

COPY

ORDINANCE NO. 90-09

AN ORDINANCE OF THE TOWN OF NEW HOPE, COLLIN COUNTY, TEXAS, ADOPTING LAND DEVELOPMENT AND SUBDIVISION REGULATIONS, PROVIDING FOR GENERAL BUILDING REGULATIONS, PROCEDURE, DEFINITIONS, PROCEDURES FOR PRELIMINARY AND FINAL PLATS, DEVELOPMENT REQUIREMENTS, IMPROVEMENT STANDARDS, FILING FEES, MAINTENANCE BOND AND APPLICATION TO THE EXTRATERRITORIAL JURISDICTION; PROVIDING FOR FINES FOR VIOLATIONS OF REGULATIONS NOT TO EXCEED \$2,000.00 FOR EACH VIOLATION; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND PUBLICATION.

WHEREAS, notice of a public hearing on the proposed Land Development and Subdivision Regulations was published in accordance with the Texas Local Government Code;

WHEREAS, a public hearing was conducted to allow all interested parties to comment for or against the provisions contained in the proposed Land Development and Subdivision Regulations;

WHEREAS, the Town Council finds that the regulations adopted herein meet the requirements of Chapter 212 of the Texas Local Government Code for the protection of the citizens of New Hope.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW HOPE, COLLIN COUNTY, TEXAS:

SECTION 1. ADOPTION. The Land Development and Subdivision Regulations attached hereto and included herein for all purposes, is hereby adopted by the New Hope Town Council.

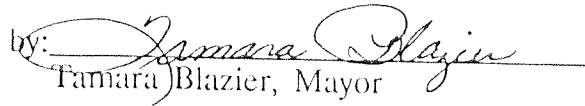
SECTION 2. CONFLICTS. All ordinances and provisions of the Town of New Hope, Texas, that are in conflict with this Ordinance shall be and the same are hereby repealed, and all ordinances and provisions of ordinances of said Town not so repealed are hereby retained in full force and effect.

SECTION 3. SEVERABILITY. It is the intent of the Town Council that each paragraph, sentence, subdivision, clause, phrase, or section of this Ordinance be deemed severable and, should any such paragraph, sentence, subdivision, clause, phrase, or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of this Ordinance left standing.

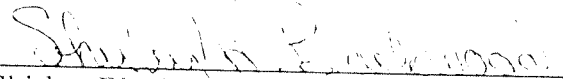
SECTION 4. PUBLICATION. In accordance with Section 52.011 of the Local Government Code, the caption of this Ordinance shall be published in every issue of the official newspaper of the Town for a period of ten (10) days but not more than twice during the said ten (10) day period.

DULY APPROVED AND PASSED by the Town Council of the Town of New Hope, Collin County, Texas, this 28th day of August, 1990.

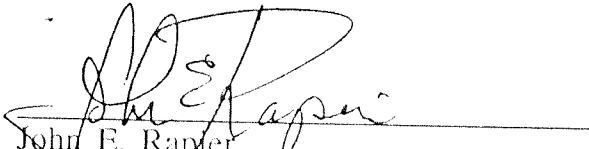
TOWN OF NEW HOPE

by: 
Tamara Blazier, Mayor

ATTEST:


Shirley Blackwood,
Town Secretary

APPROVED AS TO FORM:


John E. Rafter,
Town Attorney

LAND DEVELOPMENT AND SUBDIVISION REGULATIONS

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LAND DEVELOPMENT AND SUBDIVISION REGULATIONS

ARTICLE I. PURPOSES, AUTHORITY AND JURISDICTION

Section 1.1. Authority.

Under the authority of Chapter 212 of the Texas Local Government Code, which is hereby made a part of these regulations, the Town Council of the Town of New Hope, Texas, does hereby adopt the following regulations, effective September 1, 1990 to hereafter control the subdivision of land within the corporate limits of the Town of New Hope and in the unincorporated areas lying within the extraterritorial jurisdiction of the Town Limits of New Hope, in order to provide for the orderly development of the areas and to secure adequate provisions for traffic, light, air, recreation, transportation, water, drainage, sewage, and other facilities for the health, safety and welfare of the citizens of New Hope.

Section 1.2. Subdivision.

- A. As used herein, the term "subdivision" shall mean the division of any lot, tract or parcel of land into two (2) or more lots for the purpose, whether immediate or future, of sale or building or development, and shall include re-subdivision or replatting of land, lots, or tracts. "Re-subdivision" shall mean the division of any existing subdivision, whether platted or unplatted, or any change in lot size therein, or the relocating of any street lines.
- B. Divisions of land for agricultural purposes in parcels of ten (10) acres or more shall not be included within this definition, unless any such division of ten (10) acres or more includes the planning or development of a new street or extension of public utilities.

Section 1.3. Jurisdiction.

- A. Any owner of land inside corporate limits of the extraterritorial jurisdiction of the Town of New Hope wishing to subdivide such land shall submit to the Planning and Zoning Commission a plan of subdivision which shall conform to the minimum requirements set forth in these regulations. An owner subdividing his land into parcels of not less than ten (10) acres each for agricultural use and not involving streets, rights-of-way, or easements shall be exempt from these requirements.

- B. No subdivision plat shall be filed of recorded and no lot in a subdivision inside corporate limits of the extraterritorial jurisdiction of the Town of New Hope shall be improved or sold until the plat shall have been considered by the Planning and Zoning Commission and approved by the Town Council.

Section 1.4. Violations.

- A. It shall be unlawful for any owner, or agent of any owner, to lay out, subdivide, or plat any land into lots, blocks, and streets within the Town, or to sell property therein, which has not been laid out, subdivided, and platted according to these regulations and the rules of the Planning and Zoning Commission.
- B. Any Violation of any provision of this Chapter outside the corporate limits of the Town of New Hope shall not constitute a misdemeanor under this Chapter nor shall any fine provided for in this Chapter be applicable to a violation within such extraterritorial jurisdiction, however, the Town may petition any court of competent jurisdiction for injunctive relief and damages as allowed by law.
- C. No officer or employee of the Town shall perform, or cause to be performed, any work upon any streets or in any addition or subdivision of the Town, unless all requirements of these regulations have been complied with by the owner of the addition or subdivision.
- D. The Town hereby defines its policy to be that the Town will withhold improvements of any nature whatsoever, including the maintenance of streets, issuance of building permits, or furnishing of sewage facilities and water service, until the subdivision plat has been approved by the Town Council. No improvements shall be initiated nor any contracts executed until written approval has been obtained by the subdivider.

ARTICLE II. DEFINITIONS

Section 2.1. Definitions

- A. Administrative Officers are every officer referred to by title, i.e., Town Attorney, Town Secretary, Town Engineer, Director of Public Works, etc., and shall be the person so retained in this position by the City or his duly authorized representative.

- B. Alley shall mean a minor way used primarily for vehicular service to the rear or side of properties otherwise abutting on a street.
- C. Approach Main is an off-site main which brings water or sewer service to the subdivided property.
- D. Border Main is a water or sewer main located in a roadway, alley, or utility easement abutting the perimeter of the property of a subdivider.
- E. Building Line shall be a line beyond which buildings must be set back from the street or road right-of-way line or property line.
- F. Commission or Planning and Zoning Commission shall be the official Town Planning and Zoning Commission of the Town as appointed by the Town Council. The Commission is charged with the responsibility of reviewing for approval all subdivisions, preliminary plats, final plats and site plats in the Town.
- G. Collector Street shall be a street which is continuous through several residential or other districts and is intended as a connecting street between such districts and thoroughfares, highways, or business district.
- H. Commercial Street shall denote any street situated so that fifty (50) percent or more of the property abutting it is zoned for other than low-density residential development.
- I. Commercial Tract shall mean any tract containing any type of land-use except for single-family detached residential and two-family (duplex) residential uses. (Requirements and standards for religious and educational land-uses shall be the same as the character of the predominant surrounding land-use.) Nothing contained in this definition shall be considered as limitations to or repeal of the definitions set forth in the building and fire codes adopted by the Town.
- J. Comprehensive Plan shall mean the general plan for the growth and development of the Town and its environs; and including any elements of such plan, such as a land-use plan, thoroughfare plan, utilities plan, schools and parks plan, and others.
- K. County or the County shall mean Collin County, Texas.
- L. Cul-De-Sac shall mean a short residential street having but one vehicular access to another street and terminated by a vehicular turn-around.

- M. Dead-End Street shall mean a street, other than a cul-de-sac with only one outlet.
- N. Easement shall mean an area for restricted use on private property upon which any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems within said area. Any public utility shall at all times have the right of ingress and egress to and from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity, at any time, of procuring the permission of anyone.
- O. Emergency Access Easement shall mean a private street, alley or paved place dedicated to the public for the purpose of providing access to adjacent structures by emergency vehicles such as fire equipment, police or ambulances, the boundaries of which are continuously and permanently marked.
- P. Engineer, whenever used without a prefix, shall refer to a registered professional engineer retained by a subdivider.
- Q. Final Plat shall refer to a map or drawing prepared according to the provisions of this Ordinance, and containing all surveying and legal data, dedications and certificates necessary to the recording of same in the plat records of the County.
- R. Lot shall mean land occupied or to be occupied by a building and/or accessory building and including such open spaces as are required by ordinances of the Town and having its principal frontage on a public street or officially approved place.
- S. Lot of record shall mean a lot which is part of a subdivision, the plat of which has been recorded with the County Clerk, Collin County; or a parcel of land, the deed for which was recorded with the County Clerk, Collin County.
- T. Manufactured Housing shall indicate any residential structure which is fabricated off-site (in whole or in part) and is assembled on the lot to a permanent foundation. Structures of this type include modular homes, prefabricated homes, or any other structure commonly classified as manufactured housing.

- U. Master Plan shall be the comprehensive plan of the town and adjoining areas as adopted by the Town Council and the Town Planning and Zoning Commission, including all its revisions. This plan indicates the general location recommended for various land uses, transportation routes, public and private buildings, streets, parks, and other public and private developments and improvements.
- V. May, wherever used in this Ordinance, will be interpreted as "optional".
- W. Mayor shall mean the duly elected presiding officer of the Town Council of the Town of New Hope.
- X. Mobile Home shall refer to moveable structures used primarily for residential purposes. Mobile homes shall be defined as any structures driven or towed to a site by the same conveyance. These shall include conventional mobile homes, recreational vehicles, trailer coaches, trailer homes, travel trailers, campers and all similar vehicles.
- Y. Mobile Home Parks or Trailer Courts are areas for renting or leasing sites for mobile homes or trailer coaches.
- Z. On-Site Main is a water or sewer main located in a roadway, alley, or easement within the perimeter of the property of a subdivider and which provides service only within a subdivider's property.
- AA. Open Space shall mean that part of any lot or tract that is used for recreational purposes, both passive and active, but not including areas used for parking or maneuvering of automobiles, or drives or approaches to and from parking areas.
- BB. Oversize Main is a water or sewer main which the system's master plan requires or which the Town elects to construct or have constructed of larger diameter than that required to provide service to the property of a subdivider.
- CC. Preliminary Plat shall be a map or drawing on which is shown the subdivider's proposed arrangement of streets, lots, easements and other public spaces and facilities in the subdivision, and which is intended for review and study by the Town, and not for recording.
- DD. Replating shall be the re-subdivision of any part or all of any block or blocks of a previously platted subdivision, addition, lot, or tract.
- EE. Residential Street shall be a street which is intended primarily to service traffic within a neighborhood or limited residential district which is used

primarily for access to abutting properties and which is geometrically designed to discourage high speeds and through traffic.

- FF. Residential Tract shall mean any tract of land developed for the purpose of single-family detached or two-family domestic living (religious and educational institutions may also be included). Requirements and standards for religious and educational institutions shall be the same as the character of the predominant surrounding land-use.
- GG. Re-subdivision shall mean the division of an existing subdivision, whether platted or unplatted, together with any changes of lot size therein, or with the relocation of any street lines.
- HH. Sanitary Sewer shall refer to a pipe or conduit for water-carried wastes from residences, business buildings, institutions and industrial establishments, and to which storm, surface and ground water are not normally admitted, and which is a part of the public sewage collection system.
- II. Service Line shall refer to a water or sewer pipe running from the water or sewer main to the property to which water or sewer service is given.
- JJ. Sewer or Sewer Main used without any prefix shall refer to a sanitary sewer (excluding service lines).
- KK. Shall, wherever used in this Ordinance, will be interpreted in its mandatory sense.
- LL. Short-Form Subdivision shall refer to any subdivision plat which meets the minimal requirements contained in this Chapter.
- MM. Site Plan shall mean scale drawing of any site for which a building permit is sought. The plan shall include but is not limited to the following: locations of all existing and proposed structures, utilities, parking areas, fences, barriers, roads, driveways and landscaping. The site plan also includes data to show that all setback requirements, area coverage ratios, and site development regulations have been complied with.
- NN. Standard Specifications shall refer to the document published by the North Central Texas Council of Governments entitled "Standard Specifications for Public Works Construction" and all subsequent revisions thereto.
- OO. Standard Specifications and Codes of the Town shall be applied to all improvements constructed within the Town and shall be in accordance with all revisions, as may be adopted by the Town.

- PP. Storm Sewer or Storm Drain shall refer to a pipe, conduit, or channel which carries storm and surface water and drainage, but excludes domestic sewage and industrial wastes.
- QQ. Street means a way for vehicular traffic whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.
- RR. Street Right-of-Way Width shall be the shortest distance between the lines which delineate the rights-of-way of a street.
- SS. Subdivider or developer shall mean an individual, firm, association, syndicate, co-partnership, corporation, or other organization dividing or proposing to divide land, or making improvements to such land, so as to effect a subdivision of land hereunder for himself, or for itself, or for another.
- TT. Subdivision shall be any division of any lot, tract or parcel of land into two (2) or more parts for the purpose of sales or of building development, whether immediate or future. It also includes re-subdivision or replatting of land, lots, or tracts. Divisions of land for agricultural purposes in parcels of ten (10) acres or more shall not be included within this definition, unless any such division of five (5) acres or more includes the planning or development of a new street or extension of public utilities.
- UU. Surveyor shall mean a Licensed Land Surveyor or a Registered Public Surveyor, as authorized by the State of Texas statutes to practice the profession of surveying.
- VV. Thoroughfare shall be a principal traffic thoroughfare more or less continuous across the Town which is intended to connect remote parts of the Town, or areas adjacent thereto, and act as a principal connecting street with state and interstate highways.
- WW. Town or the Town shall mean the Town of New Hope, Texas.
- XX. Town Council shall be the duly elected governing body of the Town of New Hope, Texas.
- YY. Town Engineer shall be the Town Engineer of the Town, the Town's Consulting Engineers, or their duly authorized representatives.
- ZZ. Utility Easement shall mean an interest in land granted to the Town, to the public generally, and/or to a private utility corporation, for installing or maintaining utilities across, over, or under private land, together with the

right to enter thereon with machinery, vehicles, and people necessary for the maintenance of said utilities.

AB. Water Main shall refer to a pipe or conduit which is part of a public water distribution system (excluding service lines).

ARTICLE III. PROCEDURE

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

Section 3.1. Filing and Time for Action.

The subdivider shall prepare and submit to the Town Planning and Zoning Commission a PRELIMINARY PLAT in accordance with the regulations of this Chapter for its study and recommendations. The preliminary plat shall then be submitted to the Town Council for final action. The Planning and Zoning Commission and Town Council shall act on the preliminary plat within thirty (30) days from the date such plat was filed with each body for their approval.

Section 3.2. Review by Director of Public Works.

When a preliminary plat is filed with the Town for review and approval, it shall be forwarded to the Director of Public Works and, if deemed necessary, the Town's Consulting Engineers, who will make a preliminary study of the plat. If the Director of Public Works or the Town's Consulting Engineers determined that the preliminary plat, as submitted, is substantially incomplete and requires a significant amount of work by the developer's engineer, the incomplete plat will be returned to the developer's engineer, requesting that it be completed before resubmission.

Section 3.3. Time for Preparing Final Plat.

After approval of the preliminary plat by the Town Council, the subdivider may then prepare a FINAL PLAT of all or a portion of the land included in the preliminary plat for submission to and consideration by the Planning and Zoning Commission for final recommendations.

Section 3.4. When Final Plat is considered by the Town Council.

Upon final action on any such final plat by the Town Planning and Zoning Commission, the same shall be referred to the Town Council, and the Town Council shall, at its next succeeding meeting, consider such final plat for acceptance of the dedication of all public property therein set forth, provided that the plat shall in all things fully comply with the terms and provisions of this Chapter. Town Council shall act on the final plat within thirty (30) days from the date such plat was approved by the Commission.

Section 3.5. Construction After Final Plat is Approved.

- A. As each consecutive block is completed; that is, the proper utilities are installed and approved by the Town, the streets and alleys are paved and approved by the Town, building permits may be issued on a block by block basis, but no certificate of occupancy shall be issued by the building official until the phase is completed and accepted by the Town.
- B. The subdivider shall include in the conditions of sale for each lot within the subdivision a notice to the purchaser that no certificate of occupancy shall be issued for any residence constructed therein unless and until the Town has approved and accepted that phase of the subdivision.
- C. The subdivider shall understand that all proposed improvements are to be installed or constructed at his own cost and expense, unless otherwise noted herein.

ARTICLE IV. PRELIMINARY PLAT

Section 4.1. General Requirements.

An application in writing, for the approval of the preliminary plat, together with six (6) prints, shall be filed with the Town Secretary at least fifteen (15) consecutive calendar days before the meeting of the Planning and Zoning Commission, if the plat is to be considered at such meeting. No plat will be considered by the Town until the prescribed filing fees have been paid.

The plat shall be drawn to a scale of one hundred feet to the inch (1" = 100'). The information to be included and the procedure for submittals are as follows:

Section 4.2 Existing Features.

- A. Subdivision boundary lines, indicated by heavy lines, and the computed acreage of the subdivision. The subdivision boundary shall be construed to include the part of adjacent boundary streets which were previously established by dedication or purchase from the tract being subdivided.
- B. The location, widths, and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroads, rights-of-way and other important features, such as abstract lines, political subdivision or corporation lines, and school district boundaries.
- C. Existing sewer mains, water mains, drainage culverts, or other underground structures within the tract and within two hundred feet (200') thereto with pipe sizes, grades, and locations indicated.
- D. Contours with intervals of two feet (2') or less, referred to mean sea level datum.
- E. The names of adjacent subdivisions and/or the names of record owners of adjoining parcels of unsubdivided land. If there is no adjacent subdivision, a map on a small scale shall be included with the preliminary plan, and oriented the same way, to show the nearest subdivision in each direction; it shall show how the streets, alleys, or highways in the subdivision submitted may connect with those in the nearest subdivision, if situated within 2,000 feet of the proposed subdivision.
- F. Permanent structures and uses within the subdivision including location of houses, barns, walls, wells, tanks, and other significant features.
- G. The exact location, dimension, description, and flow line of existing drainage structures and the locations, flow line and flood plain of existing water courses within the subdivision.
- H. Utilities on the tract, specifying size of lines, and those which the transmission lines.
- I. Other conditions adjacent to the tract affecting the design of the subdivision including such information as may be available from field observation, aerial photographs and available maps.

Section 4.3. New Features.

- A. The proposed name of the subdivision.

- B. North point, scale, date, and approximate acreage of the proposed subdivision.
- C. The names and addresses of the subdivider and of the engineer, surveyor, or planner.
- D. The tract designation and other description according to the real estate records of the Town, County, or Central Appraisal District; also, designation of the proposed uses of land within the subdivision.
- E. All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservations.
- F. The layout, names, and widths of proposed streets, alleys, and easements.
- G. The layout, numbers, set-back lines, and approximate dimensions of proposed lots, blocks, parks, etc.
- H. Legal description of the property to be subdivided, and metes and bounds description of the subdivision perimeter.
- I. Primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred.
- J. Location of Town limits, lines, the outer border of the extra-territorial jurisdiction, and zoning district boundaries, if they traverse the subdivision, or form part of the boundary of the subdivision, or are contiguous to such boundary.
- K. Any proposed changes in topography shown by contour lines on a basis of five feet vertical interval in terrain with a slope of two percent or more, and on a basis of two feet vertical interval in terrain with a slope of less than five percent; public agency source of datum shall be specific on the plan.
- L. A number or letter to identify each lot or site and each block.
- M. Data specifying the gross area of the subdivision, the proposed number of lots and area thereof, and the approximate area in non-residential use.
- N. Proposed zoning and boundaries of new zoning districts.

- O. Front building set-back lines on all lots and tracts. Side yard building set-back lines at street intersections and crosswalks.
- P. A copy of all existing protective covenants regulating the use of the land or the construction of improvements shall be submitted with the preliminary plat. A copy of protective covenants proposed by the subdivider to regulate land-use and otherwise protect the proposed development shall be attached.

Section 4.4. Utilities.

A plan of the proposed water and sanitary sewer mains and proposed drainage facilities, including drainage areas, location of lines, inlets, culverts, bridges, and calculated runoff and points of concentration.

Section 4.5. Location Map.

A location map of the proposed subdivision on a scale of one inch to one thousand feet (1" - 1,000') showing existing and proposed streets and thoroughfares covering an area at least one (1) mile outside the proposed subdivision.

Section 4.6. Cross-Sections.

Typical cross-sections of proposed streets showing the width of pavement, type of pavement, and location and width of sidewalks.

Section 4.7. Approval Block.

The following notice shall be placed on the face of each preliminary plat by the subdivider.

"Preliminary Plat For Review Purposes Only"

The following certificates shall be placed on the preliminary plat by the subdivider.

"Recommended For Approval

Chairman, Planning and Zoning Commission Date"
Town of New Hope, Texas

"Approved For Preparation of Final Plat

Mayor, Town of New Hope, Texas Date"

Section 4.8. Approval.

The approval of the preliminary plat by the Town Council shall be effective for a period of one hundred eighty (180) days after the approval date, unless reviewed by the Town Council in the light of new or significant information, which would necessitate the revision of the preliminary plat, such revision being subject to the same procedures as the original preliminary plat. If a final plat or the subdivision, or a portion thereof, has not been submitted, or if a change in requirements has not occurred which would affect the preliminary plat, at the end of the one hundred eighty (180) days after approval, then the Town Council will declare the preliminary plat null and void, unless the subdivider has, in writing, requested and received an extension of time.

ARTICLE V. FINAL PLAT

Section 5.1. General Requirements.

- A. After approval of the preliminary plat by the Planning and Zoning Commission and Town Council, a final plat, prepared by a registered public surveyor bearing his seal, shall be submitted to the Planning and Zoning Commission.
- B. Six (6) direct prints and two (2) positives of the final plat shall be executed and filed with the Town Secretary at least fifteen (15) consecutive calendar days prior to the meeting of the Planning and Zoning Commission at which action is requested. The Planning and Zoning Commission and the Town Council shall act on the final plat within thirty (30) days from the date such plat was filed with each body for their approval. No plat will be

considered by the Town until the prescribed filing fees have been paid. The final plat may constitute all or only a portion of the approved preliminary plat, but any portion there of shall conform to all of the requirements of these regulations. If final plats are submitted for approval or portions or sections of the proposed subdivision, each portion or section shall carry the name of the entire subdivision but shall bear a distinguishing letter, number, or subtitle. Block letters shall run consecutively throughout the entire subdivision, even though such subdivision might be finally approved in sections.

- C. The Planning and Zoning Commission will either recommend approval or disapproval of the final plat and forward it to the Town Council. Any action taken by the Town Council shall be final, regardless of the previous action by the Planning and Zoning Commission.
- D. The final plat shall be drawn on sheets measuring twenty-two inches (22") or twenty-four inches (24") by thirty-six inches (36") and shall be drawn to a scale of one hundred feet to the inch (1" = 100'). In addition, one copy at 1: = 500' will also be required.
- E. Six (6) sets of plans and specifications for water, sanitary sewer, paving, and drainage improvements, prepared by a registered professional civil engineer, shall be approved and retained by the Town prior to any construction in the subdivision.
- F. The approval of construction drawings by the Town Council shall be effective for a period of one (1) year after the approval date, unless the subdivider has requested and received an extension of time. Construction drawings which have expired shall be resubmitted to the Town for approval before any construction is begun. The design of the proposed improvements shall be based on the construction requirements which are in effect at the time of resubmittal.

Section 5.2. Final Plat Contents.

The final plat shall show or be accompanied by the following information.

- A. The boundary lines with accurate distances and bearings, a metes and bounds description or the boundary (error of closure shall not exceed one (1) in ten (10) thousand for unadjusted boundary and one (1) in fifty (50) thousand for the plat boundary), exact acreage to hundredths, and the exact location and width of all existing or recorded streets intersecting the boundary of the tract. One (1) copy of the traverse closure sheet shall be enclosed.

- B. True bearings and distances to the nearest established street lines, official monuments, or subdivision corner, which shall be accurately described on the plat. Municipal, township, county, or abstract lines shall be accurately tied to the lines of the subdivision by distances and bearings.
- C. An accurate location of the subdivision in reference to the deed records of the County which shall include the volume and page of the deed of the property to be subdivided.
- D. The exact layout including:
 - 1. Street and/or alley names;
 - 2. The length of all arcs, radii, internal angles, and points of curvature, length and bearing of the tangents;
 - 3. All easements for right-of-way provided for public services or utilities and any limitations of the easements; and
 - 4. All lot numbers and lines, with accurate dimensions in feet and hundredths and with bearings and angles to street and alley lines to the nearest second.
- E. The accurate location, material, and approximate size of all monuments.
The accurate location, material, and size of all sight barrier fences where required to separate commercial and industrial areas from residential areas.
- F. The accurate outline description of all property which is offered for dedication for public use, such as parks, etc., with the purpose indicated thereon, and all property that may be reserved by deed covenant for the common use of the property owners in the subdivision.
- G. Building set-back lines.
- H. Private restrictions.
- I. Name of the proposed subdivision.
- J. Name and address of the subdivider.
- K. North point, scale, and date.

- L. A location map of the proposed subdivision on a scale of one inch to one thousand feet (1" = 1,000') showing existing and proposed streets and thoroughfares covering an area at least one (1) mile outside the proposed subdivision.
- M. Construction plans and profiles shall be drawn on sheets measuring twenty-two inches (22") or twenty-four inches (24") by thirty-six inches (36"), shall be the same size as the final plat and shall include the following information.
1. A plan and profile of each street with top of curb grades shown. Each sheet shall include north point, scale, date and bench mark description to sea level datum. Unless otherwise approved by the Town, scales shall be one inch equals forty feet (1" = 40') horizontally and one inch equals five feet or six feet (1" = 5' or 6') vertically. Each plan shall show the seal and signature of the registered professional civil engineer who prepared the plans.
 2. The cross-sections of proposed streets showing the width of roadways and type of pavement and location and width of sidewalk.
 3. A plan and profile of proposed sanitary sewers, with grades and pipe sizes indicated and showing locations of manholes, cleanouts, etc., and a plan of the proposed water distribution system showing pipe sizes and location of valves, fire hydrants, fittings, etc., in conformance with the applicable criteria presented in ARTICLE VII - IMPROVEMENTS. Unless otherwise approved by the Town, scales shall be one inch equals one hundred feet (1" = 100') horizontally and one inch equals five or six feet (1" = 5' or 6') vertically. Each shall show the seal and signature of the registered professional civil engineer who prepared the plans. Each sheet shall include north point, scale, date, and bench mark description on the mean sea level datum.
 4. A plan and profile of the proposed storm sewers, showing hydraulic data and gradients, pipe grades and sizes, manholes, inlets, pipe connections, outlet structures, etc., in conformance with the applicable criteria as shown in ARTICLE VII - IMPROVEMENTS. Unless otherwise approved by the Town, scales shall be one inch equals forty feet (1" = 40') horizontally and one inch equals five feet or six feet (1" = 5' or 6') vertically. Each shall show the seal and signature of the registered professional civil engineer who prepared the plans. Each sheet shall include north point, scale, date, and bench mark description to sea level datum.

- N. Identification of each lot or site and block by number and letter.
- O. Exact acreage of each lot or site.
- P. Exact location of each fire hydrant, showing the required distance, for that zone, between the hydrants.
- Q. Reference to recorded subdivision plats of adjoining platted land by record name, County Recorder's book and page numbers, and the names of owners of adjoining unsubdivided land together with deed references.
- R. Restrictions to Occupancy:
 - 1. If the subdivision is not to be served immediately by a sewage collection system, installed by the developer, and a treatment plant installed by the developer where required by zone, a restriction prohibiting occupancy of any lot until such systems have been installed, inspected, and approved by the health officer having jurisdiction.
 - 2. If the subdivision is not to be served immediately by the North Collin Water Supply Corporation, a restriction prohibiting occupancy of any lot until water service will be made available from the North Collin Water Supply Corporation.
 - 3. Any special restrictions required by the Commission for the protection of public health or safety of to insure substantial enjoyment of property rights of present and prospective owners of property within or adjoining the subdivision.
- S. The final plat shall be accompanied by one set of surveyor's closure notes for the boundary of the subdivision and for each block thereof. The notes shall be referenced in the same manner as the plat. They shall be submitted in the form prescribed by and for the approval of Planning and Zoning Commission and the approved notes shall be deposited as a public document in the records of the Town.
- T. Certification of title and statement signed and acknowledged by the owner, and of all others having interest in the fee title of the subdivision, dedicating streets, alleys, easements, parks and other spaces to public use, or when the subdivider has made provision acceptable to the Town Council for perpetual maintenance thereof to the inhabitants of the subdivision.
- U. Certification by a licensed land surveyor, registered in the State of Texas, to the effect that the plan represents a survey made by him or under his

direct supervision and that all monuments shown thereon actually exist, and that their location, size, and material are correctly shown.

- V. A certificate of ownership and dedication of all streets, alleys, parks, and playgrounds to public use forever, signed and acknowledged before a Notary Public, by the owner and lien holder of the land, and a complete and accurate description of the land subdivided and the streets dedicated.
- W. The following certificate on the plat, in a manner that will allow the filling in of the certificate by the proper parties.

"Recommended For Approval

 Chairman, Planning and Zoning Commission Date"
 Town of New Hope, Texas

"Approved and Accepted

 Mayor, Town of New Hope, Texas Date"

The undersigned, the Town Secretary of the Town of New Hope, Texas, hereby certifies that the foregoing final plat of the _____ Subdivision or Addition to the Town of New Hope was submitted to the Town Council on the _____ day of _____, 19__, and the Council, by formal action, then and there accepted the dedication of streets, alleys, parks, easements, public places, and water and sewer lines, as shown and set forth in and upon said plat, and said Council further authorized the Mayor to note the acceptance thereof by signing his/her name as hereinabove subscribed.

Witness my hand this _____ day of _____ A.D.. 19__.

 Town Secretary
 Town of New Hope, Texas"

- X. Certificate showing that all taxes and fees have been paid on the tract to be subdivided.

- Y. Commercial and Industrial areas shall be separated from residential areas by the erection of a sight barrier fence which must be a minimum of six feet (6') in height, constructed of materials to be determined by the Town. The final plat for a proposed subdivision, in cases where there will be a separation of residential property from commercial or industrial property, shall indicate the location and height of proposed fences to be installed.

ARTICLE VI. DEVELOPMENTAL REQUIREMENTS

Section 6.1. Zoning Requirement Enforced.

All requirements pertaining to lot size, yard size, dwelling size, lot coverage, height, parking, loading and screening contained in the New Hope Zoning Ordinance shall be adhered to for development under this Ordinance.

Section 6.2. Streets.

- A. The arrangement, character, extent, width, grade, and location of all proposed streets shall conform to the general plan of the community, and their relationship shall be considered to that of the existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- B. Where such is not shown in the general plan for the community, the arrangements of streets in a subdivision shall:
 - 1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas;
 - 2. Conform to a plan for the neighborhood approved or adopted by the Town to meet a particular situation where topographical or other conditions make continuation of or conformance to an existing street impracticable; and
 - 3. Be aligned so that they will intersect, as nearly as possible, at right angles.
- C. Residential streets shall be laid out so that their use by through traffic shall be discouraged.

D. Street jogs with centerline offsets of less than one hundred twenty-five feet (125') shall be avoided.

E. Street right-of-way widths shall conform to the following:

<u>Type of Street</u>	<u>Minimum Right-of-Way Widths</u>
Major Thoroughfare	100'
Collector	60'
Residential	50'

F. Half streets shall be prohibited, except where necessary to the reasonable development of the subdivision in conformance with the other requirements of these regulations. Where the Town finds it will be practicable to require the dedication of additional right-of-way to an existing street adjacent to the area to be subdivided, the entire right-of-way shall be shown on the plat of the subdivider. Where part of a street is being dedicated along a common property line, the first dedication shall be one-half (1/2) of the proposed street right-of-way plus five feet (5').

G. Cul-de-sacs in residential additions shall not be longer than six hundred feet (600') from the nearest intersection, and in industrial areas they shall not exceed one thousand feet (1,000') from the nearest intersecting street, and there shall be provided at the closed end a turnaround having an outside roadway diameter of at least eighty feet (80') and a street property line diameter of at least one hundred feet (100').

H. All streets shall be concrete, and the paving shall conform to ARTICLE VII -IMPROVEMENTS of these regulations.

I. Street grades shall be established regarding topography, proposed land-use, and the facilities in the area surrounding the land to be subdivided. An absolute minimum grade of three tenths percent (0.30%) will be allowed on concrete streets; however, where it is possible, a grade of five tenths percent (0.50%) shall be used.

J. Street name markers shall be installed in accordance with the prescribed type currently in use by the Town of New Hope, or an approved equal, as approved by the Town Secretary. Street markers and the erection thereof will be at the expense of the subdivider.

K. Residential lots shall not face arterial streets or thoroughfares and driveways or alley pavement cuts shall not be permitted on arterial streets. Alleys

shall be provided along side and rear lot lines on arterial streets for rear entrance.

- L. The Developer shall employ a Registered Professional Engineer or a qualified Laboratory Testing Agency to act as Quality Control Agent for each project. The quality control agent shall be approved by the Town. Such agent shall make tests necessary to insure that construction will be in accordance with the approved plans and specifications. Duties of the Agent will include, but will not be limited to, inspection, testing compaction, moisture content, and lime application rate of the subgrade, inspection and testing Plasticity Index (PI) and lime application rate of the foundation course, and testing application rates, thickness, density, and inspection of the installation of the roadway surface course. The Town and Contractor will receive reports of all items and those not in compliance with the specifications shall have recommendations for corrective action. The Town will have full authority to insure that the corrective action required will be made. The Developer will bear the cost of the Quality Control Agent and the required testing. Samples and testing results shall be furnished to the Town. Material testing shall meet the Texas Department of Highways and Public Transportation (TDHPT) requirements, Standard Specifications for Roads and Bridges Construction.

All items refer to item numbers in TDHPT Standard Specifications, Items 110 and 132, Roadway Excavation and Embankment, provide requirements for the construction within which the Contractor shall work so as to conform to lines and grades as shown on the plans.

Whenever the work provided for in, and contemplated under, the contract, has been satisfactorily completed including all necessary Quality Control tests and reports, and the final clean up performed, the Developer will notify the Town to accept same, and to make the "Final Review". Such review will be made within ten (10) days after such notification. After such final review, if the work is found to be satisfactory, the Developer will be notified in writing of the acceptance of same. If not satisfactory, the Developer will be notified in writing of the corrective action required for approval.

Where the work consists of concrete pavements of concrete base, the final acceptance will not relieve the Developer from responsibility for the thickness of the concrete, which will be determined by means of taking cores from pavement. The coring of the pavement will be done within thirty (30) days from the completion of the pavement. The Developer will bear the expense of having the pavement cored.

Section 6.3. Alleys.

- A. Alleys may be required in commercial and industrial districts and shall be paved with reinforced concrete, except that the Town may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses provided.
- B. Alleys may be required in all residential areas, and shall be paved with reinforced concrete.
- C. The minimum right-of-way width of an alley shall be twenty feet (20') in industrial and commercial areas and fifteen feet (15') in residential areas. The alley turnouts shall be paved to the property line and shall be at least two feet (2') wider than the alley paving at that point. The radii of the turnouts for alleys intersecting thoroughfares shall be sixteen feet (16') and shall be ten feet (10') at intersections with all other streets.
- D. Alley intersections and sudden changes in alignment shall be avoided, but, where necessary, lot corners shall be cut off at least fifteen feet (15') on each tangent to permit safe vehicular movement.
- E. Dead-end alleys shall be avoided where possible, but, if unavoidable, they shall be provided with adequate turn-around facilities, as determined by the Town.
- F. All alleys shall be paved, and the paving shall conform to ARTICLE VII - IMPROVEMENTS of these regulations.
- G. Where driveways connect to alleys in commercial, industrial, or residential areas, fences may be constructed along the rear lot line of any lot to a point within five feet (5') of a point where the driveway would intersect the alley pavement at ninety degrees (90°). Fences are optional.

Section 6.4. Lots.

- A. All lots shall conform to the regulations as set forth in the Town's Zoning Ordinance.
- B. Corner lots in residential areas shall be wider than inside lots so as to allow the required set-back from both streets.

- C. Each lot shall face onto a public street or a private drive, except in a planned unit development. Lots with street frontage at both front and rear shall be avoided, except when the lot backs onto a highway or thoroughfare.
- D. Side lines of lots shall be approximately at right angles to straight streets and radial to curved street lines.
- E. In subdivisions where buildings are to be served by septic tanks, the size of lots shall be sufficiently large to accommodate adequate drainage fields and to meet the standards set forth by the Texas Department of Health and the Town of New Hope.

Section 6.5. Easements.

- A. Easements across lots on rear or side lot lines shall be provided for utilities when necessary and shall be at least sixteen feet (16') wide.
- B. Where a subdivision is bounded by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such water course, or of such width to provide for any future anticipated construction, plus a minimum of ten feet (10') on each side.

Section 6.6. Blocks.

- A. The lengths, widths, and shapes of blocks shall be determined with regard to the following items.
 - 1. Provision of adequate building sites suitable to the special needs of the type of use proposed;
 - 2. Zoning requirements as to lot sizes and dimensions;
 - 3. Needs for convenient access, circulation, control, and safety of traffic; and
 - 4. Limitations of topography.
- B. Where no subdivision controls exist, the blocks shall not exceed one thousand two hundred feet (1,200') in length nor be less than five hundred feet (500') in length, except in certain instances where topographical features warrant special consideration. These limits shall be exceeded only

upon specific approval by the Town. Blocks longer than six hundred feet (600') shall be avoided in business districts.

Section 6.7. Mobile Home Parks and Mobile Homes.

Development of mobile home parks for locating mobile homes shall have underground utilities, concrete pad and meet all requirements outlined in Sections 6.2, 6.3, 6.4 and other Ordinances as recorded by the Town of New Hope.

Section 6.8. Survey Monuments and Lot Markers.

Concrete monuments shall be placed in all corners of boundary lines in a subdivision and in any case no more than fourteen hundred feet (1,400') apart. These monuments will be installed before recording of the final plat. Intermediate property corners, curve points, and angle points of each lot in the subdivision shall be marked by iron stakes of one half inch (1/2") or longer, not less than twenty-four inches (24") in length, driven flush with the ground or counter-sunk, if necessary, in order to avoid being disturbed. No utility construction shall be allowed until permanent lot pins are in place.

ARTICLE VII. IMPROVEMENTS

Section 7.1. Standard Specifications and Construction Details.

- A. All improvements proposed for any subdivision to be developed under the jurisdiction of these ordinances shall be furnished and installed by the subdivider in accordance with the "Standard Specifications for Public Works Construction" published by the North Central Texas Council of Governments.

All improvements, even in previously approved but still unimproved subdivisions, shall conform to the Town's current regulations and specifications for street, drainage, and utility construction. A coring of the streets may be required by the Town.

- B. A summary description of the improvements to be constructed and incorporated by reference of all special provisions, plans, working drawings, and plats as approved by the Mayor of the Town of New Hope or the Town Council of the Town of New Hope where required;
- C. A statement of the total consideration to be paid for the work to be performed;