

City Ordinance RE: Subdivisions (copy)



APPENDIX B
SUBDIVISIONS*

ORDINANCE NO. 261

AN ORDINANCE PROVIDING FOR RULES AND REGULATIONS GOVERNING THE PLATTING AND SUBDIVIDING OF LAND; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section I. Division of land to be under supervision of the city.

All land within the jurisdiction of the city not heretofore subdivided according to the laws, rules and regulations of the Town of Addison and the State of Texas into lots, blocks, and streets shall hereafter be laid out under the direction of the city council and city planning and zoning commission, and no other subdivision will be recognized or provided services by the city.

No officer or employee of the city shall do or cause to be done any work upon any street or in any addition or subdivision of the city unless all requirements of these

*Editor's note—The subdivision ordinance was adopted by the city council on April 27, 1976. The ordinance is set out herein as adopted, with amendments through October 9, 1979. History notes in parentheses () have been placed at the end of amended sections. Any words appearing in brackets [] were added by the editor for clarity. The editor has been instructed to substitute "Town of Addison" for "City of Addison" in anticipation of future amendments.

Charter reference—Municipal planning, §§ 2.08, 7.01 et seq.

Cross references—Streets and sidewalks, Ch. 16; utilities, Ch. 18; zoning, App. A; franchises, App. C.

State law reference—Platting and recording subdivisions or additions, V.T.C.S., Art. 974a.

regulations have been complied with by the owner of said addition or subdivision.

The subdivider may avail himself of the advice and assistance of the city planning and zoning commission and consult early and informally with the public works department before the preparation of the preliminary plat and before formal application, in order to save time and expedite the planning work necessary.

Section II. Withholding improvements.

It shall be the policy of the city to withhold all city improvements, including the maintenance of streets and the furnishing of sewage facilities and water service, from all additions, the platting of which has not been officially approved by the city council. No improvements should be initiated, nor contracts executed[,] until the approval of the city council has been given.

Section III. Definitions.

City shall hereinafter mean the Town of Addison.

Subdivision shall mean the division of any tract or parcel of land into two (2) or more lots for the purpose, whether immediate or future, of sale or building development, expressly excluding development for agricultural purposes, and shall include resubdivision. "Subdivision" shall also mean the division or redivision of an existing subdivision together with any change of lot size therein or with the relocation of any street. "Subdivision" shall also mean a tract of land intended to be built upon and for which a building permit is required. (Ord. No. 819, § 1, 7-27-82)

Section IV. Procedures for subdivision.

In order to allow orderly processing of proposed subdivisions, the procedures discussed in the following sections shall be used. In general, the steps necessary for subdivision include:

- A. Annexation by the city council.
- B. Zoning by the planning and zoning commission and the city council.

- C. Approval of a land study by the planning and zoning commission and the city council.
- D. Approval of preliminary plat and plans by the planning and zoning commission.
- E. Approval of the final plat by the planning and zoning commission and the city council.
- F. Approval of the final plans by the director of public works or his designated agent.
- G. Filing of approved plat with the Dallas County clerk and recording of all executed easements, dedications and other documents required to be filed of record.
- H. Completion of construction and acceptance of all improvements by the city.

This procedure may be varied at the discretion of the director of public works. For those areas to be subdivided which lie outside of the corporate limits but are being submitted only for review and approval to satisfy the requirements of extraterritorial jurisdiction and Article 944(a), [974a], Vernon's Revised Civil Statutes, the provisions concerning annexation and zoning may be deleted. All other provisions shall remain in force.

State law reference—Platting and recording subdivisions or additions, V.T.C.S., Art. 974a.

Section V. Annexation.

If the property is not within the city limits of Addison and the owner desires that it be annexed so as to be qualified to receive city services, when available, and be afforded zoning protection, the owner must petition the city for annexation through lawful annexation proceedings.

Charter reference—Annexation, § 1.04.

State law reference—Municipal Annexation Act, V.T.C.S., Art. 970a.

If the property is not zoned as required for the proposed subdivision, permanent zoning shall be requested. Application for zoning includes completion of application forms.

payment of required fees, and performance of other requirements of the zoning ordinance and the rules and regulations of the city, as the same may be, from time to time, passed or amended.

Section VII. Land study.

In the development of a large area, either by sections or as one subdivision, the developer must submit a land study to the public works department. Submittal shall include a letter of transmittal requesting review and payment of the required filing fee.

The purpose of the land study is to allow the planning and zoning commission and the city council to review proposed major thoroughfare and collector street patterns, land use, and the property's relationship to adjoining subdivisions or properties. The study shall be prepared as follows:

The study shall be drawn to scale of one-inch equals two hundred (200) feet or larger.

The lower right-hand corner of the study shall contain a title block clearly showing the proposed name of the subdivision, the name and address of the subdivider and the engineer or surveyor responsible for the design or survey, the scale of the drawing, the date the drawing was prepared, and the location of the tract according to the abstract and survey records of Dallas County, Texas.

The study shall clearly show the limits of the tract and scale distances. True north shall be clearly indicated and shall be the top or left of the study.

The study shall show the names of adjacent subdivisions or the name of record of owners of adjoining parcels of unsubdivided land.

The study shall contain the existing zoning on adjoining land, the location, width, and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings,

railroad rights-of-way, and topography with existing drainage channels or creeks, and other important features such as political subdivisions or corporate limits and school district boundaries.

The study shall show the layout and width of proposed thoroughfares and collector streets and shall show a general configuration of proposed residential streets.

Section VIII. Preliminary plat and plans.

The developer shall submit preliminary plat and plans of the subdivision to the public works department. Submittal shall include a letter of transmittal requesting review and the required filing fees.

The purpose of the submittal is to allow the planning and zoning commission to review overall platting of the tract, water and sewer service, and street patterns within the subdivision for conformance with the requirements of the city. It also provides the city an opportunity to make preliminary estimates of city participation in street and utility costs in the subdivision. The plat and plans shall be prepared as follows:

A. The preliminary plat shall be drawn to a scale of one inch equals one hundred (100) feet or larger.

B. It shall contain the name of the proposed subdivision, the name and address of the subdivider and the engineer or surveyor responsible for the design or survey, the tract designation, and other descriptions according to the abstract and survey records of Dallas County, Texas.

C. It shall also contain a north point, scale, and date.

D. The boundary line of the tract, accurate in scale, shall be shown.

E. It shall show the names of adjacent subdivisions or names of record of owners of adjoining parcels, the location, widths, and names of all existing or platted

streets, easements, or other public ways within or adjacent to the tract, existing railroad rights-of-way, and other important features such as section lines, political subdivisions or corporation limits and school district boundaries.

It shall show 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 or conditions of limitations of such reservation.

It shall show the layout, names, and width of proposed streets, alleys, and easements.

It shall show the layout, numbers, and approximate dimensions of proposed lots and all building lines.

The preliminary plans shall show contours of the tract in intervals of five (5) feet or less, referred to sea level datum.

The plans shall show existing sewers, water mains, culverts, or other underground structures within the tract and immediately adjacent thereto with pipe sizes and locations indicated.

The plans shall show proposed water, sanitary sewer and storm sewer pipe lines with sizes indicated and valves, fittings, manholes, inlets[,] culverts, bridges, and other appurtenances or structures shown.

The plans shall show storm water retention basins as required.

The location of proposed screening walls shall be clearly indicated.

Section IX. Final plat and plans.

The developer or his engineer shall submit the final plat and complete construction plans to the public works department for review. Submittal shall include a letter of transmittal requesting review and payment of the required filing fees.

The final plat shall contain the following:

- A. The boundary lines with accurate distances and bearings and the exact location and width of all existing or recorded streets intersecting the boundary of the tract.
 - B. True bearings and distances to the nearest established street lines or official monuments, which shall be accurately described on the plat; municipal, township, county, or section lines accurately tied to the lines of the subdivision by distances and bearings.
 - C. An accurate location of the subdivision with reference to the abstract and survey records of Dallas County.
 - D. The exact layout including:
 - 1. Street names.
 - 2. The length of all arcs, radii, internal angles, points of curvature, length, and bearing of the tangents.
 - 3. All easements for rights-of-way provided for public services or utilities and any limitations of the easements.
 - 4. All lot numbers and lines with accurate dimensions in feet and hundredths of feet and with bearings and angles to street and alley lines.
 - E. The accurate location, material, and approximate size of all monuments.
 - F. The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and of all property that may be reserved by deed covenant for the common use of the property owners in the subdivision.
 - G. Setback building lines.
 - H. Private restrictions.
- Proposed name of the subdivision.
- Name and address of the subdivider.

North point, scale, and date.

Certification by a registered professional civil engineer or surveyor to the effect that the plat represents a survey made by him and that all the monuments shown thereon actually exist, and that their location, size, and material description are correctly shown.

A certificate of ownership and dedication of all streets, alleys, parks and playgrounds to public use forever, signed and acknowledged before a notary public by the owner and lienholder of the land along with complete and accurate description of the land subdivided and the streets dedicated.

Additional certificates to properly dedicate easements or rights-of-way as may be necessary.

The construction plans shall be prepared by or under the supervision of a registered professional engineer in the State of Texas and shall bear his seal on each sheet.

The plans shall contain all necessary information for construction of the project. ~~including screening wall~~ All materials specified shall conform to the standard specifications of the Town of Addison.

Each sheet of the plans shall contain a title block including space for the notation of revisions. This space is to be completed with each revision to the plan sheet and shall clearly note the nature of the revision and the date the revision was made.

After review of the plat and plans by the public works department, the plat and plans shall be submitted to the planning and zoning commission and the city council for their consideration. If approved by those bodies subject to changes, the engineer for the owner shall make all changes required. The director of public works or his designated agent will approve all plans and return sufficient approved sets of the plans to the engineer for the owner for use by the contractors. Each contractor shall maintain one set of the plans, stamped with city approval, on the project at all times during construction.

[Section IX-A. Fee for subdivision or plat—Generally.]

All owners, lessees or other persons who shall file a subdivision or plat for review by the Town of Addison shall be charged a mandatory fee for processing such subdivision or plat as follows:

Residential

Preliminary: Seventy-five dollars (\$75.00) plus five dollars (\$5.00) per lot as shown on such subdivision or plat.

Final: Seventy-five dollars (\$75.00) plus five dollars (\$5.00) per lot on such subdivision or plat.

Industrial, Commercial, Apartment or Other

Preliminary: Seventy-five dollars (\$75.00) plus five dollars (\$5.00) per acre.

Final: Seventy-five dollars (\$75.00) plus five dollars (\$5.00) per acre. (Ord. No. 262, § 2, 5-11-76; Ord. No. 087-009, § 1, 2-10-87)

[Section IX-B. Same—Violations.]

Any person, firm or corporation violating any of the provisions of this ordinance [the preceding section] or falsifying any document to reduce the fee chargeable under this ordinance shall be deemed guilty of a [class C] misdemeanor, and upon conviction in the municipal court shall be subject to a fine not to exceed the maximum sum of two hundred dollars (\$200.00) for each offense and each and every day of continuance thereof shall constitute a distinct and separate offense. (Ord. No. 262, § 4, 5-11-76)

Section X. Filing of plat.

After approval of the final plat by the planning and zoning commission and the city council, and correction of the plat as required by those bodies and the public works department, the developer or his engineer shall submit to the public works department the required number of copies for filing with the county clerk. These copies shall bear all

signatures but those of the city officials. After signature by these city officials, the developer or his engineer must complete the filing process and return the required number of filed copies to the public works department. Said copies shall show the volume and page of the map and plat records into which the plat was filed by the county clerk.

Section XI. Submittals required for construction.

Prior to authorizing construction, the city engineer shall be satisfied that the following conditions have been met:

- A. The final plat shall be completed to the requirements of the city council at the time of approval.
- B. All required contract documents shall be completed and filed with the city engineer.
- C. All necessary easements or dedications not shown on the final plat must be completed, properly signed, and filed with the county clerk. The original of the filed documents, bearing the stamp of the county clerk, shall be returned to the public works department.
- D. All contractors participating in the construction shall be presented with a set of approved plans bearing the stamp of approval of the public works department. These plans shall remain on the job site at all times.
- E. If required by the city engineer, all parties participating in the construction shall meet for a preconstruction conference to discuss the project prior to beginning work.
- F. A complete list of the contractors, their representatives on the site, and telephone numbers where a responsible party may be reached at all times, must be submitted to the city engineer.
- G. Three (3) prints of the utility plan sheet, scale one inch equals one hundred (100) feet and five (5) prints of the same, reduced to one inch equals two hundred (200) feet, shall be submitted to the director of public works, in addition to previous submittal of construction plans.

H. Manufacturer's drawings for all fabricated appurtenances or special construction items shall be submitted to the director of public works.

Section XII. Subdivision construction.

Construction shall be supervised by public works department personnel. Completion of construction to the approved plans and standard specifications of the Town of Addison is the entire responsibility of the developer and the contractors. The responsibility of the city engineer is to assure conformance to the approved plans and specifications. Any change in design required during construction shall be made by the engineer whose seal and signature are shown on the plans and shall be approved by the director of public works.

Section XIII. Acceptance of the subdivision.

After completion of all items required in the plans and specifications, the contractor shall submit to the director of public works a bond in the amount of ten (10) per cent of the contract amount guaranteeing workmanship and materials for a period of one year from the date of final acceptance by the city. The director of public works shall verify that all items have been completed, including filing of the plat and all related easements and documents, payment of pro rata fees for water and sewer services, etc. The director of public works or his designated agent shall conduct a final inspection of the project and, if all work is found to be acceptable, shall issue a letter of acceptance. Any items of exception noted in the acceptance letter shall be immediately satisfied.

Acceptance of the subdivision shall mean that title to all improvements is vested in the Town of Addison. The developer and his contractor shall, however, be bound to the city for a period of one year to repair any defects in the improvements.

Section XIV. As-built plans.

Within thirty (30) days of acceptance of the subdivision, the engineer for the developer shall submit to the public

works department a complete set of drawings of the paving, drainage, water and sewer improvements showing all changes made in the plans during construction and containing on each sheet an "As-Built" stamp bearing the signature of the director of public works and the date. In addition, one reproducible drawing of the utility plan sheets, containing the as-built information, shall be submitted.

Section XV. Issuance of building permits.

Generally, building permits will not be issued until completion of all improvements within the subdivision and acceptance by the city. The director of public works shall have the authority, after reviewing the progress of construction and other relevant matters, to release portions of the subdivision for building permits.

Cross reference—Building code, § 5-16 et seq.

Section XVI. General requirements.

Streets and alleys. In general, streets shall conform to the following standards:

Streets shall be in line and consistent with existing streets in adjoining subdivisions.

Streets shall be named so as to provide continuity with existing streets.

Dead-end streets shall be avoided except where planned for future extension.

Blocks shall be platted to allow two (2) tiers of lots.

The subdivision shall be platted with appropriate regard for all topographical features lending themselves to treatment and layout of utilities.

Streets and alleys shall generally not exceed twelve hundred (1200) feet in length.

No cul-de-sac shall be developed which exceeds six hundred (600) feet in length measured from the center

line of the street it intersects with to the center point of the cul-de-sac.

In platting the subdivision, the developer shall provide additional right-of-way required for existing or future streets as shown in the master thoroughfare plan or other plan approved by the city council.

When land is subdivided or developed in areas adjacent to existing city streets or county roads that are not improved to city standards, the developer shall include the improvements of these streets in the overall development of the area. Should the city council determine that it is not feasible to develop said street at the time of development of the area, the developer shall put his pro rata share for the improvements of said street in escrow until such time as improvement is deemed necessary by the city council.

Streets and alleys shall be platted and constructed in accordance with the master thoroughfare plan or other plans approved by the city council and shall conform to the following general requirements:

(a) *Thoroughfares.* Thoroughfares shall generally be constructed as required in the master thoroughfare plan. The developer's pro rata share shall include the outside eighteen-and-one-half foot lanes (measured from back of curb) adjoining his property, the outside curb, and any lime-treated subgrade. If requested by the city council, the developer shall construct additional width pavement with reimbursement from the city for such additional pavement when city funds become available. Reimbursement will be sixteen dollars (\$16.00) per square yard which price includes the cost of base, lime stabilization, excavation and concrete.

1. *Concrete.* Pavement shall be a minimum of eight (8) inch reinforced concrete (three thousand (3,000) psi) and shall include six (6) inch monolithic curbs. The subgrade shall be thoroughly compacted and stabilized with

hydrated lime for a minimum depth of six (6) inches below the pavement.

2. *Asphalt.* Asphalt shall be eight (8) inches with concrete curbs. Subgrades shall be thoroughly compacted and stabilized with hydrated lime to a minimum depth of six (6) inches below the asphaltic pavement. The contractor shall employ and pay for a testing laboratory, approved by the city, and shall pay for continuous inspection during the processing of subgrade stabilization. Density and thickness tests shall be performed by the independent testing laboratory for every five thousand (5,000) square feet of pavement or portion thereof during the construction of paving. Certification of these tests, and their results, shall be furnished to the city by a registered professional engineer.
- (b) *Collector streets.* Collector streets shall generally be constructed within sixty (60) foot right-of-way, and consist of a thirty-six (36) foot roadway measured from face to face of curb. The developer shall construct, at his own cost, the entire width of the roadway if it is located in the interior of the subdivision.
1. *Concrete.* Pavement shall be six (6) foot thick, reinforced concrete (three thousand (3,000) psi) with six (6) inch monolithic curbs placed on six (6) inch lime stabilized subgrade.
 2. *Asphalt.* Asphalt shall be eight (8) inches thick and be placed on six (6) inch thick lime stabilized subgrade if the street is in an industrial/commercial area. The asphalt street shall be six (6) inch thick asphalt on six (6) inch six (6) per cent lime stabilized subgrade if the collector street is within a residential area. Testing for asphalt shall be same as listed above.

Residential streets. Residential streets shall generally be constructed within a fifty (50) foot right-of-way and shall consist of a twenty-six (26) foot wide roadway measured from face to face of the curbs.

1. *Concrete.* Pavement shall be six (6) inch thick reinforced concrete (three thousand (3,000) psi) with six (6) monolithic curbs placed on six (6) inch lime stabilized subgrade.
2. *Asphalt.* The asphalt shall be six (6) inch thick placed on six (6) inch lime stabilized subgrade with six (6) inch concrete curbs with reinforcing. Testing requirements for asphalt shall be same as listed above.

Alleys. Alleys shall be constructed within a fifteen (15) foot right-of-way and shall be ten (10) feet in width. Alley turnout shall be twelve (12) feet wide at the property line then narrowing to ten (10) feet.

1. *Concrete.* The pavement shall be six (6) inch reinforced concrete (three thousand (3,000) psi) with a four (4) inch invert for drainage.
2. *Asphalt.* Asphalt shall be six (6) inches thick placed on six (6) inches of lime stabilized subgrade with a four (4) inch invert for drainage. All asphalt testing shall be the same as listed above. (Ord. No. 384, § 1, 5-9-78)

Storm sewers. An adequate storm sewer system, consisting of inlets, pipes, and other underground drainage structures[,] shall be constructed to conform with current drainage requirements of the Town of Addison. The following policy shall govern the installation of all drainage facilities within the city:

Residential subdivisions or additions.

- (a) The developer shall pay the total cost of storm drainage systems where pipe seventy-two (72) inches in diameter or less is installed.

- (b) In cases where the storm drain is larger than seventy-two (72) inches in diameter, but not larger than eighty-four (84) inches, twenty-five (25) percent of the cost of providing the additional pipe larger than seventy-two (72) inches but smaller than eighty-four (84) inches will be borne by the city and shall be reimbursed to the developer when the city funds become available. The developer shall pay for the remaining seventy-five (75) per cent and the cost of constructing the pipe to seventy-two (72) inches in diameter. The developer shall also bear the cost of all channel excavation, inlets, laterals, headwalls, manholes, junction structures, and all other items required to complete the system.
- (c) In those cases where the runoff cannot be handled by a pipe eighty-four (84) inches in diameter or smaller, the developer shall dedicate at his own expense a right-of-way of sufficient width to permit excavation and maintenance of an open channel of satisfactory depth and width. The developer shall complete all necessary excavation on the channel and shall sod or seed the channel to prevent erosion. If deemed necessary by the public works department, the channel shall be lined with reinforced concrete to prevent erosion. The city will pay for twenty-five (25) per cent of the cost of such lining, and shall reimburse the developer for such costs when city funds become available.
- (d) In street crossings (bridges or culverts) with an opening larger than that of a double seventy-two (72) inch pipe culvert, the city will participate to the extent of twenty-five (25) per cent of the cost of the structure as approved by the director of public works, and shall reimburse the developer for such costs when city funds become available.

2. *Commercial and industrial developments.*

- (a) The developer shall pay the total construction cost of storm drainage systems where a double

seventy-two (72) inch diameter pipe or smaller pipe will carry the runoff.

- (b) In those cases where the runoff cannot be handled by a double seventy-two (72) inch pipe or smaller, the developer shall dedicate, at his own expense, a right-of-way of sufficient width to permit excavation and maintenance of an open channel of satisfactory depth and width. The developer shall excavate the channel at his own expense and line the channel with reinforced concrete. The city shall participate to the extent of ten (10) per cent of the cost of such lining when city funds become available.
- (c) In street crossings (bridges or culverts) with an opening larger than that of a double seventy-two (72) inch pipe culvert, the city will participate to the extent of ten (10) per cent of the total construction cost of the structure as approved by the director of public works and shall reimburse the developer for such costs when city funds become available.

C. Sanitary sewers. Sanitary sewer facilities shall be provided to adequately service the subdivision and conform to the City of Addison sewer plan.

Sewer pipe shall have a minimum internal diameter of eight (8) inches. Construction and materials shall conform to the standard specifications of the Town of Addison.

Sewer services for each lot shall be carried to the property line.

Should the subdivision or addition abut and use a sewer main of the city, the developer shall pay to the Town of Addison a "pro rata" charge as prescribed by the pro rata ordinance of the city for the use of the same.

The developer shall construct all manholes, cleanouts and other appurtenances as required on the plans.

Should a lift station, either temporary or permanent, be necessary to provide a sanitary sewer service to the subdivision, the developer shall construct the station and all appurtenances, at his own expense. If and when the lift station is no longer needed, the installation will remain the property of the Town of Addison for disposal.

D. Water. Water systems shall have a sufficient number of outlets and shall be of sufficient size to furnish adequate domestic water supply, to furnish fire protection to all lots, and to conform to the Town of Addison water plan.

1. Water pipe shall be a minimum of eight (8) inch nominal internal diameter. Construction and material shall conform to the standard specifications of the Town of Addison.

2. Water services for each lot shall be stubbed out with an angle stop to the location required as shown on the standard details. A meter box conforming to the requirements of the standard specifications shall be installed over the end of each service.

3. Valves and fire hydrants shall be located to [sic] at intervals of three hundred (300) feet in industrial, commercial or local retail areas and at intervals of five hundred (500) feet in apartment or residential areas.

4. Should the subdivision or addition abut and use a water main of the city, the developer shall pay to the Town of Addison a "pro rata" charge as prescribed by the pro rata ordinance of the city for use of the same.

E. Other utilities.

1. The developer shall furnish all easements and rights-of-way necessary for construction of electrical, gas, and telephone service to the subdivision.

2. The developer shall pay for the number of street lights required in the subdivision as determined by the director of public works. Maximum distance between

street lights shall be approximately six hundred (600) feet. After acceptance of the subdivision, service charges for electricity will be paid by the city.

The developer shall be responsible for all damage to improvements caused during installation of utilities.

Miscellaneous.

The developer shall provide street signs for the subdivision. There shall be one sign for each three (3) way intersection and two (2) signs for each four (4) way intersection. The signs will be ordered by the public works department and the developer billed a fixed fee for each sign. Such price shall include cost of the sign assembly, pole and installation.

Sidewalks shall be constructed in accordance with the sidewalk ordinance of the Town of Addison on all lots adjoining dedicated streets. Sidewalk construction may be delayed until development of the lot, except across bridges or culverts. In these cases, the sidewalks shall be constructed with the other improvements to the subdivision.

All lot corners shall be located and marked with a one-half inch reinforcing bar eighteen (18) inches in length and shall be placed flush with the ground or counter sunk, if necessary, in order to avoid being disturbed.

Permanent concrete monuments, six (6) inches in diameter and twenty-four (24) inches long, shall be placed on all boundary corners, block corners; curve points, and angle points in public rights-of-way. A copper pin one-fourth inch in diameter embedded at least three (3) inches in the monument shall be placed at the exact intersection point on the monument. The monuments shall be set at such an elevation that after construction the top of the monument will be not less than twelve (12) inches below the ground surface.

Where subdivisions are platted so that the rear yards of single family residential lots are adjacent to a

dedicated roadway or separated from a roadway by an alley or service road, the developer shall provide, as his sole expense, a six (6) foot reinforced concrete or masonry wall to be located on the street right-of-way line for the purpose of screening the rear yards from the street. The city council and the planning and zoning commission may waive or modify, in exceptional cases, this requirement. Plans and specifications for the wall shall be approved by the public works department. The wall shall conform to the requirements of the ordinance of the city governing the sight distance for traffic safety and other city ordinances.

Where landscaping in public rights-of-way or other public property is required or planned, such work shall first be approved by the public works department. Such approval is intended to assure that plant materials used in the work will not create maintenance problems or require excessive amounts of city labor during future maintenance. The work shall also conform to the city ordinance governing sight distance for traffic safety.

Before any street is opened to traffic in the Town of Addison all necessary pavement markings necessary to comply to the Manual on Uniform Traffic Control Devices for streets and highways shall be completed. All work must first have the approval of the public works department.

Filing of subdivision plans and final plats.

That all subdivision plats filed with and submitted to the city council for approval shall:

- a. Set forth a full and accurate description of the land subdivided;
- b. Set forth a full and accurate description of all streets and other areas dedicated;
- c. Contain a certificate of ownership;
- d. Dedicate all streets, alleys, parks and playgrounds to public use forever;

Grant required easements for utilities, drainage floodway, fire lanes and other appropriate purposes;
Be signed by the owner of the land.

The final plan to be submitted to the city council shall also indicate, on the mylar sepia copy, easement locations.

2. That no subdivision plat or site plan filed with or submitted to the city for approval on or after June 23, 1982, shall be approved unless such plan or plat requires all electric utility lateral and service lines to be constructed underground. In special or unique circumstances or to avoid undue hardship, the city council may authorize variances and exceptions from this requirement and permit the construction and maintenance of overhead electric utility lateral or service lines and may approve any plat with such approved variances or exceptions. It is the intent of this section that no overhead electric utility lateral or service lines be constructed without a variance or exception having been obtained for the subdivision plat or site plan.

3. That all wires and lines providing other utility services, and electric lines serving street lights, shall be placed underground in all subdivisions and on all sites where the final subdivision plat or site plan approved by the city requires electric utility lateral and service lines to be placed underground. Utility support equipment, such as transformers, amplifiers, switching devices, etc., necessary for or used in connection with underground installations shall be deemed to be placed underground if actually constructed underground or if pad-mounted on the surface.

4. Anything in this ordinance to the contrary notwithstanding, temporary construction service may be provided by overhead electric lines and facilities without obtaining a variance or exception.

5. That nothing herein set forth shall prohibit or restrict any utility company from recovering the difference between the cost of overhead facilities and underground facilities. Each utility whose facilities are subject to the provisions of this ordinance shall develop policies and cost reimbursement procedures with respect to the installation and extension of underground service.

As used in this ordinance the terms "utility services," "feeder lines," "lateral lines," and "service lines" shall have the following meanings:

"Utility services" shall mean the facilities of any person, firm or corporation providing electrical, telephone, TV cable or any other such item or service for public use which services are not normally or already required to be placed underground and are within the present or future city limits of the Town of Addison, Texas.

"Feeder lines" shall mean those high voltage supply electric lines that emanate from substations used to distribute power throughout an area.

"Lateral lines" shall mean those electric lines used to distribute power from a feeder line to an end user. These electric lines are normally connected to a feeder line through a sectionalizing device such as a fuse.

"Service lines" shall mean those electric lines used to connect between the utilities' supply system and the end user's service entrance. (Ord. No. 384, § 1, 5-9-78; Ord. No. 536, § 1, 10-9-79; Ord. No. 632, § 11, 10-28-80; Ord. No. 793, § 1, 5-26-82)

[Section XVI-A. Penalty.]

Any person, firm or corporation violating any of the provisions or terms of this ordinance [paragraph 7 above] shall be subject to the same penalty as provided for in the comprehensive zoning ordinance of the city as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two hundred dollars (\$200.00) for each offense and each day such violation shall continue to exist shall constitute a separate offense. (Ord. No. 536, § 4, 10-9-79)

Section XVII. Severability clause.

It is hereby declared to be the intention of the city council of the Town of Addison and [that] the sections, paragraphs, sentences, clauses and phrases of this ordinance are

severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional, and [sic] such unconstitutionality or invalidity 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 city council without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section XVIII. Penalty.

Any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building or use in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than two hundred dollars (\$200.00), and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof, where anything in violation of this ordinance shall be placed or shall exist, and architect, builder, contractor, agent, person or corporation employed in connection therewith, and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction shall be fined as herein provided.

Section XIX. Emergency.

The fact that the present ordinances and regulations of the city are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the inhabitants of the city creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this ordinance shall become effective from and after the date of its passage, as provided by law, and it is accordingly so ordained.