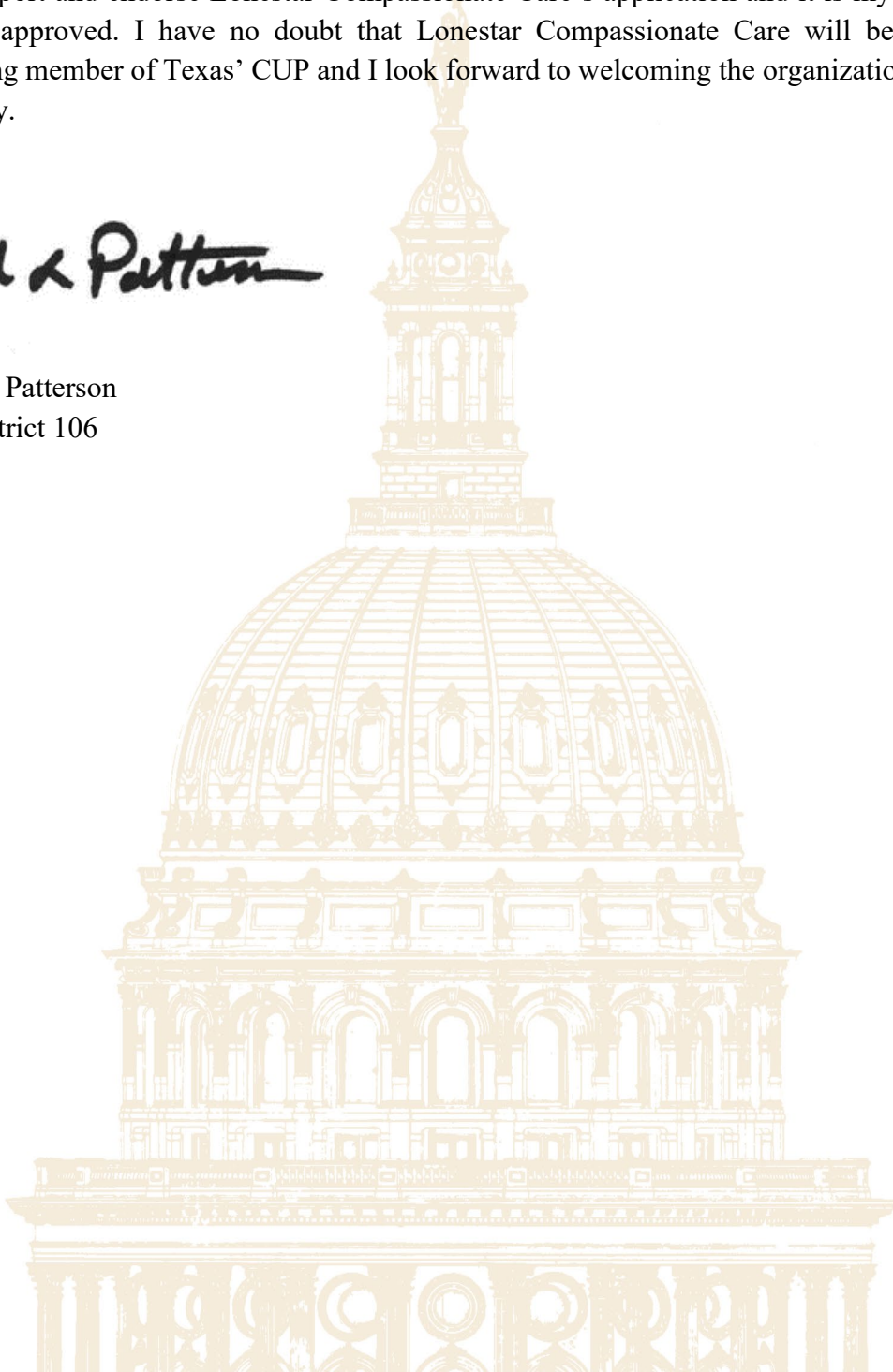
TEXAS STATE REPRESENTATIVE • DISTRICT 106

I fully support and endorse Lonestar Compassionate Care's application and it is my hope that it will be favorably approved. I have no doubt that Lonestar Compassionate Care will be a responsible and contributing member of Texas' CUP and I look forward to welcoming the organization to a nearby Texas community.

Sincerely,

A handwritten signature in black ink that reads "Jared A. Patterson".

Rep. Jared Patterson
House District 106





Lonestar Compassionate Care Group Proposed Dispensing Organization

Lonestar Compassionate Care Group LLC was founded in 2021 with the sole motive of providing highly efficacious medicine and unparalleled care to qualifying patients of Texas' Compassionate Use Program while simultaneously invigorating our surrounding community through local partnerships, job creation, and economic development. We are applying for a Dispensing Organization License with the Texas Department of Public Safety to produce and dispense low-THC cannabis products to the qualifying patients of Texas. As prospective operators, we have spent countless hours developing a business strategy that will facilitate secure access for patients throughout the state. **Lonestar Compassionate Care will never put corporate profits above the patients we serve.** Our profits will stay in Texas and will be continually reinvested into the community by hiring locals, opting for local contractors and vendors, supporting Texas medical research, donating to local organizations, and organizing volunteer events.

With the assistance of our distinguished Medical Advisory Board, we aim to develop innovative and compliant options to both enhance access to Texas' Compassionate Use Program and provide subsidized assistance for those patients most in need. Our operations will align as closely as possible with a traditional pharmacy experience, underscoring the medical intent of the Compassionate Care Program and our commitment to providing first-rate health services.

Lonestar Compassionate Care Leadership Team



William "Bill" Penz (Founder): Bill, a lifelong Texan, has served as the Vice President of RPM xConstruction, a renowned Texas-based commercial construction company, for over a decade. RPM is a heavy-duty earthwork company focused on large-scale infrastructure development projects, including the Lake Ralph Hall Dam and Texas Rangers Stadium. RPM employs over 1100 Texans with high-paying, empowering jobs across a wide range of construction specialties. RPM has completed over 4,700 projects to date, many in the Pilot Point area, and currently has 675 active projects valued at \$800 million.

Armen Yemenidjian (Founder): Armen is an experienced executive officer and accomplished entrepreneur in the regulated cannabis industry who has spent the last decade building some of the most successful and compliant vertically integrated cannabis companies across the United States. As a testament to his expertise, Armen was selected by the State of Nevada to participate in the Governor's Task Force on the Regulation and Taxation of Marijuana Act and served as a member of Clark County's Green Ribbon Panel assisting Nevada municipal officials cannabis compliance, enforcement, and regulation. Over the course of his accomplished career, Armen has become a renowned expert on all aspects of the regulated cannabis industry. Prior to his involvement in the cannabis industry, Armen spent eight years working in the highly regulated gaming industry as Vice President of Casino Marketing and Vice President of Casino Operations at the Tropicana Hotel and Casino in Las Vegas.



Cutting Edge Medical Cannabis Research

Led by our Medical Advisory Board, we have also established relationships with some of the most prestigious research institutions and universities in Texas to pursue medical research that will have far reaching effects.

We are extremely fortunate to engage Dr. Sue Sisley, perhaps the most qualified medical cannabis researcher in the United States, if not the world, as a member of our Medical Advisory Board. She is leading the charge to put medical cannabis through the FDA drug development process so that it can be used to treat chronic pain, opioid dependence, and PTSD as a safer alternative to synthetic pharmaceuticals. We are making a gift donation to Dr. Michael Telch's laboratory at the University of Texas at Austin in furtherance of research pursuing FDA clinical trials for cannabis as a treatment for PTSD in veterans, utilizing the research of Dr. Sisley. We are uniquely positioned to do this legitimately through federally approved research and relationships with Texas research institutions. Lonestar Compassionate Care is especially dedicated to furthering this research, given the immense numbers of Texas veterans who suffer from PTSD and are unable to find effective treatment.

Strategic and Secure Facility Location

Lonestar's proposed cultivation, processing, and dispensing facility will be located at 11748 Mustang Road, Pilot Point, TX 76285, an area experiencing rapid development and poised for strong economic growth in the coming years. The development of a highly sophisticated production facility in this area will bring the City of Pilot Point benefits such as diverse job opportunities, local vendor and contractor opportunities, and general increased economic activity in Pilot Point and Denton County. Lonestar has implemented numerous policies and procedures to ensure that our site plan is appropriate for a production facility, including selecting a location that is located well over 1,000 feet away from any private or public schools and daycares.

Lonestar is committed to enhancing the safety of our surrounding community through our operations. In addition to installing state-of-the-art security alarm and surveillance technology, we will form a partnership with local law enforcement rooted in a shared responsibility for the safety of our community. Our Director of Security, Rudy Montes, a retired U.S. Army Sergeant, will meet periodically with local Pilot Point law enforcement to discuss alarm response, criminal activity statistics, patrol frequency, and other pertinent matters. Under Rudy's expert guidance, Lonestar will ensure the safety of our employees and surrounding community is prioritized in every aspect of our operations.

Lonestar Compassionate Care: The Right Choice for Texas and Pilot Point

With deep Texas ties and decades of experience establishing successful businesses in highly regulated industries, Lonestar Compassionate Care has the financial stability and capability to implement a world-class medical cannabis production facility in Pilot Point. Thanks to our engagement with notable medical professionals and researchers in Texas and throughout the United States, we are confident in our ability to spearhead medical cannabis research and advance patient care in Texas.

Lonestar Compassionate Care looks forward to serving the patients of Texas and the community of Pilot Point.



CITY COUNCIL STAFF REPORT

DATE: February 9, 2023

SUBMITTED BY: Britt Lusk, City Manager

ITEM TYPE: Minute Resolution

AGENDA SECTION: REGULAR AGENDA

SUBJECT: Discuss and act on revising the Drug Free Workplace Policy for the City of Pilot Point Personnel Handbook.

BACKGROUND INFORMATION: Due to recent problems with the clinics we were using for drug testing applicants or employees, we are proposing to move to Oral Fluid Test (Saliva) rather than urine testing. This move is a cost savings

FINANCIAL INFORMATION: This move is both cost and time saving. The tests can now be done in-house by trained personnel rather than by using an outside clinic. The cost of each test will go from \$50 per test to \$8.10 per test. The \$50 fee will only be incurred if there is a positive test and it needs to be confirmed by the laboratory. The test results are available immediately rather than a 24-48 hour response.

SUGGESTED ACTION: Vote to approve the revisions of the City of Pilot Point Personnel Handbook.

ATTACHMENTS:
[Drug Free Workplace Policy-mhc rev.docx](#)

CITY OF PILOT POINT
PERSONNEL POLICIES
DRUG FREE WORKPLACE POLICY

Subject: Drug Free Workplace

Effective Date: January , 2023

Approved By: City Council (meeting date)

Revision Date:

Revision Approved By:

I. STATEMENT OF PURPOSE

The purpose of this policy is to establish the rules and procedures governing the city's commitment to maintaining a drug-free workplace to provide a safe environment for all city employees and the citizens we serve. In doing so, the city prohibits the unlawful manufacture, distribution, dispensing, possession, sale, purchase, use, or presence of prohibited substances, illegal drugs, controlled substances without a valid prescription, alcoholic beverages, or drug paraphernalia in the workplace, during working hours, or in/on a city vehicle. This policy applies to all employees and job applicants.

II. PROHIBITED ACTIVITIES

The following acts are prohibited and employees or applicants for employment who commit these acts shall be subject to immediate termination from city employment, or being discontinued in the hiring process/rescinding an offer of employment if not yet employed.

1. Consumption of illicit drugs or controlled substances, for which the employee does not have a valid prescription. Employees may be tested anytime they are on-duty in accordance with Subsection D of this policy; and off-duty use may result in on-duty positive.
2. Consumption of alcohol:
 - a. While on duty (includes hours worked and breaks).
 - b. Prior to reporting to work, in an amount and timeframe where there is still a prohibited alcohol level detectable in the employee's system.
 - c. Until tested following an accident.
 - d. During on-call status.
 - e. While off duty and wearing City of Pilot Point apparel/uniforms.
3. Being impaired or under the influence of alcohol or illegal drugs while in public representing the city, or while operating a city vehicle, equipment, or while operating a personal vehicle and conducting city business.
4. The use or possession of alcohol or illicit drugs in a city vehicle (whether on or off duty) is prohibited.

5. Unlawful manufacturing, distribution, dispensing, possessing, or using unauthorized controlled substances in the workplace.
6. Possessing any unauthorized drug paraphernalia in a city facility, city vehicle, whether on or off duty, or possessing unauthorized drug paraphernalia in a personal vehicle while representing the city on official city business. For the purposes of this policy, drug paraphernalia means any equipment that is used to produce, conceal, and consume illicit drugs.
7. Employees designated for "on-call status" who fail to report for a call to duty because of being impaired, or who report for duty under the influence of drugs or alcohol (employees on call are expected to be free of alcohol or illegal drugs, and available to report to work for the duration of their on-call status).
8. Refusing to consent and/or submit to a drug and/or alcohol test when required by this Policy.

It is not the city's intent to intrude upon the private lives of its employees. The city does, however, reserve the right to take disciplinary action, up to and including termination, if an employee's off-duty involvement with illicit drugs or alcohol is damaging to the city's reputation or business, or interferes with the employee's job duties.

Employees attending a city sponsored social function or in conjunction with a training and/or conference may consume a moderate amount of alcoholic beverages if the function permits it, does not involve the use of a city vehicle or driving a personal vehicle on city business, and the employee's conduct does not reflect poorly upon the city.

The city recognizes that employees who are not designated for on call or regularly subject to call back may be requested to report for emergency or unexpected duty. Employees who may be under the influence of alcohol or legally obtained medication must report possible impairment to their supervisor and may not be eligible for emergency duty. In this event, the employee will not be subject to any disciplinary action or penalty.

III. TYPES OF TESTS TO BE PERFORMED

- A. Drug testing is conducted using a valid saliva test kit by trained, in-house city staff. In the event a saliva test kit yields a positive result, the employee will be given a second saliva test which will be sent to the designated test provider's lab for confirmation.
- B. Alcohol testing will be conducted by a valid saliva test kit by trained, in-house city staff. In the event a saliva test kit yields a potential positive result, a second test will be administered and sent to the designated test provider's lab for confirmation.
- C. If a saliva test is not available, the employee/applicant may be sent to the city's local drug testing clinic for a urine test for a certified lab analysis of an employee's urine specimen collected by the credentialed third-party collection site.
- D. The testing method used will be at the discretion of the city based on what it believes would yield the most accurate result based on the circumstances of the testing reason.

IV. CONSENT

Anyone over the age of 18 submitting a sample for a drug and/or alcohol test is considered to have consented to a drug and/or alcohol test. The employee's signature on the collection forms affirms consent. The form is available in the Human Resources department.

Minors under the age of 18 must present a collection consent form a signed consent from a parent or legal guardian prior to the administration of the drug and/or alcohol test.

V. TESTING REASONS

The city will conduct testing for prohibited drugs, drug metabolites, and alcohol in the following circumstances:

1. Pre-Employment - All applicants are subject to a post offer, pre-employment test.
 - a. All employment offers are contingent upon successfully passing a drug/alcohol test.
 - b. Any applicant who refuses the pre-employment test or yields a positive result will not be considered for employment.
 - c. If a pre-employment test is cancelled for any reason, the applicant will be required to schedule take a pre-employment test with a verified negative result before beginning employment.
 - d. Applicants, who were tested more than 90 days prior to beginning employment, must have a new post-offer, pre-employment test performed with a negative result.
2. Post-Accident - All city employees who are involved in an on-the-job accident involving a motorized apparatus are subject to post accident drug/alcohol testing, including those whose performance could have contributed to the accident. Motorized apparatus includes, but is not limited to fleet vehicle, personal vehicle on city business, riding lawnmower, backhoe, golf cart, etc.

All employees must remain readily available for drug and alcohol testing after an accident. The test must be conducted immediately following the accident unless urgent medical care is required first. If urgent medical care is required, they city will notify the provider to perform the drug and alcohol test as appropriate. An employee will not return to duty or perform job functions unless a negative drug result is received.

The Director of Human Resources must be consulted before deciding not to test after an accident. All determinations not to test must be documented.

3. Reasonable Suspicion – an employee will be required to consent to a drug and/or alcohol test when a supervisor, manager, director, or city official has a reasonable suspicion that the employee appears to be under the influence of alcohol, illegal drugs, or other prohibited substances, or otherwise impaired, and unfit for duty.
 - a. Circumstances which constitute a factual basis for determining reasonable suspicion may include, but are not limited to:
 - Direct observation of unauthorized or illicit drug or alcohol use or possession.

- Possession of drug paraphernalia.
 - Observation of physical symptoms of drug or alcohol use or impairment, such as slurred speech, odor (or smell), red watery eyes, dilated pupils, unsteady gait, poor coordination or reflexes, drowsiness, or sleeping.
 - Sudden, unexplained personality changes, abnormal or erratic behavior, drastic mood swings, or changes in personal habits, including inattention to personal hygiene or frequently borrowing money.
 - Documented deterioration of an employee's job performance, which may include excessive absenteeism or tardiness.
 - Information provided by a reliable or credible source, which is independently corroborated.
 - Involvement in accidents or injuries in which obvious precautions were not taken, improper or careless orders were given, or an unusually reckless attitude is present.
 - Arrest or conviction for a drug or alcohol-related offense on or off the job or the identification of an employee as the focus of a criminal investigation into illegal drug use, possession, or trafficking, and where on duty reasonable suspicion is suspected.
- b. Observation, documentation, and approvals to test: Unless the supervisor directly observes the possession, consumption or inhalation of alcohol or drugs, a second city supervisor or director must also be notified and, after observation, concur with the supervisor's reasonable suspicion before testing. In establishing a basis for reasonable suspicion, the department director, manager, or supervisor will interview the employee about possible causes for the observed behavior and will describe the incident in writing. This process will serve to document the circumstances leading to the conclusion that a test for the presence of an illegal drug or alcohol is warranted. Once the initial interview and written description has been completed, the highest-ranking available department official must contact the City Manager, Finance Director, or Director of Human Resources for a review of the documentation. The City Manager, Finance Director or Director of Human Resources must agree with the department official's recommendation before a drug and/or alcohol test is performed. Outside of regular working hours, or at times when the City Manager, Finance Director or Director of Human Resources are not available within a reasonable time period, a department director or their designee may order an employee to submit to an immediate drug and/or alcohol test, in accordance with the policy guidelines. The City Manager, Finance Director, or Director of Human Resources must be notified of the testing at the earliest opportunity, and all records relating to the incident will be maintained by the Human Resources Department.
- c. Testing process: An authorized, trained staff member will administer a saliva

test for Employees being ordered for reasonable suspicion testing. (Tests are generally administered by HR, but may be administered by another trained employee). If the employee is not at a site where testing can be reasonably performed, the employee must be transported to the testing site and will not be allowed to drive themselves. If a reasonable suspicion event occurs after normal business hours, the supervisor will coordinate with an authorized trained staff member (fire captain on duty) to perform the saliva test at the Fire Department. If the test is positive, a second test will be administered to send to the testing provider's lab for confirmation. In the event of a positive test, the city will arrange to have the employee transported home after the testing is complete. An employee who tests positive will be assigned to administrative leave and may not work or drive a city vehicle until the results of the confirmation test are received.

- d. Return to work and compensation: An employee will be placed on paid administrative leave pending the outcome of the test. Employees placed on leave under this policy will not be allowed to return to work or take work home. Access badges and keys to buildings should be collected and network accesses disabled. The employee will not return to the workplace until they have been contacted by Human Resources or their supervisor.
- e. Searches: When reasonable suspicion, as defined by this policy, exists, the city reserves the right to conduct unannounced searches for unauthorized substances on city property, including, but not limited to, lockers, desks, file cabinets, city vehicles.. All such searches must be authorized and conducted under the direction of the City Manager or designee and the grounds for suspicion must be described in writing prior to the search. Employees who refuse to cooperate during unannounced searches may be subject to disciplinary action, including termination.

VI. Refusal to Test or Resignation in Lieu of a Test

An applicant or employee's refusal to consent and/or submit to any drug and/or alcohol testing reason will be considered insubordination. If this situation arises, the person will be verbally advised that successful drug/alcohol screens are a condition of employment and refusing will warrant termination (or being discontinued in the hiring process, if relevant). If an employee requests the option to resign prior to taking a drug and/or alcohol test, they may be allowed to do so. Employees separated for refusal to test or that opt to resign in lieu of testing, will not be eligible for rehire, and eligibility for any sick and vacation leave payout will be determined based on the separation requirements guidelines. The following are considered test refusals:

1. Failure to appear for a test within a reasonable time, as defined by the employer.
2. Failure to remain at the testing site until the testing process is complete.
3. Failure to provide a saliva specimen as required (blood or urine if those processes are being used).

4. Failure to permit an observed or monitored collection of a specimen when required.
5. Failure to provide a sufficient specimen volume with no valid medical explanation.
6. Failure or declining to take an additional drug/alcohol test as directed by the employer or collector.
7. Failure to cooperate with any part of the testing process (i.e., refusal to empty pockets, wash hands, remove hat, etc.).
8. The MRO reports the presence of a verified adulterated or substituted test result.
9. Refusal to sign any consent forms or other related testing and collection forms.
10. Leaving the scene of an accident without just cause prior to submitting to a test.

VII. Retesting

The following outcomes will result in retesting:

1. Negative dilute (negative dilute with adulteration will be collected under direct observation).
2. Invalid result (Some invalid results reasons where potential positive or adulteration was suspected, will be collected under direct observation).
3. Fatal flaw.
4. Lost sample.

VIII. Test Results

1. Negative – verified negative drug test result or an alcohol test result less than 0.02. A negative result for drugs includes a result that shows a legal, controlled substance where the individual had a valid prescription (see section 3 and 4 below).
2. Positive – verified positive drug test result, verified adulterated/substituted sample, alcohol test result equal to or equal to 0.02, or a refused drug and/or alcohol test. Employees that receive a positive test result will be immediately removed from their job duties and may be subject to discipline up to and including termination. Employees will be notified in writing of the test results. Employees will also be eligible to utilize the Employee Assistance Program (EAP) for counseling services post termination for up to six-months. Employees will be provided SAP information for a positive under DOT testing rules.
3. When a saliva test produces a positive result, the test administrator will immediately conduct a second test using the lab collection device and complete the appropriate chain of custody documents and overnight them to the lab for confirmation. The results of this test will be forwarded to a Medical Review Officer (MRO) who will contact the employee to determine if there is a medical explanation for the positive result. If the employee provides appropriate documentation and the MRO determines there is a legitimate medical use of the substance, the test result will be reported to the city as negative. Employees who do not contact the MRO Timely or provide appropriate documentation will receive a positive test result. MRO services are available through the lab.
4. When a urine test produces a positive result, the specimen will be submitted to the lab for Gas Chromatography/Mass Spectrometry (GCMS) confirmation. If the result is still

positive, the results will be reviewed by the Medical Review Officer (MRO) who will contact the employee and conduct an interview to determine if there is an alternative medical explanation for the positive test result. If the employee provides appropriate documentation and the MRO determines there is a legitimate medical use of the substance, the test result will be reported to the city as negative. Employees who do not contact the MRO timely or provide appropriate documentation will receive a positive test result.

5. Test results will be held in the strictest confidence. The personal identification of the employee failing to pass the test will not be communicated to anyone other than the employee's chain of command, the employee, the appropriate staff member in Human Resources and the City Manager or designee. Other employees, on a need-to-know basis, may be made aware of test results, as determined by the City Manager's office and Human Resources. The information may be released, if required, by court order from any court of competent jurisdiction, as authorized by a signed release for a background check, or as otherwise required by law. Employees who are tested will be provided with a copy of the test results if requested in writing. Dissemination of information relating to the results of any drug test conducted on any employee to any person who has no need to know, may result in disciplinary action up to and including separation of employment of the person disseminating the information.

VII. Prescription and Over-the-Counter (OTC) medications

Some prescriptions and OTC medications may adversely affect an employee's ability to perform their job safely. Employees should read all warning labels for OTC medications and should seek alternatives to those that indicate they affect mental functioning, motor skills, or judgment. The employee is responsible for discussing their job duties with their physician and encouraged to provide their job description (can be requested from Human Resources). The physician is responsible for evaluating the employee's ability to safely perform their job duties. Employees who are disqualified from performing their job duties while taking medication will immediately notify their supervisor. All employees are required to notify their supervisor when taking any prescription or non-prescription medication that may either temporarily re-assign them or place them on sick leave. Re-assignment is not to be considered a permanent appointment and is to be temporary in nature with a specific ending date. Failure to comply may result in disciplinary action up to and including separation of employment.

VIII. Voluntary Admission

An employee may voluntarily admit to drug or alcohol abuse and be able to take leave to seek treatment; provided the employee's admission does not coincide with a requested drug and/or alcohol test to avoid the testing and disciplinary requirements of this policy. To be eligible for leave under this policy or other accommodation under this policy, the employee's admission and request must be made prior to performing a job function (prior to reporting to duty). After admission, the employee may not perform their job function unless the city is satisfied that the employee has been evaluated and has successfully completed educational and treatment requirements. A drug and alcohol abuse evaluation

expert, i.e., an EAP professional, SAP, or a qualified drug and alcohol counselor will determine successful completion.

1. The city will provide employees with confidential referral for assistance in resolving or accessing treatment for addiction to, or dependence on, illegal drugs or alcohol. The cost of treatment, counseling, or rehabilitation resulting from referral will be the responsibility of the employee. The city's group health plan may provide benefits for substance abuse treatment.
2. Employee assistance activities, such as referral appointments, will be treated on the same basis as other personal business or health matters regarding the use of sick or compensatory leave and Family Medical Leave. Available leave may be taken as needed with advance arrangements made with the department management for the absence.
3. Prior to the employee performing their job functions, the employee must undergo a return to duty alcohol test with a result of less than 0.02 and/ or a return to duty drug test with a negative test result.
4. Employees who have completed a drug or alcohol rehabilitation program will be subject to periodic, unscheduled testing for a period of six months after completion of the program. Employees who successfully complete treatment for use of drugs or alcohol and subsequently are found, during working hours, to be in possession of or under the influence of alcohol or drugs or test positive at any time will be subject to separation from employment.

This section is not intended to provide a means for an employee to avoid any required drug and alcohol testing. Once the process of establishing a test requirement has been initiated, or an accident has occurred, an employee may not seek treatment in an effort to avoid testing and possible disciplinary action.

IX. Drug and Alcohol Arrests

1. Any employee who is arrested for criminal activity involving the illegal use or possession of drugs and/or alcohol must notify the employee's supervisor and Human Resources no later than five days after the arrest. Failure to do so may result in disciplinary action, including termination. Employees may be allowed to remain employed with the city until the case is settled. However, employees may be terminated from employment depending on the circumstances of their arrest, conviction, nature of their position with the city, and/or ability to be able to continue to perform the job functions.
2. Employees who plead guilty or nolo contendere to a violation of criminal drug and alcohol statutes, which occurred during working hours shall be terminated from employment.
3. Except as provided by section IX. 2 above, employees who are convicted under any drug or alcohol statute may be allowed to remain employed by the city, depending on the circumstances of their arrest and conviction, nature of their position with the city, and/or ability to be able to perform the job functions. Continued employment with the city may also be contingent upon the convicted employee's active participation in a

recognized treatment program, the employee's work performance, and voluntary participation in a periodic testing program for a period of at least six months following reinstatement or conviction as applicable

