

**TOWN OF PONDER
SUBDIVISION ORDINANCE # 00-21
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ORDINANCE NO. 00-21

AN ORDINANCE PRESCRIBING RULES AND REGULATIONS GOVERNING PLATS, PLANS, AND SUBDIVISIONS OF LAND WITHIN THE CORPORATE LIMITS OF THE TOWN OF PONDER, TEXAS, AND WITHIN ITS EXTRATERRITORIAL JURISDICTION; CONTAINING CERTAIN DEFINITIONS; PROVIDING FOR A PRELIMINARY PLAT, A FINAL PLAT; AND PROVIDING FOR FINAL APPROVAL OF SUBDIVISIONS BY SECTIONS; PRESCRIBING DESIGN PROVISIONS FOR STREETS, SANITARY UTILITIES, WATER MAINS, STORM SEWERS, AND OTHER DRAINAGE STRUCTURES AND PUBLIC UTILITIES; PROVIDING FOR A PENALTY FOR EACH VIOLATION THEREOF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND AUTHORIZING THE TOWN SECRETARY TO CAUSE PUBLICATION OF THIS CAPTION.

WHEREAS, The Town of Ponder, Texas is a Type A General Law Municipality located in Denton County, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, under the laws of the State of Texas, every owner of any tract of land situated within the corporate limits of the Town of Ponder, Texas, or within its extraterritorial jurisdiction; who may hereafter divide the same into two (2) or more tracts described by metes and bounds or otherwise for the purpose of laying out any subdivision of such tract of land or any addition to said Town of Ponder, or for laying out suburban lots or building lots, or any lots, and streets, or parks and other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto, is required to submit a plat of such subdivision or addition for approval by the Town Council of the Town of Ponder, and,

WHEREAS, The Town Council of the Town of Ponder is authorized to adopt rules governing plats and the subdivision of land within the city limits and the city's extraterritorial jurisdiction to promote the health, safety, and general welfare of the citizens, and is empowered by law to promulgate and establish the general plan of said Town and its streets, parks, public utility facilities, including those which have been or may be laid out, together with the general plan for the extension of such Town and of its roads, streets, and public highways within the Town or within its jurisdiction; and

WHEREAS, The Town Council has previously adopted the Subdivision Ordinance, Ordinance 164; and

WHEREAS, The Town Council of the Town of Ponder now deems it necessary to amend those regulations to provide for the safe, orderly, healthful development of the Town,

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PONDER, TEXAS, THAT THE REGULATIONS, POLICIES, AND PROVISIONS SET FORTH IN THE FOLLOWING ARTICLES ARE HEREBY ADOPTED:

SECTION 1

That Ordinance Number 164, as amended, the Ponder Subdivision Ordinance, is hereby repealed and replaced in its entirety by the following:

PART I --General

Section I. Short Title

81.1 This Ordinance may be known and cited as the “**Ponder Subdivision Ordinance.**”

Section 2. Authority and Jurisdiction

2.1 This ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including particularly Chapter 212 (Subdivisions), Subchapters A and B; Chapter 242 (Subdivisions in ETJ); Chapter 42 (Extraterritorial Jurisdiction), Chapter 52 (Adoption of Ordinances), and Chapter 54 (Enforcement of Ordinances) of the Texas Local Government Code.

2.2 All land subdivided or platted into lots, blocks and streets within the Town of Ponder or within its extraterritorial jurisdiction, as provided by State law, shall comply in full with the requirements of this Ordinance. No plat shall be filed in the office of the County Clerk for a tract within the Town or its extraterritorial jurisdiction unless it is approved by the Town Council.

Section 3. Purpose

3.1 The purposes for which this ordinance is created are: to provide for the orderly, safe and healthful development of the area within the Town and within the area surrounding the Town and to promote the health, safety and general welfare of the community; to establish orderly policies and procedures to guide development of the Town; to provide for establishment of minimum specifications for construction and engineering design criteria to maintain land values, reduce inconveniences to residents of the area, and to reduce related unnecessary costs to the Town for correction of inadequate environmental conditions; to ensure that development of land and subdivisions shall be of such nature, shape and location that utilization will not impair the general welfare and to ensure against dangers of fires, floods, erosion, landslides, or other such menaces; to provide proper utilities and services for adequate drainage, water supply, and disposal of sanitary and industrial waste; to provide streets that ensure safe, convenient and functional systems for vehicular and pedestrian circulation; to furnish adequate sites, convenient to schools, parks, playgrounds, and other community services, representing topography and existing vegetation so that the natural beauty of the land shall be preserved.

Section 4. Policy Statements

- 4.1 It is the intent of the Town of Ponder to encourage and promote quality development within the Town consistent with the rural atmosphere and quality of life.
- 4.2 Development proposals shall be reviewed for conformance with the Town Plan and development policy and non-conformance shall be deemed sufficient for denial of the development proposal.
- 4.3 It is hereby declared to be the policy of the Town of Ponder to consider the subdivision of land and the subsequent development of the subdivided lots as subject to the control of the municipality pursuant to a comprehensive plan of the municipality for the orderly, planned, efficient, and economical development of the municipality.
- 4.4 Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be developed until available public facilities and improvements exist and proper provision has been made for drainage, water, sewage, roadways and capital improvements such as schools, parks, recreation facilities, and transportation facilities and improvements.
- 4.5 The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the comprehensive plan or adopted development policies, and the capital budget and program of the municipality. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, the comprehensive plan, adopted development plans, the zoning ordinance, and the capital improvements program of the Town of Ponder.

Section 5. Interpretation

- 5.1 In the interpretation and application of the provisions of these regulations, it is the intention of the Town Council that the principles, standards and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions in the Town of Ponder, and where other ordinances of the Town are more restrictive in their requirements, such other ordinances shall control. The interpretation and application of the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

Section 6. Definitions

For the purposes of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning ascribed to them in this section. Words and terms not expressly defined herein are to be construed according to their customary usage in the practice of municipal planning and engineering,

Administrative Officers: Any office referred to in this ordinance by title, i.e.; Mayor, Town Attorney, Town Secretary, Town Engineer, Director of Utilities, etc., shall be the person so retained in this position by the Town, or that person's duly authorized representative.

Building Setback Line: The line within a property defining the minimum horizontal distance between a building, (or other structure) and the adjacent property line.

Commission: The Planning and Zoning Commission of the Town of Ponder.

Council: The duly elected governing body of the Town of Ponder, Texas.

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

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

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

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

Filing Date: A plat or replat is considered to be filed with the City for Planning and Zoning Commission action when it has been determined to be a completed application, meeting all the requirements as provided for by an application for a final plat or replat, and has been placed on the agenda for Planning and Zoning Commission action. A plat or replat is considered as being filed for Town Council action at the time it has been acted on by the Planning and Zoning Commission and is forwarded to the Town Council agenda.
Added: 7-14-03

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 referenced to a survey corner and all boundaries, corners, and curves of the land division sufficiently described so that they can be reproduced without additional references. Angular measurements and bearings shall be accurate to the nearest second. Distances shall be accurate to the nearest hundredth of a foot. The final plat of any lot, tract, or parcel of land shall be recorded in the Records of Denton County, Texas.

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

Master Plan: The phrase “Master Plan” shall be the comprehensive plan of the Town and adjoining areas as adopted by the Town Council and the 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, water, sewer, and other public and private developments and improvements.

May, Shall: the word “may” is merely directive. The word “shall” is always mandatory.

Pavement Width: The portion of a street available for vehicular traffic. Where curbs are laid, it is the portion between the faces of the curbs.

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

Planning & Zoning Commission: Same as Commission

Preliminary Plat: The graphic expression of the proposed overall plan for subdividing, improving, and developing a tract shown by superimposing a scale drawing of the proposed land division on a topographic map and showing in plan existing and proposed drainage features and facilities, street layout and direction of curb flow and other pertinent features with notations sufficient to substantially identify the general scope and detail of proposed development.

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

Residential Unit: Residential Unit – A Single-Family or Multi-Family dwelling unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, cooking, eating and sanitation. **Added. 07-14-03**

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

1. **Major Thoroughfares** (also Arterial Streets, Primary Thoroughfares, etc.) provide vehicular movement from one neighborhood to another to distant points within the urbanized Area or to freeways or highways leading to other communities.
2. **Collector Streets** (also Feeder Streets, Secondary Thoroughfares, etc.) provide vehicular circulation within neighborhoods and from minor 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 Collector Streets.
3. **Local Residential Streets** (also Minor Thoroughfares or Streets etc.) are primarily for providing direct vehicular access to abutting residential property.

Street and Alley Width: The terms “street width” or “alley width” shall be the shortest distance between the lines which delineate the right-of-way.

Subdivider: any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term “subdivision” shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land sought to be subdivided.

Subdivision (also “Addition”): A division of any tract of land situated within the corporate limits, or within the extraterritorial jurisdiction of such limits, in two or more parts for the purpose of laying out any subdivision of any tract of land or any addition, or for laying out suburban lots or building lots, or any lots and streets, alleys or parts or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. Subdivision includes re-subdivision, but it does not include the land in parcels or tracts of five (5) acres or more, nor division of land for purposes of partition between joint development; and not involving any new street, alley or easement of access. When appropriate to context, the term subdivision shall relate to the process of subdividing or to the land subdivided. Subdivision includes the sale of a portion of a larger tract of land to another.

Surveyor: A Registered Public Land Surveyor, as authorized by the State statutes to practice the profession of surveying.

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

Town Engineer: “Town Engineer” shall apply only to such Registered Professional Engineer or firm of Registered Professional Consulting Engineers that has been specifically designated as such by Resolution of the Town Council.

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

Section 7. Compliance Required (Affected Parties)

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

This ordinance shall apply to land being subdivided and to land that has been subdivided and platted without improvements being made or the completion of those improvements since September 13, 1993, except where prior Town Council approval has designated

the measure of acceptable criteria and conditions of acceptance for improvements thereupon. Where improvements have not been made on land that has been platted and the Town Council has not conditionally established approval of improvements, then all the provisions and criteria established by this ordinance will be in full force.

- 7.2** No land shall be subdivided within the corporate limits of the Town of Ponder or its extraterritorial jurisdiction until:
1. The subdivider/owner has submitted and obtained review of a Preliminary Plat by the Town Staff; and **Rev. 07-14-03**
 2. The subdivider/owner has obtained approval of the Preliminary Plat (when required) or Final Plat by the Planning and Zoning Commission and Town Council, or Short Form Plat by Town Staff and Town Council; and
 3. An approved final plat is filed with the Denton County Clerk.

Section 8. Variances

- 8.1** After receiving a recommendation from the Director of Utilities and Town Engineer, the Planning and Zoning Commission may recommend and the Town Council may authorize a variance from these subdivision regulations when, in its opinion, extraordinary hardship will result from requiring strict compliance. The Planning and Zoning Commission shall not recommend a variance unless there are special circumstances or conditions influencing the subdivision involved.
- 8.2** In the recommendation of a variance, the Planning and Zoning Commission shall set out the conditions that it finds necessary or advantageous to the public interest in recommending such variances that will not have the effect of nullifying the intent and purpose of these regulations. Financial hardship of the applicant shall not be deemed sufficient reason to constitute the recommendation of a variance.
- 8.3** In granting a variance, the Town Council shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings herein below required, the Council shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions, and upon the public health, safety, convenience, and welfare in the vicinity. No variances shall be granted unless the Council finds that all of the following conditions exist:
1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of this land; and
 2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
 4. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this ordinance. Such findings of the Town Council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Council meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety, and welfare may be secured and substantial justice done. Pecuniary hardship to the Subdivider, standing alone, shall not be deemed to constitute undue hardship.
- 8.4** The Planning & Zoning Commission, in recommending a variance to the Town Council, shall submit a report containing all the specific facts and pertinent data upon which such a variance should be based, and such documents shall be entered into the official minutes of the Council Meeting. Such results as determined by the Town Council, after considering the material submitted by the Planning & Zoning Commission, shall be final.

Section 9. Appeals

- 9.1** Any Subdivider aggrieved by a finding or action of the Commission and/or Council shall appear by filing written petition in a court of competent jurisdiction within thirty (30) days from the date of such finding or action, and not thereafter.

Section 10. Special Provisions for Enforcement

- 10.1** A subdivision plat shall not be filed of record until it has been considered by the Planning & Zoning Commission and approved by the Town Council; and any such actual recording shall be void unless such approval shall be endorsed on the face of the plat as hereinafter provided.
- 10.2** No construction work shall begin on the proposed improvements in the proposed subdivision prior to the final plat being approved by the Town Council.
- 10.3** No changes, erasures, modifications or revisions shall be made on any plat of a subdivision after approval has been given by the Town Council and endorsed on the plat in writing, unless said change, revision or modification is first submitted to and approved by the Town Council.
- 10.4** No building permit shall be issued by the Town for any structure on any lot or tract which is not serviceable by the community sanitary sewerage collection and treatment system, unless a valid septic tank permit for the specific lot has been obtained from the Denton County Health Department.
- 10.5** No building, repair, plumbing, or electrical permit shall be issued by the Town for any structure on a lot or tract which was not a lot of record as of January 3, 1994 for which a final plat has not been approved and filed in a record, nor for any structure on a lot within

a subdivision in which the standards contained herein or referred to herein have not been complied with in full.

- 10.6** The Town shall not authorize any other person nor shall the Town itself repair, maintain, install or provide any streets or public utility services in any subdivision for which standards contained herein or referred to herein have not been complied with in full.
- 10.7** Disapproval of a plat by the Council shall be deemed a refusal by the Town to accept the offered dedications shown thereon. Approval of a plat shall not impose any duty upon the Town concerning the maintenance or improvement of any such dedicated parts until the proper authorities of the Town have actually appropriated the same by entry, use, or improvement. Any such dedication, before or after actual appropriation may be vacated by the Council in any manner provided by law.
- 10.8** The Town shall not authorize any other person nor shall the Town itself sell or supply any water, gas, electricity, or sewerage service within a subdivision for which a final plat has not been approved or filed for record, nor on which the standards contained herein or referred to herein have not been complied with in full.
- 10.9** In behalf of the Town, the Town Attorney shall, when directed by the Town Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Ordinance or the standards referred to herein with respect to any violation thereof which occurs within any area subject to all or a part of the provisions of this ordinance.
- 10.10** In addition thereto any abutting owner or lessee or other person prejudicially affected by the violation of the terms of this Ordinance may resort to any court of competent jurisdiction for any writ or writes, or to obtain such relief, either in law or equity, as may be deemed advisable in these premises.
- 10.11** If any subdivision exists for which a final plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, the Town Council shall pass a resolution reciting the facts of such non-compliance and failure to secure final plat approval, and reciting the fact that the provisions of paragraphs 10.2, 10.4, 10.5, 10.6 and 10.7 of this section will apply to the lots therein. The Town Secretary shall, when directed by the Town Council, cause a certified copy of such resolution under the corporate seal of the Town to be filed in the Deed Records of the County in which such subdivision or part thereof lies. If full compliance and final plat approval are secured after filing of such resolution, the Town Secretary shall forthwith file an instrument, in the Deed Records of such County stating that fact.

Section 11. Amendment

- 11.1** The Town Council may from time to time amend this Ordinance, in accordance with appropriate procedures provided by law.

Section 12. Improvements Required

- 12.1** The Subdivider shall dedicate necessary rights-of-way and easements and furnish, install and/or construct the water and sewerage systems and the street and drainage facilities necessary for the proper development of the subdivision. All such facilities shall

be designed and constructed in accordance with the design provisions contained in this Ordinance, and other standards, specifications, and drawings as may be hereafter adopted, approved by the Town Council and placed on file in the office of the Town Secretary.

12.2 Where considered necessary by the Town Engineer, and/or as recommended by the Commission or shown on the master plan, the facilities shall be sized in excess of that dictated by the design criteria to provide for future growth and expansion. The Town Council shall establish policies whereby the Town will participate in such oversized facilities.

12.3 Parkland Dedication Required (Amended 03-10-03 Ord. # 03-16)

A. PURPOSE

1. This section is adopted to provide recreational areas in the form of neighborhood parks, pedestrian trails and open spaces as a function of development in the Town of Ponder. It is hereby declared by the Town Council that these recreational areas are necessary and in the public welfare, and that viable procedure to provide the same is by integrating such a requirement into the procedure for planning and developing property for subdivision in the Town.
2. Parks and open spaces are those areas provide for a variety of outdoor recreational opportunities and within convenient distances from a majority of the residences to be served thereby. The park and open space areas established by the Town Council and shown on the Comprehensive Land Use Plan for the Town shall be prima facie proof that any park located therein is within such a convenient distance from any residence located therein. The primary cost of parks should be borne by the ultimate residential property owners who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities. Therefore, the following requirements are adopted to effect the purposes stated.

B. GENERAL REQUIREMENTS

These requirements shall apply to land zoned residential which is to be used for single-family, duplex and/or apartment residential purposes.

1. Whenever a final plat is filed on record with the County Clerk of Denton County for development of a residential area in accordance with the planning and zoning ordinances of the Town, such plat shall contain a clear fee simple dedication of an area of land to the Town for park and open space purposes; or shall provide for a payment of funds in lieu of land.
2. Land dedicated to the public use for park or open space shall equal one (1) acre for each one hundred-fifty (150) persons. For the purpose of this

regulation, the person per household figure shall be the average person per household as established by the U.S. Census in the most recent census count. The Town Council, upon recommendation by the Planning and Zoning Commission, may adjust the person per household figure if it is determined that a more accurate figure has been substantiated by a study for a specific subdivision.

3. The subdivision plat shall clearly indicate the area proposed to be dedicated for park or open space. However, the Town Council has the option of accepting the location and has the option of declining any location that it deems inappropriate for parks or open space, as established by the Comprehensive Land Use Plan. In the event that the area dedicated to parks and open spaces is less than the amount required by calculation, the Town may require the payment of funds in lieu of land for any remaining portion. In any case, any combination of dedicated land area or payment in lieu of land shall solely be at the discretion of the Town.
4. The dedication required by this section shall be made by filing of the final plat or contemporaneously by separate instrument unless additional dedication is required subsequent to the filing the final plat. If the actual number of completed dwelling units exceed the figure upon which the original dedication was based, such additional dedication shall be required, and shall be made by payment of the cash in lieu of land or by the conveyance of an entire number lot to the Town.

C. MONEY IN LIEU OF LAND

A land owner must meet the park and open space requirements for funds in lieu of land in whole or in part by a cash payment in lieu of land shall be made within thirty (30) days of the time of final plat recording or as stated in the Developer's Agreement.

D. PAYMENTS IN LIEU OF LAND DEDICATION

The dedication requirement shall be met by a payment in lieu of land at a per-dwelling unit price set from time to time by resolution by the Town Council. The Town Council shall establish the per-unit price annually as part of the Fee Schedule (Ponder Code of Ordinances Appendix A). However, the Council shall have the option to negotiate a per unit price on a site by site basis at its discretion. Cash payments may be used only for acquisition or improvement of parks and open spaces as directed by the Comprehensive Land Use Plan.

E. SPECIAL FUND; RIGHT TO REFUND

1. There is hereby established a special fund for the deposit of all sums paid in lieu of land dedication under this Article or any preceding ordinance, which fund shall be known as the Park Land Dedication Fund.

2. The Town shall account for all sums paid in lieu of land dedication under this Article with reference to the individual plats involved. Any funds paid for such purposes must be expended by the Town within ten (10) years from the date received by the Town for acquisition or development of a neighborhood park as defined herein. Such funds shall be considered to be spent on a first in, first out basis. If not so expended, the owners of the property on the 1st day of such period shall be entitled to a pro rata refund of such sum, computed on a per dwelling unit basis. The owners of such property must request such refund within one (1) year of entitlement, in writing, or such right shall be barred.

F. ADDITIONAL REQUIREMENTS, DEFINITIONS FOR NEIGHBORHOOD PARKS

1. Any land dedicated to the Town under this Article must be suitable for park and recreation uses. The following characteristics of a proposed area are generally unsuitable (unless recommended in the Master Plan):
 - a. Any area primarily located in the 100-year floodway.
 - b. Any areas of unusual topography or slope which renders same unusable for recreational activities.

The above characteristics of a parkland dedication area may be grounds for refusal of any preliminary or final plat.

2. Drainage areas may be accepted as a part of a park or open space if the channel is constructed in accordance with Town engineering standards and has pedestrian access to and along the top of bank, the channel does not constitute more than five percent of the total park area, and if no significant area of the park is cut off from access by such channel.
3. Each park shall have ready access to public street.
4. Unless provided otherwise herein, an action by the Town shall be by the Town Council, after consideration of the recommendations of the Planning and Zoning Commission.
5. All park land dedication shall be consistent with the standards as set forth in the Comprehensive Land Use Plan.

Section 13. Where A Subdivision Is A Unit Of A Larger Tract

Where the proposed subdivision constitutes a unit of a larger tract owned by the subdivider, which is intended to be subsequently subdivided as additional units of the same subdivision, the Preliminary Plat shall cover the entire area of common ownership or joint development, showing the tentative proposed layout of streets, blocks drainage, and other improvements for such

areas. Thereafter, Final Plats of subsequent units of such subdivision shall conform to such approved preliminary Plat, unless changed by the Commission. However, except where the subdivider agrees to such change, the Commission may change such approved Preliminary Plat only when the Commission finds:

- A. That adherence to the previously approved overall layout will hinder the orderly subdivision of other land in the area in accordance with the provisions of this Ordinance; or,
- B. That adherence to the previously approved overall layout will be detrimental to the public health, safety or welfare, or will be injurious to other property in the area.

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

Part II -- GENERAL SUBDIVISION DEVELOPMENT PROCESSING PROCEDURE

Section 14. General

14.1 All property not subdivided into lots, blocks, and streets or property to be re-subdivided, within the Town or within its jurisdiction shall hereafter be laid out subject to the consideration by the Planning & Zoning Commission and approval by the Town Council and no other subdivision will be recognized by the Town.

14.2 Classification Of Subdivisions

Subdivisions shall be classified as a Major or Minor at the time of submittal.
Rev. 07-14-03

A. MAJOR SUBDIVISION

- 1. A Major Subdivision shall be one that is determined to be of such character that it will or may have a substantial impact on the topography, drainage, sewage, streets, and similar features and facilities both within the subdivision, its neighboring properties, and/or the community at large. As a general rule, subdivisions creating four or more new lots or any subdivision with a proposed new street or requiring extension of water and/or sanitary sewer shall be classified as a Major Plat. **Rev. 07-14-03**
- 2. A Major Subdivision shall require a preliminary plat with the required accompanying materials, and a Final Plat with required accompanying materials. **Rev. 07-14-03**

B. MINOR SUBDIVISION

1. A Minor Subdivision shall be one that is determined to be of such character that there shall be minor measurable impact on the topography, drainage, sewage, streets, and similar features and facilities both within the subdivision, the neighboring properties, and/or the community at large. As a general rule, subdivisions creating three or fewer new lots and no new streets or other public improvements are required shall be considered as Minor Plats. **Rev. 07-14-03**
2. Minor plats shall also include the replat of lots in Old Town Ponder where smaller lots are combined into larger lots and all lots created have street frontage.
3. A Minor Subdivision shall require the submittal of a preliminary plat with the required materials, and Final Plat with required accompanying materials. **Rev. 07-14-03**

C. REPLAT

1. A replat shall include modification of an existing plat that creates new lots or alters any previously dedicated rights-of-way or easements, as provided in Section 212.014 and 212.015 of the Texas Local Government Code. Any replat that meets the requirements of an amending plat (Section 212.016) including the combination of existing lots, may be processed as a Short Form Plat.
3. A preliminary plat is not required for a replat of a subdivision, except in situations where it is determined by the City that the replat is significantly different from the original preliminary plat or if significant engineering designs must be developed as a result of the replat. In any situation the need for a preliminary plat shall be totally the option of the City.
Rev. 07-14-03
4. **Ownership:** In order to replat a tract of land for which a final plat is filed of record in the Records of Denton County, the tract must be either (a) fully owned by the person desiring to replat, or (b) the person desiring the replat must furnish the Town with written acknowledgment and consent by other property owners.
5. **Procedures:** The procedure for re-platting (re-subdividing) shall be the same as for subdividing as stipulated by this Ordinance. In addition, all utility companies which furnish the Town with water, gas, electric, telephone and television cable service, must acknowledge to the Town, in writing, that they have knowledge of the replat and whether they have objection thereto. Such written acknowledgment must be in the hands of the Town Engineer prior to the submission of the final plat to the Town Council for approval.

14.3 Vacating and Amending Plats

- A. A recorded plat shall be vacated in accordance with the procedures and requirements set forth in Section 212.013 of the Local Government Code.
- B. An amended plat shall be filed in accordance with the procedures and requirements set forth in Section 212.016 of the Local Government Code. The Commission may approve and issue an amending plat, which may be recorded and controlling over the preceding plat without vacation of that plat and without notice and hearing, if the amending plat is signed and acknowledged by the owners of the property being replatted and is solely for one or more of the following purposes:
 - 1. to correct an error in any course or distance shown on the preceding plat;
 - 2. to add a course or distance that was omitted on the preceding plat;
 - 3. to correct an error in a real property description shown on the preceding plat;
 - 4. to indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
 - 5. to show the location or character of a monument which has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
 - 6. to correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
 - 7. to correct an error in courses and distances of lot lines between two (2) adjacent lots if:
 - a. both lot owners join in the application for amending the plat;
 - b. neither lot is abolished;
 - c. the amendment does not attempt to remove recorded covenants or restrictions; and
 - d. the amendment does not have a materially adverse effect on the property rights of the other owners in the plat;
 - 8. to relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
 - 9. to relocate one or more lot lines between one or more adjacent lots if:

- a. the owners of all those lots join in the application for amending the plat;
 - b. the amendment does not attempt to remove recorded covenants or restrictions; and
 - c. the amendment does not increase the number of lots; or
10. to make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
- a. the changes do not affect applicable zoning and other regulations of the municipality;
 - b. the changes do not attempt to amend or remove any covenants or restrictions; and
 - c. the area covered by the changes is located in an area that the Commission or Town Council has approved, after a public hearing, as a residential improvement area.
11. To replat one or more lots fronting on an existing street if:
- a. The owners of all those lots join in the application for amending the plat;
 - b. The amendment does not attempt to remove recorded covenants or restrictions;
 - c. The amendment does not increase the number of lots; and
 - d. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

C. PROCEDURE

- 1. An application for vacating or amending a plat shall be filed with the Planning and Zoning Commission on forms provided by the Town Engineer or designee.
- 2. The appropriate filing fee as set forth in the Fee Schedule shall be paid at the time of application.
- 3. Amended plats should meet the same requirements set forth in the Ordinance as for Minor plats.

4. The Planning and Zoning Commission may recommend and the Town Council may approve, conditionally approve or disapprove any amended plat or vacation request in accordance with the procedures for plat approval set forth in this article.

Section 15. Procedure Summary

15.1 Subdivision Ordinance Procedures Outline

1. Any person dividing property into two (2) or more tracts or lots within the Town limits or extraterritorial jurisdiction of the Town shall conform to provisions of the subdivision ordinance.
2. General Plat filing procedures
 - a. Submittal of Preliminary Plat and pre-application conference between Town Engineer and other City representatives and the Subdivider (or representative). **Rev. 07-14-03**
 - c. Preparation of preliminary plat by Subdivider.
 - d. Submission of preliminary plat to Planning and Zoning together with filing fee. (Twenty {20} prints on 18" X 24" black or blue line sheets at scale of 1"=100' or larger). **Rev. 07-14-03**
 - e. Two (2) copies are sent to Town Engineer for review.
 - f. Town Engineer returns marked copy to Town Staff that will be sent to the Subdivider for revision, and makes recommendation to Planning and Zoning Commission for consideration. **Rev. 07-14-03**
 - g. A plat may be submitted but will not be considered for filing with the Town until it has been determined to be a completed application. A plat is considered to be filed when it is determined to be a completed application and is posted on the official agenda. An incomplete application will not be considered as being filed with the Town, but shall be returned to the applicant for completion and re-submittal. **Rev. 07-14-03**
 - h. Town Council reviews preliminary plat and makes final decision (approval or rejection).
 - i. Subdivider submits final plat, pays fees, engineering plans and cost estimates. (Twenty {20} prints at scale of 1"=100'). **Rev. 07-14-03**
 - j. Town Engineer reviews Final Plat and Engineering Plans. The application is considered administratively incomplete until the engineering plans are approved by the Town Engineer.
 - k. Final plat is submitted to Planning and Zoning Commission for

consideration.

- l. Planning and Zoning Commission reviews final plat and makes recommendation to Town Council.
- m. Town Council reviews final plat and makes final decision (approval or rejection).
- n. Subdivider pays development inspection fees and provides to the Town of Ponder a copy of performance bond, payment bond, maintenance bond, and U.S. Environmental Protection Agency Notice of Intent and executes Developer's Agreement. **Rev. 07-14-03**
- o. Planning & Zoning Clerk files final plat with County Clerk within ten (10) days after acceptance by Town Council.
- p. Inspections are made by Town Engineer or his representative during construction of dedicated improvements,
- q. When improvements are completed, Subdivider applies to Town Engineer for final acceptance of dedicated improvements,
- r. Town Engineer makes recommendation to the Town Council as to whether all improvements have been completed in accordance with Town requirements and should be accepted by the Town. (Requirements include test results, contract completion certificate by developer's professional engineer, as-built plans, and maintenance bond.)
- s. Town Council gives final acceptance of constructed facilities and approves issuance of Building Permits.
- t. Town Engineer is to inspect all dedicated facilities not later than thirty days prior to end of warranty period and submit written reports to Town Council. Any necessary repairs are to be noted and will extend the warranty period until repairs are made to satisfaction of engineer and council.
- u. No building permits are to be issued prior to final approval and acceptance of dedicated improvements.

15.2 The detailed procedures within each phase of subdivision development processing are covered in Parts III, IV, and V of this Ordinance.

Part III--PRE-APPLICATION PROCEDURE

Section 16. Scope and Purpose

- 16.1 Prior to the official filing of a Preliminary Plat, the Subdivider should avail himself of a copy of the Subdivision Regulations. The Subdivider shall submit the Preliminary Plat to the Town Engineer or other administrative officer so designated by the Town.

This phase does not require formal applications, payment of a fee, or the filing of a plat, but is rather an informal consultation with the Town, in order that the Subdivider may save himself time and money in the preparation of the preliminary and final plats by determining the rules, regulations and policies set forth by the Town Council.

The aim and purpose of the pre-application procedure is to offer the developer or Subdivider the background and experience of the Town Engineer in the preparation of the preliminary plat. It is not the intent or policy of the Town Engineer to do the planning or engineering for the Subdivider, but rather to steer his efforts into the most efficient and economical means of coordination with existing development and with the Subdivision Ordinance.

Section 18. Preliminary Conference

A preliminary conference should also be scheduled with the Director of Utilities and Town Engineer for general comments and clarifications which are usually necessary. At the time, the Subdivider should obtain copies of all forms, publications, design criteria and standards available from the Town for his reference and for the benefit of his engineer. **Rev. 07-14-03**

Part IV--PRELIMINARY PLAT REQUIREMENTS

Section 19. General

- 19.1 The Subdivider shall cause to be prepared a Preliminary Plat by an Engineer or Surveyor, in accordance with this Ordinance.
- 19.2 Until a Preliminary Plat of a subdivision shall have been approved in accordance with these controls, no person shall subdivide or shall submit a final plat thereof, or shall file a record of survey, or a map or plat for record, or proceed with any grading construction or other work on the same. The Commission shall approve or disapprove any Preliminary Plat within thirty (30) days from the date of the Commission meeting at which it is filed for consideration by the Commission.

Section 20. Application and Copies Required

- 20.1 The Subdivider shall submit to the City Staff, twenty (20) black or blueline prints, together with other required data, showing all preliminary information as hereinafter required. The Planning and Zoning Commission will normally meet on the first Tuesday of each month. Fifteen (15) days prior to the date set for Commission consideration the subdivider shall submit three (3) copies of the Preliminary Plat information to the

engineer for the Town to obtain his recommendations for the Planning & Zoning Commission. **Rev. 07-14-03**

Section 21. Filing Fee

When the preliminary plat and plans are filed with the City Staff for consideration and approval, it shall be accompanied by a filing fee as established by the Town Council. No action by the Planning and Zoning Commission shall be valid until this fee is paid. This fee shall not be refunded should the Subdivider fail to make a complete Preliminary Plat submittal or should the preliminary plat and plans be disapproved. The Subdivider, however, may resubmit the Preliminary Plat information to the Planning and Zoning Commission with the required revisions or additional information within 90 days without payment of an additional fee. **Rev. 07-14-03**

Section 22. Formal Application

- 22.1** Formal application for preliminary approval for subdivision development shall be made by the Subdivider in writing to the Commission at the official meeting at which the Preliminary Plat is to be considered by the Planning & Zoning Commission, which shall be considered as the filing date.
- 22.2** The Subdivider and his Engineer should be present at the meeting. The Subdivider, by written notice filed with the Town Engineer, may designate his Engineer as his agent in the processing of his subdivision.

Section 23. Form and Content of Preliminary Plat Information

- 23.1** The plans shall be drawn on sheets 24 inches wide and 18 inches high with a binding margin of not less than one and one-half (1½ ") inches on the left side of the sheet; and margins not less than one-half (½") inch on the other three sides.
- 23.2** The plans will be drawn to scale of not more than one hundred (100') feet to one (1) inch. Whenever the size of the subdivision is such that the full area cannot be covered on a single sheet with space for titles and other required identification, the plans may be drawn on a number of separate sheets with matching lines to facilitate joining them together as a continuous composite plat. When more than one sheet is necessary to accommodate the entire tract proposed for subdivision, an index map showing the entire subdivision shall be furnished and each portion of the subdivision shall be indicated on the index map.

Where the proposed subdivision constitutes a unit of a large tract owned by the Subdivider, which is intended to be subsequently subdivided as additional units of the same subdivision, the preliminary plats shall be accompanied by a layout of the entire area showing the tentative proposed layout of streets, blocks, drainage, water, sewerage, and other improvements for such areas.

- 23.3** Preliminary Plat Information shall consist of at least the following separate sheets:

23.4 Sheet No. 1 – Preliminary Plat

1. Name and address of the Subdivider, record owner, and of the engineer, planner, or surveyor.
2. Proposed name under which the subdivision is to be recorded, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within the Town or within one-half (1/2) mile of the current Town Limits.
3. Name of contiguous subdivision, location of contiguous lots and the name and addresses of owners of all contiguous parcels of subdivided or unsubdivided land and an indication of whether or not contiguous properties are platted and filed of record.
4. The location of existing blocks, lots, building lines, water courses, ravines, bridges, culverts, present structures and any pertinent natural features in the area affected, with principal dimensions and all significant information in regard to property, immediately adjacent on all sides.
5. The tract designation and other description according to the real estate records of the Town or County Assessor and Recorder; also designation of the proposed uses of land within the subdivision.
6. 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.
7. A vicinity map showing location of tract by reference to existing streets or highways.
8. Subdivision boundary lines accurate in scale and indicated by heavy lines, of the total area proposed for subdivision and the computed acreage of the total area. Bearing and length of each boundary line shall be shown.
9. The location, dimensions, and name (if applicable) of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within the proposed subdivision, intersecting or contiguous with its boundaries or forming such boundaries. All existing or recorded residential lots, parks, public areas, permanent structures within or contiguous with the proposed subdivision shall be shown.
10. Other conditions adjacent to the tract affecting design of the subdivision including such information as may be available from field observation, aerial photographs and available maps.
11. The location, dimensions and name, if applicable, of all proposed streets, alleys, drainage structures, parks, public areas, reservations, easements or other rights-of-way, blocks, lots, commercial areas and other sites within the proposed subdivision. When curved streets are proposed, the radius of the curve shall be

shown. For lots facing on curved streets, the chord width of the lot at the front building setback line shall be shown. A number or letter shall be used to identify each lot or site and block.

- 12. The location of lots and blocks proposed for inclusion in the first phase of development.
- 13. Front building setback lines on all lots and sites. Side yard building setback lines at street intersections and crosswalk ways.
- 14. Location of Town Limits line, the outer border of the Town's extraterritorial jurisdiction, and zoning district boundaries, if they traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary.
- 15. The date of preparation, the scale of the drawing, and a north arrow.
- 16. All proposed planning shall conform to the current Town Zoning Ordinance.
- 17. Each proposed street, within the subdivision area, shall be named and shall conform with names of any existing streets of which they may be or become extensions. The names shall not duplicate, or be similar to, the recognized name of any other street located elsewhere in the area to these rules and regulations.
- 18. Designation of all tracts, intended to be for multi-family dwellings, shopping centers, churches, industry or other uses.
- 19. Data specifying the gross area of the subdivision, the proposed number of residential lots and area therefore, and the approximate area in parks and in other non-residential uses.
- 20. 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, if any.
- 21. The following notice shall be placed on the face of each preliminary plat by the Subdivider.

“Preliminary Plat for Review Purpose Only”

- 22. The following certificate shall be placed on the Preliminary Plat by the subdivider:

“Recommended for Approval by Planning and Zoning Commission:

Chairman: _____

Approved by Town Council:

Mayor: _____

Attested by:

Town Secretary: _____

Date of Town Council Approval: _____

23. The signature of the owner on the preliminary plat, or a notarized statement from the owner, authorizing the applicant to submit a preliminary plat on the property.
24. The location of any existing buildings or other structures.
25. A number shall be used to identify each lot, site or block.
26. The specific size of each lot, in acres, and outside dimensions, in feet.
27. The boundaries and flood elevations of all areas located in flood hazard areas as determined by the Flood Insurance Rate Maps (FIRM) provided by the FEMA.
28. The location of all existing pipeline easements and information concerning the size of the pipe, type of product being transported.
29. A list of the proposed restrictive covenants, conditions, and limitations to govern the nature and use of the property being subdivided.
30. A North Point arrow and graphic scale.
31. Additional requirements for Phased Development:
 - (A) The plat shall show the proposed plans for the remainder of the subdivision entire subdivision.
 - (B) The location of lots and blocks proposed for inclusion in the first section of a development.

23.5 Sheet No. 2- Preliminary Topography, Street, and Drainage Plan

This sheet may be prepared on a reproducible copy of Sheet No. 1 so that the same information will be repeated together with the following:

1. Topographical information including contour lines on a basis of ten (10') foot intervals. All elevations shall be referenced to U.S.G.S. survey datum. The datum used shall be specified on the drawing. Existing drainage improvements, including culverts, should be identified.
2. Any proposed changes in topography shown by contour lines on a basis of five feet vertical interval in terrain with a slope of five percent or more, and on a basis of two feet vertical interval in terrain with a grade of less than five percent.

3. Type of street to be constructed (i.e. Hot Mix Asphaltic Concrete (HMAC) or Portland cement).
4. Classification of street (i.e. arterial, collector, residential).
5. Relationship of existing and planned streets, to topographical conditions, if applicable.
6. Planned grading contours, elevations, earth work (such as ponds, berms, etc.), slopes, retaining walls, or other grading information required by the Town Engineer.
7. Areas contributing drainage to the proposed subdivision shall be shown on small-scale supplemental drawings. The information to be submitted shall include the area, slope of drainage, time of concentration, rainfall intensity and runoff factors for all contributing areas.
8. The approximate location of all proposed drainage facilities. The location or locations for the discharge of drainage from the proposed subdivision including contributing areas shall be shown together with the quantity of drainage. All drainage must be planned in the best interests of the immediate and adjacent properties.
9. Supplemental information sheets showing the preliminary design calculations for onsite and offsite drainage shall be furnished and attached to the Topography and Drainage Plan. Calculations shall conform to Section 51 of this policy. Areas subject to flooding shall be shown, delineating the 100-year flood limits if applicable.
10. The exact location, dimensions, description, and flow line of existing drainage structures and the location, flow line and flood plain of existing watercourses within the subdivision or contiguous tracts.
11. The width of drainage and other easements shall be shown.
12. A preliminary erosion and sedimentation plan shall be provided.
13. The responsible entity for the operation and maintenance of any building, park, equipment, pools, plantings, common areas or other legal interests if it is proposed that they are to be shared by owners of the real property within the subdivision.
14. Additional easement or right-of-way requirements.

23.6 Sheet No. 3 – Preliminary Water and Sewerage Plan

1. May be prepared from Sheet No. 1, but should also include topographical contours at the intervals specified for Sheet No. 2.

2. Existing sewers, water mains, gas mains, electric and telephone lines, culverts, or other underground structures or utilities within the tract and immediately adjacent thereto with pipe sizes, grades, and locations indicated. In the event water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and size of the nearest ones, showing invert elevation of sewers.
3. Size and location of all proposed water distribution mains including valves and fire hydrants.
4. The size and location of all proposed sewer mains including manholes. Preliminary grades for each main between manholes and the depth at each manhole shall be shown. Preliminary sewer plans are required to determine location of easements.
5. In the event water mains and sewers are not on or adjacent to the tract, provide a plan at a larger scale showing manholes that will be connected to the sewerage system. Indicate the direction and distance to, and size of the nearest ones, showing invert elevation of sewers.

23.7 Protective Covenants

A copy of all existing protective covenants regulating the use of land or the construction of improvements shall be submitted with the Preliminary Plat. A preliminary draft or outline of protective covenants may be attached, as proposed by the Subdivider, to regulate land use in the subdivision and otherwise protect the proposed development.

Section 24. Processing Preliminary Plat

- 24.1** No Preliminary Plat or Replat shall be accepted for processing if it is determined to be administratively incomplete by the City Staff or designee. The application and fees shall be returned to the applicant until the application is complete. **Rev. 07-14-03**
- 24.2** The Town Engineer shall make preliminary review comments to the Planning and Zoning Commission.
- 24.3** No Preliminary Plat or Preliminary Replat shall be approved unless it is shown to be in compliance with the Comprehensive Plan.
- 24.4** The Planning & Zoning Clerk shall collect the prescribed fees for the Town prior to checking the preliminary data as to its conformity with the Town master plan, major street plan, zoning district regulations and the completeness of the information **Rev. 07-14-03**
- 24.5** Three (3) copies of the preliminary data shall be submitted to the City Staff for the Town, at least 15 days prior to the date on which formal application to the Planning and Zoning Commission is anticipated, and shall be checked for conformity with the standards and specifications contained or referred to herein. **Rev. 07-14-03**
- 24.6** The Town Engineer or his designee shall provide the Developer any suggestions as to

modifications, additions or alterations of the proposed Preliminary Plat for streets, drainage, water, and sewer.

- 24.7** The preliminary plat shall be considered filed on the date that the Planning and Zoning Commission considers the plat at its official meeting. The planning and zoning Commission shall recommend approval, conditional approval, or disapproval of the preliminary plat. **Rev. 07-14-03**
- 24.8** The Town Council shall grant approval, conditional approval or disapproval of the Preliminary Plat.
- 24.9** If a Preliminary Plat is approved by the Town Council subject to certain conditions, three (3) copies of a revised Preliminary Plat reflecting those conditions shall be submitted to the Town Engineer or designee within thirty (30) days after approval or the approval lapses unless the applicant demonstrates good cause for delay in submitting the revised Preliminary Plat.
- 24.10** Approval of a preliminary plat by the Council shall be deemed an expression of approval of the layout submitted on the preliminary drawings as a guide to the installation of streets, water, sewer and other required improvements and utilities and to the preparation of the final or record plat. Approval of the Preliminary Plat does not constitute acceptance of the subdivision, but is merely an authorization to proceed with preparation of the Final Plat for record.
- 24.11** Approval or conditional approval of a preliminary plat by the Town Council shall be valid for a period of twelve (12) months from the date of approval. Failure to prepare a final plat and have it recorded in accordance with the provisions of this Ordinance within twelve (12) months from the date of preliminary plat approval shall result in the expiration of the previous approval. The one (1) year period for Final Plat submission may be extended up to one additional year upon a majority vote of the Town Council if a developer demonstrates good cause why the authorization should continue. The Preliminary Plat extends authorization of the remaining portion of the Preliminary Plat by an additional one (1) years from filing of the latest Final Plat.
- 24.12** No construction, including grading, shall be commenced on the subdivision prior to acceptance of the final plat and an Notice to proceed is issued by the Town Engineer.
- 24.13** Any expenses of the Planning Consultant shall be the responsibility of the Developer/Subdivider. **Added 07-14-03**

PART V--FINAL PLAT AND CONSTRUCTION PLANS

Section 25. General

- 25.1** No subdivision of land shall be permitted without proper submittal, approval and adoption of a final plat prepared by a Surveyor and approval of construction plans and specifications for improvements prepared by an Engineer in accordance with this Ordinance.

- 25.2** All final plats must first be preceded by properly prepared and approved Preliminary Plats.

Section 26. Application and Copies Required

- 26.1** Twenty (20) blue-line prints of the final plat (on 18-inch by 24-inch sheets), and three (3) sets of construction plans and specifications (on 24-inch by 36-inch sheets), and other required data, shall be submitted to the Town Engineer at least 20 consecutive calendar days prior to the meeting of the Planning and Zoning Commission at which such plat is to be considered. No plat will be considered by the Town until the prescribed filing fees have been paid and it is administratively correct. **Rev. 07-14-03**
- 26.2** If requested by the Subdivider and approved by the Commission, a final plat may be only a portion (or phase) of the approved Preliminary Plat. Such a portion or phase shall conform to all the requirements of this Ordinance. If final plats are submitted for approval by phase or section of the overall subdivision, each phase or section shall carry the name of the entire subdivision, but shall bear a distinguishing phase, number or subtitle. Block letters shall run consecutively throughout the entire subdivision, even though such subdivision might be finally approved in sections.

Section 27. Filing Fee, Tax Certificates, Impact Fees and Pro-Rata

- 27.1** When the final plat is filed with the City Staff for consideration and approval, it shall be accompanied by a filing fee as established by the Town Council. The payment of the final plat fee shall constitute formal request for final plat approval.
- 27.2** The final plat shall be accompanied by certificates from the Town, School District and County Tax Offices showing that all Town, School District and County taxes on the land being subdivided have been paid to the current year. All impact fees, assessments and applicable pro-rata charges will be paid to the Town Engineer prior to authorization to commence construction.

Section 28. Engineering and Inspection Fees

- 28.1** A fee of five (5%) percent of the estimated construction costs for all public improvements (streets, drainage, water and sewerage) shall be assessed for review of engineering plans and inspection fees. These estimated construction costs shall be approved by the Town Engineer. This five (5%) percent fee shall be composed of a two (2%) percent engineering plan review fee and a three (3%) percent inspection fee. The engineering plan review fee shall be paid upon submittal of the engineering plans and specifications. The inspection fee shall be paid prior to authorization to proceed with construction.

The initial testing of materials or construction items (as required) is the responsibility and obligation of the developer's contractor. When additional tests of material or construction items are ordered by the Town beyond those designated in the technical specifications to be furnished by the contractor, the first of such additional tests will be paid for by the Town. Should that test indicate that the material or construction does not satisfy the minimum requirements of the Town, then the costs of all additional tests on the same or

replaced or corrected materials or construction shall be paid for by the subdivider. All tests shall be performed by an independent engineer or laboratory approved by the Town.

- 28.2** No Subdivision will be approved for construction to begin until all fees have been paid to the Town. No building permits will be issued by the Town until all cost for additional tests have been paid to the Town.

Section 29. Form and Content of Final Plat

- 29.1** The final plat shall conform to the Preliminary Plat as conditionally approved by the Town Council incorporating any and all changes, modifications, alterations, corrections and conditions imposed by the Commission and Council.
- 29.2** The final plat shall be drawn in permanent ink on quality reproducible sheets not larger than 18 inches by 24 inches and a margin not less than one and one-half (1 ½) inches on the left side of the sheet, and one-half (1/2) inch on other sides. The plat shall be drawn at a scale of not more than 100 feet to one inch, unless otherwise approved by the Town Engineer. Where more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at appropriate scale shall be attached to the plat.
- 29.3** The final plat shall comply in all respects with the approved Preliminary Plat for a Major Subdivision or the approved Preliminary Plat for a Minor Subdivision, Replat or Short Form Plat. The applicant shall submit the Final Plat drawn by a licensed surveyor and shall include the following: **Rev. 07-14-03.**
1. A blank 3-inch by 3-inch block shall be provided at the lower right hand corner of each sheet for the recording stamp by the Denton County Clerk.
 2. Name and address of the subdivider, owner of record, and surveyor.
 3. The signature of the owner on the final plat, or a notarized statement from the owner, authorizing the applicant to submit a final plat on the property.
 4. Proposed name under which the subdivision is to be recorded. All subdivisions shall be named and the name approved by the Town before the Final Plat is submitted. No name shall be a duplication, either in part or in whole or be similar in spelling or pronunciation to the name of any other subdivision with the Town or within any distance outside the Town, which might result in confusion to operators of emergency vehicles. The name of the subdivider may be incorporated in the subdivision names. Whenever possible the name shall be in keeping with the geographical location, the natural features, and/or the historical significance of the area. Final acceptance and approval of the subdivision name shall be by the Town Council.
 5. Name of contiguous subdivisions, location of contiguous lots, and indication of whether contiguous properties are platted and filed of record.
 6. The tract designation and other description according to the real estate records of the county.

7. 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. Elevation data shall show at least two (2) benchmarks. Such primary control points shall be either a Town recorded monument or a USGS monument, if such monument is within 2,000 feet of the proposed subdivision. The point of beginning for land in a subdivision described by metes and bounds should be clearly defined on the plat, and any plat shall be clearly related to the survey, tract, or subdivision of which it is a part. All distances shown on the final plat shall be horizontal ground lengths.
8. A location map of the proposed subdivision showing existing and proposed streets and thoroughfares covering an area of at least one (1) mile outside the proposed subdivision.
9. Subdivision boundary lines of the total area proposed for subdivision and the computed acreage of the total area.
10. Bearing and length of each boundary line shall be shown and description by metes and bounds of the subdivision perimeter shall be placed on the plat.
11. The location, dimensions, and name (if applicable) of all existing or recorded streets, alleys, reservations, public or private easements or other public rights-of-way within the proposed subdivision, intersecting or contiguous with its boundaries or forming such boundaries. All existing or recorded residential lots, parks, public areas, permanent structures within or contiguous with the proposed subdivision shall be shown.
12. The location, dimensions, rights-of-way, and names, of all proposed streets according to current adopted Town policies. When curved streets are proposed, the radius of the curve shall be shown.
13. Each proposed street, within the subdivision area, shall be named and shall conform with names of any existing street of which they may be or become extensions. Extensions of existing streets or roads shall use the name already established. All streets shall be named and the name approved by the Town before the Final Plat is submitted. No name shall be a duplication, either in part or in whole, or be similar in spelling or pronunciation to, the name of any other street within the Town or within any distance outside the Town, which might result in confusion to emergency vehicles. No street shall be named for a living person, but may be named for a person of historical significance, especially within the immediate area. Whenever possible the name shall be in keeping with the geographical location, the natural features, and/or the historical significance of the area. Final acceptance and approval of street names shall be by the Town Council.
14. The location of existing and proposed public utilities and utility easements.

15. The location of existing and proposed drainage structures, storm drainage easements and improvements.
16. The location of proposed blocks, lots, and other sites within the proposed subdivision.
17. A number shall be used to identify each lot, site or block.
18. The specific size of each lot, in acres, and outside dimensions, in feet.
19. Front building setback lines on all lots and sites. Second front yard building setback lines at street intersection. For lots facing on curved streets the chord width of the lot at the front building setback line shall be shown.
20. Location of Town limits line and the outer border of the Town's extraterritorial jurisdiction, if they traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary.
21. The date of preparation, and date of latest revision.
22. The location of all existing pipeline easements and information concerning the size of the pipe, type of product being transported.
23. The name of the registered Surveyor or Engineer responsible for preparing the plat.
24. A list of the proposed restrictive covenants, conditions, and limitations to govern the nature and use of the property being subdivided. Deed restriction for the subdivision may be shown on the plat or on 8 ½ x 11-inch paper attached as a supplement of the plat.
25. A North Point arrow.
26. Data specifying the gross area of the subdivision, the proposed number of residential lots and area thereof, and the area in parks and in other non-residential uses.
27. All land intended to be dedicated for public use or reserved in the deeds for the use of purchasers or owners of lots in the proposed subdivision, together with the purpose of conditions or limitations of such dedications, if any.
28. Owner's acknowledgement and dedications. (See sample below.)
(SAMPLE OWNER'S ACKNOWLEDGEMENT AND DEDICATION)

STATE OF TEXAS	§	OWNER'S
		ACKNOWLEDGEMENT AND
COUNTY OF DENTON	§	DEDICATION

33. Metes and bounds description including total acreage according to County Deed Records.
34. For a phased development the dedication shall be only for the section approved.
35. Public open space easements (P.O.S.E.) shall be indicated on all lots adjoining two (2) intersecting public streets and shall have a minimum dimension of thirty-five feet (35') along each portion adjacent to a public street right-of-way. Public open space easements (P.O.S.E.) shall be indicated on all lots adjoining one (1) public street and an alley and/or an approved private street and shall have a minimum dimension of twenty feet (20') along the portion adjacent to a public street right-of-way and twenty feet (20') along the portion adjacent to an alley and/or approved private street.

The following full statement of restrictions shall be placed in the dedication instrument or on the face of the plat.

“Public Open Space Restriction:

No structure, object, or plant of any type may obstruct vision from a height of twenty-four (24) inches to a height of eleven (11) feet above the top of the curb, including, but not limited to buildings, fences, walks, signs, trees, shrubs, cars, trucks, etc., in the public open space easement as shown on this plat. These open space easements will remain in effect until vacated by ordinance adopted by the Town Council of Ponder and the property replatted.

36. The following full statement of restrictions shall be placed in the dedication instrument:

“Utility Easements

Any public utility, including the Town of Ponder, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growth or improvements which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easement shown on the plat; and any public utility, including the Town of Ponder, 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 receptive systems without the necessity of at any time of procuring the permission of anyone.”

37. 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 Town of Ponder 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 Emergency 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 flood elevation.

The existing creeks, lakes, reservoirs, or drainage channel 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 Town of Ponder 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 Town 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, are subject to storm water overflow and natural bank erosion to an extent that cannot be definitely defined. The Town of Ponder shall not be liable for damages of any nature resulting from the occurrence of these natural phenomena, nor resulting from a failure of any structure(s) within the natural drainage channels. The natural drainage channel crossing each lot is shown by the floodplain easement line as shown on the plat.”

Section 30. Form and Content of Construction Plans and Calculations

- 30.1** All improvements shall be designed in accordance with the specific “Design Provisions” detailed in this Ordinance.
- 30.2** Three (3) copies of complete plans, specifications, engineering calculations, and detailed cost estimates, for streets, drainage, sanitary sewers, water distribution, and any other improvements to be performed, with the Engineer's seal affixed, are required for submission with the final filing plat. Before the final filing plat can be approved by the Town Council, and filed for record by the Town, the information must be submitted to the Town Engineer and approved by the Planning & Zoning Commission and Town Council.
Rev. 07-14-03.
- 30.3** Each plan shall show the seal and signature of the registered professional Engineer who prepared the plan. The subdivider shall retain a registered civil Engineer, licensed to practice in the State of Texas, for all design in new subdivisions or developments, including streets, storm drains, water and sanitary sewers.
- 30.4** Upon approval of the plans, the Developer shall furnish two (2) sets of final approved plans to the Town Secretary or designee for use in preparing the Subdivider's Agreement.
- 30.5** The Developer's Engineer shall provide a projection of probable cost for all required public improvements to the Town Engineer for approval.

30.6 Paving Plans

1. A plan and profile of each street showing the existing ground line, the centerline and the top of curb grade line and proposed ground line at the right and left right-of-way line. Each sheet shall include north point, scale, and date and benchmark description to sea level datum. Scales shall be 1 inch equal 40 or 50 feet horizontally and 1 inch equal 4, 5, or 10 feet vertically unless otherwise approved by the Town Engineer. The typical cross-section of proposed streets showing the width of roadways and type of pavement and location and width of sidewalk shall be shown. The Town Engineer may require cross-sections at 50-foot intervals along the centerline to assist in evaluating the roadway design. Each plan shall show the seal and signature of the registered professional civil engineer who prepared the plans.
2. Construction details of all structures and appurtenances including dimensions, reinforcing, and components such as grate and manhole covers shall be shown or referenced in the case where they are standard Town of Ponder Construction Details. The proposed curb and gutter type and location in relation to the center line and right-of-way, the proposed sidewalk dimension and the proposed parkway grading shall be shown on street plans. This information shall be given for each of the different types of streets and alleys in the subdivision. Soils test by an approved soil testing laboratory shall be submitted with the plans to determine the limits and amount of lime or cement stabilization required.
3. The plans shall include the alignment of each street, alley, crosswalk and drainage and any other easement, and a beginning and end station of the point of intersection of each curve. The station and angle of each intersection with another street, alley, or drainage easement, the station and radius of each curb return, the location of all monuments and the length, width, thickness of base, sub-grade and surface material of each street.
4. The plans shall also include the location, description and elevation of all benchmarks, the direction of storm drainage flow at each intersection, the flow line elevation of each drainage structure, the flow line elevation of each storm sewer at each point of change of grade and each end and the intervening gradient, the profiles of streets, alleys, and drainage structures shall show the natural ground at adjacent property lines and the proposed center line.
5. The applicant shall also submit an Engineering Report that includes all calculations and assumptions used in the design of the proposed improvements.
6. Cost projections shall be prepared using quantities shown on the construction plans and recent unit prices from bids on similar projects. Reasonable contingencies should be included to cover uncertainty in the projection. Actual bids supported by bid and performance bonds may be used in lieu of projections of probable cost.
7. Upon approval of the construction plans, specifications and projections of probable cost by the Town Engineer; approval of the contract documents, bonds

and financial assurance; acquisition of all necessary off-site easements, and upon receipt of the inspection fees, the Town shall issue a written notice to proceed for the construction of public works improvements.

30.7 Sanitary Sewer and Water Plans

1. A plan and profile of proposed sanitary sewers, with grades and pipe sizes indicated and showing locations of manholes, cleanouts, etc., in conformance with the criteria as shown in the part of the Ordinance listed as "Design Provisions". Each plan 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 benchmark description to sea level datum.
2. Existing sewers, water mains, gas mains, electric and telephone lines, culverts, or other underground structures or utilities within the tract and immediately adjacent thereto with pipe sizes, grades, and locations indicated.
3. Each sheet shall indicate the direction and distance to, and size of the nearest water mains and sewers in the event they are not on or adjacent to the tract, showing invert elevation of sewers, if any.
4. A plan and profile of the proposed water distribution system showing pipe sizes and location of valves, fire hydrants, and fittings and other facilities. A profile is required for all water lines twelve (12) inches in diameter and larger. Each sheet shall include north point, scale, date, and benchmark description to sea level datum.

30.9 Storm Drainage Plans

Upon approval of the preliminary drainage study, the Developer shall submit detailed plans, specifications and cost projections prepared by a registered Professional Engineer registered in the State of Texas and experienced in municipal drainage work. Existing and proposed flow lines of all improvements shall be shown. Unless otherwise specified herein, drainage requirements shall be based on the Denton County Drainage Design Criteria. The Hydraulic Manual prepared and compiled by the Texas Department of Transportation Bridge Division, with current revisions, may be used in cases not covered by the Denton County Drainage Design Criteria. Plans shall include:

1. A plan and profile of proposed storm sewers or channels, showing hydraulic grade line, pipe grades and sizes, manholes, inlets, pipe connections, outlet structures, etc., in conformance with the criteria as shown in the part of the Ordinance listed as "Design Provisions". Each plan shall show the seal and signature of the registered professional civil engineer who prepared the plans. Each sheet shall include north arrow, scale, date, and benchmark description to sea level datum.
2. A general location map of the subdivision showing the entire watershed (a 7-1/2 minute U.S.G.S. quadrangle is satisfactory).

3. Calculations showing the anticipated storm water flow, including watershed area, runoff factor, rainfall intensity and time of concentrations shall be submitted showing basis for design.
4. Detailed plans showing plan and profile shall be submitted for any bridges, culverts, catch basins, any other drainage structures, or any other improvements to be made.
5. All street width and grades shall be indicated on the plan, and run-off figures shall be indicated on the outlet and inlet side of all drainage ditches and storm sewers, and at all points in the street at changes of grade or where the water enters another street or storm sewer or drainage ditch. Drainage easements shall be indicated.
6. When a drainage ditch, culvert, channel or storm sewer is proposed, hydraulic calculations including flow routes and rates for the design storm shall be submitted showing the basis for design.
7. When a drainage channel or storm sewer is proposed, complete plans, profiles and specifications shall be submitted showing complete construction details. Scales shall be 1 inch equal to 40 or 50 feet horizontally and 1 inch equal 4, 5, or 10 feet vertically or other as approved by the Town Engineer.
8. A site grading plan shall be submitted depicting the final grading contour elevations, earthwork, slopes, retaining walls, minimum finished floor elevations of all structures, and any other information considered necessary by the Engineer for the Town at a scale of 1" = 100' minimum.
9. Prior to construction, a copy of the developer's Storm water Pollution Prevention Plan and erosion control plan shall be submitted for review.

30.10 Traffic Safety Plan

The Developer's Engineer shall submit traffic safety plan for use during construction in accordance with the Texas Manual on Uniform Traffic Control Devices or Texas Department of Transportation standards.

30.11 Other Utilities

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

30.12 Design Summary

A separate document or report entitled Engineering Design Summary shall be submitted with final plans and specifications if requested by the Town Engineer and shall summarize calculations and such other engineering information pertaining to the major items of design

significance as may be necessary in the Town Engineer's review of the plans and specifications to determine whether the facilities proposed for construction have been designed in accordance with the intent of the "Design Provisions" of this Ordinance. Calculations should include drainage facilities, water demand, sewage flows, and any others that are considered necessary by the Town.

Section 31. Form and Content of Contract Specifications

31.1 Standard Specifications for Public Works Construction

The Town of Ponder, Texas, herein has adopted the Standard Specifications for Public Works Construction (Third Edition, 1998, as amended) as published by the North Central Texas Council of Governments (NCTCOG), the Town of Ponder Public Works Installation Guide and Construction Details, plus any local amendments adopted by the Town of Ponder, for use in public works or facilities construction within the Town of Ponder and its extraterritorial jurisdiction. These specifications are adopted in their entirety except as amended in the local amendments that are included in the Ponder Public Works Installation Guide. Where there is a conflict, the Public Works Installation Guide shall govern. All builders, developers, and contractors are to utilize said specifications in the construction of any public facilities or projects which are anticipated to be dedicated to, accepted by, or utilized by the public within the Town of Ponder and its extraterritorial jurisdiction. To the extent that any of the provisions of these standard specifications are in conflict with any other Town ordinances, the most restrictive or exacting standard shall apply.

31.2 Standard Details

Standard details do not need to be included in the drawings. All plans should reference applicable details when and where they are used and should be called out on the drawing. If a detail used for construction varies from the City's Public Works Construction Details, the revised detail shall be included in the construction plans.

Section 32 Processing of Final Plat and Construction Plans

32.1 No Final Plat or Replat shall be accepted for processing if it is determined to be administratively incomplete by the Town Engineer or designee. The application and fees shall be returned to the applicant until the application is complete.

32.2 Upon receipt of the final plat with construction plans and the required filing fees, the Town Engineer or designated subordinate shall check the plat as to its conformity with the Town's Comprehensive Plan, Land Use Plan, zoning districts, lot size requirements, subdivision and street names and other applicable Town standards.

32.3 The Town Engineer shall check two (2) copies of the final plat and construction plans for conformity with applicable engineering standards and specifications set forth herein, as well as with generally accepted engineering principles when not covered specifically herein. The Town Engineer will meet with the developer to provide his suggestions as to modifications, additions, alterations, or other matters pertinent to the plat.

- 32.4** At the scheduled Planning and Zoning Commission meeting, the Planning and Zoning Commission shall act on the plat. The Planning & Zoning Commission shall make a recommendation for approval or disapproval of the final plat and plans. Failure to act within thirty (30) days shall be deemed approval of the final plat and plans. **Rev.07-14-03.**
- 32.5** The recommendations of the Planning & Zoning Commissions shall be considered for final action at the next scheduled meeting of the Town Council. The Town shall either approve or disapprove any such final plat and plans within thirty (30) days of approval or disapproval by the Commission. The plat is considered approved by the Town Council unless it is disapproved within thirty (30) days after the date of recommendation by the Planning and Zoning Commission. **Rev. 07-14-03**
- 32.6** If the final plat is disapproved, the Council shall, upon request of the Subdivider, state in writing its reasons for disapproval of the final plat. Disapproval action taken by the Town Council shall be final, regardless of the previous approval action by the Planning and Zoning Commission. Approval action taken by the Town Council shall be final, regardless of the previous disapproval action taken by the Planning and Zoning Commission.
- 32.7** If the final plat is approved, the Town Engineer shall have the approval certificate on the plat executed by the Mayor and attested by the Town Secretary, contingent to the developer paying all inspection fees, impact fees, assessment charges and pro-rata charges.
- 32.8** After the final plat and plans have been approved by the Town Council, but before construction of water, sewer, street or drainage improvements are started, the Subdivider shall furnish the Town with three (3) sets of the completed detailed plans and specifications. **Rev. 07-14-03**
- 32.9** Lot markers shall be iron pins not less than one-half inch (1/2) in diameter and no less than eighteen inches (18) long and shall be set flush with the ground at each lot corner. Block corners shall be set prior to construction of public facilities and fence corners shall be set prior to the issuance of any building permits. Elevation benchmarks shall be set as required by the Town Engineer.
- 32.10** The final plat shall be recorded by the City Staff or designee in the office of the County Clerk within ten (10) days from and after the date of final engineering plan approval and final acceptance by the Town Council. **Rev. 07-14-03.**
- 32.11** Upon filing the plat in the County Records, the City Staff or designee shall have two (2) photostatic copies made by the County Recording Clerk on standard 18 inch by 24 inch sheets showing the Volume and Page where filed. One (1) copy will be placed in the permanent plat record book at the Town Hall and the other will be furnished to the Planning and Zoning Director. **Rev. 07-14-03**
- 32.12** The final plat shall be accompanied by certificates from the Town, School District and County Tax Collectors showing that all Town, School District and County taxes on the

land being subdivided have been paid to the current year. All impact fees, assessments and applicable pro-rata charges shall be paid to the City Staff or designee or designee prior to issuance of a Notice to Proceed to commence construction by the Town Engineer. **Rev. 07-14-03**

Section 33 Monuments, Benchmarks And Erosion Control

- 33.1** The boundaries of any subdivision presented for review and filing shall be monumented and such monuments shall be duly noted on said plat and within the accompanying dedication instrument according to Rule 663.11 of the Texas Board of Land Surveying (Certification and Monumentation of Surveys). In no case shall a boundary course of said subdivision be monumented in intervals greater than 1,300 feet.
- 33.2** Subsequent to installation of utilities and pavements, monuments shall be established in the street centerline intersections and at the center of each cul-de-sac in accordance with Board of Land Surveying Rule 663.11 by the platting surveyor under the sponsorship of the developer.
- 33.3** All monuments shall be installed in accordance with the Town of Ponder Construction Details.
- 33.4** A minimum of three (3) elevation benchmarks shall be installed in all major subdivisions reflecting elevation using North American Datum of 1983 and the National Geodetic Vertical Datum of 1983. The Town Engineer may require the installation of additional benchmarks in unusually large or complex sites.

33.5 Erosion And Sedimentation Control

All construction projects shall include temporary erosion and sedimentation controls in accordance with Item 3.12 of the Standard Specifications and Storm Water Quality Best Management Practices for Construction Activities published by the North Central Texas Council of Governments. Storm Water Pollution Prevention Plans shall be submitted for approval by the Town Engineer prior to approval of construction projects.

PART VI - SUBDIVIDER'S AGREEMENT, FINANCIAL ASSURANCE AND CONSTRUCTION CONTRACTS FOR PUBLIC IMPROVEMENTS

SECTION 34 PROCEDURES

34.1 CONTRACT REQUIRED

The owner shall be required to execute a Subdivider's Agreement as a condition of plat approval whenever the installation of community facilities or public improvements is required. The Town Attorney shall prepare the Subdivider's Agreement after the final engineering plans and cost estimates have been approved. Samples of Subdivider's Agreements and Bond Instruments are available upon request.

34.2 APPROVAL OF CONTRACT

1. After the contract has been signed by the developer and the required performance bond, payment bond, surety, or irrevocable letters of credit, and maintenance bonds meeting the requirements of Article 5160, Tex.Rev.Civ.Stat.Ann. have been posted with the Town, the Town Engineer or designee shall forward the Subdivider's Agreement to the Town Attorney for review and approval.
2. The Mayor shall review and sign the contract on behalf of the Town after receiving comments of the Town Attorney and upon approval by the Town Council.
3. If any special provisions or deviations from established policies are included in the contract, specific approval of only the special provisions or deviations by the Town Council is required.
4. No construction work shall begin on the subdivision before the Subdivider's Agreement is approved and signed by the Mayor. This provision shall preclude the moving of dirt except in conditions covered in other development regulations.
5. The Town will use its best effort to expedite all necessary instruments and documents within the Town administration.

34.3 Changes In Contract

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

Section 35. Public Construction Contract Requirements

For projects where the Town of Ponder will act as owner, plans and specifications shall be prepared by the Town Engineer (or under the direction of the Town Engineer) and bid according to requirements of the Texas Local Government Code. The developer shall be required to pay a cash deposit to cover the work in accordance with the terms of the Developers Agreement. Contractors will be required to provide performance bonds, payment bonds, insurance and a two-year maintenance bond in accordance with Town requirements.

- 35.1 Payment Bond and Performance Bond:** The Contractor will be required to make a payment bond and a performance bond of not less than one hundred percent (100%) of the contract price, conditioned upon the faithful performance of the contract and upon payment of all persons supplying the labor or furnishing the materials used on this project. Bond made out jointly to the Town of Ponder and the Owner/Developer.

- 35.2 Maintenance Bond:** The contractor will be required to make a Maintenance bond of not less than one hundred percent (100%) of the contract price conditioned upon the maintenance of and the repairs to the construction under this contract for a period of two (2) year from the date of acceptance of the project.
- 35.3 Financial Statement:** A current certified financial statement from the contractor may be required by the Town and/or Owner if required for use in determining the successful bidder. This statement, if required, is to be prepared by an independent certified public accountant or independent public accountant holding a valid permit issued by an appropriate State Licensing Agency.
- 35.4 State Sales Tax:** Contracts for the improvement of streets, storm sewers, and utilities in right-of-way which has been dedicated to the Public and the Town of Ponder, an organization which qualifies for exemption pursuant to the provisions of Article 20.04(F) of the Texas Limited Sales, Excise and Use Tax Act. The Contractor performing this contract can probably purchase, rent or lease all material, supplies, and equipment used or consumed in the performance of this contract by issuing to his supplier an exemption certificate in lieu of the tax, said exemption certificate complying with State Comptroller's ruling #95-0.07. Any such exemption certificate issued by the Contractor in lieu of the tax shall be subject to the provisions of the State Comptroller's ruling #95-0.09 as amended.
- 35.5 Insurance:** Prior to commencing the work, the Contractor shall furnish to the Town of Ponder and/or Owner proof of satisfactory carriage of insurance in accordance with the North Central Texas Council of Governments' Standard Specification for Public Works Construction.
- 35.6 Indemnification:** The Contractor agrees to fully indemnify and save whole and harmless, the Town and/or Owners of the units and lots abutting the units in this contract, from all costs or damages arising out of any real or asserted claim or cause of action against it of whatsoever kind of character and in addition from any and all costs or damages arising out of any wrongs, injuries, demands or suits for damages, either real or asserted, claimed against it that may be occasioned by any act, omission, neglect or misconduct of the said Contractor, his agents, servants, and employees. The Contractor further agrees to comply with all applicable laws, regulations, ordinances, buildings, and construction codes of the Town of Ponder and the State of Texas, and with any regulations for the protection of workers which may be promulgated by the government, and shall protect such work with all necessary lights, barriers, safeguards, and warnings as are provided for in said specifications and in the ordinances and regulations of said Town.
- 35.7 Bids Using Town Funds:** Projects funded in part by the Town will require a formal Advertisement of Bids in accordance with the laws of the State of Texas (Local Government Code Section 252). Request for Bids shall be published once a week in the official newspaper for two consecutive weeks prior to the bid opening. Documentation of Published Advertisement by a certified publisher's statement, listing the dates published with an attached copy of the published Advertisement will be required prior to bid opening. Documentation of Bid Advertisement shall be delivered to the Town Secretary five (5) days prior to bid opening. Notice of Bid Advertisement shall also be posted within Town Hall three (3) days prior to bid opening.

All bids will be opened at Town Hall at the designated time in the presence of the Town Secretary.

- 35.8 Contract Forms:** Bid Form and Contractual Provisions may be obtained by contacting the Town Secretary at Town Hall.

SECTION 36 Private Developer Construction Contract Requirements

In lieu of paying cash to fund a Town project, the developer may enter a private contract to complete the required public improvements. The developer/contractor will be required to provide the Town the following sureties:

- 36.1** Since the developer is providing a financial assurance surety to cover performance under Section 36, a separate performance and payment bond is not required from the contractor. However, it may be in the developer's best interests to require those from his/her contractors since the Town will not release the financial assurance until work is complete and a release of lien is provided by subcontractors.
- 36.2** The contractor will be required to provide a Maintenance Bond in accordance with Section 35.2.

Section 37. Bonds:

37.1 Performance Bonds

Performance bonds, sureties or irrevocable letters of credit in forms provided by the Town Attorney meeting the requirements of Article 5160, Tex.Rev.Civ.Stat.Ann shall be required for any required public improvements or community facilities prior to the filing of the Final Plat and issuing of any building permits. Bonds, irrevocable letters of credit, certificates of deposit or cash deposits will be for 100% of the value, as determined by the Town Engineer, of the construction costs of all facilities to be constructed by the developer. Performance bonds, certificates of deposit, letters of credit or cash deposits are required for streets, storm drains, sewer systems and water systems and must be submitted prior to execution of the issuance of building, water, paving, drainage or sewer permits. The bonds should be standard performance bonds as provided by a licensed surety company on forms provided by that surety company; a cash deposit may be made in the Treasury of the Town of Ponder; or a certificate of deposit or letter of credit may be from any financial institution in Denton County which is insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. The Town of Ponder cannot pay interest on any deposit made hereunder in the Treasury of the Town of Ponder. When the option is exercised to provide a certificate of deposit in a financial institution, the following terms and conditions shall apply:

- A. The developer shall execute four copies of a letter assigning the deposit to the Town of Ponder and providing for the Town to withdraw the deposit, if necessary to complete construction. Such letter of assignment must be accepted in writing by the financial institution.

- B. Upon satisfactory completion of the facilities for which the deposit is made as security, the Town of Ponder shall reassign the deposit to the developer, including accrued interest or dividends thereon, upon express order of the Town Engineer.

A cash deposit may be made with the Town in lieu of the performance bond. The cash deposit shall be held by the Town in a regular insured savings account and shall accrue interest at the current regular savings account rate of interest. Interest shall accrue in the account to the benefit of the subdivider and shall be returned to the developer with the cash deposit upon satisfactory completion of the facilities and acceptance by the Town.

A certificate of deposit issued by any financial institution, which is insured by the Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation, shall be held in the Town depository in lieu of the performance bond. When this option is exercised the subdivider shall execute four copies of a letter (approved by the Town) assigning the deposit to the Town and providing for the Town to withdraw the deposit if necessary to complete construction. Such letter of assignment must be accepted in writing by the financial institution. Upon satisfactory completion of the facilities for which the deposit is made as security, the Town of Ponder shall reassign the deposit to the developer including accrued interest or dividends thereon.

When the option is exercised to provide an irrevocable letter of credit from a financial institutional, the form of the letter shall be approved by the Town Attorney. The international letter of credit form used by banks is normally acceptable.

37.2 Maintenance Bond:

The developer shall provide a maintenance bond meeting the requirements of Article 5160, Rev. Tex. Civ. Stat. Ann guaranteeing and agreeing to pay any necessary maintenance for a period of two (2) years in an amount equal to 100 percent of the value of the construction costs of all facilities to be constructed by the developer. The same conditions shall prevail as under Section 37.1 above when certificates of deposit, irrevocable letters of credit or cash deposits are used instead of surety company bonds.

Section 38. Acceptance by Town

- 38.1** All work performed in construction, reconstruction, cutting and repairing of streets, storm sewer and other public improvements shall be subject to the approval of the Town Engineer, whose decision shall be final.
- 38.2** The Town shall not release the obligations of any financial assurance, including performance bonds, until the improvements have been approved and accepted by the Town. The Developer is strongly urged to withhold final payment to the Contractor until such acceptance occurs, since the Town shall hold the Developer responsible for completion of the project. The Town shall not approve or arbitrate quantities for which payment is to be based.
- 38.3** Acceptance by the Town shall be in the form of a letter from the Town Engineer or other authorized Town Official to the Subdivider stating that inspections were conducted as the

facilities were completed in accordance with specifications and standards provided for herein or approved by the Town Council at the time the final plat was approved for said subdivision. The developer shall instruct his engineer to prepare one set of reproducible prints (Mylar's) marked "As-Built" and dated the final date of acceptance. The construction plans shall note as-built conditions and shall be accompanied by a letter under the seal of the developer's registered professional engineer that the drawings are an accurate record of constructed items built in place.

Section 39. Issuance of Building Permits

39.1 No building permit, water, sewer, plumbing or electrical permit or service shall be issued or allowed to a subdivider, owner, or any other person with respect to any property in any subdivision covered by this Ordinance until such time as all of the applicable requirements of the Ordinance have been satisfactorily completed and the construction accepted by the Town.

Section 40. Inspections

40.1 All construction, such as street grading, site grading, erosion control measures, street paving, drainage structures, curb and gutter, storm sewers, sanitary sewers, and water mains shall be subject to inspection during the construction period by the Director of Public Works of the Town, and shall be constructed in accordance with the approved engineering plans and the Standard Specifications governing such work.

40.2 Upon completion of construction the Director of Public Works may request the engineer for the Town to make a final inspection of the work and to file a report of the results of such inspection.

40.3 Before work may begin, the Subdivider shall furnish the Town with an inspection fee equal to 3% of the total amount estimated for the project, as agreed to by Town and Developer, including all bonds. 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.

40.4 The Subdivider's contractor shall give at least forty-eight (48) hours notice in writing to the Town of intent to commence actual construction of the facilities in order for inspection personnel to be made available.

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

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

40.7 Laboratory tests required by the Town Inspector shall be performed by approved independent testing laboratories and will be at the discretion of the Town Inspector. Approved laboratories are laboratories that are members of the American Council of

Independent Laboratories and shall comply with standard recommended practice for inspection and testing agencies for concrete, steel, and bituminous materials as used in construction (ASTM Designation E 329.) All costs for laboratory tests shall be borne by the Subdivider or his Contractor.

- 40.8** Should any point not be covered in the plans, or Subdivider's Agreement, the Subdivider shall be required to contact the Town Engineer for a determination as to the Town's requirements.
- 40.9** Any work, which in the opinion of the Town Inspector that does not meet the Town requirements or has not had proper Town inspections, shall be corrected. The Inspector shall notify the contractor and subdivider in writing, of the reasons for requiring the contractor to cease all operations until the defect has been corrected in order to comply with Town requirements and receive proper inspection.

SECTION 41 Deferral Or Waiver Of Required Improvements

- 41.1** The Town Council may defer, reduce, or waive at the time of plat approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not necessarily in the interest of the public health, safety, and general welfare.
- 41.2** Whenever it is deemed necessary by the Town Council to defer the construction of any improvements required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the subdivider shall pay his share of the costs of the future improvements prior to approval and according of the final plat. In lieu of a cash payment, the subdivider may use one of the other improvement guarantees set forth in this ordinance.

SECTION 42 General Construction Requirements

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

- Step 1. Install temporary erosion/sedimentation controls
- Step 2. Rough cut streets
- Step 3. Install utilities
- Step 4. Final grading
- Step 5. Paving
- Step 6. Hydro-mulch, final clean-up.

SECTION 43 Ownership And Maintenance Of Completed Public Facilities

Upon acceptance of completed construction, all street improvements including construction of streets, alleys, thoroughfares, curbs, gutters, sidewalks, storm sewers, and drainage channels

within dedicated right-of-way and easements shall be and remain the property of the Town of Ponder. The Contractor shall be responsible for maintenance of the completed public improvement for a two (2) year period, following acceptance by the Town. After expiration of the two year maintenance period, the improvements shall be maintained by the Town.

SECTION 44 Refund To Developer From Future Connections To Water and/or Sanitary Sewer Systems

44.1 APPLICATION

Upon application and approval by the Town Council, a developer which is required to extend a water or sanitary sewer line past undeveloped property to reach his/her development may receive a refund from any future developer that connects within ten (10) years of the initial construction. The application shall set forth the developer who is to receive the refund. The developer is eligible for refunds equal to, but not greater than, 75 percent of his participation in the sanitary sewer main for a period of ten years after completion of construction.

44.2 DETERMINATION AND APPLICATION OF CONNECTION FEES

The Town Engineer will develop a linear front foot cost for the construction of the water or sanitary sewer main. Any future subdivision or plat that fronts along the affected sanitary sewer main shall be required to pay the calculated front foot cost to the Town as a condition of plat approval. The Town shall then notify the original developer of the availability of the refund. If the funds subject to refund remain uncollected by the developer to whom they are due for more than one year after notification, the funds shall become the property of the Town.

44.3 RECORDS

The Town Secretary or designee shall maintain a record of the project front foot basis determined by Town Engineer, the refund limit, date construction was completed, limits upon which front foot fee may be collected, and the name of the developer entitled to refund.

Part VII--DESIGN PROVISIONS

Section 45. General

45.1 This part of the subdivision ordinance is primarily intended for the use of the Subdivider's Engineer to enable him to design required community facilities which will be acceptable to the Town. There may be special circumstances which would dictate requirements in excess of those outlined; however, in most cases, these exceptions will be apparent to the Subdivider's Engineer while preparing the plans for the subdivision.

Construction Details: Detail Drawing shall establish the standards adopted by this ordinance and made a part hereof. Construction Details for the Town of Ponder dated September 1993 and all revisions from that date shall become an integral part of all construction plans.

45.2 Where specific topographic or other conditions make variance from these standards necessary in order to achieve the best overall design, these standards may be modified by the Council, upon recommendation from the Planning & Zoning Commission.

45.3 There is hereby adopted by reference and made a part of these regulations design standards and specifications which shall be controlling in design, construction and installation of street paving, curbs and gutters, sidewalks, utilities and other public improvements required herein. All references to Town Design Standards and Specifications shall mean and include those standards and specifications, together with all exhibits, charts, drawings and diagrams appertaining thereto, which have been approved by the officials having jurisdiction and placed on file in the offices of said officials. Among these standards are the "Standard Specifications for Public Works Construction", North Central Texas Council of Governments, Latest Edition.

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

45.4 PHYSICAL CONDITIONS

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

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

1. Conformity with Comprehensive Plan: The subdivision shall conform to the Comprehensive Plan of the Town and elements thereof.
2. When a tract is subdivided into larger than normal building lots, such lots shall be so arranged as to permit the logical location and opening of future streets and possible re-subdivision of lots with provision for adequate utility easements and connections.

3. When the plat to be submitted includes only part of the contiguous property owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the un-subdivided portion shall be prepared and submitted by the subdivider.
4. The subdivision plat shall provide for the logical extension of abutting and proposed utilities and drainage easements and improvements in order to provide for system continuity and to promote future development of adjacent areas.
5. Provision for Future Subdivision: If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow the opening of future streets.
6. Reserve Strips Prohibited: There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use.
7. Access to Lots: Each lot shall abut on a dedicated public street or an approved private street.
8. Public Improvements: All public improvements shall be designed and constructed in a manner to meet or exceed the Town of Ponder Specifications.
9. Access to Subdivision: Each subdivision shall be designed to have at least two points of access.

Section 46 Preservation Of Trees And Native Vegetation

- 46.1.** Landscape shall be preserved in its natural state to the greatest extent feasible. Structures, driveways, and parking areas shall be designed and located to fit harmoniously with the natural environment and to minimize the necessity for removing trees, native vegetation, and soil, or the addition of fill. Site clearing, beyond what is necessary to provide locations for structures, driveways, parking, or small yard areas not visible from the street, shall not be permitted.
- 46.2.** The Developer is reminded that the Zoning Ordinance requires landscaping and buffer yards and that sufficient space on each lot should be provided to accommodate these requirements.
- 46.3.** The Developer shall prepare and submit a drawing showing the location and species of each tree with a trunk greater than six inches in diameter measured at a point four-and-one-half feet (4 1/2') above the ground.
- 46.4** The developer shall leave undisturbed native vegetation to the maximum extent feasible. In addition, each tree removed with a trunk greater than or equal to six inches (6") in diameter measured at a point four-and-one-half feet (4 1/2') above the ground must be replaced with comparable mature species with an equal number of caliper inches in appropriate locations to compensate for the loss of such trees.

- 46.5** To preserve the required mandatory areas of natural vegetation landscape from inadvertent damage during construction, a physical barrier shall be erected around the perimeter of these inviolate areas. The barriers will be in place and approved by the Town Inspector before any site clearance can commence. The barrier may consist of a temporary chain link fence, wooden stake (snow) fence, plastic safety fence or other devices as approved by the Town Inspector. Minimum height of all types of barriers is four feet (4'). Barriers shall remain in place until the final building and landscape site inspections are satisfactorily completed for the issuance of the certificate of occupancy. Only after this time can the barriers be removed.

Section 47. Streets and Alleys

47.1 General Requirements

- A. The arrangement, character, extent, width, grade and location of all proposed streets shall be related to existing and planned streets, to topographical conditions, to public convenience and safety, and their appropriate relation to the proposed uses of the land to be served by such streets. Streets shall be extended to the subdivision property lines to provide for future street extensions when appropriate in conformance with an approved preliminary plat and plans.
- B. All streets should be designed to be in line with existing streets in adjoining subdivisions. The proposed street system shall extend all existing major streets and such collector streets up to logical termination according to the preceding criteria. Local access streets are to be extended as may be desirable for public safety and convenience of circulation. Where possible, the width and the horizontal and vertical alignment of extended streets shall be preserved. All streets should be designed to be in line with existing streets in adjoining subdivisions. Street layout shall provide for continuation of collector streets in areas between arterials. Those local streets designated by the Commission shall be extended to the tract boundary to provide future connection with adjoining unplatted lands. In general, these extensions should be at such intervals as necessary to facilitate internal vehicular circulation with adjoining unplatted lands.
- C. Streets shall be named to provide continuity with existing streets.
- D. Streets should be platted to allow two tiers of lots between streets when possible.
- E. The reservation in private ownership of strips of land at the end of proposed or existing streets and intended solely or primarily for the purpose of controlling access to property not included in the subdivision shall be prohibited.
- F. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the Town Council finds it will be practicable to require the

dedication of the other half when the adjoining land is subdivided. The other half of the street shall be platted within the adjacent tract at the time it is platted.

- G. Street layout shall provide for continuation of collector streets in areas between arterials. Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into such un-subdivided areas.
- H. Those local streets designated by the Town Council shall be extended to the tract boundary to provide future connection with adjoining unplatted lands. In general, these extensions should be at such intervals as necessary to facilitate internal vehicular circulation with adjoining unplatted land.
- I. Where single family or duplex uses abut an existing or proposed arterial street, the plat or dedication instrument will provide:
 - 1. Lots to side onto the arterial with a non-access restriction on the arterial side or
 - 2. Reverse frontage with screening and containing a non-access restriction along the rear property line, or
 - 3. Other treatment as may be necessary or required for adequate protection of adjoining properties, and as approved by the Town Council after taking into consideration the proposed method of off-street parking and maneuvering which will prevent the necessity of backing into the arterial street.
- J. The subdivider shall be required to dedicate appropriate right-of-way for all streets required within or abutting said subdivision in accordance with the adopted Town Thoroughfare Plan.
- K. Where a residential subdivision borders on or contains an existing or proposed arterial street, the Town Council shall require that access to such streets be limited where possible by:
 - a. The subdivision of lots so as to back into the primary arterial and front onto a parallel local street with no access from the arterial; or
 - b. Providing a series of cul-de-sacs, U-shaped local streets, or short loops entered from and designed generally at right angles to a parallel street, with the rear lot lines of their terminal lots backing into the arterial street.

Subdivisions serving areas zoned single-family residential land which abut on or contain an existing or proposed thoroughfare or collector street should be designed so that direct vehicular access from any lot to such street is prohibited. The design should provide a minimum number of access points to collector streets.

- L. Streets on Comprehensive Plan: Where a subdivision embraces a street as shown on the Comprehensive Plan of the Town, such street shall be platted in the location and of the width indicated by the Comprehensive Plan.
- M. Perimeter Streets: When land proposed to be subdivided is partially or totally bounded on one or more sides by a street way or thoroughfare having a width of less than that specified in this Section, such land shall be laid out so as to provide street widths specified herein.
- N. Design of Local Streets: Local streets shall be laid out so as to serve only local traffic and to discourage their use by through traffic. Local streets in residential subdivisions shall be designed in a curvilinear manner, except when:
 - 1. In the determination of the Planning and Zoning Commission, the shape or topography of the subdivision, existing zoning or the pattern of the adjacent street would make the provision of such curvilinear streets impractical; or,
 - 2. The subdivision is part of and conforms to an unexpired Preliminary Plat approved prior to the adoption of these Rules, Regulations and Procedures.
- O. Adequate Access: To insure adequate access to each subdivision, there should be at least two (2) planned points of ingress and egress, except for approved cul-de-sacs.
- P. Relation to Lots: All streets should be planned so that all resulting lots shall be sufficient size and shape to conform to applicable zoning regulations.

47.2 Traffic Impact Analysis Required

Fifteen (15) copies of a Traffic Impact Analysis (TIA) shall be required for any development that will generate more than two hundred fifty (250) trips per peak hour using data from the most recent edition of Trip Generation published by the Institute of Transportation Engineers. In general, this includes any development with more than 250 dwelling units or shopping area with more than 50,000 square feet of floor area. Traffic Impact Analysis studies shall be prepared by a qualified traffic engineer using generally accepted techniques. The study shall include, as a minimum:

- A. Analysis of existing traffic levels (some data is available from the Town),
- B. Trip generation and distribution of proposed development
- C. Capacity analysis and Level of Service on affected roadways
- D. Identification of traffic impacts, needs and deficiencies
- E. Recommendations for site access and off-site improvements

As a general policy, the Town of Ponder has adopted the Level-of-Service C as the minimum acceptable congestion level for Ponder roadways.

Review and approval of the Traffic Impact Analysis and any required improvements shall be made by the Town Engineer.

47.3 Street Classifications:

A. Definitions

Street Classification

Functions – Uses

Local street

Distributes traffic to and from residences. Short in length, non-continuous to discourage through-traffic. Low-density residential/single family. A Residential Estate Local Street is suitable for lower density developments (less than one dwelling unit per acre).

Minor Collector

Carries traffic from local streets to arterials. Also may serve local facilities such as schools, churches. Uses served would include medium and high density residential, limited commercial facilities, elementary school, some small offices, and direct access within industrial parks.

Major Collector

Carries heavy traffic to major commercial and industrial facilities from arterials. Uses would include office park, industrial parks, and community level commercial facilities.

Arterial (Major Thoroughfare)

Major traffic carriers. Receives traffic from collectors and distributes to major activity centers. Also feeds through-traffic to freeways. Uses would include high schools, universities, other major educational facilities, concentrations of high-density residential, regional commercial facilities, other concentrated commercial facilities, industrial complexes, and major public facilities such as airports.

47.4 Street Design

A. General Provisions

Design requirements are summarized in Tables 7.1 and 7.2. All residential streets shall have curb and gutter for drainage control, unless otherwise approved by the Town Council. The Planning and Zoning may require curb and gutter for other street classifications. Curb, gutter and paving requirements for street, unless otherwise specified in Standard Specifications for Public Works Construction, shall follow the

Standard Specifications for Public Work Construction (latest edition) of the North Central Texas Council of Governments.

1. Pavement Width

Streets shall be designed to the width required by the Thoroughfare Plan, Tables 7.1 and 7.2 or as may be specified by the Planning and Zoning Commission and Town Council. All pavement widths shall be measured from the face of one curb to the face of the opposite curb. Wider pavement widths shall be provided when required by the Planning and Zoning Commission and Town Council to handle increased or unusual traffic conditions.

2. Street Section

The Town of Ponder's minimum street section for a local residential street or rural collector shall be not less than six inches (6") of lime stabilized sub grade and six inches (6") of HMAC Pavement or five inches (5") of reinforced concrete, with a minimum crown of five inches (5"). The minimum section for collector and thoroughfare streets is six inches (6") of lime or cement-stabilized sub grade and eight inches (8") of HMAC pavement or seven inches (7") reinforced concrete with concrete curb and gutter. As a part of the soils test for determining lime or cement content, a pavement design shall be provided for thoroughfares. Commercial and industrial-use roadways shall have a minimum section of six inches (6") of lime or cement stabilized sub grade and eight inches (8") of HMAC pavement with concrete curb and gutter. A pavement design shall be provided for commercial and industrial use roadways. A parabolic crown shall be provided in accordance with the Town's standard details. A five inch (5") crown is required for a local residential street. Any concrete for street sections shall have a minimum compressive strength of 3000 pounds per square inch (psi). The Town Engineer may require more stringent design requirements in locations of unusual soil or traffic conditions. Any deviations from the typical sections shall require the approval of the Town Engineer.

**TABLE 7.1 TOWN OF PONDER, TEXAS
SUMMARY OF REQUIRED THOROUGHFARE DESIGN STANDARDS
FOR ARTERIALS AND MAJOR COLLECTORS**

	ARTERIALS		MAJOR COLLECTORS	
	DIVIDED	UNDIVIDED	DIVIDED	UNDIVIDED
1. Pavement Width (feet) (Face to face)	72	72	48	48
2. Pavement Section				
a. Stabilized sub grade (inches)	6	6	6	6
b. Asphalt/Concrete pavement (ins)	8/7	8/7	8/7	8/7
3. Number of Traffic Lanes	6	6	4	4
4. Lane widths (feet)	12	12	12	12
5. Right-of-way width (feet)	100-120	110	90	90
6. Vehicle Capacity Policy (Vehicles/hr; vehicles/day)	2700; 30,000	2100; 23,000	1400; 16,000	1266; 12,600
7. Design speed (mph)	45	40	40	40
8. Minimum grade (%)	0.5	0.5	0.5	0.5
9. Maximum grade (%)	7	7	7	7
10. Minimum Centerline Radius (feet)	750	750	500	500
11. Stopping Sight Distance (feet)	275	275	275	250
12. Minimum Median Width (feet)	16	n/a	14	n/a
13. Minimum Spacing Median Opening (feet)	400	n/a	400	n/a
14. Minimum Radius for curb returns at Intersection (feet)	35	35	20	20
15. Reverse curve Separation Minimum (feet)	100	100	100	100

**TABLE 7.2 - TOWN OF PONDER, TEXAS
SUMMARY OF RECOMMENDED THOROUGHFARE DESIGN STANDARDS
FOR COLLECTORS AND RESIDENTIAL ESTATES THOROUGHFARES**

	COLLECTOR	LOCAL STREETS	
		RESIDENTIAL	SF-E ESTATE
1. Pavement Width (feet) (Face to face) Rev. 06-06-02	36	32	32
2. Pavement Section a. Stabilized Sub grade (in) b. Asphalt/Concrete Pavement (in)	6 8/7	6 6/5	6 6/5
3. Number of Traffic Lanes	4	2	2
4. Lane widths (feet)	10	13	12
5. Right-of-way width (feet)	70*	60 **	70
6. Vehicle Capacity Policy (Vehicles/hr: vehicles/day)	790/ 7,100	400/ 5,250	--
7. Design speed (mph)	35	30	30
8. Minimum grade (%)	0.5	0.5	0.5
9. Maximum grade (%)	8	8	8
10. Minimum Centerline Radius (feet)	300	--	--
11. Stopping Sight Distance (feet)	250	200	--
12. Minimum Median Width (feet)	n/a	n/a	--
13. Minimum Spacing Median Opening (feet)	n/a	n/a	--
14. Minimum Radius for curb returns at Intersection (feet)	20	20	no curbs required
15. Reverse curve Separation Minimum (feet)	75	--	--

*Rev. 06-06-02 **Rev. 07-14-03

When required, twenty-four inch (24") monolithic concrete curb and gutter shall be provided in accordance with the Town's standard details. In all cases, the developer's engineer shall conduct geotechnical tests which may dictate an increase in the pavement section. Any deviations from the typical section shall require the approval of the Town Council.

Consideration may be given to permitting a different sub grade and pavement thickness from the foregoing provided that the developer's engineer provides soils tests and design calculations based on the Texas Triaxial Method or California Bearing Ratio (CBR) and all such soils tests and calculations are approved by the Town Engineer.

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

Curb and gutter shall be constructed as detailed and specified in the Standard Specifications for Construction.

3. Street Alignment: A curved street pattern which follows the topography is preferred to a grid pattern imposed upon the land. This provides use of the streets for drainage purposes, a more interesting pattern of development, and slows traffic driving through residential neighborhoods. Streets should traverse the topography in the following manner:
 - a) Cross streams and drainage ways at a right angle; this minimizes bridge and culvert costs.
 - b) Streets on sloping terrain should gradually cross hills rather than directly up and down.
 - c) Cul-de-sacs and loop streets should curve with the flow of the topography to best handle drainage.
 - d) Where possible, drainage should be away from the cul-de-sac or loop street.
 - e) Property boundaries should not serve as the primary basis for street layout, with other property features (topography, soils, vegetation, etc.) serving as the overall guide.

4. Intersections: Intersections should have only two streets intersecting at right angles. This provides the safest type of intersection. Other types of intersection include:
 - a. "T" Intersection - These are useful for discouraging through traffic and should be used more than 125 feet away from any other intersection.
 - b. "Jogs" - These occur where the alignment of two streets does not meet. The jog should be offset at least 125 feet from other intersections.
 - c. "Y" Intersection - These occur when three streets intersect at a common point. "Y" intersections should not be permitted.

Intersections shall be designed to as near right angles as possible and in no case shall vary from ninety degrees by more than 5 degrees without specific authorization by the Planning and Zoning Commission and Town Council. The intersection of two local streets shall have a minimum curb return radius of fifteen feet (15'). The intersection of a local street or collector street with a collector street shall have a minimum curb return radius of twenty-five feet (25'). Intersection of a collector street or thoroughfare with a thoroughfare shall have a minimum curb return radius of thirty-five feet (35'). If the intersection angle between any two streets varies by more than 5 degrees from a right angle, the minimum curb return shall be determined and approved by the Town Engineer.

Thoroughfare streets should be intersected only by collector street or other thoroughfare streets, rather than local streets. There shall be a minimum of six hundred feet (600') between intersections of thoroughfare and/or collector streets.

Visibility triangles shall be provided at all street intersections, either as dedicated right-of-way or as public open space easement. The minimum triangle shall be thirty-five feet (35') along each right-of-way line, though additional open space easement may be required when necessary to achieve the necessary sight distances. A forty-five foot (45') triangle is recommended for collector and thoroughfare street intersections. The Town shall utilize the sight distance requirements established by the Institute of Transportation Engineers' Guidelines for Urban Major Street Design (1990) in making its determinations. Recommended sight distances are as follows:

Arterial streets with median	500 feet
Arterial streets without median	800 feet
Collector streets	300 feet
Minor streets	200 feet

5. Cul-de-sacs and Loop Streets

Streets designated to be dead-ended permanently shall be platted and constructed with a paved cul-de-sac. Any dead-end street of a temporary nature, if longer than two hundred (200) feet, shall have a surfaced turning area eighty (80) feet in diameter for a cul-de-sac. Temporary dead-end street shall have provisions for future extension of the street and utilities and, if the temporary cul-de-sac is utilized, a reversionary right to the land abutting the turn-around for excess right-of -way shall be provided.

- a. The maximum length of a cul-de-sac or dead-end street with a permanent turnaround shall usually be six hundred (600) feet, or less unless specifically approved by the Planning and Zoning Commission and Town Council.

- b. A street ending permanently in a cul-de-sac should not be longer than six hundred (600) feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eighty (80) feet, and a street property line diameter of at least one hundred (100) feet. On extra wide lots, cul-de-sacs may be longer.
- c. When the Town Council determines that there is a reasonable expectation that a dead-end street will be extended within two (2) years, construction of a temporary cul-de-sac may be approved. The Planning and Zoning Commission may waive temporary cul-de-sac requirements for dead-end streets when the street is less than two hundred (200) feet in length. The portion of the temporary cul-de-sac which will serve as an extension of the street shall be constructed in accordance with the Town standards and that additional portion of the temporary cul-de-sac shall be in accordance with the Town standards for a permanent cul-de-sac. "Adequate, all-weather turnaround" is defined as a turnaround that is of sufficient size to accommodate fire and sanitation vehicles and is of a construction quality comparable to standard road cross sections.
- d. Cul-de-sacs and loop streets should drain to other streets, if possible.

- 6. One-Way Streets: One-way streets are generally prohibited in the Town, unless specifically approved by the Town Engineer, Police Chief and Town Council.
- 7. Minimum and Maximum Grades: Street and alley grades should conform to the natural terrain where possible and shall conform to the requirements in Table 7.1 and 7.2.
- 8. Horizontal Curves: Horizontal curves for local streets shall not be less than two hundred fifty feet (250') along the center line radius, collector streets not less than four hundred feet (400') along the center line radius, and thoroughfares not less than one thousand two hundred feet (1,200') along the centerline radius. Local streets should be designed in a curvilinear manner to the extent possible, and avoid long street segments with a maximum centerline radius less than eight hundred feet (800'). These requirements may be made more stringent by the Town Engineer if deemed necessary to provide minimum stopping distance, sight distance, design speeds, and other safety requirements consistent with good engineering practices.
- 9. Design Speeds: Unless otherwise approved by the Town Council, design speeds shall be in conformance with Table 7.1 and 7.2.

10. **Curbs and Gutters:** Curbs shall be installed by the subdivider on both sides of all interior streets, and on the subdivision side of all streets forming part of the boundary of the subdivision. The Town has adopted the six-inch (6") high curb as the standard for all streets, except for Residential Estates/Local which shall require a concrete ribbon curb. In limited places where monolithic curb is not provided after approval by the Town, the gutter shall be eighteen inches (18") wide.

The sub-grade for curb and gutter typically shall consist of six inches of lime or cement-stabilized base material. In cases where lime stabilization is not feasible, six inches of mechanically compacted crushed stone or six inches of 3-sack concrete ("2:27") may be used as base material. The stabilized base must extend six inches beyond the curb and gutter.

The curb and gutter shall be constructed monolithically in accordance with the Town's standard details and Standard Specifications. Concrete shall be 5-sack, 3000 psi design with two #3 steel bars placed longitudinally with the curb and gutter. Joints shall be scribed in the curb and gutter at distances no greater than 12 feet and expansion joints placed at each radius or linear distances of 250 feet or less. Any pavement damaged during curb and gutter installation must be restored to meet Town specifications.

Wheelchair ramps shall be provided at all street intersections, unless otherwise approved in writing by the Town Engineer. Wheelchair ramps shall also be provided at driveway curb returns where the location of the curb return intersects the sidewalk and results in a barrier to handicapped access. Wheelchair ramps shall be provided in commercial and industrial parking lots that are required to provide handicapped parking spaces. All wheelchair ramps shall be constructed in accordance with the Town's standard details and in compliance with ADA requirements, unless otherwise approved by the Town Engineer.

47.5 Alleys: No public alleys shall be required by the Town of Ponder.

47.6 Sidewalks and Parkways: Sidewalks shall be provided in locations required by the Planning and Zoning Commission and Town Council. Sidewalks shall be constructed of concrete in accordance with the Town Standard Specifications and in accordance with the Town Standard Design Details. Sidewalks shall have a minimum width of four feet (4') and a minimum pavement thickness of four inches (4") of reinforced concrete. In locations where sidewalks must be located immediately adjacent to the curb and gutter, the minimum width shall be five feet (5'). Sidewalks shall have a minimum cross slope of one-fourth inch per foot for drainage.

- A. Parkways shall be graded with a slope not less than one-fourth inch per foot. Except as otherwise provided by Town ordinance or policy, no other structures or trees and shrubs shall be allowed to be constructed in the parkway. Landscaping plans for the parkways must conform to the requirements of the Town Council.

- B. Unless otherwise approved by the Planning and Zoning Commission, sidewalks shall be installed as follows:
1. On the subdivision side of all thoroughfares and collector streets adjacent to a residential subdivision.
 2. On both sides of all internal thoroughfare, collector, and local streets of a residential subdivision.
 3. As deemed necessary by the Commission in commercial, industrial, and public areas.
 4. Such additional sidewalks as the subdivider may desire.
 5. Sidewalks shall be placed in the right-of-way and shall be a minimum of four feet (4') in width. Sidewalks serving commercial areas may be placed at the back of the curb if designed to be five feet (5') in width.
 6. Swept corner or other approved handicapped access curb ramps shall be provided at all intersections and crosswalks.

Section 48. Easements

48.1 General

Easements shall be provided on subdivision plats when the following criteria indicate that an easement is required.

- A. Where not adjacent to a public way, easements at least 15 feet wide for water, sewer and/or utility construction, service, and maintenance shall be provided where necessary in locations approved by the Town Council. Easements of at least seven and one half (7 1/2) feet in width shall be provided on each side of all rear lot lines and along side lot lines, where necessary, for utilities such as electric, telephone, street lights and gas. Easements having greater width dimensions may also be required along or across lots where engineering design or special conditions make it necessary for the installation of utilities outside public rights-of-way.
- B. Emergency access and fire lane easements shall be provided in locations required by the Chief of the Ponder Volunteer Fire Department. These easements shall have a minimum width of twenty (20) feet and a minimum height clearance of fourteen (14) feet. Any emergency access and fire lane easement more than one hundred (100) feet in length shall either connect at each end of a dedicated public street or be provided with a cul-de-sac having a minimum diameter of eighty (80) feet with an additional distance of ten (10) feet on all sides clear of permanent structures. These easements shall be paved to Design Standards and Specifications by the Town Engineer.

- C. A 20' x 20' triangular public "open space" easement is required on corner lots at the intersection of two streets. The Public Open Space Restrictions may be altered to permit, on commercially zoned lots, the placement within the easement area of Pole signs subject to the provisions of the sign regulations in the Zoning Ordinance. Poles for signs shall not to exceed twelve (12) inches in diameter and with every portion of said sign allowing a minimum height clearance between it and the ground of eleven (11) feet.
- D. All easements shall be so designed to allow maintenance equipment to enter the easement and be able to perform the necessary work.

48.2 Drainage Easements:

Easements for storm drainage facilities shall be provided at locations containing proposed or existing drainage-ways.

- A. Storm drainage easements of fifteen (15) feet 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 Town Engineer.
- B. Storm drainage easements along proposed or existing open channels shall provide sufficient width for the required channel and an additional fifteen (15) feet 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.
- C. Storm drainage easements shall be provided for emergency overflow drainage-ways of sufficient width to contain within the easement storm water resulting from a 100-year frequency storm less the amount of storm water carried in an enclosed system of a capacity required by the Town of Ponder.
- D. The width of the easements described in paragraphs 1 through 3 above shall be substantiated by a drainage study and drainage calculations or other criteria submitted to and approved by the Town Engineer.
- E. When the Town finds that easements in areas adjoining a proposed subdivision are necessary to provide adequate drainage or to provide utilities, the subdivider shall obtain such easement or make arrangement with the Town to obtain them.
- F. Drainage easements shall generally be located along the existing drainage way and should be of sufficient width for the designed improvements to be installed and enough extra width for maintenance equipment to be able to work.

48.3 Floodplain Easements

Floodplain easements shall be provided along natural drainage-ways and lakes or reservoirs. Floodplain easements shall encompass all areas beneath the water surface elevation resulting from a storm whose design frequency is 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 Town Engineer.

Section 49. Blocks

49.1 The length of a block shall be considered to be the distance from property corner to property corner measured along the property line of the block face:

- A. of greatest dimension, or
- B. on which the greatest number of lots face

The width of a block shall be considered to be the distance from property corner to property corner measured along the property line of the block face;

- A. of least dimension, or
- B. on which the fewest number of lots face.

The length, width and shapes 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 sizes and dimensions;
- c. needs for convenient access, circulation, control and safety of street traffic.

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

Section 50. Lots

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

- 50.2** All side lines of lots shall be at approximately right angles to straight street lines and radial to curved street lines except where a variation to this rule will provide a better street and lot layout.
- 50.3** No lot shall have less area of width at the building line than is required by the zoning regulations that apply to the area in which it is located.
- 50.4** Lots shall be consistent with zoning regulations. When the specific proposed use of a lot or tract depends upon future action by the town Council or other properly designated authority, lot lines shall also be shown on the preliminary plat appropriate to a use which does not require such action. Proposed uses shall be shown on the preliminary plat.

50.5 Building Lines

Building lines shall be shown on all lots in the subdivision. The building lines (front, rear and side) shall be listed in accordance with the applicable zoning ordinances

- A. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.
- B. All side lines of lots shall be at approximately right angles to straight street lines and radial to curved street lines except where a variation to this rule will provide a better street and lot layout. Rear lot lines should be straight and avoid acute angles with side yard lines. Odd-shaped lots should be avoided. Where utility easements are to be located along rear lot lines, these lines should be as straight as possible for long lengths.
- C. No lot shall have less area of width at the building line than is required by the zoning regulations that apply to the area in which it is located.
- D. Lots shall be consistent with zoning regulations. When the specific proposed use of a lot or tract depends upon future action by the Town Council or other properly designated authority, lot lines shall also be shown on the preliminary plot appropriate to a use which does not require such action. Proposed uses shall be shown on the preliminary plot.
- E. Generally lots should be deeper than they are wide. It is recommended to have the depth twice the width. The important consideration is to assure that the lots are neither too deep nor too shallow to allow for good placement of a dwelling unit on a lot.
- F. Corner lots shall be larger than interior lots so that dwellings can be placed further from the street. Corner lots shall be 10 to 20 percent larger than interior lots. Lots facing onto heavy traffic streets shall be avoided. This can be accomplished by providing deeper lots with the houses backing onto the heavy traffic street. Other methods include, a) providing an access street parallel to the major street, b) cul-de-sac if the property has sufficient depth, or c) provide a loop street, if the property has sufficient depth and width.

- G. Surface drainage must be diverted away from house sites. Sufficient slope must exist on the lot to enable drainage to runoff from the building site across sidewalks, and onto the street. Swales may be needed to provide drainage from backyards.

Section 51. Land Unsuitable for Subdivision

- 51.1** Any land which, in its natural state, is subject to a 100-year flood or which cannot be properly drained shall not be subdivided, re-subdivided or developed until receipt of evidence that the construction of specific improvements proposed by the Developer can be expected to yield a usable building site. Thereafter, the Commission may approve plats; however, construction upon such land shall be prohibited until the specific improvements have been planned and construction guaranteed.

Section 52. Driveways, Parking, and Signs

52.1 General

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

- A. During widening and/or reconstruction of streets, the driveways will be brought into conformity with the present standards and head-in parking will be eliminated;
- B. During new building construction or major additions and remodeling of existing buildings, all driveways and parking requirements will be brought into conformity with the present standards and head-in parking will be eliminated.
- C. When the Town Engineer determines that prevailing traffic conditions require the elimination of existing head-in parking that makes use of public rights-of-way in order to correct a serious traffic hazard.
- D. When in his professional judgment the literal enforcement of any part of this Section would result in poor engineering design or in an unnecessary hardship, the Town Engineer may authorize special exceptions to this Section, subject to appropriate conditions and safeguards, in order to permit reasonable development and improvement of property.

52.2 Location and Number of Access Points

- A. Number of direct access driveways (curb cuts):

Each landowner is entitled to access to the Town street and thoroughfare system. On the other hand, it is Town policy to limit the number of driveways entering streets and thoroughfares to protect public safety and maintain traffic efficiency. Therefore, each landowner is entitled to only one driveway for each

lot or parcel. Additional drive approaches shall be approved only when it has been determined that the additional driveway is necessary for adequate traffic circulation and that street efficiency and safety are preserved. Circle drives will be generally permitted when the Town Inspector determines that traffic safety is not hindered.

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

Driveways entering onto access roads of controlled access highways shall be prohibited for a distance of one hundred feet (100') before the intersection of roadway surfaces on exit ramps to a point three hundred feet (300') after the intersection of the travel-ways. Driveways are prohibited for a distance of one hundred feet (100') before the intersection of travel-ways on any entry ramp to a point one hundred feet (100') beyond the intersection of roadway surfaces and otherwise meet or exceed all other requirements of the Texas Department of Transportation.

Whenever the use of any driveway approach is abandoned and not used for ingress and egress to the abutting property, it shall be the duty of the abutting property owner to restore the curb to the standards of the Town.

B. Minimum Spacing between Driveways

- | | | |
|----|------------------------------|--|
| 1. | <u>Street Classification</u> | <u>Number of Curb Cuts</u> |
| | Primary Arterials | One per 300 feet of frontage |
| | Major Collectors | One per 200 feet of frontage |
| | Minor Collector | One per 100 feet of frontage |
| | Local (residential) | 10-foot separation unless joint access |
2. It is the policy of the Town to discourage driveway cuts onto the major thoroughfares of the Town. Driveway cuts onto the Town's major streets will be allowed only when:
 - (a). There is no other feasible alternative; or
 - (b). Traffic engineering studies clearly show a need.
 3. Additional driveways other than permitted in the table above will be allowed under the following conditions:

- (a) If the daily volume using one driveway would exceed five thousand (5,000) vehicles (both directions).
- (b) If the on-site, peak-hour traffic volume exceeds five hundred (500) vehicles per hour (both directions).
- (c) A competent professional traffic analysis shows that traffic conditions warrant more driveways. Part of this study must include data indicating volumes compared to above standards and must show how alternative arrangements, joint access, etc., will not work.

52.3 Multi-Family Residential, Commercial and Industrial Driveways

The location of ingress and egress and the size of all multi-family residential, commercial, and industrial driveways shall be subject to the approval of the Town Engineer. Driveways should not exceed sixty-five (65) percent of the property frontage. Multi-family residential, commercial and industrial driveways shall be a minimum of fifteen (15) feet and a maximum of thirty-five (35) feet in width measured at the property line. When the property frontage is seventy-five (75) feet, the driveway measured at the property line shall not begin less than ten (10) feet from the property corner. When the property frontage is less than seventy-five (75) feet, the driveway measured at the property line may begin a minimum of five (5) feet from the property corner, provided there is not an existing driveway within fifteen (15) feet of the property corner on the adjacent property. A minimum of twenty (20) feet, measured at the property line, should be maintained between driveways.

The radius of all driveway returns shall be a minimum of five (5) feet; however, if in the professional opinion of the Town Engineer a situation justifies, driveways may be built at an angle other than perpendicular to the roadway and/or with driveway return radii of as much as twenty (20) feet. The larger radius driveway returns may only be approved if a minimum of ten (10) feet of tangent curb can be constructed between the driveway returns. Joint driveway approaches may be approved, provided a letter of agreement signed by all adjoining property owners is delivered to the Town Engineer.

52.4 Parking

Off-street parking shall be provided as required in all the applicable zoning provisions of the Zoning Ordinance, and shall be paved. Off-street parking areas shall be maintained by the Owner.

No new "head-in" parking is permitted, except for one and two-family residential. Off-street parking layouts shall afford the driver the ability to accomplish all maneuvers to enter or exit the parking spaces on private property.

The required number of parking and loading spaces shall be provided in accordance with the Town's Zoning Ordinance. Parking shall be designed to facilitate efficient traffic movement with a minimum conflict. All parking maneuvers shall be accomplished off of public right-of-way. Off street parking layouts shall afford the driver the ability to

accomplish all maneuvers to enter or exit the parking' spaces on private property. Adequate stack space shall be required for entrances into parking lots to prevent congestion backing onto the thoroughfare.

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

- A. During widening and/or reconstruction of streets, the driveways will be brought into conformity with the present standards and head-in parking will be eliminated;
- B. During new building construction or major additions and remodeling of existing buildings all driveways and parking requirements will be brought into conformity with the present standards and head-in parking will be eliminated;

Parking lots should be designed with a minimum pavement thickness of six inches (6") of HMAc asphalt or five inches (5") of 5-sack concrete with a minimum compressive strength of 3,000 pound per square inch reinforced with #3 bars on 24-inch centers in both directions over a six-inch (6") lime or cement stabilized sub-grade, unless otherwise approved by the Town Engineer on the basis of a soils test.

52.5 Fire Lanes

The requirements for fire lanes shall be established by the Town Engineer. No certificate of occupancy shall be issued until the required fire lanes are constructed, inspected and approved.

Fire lanes shall have a minimum width of twenty-six feet (26') and shall have a minimum vertical clearance of fourteen feet (14'). The fire lane easements shall extend to a public street. The minimum paved width shall be twenty feet (20'), provided that curbs shall not exceed five inches (5") in height, and further provided that there shall be no obstructions which will interfere with the use of the full width of the easement by emergency vehicles and their appurtenances. The minimum inside turning radius shall be twenty-five feet (25') and the minimum outside turning radius shall be forty-five feet (45'). All dead end fire lanes exceeding one hundred feet (100') in length shall have a turn-around with minimum radius of fifty feet (50'). Fire lanes shall not have a grade exceeding ten percent (10%). Fire lanes shall be clearly marked as a fire lane and parking prohibited. Signage and markings must be maintained at all times.

Fire lanes shall be constructed of an reinforced concrete pavement designed and maintained to support a twelve thousand five hundred pound (12,500 lb.) wheel loading. Unless otherwise approved by the Town Engineer, such pavement shall consist of six-inch (6") thick reinforced concrete. The pavement shall a minimum of 5 sack concrete with a minimum comprehensive strength of 3,600 pounds per inch reinforced with #3 bars on 24-inch centers in both directions. In both cases, concrete shall be poured over stabilized sub-grade. The developer or contractor shall submit a pavement design for the fire lanes prior to construction and the construction must be inspected. The contractor shall provide test results verifying the strength of the concrete and construction methods at the direction of the Town Engineer. It is permissible for the

Developer or contractor to submit an equivalent pavement design consisting of hot mix asphaltic concrete or brick pavers. The fire lanes shall be kept in good condition and will be repaired upon notice being given by the Town that conditions warrant repair.

52.6 Street Names and Signs

- A. **Street names.** Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used.
- B. **Street Signs.** Street signs shall be furnished to and installed by the Subdivider for all intersections within or abutting the subdivision. Such signs shall be of a type approved by the Town.

Section 53. Storm Drainage Facilities

53.1 General

Drainage facilities shall be provided and constructed by the developer in accordance with current design criteria herein adopted by the Town and the Standard Specifications for Public Works Construction and the following basic requirements:

- A. When conditions upstream from a proposed channel or storm drain outside the limits of the ownership of the developer do not permit maximum design flow, the drainage facilities shall be designed based on potential and fully developed conditions.
- B. When conditions downstream from a proposed channel or storm drain outside the limits of the ownership of the developer do not permit maximum design flow, water surface elevations for a 100-year design frequency shall be indicated considering the down stream condition in order to define the potential flood hazards. Solutions to protect the property shall be developed.
- C. All drainage improvements shall be designed to an acceptable outfall.
- D. Where there is a question as to the justification or size of drainage facilities, doubt will be resolved in favor of additional drainage capacity.
- E. The combined capacity of storm drain pipe, street and surface drainage shall contain the 100-year design flow at the building lines. The finished floor elevation of any habitable building shall be at least one foot (1') above the 100-year design flow.
- F. The developer shall install an underground storm drain beginning at the point where the calculated storm water runoff is of such a quantity that it will overflow the street at curb height. The storm drain shall be constructed from this point to

an approved outlet where the storm water can be discharged safely without damage or flooding of adjacent property.

53.2 Design Criteria

Drainage requirements shall be based on the design criteria in the Denton County Subdivision Rules and Regulations. A minimum time of concentration of ten minutes shall be used, with detailed computation made to determine the exact time of concentration to each inlet facility.

53.3 Design Storm Frequency

Type of Facility	Description of Area to be Drained	Maximum Time of Concentration	Recommended Design Frequency (Years)
Storm Sewers	Residential, Commercial and Manufacturing	30	100, less capacity of street
Culverts	Various	30	100
Bridges, Channels and Creeks	Any type of area less than 100 acres	30	100
Bridges, Channels and Creeks	Any type of Area between 100 and 1,000 acres	45	100
Bridges, Channels and Creeks	Any type of Area greater than 1,000 acres	60	100

53.4 Storm Drainage Design

- A. Storm Drainage Facilities shall be designed in accordance with Denton County Subdivision Rules and Regulations.
- B. Development 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.
- C. Coordination with the comprehensive master drainage plan (when available) 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 Town Engineer shall determine that the improvements benefit other citizens more than that of the proposed subdivision and shall determine the equitable Town participation in such improvements. Such Town participation, or any appeal of such requirements, shall be approved by the Town Council.

- D. Drainage facilities shall be provided and constructed by the developer in accordance with the Denton County Drainage Design Criteria and the Standard Specifications for Public Works Construction and the following basic requirements:
1. All drainage improvements shall be designed to an acceptable outfall as approved by the Town Engineer.
 2. The developer may install a concrete lined channel in lieu of installing pipe larger than 60 inches. 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 it shall be a closed conduit even though pipe sizes larger than 60 inches are required.
 3. A permanent chain link fence or other fence meeting the requirements of the Town 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.
 4. All drainage facilities shall be constructed on public right-of-way or easements dedicated for the purpose. Drainage easements shall be of a sufficient size to permit access for maintenance of the drainage facility. The easement shall be designed to facilitate maintenance access to the drainage channel by Town crews and equipment. Additional easements shall be required at any access points and the access points shall be designed to restrict access by unauthorized personnel. An access point will typically be required at every intersection of the drainage easement with street right-of-way.
 5. When a drainage ditch or storm drain pipe, culvert or bridge is proposed, calculations shall be submitted showing basis for design.
 6. 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.
 7. Detention/Retention ponds: Retention (maintains a permanent pool elevation) and detention (no permanent pool storage) may be constructed only with the approval of the Town Council and Town Engineer. Retention/detention ponds shall be encompassed by an easement. The facility will remain the maintenance responsibility of the owner/developer, unless otherwise accepted by the Town. Acceptance

by the Town will be contingent upon the facility being a part of a dedicated park or other such property which meets with the Town's approval. Utilization of retention ponds and dispersion areas and preservation of major floodplains, etc., shall be strongly discouraged.

8. The owner or developer of property to be developed 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.
9. The subdivider shall pay for the cost of all drainage improvements required for the development of the subdivision, including any necessary off-site channels or storm sewers and acquisition of the required easements.
10. 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.
11. In areas where downstream pipes or channels are inadequate to handle proposed increased flows, the Town, as one alternative, may consider accepting cash payment in lieu of actual drainage improvements. The developer must show that the proposed pipe system to handle the flow from his 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.
12. The approved pipe material for main lines and laterals shall be Reinforced Concrete Pipe (RCP), Class III, ASTM CO76. The use of Corrugated Metal Pipe (CMP) shall be limited to driveway culverts, in-kind replacement, and temporary facilities scheduled to be improved to permanent facilities in the near future. The use of High Density Polyethylene Pipe (HDPE) shall be limited to driveway culverts with a minimum of two feet (2') of cover, cross drainage under low volume roads, and temporary facilities scheduled to be improved to permanent facilities in the near future.

E. Off-Site Drainage

1. Adequate consideration shall be given by the owner in the development of property to determine how the discharge leaving the proposed development will affect adjacent property.

2. On lots or tracts of three (3) acres or more where storm water runoff has been collected or concentrated, it shall not be permitted to drain onto adjacent property except in existing creeks, channels or storm sewers unless proper drainage easements or notarized letters of permission from the affected property owners are provided.

Section 54. Water Facilities

54.1 General

In the absence of specific standards contained in this ordinance, all water supply, distribution, pumping, and storage improvements shall be designed in accordance with the most current standards of the American Water Works Association and the most current edition of "Rules and Regulations for Public Water Systems" of the Texas Natural Resources Conservation Commission.

All developments within the jurisdiction of the Town of Ponder shall be required to have approved water supply and sanitary sewerage facilities and shall be required to connect to the Town of Ponder's facilities, where available, unless alternative arrangements have been approved by the Town according to the following standards and procedures.

54.2 Basic Requirements

- A. All water mains shall be a minimum of eight inches (8") in size and looped where possible. All water mains shall be PVC C-900 DR-18 or Ductile Iron as shown on Town of Ponder Construction Details. Asbestos Cement Pipe (AC) will not be allowed for construction.
- B. Water mains should be large enough to supply the fire flows required, but no less than eight-inches.
- C. The Town may participate in the cost of any oversized lines required to serve land areas and improvements beyond the subdivision. The Town's participation will be difference in the actual construction cost of the oversized line and the estimated construction cost, as determined by the Town's Engineer, of the line properly sized to serve only the land area of the development.
- D. The cost of mains larger than eight inches (8") must be borne by the developer if such larger main is required to adequately serve the subdivision.
- E. Standard three-way fire hydrants shall be installed as a part of the water distribution system. Fire hydrants in mercantile and industrial areas shall be on street intersections and so located that there will be a fire hydrant every three hundred (300) feet as measured along the street. Fire hydrants in a residential area shall be located on all street intersections and not over five hundred (500) feet apart as measured along the street.
- F. Minimum Fire Flows Required:

- G. Principal mercantile and industrial areas 3,000 gpm
- H. Light mercantile area 1,500 gpm
- I. Congested residential areas 750 gpm
- J. Scattered residential areas 500 gpm
- K. All fire flows to be calculated with 20 pound residual pressures.
- L. Valves of approved design shall be installed at the intersections of all water mains so as to provide for proper maintenance and operation of the system and to provide a means of shutting off the supply to portions of the system for repairs. Sufficient valves shall be installed to cause a minimum interruption of service.
- M. The depth of cover shall be a minimum of 36 inches below finished grade.
- N. Pipeline markers will be used to locate road crossings and cross country lines in rural areas.
- O. Valve markers shall be provided in rural areas.
- P. Corporation stops, curb stops and meter boxes shall be provided at all services.
- Q. Adequate air relief, drainage, and flushing valves must be provided for flushing, disinfection, daily operation requirements, and repairs.
- R. Water main extensions shall be made to the limits of the property being final platted to provide for future water main extensions by the adjacent property owner, or with the next phase of development.

54.3. Water Wells (Individual)

Developments shall not be approved with alternative water facilities other than connection to the Town of Ponder water system.

54.4. Private Water And/Or Sewer Cooperative Systems

All new public or private water and/or sewer cooperative systems are expressly prohibited under this Ordinance, if Town or other approved services are available as provided for in this Ordinance.

Section 55. Sanitary Sewerage Facilities

55.1 General

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

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

55.2 Basic Requirements

- A. No sewer main shall be less than eight inches (8") in nominal diameter. Sewer service lines shall not be less than four (4) inches in diameter. Sewer lines shall utilize PVC, SDR-35 pipe where applicable unless size or special conditions warrant other materials.
- B. 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 Town's Engineer because of the projected rate of development or the financial feasibility of the proposed extension. As a general rule, developers must extend the sanitary sewer through their property in order to serve adjacent property upstream.
- C. Manholes shall be located at all intersections of other sewers and at intermediate spacing along the line. Generally, the maximum spacing should not exceed 500 feet. Manholes should be located at all intersections, changes in horizontal alignment, changes in grade and at the ends of all sewers.
- D. Sewers should be designed with straight alignment whenever possible. When horizontal curvatures must be used, the smallest radius should be determined by the pipe manufacturer's data, but in no case less than a one hundred (100) foot radius shall be used.
- E. All sewers shall be designed with hydraulic slopes sufficient to give mean velocities, when flowing full or half full, or not less than two (2') feet per second on Kutter's or Mannings formulas using an "n" value of 0.011, except that the minimum allowable grades shall be maintained as follows:

 - F. 4" Service 2.00%
 - G. 6" Service 1.00%
 - H. 8" Line 0.40%
 - I. 10" Line 0.29%
 - J. 12' Line 0.22%
 - K. 15" Line 0.16%
 - L. 18" Line 0.12%
 - M. 24" Line and Larger 0.10%

- N. No connection shall be made to any sanitary sewerage system within the town which will permit the entrance of surface water and waste of other than domestic sewage characteristics.
- O. All materials and workmanship incorporated in the sewage systems extensions shall be in accordance with the currently adopted Public Works Installation Guide and Standard Specifications for Public Works Construction.
- P. Unless otherwise approved by the Town Engineer, all lateral and sewer mains installed within a subdivision must extend to the borders of the subdivision to provide for future extensions of the collecting system to the adjacent property or the next phase of development regardless of whether or not such extensions are required for service within the subdivision.
- Q. Service laterals shall be constructed in accordance with the Uniform Plumbing Code.
- R. Any service lateral used for the discharge of industrial wastewater into the Town'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 Town for sampling and monitoring the industrial waste.
- S. Sewage lift stations (pumping stations) shall be designed in accordance with Texas Natural resources Conservation Commission standards.

55.3 Septic Tanks

- A. Septic tank systems and other sewerage disposal facilities must comply with the Town of Ponder's Septic Tank Ordinance, as amended.
- B. Septic tanks shall be installed in accordance with the most current standards established by the Texas Natural Resources Conservation Commission and other applicable Town Ordinances.

Upon review of this evidence, the Director of Utilities or designee may issue a septic tank permit.

55.4 Other Individual System

Other individual septic systems can be considered if satisfactory evidence is submitted certifying that the system meets all requirements and standards of the Texas Natural Resources Conservation Commission and the Town of Ponder.

Section 56 Street Lights And Other Utilities

56.1 Street Lights

- A. Developers shall furnish satisfactory easements for installation of services to the street lights, normally five (5) feet in width.
- B. Street light number, type and size shall be determined by the Town Council and shall be designed to maximize the light directed toward the ground.
- C. Developers shall pay the cost of purchasing and installing all street lighting equipment. Street Lights shall be installed by TU Electric Company or Denton County Electric Cooperative, at the developer's expense. Developers shall pay: (i) the cost of purchasing and installing all street lighting equipment; and (ii) the cost of all street lighting services for a period of two(2) years or until such time as seventy percent (70%) of the buildings for which building permits have been issued are completed, whichever is sooner.
- D. A light shall be installed at each intersection and shall be installed mid-block at a spacing of not more than two hundred feet (200') on local residential streets. Lights shall be installed on a cul-de-sac if the length of the block exceeds two hundred feet (200'). As a minimum, lamps of not less than nine thousand five hundred (9,500) lumens (100-watt high pressure sodium or equivalent) shall be installed on galvanized steel poles at a height of not less than twenty-five feet (25'). Power shall be provided by underground service.
- E. Street lights along perimeter streets shall be installed in accordance with the Official Street Lighting Plan for the Town of Ponder. A light shall be installed at each intersection and shall be installed mid-block at a spacing of not more than one hundred eighty feet (180') on collector streets and local nonresidential streets. As a minimum, lamps of not less than twenty seven thousand (27,000) lumens (250-watt high pressure sodium or equivalent) shall be installed on galvanized steel poles at a height of not less than twenty-five feet (25'). Collector streets adjoining residential areas may provide lamps of not less than nine thousand five hundred (9,500) lumens (100-watt high pressure sodium or equivalent) upon approval of the Town Engineer. Power shall be provided by underground service.
- F. A light shall be installed at each intersection and shall be installed mid-block at a spacing of not more than one hundred sixty feet (160') on thoroughfares. As a minimum, lamps of not less than fifty thousand (50,000) lumens (400-watt high pressure sodium or equivalent) shall be installed on galvanized steel poles at a height of not less than thirty-five feet (35'). Power shall be provided by underground service.

56.2 Utility Construction Generally

- A. Unless otherwise approved by the Town Engineer, utilities shall be located in the standardized locations as provided in the Town of Ponder Construction Details. All pressurized utility systems (water, gas, etc) shall be located behind the curb line wherever possible.
- B. Utility Lines under Pavement: All water, sewer, and natural gas utility lines and conduit for electrical, telephone, and cable television that pass under a street or alley shall be installed before the street or alley is paved. When it is necessary that utility lines pass under the street or alley pavement, they shall be installed to a point at least three feet (3') beyond the edge of the pavement.

56.3 Underground Electric Utility Policy

- A. All telephone, cable television, and electrical utility lateral and service lines shall be placed underground throughout new subdivisions for which Final Plats are approved subsequent to the effective date of this ordinance, subject to the following conditions:
 - 1. All electrical transmission lines, meaning those electrical lines operated at nominal voltages of sixty thousand (60,000) volts or higher, may be placed overhead.
 - 2. Any electric feeder lines, meaning those electrical lines that emanate from substations to distribute power throughout an area, may be placed overhead.
 - 3. Lateral electric lines, meaning those electric lines that emanate from an electric feeder line and are used to distribute power to small areas of electric consumers, and service lines, meaning those electric lines which through a transformer connect a lateral line to a customer's service entrance, may be placed overhead only when they are located along rear property lines to provide service from the rear of the lot. Generally perpendicular overhead street crossings are permitted when connecting rear lateral lines in one block to rear lateral lines in an adjacent block.
 - 4. Where electrical service is to be placed underground, electrical service for street or site lighting shall also be placed underground except for the lighting standards.
 - 5. Temporary electrical service during construction may be provided by overhead utility lines and facilities prior to activation of the underground service. Following activation of the underground permanent service, the temporary overhead electrical service shall be removed within sixty (60) days.
 - 6. The electrical utility company may plan and construct overhead lines on perimeters of subdivisions or property without obtaining a variance.

Telephone and cable television lines may be constructed overhead where overhead electric utility lines are permitted.

7. Each of the utility companies shall be responsible for developing administrative policies and cost reimbursement procedures for the installation and extension of their underground utilities. Nothing herein shall prohibit or restrict any utility company from recovering the difference in cost of overhead facilities and underground utilities from the owner or developer in accordance with the provisions of such utility's approved tariff. No utility company shall be required to begin construction of underground facilities unless and until the owner or developer of the subdivision has made arrangements satisfactory to the specific utility company for the payment of such underground facilities. The Town of Ponder shall not be responsible for any portion of such cost unless specifically authorized by the Town Council.
 8. All electrical, cable television and telephone support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installation shall be pad-mounted or placed underground and the difference in cost of such facilities and overhead facilities shall be paid to the installing utility company in accordance with provisions established.
 9. In special or unique circumstances, or to avoid undue hardship, the Town Council may authorize variances in conjunction with plat approval to the requirements to provide underground facilities.
 10. Nothing contained herein shall be construed to require any existing overhead facilities to be placed underground or to prohibit the upgrading, reconstruction or reconductoring of any existing overhead facilities with overhead construction.
 11. Nothing contained herein shall be construed to alter the intent of any utility Franchise Agreement Ordinance in effect on the effective date of these Regulations.
- C. Where underground electric utilities are installed at the request of the developer, the developers shall pay the differential costs between underground electric utility service and overhead electric utility service, as calculated by the Town.
 - D. In the residential areas, underground electric utility facilities shall be installed on public right of way except where the utility elects to install facilities adjacent to the building set back line for aesthetic purposes. All underground electric utility cable of either primary voltage or secondary voltage shall be installed in conduit.
 - E. For commercial development, the developer shall install and maintain the conduit system from the transformer or secondary cable terminal point to the utility designated service point at the boundary of the property. The utility shall install

and maintain the primary circuit and the developer shall be responsible for furnishing, installing and maintaining the secondary cable.

- F. Underground utility service will not be installed in the perimeter of a subdivision or planned development unless the adjacent area already has underground electric utility service.

SECTION 57
(PENALTY CLAUSE)

Any person, firm or corporation who shall violate any of the provisions of this Ordinance or who shall fail to comply with any provision hereof shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed Five Hundred (\$500.00) Dollars, and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violations of this Ordinance.

SECTION 58
(CUMULATIVE CLAUSE)

This ordinance shall be cumulative of all provisions of Ordinances of the Town of Ponder, Texas 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.

SECTION 59
(SEVERABILITY CLAUSE)

It is hereby declared to be the intention of the Town Council of the Town of Ponder that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the Town Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 60
(SAVINGS CLAUSE)

All rights and remedies of the Town of Ponder are expressly saved as to any and all violations of the provisions of any Ordinances affecting zoning which may have accrued 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 courts.

SECTION 61
(ENGROSSMENT AND ENROLLMENT)

The Town Secretary of the Town of Ponder is hereby directed to engross and enroll this Ordinance by copying the exact caption and the Effective Date clause in the minutes of the Town Council of the Town of Ponder and by filing this Ordinance in the Ordinance records of the Town.

SECTION 62
(PUBLICATION)

The Town Secretary of the Town of Ponder is hereby directed to publish in the Official Newspaper of the Town of Ponder, the Caption, Penalty Clause, and the Effective Date clause of this Ordinance for two (2) days as required by Section 52.011 of the Local Government Code.

SECTION 63
(EFFECTIVE DATE)

This Ordinance shall be in full force and effect from and after the date of its passage.

AND IT IS SO ORDAINED:

PASSED AND APPROVED BY A VOTE OF 4 TO 0 , THIS 15th DAY OF March, 2001.

APPROVED:

MAYOR, TOWN OF PONDER, TEXAS

ATTEST:

TOWN SECRETARY

APPROVED AS TO LEGAL FORM:

ATTORNEY FOR THE TOWN OF PONDER, TEXAS