City of Colleyville

Land Development Code

Verified Chapters:

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Chapter 1
General Provisions

Rev. 08/21/2018

Section 1.1 Title

This document shall be known and may be cited as the Land Development Code of the City of Colleyville, Texas.

Section 1.2 Applicability

The provisions of this Land Development Code shall apply to all lots, parcels of land, rights-of-way, buildings and structures located within the Corporate Limits of the City of Colleyville.

Section 1.3 Authorization for Adoption of This Land Development Code

The regulations contained in the various chapters of this Land Development Code have been adopted upon approval of an ordinance, after public hearing, by the City Council of the City of Colleyville in accordance with the authority described within each chapter and the following:

1. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality; and.

2. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 1.4 Purpose of the Land Development Code

The purpose of this Land Development Code is to promote the health, safety, and general welfare of the community and to:

1. combine zoning, subdivision and other regulations into a single document that can be used for development of property and public facilities in Colleyville, Texas;

2. establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions of subdivided land;

3. provide that the cost of improvements which primarily benefit the tract of land being developed be borne by the owners or developers of the tract and that the cost of improvements which primarily benefit the entire community be borne by the community as a whole; and

4. avoid overlapping, conflicting or inconsistent regulations found in land use control systems consisting of separate zoning, subdivision, and other ordinances.

Section 1.5 Purpose of This Chapter

The purpose of this Chapter is to:

1. establish rules, regulations and procedures for the administration of this Land Development Code and to establish the process for amending this Code;

2. establish regulations which describe the process for considering waivers, variances and appeals regarding this Land Development Code; and

3. establish specific boards and commissions responsible for considering requests for a waiver or variance from a regulation or to hear an appeal of a decision of an Administrative Official authorized to enforce and administer this Land Development Code.

Section 1.6 Administration and Enforcement

The provisions of the Land Development Code shall be administered, interpreted and enforced by the City Manager, his designee, or by the administrator designated within this Code.

Section 1.7 Fees

The schedule of fees and charges associated with application filing, processing, plan review, or any other fee required by provisions of this Land Development Code, shall be established by the City Council. Furthermore, until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal authorized by this Land Development Code. Fees required by this Land Development Code shall not be refundable, except where a specific provision provides for refunding.

Section 1.8 Compliance Required

All land, buildings, structures or appurtenances thereon located within the City which are hereafter occupied, used, erected, altered or converted shall be used, placed and erected in conformance with the regulations prescribed herein. In their interpretation and application, the provisions of these regulations shall be construed to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, morals and general welfare. Land used in meeting the requirements of this Land Development Code with respect to a particular use or building shall not be used to meet the requirements for any other use or building. No approval, authorization to proceed, or issuance of any certificate or permit shall be construed as an approval of a violation of the provisions of this document or of other ordinances of the City of Colleyville. Certificates presuming to give authority to violate or cancel the provisions of this document or of other ordinances of the jurisdiction shall be void.

Section 1.9 Certificate of Occupancy Required

1.9.A CERTIFICATE REQUIRED PRIOR TO OCCUPANCY

No building, or portion thereof, or parcel of land shall be occupied or used until a certificate of occupancy has been issued by the City. Furthermore, no non-residential building, or portion thereof, or parcel of land shall change in use or occupancy until a certificate of occupancy has been issued by the City. A current certificate of occupancy is required on all land, buildings, or portions thereof except non-habitable accessory buildings. Failure to comply with this provision may result in the issuance of a citation and/or constitute basis for denial of or disconnection from City utilities or to require a franchised utility company to do likewise.

1.9.B CONNECTION TO UTILITIES

No connection to the City utility systems shall be allowed unless and until a certificate of occupancy has been issued by the City Inspector. However, temporary connection of utilities for a specified duration may be authorized by the City Inspector for the purpose of clean up, construction or other such purposes.

1.9.C RECORDS

The Building Inspection Office shall maintain a record of all buildings or parcels of land for which a Certificate of Occupancy has been issued.

1.9.D CERTIFICATE OF OCCUPANCY APPLICATION

Application for a certificate of occupancy shall be made to the Building Inspection Office. No application for a certificate of occupancy shall be approved which does not, at a minimum, contain the following information: business name, business address, business phone number, type of proposed use, business owner, business owner's address, business owner's phone number and emergency phone number, applicant's driver's license number, applicant's date of birth, and applicant's signature.

1.9.E DISPLAY AND STATUS OF CERTIFICATE OF OCCUPANCY

1. All non-residential occupancies shall display a certificate of occupancy on the site and in a conspicuous place.

2. The holder of a certificate of occupancy for a non-residential occupancy is required to notify the Building Inspection Office of any change of address, name changes, or other pertinent information listed on the certificate of occupancy application.

Section 1.10 Project Under Construction at Time of Code Adoption

Nothing herein contained shall require any change in the plans, construction or designated use of a building actually under construction within the city on the effective date of this document and which entire building shall be completed within one (1) year from the effective date of the document or which building shall be maintained under continuous construction even though not completed within one (1) year. Nothing herein contained shall require any change in plan, construction or designated use of a building for which a building permit has been heretofore issued while such permit is valid and provided the building shall have been started within 180 days of the date of issuance of the permit and which entire building shall be maintained under continuous construction even though not completed within one (1) year.

Section 1.11 Compliance Required for Building Permits & Utility Services

No building or structure may be erected, constructed or installed on any lot, tract or parcel of land and public utilities shall not be extended or connected to a building or structure unless the lot, tract or parcel of land is in compliance with the provisions and requirements of this Land Development Code and all applicable Building Permits and authorizations to proceed are first obtained.

Section 1.12 Waivers and Appeals - Generally

Any person seeking approval of a development as required by this Land Development Code may request a waiver of or a variance from a requirement contained in this Code, or appeal a decision of an Administrative Official by submitting a request using the procedures described in this Chapter. Due to the unique arrangement and statutory organization of this Land Development Code, provisions for waivers, variances and appeals of administrative decisions vary from chapter to chapter. The following table shows the approval authority for waiver, variance and appeal requests for the specific chapters of this Land Development Code.

Approval Authority for Waiver, Variance and Appeal Requests					
Chapter Title	**City Council**	**P & Z Commission**	**ZBA**	**Sign Board**	**Staff**
Chapter 2 – Definitions	N/A	N/A	See Section 1.16	N/A	N/A
Chapter 3 – Land Use	See Section 1.13	N/A	See Section 1.16	N/A	N/A
Chapter 4 – Landscaping & Buffering	See Section 4.4	See Section 4.4	N/A	N/A	N/A
Chapter 5 – Tree Preservation	See Section 1.13	See Section 1.14	N/A	N/A	N/A
Chapter 6 – Building Design	See Section 1.13	See Section 1.14	N/A	N/A	N/A
Chapter 7 – Sign Regulations	See Section 1.13	N/A	N/A	See Section 1.15	N/A
Chapter 8 – Platting Procedures (except perimeter streets)	See Section 1.13	See Section 1.14 & 7.2	N/A	N/A	N/A
Perimeter streets	See Section 1.13	N/A	N/A	N/A	N/A
Chapter 9 – Subdivision Design & Required Facilities	See Section 1.13	N/A	N/A	N/A	N/A
Chapter 10 – Private Streets & Entrance Gates	See Section 1.13	N/A	N/A	N/A	N/A
Chapter 11 – Park Land Dedication	See Section 1.13	N/A	N/A	N/A	N/A
Chapter 12 – Erosion Control	See Section 1.13	N/A	N/A	N/A	N/A
Chapter 13 – Impact Fees	See Section 1.13	N/A	N/A	N/A	N/A
Chapter 14 – Engineering Design	See Section 1.13	N/A	N/A	N/A	N/A
Chapter 15 – Public Works Construction Details	See Section 1.13	N/A	N/A	N/A	N/A

Note to table above: N/A – Not Authorized

Section 1.13 Waivers and Appeals – City Council

A. Where specifically provided for in this Land Development Code, the City Council shall have the authority to consider requests for a waiver or to hear and decide an appeal from an administrative decision on a regulation. The City Council may approve, disapprove or modify such a request provided that such approval or modification will not be detrimental to the public safety, health, or welfare or injurious to other property. The applicant shall provide information to support a claim that there are extraordinary hardships or practical difficulties which may result from strict compliance with the regulation or that the public interest may be better served by an alternative proposal.

B. Notwithstanding any provision of this Land Development Code relating to waiver procedures contained herein, and to the extent not otherwise prohibited by State law, the City Council shall have the authority to directly consider requests for a waiver to any regulation contained herein in connection with the construction of a mutual access easement/drive adjacent to a Major Arterial as defined in the Master Thoroughfare Plan. The City Council may approved, disapprove or modify such a request provided that such approval or modification will not be detrimental to the public safety, health, or welfare or injurious to other property. The applicant shall provide information to support a claim that there are extraordinary hardships or practical difficulties which may result from strict compliance with the regulation or that the public interest may be better served by an alternative proposal.

C. The City Council shall have the authority to take action relative to the continuance or discontinuance of a nonconforming use. The City Council has jurisdiction to:

1. Initiate on its motion or cause presented by interested property owners an action to bring about the discontinuance of a nonconforming use in accordance with the following:

    a. Require the discontinuance of a nonconforming use under any plan whereby full value of the structure can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this ordinance.

2. Permit the change of occupancy of a nonconforming use to another nonconforming use in accordance with the provisions of Chapter 3 – Land Use of this Land Development Code.

3. Permit the enlargement of a nonconforming use in accordance with the provisions of Chapter 3 Land Use of this Land Development Code.

4. Permit the reconstruction of a nonconforming structure or building on the lot or tract occupied by such building, provided such reconstruction does not, in the judgment of the Board, prevent the return of such property to a conforming use or increase the nonconformity of a nonconforming structure and provided that such actions conform to the non-conforming provisions of Chapter 3 – Land Use of this Land Development Code.

D. Major Variances: Permit such variance of the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum sidewalk or setback standards, or visibility obstruction regulations where the literal enforcement of the provisions of this ordinance would result in an unnecessary hardship, and where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same district by being of such restricted area, shape or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district. A modification of the standards established by this ordinance shall not be granted to relieve a self-created or personal hardship, nor for financial reason only, nor shall such modification be granted to permit any person a privilege in developing a parcel of land not permitted by this ordinance to other parcels of land in the district. A deviation greater than ten percent (10%) of a regulation shall be considered a major variance request.

Section 1.14 Waivers and Appeals – Planning and Zoning Commission

Where specifically provided for in this Land Development Code, the Planning and Zoning Commission shall have the authority to consider a waiver or hear and decide an appeal from an administrative decision on a regulation. The Planning and Zoning Commission may approve, disapprove or modify such a request provided that such approval or modification will not be detrimental to the public safety, health, or welfare or injurious to other property. The applicant shall provide information to support a claim that there are extraordinary hardships or practical difficulties which may result from strict compliance with the regulation or that the public interest may be better served by an alternative proposal.

Section 1.15 Waivers and Appeals – Sign Board of Appeals

Note: Section 1.15 replaced in its entirety. (Ord. O-03-1414 / 09-02-2003)

A. Creation of Sign Board of Appeals – There is hereby created a Sign Board of Appeals consisting of five (5) members and two (2) alternate members, each to be appointed by the Council for a two year term, or until a successor is appointed. Three members of the Board and one (1) alternate member shall be selected in even numbered years and two members and one (1) alternate member in odd numbered years. In the event of a vacancy, the Council shall appoint a member to serve for the unexpired term. Alternate Board members shall serve in the absence of regular members. The Sign Board of Appeals shall consist of the same members and officers as the Zoning Board of Adjustment.

B. Authority of the Sign Board of Appeals – The Sign Board of Appeals shall have the authority to hear and decide on requests for a variance from the requirements contained in *Chapter 7 – Sign Regulations* of this Land Development Code. The Sign Board of Appeals shall also have the authority to hear and decide an

appeal of an administrative decision on a regulation contained in *Chapter 7 – Sign Regulations* of this Land Development Code. The authority established under this paragraph shall be applicable to a definition contained in *Chapter 2 – Definitions* of this Land Development Code required for the administration and enforcement of the provisions of *Chapter 7 – Sign Regulations*.

C. Quorum and Organization – Four members of the Sign Board of Appeals shall constitute a quorum. In the event of the absence of the Chairman and Vice-Chairman, the four members constituting the quorum shall elect for that meeting a member to preside as Acting Chairman and to assume all duties of the Chairman.

D. Meetings, Hearings and Rules of Procedures – The Board shall adopt rules of procedure for the conduct of its meetings. Meetings shall be held at the call of the Chairman or at such times as the Board may determine. All meetings and hearings shall be open to the public and shall be conducted in accordance with the procedure set forth in these regulations and the rules of procedure adopted by the Sign Board of Appeals. Such rules of procedure may be amended by the Sign Board of Appeals membership. The minutes of the meetings shall be recorded, showing the vote of each member upon the question, and shall be made a matter of public record. The concurring vote of four members of the Board shall be necessary to render a decision on any matter before the Board. The Sign Board of Appeals shall meet monthly, provided there has been an appeal or request for variance filed with the Administrative Official on or before the last date to receive applications prior to the scheduled meeting date. The Administrative Official shall publish a calendar establishing such final application dates.

E. Variance – A person may request a variance from a requirement contained in *Chapter 7 – Sign Regulations* by filing said request with the Administrative Official. A request for a variance shall be accompanied by a non-refundable filing fee. The filing fee shall be established by separate ordinance by the City Council. A request for variance shall be referred for consideration to the Sign Board of Appeals. In considering a request for a variance, the Sign Board of Appeals shall consider, among other things, the degree of variance, the reason for the variance requested, the location of the variance request, the duration of the requested variance, the effect on public safety, the protection of neighborhood property, the degree of hardship or injustice involved, and the effects of the variance on the general plan of regulation of signs within the City.

F. Fees – No action shall be taken on any application submitted to the Sign Board of Appeals until all applicable fees have been paid in full. No refund of any application fee shall be made after the request has been advertised and scheduled for consideration by the Board.

G. Public Hearing and Written Notification – No action to approve or deny any application shall be taken until the Board has held a public hearing and received comment, and only after written notice of the public hearing of the date, time and place where the variance request is to be considered has been sent to the owners of real property lying within five hundred (500) feet of the property and all Home Owner's Associations (HOA's) lying within one thousand (1,000) feet of the property where the application is being considered. Such notice shall be given to each property owner as listed on the last approved tax roll not less than fifteen (15) days before the date set for hearing by depositing letters properly addressed and postage paid in the United States Post Office.

H. Appeal to City Council – The decision by the Sign Board of Appeals shall be final, unless the applicant submits a written notice of appeal within ten (10) days from the date of the action by the Board. The enforcement official shall re-notify all property owners lying within five hundred (500) feet of the property and all Home Owner's Associations (HOA's) lying within one thousand (1,000) feet of the property being considered and place the applicant's appeal request on the next available agenda for consideration by the City Council.

Section 1.16 Variances & Appeals – Zoning Board of Adjustment

The Zoning Board of Adjustment shall have the authority to consider requests for a variance of a zoning regulation or to hear an appeal from an administrative decision on a regulation in *Chapter 3 – Land Use Regulations.* The Zoning Board of Adjustment shall additionally have the authority to consider requests for an interpretation of any regulation or definition contained in this Land Development Code. The rules and procedures contained in this section shall be applicable to such request.

1.16. A ZONING BOARD OF ADJUSTMENT ESTABLISHED

A Zoning Board of Adjustment is hereby established, which shall consist of five (5) members and two (2) alternates, each to be appointed for a two (2) year alternate term by the City Council. All vacancies occurring on the Zoning Board of Adjustment shall be filled by appointment by the City Council. Each year after a new term begins members shall elect a Chairman and Vice-Chairman, a new term beginning at the first meeting in October. Members of the Zoning Board of Adjustment may be removed from office by the City Council for cause upon written charges and after a public hearing. Vacancies shall be filled by resolution of the City Council for the unexpired term of the member affected. The City Council shall appoint two (2) alternate Board members to serve in the absence of regular members.

1.16. B PROCEEDINGS

The Zoning Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the Chairman or Vice-Chairman and at such other times as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

Said Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be made a matter of public record and be immediately filed in the office of the City and maintained by the person acting as City Secretary.

1.16. C HEARINGS; APPEALS; NOTICE

Appeals to the Zoning Board of Adjustment concerning interpretation or administration of a regulation may be taken by any person aggrieved or by any officer, agency, department or commission of the governing body of the City affected by any decision of the Administrative Official Such appeals shall be taken within a reasonable time, not to exceed fifteen (15) days or such lesser period as may be provided by the rules of the Board, by filing with the Administrative Official on behalf of the Zoning Board of Adjustment a notice of appeal specifying the grounds thereof. The Administrative Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Board shall fix a reasonable time for the hearing of an appeal, give public notice thereof as well as written notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by an agent or attorney.

1.16.D STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Official from whom the appeal is taken certifies to the Zoning Board of Adjustment after the notice of appeal is filed with the official that, by reason of facts stated in the certificate, a stay would, in the official's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a court of record on application, on notice to the Administrative Official from whom the appeal is taken, and on due cause shown.

1.16.E JURISDICTION OF ZBA

When in its judgment the public convenience and welfare will be substantially served, the Zoning Board of Adjustment may issue appropriate orders to the Administrative Official to guard against future error; and to promulgate appropriate procedures in addition to that under which the Administrative Official already operates. When the appropriate use of the neighboring property will not be substantially or permanently injured, the Zoning Board of Adjustment may in specific cases, after public notice and public hearing, (subject to appropriate conditions and safeguards and in accordance with Section 211.009, Local Government Code, V.T.C.A.), authorize the following appeals and variances to the regulations herein established. Thus, the Zoning Board of Adjustment has jurisdiction to:

1. Hear and decide appeals where it is alleged there is error on any order, requirement, decision or determination made by the Administrative Official in the enforcement of this code.

2. Interpret the intent of the Zoning District Map where uncertainty exists because the physical features, on the ground vary from those on the Zoning District Map and none of the rules set forth in *Chapter 3 – Land Use, Section 3.5.C - "Rules For interpretation of District Boundaries"* apply.

3. Minor Variances: Permit such variance of the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum sidewalk or setback standards, or visibility obstruction regulations where the literal enforcement of the provisions of this ordinance would result in an unnecessary hardship, and where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same district by being of such restricted area, shape or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district. A modification of the standards established by this ordinance shall not be granted to relieve a self-created or personal hardship, nor for financial reason only, nor shall such modification be granted to permit any person a privilege in developing a parcel of land not permitted by this ordinance to other parcels of land in the district. A deviation up to ten percent (10%) of a regulation shall be considered a minor variance request.

1.16.F VARIANCES; CONDITIONS GOVERNING APPLICATIONS; PROCEDURES

The Zoning Board of Adjustment may authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Zoning Board of Adjustment unless and until:

1. A written application for a variance is submitted demonstrating:

    a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

    b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

    c. That the special conditions and circumstances do not result from the actions of the applicant;

    d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;

    e. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

2. Notice shall be given at least fifteen (15) days in advance of public hearing. The owner of the property for which requested variance is sought or his agent shall be notified by certified mail. Notice of such hearings shall be posted at the City Hall; and one time in the official publication of the City, stating the time, place and nature of such hearing, at least fifteen (15) days prior to the public hearing. All property owners within five hundred (500) feet of the property and all Home Owner's Associations (HOA's) lying within one thousand (1,000) feet of the property shall be notified by mail not less than fifteen (15) days prior to the date of the public hearing.

3. The public hearing shall be held. Any party may appear in person, or by an agent or by attorney.

4. The Zoning Board of Adjustment shall make findings that the applicant has met the requirements of paragraph 1 above.

5. The Zoning Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that

will make possible the reasonable use of the land, building, or structure.

6. The Zoning Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

   In granting any variance, the Zoning Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under the penalty section of this Land Development Code.

   Under no circumstances shall the Zoning Board of Adjustment grant a variance to allow a use not otherwise permissible under this section in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

1.16.G DECISION OF ZONING BOARD OF ADJUSTMENT

The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Administrative Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Land Development Code, or to effect any variation in the application of this ordinance.

1.16.H APPEAL PROCEDURES - ZBA

1. Any person or persons, or any board, taxpayer, department, commission or agency of the City aggrieved by any decision of the Zoning Board of Adjustment may seek review by a court of record of such decision, and under the time limit specified in Section 211.011, Local Government Code, V.T.C.A. If no appeal has been taken from the Zoning Board of Adjustment ruling within the time limit specified under the above mentioned Article, the Board's ruling shall be final.

2. It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Administrative Official, and that such questions shall be presented to the Zoning Board of Adjustment only on appeal from the decision of the Administrative Official, and that recourse from the decisions of the Zoning Board of Adjustment shall be to the courts as provided by law.

3. It is further the intent of this ordinance that the duties of the City Council in connection with this section shall not include hearing and deciding questions of interpretation and enforcement that may arise. Under this ordinance the City Council shall have only the duties of considering and adopting or rejecting proposed amendments, or the repeal of this ordinance, as provided by law.

4. Conditions: The Zoning Board of Adjustment or City Council, as may apply, is empowered to impose upon any variance or special exception any condition reasonably necessary to protect the public interest and community welfare.

Section 1.17 Reserved

Section 1.18 Amending the Land Development Code

The regulations and restrictions imposed by this Land Development Code and the districts and boundaries created by the Official Zoning Map may be amended from time to time using the procedures provided in this section.

1.18.A AMENDING A SUBDIVISION PLAT REGULATION

A subdivision plat regulation as contained in Chapters 8, 9, 10, 11, 12, 14 & 15 of this Land Development Code may be amended upon adoption of an ordinance approved by the City Council after public hearing. Notice of said public hearing to be given in a newspaper having general circulation in the city not less than fifteen (15) days prior to the hearing. The City Council may request the recommendation of the Planning and Zoning Commission on any proposed amendment to a plat regulation. Said amendment shall be additionally subject to the standard rules, regulations and procedural requirements established *in Chapter 212 – Local Government Code* and *Article VI – Charter of the City of Colleyville*.

1.18.B AMENDING A ZONING REGULATION OR THE OFFICIAL ZONING MAP

The City Council may from time to time amend, supplement, change, modify or repeal the regulations and restrictions imposed in *Chapter 1 – General Provisions; Chapter 2 – Definitions*; or *Chapter 3 – Land Use*, of this Land Development Code, and the districts and boundaries described on the Official Zoning Map, using the procedures described in this section. Such amendment shall additionally be subject to the rules and procedures *in Chapter 211 – Local Government Code*, and *Article VI of the Charter of the City of Colleyville.*

1. Zoning Regulation Amendments – Any person or corporation may petition the City Council for a change or amendment to the provisions of these regulations; or the Planning and Zoning Commission or City Council may, on its own motion, initiate study and proposal for changes or amendments to a zoning regulation in the public interest.

2. Zoning District Boundary Changes – Any person or corporation having a proprietary interest in a parcel of land may request a change in zoning on such property; or the Planning and Zoning Commission or City Council may, on its own motion, initiate proceedings to consider a change in zoning on a parcel of land. All requests for a change in zoning shall be submitted, together with the required fee, to the Administrative Official, which officer shall cause notices to be sent and the request placed on the Planning and Zoning Commission agenda. Only one application for a zoning change will be considered at any one time on a parcel of land. No additional rezoning application on a parcel of land will be considered until final action of any pending application has been completed, subject to the time limits imposed elsewhere in these regulations.

3. Fees – Until all applicable fees, charges, expenses and delinquent city, county, and school taxes have been paid in full, no action shall be taken on any zoning application. No refund of any application fee shall be made after the request has been scheduled for consideration by the Commission.

4. Commission Public Hearing and Written Notification - Before making report of an application for a planned development, special use permit, or proposed amendment to a zoning regulation or zoning district boundary, the Planning and Zoning Commission shall hold a public hearing and receive comment in accordance with the following:

    a. No less than fifteen (15) days notice of the time, place and nature of the public hearing shall be published in publication having general circulation in the city of Colleyville.

    b. When a proposed change affects a specific tract of land, written notice of the public hearing shall be sent to all owners of real property lying within five hundred (500) feet of the property and all Home Owner's Associations (HOA's) lying within one thousand (1,000) feet of the property being considered. Such notice to be given to each property owner as listed on the last approved tax roll not less than fifteen (15) days before the day set for hearing by depositing letters properly addressed and postage paid in the United States Post Office. The applicant will be sent notice by certified mail. The land area within 200 feet of the proposed request shall be used to calculate whether a protest against the request would require a super-majority vote of the City Council to approve the request.

        i. Alcohol and Package Store SUP Requests – When a rezoning application includes a provision for a Special Use Permit for the sale of alcoholic beverages or a package store, the written notification of the public hearing stated in the preceding paragraph shall be sent to all owners of real property lying within five hundred (500) feet of the area being

considered. The land area within 200 feet of the proposed Special Use Permit shall be used to calculate whether a protest against the request would require a super-majority vote of the City Council to approve the Special Use Permit. (Ord. O-03-1399 / 04-15-2003).

5. Sign Posting - The Administrative Official is directed to cause a sign to be placed upon the property clearly visible to passersby, which states that the property is the subject of a rezoning application (or words of like intent). The sign shall be posted at least ten (10) days prior to the hearing and shall remain posted until the hearing. Failure to perform this particular notice provision shall, however, in no way prevent the Planning and Zoning Commission from hearing the application and disposing of the issues involved on the hearing date.

6. Report of Commission – After a public hearing, the Planning and Zoning Commission shall vote on the proposal and report its recommendation to the City Council. The proposal. as recommended by the Commission, shall be place on the next available City Council agenda, provided proper notice has been given.

   a. *Amended Proposals:* The Planning and Zoning Commission may consider a request from the applicant to amend the proposal without additional notification of adjacent property owners, provided that the amended request is determined by the Commission as being more restrictive than the initial request and the boundary or content of the amended request is not expanded.

   b. *Notice of Appeal:* Denial of the proposal by the Planning and Zoning Commission shall be final, unless the applicant submits a written notice of appeal within ten (10) days from the date of the action by the Commission. The Administrative Official shall re-notify all property owners lying within five hundred (500) feet of the property and all Home Owner's Associations (HOA's) lying within one thousand (1,000) feet of the property being considered and place the applicant's rezoning request on the next available agenda for consideration by the City Council.

   c. *Failure to Act Provision:* Failure by the Commission to act on an amendment within sixty (60) days of the first date of public hearing shall be considered a recommendation for denial of the amendment.

7. City Council Public Hearing and Newspaper Notice - A zoning regulation or a zoning district boundary may be amended by the City Council upon adoption of an ordinance, but no amendment shall be made without public hearing before the City Council. No less than fifteen (15) days notice of the time, place and nature of such hearing shall be published in publication having general circulation in the City of Colleyville. No amendment to a regulation or to a district boundary shall be considered by the City Council until a report of the proposed amendment has been made by the Planning and Zoning Commission. Unless denied by the Planning and Zoning Commission, every rezoning request receiving final approval of the Commission shall be forwarded to the City Council for consideration, unless the applicant has requested the proposal be withdrawn. The City Council may refer any amended rezoning request back to the Planning and Zoning Commission for further study and recommendation.

8. Special City Council Voting Requirements - No change of which the Planning and Zoning Commission has recommended denial or in case of a protest against such change, signed by the owners of twenty (20) percent or more of either the area of lots or land included in such proposed change, or lots or land immediately adjoining same and extending two hundred (200) feet therefrom, filed with the City Secretary, shall be passed except by a favorable vote of three-fourths (3/4) of all members of the City Council. In computing the percentage of land area, the area of streets and alleys shall be included in the computation.

9. Withdrawal – Any proposal or application that is withdrawn by the applicant before a vote is considered by the City Council shall not be subject to the time limit for submittal of a new application.

10. Time Limit for Re-submittal - No one shall request a zoning change on the same parcel of property more often than once every twelve (12) months. However, a request for a change of zoning of a

parcel of property to a different zoning classification than that previously requested may be filed as frequently as desired.

11. Submittal Requirements for Zoning District Change - Every petition for a zoning district change shall be accompanied by supporting documents of the area petitioned for a zone change. In general the petitioners shall submit a drawing and supporting documents as follows:

    Concept Plan – The Concept Plan, which may be conceptual and general in nature, but in sufficient detail appropriate for the type of development being proposed and shall at a minimum include the following items, where applicable:

    a. Proposed layout, indicating the approximate size and dimensions of all residential lots
    b. Proposed land uses and building locations
    c. Landscaping, lighting, fencing and screening of common areas
    d. General locations of existing tree clusters
    e. Location and construction type of perimeter fencing
    f. Design of ingress and egress with description of any special pavement treatments
    g. Location and description of subdivision signs and landscaping at entrance areas
    h. Street names on all proposed streets
    i. *Drainage Analysis* – The applicant shall submit a Preliminary Drainage Analysis to determine the need for drainage facilities. The Preliminary Drainage Analysis shall be prepared in accordance with drainage analysis requirements contained in *Chapter 14 – Engineering Design Standards* of the Land Development Code.
    j. For properties with significant slope, cross section exhibits shall be required showing the impact of the proposed development with adjacent properties.

    Exception: A change of zoning application may be submitted and approved without a Concept Plan if the scale of the request does not justify preparation of the plan.

12. Special Application Requirements - Site Plan and Supporting Documents Required - Every petition for a zoning district change to R-D, R-MF, MH, C-PO, CN, C-C and M-L and all Special Use Permit requests shall additionally be accompanied by a site plan and supporting documents of the area petitioned for a zone change. The purpose of the site plan is to illustrate the logical arrangement of the elements on the land and to show relationships of elements to each other.

    The petitioner is encouraged to meet with the appropriate city staff member in an informal work session to ascertain the extent of plans and documents required, if any, prior to the City initiating the advertisement for public hearing on the petition. The Administrative Official may waive the site plan requirement altogether when appropriate.

    The general type and extent of site plans and supporting documents which may be required of the petitioner include, but are not necessarily limited to:

    a. Site Plan, meeting all of the requirements of Section 3.31.D Site Plan Approval Required as described in the City's Land Use chapter, except that topographic and drainage map information provisions may be waived by the reviewing body when the inclusion of such data would not materially contribute to the necessary evaluation of the project petition. Additional site plan drawing information which the reviewing body may require include:

        1. Existing and proposed zoning district classifications and boundaries;

        2. General outline of extensive tree cover areas;

        3. Drainage ways and 100-year flood plain limits;

        4. Proposed treatment for screening the perimeter of the land embraced by the petition, including screening of internal separations of land use where required;

5. Proposed internal non-vehicular circulation linkages, such as: pedestrian paths and hike trails; bike trails; and equestrian bridle paths, where applicable, including their interrelationships with vehicular circulation systems and proposed handling of points of conflict;

6. A graphic illustration showing the location of proposed buildings, driveways and all physical elements and a tabular summary schedule indicating:

   a) The gross acreage and percent of each type of zoning category proposed;

   b) The gross acreage and percent of each type of land use proposed, with streets and open space categories listed separately, and residential uses further stratified as to type, i.e., single family, two-family, multifamily, townhouse, etc., including the total gross project acreage;

   c) The gross residential density of each type of residential land use proposed, expressed in dwelling units per acre; and based on net residential land use plus one-half of any abutting street, only;

   d) The quantitative number of dwelling units proposed for each residential dwelling type, i.e., single family, two-family, etc.;

   e) Proposed maximum lot coverage by building types (i.e., one-family, multifamily, commercial, office, industrial, etc.) expressed in terms of percent or floor area ratio of the lot or site.

b. Architectural Drawings, such as elevations, concept sketches or renderings depicting building types and other significant proposed improvements including the treatment and use of open spaces, etc., where the submission of such drawings would more clearly portray the nature and character of the applicant's land use and development proposals.

c. Written Documents, in narrative form on 8-1/2" X 11" sheets, including:

   1. Statement(s) on planning objectives to be achieved in the land use/development proposal, including a narrative description of the character of the proposed development and rationale behind the assumptions and choices made by the applicant, including use and ownership of open spaces, etc.

   2. Legal description of the total site area proposed for rezoning, development or special use permit.

   3. A development schedule, if any, indicating the approximate date(s) when construction of the proposed development, and subsequent stages or phases can be expected to begin and be completed, to the best of the applicant's knowledge and belief.

   4. A statement as to the present and proposed ownership of the site or parcels thereof embraced by the application.

   5. Statement(s) as to how and when the applicant proposes to provide water and sewer to the development.

   6. Signature(s) and title(s) of the applicant(s) and preparer(s) of the written documents certifying the information presented in all of the plans and supporting documents reflect a reasonably accurate portrayal of the general nature, character and feasibility of the applicant's proposals. All signatures will be dated.

13. Traffic Impact Analysis - When a proposed development is projected to generate more than 1000 vehicle trips per day, a traffic impact analysis shall be required with the rezoning request. The traffic impact analysis shall be prepared in accordance with the requirements of the Director of Public Services. The purpose of the traffic impact analysis is to determine the need for traffic

mitigation measures which may include, but are not limited to, dedication of additional right-of-way, construction of turning lanes, or construction of traffic control facilities.

1.18.C RESERVED

1.18.D AMENDING ALL OTHER REGULATIONS

A regulation contained in any of the other Chapters of this Land Development Code that have not been previously mentioned may be amended upon adoption of an ordinance approved by the City Council after public hearing. Notice of said public hearing to be given in a newspaper having general circulation in the city not less than fifteen (15) days prior to the hearing. The City Council may request the recommendation of the Planning and Zoning Commission on any proposed amendment. Amendments shall be additionally subject to the standard rules, regulations and procedural requirements established in *Chapter 51 – Local Government Code* and *Article VI of the Charter of the City of Colleyville*.

Section 1.19 Violations and Penalties

Any person, firm or corporation violating any of the provisions of this Land Development Code shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed two thousand dollars ($2,000.00), unless a lessor fine is provided for in the section of the Code so violated. Each and every day such violation continues shall constitute a separate offense and shall be punishable as such.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, engineer, planner, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Section 1.20 Relationship to Other Laws and Restrictions

It is not intended by this Land Development Code to interfere with or abrogate or annul any other resolution or rule, regulation or permit, previously adopted or issued or which shall be adopted or issued, not in conflict with any of the provisions contained herein; nor is it intended by this Land Development Code to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Land Development Code imposes a greater restriction upon land, buildings, or structures than is imposed by other ordinances, covenants, restrictions or agreements, then the provisions of this Code shall govern. If other ordinances are more strict than this Code, then the more strict provisions shall prevail.

Section 1.21 Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict only.

Section 1.22 Severability Clause

It is hereby declared to be the intention of the City Council of the City of Colleyville, that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, or section of this Code shall be declared unconstitutional, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Code since the same would have been enacted by the City Council without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 1.23 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-03-1399	04/15/2003	500 foot notification for alcohol SUP requests
O-03-1414	09/02/2003	Sign Board of Appeals authority
O-10-1750	05-04-2010	Addition of Package Store SUP Requirements
O-17-2006	02/21/2017	Council approval for certain Mutual Access Easements
O-18-2053	08/21/2018	Several amendments as part of a total LDC review

Chapter 2
Definitions

Rev. 04/16/2019

Section 2.1 Purpose of This Chapter

The purpose of this Chapter is to define words, terms and phrases contained within this Land Development Code.

Section 2.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the following authority:

1. *Chapter 211 – Municipal Zoning Authority of the Texas Local Government Code*, which authorizes a municipality to divide a municipality into districts and, within each district, regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land.

2. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.

3. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 2.3 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request an interpretation of the definitions contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 2.4 General Construction of Language

In the interpretation of this Land Development Code, the provisions and rules of this section shall be observed and applied, except as otherwise noted or when the context clearly requires otherwise.

1. Words used or defined in one tense or form shall include other tenses and derivative forms.

2. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.

3. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
4. The word *person* includes individuals, firms, associations, organizations, partnerships, trusts, limited liability companies, corporations and any other similar entities.

5. The word *shall* is always mandatory. The word *should* is discretionary. The word *may* is permissive.

6. The word *used* or *occupied* includes the words *intended*, *designed*, or *arranged to be used or occupied*.

7. The word *lot* includes the words *plot*, *parcel* or *tract of land*.

8. The word *City* means the City of Colleyville, Texas.

9. The words *City Council* or *Council* mean the City Council of the City of Colleyville, Texas.

10. The words *Planning & Zoning Commission* or *Commission* mean the Planning & Zoning Commission of the City of Colleyville, Texas.

11. The word *Board* means the Zoning Board of Adjustment of the City of Colleyville, Texas.

12. In case of any differences of meaning or implication between the text of this Land Development Code and any caption, illustration or table, the text shall control.

13. For words not defined in this Chapter, the definitions contained in *The American Heritage Dictionary of the English Language*, latest edition, are hereby adopted.

Section 2.5 Definitions

Aa

Abutting, Adjacent, Adjoining. Contiguous or sharing a common border or boundary with other property. Abutting, adjacent and adjoining shall include property immediately across an alley but shall not include property across a street.

Accessory Building. A subordinate building enclosed on three or more sides, but not a carport, having a use customarily incident to and located on the same lot occupied by the principal building, or a use customarily incident to the main or principal use of the property. A building housing an accessory use is considered an integral part of the principal building when it has any part of a wall in common with the principal building, or is under an extension of the main roof and designed as an integral part of the main building.

Accessory Dwelling. A separate dwelling from the primary dwelling not rented or otherwise used as a separate domicile in a residential district for the sole use and occupancy of a member of the immediate family or persons employed on the premises by the occupant on a full-time basis as domestic help, such as a maid, chauffeur, cook, or gardener.

Accessory Structure. A subordinate building that is detached from the primary on-site building and is clearly secondary and incidental to the main use.

Administrative Official. A person assigned by the City Manager responsible for the administration of this LDC or a particular portion of the Code.

Adult Day Care. An adult day care center is a non-residential (no overnight stay) facility that supports the health, nutritional, social, and daily living needs of adults in a professionally staffed, group setting.

Aggrieved Person. A person or group of people with an immediate, pecuniary and substantial interest in an action taken by the Administrative Official or Zoning Board of Adjustment under this Land Development Code, as opposed to a remote or indirect interest. A person is also aggrieved if the person suffers a denial of some personal or property right or imposition of a burden or obligation different from that suffered by the public in general.

All-Weather Surface. A durable, dust free surface constructed of concrete, asphalt, brick or other commonly accepted pavement which may be approved by the Administrative Official.

Alley. A public right-of-way that affords a secondary means of access to abutting property, typically used for secondary vehicular service access to the back or side of properties that abut on a street or highway.

Amendments. Changes made in the text of the Land Development Code or to the zoning map.

Animation. Any visible mechanical movement in any sign, or apparent movement achieved by electrical pulsation, video, or by other means, such as sequential light phasing.

Antenna Support Structure. Any tower, mast, pole, tripod, box frame, or other structure utilized for the purposes of transmission, retransmission and/or reception of radio, television, electromagnetic, or microwave signals.

Antenna. A metallic apparatus used for the sending or receiving of radio, television, electromagnetic, or microwave signals. An antenna includes microwave reflectors/antennas and satellite dishes.

Apartment. A room or suite of rooms in an apartment building arranged, designed or occupied as a dwelling unit residence by a single family, individual, or group of individuals living together as a single housekeeping unit.

Approving Body. The Planning and Zoning Commission, City Council or staff member authorized by this Land Development Code to approve a subdivision plat.

Assessment. The determination of the amount of the maximum impact fee per service unit which can be imposed on new development pursuant to this Land Development Code.

Assisted Living Facility. A facility operated under a certificate of compliance document issued by the Texas Department of Aging and Disability Services in which food, shelter, and person assistance or supervision are provided for a period of at least 14 days for four or more aged adults who do not require hospitalization or skilled or intermediate nursing care.

***Auto Repair Shop*.** Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; mufflers; automobile washing, steam cleaning, and polishing; performing state inspections and making minor repairs necessary to pass said inspection; servicing of air conditioning systems, and other similar minor services for motor vehicles except heavy load vehicles, or any other similar use. Major repair, rebuilding, or reconditioning of engines or transmissions for motor vehicles; wrecker service with vehicle storage; collision services including body, frame or fender straightening or repair; customizing; overall painting or paint shop; and other similar uses.

Automobile. A motor vehicle as defined by the Texas Motor Vehicle Laws published by the Texas Department of Public Safety.

Automotive and Motor Vehicle Sales. A commercial business which conducts the retail sales of new or used automobiles.

Awning. A roof-like structure, usually made of canvas, which serves as a shelter, as over a storefront, window, door or deck. Also, an architectural projection that provides weather protection, identity, or decoration and is supported by the building to which it is attached.

Bb

Basement or Cellar. A story wholly or partly underground and having more than one-half of its height, from floor to ceiling, below the level of the finished grade at the front of the building. A basement or cellar is not counted when measuring the height of a building.

Bed and Breakfast. A tourist lodging service within the rooms of a single-family, owner-occupied principal residence located on a property served by a single utility meter and single water and wastewater service.

Block. An area enclosed by streets. A block is determined by the streets along its boundary which surround one or more lots. The streets used to determine a block shall be through streets, no cul-de-sac streets. A group of lots adjacent to a cul-de-sac shall not be counted as a block.

Breezeway. A covered passage one story in height and six (6) feet or more in width connecting a main structure and an accessory building.

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

Building. A structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind.

Building Envelope. The maximum buildable area remaining on a lot after the front, side and rear yard setbacks are met.

Building Envelope, Commercial. The portion of a lot or tract covered by the foundation or footprint of a commercial building, plus a five (5) foot buffer.

Building Envelope, Residential. The portion of a lot or tract covered by the foundation or footprint of a single-family residential building, plus a ten (10) foot buffer.

Building Line. A line which coincides with the perimeter of the building envelope, over which any part of a building is not allowed to extend unless otherwise permitted in this Land Development Code.

Building Line, Front. A line located a minimum horizontal distance from a front lot line and parallel thereto, over which any part of a building is not allowed extend unless otherwise permitted in this Land Development Code.

Building Line, Rear. A line located a minimum horizontal distance from a rear lot line, if any, and parallel thereto, over which any part of a building is not allowed to extend unless otherwise permitted in this Land Development Code.

Building Line, Side. A line located a minimum horizontal distance from a side lot line, if any, and parallel thereto, over which any part of a building is not allowed to extend unless otherwise permitted in this Land Development Code.

Building Official. The Building Inspector or Administrative Official of the City of Colleyville charged with responsibility for issuing permits and enforcing the zoning ordinance and building code.

Building Permit. Written permission issued by the City for the construction, repair, alteration or addition to a structure.

Cc

Caliper, Tree. The stem diameter of young sapling trees meant for planting and measured at six (6) inches above the root collar.

Canopy. A canopy is a roof-like structure that shelters a use such as, but not restricted to, a gasoline pump island, and is supported by either one or more columns or by the building to which it is accessory and is open on two or more sides.

Capital Construction Cost of Service. Costs of constructing capital improvements or facility expansions, including and limited to the construction contract price, surveying and engineering fees, land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees), and the fees actually paid or contracted to be paid to an independent qualified engineer or financial consultant preparing or updating the capital improvements plan who is not an employee of the City.

Capital Improvements Advisory Committee (Advisory Committee). Advisory committee, appointed by the City Council, consisting of at least five members, not less than 40 percent of which shall be representatives of the real estate, development, or building industries who are not employees of the City, and, if impact fees are to be applied within the extraterritorial jurisdiction of the City, including one member representing the extraterritorial jurisdiction; or consisting of the Planning and Zoning Commission, including one regular or ad hoc member who is not an employee of the City and which is representative of the real estate, development, or building industry, and, if impact fees are to be applied within the extraterritorial jurisdiction of the City, one representative of the extraterritorial jurisdiction area; which committee is appointed to regularly review and update the capital improvements program in accordance with the requirements of Chapter 395 of the Texas Local Government Code, and it successors.

Capital Improvements Program (CIP). Plan that identifies water, wastewater and roadway capital improvements or facility expansions pursuant to which impact fees may be assessed.

Carport. A structure or part thereof, but not an accessory building, either detached or attached to a principal building, and which is open on two or more sides, consisting of a roof and either walls or columns for the purpose of temporary parking of vehicles, boats or trailers.

Cellular Communication Tower, Monopole. A low-power radio transmitting structure, consisting of a single pole, which sends and receives radio signals from mobile telephones, linked to one central call-processing point.

Cemetery. Land used or intended to be used for the interment of human and pet remains, and dedicated for cemetery purposes including crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

Certificate of Occupancy. An official certificate issued by the City upon completion of construction, alteration or change in occupancy of a building. The certificate acknowledges conformance with the requirements of the Land Development Code and/or building codes.

Child Day Care Operation. A child-care facility that provides care, supervision, training, or education of an unrelated child or children under fourteen (14) years of age for less than twenty-four (24) hours a day that occurs in a place other than the child's own home. This definition includes child day-care provided to school-age children before and/or after the customary school day. This definition shall not include kindergartens, pre-kindergartens, and schools listed elsewhere in this Chapter. This definition also encompasses each of the following two separate categories of use:

a. Day-Care Operation – Center Based. An operation providing care for children under 14 years of age, for less than 24 hours per day, and at a location other than the caregivers' or permit holder's home.
b. Day-Care Operation – Home Based. An operation providing care for children under 14 years of age, for less than 24 hours per day, and at the caregiver's home. See also *Family Home* in this chapter.

City Manager. The chief professional city administrative officer of the City of Colleyville, Texas.

City Official. Any person (elected or appointed), board, or committee authorized or constituted by City ordinance or state law to act in behalf of the municipality.

Civic, Social or Fraternal Organization. Any association, club, organization, unincorporated, not required to be licensed by the Texas Alcoholic Beverage Commission and organized for the purpose of social, civic, fraternal, or recreational purposes.

Clinic. A building or part of a building used solely for the purpose of consultation, diagnosis and treatment of patients by one or more legally qualified physicians, dentists, optometrists, chiropodists, chiropractors, or drugless practitioners, together with their qualified assistants. Without limiting the generality of this definition, the building may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care, rooms for the abiding of patients, or operating rooms for major surgery.

Collector Street. A street which carries traffic from local streets to the system of major streets, including the principal entrance street or streets into a subdivision development, and streets designed primarily to provide traffic circulation within or between subdivisions.

Commercial Use. An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee for the purpose of engaging in the exchange, buying, or selling of services or products.

Common Area. Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use of the residents and their guests of the development. Common areas may include such complementary structures and improvements as are necessary and appropriate.

Common Ownership. Ownership by the same person, corporation, firm, entity, partnership, or association.

Community Center. A building dedicated to social or recreational activities, serving the City or a neighborhood and owned and operated by the City or by a non-profit organization dedicated to promoting the health, safety, morals or general welfare of the City.

Community Home for Disabled Persons. A community-based residential home operated by the Texas Department of Mental Health and Mental Retardation, a community center organized under Section 3.01 of the Texas Mental Health and Mental Retardation Act, a non-profit corporation, or an entity certified by the Texas Department of Human Services as a provider

under the medical assistance program serving persons in intermediate care facilities for persons with mental retardation, which otherwise meet the requirements of the Community Homes for Disabled Persons Location Act, Article 1011n, Tex. Rev. Civ. Stat. Ann.

Such facilities provide to the disabled residents food and shelter, personal guidance, care, habilitation services or supervision. Not more than six disabled persons, regardless of their legal relationship to one another, and two supervisory personnel may reside in such facility at the same time. Such facilities shall meet all applicable licensing requirements of the State of Texas, shall not be located within one-half mile of a previously existing community home for disabled persons, and shall meet all applicable requirements of this and other pertinent ordinances of the City of Colleyville.

Community Special Event. An outdoor event of public interest which is anticipated to attract less than 500 persons in attendance at any one time for a period of eight consecutive hours or more, such as a carnival, circus, and similar temporary events or special fund-raising events sponsored by a public entity, civic organization, or non-profit organization located within the City.

Comprehensive Plan. The official document and long-range plan, adopted by the City Council, which is intended to guide the growth and development of the City, which includes analysis, recommendations and proposals for the City regarding such topics as population, economy, housing, transportation, community facilities and land use.

Court. An open, unoccupied space bounded on two (2) or more sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanent space.

Credit. The amount of the reduction of an impact fee for fees, payments or charges for the same type of capital improvements for which the fee has been assessed. Applicable to impact fees.

Critical Root Zone. The ground area around a tree that contains the minimum volume of roots needed to sustain a particular tree. It is defined as a circular area around the tree trunk with a radius in feet equal to the tree's DBH in inches (10-inch DBH tree equals a 10-foot radius circle) and extends 24 inches into the soil.

Cul-de-sac. A local street having one (1) outlet and terminated on the opposite end by an authorized vehicular turn-around.

Dd

Day Care Center. See *Child Day Care Operation (Center Based)*.

Dedication. The act of conveying property to the public for use by the public for streets, parks, drainage, utility, or other public purposes.

Density**.** The ratio of the total number of dwelling units to the land area of the total site area, less any public or private right-of-way dedication, floodway, and required engineered storm water facility areas. Commonly expressed as "dwelling units per acre."

Development. All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land. Also, the construction or reconstruction of a building or road; the placement of a structure on land; the excavation, mining, dredging,

grading, or filling of land; the removal of vegetation from land; or the deposit of refuse or waste on land. Development does not include: (a) lawn and yard care, including mowing, gardening, tree care, and maintenance of landscaped areas; (b) removal of trees or vegetation damaged by natural forces; (c) agricultural activity that is not prohibited by this Land Development Code; or (d) the repair, maintenance, or installation of a utility, drainage or street system that does not disturb land or increase impervious cover.

Development Review Committee. The committee designated by the City Manager that serves as an advisory committee to the Planning & Zoning Commission and has responsibility for providing comments and recommendations on subdivision plats, zoning change applications, site plan proposals and other development related requests. The Development Review Committee (DRC) may also submit comments and recommendations on the vacation of public rights-of-way and easements.

DBH (diameter at breast height). The diameter of the stem (trunk) of a tree measured at 4.5 feet above natural grade. If the trees is on a slope, it should be measured on the uphill side. If the tree is composed of several co-dominant stems originating from a common pith above ground, then each diameter should be recorded and then combined in the following way: Calculate the square of each stem DBH and add them together, then take the square root of that sum. This will be a theoretical DBH that has an equivalent stem cross section to the combination of each of the individual stems. If the pith of each co-dominant stem extends separately into the root system then they should be logged as separate trees. DBH measurement can be taken as the smallest measurement below 4.5 ft if there are low branches or other abnormalities.

Director of Community Development. The chief executive responsible for administration of this Land Development Code, or his designee.

Dripline. The ground area on which an imaginary vertical line which runs through the outermost portion of the crown of a tree extends to the ground.

Dwelling. A building or portion thereof designed and used exclusively for residential occupancy, but not including motels, hotels, lodging houses or house trailers.

Dwelling, Attached**.** A dwelling unit which is joined to another dwelling unit sharing one or more common walls.

Dwelling, Duplex**.** A structure that contains two attached dwelling units that share a common wall and are designed exclusively for the use and occupancy of two families living independent of each other.

Dwelling, Manufactured Home (HUD-Code). A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

Dwelling, Mobile Home. A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system. Travel trailers, pick-up coaches, motor homes, camping trailers and recreational vehicles are not included in this definition.

Dwelling, Multi-Family. A residential building containing three (3) or more dwelling units that are designed for occupancy by three or more families, with the number of families not to exceed the number of dwelling units. The residential building contains dwelling units that are designed to be occupied by families living independently of one another. The term includes, but is not limited to, apartment houses, townhouses, row houses, tenements, apartment hotels, flats, condominiums, fraternity and sorority houses and other group quarters.

***Dwelling, Single-Family Detached*.** A structure containing one dwelling unit, other than a mobile home, which is entirely surrounded by open space on the same building lot and is designed for the use and occupancy by one family.

Dwelling, Townhome. One of a group of no less than three (3) nor more than twelve (12) attached dwelling units, separated by a fire-rated wall.

***Dwelling Unit*.** A room, suite, or set of rooms occupied, or suitable for occupancy, as a family residence and having sleeping, kitchen, and bathroom facilities together with appropriate appurtenances designed for use and used as a permanent residence for one family.

Dwelling Unit Size. The living area of a dwelling unit, expressed in square feet, and typically being the heated and air conditioned areas exclusive of breezeways, basements, open and closed porches, common corridors, parking areas, parking garages and accessory buildings.

Ee

Easement. A right given by the owner of land to another party for specific limited use of that land without actual ownership of the land.

Emergency Access Easement. An area, other than a dedicated street, place, or alley, built to fire lane standards which is maintained free and clear of buildings, structures, and other obstructions for the purpose of providing free passage of emergency vehicles.

Engineer. A person who has been duly licensed by the Texas Board of Professional Engineers to engage in the practice of engineering in Texas. Engineer shall include *professional engineer*, *registered engineer*, *registered professional engineer*, *licensed professional engineer*, or *licensed engineer*.

Erect or ***Erection.*** To build, construct, attach, hang, place, suspend or affix a sign to or paint a sign on the exterior surface of a building or structure. The term includes the repair or alteration of a sign where the cost of repair is more than sixty- percent (60) of the cost of erecting a new sign of the same type at the same location. Applicable to sign regulations.

Existing Development. For water and wastewater impact fees, all development within the service area which has a water or wastewater tap on the City's water or sewer system, or on another centralized water or sewer system, as of the date of the adoption of this Chapter; and for roadways, all development within the service area for which a building permit has been issued and which has not expired.

Extraterritorial Jurisdiction. The unincorporated area that is contiguous to the corporate boundaries of the municipality as defined in Chapter 42 of the Texas Local Government Code.

Ff

Facility Expansion. The expansion of the capacity of an existing facility which serves the same function as an otherwise necessary new capital improvement in order that the existing facility may serve new development. Facility expansion does not include the repair, maintenance, modernization, or expansion of an existing facility to better serve existing development.

Facing* or *Surface. The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

Family. One or more persons who are related by blood, marriage, or adoption living together and occupying a single housekeeping unit with single kitchen facilities. Also, a group of not more than four (4) unrelated persons, excluding servants, living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities. For purposes of enforcement, no more than three (3) unrelated individuals may also room and/or board with a family composed wholly of related individuals.

Family Home. A home that provides regular care in the caretaker's own residence for not more than six (6) children under fourteen (14) years of age, excluding children who are related to the caretaker, and that provides care after school hours for not more than six (6) additional elementary school children, but the total number of children, including children who are related to the caretaker, does not exceed twelve (12) at any given time, and is duly registered by the State of Texas as required by Chapter 42 of the Human Resources Code. The term does not include a home that provides care exclusively for any number of children who are related to the caretaker. *Children who are related to the caretaker* includes the children, grandchildren, siblings, great-grandchildren, first cousins, nieces, or nephews of the caretaker, whether by affinity or consanguinity or as the result of a relationship created by court decree.

Fence. A barrier closing or bordering a field, yard, etc., typically made of posts, wire, wood, or wrought iron, and used to prevent entrance, to confine, or to mark a boundary. An open fence is one in which the vertical surface is not less than seventy-five (75) percent open. A privacy fence is one in which the vertical surface is twenty-five (25) percent or greater opaque. A solid fence is one in which the vertical surface is greater than twenty-five (25) percent opaque and may be considered as a screening element.

Fire Lane. An all-weather, hard-paved surface which an emergency or fire-fighting vehicle may pass without obstruction or interference.

Flag. A piece of cloth, usually rectangular, of distinctive color and/or design and used as a symbol, a standard, a signal or an emblem.

Flag Lot. A lot which does not meet the minimum frontage requirements and is accessed by a narrow portion of land.

Flood Plain. The land adjacent to a river, stream, or watercourse or other area that is susceptible to being inundated by flood waters from any source.

Gg

Garage, Private. A detached accessory building or portion of a dwelling that is designed or used for the sheltering of a private motor vehicle and storage of household equipment incidental to the residential occupancy and which is fully enclosed and roofed. The term does not include carport.

Garage, Public. A building or place other than a private garage where motor vehicles are kept or stored for remuneration or repair.

Grade. The average elevation of the highest and lowest elevation measured at the finished surface of the ground at any of the exterior corners of the building or structure.

Gross Floor Area. The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, attics, carports or garages that are not designed for residential or business occupancy.

Gross Surface Area. The entire area within a single continuous perimeter forming a rectangle enclosing the extreme limits of each sign. In the event two or more signs share a single structure, each sign or panel may be considered separately for the square footage purposes, provided that each sign or panel has no relationship to the other, except that the combined footage of such signs may not exceed the total square footage allowed for the sign. Applicable to sign regulations.

Ground Cover. Low growing, dense spreading plants typically planted from containers.

Growth-Related Costs. Capital construction costs of service related to providing additional service units to new development, either from excess capacity in existing facilities, from facility expansions or from new capital facilities. Growth-related costs do not include (a) construction, acquisition, or expansion of public facilities or assets other than capital improvements or facility expansions identified in the capital improvements plan; (b)repair, operation, or maintenance of existing or new capital improvements or facility expansions; (c)upgrading, updating, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards; (d) upgrading, updating, expanding, or replacing existing capital improvements to provide better service to existing development, (e) administrative and operating costs of the City; and (f) principal payments and interest or other finance charges on bonds or other indebtedness, except for such payments for growth-related facilities contained in the capital improvements program.

Gymnastics School. A privately operated facility that provides special physical training in gymnastic arts, martial arts, dance, and other indoor sports to students enrolled for the purpose of learning such skills and which is not open to the general public for the purpose of providing entertainment or amusement for a fee, but which may be opened to the general public during competitive exhibitions in which students of the gymnastics school are registered.

Hh

Height of Buildings. The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to (a) the highest point of the roof surface for a flat roof; (b) to the deck line of mansard roofs; or (c) to the mean height level between eaves and ridge for hip and gable roofs. The height of a building shall exclude chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten (10) feet in height. If the street grade has not been officially established, the average front yard grade shall be used for a base level.

Height of Fence. For wood fences constructed with pickets in the vertical position, the fence height shall be the nominal lumber size (6’ or 8’) or actual steel vertical member plus allowances of 4 inches at the base for drainage or footings and 2 inches along the top for capping.

***Home Occupation*.** Any occupational use customarily conducted entirely within a dwelling, provided that such use is carried on solely by residents of the dwelling, is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character of the dwelling, and shows no external evidence of such use.

Hospital. A building, or portion thereof, used or designed for the housing or treatment of sick or injured patients where they are given medical or surgical treatment intended to restore them to health and an active life, and which is licensed by the State of Texas. This definition does not included rooms in any residential dwelling, hotel, or apartment hotel not ordinarily intended to be occupied by said persons.

Hotel or Motel. A building or group of buildings, of which the main function is to provide rooms for temporary lodging where entrance to each room is gained from a completely enclosed area and which structure may also contain a restaurant and conference rooms, and may also include various personal service shops.

Ii - Jj

Impact Fee. Charge or assessment to be imposed by the City upon new development to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to new development. The term includes amortized charges, lump-sum charges, capital recovery fees, contributions in aid of construction, and any other fee that functions as described by this definition. Impact fees do not include dedication of rights-of-way or easements, or construction or dedication of site-related water distribution or wastewater collection facilities, or streets, sidewalks, or curbs if the dedication or construction is required by other valid ordinances of the City and is necessitated by and attributable to the new development; or lot or acreage fees placed in trust for the purpose of reimbursing developers for oversizing or constructing water or sewer mains or lines.

Impervious Coverage. The combined area occupied by all principal and accessory buildings, structures, and paved parking, patio, sidewalk and driveway areas.

Institution. Buildings, land or structures used by an organized body, religious group or society for a non-profit, non-commercial purpose. The term may include hospital, library, college, university, convent, monastery or similar use.

Irrigation System. A method of providing the proper amount of water for the particular type of plant material used.

Kk

Kennel. A place where dogs, cats or other domesticated animals are housed, groomed, bred, boarded, trained, harbored, kept or sold for commercial purposes, including pet stores or municipal animal shelters.

***Kindergarten*.** A school for children of preschool age, the work of which is purely preliminary to the work of the public and private school, and which could include a planned program of games, songs, social exercises and object lessons.

Kiosk. A nonresidential commercial accessory building which provides a retail function by serving walk-up or drive-up traffic rather than inside sales service or drive-in service.

LI

Land Use Assumptions. Description of the service area and projections of changes in land uses, densities, intensities, and population therein over at least a 10-year period, adopted by the City, as may be amended from time to time.

Landscaping. Any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

Large Commercial Building. A building containing one or more commercial businesses and having a building footprint of forty thousand (40,000) square feet, or more. *(O-00-1249 / 11/08/00)*

Legal Non-conforming Use, Building or Lot. A use, building, or lot existing legally at the time of the passage of this Land Development Code which does not by reason of design, use, or dimensions conform to the regulations of the district in which it is situated. A use, building, or lot established after the passage of this Land Development Code, which does not conform to regulations of the district in which it is situated, shall be considered an illegal nonconforming use, building or lot.

Light Sources. Neon lights, fluorescent lights, incandescent lights, and any reflecting surface which, because of its construction and/or placement, becomes in effect a source of light emission.

Living Unit Equivalent (LUE). For water and wastewater, basis for establishing equivalency among and within various customer classes based upon the relationship of the continuous duty maximum flow rate in gallons per minute for a water meter of a given size and type compared to the continuous duty maximum flow rate in gallons per minute for a 3/4" diameter simple water meter, using American Water Works Association C700-C703 standards.

Loading Space, Off-Street. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

Lot. A parcel of land at least sufficient in size to meet the minimum zoning requirements for use, coverage, and area to provide such yards and other open spaces as are herein required, and having frontage on an approved public or private street. A lot shall consist of a parcel of land designated as a lot on a plat filed in the County Plat Record.

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

***Lot, Corner*.** A lot abutting upon two or more streets. A corner lot shall front on that street on which it has its least dimension, unless otherwise specified by the Building Official.

***Lot, Double Frontage*.** A lot, other than a corner lot, which adjoins two streets that are opposite each other and which are parallel or within forty-five degrees of being parallel to each other. On a double frontage lot, both street lines shall be deemed front lot lines, except as otherwise provided.

***Lot, Interior*.** A lot other than a corner lot or double frontage lot with frontage on only one street.

***Lot Area*.** The area of the lot, expressed in square feet or acres, which is bounded by its perimeter property lines.

Lot Coverage. The percentage of the total lot area occupied by the footprint of the buildings located on the lot.

***Lot Depth*.** The mean horizontal distance between the front lot line and the rear lot line of a building lot measured perpendicular to the front lot line at the center of the lot or on a radial when the front line is curved.

***Lot Line*.** The property boundary of a building lot.

Lot Line, Front. The boundary between a lot and the street on which it fronts.

Lot Line, Rear. The boundary line that is opposite and most distant from the front street line; except that in the case of uncertainty the Building Official shall determine the rear line.

Lot Line, Side. Any lot boundary line not a front or rear line thereof. A side line may be a common lot line, a line bordering on an alley or place or side street line.

Lot of Record. A lot which is part of a subdivision the plat of which has been recorded in the office of the County Clerk of Tarrant County, Texas. Also, a lot or parcel described by metes and bounds, the description of which has been so recorded prior to May 16, 1978.

***Lot Width*.** The minimum distance between the side lot lines of a building lot measured at the front building line or chord length when the front of the lot is curved.

Mm

Master Plan. See *Comprehensive Plan*.

Mausoleum. A building or other structure used as a place for the interment of the dead in sealed crypts or compartments.

***Mobile Home*.** See *Dwelling, Mobile Home*.

***Manufactured/Mobile Home Park*.** A unified development of manufactured/mobile home sites, plots or stands as arranged on a large tract under single ownership, meeting the area and setback requirements of this Land Development Code, and designed to accommodate manufactured/mobile homes for a permanent duration. A trailer park is a manufactured/mobile home park.

Nn

New Development. Subdivision of land; or the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of the use of land; any of which increases the number of service units. New development includes the sale of water taps resulting from the conversion of an individual well to the City's water utility and the sale of wastewater taps resulting from the conversion of an individual septic or other individual waste disposal system to the City's wastewater utility.

NITS. A unit of measurement of luminance, or the intensity of visible light, where one nit is equal to one candela per square meter.

Nonconforming Lot. A lot or tract of land which does not conform to the width, depth, or area requirements of this Land Development Code and which lawfully existed at the time the regulations with which it does not conform became effective.

Nonconforming Structure. A building, structure or portion thereof which does not conform to the height, area or yard regulations of this Land Development Code and which lawfully existed at the time the regulations with which it does not conform became effective.

***Nonconforming Use*.** A building or structure or use of land lawfully occupied by a use at the time of the effective date of this Land Development Code or amendments thereto, which does not conform to the regulations of the district in which it is situated.

Non-Residential Zoning District. The zoning districts designated as AG, CPO, CN, CC-1, CC-2, CC-3, ML, or PUD-C zoning district, the primary use of which is for non-residential purposes, as shown on the official zoning map of the City of Colleyville.

Non-Structural Trim. The retainer, battens, capping, nailing strips, latticing and platforms which are attached to the sign structure. Applicable to sign regulations.

Oo

Office. A facility for the regular transaction of business, wherein services are performed involving predominantly administrative, professional or clerical operations not specifically listed elsewhere in this Land Development Code. Office activities include professional offices, financial institutions, employment agencies and medical offices.

Offset. The amount of the reduction of an impact fee designed to fairly reflect the value of system-related facilities, pursuant to rules herein established or administrative guidelines, provided and funded by a developer pursuant to the City's subdivision regulations or requirements.

***Open Space*.** Property designated for recreational use, including a private park, play lot, plaza, or ornamental area intended for use or enjoyment by people. Open space does not include streets, alleys, utility easements, public parks, or required setbacks; an area that is open and unobstructed to the sky except for the ordinary projections of cornices and eaves.

Outdoor Display of Merchandise. Any use of a premises whereon goods, materials, or merchandise is displayed temporarily for the purpose of sale.

***Outdoor Storage or Open Storage*.** The storage of any equipment, machines, commodities, raw or semi-finished materials, and building materials, which are not within a fully enclosed building on a generally permanent basis.

Pp - Qq

Package Store. A retail establishment that sells “liquor”, as defined by the Texas Alcoholic Beverage Commission, to the public for the purpose of off-premise consumption.

Park. Land dedicated to or purchased by the City for the purpose of providing public recreational and/or open areas. A facility or area for recreational, cultural or aesthetic uses owned or operated by a public agency and available to the general public.

Parking Space, Off-Street. An enclosed or unenclosed all-weather surfaced area of not less than one hundred eighty square feet not on a public street or alley, together with an all weather surfaced driveway connecting the area with a street or alley, permitting free ingress and egress without encroachment on the street or alley.

Pawn Shop. An establishment where articles are traded in exchange for money plus a right to redeem such articles within a given amount of time upon repayment of such money with interest. The establishment may also be involved in the retail sale of primarily used items, provided that the sale of such items complies with local, State and Federal regulations.

Pennant. A wind device, usually triangular in shape and attached to a single cord.

Perimeter Subdivision Fence. A fence and/or wall located along the perimeter of a subdivision.

Planned Development. Development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of development, and is developed with special zoning standards that are unique to a particular site and which usually vary from those standards required for other zoning districts.

Planning and Zoning Commission. The advisory body appointed by the City Council which is authorized to develop a comprehensive plan, recommend changes in the Land Development Code, review and recommend subdivision plats, and otherwise perform the duties authorized by the City Charter.

Plat. A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the City of Colleyville. Reference to a plat in the ordinance means an official plat of record that has been approved by the City and filed in the plat records of Tarrant County.

Plat, Amending. A map, drawing, or chart prepared to show a minor change of an existing subdivision to a lot line or correction of an error such that the changes are not substantive, and no new lots are created.

Plat, Final. A map, drawing, or chart prepared according to the provisions of this Land Development Code, and containing all engineering and legal data, dedications, and certificates necessary to the recording of same in the maps and plats records of the county.

Plat, Minor. A subdivision of not more than four lots, which fronts on an existing street and does not require the creation of any new street or the extension of municipal facilities, which allows a short form process that eliminates the need for a preliminary plat.

Plat, Preliminary. A map, drawing, or chart showing the proposed arrangement of streets, lots, easements, and other public spaces in the subdivision.

Plat, Replat. A map, drawing, or chart showing a change or revision of an existing subdivision or lot. A Replat modifies previously platted property and may include an additional parcel of un-platted property.

Platted Property. Property that has been divided into lots and blocks, rights-of-way dedicated and shown on a map that has been filed in the plat records of Tarrant County.

Porch. An open, covered or enclosed gallery or room on the outside of a building.

Porte-cochère. A roof-like structure usually extending over a circular driveway at the entrance of a building, which provides an entrance and an exit for automotive vehicles. A porte-cochère is generally designed as an integral part of the principal structure, is not used for the storage of automotive vehicles, and differs from a carport.

Premises. Land together with any buildings or structures occupying all or any portion of the land.

Principal Building. The building or buildings on a lot which are occupied by the primary use.

Private or Parochial School. An institution of learning having a curriculum equivalent to public schools, and which meets the same license and certification as required of public schools. A private or parochial school does not include specialty schools such as dance, music, beauty, mechanical, trade, swim or commercial schools.

Public Utility. Any corporation or authority franchised by the City of Colleyville or the State of Texas to provide water, sewer, solid waste collection, natural gas, electricity, telecommunication or similar services on a community-wide basis.

Rr

Recreational Facilities, Private (HOA). Buildings or structures in which members of a neighborhood association may gather for social, educational, or cultural activities that are intended to serve the site occupants and guests thereof.

Registered Public Surveyor. An individual registered as a professional land surveyor by the Texas Board of Professional Land Surveying.

Religious Institution. A facility or area for people to gather together for public worship, religious training, or other religious activities, including a church, temple, mosque, synagogue, convent, monastery or other structure, together with its accessory structures, including a parsonage, manse or rectory. This definition does not include home meetings or other religious activities conducted in a privately occupied residence.

Residential Districts. A zoning district designated as RE, R-40, R-30, R-20, R-15, RD, RMF, any PUD-R, or any residential zoning district, the primary purpose of which is residential in nature as shown on the official zoning district map of the City of Colleyville.

Restaurant. A business serving unpackaged food and beverages to customers seated primarily inside the building and including cafes, tea rooms, bistros and cafeterias. Restaurants do not include lounges, bars, taverns or night clubs.

Restaurant, Drive-In or Drive-Thru Service. A business whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises.

Right-of-Way. A legally established area or strip of land, either public or private, on which an irrevocable right of passage has been recorded, and which is occupied or intended to be occupied by a street, utility service, water main, sanitary or storm sewer main, or other similar use.

Roadway Facility. Arterial or collector streets or roads that have been designated on an officially adopted roadway plan of the City, together with all necessary appurtenances. Roadway facilities do not include any roadways or associated improvements designated on the federal or Texas highway system. Roadway facility also excludes dedication of rights-of-way or easements or construction or dedication of on-site streets, sidewalks or curbs required by valid ordinances of the City and necessitated by and attributable to the new development.

Roadway Facility Expansion. Expansion of the capacity of any existing roadway improvement for the purpose of serving new development, not including the repair, maintenance, modernization or expansion of an existing roadway facility to serve existing development.

Roadway Improvements Plan. Portion of the CIP, as may be amended from time to time, which identifies the roadway facilities or roadway facility expansions and their associated growth-related costs which are necessitated by and which are attributable to new development, and for a period not to exceed ten (10) years, and which are to be financed in whole or in part through the imposition of roadway impact fees pursuant to this Chapter.

Ss

***School*.** A public or private facility having an academic curriculum approved by the Texas Education Agency.

Screening Element. A solid fence or wall constructed of brick, masonry, concrete, metal, or wood, the vertical surface of which is not more than twenty-five (25) percent open. Also, any dense evergreen hedge or plant material suitable for providing a visual barrier. Landscaped earth berms may, when appropriate in scale, be considered and used as a screening element in combination with a fence, wall, hedge or other dense planting material.

Second Hand Goods Shop. The term shall include surplus stores, rummage shops and flea markets.

Self Storage Facilities (mini-warehouse). A building wherein household goods, vehicles, furniture and similar items are temporarily stored in separately occupied, secured storage areas or lockers which are generally accessible by means of individual loading doors.

Servant's Quarters. See *Accessory Dwelling*.

Service Area. For water and wastewater facilities, the area within the corporate boundaries of the City and within the extraterritorial jurisdiction as defined by the Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes), and for roadway facilities, the area within the corporate boundaries of the City, to be served by the water, wastewater or roadway capital improvements or facilities expansions specified in the capital improvements program applicable to the service area.

Service Unit. Standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements or facility expansions; for water and wastewater facilities, the service unit is a living unit equivalent, for roadway facilities, the service unit is the (vehicle) trip.

Setback, Building. See *Building Line*.

Shrubs. Woody plants which grow vertically in a multi-branched pattern.

Sidewalk. Any portion of the right-of-way between the curb, or the lateral line of the roadway, and the adjacent property line, intended for the use of pedestrians traditionally constructed of concrete.

Sign. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located. A sign may include, but is not limited to, flag, banner, pennant, beacon, light, logo, insignia, name, number, identification, illuminated strip or accent, and outdoor display of merchandise.

Sign, A-Frame. A freestanding sign constructed of two panels in the form of an *A* or inverted *V*, with a maximum angle between the panels of forty-five degrees.

Sign, Agricultural. A sign identifying the farm or ranch on which it is placed and advertising the produce, crops, animals or poultry that are raised, quartered or sold thereon.

Sign, Awning. An awning displaying a business name or logo.

Sign, Balloons and Inflatable Advertising. A hollow sign expanded or enlarged by the use of air or gas.

Sign, Banner. A temporary on-site sign made of cloth, canvas or other light fabric.

Sign, Canopy. A canopy displaying a business name or logo.

Sign, Construction Trade. A temporary, sign identifying the property owner, architect, contractor subcontractor, engineer, landscape architect, decorator or mortgagee engaged in the design, construction or improvement of the premises on which the sign is located.

Sign, Development. A temporary, on-site promotional sign pertaining to the development of land or construction of buildings on the site where the sign is erected. In residential districts, the intent of the sign shall be to promote a sub-division and not any particular builder.

Sign, Directory. A sign listing the occupants within a major multi-tenant shopping center and a directional indicator to the buildings in the development.

Sign, Electronic Message. A sign such as an electronically or electrically controlled public service time, temperature, and date sign, message center or reader board, where different copy changes are shown on the same lamp bank.

Sign, Flashing. A sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or any externally mounted light source.

Sign, Freeway Pole. A sign supported by a single, free-standing pole, and having no guys or braces.

Sign, Garage Sale. A sign to announce the sale of household possessions.

Sign, General Business. A sign which is used to identify a business, profession, service, product or activity conducted, sold or offered on the premises where the sign is located.

Sign, Ground. See *Stake Sign*.

Sign, Home Occupation. A sign used to identify an allowable home occupation at a residence.

Sign, Identification. A sign that is used to identify shopping centers, industrial sites, retail districts, commercial subdivisions and commercial sites.

Sign, Institutional. A sign used to identify schools, churches, hospitals or similar public or quasi-public institutions.

Sign, Logo. A design or insignia of an organization, individual, company, product which is commonly used in advertising to identify that organization, individual, company or product.

Sign, Major Multi-Tenant Shopping Landmark. A sign to identify a major shopping center and the name of a business, profession, service, product or activity conducted, sold or offered within the major shopping center.

Sign, Major Shopping Center Entry-Wall and Plaques. A sign located at the vehicular entrances to the center and used to identify a major shopping center and the name of a business, profession, service, product or activity conducted, sold or offered within the major shopping center.

Sign, Model Home. A temporary sign identifying a new home, either furnished or unfurnished, as being the builder or contractors model open to the public for inspection.

Sign, Monument. A sign mounted on a solid base or pedestal with no visible space between the sign and the bass or pedestal. The sign is not mounted on visible poles, struts, wires, or other visible structures.

Sign, Multi-Family. A sign identifying the name of a multi-family residential development, such as an apartment building or complex of apartment buildings.

Sign, Nameplates. A sign which identifies only the name of an individual, firm, or corporation, which is attached to a structure and may contain the suite number or other directory information concerning the location of the individual, firm or corporation within the building.

Sign, Off-Premise. A sign which is used or intended to be used to attract attention to activities, commodities, services or other endeavors not offered on the premises on which the sign is located.

Sign, On-Premise. A sign which promotes or advertises activities, commodities, services or endeavors which are offered on the premises on which such sign is located.

Sign, Political. A sign which promotes a political issue or a particular candidate for public office. Also, a sign of any political party, group, or idea; or a sign announcing the candidacy of any individual for any public office.

Sign, Portable. A sign that is not attached or affixed to the ground, a building or other fixed structure or object and which is designed to be readily movable from site to site. Portable signs include those signs installed on wheels, trailers, skids and similar mobile structures.

Sign, Projecting. A sign, except an awning, which projects from a building, and has one end attached to a building or other permanent structure.

Sign, Reader Board. A sign comprised of non-permanent letters that allows a change of sign copy by adding or removing letters. A changeable reader board sign may include an electronic message area.

Sign, Real Estate. A temporary or permanent sign pertaining to the sale or rental of property, and advertising property only for use for which it is legally zoned.

Sign, Roof. A sign erected upon or above a roof or parapet of a building or structure.

Signs, Special Advertising. A sign which is temporary and is limited to a specific activity or in the celebration of holidays or other special events.

Sign, Stake. A sign that is erected on a vertical framework consisting of two or more uprights supported by the ground.

Sign, Subdivision Monument. A free-standing sign which is used to identify a single-family residential subdivision at its street entrance(s).

Sign, Subdivision Wall or Plaque. A permanently affixed sign attached to the entryway or perimeter wall of a subdivision to identify the subdivision by a name or logo

Sign, Temporary. A sign which includes, but is not limited to, a sign, banner, pennant, flag, inflatable, outside display of merchandise or similar device which is to be displayed for a limited period of time.

Sign, Temporary Construction Entrance. A temporary sign identifying the entrance of a commercial business when the driveway that provides access to the business or the street immediately abutting the business is under construction.

Sign, Traffic Directional. A sign to guide vehicular traffic into or out of an institutional use or commercial business by identifying a public entrance and exist for vehicular traffic.

Sign, Vehicle Mounted. A sign displayed upon a trailer, van, truck, automobile, bus, railroad car, tractor, semi-trailer or other vehicle, whether or not such vehicle is in operable condition.

Sign, Wall. A sign erected flat against an exterior wall, supported by the wall, and having the sign face parallel to and not more than twelve inches from the wall surface. Neon tubing attached directly to a wall surface shall be considered a wall sign.

Sign, Weekend Builder / Real Estate Open House. A sign which is both temporary and directional in nature to inform the general public of available residential properties in Colleyville.

Sign, Window. A sign, banner, poster, or display located on the internal and/or external surface of the window of any establishment which advertises services, products or sales available within said establishment or which announces the opening of said establishment.

Sign Area. A two-dimensional measurement of the sign perimeter by enclosing the extreme limits of the sign with a rectangle. For wall signs, the measurement shall include contrasting background colors or materials. For monument signs, sign area shall be measured by the overall height and width of the sign limits, including the base.

Sign Height. The vertical distance measured from the surrounding grade to the top of the sign.

Sign Illumination. A sign which has characters, letters, figures, designs or outlines illuminated by electrical lights, luminous tubes or other means.

Sign Illumination – Direct. Lighting by means of an unshielded light source, including neon tubing, strobes, etc., which is effectively visible as part of the sign, where the light travels directly from the source to the viewers eye.

Sign Illumination – Indirect. Lighting by means of a light source, not itself visible, which is directed at a reflecting surface in such a way as to illuminate the sign, or a light source which is

primarily designed to illuminate the entire building facade upon which a sign is displayed. Indirect illumination does not include lighting which is primarily used for purposes other than sign illumination, e.g., parking lot lights or lights inside a building which may silhouette a window sign but which are primarily installed to serve as inside illumination.

Sign Illumination – Internal. Lighting by means of a light source which is within a sign having a translucent background, silhouetting opaque letters or designs, or which is within letters or designs that are themselves made of a translucent material.

Site Plan. A scaled and detailed drawing clearly describing a project and showing sufficient information to determine the nature of the proposed development and providing adequate information to determine compliance with applicable codes and ordinances.

Site-related Facility. Improvement or facility which is for the primary use or benefit of a new development and/or which is for the primary purpose of safe and adequate provision of water, wastewater or roadway facilities to serve the new development, and which is not included in the capital improvements plan, and for which the developer or property owner is solely responsible under subdivision and other applicable regulations.

Spa or Hot Tub. A pool type facility that incorporates water jets or an aeration system for hydro massage and includes such industry terminology as whirlpool or hot tub.

Special Exception. A use that would not be generally appropriate or without restriction throughout the zoning district but which, if controlled as to number, area, location, intensity or relation to the neighborhood, would or could be compatible therein and promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as special exceptions by the Zoning Board of Adjustment.

***Special Use Permit*.** A permit authorized by the City Council for the use of land or structure. All Special Use Permits are subject to the conditions and standards specified in each amending ordinance as enacted by the City Council.

Spot Zoning. A small parcel of land singled out for special treatment or privileges not in harmony with the other use classifications in the area and without any apparent circumstances that call for different treatment.

Story. That part of a building included between the surface of one floor and the surface of the floor next above, or if there is no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is considered a half-story when the main line of the eaves is not higher than the middle of the interior height of the attic. The first story is the highest story having its interior floor surface not more than four (4) feet above the curb level established or mean street grade or average ground level.

***Street*.** The entire width between property lines when any part thereof is open to the use of the public, as a matter of right, for the purposed of vehicular traffic. This definition shall include public as well as private streets. An *alley* is not considered to be a street, and is separately defined herein.

***Street, Private*.** A street that has no publicly dedicated right-of-way.

***Street Line*.** A dividing line between a lot, tract or parcel and a contiguous street.

Structural Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial changes in the roofs or exterior walls,

excepting such repair or replacement as may be required for the safety of the building, but not including, openings in bearing walls as permitted by the city building code.

Structure. Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including but without limiting the generality of this definition, buildings, signs, fences, flagpoles, radio towers and light poles

Subdivision. The division of any lot, tract, or parcel of land into two (2) or more lots or sites for the purpose of sale or of building development, whether immediate or future. The term includes re-subdivision. When appropriate to context, the term subdivision shall relate to the process of subdividing or to the land subdivided.

Swimming Pool. Any constructed or prefabricated pool that is twenty-four or more inches in depth and used for swimming or bathing.

System-related Facility. A capital improvement or facility expansion which is designated in the Capital Improvements Plan and which is not a site related facility. A system-related facility may include a capital improvement that is located offsite, within or on the perimeter of the development site.

Tt - Uu

Tap Purchase. The filing with the City of a written application for a water or wastewater tap and the acceptance of applicable fees by the City. The term "tap purchase" shall not be applicable to a meter purchased for and exclusively dedicated to fire protection.

Telecommunication Tower. A structure built solely for supporting airwave transmission and/or receiving equipment.

Temporary Construction Office. A structure for shelter used in connection with a development or building project for housing or the site of temporary administrative and supervisory functions and for sheltering employees and equipment.

Tent. A structure, enclosure or shelter constructed of fabric or pliable material supported by any manner except by air or the contents it protects. *(O-02-1330* – 02/26/02)

Travel Trailer. A mobile vehicle built on a chassis and designed and used as a temporary place of dwelling and of such size and design as to be subject to licensing for towing on the highway by passenger motor vehicle or other prime mover and not requiring special permit for moving on the highway, as contrasted to a mobile home.

Tree, Protected. A woody perennial plant which has attained a DBH of six (6) inches or more and has an overall height of at least fifteen (15) feet. Mesquite (*Prosopis glandulosa)*, Hackberry/Sugarberry (*Celtis laevigata),* Chinese Tallow *(Triadica sebifera)*, Hercules' Club (*Zanthoxylum clava-herculis)*, Honeylocust *(Gleditsia triacanthos), Osage Orange* (Maclura pomifera)*, and Callery Pear (Pyrus calleryana)* are excluded from this category as identified in Chapter 5 of the Land Development Code.

Trip. The single operation of a single vehicle which has as its origin or destination a point within the service area. The operation of a vehicle that travels from an origin outside the service area to a destination outside the service area without leaving the public right of way is not counted as a trip.

Use by Right. A land use allowed by the Table of Permitted Uses in one of the various zoning districts without any special conditions or requiring additional action by the City Council.

***Use*.** The purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained, as described in the Table of Permitted Uses.

Vv - Xx

Vacation. To cancel or rescind, an act, which has the effect of voiding a subdivision plat as recorded in the Tarrant County Plat Records.

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

Vehicle Sales Area. An open area or lot used for the display or sale of automobiles, where no repair work is done except minor reconditioning of the cars to be displayed and sold on the premises, and no dismantling of cars or sale or keeping of used car parts or junk on the premises.

Veterinarian Clinic. A facility for the prevention, treatment, minor surgery, cure or alleviation of disease and/or injury in animals, specifically domestic animals, where animals remain overnight inside the clinic for recovery only, and no overnight boarding of animals is conducted.

Waiver. An action by the City that provides relief from the Land Development Code to the degree determined by the City in the action, as provided for within the Code. A waiver is not considered a variance.

Warehouse. A structure primarily used for the storage of merchandise or commodities.

Wastewater Facility. Improvement for providing wastewater service, including, but not limited to, land or easements, treatment facilities, lift stations, or interceptor mains. Wastewater facility excludes wastewater lines or mains which are constructed by developers, the costs of which are reimbursed from charges paid by subsequent users of the facilities and which are maintained in dedicated trusts. Wastewater facilities also exclude dedication of rights-of-way or easements or construction or dedication of onsite wastewater collection facilities required by valid ordinances of the City and necessitated by and attributable to the new development.

Wastewater Facility Expansion. Expansion of the capacity of any existing wastewater improvement for the purpose of serving new development, not including the repair, maintenance, modernization or expansion of an existing wastewater facility to serve existing development.

Wastewater Improvements Plan. Portion of the CIP, as may be amended from time to time, which identifies the wastewater facilities or wastewater facility expansions and their associated growth-related costs which are necessitated by and which are attributable to new development, and for a period not to exceed ten (10) years, and which are to be financed in whole or in part through the imposition of wastewater impact fees pursuant to this Chapter.

Water Facility. Improvement for providing water service, including, but not limited to, land or easements, water supply facilities, treatment facilities, pumping facilities, storage facilities, or transmission mains. Water facility excludes water lines or mains that are constructed by developers, the costs of which are reimbursed from charges paid by subsequent users of the

facilities and which are maintained in dedicated trusts. Water facilities also exclude dedication of rights-of-way or easements or construction or dedication of on-site water distribution facilities required by valid ordinances of the City and necessitated by and attributable to the new development.

Water Facility Expansion. Expansion of the capacity of any existing water improvement for the purpose of serving new development, not including the repair, maintenance, modernization or expansion of an existing water facility to serve existing development.

Water Improvements Plan. Portion of the CIP, as may be amended from time to time, which identifies the water facilities or water facility expansions and their associated growth-related costs which are necessitated by and which are attributable to new development, and for a period not to exceed ten (10) years, and which are to be financed in whole or in part through the imposition of water impact fees pursuant to this Chapter.

Yy - Zz

***Yard*.** An open space on the same building lot with a building, unoccupied and unobstructed from the ground upward, except for fences or walls.

Yard, Front. The area extending across the entire width of the lot between the front lot line and the front building line. The depth of front yards shall be measured in such a manner that the yard established is a strip of land with the minimum width required by district regulations with its inner edge parallel with the front lot line.

Yard, Rear. The area extending across the entire width of the lot and situated between the rear lot line and the rear building line. The depth of a rear yard shall be measured in such a manner that the yard established is a strip of land with the minimum width required by district regulations with its inner edge parallel with the rear lot line.

Yard, Side. The area lying between the side lot line and the side yard building line, and extending from the front yard to the rear yard. The width of a side yard shall be measured in such a manner that the yard established is a strip of land with the minimum width required by district regulations with its inner edge parallel with the side lot line.

***Zoning District Map*.** The official certified map or maps upon which the boundaries of the various zoning districts are drawn, and which is an integral part of the Land Development Code.

***Zoning District*.** Contiguous areas containing one or more parcels of land having the same zoning classification. Also, a section of the City for which the regulations governing the area, height and use of buildings and land are uniform.

Zoning. Control on the use and development of land, whether improved or not, by the City for the supposed benefit of citizens in the community and the public welfare. Control is accomplished through zoning restrictions and development standards.

Section 2.6 Amendments to This Chapter

Ord. Number	Date	Subject
O-00-1249	11/08/00	Added Large Commercial Building definition
O-02-1330	02/26/02	Tents
O-09-1734	11/4/09	Amended Tree related definitions as part of Chapter 5 amendments
O-10-1750	05/04/10	Addition of Definition of Package Store
O-19-2079	04/16/2019	Several Amendments as part of an overall LDC review

Chapter 3
Land Use

Rev. 02/18/2020

Section 3.1 – Purpose of This Chapter

The zoning regulations and districts herein established have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals and general welfare of the City of Colleyville. They have been designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public facilities. The zoning districts have been created with reasonable consideration, among other things, of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

Section 3.2 – Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of *Chapter 211 – Municipal Zoning Authority of the Texas Local Government Code*, which authorizes a municipality to divide a municipality into districts and, within each district, regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land. This Chapter is also adopted under the authority of *the Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 3.3 – Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a variance from a requirement contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.4 – Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 - Definitions* of this Land Development Code.

Section 3.5 – Establishment of Districts

A. Official Zoning Map – The City is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Chapter. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Secretary, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Ordinance No. 0-77-248 of the City of Colleyville, Texas," together with the date of adoption of this Chapter.

1. The Official Zoning Map shall be made current from time to time to reflect the changes and amendments, if any, that are approved by the City Council. Any such notations to bring said map current shall include, but not be limited to, the following: Ordinance number of zoning change, date of minutes of passage of said ordinance, boundary of zoning change, zoning classification declared by changing ordinance, and the initial of the City Secretary amending the map. Any unauthorized change of whatever kind to the Official Zoning Map by any person shall be and the same is prohibited.

2. The Official Zoning Map is not intended to control the procedural prerequisites applicable and the ordinances should be looked to as the authoritative source for all zoning. The Official Zoning Map shall be located and displayed in the Colleyville City Hall.

B. Replacement of Official Zoning Map – In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map and bring the Official Zoning Map up-to-date to reflect any and all amendments or changes in the same.

C. Rules for Interpretation of District Boundaries – Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following City Limits shall be construed as following City Limits.

4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, drainage courses, creeks, canals, lakes, or other bodies of water shall be construed to follow such centerlines.

6. Boundaries indicated as parallel to, or extensions of, features indicated in paragraphs 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by paragraphs 1 through 6 above, the City Council shall interpret the district boundaries.

8. Where a district boundary line divides a lot which was in single ownership at the time of passage of the original zoning ordinance, the City Council may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50') feet beyond the district line into the remaining portion of the lot to either side of said district line.

Section 3.6 – Application of District Regulations; Classification of New and Unlisted Uses; and Platting of Property Not Properly Zoned

A. Application – The regulations set by this Chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land and particularly except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, re-constructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

2. No building or other structure shall hereafter be erected or altered:

a. to exceed the height;
b. to accommodate or house a greater number of families;
c. to occupy a greater percentage of lot area;
d. to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Chapter.

3. No part of a yard, other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Chapter shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building except as specified in the "Off-Street Parking Requirements." of this Chapter.

4. No yard or lot existing at the time of passage of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the original zoning ordinance shall meet at least the minimum requirements established by this Chapter.

5. In every dwelling unit the density of occupancy shall not exceed 1.5 persons per room.

6. All territory which hereafter is annexed to the City shall automatically be considered to be in the AG - Agricultural District, unless otherwise classified by the City Council after public hearing and upon recommendation from the Planning and Zoning Commission.

B. Classification of New and Unlisted Uses – It is recognized that new types of land may develop and forms of land use not anticipated herein may seek to locate in the City. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land and use shall be made as follows:

1. The Administrative Official shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting an interpretation as to the proper zoning classification into which such use should be placed. The use interpretation question shall be determined as to the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and the amount and nature thereof, (i.e., enclosed or open storage), anticipated employment, transportation requirements, the general degree of noise, odor, fumes, dust, toxic material and vibration likely to be generated, if any, and the general requirements for public utilities such as water and sanitary sewer.

2. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various zoning districts, and determine the zoning district or districts within which such use should be permitted.

3. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall approve the recommendation of the Planning and Zoning Commission, or make such other determination concerning the classification of such use as appropriate, based upon its findings of fact, and amend this Chapter to reflect said findings and decisions.

C. Platting of Property not Properly Zoned – No plat of any residential or non-residential subdivision within the City, or that which is being annexed to the City, shall be approved unless and until the area covered by the proposed plat is or shall be zoned to the proper zoning classification by the City Council, upon recommendation from the Planning and Zoning Commission. A public hearing by the Planning and Zoning Commission on a proposed annexation, zoning classification, and plat approval, or any combination thereof, may be held simultaneously.

Section 3.7 – Non-conforming Uses, Lots and Buildings

A. Intent – Within the districts established by this Chapter, or amendments that may later be adopted, there exist lots and uses of land, buildings and structures, uses of land and buildings in combination, and characteristics of use which were lawful before the original zoning ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Chapter or future

amendment. It is the intent of this Chapter to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Chapter that such non-conformities shall not be enlarged upon, expanded or extended, nor be used as ground for adding other buildings and structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this Chapter to be incompatible with permitted uses in the districts involved. A non-conforming use of a building or structure, a non-conforming use of land, or a non-conforming use of buildings and land in combination shall not be extended or enlarged after passage of this Chapter by attachment on a building or premises or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Chapter and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

B Non-conforming Lots of Record – In any zoning district in which single-family dwellings or commercial buildings are permitted, a single-family dwelling or commercial building and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Chapter, notwithstanding limitations imposed by other provisions of this Chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the City Council per Chapter 1, Section 1.13.D and Sections 1.16.E.

C. Non-conforming Uses of Land (or Land with Minor Building Only) – Where at the time of passage of this Chapter lawful use of land exists which would not be permitted by the regulations imposed by this Chapter, and where such use involves no individual structure with a replacement cost exceeding one thousand dollars ($1,000), the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the original zoning ordinance;

2. No such nonconforming use shall be moved in whole or in part to any portion of the same lot or parcel other than that occupied by such use at the effective date of adoption of amendment of the original zoning ordinance:

3. If any such nonconforming use of land ceases for any reason for a period of more than ninety (90) consecutive days, any subsequent use of such land shall conform to the regulations specified by this Chapter for the district in which such land is located;

4. No additional building not conforming to the requirements of this Chapter shall be erected in connection with such nonconforming use of land.

D. Non-conforming Buildings – Where a lawful building exists at the effective date of adoption or amendment of this Chapter that could not be built under the terms of this Chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the building, such building may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming building may be enlarged or altered in a way which increases its nonconformity, but any building or portion thereof may be altered to decrease its nonconformity or to

comply with City building codes.

2. Should such non-conforming building or non-conforming portion of a building be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction; it shall not be reconstructed except in conformity with the provisions of this Chapter, or when approved by the City Council per Section 1.13.C, after public hearing thereon, when the Council's findings, having due regard for the property rights of persons affected, were considered in the light of public welfare and the character of the area surrounding the nonconforming building and the conservation and protection of property.

3. Should such building be moved for any reason any distance whatever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

E. Non-conforming Uses of Buildings or of Buildings and Premises in Combination – If lawful use involving individual buildings with a replacement cost of one thousand dollars ($1,000.00) or more, or of buildings and premises in combination, exist at the effective date of adoption or amendment of this Chapter that would not be allowed in a particular district under the terms of this Chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing building devoted to a use not permitted by this Chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the building to a use permitted in the district in which it is located, or to comply with City building codes.

2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Chapter, but no such use shall be extended to occupy any land outside such building.

3. If no structural alterations are made, except as required by the City's building codes, any non-conforming use of a building, or building and premises, may, as a waiver, be changed to another non-conforming use provided that the City Council, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the City Council may require appropriate conditions and safeguards in accord with the provisions of this Chapter.

4. Any building, or building and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.

5. When a non-conforming use of a building, or building and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three-year period (except when government action impedes access to the premises), the building, or building and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

6. Where non-conforming use status applies to a building and premises in combination, removal or destruction of the building shall eliminate the non-conforming status and any new construction shall be in accordance with the zoning regulations applicable to the district. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of the replacement cost at time of destruction. *(O-00-1261 / 12/19/00)*

F. Repairs and Maintenance – On any non-conforming building or portion of a building containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the current replacement cost of the non-conforming building or non-conforming portion of the building as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

If a non-conforming building or portion of a building containing a non-conforming use becomes physically

unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized City official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

G. Changing Non-conforming Uses

1. Any non-conforming use may be changed to a conforming use and once such change is made, the use shall not thereafter be changed back to a non-conforming use.

2. The City Council, per Section 1.13.C, may grant a change of use from one non-conforming use to another non-conforming use provided such change is to a use permitted in a zoning district where the original non-conforming use would be permitted or such change is to a use permitted in a more restrictive classification. However, such change of use and occupancy shall not tend to prolong the life of a non-conforming use. Upon review of the facts in accordance with the procedures for the City Council, contained in *Chapter 1 – General Provisions* of this Land Development Code, the City Council may establish a specific period of time for the return of the occupancy to a conforming use.

3. The City Council, per Section 1.13.C, may approve the remodeling or enlargement of a non-conforming use when such an enlargement would not tend to prolong the life of the non-conforming use. Upon review of the facts, the City Council may establish a specific period of time for the return of the occupancy to a conforming use in accordance with the procedures of the City Council contained in *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.8 AG – Agricultural District

A. Agricultural District – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the AG - Agricultural District.

B. Purpose and Intent – The purpose of the AG - Agricultural District is to provide for compatible land, building and structure uses primarily oriented to agricultural farming and ranching, and extremely low density residential purposes. The district's locational characteristics are usually confined to the outer fringe of developed urbanized areas and/or along, unprotected flood-prone areas. The district also serves as: 1) a transitional land use element pending future, more intensive urbanization; 2) open space for the protection and enhancement of scenic areas, vistas, and recreational uses, and 3) where unusual or problematic soils, topographic conditions, or sensitive ecological features are present that would normally not be conducive or appropriate to more intensive forms and patterns of urbanization

The primary intent of this district is a land use designated to aid in the protection of certain lands suitable for producing and supplying food and related agricultural farm and ranch products from more intense urbanization until such time as warranted by demand and supportive community facilities and services.

C. Use Regulations – Land, buildings and structures may be used only for the purposes allowed in this Chapter.

D. Permitted Principal Uses – The permitted principal uses allowed in this district as are designated in *Section 3.24.C - Schedule of Permitted Principal Uses.*

E. Permitted Accessory Uses – Subject to the provisions of *Section 3.28 - Supplementary District Regulations,* accessory buildings, structures and uses customarily incidental to the "Permitted Principal Uses" are allowed, including but not limited to the following:

1. Buildings, structures and uses accessory to permitted farming and ranching operations;

2. Private residential garages, carports and related storage buildings and greenhouses accessory to

permitted residential uses.

3. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property: and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. Pool(s) may be located in a required side or rear yard but not forward of the primary dwelling, and shall not be located closer than five (5') feet to any side or rear property line.

4. Accessory dwellings, provided the gross habitable square feet of floor area complies with regulations found in Section 3.27 of this chapter. Such quarters may be housed within the principal residential dwelling, above a residential garage, or be part of an accessory building on the same premises, and shall comply with minimum standards for light, health, safety, and occupancy in conformance with other applicable City codes and ordinances.

5. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.

6. Non-commercial radio and television receiving antennae and non-commercial radio transmitting antennae limited in height to sixty (60) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;

7. Required off-street parking and loading spaces.

8. Home occupation uses as defined in *Chapter 2 – Definitions* of this Land Development Code.

9. Parking and storage of private boats(s), camper trailer(s), or other recreational vehicle(s), in conformance with the regulations for "Parking, Storage or Use of Major Recreational Equipment and Vehicles."

10. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code and other applicable City codes and ordinances.

11. Supplemental single-family dwelling for a farm employee and family when located on the same premises as the principal agricultural use, provided:

    a. Such dwelling shall be used exclusively for the housing of a single-family employed full time on the premises in the conduct of operation or management of the principal agricultural use;

    b. Such dwelling is under the same ownership as that of the agricultural use and is on the same land as the owner's principal place of residency;

    c. The land area devoted to such dwelling conforms with the minimum requirements established in *Section 3.24 - Schedule of District Regulations* for single-family dwellings in an "RE" District, as if it were on a separate recorded lot; and

    d. The total land area under common ownership comprising the agriculture use and related owner's and employee's residence is not less than twenty (20) acres.

F. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for "Classification of New and Unlisted Uses."

G. Density; Area; Yard; Height; and Lot Coverage Requirement – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes, (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions *of Section 3.24 - Schedule of District Regulations* and other

applicable provisions of *Section 3.28 - Supplementary District Regulations.*

H. Off Street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform to the "Off-Street Parking Requirements" and "Off-Street Loading Requirements" contained elsewhere in this Land Development Code.

I. Land Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the official zoning map affecting this district shall be accompanied by a land plan and supporting document therefor, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.9 RE – Single Family "Estate" Residential District

A. RE-Single Family Estate Residential District – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this section, are the regulations of the RE - Single-Family Residential Estate District.

B. Purpose and Intent – The purpose and intent of the RE - Single-Family Estate Residential District is to provide for compatible land, building, and structural uses primarily oriented to low density residential estate purposes, select agricultural uses, open space uses, and selected community facility uses. The locational characteristic of this district is generally confined to the outer fringe of the more intensely urbanized and developed areas and/or along unprotected flood prone areas. The district further serves as a transitional element between limited residential development and intense agricultural activities and of higher density urbanized areas of the city. Low density detached single-family residential dwellings and estate development, along with the aforedescribed uses, comprise the principal elements of the district.

C. Use Regulations – Land, buildings and structures may be used only for the purposes allowed in this Section.

D. Permitted Principal Uses – The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses.*

E. Permitted Accessory Uses – Subject to the provisions of *Section 3.28 - Supplementary District Regulations,* accessory buildings, structures, and uses customarily incidental to the "Permitted Principal Uses" are allowed, including but not limited to the following:

1. Buildings, structures, and uses accessory to permitted farming and ranching operations;

2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. Such pool(s) may be located in a required side or rear yard, but not forward of the primary dwelling on the lot, and shall not be located closer than five (5') feet to any side or rear property line.

3. Private residential garages, carports, and related storage buildings and greenhouses accessory to permitted residential uses.

4. Accessory dwellings, provided the gross habitable square feet of floor area complies with regulations found in Section 3.27 of this chapter. Such quarters may be housed within the principal residential dwelling, above a residential garage, or be part of an accessory building on the same premises, and shall comply with minimum standards for light, health, safety, and occupancy in conformance with other applicable City codes and ordinances.

5. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.

6. Non-commercial radio and television receiving antennae and non-commercial radio transmitting antennae limited in height to sixty (60) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;

7. Required off-street parking and loading spaces.

8. Home occupation uses as defined in *Chapter 2 – Definitions* of this Land Development Code

9. Parking and storage of private boat(s), camper trailer(s) or other recreational vehicle(s), in conformance with the regulations for "Parking, Storage or Use of Major Recreational Equipment and Vehicles."

10. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code.

11. Private domestic greenhouses.

12. Private stables for the keeping of grazing animals, provided:

    a. Significant ground accumulations of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way become a health hazard or nuisance to humans or animals;

    b. Fences for pens, corrals or similar enclosures shall be of sufficient height and strength to properly retain the grazing animal(s) on the premises; and

    c. The minimum space area of the lot upon which such grazing animal(s) may be kept, including pens, corrals, and stables, shall not be less than 15,000 square feet per each grazing animal over five hundred (500) pounds and not less than five thousand (5,000) square feet for any other grazing animal.

F. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for the "Classification of New and Unlisted Uses."

G. Density; Area; Yard; Height; and Lot Coverage Requirements – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of *Section 3.24 - Schedule of District Regulations* and other applicable provisions *of Section 3.28 - Supplementary District Regulations.*

H. Off-street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform to the provisions of the "Off-Street Parking Requirements," and the "Off-Street Loading Requirements."

I. Land Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district shall be accompanied by a land plan and supporting document therefore, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.10 R-40 – Single Family Residential District

A. R-40 – Single Family Residential District – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this section, are the regulations of the R-40 – Single Family Residential District.

B. Purpose and Intent – The purpose and intent of the R-40 – Single Family Residential District is to provide for compatible land, building and structure uses primarily oriented to low density residential purposes, open space uses, and select community facility uses. The locational characteristics of this district are not confined to any specific or general area; however, they are most appropriate on the outer fringe of the more intensively urbanized parts of the community, and/or along protected flood prone areas. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and subsurface drainage fields. Low density detached single family residential dwellings and development, along with the aforedescribed uses, comprise the principal elements of the district.

C. Use Regulation – Land, buildings and structures may be used only for the purposes allowed in this Section.

D. Permitted Principal Uses – The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses.*

E. Permitted Accessory Uses – Subject to the provisions of *Section 3.28 - Supplementary District Regulations,* accessory buildings, structures, and uses customarily incidental to the "Permitted Principal Uses" are allowed, including but not limited to the following:

1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.

2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. Such pool(s) may be located in a required side or rear yard, but not forward of the primary dwelling on the lot, and shall not be located closer than five (5') feet to any side' or rear property line.

3. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.

4. Noncommercial radio and television receiving antennae and noncommercial radio transmitting antennae limited in height to sixty (60') feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;

5. Required off-street parking and loading spaces.

6. Home occupation uses as defined in *Chapter 2 – Definitions* of this Land Development Code.

7. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with the regulations for the "Parking, Storage or Use of Major Recreational Equipment and Vehicles."

8. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code

9. Private domestic greenhouses.

10. Private stables for the keeping of grazing animals, provided:

    a. Significant ground accumulations of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way become a health hazard or nuisance to humans or animals;

    b. Fences for pens, corrals or similar enclosures shall be of sufficient height and strength to properly retain the grazing animal(s) on the premises; and

c. The minimum space area of the lot upon which such grazing animal(s) may be kept, including pens, corrals, and stables, shall not be less than 15,000 square feet per each grazing animal over five hundred (500) pounds and not less than five thousand (5,000) square feet for any other grazing animal.

F. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions of the regulation for the "Classification of New and Unlisted Uses."

G. Density; Area; Yard; Height; and Lot Coverage Requirements – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions *of Section 3.24 - Schedule of District Regulations* and other applicable provisions of *Section 3.28 - Supplementary District Regulations.*

H. Off-street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform to the provisions for "Off-Street Parking Requirements," and "Off-Street Loading Requirements."

I. Land Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district shall be accompanied by a land plan and supporting document therefore, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.11 R-30 – Single Family Residential District

A. R-30 – Single Family Residential District – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the R-30 – Single-Family Residential District.

B. Purpose and Intent – The purpose and intent of the R-30 – Single-Family Residential District is to provide for compatible land, building, and structural uses primarily oriented to low density residential purposes, open space uses, and selected community facility uses. The locational characteristics of this district are generally found in the inner urbanized developed areas of the City. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and subsurface drainage fields. Moderately low density detached single-family residential dwellings and development, along with the aforedescribed uses, comprise the principal elements of the district.

C. Use Regulation – Land, buildings and structures may be used only for the purposes allowed in this Section.

D. Permitted Principal Uses – The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses.*

E. Permitted Accessory Uses – Subject to the provisions of *Section 3.28 - Supplementary District Regulations,* accessory buildings, structures, and uses customarily incidental to the "Permitted Principal Uses" are allowed, including but not limited to the following:

1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.

2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. Such pool(s) may be located in a required side or rear yard, but not forward of the primary dwelling on the lot, and shall not be located

closer than (5') feet to any side or rear property line.

3. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.

4. Noncommercial radio and television receiving antennae and noncommercial radio transmitting antennae limited in height to sixty (60') feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;

5. Required off-street parking and loading spaces.

6. Home occupation uses as defined in *Chapter 2 – Definitions* of this Land Development Code.

7. Parking and storage of private boats(s), camper trailer(s), or other recreational vehicle(s), in conformance with the regulations for the "Parking, Storage or Use of Major Recreational Equipment and Vehicles."

8. Signs, in conformance with these regulations and other applicable City codes and ordinances.

9. Private domestic greenhouses.

F. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for the "Classification of New and Unlisted Uses."

G. Density; Area; Yard; Height; and Lot Coverage Requirement – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes, (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of *Section 3.24 - "Schedule of District Regulations"* and other applicable provisions of *Section 3.28 - "Supplementary District Regulations."*

H. Off-street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform to the provisions of the "Off-Street Parking Requirements" and "Off-Street Loading Requirements."

I. Land Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the "Official Zoning Map" affecting this district shall be accompanied by a land plan and supporting document therefore, in conformance with the provisions of *Chapter 1 - General Provisions* of this Land Development Code regarding "Petition for Zoning District Change: Land Plan and Supporting Documents Required."

Section 3.12 R-20 – Single Family Residential District

A. R-20 – Single Family Residential District – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the R-20 – Single-Family Residential District.

B. Purpose and Intent – The purpose and intent of the R-20 – Single-Family Residential District is to provide for compatible land, building, and structural uses primarily oriented to medium-low density residential purposes, open space uses, and selected community facility uses. The locational characteristics of this district are generally found in the inner urbanized developed areas of the city, adjacent to shopping facilities. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and sub-surface drainage fields. Moderately low density detached single-family residential dwellings as exist in the inner area of the city comprise the principal elements of the district. It is further the intent to use this district and its regulations

to accommodate and recognize the existence of small lot conventional single-family development, which presently exists in the city.

C. Use Regulations – Land, buildings and structures may be used only for the purposes allowed in this Section.

D. Permitted Principal Uses – The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses.*

E. Permitted Accessory Uses – Subject to the provisions of *Section 3.28 - Supplementary District Regulations,* accessory buildings, structures, and uses customarily incidental to the "permitted principal uses" are allowed, including but not limited to the following:

1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.

2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. Such pool(s) may be located in a required side or rear yard, but not forward of the primary dwelling on the lot, and shall not be located closer than five (5') feet to any side or rear property line.

3. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.

4. Noncommercial radio and television receiving antennae and noncommercial radio transmitting antennae limited in height to sixty (60) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses.

5. Required off-street parking and loading spaces.

6. Home occupation uses as defined in *Chapter 2 – Definitions* of this Land Development Code.

7. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with the regulations for "Parking, Storage or Use of Major Recreational Equipment and Vehicles."

8. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code.

9. Private domestic greenhouses.

F. R-10 Single-Family Residential District Historic Designation: All lots within the City of Colleyville with the R-10 designation shall conform to the standards of the R-20 zoning district.

G. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for the "Classification of New and Unlisted Uses."

H. Density; Area; Yard; Height; and Lot Coverage Requirements – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of *Section 3.24 - "Schedule of District Regulations*" and other applicable provisions of *Section 3.28 - "Supplementary District Regulations."*

I. Off-street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform to the provisions for "Off-Street Parking Requirements," and "Off-Street Loading Requirements."

J. Land Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district shall be accompanied by a land plan and supporting document therefore, in conformance with the provisions contained in *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.13 R-15 – Single Family Residential District

A. R-15 – Single Family Residential District – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the R-15 – Single-Family Residential District.

B. Purpose and Intent – The purpose and intent of the R-15 – Single-Family Residential District is to provide for compatible land, building, and structural uses primarily oriented to medium-low density residential purposes, open space uses, and selected community facility uses. The locational characteristics of this district are generally found in the inner urbanized developed core of the city and/or adjacent to shopping facilities. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and sub-surface drainage fields. Medium low density detached single-family residential buildings as exist in the inner core area of the city on typically small lots, along with the aforedescribed uses, comprise the principal elements of the district. It is further the intent to use this district and its regulations to accommodate and recognize the existence of small lot conventional single-family development, which presently exists in the city, but not to create new-zoned areas for such conventional small lots.

C. Use Regulations – Land, buildings and structures may be used only for the purposes allowed in this Section.

D. Permitted Principal Uses – The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses.*

E. Permitted Accessory Uses – Subject to the provisions of *Section 2.28 - Supplementary District Regulations,* accessory buildings, structures, and uses customarily incidental to the "permitted principal uses" are allowed, including but not limited to the following:

1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.

2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. Such pool (s) may be located in a required side or rear yard, but not forward of the primary dwelling on the lot, and shall not be located closer than five (5') feet to any side or rear property line.

3. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.

4. Noncommercial radio and television receiving antennae and noncommercial radio transmitting antennae limited in height to sixty (60') feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;

5. Required off-street parking and loading spaces.

6. Home occupation uses, as defined in *Chapter 2 – Definitions* of this Land Development Code.

7. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with the regulations for the "Parking, Storage or Use of Major Recreational Equipment and Vehicles."

8. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code.

9. Private domestic greenhouses.

F. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the regulations for the "Classification of New and Unlisted Uses."

G. Density; Area; Yard; Height; and Lot Coverage Requirements – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of *Section 3.24 "Schedule of District Regulations"* and other applicable provisions *of Section 3.28 - "Supplementary District Regulations."*

H. Off-street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform to the provisions for "Off-Street Parking Requirements," and "Off-Street Loading Requirements."

I. Land Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district shall be accompanied by a land plan and supporting document therefore, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.14 RD – Two-Family Residential District

A. RD – Two-Family Residential District – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the RD – Two-Family Residential District.

B. Purpose and Intent – The purpose and intent of the RD – Two-Family Residential District is to provide for compatible land, building, and structure uses primarily oriented to medium-low density two-family residential purposes, open space usage, and selected community facility uses. The locational characteristics of this district are generally, but not always, found in the inner urbanized developed core of the city around shopping centers and neighborhood service facilities, plus as a transitional element between low density, single family districts and higher density multiple family districts. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and sub-surface drainage fields. Dwellings containing two-family dwelling units, plus the aforedescribed uses, comprise the principal elements of the district.

C. Use Regulations – Land, buildings and structures may be used only for the purposes allowed in this Section.

D. Permitted Principal Uses – The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses.*

E. Permitted Accessory Uses – Subject to the provisions of *Section 3.28 - Supplementary District Regulations,* accessory buildings, structures, and uses customarily incidental to the "permitted principal uses" are allowed, including but not limited to the following:

1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.

2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. Such pool (s) may be located in a required side or rear yard, but not forward of the primary dwelling on the lot, and shall not be located closer than five (5') feet to any side or rear property line.

3. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.

4. Noncommercial radio and television receiving antennae and noncommercial radio transmitting antennae limited in height to sixty (60') feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;

5. Required off-street parking and loading spaces.

6. Home occupation uses, as defined in *Chapter 2 – Definitions* of this Land Development Code.

7. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with the requirements for "Parking, Storage or Use of Major Recreational Equipment and Vehicles."

8. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code.

9. Private domestic greenhouses.

F. Single-Family Residential Uses – When a property with RD zoning is developed with a single-family residential use, the property shall conform to the standards of the R-20 Single Family Residential zoning district.

G. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for the "Classification of New and Unlisted Uses."

H. Density; Area; Yard; Height; and Lot Coverage Requirements – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions *of Section 3.24 - "Schedule of District Regulations"* and other applicable provisions of *Section 3.28 - "Supplementary District Regulations."*

I. Off-street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform to the provisions for the "Off-Street Parking Requirements," and "Off-Street Loading Requirements."

J. Land Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district shall be accompanied by a land plan and supporting document therefore, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.15 RMF – Multi-Family Residential District

A. RMF – Multi-Family Residential District – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the RMF – Multi-Family Residential District.

B. Purpose and Intent – The purpose and intent of the RMF – Multi-Family Residential District is to provide

for compatible land, building, and structure uses primarily oriented to medium density multi-family residential purposes, open space uses, select community facility uses, and under special conditions, single-family uses. The locational characteristics of this district are generally, but not always, found in the inner urbanized developed core of the city around shopping centers and neighborhood service facilities, near employment centers, at the intersections of major and secondary thoroughfare streets, and as a transitional element between lower density and more intense nonresidential land uses. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and sub-surface drainage fields. Garden apartment buildings and condominiums, and low-density townhouses, plus the aforedescribed uses, comprise the principal elements of the district.

C. Use Regulations – Land, buildings and structures may be used only for the purposes allowed in this Section.

D. Permitted Principal Uses – The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses.*

E. Permitted Accessory Uses – Subject to the provisions of *Section 3.28 - Supplementary District Regulations,* accessory buildings, structures, and uses customarily incidental to the "permitted principal uses" are allowed, including but not limited to the following:

1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.

2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. Such pool(s) may be located in a required side or rear yard, but not forward of the primary dwelling on the lot, and shall not be located closer than five (5') feet to any side or rear property line.

3. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.

4. Noncommercial radio and television receiving antennae and noncommercial radio transmitting antennae limited in height to (60) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;

5. Required off-street parking and loading spaces.

6. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with the regulations for "Parking, Storage or Use of Major Recreational Equipment and Vehicles."

7. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code.

8. Private domestic greenhouses.

9. Outdoor storage areas or storage buildings for boats, trailers, and other recreational equipment, automobiles, or household effects - for the exclusive use of the site occupants, provided these accessory uses are screened in general conformity with the requirements for "Fences, Free Standing Walls, and Screening Materials."

10. An office area not containing more than (2) percent of the gross floor area of the main building in a multifamily development used exclusively for administration purposes for said development only.

11. Coin-operated vending machines in a principal or accessory building for newspapers, candy, tobacco,

soft drinks, ice and similar services for use by the site occupants and guests of permitted uses in this district.

12. Social and recreation buildings for use by the site occupants and guests of permitted uses in this district.

13. Group dining quarters within a principal building.

F. Single-Family Residential Uses – When a property with MF zoning is developed with a single-family residential use, the property shall conform to the standards of the R-20 Single Family Residential zoning district.

G. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for the - "Classification of New and Unlisted Uses."

H. Density; Area; Yard; Height; and Lot Coverage Requirements – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of *Section 3.24 - "Schedule of District Regulations"* and other applicable provisions of *Section 3.28 - "Supplementary District Regulations."*

I. Off-street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform to the provisions of the "Off-Street Parking Requirements," and "Off-Street Loading Requirements."

J. Site Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district, or for a "Special Use Permit" to be issued in this district, shall be accompanied by a site plan and supporting document therefore, unless otherwise waived by the City Planning and Zoning Commission or Zoning Board of Adjustment, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.

K. Open Space Required – Unless waived by the Planning and Zoning Commission, the RMF – Multi-Family Residential District shall conform to the Open Space Requirements as set forth in the provision for "Open Space Requirements," "Maximum Residential Density Permitted; and Density Increase Bonuses," and "Guarantee of Common Open Space."

Section 3.16 MH – Mobile Home Residential District

A. MH – Mobile Home Residential District – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the MH – Mobile Home Residential District.

B. Purpose and Intent – The purpose and intent of the MH – Mobile Home Residential District is to provide for the orderly, safe, and healthful development of mobile home parks and mobile home subdivisions. Since mobile homes are recognized as a special form of housing, the intent of this district is to provide appropriate standards as to compatible land uses, density, minimum mobile home park or subdivision size, and other relevant requirements pertaining to the design, construction, alterations, and extensions of mobile home parks and mobile home subdivisions. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and sub-surface drainage fields.

C. Use Regulation – Every mobile home park or mobile home subdivision hereafter constructed, enlarged, altered, extended, or created shall comply with all regulations set forth under this Section.

D. Permitted Principal Uses – The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses.*

E. Permitted Accessory Uses – Subject to the provisions of *Section 3.28 - Supplementary District Regulations,* accessory buildings, structures, and uses customarily incidental to the "permitted principal uses" are allowed, including but not limited to the following:

1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.

2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. Such pool (s) may be located in a required side or rear yard, but not forward of the primary dwelling on the lot, and shall not be located closer than five (5') feet to any side or rear property line.

3. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.

4. Non-commercial radio and television receiving antennae and non-commercial radio transmitting antennae limited in height to sixty (60') feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;

5. Required off-street parking and loading spaces.

6. Home occupation uses, as defined by *Chapter 2 – Definitions* of this Land Development Code.

7. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with the requirements for the "Parking, Storage or Use of Major Recreational Equipment and Vehicles."

8. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code.

9. Private domestic greenhouses.

10. Pool cabanas, laundry buildings, restroom/shower buildings, park office building, and other similar uses accessory to a Mobile Home Park or Mobile Home Subdivision.

F. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for the "Classification of New and Unlisted Uses."

G. Density; Area; Yard; Height; and Lot Coverage Requirements – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of *Section 3.24 - "Schedule of District Regulations"* and other applicable provisions of *Section 3.28 - "Supplementary District Regulations."*

H. Off-street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform to the provisions for the "Off-Street Parking Requirements," and "Off-Street Loading Requirements."

I. Site Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district, or for a "Special Use Permit" to be issued in this district, shall be accompanied by a site plan and supporting document therefor, unless otherwise waived by the Planning and Zoning Commission or Zoning Board of Adjustment, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.17 CPO – Professional Office Commercial District

A. Purpose – This district is designed to be compatible adjacent to or near residential areas so as to provide office services needed by homeowners on a usual basis. The lot size maximum is small to encourage small-scale developments. Hours of operation do not permit businesses to be open at night.

B. Permitted Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

C. Special Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

D. Site Requirements

Minimum lot size:	7, 200 s.f.	Minimum setbacks:		Max. Building height in stories:	2 st.
Maximum lot size:	1 acre	front:	40 ft.	Max. building height in feet:	35 ft.
Minimum lot width at front		side abutting residential:	25 ft.	Max. building height adj. to residential	
setback line:	100 ft.	side abutting non-residential:	15 ft.	district: see Sec. 24	
Minimum lot depth:	120 ft.	rear abutting residential:	25 ft.		
Maximum lot coverage:	40%	rear abutting non-residential:	10 ft.		

E. Supplementary Requirements

General:	***Landscaping Plans:***	***Off-Street Parking:***
- outdoor storage is not permitted	- required as per Chapter 4	- as required by Sec. 3.29
- uses adjacent to single family uses	***Commercial Bldg. Design Stds.***	***Site Plans:***
must be screened as per Sec. 3.26	– as required per Chapter 6	- plans must be submitted in
- may be operated in daytime only		accordance with Sec. 3.31

Section 3.18 CN – Neighborhood Commercial District

A. Purpose – This district is designed to be compatible adjacent to or near residential areas and to provide goods needed by homeowners on a usual basis. The lot size maximum is small to encourage small-scale developments, and hours of operation do not permit businesses to be open at night.

B. Permitted Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

C. Special Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

D. Site Requirements

General Requirements:		**PRIMARY USE & STRUCTURE:**		***Accessory Use & Structure:***
Minimum lot size:	10,000 s.f.	Minimum setbacks:		Permitted per Sec. 3.24 & 3.27
Maximum lot size:	1 acre	front:	40 ft.	
Minimum lot width at front		side abutting residential:	25 ft.	
setback line:	100 ft.	side abutting non-residential:	15 ft.	
Minimum lot depth:	120 ft.	rear abutting residential:	25 ft.	
Maximum lot coverage:	40%	rear abutting non-residential:	10 ft.	
		Max. Building height in stories:	2 st.	
		Max. building height in feet:	35 ft.	

	Max. building height adj. To residential district: see Sec. 24	

E. Supplementary Requirements

General: - outdoor storage is not permitted - uses adjacent to single family uses must be screened as per Sec. 24 - may be operated in daytime only	***Landscaping Plans:*** - required per Chapter 4 ***Commercial Bldg. Design Stds.*** – as required per Chapter 6	***Off-Street Parking:*** - as required by Sec. 3.29 ***Site Plans:*** - plans must be submitted in accordance with Sec. 3.31

Section 3.19 CC-1 – Village Retail District

A. Purpose – This district is oriented to general commercial retail goods and services as well as some office, entertainment and community facility uses. While the district is designed to encourage "clustering" stores, the site requirements allow for a smaller scale than a shopping center type development. It is likely that Village Retail centers will be built without a major anchor store and be located near but not at major street intersections.

B. Permitted Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

C. Special Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

D. Site Requirements

General Requirements:		**PRIMARY USE & STRUCTURE:**		***Accessory Use & Structure:***
Minimum lot size:	15,000 s.f.	Minimum setbacks:		Permitted per Sec. 3.24 & 3.27
Maximum lot size:	5 acres	front:	40 ft.	
Minimum lot width at front setback line:	150 ft.	side abutting residential:	25 ft.	
Minimum lot depth:	120 ft.	side abutting non-residential:	15 ft.	
Maximum lot coverage:	50%	rear abutting residential:	25 ft.	
		rear abutting non-residential:	10 ft.	
		Max. Building height in stories:	2 st.	
		Max. building height in feet:	35 ft.	
		Max. building height adj. To residential district: see Sec. 3.24 (A&B)		

E. Supplementary Requirements

General: - outdoor storage is not permitted - uses adjacent to single family uses must be screened as per Sec. 24 - may be operated 24 hours/day	***Landscaping Plans:*** - required as per Chapter 4 ***Commercial Bldg. Design Stds.*** – as required per Chapter 6	***Off-Street Parking:*** - as required by Sec. 3.29 ***Site Plans:*** - plans must be submitted in accordance with Sec. 3.31

Section 3.20 CC-2 – Shopping Center District

A. Purpose – This district is oriented to general commercial goods and services as well as office, entertainment and community facility uses. By nature, shopping center tracts are large-scale usually accommodating a large anchor store and several smaller stores. These tracts are generally located at major street intersections.

B. Permitted Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

C. Special Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

D. Site Requirements

General Requirements:	**PRIMARY USE & STRUCTURE**	***Accessory Use & Structure***
Minimum lot size: 20,000 s.f. Maximum lot size: none Minimum lot width at front setback line: 150 ft. Minimum lot depth 120 ft. Maximum lot coverage 60%	Minimum setbacks: front: 40 ft.* *see Sec. 23 (D) for special "urban Village" front yard setback. side abutting residential: 25 ft. side abutting non-residential: 15 ft. rear abutting residential: 25 ft. rear abutting non-residential 10 ft. Max. Building height in stories: 2 st. Max. building height in feet: 35 ft. Max. building height in PUD 4 st. Max. building height adj. To residential district: see Sec. 3.24 (A&B)	Permitted per Sec. 3.24 & 3.27

E. Supplementary Requirements

General:	***Landscaping Plans:***	***Off-Street Parking:***
- outdoor storage is not permitted - uses adjacent to single family uses must be screened as per Sec. 3.24 - may be operated 24 hours/day	- required as per Chapter 4 ***Commercial Bldg. Design Stds.*** – as required per Chapter 6	- as required by Sec. 3.29 ***Site Plans:*** - plans must be submitted in accordance with Sec. 3.31

Section 3.21 CC-3 – Highway Commercial District

A. Purpose – This district would permit uses that do not fit within the retail or manufacturing categories. Service and retail uses associated with outdoor storage, noise, especially auto repair and service and others would be permitted. The minimum lot size is less than the Shopping Center District to allow for more flexibility of uses. It is anticipated that most of these districts would not be located near residential districts.

B. Permitted Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

C. Special Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

D. Site Requirements

General Requirements:		**PRIMARY USE & STRUCTURE:**		***Accessory Use & Structure:***
Minimum lot size:	10,000 s.f.	Minimum setbacks:		Permitted as per Sec. 3.24 & 3.27
Maximum lot size:	none	front:	40 ft.	
Minimum lot width at front setback line:	150 ft.	side abutting residential:	25 ft.	
Minimum lot depth	120 ft.	side abutting non-residential:	15 ft.	
Maximum lot coverage	70%	rear abutting residential:	25 ft.	
		rear abutting non-residential	10 ft.	
		Max. Building height in stories:	2 st.	
		Max. building height in feet:	35 ft.	
		Max. building height adj. to residential district: see Sec. 3.24 (A&B)		

E. Supplementary Requirements

General:	***Landscaping Plans:***	***Off-Street Parking:***
- outdoor storage is permitted - uses adjacent to single family uses must be screened as per Sec. 3.24 - may be operated 24 hours/day.	- required as per Chapter 4 ***Commercial Bldg. Design Stds:*** – as required per Chapter 6	- as required by Sec. 3.29 ***Site Plans:*** - plans must be submitted in accordance with Sec. 3.31

Section 3.22 ML – Light Manufacturing District

A. Purpose – This district would permit uses that involve the fabrication of products or have outdoor storage, noise, odors or other objectionable aspects that would not be compatible in retail or service areas. This district is limited to those uses that are not retail in nature or in some cases those that need outdoor space.

B. Permitted Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

C. Special Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

D. Site Requirements

General Requirements:		**PRIMARY USE & STRUCTURE:**		***Accessory Use & Structure:***
Minimum lot size:	10,000 s.f.	Minimum setbacks:		Permitted per Sec. 3.24 & 3.27
Maximum lot size:	none	front:	40 ft.	
Minimum lot width at front Setback line:	100 ft.	side abutting residential:	25 ft.	
Minimum lot depth	120 ft.	side abutting non-residential:	15 ft.	
Maximum lot coverage	60%	rear abutting residential:	25 ft.	
		rear abutting non-residential	10 ft.	
		Max. Building height in stories:	2 st.	
		Max. building height in feet:	35 ft.	
		Max. building height adj. To residential district: see Sec. 3.24 (A&B)		

E. Supplementary Requirements

General:	***Landscaping Plans:***	***Off-Street Parking:***
- outdoor storage is permitted	- required as per Chapter 4	- as required by Sec. 3.29

- uses adjacent to single family uses Must be screened as per Sec. 3.24 - may be operated 24 hours/day.	***Commercial Bldg. Design Stds:*** – as required per Chapter 6	***Site Plans:*** - plans must be submitted in accordance with Sec. 3.31

Section 3.23 PUD – Planned Unit Developments

(Ord. O-05-1529 / 06/21/05)

A. Purpose - The purpose of a Planned Unit Development (PUD) is to provide for greater flexibility and discretion in the approval of residential, non-residential and mixed use developments by encouraging creative, efficient and aesthetically desirable residential and commercial projects that are superior to what could be accomplished in other zoning districts through the use of increased open spaces, greenbelts, or by providing enhanced amenities or features within the development that will be of special benefit to the property owners or to the community.

B. Ordinance Required and Effect on Official Zoning Map – Every Planned Unit Development approved under the provisions of this section shall be considered an amendment to the Land Development Code and Official Zoning Map of the City of Colleyville, Texas. In approving any request for a Planned Unit Development district, the City Council shall, upon recommendation of the Planning and Zoning Commission, incorporate in the approving ordinance reference the approved site plan, supporting documents and include other conditions or restrictions imposed on the project by the Commission, including those of the Council. The approval and adoption of the amending ordinance by the City Council shall result in the appropriate change to the "Official Zoning Map."

C. General Development Standards – The standards and requirements set forth in the Land Development Code shall be applicable to every Planned Unit Development, except where a new or different standard or requirement has been set forth in the ordinance establishing the PUD district. Such standards or requirements may be in addition to or in lieu of a development standard contained in the Land Development Code. The ordinance creating the Planned Unit Development may establish these requirements specifically in the ordinance or by reference to another zoning district.

D. Classification of Planned Unit Developments – The approving ordinance establishing a Planned Unit Development shall include one of the following classifications, which shall also be shown on the Official Zoning Map using the applicable letter symbol.

Planned Unit Development Classifications		
PUD Classification	Planned Unit Development- Residential	Planned Unit Development - Commercial
Map Symbol	PUD-R	PUD-C
Classifications Defined	Planned developments containing primarily residential dwelling units, which may be grouped into clusters and may have a higher density than a conventional single family project of the same acreage, shall be classified as Planned Unit Development – Residential. A PUD-R may also contain a portion of non-residential uses.	Planned developments containing primarily non-residential uses, such as commercial, office, professional services, retail, institutional and industrial uses, or combinations thereof, shall be classified as Planned Unit Development – Commercial. A PUD-C may also contain a portion of residential uses.

E. Permitted Uses – The uses permitted in a Planned Unit Development shall be enumerated in the approving ordinance with land use descriptions consistent with the Table of Permitted Uses, contained elsewhere in this Land Development Code. A Planned Unit Development may allow a combination of land uses, a specific use, or a class of generic uses, such as single family residential, office, retail, commercial or educational facilities, or a reference to another zoning district.

F. Prohibited Uses – Uses not expressly permitted in the ordinance approving the Planned Unit Development shall be prohibited.

G. Maximum Residential Density – The maximum residential density permitted in a PUD-R district, or in a

PUD-C district where residential uses are proposed, shall not exceed 1.8 dwelling units per net acre. For the purpose of this regulation, the density calculation shall include all residential areas of the project. This calculation shall exclude all proposed non-residential acreage and street rights-of-way from the net acreage.

H. Open Space Requirements – All requests for approval of a Planned Unit Development shall include provisions for open space areas in conformance with the following:

1. *Residential Areas* – For all residential uses, common open space land, comprising not less than twenty percent (20%) of the gross residential project area, shall be provided for the primary use of the occupants of the residential units.

2. *Non-Residential Areas* – For all non-residential uses, open space land, comprising not less than twenty percent (20%) of the non-residential area, shall be provided. Said open space area may be the same area as the landscaped area required elsewhere in this Land Development Code.

3. *Definition of Common Open Space*. For the purpose of this section, common open space is defined as follows:

a. Common Open Space may include:

i. land area of the development used for aesthetic, leisure and recreational purposes, that is accessible to and permanently reserved for the common use and enjoyment of the occupants of the development,
ii. golf courses, parks, and public open space areas adjacent to the development, which are readily accessible,
iii. low-impact passive uses include conservation of open land in its natural state (for example, woodland, fallow field, or meadow), neighborhood squares, common areas, picnic areas, community gardens, walking trails, bikeways, other kinds of pathways, and similar low-impact passive recreational uses, or
iv. active recreation uses including recreational playing fields, playgrounds, tennis courts, neighborhood pools, and clubhouse structures.

b. Common Open Space shall not include:

i. land areas reserved for the exclusive use and benefit of an individual owner or tenant,
ii. public or private street right-of-way, parkways, alleys, driveways, parking or loading areas,
iii. religious institutions or private school sites, or
iv. street medians or islands.

2. *Open Space Design Requirements*.

a. An application for a Planned Unit Development that includes a common open space area shall include a written description or a plan of amenities, such as landscaped areas, trees and shrubs, sidewalks and trails, benches, pavilions, and play areas, to be included in the open space areas.

b. The maximum amount of common open space used for storm water detention or retention purposes shall not exceed twenty-five (25%) of the common open space area. If the open space area contains a retention pond, the pond shall include at least one (1) aeration device, such as a fountain, waterfall or underwater device.

c. Common open space areas adjacent to street rights-of-way shall be a minimum depth of twenty-five (25) feet and shall be landscaped to include the retention or planting of one (1) three (3") inch caliper tree per each fifty (50) feet of street frontage, which may be clustered or distributed within the open space area.

3. *Guarantee of Common Open Space*. In order to guarantee the preservation and maintenance of the common open space, one of the following methods shall be required:

a. *Public Open Space* – Common open space may be conveyed to the City or other public agency,

provided the public agency accepts the conveyance and agrees to maintain the common open space and any buildings, structures or other improvements.

b. Private Open Space – Common open space may be conveyed to a homeowner's association or property owner's association, provided the declaration of covenants and restrictions that govern the association include, but is not limited to, the following:

i. the establishment of the association is made before any lot in the development is sold or any building occupied,
ii. membership in the association is mandatory for each building or property owner and any successive owner and give the association the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of the common open space areas,
iii. ownership and maintenance of the common open space is guaranteed by a restrictive covenant, which is permanent, running with the land for the benefit of the occupants of the development and state that the association is totally responsible for the maintenance of the common open space and any improvements,
iv. submittal of a draft copy of the proposed covenants at the time of preliminary platting, which will ensure the guarantees stated in this section and provides for restricting the use of common spaces for the designated purposes, and
v. the plat contains a note stating that the common open space shall be maintained by the home owners association

I. Special Submittal and Exhibit Requirements – To facilitate the review and public hearing process, all applications for a Planned Unit Development shall include the following documents and exhibits:

1. *Application* – These forms are furnished by the Administrative Official.
2. *Application Fee* – No application shall be processed or scheduled for public hearing until the application fee has been paid.
3. *Statement of Planning Objectives* – The developer shall provide a written statement of planning objectives which describes the nature and character of the proposed development, any proposed development standards, and the rationale behind the assumptions and choices made by the applicant, including use and ownership of any open spaces, etc.
4. *Legal Description* – A written metes and bounds description of the total site area proposed for the Planned Unit Development.
5. *Development Schedule* – A development schedule indicating the target dates for the start and completion of the project, including any key dates of phasing of the project. The development schedule, if adopted and approved by the City Council, shall be incorporated into the approving ordinance, which shall be adhered to by the owner, developer and his successors in interest.

   If upon review by the Administrative Official, the owner or owners of property fail to meet the approved schedule, the Planning and Zoning Commission or City Council may initiate proceedings under Chapter 1 – General Provisions of this Land Development Code regarding "Amendments, Frequency of Petition and Site Plan Requirements: Zoning and Special Use Permits," to amend the Planned Development District by removing all or part of the Planned Development District from the Official Zoning Map and placing the area involved in another appropriate zoning district. Upon the recommendation of the Planning and Zoning Commission and for good cause shown by the owner and developer, the City Council may also extend the development schedule or adopt such new development schedule as may be indicated by the facts and conditions of the case.
6. *Site Plan* – The Site Plan, which may be conceptual and general in nature, but in sufficient detail appropriate for the type of development being proposed and shall at a minimum include the following items, where applicable:
   a. Proposed layout, indicating the approximate size and dimensions of all residential and non-residential lots
   b. Proposed land uses and building locations
   c. General elevation drawings of all non-residential structures indicating building height
   d. Landscaping, lighting, fencing and screening of common areas
   e. General locations of existing tree clusters
   f. Location and construction type of perimeter fencing

h. Design of ingress and egress with description of any special pavement treatments
i. Calculations and location of off-street parking and loading facilities
j. Location and type of all commercial signage and lighting, including pole heights, for parking lots and common areas
k. Location and description of subdivision signs and landscaping at entrance areas
l. Street names on all proposed streets

Exception: A Planned Unit Development application may be submitted and approved without a Site Plan, if the approving ordinance contains sufficient written detail to establish all site criteria.

7. *Drainage Analysis* – The applicant shall submit a Preliminary Drainage Analysis to determine the need for drainage facilities. The Preliminary Drainage Analysis shall be prepared in accordance with drainage analysis requirements contained in *Chapter 14 – Engineering Design Standards* of the Land Development Code.

J. Optional Preliminary Plat Submittal – To expedite a development proposal, a developer may submit a separate application for a Preliminary Plat, which meets all of the requirements specified in Chapter 8 of this Land Development Code for a Preliminary Plat submittal, and which may be processed and reviewed concurrently with a PUD application, provided that no Preliminary Plat application shall be approved prior to the approval of the PUD application. The developer shall request a waiver of the 30 day time limit for Preliminary Plat approval where such applications run concurrently with a PUD application.

K. Approval Process

a. *Application* – An application for a Planned Unit Development shall be submitted and processed using the same requirements used for submittal of a rezoning request, which shall be reviewed and considered in accordance with the procedures specified in Chapter One of this Land Development Code.
b. *Conditions Related to Approval* – In establishing a Planned Unit Development, each application shall be evaluated by the Planning and Zoning Commission and City Council as to its probable effect on the adjacent property and the community. The Planned Unit Development may be approved or denied as the findings indicate appropriate. The Planning and Zoning Commission may recommend and the City Council may approve safeguards or conditions of approval to reduce the effect on adjacent or surrounding properties, which may include any or all of the following site conditions:

i. Accessory buildings
ii. Building and structure heights
iii. Drainage
iv. Exterior construction materials
v. Exterior lighting
vi. Fire protection measures
vii. Hours of operation
viii. Land uses
ix. Landscaping and open space
x. Lot coverage, density & setbacks
xi. Lot sizes and dimensions
xii. Outside storage and display
xiii. Pedestrian circulation
xiv. Public street access
xv. Refuse and waste storage
xvi. Screening or buffer areas
xvii. Signs
xviii. Vehicle traffic, circulation, and parking lots
xix. Other conditions deemed appropriate
xx. Project phasing and development schedule

c. *Modification of a PUD requirement* – The Planning and Zoning Commission may recommend and the City Council may approve a proposal for a Planned Unit Development that includes a provision which modifies any requirement contained in these Planned Unit Development regulations.
d. *Amending a Planned Unit Development* – Changes to a Planned Unit Development or to its approved Site Plan shall be processed in the same manner as the original request. However, the administrator of this Code may approve minor modifications in an approved Concept Plan, provided the modifications:
   i. Do not alter the basic physical relationship of the property to adjacent property;
   ii. Do not change the permitted land uses;
   iii. Do not increase the maximum density, floor area, height; or,
   iv. Do not reduce the minimum yards or setbacks.

L. Effect of this Section on Existing Planned Unit Developments – Previously approved PUD amending

ordinances to the City's preceding zoning ordinance and Land Development Code, including accompanying plans and supporting documents, shall remain in full force and effect with respect to this Chapter and shall not be made to comply with the provisions of this Chapter. Where a prior ordinance fails to provide specific information regarding minimum lot sizes, lot width, lot depth, set backs, building heights and maximum lot coverage, the requirements contained in Section 3.24.G shall prevail.

Section 3.24 Schedule of Permitted Uses

A. General Requirement and Symbols Used – Land and buildings may be used in accordance with Table 3.24.C, *Schedule of Permitted Principal Uses* and the additional requirements of this section. The following symbols are used in Table 3.24.C, *Schedule of Permitted Principal Uses*:

1. *Permitted Uses* – A "P" in a cell indicates that the use is allowed by right as the principal use in the applicable zoning district in accordance with Table 3.24.C, *Schedule of Permitted Principal Uses*.

2. *Specific Uses* – An "S" in a cell indicates that the use may be allowed with the approval by the City Council of a Special Use Permit following the applicable review and approval procedures.

3. *Prohibited Uses* – An empty cell indicates that the land use is prohibited in the applicable zoning district, unless otherwise allowed with the approval by the City Council of an ordinance establishing a Planned Unit Development District, or authorized by a Special Use Permit, or in conformance with the provisions contained in Section 3.6.B-*Classification of New and Unlisted Uses*.

Table 3.24.B- - Schedule of Permitted Principal Uses

Land Use Classification	Residential District									Non-Residential Districts						Special Land Use Standards or Section Ref.	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML		
A. RESIDENTIAL ACCOMODATION USES																	
Single Family Detached Dwelling	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**							6	3
Duplex – Attached Dwelling							**P**	***S***								6	2
Townhome – Attached Dwellings								***S***								6	4
Multi-family – Attached Dwellings								**S**								6	4
HUD Code Manufactured Housing									**P**							6	2
Assisted Living Facilities	**PUD only**																17
Bed and Breakfast Lodging	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***								1,6	18
Private (HOA) Recreational Facilities		**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**								5
B. ACCESSORY USES																	
Accessory Building	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**							Sec. 3.27	n.a.
Carport	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***							Sec. 3.27.C	n.a.
Home Occupations Uses	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**							6	n.a.
Accessory Dwelling	**P**	**P**	***S***	***S***											***S***	11	1
C. AGRICULTURAL USES																	
Commercial equestrian boarding stable and school	**P**	***S***															25
Crop Farming	**P**	**P**															n.a.
Livestock raising and breeding	**P**	**P**														8	n.a.
Private horse stables for domestic use	**P**	**P**	**P**	***S***	***S***												n.a.
Roadside produce stands (year round)	***S***	***S***															n.a.
D. UTILITY USES																	
Electrical Substations	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***		21
Public Utility Supply and Storage Yards	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***		24

Table 3.24.B- - Schedule of Permitted Principal Uses

Land Use Classification	Residential District									Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML		
Telecommunications Towers	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	2	21
Water Pumping Stations	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		24
Wind Driven Generators	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	14	n.a.
E. PUBLIC AND INSTITUTIONAL USES																	
Colleges or Universities										S	S	S	S	S	S		12
Community Centers or Recreation Centers	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P		5
Government Buildings, Offices and Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		8
Fire Stations / Police Stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		16
Golf Courses – Public Owned	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		22
Government Maintenance Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		25
Libraries										P	P	P	P	P	P		9
Museums										P	P	P	P	P	P		8
Post Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		10
Parks and Open Space Areas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		25
Public Maintenance and Storage Buildings	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		25
Private Schools – Elementary and Secondary	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		13
Private Schools – High School	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		14
Public Schools – Elementary and Secondary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		13
Public Schools – High School	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		14
Religious Institutions	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		18
F. OFFICE USES																	
Accountant's Offices										P	P	P	P	P	S		8
Advertising Agencies										P	P	P	P	P	S		8

Table 3.24.B- - Schedule of Permitted Principal Uses

Land Use Classification	Residential District									Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML		
Attorney Offices										P	P	P	P	P	S		8
Chiropractic Clinics										P	P	P	P	P	S		8
Emergency Clinic (24 hrs.)												S	P	P	S	7	6
Engineering, Architect's, and Surveyor's Offices										P	P	P	P	P	S		8
General Business Offices not elsewhere listed										P	P	P	P	P	S		8
Insurance Agencies										P	P	P	P	P	S		8
Management and Public Relations Services Offices										P	P	P	P	P	S		8
Optometrist Office										P	P	P	P	P	S		8
Psychologist Offices										P	P	P	P	P	S		8
Physician's or Dentist's Offices										P	P	P	P	P	S	4	7
Real Estate Agency Offices										P	P	P	P	P	S		8
Security Broker Offices										P	P	P	P	P	S		8
Telemarketing Offices												P	P	P	S		5
Title Abstract Offices										P	P	P	P	P	S		8
Trade or Business Schools												S	S	S	P		15
Travel Agency / Airline Ticket Offices										P	P	P	P	P	S		8
G. RETAIL AND SERVICE USES																	
Alcoholic Beverage Sales – (Beer and Wine Only) – Off-Premises Consumption												S	S	S		9	n.a.
Alcoholic Beverage Sales – On-premises Consumption												S	S	S		9	n.a.
Package Store Sales – Off-premises Consumption												S	S	S		9	n.a.
Alcohol or Drug Treatment Center										S	S	S	S	S	S		24
Antique Stores												P	P	P			7

Table 3.24.B- - Schedule of Permitted Principal Uses

Land Use Classification	Residential District									Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML		
Apparel and Accessory Stores												P	P	P			7
Arts and Crafts Stores and Hobby Shops												P	P	P			7
Bakery Stores												P	P	P			7
Banks, Credit Unions and Financial Institutions											P	P	P	P			8
Barber Shops, Beauty Shops and Day Spas											P	P	P	P			7
Bicycle Shops												P	P	P			7
Book, Stationary or Greeting Card Shops												P	P	P			7
Camera or Music Stores												P	P	P			7
Carnivals and Circuses												S	S				24
Cemeteries or Mausoleums										S	S	S	S	S	S		24
Charitable Donation Station												S	S	S			24
Civic, Social or Fraternal Organizations										S	S	P	P				7
Convenience Stores with gasoline sales												S	S	S	S		7
Copy Centers/Print Shops										S	S	P	P	P	P		7
Dance Studios, Martial Arts Studios, and Cheerleading & Gymnastics Facilities										~~S~~	S	P	P	P	P		7
Day Care Centers										S	S	S	S	S			11
Department Stores												P	P	P			7
Dog Boarding with indoor and/or outdoor kennels													S	S	S		8
Dog Grooming													S	S	S		8
Dry Cleaner Pick-up Stations											S	P	P	P			7
Dry Cleaners (up to 5,000 s. f. w/on-site laundry)												P	P	P			7
Equipment Rental and Leasing Stores														S	P		7
Florist Shops											P	P	P	P			7

Table 3.24.B- - Schedule of Permitted Principal Uses

Land Use Classification	Residential District									Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML		
Food Catering													***S***	***S***	**P**		8
Funeral Homes												***S***	***S***	***S***			24
Furniture and Appliance Stores												**P**	**P**	**P**			9
General Retail Store (not listed elsewhere)												***S***	***S***	***S***			7
Grocery Stores												**P**	**P**	**P**		12	7
Hardware, electrical & plumbing w/o outside display											**P**	**P**	**P**	**P**			
Hardware , electrical & plumbing with outside display													***S***	**P**	**P**		
Hospitals												***S***	***S***	***S***			24
Hotels and Motels												***S***	**P**	**P**			19
Home Decoration Stores										**P**	**P**	**P**	**P**	**P**			7
Jewelry Stores											**P**	**P**	**P**	**P**			7
Locksmiths											***S***	***S***	***S***	***S***	**P**		8
Mailing and Shipping Stores											**P**	**P**	**P**	**P**	**P**		7
Meat or Fish Market												**P**	**P**	**P**			7
Nurseries and Greenhouses with outside display													***S***	**P**	**P**		16
Pawn Shops															***S***		7
Pet Stores												**P**	**P**	**P**			7
Pharmacy											***S***	**P**	**P**	**P**			7
Photography Studios										**P**	**P**	**P**	**P**	**P**	**P**		8
Purchasing and/or resale of precious metals including jewelry, gem stones, gold, silver, and platinum and not licensed as a Pawn Shop by the State of Texas															***S***		7
Restaurants, Cafes and Cafeterias												**P**	**P**	**P**			5
Restaurants with drive-in or drive-thru service													**P**	**P**			5

Table 3.24.B- - Schedule of Permitted Principal Uses

Land Use Classification	Residential District									Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML		
Second hand goods shop												***S***	***S***	***S***			7
Self-service Laundries											***S***	***S***	***S***	***S***			7
Short Term Loans (Title/Payday)															***S***		7
Sporting Goods Store												**P**	**P**	**P**			
Shoe Repair Shops												**P**	**P**	**P**			8
Tailor and Alteration Shops											**P**	**P**	**P**	**P**			8
Veterinarian Clinic with indoor and/or outdoor kennels													***S***	***S***	***S***	3, 4	8
Video Rental and Sales Stores												**P**	**P**	**P**			7
Wedding Chapels												***S***	***S***	***S***	***S***		24
H. RECREATIONAL AND ENTERTAINMENT USES																	
Adult Entertainment Establishments	**See section 22-5 Code of Ordinances**																5
Amusement Centers (indoors)												**P**	**P**	**P**	***S***		7
Archery and Firearms Ranges														***S***	***S***	5	24
Billiard Parlors												***S***	***S***	***S***		13	23
Commercial Recreation (outdoor)	***S***										***S***	***S***	***S***	***S***	***S***		24
Fitness Centers											***S***	**P**	**P**	**P**	**P**		7
Golf Courses – Privately Owned	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	**P**	**P**	**P**	**P**	**P**	**P**		22
Golf Driving Ranges											***S***	***S***	***S***	***S***	***S***		22
Miniature Golf Courses												***S***	***S***	***S***			20
Roller or Ice Skating Rinks												***S***	***S***	***S***			24
Theaters												**P**	**P**	**P**	***S***		18
I. AUTOMOTIVE AND TRANSPORTATION USES																	
Airports and Heliports	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***		24

Table 3.24.B- - Schedule of Permitted Principal Uses

Land Use Classification	Residential District									Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML		
Auto Alarm / Stereo / Window Tinting Stores													***S***	***S***	**P**	10	7
Auto Lube Shops													***S***	***S***	**P**	10	9
Automotive and Motor Vehicle Sales													***S***	***S***	***S***	10	8
Auto Parts and Accessory Stores												**P**	**P**	**P**	**P**	10	7
Auto, Truck or Trailer Rental													***S***	***S***	***S***	10	8
Auto Upholstery Shops														***S***	**P**	10	9
Auto Parking Lots and Garages (free standing)										***S***	***S***	***S***	***S***	***S***	***S***		n.a.
Auto Repair Shop													***S***	***S***	***S***	10	9
Boat and Water-craft Sales and Service													***S***	***S***	***S***	10	8
Bus or Passenger Train Stations												***S***	***S***	***S***	***S***		24
Car Wash (self service and automatic)														***S***	**S**		9
Commuter Transit Stations												***S***	***S***	***S***	***S***		24
Gasoline Service Stations														***S***	***S***	10	7
LPG / CNG Dispensing Stations														***S***	***S***		24
Motorcycle Sales and Service														***S***	***S***	10	8
Paint and Body Shops														***S***	***S***	10	9
Park and Ride Facilities												***S***	***S***	***S***	***S***		24
Railroad or Motor Freight Terminals													~~***S***~~	~~***S***~~	***S***		24
Recreational Vehicle Sales and Service														***S***	***S***	10	8
Tire and Battery Stores													***S***	***S***	***S***	10	7
Truck and Heavy Equipment Sales and Service														***S***	***S***	10	8
Vehicle Storage Yards or Facilities												***S***	***S***	***S***	***S***		24
J. HEAVY COMMERCIAL, INDUSTRIAL & MANUFACTURING USES																	

Table 3.24.B- - Schedule of Permitted Principal Uses

Land Use Classification	Residential District									Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML		
Appliance Repair Shops														***S***	***S***		8
Building Material Sales with outside storage														***S***	***S***		7
Commercial Laundry														***S***	***S***		24
Contractor Office with storage yard														***S***	***S***		24
Contractor Office without storage yard														**P**	**P**		8
Electronic Assembly or Manufacturing															**P**		25
Exterminator Shop														***S***	***S***		24
Food Packaging and Manufacturing															***S***		24
Furniture and Cabinet Manufacturing															**P**		25
Office Showroom															**P**		25
Oil and Gas Extraction	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	***S***	See Ch. 3.1	24
Plumbing, HVAC and Electrical Trades Shops														**P**	**P**		8
Printing and Publishing - Commercial															**P**		8
Research and Development Labs															**P**		8
Scientific Instrument Assembly and Manufacturing															**P**		8
Self Storage Facilities (mini-warehouse)															***S***		24
Upholstery and Furniture Repair Shops														**P**	**P**		8
Warehouse and Distribution Facilities															***S***		24
Wood, Paper or Leather Products															**P**		25
Manufacturing not elsewhere listed															***S***		24
Welding or Machine Shop															**P**		25
Wholesale Store/Supply															**P**		25
Wholesale Store/Supply with outdoor storage															***S***		24

C. Special Land Use Standards – The following Special Land Use: Standards, which are referenced in the Special Land Use Standards column of Table 3.24.B, Schedule of Permitted Principal Uses, refer to additional standards and requirements that are applicable to the listed land use.

1. Bed and Breakfast – a Certificate of Occupancy (C.O.) is required prior to occupancy of the premises as a bed & breakfast. The C.O. shall be obtained after an inspection has determined that the structure is in compliance with all applicable current codes and ordinances of the City of Colleyville and the following additional conditions:

    a. The structure is structurally sound.
    b. There are no clear and present dangers as to fire and fire safety.
    c. The plumbing is in compliance with the currently adopted code requirements for the zoning district in which it is located.
    d. The electrical system is in compliance with the currently adopted Electrical Code for the zoning district in which it is located.
    e. Smoke detectors shall be placed in each individual bedroom which is offered for public use and smoke detectors shall also be placed in any hallway adjacent thereto.
    f. Signs, not exceeding one and one-half (1-1/2) square feet, shall indicate only the address and the establishment name.
    g. Off-street parking shall be located behind the front building line of the structure and shall be screened from public view, and shall be provided in the following manner: one space per bedroom offered for temporary rental in addition to that required for the zoning district in which it is located.
    h. The total rental bedroom area of the structure shall not exceed twenty-five (25) percent of the total floor area of the dwelling.

        Also, in order to continue operation:
        i. Annual inspections shall be required for each bed and breakfast facility to ensure ongoing compliance with the requirements of this Section.
        ii. Food service shall comply with all provisions of the City Code.
        iii. The structure shall comply with all current City Codes, including, but not limited to Building Codes, Plumbing Codes, Electrical Codes, Fire and Safety Codes, and others as may from time to time be adopted.
        ix. The length of stay for any guest is limited to fifteen (15) consecutive days.

2. Telecommunication Towers – Construction shall be of monopole design only; and

    a. the distance between the base of the tower and any Agricultural (Ag) or residential district or use shall be not less than two (2) times the height of the tower; and
    b. the site plan shall meet all other commercial development requirements of the City such as site plan review, landscaping, setbacks; and
    c. a minimum of one paved parking space shall be provided at the site of the structure.

3. Veterinarian Clinic with indoor kennels – A facility containing indoor kennels shall be subject to the following conditions.

    a. The entire business must be conducted within a soundproofed building. Noise and odors created by activities within the building shall not be discernible beyond the property line.
    b. No animals shall be kept outside the building.

4. Medical and veterinary clinics – Outpatient services only.

5. Archery & firearm ranges – An SUP required in every zoning district, except CN & CC, for sales activity over 9 mo. per year.

6. Home Occupation Uses:

    a. No person other than members of the family residing on the premises shall be engaged in such occupation;

b. The use of the dwelling unit or accessory building for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one (1) square foot in area, non-illuminated, and mounted flat against the wall of the principal building.
d. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street on a driveway or other hard surface all weather area;
e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of any adjacent or nearby site occupant. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
f. Home occupation uses and activities shall be limited to the following: seamstress; accounting; bookkeeping and tax services; notary public; insurance and real estate; small-scale production of cosmetics and household sundries; private educational, music and dance tutoring; arts, crafts and home hobby shops; garage, yard and patio sales of short temporary duration; mail order brokerage; and other similar activities --- but excluding medical and law offices, auto repair, beauty shops, pet grooming services, kennels and other such activities.
g. If a home occupation is deemed to become a nuisance as described in 'e' above, the Administrative Official may halt the use of the home occupation.

7. Emergency Clinics – Outpatient services only.

8. Livestock Raising and Breeding – A Special Use Permit is required for swine farming.

9. Alcoholic Beverage and Package Store Sales – A Special Use Permit is required for the sale of alcoholic beverages. A package store shall require the approval of a separate Special Use Permit. Any existing Special Use Permit for the sale of alcoholic beverages for off-premise consumption shall only be for beer and/or wine as specified in the approving ordinance and shall not be considered as approval for a package store as defined in Chapter Two. Also refer to Chapter 6 of the Code of Ordinances for additional regulations regarding alcoholic beverage sales.

10. Vehicle Repair – Vehicle repair, including the repair of other motorized vehicles, are permitted in accordance with the Schedule of Permitted Uses, subject to the following conditions.

    a. All repairs and servicing shall be conducted within an enclosed building.
    b. A business that conducts vehicle repair and is located on property adjacent to a residential use shall provide an eight-foot tall solid screen along the property line adjacent to the residential use.
    c. Except for wrecked vehicles, no more than two vehicles per bay or repair/inspection station that have been accepted for repair or servicing shall be parked/stored outside after regular business hours.
    d. Wrecked or dismantled vehicles waiting for repair shall not be visible from the street or other residential property and shall be stored in an enclosed building or within a completely enclosed area behind an eight-foot tall solid masonry screening fence.

11. Accessory Dwelling – A secondary dwelling for use by family members or domestic servants employed on the premises provided the gross habitable square feet of floor area complies with regulations found in Section 3.27 of this chapter. Such quarters may be housed within the principal residential dwelling, above a residential garage, or be part of an accessory building on the same premises, and shall comply with minimum standards for light, health, safety, and occupancy in conformance with other applicable City codes and ordinances.

12. Grocery Stores – A special use permit is required for the use of gasoline pumps in conjunction with a grocery store.

13. Billiard Parlor – Compliance with Chapter 10 of the Code of Ordinances is required for a Billiard Parlor.

14. Wind Driven Generators – No wind driven generator shall be constructed without approval of a special use permit per Section 3.24 of the Land Development Code.

    a. All wind driven generator towers shall be of a monopole design. All wiring shall be buried underground by means of a conduit system.
    b. A wind driven generator may be considered on lots measuring a minimum of 1.5 acres.
    c. The maximum height of a wind driven generator shall be no greater than 50 feet, measured from the existing ground level to the highest point of the blades.
    d. All wind energy structures, including tower and rotor, shall stand independent of any building or structure and shall have a minimum setback from any property line, right-of-way, power line, or other improvement of 1.5 times the height of the wind energy structure. It shall also be located entirely in the rear yard and shall not be located in any required setback.
    e. The maximum noise level shall not exceed 50 dB(a), measured from the property line, adjacent to any residentially zoned property, and 60 dB(a) adjacent to all other zoning districts.
    f. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
    g. The wind tower must either (a) have a locked anti-climb device installed on the tower; or (b) be completely enclosed by a locked, protective fence at least 6 feet in height.
    h. No signage or advertisements shall be allowed on the wind tower.
    i. A maximum of one wind energy system, including the tower, shall be permitted per lot.
    j. A wind driven generator, found to be non-productive or unused, for a period exceeding 180 days, shall be immediately removed from the premise and the site returned to its prior condition, at the expense of the property owner.

15. Portable Storage Structures – A portable storage structure is any container, storage unit, shed-like container or other portable structure, other than an accessory building as defined in Chapter Two of the Land Development Code, complying with all building codes and Land Development Code requirements, that can or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building.

    The use of portable storage structures are allowed under the following conditions:

    a. Seven Day Provision: Portable storage structures placed on private property for a period of not more than seven (7) days are hereby exempt from these regulations provided the view of any vehicular traffic is not impeded in any way. A permit shall be required per the provisions of sub-section “b”. However, there shall be no fee required for structures that are placed for seven (7) or fewer days.

    b. A temporary use permit for a portable storage structure shall be obtained from the Community Development Department prior to placement for any portable storage structure.

    c. There shall be no more than one (1) portable storage structure per property.

    d. The portable storage structure shall be no larger than ten (10) feet wide, twenty (20) feet long and ten (10) feet high.

    e. Notwithstanding the requirements of sub-sections “k” and “l” below, a portable storage structure shall not remain at a property in any zoning district in excess of thirty (30) consecutive days, and shall not be placed at any one property in a zoning district in excess of thirty (30) days in any calendar year.

    f. The portable storage structure shall be set back a minimum of five (5) feet from all property lines.

    g. The portable storage structure shall be set back a minimum of five (5) feet from the nearest wall of a building.

    h. Where a side facing garage or a garage that is located behind the principal structure exists, the portable storage structure shall be located behind the front line of the principal structure.

i. The portable storage structure shall be placed on an asphalt or concrete surface. A gravel surface is permitted if the portable storage structure is located behind the principal structure.

j. The portable storage structure shall not be placed upon any street or within any rights-of-way. Exception: Portable storage structures located in mixed-use, townhome, multifamily, or similar residential developments may locate within existing, striped on-street parking spaces provided there are no public safety or vehicular traffic issues caused by the location of the structure.

k. Portable storage structures associated with construction of a new principal building at a site where a new building permit has been issued are permitted for the duration of construction and shall be removed from the site within fourteen (14) days of the end of construction. Portable storage structures associated with new construction are exempt from the aforementioned conditions.

l. Portable storage structures associated with any construction that is not part of the construction of a new principal building, and only in conjunction with the issuance of a building permit, may be placed for a maximum period of 180 days or upon completion of construction, whichever occurs first. The fee assessment for a portable storage structure associated with this sub-section shall be as follows:

0 to 30 days:	standard fee
30 to 60 days:	double the standard fee
60 to 90 days:	three times the standard fee
90 to 120 days:	four times the standard fee
120 to 180 days:	six times the standard fee

m. Any waivers to the conditions of this section shall be considered by Special Use Permit (SUP) in accordance with Section 3.25 Special Use Permit of the Land Development Code.

D. Temporary Buildings and Uses *(O-04-1497 / 12/21/04)*

1. Temporary Use Permit – The Building Official may approve a permit for a temporary use specified in this Section for limited periods of time, provided evidence is furnished by the applicant that adequate measures are taken to satisfy public safety concerns and related site criteria concerns. All temporary uses shall be subject to the regulations contained in this Section. The building official may recommend a temporary use permit application be considered by the City Council where it has been determined by the building official that the proposed temporary use may have significant public interests. A temporary use permit, as herein prescribed, shall not be required for neighborhood block parties held in conjunction with the annual National Night Out neighborhood celebration or for events approved by a municipal department where said event is conducted on municipally owned property.

   a. *Revocation:* The Building Official may revoke a temporary use permit if determined that:

      i. The applicant has misrepresented any material fact on the application, or supporting materials.
      ii. The temporary use fails or ceases to comply with applicable standards or criteria for issuance of a permit.
      iii. The operation of the temporary use violates any statute, law, ordinance or regulation.
      iv. The operation of the temporary use constitutes a nuisance or poses a real or potential threat to the health, safety or general welfare of the public.

2. Permit Conditions – The Building Official is hereby authorized to prescribe reasonable conditions upon a temporary use permit to protect the public health, safety, and general welfare of the community, with particular attention to areas adjacent to or in the vicinity of the permitted temporary use. Such conditions may include specific performance standards, noise mitigation measures, lighting restrictions, limitation on hours of operation, odor control measures, off-street parking requirements, traffic restrictions, or other standards designed to minimize adverse impacts on surrounding properties. In the event that a sponsor is dissatisfied with the Building Official's decision, the sponsor may appeal the decision to the City Council.

3. Construction Offices and Sales Offices – The Building Official may approve a permit for a temporary building for use as a construction office or a sales office for new home or lot sales in any zoning district during the construction phase of a permanent building or new subdivision, provided such temporary buildings comply with the following requirements:

    a. No temporary used as a construction office or a sales office shall encroach within five (5) feet of a property line or encroach within the visibility triangle required in Section 3.26 of this Land Development Code.

    b. A temporary building used as a construction office during the construction of a permanent building shall be removed within ten (10) days after the issuance of the certificate of occupancy of the permanent building, weather permitting.

    c. A temporary building used as a real estate sales office shall be removed within ten (10) days after ninety (90%) percent of the lots within the subdivision have been sold.

    d. A temporary construction office or real estate sales office shall sit on a blocked foundation acceptable to the Building Official. No temporary construction office or real estate sales office shall be used that rests only on the wheels.

    e. A model home may be used as a temporary real estate sales office and shall be exempt from paragraphs a, b, c, and d above.

4. Special Events – Outdoor events of public interest which are anticipated to attract less than 500 persons in attendance at any one time for a period of eight consecutive hours or more, such as business activities, carnivals, circuses, and similar temporary events or special fund-raising events. Events sponsored by the City or a school shall be exempt from the requirements of this section. Special Events shall comply with the following:

    a. Application and site plan for a Special Event shall be submitted at least ten (10) business days in advance of the proposed event
    b. Events located in parking lots which cause the loss of existing parking spaces shall require the submittal of written approval from the owner
    c. A Special Event shall not extend greater than any time period over three (3) consecutive days.
    d. There shall be no more than four (4) special events allowed per location per calendar year. There shall be at least thirty (30) calendar days between events before another permit can be obtained for the location.

5. Tents – A temporary use or special event which includes the use of a tent shall require a separate permit in accordance with the standards contained in the Colleyville Fire Code.

6. Temporary Asphalt or Concrete Batch Plant – The Building Official shall approve a permit for a temporary asphalt or concrete batch plant to provide construction materials for the site on which the temporary batch plant is located during the construction phase of a permanent building, new residential subdivision or other project as authorized by the city manager, provided such temporary use comply with the following requirements:

    a. The temporary batch plant shall receive an approved air quality permit from the State of Texas, and evidence must be presented at the time of application for the temporary use permit.

    b. The temporary batch plant shall follow all State of Texas storm water run-off requirements. A copy of any required State documents must be on the site of the temporary batch plant at all times.

    c. A location map, drawn to scale, shall be provided and indicate the following: the location of the batch plant on the subject property along with a defined plant boundary, the location of all related equipment including but not limited to batching equipment and containers, storage areas, hazardous materials storage if applicable. Another drawing, drawn to scale, shall be provided showing the closest habitable residences, schools and religious institutions. The

minimum distances shall be 300 feet measured in a direct line from the boundary of the temporary batch plant, as indicated on the application, to the property boundary of the protected use.

d. The material delivery route shall be provided indicating routes for raw material delivery with details on the type and numbers of trucks per day. Said route shall require final approval by the City Manager or his/her designee.

e. The hours of operation shall follow the construction hours of operation as required in the Colleyville Code of Ordinances.

f. A letter of permission shall be provided by the property owner stating that the temporary batch plant will be used to provide concrete/asphalt for the same site where it is located and no other project(s). The letter must also state that the site will be left in good or better condition.

g. The application must state the amount of time that the temporary batch plant will be in operation. The permit duration shall not exceed 30 days from the date of issuance. The Administrative Official may extend the permit for an additional 30 days with good cause. Only one permit may be issued for a given parcel of property within a 12 month period.

i. The Public Works Director shall determine if additional materials testing is required and may determine the testing personnel required. Any cost of testing shall be paid by the applicant.

j. The batch plant shall not be used as a batching facility for any other site other than the site on which it is located and no concrete, asphalt and/or any raw materials may be sold from said plant.

k. Any appeal or waiver from the requirements of this section shall require final approval by the City Council.

E. Outdoor Storage; Screening and Hours of Operations

Zoning Districts		Outdoor Storage Allowed	Screening Requirements Adjacent to Single Family	Hours of Operation
CPO	Professional Office Commercial	No	8’	Daytime only
CN	Neighborhood Commercial	No	8’	Daytime only
CC1	Village Retail	No	8’	24 hours
CC2	Shopping Center	No	8’	24 hours
CC3	Highway Commercial	Yes	8’	24 hours
ML	Light Manufacturing - Industrial	Yes	8’	24 hours

F. District Regulation Notes

A. To achieve the “urban village” design, front yards may be varied to as little as 10’ from the front property line if required parking is setback not less than forty feet (40’) from the front property line.
B. Where abutting a lot zoned or used for residential purposes (RE through MH) there shall be a twenty-five (25’) foot side yard.
C. Side or rear yards not required where no windows or other openings for light or entry face the yard, and not adjacent to single family.
D. Where abutting a lot zoned or used for residential purposes (RE through MH) there shall be a twenty-five (25’) foot rear yard.

SECTION 3.24.G – SCHEDULE OF DISTRICT REGULATIONS

MAXIMUM RESIDENTIAL DENSITY; MINIMUM LOT SIZE REQUIREMENTS; MINIMUM YARD REQUIREMENTS; MAXIMUM BUILDING HEIGHT; MAXIMUM LOT COVERAGE; OUTDOOR STORAGE; SCREENING; AND, HOURS OF OPERATION

(See District Regulations Notes following Section 3.24.F for explanation of letters in charts)

Zoning Districts		Minimum Lot Size Requirements				Max. Lot Size	Minimum Yard Requirements			Max. Building Height		Max. Lot Coverage	Max. Impervious Coverage
		Area (sq. ft.)		Min. Width in feet	Min. Depth in feet		Front (feet)	Each Side (feet)	Rear (feet)	Stories	Feet	Percent	Percent
	Classification	Per Family	Total										
AG	Agricultural	130,680	130,680	200	300	n.a.	40'	25'	40'	2.5	35'	20%	50%
RE	S.F. "Estate" Residential	80,000	80,000	200	300	n.a.	40'	25'	40'	2.5	35'	20%	50%
R-40	Single Family Residential	40,000	40,000	150'	150'	n.a.	40'	15'	25'	2.5	35'	20%	50%
R-30	Single Family Residential	30,000	30,000	125'	125'	n.a.	35'	10'	25'	2.5	35'	25%	55%
R-20	Single Family Residential	20,000	20,000	100'	125'	n.a.	30'	10'	25'	2.5	35'	30%	60%
R-15	Single Family Residential	15,000	15,000	100'	125'	n.a.	30'	10'	25'	2.5	35'	30%	60%
R-D	Two Family Residential	4,000	8,000	70'	115'	n.a.	25'	10'	25'	2.5	30'	50%	60%
R-MF	Mufti-Family Residential (zoned after June 16, 1961)	2,700	18,000	70'	115'	n.a.	25'	10'	25'	2.0	30'	50%	80%
R-MF	Mufti-Family Residential (zoned before June 16, 1961)	1,500	10,000	70'	115'	n.a.	25'	10'	25'	3.0	30'	75%	80%
MH	Mobile Home (Minimum size of mobile home park - 40 spaces)	20,000	20,000	100'	125'	n.a.	30'	10'	25'	2.5	30'	30%	40%
C-PO	Professional Office Commercial	n.a.	7,200	100'	120'	1 acre	40'	15' (B/C)	10' (C/D)	2.0	35'	40%	80%
CN	Neighborhood Commercial	n.a.	10,000	100'	120'	1 acre	40'	15' (B/C)	10' (C/D)	2.0	35'	40%	80%
CC1	Village Retail	n.a.	15,000	150'	120'	5 acres	40' (A)	15' (B/C)	10' (C/D)	2.0	35'	50%	80%
CC2	Shopping Center	n.a.	20,000	150'	120'	none	40' (A)	15' (B/C)	10' (C/D)	2.0	35'	60%	80%
CC3	Highway Commercial	n.a.	10,000	150'	120'	none	40'	15' (B/C)	10' (C/D)	2.0	35'	70%	80%
ML	Light Manufacturing	n.a.	10,000	100'	120'	none	40'	15' (B/C)	10' (C/D)	2.0	35'	60%	80%

**** All regulations may vary when above districts are used as a base district for a PUD.***

Section 3.25 Special Use Permit

(O-02-1331 / 02-19-2002)

The purpose of a Special Use Permit is to allow a use not normally allowed in a zoning district, which could be of benefit in a particular case to the general welfare, provided adequate development standards, and special requirements are imposed to protect surrounding uses or to preserve the character of the neighborhood. Upon proper application and payment of the applicable fee, the City Council, after public hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission, may authorize a Special Use Permit for a use not allowed by right in *Section 3.24 "Schedule of Permitted Principal Uses"* in accordance with the following criteria.

1. Procedures – Every Special Use Permit application shall be reviewed and considered using the same procedures for reviewing and considering a rezoning application as specified in *Chapter 1 – General Provisions* of this Land Development Code.

2. Site Plan – The applicant must submit a site plan in the form and manner specified by the Administrative Official, showing the details of the proposed use and its relationship to surrounding properties.

3. Additional Information – The City Council and the Planning and Zoning Commission, in considering and determining its recommendation to the City Council on any request for a Special Use Permit, may require from the applicant plans, information, operating data and expert evaluation concerning the location and function and characteristics of any building, structure or use proposed.

4. Conditions of Approval – The City Council may impose such safeguards, requirements and conditions as it deems are necessary to properly protect any surrounding property, surrounding use, or neighborhood character and to insure the appropriate conduct of the special permitted use, including, without limitation, imposing development standards, requiring public facility improvements and means of ingress and egress of public streets, establishing conditions of operation, establishing time limits, establishing location, arrangement and construction of any uses or structures, adopting regulations to protect the general welfare and adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view of other undesirable or hazardous conditions. All conditions imposed by the City Council shall be complied with prior to the issuance of a Certificate of Occupancy.

5. Revocation Upon Failure to Develop – A special use permit approved by the Council shall become null and void one year from the date of approval by the City Council unless a building permit or certificate of occupancy, whichever is applicable, has been obtained on the property within said one year period. The City Council may in its adopting ordinance, shorten or lengthen the time in which a building permit or certificate of occupancy must be issued in order to preserve the special use permit. Any Special Use Permit in existence upon the passage of this ordinance shall become null and void one year after the passage of this ordinance, unless a building permit or certificate of occupancy, whichever is applicable, has been issued within said year.

   Exception: The ordinance authorizing a Special Use Permit may provide for an alternate expiration period.

6. Termination and Abandonment of Use – In the event the building, premises or land uses authorized by a Special Use Permit are terminated or abandoned for a period of six (6) months or longer, the use of the same shall thereafter conform to the regulations applicable to the zoning district, unless a new and separate Special Use Permit is approved for continuation of the use.

7. Modification – No building or premises authorized by a Special Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless an amendment to the Special Use Permit is approved by the City Council using the procedures specified in *Chapter 1 – General Provisions* of this Land Development Code.

8. Violation – It shall be unlawful for property owner or tenant to violate any terms or conditions of the ordinance approving the Special Use Permit.

Section 3.26 Fences, Free Standing Walls, and Screening Materials

A. Scope

1. This section is to regulate fences, free standing walls and other screening material in a manner so as to promote safety, preserve property values, promote the general welfare of the City of Colleyville, and to enhance the aesthetic quality of the community.

2. No fence, screen, freestanding wall or other visual barrier shall be constructed or placed in such a manner as would endanger the health or safety of the general public.

3. For administrative purposes, all references to fences or walls shall be interpreted to apply to free standing structures.

B. Fence or Wall Placement

The actual location of a fence or wall on a site is assumed to be to on the property or common property line and encroachments onto adjacent property are not expressly authorized by the Administrative Official or their representatives.

C. Maintenance

1. All fences erected as provided for in this section shall be maintained in good condition.

2. A fence shall not lean more than one inch out of vertical for each foot of height as measured from the top of the fence.

3. The owner shall replace broken, damaged, removed or missing parts of a fence within ten (10) days of the day the owner received notice from the Administrative Official with the same material, or material with comparable composition, color, size, shape and quality of the original fence to which the repair is being made. No permit is required for repairs as defined in this ordinance. The Administrative Official may, upon written notice from the owner that unusual circumstances prevent the timely repair of a fence, extend the replacement time as required. The Administrative Official shall not extend the replacement time longer than reasonably necessary. The owner requesting a replacement time extension shall provide the Administrative Official a written scope and schedule detailing materials and estimated time period of the completed replacement for approval.

4. A fence shall be maintained in sound structural condition as a whole or completely removed, including post(s).

5. Property owners shall maintain fences, including those existing prior to the adoption of this Ordinance, at all times in a state of good repair, safe and secure condition, with all braces, bolts, nails, supporting frame and fastenings free from deterioration, termite infestation, rot, rust or loosening, and able to withstand at all times the wind pressure for which they were designed.

6. Property owners shall regularly paint fence supports, gates, structural members and exterior surfaces that are covered with paint to prevent rusting, peeling or blistering surfaces.

7. Existing fences that were constructed prior to the adoption of this Ordinance that were constructed with materials not currently permitted by this Ordinance may be maintained as long as no part of the fence is or becomes unsafe, dilapidated, or a public nuisance. If the Administrative Official determines the fence is unsafe, dilapidated, or a public nuisance the fence must be repaired with materials approved by this Ordinance or be removed.

8. The construction of a fence or wall on the property line shall not preclude the property owner's responsibility to maintain and keep the area between the fence and an adjacent fence on a neighboring property, the property line to the back of curb or edge of the pavement or center of alley, free and clear of debris and high weeds.

D. General Requirements/Prohibitions for all Fences and Fee-standing Walls

1. *Screening Required in Residential Districts:*

   a. Nonresidential uses in a residential district shall be suitably screened from view of any adjacent residential lot or dwelling use along the side and rear property lines of such nonresidential use with a decorative masonry wall of not less than eight (8) feet in height. Off-street loading areas of any non-residential use shall be adequately screened from view of any residential dwelling or lot or of any other adjacent public or semi-public land use with a decorative masonry wall of not less than (8) feet in height or a landscaped berm.

   b. Where a multifamily or mobile home use abuts a one or two family district, or where a mobile home use abuts a one, two or multifamily use or district, the side and rear property lines of said multifamily or mobile home use or district shall be suitably screened from view of any adjacent dissimilar residential dwelling or lot with a decorative masonry wall of not less than eight (8) feet in height or a landscaped berm.

   c. Nothing in this section shall restrict the fencing of tennis courts with traditional fencing material to a maximum of twelve (12) feet.

2. *Screening Required in Non-Residential Districts:*

   a. Where a nonresidential use abuts a residential lot, use or district, the side and rear property lines abutting said residential lot, use or district shall be suitably screened, with a decorative masonry wall, by the nonresidential use so as to obscure the view from the residential lot, use or district to the nonresidential use to a height not less than eight (8) feet.

   b. Where a district boundary separating a residential district from a nonresidential district is along a street, and an automobile parking lot or parking area is located in the front yard of the nonresidential use, then said parking lot or parking area facing the residential lot, use or district shall be suitably screened to a height of not less than three and one-half (3-1/2) feet.

   c. In all districts where open storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than six (6) feet in height and shall be composed of decorative masonry material

   d. Off-street loading areas shall be adequately screened from view of any residential dwelling lot or of any other adjacent residential land use with a decorative masonry wall of not less than eight feet in height or a landscaped berm.

   e. All roof mounted mechanical equipment and parapet wall structural supports shall be screened from view.

   f. All required screening between residential and commercial, institutional, multifamily and mobile home uses shall be maintained in good condition by the property owner of the commercial, institutional, multifamily and mobile home use.

3. *Screening Requirements for Waste, Garbage, Compacting and Recycling Containers:* The following regulations shall apply to all multifamily, mixed-use, institutional and commercial uses where large containers are utilized for the storage or compacting of waste, garbage or recycling materials for any properties where the building permit for the primary structure was issued on or after April 17, 2013:

   a. All containers shall be fully enclosed by a decorative masonry wall.

   b. Masonry materials shall match the masonry materials of the exterior wall of the primary structure on the property where the container is located.

   c. The height of the screening wall shall be a minimum of six feet, or one foot above the height of the container/compactor, whichever is greater, and shall not exceed 10 feet in height.

d. The gate shall be composed of solid metal and shall be of a color that matches or compliments the masonry wall.

e. The gate shall remain closed at all times. Exception: gates for recycling bins that are accessible to the public may remain open provided all recycling material is completely stored within the container.

f. Where possible, gates shall be oriented away from the view of any roadway traffic.

g. All enclosures and containers shall be located behind the principal structure and meet all required building setbacks.

h. All enclosures and containers shall be located a minimum of 20 feet from any properties zoned or used for non-multifamily residential purposes.

i. Unless subject to a different requirement as part of an SUP or PUD ordinance, for properties where the building permit for the primary structure was issued before April 17, 2013, the required enclosure and gate may be composed of wood or masonry materials to a minimum height of six feet and the gate must remain closed at all times. Otherwise, said properties shall be exempt from the other provisions of this section. However, loss of any legal-nonconforming status for any property and/or building as described in Section 3.7 in the Land Development Code shall require full compliance with this section.

j. The City shall have the right to remove any container in an enclosure that has been non-compliant with this sub-section for more than 30 days.

4. *Obstruction Prohibited:* No fence, screen, free standing wall or other visual barrier shall be so located or placed that it obstructs the vision of a motor vehicle driver approaching any street, alley or drive intersection. A visual barrier shall be deemed to be any fence, wall, hedge, shrubbery, etc., higher than thirty (30) inches above ground level at the property line, except single trees having single trunks, which are pruned to a height of seven (7) feet above ground level. See Exhibit "3-1".

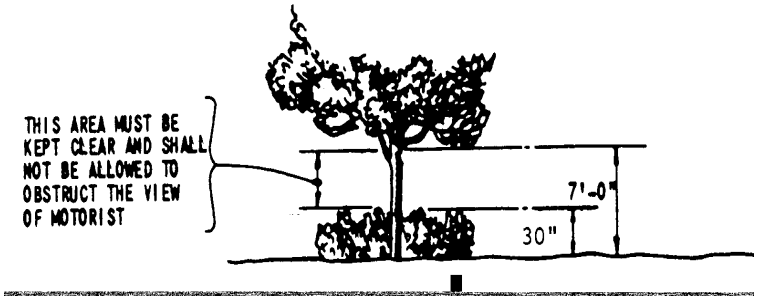


Exhibit "3-1"
Obstructions Prohibited

5. *Twenty-Five (25) Foot Visibility Triangle Required:* No fence, screen, wall or visual barrier shall be located or placed where it obstructs the vision of motor vehicle drivers approaching any street intersection. At all street intersections, clear vision shall be maintained across the lot for a distance of twenty-five (25) feet back from the property corner along both streets. See Exhibit "3-2".

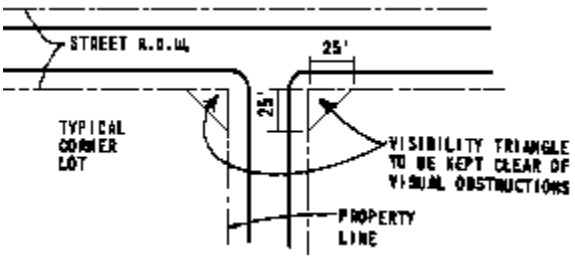


Exhibit "3-2"
Visibility Triangle

6. *Barbed Wire Prohibited:* Fences constructed of barbed wire and walls topped with broken glass or surfaced with any like material shall be prohibited except as provided below.

   Barbed wire fences used in conjunction with permitted agricultural, livestock, and related activities, or in industrial districts are permitted without restrictions.

   Barbed wire strands may be placed on the top of security fences in non-residential districts for the purpose of security from theft, entry and hazard such as around public utility substations and uses of a similar nature, provided the top strand is not higher than eight (8) feet nor the bottom strand lower than six (6) feet from the adjacent grade line.

7. *Electrical Fences:* Electrical fences and fence charging devices (Underwriters Laboratory approved) shall be plainly marked at a minimum of twenty-five (25) foot intervals as to the nature thereof.

8. *Eight (8) Foot Maximum Height:* No fence in a residential district shall exceed eight (8) feet in height above ground level at the fence line.

9. *Property Owners' Responsibility:* The construction of a fence or wall on the property line shall not preclude the property owner's responsibility to maintain and keep the area defined between the extension of the property lines to the back of curb or edge of pavement free and clear of debris and high weeds. See Exhibit “3-3”.

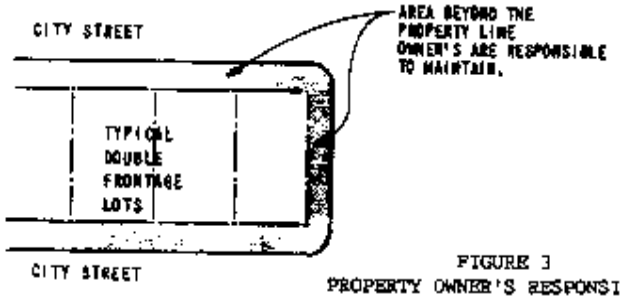


Exhibit “3-3”
Property Owner’s Responsibility

10. *Public Property:* No fence, guy wire, brace or any post of such fence shall be constructed upon or cause to protrude over property that the City or the general public has dominion and control over, owns or has an easement over, under, around or through, except upon drainage and utility easements which are permitted to be fenced.

11. *Floodway Permit Required:* The construction of a fence or wall in a floodway as shown on the most recent revision of the "Floodway - Flood Boundary and Floodway Map" prepared by the Federal Emergency Management Agency (FEMA) shall require a development permit as currently required in the City's drainage policies.

12. *Swimming Pools:* All swimming pools shall be fenced. A solid or chain link type fence or a barrier at least four (4) feet in height shall completely enclose every swimming pool to be constructed. There shall be no openings, holes, or gaps bigger than four (4) inch spaces and no openings whatsoever on horizontal picket type fences. All gates allowing access to the pool area shall be self-closing with self-latching devices located in the upper quarter of the gate. All entrances to the swimming pool area must be able to be secured by a combination or key locking device. A dwelling house, accessory building, or apartment building may be used as part of such enclosure provided that all entrances to the swimming pool are equipped with gates as described herein. All fences should conform to local governmental codes and restrictions.

13. Pre-Formed Concrete: Pre-formed concrete is a permitted masonry material provided the texture adequately mimics the intended style match, be it wood, brick, stone, etc. Pre-formed concrete fences shall be maintained in good condition including any painted fences. The building official shall approve the final finished surface and reserves the right to deny a fence permit application if the surface does not adhere to these regulations.

14. General Construction Requirements for Wood Fences

    a. For commercial properties, all vertical posts on fences over four (4) feet in height shall be galvanized steel with a minimum two (2) and three-eighths (3/8") inch diameter, a minimum fifteen (15) gauge thickness, and set in a concrete footing. Picket fences, split rail fences, ranch style or agricultural fences, or other types of decorative fences approved by the Building Official or his/her designee shall be permitted to use wood posts.

    b. Concrete footings shall be a minimum of eight (8) inches in diameter.

    c. For fences less than seven (7) feet in height, posts shall be spaced at a maximum of eight (8) feet on center, set in a concrete footing of no less than twenty-four (24") inches deep.

    d. For fences that are seven (7) feet or greater in height, posts shall be spaced at a maximum of six (6) feet on center, set in a concrete footing of no less than thirty-six (36") inches deep.

    e. Fence posts attached to or supported by other structures, including retaining walls, shall be provided with foundation and anchorage to prevent movement of structure or retaining wall.

    f. All materials shall be securely fastened, vertical boards to horizontal stringers, stringers to vertical posts, top rail, to ensure an ongoing attractive appearance and safe condition, free from rot, rust, vandalism and other sources of decay.

    g. The bottom of the fence shall be designed to prevent ground to wood contact. This can be achieved through the use of a concrete strip poured between the fence supports or by raising the pickets to provide a minimum of two inches between the bottom of the pickets and the ground. Fences located within drainage easements must be approved by the Public Works Director per the requirements of Section 8-170 of the Land Development Code and shall be built such that required drainage and storm water run-off is not impeded.

    h. All wood material shall be stained, pressure treated, painted, or adequately sealed to prevent decay.

15. Perimeter Subdivision Fences: A fence along the perimeter of a subdivision is allowed under the following conditions:

    a. No setback shall be required from any street right-of-way line; however, a minimum two (2) foot setback shall be required from any public sidewalk.

    b. No perimeter subdivision fence shall encroach into the required twenty-five (25) foot visibility triangle as defined above.

    c. The perimeter subdivision fence shall have a maximum height of eight (8) feet, to include any element associated with the fence.

    d. Materials along Street Frontage: The perimeter subdivision fence shall be decorative in nature and constructed of stone, brick, wrought-iron, or a combination of these materials for any portion along a perimeter street. The use of wood and composite materials shall be prohibited along the street frontage.

16. Sealed Plans Required for Masonry Walls, Columns and Fences: For all masonry walls, columns and fences authorized by this Section, required plans and specifications shall be prepared and sealed by a State of Texas registered engineer and shall consider the site's soil characteristics, wind loadings, and other environmental considerations. All field inspections and verifications for a new masonry wall, fence, and column must be approved by the design professional mentioned above or the professional's representative. Said inspection approval must be submitted to the Building Official in writing prior to the City's final inspection.

E. Fence and Free Standing Wall Setback Requirements

1. *Front Yards:* No fence or free standing wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent opaque construction shall be located beyond the front façade of the primary residential structure.

   a. The primary fencing material shall be of wrought iron, pre-formed concrete, poured in place concrete, concrete masonry unit (CMU), brick, approved wood rail construction, a combination thereof or other similar material approved by the City Building Official. All poured in place concrete and CMU shall contain an architectural finish.

   b. On a corner lot, a house shall be deemed to face on that street on which it has its least dimension unless otherwise determined by the Building Official.

   c. Vehicle Gate setback: Any vehicle gate shall be set back a sufficient distance from the property line to allow vehicle queuing space in order to maintain safety and to prevent backup along the street pavement. Sufficient distance shall be determined by the Building Official.

   d. Exceptions to front yard requirement: Lots containing a minimum of 40,000 square feet, and subdivisions, shall be allowed to construct a perimeter fence within the front yard setback. Said fencing shall be no greater than eight (8) feet in height and shall have no greater than twenty-five (25) percent opaque construction within the front yard. Allowed construction materials shall be the same as paragraph "1.a" above. **This exception shall not apply to properties zoned as a PUD district.**

2. Corner Side Yards: Except where allowed elsewhere in this chapter, no fence or free standing wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent opaque construction shall extend into the required street side yard. The regulations of 1.a through 1.d above shall apply.

   A decorative wall or fence (which is defined as any wall or fence not greater than thirty inches in height and not greater than twenty-five percent opaque construction) within a required street side yard shall not be placed less than three feet (3') from the side property line, and shall not be subject to the provisions of the preceding paragraph.

3. *Adjacent to Undeveloped Property:* Except for perimeter subdivision fencing meeting the requirements above, no fence or wall greater than thirty (30) inches in height that is greater than twenty-five (25) percent opaque construction, shall be located less than fifteen (15) feet from the side property line adjacent to the street which leads into undeveloped property. See Exhibit "3-4".

4. *Rear Fence and Free Standing Wall Setbacks:* Fences and walls meeting all of the construction requirements of paragraph "1.a" above and other adopted standards may be erected on the rear property line except; however, lots whose rear property line abuts a public street on which one of the immediate adjacent lots maintains its required front yard, then no fence nor wall greater than thirty (30) inches in height shall be located within fifteen (15) feet of the subject lots rear property line. See Exhibit "3-4".

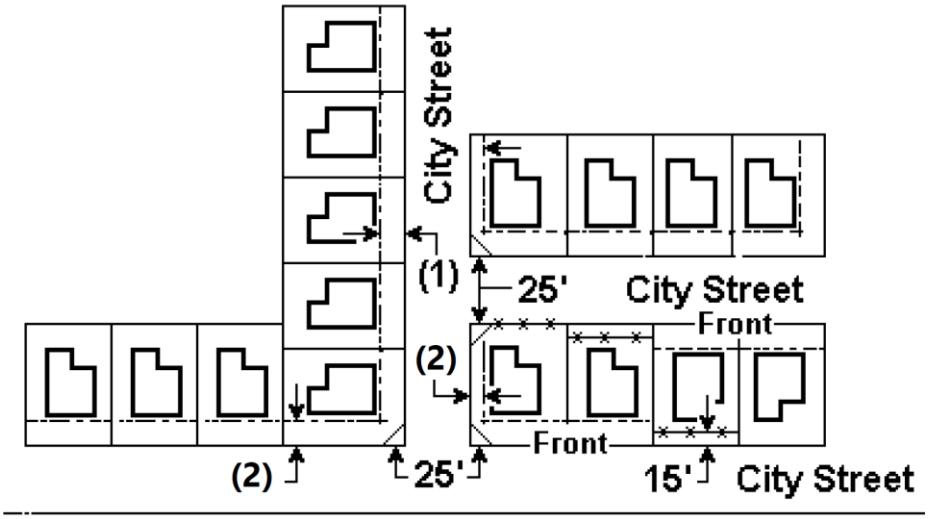


Exhibit "3-4"
Typical 15'-0" Solid Fence Setbacks

5. *Twenty-five Percent Opaque Construction*: The intent of this provision in Subsection E is to discourage barriers that resemble a compound or fortress and the calculation shall be as follows: Every eight (8) linear feet of fencing shall be at least 75% open to view from the street or public way. The 25% opaque construction shall be calculated based on the area of each eight (8) foot linear segment of the barrier.

6. *Non-Conforming Fences/Walls:* Where a fence (to include a wall) exists at the effective date of adoption or amendment of this Section that could not be built under the terms of this Section, such fence may remain so long as it remains otherwise lawful, subject to the following provisions:

   a. No such non-conforming fence may be enlarged or altered in a way which increases its nonconformity.

   b. Should a non-conforming fence or non-conforming portion of a fence be repaired, removed, or destroyed by any means to an extent of more than fifty (50) percent, it shall not be reconstructed except in conformity with the provisions of this Section, or as modified by a Special Use Permit approved by the City Council per this Section.

   c. Should such fence be moved for any reason any distance whatever, it shall thereafter conform to the regulations of this Section after it is moved.

7. Special Use Permit Provision: Any request for a building permit for a fence/wall which does not meet the criteria in this Section shall only be authorized after approval of a Special Use Permit by the City Council using the procedures contained elsewhere in this Land Development Code.

F. Administration

1. Fence Permit Required - It shall be unlawful for any individual, partnership, company or corporation to erect or have erected a fence or any part of a fence of permanent construction in the city limits without first obtaining a fence permit from the Community Development Department.

2. Application for Permit - Any individual, partnership, company or corporation making application for a fence permit must sign an application for same showing the following information:

a. Applicants name, address, and in addition, if the applicant represents a company or corporation, the name and address of the supervisor or foreman of said company or corporation and the name of its president.

b. Name and owner of the property.

c. Local address where fence is proposed to be erected.

d. Materials and type of fence construction.

e. Height of fence.

f. Applicant shall provide engineering plans and specifications for those types of fences where such engineering is deemed appropriate by the Building Official. The engineering plans shall be reviewed and approved by the Building Official prior to issuance of a fence permit.

g. Survey showing lot on which the fence is proposed to be erected and the location of adjoining or adjacent lots showing existing structures and fences. The proposed fence shall be delineated by a dark heavy line. In AG zoning districts a scaled plot plan can be submitted in lieu of a survey.

Section 3.27 Accessory Buildings and Residential Carport Regulations

The following regulations shall govern the location, size and use of accessory buildings:

A. Accessory Buildings Located in Residential Zoning Districts *(O-00-1223 / 07/18/00)*

1. *Permit Required:*

a. A building permit shall be required for any accessory building which exceeds one hundred and twenty (120) square feet. However, all accessory buildings containing 120 square feet or less shall comply with the height and setback requirements of this Section. An accessory building shall only be allowed as an incidental structure to a principle building unless the accessory building is located in the Agricultural District.

b. For the purpose of this Section, the term accessory building shall include detached residential garages, pool houses, accessory dwellings, gazebos, cabanas, or other shade structures. **Exception:** structures for specific use as playground assemblies and/or playhouses shall be exempt provided that minimum five (5) feet setbacks from property lines are maintained.

2. *Maximum Size and Number of Buildings:*

a. The maximum number of accessory buildings allowed per lot shall be three (3) buildings. In addition, the combined square footage of all accessory buildings shall not exceed four percent (4%) of the aggregate area of the lot. **Exemption:** Lots containing a minimum of 80,000 square feet shall be exempt from the requirement for the maximum number of accessory buildings.

b. Accessory dwellings allowed by the Land Development Code shall be limited in size to be no more than the most restrictive of the following:
   1. Fifty percent (50%) of the primary structure;
   2. The maximum allowed square footage for accessory buildings on the lot; or
   3. No more than twelve hundred (1,200) square feet

c. For the purpose of this Section, the size of an accessory building shall be the square footage of each floor, mezzanine, covered porch, or shade structure.

d. An application to exceed the total square footage authorized above may be approved as a Special Use Permit (SUP).

e. An existing accessory building may be remodeled or expanded provided the combined square footage

of all accessory buildings does not exceed the maximum square footage allowed. However, a legally-existing accessory building which exceeds the maximum square footage allowed may be remodeled or replaced with a new accessory building, but not expanded or increased in height.

f. There shall be no physical connection between accessory buildings and a minimum separation of three (3) feet between accessory buildings.

3. *Setbacks:*

   a. No accessory building shall be allowed, erected, or located forward of the front façade of the primary dwelling. **Exemption:** Lots containing a minimum of 80,000 square feet shall be exempt from this requirement.

   b. No accessory building shall be erected in any required yard, as defined in *Chapter 2 – Definitions*, except as set forth herein.

   c. Attached accessory buildings – Accessory buildings erected ten (10) feet or closer to the principal building shall be considered attached, and shall comply with the setback lines established for the applicable zoning district. For the purpose of this regulation, the distance between buildings shall be measured between the nearest wall surfaces. **Exception:** Open structures (open on at least 2 ¾ sides), such as patio covers, shall be allowed to extend into the required rear yard setback a maximum of 10 feet.

   d. Detached accessory buildings – A detached accessory building shall comply with the setback lines established for the applicable zoning district, unless the accessory building is located totally behind the rear of the principal building, then it shall not be placed closer than five (5) feet to any side or rear lot line.

4. *Maximum Height:* No accessory building shall penetrate a vertical height envelope defined as being a point five feet from a side or rear lot line and extending vertically 8 feet to a point, then extending at a 45^{o} angle to the allowed height of the zoning district. For clarification, structures shall be measured at grade and shall not exceed the maximum height of the zoning district.

5. *Permitted Uses:* The use of an accessory building shall be consistent with the permitted uses of the applicable zoning district. No accessory building shall be used for dwelling purposes (the act of occupying a structure – with or without a kitchen) other than for an accessory dwelling, where permitted by the district regulations or Special Use Permit. No accessory building or accessory dwelling shall be rented.

6. *Special Use Permit Provision:* Any request for a building permit for an accessory building which does not meet the criteria in this Section shall only be authorized after approval of a Special Use Permit by the City Council using the procedures contained elsewhere in this Land Development Code.

B. <u>For Accessory Buildings Located in Non-residential Zoning Districts</u>

1. No accessory building shall be erected in any required yard area except as set forth by this section.

2. No accessory building shall be erected within ten (10) feet of any other building unless such accessory building is used as a commercial kiosk, in which case such commercial kiosk cannot be located within fifty (50) feet of another building.

3. Commercial kiosks as accessory uses and/or buildings may be located within approved nonresidential districts subject to the following conditions:

   a. Maximum size of two hundred-fifty (250) square feet.

   b. No inside sales or service or drive in sales or service; walk-up and/or drive-up service permitted.

c. Exterior walls shall be of at least seventy-five percent (75%) masonry, glass, or other equivalent material, provided metal material does not exceed twenty-five percent (25%) of the exterior walls.

d. Located within required setbacks and in conformance with this section.

e. Located in such a manner as to not impede, impair or endanger vehicular traffic on the property where the kiosk is located and for vehicular traffic ingressing from and egressing to public rights-of-way.

f. Submission of an acceptable site plan shall be required for consideration of the issuance of a building permit unless a current valid Certificate of Occupancy exists.

g. Limited to one (1) kiosk per platted plot.

C. Residential Carport Regulations – Carports located in zoning districts which permit single family residential dwellings shall comply with the regulations contained in this section.

1. *Approval by Special Use Permit Only:* In accordance with the Special Use Permit procedures contained in this Chapter of these zoning regulations, no carport shall be built in the City of Colleyville without approval by the City Council for a Special Use Permit to construct a carport in a zoning district that permits single family residential dwellings.

2. *Carport Standards:* A carport shall comply with the following regulations, unless the City Council in approving a Special Use Permit for a carport has imposed other requirements necessary in the particular case to protect the public interests.

   a. *Size*: A carport shall not exceed 480 square feet in area. The longest dimension on a carport shall not exceed 24 feet.

   b. *Height*: A carport shall not exceed a maximum height of 15 feet. The height shall be measured from the finished grade to the highest point of the roof.

   c. *Setbacks:*

      i. A carport located within ten (10) feet of the principal building shall comply with the front, side and rear yard setbacks of the zoning district. The distance shall be measured between the two closest points of the carport and principal building.

      ii. A carport located 10 feet or more from a principal building may extend into a required side yard, provided all of the following conditions are satisfied:
      (1) every part of such carport is unenclosed except for necessary structural supports;
      (2) no part of the carport is less than five (5) feet from a side or rear lot line, and
      (3) the carport is located completely within the rear yard area as defined in these zoning regulations.

   d. *Maximum Number Per Lot:* one

   e. *Paving and Street Access:*

      The parking area of a carport shall be paved not less than nine feet (9') by eighteen feet (18') and provide access to a public street right-of-way. Said access shall be a minimum of nine feet (9') in width and paved. All paved surfaces shall be either concrete, asphalt or pave-stone.

   f. *Design Criteria:*

      i. Roof - Carports shall have a pitched roof of at least 2:12. Flat roofs shall be prohibited.

      ii. Posts - Posts shall be clad or finished of brick, stone, cedar or decorative metal, such as metal lattice. For purpose of this requirement, decorative metal shall consist of twenty-five (25) percent opaque surfaces. The dimension of each post as viewed from each primary

elevation shall not be less than eight inches (8") or more than forty-eight inches (48"). Any carport with two or more elevations that exceed the 48-inch criteria shall be considered an accessory building and be regulated as such. Cedar posts shall be wrapped using masonry stone or brick from the base to at least 50% of the post height. The exposed portion of the cedar post shall be a minimum of 8 inches.

g. *Adequacy of Plans and Specifications:*

The applicant requesting a Special Use Permit to construct a carport shall submit plans and specifications of the proposed carport for review. Said plans and specifications shall contain sufficient information to allow the City Council to determine that the proposed carport complies with these regulations and the City Council may require additional information when necessary to clarify the applicant's request. At a minimum, the drawings shall contain a plot plan, elevation views and a description of the construction materials.

Section 3.28 Supplementary District Regulations

A. Reserved *(O-00-1241 / 10/03/00)*

B. Erection of More Than One Principal Building on a Lot – In any district other than Agricultural zoning, no more than one (1) building housing a permitted or permissible principal use may be erected on a single lot.

C. Buildings Constructed Across Lot Lines – No building may be constructed across existing platted lot lines unless a replat is filed and approved in accordance with applicable regulations of the city.

D. Exceptions to Height Regulations

1. Schools, public buildings, and institutions may be erected to a height exceeding the maximum height in any district in which they are permitted, provided front and rear yards are increased in depth and side yards increased in width one (1) foot for each foot of height that the building exceeds the height regulations of the district in which it is located.

2. The height regulations prescribed elsewhere in this Chapter shall not apply (except as may be applicable to paragraph d. hereof) to grain elevators, television and radio towers, church spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, ornamental towers, monuments, conveyors, fuel storage tanks, asphalt and concrete batch plant equipment not intended for human occupancy.

3. Limitations on number of stories shall not apply to buildings used exclusively for manufacturing or storage purposes provided such buildings do not exceed the height in feet permitted in the district in which they are located.

4. The permitted height of any occupied building shall be further restricted to the capability of the local fire fighting equipment to adequately handle any such building height.

5. In CC and ML zoning districts, the City Council may vary the maximum height of a building if the City Council finds that the location and/or configuration of the building is such that it will conform to the surrounding area and provide adequate light and air under the circumstances. For each foot of proposed height over the standard, there shall be a foot increase in the front and rear yards or as approved by the council. The request for a variance shall be accompanied by a site plan of the property and an architectural drawing of the proposed building.

E. Projections of Buildings, Structures and Appurtenances into Required Yards

1. Open or lattice enclosed fire escapes may project into a required yard not to exceed fifteen (15) feet. The ordinary projections of chimneys and pilasters shall be permitted by the City's Building Official when placed so as not to obstruct light and ventilation.

2. Terraces, balconies, decks, and ornamental features above the floor level of the ground (first) story may project into a required side yard, provided these projections be at least five (5) feet from any adjacent side lot line.

3. Fountains and other decorative features may project into the required front yard but shall not include structures used for occupancy such as guard shacks, shade structures, etc.

4. A porte-cochere or canopy may project into a required side yard, provided every part of such porte-cochere or canopy is unenclosed except for necessary structural supports, and not less than five (5) feet from any side lot line.

5. Every part of a required yard shall be open to the sky, unobstructed by a building, except for the ordinary projections of sills, belt courses, cornices, and ornamental features not exceeding twelve (12) inches, or as otherwise excepted in paragraph a. through d. above. Roof eaves may project into required side yards provided the projections be at least five (5) feet from any adjacent side lot line.

6. Gasoline filling station pumps and pump islands may be located or project into a required yard provided they are not less than twenty-five (25) feet distant from any street, highway or alley right-of-way line, and not less than fifty (50) feet distant from any residential property line.

F. Minimum Width of Enclosed or Partially Enclosed Open Space – Where an open space is more than fifty (50) percent surrounded by a building, the minimum width of the open space shall be at least twenty (20) feet for one-story and one and a half-story buildings, thirty (30) feet for two-story buildings, and forty (40) feet for three or more story buildings.

G. Buildings and Structures to Have Access – Every building or structure hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

H. Parking; Storage or Use of Major Recreational Equipment and Vehicles – No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building, or in a required side or rear yard on an all-weather hard surface driveway; provided, however, that such equipment may be parked anywhere on residential premises not to exceed twenty-four (24) hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, except for the temporary housing of guests not to exceed two (2) consecutive weeks.

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

I. Parking and Storage of Vehicles in General

1. One commercial vehicle of not more than one ton capacity, except pick-up trucks, when used in the employ by the site occupant of a dwelling may be permitted on a residentially zoned lot, provided said parking space shall be in an enclosed garage, carport, or on an all-weather hard surface driveway, or in a side or rear yard on an all-weather surfaced driveway. Nothing in this Chapter shall prohibit the occasional overnight storage or parking of a commercial vehicle on residential property.

2. Off-street vehicle parking spaces shall not be located within ten (10) feet of existing proposed major thoroughfare street right-of-way lines in any commercial or industrial district. Such off-street parking spaces shall consist of a paved surface, i.e., concrete, HMAC, brick or paving stone approved by the city building official. All ten (10) foot buffer areas shall be landscaped and maintained to enhance esthetic qualities.

3. To avoid the unsightly appearance of junked and abandoned vehicles in residential districts, no vehicles may be parked or stored on a residential premise where visible to any adjacent residential

use, unless a current state vehicle inspection sticker is displayed thereon.

J. Front Yard Adjustments – Front yard requirements as established in *Section 3.24 - Schedule of District Regulations* may be adjusted in the following cases:

1. Where forty (40) percent or more of the frontage on the same side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that have (with a variation of ten (10) feet or less), a front yard greater or lesser in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.

2. Where forty (40) percent or more of the frontage on one side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that do not have a front yard as described above, then:

   a. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent building on each side, or

   b. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent buildings.

3. Interior lots abutting on two streets shall provide the required front yard on both streets.

4. On corner lots, a front yard shall be provided on each street frontage except for lots of record as described in this Chapter.

5. Front yard requirements in all districts adjacent to an existing or proposed major thoroughfare or secondary thoroughfare street, as designated in the City's latest Comprehensive Plan, shall be measured from such existing or proposed major thoroughfare or secondary thoroughfare street right-of-way line.

K. Side Yard Adjustments – Side yard requirements as established in *Section 3.24 Schedule of District Regulations* may be adjusted in the following cases:

1. Commercial buildings used in part for dwelling purposes, where permitted, shall provide side yards not less than five (5) feet in width unless every dwelling unit therein opens directly upon a front yard, rear yard or court yard-.

2. Whenever a lot of record at the time of the effective date of this Chapter has a width of less than fifty (50) feet, the side yard on each side of a building may be reduced to a width not less than ten (10) percent of the width of the lot, but in no instance shall such width be less than four (4) feet.

3. On corner lots of record the yard adjacent to the side street shall not be less than fifteen (15) feet.

4. For commercial or industrial lots abutting a lot zoned CC1, CC2, CC3, CN, CPO or ML, subject to the approval of the city building official, a zero lot line is permitted on one side, provided a four hour fire wall is constructed at said zero lot line.

L. Rear Yard Adjustments – Rear yard requirements as established in *Section 3.24 - Schedule of District Regulations* may be adjusted in the following case:

1. Where a lot abuts an alley, one-half the alley width may be considered as part of the required rear yard.

M. Lot Area Per Family Adjustments – Lot area per family (dwelling unit) requirements as established in *Section 3.24. - Schedule of District Regulations* shall be adjusted in the following cases:

1. Where a lot of record or a lot in a subdivision which the Planning and Zoning Commission and City

Council have officially approved and agreed to accept at the time of the effective date of this Chapter has less area or width than herein required, in the district in which it is located, said lot may nonetheless be used for a residential or nonresidential use, whichever is applicable, in the district in which it is located.

Section 3.29 – Parking Requirements

A. Purpose – The purpose of this section is to require off-street parking and loading facilities proportional to the need created by each use. Where the minimum number of required parking spaces can not be calculated in accordance with the parking group schedule, the Building Official shall be authorized to determine the minimum number of required parking spaces using acceptable industry comparables.

B. General Provision – In all zoning districts, there shall be provided in connection with the appropriate permitted use, off-street parking spaces in accordance with the provision of this section, unless a different parking standard has been set forth as a condition of a Special Use Permit or Planned Unit Development for a specific site. Existing facilities being used for off-street parking shall not be reduced in capacity to less than the minimum number of spaces prescribed, or altered in design or function to less than the minimum standards prescribed herein.

C. Location of Parking – All required parking spaces shall be provided on the same lot or tract occupied by the use being served, except that where an increase in the number of spaces is required by a change or enlargement of a non-residential use, the additional required parking spaces may be located off-premises in accordance with the shared parking requirements contained in this section, unless a different parking standard has been set forth as a condition of a Special Use Permit or Planned Unit Development for a specific site. Required parking spaces for a residential use shall be provided on the lot or tract occupied by the use being served.

D. Parking Space Locations Prohibited – No off-street parking space shall be located, either in whole or in part, within any fire lane, driveway, driving lane, or maneuvering area. Furthermore, no required off-street parking space shall be located, either in whole or in part, in a public street, sidewalk, parkway, alley or other public right of way.

E. Parking Space Dimensions – No required off-street parking space shall be less than nine (9) feet in width by eighteen (18) feet in length.

F. Mixed Use Parking – The parking requirements for a lot or building containing a mixture of uses shall be the sum of the requirements for each type of use. No parking space provided for one type of use or building shall be included in the calculation of the parking requirements for any other use or building. For multi-tenant developments containing greater than 30,000 square feet of floor area, the sum of the total number of required parking spaces may be reduced by ten percent (10%).

G. Shared Parking – Where an increase in the number of off-street parking spaces is required by a change or enlargement of use, the additional required spaces may be located on another property that is located on or adjacent to the site as defined by contiguous lot lines of a use not normally open and used or operated during the same hours, provided, that the following conditions are satisfied:

1. The parking spaces are located within three-hundred feet from an entrance to the building or use being served, measured along the shortest available pedestrian route with public access.
2. A copy of the written agreement, executed by the parties concerned, is furnished to the Building Official, assuring their retention for such purposes.

H. Building Renovations – When an existing building or use is enlarged, structurally altered, or remodeled to the extent of increasing or changing the use by more than ten percent (10%), but less than fifty percent (50%), of the existing square footage, additional off-street parking shall be provided for the incremental increase in accordance with the off-street parking regulations set forth herein. When an existing building or use is enlarged, structurally altered, or remodeled to the extent of increasing or changing the use by fifty percent (50%) of more of the existing square footage, the off-street parking requirements for the entire building shall be comply with the parking regulations set forth herein.

I. Supplemental Parking Space Requirements

1. Parking regulations are based on the gross floor area (GFA) of the building.

2. In determining the required number of parking spaces, fractional spaces shall be rounded to the nearest whole space. Parking spaces located in buildings used for repair garages or car washes, and spaces in drive-through lanes shall not be counted as meeting the required minimum number of parking spaces.

3. Wooden poles shall not be used for parking lot or site lighting for a non-residential use.

4. Except for single-family dwelling units, parking spaces shall be arranged so that vehicles shall not be required to back out of the parking spaces directly into a street.

5. A reduction may be authorized after approval of a Special Use Permit by the City Council when associated with new development or a significant change in use of an existing building or site. A parking analysis report justifying the reduction shall be provided as part of a request for parking reduction.

J. Parking Group Schedule – The minimum number of off-street parking spaces to be provided in connection with the permitted use listed in Table 3-310, *Schedule of Permitted Principal Uses*, shall be in accordance with the following Table 3.29 – *Parking Group Schedule*.

Table 3.29
Parking Group Schedule

Parking Group	Minimum Number of Off-Street Parking Spaces
1	1 per unit
2	2 per unit
3	2 per unit, exclusive of “in-garage” parking
4	1 per unit plus 1 guest space per every 5 units
5	1 per 100 sq. ft. of gross floor area
6	1 per 150 sq. ft. of gross floor area
7	1 per 200 sq. ft. of gross floor area
8	1 per 300 sq. ft. of gross floor area
9	1 per 400 sq. ft. of gross floor area
10	1 per 500 sq. ft. of gross floor area
11	1 per 5 pupils plus drop-off and pick-up areas
12	1 per classroom plus 1 per each 2 students
13	1 per classroom plus 1 per 400 sq. ft. of office space
14	1 per 1.5 students and staff, based on capacity
15	1 per 3 students
16	1 per 200 sq. ft. of gross floor area plus 1 per 5,000 sq. ft. of exterior nursery area
17	1 per living unit
18	1 per 3 seats in primary seating area
19	1 per guest room plus 1 per 300 sq. ft. of office area – parking for restaurant additional
20	2 per hole
21	1 space
22	5 per hole (one per tee area for driving ranges)
23	5 per alley or table
24	As set by the SUP or PUD approved ordinance
25	Determined by the Building Official using acceptable industry comparables

Section 3.29.1 –Parking Space Construction Standards

A. Dimensions – No parking space shall be less than nine (9) feet in width by eighteen (18) feet in length. The design and dimensions of off-street parking areas shall be in accordance with the following Table 3.29.1 – *Table of Parking Space Dimensions*.

Table 3.29.1 Table of Parking Space Dimensions					
Angles (Degrees)	0	30	45	60	90
Stall, Parallel to Aisle	23.0	18.0	12.7	11.4	9.0
Stall, Perpendicular to Aisle	9.0	16.5	19.0	20.0	18.0
Aisle Width, One-Way (1)	12.0	12.0	12.0	16.0	22.0
Aisle Width, Two-Way	24.0	24.0	24.0	24.0	24.0

(1) Aisle width shall comply with the requirements of the fire code when the aisle serves as a fire lane

B. Surfacing (New Structures) – All parking spaces, aisles and maneuvering areas shall be constructed of an all-weather surface composed of concrete, asphalt, brick or paving stone. Such paving shall meet the minimum construction standards contained in the Colleyville Building Code. Such all-weather surface shall be provided for all parking spaces, whether enclosed or unenclosed, and shall be connected by an all-weather surface driveway to a street or alley. Rock, gravel and dirt parking surfaces are prohibited.

C. Striping – For all non-residential uses and multi-tenant residential uses, parking spaces shall be striped or otherwise clearly designated on the parking facility surface, as determined by the Building Official.

D. Curbs, Wheel Stops and Islands – Parking spaces abutting on adjoining property lines or street right-of-way lines shall be provided with wheel guards or bumper guards so located that no part of a normally parked vehicle will extend beyond the property line.

Section 3.30 Off-Street Loading Requirements

A. Purpose and Intent – The purpose and intent of these regulations are to secure safety from fire, panic and other dangers; to lessen congestion in the streets and alleys; to facilitate the adequate provision of transportation and circulation; to conserve the value of building and land uses; and to encourage the most appropriate use of land. To this end, in all zoned districts where applicable, there shall be provided at the time any use is established or expanded, or any building is erected or structurally altered (except as otherwise provided elsewhere in this section) minimum off-street loading in conformance with the requirements established herein.

B. Location of Loading Spaces – Off-street loading spaces shall be provided and maintained for all retail, commercial and industrial uses and structures for receiving and loading merchandise, supplies, and materials within a building or on the lot or tract adjacent thereto. Such spaces shall be marked with painted outline and may be adjacent to a public alley or private service drive or may consist of a truck berth within a building or structure, however no portion of the off-street loading space shall be located within or extend into any public street, highway or alley right-of-way. *(O-00-1261 / 12/19/00)*

C. Computation of Off-street Loading Space Sizes – At least one-half of the required number of off-street loading spaces or truck berths shall have a minimum dimension of ten (10) feet by fifty (50) feet each and the remaining required spaces or berths shall have a minimum dimension of ten (10) feet by twenty-five (25) feet each - exclusive of turnaround and maneuvering space.

D. Type of Parking Surface Required for Loading Space – All surface areas upon which vehicles and trucks are parked during unloading operations shall consist of a paved surface, i.e., concrete, HMAC, brick, paving stone, approved by the city building official.

E. Rules for the Computation of Off-street Loading Spaces

1. No building, structure or part thereof used for nonresidential purposes on any "CN" or "CC" district shall hereafter be enlarged or extended unless off-street loading space is provided in accordance with the provisions of this section.

2. No building, structure or part thereof used for nonresidential purposes in any "ML" district shall hereafter be enlarged or extended to provide a gross floor area of 25,000 square feet or more unless off-street parking is provided in accordance with the provisions of this section.

F. Number of Off-street Spaces Required – The minimum number of off-street loading spaces required shall be in conformance with the following schedules:

1. Retail, Service (except personal service), Commercial and Industrial Uses

Sq. Ft. of Floor Area in Building or Structure	Minimum Number of Off-Street Loading Spaces or Berths Required
0 to 9,999	None
10,000 to 49,999	1
50,000 to 99,999	2
100,000 to 199,999	3
Each additional 100,000	1 additional

2. Office Buildings, Hotels/Motels, Restaurants and Similar Establishments

Sq. Ft. of Floor Area in Building or Structure	Minimum Number of Off-Street Loading Spaces or Berths Required
0 to 49,999	None
50,000 to 149,999	1
150,000 to 299,999	2
300,000 to 499,999	3
500,000 to 999,999	4
Each additional 500,000	1 additional

Section 3.31 Duties of Administrative Official

A. Administration and Enforcement – An Administrative Official designated by the City Manager shall administer and enforce this Chapter. Said person may be provided with the assistance of such other persons as the City Manager may direct.

If the Administrative Official finds that any of the provisions of this Chapter are being violated, the Administrative Official or their representative shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Administrative Official or their representative shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done, or shall take any other action authorized by this Chapter to ensure compliance with or to prevent violation of its provisions.

B. Building Permits Required – No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore where applicable, and issued by the Administrative Official. No building permit shall be issued by the Administrative Official except in conformity with the provisions of this Chapter, unless he receives a written order from the City Council or Zoning Board of Adjustment in the form of an administrative review, special exception, or variance as provided by this Chapter. No building permit shall be issued unless the property has been platted of record, except that a building permit may be issued for unplatted property meeting all of the following five criteria:

1. The parcel is a "lot of record" as defined herein; and
2. Right-of-way and easements sufficient for Master Plan roads or drainage/utility facilities exist; and

3. The parcel adjoins an approved public street; and
4. The parcel contains a principal residential use in a residential structure; and
5. The requested construction permit(s) and all construction permits issued for the parcel within the past three years allow improvements whose combined value does not exceed 50% of the appraised value of the parcel as shown in the current parcel record of the Tarrant County Appraisal District.

C. Site Plan Approval Required – Where the property is zoned CPO, CN, CC, ML, SU, PUD-C, or PUD-I, a site plan shall be submitted for review and approval to the Administrative Official prior to the issuance of a building permit. The site plan referred to herein shall contain the following:

1. The boundary lines and dimensions of the property, existing subdivision lots, available utilities, easements, roadways, sidewalks, fire lanes, and public rights-of-way.

2. Topography of the property proposed for development in contours of not less than two (2) feet, together with any proposed grade elevations, if different from existing elevations. If the natural contour of the land is to be altered or changed in any location on the property more than four (4) feet then the site plan must provide detailed information on the proposed grading plan. This information shall include the correlation of the proposed grading plan to the surrounding properties and the use of surrounding properties, and shall include information indicating the drainage and line of sight effect the proposed grading plan will have on the surrounding properties.

3. The 100 year flood plain, water courses, wetlands, drainage areas, and other significant features including, but not limited to, rock outcroppings and tree groupings.

4. The location and use of all existing and proposed buildings or structures, including all refuse storage areas, and the minimum distance between buildings. Where building complexes are proposed, a site plan showing the location of each building and the minimum distance between buildings, and between buildings and the property line, street or curb line and/or alley shall be submitted.

5. Total number of off -street parking and loading spaces in accordance with Section 29 “Off-Street Parking Requirements”, and Section 30 “Off-Street Loading Requirements” of this Chapter.

6. All points of vehicular ingress and egress and circulation within the property. Any special traffic regulation facilities, proposed or required, to assure the safe function of the circulation plan shall also be shown.

7. Setbacks, lot coverage, and when relevant, the relationships of the setbacks provided and the height of any existing or proposed building or structure.

8. The location, size, and arrangement of all outdoor signs, exterior auditory speakers and lighting.

9. A landscape plan prepared in accordance with the requirements of *Chapter 4 – Landscaping & Buffering* of this Land Development Code.
10. The location and height of fences or, screen plantings and the type of building materials or plantings to be used for fencing or screening in accordance with the requirements of Section 26 “Fences, Free Standing Walls, and Screening Materials” of this Chapter.

11. Note a soil erosion control plan for the period during which construction will be taking place.

12. Where multiple types of land uses are proposed, a land use plan delineating the specific areas to be devoted to various uses shall be required.

13. Vicinity map, north point, scale, name of the development, name of the owner, name of the planner, total acreage of the project, street address or common description of the property.

14. Current land uses and zoning district of the property and current land uses and zoning districts of the contiguous properties and buildings on the exterior of the site and within twenty-five (25) feet of all property lines.

15. The location and size of existing and proposed surface and subsurface drainage facilities.

16. A description of the type of land use that is proposed for the site including its Standard Industrial Classification (SIC) Code if there are any chemicals or toxic materials involved.

The Administrative Official may allow all of the foregoing to be contained within a single drawing if in the opinion of the Administrative official the drawing can be properly evaluated.

D. Construction and Use to be Provided in Applications, Plans, Permits and Certificate of Occupancy – Building permits or certificates of occupancy issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this Chapter, and punishable as provided by *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.32 Comprehensive Zoning Ordinance – Zoning Map

This Chapter when read together with the official Zoning Map of the City of Colleyville, Texas, shall constitute the comprehensive zoning ordinance for the City of Colleyville, Texas.

The Zoning Map, as submitted with Ordinance 0-70-15, revised and updated in 1976, a copy of which is on file in the City Secretary's office shall remain the official Zoning Map of the City of Colleyville, until a new map is established in accordance with the provisions contained in this Chapter.

Section 3.33 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-00-1223	07/18/00	Residential Accessory Buildings
O-00-1241	10/03/00	Temp. Construction Offices & Temp. Real Estate Offices
O-00-1249	11/08/00	Large Commercial Buildings
O-00-1261	12/19/00	Location of Loading Spaces / Non-conforming Uses, Lots and Buildings
O-02-1331	02/19/02	Established one year time limit on SUP performance
O-02-1330	02/26/02	Tents and other special events
O-04-1454	04/16/04	Maximum size and number of screens for movie theaters
O-04-1497	12/21/04	Temporary Buildings and Uses
O-05-1529	06/21/05	Amend PUD regulations
O-05-1532	07/19/05	Amend PUD side and rear yard set-back regulations
O-05-1538	09/06/05	Amend movie theater regulations regarding viewing screens
O-07-1607	01/16/07	Update Land Use Table and Parking Schedule
O-07-1608	02/20/07	Security gating setback standards across driveways
O-07-1633	9/4/07	Amend Sections 3.17 to 3.22 and Section 3.24, Table of Permitted Uses
O-08-1656	02/05/08	Amend Section 3.24, Table of Permitted Uses
O-09-1708	02/17/09	Amend Sections 3.26 and 3.27
O-09-1709	02/17/09	Amend Section 3.24.C, Wind Driven Generators
O-10-1750	05/04/10	Addition of Package Store Use, Regulations and Provisions
O-12-1838	6/19/12	Amend Section 3.24, Table of Permitted Uses to include purchasing and/or resale of precious metals
O-13-1863	2/5/13	Amend Section 3.24, Table of Permitted Uses to include addition of medical office uses to CPO zoning district
O-13-1871	4/16/13	Addition of Portable Storage Structure standards to Section 3.24(C). Amendments to Section 3.26 regarding commercial screening and dumpster screening
O-14-1905	1/21/14	Addition of fence maintenance and construction standards
O-14-1914	4/15/14	Addition of Concrete/Asphalt batch plant standards
O-18-2067	12/18/2018	Several amendments as part of a total LDC review
O-19-2089	08/20/19	Amend Section 3.26.Fence , Free Standing Walls, and Screening Material
O-19-2088	08/20/19	Amend Section 3.7, 3.24 and 3.28
O-20-2110	02/18/20	Amend Section 3.24.B and Section 3.27

Chapter 3.1
Oil and Gas Well Drilling and Production

~~(11/03/2010)~~(01/03/2012)

Section 3.1 - 100 Purpose of This Chapter

The purpose of this Chapter is to establish regulations which describe the process for the review and approval of oil and gas well drilling and production, but more specifically to:

1. Establish reasonable and uniform limitations, safeguards, and regulations for present and future operations related to the exploring, drilling, developing, producing, transporting, and storing of oil and gas and other substances produced in association with oil and gas within the corporate City of Colleyville limits;

2. Provide for the safe, orderly, and healthful development of the area within the city and within the area surrounding the city and to promote the health, safety, and general welfare of the community;

3. Ensure appropriate protection to environmentally sensitive areas;

4. Establish procedures for the review and approval of gas well site plans.

Section 3.1 - 105 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of the following:

1. *Chapters 211, 212 and 551 –Texas Local Government Code*, which authorizes a municipality to adopt rules governing zoning, site plans and subdivisions of land within the municipality's jurisdiction.

2. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 3.1 - 106 Waivers and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a waiver from a requirement contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request to the City Council.

Section 3.1 – 110 Definitions

All technical industry words or phrases related to the drilling and production of wells not specifically defined shall have the meanings customarily attributable thereto by prudent operators in the oil and gas industry. For the purposes of this ~~article~~Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Otherwise, definitions not found below may be found in Chapter 2 – Definitions of this Land Development Code.

Administrative Officer: The city manager or the city manager's designated representative assigned to administer this ~~article~~Chapter.

Abandonment: "Abandonment" as defined by the railroad commission and includes the plugging of the well and restoration of the drill site as required by this ~~article~~Chapter.

Ambient noise level: The all encompassing noise level associated with a given environment, being a composite of sounds from all sources at the location, prior to the addition of sources related to oil and gas drilling, production, or compression activities constituting the normal or existing level of environmental noise at a given location.

Applicant: A person requesting a permit or certificate for the drilling, operation and production of a well, or the installation or operation of a pipeline, as the case may be, is issued under this ~~article~~Chapter, including but not limited to the applicant's heirs, legal representatives, successors or assigns.

Blowout preventer: A mechanical, hydraulic, pneumatic, or other device or combination of such devices secured to the top of the well casing, including valves, fittings and control mechanisms connected therewith, which can be closed around the drill pipe or other tubular goods which completely close the top of the casing and are designed to prevent blow outs.

Centralizer: A device secured around the casing at the regular intervals to center it in the hole.

Closed-loop drilling fluid system: An enclosed suite of solids control equipment used for mud circulation and intended to minimize drilling fluid dilution to provide for handling of the drilling wastes so that reserve pits are not used.

Completion of drilling, re-drilling and re-working: The date the work is completed for drilling, re-drilling or re-working and the crew is released by completing its work or contracted by its employer.

Compression facility: Any facility designed to compress natural gas during any phase of drilling, hydraulic fracturing and production. This definition shall apply to any pipeline compression facilities as well.

Daytime: The period from 7:00 a.m. to 7:00 p.m. Monday through Friday; 9:00 a.m. to 7:00 p.m. Saturday and Sunday.

Derrick: Any portable framework, tower, mast and/or structure that is required or used in connection with drilling or re-working a well for the production of oil and/or gas.

Drilling: Digging or boring a new well for the purpose of exploring for, developing or producing oil and/or gas or other hydrocarbons, or for the purpose of injecting gas, water or any other fluid or substance into the earth.

Drilling equipment: The derrick, draw works, power plant, rotary table, pumps, together with all parts of an apparatus to such structure, every piece of apparatus, machinery or equipment used in connection with drilling and operations.

Drill site: Any area used during the drilling, re-drilling or re-working of a well or wells prior to the reduction and conversion of the area to an operation site.

Exploration: Geologic or geophysical activities, including but not limited to surveying and seismic exploration, related to the search for oil and gas or other sub-surface hydrocarbons.

Excavation: Any movement or alteration of the surface of the ground by machinery in conjunction with or anticipation of drilling activities or construction of a pipeline, including but not limited to scraping or grading a site.

Fresh Water: Water that is potable and obtained from an underground well or a municipal water supply.

Hydraulic Fracturing or Fracturing: The process of fracture stimulation of a rock formation, including but not limited to the process of pumping sand laden fluids down a well, or any other means used, to stimulate a rock formation.

Franchised utility: An entity authorized to provide utility services to the city pursuant to a franchise agreement with the city; provided, however, that such definition shall not extend to any pipelines or other utility lines which collect or transport gas, hazardous liquids or chemicals from wells located within the city into a larger pipeline system,

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regardless of whether such pipelines are owned by an entity which holds a franchise within the city for other purposes.

Gas: Any fluid, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions and/or the gaseous components or vapors occurring in or derived from petroleum or natural gas, and/or any material defined or referred to as "gas" in the rules, regulations or forms of the railroad commission.

Green Completion: Using technology to recover gas that may otherwise be vented or flared during the completion phase of a natural gas well; using equipment designed to handle high pressure, high rate flowback fluids so as to safely handle and to sell the natural gas produced during flowback period; using flowback equipment to separate sand, water and gas during initial flowback; having a sales line in place prior to completion of the fracturing process; using the recommended technologies and practices outlined in the U.S. Environmental Protection Agency Natural Gas STAR Program and also including, but not limited to, vapor recovery systems, no-bleed pneumatic valves, flaring and venting bans, and electric compressors.

Hazardous liquid: Any liquid identified as hazardous by any federal or state law or regulation, including but not limited to those liquids defined by the railroad commission at 16 Texas Administrative Code, section 7.80, Definitions, as amended, specifically including but not limited to, petroleum or any petroleum product, and any substance or material which is in a liquid state when transported by pipeline facilities and which has been determined by the U.S. Secretary of Transportation to pose an unreasonable risk to life or property when transported by pipeline facilities. The term shall be enlarged to include liquefied natural gas and anhydrous ammonia should such materials at any time be introduced into any pipeline subject to this ~~article~~Chapter. It shall also include carbon dioxide, defined at 49 CFR 192.2 as a fluid consisting of more than 90 percent carbon dioxide molecules compressed to a supercritical state.

Hazardous materials management plan: The hazardous materials management plan and hazardous materials inventory statements required by the fire code.

Idled pipeline: A pipeline that has been inactive for at least two years, regardless of whether there may be specific plans to reactivate the pipeline.

Inactive pipeline: A pipeline that has temporarily been taken out of service for a period of at least six months for hazardous materials or hazardous liquids, or for a period of at least one year for natural gas, with the expectation that the pipeline may be reactivated within two years, even though there may be no specific plans to reactivate the pipeline.

Inspector: The oil and gas inspector designated by the administrative officer.

Lightning arrester: A device incorporated into an electrical system to prevent damage by heavy surges of high-voltage electricity, such as a stroke of lightning or voltage surges resulting from mishaps in operations.

Line marker: A marker identifying the location of a buried pipeline, as further defined in 49 CFR 192.707.

New well: A new well bore or new hole established at the ground surface and shall not include the re-working of an existing well that has not been abandoned unless the re-working involves drilling to a deeper total depth.

Nighttime: The period commencing at 7:00 p.m. and ending at 7:00 a.m.

Operation site: The area used for development and production of oil and gas and all related operational activities after drilling activities are complete.

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Operator: The person listed on the railroad commission form W-1 or form P-4 for a well as the person that is, has applied for, or will be, actually in charge and in control of drilling, maintaining, operating, pumping or controlling any well including, without limitation, a unit operator. If the operator, as defined herein, for any well is not the lessee of any premises affected by the provisions of this ~~article~~Chapter, then such lessee shall also be deemed to be an operator. In the event there is no oil and gas lease relating to any premises affected by this ~~article~~Chapter, the owner of the fee mineral estate in the premises shall also be deemed an operator.

Pad site: The area around a well that serves as a foundation for the drilling rig as depicted in the requirements of section 135 of this chapter.

Permittee: Any person authorized to act under a permit or a certificate issued by the city.

Pipeline: All parts of those physical facilities through which gas, hazardous liquids or chemicals move in transportation, including but not limited to pipe, valves and other appurtenance attached to pipe, whether or not laid in public or private easement or public or private right-of-way within the city, including but not limited to gathering lines, production lines and transmission lines.

Pipeline permit: A permit applied for and issued or denied pursuant to this ~~article~~Chapter authorizing the movement of gas, oil, water or other products through a pipeline.

Pipeline operator: Any person owning, operating or responsible for operating a pipeline.

Production: Activities leading to and supporting the production of oil, gas and/or other hydrocarbons.

Railroad commission: The Railroad Commission of Texas.

Road repair agreement: A written agreement obligating the operator to repair damage, excluding ordinary wear and tear, if any, to public streets, including but not limited to bridges, caused by the operator or its employees, agents, contractors, subcontractors or representatives in the performance of drilling or production of any wells authorized by the city.

Tank battery: Point of collection (tanks) and disbursement (tank, meter, lease automated custody transfer unit) of oil or gas from producing well(s).

TCEQ: The Texas Commission on Environmental Quality.

Well: A hole or bore to any horizon, formation, or strata for the purpose of producing gas, oil, or other hydrocarbons.

Well permit: A permit applied for and issued or denied pursuant to this ~~article~~Chapter authorizing the drilling, production, and operation of one or more wells.

Workover operations: Work performed in a well after its completion in an effort to secure production where there has been none, restore production that has ceased or increase production.

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Section 3.1 – 115 Special Use Permit (SUP) Required

1. General SUP Requirement – In all zoning districts, it shall be unlawful for a person, firm or corporation owning a tract of land located within the corporate limits of the City of Colleyville, Texas to hereafter engage in the drilling or production of an oil or gas well without first obtaining a Special Use Permit in accordance with the requirements of this Chapter.

No application for an oil or gas well development site plan or oil or gas well permit or any other application for drilling and production shall be approved until a SUP has been approved. Denial of a SUP for oil or gas well drilling and production shall be grounds for denial of any other permit applications pertaining to such use for the same land.

2. Review and Approval Procedures – Every application for a SUP for gas or oil well drilling shall be reviewed and considered using the same procedures for reviewing and considering a rezoning application as specified in *Chapter 1 – General Provisions* of this Land Development Code regarding legal advertisement, property owner notification and public hearings.

Section 3.1 – 120 Additional Approvals Required

No drilling or production of an oil or gas well shall begin until the following have been approved:

1. An oil or gas well development site plan that has been approved by the Chairman of the Development Review Committee (DRC) is on file with the City that conforms to the requirements of the Land Development Code.

2. An oil or gas well permit has been issued by the administrative officer in accordance with the requirements of the Land Development Code.

3. An oil or gas well permit shall not constitute authority for the re-entering and drilling of an abandoned well. An operator shall obtain a new well permit in accordance with the provisions of this section if the operator is re-entering and drilling an abandoned well.

4. No oil or gas well permit shall be issued for any well to be drilled on City of Colleyville owned property without the prior consent of City Council.

5. An application for a oil or gas well permit and, if applicable, a pipeline permit must be filed with the city concurrently with the application for a special use permit; provided, however, that the city shall not be required to consider the application for the oil or gas well permit or the pipeline permit unless and until a special use permit is approved by the city council and all applicable regulations of this ordinance and all other applicable city, state or federal regulations are met.

6. When a oil or gas well permit has been issued, the permit shall constitute authority for the drilling and production of oil and gas in accordance with the limitations set forth in this ~~article~~Chapter. The laying of pipelines shall require separate permitting in accordance with Section 187 of this Chapter.

7. All administrative permits and allowances described in this Chapter shall automatically expire 180 days from the date of issuance of the permit unless an extension is granted in writing from the administrative officer or the City Council has specified a different expiration period.

Section 3.1 – 125 General Site Plan and Permit Conditions

The following shall be applicable to all gas well site plan and permit applications:

A. It shall be the policy of the City of Colleyville to consider oil and gas well drilling and production as subject to the control of the City pursuant to the City of Colleyville Comprehensive Plan for the orderly, planned, efficient, and economical development of the City.

B. The City has no obligation to extend water or sewer service to any lot, tract or parcel or land site planned for oil or gas well drilling and production in violation of this Chapter.

C. All oil and gas well site plans shall conform to the rules and regulations set forth herein.

D. This Chapter is not intended to repeal, abrogate, or impair any existing plans or ordinances. However, if the provisions of this Chapter and other ordinances or plans conflict or overlap, the most restrictive provisions thereof shall apply.

E. The provisions contained in this Chapter, shall be considered as the minimum requirements for review and approval of an oil or gas well site plan.

Section 3.1 – 130 Approval Process and Administrative Procedures

The Community Development Department shall forward all applications for SUPs to the DRC for review. The DRC shall review each application and shall make recommendations regarding the applications to the Planning and Zoning Commission and City Council. The DRC may make recommendations regarding any aspect of the proposed oil or gas well development including, but not limited to, recommendations with respect to the standards set forth in Chapter 3.1.

Section 3.1 – 135 Required Site Plan and SUP Application Information

The applicant requesting gas well drilling and production approval shall submit the required number of copies of a site plan drawing as determined by the Administrative Official and which complies with this Section.

A. A traffic impact analysis shall be submitted which includes but is not limited to, proposed truck routes, types and weights of trucks and vehicles accessing the drill site, hours of the day that truck and vehicle traffic will be entering and leaving the site, days of the week that truck and vehicle traffic will be entering and leaving the site, turning movements associated with truck and vehicle traffic, proposed access points and proposed traffic control devices. ~~Identify truck routes to the well site, including:~~

~~1. Tabularized summary of non-TXDOT roads that will be used, and;~~
~~2. Lengths of each road that will be used to access the site.~~

B. Identify location and dimension of existing or proposed driveway(s) to be used.

C. Identify the 100-year flood plain.

D. Identify the proposed source of water.

E. Identify and show the proposed method of erosion control.

F. Identify the location of proposed lease lines and property lines.

1. Label distance between wells and property lines;
2. Label distance between wellheads and structures within 1,000 feet of wellheads.
3. Label distance between temporary holding ponds and pits and floodplains.
4. Label distance between wellheads and roadways.

G. Show location of all proposed underground pipelines. As built drawings shall be filed with the Engineering Department. All pipelines proposed in the public right-of-way shall require a Right-of-way Use Agreement.

H. Identify if pipelines connect with a Gas Distribution System.

I. the color, height, size, bulk and location of all structures and equipment specific to the proposed site, including, but not limited to, lighting, utilities and the floodplain, and the location and description of all improvements, structures, utilities and floodplain areas within 1,000 feet of the proposed drill site

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J. General Requirements:

1. *Property Owner /Mineral Lessee / Mineral Owner / Gas Well Operator* - The names and addresses of the current owner of record, mineral lessee, minerals owner and gas well operator.

2. *Surveyor Name* - The name, address and telephone number of the surveyor responsible for the site plan which shall contain the seal of a Texas Registered Professional Land Surveyor.

3. *Gas Well Name* – Title block containing the proposed name of the gas well(s), acres in lease, survey, and jurisdiction.

4. *Location Map* - A location map showing the tract by reference to streets or highways.

5. *Date* - The date the site plan was prepared.

6. *Scale & North Arrow* - The site plan shall be prepared at a numerical scale no greater than one (1) inch equals one hundred (100) feet unless approved by the Administrative Official responsible for gas well site plan review. A graphic scale symbol shall be placed on the drawing with a north arrow indicating the approximate true north.

7. *Boundary Lines* - The property boundary lines shall be shown in heavy lines so as to provide a differentiation with the internal features of the area being proposed for site planting. The location and dimensions of all boundary lines of the property shall be expressed to the nearest hundredth foot.

8. *Metes and Bounds Description* - A written metes and bounds description of the property containing the well site shall be shown on the site plan and be capable of reproducing such lines upon the ground with a closure error of less than 1:25,000. The legal description shall include reference to an original survey or subdivision corner, and the Texas NAD83 State Plane Coordinate System. The legal description shall include the acreage of the total area of the tract or property in which the lease area is located and shall contain information to show the last instrument conveying title to said parcel, giving grantor, grantee, date, and land records reference.

9. *Adjacent Properties* - All property lines, streets and easements on lands immediately adjacent to and contiguous with the perimeter of the proposed pad site and extending one hundred (100) feet shall be shown with the names of the owners as shown on the most current Tax Assessor's files.

10. *Street Rights-of-Way* - The width of all public street rights-of-way within the immediate vicinity of the proposed pad site shall be shown on the site plan. The general location and width shall be consistent with the Master Thoroughfare Plan.

11. *Permanent Structures* - The location and general outline of any existing permanent structures, parking lots, driveways, and other significant structures.

12. *City Limit Lines* - The location of the city limit boundaries of the City of Colleyville and any adjacent city shall be shown on the site plan.

13. *Easements* - The location and dimension of all existing easements proposed by the applicant shall be shown on the site plan drawing indicating whether such easement is for any specific purpose.

14. *Sheet Size* - Map sheets shall be twenty-four by thirty-six (24"x 36") inches. Sheets shall be numbered in sequence if more than one (1) sheet is used and an index sheet provided with match lines.

15. *Site plan Notes and Conditions* - When appropriate, the site plan shall contain a listing of any site plan notes and site plan conditions in a readily identifiable location with each note numbered consecutively.

16. *Street Names* - All street names shall be shown on the site plan.

17. *Lease Area* - The lease area designated for drilling activities expressed in square feet shall be shown on the site plan.

18. *Survey Notes* - The Final Site plan shall be accompanied by one (1) set of surveyor's closure notes for the boundary of the subject property~~subdivision~~. The notes shall be referenced in the same manner as the site plan.

19. *Certification Blocks* – All site plans shall contain the appropriate certification blocks which shall be similar to those shown.

20. *Pad Site* – a legal description of the actual pad site.

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Section 3.1 – 140 Violations

Any person violating or failing to comply with any provision or requirement of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall, without exception, be fined in an amount up to $2,000 per day. A separate offense shall be deemed committed upon each day during or on which each separate violation or failure to comply occurs or continues to occur and shall be punishable as such.

Section 3.1 – 145 Standards for Oil and Gas Well Drilling and Production

A. On-site Requirements.

1. *Entrance Gate:* A secured entrance gate shall be required and signs identifying the entrance to the drill site or operations site shall be reflective.

2. *Fencing:* All drilling features including storage pits shall be fenced to prevent access. When not supervised, all fences shall remain locked.

3. *Illegal Dumping:* No person shall place, deposit, or discharge any oil, naphtha, petroleum, asphalt, tar, hydrocarbon substance, or any refuse including wastewater or brine, from any oil or gas operation or the contents of any container used in connection with any oil or gas operation in, into, or upon any public right-of-way, storm drain, ditch or sewer, sanitary drain, any body of water, or any private property within the corporate limits or ETJ of the City of Colleyville.

4. *Fire Suppression:* All fire suppression and prevention equipment required by any applicable federal, state, or local law shall be provided by the operator, at the operator's cost, and maintenance and upkeep of such equipment shall be the responsibility of the operator.

5. *Screening:* All well heads, storage tanks, separation facilities or other mechanical equipment shall be screened with a minimum eight-foot high solid screen fence, good side facing from the gas or oil well. Prior to the beginning of any gas well production, a permanent, solid masonry screening wall built to a minimum height of eight feet shall be installed along the entire perimeter of the pad site so as to obscure the entire view of any production equipment, including storage tanks, from surrounding habitable buildings and public roadways. Such wall must be completed within 60 days of completion of drilling of the first well on the site. The masonry perimeter wall shall have an architectural metal gate meeting the requirements for gates found in Chapter 14 of the Land Development Code that shall remain locked when the operator or operator's employees are not within the enclosure.

6. *Closed-loop drilling fluid systems:* Closed-loop drilling fluid systems shall be used instead of reserve pits, except in the case of temporary fresh water pits. All other fluids shall be accumulated in storage tanks and transported out of the city limits as required by state law or as required by the administrative officer. Wells drilled for the sole purpose of injecting any fluids for underground disposal are hereby prohibited.

7. *Discharge:* No person shall place, deposit, discharge, or cause or permit to be placed, deposited or discharged, any oil, naphtha, petroleum, asphalt, tar, hydrocarbon substance, or any refuse including wastewater or brine from any oil and/or gas operation, or the contents of any container used in connection with any oil and/or gas operation in, into, or upon any public right-of-way, alleys, streets, lots, storm drain, ditch or sewer, sanitary drain, underground or any body of water or any private property in the City of Colleyville.

8. *Drilling fluids:* Low toxicity glycols, synthetic hydrocarbons, polymers, and esters shall be substituted for conventional oil-based drilling fluids.

9. *Drilling fluid storage pits:* No drilling fluid storage pits, other than open pits used to store fresh water, shall be located within the City of Colleyville. Fresh water pits shall contain measures designed to mitigate proliferation of mosquitos. Pits shall be located below the average grade of surrounding properties and contain decorative aeration devices that provide a fountain effect.

10. *Drill stem testing:* All open hole formation or drill stem testing shall be done during daylight hours. Drill stem tests may be conducted only if the well effluent during the test is produced through an adequate oil and/or gas separator to storage tanks and the effluent remaining in the drill pipe at the time the tool is closed is flushed to the surface by circulating drilling fluid down the annulus and up the drill pipe.

11. *Signs:*

    a. A sign shall be immediately and prominently displayed at the gate on the temporary and permanent site fencing. Such sign shall be durable material, maintained in good condition and, unless otherwise required by the City Council, shall have a surface area of not less than two square feet nor more than four square feet and shall be lettered with the following:
        i. Well name and number;
        ii. Name of operator;
        iii. The emergency 911 number; and
        iv. Telephone numbers of two persons responsible for the well who may be contacted 24 hours a day incase of an emergency.
    b. Permanent weatherproof signs reading "DANGER NO SMOKING ALLOWED" shall be posted immediately upon completion of the well site fencing at the entrance of each well site and tank battery or in any other location approved or designated by the fire marshal of the City of Colleyville. Sign lettering shall be four inches in height and shall be red on white background or white on a red background. Each sign shall include the emergency notification numbers of the fire services department and the operator, well and lease designations required by the Commission.

12. *Security camera(s).* The operator shall at all times after the permanent masonry perimeter fence is in place, have installed a minimum of one operating security camera inside the perimeter fence and post on the fencing of the site signs indicating that any activity on the site may be recorded by video surveillance. Such sign shall conform to the approved sign plan. The location of the security camera, camera type and picture resolution of the recordings shall be subject to the approval of the Ppolice Cehief or their designee. Camera systems shall be maintained in proper operating condition and do all of the following:

    a. Capture clear video images of all traffic entering and exiting the gate(s); and
    b. Capture clear video images of all production equipment located on the site; and
    c. Be equipped with motion detection technology; and
    d. Be equipped with panning technology to pan immediately to any motion detected on the site; and
    e. Show the date and time of all activity on the footage; and

f. Be capable of being viewed at the monitoring facility.

The operator shall maintain video data for a period of at least 1,000 hours. At the request of the city, the operator shall produce to the city any recorded views of the fenced area. Data from videos may only be requested by the administrator or law enforcement officials.

B. Operations and Equipment Standards.

1. During the hydraulic fracturing process:

   a. All fracturing operations including "flowback" operations to recover fluids used during fracture stimulation shall be performed during daytime~~light~~ hours only;
   b. a watchperson shall be required at all times during such operations; and
   c. at no time shall the well be allowed to flow or vent directly to the atmosphere.

2. Nuisance prevention measures shall be implemented to prevent or control offensive odor, fumes, dust, noise, and vibration in accordance with the conditions set forth by the approved ordinance.

3. Directional lighting shall be provided for the safety of oil or gas well drilling and production operations and shall be provided so as to not disturb, directly illuminate or adversely affect adjacent developments. A site lighting plan designed to promote the safety of nighttime operations shall be submitted prior to the issuance of the administrative permit for drilling activities. The plan should include a photometric plan, indicating the type and color of light(s) to be used and demonstrate compliance with all Federal Aviation Administration requirements.

4. The operator shall, at all times, comply with the rules and regulations of the Texas Railroad Commission including but not limited to all applicable Field Rules.

5. Only electric motors will be used for the purpose of drilling and pumping oil or gas during production. Internal combustion engines may be used for the purpose of electric generation and only during drilling operations if they have mufflers that will reduce noise levels to the standards described in Section 15 below.

6. Venting of gas into the open air shall be prohibited.

7. Only Light Sand Fracture Technology or technologies approved by the administrative officer in accordance with applicable codes shall be used to fracture stimulate a well.

8. Air, gas, and pneumatic drilling shall not be permitted.

9. Written notices must be sent ~~provided, by the operator,~~ to all propertiesy ~~owners~~ within 1,500 feet of the pad site ~~of a well~~ 72 hours prior to the commencement of fracture activities. Notices shall be mailed to the occupant of said property, whether commercial or residential, as determined by the most recent utility billing database. All costs incurred by the City for said notice shall be reimbursed from the escrow account described in Section 157. The notice shall identify where the activities will be conducted and shall describe the activities in reasonable detail, including but not limited to the duration of the activities and the time of day they will be conducted. The notice shall also provide the address and 24-hour phone number of the person conducting the activities.

10. The operator shall place an identifying sign at each point where the flow line or gathering line crosses a public street or road.

11. Structures shall not be built or placed over pipelines, flow lines or gathering lines.

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12. *Landscaping:* The following standards shall be considered as minimum standards: Screening shrubs shall be installed completely around the well pad site outside of required screening fences and be sufficient to screen from view the structures sought to be screened. Screening shrubs shall be planted once all equipment has been set in place and the first well has been drilled and completed. The required screening shrubs shall be planted within a minimum twenty (20) foot wide green belt. The screening shrubs shall be "live plant material of the evergreen variety" which is expected to grow to six (6) feet height in two (2) years, a minimum of three (3) feet in height at the time of installation and planted on six (6) foot centers. In addition to screening shrubs, one tree, measuring a minimum of three (3) inches in caliper shall be planted on 20 foot centers around the entire pad site within the greenbelt noted above. All landscaping shall meet the requirements of Chapter 4-Landscaping and Buffering in the Land Development Code and must have an installed irrigation system that provides total water coverage to all plant materials. The vegetation or berms shall be kept in an attractive state and in good condition at all times by the applicant or operator. All landscape and irrigation plans shall be submitted to the DRC for approval.

13. *Vehicle routes for oil and gas well permits.* Vehicles associated with drilling and/or production in excess of three tons shall be restricted to such streets designated as arterials, collectors or local commercial as delineated in the City of Colleyville's thoroughfare plan. The vehicles shall be operated on state arterials whenever capable of being used. Such vehicles shall be operated only on City of Colleyville arterials, collectors and local commercial access easements only when it is not possible to use a state arterial to fulfill the purpose for which such vehicle is then being operated. All property owners along the proposed vehicle route shall be sent a public notice of the proposed SUP per the requirements of Chapter 1.

14. *Work hours for oil and gas well permits:* Site development, other than drilling, shall be conducted only during daytime~~light~~ hours. Truck deliveries of equipment and materials associated with drilling and/or production, well servicing, site preparation and other related work conducted on the well site shall be limited to between the above same work hour restrictions except in cases of fires, blowouts, explosions, and any other emergencies or where the delivery of equipment is necessary to prevent the cessation of drilling or production. The operator may request a waiver from the City Council, pursuant to section 3.1-106 of this ~~article~~Chapter.

15. *Permitting and Notification Requirements for Workover Operations and Hydraulic Fracturing:* The operator shall notify the oil and gas inspector in writing no less than thirty (30) days prior to starting completion procedures such as fracturing and/or perforating, and such work shall not commence until the administrative officer has approved the proposed work in writing. At least three (3) business days before operations are commenced, the operator shall post a sign at the access road entrance of the drill site advising the public of the date the operations will commence; the sign shall have white letters on red background.

Any person who intends either to workover or re-work a well using a drilling rig or to fracture stimulate a well after initial completion shall give written notice to the city at least 30 days before the activities begin. The notice shall identify where the activities will be conducted and shall describe the activities in reasonable detail, including but not limited to the duration of the activities and the time of day they will be conducted. The notice must also provide the address and 24-hour phone number of the person conducting the activities. The person conducting the activities shall post a sign on the perimeter fencing at least three (3) business days prior to conducting workover or re-working operations giving the public notice of the activities, including the name, address, and 24-hour phone number of the person conducting the activities. No well shall be worked over without the approval of the administrative officer. If the administrative officer determines that an inspection is required, the actual cost of the inspection shall be assessed against the respective operator's application fund balance required by Section 157 of this Chapter.

16~~5~~. *Noise restrictions for oil and gas well permits:*

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a. No well shall be drilled, re-drilled, fractured or any equipment operated at any location within the city in such a manner so as to create any noise which causes the exterior noise level, when measured at, either the property line of the tract upon which the nearest habitable structure is located, or 100 feet from the nearest habitable structure (as measured to the closest exterior point of the habitable structure), whichever is closer to the well, to exceed the ambient noise level:

i. By more than ten decibels during fracturing operations; and
ii. By more than five decibels during nighttime hours, ~~during backflow operations~~; and
iii. By more than five decibels during daytime hours or more than three decibels during nighttime hours for all activities not addressed in paragraphs a. and b. above.

b. The operator shall be responsible for establishing and reporting to the city the pre-drilling ambient noise level prior to the issuance of a well permit. Once the drilling is complete, the operator shall be required to establish a new ambient noise level prior to the installation of any new noise generating equipment. In lieu of the foregoing, the city may elect to perform the required noise testing and establish the ambient noise level.

c. Adjustments to the noise standards as set forth above in subsection (a)(1) of this section may be permitted in accordance with the following:

Permitted Increase Duration of Increase

dBA	***Minutes****
5	15
10	5
15	1
20	less than 1

** Cumulative minutes during any one hour period*

d. No workover or re-working operations shall be permitted during nighttime hours.

e. The operator shall monitor exterior noise level generated by the drilling, re-drilling or other operations of all wells located within 1,000 feet of a protected use when requested by the city, to ensure compliance. The cost of such monitoring shall be borne by the operator. The monitoring data shall also include an audio recording to help identify the source of sound level "spikes" throughout the logging period. The continuous noise monitoring equipment shall be capable of wireless transmission of real-time noise and audio data. Access to this real-time data as it occurs shall be made available to the administrative officer. The noise readings shall also be submitted to the administrative officer on a weekly basis in an electronic format or other format specified by the inspector. The weekly report shall state whether the drill site is in compliance with the noise requirements. If the report states that the drill site is not in compliance with the noise standards, then the report shall state the measures that are being taken to return the drill site to compliance and the timeframes for implementing these remedial measures.

f. ~~Acoustical~~ Noise reduction blankets, sound walls, mufflers and~~or~~ other alternative methods ~~as approved by the inspector may~~ shall be used to ensure compliance with this ~~article~~Chapter. All soundproofing shall comply with accepted industry standards and subject to approval by the administrative officer. At a minimum, the operator shall install noise reduction blankets on the drill site boundaries facing any habitable structure within 1,500 feet of any well bore. The height of boundary blankets shall be a minimum of 30 feet, or at a minimum height such that the entire rig platform minus the derrick structure is screened from the view of any structures within 1,500 feet

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of the well bores, whichever is greater. The height may be increased at the discretion of the administrative officer in response to topographic necessity. In addition to the boundary barriers, the operator must, at a minimum, install additional noise reduction blankets to mitigate noise generated from the rig substructure, the rig floor area, brake drum housings, mud pumps, diesel motors, and generators. The blankets shall be constructed of a fire-retardant material approved by the fire department. The noise reduction blankets shall meet a standard of STC 30 or greater. Noise reduction blankets shall be kept in good condtition and installed such that there are no openings, tears or visible defects at any point in the larger, composite blanket structure. All temporary noise reduction blankets, sound walls, etc. shall be removed within 30 days of the completion of drilling, fracturing or re-working activities under a specific permit or allowance.

g. The sound level meter used in conducting noise evaluations shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

h. During nighttime operations the operation of vehicles with audible back-up alarms are prohibited. If the operator uses any equipment during nighttime operations which are required to have back-up alarms, the operator shall provide and use only approved non-auditory signaling systems, such as spotters or flagmen. Deliveries of pipe, casing and heavy loads shall be limited to daytime hours, except for emergency situations. The derrick man and driller shall communicate only by walkie-talkie or other non disruptive means when the derrick man is in the derrick. Horns may not be used to signal for connection or to summon crew (except that a horn may be used for emergency purposes only). The operator shall conduct on-site meetings to inform all personnel of nighttime operations noise control requirements.

i. Concurrent with the Special Use Permit application, the operator shall file a noise management plan which shall detail how the equipment used in the drilling, completion, transportation, or production of a well complies with the maximum permissible ambient noise levels of this ~~article~~Chapter. Violation of the noise management plan shall be a violation of this ~~article~~Chapter. The noise management plan must be approved by the administrative officer and must comply with the following requirements:

   i. Identify operation noise impacts; and
   ii. Provide documentation, if applicable, establishing the ambient noise level prior to and after the installation of the noise-generation equipment verifying compliance with this section; and
   iii. Detail how the impacts will be mitigated. In determining noise mitigation, specific site characteristics shall be considered, including but not limited to the following:
      (1) The location, type, nature and proximity of adjacent development; and
      (2) Seasonal and prevailing weather patterns, including wind directions; and
      (3) Vegetative cover on or adjacent to the site; and
      (4) Topography; and
      (5) Operation and site noise management measures which may include, but not be limited to use of critical grade mufflers on generators and motors; use of structural noise curtains, walls, or enclosures; and best management practices by limiting or eliminating noisier operations, such as tripping, deliveries of pipe, casing and heavy loads, use of horns for communication and operation of vehicle audible back-up alarms during nighttime hours.

C. Environmental Safety and Protection Standards.

1. Site Erosion Control, Run-Off and Groundwater and Soil Protection Standards.

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a. Erosion and stormwater control practices approved by the City Engineer shall be conducted for all oil or gas wells. Compost berms that are at least 3-feet–high and 4-feet wide, or equivalent erosion devices, shall be installed so that all portions of the well pad that may drain off-site are contained.

b. Damage resulting from sedimentation and / or erosion shall be repaired within 48 hours.

c. Gas or oil wells may have a target location or bottom-well hole location that is under the floodway when the gas or oil well is drilled directionally from a location outside such areas.

d. Outdoor storage areas shall be equipped with a secondary containment system designed to contain a spill from the largest individual vessel. If the area is open to rainfall, secondary containment shall be designed to include the volume of a 24-hour rainfall as determined by a 100-year storm and provisions shall be made to drain accumulations of ground water and rainfall.

e. For all areas within the City of Colleyville's corporate limits, in which the proposed well bore is within 775 feet of any type of surface water conveyance, including, but not limited to, creeks, streams, drainage ditches, or other constructed storm water conveyance systems, calculating distance in a straight line from the conveyance centerline, a preliminary flood study shall be prepared by the applicant and approved by the City Engineer. Upon completion of the preliminary flood study, if the City Engineer determines that the proposed well bore is within 100 feet of any type of surface water conveyance, or other flood hazard area, then a detailed flood study shall be prepared by the applicant and approved by the City Engineer prior to City Council consideration of any Special Use Permit for a well.

f. No oil or gas well drill sites shall be allowed on slopes greater than ten (10) percent.

g. No ~~salt water~~ disposal wells of any kind, including saltwater wells, shall be located within the City of Colleyville.

h. Any wells drilled as part of a gas well and testing of adjacent wells shall meet the following requirements:

   i. No oil or gas well permit will be issued for any well where the center of the well at the surface of the ground is located within 1,000 feet of an existing fresh water well intended for domestic use.

   ii. The operator shall, within 120 days of its completion date, equip each well with a cathodic protection system to protect the production casing from external corrosion, unless the inspector approves an alternative method of protecting the production casing from external corrosion. The operator of a well shall provide the inspector with a "pre-drilling" and "post-drilling" water analysis and flow rate from any existing fresh water well within 2,000 feet of the well. For the purposes of this section, "post-drilling" shall mean the period immediately after the completion of a well The analysis shall be performed by an independent inspector approved by the City before and after each phase of drilling and fracturing. Such water tests shall conform to the following testing requirements:

      (1) Water samples must be collected and analyzed utilizing proper sampling and laboratory protocol from a U.S. Environmental Protection Agency or Texas Commission on Environmental Quality approved laboratory;

      (2) Well samples shall be analyzed prior to any drilling activity to document baseline water quality data of the well. A post-drilling sample shall be analyzed within three months after the drilling begins; and

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(3) Parameters to be tested for, including but not limited to methane, chloride, sodium, barium and strontium.

If it is found that the fresh water well is no longer in use and without possibility of future use or if the fresh water well owner objects to having the water well tested, the owner of the fresh water well may waive the right to have the operator test the water. In the event of evidence of fresh water well contamination of any wells within 2,000 feet of the gas well(s), the administrative officer is authorized to retest and/or perform an analysis of all wells in order to determine the potential cause of the contamination at the expense of the operator.

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iii. A copy of the determination by the appropriate State agency~~Texas Commission on Environmental Quality~~ of the depth of useable quality ground water shall be provided to the administrative officer prior to the drilling of any water well.

i. After any spill, leak or malfunction, the operator shall remove or cause to be removed all waste materials from any public or private property affected by such spill, leak or malfunction. Cleanup operations shall begin within 48 hours.

j. The drill site shall at all times be kept free of debris, pools of water or other liquids, contaminated soil, weeds, brush, trash or other waste material outside the drill site.

k. The operator shall install drip pans and other containment devices underneath all tanks, containers, pumps, lubricating oil systems, engines, fuel and chemical storage tanks, system valves, connections and any other areas or structures that could potentially leak, discharge or spill hazardous liquids, semi-liquids or solid waste materials, including hazardous waste.

l. The operator shall store all chemicals and/or hazardous materials in such a manner as to prevent, contain and facilitate rapid remediation and clean-up of any accidental spill, leak or discharge of a hazardous material. The operator shall maintain all material safety data sheets (MSDSs) for all hazardous materials on site. The operator shall comply with all applicable federal and state regulatory requirements for the proper labeling of containers. The operator shall take all appropriate pollution prevention actions including but not limited to raising chemical and materials and bulk storage (e.g., placing such materials on wooden pallets), installing and maintaining secondary containment systems, and providing adequate protection from stormwater and weather elements.

m. An operator must set and cement sufficient surface casing to protect all usable quality water strata, as defined by state law. The operator shall notify the inspector in writing at least 72 hours prior to the scheduled time for setting and cementing surface casing, and such work shall not commence until the inspector has approved the proposed work in writing. In addition, the following requirements shall apply:

i. Centralizers must be used at an interval of one centralizer per 100 feet, or ten centralizers per 1,000 feet; and

ii. New surface casing is required; and

iii. Proper floating equipment shall be used; and

iv. Class "H" or class "C" cement with accelerators shall be used; and

v. The operator shall circulate cement to surface; if not, the operator shall cement with one-inch tubing and top off; and

vi. The operator shall wait on cement a minimum of 12 hours prior to commencing further drilling operations; and

vii. The operator shall test the blowout preventer before drilling out of surface casing to 1,000 psi.

n. The operator shall construct all facilities used for parking, loading, unloading, driveways, and other vehicular access areas of concrete, unless an alternative material is approved by the city council as a condition of a specific use permit or an approved waiver. The operator shall maintain the surface for such facilities and drive approach in good condition and repair and meet the minimum requirements set forth in the fire code approved by the city council, as amended. The pad site is not required to be constructed of concrete or asphalt.

o. A stormwater pollution prevention plan (SWPPP) complying with all federal, state, and local storm water quality regulations, including any notice of intent (NOI) and notice of termination (NOT) requirements. A copy of the NOI shall be submitted to the City Engineer seven (7) business days prior to the commencement of any new on-site drilling or hydraulic fracturing activity.

p. It shall be unlawful to contaminate any soil above regulatory thresholds, and fail to expeditiously remediate such contamination, at any drill site in the city. Soil sampling shall be subject to the following requirements:

i. Upon application for an oil and gas well drilling permit, soil sampling shall be conducted prior to the commencement of any drilling activities at the proposed drill site to establish a baseline study of site conditions. A minimum of one (1) soil sample will be taken at the location of any proposed equipment to be utilized at the site to document existing conditions at the drill site (i.e., each well, above-ground storage tank, separator).

ii. A licensed third party consultant shall be utilized to collect and analyze all "pre-drilling" and "post-drilling" soil analysis. The cost of such fees and charges assessed by the third party contractor shall be borne by the operator;

iii. Soil samples will be collected and analyzed utilizing proper sampling and laboratory protocol set forth by the TCEQ and/or EPA. The results of the analyses will be addressed to the City and a copy of the report provided to the operator. The analyses will include the following analyses at a minimum: TPH, VOCs, SVOCs, Chloride, Barium, Chromium, and Ethylene Glycol.

iv. Subsequent to the drilling of each well, periodic soil samples shall be taken as determined by the city during inspection events to document soil quality data at the drill site.

v. When abandonment occurs pursuant to the requirements of the Texas Railroad Commission and as referenced in Section 185 of this Chapter, the City will collect "post-operation" samples when equipment is removed from the drill site to document that the final conditions are within regulatory requirements.

vi. If it is found that the soil contains a prohibited amount (pursuant to state or federal law) of a hazardous substance, the operator shall remediate the location within thirty (30) days and thereafter soil sampling shall be collected and analyzed at such locations on the drill site as are necessary to determine compliance.

2. Air Quality Standards

a. The operator shall conduct all drilling and production operations in such a manner as to minimize, so far as practicable, dust, vibration or noxious odors, and in accordance with the best accepted practices incident to drilling for the production of oil, gas and other hydrocarbon substances. The

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operator shall construct and operate all equipment so that vibrations, dust, odor or other harmful or annoying substances or effect created by the operations carried on at any drill site or from anything incident thereto will be minimized, to minimize the possibility of injury or annoyance of persons living in the vicinity. The operator shall maintain all aspects of the site and structures thereon in good operating condition and good appearance. Proven technological improvements in industry standards of drilling and production in this area shall be adopted as they become available if capable of reducing factors of dust, vibration and odor. Brine water, sulphur water, or water in mixture with any type of hydrocarbon may not be used for dust suppression.

b. As a condition of approval of a Special Use Permit, the City Council shall require the utilization of an independent, third-party expert, as chosen by the city, to conduct testing of airborne emissions resulting from any gas well drilling and production in order to ensure compliance with state and federal regulations relating to air quality standards. The frequency, methods, locations, reporting and specifications of said testing shall be determined prior to the issuance of any gas well permit and may be adopted as part of the approving Special Use Permit ordinance if required by the City Council. All reasonable and necessary costs associated with the utilization of said expert shall be reimbursed by the gas well operator to the city.

c. No person shall allow, cause or permit gases to be vented into the atmosphere or to be burned by open flame. No open flaring is permitted. Green completion methods as defined in this chapter are recommended during the hydraulic fracturing, flowback and well completion process. A green completion plan shall be submitted in conjunction with the required SUP application.

d. In order to minimize airborne emissions of volatile organic compounds (VOC), pending the recommendations of the expert referenced in subsection "b" above and/or the City Council, all storage tanks utilized for production may be required to be equipped with an approved vapor recovery unit (VRU). As determined by the air testing recommendations by the expert referenced in subsection "b" above, each approved VRU may require an air quality monitoring device in order to accurately report VOC emissions emanating from any tanks. In addition to a VRU, the City Council may require a permanent air quality testing protocol including but not limited to monitoring stations and regular inspections.

~~e. Unless explicitly approved by the City Council, compression facilities as defined in this Chapter are prohibited.~~

e. A Leak Detection and Compliance Plan (LDCP) shall be submitted in conjunction with the required SUP application and, if necessary, shall be updated prior to the commencement of any production activities and/or any pipeline connection to ensure that all site activities and equipment are in compliance with applicable rules and regulations. The LDCP shall include methodology to assess and evaluate the impact of drilling, fracturing, production, and other activities at the Drill site and immediate surroundings. Specific elements shall include, but are not limited to: a leak detection monitoring program, methods and equipment for emission measurements, site inspection activities, continuous distance monitoring, and a response plan to address emergency issues if they arise, and any other information required by the Fire Marshal. Monitoring should include evaluation of potential impact to air, soil, surface water, or groundwater. In addition to other reporting requirements established by this Chapter, annual reporting of the monitoring results to the City is required with all laboratory data sheets, field logs, data summary, and actions taken in the previous monitoring period. The plan must be created in accordance with any City-mandated guidelines and address the manner in which periodic inspections by a third party will occur to ensure compliance with the LDCP plan goals.

f. Unless explicitly approved by the City Council, compression facilities as defined in this Chapter are prohibited.

3. General Safety and Environmental Standards

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a. In all cases, the operator shall install and utilize blowout prevention equipment on all wells being drilled, worked-over or in which tubing is being changed. Protection shall be provided to prevent blowout during oil and/or gas operations as required by and in conformance with the requirements of the railroad commission and the recommendations of the American Petroleum Institute. The operator must equip all drilling wells with adequate blowout preventers, flow lines and valves commensurate with the working pressures involved as required by the railroad commission.

b. Organic solvents, such as trichloroethylene and carbon tetrachloride, shall not be used for cleaning any element, structure or component of the drilling rig, platform and/or associated equipment, tools or pipes. Lead-free, biodegradable pipe dope shall be substituted for American Petroleum Institute (API) specified pipe dope. Sealant shall be used around pipe threads to ensure and maintain the integrity of the seal.

c. Each well shall be equipped with an automated valve that closes the well in the event of an abnormal change in operating pressure. All wellheads shall contain an emergency shut off valve to the well distribution line.

d. Each storage tank shall be equipped with a level control device that will automatically activate a valve to close the well in the event of excess liquid accumulation in the tank.

e. All storage tanks shall be anchored for stability.

f. All storage tanks containing Class I or Class II flammable or combustible liquids shall meet the requirements of Chapter 34 of the International Fire Code. Secondary containment systems shall be approved by the Fire Marshal and be of a sufficient height to contain one and one-half (1 ½) times the contents of the largest tank in accordance with the Fire Code. Drip pots shall be provided at pump out connections to contain the liquids from the storage tank.

g. Tank battery facilities shall be equipped with a lightning arrestor system.

h. The contents of any pit shall always be maintained at least 2 feet below the top of the pit.

i. Fencing, a minimum of six-feet in height, shall be installed to restrict access to open water reservoirs utilized in oil or gas well drilling operation at a drill site within the corporate limits of the City. Upon completion of drilling activities, said fencing shall be removed.

j. After the well has been completed, or plugged and abandoned, the operator shall clean and repair all damage to public property caused by such operations within thirty (30) days.

k. A copy of a hazardous materials management plan as required by the City of Colleyville's Fire Marshal's office shall be provided. In addition to the hazardous materials management plan, all material safety data sheets (MSDSs) for all hazardous materials, including all hydraulic fracturing fluids, that will be located, stored, transported, and/or temporarily used on the drilling site shall be provided to the administrative officer ~~oil and gas inspector~~ and Fire Marshal.

l. A copy of the emergency response plan as required by the City of Colleyville's Fire Marshal's office shall be provided.

D. Setback Distances.

1. *Wells setbacks for gas or oil well permits:*

a. It shall be unlawful to drill, redrill, deepen, re-enter, activate or convert any well, the center of which, at the surface of the ground, is located; or
b. Within 1,000 feet from any public park; or

c. Within 1,000 feet from any residence, religious institution, public building, hospital building or school for which a building permit has been issued on the date of the application for a drilling permit is filed with the administrative officer or
d. Within 1,000 feet from any building used, or designed and intended to be used, for human occupancy; or
e. Within 500 feet from any existing storage tank containing flammable liquids or gases, or source of potential ignition; or
f Within 500 feet of any public street, road, highway, or right-of-way line, except in the case of railroad right-of-way; or
g. Within 100 feet of any building accessory to, but not necessary to the operation of the well; or
h. Within 300 feet to any fresh water well; or
i. The measurement of all distances shall be calculated from the proposed well bore, in a straight line, without regard to intervening structures or objects, to the closest exterior point of the any object listed in a. through h. above.
j. For purposes of this section, a "building used, or designed and intended to be used, for human occupancy" means an enclosed space, other than a residence, in which individuals congregate for amusement or similar purposes or in which occupants are engaged at labor, and which is equipped with means of egress, light, and ventilation facilities."

2. The distances set out in this may be reduced at the discretion of the City Council.

3. At a minimum, no structure intended for human occupancy, including any residence, shall be constructed within 300 feet of an existing gas well head, tank battery or other gas well equipment unless approved by the City Council.

E. Phasing of Drilling and Production and General Special Use Permit Provisions

1. Unless specified differently in the ordinance approving the Special Use Permit (SUP) for a gas well, all drilling, and production activities shall conform to the following schedule:

a. Drilling:

i. Drilling shall commence no later than one year after the approval date of the SUP allowing the gas well. If no drilling has occurred within one year, the SUP shall automatically expire.

ii. Once drilling has begun, the gas well operator shall have five (5) years from the approval date of the SUP allowing the gas well operator to drill all wells. No additional drilling may occur after this point without the approval of the City Council.

b. Hydraulic Fracturing: All hydraulic fracturing shall be completed within five (5) years from the approval date of the SUP allowing the gas well. No additional hydraulic fracturing may occur after this point without the approval of the City Council.

c. Production: If the provisions of section a(i) above are met, the gas well operator shall have five (5) years from the approval date of the SUP allowing the gas well to begin well production. If no well production has begun within five years, the SUP shall automatically expire and the operator shall be subject to abandonment provisions of this ordinance.

2. Any SUP authorized under this ordinance shall only be granted to the entity named on the original application and may not be transferred to any other entity without the approval of the City Council. City Council approval shall be required for any change in ownership of the entity named on the SUP application for any SUP granted under this chapter.

Section 3.1 – 150 Insurance and Indemnification

The operator shall provide or cause to be provided the insurance described below for each well for which a Gas or Oil Well Permit is issued, such insurance to continue until the well is abandoned and the site restored. The operator may provide the required coverage on a “blanket basis for multiple wells”. Such coverage shall be approved by the City Attorney for the City of Colleyville.

A. General Requirements. Indemnification and Express Negligence Provisions.

1. Each Gas Well Permit issued by the City shall include the following language:
   Operator does hereby expressly release and discharge, all claims, demands, actions, judgments, and executions which it ever had, or now have or may have, or assigns may have, or claim to have, against the City of Colleyville, and/or its departments, it agents, officers, servants, successors, assigns, sponsors, volunteers, or employees, created by, or arising out of personal injuries, known or unknown, and injuries to property, real or personal, or in any way incidental to or in connection with the performance of the work performed by the operator under a gas or oil well permit and the operator caused by or arising out of, that sequence of events which occur from the operator under the Oil or Gas Well Permit and work performed by the operator shall fully defend, protect, indemnify, and hold harmless the City of Colleyville, Texas, and/or its departments, agents, officers, servants, employees, successors, assigns, sponsors, or volunteers from and against each and every claim, demand, or cause of action and any and all liability, damages, obligations, judgments, losses, fines, penalties, costs, fees, and expenses incurred in defense of the City of Colleyville, Texas, and/or its departments, agents, officers, servants, or employees, including, without limitation, personal injuries and death in connection therewith which may be made or asserted by Operator, its agents, assigns, or any third parties on account of, arising out of, or in any way incidental to or in connection with the performance of the work performed by the Operator under a Gas or Oil Well Permit and, the Operator agrees to indemnify and hold harmless the City of Colleyville, Texas, and/or its departments, and/or its officers, agents, servants, employees, successors, assigns, sponsors, or volunteers from any liabilities or damages suffered as a result of claims, demands, costs, or judgments against the City and/or, its departments, it's officers, agents, servants, or employees, created by, or arising out of the acts or omissions of the City of Colleyville occurring on the drill site or operation site in the course and scope of inspecting and permitting the gas or oil wells INCLUDING, BUT NOT LIMITED TO, CLAIMS AND DAMAGES ARISING IN WHOLE OR IN PART FROM THE SOLE NEGLIGENCE OF THE CITY OF COLLEYVILLE OCCURRNG ON THE DRILL SITE OR OPERATION SITE IN THE COURSE AND SCOPE OF INSPECTING AND PERMITTING THE GAS OR OIL WELLS. IT IS UNDERSTOOD AND AGREED THAT THE INDEMINITY PROVIDED FOR IN THIS SECTION IS AN INDEMNITY EXTENDED BY THE OPERATOR TO INDEMNIFY AND PROTECT THE CITY OF COLLEYVILLE, TEXAS AND/OR ITS DEPARTMENTS, AGENTS, OFFICERS, SERVANTS, OR EMPLOYES FROM THE CONSEQUENCES OF THENEGLIGENCE OF THE CITY OF COLLEYVILLE, TEXAS AND/OR ITS DEPARTMENTS, AGENTS, OFFICERS, SERVANTS, OR EMPLOYEES, WHETHER THAT NEGLIGENCE IS THE SOLE OR CONTRIBUTING CAUSE OF THE RESULTANT INJURY, DEATH, AND/OR DAMAGE. LIABILITY FOR THE SOLE NEGLIGENCE OF THE CITY IN THE COURSE AND SCOPE OF ITS DUTY TO INSPECT AND PERMIT THE GAS OR OIL WELL IS LIMITED TO THE MAXIMUM AMOUNT OF RECOVERY UNDER THE TORT CLAIMS ACT.

2. All policies shall be endorsed to read "this policy will not be cancelled or non-renewed without 30 days advanced written notice to the owner and the City except when this policy is being cancelled for nonpayment of premium, in which case 10 days advance written notice is required".

3. Liability policies shall be written by carriers licensed to do business in Texas and with companies with A: VIII or better rating in accordance with the current Best Key Rating Guide, or with non-admitted carriers that have a financial rating comparable to carriers licensed to do business in Texas approved by the City.

4. Liability policies shall name as "Additional Insured" the City and its officials, agents, employees, and volunteers.

5. Certificates of insurance shall be presented to the City evidencing all coverage's and endorsements required by this Section, and the acceptance of a certificate without the required limits and/or coverage's shall not be deemed a waiver of these requirements.

6. Claims made policies will not be accepted except for excess policies or unless otherwise provided by this Chapter.

B. Required Insurance Coverage's.

1. Commercial General Liability Insurance.

    a. Coverage should be a minimum Combined Single Limit of $10,000,000 per occurrence for Bodily Injury and Property Damage with an annual general aggregate coverage of $20,000,000.00. This coverage shall include premises, operations, blowout or explosion, products, completed operations, blanket contractual liability, underground property damage, broad form property damage, independent contractor's protective liability and personal injury.

    b. Underground reservoir (or resources) damage coverage shall be on an occurrence basis, shall not be limited to sudden and accidental occurrences, shall not have a discovery or reporting limitation and shall not exclude damage to water tables, formation or strata.

    c. Environmental Impairment (or Seepage and Pollution) shall be either included in the coverage or written as separate coverage. Such coverage shall not exclude damage to the lease site. If Environmental Impairment (or Seepage and Pollution) Coverage is written on a "claims made" basis, the policy shall provide that any retroactive date applicable precedes the effective date of the issuance of the permit. Coverage shall apply to sudden and non-sudden pollution conditions resulting from the escape or release of smoke, vapors, fumes, acids, alkalis, toxic chemicals, liquids or gases, waste material or other irritants, contaminants or pollutants. Such policy shall provide for a minimum combined single limit coverage of $10,000,000.00 per occurrence. A discovery period for such peril shall not be less than ten years after the occurrence.

2. Automobile Liability Insurance. Minimum Combined Single Limit of $10,000,000 per occurrence for Bodily Injury and Property Damage. Such coverage shall include owned, non-owned, and hired vehicles.

3. Worker's Compensation Insurance. In addition to the minimum statutory requirements, coverage shall include Employer's Liability limits of at least $1,000,000 for each accident, $1,000,000 for each employee, and a $1,000,000 policy limit for occupational disease, and the insurer agrees to waive rights of subrogation against the City, its officials, agents, employees, and volunteers for any work performed for the City by the operator.

4. Excess (or Umbrella) Liability Insurance. A minimum limit of $10,000,000, covering in excess of the preceding insurance policies.

5. Control of Well Insurance:
    a. Minimum limit of $10,000,000 per occurrence.

    b. Policy shall cover the Cost of controlling a well that is out of control, Re-drilling or Restoration expenses, Seepage and Pollution Damage. Damage to Property in the Operator's Care, Custody, and Control with a sub-limit of $500,000 may be added.

6. Security:
    a. A security instrument that covers each well shall be delivered to the administrative officer before the issuance of the Gas or Oil Well Permit for the well. The instrument shall provide that it cannot be cancelled without at least thirty 30 days' prior written notice to the City and, if the instrument is a performance bond, that the bond cannot be cancelled without at least ten 10 days' prior written notice

for non-payment of premium. The instrument shall secure the obligations of the operator related to the well to:

i. Repair damage, excluding ordinary wear and tear, if any, to public streets, including but not limited to bridges, caused by the operator or by the operator's employees, agents, contractors, subcontractors or representatives in the performance of any activity authorized by the Gas or Oil Well Permit;
ii. Comply with the insurance and security provisions set forth in this Section; and
iii. Pay fines and penalties imposed upon the operator by the City for any breach of the Gas or Oil Well Permit.

b. The security instrument may be in the form of an irrevocable letter of credit or payment bond issued by a bank or surety approved by the City. The instrument shall run to the City for the benefit of the City, shall become effective on or before the date the Gas or Oil Well Permit is issued, and shall remain in effect until the well is abandoned and the site restored.

c. A certificate of deposit may be substituted for the letter of credit or payment bond. The certificate shall be issued by a bank in the City of Colleyville County, Texas, shall be approved by the City, shall be payable to the order of the City to secure the obligations of the operator described above, and shall be pledged to the bank with evidence of delivery provided to the administrative officer. Interest on the certificate shall be payable to the operator.

d. The security instrument may be provided for individual wells or on a "blanket" basis for multiple wells. The amount of the security shall be a minimum of $50,000 for any single well and a minimum of $200,000 for multiple wells on a "blanket" basis.

e. The security will terminate when the Gas or Oil Well Permit is transferred, with respect to the operator-transfer or and if the operator-transferee provides replacement security that complies with this section, when the well is abandoned and the site restored, and when the administrative officer consents in writing to such termination.

f. An appeal of the determination of the amount of security required under this Chapter may be made to the Planning and Zoning Commission for recommendation to the City Council for final determination of the amount of security.

7. Permit Revocation Upon Expiration of Coverage: Upon expiration of any insurance, certificate or security required by this section, the SUP authorizing the drilling and/or production activities permitted by this chapter shall automatically revoke.

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Section 3.1 – 155 Gas or Oil Well Permit Approval

The Director of Public Works may condition the release of the Gas or Oil Well Permit or a Seismic Survey Permit upon the operator providing the security required by Chapter 3.1 and upon operator entering into a Road Repair Agreement that will obligate the operator to repair damage excluding ordinary wear and tear, if any, to public streets, including but not limited to, bridges caused by the operator or by the operator's employees, agents, contractors, subcontractors or representatives in the performance of any activity authorized by the approved Gas or Oil Well Permit. In addition to a Road Repair Agreement, the Director of Public Works shall require the gas well operator to pay a road remediation fee to be calculated by the Director of Public Works. The road remediation fee shall be paid prior to the issuance of any gas well permit.

A. The failure of the DRC or the administrative officer to review and issue a Gas or Oil Well Permit within 30 days shall not cause the application for the permit to be deemed approved.

B. Each Gas or Oil Well Permit issued by the administrative officer shall:

1. Identify the name of each well and its operator;
2. Specify the date on which the administrative officer issued each permit;
3. Specify the date by which drilling shall commence on at least one well covered by the permit otherwise the permit expires (such date shall not be less than one year after the date of issuance);
4. Specify that if drilling is commenced on at least one well covered by the permit before the permit expires, the permit shall continue until the wells covered by the permit are abandoned and the site restored;
5. Incorporate, by reference, the insurance and security requirements set forth in Chapter 3.1;
6. Incorporate, by reference, the applicable rules and regulations of the Railroad Commission, including the applicable "field rules";
7. Specify that no drilling operations (including the construction of internal private access roads) shall commence until the operator has provided the security required by Chapter 3.1;
8. Contain the name, address, and phone number of the person designated to receive notices from the City, which person shall be a resident of Texas that can be served in person or by registered or certified mail; and
9. Incorporate by reference all permits and fees required.

Section 3.1 – 157 Permit Fees and Escrow Requirements

As a condition to the issuance of the gas or oil well drilling permit required by this Chapter of the Land Development Code, payment of the applicable permit fee shall be paid in full. Said permit fee shall be in accordance with the Schedule of Fees and Charges contained in Section 2.26 of the Colleyville Code of Ordinances.

If the application for a well permit is approved, prior to a permit being issued, the operator shall deposit with the city the sum of $50~~15~~,000.00 for each pad site containing a well permit application approved. The funds shall be maintained by the city in an interest-bearing escrow account from which the city may reimburse itself for the actual administrative expenses, consulting fees, contracting fees or the funding of inspector position(s). All interest earned shall be credited to the fund balance or refunded to the operator if and when the minimum balance is achieved. The city shall invoice and notify the operator, in writing of any deduction from the application fund and within 15 days of receipt thereof, the operator shall pay to the city for deposit into the fund the amount necessary to return the balance to $50~~15~~,000.00. The operator may appeal any charge assessed against the fund by filing an appeal as provided in this ~~article~~Chapter. If the operator fails to maintain the fund as required by this section, such failure shall constitute a violation of this ~~article~~Chapter, and the administrator may suspend or revoke the well permit and the city may pursue all remedies provided in this ~~article~~Chapter for such violation. Upon completion of all drilling activities, final inspection and approval by the city of a restored site, and fulfillment by the operator of all of operator's obligations under this ~~article~~Chapter, the city shall return any remaining account balance to the operator or the operator's approved assign.

Section 3.1 – 158 Inspections

A. Inspections shall be performed by city staff as determined by the administrative officer or by an independent inspection consultant, as approved by the City Manager. If necessary, the costs for retaining an independent inspection service shall be in addition to the permit fee and escrow requirements and shall be billed on a monthly basis to the holder of the oil and gas well drilling permit. If payment is not received by the City within forty-five (45) days from the billing date, the drilling permit shall be revoked.

B. The administrative officer is hereby authorized to establish written inspection procedures to enforce the provisions of the oil and gas well drilling regulations contained in this Chapter.

Section 3.1 – 159 Water Usage

A. The holder of an approved oil and gas well drilling permit ~~may~~shall obtain water from the City of Colleyville. The water may be obtained through a temporary fire hydrant meter in accordance with the policies and procedures existing at the time the fire hydrant meter is obtained. If the holder of an approved oil and gas well permit wishes to obtain water from another source, they must first obtain approval from the City Council.

B. When a water shortage has been declared, in accordance with the operating policies of the Colleyville Water and Sewer Manual, it shall be unlawful to use water from the Colleyville water system for oil and gas well drilling operations and production.

C. In the event of the imposition of any Citywide water restrictions, the City Manager shall have the authority to specifically restrict or stop the sale and supply of City water to the operator until the restrictions are lifted. The operator may appeal the decision of the City Manager as it relates to this specific section to the City Council upon receipt of a written request from the operator.

D~~C~~. The time of delivery of water for oil and gas well drilling operations and production shall be determined by the Director of Public Works.

E. Water obtained from the City of Colleyville as part of any drilling permit shall be restricted to the property specified by the approving Special Use Permit and shall not be transported off said property for any reason.

F~~D~~. Unless otherwise approved as a provision of the Special Use Permit, no water well permit shall be approved for oil and gas well drilling.

Section 3.1 – 160 Emergency Reporting

A. Requirement to report emergencies:
   1. The operator shall immediately ~~within 48 hours~~ notify the oil and gas inspector, administrative officer and Fire Marshal of any incident resulting in product loss from a hydrocarbon storage facility or pipeline facility, blowout, fire, explosion, incident resulting in injury, death, or property damage, or any other significant incidents as defined by the City. Any notification more than one hour after any incident will be considered to not have been given immediately and will be in violation of this section.

2. A written report, containing a brief summary of the incident, shall be submitted to the oil and gas inspector by 5:00 p.m. on the first business day of the City of Colleyville following the incident, and a duplicate report shall be submitted to the Fire Marshal and administrative officer by the same time.

3. A follow-up report shall be submitted to the oil and gas inspector, administrative officer and the Fire Marshal within 24 hours following the incident. The operator responsible for the follow-up incident report shall include the following information:
   i. Operator/applicant name, phone number, addresses, and, if possible, e-mail address.
   ii. Description of the incident, including, but not limited to, the time, date, location, and cause of the event.
   iii. Duration of the incident, that is, when the it began and when it terminated to the degree that it no longer constituted a hazard to the health, safety, and well-being of persons or property, regardless of the distance or separation from the place of incident.
   iv. How the incident was brought under control and/or remedied.
   v. A full and complete description of the type of intercompany investigation or other investigation or inquiry that was made concerning the incident, the findings or results of such inquiry or investigation, and the action taken as a result of the findings and inquiry concerning the prevention of the existence of future hazards.
   vi. Signed and dated by the person responsible for such report.

4. The operator shall provide a copy of any "incident reports" or written complaints submitted to the Texas Railroad Commission within 24 hours after the operator has notice of the existence of such reports or complaints. This shall include, but not be limited to, notification of any reportable quantity releases of oil, natural gas, and/or associated minerals, chemicals, or solid and/or liquid wastes, pursuant to regulatory requirements established by the commission, and notification to the Fire Marshal of any fire, and/or equipment strikes by lightning.

~~5. Beginning on December 31st, after each well is completed, and continuing on each December 31st thereafter until the operator notifies the oil and gas inspector that the well has been abandoned and the site restored, the operator shall submit a written report to the administrative officer identifying any changes to the information that was included in the application for the applicable permit that have not been previously reported to the City of Colleyville.~~

Section 3.1 – 165 Periodic Reports

A. The operator shall notify the administrative officer of any changes to the following information within 48 hours, within one business day after the change occurs.
   1. The name, address, and phone number of the operator;
   2. The name, address, and 24-hour phone number of the person(s) with supervisory authority over drilling or operations activities;
   3. The name, address, and phone number of the person designated to receive notices from the City, which person shall a resident of Texas that can be served in person or by registered or certified mail;
   4. The operator's Emergency Action Response Plan including "drive-to-maps" from public rights-of way to each drill site.

B. The operator shall provide a copy of any "incident reports" or written complaints submitted to the Texas Railroad Commission or any other state or federal agency within 24 hours after the operator has notice of the existence of such reports or complaints.

C. Beginning on December 31st, after each well is completed, and continuing on each December 31st thereafter until the operator notifies the administrative officer that the well has been abandoned and the site restored, the operator shall prepare a written report to the administrative officer identifying any changes to the information that was included in the application for the applicable Gas or Oil Well permit that have not been previously reported to the City.

~~Section 3.1 – 170 Notice of Activities~~

~~A. Any person who intends to re-work a well using a drilling rig, to fracture stimulate a well after initial completion, or to conduct seismic exploration involving explosive charges shall give written notice to the City at least 10 days before the activities begin.~~

~~B. Written notices must be provided, by the operator, to all residences within 1,000 feet of a well, 24 hours prior to hydraulic fracturing of a wellhead.~~

~~C. The notice shall identify where the activities will be conducted and shall describe the activities in reasonable detail, including but not limited to the duration of the activities and the time of day they will be conducted.~~

~~D. The notice shall also provide the address and 24-hour phone number of the person conducting the activities.~~

~~E. The person conducting the activities will post a sign on the property giving the public notice of the activities, including the name, address, and 24-hour phone number of the person conducting the activities.~~

Section 3.1 – 175 Remedies of the City

A. If an operator (or its officers, employees, agents, contractors, subcontractors or representatives) fails to comply with any requirement of a Gas or Oil Well Permit (including any requirement incorporated by reference as part of the permit), the administrative officer shall give written notice to the operator specifying the nature of the alleged failure and giving the operator a reasonable time to cure, taking into consideration the nature and extent of the alleged failure, the extent of the efforts required to cure, and the potential impact on the health, safety, and welfare of the community. In no event, however, shall the cure period be less than 30 days unless the alleged failure presents a risk of imminent destruction of property or injury to persons or unless the alleged failure involves the operator's failure to provide periodic reports. The administrative officer may issue a Stop Work Order under the Fire Code.

B. If the operator does not cure the alleged failure within the time specified by the Chapter 3.1, the City Attorney may notify the Texas Railroad Commission and request that the Texas Railroad Commission take appropriate action (with a copy of such notice provided to the operator), and the City may pursue any other remedy available .

C. If the operator does not cure the alleged failure within the time specified by Chapter 3.1, the administrative officer may:
   1. Recommend to the City Council that the Gas or Oil Well Permit be suspended until the alleged failure is cured; or,
   2. If the operator fails to initiate and diligently pursue a cure recommend to the City Council that the Gas or Oil Well Permit be revoked.

D. The decision of the administrative officer to recommend suspension or revocation of a Gas or Oil Well Permit shall be provided to the operator in writing at least ten (10) days before any action by the City Council unless the alleged failure present a risk of imminent destruction of property or injury to persons

E. If a Gas or Oil Well Permit is revoked, the operator may submit an application a new Gas or Oil Well Permit for the same well.

Section 3.1 – 180 Enforcement and Right of Entry

A. The administrative officer is authorized and directed to enforce this Chapter and the provisions of any Gas or Oil Well Permit. Whenever necessary to enforce any provision of this Chapter or a Gas Well Permit, or whenever there is reasonable cause to believe there has been a violation of this Chapter or a Gas or Oil Well Permit, the administrative officer, Fire Marshal, inspector or ~~a~~the designated representative, may enter upon any property covered by this Chapter or a Gas or Oil Well Permit at any reasonable time to inspect or perform any duty imposed by this Chapter. If entry is refused, the City shall have recourse to every remedy provided by law and equity to gain entry.

B. It shall be unlawful and an offense for any person to do the following:
   1. engage in any activity not permitted by the terms of a Gas or Oil Well Permit issued under this Chapter;
   2. fail to comply with any conditions set forth in a Gas or Oil Well Permit issued under this Chapter;
   3. violate any provision or requirement set forth under this Chapter.

Section 3.1 – 185 Plugged and Abandoned Wells

A. Whenever abandonment occurs pursuant to the requirements of the Texas Railroad Commission, the operator so abandoning shall be responsible for the restoration of the well site to its original condition as nearly as practicable, in conformity with the regulations of this ~~article~~Chapter.

B. Abandonment shall be approved by the administrative officer after restoration of the drill site has been accomplished in conformity with the following requirements at the discretion of the administrative officer:
   1. The derrick and all appurtenant equipment thereto shall be removed from drill site;
   2. All tanks, towers, and other surface installations shall be removed from the drill site;
   3. All concrete foundations, piping, wood, guy anchors and other foreign materials regardless of depth, except surface casing, shall be removed from the site, unless otherwise directed by the Texas Railroad Commission;
   4. All holes and depressions shall be filled with clean, compactable soil;
   5. All pits shall be drained and removed and the resulting area shall be graded, where necessary, with clean soil to match the surrounding landscape.
   6. A final soils analysis shall be performed per the requirements of Section 145(C)p.
   76. All waste, refuse or waste material shall be removed from the drill site; and
   87. During abandonment, operator shall comply with all applicable sections in this ~~article~~Chapter.

C. The operator shall furnish the following at the discretion of the administrative officer:

   1. A copy of the approval of the Texas Railroad Commission confirming compliance with all abandonment proceedings under the state law; and
   2. A notice of intention to abandon under the provisions of this section and stating the date such work will be commenced. Abandonment may then be commenced on or subsequent to the date so stated.

D. All abandoned or deserted wells or drill sites shall meet the most current abandonment requirements of the Texas Railroad Commission prior to the issuance of any building permit for development of the property. No structure shall be built over an abandoned well.

Section 3.1 – 186 Pipeline Regulations

The provisions of this section shall govern all pipelines used for gathering lines and transmission lines utilized specifically for natural gas and all other petroleum based products as defined in this in chapter. This section shall not apply to distribution lines operated by franchise utilities for service to end users such as residential and business customers.

The following regulations shall apply to all pipelines as defined in this chapter:

A. No pipeline for the transportation of gas, oil or hydrocarbons shall be constructed or laid except on rights-of-way or easements owned by the owners or operators of wells or third party pipeline companies, or upon designated drilling tracts and upon rights-of-way or easements necessary to connect future wells to present lines.
B. In order to install, construct, maintain, repair, replace, modify, remove or operate a pipeline, the pipeline operator must first obtain from the city an easement or license on, over, under, along or across any affected city streets, sidewalks, alleys and other city property. Such easement or license shall continue for as long as pipeline operations continue under any pipeline permit.
C. The pipeline operator of any pipeline shall:

   1. Not interfere with or damage existing utilities including but not limited to: water, sewer or gas lines, storm drains, electric lines or the facilities of public utilities located on, under or across the course of such right-of-way; and
   2. Construct such pipeline or cause same to be constructed out of new pipe; and
   3. Grade, level and restore the affected property to the same surface condition, as nearly practicable, as existed before operations were first commenced; and
   4. Backfill all trenches and compact such trenches to 95 percent standard density proctor in eight-inch lifts and construct the pipeline so as to maintain a minimum depth of eight feet below the finished grade except in public rights-of-way, where minimum cover to the top of the pipe shall be at least eight feet below the bottom of any adjacent roadside ditch. No public roads may be crossed by open cut. During the backfill of any pipeline excavations, the pipeline operator shall bury "Buried Pipeline" warning tape one

foot above any such pipeline to warn future excavators of the presence of a buried pipeline. The issuing administrator may require that sections of proposed pipeline be constructed at deeper depths based upon future city infrastructure needs. The administrator may also require that a proposed or existing pipeline be relocated should it conflict with the proposed alignment and depth of a gravity dependent utility; and

5. Construct, repair and/or maintain of all pipelines so as to meet or exceed the applicable minimum criteria established by the statutory or regulatory requirements of the state and federal governments for such pipeline; and
6. Design and construct all pipelines in accordance with this section and the latest standards mandated by the U.S. Department of Transportation (DOT) and railroad commission for pipelines operating within a class 3 location in accordance with 49 CFR 192.111; and
7. Equip all pipelines subject to this section with an automated pressure monitoring system that detects leaks and shuts off any line or any section of line that develops a leak. In lieu of such system, the pipeline operator may have 24-hour pressure monitoring of the pipeline system which provides monitoring of the pipeline within the city limits. Any monitoring system(s) shall be keyed to or required to notify the city's emergency response providers in order to provide them with immediate notice of any leak.

D. Construction Hours and Noise: Pipeline construction hours and noise mitigation should follow best practices that place a premium on keeping impacts to surrounding properties and neighborhoods to a minimum including but not limited to the daytime hours of operations restrictions and noise provisions found elsewhere in this Chapter.

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~~D.~~E. Upon approval of a pipeline permit, and prior to the issuance of such permit, the pipeline operator shall deposit with the city, and shall maintain at all times during the continuation of pipeline operations, a fund with the city containing a minimum running balance of $15,000.00 for each pipeline permit application approved. The funds shall be maintained by the city in an interest bearing account from which the city shall reimburse itself for the actual administrative expenses, consulting fees, contracting fees or the funding of inspector position(s). All interest earned shall be credited to the fund balance or refunded to the operator if and when the minimum balance is achieved. The city shall invoice and notify the pipeline operator, in writing, of any deduction from the application fund, and, within 15 days of receipt thereof, the pipeline operator shall pay to the city, for deposit into the application fund, the amount necessary to return the balance to $15,000.00. The pipeline operator may appeal any charge assessed against the fund by filing an appeal as provided in this ~~article~~Chapter. If the pipeline operator fails to maintain the fund as required by this section, such failure shall constitute a violation of this article, and the administrator may suspend or revoke the pipeline permit and the city may pursue all remedies provided in this ~~article~~Chapter for such violation. If the pipeline subject to the pipeline permit is disconnected from all sources or supplies of gas, hazardous liquids and chemicals and capped or sealed at the ends and/or removed in accordance with the provisions of this section, and any required site remediation completed, following final inspection and approval by the city, and fulfillment by the pipeline operator of all of pipeline operator's obligations under this ~~article~~Chapter, the city shall return any remaining account balance to the operator or the operator's approved assign.

~~E.~~F. The pipeline operator shall give notice 72 hours prior to the commencement of pipeline construction to all residents and operators of habitable structures that are located within 1,000 feet of the proposed centerline of the pipeline.

~~F.~~G. Within 60 days after completion of pipeline construction the pipeline operator shall provide the city with as-built or record drawings of the pipelines. Accuracy of the record drawings shall meet a survey level of one foot to 50,000 feet. The scale of the record drawings shall be a minimum of one inch to 40 feet. The drawings shall also be supplied in a DFF digital file format with the location tied to at least one nearby GPS (global positioning system) city monument. If the new pipeline length exceeds 1,000 feet within the city, the pipeline shall be tied to at least two GPS city monuments.

H. A preconstruction conference with the development review committee shall be required prior to the commencement of pipeline construction.

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~~G.~~I. Any above ground appurtenance, facility, valve, junction or structure related to a pipeline as defined in this Section shall require the approval of a Special Use Permit by the City Council per the requirements of this Chapter.

Section 3.1 – 187 Pipeline Permitting Procedures

A. At least 45 days prior to the scheduled commencement of the installation, construction, reconstruction, reworking, modification, replacement or operation of a new pipeline, the pipeline operator shall submit an application and pay a fee in the amount set in the city's fee schedule for a pipeline permit to the city.

B. City Council approval required: Any pipeline permit shall require final approval by the City Council prior to commencement of pipeline construction.

C. A pipeline permit application shall meet the following requirements:

1. Any applications for a new pipeline or other activities regulated by this Section shall be submitted to the city on a form prescribed by the city; and
2. Each application for a pipeline permit shall be accompanied by five paper sets and one electronic set of plans showing the dimensions and locations of the pipeline and related items or facilities within the subject right-of-way or easement, as well as all proposed lift stations, pumps or other service structures related to such pipeline and the location, type and size of all existing utilities, drainage, right-of-way and roadway improvements. The plans must additionally show the elevation and location of all known public utilities within 15 feet of the centerline of the proposed pipeline. Any application that fails to meet these requirements will be returned unfiled to the applicant; and
3. Within 30 days after the date of filing of said application and plans, the city shall send notice to the applicant as to whether the application will be scheduled for City Council consideration and the total charge due. If the application is rejected, reasons for rejection of the application shall be provided in writing.

D. The following information shall be provided in the application for a pipeline permit:

1. The name, business addresses and telephone numbers of the pipeline operator; and
2. The names, titles and telephone numbers of the following:

    a. The person signing the application on behalf of the pipeline operator; and
    b. The person designated as the principal contact for the submittal; and
    c. The person designated as the 24-hour emergency contact; and

3. The origin point and the destination of the proposed subject pipeline; and
4. A text description of the general location of the proposed subject pipeline; and
5. A description of the substance to be transported through the proposed subject pipeline; and
6. A copy of the substance material safety data sheet (MSDS); and
7. The maximum allowable operating pressure on the proposed subject pipeline, along with the specified minimum yield strength (SMYS) of the pipe, its pressure class and design calculations in accordance with 49 CFR 192.105, assuming a class 3 or better location; and
8. The normal operating pressure range of the proposed subject pipeline, not to exceed the maximum allowable operating pressure as designated above; and
9. Engineering plans, drawings and/or maps with summarized specifications showing the horizontal location, covering depths and location of shutoff valves of the proposed subject pipeline. (The location of shutoff valves must be known in order for emergency responders to clear area for access valves.) To the extent that information can be obtained, drawings shall show the location of other pipelines and utilities that will be crossed or paralleled within 15 feet of the proposed subject pipeline right-of-way; and
10. A description of the consideration given to matters of public safety and the avoidance, as far as practicable, of existing habitable structures and congregated areas; and

11. Detailed cross section drawings for all public street right-of-way and easement crossings; and
12. Methods to be used to prevent both internal and external corrosion; and
13. A binder or certificates of all bonds and insurance as required under this division; and
14. All application materials required pursuant to the city's tree preservation ordinance, as it may be amended, including a tree survey measured from the outer edge of any improvements, construction areas, development, equipment, materials, temporary roads, access easements and/or built structures, extending 25 feet, without regard to intervening structures or objects; and
15. A proposed alignment strip map showing name and address of all affected property owners; and
16. A site plan showing the location of such pipeline conforming to the city's standards for site plans, pursuant to Section 3.31 of the Land Development Code.

E. Permit review process and procedures.

1. No pipeline permit shall be approved or issued if the proposed activities do not fully conform to all provisions of this ~~article~~Chapter and all other applicable city ordinances, state and federal law. No pipeline permit may be issued unless and until a specific use permit is approved by the city council for the well or wells within the city intended to be served by such pipeline.
2. All requirements for a pipeline permit as provided in this Section must be completed by the pipeline operator prior to any pipeline permit being considered as being administratively complete. Any application submitted that is determined to be administratively incomplete shall be returned to the pipeline operator within ten business days of the submittal date along with a letter documenting the deficiencies of the application, if any.
3. Within 30 days after the date of presentation of said application and plans, the administrator shall send notice to the applicant as to whether the application will be scheduled for City Council consideration and the total charge due. If the application is rejected as incomplete, the administrator shall provide the reasons for rejection of the application in writing.
4. After the filing of an administratively complete application, an administrative conference may be conducted to seek resolution of any substantive, non-resolvable technical issues. The conference shall be conducted with the development review committee. The costs associated with the technical advisor shall be borne by the pipeline operator. A quorum of at least three members must be present, and at least one of the members present at the conference must have emergency management expertise in order to conduct a conference. Any decision by the development review committee is final.
5. If the development review committee determines that the city should obtain an independent study or analysis of an application to construct a new pipeline, upon approval by the city council, the city shall engage duly qualified independent consultant(s) or contractor(s) to conduct such special studies or analyses as required to fully evaluate and act upon an application for a new pipeline. The actual cost for said consultant or contractor, including the cost of any inspections deemed necessary by the development review committee or otherwise required by this division, shall be paid by the pipeline operator, and may be billed directly to the pipeline operator's fund balance established pursuant to this subdivision.
6. Following completion of the review process described herein, the administrator shall schedule the permit for City Council approval, or deny the application as incomplete. If the application is rejected, the administrator shall provide the reasons for rejection of the application in writing.
7. Any change in service of a pipeline not previously addressed by this section to gas, hazardous liquid or chemical service as a pipeline must be reviewed in accordance with the new pipeline review procedure outlined herein, as if it were a new pipeline.
8. If construction of a pipeline has not commenced within six months of the date of issuance of the pipeline permit, or if the pipeline has not been completed and the surface restored within one year, the pipeline permit shall expire; provided, however, that the administrative officer may grant an extension of time not to exceed one year if the administrative officer determines that weather or other unexpected physical conditions justify such an extension. If the pipeline permit expires as provided herein, and construction of the subject pipeline has commenced but has not yet been completed, the pipeline operator shall immediately cease construction but shall complete any site remediation required by this section or other applicable law, regulation or ordinance.

F. Pipeline information reporting requirements.

1. Each pipeline operator subject to this section shall provide to the administrative officer the names, mailing addresses and telephone numbers of at least two primary persons, officers or contacts available on a 24-hour basis and at least two alternative persons, officers or contacts to be reached in the event the primary contacts are unavailable who:

    a. Can initiate appropriate actions to respond to an emergency; and
    b. Have access to information on the location of the closest shutoff valve to any specific point in the city; and
    c. Can furnish the common name of the material then being carried by the pipeline.

    Any change in the above-referenced contact information must be provided to the city by contacting the inspector prior to such change.

2. Every pipeline operator subject to this section shall be required to present to the city a safety report and file with the city an annual verified safety report in letter form on or before the anniversary date of the approval of the permit(s) and each year thereafter for the preceding 12 month period. Said written safety report shall contain the following information:

    a. A statement that the pipeline has no outstanding safety violations as determined in an inspection or audit by either the railroad commission and/or the U.S. Department of Transportation with regard to any pipeline operating within the city. Alternatively, if there are any safety violations as determined by the railroad commission and/or the U.S. Department of Transportation that have not been corrected, these shall be described to the city with an action plan to correct the safety violations. Said action plan shall include a timeline for corrective action and the individual or firm responsible for each action; and
    b. Evidence that the pipeline operator has current liability insurance as required by this section; and
    c. A statement that the pipeline information specified in subsection (a) of this section is correct. Alternatively, in the event that the required information on file with the city is no longer correct, updated or corrected information shall be submitted within five days of the change and the updated information shall be submitted with the annual safety report; and
    d. If the pipeline operator has no reporting responsibility to the railroad commission or the U.S. Department of Transportation and is otherwise exempt from the safety regulations of either of such agencies, the following documents pertaining to the preceding reporting period of June 1 through May 31:

        i. Copies of internal reports of responses to pipeline emergencies, as pipeline emergency is defined in this ~~article~~Chapter; and
        ii. Current operations and maintenance logs; and
        iii. Current emergency action plan.

    e. A log of all the maintenance and monitoring activities conducted on all lines subject to this division for the reporting period shall be made available upon request.

3. The actual administrative costs incurred by the city in reviewing the annual safety letter shall be billed directly to the pipeline operator's fund balance established pursuant to this section.
4. Each pipeline operator subject to this section shall file a copy of all initial or follow-up reports provided to the U.S. Department of Transportation or the railroad commission on unsafe pipeline conditions, pipeline emergencies or pipeline incidents within the city concurrently with the city. In addition, such pipeline operator shall file any initial or follow-up reports filed with state and federal environmental regulatory agencies pertaining to pipeline releases within the city concurrently with the city.
5. Upon written request, each pipeline operator subject to this section shall make available during normal business hours and at the pipeline operator's local office, documents for review that are

required for submittal to or to be maintained on file for the U.S. Department of Transportation and the railroad commission, including but not limited to the following:

a. Operations and maintenance records; and
b. Employee training records; and
c. Annual inspection reports; and
d. Repair records; and
e. Operating records; and
f. Insurance records.

G. Inactive and idled pipelines.

1. A pipeline operator subject to this section shall maintain and keep current all reporting records specified in this section on all pipelines, regardless of whether such pipelines are inactive or idled; and
2. A pipeline operator subject to this section shall purge any inactive pipelines of gas, hazardous liquids, and chemicals, and physically isolate such pipeline if such action does not adversely affect the pipeline operator's right-of-way easement and does not prevent the pipeline operator from maintaining the physical integrity of the pipeline. A pipeline operator subject to this section shall maintain any inactive pipelines to prevent deterioration; and
3. If a pipeline is physically isolated as provided herein, a pipeline operator subject to this section shall include the means used to physically isolate the inactive pipeline in the information retained on file with the city for reporting.
4. The following regulations shall apply to idled pipelines:

a. If a pipeline is idled, a pipeline operator subject to this section shall make an entry to the required reporting records as required in this section that the pipeline has been idled; and
b. If a pipeline is idled, a pipeline operator subject to this section shall purge and disconnect such pipeline from all sources or supplies of gas, hazardous liquids and chemicals, and cap or seal such pipeline at the ends; and
c. Reactivation of idled pipelines shall require notification to the city pursuant to the standards and requirements specified in this section. Reactivation shall require pressure testing for integrity and compliance with railroad commission and/or U.S. Department of Transportation regulations.

H. Emergency response plans and emergency incident reporting.

1. Each pipeline operator subject to this section shall maintain written procedures to minimize the hazards resulting from an emergency. These procedures shall at a minimum provide for the following:

a. Prompt and effective response to emergencies, including but not limited to the following:

i. Leaks or releases that can impact public health, safety or welfare; and
ii. Fire or explosions at or in the vicinity of a pipeline or pipeline easement; and
iii. Natural disasters; and

b. Effective means to notify and communicate required and pertinent information to local fire, police and public officials during an emergency; and
c. The availability of personnel, equipment, tools and materials as necessary at the scene of an emergency; and
d. Measures to be taken to reduce public exposure to injury and probability of accidental death or dismemberment; and
e. Emergency shut down and pressure reduction of a pipeline; and
f. The safe restoration of service following an emergency or incident; and
g. A follow-up incident investigation to determine the cause of the incident and require the implementation of corrective measures.

2. Each pipeline operator subject to this section shall meet annually with the administrative officer fire marshal to review emergency response plans. These reviews shall be in accord with U.S. Department of Transportation and railroad commission requirements and the pipeline operator will do the following:

    a. Furnish or update a copy of the emergency response plan described in subsection (a) of this section; and
    b. Review the responsibilities of each governmental organization in response to an emergency or incident; and
    c. Review the capabilities of the pipeline operator to respond to an emergency or incident; and
    d. Identify the types of emergencies or incidents that will result in or require contacting the city; and
    e. Plan mutual activities that the city and the pipeline operator can engage in to minimize risks associated with pipeline operation; and
    f. The city shall provide the pipeline operator with a list of additional contacts that shall be made in the event of a pipeline emergency or incident. The city will inform the pipeline operator of the emergency response groups that will be contacted through 911.

3. Upon discovery of a pipeline emergency or incident, any affected pipeline operator subject to this section shall as soon as practical communicate to the city the following information:

    a. A general description of the emergency or incident; and
    b. The location of the emergency or incident; and
    c. The name and telephone number of the person reporting the emergency or incident; and
    d. The name of the pipeline operator; and
    e. Whether or not any hazardous material is involved and identification of the hazardous material so involved; and
    f. Any other information as requested by the emergency dispatcher or other such official at the time of reporting the emergency or incident.

4. Upon discovery of a pipeline emergency or incident, a pipeline operator subject to this section shall contact any other emergency response groups that are necessary that may not be activated through the county 911 system.
5. Upon discovery of a pipeline emergency or incident, a pipeline operator subject to this section shall contact the fire department within 48 hours after the discovery of any pipeline emergency.
6. Notwithstanding any provision in this division, each pipeline operator subject to this section shall equip and maintain any pipeline containing natural gas which contains hydrogen sulfide in concentrations of more than 100 parts per 1,000,000,000 with an audible alarm system that will provide an alarm to the general public in the event of a leak from any pipeline, gathering or flow line subject to this division. Said audible alarm system shall be of a type and design approved by the city.
7. Within two years of the effective date of the pipeline permit and every two years thereafter, each pipeline operator subject to this section shall, at the request of the administrative officer, conduct an on-site, emergency drill that includes, but shall not be limited to, the personnel operating the pipeline, local law enforcement personnel and officials of the city.
8. Notwithstanding the foregoing, a pipeline operator subject to this section shall report all incidents involving well safety or integrity that do not rise to the level of a pipeline emergency to the city by completing an incident report on forms prepared by the city. Incident reports must be filed by the pipeline operator within 24 hours of discovering the incident.

I. Pipeline repairs and maintenance.

1. All repairs and maintenance of pipelines are to be performed in accordance with U.S. Department of Transportation and railroad commission mechanical integrity requirements.
2. If non-emergency repairs necessitate excavation of a pipeline, the pipeline operator shall send notification to occupants of business establishments and residential dwellings located within 500 feet from the centerline of the pipeline to be excavated at least five days prior to commencing such repairs.

3. If above-ground non-emergency repairs that are not routine maintenance are required, the pipeline operator shall send notification to occupants of businesses and residential dwellings located within 500 feet from the centerline of the pipeline section to be repaired at least five days prior to commencing such repairs.
4. The notice required in subsections (2) and (3) of this section shall be sent by U.S. regular mail, postage prepaid mailed at least five days prior to commencing any non-emergency repair; provided, however, that the pipeline operator may use hand delivery notice as an alternative, at the pipeline operator's discretion.
5. Inspection of the interior of all pipelines shall comply with U.S. Department of Transportation and railroad commission rules.

J. No assumption of responsibility by city.

Nothing in this section shall be construed as an assumption by the city of any responsibility of a pipeline operator of a pipeline not owned by the city, and no city officer, employee or agent shall have authority to relieve a pipeline operator from their responsibility under this section or by any other law, ordinance or resolution.

K. Protection and painting of structures.

A pipeline operator subject to this section shall keep protected and painted all pipeline risers and all appurtenances related to pipeline construction and operations which are composed of materials which are generally protected or painted. Such operator shall repaint all such items at sufficiently frequent intervals to maintain same in good condition. It shall be a violation of this ~~article~~Chapter for any pipeline operator subject to this section to permit any pipeline riser and/or appurtenances related to pipeline construction and operations to be in a state of disrepair or to have chipped, peeling or unpainted portions thereof.

L. No implied grant of easement for street and right-of-way use.

1. In the event a pipeline is placed within any public right-of-way under the jurisdiction of the city, the pipeline operator shall comply with all right-of-way use regulations as provided in the Land Development Code and Code of Ordinances. Nothing in this section grants permission for the use of any street, right-of-way or property of the city, and any such use shall be subject to the city at its sole discretion.
2. To the extent that the provisions of this section conflict with the city's right-of-way use regulations, this section shall control.

M. Bond and insurance required.

1. In the event that a pipeline permit is issued for a pipeline or other operations under this section, no actual operation shall be commenced until the pipeline operator files with the city secretary a bond and a certificate of insurance as follows:

    a. No person shall begin the construction or operation of any pipeline until such person has obtained a valid permit and filed with the city secretary a duly executed bond executed by the pipeline operator as principal with an A.M. Best "A" rated surety company that is acceptable to the city and is licensed to conduct business in the state as surety, payable to the city and the policy shall name the city as an additional insured and such surety company shall maintain an A.M. Best "A" rating for the policy period. Said bond shall include conditions that the pipeline operator, its heirs, assigns and successors will do the following:

        i. Comply with the terms and conditions of the application and this section in the construction, operation and maintenance of the pipeline and related structure(s); and
        ii. Restore all streets and sidewalks and all other public places and all public utilities that may be injured or damaged in the operation to their former condition; and

iii. Remove all litter, machinery, buildings, trash and waste used, accumulated or allowed in the construction of any pipeline within ten days of the completion of said construction; and
iv. Remove all litter, machinery, buildings, trash and waste used, accumulated or allowed in the operation of any pipeline within ten days of the completion of said operations.

b. Such bond shall be in the sum of $1,000,000.00 and before the pipeline permit shall be issued, the bond must be approved by the city and filed with the city secretary. Such bond shall become effective upon the granting of the pipeline permit and shall remain in full force and effect until all work under the terms of such pipeline permit has been completed. Such bond may later be amended to include other pipelines, under provisions of other applications or other permits.
c. In addition to the bond required in subsection (a) above of this section, each person desiring to construct a pipeline or to conduct any other work under the provisions of this section shall be required to carry public liability insurance with a carrier rated "A" or better by A.M. Best in a minimum amount of $1,000,000.00 for one person and $5,000,000.00 for one accident and property damage insurance in the amount of $10,000,000.00 for one accident, which shall remain in full force and effect and be carried so long as such pipeline is operated. A certificate of insurance shall be furnished annually by the permittee or the subsequent pipeline operator showing that such insurance is and continues in effect.
d. Each pipeline operator subject to this section shall provide and maintain in full force and effect during the term of its permit insurance with the following minimum limits:

i. Worker's compensation at statutory limits; and
ii. Employer's liability, including bodily injury by accident and by disease, for $500,000.00 combined single limit per occurrence and a 12-month aggregate policy limit of $1,000,000.00; and
iii. Commercial general liability coverage, including blanket contractual liability, products and completed operations, personal injury, bodily injury, broad form property damage, operations hazard, pollution, explosion, collapse and underground hazards for $5,000,000.00 per occurrence and a 12-month aggregate policy limit of $10,000,000.00; and
iv. Automobile liability insurance (for automobiles used by the pipeline operator in the course of its performance under the pipeline permit, including employer's non-ownership and hired auto coverage) for $2,000,000.00 combined single limit per occurrence.

2. The city may adjust the above minimum liability limits every five years during the term of the pipeline permit, or sooner as determined by city council, to compensate for the effects of inflation and with the objective to reestablish the value of coverage required as of the effective date of this division.
3. Each policy or an endorsement thereto, except those for worker's compensation and employer's liability, shall name the city and its officers, officials, employees, successors and assigns as additional insured parties, but limited to risks indemnified pursuant to this division. If any such policy is written as "claims made" coverage and the city is required to be carried as an additional insured, then the pipeline operator subject to this section shall purchase policy period extensions so as to provide coverage to the city for a period of at least two years after the last date that the pipeline permit is in effect. No deductible shall exceed ten percent of the minimum limits of liability or one percent of the consolidated net worth of such pipeline operator and its permitted affiliates, whichever is greater.
4. Each pipeline operator subject to this section shall assume and bear any claims or losses to the extent of deductible amounts and waives any claim it may ever have for the same against the city and its officers, officials, employees, successors and assigns in respect of any covered event.
5. All such policies and certificates shall contain an agreement that the insurer shall notify the city in writing not less than 30 days before any material change, reduction in coverage or cancellation of any policy. Each pipeline operator subject to this section shall give written notice to the city within five days of the date upon which total claims by any party against such pipeline operator reduce the aggregate amount of coverage below the amounts required by the pipeline permit.

6. Each policy must contain an endorsement to the effect that the insurer waives any claim or right in the nature of subrogation to recover against the city, its officers, officials, employees, successors and assigns.
7. Each policy must contain an endorsement that such policy is primary insurance to any other insurance available to the city as an additional insured with respect to claims arising there under.
8. The city council may modify the requirements of this section, as it deems appropriate, in order to account for the risk and possible threat to the public health, safety and general welfare posed by the operation of pipelines within the city.

N. Pipeline markers.

1. In accordance with U.S. Department of Transportation and railroad commission requirements, each pipeline operator subject to this subdivision shall place and maintain permanent line markers as close as practical over the regulated pipeline(s) at each crossing of a public street, utility easement and railroad. Marker(s) shall also be maintained along each regulated pipeline that is located above ground in an area accessible to the public. The markers shall be of permanent type construction and contain labeling identifying the:

    a. Pipeline operator; and
    b. Twenty-four-hour contact telephone number; and
    c. A general description of the product transported in the pipeline; i.e., natural gas, oil, petroleum.

2. No person shall tamper with, deface, damage or remove any pipeline marker, except the pipeline operator; and
3. Upon written request of the owner of real property on which a habitable structure is located and through which a regulated pipeline traverses, the pipeline operator shall install temporary pipeline markers or flagging to reduce the possibility of pipeline damage or interference, in accordance with this division.
4. The material, design, color, size and content of each line marker shall subject to all applicable State and Federal regulations ~~city council approval prior to installation.~~

O. Termination of permit.

Any violation of the provisions of any or all sections of this section shall be grounds for the termination of any pipeline permit. The termination of any pipeline permit shall require the immediate cessation of all operations subject to such pipeline permit and shall require the pipeline operator subject to this subdivision to reapply for a new pipeline permit in full accordance with the provisions of this Section.

Section 3.1 – 188 Seismic Survey Permit Required

A. A separate seismic survey permit shall be required for all seismic surveys. The operator conducting the seismic survey shall complete and submit a seismic survey application to the city containing, at a minimum, the following information:

1. Operator name, phone number, facsimile transmission number, address, and, if available, email address; and
2. If the operator is a corporation or other non-corporeal entity, the state of incorporation or organization; or if the operator is a partnership, the names and addresses of the general partners; and
3. Location of seismic survey; and
4. Date and time the seismic survey will be conducted; and
5. Detailed explanation of the seismic survey method to be used on site; and
6. Date and time the seismic survey will be completed; and
7. Identification of all staging areas; and

8. Evidence or documentation that the activity will adhere to the requirements of the city's tree preservation ordinance, found in Chapter 5 of the Land Development Code.

B. Under no circumstances may explosive charges, including but not limited to the use of dynamite, be used to conduct a seismic survey. In addition, the seismic survey activity shall be conducted in accordance with all applicable city ordinances. There shall be no nuisance created by any seismic survey with regard to noise or vibration.

C. A fee in the amount set in the city's fee schedule must accompany each seismic survey permit application.

D. No seismic activity shall be permitted on city-owned property without the express consent of, and pursuant to the conditions established by, the City Council.

E. No seismic activity shall be permitted within City owned rights of way or utility easements without first entering into a license agreement with the City, prepared by the City Public Works Department.

F. Proof of insurance in the form of a standard commercial general liability insurance bond shall be required. This coverage must include premises, operation, products, completed operations, sudden or accidental pollution, blanket contractual liability, broad form property damage, independent contractors' protective liability and personal injury. This coverage shall be a minimum combined single limit of one million dollars ($1,000,000) per occurrence location for bodily injury and property damage.

G. A detailed map showing the locations of all vibration and geophone points shall be provided prior to permit issuance.

H. A road repair agreement obligating the seismic operator to fund the repair of any damage caused by the operator to City infrastructure shall be required by the Public Works Director as a condition of permit approval.

Section 3.1 – 189 Amendments to This Chapter

Ord. Number	Date	Subject
O-06-1569	04-04-2006	Adoption of Chapter 3.1 Oil and Gas Drilling Regulations
O-06-1578	07-05-2006	Permit Fees, Inspections and Water Usage
O-08-1693	09-16-2008	Language Amendments, Required Site Plan Information, Standards for Oil and Gas Well Drilling and Production, Gas or Oil Well Permit Approval
O-10-1778	11-03-2010	Addition of: definitions, pipeline regulations and permitting procedures, comprehensive environmental standards, seismic survey provisions, phasing provisions. Amendments to: noise, landscaping, notification requirements, setback, liability and indemnification amounts and fence standards. Permit fees amended and added to Code of Ordinances
O-11-1817	01-03-2012	Addition of green completion standards, modifications to noise standards, environmental standards, definitions, water usage.

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Chapter 4
Landscaping and Buffering

Rev. 08/21/2018

Section 4.1 Purpose of This Chapter

The purpose of this Chapter is to establish rules and regulations for the minimum placement of landscaping materials in certain zoning districts.

Section 4.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality. This Chapter is also adopted under the authority of *the Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 4.3 Applicability of This Chapter

The provisions of this Chapter shall be applicable as follows:

1. For all new construction; or,

2. When an existing building is proposed for remodeling, alteration, addition, or expansion, and the proposed construction value exceeds fifty (50%) percent of the current appraised value of the existing structures, excluding the value of the land; or,

3. When an existing building is proposed for an addition that will increase the square footage of the existing building by twenty (20%) percent or greater; or,

4. As a requirement of the approval of a Special Use Permit or Planned Unit Development.

5. For purpose of this regulation, the value shall be that shown on the most recent tax roll of the Tarrant Appraisal District.

Section 4.4 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a variance from a requirement contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request to the Administrative Official. The City Council, after review and recommendation by the Planning and Zoning Commission, shall have the authority to consider requests for a waiver or to hear and decide an appeal from an administrative decision on a regulation. The City Council may approve, disapprove or modify such a request provided that such approval or modification will not be detrimental to the public safety, health, or welfare or injurious to other property. The applicant shall provide information to support a claim that there are extraordinary hardships or practical difficulties which may result from strict compliance with the regulation or that the public interest may be better served by an alternative proposal

Section 4.5 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Section 4.6 Required Landscaping

For zoning districts "CPO, CN, CC1, CC2, CC3, ML, PUD-C, PUD-I" and institutional uses including churches, schools and governmental facilities in any district.

1. Intent -The intent of this ordinance is that landscaping shall not be limited to only the application of turf or grass; but landscaping shall include the coordinated planting (or retention) of grass, shrubs, ground cover, flowering plants, and trees and the grading or moving of earth to form a visually aesthetic and pleasing environment. The review of all site plans will consider the applicant's efforts in coordinating a variety of plant materials with the physical features of the property.

2. Landscaping Completed Prior to Issuance of Certificate of Occupancy - All landscaping shall be installed prior to the issuance of a Certificate of Occupancy. A permanent Certificate of Occupancy will be issued only when it is determined by the building official that all landscaping has been installed in accordance with the approved landscape plan. If it is determined, by the Building Official that planting of live material is hindered by adverse weather conditions, a temporary Certificate of Occupancy may be issued for a period up to three months.

3. Required Landscape Mixture - Twenty percent (20%) of the total land area in any proposed development shall be landscaped. At least fifty percent (50%) of the total landscaped area shall be located in the street yard(s) (Exhibit "4-A"). In order to insure for a variety of plant materials the following minimum requirements for grass, shrubs, and trees shall be provided:

    a. All ground surfaces not used for buildings, sidewalks, roadways or other impermeable surfaces shall be covered with live grass, turf, shrubbery, trees, ground cover, flowering plants or appropriate mulching.

    b. Shrubs: Shrubs shall be provided such that one 18" in height plant or five (5) gallon plant shall be planted on-site for each five (5) linear feet of public street rights-of-way located adjacent to the property.

    c. Trees: Landscaping shall include the retention or planting of one (1) three (3) inch caliper tree per each forty (40) feet of street frontage on collector streets, or larger, as shown on the Master Thoroughfare Plan, which shall be included in the twenty (20) percent required landscaping. These trees are to be planted along the street frontage.

    d. Landscape Plans Required: Prior to the issuance of a building permit for any non-residential use, a Landscape Plan shall be submitted, as an element of the required site plan, to the City Manager or his appointed designee. The City Manager or his appointed designee, which may be either a staff member or other official body of the City, shall review such plans and shall approve same if the plans are in accordance with the criteria of these regulations. If the plans are not in accordance, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.

    e. Content of Landscaping Plans: Landscaping Plans shall be prepared by a Texas Licensed landscape architect. Landscape Plans shall contain the following information:

        1. Minimum scale of one inch equals 40 feet except as approved by the City Manager or his approved designee;
        2. Location of all trees to be preserved;
        3. Location of all plants and landscaping material to be used including paving, benches, screens, fountains, statues, or other landscape features;
        4. Species of all plant material to be used;
        5. Size of all plant material to be used;
        6. Quantity and spacing of plant material where appropriate;
        7. A general layout and description of irrigation, sprinkler or water systems, including placement of water sources as designed by a licensed irrigator;

8. Description of maintenance provisions for the Landscape Plan;
9. All Landscape Plans to be sealed by a Texas Licensed Landscape Architect;
10. Provide planting and irrigation specifications as part of the Landscape Plan;
11. Provide name and address of the owner, location of the subject property, surrounding zoning, utility lines, water mains and easements, public or private streets and drives;
12. Provide a general grading and drainage plan.

f. Description of Planting Material: Landscape plant material may be selected from the following list, however the applicant may use other plant material not listed if it is determined to be an appropriate and functional element of the landscape plan.

1. Over-story Trees (Range from 30 to 60 feet)

Common Name	**Botanical Name**
Bald Cypress	*Taxodium distichum*
Cedar Elm	*Ulmus crassifolia*
Lacebark Elm	*Ulmus parvifolia*
Pecan	*Carya illinoinesis*
Chinese Pistache	Pistacia chinesis
Bur Oak	*Quercus macrocarpa*
Red Oak	*Quercus shumardii*
Sweet Gum	*Liquidambar styraciflau*
Green Ash	Fraximus pennyslvanica
Live Oak	*Quercus virginiana*

Common Name	**Botanical Name**
Western soapberry	*Sapindus drummondii*
Post Oak	*Quercus stallata*
Black Jack Oak	Quercus marilandica
Eastern Red Cedar	Juniperus virginiana
Southern magnolia	Magnolia grandiflora
Slash pine	Pinus elliotii
Japanese black pine	Pinus thunbergi
Austrian pine	Pinus nigra
Afgan pine	Pinus eldarica

2. Accent Trees (Range from 10 to 20 feet)

Common Name	**Botanical Name**
Redbud	*Cercis canadensis*
Crape myrtle	*Langerstroemia indica*
Yaupon holly	*Ilex vomitoria*
Bradford pear	*Purus calleryana*
Texas sophora	*Sophora affinis*
Wild plum	*Prunus americana*

Common Name	**Botanical Name**
Crab apple	*Malus augustifolia*
Deciduous holly	*Illex decidua*
Flameleaf sumac	*Rhus copallina*
Cherry-laurel	*Prunus caroliniana*
Chase tree	*Vitex angus-castus*

3. Shrubs (Range from 3 to 5 feet)

Common Name	**Botanical Name**
Dwarf crape myrtle	Langerstoemia indica nana
Dwarf buford holly	*Illex cornuta 'barfordii Nana'*
Dwarf Chinese holly	*Illex cornuta 'rotunda'*
Dwarf yaupon holly	*Illex vomitoria 'nanal'*
Fraser's photinia	*Photinia Fraseri*
Purple sage	*Leucophyllum frutescens*

Common Name	**Botanical Name**
Purple leaf japanese barberry	*Berberis thumbergii 'atropurpurea'*
Pampus grass	*Cortaderia selloana*
Nandina	*Nandina domestica*
Juniper	*Juniperus chinensis* spp
Fountain grass	*Pennisetum* spp

4. Ground Cover (Ranges from 18 inches)

Common Name	**Botanical Name**
Juniper supp.	*Juniperus horizontalisd or procumbens*
Periwinkle	*Vinca major*
Monkey Grass	*Liriope muscaria* spp
Asian jasmine	*Trachelospermun asiaticum*
Confederate Star Jasmine	*Trachelospermun jasminoides*
Monkey grass	*OP hipogon*

5. Vines

Common Name	**Botanical Name**
Coral honeysuckle	Lonicera sempervirens
Carolina yellow jasmine	*Gelsemium semper*
Lady banksia rose	*Rosa baksiae*
Cross vine	*Bignonia capreolata*
Sweet autumn clematis	*Clematis paniculata*
Virginia creeper	*Parthenociassuss quinquefolia*
Boston ivy	*Parthenociassus tricuspidata*

6. Perennial and Annual Flowers

Common Name	**Botanical Name**
Chrysanthemum	*Chrysanthemum* spp
Canna	*Canna generalis*
Copper leaf	*Acalyopha Wilkesiana*
Periwinkle	*Catharanthus roseus*
Iris	*Iris supp.*
Lantana	*Lantana Camera*
Daffodil	*Narcissus Jonquil, Tazetta, & King Alfred*

Common Name	**Botanical Name**
Petunia	*Petunia hybrida*
Marigold	*Tagetes* spp
Tulip	*Tulipa* spp
Zinnia	*Zinnia spp*
Caladium	*Caladium hortulanum 'candidum' 'pink beauty'*
Moss rose or portulaca	*Portulaca gandiflora*
Wild Flowers	

g. Landscaping Credit: Landscape credits may be applied to the overall landscape requirement, as indicated in *Section 4.6.3 Required Landscape Mixture*. However, in no instance shall the credits reduce the total amount of landscaping on a lot to less than fifteen (15) percent of the total land area. Credits will only be allowed if they are maintained as a permanent element of the landscape plan. Credits may be obtained as follows:

1. For each two (2) square foot of area that is landscaped in the public street right-of-way, one (1) square foot of landscape credit will be applied to the overall landscaping requirement.

2. For each one (1) square foot of area that is landscaped with flowering seasonal color, two (2) square foot of landscape credit will be applied to the overall landscaping requirement.

3. Over and above the required shrub planting, for each newly planted shrub 18" in height or contained in a five (5) gallon container, which is maintained in a living and growing condition, fifteen (15) square feet of landscape credit will be applied to the overall landscape requirement.

4. Over and above the required tree planting, for each newly planted or existing tree of at least three (3) inches in trunk diameter, measured twelve (12) inches above grade, which is maintained in a living and growing condition, one hundred (100) square feet of landscape credit will be applied to the overall landscape requirement. Planting of two (2) ornamental trees of eight (8) feet in height shall receive the same landscape credit as one (1) three (3) inch caliper tree.

5. Over and above the required tree planting, for each newly planted or existing tree of at least six (6) inches in trunk diameter, measured twelve (12) inches above grade, which is maintained in a living and growing condition, two hundred fifty (250) square feet of landscape credit will be applied to the overall landscape requirement. Each additional one (1) inch diameter of tree over twelve (12) inches shall receive twenty (20) square feet of landscape credit.

h. Maintenance of Landscaping: All landscaping maintenance shall be the responsibility of the property owner. The following minimum standards shall be required:

1. All landscaping shall be permanently maintained and shall have an underground irrigation system installed by a licensed irrigator and must meet all applicable requirements of the City.

2. Irrigation systems may be buried on public street rights-of-way. The City or any franchised utility will not be responsible for damage to any landscaping material or equipment while performing repairs of maintenance to its system. However, landscaped right-of-ways shall be irrigated;

3. Landscaped areas shall be kept free of trash, litter, weeds and other such material or plants not a part of the landscaping;

4. All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year;

5. Plant materials which die shall be replaced with plant material of similar variety and size within a six (6) month period; and

6. The maintenance requirement contained in this section shall be applicable regardless of the tenant occupancy status of any buildings on the property. *(Ord. O-03-1408 / 07/15/03)*

i. Landscaping of Parking Lots: it is the intent of this section to encourage design and construction of parking areas in a manner whereby areas within the parking lot are landscaped as well as areas considered unusable for parking or maneuvering space. The following minimum requirements shall be observed:

1. Parking lots shall contain a minimum of one hundred forty (140) square feet of landscaped island per each eighteen (18) contiguous parking spaces required. This landscape island is to include one (1) three (3) inch caliper tree. In any case, no parking space shall be located further than ninety (90) feet to a tree within a landscaped island.

2. Landscaped islands shall be irrigated by an underground system as indicated in *Paragraph h - Maintenance of Landscaping*. Irrigation of all landscaped areas adjacent to any parking and/or driving surfaces shall be accomplished such that a minimum amount of water is applied to parking and/or driving surfaces.

3. All shrubbery, flowering plants, and trees planted in parking lot islands or adjacent to parking lots shall be set back three (3) feet from any curb and that provides for "head-in" automobile parking (Exhibit “4-B”).

4. Landscape material in parking lots shall include shrubs and trees or a combination thereof, which in turn may be planted with a combination of grass, ground cover, and/or flowering plants.

5. All landscaping within the parking lot shall be located within a landscape island or module, delineated from the surrounding paved area by a curb or barrier, constructed of masonry or concrete, of not less than six (6) inches in height around the perimeter of the island or module.

6. For new trees at the time of planting, at least three-fourths (3/4) of the tree drip line area must be in permeable area (See Exhibit "4-C").

7. For larger existing trees located in the parking area, which are being retained and incorporated into the landscape plan, an appropriate aeration system or an alternative method of protecting the tree must be provided and detailed in the landscape plan.

j. Landscaping Adjacent to Residential Districts: For any development in "C-PO", "CN", "CC1", "CC2", "CC3", "ML", "PUD-C", "PUD-I" and institutional uses including churches, schools, and governmental facilities (which includes all zoning) which abut districts zoned residential there shall be a minimum twenty (20) foot wide green belt of "live plant material of the evergreen variety" which is expected to grow to six (6) feet height in two (2) years, a minimum of three (3) feet in height at the time of installation and planted on six (6) foot centers, for the entire distance along which the development abuts the residential district. Where a fire lane is required, the green belt may be reduced to five (5) feet (Exhibit "4-D"). Exception: When adjacent to institutional uses in residential districts and "AG" used for residential and pure agricultural uses.

k. Landscaping Adjacent to Colleyville Boulevard: For any development which abuts Colleyville Boulevard there shall be a minimum twenty (20) foot wide landscaped green belt of "live plant material", exclusive of access drives. On corner lots, the twenty feet (20') wide landscaping green belt will wrap around to the depth of the property. This area may be planted with trees and shrubs required at the front of the site noted elsewhere in this Chapter. Landscape planting shall not be erected or installed in such a manner as to interfere with traffic view or impose a safety hazard. *(O-01-1295 / 08/21/01)*

l. Special Permits; Appeals; Exceptions: Any person aggrieved by this ordinance may appeal its effect to the City Council per Section 4.4 of this chapter on the basis of hardship.

m. Existing Non-Conforming Uses and/or Structures: All uses that are in existence at the time of this Landscape ordinance, which do not meet the requirements provided herein, will be considered as being nonconforming to these landscape requirements. These nonconforming uses/structures will be subject to the non-conforming provisions of *Chapter 3 – Land Use* of this Land Development Code, unless otherwise provided for in this Section. A variance to landscaping requirements may be granted, regardless of areas of noncompliance, upon completion of the following:

1. Provide the City Manager or his appointed designee with a landscape plan prepared by the landscape architect for review and approval.

2. Said landscape plan will illustrate a plan to landscape area as available, provide for irrigation, and provide for completing the plan.

3. The installation of landscaping as indicated by the landscape plan is completed and approved by the city manager or his appointed designee.

Section 4.7 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-01-1295	08/21/01	Landscaping adjacent to Colleyville Boulevard
O-03-1408	07/15/03	Maintenance regarding building vacancy
O-18-2053	08/21/2018	Several amendments as part of a total LDC review

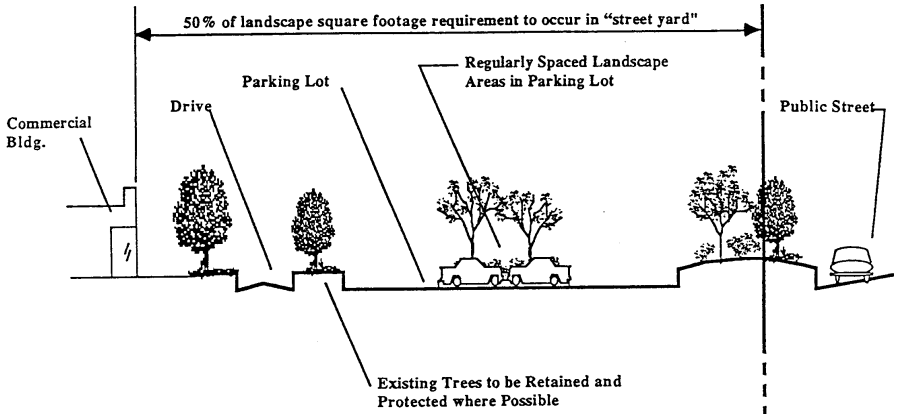


Exhibit "4-A" - Street Yard Landscaping Requirements

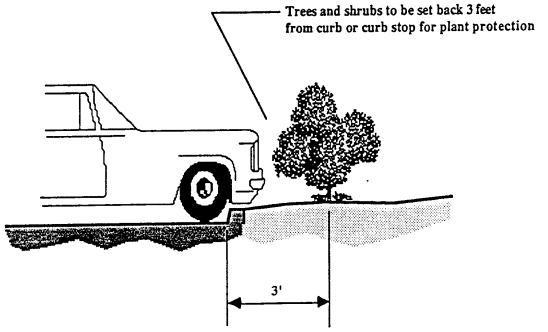


Exhibit "4-B"
Landscape Requirement for Head-in Parking

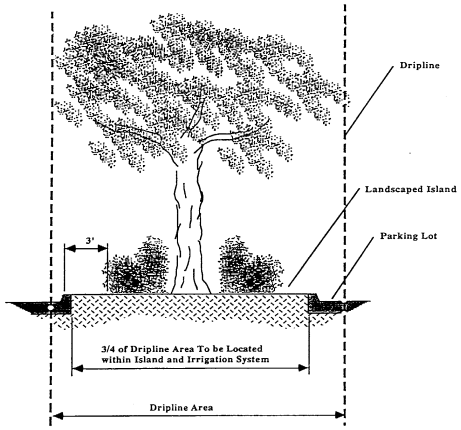


Exhibit "4-C"
Description of Dripline

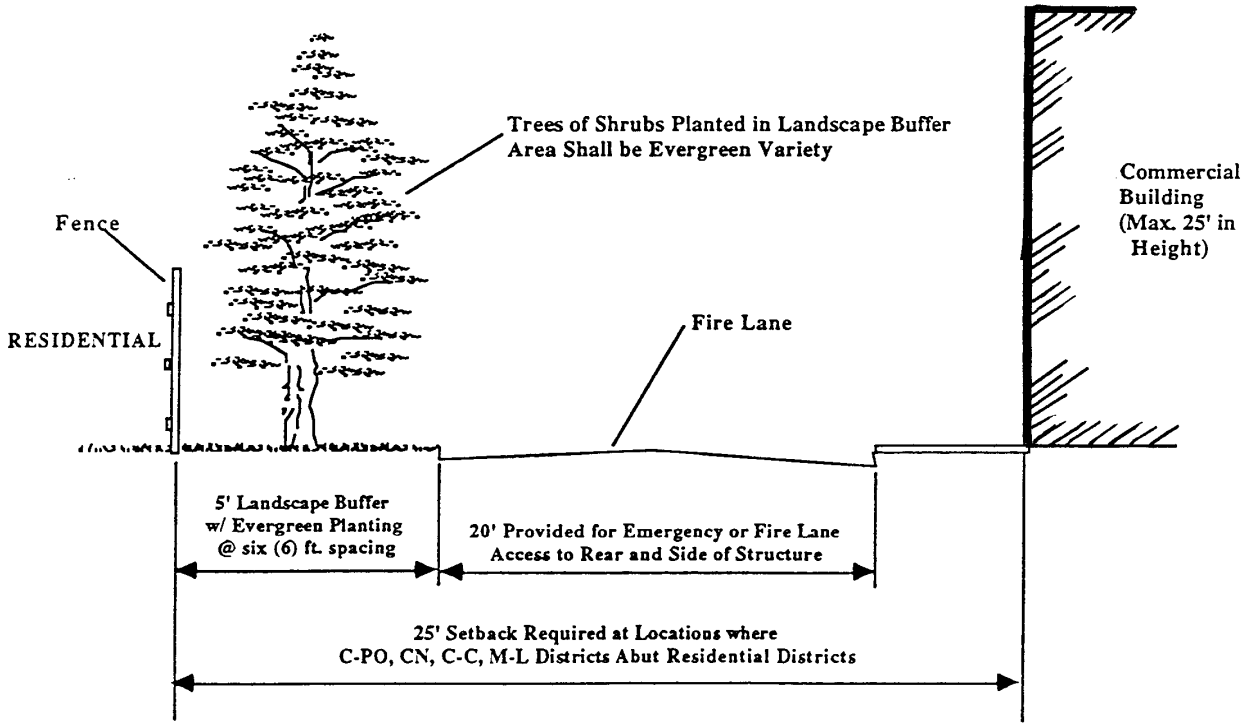


Exhibit "4-D"
Rear and Side Landscape Buffer Requirements
With Fire Lane Provided

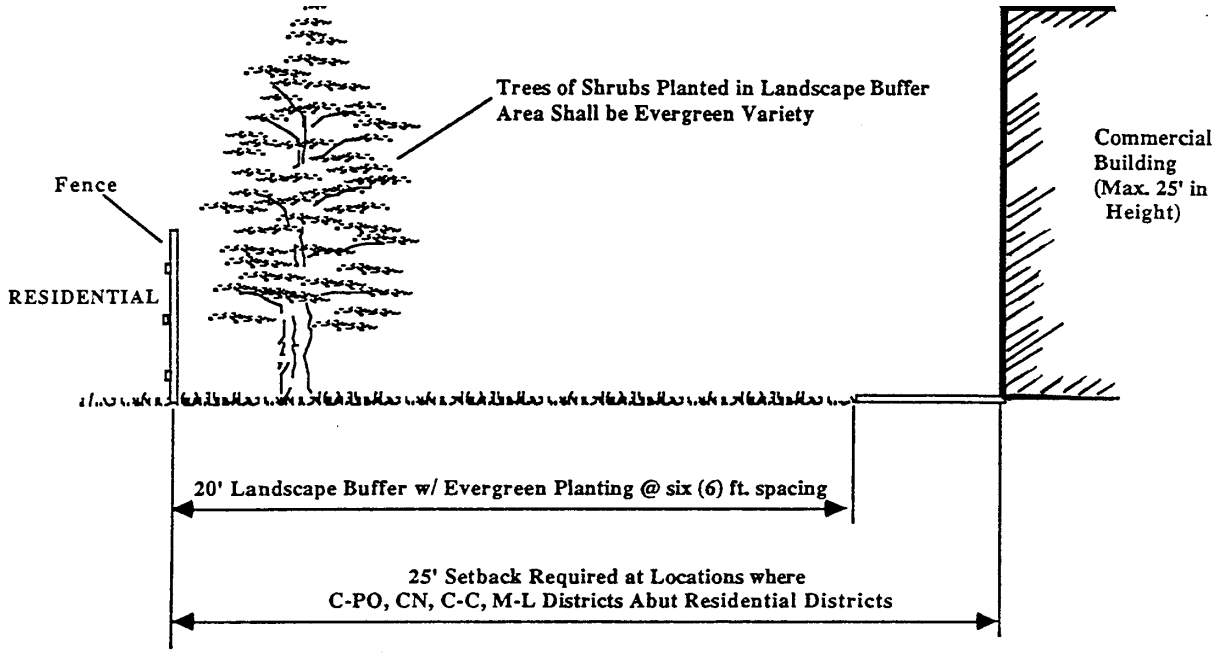


Exhibit "4-E"
Rear and Side Landscape Buffer Requirement
Without Fire Lane Provided

Chapter 5
Urban Forestry

Section 5.1 Purpose of This Chapter

The purpose of this chapter is to promote, conserve, and enhance the City's Urban Forest by:

- Recognizing the historical and cultural importance of the Eastern Cross Timbers and its impact on Colleyville
- Recognizing the environmental, economic, social, and aesthetic benefits of trees
- Encouraging and facilitating site planning and design which preserves trees and natural areas
- Protecting trees during construction
- Limiting the removal of trees
- Providing for the establishment of a diversity of native and adapted trees.

It is the further intent of this chapter to:

- Compliment *Destination Colleyville*, the City of Colleyville Comprehensive Master Plan
- Compliment The City of Colleyville Parks Master Plan
- Maintain and enhance Colleyville's identity as a Tree City USA.

Section 5.2 Authorization for Adoption of This Chapter

The regulations contained in this chapter have been adopted under the authority of *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality. This chapter is also adopted under the authority of *the Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 5.3 Variances and Appeals

Except where provided in this chapter, any person seeking approval of a development as required by this Land Development Code may request a variance from a requirement contained in this chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 5.4 Definitions

Definitions applicable to this chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Section 5.5 Tree Removal and Damage

No person directly or indirectly shall cut down, destroy, remove, move, damage, or effectively destroy through damaging the roots, trunk or canopy, any tree without first obtaining the required approvals or permits as outlined in this chapter, unless otherwise exempted by the provisions of this chapter.

Section 5.6 Applicability

A. Prior to the following activities, review and approval of that activity's compliance with this

chapter (Urban Forestry Review) shall be completed by the Administrative Official unless subject to the exemptions in Paragraph B:

1. Removal, damage, or adverse impact of any Protected Tree.
2. Construction or expansion of structures for which a building permit is required.
3. Demolition of structures.
4. Clearing, grading, excavation, filling, or paving on any site or property that has existing Protected Trees.
5. Subdivision of land into lots by Preliminary Plat, Final Plat, Minor Plat, or Replat.
6. Required site and landscape plan submittals for commercial or institutional uses as well as any site plans for a PUD, SUP, or other Zoning Case.

B. Exemptions to Urban Forestry Review:

1. Authorized City employees or contractors and authorized Franchise Utility employees or contractors may, in the course of official business, remove, damage, or adversely impact Protected Trees or portions thereof which exist in a dedicated public street right-of-way or a public utility easement which the City or Franchise Utility has an interest in. The removal, damage, or adverse impact shall be limited to the extent reasonably necessary to install, maintain, or replace utilities or infrastructure. If a Tree Preservation Plan is approved showing to preserve trees in public utility easement or street right-of-way dedicated for new or expanding streets, then those trees shall be preserved and protected per the approved plans. Ordinance O-98-1130 shall govern management and control of all trees within City street right-of-ways, City public parks, and City owned facilities.
2. Any of the above activities may be done without Urban Forestry Review on properties with an active single-family use that are zoned RE, R-40, R-30, R-20, & R-15 and where a habitable single-family home exists and is occupied as the primary residence of the landowner. If the landowner owns contiguous individual lots or tracts, the sum of all land shall be used to determine the size restriction of this exemption.
3. All landscape nurserymen shall be exempt from the terms and provisions of this section only in relation to those trees planted and growing on the nursery premises which are planted and grown for the sale or intended sale to the general public.

Section 5.7 Tree Preservation and Canopy Cover

All new development and redevelopment, to include additions, shall provide a minimum site tree canopy coverage per this Section through preservation of existing trees on the same site and establishment of new trees on the same site.

A. Calculation of Tree Canopy:

1. The canopy area for each existing Protected Tree shall be assumed as a circle having a radius in feet equal to the DBH (Diameter at Breast Height) in inches of that tree. Example: A 10 inch DBH tree would have a canopy diameter of 20 feet and a canopy area of 314 square feet.
2. *Protected Tree*. A Protected Tree is defined as a woody perennial plant which has attained a DBH of six (6) inches or more and has an overall height of at least fifteen (15) feet. Mesquite (*Prosopis glandulosa*), Hackberry/Sugarberry (*Celtis laevigata*), Chinese Tallow (*Triadica sebifera*), Hercules' Club (*Zanthoxylum clava-herculis*), Honeylocust (*Gleditsia triacanthos*), Osage Orange (*Maclura pomifera*), Callery Pear (*Pyrus calleryana*), Chinaberry (*Melia azedarach*), Eastern Cottonwood (*Populus deltoides*) less than 18 inches DBH, and Eastern Redcedar (*Juniperus virginiana*) less than 13 inches DBH are excluded from this category and are considered Non-Protected Trees. Any Non-Protected tree used as a replacement (mitigation) tree or as a required tree on a commercial landscape plan shall require replacement (if removed) with a tree or trees that meet the caliper or canopy requirements for that lot, land use, or district.

3. The canopy area for each new tree shall be credited based on the categories of large, medium, and small canopy trees: Large – 2,000 sq. ft.; Medium – 1,000 sq. ft.; Small – 100 sq. ft. The Administrative Official shall develop, update, and maintain on file a list of tree species and their associated size category and canopy credit.

B. Non-single-family residential uses:
    1. Preservation of a minimum of 50% of the Protected Tree Canopy outside the Commercial Building Envelope (building footprint plus a five (5) foot buffer) shall be required.
    2. In addition to the minimum tree preservation as required in #1, provision of a minimum of 50% site tree canopy coverage on the lot outside the Commercial Building Envelope (building footprint plus a five (5) foot buffer) shall be required. This is accomplished through the preservation of existing trees and/or the supplemental planting of new trees per the tree planting credit in Paragraph 'A' above. See appendix 'A' for examples.

C. Development or redevelopment of single-family residential uses on individual lots or tracts:
    1. Preservation of a minimum of 50% of the Protected Tree Canopy outside the Residential Building Envelope (building footprint plus a ten (10) foot buffer) shall be required.
    2. In addition to the minimum tree preservation as required in #1, provision of a minimum of 50% site tree canopy coverage on the lot outside the Residential Building Envelope (building footprint plus a ten (10) foot buffer) shall be required. This is accomplished through preservation of existing trees and/or the supplemental planting of new trees per the tree planting credit in Paragraph 'A' above. See appendix "A" for examples.

D. Additions and expansions to existing single-family residential uses on individual lots or tracts:
    1. When an addition or expansion to the footprint of a single-family residence equals 50% or more of the existing footprint, the regulations per Paragraph 'C' above shall apply.

E. Development of new single-family residential subdivisions:
    1. Preservation of a minimum of 50% of the Protected Tree Canopy on the entire subdivision shall be required. The calculation shall include Protected trees located in newly dedicated streets (public or private), public water, sanitary sewer, gas, electric, telecommunication, drainage and general utility easements. The calculation shall exclude trees located in existing public utility easements containing existing in-service water, sanitary sewer, gas, electric, or telecommunication installations as well as additional public street right-of-way dedicated adjacent to an existing public or private street. The purpose of not excluding trees in new streets and easements is to promote subdivision design and layout that prioritize preservation of trees.
    2. Within the required primary building setback areas (non-buildable areas for primary structure), a minimum of 75% of the Protected Tree Canopy shall be preserved. This is a separate calculation from that in Paragraph E.1.
    3. Once the subdivision is constructed, all improvements are accepted by the City, the Administrative Official has inspected and verified compliance with required tree preservation, and Community Development has issued a letter of acceptance allowing submittal of new single-family building permits, then the preservation requirements of Paragraph C shall apply and each lot will be reviewed separately for tree preservation and planting based on that lots remaining trees and proposed location of single-family home.

F. Artificial Lots:
    1. When more than 50% of a lot or tract being developed or redeveloped is to remain untouched by tree removal, grading, excavation, filling, paving, or building, then an artificial lot may be delineated around the portion being developed and serve as the basis for calculation of tree canopy preservation and coverage. The delineation should not leave small strips or gaps adjacent to property lines and should generally only leave out one side of a property. Review and pre-approval of delineation for artificial lots shall be required.

G. Dead, Declining, and Hazardous Trees:
    1. Any tree that the Administrative Official determines to be dead, declining beyond reasonable recovery effort, or that has a high or extreme hazard rating based on the ISA Basic Tree Risk Assessment that cannot be mitigated to a lower risk, shall be exempt from inclusion in the review of tree preservation and canopy cover calculation.

Section 5.8 Heritage Trees

A. Heritage Trees are those specimens that have attained a significant age and are the heritage of earlier residents of Colleyville or simply pre-date the community. All post oaks and blackjack oaks 15 inches DBH (Diameter at Breast Height) and larger, cottonwood, water oak, green and white ash 35 inches DBH and larger, and all other Protected Tree species 25 inches DBH and larger are hereby considered Heritage Trees.

B. Removal of any Heritage Tree in any location shall require mitigation by one of the following options:
    1. Plant trees with a total canopy credit of five (5) times the canopy area of the removed tree. Trees shall be planted on the same property that the Heritage Trees are removed unless an alternative location within the City is approved by the Administrative Official. The tree planting standards of Section 5.10 shall apply.
    2. Pay into the City of Colleyville Tree Fund at a rate of $100 per DBH inch.

Section 5.9 Tree Protection Standards

The following procedures shall be followed for all construction projects which involve activity that requires Urban Forestry Review, unless an alternative is deemed appropriate by the Administrative Official.

A. Pre-Construction: The ensuing procedures shall be followed prior to construction.

    1. All Preserved Trees shall have protective fencing located at the tree's critical root zone. The protective fencing shall be comprised of orange vinyl construction fencing, with a minimum of four-foot (4') approximate height.

    2. Lumber shall be wrapped vertically around the tree trunk and held in place with wire or any other non-damaging method if a tree is within ten (10) feet of the construction of a building or any other situation determined by the Administrative Official that would pose a physical risk to the tree trunk.

    3. In order to prevent damage to low hanging limbs, anything that may be impacted by equipment shall be pruned according to ANSI A300 standards.

    4. Each area of tree protection shall require temporary signage that indicates the area is a "Tree Protection Area" and to "Keep Out". A wording standard will be developed, updated, and maintained by the Administrative Official. The wording shall be in English

and Spanish and include the appropriate contact phone number with the City to report violations.

B. During Construction: The following procedures shall be followed within the limits of the Critical Root Zone (CRZ) of any Preserved Tree for any activity that is subject to the requirements of this chapter.

1. No placement of materials intended for use in construction or waste materials accumulated due to excavation or demolition.

2. No equipment may be cleaned or other liquids deposited. This would include but not be limited to, paint, oil, solvents, asphalt, concrete, mortar or other materials.

3. No signs, wires or other attachments, other than those of a protective nature shall be attached to the trees.

4. No vehicular and construction equipment traffic or parking.

5. Underground utilities shall be bored underneath trees' CRZ unless pre-approved by the Administrative Official.

6. Irrigation systems shall be designed to NOT require trenching across the critical root zone of any tree unless otherwise approved by the Administrative Official.

7. No digging, building, paving, or elevation changes.

. Section 5.10 Tree Planting Standards

All new trees required to be planted under this chapter shall meet the following standards.

A. Minimum size shall be three (3) inch caliper for large and medium canopy trees and one and one-half (1.5) inches for small canopy trees, measured at six (6) inches above the root flare.
B. Minimum spacing between trees is thirty (30) feet for large, fifteen (15) feet for medium, and eight (8) feet for small trees. Adjacent trees of different sizes shall meet the spacing requirement of the smaller tree.
C. Trees shall be free from severe bark, cambium, or limb damage due to handling and planting.
D. Trees shall be healthy and have minimal branch dieback.
E. Trees shall have a single trunk or stem unless they are a small canopy tree whose ornamental value is attributed to having multiple stems.
F. Trees shall not have co-dominant terminal leaders.
G. Trees shall not be planted with the root collar bellow the soil and mulch shall not be piled up against the trunk.
H. Newly planted trees shall be kept healthy and in good condition for a minimum of thirty-six (36) months, or three (3) years. If a newly planted tree does not survive, it shall be replaced with the same or similar tree type (large, medium, or small tree).
I. Trees shall be selected from the City of Colleyville Preferred Tree Planting List, to be developed, updated, and maintained on file. Trees outside of the list require pre-approval by the Administrative Official.
J. Trees shall not be planted in public utility easements or public street right-of-way without approval of the Administrative Official.

. Section 5.11 Permits

A. Tree Removal Permit

1. An application for tree removal permit must be submitted, reviewed for compliance with this chapter, and approved prior to the removal of any tree.

B. For trees that have become an immediate high hazard to persons or property, the hazard can be mitigated to a safe condition prior to permitting, but the tree parts and evidence of the damage should not be removed from the site unless sufficient photo evidence is taken in advance. An after-the-fact tree removal permit will be required within 30 days of the event and no fees or mitigation will be required as long as sufficient evidence of the hazard can be provided. If trees are removed prior to review or approval of a tree removal permit and no evidence can corroborate the hazard then the City may enforce the penalties of this chapter.

C. Fees: All tree removal permits shall be accompanied by a check made payable to the City of Colleyville per the following schedule:

1. A person that owns and has primary residence of a single-family home on a lot or combination of contiguous adjacent lots or tracts that total more than one (1) acre will not be charged a permit fee.

2. All others will require a $50 base fee plus an additional $25 per Protected Tree that is to be removed.

3. Any tree that the Administrative Official determines to be dead, declining beyond reasonable recovery effort, or that has a high or extreme hazard rating based on the ISA Basic Tree Risk Assessment that cannot be mitigated to a lower risk, shall be exempt from fees under this Section 5.11(C).

Section 5.12 Plan Submittals

All activity that requires Urban Forestry Review shall have the following plans submitted for review. The Administrative Official shall maintain and keep on file an outline for all specific items required on the following plans as well as any permit applications or additional documents required for review of each activity.

A. Tree Survey: shall include, but is no limited to, an inventory of all Protected Trees on the property, property boundaries, property easements, existing structures and paving, tree trunk location, a unique tree identification number, common name or species, trunk Diameter at Breast Height (DBH), and an outline of the Critical Root Zone (CRZ). If there are no Protected Trees on the property the Administrative Official may waive this submittal.

B. Urban Forestry Plan shall include, but is not limited to: property boundaries and easements; building setbacks; all Protected Trees; identify trees to be removed or preserved; outline the preserved trees' CRZ; show grade changes; show all new improvements such as structures, paving, major utilities; show locations, types, and sizes of new trees.

Section 5.13 Penalties and Violations

A. Civil Penalty: The Administrative Official shall have the authority to impose a civil tree mitigation penalty on any person, firm, or corporation who causes any Protected Tree to be cut down, destroyed, removed, moved, damaged, or effectively destroyed through damaging the roots, trunk or canopy without first obtaining the required approvals or permits as outlined in this chapter. The violator shall choose one, or a combination of, the violation remedy options contained in this section. The City shall have the authority to hold any development related administrative approvals for the property on which the violation occurred and may impose a stop work order until the penalty is addressed. Where the

DBH size of any tree cannot be measured due to that part of the tree being removed from the site or destroyed, the City shall have the authority to estimate the tree's DBH size based on any remaining physical evidence, photos, and documents.

1. Option 1. Tree Planting: The violator shall plant new trees with a canopy credit equal to five (5) times the canopy area of the removed trees. If the tree is a Heritage Tree, then the violator shall plant new trees with a canopy credit equal to ten (10) times the canopy area of the removed tree. All tree plantings shall meet the standards of Section 5.10. Trees shall be planted on the same property that the violation occurred unless an alternative location within the City is approved by the Administrative Official. A tree planting plan and timeline for installation of the new trees shall be provided to the Administrative Official no later than 30 days from the date of the offense. The new trees shall be planted no later than 90 days from the date of the offense or, if the site is under construction, the new trees shall be planted prior to final inspections. In the event that the trees are not planted within the prescribed timeframe, the City may delay any related administrative approvals for the property and may impose a lien on the property until such time the trees are planted.

2. Option 2. Tree Fund: The violator shall pay into the City of Colleyville Tree Fund at a rate of $250 per DBH inch of tree removed. If the tree is a Heritage Tree, then the violator shall pay $500 per DBH inch of tree removed. Payment must be provided no later than 30 days after the Offense. In the event that the fees are not paid within the prescribed timeframe, the City may delay any related administrative approvals for the property and may impose a lien on the property until such time the fess are paid.

B. Criminal Penalty: In addition to the civil penalties of this chapter, where any person, firm, or corporation violates or fails to comply with any provision or requirement of this chapter, the Administrative Official shall have the authority to issue a citation for a misdemeanor to any and all such persons, firms, or corporations, who upon conviction shall be fined not more than two thousand dollars ($2,000.00) per violation. When the violation involves the cutting down, destruction, removal, or damage to a Protected Tree, each tree shall be considered a separate offense. Additionally, a separate offense shall be deemed committed upon each day during or on which each separate violation or failure to comply occurs or continues to occur and shall be punishable as such.

Section 5.14 Appeals

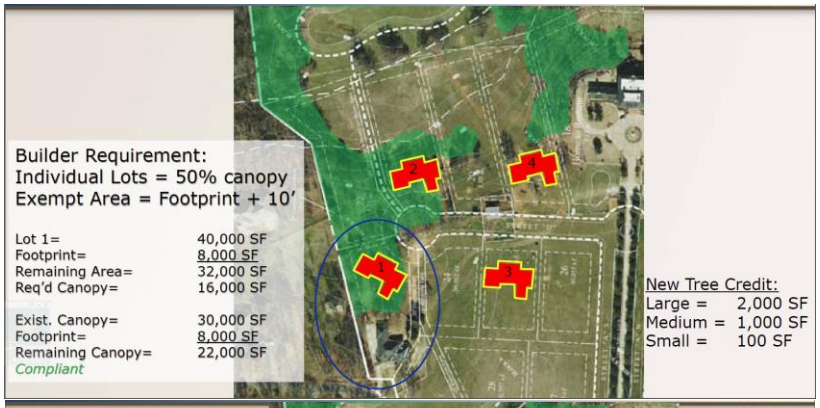
Any appeal to the provisions of this chapter and/or any appeal to a decision of the Administrative Official relative to the provisions of this chapter shall be heard by the City Council.

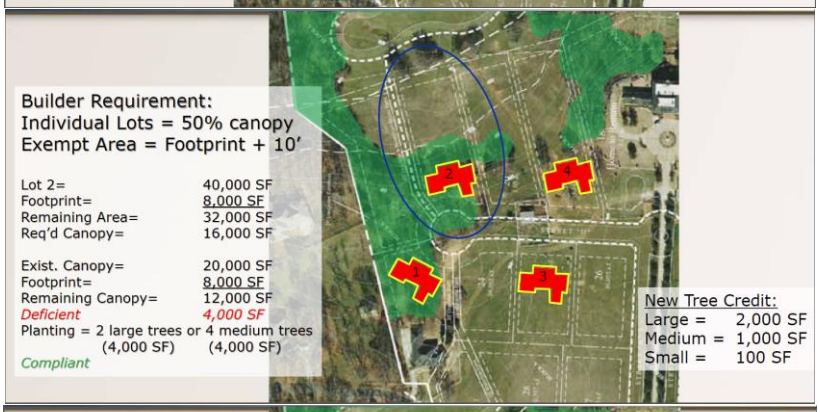
Section 5.16 Amendments

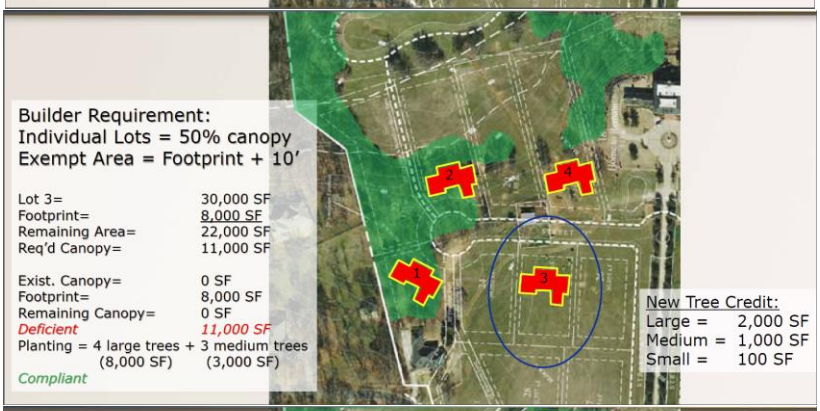
Reserved for listing of amendments to this chapter.

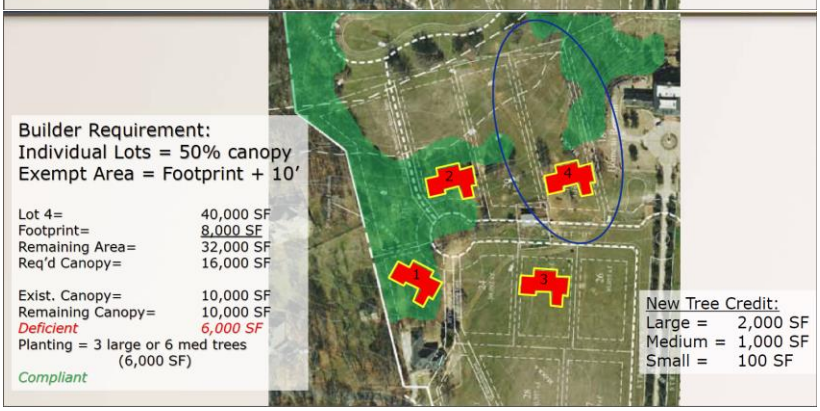
Ord. Number	Date	Subject
O-00-1214	4-18-00	Adoption of Tree Preservation in Land Development Code
O-09-1734	11-4-09	Amendments to Chapter 5 based on recommendations of consultant
O-14-1933	10/6/2014	Comprehensive amendments including incentives for preserving native tree stands, addition of fees, changes to penalties and other modifications
O-19-2073	01/22/2019	Substantial amendment to the chapter as part of a total LDC review

Appendix "A"


Builder Requirement:
Individual Lots = 50% canopy
Exempt Area = Footprint + 10'
Lot 1= 40,000 SF
Footprint= 8,000 SF
Remaining Area= 32,000 SF
Req'd Canopy= 16,000 SF
Exist. Canopy= 30,000 SF
Footprint= 8,000 SF
Remaining Canopy= 22,000 SF
Compliant
New Tree Credit:
Large = 2,000 SF
Medium = 1,000 SF
Small = 100 SF


Builder Requirement:
Individual Lots = 50% canopy
Exempt Area = Footprint + 10'
Lot 2= 40,000 SF
Footprint= 8,000 SF
Remaining Area= 32,000 SF
Req'd Canopy= 16,000 SF
Exist. Canopy= 20,000 SF
Footprint= 8,000 SF
Remaining Canopy= 12,000 SF
Deficient 4,000 SF
Planting = 2 large trees or 4 medium trees
(4,000 SF) (4,000 SF)
Compliant
New Tree Credit:
Large = 2,000 SF
Medium = 1,000 SF
Small = 100 SF


Builder Requirement:
Individual Lots = 50% canopy
Exempt Area = Footprint + 10'
Lot 3= 30,000 SF
Footprint= 8,000 SF
Remaining Area= 22,000 SF
Req'd Canopy= 11,000 SF
Exist. Canopy= 0 SF
Footprint= 8,000 SF
Remaining Canopy= 0 SF
Deficient 11,000 SF
Planting = 4 large trees + 3 medium trees
(8,000 SF) (3,000 SF)
Compliant
New Tree Credit:
Large = 2,000 SF
Medium = 1,000 SF
Small = 100 SF


Builder Requirement:
Individual Lots = 50% canopy
Exempt Area = Footprint + 10'
Lot 4= 40,000 SF
Footprint= 8,000 SF
Remaining Area= 32,000 SF
Req'd Canopy= 16,000 SF
Exist. Canopy= 10,000 SF
Remaining Canopy= 10,000 SF
Deficient 6,000 SF
Planting = 3 large or 6 med trees
(6,000 SF)
Compliant
New Tree Credit:
Large = 2,000 SF
Medium = 1,000 SF
Small = 100 SF

Chapter 6
Commercial Design Standards

Amended 9/04/2018

Section 6.1 Purpose of This Chapter

The purpose of this Chapter is to establish rules and regulations for development of commercial and institutional properties and for the exterior design and exterior building materials of commercial and institutional buildings in all zoning districts.

Section 6.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of the following:

1. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.

2. *Chapter 211 – Municipal Zoning Authority of the Texas Local Government Code*, which authorizes a municipality to divide a municipality into districts and, within each district, regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land.

3. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 6.3 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Section 6.4 Building Design Standards

1. **Applicability:** For any new commercial and institutional buildings, or additions or alterations exceeding 50% of the building improvement value based on the current certified tax roll, the following standards apply. For institutional buildings, if no relevant appraisal data exists on the certified tax roll, the building improvement value shall be obtained through an independent third party appraiser, paid by the building permit applicant, and provided to the City.

2. *Façade Articulation* - All commercial buildings shall have facades which comply with the following requirements:

    a. *Horizontal Articulation* – No building façade visible from a public street or parking area shall extend horizontally greater than three (3) times the height of the wall without having an off-set of not less than fifteen (15%) percent of the wall's height as shown on the attached Exhibit "A", and such off-set shall continue for a minimum distance equal to at least twenty-five (25%) percent of the length of the longest adjacent plane.

    b. *Vertical Articulation* – No building façade visible from a public street or parking area shall extend horizontally for a distance greater than three (3) times the height of the wall unless the wall contains at least one of the following features and every front building façade shall have no less than two of the following features:

(1) Parapets which change the roof line. The parapet height shall be a minimum of fifteen (15%) percent of the wall's height, and such height change shall continue for a minimum distance equal to at least twenty-five (25%) percent of the length of the longest adjacent plane.

(2) Overhanging eaves, extending no less than three (3) feet past the supporting walls.

(3) Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run.

(4) Three or more roof slope planes.

(5) A covered walkway along a minimum of fifty (50%) percent of the front façade length.

3. *Side and Rear Facade Features* – Side and rear building facades, which are not visible from a public street or parking area, shall include a minimum of three architectural changes, such as: (1) a changing plane not less than five (5) feet in width and eighteen (18) inches in depth, (2) a surface material change of not more than thirty (30) feet in length, as measured horizontally, or (3) a combination of these elements.

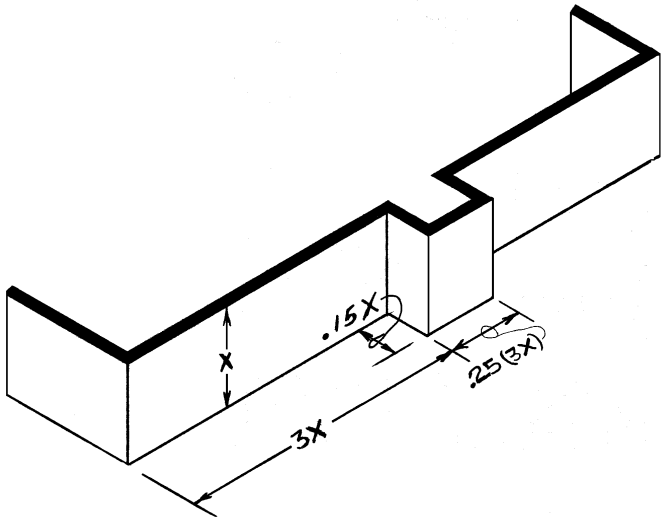


Exhibit "A"
Façade Articulation

Section 6.5 Exterior Building Color and Material Requirements

1. *Exterior Surface Materials* – A minimum of ninety (90%) percent of each exterior wall surfaces, excluding door and window openings, shall be constructed of clay-fired brick, native stone, cast stone, or a combination of these materials. Tilt - up concrete construction is permitted, provided the exterior surface is covered with clay-fired brick, native stone, cast stone, or a combination of these materials. Stucco and EIFS (Exterior Installation Finished System) are permitted for not more than ten (10%) percent of the exterior surface. Concrete block, split-faced block or cinder-block shall not be acceptable. Proposals for surface materials with similar durability and appearance of clay-fired brick, native stone, or cast stone may be considered.

2. *Exterior Surface Colors* – The exterior surfaces shall be of a natural finish, provided the colors are, subtle, or neutral colors. Trim and accent areas may be painted and feature brighter colors, including primary colors, but not more than ten (10%) percent of the wall surface area. High intensity or fluorescent colors are prohibited. Building elevations showing the proposed exterior wall color shall

be submitted with the site plan application at the time of new construction as provided for by this chapter. Any applicant for a building that does not meet the requirement of this section as determined by the Community Development Director may request a variance to the Director's interpretation per Section 6.8 below.

a. For commercial and institutional buildings that exist as of the passage of this section, upon the repainting and/or alteration of any structure, the paint and material color shall comply with section 2 above.

3. *Exposed Columns* – Exposed structural support columns shall be constructed of, or clad in, the same material as the principal structure. Architecturally significant columns (e.g. fluted, etc.) may be permitted.

Section 6.6 Additional Development Regulations

1. *Low Solid Wall* – A solid wall constructed of clay-fired brick, native stone, cast stone, or a combination of these materials, not less than thirty (30) inches in height as shown on the attached Exhibit "B" shall be provided where parking is provided adjacent to a street right-of-way. Said wall shall be constructed generally parallel to and twenty (20) feet from the street right-of-way.

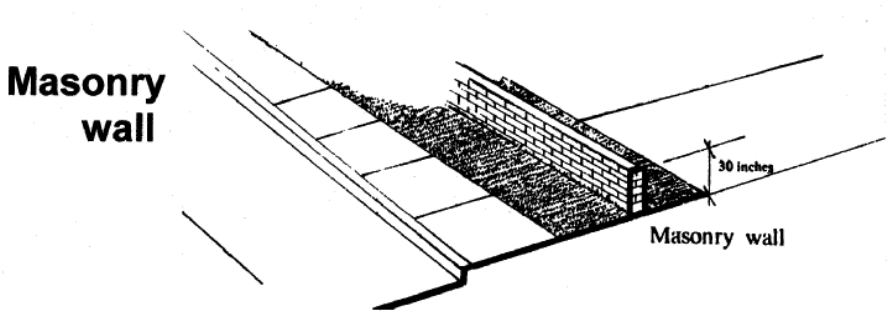
2. *Delivery / Loading Spaces* – All delivery and loading spaces shall be screened from public view from a street right-of-way or an adjacent residential property by an eight (8) foot to ten (10) foot tall solid screening wall constructed of like material to the building. Additional evergreen planting materials shall be provided so that no more than two-thirds of the surface area of the solid screening wall is visible from the street or residential property. The live (evergreen) plant screening shall consist of shrubs, a minimum of three (3) feet in height when planted, and which can be expected to reach six (6) feet or greater in height within three (3) years of planting. Shrubs shall be spaced so that there shall be no gap greater than four (4) feet between mature plant materials. No delivery or loading area shall be operated between the hours of 11:00 p.m. and 6:00 a.m. Parking of delivery vehicles shall not exceed 48 hours duration.

3. *Outdoor Display Areas* – Outside display of merchandise shall not be allowed unless allowed by a Special Use Permit (SUP) approved by the City Council, provided that it shall be limited to an area within eight (8) feet of the front wall of the primary building and further provided that emergency pedestrian access to the building is not blocked. When allowed by SUP, no merchandise shall be displayed between the hours of 11:00 p. m. and 6:00 a. m.

   For purpose of this regulation, the front wall shall be the front containment wall of the structure and not the front of an overhanging walkway cover.

4. *Outside Storage and Sales Areas* – There shall be no outside storage or outside sales areas of landscaping materials, plants or general merchandise, except for an outside display area, as provided in the above paragraph. For purpose of this regulation, nothing shall prohibit the sale or display of landscaping materials, plants or general merchandise located behind an enclosed solid screening wall constructed of like materials to the building, provided merchandise is not visible above the top of the screening wall.

5. *Cart Storage* – All shopping cart storage areas shall be contained within the primary building. Temporary shopping cart parking within parking areas shall be allowed, provided the temporary enclosures shall be ornate and appropriately designed and that the carts are removed to within the primary building on a frequent basis.



Solid Wall
Exhibit "B"

Section 6.7 Non-Residential Outdoor Lighting Requirements

A. Purpose

Efficient and effective outdoor night lighting benefits everyone and enhances the City's nighttime character. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare and light trespass that reduce residents' privacy. Excessive glare can be annoying or hazardous and may cause safety problems. There is a need for lighting requirements that recognize the benefits of efficient and effective outdoor lighting and provides clear guidelines for its installation so as to help maintain and complement the City's character and which strives to provide linkage between the built and natural environment and acknowledges and sustains the unique nature of the City's corporate-commercial, suburban and rural lifestyles. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of the City.

B. Objectives

Outdoor lighting for nonresidential uses and multifamily uses has the following objectives:

1. It is intended to reduce the problems created by improperly designed and installed outdoor lighting in those areas zoned for nonresidential uses and multifamily uses;
2. It is intended to eliminate problems of glare and minimize light trespass by establishing regulations which limit the area that certain types of outdoor lighting fixtures can illuminate and by limiting the total allowable illumination of lots located in the city;
3. All lighting installed in nonresidential uses and multifamily uses should be designed with the idea of being a good neighbor, thereby eliminating or reducing unnecessary direct light from shining onto abutting properties or streets;
4. It is the declared purpose of this subdivision that nonconforming luminaries be eliminated and be required to conform to the regulations of this subdivision within a reasonable time.

C. Applicability

1. *New fixtures or additional lighting.* This subdivision shall apply to all installations of new fixtures or additional lighting to any new or existing nonresidential or multifamily use or structure.
2. *Nonconforming Lighting.* Luminaries installed prior to the adoption of the ordinance from which this subdivision is derived shall immediately be re-aimed or shielded such that the fixture no longer creates a nuisance as defined in section 42-27. Shielding may be accomplished by louvers, baffles, visors, or shields placed on the luminaries, or any other method whereby the light therefrom does not constitute a nuisance as defined in section 42-27
3. Exemptions:

(a) Street lighting installed by a governmental agency for public benefit on public rights-of-way; or

(b) Public outdoor recreational sport fields and sport courts complex.

D. Enforcement

The enforcement of the rules and the provisions of this subdivision shall be by the Administrative Official, or his duly appointed representative.

E. Measurement

1. *Metering Equipment.* Lighting levels shall be measured in footcandles with a direct-reading, portable light meter.
2. *Method of footcandle measurement.* The meter sensor shall be not more than six inches above ground level in a horizontal position. The reading shall be taken only after the cell has been exposed long enough to provide a constant reading.

F. Prohibited Lighting

The following lighting is prohibited. No owner or occupant of land shall permit any of the following conditions to exist:

1. An unshielded light source, including bare bulbs above 15 watts, except for temporary seasonal lighting;
2. The operation of searchlights, strobes, or pulsating lights;
3. The use of low pressure sodium bulbs as a light source;
4. The use of a partial cutoff light source;
5. The use of a drop lens;
6. Luminaires located within the compatibility buffer between dissimilar uses;
7. Any luminaire that produces a disability glare;
8. Any light or combination of lighting that creates a nuisance as defined in section 42-27;
9. Any lighting installed to illuminate an unimproved surface or private outdoor recreational activities that exceeds requirements set forth in this statute without an approved variance, as set forth in this statute.

G. Height for light pole standards

Maximum height for light pole standards shall be as follows:

1. In parking areas containing zero to 150 parking spaces, maximum height of lighting pole standards shall not exceed 25 feet.
2. In parking areas containing 151 or more parking spaces, maximum height of lighting pole standards shall not exceed 35 feet.

H. Building mounted lighting

All building mounted luminaires exceeding 15 watts shall be directed down with a full cutoff fixture.

I. Floodlighting

1. Luminaires used for floodlighting shall not direct the luminance above the facade of the object being lighted.
2. Spotlights and floodlights mounted overhead on poles or building walls and used for area lighting, including but not limited to residential areas, shall be installed so that the fixture is full cutoff as defined herein, with no light above 90 degree nadir.

J. Building Entry Points

At all building entry points average projected footcandle readings as determined by the point method photometrics shall not exceed a measurement of five footcandles.

K. Canopy lighting

All canopy lighting shall be fully recessed fixtures with full cutoff lens and shall not exceed 45 footcandles at any point under the canopy.

L. Spacing

1. In parking areas containing zero to 150 parking spaces, minimum spacing of lighting pole standards shall be no less than two times the height of the standard.
2. In parking areas containing 151 or more parking spaces, minimum spacing of lighting pole standards shall be no less than four times the height of the light standard, a ratio of 4 to 1.

M. Parking area lighting

Parking area lighting shall not exceed a measurement of 15 footcandles at any point in the parking area. The average projected footcandle reading as determined by the point method photometrics shall not exceed two footcandles.

N. Residential Adjacency

Where properties with a residential use or zoning, other than Agricultural, are adjacent to a commercial site, the maximum lighting intensity shall not exceed 0.5 footcandles.

O. Penalty

1. Any person violating any provision of this section shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine as provided in the Land Development Code. A separate offense shall be deemed committed of each day during or on which a violation or failure to comply occurs or continues to occur.
2. A footcandle reading, as performed in accordance with this section, in excess of those amounts defined as a nuisance in section 72-27, shall be prima facie evidence of a violation of this subdivision.

P. Variance

1. A variance as to the height restriction may be permitted by the City Council for the replacement of luminaries installed prior to the adoption of the ordinance from which this subdivision is derived if such luminaires are damaged, destroyed, or otherwise become inoperable.
2. A variance is permissible for such replacement luminaries only in those situations where more than one luminaire existed prior to the adoption of the ordinance from which this subdivision is derived. The City Council may grant a variance, upon application by the property owner or his designee, if the City Council determines that the replacement of a damaged, destroyed, or otherwise inoperable luminaire with a luminaire conforming to the height requirement set forth in this subdivision would:

(a) Create a nuisance as defined in section 72-27; or

(b) Be aesthetically inconsistent with the remaining luminaires in determining whether a replacement luminaire would be aesthetically inconsistent, the City Council may consider the following factors:

- The location of the replacement luminaire on the subject property;

- The type of construction material of the replacement luminaire;
- The location of the subject property; and
- The outdoor lighting used on adjacent and surrounding property.

3. Notwithstanding these provisions, under no circumstances may the replacement luminaire exceed 35 feet in height.

Q. Architectural lighting of buildings and structures
For spotlights and floodlights mounted at or near ground level and used to light a building wall, sign, or other structure, the axis of illumination shall be adjusted to minimize the amount of light escaping above, below, and to the side of the illuminated object.

R. Architectural lighting of landscaping

Landscape lighting installed for nonresidential uses and multifamily uses shall be installed according to the following:

1. Any lighting that is to be placed in the canopy of a tree shall be directed in a downward position to simulate natural light received by the area.
2. The fixture shall be shielded so that all of the light is directed downward and shall not be directed toward the tree, to reduce light intrusion.
3. All proposed lighting that is to be placed in a tree shall be affixed to the trunk or branch through the use of an adjustable bracketing system that will allow for the continued growth of the tree.
4. The mounting height of landscape lighting shall not exceed 25 feet.
5. No lighting shall be bolted, nailed, or glued to the trunk or any appendages of the tree, and such unauthorized attachment will be treated as a violation of chapter 99, Vegetation, of the city's Code of Ordinances.

Section 6.8 Variances; Architectural Review Commission, City Council

A. A person may request a variance from a requirement contained in *Chapter 6 – Commercial Design Standards* by filing said request with the administrative official. A request for a variance shall be accompanied by a non-refundable application fee. A request for variance shall be referred for consideration to the Architectural Review Commission (ARC) for a recommendation to the City Council. The variance procedure shall proceed as follows:

1. Submit a variance application and pay applicable fee. No action shall be taken on any application submitted to the ARC until all applicable fees have been paid in full. No refund of any application fee shall be made after the request has been advertised and scheduled for consideration by the Commission and City Council.

2. Not later than 30 days from date of the application, a quorum of the Architectural Review Commission (ARC) shall convene a meeting to review the variance request;

3. Public Hearing and Written Notification – No action to approve or deny any application shall be taken until the Commission has held a public hearing and received comment, and only after written notice of the public hearing of the date, time and place where the variance request is to be considered has been sent to the owners of real property lying within five hundred (500) feet of the property and all Home Owner's Associations (HOA's) lying within one thousand (1,000) feet of the property where the application is being considered. Such notice shall be given to each property owner as listed on the last approved tax roll not less than fifteen (15) days before the date set for hearing by depositing letters properly addressed and postage paid in the United States Post Office

4. Final Action by City Council – The recommendation by the ARC shall be forwarded to the City Council for final decision at the next available agenda for consideration by the City Council.

Section 6.9 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-11-1818	12/13/2011	Amendments to design standards; addition of exterior material and color requirements; amendments to variance procedures and addition of architectural review committee
O-18-2057	9/04/2018	Several amendments as part of a total LDC review

Chapter 7
Sign Regulations

Rev. 02/05/2019

Section 7-100 Purpose of This Chapter

The purpose of this Chapter is to establish a comprehensive and balanced system of street graphics to facilitate an easy and pleasant communication between people and their environment and to avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. It is the intent of this Chapter to establish standards which regulate the design, construction, location, height, size and maintenance of signs and sign structures by authorizing the use of street graphics which are:

A. Compatible with their surroundings;

B. Appropriate to the activity that displays them;

C. Expressive of the identity of individual activities and the community as a whole;

D. Consistent within the corridors of the city;

E. Legible in the circumstances in which they are seen; and

F. Protective of property values.

Section 7-105 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of the following:

A. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorize a municipality to adopt ordinances, rules, or police regulation that is for the good government, peace, or for the trade and commerce of the municipality.

B. *The Home Rule Charter of the City of Colleyville*, which authorize the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 7-110 Variances and Appeals

Any person seeking approval of a sign or sign structure inconsistent with this Chapter, may request a variance from, or appeal a decision of an administrative official to the Sign Board of Appeals using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 7-115 Definitions

The definitions for this Chapter are found in *Chapter 2 – Definitions* of this Land Development Code.

Section 7-120 Responsibility for Compliance

The permittee, owner, agent, person or persons having the beneficial use of the property, the owner of the land or structure on which the sign is located, and the person in charge of erecting the sign are all subject to

the provisions of this Chapter.

Section 7-125 Violations and Penalties

Any person, firm or corporation violating any provision of this Chapter shall be guilty of a misdemeanor and shall be subject to the penalty provision contained in *Chapter 1-General Provisions* of this Land Development Code.

Section 7-130 General Conditions Applicable to All Signs

The following general conditions shall be applicable to all signs, except where a provision contained elsewhere in this Chapter specifies a different requirement.

A. Compliance Required – No person, firm or corporation shall erect a new sign, or alter an existing sign, or sign structure, unless said sign conforms to the provisions of this Chapter.

B. Sign Area – No sign shall exceed the maximum area provided for in this Chapter. The sign area permitted in this Chapter shall apply to the maximum size of a single sign face, except where a provision allows an alternate method for calculating sign area. When the two faces of a sign are separated by an angle of twenty (20) degrees or more, the maximum sign area shall be the total of all non-parallel sign faces.

C. On-Premises Requirement – All signs shall be located on the same premises where the product or merchandise being advertised is located, except where a specific provision in this Chapter provides for off-premises advertising.

D. Maximum Height – No sign shall exceed the maximum height provided for in this Chapter. In determining the maximum height of a sign, no sign shall be located on a mound where the surrounding grade has been altered by more than eighteen (18”) inches for purposes of artificially increasing the overall height of a sign above that allowed by the height regulations in this Chapter.

E. Wind Pressure and Dead Load Requirements – All permanent signs shall be designed and constructed to withstand a wind pressure of not less than 35 pounds per square foot of area.

F. Sign Contractor Registration – It shall be unlawful for any person, firm or corporation to engage in the business of erecting permanent signs in the city unless such person, firm or corporation is the holder of a valid registration with the City to perform such work. In extending the rights and privileges of such registration, the City of Colleyville makes no statement of the technical competency of those registered, and no manner of license is proffered.

G. Engineering Requirements and Construction Standards – The construction of all signs shall comply with the structural requirements of the City of Colleyville Building Code. Where required by the administrative official, the construction plans shall be signed and sealed by a professional engineer registered in the State of Texas. Any electrical installations shall comply with the City of Colleyville Electrical Code. No unfinished metal shall be allowed on the exterior surface of a sign or sign support.

H. Signs in Right-of-Way Prohibited – No sign shall be erected in, extend into or over, a public right-of-way, except where a provision in this Chapter allows such location, or with the approval by the City Council of a *Right-of-Way Encroachment Agreement*.

I. Interference with Safety Provisions – No sign shall be erected in such a manner that any portion of its surface or supports will interfere with the free ingress or egress of any fire escape, exit, standpipe, or window, or obstruct any required ventilator or door stairway.

J. Illumination – Illumination of a sign shall only be allowed where a provision contained in this Chapter allows illumination for a specific sign classification or construction type. No sign located in a residential

zoning district shall be illuminated, except where illumination is provided by a provision in this Chapter. Such sign illumination shall not produce glare or direct illumination across the property lines of the premises. For electronic message signs, the maximum brightness shall not exceed 7,000 nits or its equivalent when measured from the sign's face at its maximum brightness during daylight hours and shall not exceed 1,000 nits or its equivalent when measured from the sign's face at its maximum brightness at night.

K. Loss of Required Parking – No sign shall be constructed within the limits of a parking area that results in a reduction in the number of required parking spaces.

L. Signs in Planned Unit Developments and property with a Special Use Permit – All signs shall comply with the regulations in this Chapter, unless an ordinance for a Planned Unit Development (PUD) or a Special Use Permit (SUP) contains a provision that authorizes a variation from the regulations in this Chapter.

Section 7-135 Permits, Fees and Inspections

A. Permit Required – It shall be unlawful for any person to erect a new sign, relocate, enlarge or replace an existing sign, or sign face, regulated by this Chapter without first obtaining a permit from the Building Permit Office, except where an exemption is provided for in this Chapter. No permit shall be issued unless the proposed sign complies with the requirements of this Chapter.

B. Permit Fee – Where a permit is required by this Chapter, no application for a sign permit shall be approved which is not accompanied by a permit fee in accordance with the applicable fee schedule. Said fee schedule shall be established by separate ordinance by the City Council. The administrative official shall not issue a sign permit to any person who has previously failed or refused to pay any fees or costs assessed against him under the provisions of this Chapter until such fees are paid.

C. Application for Sign Permit – Application for a sign permit shall be made in writing upon forms furnished by the administrative official. Such application shall contain sufficient information as determined by the administrative official, including plans of the proposed sign, whereby the administrative official may determine that the proposed sign is in conformance with the requirements of this Chapter.

D. Permit Expiration – No sign permit shall be valid for more than 180 days from the date of issuance of the permit, except where a specific time period is provided elsewhere in this Chapter.

E. Temporary Sign Permit – Where required by this Chapter, a sign permit for a temporary sign shall be valid only for the period specified by the administrative official. A temporary sign which has not been removed on or before the last day authorized by the sign permit shall be deemed a violation of this Chapter.

F. Permit Revocable – The administrative official may suspend or revoke any sign permit issued in error or on the basis of incorrect or false information supplied, or whenever such permit was issued in violation of any provision of this Chapter. Any sign constructed that is the subject of a revoked permit shall be removed by the person in control of the sign or premises upon which the sign is located within ten (10) days of written notice of revocation. Notice of revocation shall be deemed to have been received when deposited in the mail, addressed to the owner of the premises, the owner of the sign, and/or the tenant for whose benefit the sign is erected as listed on the permit application.

G. Inspections – All signs shall be subject to inspection by the administrative official. The building official shall establish inspection procedures and provide copies of such procedures upon request.

H. Investigation Fees – Whenever any work for which a permit is required by this Chapter has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected, whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee.

Section 7-140 Signs Exempt From These Regulations

The following signs or forms of advertising shall be exempt from the regulations contained in this Chapter:

A. Any sign erected by or under the authority of the City of Colleyville on property owned by the City of Colleyville.

B. Street identification signs, public notices, and warning signs installed by any City, County, State or Federal agency.

C. Residential nameplates or subdivision identification plaques attached to a perimeter screening wall not exceeding two (2) square feet in area.

D. Historical markers placed by a city, county, state or national historical preservation organization.

E. Official vehicle inspection station signs, holiday lights and decorations, or works of art.

F. Signs located on-premises or inside a building and which are not displayed so as to be legible from a public street, including, but not limited to, such signs as credit card decals, hours of operation signs, emergency contact information, barber poles, etc.

G. On-site traffic control signs on commercial properties, such as Stop, Yield, and similar traffic control signs containing no commercial message.

H. “No Parking” or “Towing” signs authorized by City Ordinance.

I. “No Dumping Allowed” signs posted to deter illegal dumping.

J. Underground utility warning signs not exceeding one (1) square foot in size and similar safety signs.

K. Signs on railway property, which references the operation of such railway.

L. Security Warning, Neighborhood Watch or Crime Watch signs under two (2) square feet.

M. Flags, emblems and insignia of any governmental body.

N. Corporate flags displayed on a freestanding pole, which do not exceed 35 feet in height. The flag shall not exceed 32 square feet in area. The flagpole shall be setback a minimum of 20 feet from the front property line and 8 feet from the side property line.

O. Drive-through menu boards not located in front of the building.

P. Scoreboards, including the identification of donors.

Section 7-145 Permanent Freestanding Signs – General Conditions

A. Permits – A permit shall be required prior to construction of any permanent freestanding sign, except where an exemption is provided for in these regulations. A permit shall not be required for the sole purpose of removal and replacement of an interchangeable panel for a sign structure designed for such purpose.

B. Certificate of Occupancy Required – No permit for a permanent freestanding sign shall be approved, except where a business exists with a valid Certificate of Occupancy or where a Certificate of Occupancy has been submitted for the premises on which the sign is to be located.

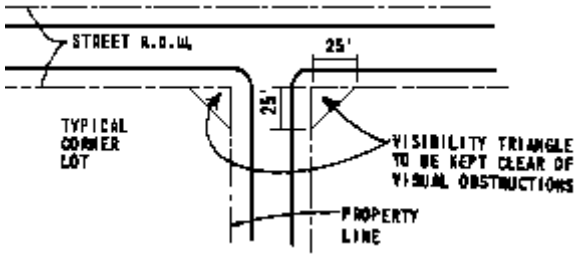
C. Construction Standards – The construction of all permanent freestanding signs shall comply with the structural requirements of the Colleyville building code. No permanent wood signs shall be allowed.

D. Illumination – A permanent freestanding sign may be illuminated. All electrical facilities shall require separate electrical permits and shall be installed in accordance with the City of Colleyville electrical code. Lighting shall be installed so as to avoid any glare or reflection onto adjacent property or create a traffic hazard on a public street. For electronic message signs, the maximum brightness shall not exceed 7,000 nits or its equivalent when measured from the sign's face at its maximum brightness during daylight hours and shall not exceed 1,000 nits or its equivalent when measured from the sign's face at its maximum brightness at night. When determined necessary by the administrative official, illuminated signs shall be shielded to minimize glare on residentially zoned property.

E. Pedestrian Clearance – No permanent freestanding sign may project over a pedestrian walkway, unless there is a minimum of eight (8') feet of clearance provided from the bottom of the sign to the grade below the sign.

F. Public Right-of-Way – No permanent freestanding sign shall project over or into a public right-of-way, except where a provision in this Chapter provides for a sign within a right-of-way or with the approval by the City Council of a *Right-of-Way Encroachment and Joint Use Agreement*. A sign may encroach over or into a public access easement that is located on private property provided a minimum of eight (8') feet of clearance is provided over a walkway and a minimum of fourteen (14') feet of clearance is provided over a driving area.

G. Street Intersection Visibility Triangles – No sign shall be located or placed where it obstructs the vision of motor vehicle drivers approaching any street intersection. At all street intersections, clear vision shall be maintained across the lot for a distance of twenty-five (25') feet back from the property corner along both streets. Within this triangle, vision shall be clear at elevations between thirty inches (30") and nine feet (9') above the average curb grade.



H. Attachments to Freestanding Sign – No guys, braces, attachments, banners, flags, balloons, or other similar devices shall be attached to any permanent freestanding sign.

Section 7-150 Permanent Freestanding Signs – Sign Classifications & Regulations

No permanent freestanding sign shall be constructed or displayed unless said sign is in conformance with the sign classifications and standards contained in this Section.

A. General Business Signs – The purpose of a general business sign is to identify the name of a business, profession, service, product or activity conducted, sold or offered on the premises where the sign is located. A general business sign may provide advertising for a single or multi-tenant occupancy. All general business signs shall be subject to the following additional regulations:

1. *Construction Design:* All general business signs shall be designed and constructed as a monument sign as defined in this Land Development Code.

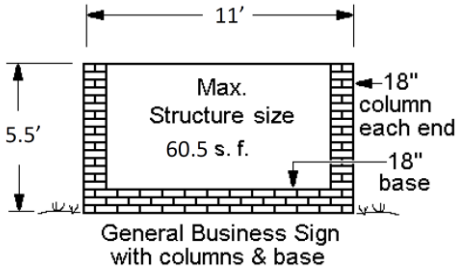
2. *Districts Permitted:* A general business sign shall be allowed only in zoning districts in accordance with Table 7-1.

3. *Maximum Number:* One general business sign shall be allowed for each 250 feet of street frontage, or portion thereof, for each lot. Where a building encompasses more than one lot, each lot shall qualify for a general business sign. If the site is a corner lot, each frontage shall be allowed additional signs using the same formula described in this paragraph. The sign(s) shall be located adjacent to and within the qualifying street frontage. Additional signs are not permitted by adding different street frontages to total more than 250 feet.

4. *Specifications:* The maximum area, height, spacing and setbacks of a general business sign shall conform to the specifications contained in Table 7-2, except where provided as follows:

   a. *Maximum Area:* Sixty and one-half square feet (60.5 s.f.), overall structure size.

   b. *Base and Column Requirements:* At a minimum, a general business sign shall be constructed to include a base and columns as described below. Said base and columns shall be included in the calculation for determining the overall structure size for compliance with these regulations.



General Business Sign
with columns & base

      i. *Base:* A general business sign shall be constructed with a base that extends the entire length of the face of the sign structure. Said base shall be a minimum of eighteen inches (18") in height and shall be constructed of brick, stone, or of a material similar to that of the primary building on the lot.

      ii. *Columns:* A general business sign shall be constructed with columns constructed on each end of the face of the sign structure. Said columns shall be a minimum of eighteen inches (18") in width as viewed from the front and side elevations and shall extend the entire height of the face of the sign structure. Said columns shall be constructed of brick, stone, or of a material similar to that of the primary building on the lot.

      iii. *Sign Face Offset Requirement:* The vertical plane of the advertising image area shall be internally offset (recessed) a minimum of two inches (2") from the vertical plane of the base and columns required above.

   c. *Maximum Height:* Five and one-half feet (5 ½').

   d. *Minimum Setback:* Eight feet (8') from an abutting street right-of-way and, if applicable, a minimum of twelve feet (12') from the edge of pavement. Thirty feet (30') from any side or rear property line adjacent to another property.

   e. *Minimum Thickness:* The advertising image area of a general business sign shall not be less than four and one-half inches (4-½") between vertical face planes.

5. *Changeable Reader Board and Electronic Message Signs:* A general business sign may include a changeable reader board or electronic message area, provided the combined gross surface area does not exceed the maximum allowable message area and provided that no more than fifty (50%) percent of the maximum allowable message area may be used as a changeable reader board or electronic message area. A permit is not required to change the message on a changeable reader board or electronic message sign. Except for scrolling reader boards, all electronic message areas shall be allowed to change messages at a minimum of every thirty (30) seconds.

6. *Spacing:* Where a lot qualifies for an additional general business sign, a general business sign shall be a minimum of one hundred (100') feet from another general business sign situated on the same lot.

7. *Two Frontage Lots:* A lot that abuts two (2) or more street frontages shall be allowed a general business sign for each street frontage, provided minimum spacing requirements are in compliance.

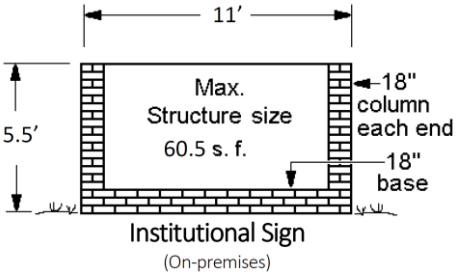
B. Institutional Signs – These regulations provide for on-premises and off-premises institutional signs to assist the public with the location of these types of uses.

   1. *On-Premises Institutional Sign*: The purpose of an on-premises institutional sign is to identify schools, churches, hospitals or similar public or quasi-public institutions. One on-premises institutional sign per street frontage shall be allowed on the premises where the institution is located and in

accordance with Table 7-1. All on-premises institutional signs shall be constructed as a monument sign as defined in this Land Development Code. The maximum area, height, spacing, and setbacks of an on-premises institutional sign shall conform to the specifications contained in Table 7-2.

a. *Maximum Area:* Sixty and one-half square feet (60.5 s.f.), overall structure size.

b. *Base and Column Requirements:* At a minimum, a general business sign shall be constructed to include a base and columns as described below. Said base and columns shall be included in the calculation for determining the overall structure size for compliance with these regulations.



Institutional Sign
(On-premises)

i. *Base:* A general business sign shall be constructed with a base that extends the entire length of the face of the sign structure. Said base shall be a minimum of eighteen inches (18") in height and shall be constructed of brick, stone, or of a material similar to that of the primary building on the lot.

ii. *Columns:* A general business sign shall be constructed with columns constructed on each end of the face of the sign structure. Said columns shall be a minimum of eighteen inches (18") in width as viewed from the front and side elevations and shall extend the entire height of the face of the sign structure. Said columns shall be constructed of brick, stone, or of a material similar to that of the primary building on the lot.

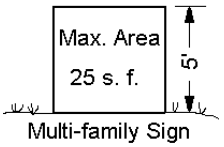
iii. *Sign Face Offset Requirement:* The vertical plane of the advertising image area shall be internally offset (recessed) a minimum of two inches (2") from the vertical plane of the base and columns required above.

c. *Minimum Setback:* Eight feet (8') from an abutting street right-of-way and, if applicable, a minimum of twelve feet (12') from the edge of pavement. Thirty feet (30') from any side or rear property line adjacent to another property.

d. *Minimum Thickness:* No on-premises institutional sign shall be less than four and one-half inches (4-½") between vertical face planes.

e. *Changeable Reader Board and Electric Message Signs:* An on-premises institutional sign may include a changeable reader board electronic message area, provided the combined gross surface area does not exceed the maximum allowable sign area and provided that no more than fifty (50%) percent of the maximum allowable sign area may be used as a changeable reader board or electronic message area. A permit is not required to change the message on a changeable reader board or electronic message sign. Except for scrolling reader boards, all electronic message areas shall be allowed to change messages at a minimum of every thirty (30) seconds.

C. Multi-family Signs – The purpose of a multi-family sign is to identify the name of a multi-family residential development. All multi-family signs shall be constructed as a monument sign as defined in this Land Development Code and be constructed using the same standards as a General Business Sign, except for maximum area and height, which are established in this paragraph. One multi-family sign per street frontage shall be allowed in zoning districts in accordance with Table 7-1. The maximum area, height, spacing, setbacks of a multi-family sign shall conform to the specifications contained in Table 7-2 and the following additional requirements.



Multi-family Sign

1. *Base and Column Requirements:* At a minimum, a general business sign shall be constructed to include a base and columns as described below. Said base and columns shall be included in the calculation for determining the overall structure size for compliance with these regulations.

i. *Base:* A general business sign shall be constructed with a base that extends the entire length

of the face of the sign structure. Said base shall be a minimum of eighteen inches (18") in height and shall be constructed of brick, stone, or of a material similar to that of the primary building on the lot.

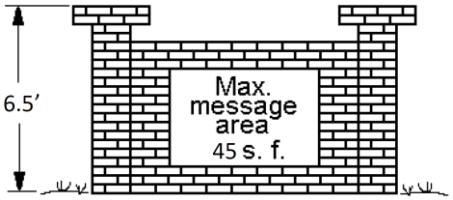
ii. *Columns:* A general business sign shall be constructed with columns constructed on each end of the face of the sign structure. Said columns shall be a minimum of eighteen inches (18") in width as viewed from the front and side elevations and shall extend the entire height of the face of the sign structure. Said columns shall be constructed of brick, stone, or of a material similar to that of the primary building on the lot.

iii. *Sign Face Offset Requirement:* The vertical plane of the advertising image area shall be internally offset (recessed) a minimum of two inches (2") from the vertical plane of the base and columns required above.

2. *Minimum Setback:* Eight feet (8') from an abutting street right-of-way and, if applicable, a minimum of twelve feet (12') from the edge of pavement. Thirty feet (30') from any side or rear property line adjacent to another property.

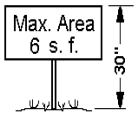
3. *Minimum Thickness:* No multi-family sign shall be less than four and one-half inches (4-½) between vertical face planes.

D. Subdivision Monument Signs – The regulations for subdivision monument signs are intended to allow residential developments to have large grand-entrance structures at the main entrances to a subdivision. All subdivision monument sign structures shall be constructed to avoid the creation of a sight visibility obstruction for vehicular traffic entering and exiting the subdivision. No more than two subdivision monument signs shall be allowed per subdivision entrance. No subdivision monument sign structure shall exceed six and one-half (6.5') feet in height and the message area shall not exceed forty-five (45) square feet. Subdivision monument signs shall be allowed in accordance with Table 7-1. Subdivision monument signs shall not be located within a public right-of-way, except with the approval by the City Council of a *Right-of-Way Joint Use Agreement*. The maximum area, height, spacing and setbacks of a subdivision monument sign shall conform to the specifications contained in Table 7-2.



Subdivision Monument Signs

E. Traffic Directional Signs – The purpose of a traffic directional sign is to guide vehicular traffic into or out of an institutional use or commercial business by identifying a public entrance and exit for vehicular traffic. No more than two traffic directional signs per entrance or exit shall be allowed in accordance with Table 7-1, provided additional traffic directional signs shall be allowed when located behind the building set-back line. The maximum area and height of a traffic directional sign shall conform to the specifications contained in Table 7-2. No permit shall be required for a traffic directional sign, provided all such signs shall comply with the regulations contained in this section.



Traffic Directional Sign

F. Directory Signs – The purpose of a directory sign is to provide a listing of the occupants within a major multi-tenant shopping center and direct to the buildings in the development. All directory signs shall be constructed as a monument sign as defined in this Land Development Code. Directory signs shall be allowed in accordance with Table 7-1 and only for retail shopping centers that contain more than four (4) tenants and contain a minimum of 250,000 square feet of gross floor area. One (1) directory sign shall be permitted per street entrance with no more than 4 such signs permitted total per retail shopping center. The maximum area, height, spacing, and setbacks of a directory sign shall conform to the specifications contained in Table 7-2.

Section 7-155 Special Purpose Sign Districts & Regulations

The following special purpose sign districts are hereby created to provide additional signage provisions that due to special circumstances are not applicable to all locations within the city.

A. Freeway Overlay Zone – The area situated within 250 feet from the right-of-way line of State Highway 121 shall be defined as the Freeway Overlay Zone for the purpose of this sign regulation.

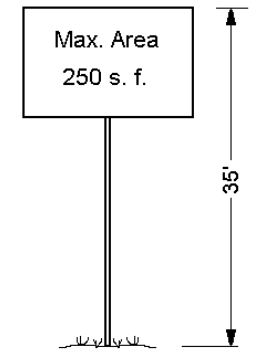
1. *Freeway Pole Signs:* The purpose of a freeway pole sign is to identify the name of a business, profession, service, product or activity conducted, sold or offered on the premises where the sign is located for businesses located adjacent to State Highway 121. Freeway pole signs shall be subject to the following regulations.

a. Permit: A permit shall be required for a Freeway Pole sign upon the review and approval of the City Council.

b. *Districts Permitted:* A freeway pole sign shall be allowed in zoning districts in accordance with Table 7-1, but only for when the sign is situated within the freeway overlay zone.

c. *Maximum Number:* No more than one freeway pole sign and one general business sign shall be allowed for each lot.

d. *Specifications:* The maximum area, height, spacing and setback of a freeway pole sign shall conform to the specifications contained in Table 7-2.



Freeway Pole Sign

B. Major Multi-Tenant Shopping Center Sign Areas – A Special Purpose Sign District for a Major Multi-Tenant Shopping Center may be approved by the City Council provided the following minimum requirements are met. A Major Multi-Tenant Shopping Center shall include retail shopping centers that contain more than four (4) tenants and contain a minimum of 100,000 square feet of gross floor area for the purpose of this sign regulation.

1. Major Shopping Center Landmark Signs: The purpose of a major shopping center landmark sign is to identify a major shopping center and the name of a business, profession, service, product or activity conducted, sold or offered within the major shopping center. A landmark sign shall mean a free standing four-sided sign that provides an effective area for multi-tenant advertisement and shall only be permitted within a major multi-tenant shopping center area as defined above.

a. Permit: A permit shall be required for a landmark sign upon the review and approval of the City Council.

b. Specifications: All landmark signs shall comply with the following minimum requirements:

i. Maximum Height: Thirty feet (30').

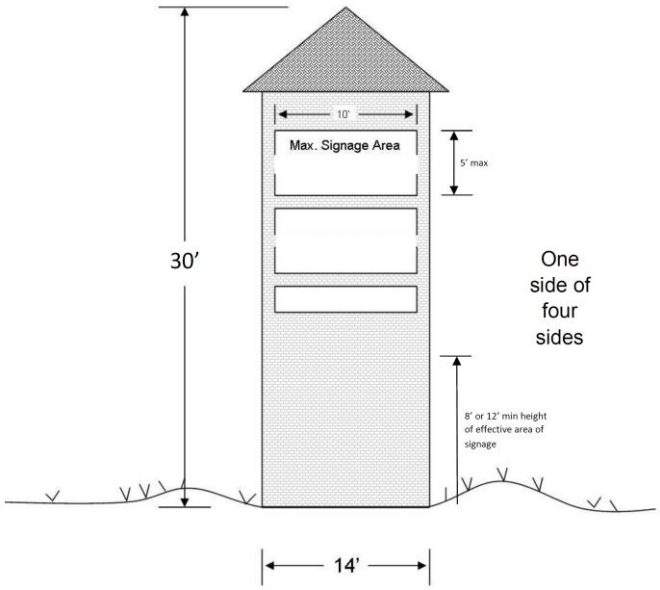
ii. Maximum Base Dimensions: Fourteen feet (14') by fourteen feet (14').

iii. Maximum Effective Area of Signage: Five feet (5') in height and ten feet (10') width.

iv. Minimum Height of Effective Area of Signage: Twelve feet (12') for center identification; Eight feet (8') for other business/tenant identification

v. Architectural Features: Landmark signs shall be architecturally compatible to the principle building(s) on the property or overall architectural theme of a development. Decorative roof and wall design features, such as parapets, ridges, and eaves, etc. shall be incorporated into the design to provide visual interest. A flat roof line with no articulation is not permitted unless deemed by the Administrative Official to be compatible with the architecture of the development.

vi. *Signage:* Signage for each tenant shall be uniform in size, color and method of construction.



Major Shopping Center Landmark Signs

Section 7-160 Permanent Freestanding Signs – Allowable Districts

No permit for a permanent freestanding sign shall be issued nor shall a permanent freestanding sign be constructed or displayed unless said sign is situated in a district authorized by Table 7-1 below:

Table 7 - 1
Allowable Districts for Permanent Freestanding Signs

Sign Classification	Permit Required (Y or N)	Residential Districts								Commercial Districts						Special Districts	
		R15	R20	R30	R40	RE	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML	AG	PUD
General Business Signs	Y									*P*	*P*	*P*	*P*	*P*	*P*		*(1)*
Freeway Pole Signs	Y									*S (2)*	*S (2)*	*S (2)*	*S (2)*	*S (2)*	*S (2)*		*S (2)*
Institutional Signs	Y	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*
Multi-family Signs	Y							*P*									*(3)*
Subdivision Monument Signs	Y	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*								*P*
Traffic Directional Signs	N	*(4)*	*(4)*	*(4)*	*(4)*	*(4)*	*(4)*	*(4)*	*(4)*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*(1)*
Directory Signs	Y												*(5)*	*(5)*			*(5)*

Notes for Table 7-1:

(1) Permitted where the PUD ordinance allows commercial uses

(2) Permitted only in the Freeway Overlay Zone with approval of an SUP

(3) Permitted where the PUD ordinance allows multi-family uses

(4) Permitted for Institutional uses in the applicable districts

(5) Permitted for retail shopping centers containing a minimum of 250,000 square feet of gross floor area.

Legend: *P* = Sign permitted in this district

(#) = Sign permitted in this district per special footnote

Section 7-165 Permanent Freestanding Signs – Area, Height and Setback Requirements

No permit for a permanent freestanding sign shall be issued nor shall a permanent freestanding sign be constructed or displayed that exceeds the maximum area, height and minimum setback requirements contained in Table 7-2 below:

Table 7 - 2
Area, Height and Setback for Permanent Freestanding Signs

Type of Sign	Maximum Sign Area (2)	Maximum Sign Height (2)	Minimum Front Property Line Setback (1)	Minimum Side Property Line Setback	Minimum Spacing B/T Next Free-Stand. Sign	Special Conditions
General Business Signs	60.5 s. f.	5.5 ft.	8 ft.	30 ft.	60 ft. (6)	1 per 250' street frontage
Freeway Pole Signs	250 s. f.	35 ft.	8 ft.	30 ft.	60 ft. (6)	1 per lot (3)
Institutional Signs (on-premises)	60.5 s f.	5.5 ft.	8 ft.	30 ft.	60 ft.	1 per street frontage
Institutional Signs (off-premises)	16 s f.	5 ft.	none	none	none	Maximum of two signs
Multi-family Signs	25 s. f.	6.5 ft.	8 ft.	30 ft.	60 ft.	1 per street frontage
Subdivision Monument Signs	45 s. f.	6.5 ft.	0 ft.	0 ft. (4)	n/a	Maximum 2 per entrance
Traffic Directional Signs (5)	6 s. f.	30 inches	0 ft.	0 ft.	0 ft.	2 per curb cut
Directory Signs	25 s. f.	6 ½ ft.	150 ft.	N/A	N/A	1 per street entrance and no more than 4 signs per retail shopping center; Sign shall only be located along an internal drive or street within the development

Notes for Table 7-2:
(1) Any street frontage shall be considered a front property line
(2) Maximum structure size.
(3) Only permitted within 250 feet of Hwy. 121 right-of-way.
(4) Signs on a street island must be designed to permit appropriate driver visibility- joint use agreement required.
(5) Spacing requirements for Freestanding Signs are not applicable to Traffic Directional Signs.
(6) 100 feet between signs when signs are located on the same lot.

Section 7-170 Permanent Attached Signs – General Conditions

A. Permit – A permit shall be required prior to construction of any permanent attached sign, except where an exemption is specifically provided for in these regulations.

B. Certificate of Occupancy Required – No permit for a permanent attached sign shall be approved, except where a business exists with a valid certificate of occupancy or where a certificate of occupancy has been submitted for the premises on which the sign is to be located.

C. Construction Standards – The construction of all permanent attached signs shall comply with the structural requirements of the Colleyville building code.

D. Illumination – A permanent attached sign may be illuminated, however, illuminated attached signs on rear building facades are prohibited. All electrical facilities shall require separate electrical permits and shall be installed in accordance with the City of Colleyville electrical code. Lighting shall be installed so as to avoid any glare or reflection onto adjacent property, or create a traffic hazard on a public street. When determined necessary by the administrative official, illuminated signs shall be shielded to minimize glare

on residentially zoned property.

E. Pedestrian Clearance – No permanent attached sign may project over a pedestrian walkway, unless there is a minimum of eight (8') feet of clearance provided from the bottom of the sign to the grade below the sign.

F. Public Right-of-Way – No permanent attached sign shall project over or into a public right-of-way, except where a provision in this Chapter provides for a sign within a right-of-way or with the approval by the City Council of a *Right-of-Way Encroachment and Joint Use Agreement*. A sign may encroach over or into a public access easement located on private property, provided a minimum of eight (8') feet of clearance is provided over a walkway and a minimum of fourteen (14') feet of clearance is provided over a driving area.

Section 7-175 Permanent Attached Signs – Classification and Regulations

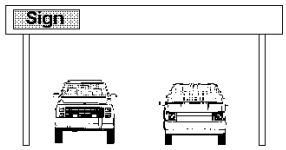
No permit for a permanent attached sign shall be issued nor shall a permanent attached sign be constructed or displayed unless said sign is in compliance with the sign classifications and standards contained in this Section and is situated in a district authorized by Table 7-3.

A. Awning Signs – The purpose of an awning sign is to provide an advertising message on the face of an awning. An awning may extend across the entire width of a building or tenant space. An awning may extend above the apparent roof line of the building, provided the awning extends across seventy-five (75%) percent of the entire width of the building façade to which it is attached. An awning shall not exceed six (6') feet in height. Awnings shall only be allowed of a single color of a neutral tone (black, gray, white, tan, etc.), opaque, and of a high quality material.



The sign area on an awning shall not exceed 20% of the area of the awning and shall extend for no more than 50% of the length of the awning or ten feet (10'), whichever is more restrictive. A permit shall be required for an awning sign. Awning signs may be illuminated.

B. Canopy Signs – A canopy sign shall be no greater in size than 20% of the face of the canopy of which it is a part or to which it is attached and shall not extend beyond the face of the canopy either vertically or horizontally. An illuminated strip may be incorporated into the canopy.



Canopy Signs

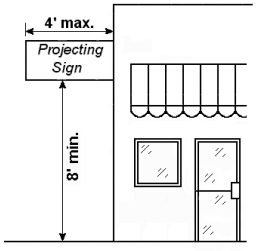
C. Projecting Signs – The purpose of a projecting sign is to identify the name of a business, profession, service, product or activity conducted, sold or offered on the premises where the sign is located by providing an advertising message that is perpendicular to the wall of the building to which it is attached. A projecting sign shall be allowed in zoning districts in accordance with Table 7-3 and shall comply with the following additional regulations:

1. *Number of Signs:* One (1) projecting sign shall be allowed for each single tenant building or for each tenant in a multi-occupancy structure. However, no tenant storefront shall have a projecting sign in combination with a wall sign on the same building elevation.

2. *Maximum Area:* A projecting sign shall not exceed twenty (20) square feet. The plane of the message area shall not exceed eighteen (18") inches from the plane of the message area on the opposite side of the sign.

3. *Horizontal Projection:* A projecting sign shall not project more than four (4') feet from any wall facing and shall not be closer than two (2') feet from a curb line. A projecting sign shall not extend above the apparent roof line of the building.

4. *Clearance:* Every projecting sign shall be a minimum of eight (8') feet above the grade over a walking area or fourteen (14') feet over a vehicular



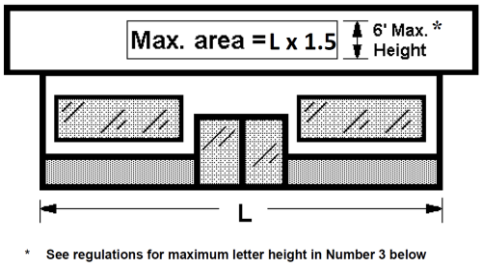
Projecting Sign

maneuvering area. Projection signs shall not project over any property line or right-of-way line.

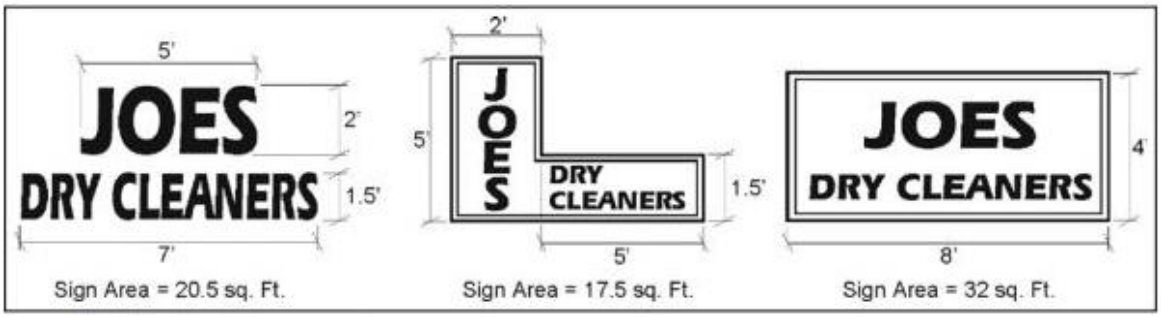
5. *Illumination:* A projecting sign may be illuminated but shall not be internally illuminated.

D. Wall Signs - A wall sign shall only be allowed over the premises on which it advertises and may be illuminated; provided, illuminated wall signs on rear building facades are prohibited. Illumination shall allow for a solid color, no changing colors allowed. Wall signs shall comply with the following additional regulations:

1. *Maximum Area:* The total area of all wall signs on a single tenant building or occupancy space of a multi-tenant building shall not exceed the product of one and one-half (1 ½) times the lineal width of the wall on which such signs are located. For purpose of this regulation, on multi-tenant buildings, the width of each lease space shall be used to calculate each sign width.



2. *Sign Area Measurement:* The measurement of sign area to determine compliance with the maximum sign area requirements shall be calculated by enclosing the extreme limits of all framing, emblem, logo, representation, writing, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight lines (see exhibit below).

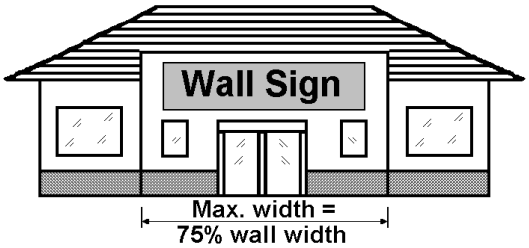


3. *Maximum Letter/Logo Height:* Ratio of letter height based on sign area and/or distance to front property line:
   <50 sf or <50 ft from front property line = 24" max. letter/logo height
   50 sf to 100 sf or 50 ft to 100 ft from front property line = 48" max.
   >100 sf or >100 ft from front property line = 72" max.

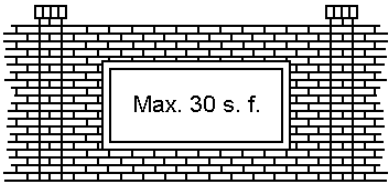
4. *Maximum Sign Height:* Six feet (6'), provided that no wall sign shall extend above the wall to which it is attached.

5. *Maximum Width:* Seventy-five percent (75%) of the width of the wall area to which it is attached. When more than one wall sign is used, the combination of the sign widths, when placed side by side, shall not exceed seventy-five (75%) of the width of the wall to which they are attached.

6. *Horizontal Projection:* No wall sign shall project from the vertical plane of the wall more than eighteen inches (18").



E. Subdivision Wall Signs or Plaques - Subdivision wall signs or plaques shall not exceed thirty (30) square feet in area. Subdivision wall signs or plaques are limited to two per subdivision entryway and may be illuminated. A subdivision wall sign or plaque shall be attached to a fence or screening wall. For purposes of this regulation, the size of the graphic and sign text shall be used to measure sign size.



Subdivision Wall Plaque

Section 7-180 Permanent Attached Signs – Allowable Districts

No permit for a permanent attached sign shall be issued nor shall a permanent attached sign be constructed or displayed unless said sign is situated in a district authorized by Table 7-3 below:

Table 7 - 3
Allowable Districts for Permanent Attached Signs

Sign Classification	Permit Required (Y or N)	Residential Districts								Commercial Districts						Special Districts	
		R15	R20	R30	R40	RE	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML	AG	PUD
Awning Signs	Y									*P*	*P*	*P*	*P*	*P*	*P*		*(1)*
Canopy Signs	Y									*P*	*P*	*P*	*P*	*P*	*P*		*(1)*
Projecting Signs	Y									*P*	*P*	*P*	*P*	*P*	*P*		*(1)*
Subdivision Wall Signs or Plaques	Y	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*							*P*	*P*
Wall Signs	Y									*P*	*P*	*P*	*P*	*P*	*P*		*(1)*

Notes for Table 7-3:

(1) Permitted where the PUD ordinance allows commercial uses

Legend: *P* = Sign permitted in this district

(#) = Sign permitted in this district per special footnote

Section 7-185 Temporary Signs – General Conditions

A. Permit – A permit approved by the administrative official prior to the construction or display of some classifications of temporary signs is required to determine compliance with these regulations and to establish the beginning and ending display periods.

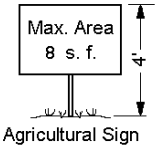
B. Certificate of Occupancy Required – No temporary sign shall be constructed or erected, except where a business exists with a valid certificate of occupancy or where a certificate of occupancy has been submitted for the premises on which the sign is to be located, unless a provision in this Section allows a sign to be displayed off-premises.

C. Illumination – No temporary sign may be illuminated, except where a regulation provides for illumination. Lighting, where allowed, shall be installed so as to avoid any glare or reflection onto adjacent property, or create a traffic hazard on a public street. When determined necessary by the administrative official, illuminated signs shall be shielded to minimize glare on residentially zoned property.

Section 7-190 Temporary Business Signs – Classifications & Number Allowed

No permit for a temporary sign shall be issued nor shall a temporary sign be constructed or displayed unless said sign is in compliance with the sign classifications and standards contained in this Section and is situated in a district authorized by Table 7-3. Where a provision exempts certain classifications of temporary signs from the permit requirement, said temporary signs shall comply with all other provisions for temporary signs.

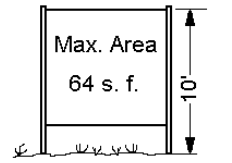
A. Agricultural Signs – The purpose of an agricultural sign is to identify the temporary seasonal sales of produce, crops, animals or poultry that are produced or raised on the farm or ranch on which the sign is placed. An agricultural sign may be displayed in zoning districts in accordance with Table 7-4. One agricultural sign shall be allowed per



Agricultural Sign

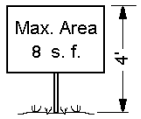
lot, parcel or tract of land, provided the property contains a minimum of one (1) acre. The maximum gross surface area of the sign shall be eight (8) square feet. Agricultural signs shall have a maximum height of four (4') feet.

B. Construction Trades Signs – The purpose of a construction trades sign is to denote the architect, engineer, financial institution or building trades contractor involved in a construction project. Construction trades signs shall be regulated as either commercial or residential, which shall be allowed in accordance with Table 7-4. The maximum area, height, spacing and setbacks of a Construction Trades Sign shall conform to the specifications contained in Table 7-5.



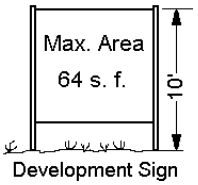
Construction Trades Sign
(commercial)

Construction trades signs shall not be erected until a building permit has been submitted for building construction and shall be removed up on completion of the construction project or occupancy of the structure, whichever is applicable. Construction trades signs shall not be illuminated. No permit or fee shall be required for a construction trades sign.



Construction Trades Sign
(residential)

C. Development Signs – The purpose of a development sign is to advertise a proposed residential subdivision or commercial project. A development sign shall be allowed in accordance with Table 7-4. A development sign shall not be illuminated. The maximum area, height, spacing and setbacks of a development sign shall conform to the specifications contained in Table 7-5. A permit shall be required for a development sign,

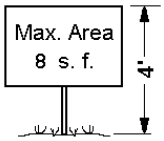


Development Sign

A development sign shall be removed when the project is 90% complete or within three years from start of construction, whichever is less. For the purpose of this provision, a subdivision shall be deemed 90% complete when 90% of the lots within the subdivision are sold.

D. Garage Sale Signs – The purpose of a garage sale sign is to announce the sale of household possessions. Garage sale signs shall be allowed in any zoning district in accordance with Table 7-4. The maximum area, height, spacing and setbacks of a garage sale sign shall conform to the specifications contained in Table 7-5 and shall comply with the following additional regulations:

1. *Duration:* A garage sale sign shall not be posted more than twenty-four (24) hours prior to the beginning of the sale and shall be removed within twenty-four (24) hours following the end of the sale.



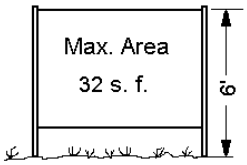
Garage Sale Sign
(residential)

2. *Illumination:* A garage sale sign shall not be illuminated.

3. *Permit:* No permit or fee shall be required for any garage sale sign.

4. *Single-family residential on-premises:* One garage sale sign per street frontage shall allowed, but only on the premises where the garage sale is being conducted and where there is an existing residential use.

5. *Neighborhood-wide garage sales:* Two garage sale signs per subdivision entrance shall be allowed for a neighborhood-wide garage sale sponsored by a homeowner's association (HOA). The garage sale sign may be off-premises from where the actual garage sale is conducted, but the sign shall be located on property, including a street right-of-way, that is within the limits of the homeowner's association. The HOA must be registered with the Colleyville Code Enforcement Department.

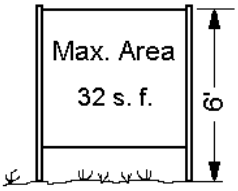


Garage Sale Sign
(neighborohood wide)

F. Home Occupation Signs – (refer to Chapter 3 of the Land Development Code regarding Home Occupations).

G. Model Home Signs – The purpose of a model home sign is to provide advertising of a typical completed residential dwelling. A model home sign shall be allowed in any residential zoning district in accordance with Table 7-4, provided the sign and the model home are located in the subdivision being developed.

Model home signs are limited to one per premises. A model home sign permit may not exceed a period of 24 months, provided if the model home is sold prior to the expiration of the 24 month period, the sign shall be removed when the sale is completed. The maximum area, height, spacing and setbacks of a Model Home sign shall conform to the specifications contained in Table 7-5.



Model Home Sign

H. Political Signs – A political sign shall be allowed in any zoning district. No political sign shall be attached to any utility, light, or traffic signal pole. A political sign shall not be illuminated. Political signs shall be subject to the following additional regulations.

1. *Political Signs on Publicly Owned Property* – A political sign shall not be placed upon any publicly owned property including but not limited to City parks, City facilities, school district property, or state or federally owned property, except for the following:

   a. *Said political sign(s) shall be placed in the perimeter landscaped area on the subject property being used as a polling location in accordance with Texas Election Code Section 61*.003 or 85.036;

   b. *Said political sign(s) shall not exceed four (4) square feet in area*;

   c. *Said political(s) shall be attached to a metal stake, not to exceed a 9 gauge diameter, driven into the ground*;

   d. *Said political sign(s) shall not encroach upon any tree roots, irrigation lines, and any other underground vegetation, or structure*;

   e. *Said political sign(s) shall not extend over any sidewalk, street, or driveway*;

   f. *Said political sign(s) shall not be placed within 30 feet of an identical sign(s)*;

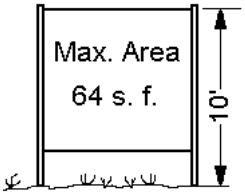
   g. *Said political sign(s) may be placed beginning 48 hours prior to the first day of the early voting period, and must be removed within three (3) days after early voting of said election, unless the polling location for Election Day is held in the same location at early voting*, then the signs shall be removed by 10:00 a.m. on the day following the election;

   h. *For a location used for Election Day only, said political sign(s) shall be placed beginning at 6:00 p.m. the day before Election Day, and shall be removed by 10:00 a.m. on the day following the election.*

2. *Political Signs on Private Property* – A political sign situated on private property shall not exceed thirty-two (32) square feet, nor exceed eight (8) feet in height, and shall not be erected more than sixty (60) days prior to the official election and shall be removed within seven (7) days after said election.

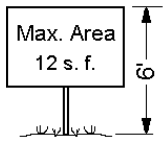
3. No permit or fee shall be required for a political sign.

I. Real Estate Signs (Commercial) – The purpose of a commercial real estate sign is to advertise the sale, rental or lease of the premises on which said sign is located. A commercial real estate sign shall be allowed in accordance with Table 7-4. A commercial real estate sign shall not be illuminated. The maximum area and height of a commercial real estate sign shall conform to the requirements contained in Table 7-5. Commercial real estate signs shall be removed within seven (7) days following the completion of the sale, rental or lease of the premises. No permit or permit fee shall be required for a commercial real estate sign.



Real Estate Sign
(commercial)

J. Real Estate Signs (Residential) – The purpose of a residential real estate sign is to advertise the sale, rental or lease of the premises on which said sign is located. A residential real estate sign shall not be illuminated. A residential real estate sign shall be allowed in a residential district in accordance with Table 7-4. The maximum area and height of a residential real estate sign shall conform to the requirements contained in Table 7-5. All signs shall be removed within seven (7) days following the completion of the sale, rental or lease of the premises. No permit of permit fee shall be required



Real Estate Sign
(residential)

for a residential real estate sign.

K. Temporary Business Signs – The purpose of a temporary business sign is to provide advertising for specific periods of time to identify the name of a business, profession, service, product or activity conducted, sold or offered on the premises where the sign is located.

1. *Requirements:* Temporary business signs shall conform to the following additional regulations:

   a. *Maximum number:* One per business occupancy holding a valid certificate of occupancy.

   b. *Illumination:* None allowed.

   c. *Permit Requirements:* A temporary business sign permit shall not be valid for more than 30 consecutive days and there shall be a thirty (30) day non-display period between permits. No more than three temporary business sign permits shall be issued per calendar year per business occupancy.

   d. *Permit Fee:* A permit fee shall be charged for a temporary business sign. The permit fee shall be established by City Council.

   e. *Districts Allowed:* Temporary business signs shall be allowed in zoning districts in accordance with Table 7-4.

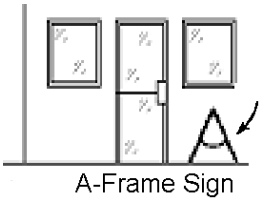
2. *Types of Temporary Business Signs:* A business tenant may choose any one of the following types of sign structures:

   a. *Flexible Banner Signs:* Banners shall be kept in good repair and remain firmly anchored or secured to the face of the building or may be suspended below the apparent lower edge of an overhanging covered walkway, provided the banner is firmly secured to the columns supporting the building. A flexible banner sign may not be freestanding. A flexible banner sign shall not exceed fifty (50) square feet nor exceed six (6) feet in height.

   b. *A-Frame Signs:* The purpose of an A-frame sign is to provide temporary advertising during business hours of a commercial occupancy.

      (1). *Maximum height and area shall conform to the following table:*

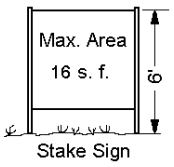
Maximum heights and areas of A-Frame Signs		
	Max. Area	Max. Height
Located on a sidewalk	8 s. f.	4 feet
Located in a yard	24 s. f.	6 feet


A-Frame Sign

      (2). *Time duration:* Only displayed during business hours.

      (3). *Placement:* Only allowed on private property, but may be located on a public sidewalk, provided a width of four feet (4) shall remain free from intrusion.

   c. *Stake Signs:* A stake sign shall not exceed sixteen (16) square feet, nor exceed six (6) feet in height.

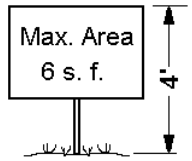


Stake Sign

L. Weekend Builder / Real Estate Open House Signs – The purpose of Weekend Builder / Real Estate Open House Signs is to assist the general public by providing direction to available residential properties in Colleyville. Signs that advertise developments located outside the corporate limits of Colleyville shall be prohibited.

1. Open House Sign Definition: A means of advertising and marketing a property that is for sale. A period of time during which a builder, developer, or real estate agency markets the home by inviting buyers in for a public viewing to see the interior without making an appointment.

2. Weekend builder / real estate open house signs may be placed on private property or in the public right-of-way with the approval of the adjacent property owner, provided the advertiser has a valid annual permit required by these regulations. Signs placed within the public right-of-way shall be situated not more than five (5) feet from the right-of-way line and shall be no closer than three (3) feet from the edge of the sign to the edge of the street pavement. No weekend builder / real estate open house sign shall block vehicular visibility. Approval of an annual permit does not grant unlimited access or use of the public right-of-way, therefore, it shall be the responsibility of the builder, owner, or real estate agency to secure permission of the property owner for placement of the signs on private property or in the adjacent street right-of-way.



Weekend Builder
and
Real Estate Open House Sign

   Open house signs shall not be posted within visibility triangles. No sign shall be located or placed where it obstructs the vision of motor vehicle drivers approaching any street intersection. At all street intersections, clear vision shall be maintained across the lot for a distance of twenty-five (25') feet back from the property corner along both streets. Within this triangle, vision shall be clear at elevations between thirty inches (30") and nine feet (9') above the average curb grade.

3. A builder, developer, or real estate agency must be registered with the City of Colleyville to qualify and participate as a weekend advertiser or for open house signs. An annual permit is required for each builder, developer or real estate agency, which shall expire on December 31 each year. The permit fee shall be established by separate ordinance approved by the City Council.

   Note: For purpose of this regulation a real estate agency shall be defined as the real estate broker or owner holding a franchised agency.

4. A weekend builder / real estate open house sign shall not exceed six (6) square feet in area and four (4) in height. No sign shall be placed on trees, utility poles, traffic control signs or within a street median or encroach over a sidewalk.

5. *Maximum number of Weekend Builder Signs:* The maximum number of signs displayed at any one time for a weekend builder shall not exceed twenty (20) signs for any subdivision.

6. *Maximum number of Real Estate Open House Signs:* The maximum number of signs displayed at any one time for a real estate agency shall not exceed twenty (20) signs, provided no more than two (2) signs shall be displayed within the right-of-way for any single residential property. One (1) on-site open house sign shall be located on the premises of the open house for property identification. The sign shall be in accordance with the open house sign maximum effective area specifications. The house shall be open for a public viewing to see the interior without making an appointment for the entire period during which open house signs advertise the property. Real estate open house signs shall be limited to directing traffic to an open house.

   All open house signs shall include the open house address, open house date(s), and open house public viewing time(s). Open house viewing times shall refer to the availability of the public to view the interior of a home without making an appointment. The information shall be located on the advertising surface of the sign and shall not be attached to the pole of the sign.

7. Weekend builder signs may be exhibited from 12:00 noon on Friday till 12:00 noon on the following Monday. Open house signs may be exhibited only between the hours of 12:00 midnight Friday to 12:00 midnight on the following Sunday. A holiday falling on a Friday or a Monday will be considered as part of the weekend.

M. Window Signs - Window signs may be placed so as not to obscure more than 25% of any individual window pane.

N. Temporary Construction Entrance Signs – The administrative official is hereby authorized to approve temporary signs to direct traffic to the entrance of a commercial business when the driveway that provides access to the business or the street immediately abutting the business is under construction.

O. Allowance for Signs Adjacent to Roadways Under Construction – Businesses adjacent to a major public roadway construction project scheduled for six months or more duration shall be eligible for prolonged temporary signage when roadway construction activities are commencing immediately adjacent to the business. The following conditions shall apply:

(1) Shall comply with Section 7-190.K Temporary Business Signs.

(2) The *Permit Requirements* (Sec. 7-190.K.1.c) shall not apply for the duration of the construction of the roadway.

Section 7-195 Temporary Signs – Permitted Districts

No temporary sign shall be displayed unless said sign is situated in a district authorized by Table 7-4.

Table 7-4
Permitted Districts for Temporary Signs

Sign Classification	Permit Required (Y or N)	Residential Districts								Commercial Districts						Special Districts	
		R15	R20	R30	R40	RE	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML	AG	PUD
Agricultural Signs	N	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***
Community Special Event Signs	N	***See Section 7-205***															
Construction Trades Signs (Commercial)	N									***P***	***P***	***P***	***P***	***P***	***P***		***(1)***
Construction Trades Signs (Residential)	N	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***							***P***	***(2)***
Development Signs	Y	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***
Garage Sale Signs (3)	N	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***(3)***	***(3)***	***(3)***	***(3)***	***(3)***	***(3)***	***(3)***	***(3)***
Missing Pet Signs	N	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***
Home Occupation Signs	N	***See Home Occupations in Chapter 3 of the Land Development Code***															
Model Home Signs	Y	***P***	***P***	***P***	***P***	***P***	***P***	***P***								***P***	***(2)***
Pole Banners	Y	***See Section 7-205.E***															
Political Signs	N	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***(1)***
Real Estate Sign (Commercial)	N									***P***	***P***	***P***	***P***	***P***	***P***		***(2)***
Real Estate Sign (Residential)	N	***P***	***P***	***P***	***P***	***P***	***P***	***P***	***P***							***P***	***(1)***
Temporary Business Signs	Y									***P***	***P***	***P***	***P***	***P***	***P***		***(1)***
Banner Signs	Y	***(4)***	***(4)***	***(4)***	***(4)***	***(4)***	***(4)***	***(4)***	***(4)***	***P***	***P***	***P***	***P***	***P***	***P***		***(1)***
A-FrameSigns	Y									***P***	***P***	***P***	***P***	***P***	***P***		***(1)***
Stake Signs	Y									***P***	***P***	***P***	***P***	***P***	***P***		***(1)***
Weekend Builder / RE Signs	Y	***See Section 7-190.K***															

Notes for Table 7-4:

(1) Permitted where the PUD ordinance allows commercial uses.

(2) Permitted where the PUD ordinance allows residential uses.

(3) Property must contain a residential use.

(4) Where an Institutional use occupies the premises

Legend

P = Sign permitted in this district

(#) = Sign permitted in this district per footnote

Section 7-200 Temporary Signs – Area & Setback Requirements

All temporary signs shall be constructed in accordance with the requirements listed in Table 7-5:

Table 7-5
Maximum Area, Height and Setback of Temporary Signs

Type of Sign	Max. Area	Max. Height	Front Property Line Setback	Side Property Line Setback	Special Conditions
Agricultural Signs	8 s. f.	4 ft.	none	none	one acre lot min.
Community Special Events Signs	See Section 7-205 for regulations				
Construction Trades Signs (Commercial)	64 s. f.	10 ft.	none	none	none
Construction Trades Signs (Residential)	8 s. f.	4 ft.	none	none	none
Development Signs	64 s. f.	10 ft.	none	none	none
Garage Sale Signs (single-family residential)	8 s. f.	4 ft.	none	none	1 per frontage
Garage Sale Signs (neighborhood-wide)	32 s. f.	6 ft.	none	none	2 per subdivision entrance
Model Home Signs	32 s.f.	6 ft.	none	none	24 months
Pole Banners	See Section 7-205.E for regulations				
Political Signs (on private property)	32 s. f.	8 ft.	none	none	none
Real Estate Signs (Commercial)	64 s. f.	10 ft.	none	none	none
Real Estate Signs (Residential)	12 s. f.	6 ft.	none	none	none
Temporary Business Signs					
Banner Signs	50 s. f.	6 ft.	none	none	3 permits per calendar year / 30 days between permits / permits valid for 30 days
A-Frame Signs (Located in a yard)	24 s. f.	6 ft.	none	none	
A-Frame Signs (Located on a sidewalk)	8 s. f.	4 ft.	none	none	
Stake Signs	16 s. f.	6 ft.	none	none	
Weekend Builder / Real Estate Open House Sign	See Section 7-190.K for regulations				

Section 7-205 Temporary Community Special Event Signs

The purpose of this regulation is to provide temporary advertising for certain community special events sponsored by public and quasi-public agencies, churches and other religious institutions located within the corporate limits of the City of Colleyville. Signs shall be allowed in accordance with the following:

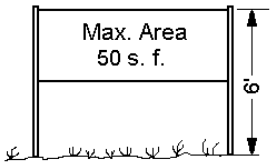
A. Qualifying Entities – The following public and semi-public agencies, churches and other religious institutions located within the corporate limits of the City of Colleyville shall be permitted to have community special event signs in accordance with the provisions of this section.

1. *City of Colleyville:* Signs advertising an event conducted and sponsored by the City of Colleyville may be placed on any private property or in the public right-of-way adjacent to the private property with the approval of the adjacent property owner. Signs placed within the public right-of-way shall be situated not more than five (5) feet from the right-of-way line and shall not block vehicular visibility.

2. *Public and Semi-Public Schools, Colleyville Chamber of Commerce, Churches and Other Religious Institutions, and Non-Profit Civic Organizations:* For the purpose of this section, a non-profit civic organization shall be a not-for-profit community organization that has as its primary objective charitable fundraising, community betterment or youth sports promotion and participation. Signs advertising an event conducted and sponsored by any of the above may be placed on any private property with the approval of the adjacent property owner. Sign dimensions shall be consistent with the provisions of Section "B(1) and (2)" below. Directional signs may be placed no sooner than 24 hours prior to the event and shall be removed no later than 24 hours after the conclusion of the event.

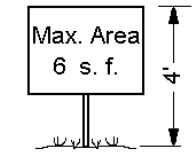
B. Types and Maximum Area of Signs Allowed – The following types of community special event signs shall be allowed, provided the sign does not exceed the maximum area and height established below.

1. *Flexible Banner Signs:* Banners shall only be allowed on the premises where the event is located. Banners shall be kept in good repair and remain firmly anchored or secured to the face of the building or may be suspended below the apparent lower edge of an overhanging covered walkway, provided the banner is firmly secured to the columns supporting the building. A flexible banner sign may be freestanding. A flexible banner sign shall not exceed fifty (50) square feet nor exceed six (6) feet in height.



Flexible Banner Sign

2. *Stake Signs:* Signs shall not exceed six (6) square feet in area nor exceed four (4) feet in height.



Community Special Events Stake Sign

C. Time Duration – Signs for City of Colleyville sponsored events may be erected for any length of time. All other signs allowed under this section may be erected 21 days prior to the activity and shall be removed not later than the first business day after the event.

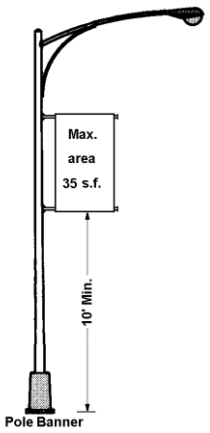
D. Pole Banner Signs

1. *Pole Banners:* The purpose of a pole banner sign is to provide advertising for a community event. Pole banners may be erected on utility and other designated poles within the public right-of-way subject to the following restrictions:

2. *Permit:* A permit is required from the building permit office and may only be issued to a non-profit organization for the purpose of advertising a function or event to which the general public is invited in Colleyville. Applications shall be considered on a first-come, first-served basis.

3. *Permit Duration:* No permit shall be approved for a period exceeding twenty-one (21) consecutive days. The pole banners shall be removed on the first business day after the last day of the event.

4. *Commercial Message:* A pole banner may only advertise the name, date, phone number and website of the community event. Any commercial message of a sponsor is limited to twenty-five percent (25%) of the sign area.



Pole Banner

5. *Maximum area and height:* Thirty-five (35) square feet in area per pole and thirty-five feet (35') from the ground, provided the banner maintains a minimum of ten feet (10') of clearance between the bottom of the pole banner and the ground.

6. *Location:* Pole banners may be installed only on poles identified by the City that include the appropriate hardware for such installation.

E. Permit – Other than events sponsored by the City of Colleyville or non-profit, community based organization listed on the City's website, a temporary sign permit shall be obtained prior to the placement of any signs allowed by this section.

Section 7-210 Special Advertising Provisions

A. Grand Openings – The purpose of the grand opening signage provision is to allow the administrative official to issue a permit to a new business or to a business that has substantially remodeled, as defined herein, for the purpose of obtaining special advertisement signage for a temporary period. The following regulations apply to grand opening signage permits:

1. *Eligibility:* Upon issuance of a certificate of occupancy and within one year thereafter, a business shall be allowed to receive a grand opening sign permit when one of the following conditions applies:

   a. When a certificate of occupancy has been issued to the new business, or

   b. When a certificate of occupancy has been issued to an existing business which has substantially remodeled and the cost of the renovation exceeds sixty (60) percent of the current value of the building or lease-space, excluding the value of the land, according to the most recently approved tax roll.

2. *Allowable Signs:* Signs may include a combination of pennants, tethered or inflatable balloons, and one (1) temporary business sign. Non-traditional balloons/inflatables shall not be allowed. The height and area of such signs shall be limited to the applicable regulations for the sign classification. A temporary business sign may be placed off-premises with the permission of the property owner during the period of the grand opening sign permit. The permit holder shall be the responsible party for compliance with the grand opening sign permit regulations.

3. *Permit:* A permit shall be required for a business to utilize the grand opening signage provisions. No permit fee shall be required for a grand opening sign permit. The use of a grand opening sign permit shall have no affect on the number of subsequent temporary sign permits that may be authorized for a business occupancy.

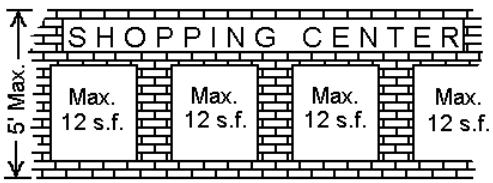
4. *Duration:* A grand opening sign permit shall be valid for a period not to exceed thirty (30) consecutive calendar days

B. Major Shopping Center Overlay Zone – The purpose of a major shopping center overlay zone is to reduce the overall number of signs situated along a public street by providing shared advertising privileges within a major development and by providing off-premises advertising alternatives for businesses located on lots which do not have frontage along a major public transportation thoroughfare. Developments which satisfy the criteria contained in this Section shall qualify for the sign provisions contained in this Section.

1. *General Qualification Criteria:* A commercial development which has a single or multi-occupancy building containing a minimum of one hundred thousand (100,000) square feet of floor area and situated on a single platted lot or on two or more contiguous platted lots shall qualify as a major shopping center. In addition to those lots which satisfy the general qualification criteria described in this paragraph, any adjacent or non-adjacent lots platted within the development that are platted under the same subdivision name shall also be eligible for the sign provisions contained in this Section.

2. *Shared and Off-Premises Signage Privileges:* A lot located within the limits of a major shopping center overlay zone may contain a sign that advertises a single or multi-tenant business occupancy located on another lot within the same major shopping center overlay zone, provided that the sign structure complies with the regulations applicable to the classification of sign constructed.

3. *Major Shopping Center Entry-Wall Signs and Plaques:* The purpose of a major shopping center entry-wall sign and plaque is to identify a major shopping center and the name of a business, profession, service, product or activity conducted, sold or offered within the major shopping center. Two sign structures shall be allowed per vehicular entrance and may be illuminated. The maximum height of the entry-wall structure shall not exceed five (5) feet. The maximum



Major Shopping Center
Entry-Wall Sign and Plaque

area of a sign plaque shall not exceed twelve (12) square feet. There shall be a minimum of three (3) feet spacing between sign plaques.

4. *Permit:* A permit shall be required for a Major Shopping Center Entry Wall Sign upon the review and approval of the City Council.

5. *Permit:* A permit shall be required for a major shopping center entry-wall sign.

Section 7-215 Prohibited Signs

The signs described in this Section shall be prohibited within the corporate limits of the City of Colleyville.

A. Off-Premises Signs – Off premises signs, including billboards, are prohibited in the City of Colleyville, except where specifically allowed by these regulations.

B. Obscene Signs – It shall be unlawful for any person to display upon any sign any obscene, indecent or immoral matter.

C. Portable Signs – No person shall erect or allow to be displayed on the premises owned or controlled by him a portable sign. Portable signs shall include windsail style signs, flags, pennants, etc., with or without lettering. No person shall attach any sign to a trailer, or similar mobile structure, where the primary use of such structure is to provide a base for such sign or to constitute the sign itself. A temporary business sign allowed by the regulations in this chapter may be constructed on skids where there is no opportunity for the sign supports to be installed in the ground.

D. Roof Sign – Signs mounted on roofs or above a parapet are not permitted.

E. Painting, Marking, Attaching, Materials to Streets, Sidewalks, etc. – No person shall attach any sign, whether consisting of paper, plastic, or paint, or stencil or write any name, number (except house numbers), or otherwise mark on any sidewalk, curb, gutter, street, whether public or private, utility pole, public building, fence or structure except as allowed by the sign code.

F. Attaching Signs to Fences or Utility Poles – No person shall attach a sign to a fence or a utility pole, except a small sign identifying the name of the fence company not discernable from the street.

G. Animated and Flashing Signs – No person shall erect or allow to be displayed upon premises owned or controlled any animated, moving or flashing sign.

H. Balloons and Inflatable Advertising – No person shall erect or allow to be displayed as a sign, any balloon, flag, pennant or other floating or inflatable advertising device anchored to the ground or to any other structure, except as allowed by a grand opening sign permit.

I. Non-Combustible Material – Any sign with either direct or indirect illumination which is attached to the sign shall be constructed of non-combustible materials. Such signs shall be supported by non-combustible supports.

J. Simulation of Traffic Control Signs – No sign shall obstruct the free and clear vision at any location, where as a result of the position, size, movement, shape, color, fashion, manner or intensity of illumination or any other characteristics, such sign may interfere with vehicular or pedestrian traffic. Nor shall any person erect or allow to be displayed upon premises owned or controlled by him any sign in such a manner as to interfere with, obstruct the view of or be confused with, any authorized traffic sign, signal, or device, including, without limitation, signs making use of the words "stop," "go," "look," "slow," "danger," or any other similar word, phrase, symbol or character, or employ any red, yellow, orange, green or other colored lamp or light in such a manner as to cause confusion or otherwise interfere with vehicular or pedestrian traffic.

K. Non-Defined Signs – No person shall erect or allow to be displayed upon premises owned or controlled by him any sign that is not specifically allowed by this Chapter.

Section 7-220 Sign Maintenance

No person shall allow a sign located on a premises owned by him, or which he has control of, to display or contain any of the following defects or conditions:

A. where the elements of the surface or background can be seen as viewed from the intended viewing distance to have portions of the finished material flaked, broken off, missing or otherwise not in harmony or consistency with the rest of the surface; or

B. where the structural supports or frame members are visibly bent, broken, dented, deteriorated or torn; or

C. where a panel is visibly cracked or in the case of wood and other similar products, splintered in such a way as to constitute unsightly or harmful conditions-, or

D. the sign, or its elements are twisted leaning or at angles other than those at which it was originally erected; or

E. where the message or wording can no longer be clearly read by a person with normal eyesight under normal viewing conditions; or

F. where the sign or its elements are not in compliance with the requirements of any building, electrical, sign or other type of code construction standards adopted by the City of Colleyville.

Section 7-225 Enforcement

A. Authority - The administrative official is hereby authorized and directed to enforce all the provisions of this Chapter.

B. Right of Entry - Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, the administrative official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the administrative official by this Chapter, provided that if such building or premises is occupied, he shall first present proper credentials and request entry; and if such building or premises is unoccupied, he shall first make a reasonable effort to located the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the administrative official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

C. Removal of Certain Signs Upon Notice – When a sign is constructed or erected in violation of these regulations, the property owner and/or tenant shall be given notice to remove said sign or alter said sign so as to comply with the regulations contained in this Chapter. Notice shall require compliance with these regulations within not more than ten (10) days from the date notice is served. Notice may be hand delivered or deposited in the United States mail, addressed to the property owner at the address shown on the most current tax roll of the City, or the tenant as shown on the utility billing records of the City. If the owner cannot be found, or if the notice is refused, or if the notice is returned by the United States Postal Service, then the owner may be notified by posting notice on or near the front door of each building on the premises where the violation exists at least ten (10) days prior to further action or by posting notice on a placard attached to a stake driven into the ground on the premises where the violation exists at least ten (10) days prior to further action.

EXCEPTION: Illegal Temporary Signs – The administrative official is hereby authorized to remove without notice any illegal temporary signs placed on public property or within a right-of-away. Such signs shall be impounded and may be destroyed by the City.

D. Dilapidated or Deteriorated Signs – Upon determination by the administrative official that a sign is in a dilapidated or deteriorated condition or declared unsafe, dangerous or poses a threat to the safety of the general public, the administrative official shall give notice of said determination to the owner of the property on which the sign is erected. Said notice shall specify a time period of not more than ten (10)

days in which said dilapidated or deteriorated condition must be corrected.

1. Failure by the owner of the property to correct the dilapidated or deteriorated sign or remove the same within the time provided in the notice shall constitute a violation of this Chapter.

2. When a property owner, agent, or tenant fails to abate a sign declared to be unsafe and dangerous within the time period allowed, the administrative official is hereby authorized to contract for such work to abate the unsafe or dangerous condition and charge the property owner for the costs of such abatement. If the actual charges to the City are not paid within thirty (30) days, the City shall file a lien against the property.

3. A sign which has been substantially destroyed or dismantled for any purpose other than maintenance operations or for changing letters, symbols or other matters on the sign. The sign shall be deemed to be substantially destroyed or dismantled if the cost of repairing the sign is more than 60% of the cost of erecting a new sign of the same type at the same location.

Section 7-230 Nonconforming Signs

A sign which does not conform to the regulations prescribed in this Chapter and existed lawfully on the date of adoption of this Chapter, or amendment hereto, shall be declared a nonconforming sign and may exist in its present form. A nonconforming sign may be maintained, but shall not be altered, or moved unless a permit be issued pursuant to the provisions of this Chapter. The right to continue a nonconforming sign shall cease and such shall be removed whenever:

A. A sign is altered, moved or relocated without a permit pursuant to the provisions of this Chapter.

   Exception: A sign face of a nonconforming sign may be replaced, provided no alterations to the sign structure are made.

B. A sign is destroyed and the cost to repair exceeds 60% of the replacement cost on the date of the damage.

C. A sign leans such that an angle between the sign and the ground is 75 degrees or less.

Section 7-235 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-02-1321	01/15/2002	Community Special Event Signs
O-02-1353	08/07/2002	Grand Opening Signs
O-03-1428	11/18/2003	Revision of entire chapter
O-04-1456	04/06/2004	Political sign revisions
O-08-1657	02/05/2008	Landmark Signs
O-08-1684	07/01/2008	Prohibited Signs
O-08-1685	07/01/2008	Weekend Builder/Real Estate Open House Signs revisions
O-09-1719	06/02/2009	Electronic Sign Regulations revisions
O-10-1742	02/16/2010	Temporary Sign Revisions
O-14-1932	10/06/2014	Political Sign Revisions
O-19-2074	02/05/2019	Several amendments as part of a total LDC review

Chapter 8
Plat Review Procedures

Amended 09.04.2018

Section 8 – 100 Purpose of This Chapter

The purpose of this Chapter is to establish regulations which describe the process for the review and approval of subdivision plats, but more specifically to:

A. provide for the safe, orderly, and healthful development of the area within the city and within the area surrounding the city and to promote the health, safety, and general welfare of the community;

B. encourage the orderly development of the city through appropriate growth management techniques assuring the timing and sequencing of development, promoting in-fill development in existing neighborhoods and nonresidential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas;

C. encourage appropriate protection to environmentally sensitive areas;

D. ensure that public facilities and services are available; and

E. establish procedures for the review and approval of subdivision plats.

Section 8 – 105 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of the following:

A. *Chapter 212 – Municipal Regulation of Subdivisions and Property Development of the Texas Local Government Code*, which authorizes a municipality to adopt rules governing plats and subdivisions of land within the municipality's jurisdiction.

B. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.

C. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution and laws of the State of Texas.

Section 8 – 110 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a variance from a requirement contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 8 – 115 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Section 8 – 120 Plat Approval Required

It shall be unlawful for a person, firm or corporation owning a tract of land located within the corporate limits of the City of Colleyville, Texas, or extraterritorial jurisdiction, to hereafter divide the same tract of land into two or more parts, to lay out a subdivision, to lay out a building lot, or to lay out a street, alley, square, park, or other parts of the tract intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts for purpose of development without having a plat of the subdivision prepared and approved in accordance with this Chapter. A division of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method for purpose of development. A division of land under these regulations does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated. The provisions of this Chapter shall apply to any development which is intended as a single lot, tract or parcel where a primary structure will be located. Furthermore, the following shall be applicable to all subdivisions of land:

A. It shall be the policy of the City of Colleyville to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the City pursuant to the Colleyville Comprehensive Plan for the orderly, planned, efficient, and economical development of the City.

B. The City has no obligation to extend water or sewer service to any lot, tract or parcel or land sold or created in violation of this Chapter.

C. All plats and subdivisions shall conform to the rules and regulations set forth herein.

D. This Chapter is not intended to repeal, abrogate, or impair any existing plans or ordinances. However, where the provisions of this Chapter and other ordinances or plans conflict or overlap, the most restrictive provisions thereof shall apply.

E. The provisions contained in this Chapter, shall be considered as the minimum requirements for review and approval of a subdivision plat.

Section 8 – 125 Plat Required for Building Permit

No building permit shall be approved for any lot, tract or parcel of land unless and until a plat has been approved in accordance with this Land Development Code, except as provided as follows:

A. Residential Structures - A building permit for an addition to, or renovation of, an existing residential structure may be issued on an un-platted lot, provided the expansion does not exceed twenty-five (25%) percent of the square footage of the existing structure and the value of such proposed construction, including the cumulative value of any proposed and all previously permitted building permits on the primary structure, does not exceed fifty (50%) percent of the value of the existing structure, excluding the value of the land, as shown on the most current tax roll. Building permits as used herein do not include electrical, plumbing or similar non-construction activities.

B. Non-residential Structures - A building permit for an addition to, or renovation of, an existing non-residential structure may be issued on an un-platted lot, provided the value of such proposed construction, including the cumulative value of any proposed and all previously permitted building permits on the primary structure, does not exceed fifty (50%) percent of the value of the existing structure, excluding the value of the land, as shown on the most current tax roll. Building permits as used herein do not include electrical, plumbing or similar non-construction activities.

C. Platting Exemption for Certain Accessory Buildings - A building permit for an accessory structure may be issued on an un-platted lot in the Agricultural District.

D. Public Facilities Available - No building permit for a primary building will be issued until all public facilities have been installed and have been approved and accepted by the City or provision, acceptable to the City,

has been made by the developer for such public facilities.

Section 8 – 130 Approval Authority Over Subdivision Plats

A. Approval of Plats Required –The approving body for all subdivision plats shall be in accordance with the following table:

Approving Body Responsible for Approving Plats			
Classification of Plat	**Staff**	**P&Z**	**Council**
Combination Preliminary/Final Plat	no	yes	yes
Preliminary Plats	no	yes	yes
Final Plats	no	yes	yes
Minor Plats	yes	no *	no*
Replat	no	yes	yes
Amending Plats	yes	no *	no*

* The Planning and Zoning Commission and City Council shall have the authority to approve a Minor Plat and an Amending Plat which has not been approved by City Staff.

B. Preliminary, Final or Combination Preliminary/Final Plat Approval by the Planning and Zoning Commission and City Council - The Planning and Zoning Commission shall approve or disapprove a Preliminary, Final or Combination Preliminary/Final Plat. In addition to the requirement of approval by the Planning and Zoning Commission, the City Council shall also be required to approve these plats. In the event of any discrepancy between a plat as approved by the Planning and Zoning Commission and the City Council, the plat approved by the City Council shall prevail.

C. Replat Approval by the Planning and Zoning Commission and City Council - The Planning and Zoning Commission shall approve or disapprove a Replat. In addition to the requirement of approval by the Planning and Zoning Commission, the City Council shall also be required to approve replats. In the event of any discrepancy between a plat as approved by the Planning and Zoning Commission and the City Council, the plat approved by the City Council shall prevail.

D. Minor Plat Approval by Staff – The Community Development Director shall be authorized to approve a Minor Plat, as defined by this Land Development Code provided said plat conforms to the requirements and specifications of this Land Development Code, without the additional approval of the Planning and Zoning Commission and City Council. If the application includes a request for a waiver or modification of a platting regulation, the Planning and Zoning Commission shall approve or disapprove the request. In addition to the requirement of approval by the Planning and Zoning Commission, the City Council shall also be required to approve the request. In the event of any discrepancy between a plat as approved by the Planning and Zoning Commission and the City Council, the plat approved by the City Council shall prevail. The Community Development Director may not disapprove a Minor Plat, but shall refer any Minor Plat which he/she refuses to approve to the Planning and Zoning Commission within thirty (30) days after the date the plat is filed.

E. Amending Plat Approval by Staff – The Community Development Director shall be authorized to approve an Amending Plat as defined by the Local Government Code, provided said plat conforms to the requirements and specifications of this Land Development Code. If the application includes a request for a waiver from the subdivision requirements, the Planning and Zoning Commission shall approve or disapprove the request. In addition to the requirement of approval by the Planning and Zoning Commission, the City Council shall also be required to approve the request. In the event of any discrepancy between a plat as approved by the Planning and Zoning Commission and the City Council, the plat approved by the City Council shall prevail. The Community Development Director may not disapprove an Amending Plat,

but shall refer any Amending Plat which he/she refuses to approve to the Planning and Zoning Commission within thirty (30) days after the date the plat is filed.

Section 8 – 135 Procedure for Approval of Subdivisions

A. Time Period for Taking Action – The approving body shall approve or disapprove a subdivision application within thirty (30) days after the date the subdivision application is filed as provided in this Chapter. A subdivision application is considered approved if the approving body fails to act on a plat within the prescribed period. Provided however, that the subdivider may request a deferral of action on the subdivision application, thereby waiving the thirty day time period for action by the approving body, provided said request is submitted in writing.

B. Additional Time Period for City Council Approval – Where City Council action is required or requested on a subdivision application as provided in this Chapter, the action shall be taken no later than thirty (30) days after the date the subdivision application was considered by the Planning and Zoning Commission. A subdivision is considered approved if the City Council fails to act on a plat within the prescribed period. Provided however, that the subdivider may request a deferral of action on the subdivision application, thereby waiving the thirty day time period for action by the City Council, provided said request is submitted in writing.

C. Certificate of Compliance – In cases where the City fails to act on a subdivision application within the thirty day time period, the Community Development Director, upon written request, shall issue a certificate of compliance stating the date the subdivision was filed and that the City failed to act on the subdivision application within the specified time.

D. Authorization to Sign Plats – The approval of a plat by the approving body, shall constitute authority for the, Community Development Director or, the Chairman and Secretary of the Planning and Zoning Commission and/or the Mayor and City Secretary, to execute said plat, and shall constitute approval for recording in the County Clerk's Office of Tarrant County.

E. Modification of Conditions – Where the approving body finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve modifications of conditions to these platting regulations so that substantial justice may be done and the public interest secured. Such a finding by the City shall not have the effect of nullifying the intent and purpose of these platting regulations.

F. Completeness Determination – Every subdivision plat application shall be subject to a determination of completeness by the Administrative Official as provided for in this Section.

1. No later than the tenth business day from the date the application is received, the Administrative Official shall make a written determination that all documents required by the Land Development Code for a subdivision plat submittal have been received.
2. The applicant shall be provided written notice of any deficient documents no later than ten (10) business days from the date the application is received. The determination shall specify the documents or other information needed to complete the application and shall state the date the application will expire if the documents or other information are not provided. For purposes of this Section, the applicant shall be deemed to have been notified if the City has mailed a copy of the determination as provided herein.
3. The processing of an application by any City official or employee prior to the time the application is determined to be complete shall not be binding on the City as the official acceptance of the application for filing,
4. A determination of completeness by the Administrative Official shall not constitute a determination of compliance with the substantive requirements of the Land Development Code.

G. Expiration of Application – If a subdivision plat application is not completed on or before the 45th day after the application is received by the Administrative Official for processing, the application will be deemed to have expired. Thereafter, a new subdivision plat application must be submitted, including payment of the applicable application fee. The City shall retain any fee paid for reviewing the original application for completeness.

H. Incompleteness as Grounds for Denial – No subdivision plat application shall be scheduled for action by an approving body unless it is determined that the application is complete and all required items, studies and documents have been submitted to and received by the City, unless the applicant has provided a written request for a waiver or modification of said requirement. An incomplete subdivision application shall be grounds for denial or revocation of the application. No vesting right shall accrue from the filing of an application that has expired pursuant to this Section, or from the filing of a complete application that is subsequently denied.

I. Official Plat Submittal Date –The date from which the statutory period requiring approval or disapproval of a subdivision plat application shall commence on the date the Administrative Official responsible for processing subdivision plat applications has determined the application to be complete and marked said date on the application and has scheduled said application for action by the approving body.

J. Development Review Committee – The City Manager shall designate a Development Review Committee (DRC) which shall be an advisory committee to the City Council and Planning and Zoning Commission and have responsibility for providing comments and recommendations on subdivision applications. In addition, the Development Review Committee shall submit comments and recommendations on vacation of public rights-of-way or easements and site plan reviews required by this Code. The Administrative Official responsible for subdivision review shall coordinate the actions of the Development Review Committee.

K. DRC Review – Copies of subdivision plat applications shall be distributed to the Development Review Committee (DRC) members for technical review. The DRC shall provide written comments and recommendations on the proposed development to the Administrative Official.

The Administrative Official responsible for subdivision review shall compile a report of the written comments received from the DRC and provide a copy of said report to the subdivider within five (5) working days following the day of receipt of all staff comments. The subdivider shall submit revised copies of the subdivision application, which incorporates and fully satisfies the comments of the DRC or provide written response as to why such modification is not proposed.

L. Consistency with Master Plans – No subdivision plat shall be approved which is not consistent with the Colleyville Master Plan, the Parks Development Plan, and trail systems plans of the City.

M. Compliance with Zoning – No subdivision plat shall be approved that is not consistent with the existing zoning regulations applicable to the property being platted, unless a rezoning application is pending that will provide consistency with the proposed development.

N. Public Facilities – No subdivision application shall be approved by the City unless the Director of Public Works has reviewed the construction plans for the proposed public improvements and has determined that the public facilities will be adequate to support and service the area of the proposed subdivision. To expedite the review process, the Director of Public Works may accept a written offer by the developer as satisfactory evidence that public improvement requirements of the Land Development Code will be satisfied. The Director of Public Works may require the applicant to submit sufficient information and data to demonstrate that the existing public facilities are adequate to serve the proposed subdivision. Public facilities and services to be examined for adequacy shall include drainage facilities, roads, sewage, and water systems. Public facilities shall be designed and constructed in accordance with the requirements contained in this Land Development Code. Said proposed public improvements shall conform to and be properly related to the Colleyville Master Plan and all applicable capital improvement plans, including but not limited to the following:

1. Master Thoroughfare Plan – All subdivisions shall be designed to coordinate with the right-of-way widths and street patterns shown on the Master Thoroughfare Plan.

2. Water System - All lots shall be served by a public water system capable of providing water for health and emergency purposes, including adequate fire protection. Proposed water system improvements shall be consistent with the Master Water System Plan.

3. Wastewater Collection System - All lots shall be served by an approved means of wastewater collection

and treatment. Proposed sewer system improvements shall be consistent with the Master Wastewater Collection System Plan.

4. Storm Water Management - The Director of Public Works may require the use of control methods such as retention or detention, and/or the construction of offsite drainage improvements to mitigate the impacts of the proposed developments. Any proposed drainage system improvements shall be consistent with the Master Storm Water Management Plan.

O. Records Maintenance – The Administrative Official responsible for subdivision review shall maintain a record of each application submitted under this Chapter, and the action taken on the application.

P. Dedication Offers – All streets, drainage ways, parks, and other rights-of-way or public easements shown within a subdivision plat and intended for public use shall be offered for dedication as part of the approval of a plat. Upon approval of the subdivision application by the City, the offers shall be deemed dedicated and available for acceptance by the City in accordance with the requirements of this Section.

1. Whenever a subdivision proposes the dedication of land for public use and the City finds that such land is not required or is not suitable for public use, the approving body shall either deny the subdivision application or require the rearrangement of lots to include such land.

2. The approval of a subdivision plat by the City is not considered an acceptance of any dedication and does not impose on the City any duty regarding the maintenance or improvement of any dedicated parts until the City Council makes an actual appropriation of the dedicated parts by entry, use, or improvement.

3. Disapproval of a plat shall be deemed a refusal by the City to accept the offered dedications shown thereon.

Q. Nuisance Ordinances and Outstanding Liens – No subdivision plat shall be placed on the agenda for action by an approving body in which the Code Enforcement Officer has issued notice to the owner of the property being subdivided that the property being considered for development is in violation of a public nuisance ordinance of the City of Colleyville and the violation has not been abated prior to the subdivision application date. No subdivision plat shall be placed on the agenda for action by an approving body that has an outstanding delinquent lien payable to the City of Colleyville.

R. Frontage on Public Access Required – Every lot shall have frontage on a public street right-of-way. Said frontage shall not be less than eighty percent (80%) of the minimum required lot width established for the zoning district. In non-residential areas, access to a lot with a public access easement that is acceptable by the City as meeting the minimum requirements to provide public ingress and egress and for adequate emergency vehicle access may be allowed in lieu of a public street right-of-way.

S. Plats Straddling or Adjacent to Municipal Boundaries – Where access to a proposed subdivision is required across land in an adjacent city, the Administrative Official shall coordinate the review of the plat with the adjacent city and the approving body shall require written approval from the adjacent city.

T. Official City Map – The Administrative Official responsible for subdivision review shall maintain an Official City Map, which shall indicate all subdivisions, lots and street rights-of-way. Subdivision plats hereafter approved shall be placed on the Official Map in a timely order and include the names of all streets and street suffix classifications. Where street name inconsistencies exist, from one subdivision to another, the Administrative Official shall place on the Official City Map the generally accepted street name, its proper spelling, and suffix classification. The Administrative Official responsible for subdivision review shall assign street address ranges for each block and coordinate these with the Office of the Fire Marshal and other emergency service providers.

U. Enforcement of Chapter – In addition to any other remedy provided by law, the City and its officers shall have the right to enjoin any violation of this Chapter by injunction issued by a court of competent jurisdiction.

Section 8 – 140 Preliminary Plats

A. Preliminary Plat Classification – Submittal of a Preliminary Plat is the first of a two-step process for approval of a subdivision plat. The Preliminary Plat procedure shall be used when the property proposed for development is not platted as defined in this Chapter, does not qualify as a minor plat, and will be platted in more than one phase. The purpose of the Preliminary Plat procedure is to allow a subdivider to submit an abbreviated subdivision proposal for approval to determine the feasibility of developing a parcel of land before proceeding to the final platting process where the development will involve more than one phase of construction.

B. Platting all Land in Common Ownership – The Preliminary Plat shall include all contiguous holdings of the owner, including land in "common ownership" as defined in this Chapter, with an indication of the portion which is proposed for subdivision.

C. Preliminary Plat Phasing –The Preliminary Plat shall clearly indicate the parcels of land to be included in the phasing. Subsequently, Final Plats shall generally comply with the phasing lines indicated on the Preliminary Plat. Significant departure from the phase lines indicated on the Preliminary Plat shall require an amendment to the Preliminary Plat prior to further final platting of property.

D. Effect of Approval – Upon approval of the Preliminary Plat, a copy of the approved Preliminary Plat shall be signed by the Administrative Official and kept for public record. Said approved Preliminary Plat shall reflect any and all revisions to the original submitted Preliminary Plat as was directed by the Planning and Zoning Commission and/or City Council which were made a condition of approval. Approval of the Preliminary Plat shall not constitute final acceptance or approval of the subdivision nor shall the approval of the Preliminary Plat confer any vesting rights in the arrangement of lots, streets and other features on the Final Plat. Approval of the Preliminary Plat shall constitute authority to proceed with the Final Plat process as described in this Chapter.

E. Expiration of Approval – Approval of a Preliminary Plat shall expire after twelve (12) months from the date of approval, unless a Final Plat is submitted for all or part of the area that has received Preliminary Plat approval. The approving body may approve a time extension upon written request from the developer or may waive the twelve month termination period when the Final Plat is determined to be consistent with the approved Preliminary Plat and no additional standards have been adopted by the City.

F. Re-submittal of Preliminary Plat – When a Preliminary Plat is disapproved, the subdivider, at any time thereafter, may submit a new design for approval, following the same procedures as required for the original application, including the payment of application fees.

G. Preliminary Plat Exhibits – The subdivider shall file an application for approval of a Preliminary Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:

1. *Preliminary Plat Application* – The application shall be on forms furnished by the Administrative Official. If the applicant is not the official owner of record, written authorization from the property owner is required.

2. *Preliminary Plat Drawing* – The plat drawing shall contain the information listed *in Section 8 - 180 Required Plat Information*, where applicable.

3. *Preliminary Drainage Information* – The subdivider shall submit a Preliminary Drainage Analysis to determine the need for drainage facilities, unless the Director of Public Works has determined that a Preliminary Drainage Analysis is not necessary at time of platting. The Preliminary Drainage Analysis shall be prepared in accordance with the drainage analysis requirements contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code.

4. *Preliminary Utility Plan* – The subdivider shall submit preliminary construction drawings which shall indicate the general location and approximate sizes of all existing and proposed public utilities, unless the Director of Public Works has determined that no public utility improvements are necessary. The

size of all proposed water and sewer lines shall be determined using the design criteria contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code.

5. *Preliminary Topographic/Grading Plan* – The subdivider shall submit a plan showing the existing topography of the property proposed for development in contours of not less than two (2) feet, together with any proposed grade elevations, if different from existing elevations.

6. *Tree Survey* – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees.

7. *Nuisance Compliance Certification* – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.

8. *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

H. Grading Site Prior to Final Approval – Following Preliminary Plat approval, the developer may apply for an earthwork permit and upon approval of said permit may commence construction to the grades and elevations required by the Preliminary Plat.

Section 8 – 145 Final Plats

A. Final Plat Classification – Approval of a Final Plat is the second step in the process for approval of a subdivision plat. The Final Plat procedure shall be used when the property proposed for development has been previously approved as a Preliminary Plat, was not submitted as a Combination Preliminary/Final Plat and conforms to the requirements of this Chapter. The purpose of the Final Plat procedure is to allow a subdivider to submit for approval all the documents necessary to fully develop the subdivision.

B. Final Plat Prerequisites – Unless exempt from the requirements of Preliminary Plat approval, no Final Plat shall be placed on the agenda for action by the approving body until a Preliminary Plat of a subdivision has been previously approved in accordance with this Chapter. Upon approval of a Preliminary Plat, a subdivider may file an application for approval of a Final Plat. The Final Plat shall conform to the Preliminary Plat as approved and incorporate any and all changes, modifications, corrections and conditions imposed by the prior approval. A Final Plat will not be presented to the approving body for consideration, which fails to incorporate the recommendations of the Preliminary Plat approval.

C. Final Plat Exhibits – The subdivider shall file an application for approval of a Final Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:

1. *Final Plat Application* – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.

2. *Final Plat Drawing* – The plat drawing shall contain the information contained *in Section 8 - 180 Required Plat Information* of this Land Development Code.

3. *Drainage Information* – The subdivider shall submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained *in Chapter 14 – Engineering Design Standards* of this Land Development Code.

4. *Construction Drawings* – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the Final Plat. The construction drawings shall conform to the technical specifications contained in *Chapter 14 – Engineering Design*

Standards of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.

5. *Preliminary Topographic/Grading Plan* – The subdivider shall submit a plan showing the existing topography of the property proposed for development in contours of not less than two (2) feet, together with any proposed grade elevations, if different from existing elevations.

6. *Tree Survey* – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees. These documents are not necessary if they have been submitted with the Preliminary Plat.

7. *Nuisance Compliance Certification* – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.

8. *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

Section 8 – 150 Combination Preliminary/Final Plat

A. Combination Preliminary/Final Plat Classification – Approval of a Combination Preliminary/Final Plat may occur when a plat is submitted that involves more than four lots and will include a new street but will not be phased but, instead, will be developed in a single phase. The purpose of the Combination Preliminary/Final Plat procedure is to allow a subdivider to submit for approval all the documents necessary to fully develop the subdivision in a single application.

B. Combination Preliminary/Final Plat Exhibits – The subdivider shall file an application for approval of a Combination Preliminary/Final Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:

1. *Combination Preliminary/Final Plat Application* – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.

2. *Plat Drawing* – The plat drawing shall contain the information contained *in Section 8 - 180 Required Plat Information* of this Land Development Code.

3. *Drainage Information* – The subdivider shall submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained *in Chapter 14 – Engineering Design Standards* of this Land Development Code.

4. *Construction Drawings* – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the Combination Preliminary/Final Plat. The construction drawings shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.

5. *Preliminary Topographic/Grading Plan* – The subdivider shall submit a plan showing the existing topography of the property proposed for development in contours of not less than two (2) feet, together with any proposed grade elevations, if different from existing elevations.

6. *Tree Survey* – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees.

7. *Nuisance Compliance Certification* – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.

8. *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official. The fee for a Combination Preliminary/Final Plat shall be the same as the fee for a Final Plat.

Section 8 – 155 Minor Plats

A. Minor Plats: A Minor Plat submittal shall be used when the property proposed for development is not platted, contains four (4) or fewer lots and will not create a new street. A Minor Plat is intended to allow a subdivider to combine the Preliminary and Final Plat procedures and thereby expedite the review and approval of a small subdivision where no new public street is created. Where applicable, the Minor Plat submittal shall contain the same exhibits as a Final Plat submittal.

B. Minor Plat Exhibits – The subdivider shall file an application for approval of a Minor Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:

1. *Minor Plat Application* – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.

2. *Plat Drawing* – The plat drawing shall contain the information contained *in Section 8 – 180 Required Plat Information* of this Land Development Code.

3. *Drainage Information* – The subdivider shall submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained *in Chapter 14 – Engineering Design Standards* of this Land Development Code.

4. *Construction Drawings* – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the Minor Plat. The construction drawings shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.

5. *Preliminary Topographic/Grading Plan* – The subdivider shall submit a plan showing the existing topography of the property proposed for development in contours of not less than two (2) feet, together with any proposed grade elevations, if different from existing elevations.

6. *Tree Survey* – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees.

7. *Nuisance Compliance Certification* – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.

8. *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

Section 8 – 160 Replats

A. Replats: A Replat submittal shall be used when a previously platted property is proposed for redevelopment. A Replat may include an additional parcel of un-platted property when the size of the un-platted portion

does not dictate the submittal of a Preliminary Plat. The Administrative Official responsible for subdivision review shall review each Replat application and determine whether or the not the size of the un-platted portion of the proposed development warrants the submittal of a Preliminary Plat. Where applicable, the Replat submittal shall contain the same exhibits as a Final Plat submittal.

B. *Additional Criteria for Replats:* The following additional criteria for approval shall apply in the re-subdivision of an existing plat, without vacating the immediate previous plat:

1. A public hearing shall be required on the Replat at which interested parties and citizens have an opportunity to be heard.

2. If any of the proposed area to be re-subdivided or re-platted, within the immediate preceding five years, was limited by any interim or permanent zoning classification to residential use for not more than two residential units per lot, or if any lot in the immediate previous subdivision was limited by deed restriction to residential use for not more than two residential units per lot, notice of the public hearing shall be given in advance in the following manner:

   a. Publication at least 15 days before the date of the hearing in a newspaper of general circulation in the City.

   b. A written notice of the public hearing shall be forwarded no less than fifteen (15) days prior to the day of the hearing to the owners (as the ownership appears on the last approved ad valorem tax roll) of all lots in the immediate preceding plat that are within 200 feet of the lots to be re-platted. The notice may be served by depositing it properly addressed and postage paid, in the United States post office.

3. If the proposed replat requires a waiver of a requirement and is protested in accordance with this section, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the Planning and Zoning Commission and/or City Council. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the Planning and Zoning Commission and City Council prior to the closing of the public hearing. In computing the percentage of land area, the area of streets and alleys shall be included.

C. Compliance with paragraphs (a) & (b) is not required for approval of a replat or a portion of a prior plat if the area to be re-platted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

D. Replat Exhibits – The subdivider shall file an application for approval of a replat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:

1. *Replat Application* – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.

2. *Plat Drawing* – The plat drawing shall contain the information contained *in Section 8 - 180 Required Plat Information* of this Land Development Code.

3. *Drainage Information* – The subdivider shall submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained *in Chapter 14 – Engineering Design Standards* of this Land Development Code.

4. *Construction Drawings* – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the Minor Plat. The construction drawings shall conform to the technical specifications contained in *Chapter 14 – Engineering*

Design Standards of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.

5. *Preliminary Topographic/Grading Plan* – The subdivider shall submit a plan showing the existing topography of the property proposed for development in contours of not less than two (2) feet, together with any proposed grade elevations, if different from existing elevations.

6. *Tree Survey* – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees.

7. *Nuisance Compliance Certification* – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.

7. *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

Section 8 - 165 Amending Plats

A. Amending Plat Classification – The Amending Plat procedure shall be used when making a minor change to an existing subdivision. These changes must not be substantive, nor create any new lots. Notice, public hearing, and the approval of other lot owners is not required for the approval of an Amending Plat.

B. Amending Plat Procedures – The City is authorized to approve an Amending Plat which is signed by the property owners, and which is for one (1) or more of the purposes set forth in this Section, and such approval shall not require notice, hearing or approval of other lot owners. Amending Plats in accordance with the provisions of this Section shall be approved if the sole purpose of the Amending Plat is to:

1. Correct an error in any course or distance shown on the prior plat;

2. Add any course or distance that was omitted on the prior plat;

3. Correct an error in the description of the real property shown on the prior plat;

4. Indicate monuments set after death, disability or retirement from practice of the surveyor charged with the responsibilities for setting monuments;

5. Show the proper location or character of any monument which has been changed in location or character or which originally was shown at the wrong location or incorrectly as to its character on the prior plat;

6. Correct any other type of scrivener or clerical error or omission as previously approved by the City; such errors and omissions may include, but are not limited to, numbers, acreage, street names and identification of adjacent recorded plats;

7. Correct an error in courses and distances of lot lines between two adjacent lots where both lot owners join in the application for plat amendment, and neither lot is abolished; provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat;

8. Relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement;

9. Relocate one or more lot lines between one or more adjacent lots where the owner or owners of all such lots join in the application for the plat amendment, provided that such amendment does not:

   a. Attempt to remove recorded covenants or restrictions; or

b. Increase the number of lots; or

c. Remove or otherwise abandon any easement or right-of-way.

10. To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or 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 municipal planning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area; or

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

    a. the owners of 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 create or require creation of a new street or make necessary the extension of municipal facilities.

C. Amending Plat Exhibits – The subdivider shall file an application for approval of an Amending Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:

1. *Amending Plat Application* – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.

2. *Amending Plat Drawing* – The plat drawing plat contain the information contained *in Section 8 - 165 Required Plat Information* of this Land Development Code, where applicable.

3. *Drainage Information* – As determined by the Director of Public Works, the developer shall submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained *in Chapter 14 – Engineering Design Standards* of this Land Development Code

4. *Construction Drawings* – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the plat. The construction drawings shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.

5. *Preliminary Topographic/Grading Plan* – As determined by the Director of Public Works, the subdivider shall submit a plan showing the existing topography of the property proposed for development in contours of not less than two (2) feet, together with any proposed grade elevations, if different from existing elevations.

6. *Nuisance Compliance Certification* – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances.

7. *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

Section 8 - 170 Official Plat Recording

A. Required Filing Documents – No subdivision plat shall be filed of record with the Tarrant County Clerk's Office unless the following are complete:

1. The plat has been drawn on mylar reproducible film or other permanent material, contains all required signatures, including the signature of the Planning and Zoning Commission Chairman, and/or the Mayor, or City staff, as applicable; and

2. All applicable fees have been received.

B. Construction Prior to Official Filing – No construction of public improvements shall be allowed and no permits for building construction shall be approved until the subdivision plat has been filed of record with the Tarrant County Clerk's Office.

C. Maximum Approval Period – The approval of a subdivision plat shall expire one-hundred and eighty (180) days from the date of approval by the approving body, unless the subdivision plat has been filed of record with as provided in this Section.

D. Re-approval Required – No subdivision plat shall be filed of record with the Tarrant County Clerk's Office where the approval time period has expired, unless the approving body has approved a re-submittal of the plat application and payment of plat application fee.

Section 8 - 175 Vacation of Plats

A plat may be vacated by the owners of the land covered by the plat at any time before a lot in the plat is sold. If lots have been sold, the plat or any part of the plat may be vacated upon the application of all the owners of lots in the plat and with the approval of the City obtained in the manner prescribed by this chapter.

Section 8 - 180 Required Plat Information

The applicant requesting subdivision plat approval shall submit the required number of copies of a plat drawing as determined by the Administrative Official and which complies with this Section.

1. All plat drawings shall contain the following information where applicable:

a. *Owner / Subdivider* - The names and addresses of the subdivider and the current owner of record.

b. *Surveyor Name* - The name, address and telephone number of the surveyor responsible for the plat which shall contain the seal of a Texas Registered Professional Land Surveyor.

c. *Subdivision Name* - If the land to be platted is situated within or adjacent to an existing subdivision, that plat may take the name of the existing subdivision, subject to the approval of the City. The name of the proposed subdivision shall be clearly shown with large letters and shall not be a duplication of any existing subdivision name, whether by spelling or pronunciation, or similar to any other subdivision within the City. The plat drawing shall indicate whether the plat is a Preliminary Plat, Final Plat, Replat, or Amending Plat.

d. *Location Map* - A location map showing the tract by reference to streets or highways.

e. *Date* - The date the plat was prepared.

f. *Scale & North Arrow* - The plat shall be prepared at a numerical scale no greater than one (1) inch equals one hundred (100) feet unless approved by the Administrative Official responsible for subdivision review. A graphic scale symbol shall be placed on the drawing with a north arrow indicating the approximate true north.

g. *Subdivision Boundary Lines* - The subdivision boundary lines shall be shown in heavy lines so as to provide a differentiation with the internal features of the area being proposed for platting. The location and dimensions of all boundary lines of the property shall be expressed to the nearest hundredth foot.

h. *Metes and Bounds Description* - A written metes and bounds description of the property shall be shown on the plat and be capable of reproducing such lines upon the ground with a closure error of less than 1:25,000. The legal description shall include reference to an original survey, subdivision corner, or the Texas Coordinate System of 1983, North Central Zone. The legal description shall include the acreage of the total area of the proposed subdivision and be consistent with the subdivision boundary. The legal description shall contain information to show the last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.

i. *Adjacent Properties* - All property lines, streets and easements on lands immediately adjacent to and contiguous with the perimeter of the proposed subdivision and extending one hundred (100) feet shall be shown with the names of the owners as shown on the most current Tax Assessor's files; if the adjacent properties are platted, the names of adjoining subdivisions and the names of adjoining streets are to be shown.

j. *Street Rights-of-Way* - The width of all public street rights-of-way shall be shown on the plat. The general location and width shall be consistent with the Master Thoroughfare Plan. Dimensions shall be shown for all curves. The distance from the centerline of any existing roadway of a boundary street to the proposed subdivision shall be shown to determine the adequacy of right-of-way along the route and to determine if additional right-of-way is necessary to accommodate the proposed street.

k. *Permanent Structures* - The location and general outline of any existing permanent structures with sufficient dimensions to determine building line encroachments. Any permanent structures which encroach any building set-back lines that will remain after completion of the development shall be shown on the drawing with appropriate dimensions.

l. *Building Set-back Lines* - Front building set-back lines shall be indicated by dashed lines on all lots in accordance with the requirements of the applicable zoning district. Side yard building set-back lines shall be indicated by dashed lines on the side yards of lots with side street frontage. Additional building set-back may be required by the City. Existing building set-back lines on adjacent properties shall be shown, where applicable.

m. *City Limit Lines* - The general location of the city limit boundaries of the City of Colleyville and any adjacent city shall be shown on the plat and referenced per city maps, only.

n. *Easements* - The location and dimension of all existing or proposed easements shall be shown on the plat drawing indicating whether such easement is for any specific purpose. General easements for the use of public utilities of not less than seven and one-half (7.5') feet in width shall be provided along each side of all rear property lines. If necessary for the extension of water or sewer mains, storm drainage or other utilities, easements of greater width shall be required along lot lines or across large lots. In all cases, easements shall connect with easements already established on adjoining properties or extend to connect with a public right-of-way. No lot shall be shown with an easement which prevents proper development and full utilization of the lot as a suitable building site for the intended zoning district.

o. *Lot and Block Numbering* - All lots and blocks shall be consecutively numbered, or lettered in alphabetical order. The blocks in subdivisions bearing the same name shall be numbered or lettered consecutively through the several sections or phases. Lettering for blocks shall be larger and bolder than lot numbers or circled to make identification clear. Any lot or block which is planned as an 'out-parcel' shall be numbered and designated on the plat with notation regarding any development restrictions.

p. *Sheet Size* - Map sheets shall be of such size as are acceptable for filing in the Tarrant County Clerk's Office, and shall not exceed twenty-four by thirty-six (24"x 36") inches, but may be eighteen by twenty-four (18" x 24") inches, with a binding margin of not less than one and one-half inches on the left side

of the sheets. Sheets shall be numbered in sequence if more than one (1) sheet is used and an index sheet provided with match lines.

q. *Plat Notes and Conditions* - When appropriate, the plat shall contain a listing of any Plat Notes and Plat Conditions in a readily identifiable location with each note numbered consecutively.

r. *Public Use Areas* - The location and dimensions of all property proposed to be set aside for public use or common reservation shall be shown on the plat drawing, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.

s. *Street Names* - All street names shall be shown on the plat. New street names shall be sufficiently different in sound and in spelling from other street names in the city to avoid confusion. The continuation of an existing street shall bear the same name.

t. *Phasing of Plats* – For Preliminary plats, the plat drawing shall indicate any phasing of the proposed subdivision. Thereafter, plats of subsequent phases shall conform to the approved overall layout and phasing, unless a revised Preliminary Plat is submitted and approved in accordance with this Chapter. However, a subsequent reduction of a phase may be considered provided that it conforms to the original street arrangement.

u. *Lot Dimensions* - The approximate dimensions of all lots shall be shown on a Preliminary Plat and the exact dimension shown on all other plats with accuracy to one-hundredth's of one foot. The dimensions shall be sufficient to verify compliance with the minimum requirements of the applicable zoning district.

v. *Flood Plain Features* - The location of the 100-year flood limits, if applicable, shall be shown on the plat and contained within a drainage easement. If the subdivision, or a portion thereof, is located in the 100 year flood-prone area, the developer will be required to comply with the Flood Damage Prevention Ordinance.

w. *Irregular Side Lot Lines* **-** Side lot lines which are not perpendicular to the street right-of-way shall be indicated with bearing and distance.

x. *Lot Areas* - The area for each lot expressed in square feet shall be shown on the plat.

y. *Survey Notes* - The Final Plat shall be accompanied by one (1) set of surveyor's closure notes for the boundary of the subdivision. The notes shall be referenced in the same manner as the plat.

z. *Certification Blocks* – All plats shall contain the appropriate certification blocks which shall be similar to those shown.

Planning and Zoning Commission Approval

WHEREAS The Planning and Zoning Commission of the City of Colleyville, Texas voted affirmatively on this _____ day of _____, 20__, to approve this Plat.

_____
Chairman, Planning and Zoning Commission

_____
Attest: Secretary, Planning and Zoning Commission

City Council Approval

Whereas the City Council of the City of Colleyville, Texas voted affirmatively on this _____ day of _____, 20__, to approve of this Plat.

_____

Mayor, City of Colleyville

_____

Attest: City Secretary

Staff Approval Authority

This amending or minor plat is approved in accordance with Section 212.0065 of the Texas Local Government Code and the City of Colleyville Subdivision Regulations

_____

Date

_____

Community Development Director

Surveyor's Certification

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, a Registered Professional Land Surveyor licensed in the State of Texas, do hereby certify that this Plat is true and correct and was prepared from an actual survey made under my supervision on the ground. Further, this survey conforms to the general rules of procedures and practices of the most current Professional Land Surveying Practices Act.

_____ _____

Signature Date

(Affix Seal)

Dedication Certificate

WHEREAS, *(owners name)*, are the owners of a tract of land situated in the *(name)* Survey, Abstract N. (#), Tarrant County, Texas, and being out of a (#) acre tract conveyed to them by *(deed reference),* and being more particularly described as follows:

(metes and bounds description)

NOW THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

That We, (names), Owners, do hereby adopt this plat designating the hereinbefore described property as (subdivision name), and addition to the City of Colleyville, Tarrant County, Texas, and do hereby dedicate fee simple to the public use forever all streets, rights-of-way, and alleys shown thereon, and do hereby reserve the easements shown on this plat for the mutual use and accommodation of all public utilities desiring to use or using the same. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way endanger or interfere with the construction , maintenance or efficiency of its respective systems on any of these easements, and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Colleyville, Texas.

Witness our hands this _____ day of _____, 20_____.

_____

Owners Name

STATE OF TEXAS }{
COUNTY OF TARRANT }{

Before me, the undersigned Notary Public in and for said county and State on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed, and in the capacity therein stated.

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

_____

Notary Public in and for Tarrant County

(affix seal) _____

My printed name

_____

My commission expires:

Section 8 – 185 Easement and Right-of-Way Encroachments

(Ord. O-01-1280 / 08/08/01)

No building permit shall be issued for any structure that encroaches into or over a public drainage and/or utility easement or public right-of-way, unless an easement encroachment and joint use agreement has been approved in accordance with the procedures contained in this Section.

1. The applicant must submit a written application on forms furnished by the City, together with the appropriate filing fee, stating the reason for the proposed encroachment. Said application must contain the signature of the property owner or legal agent of the property owner where the encroachment is proposed or of the property that is adjacent to the right-of-way where the encroachment and joint use is proposed.

2. The applicant must provide a metes and bounds description indicating the exact location of the encroachment and a plot plan showing the nature of the improvements proposed within the encroachment area.

3. The application must include written documentation signed by all public utility companies, including the City of Colleyville Public Works Department, indicating their consent to the encroachment and joint use of the easement or right-of-way. All public utility companies must approve the encroachment request before any consideration is given by the City of Colleyville.

4. No notification of adjacent properties is required unless the City Manager, or designated official, determines that the encroachment or joint use has a direct impact on the adjacent properties.

5. An application requesting an easement encroachment may be approved by the City Manager or other designated official. Applications requesting a right-of-way encroachment require approval by the City Council.

6. Upon approval of the request, documents shall be filed in the Tarrant County Deed Records.

7. The application fee shall be set by separate ordinance approved by the City Council.

Section 8 – 190 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-00-1261	12/19/00	Incomplete Submittals / DRC Review
O-01-1280	08/08/01	Easement & right-of-way encroachments
O-06-1566	02/21/06	Comprehensive Chapter Revisions
O-14-1906	01/21/2014	Revisions to Approval Authority and Plat Classifications
O-17-2004	01/17/2017	Revisions to Approval Authority
O-18-2057	09/04/2018	Several amendments as part of a total LDC review

Chapter 9
Subdivision Design & Public Facilities

Rev. 09/04/2018

Section 9.1 Purpose of This Chapter

The purpose of this Chapter is to establish design guidelines necessary for proper layout of a subdivision and to establish the public improvement requirements for the development of a subdivision, but more specifically to:

1. ensure that public facilities and services are available to all subdivisions in the City; and

2. establish reasonable standards of design for public facilities.

Section 9.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the following authority:

1. *Chapter 212 – Municipal Regulation of Subdivisions and Property Development of the Texas Local Government Code*, which authorizes a municipality to adopt rules governing plats and subdivisions of land within the municipality's jurisdiction.

2. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.

3. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 9.3 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a waiver from a requirement contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 9.4 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Section 9.5 Subdivision Design Guidelines

Every subdivision plat shall be reviewed for conformance with the design guidelines contained in this Land Development Code. The City recognizes that suitability characteristics vary from site to site and when approving a subdivision plat the following guidelines shall be used for interpretation, application and enforcement of the design guidelines contained in this Land Development Code:

1. It is the intention of these subdivision design guidelines to encourage new and creative ways to develop subdivisions. Developers and city officials are encouraged to utilize new and innovative ways to improve safety, economy, tax yield, maintenance cost, response time, drainage, vehicular access, and pedestrian passage.

2. Whenever a developer can demonstrate an alternative method of meeting the requirements of this Land Development Code, it shall be incumbent upon the city staff, the Planning and Zoning Commission, and the City Council to review the proposed variations and approve, approve with modifications, or disapprove the proposed alternatives as appropriate for the conditions.

Section 9.6 Blocks

A. General Design – Blocks should have sufficient depth to provide for two (2) tiers of lots of appropriate depths, except that blocks adjacent to major streets, railroads or waterways shall have only one tier of lots.

B. Block Lengths & Widths – Residential and industrial blocks generally shall be no longer than sixteen hundred (1,600) feet and business blocks no longer than one thousand (1,000) feet. Where long blocks in the vicinity of a school, park or shopping center are proposed, the City Council may require a public walkway near the middle of long blocks or opposite a street that terminates between the streets at the ends of the block.

Section 9.7 Lots

A. Lot Arrangement – Lots shall be arranged to provide access to lots from approved streets and to avoid foreseeable difficulties due to topography and natural physical features inherent to the property.

B. Lot Area and Dimensions – Lot area and dimensions shall be consistent with the minimum requirements of the applicable zoning district and the following:

1. *Special Lot Width Requirement* - The width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width. In the case of lots on the turning circle of a cul-de-sac, the width may be less than eighty (80) percent of the required lot width.

2. The City may approve a plat which contains a lot that does not meet the minimum requirements when special conditions exist.

C. Frontage on Public Access Required – All lots shall have frontage on a public street, except a non-residential lot may be approved when the proposed public access has been determined by City to be adequate to meet the intent of this requirement. The lot line common to the street right-of-way line shall be the front line; except that a lot may have more than one lot line common to a street right-of-way line.

D. Access from Major Thoroughfares

1. Residential Lots - No residential lot shall front on or derive access directly from an existing or proposed collector street, or larger, as shown on the Master Thoroughfare Plan, except where the proposed subdivision meets all the following criteria:

   a. Where the only street frontage which may be provided to the residential lot is from a collector street due to the shape, topography, or other physical condition of the property;

   b. The Director of Public Works or designee has provided favorable recommendation; and.

   c. Where the residential lot is designed and dimensioned to permit loop driveways or on-site turnaround facilities so that vehicles head into the collector street.

2. Non-residential Lots – Non-residential lots which have frontage onto or derive access directly from an existing or proposed collector street, or larger, as shown on the Master Thoroughfare Plan, shall have driveway locations which *comply with the spacing requirements established elsewhere in Chapter 14 – Engineering Design Standards* of this Land Development Code.

E. Buildable Area – Every lot shall contain a buildable area that is adequate in size for the proposed development. The buildable area shall be situated out of the 100 year flood plain.

F. Flag Lots Prohibited – It is the policy of the City to prohibit the creation of flag lots unnecessarily, and to discourage the creation of any lot which, by virtue of its relatively great depth in relation to its width, is likely to facilitate future requests for re-subdivision to create a flag lot.

G. Building Lines – Front building lines shall be shown on all lots in the subdivision. Building lines shall be shown along each street-facing of corner lots and through-lots. The building line shall be consistent with the requirements of the applicable zoning district, however, the City may approve a building line which differs from the zoning requirements when special conditions exist.

H. Side Lot Lines – Where possible, all side lot lines shall be at right angles to straight street lines and radial to curved street lines.

I. Lot Drainage and Grading

1. Grading and drainage of all lots shall be designed in a manner which will allow one lot to drain across an adjacent lot and into a permanent structure, such as a concrete flume, lined channel, or proper inlet to an adequate drainage facility, or to a street right-of-way. If an approved drainage structure is not present, it will be required of the developer to construct the necessary facilities. *(O-00-1261 / 12-19-00)*

2. Sheet flow techniques shall be used for lot to lot drainage where possible. *(O-00-1261 / 12-19-00)*

3. Single lots shall accommodate their own drainage into an approved structure where topographic elevations allow this to occur. *(O-00-1261 / 12-19-00)*

4. For lots that an approved engineered grading plan does not exist, the developer of the site shall submit a grading plan prepared by a licensed Professional Engineer.

Section 9.8 Waterbodies and Water Courses

If a tract being subdivided contains a water body, or portion thereof, lot lines shall be drawn so as to distribute the entire ownership of the water body among the adjacent lots. The City may approve an alternate plan provided the ownership of and responsibility for maintenance of the water body is so placed that it will not become a City responsibility. Where a watercourse separates the buildable area of a lot from the street by which it has access, provision shall be made for installation of a culvert or other structure, of design approved by the City. Any lot which includes a water body and contains a building site, shall contain a buildable area that is not less than the minimum buildable area for the applicable zoning district.

Section 9.9 Street Names

The developer shall submit all existing and proposed street names on any proposed subdivision plat. New street names shall be sufficiently different in sound and in spelling from other road names in the city so as to not cause confusion to the general public or for emergency response. A road which is, or planned, as a continuation of an existing road shall bear the same name.

Section 9.10 Reserve Strips and Common Areas

The creation of reserve strips shall not be permitted adjacent to a proposed street or to adjacent property in such a manner as to deny access from adjacent property to the street. No common areas shall be allowed in a subdivision except where notation has been placed on the plat to prohibit development on the common area.

Section 9.11 Double Frontage Lots

Double frontage lots shall be avoided except where necessary to provide separation of residential development from a collector street or to overcome specific disadvantages of topography and orientation. The City shall require that a notation be placed on the plat to limit the facing of main structures or to limit driveway access from a collector street or arterial street as shown on the Master Thoroughfare Plan.

Section 9.12 General Infrastructure Policy

(03-03-09 / O-09-1712)

A. General Requirement – The developer of a subdivision shall install all water, sewer, street, sidewalk and drainage improvements, and any other facilities required by this Land Development Code, which are necessary for the proper development of the subdivision. The design, construction and inspection of any public facilities shall be a cost to the developer, unless the City has entered into an agreement for cost sharing. All such facilities shall be designed and constructed in accordance with the criteria contained in this Land Development Code and be in conformance with the general layout of the City of Colleyville Master Land Use Plan and Capital Improvements Plan. The public facility requirement of this section shall be applicable to the upgrading of any existing facilities which do not meet current standards.

B. Apportionment of Infrastructure Costs – As a condition of the approval of a development, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the projected impact of the proposed development, as determined by a professional engineer, licensed in the State of Texas, and who is retained by the City of Colleyville.

1. In making the rough proportionality determination, consideration shall be given to the availability of adequate and minimum levels of public facilities and accessibility to the site for delivery of emergency services.
2. The professional engineer making the proportionality determination may rely on categorical findings from comparable public improvement projects for establishing a cost basis. The basis used for determining estimated costs shall be revised annually on July 1 by the Colleyville Engineering Department.
3. A developer who disputes the determination by said professional engineer may appeal to the City Council and present testimony and evidence in support of the appeal. The appeal shall be written and filed with the City Secretary within ten (10) days after the date action taken by the Planning and Zoning Commission on the development proposal. The developer shall not be required to waive the right to appeal as a condition of approval of the development project.

C. Optional Escrow Provision – Where, in the opinion of the City, construction of a required public improvement should be deferred to a future date, the developer shall place in escrow with the City via Letter of Credit or cash, an amount equal to the estimated cost of the improvements, as determined by the Director of Public Works or designee. The City Council may consider an alternate arrangement when appropriate. Any escrow related to the construction of sidewalks shall adhere to the requirements set forth in Section F.

D. City Participation in Over-Sizing – Where over-sizing of a public improvement is required by the Comprehensive Master Plan, Thoroughfare Plan, Water or Sewer Capital Improvements Plan or other planning document adopted by the City, City participation shall be in accordance with the provisions of any applicable Impact Fee Ordinance or City-Developer Agreement, which has been approved by the City Council.

E. Public Easements – All public improvements shall be constructed within easements or rights-of-way that have been dedicated for public use. The width of an easement or right-of-way shall be in accordance with the specifications contained elsewhere in this Land Development Code.

F. Escrow Policy for Sidewalks

1. Request for Escrow

   Whenever these regulations require a property owner to construct a sidewalk for a dwelling unit, the property owner may petition the City for deposit of an escrowed amount, as established in this Section, in lieu of the required construction of a sidewalk. The Director of Public Works or designee shall determine whether the escrow is reasonable in lieu of the obligation to construct the improvement. If an escrow request is denied, then the applicant may appeal that denial to the City Council if a written request for appeal is received by the Director of Public Works or designee within ten (10) days of the denial.

2. Deposit with the City

   Whenever the City agrees to accept escrow deposits in lieu of construction by the owner of the property under these regulations, the property owner or developer shall deposit an amount equal to his share of the costs of design and construction in escrow with the City. This amount shall be paid prior to release of construction plans by the Director of Public Works. The obligations and responsibilities of the property owner shall become those of the property owner's transferees, heirs, successors, and assigns; and the liability therefore shall be joint and several.

3. Determination of Escrow Amount

   The amount of the escrow shall be determined by using the average of the comparable bids awarded by the City in the preceding six (6) months for sidewalk design and construction or, if none exist, then current market value of the design and construction of a sidewalk in the City, to be determined by the Director of Public Works. The determination shall be based on reasonable current market value made as of the time the escrow is due.

4. Use of Escrow Funds

   Funds escrowed pursuant to this chapter shall be expended on design and construction of pedestrian sidewalks and trails located throughout the community and in keeping with the City's Master Plan.

Section 9.13 Water System Requirements

A. Water Lines – The developer of a subdivision shall be required to install, at no cost to the City, a water distribution system adequate for domestic supply and for fire protection needs which serves each lot. The water system shall be connected to the municipal water system and be designed, sized and constructed in accordance with the city design standards and specifications contained in this Land Development Code.

B. Fire Hydrants – The developer of a subdivision shall be required to install, at no cost to the City, a sufficient number of fire hydrants to provide fire protection to every lot in the subdivision. All structures in residential areas shall have fire hydrants within 500 feet and a 600-foot hose-lay. All structures in commercial areas shall have fire hydrants within 300 feet and a 500-foot hose-lay. The design and construction of the fire hydrant system shall be in accordance with the city design standards and specifications contained in this Land Development Code. The layout of the fire hydrant coverage shall be approved by the Fire Marshal and be in accordance with the standards of the Texas State Board of Insurance requirements. *(O-00-1261 / 12-19-00)*

Section 9.14 Sewage System Requirements

A. Sewage Collection Lines – The developer of a subdivision shall be required to install, at no cost to the City, a sewage collection system adequate which shall serve each lot. The sewage collection system shall be connected to the municipal sewage system and be designed, sized and constructed in accordance with the city design standards and specifications contained in this Land Development Code.

B. Private Sewage Treatment Systems – Private sewage treatments systems, including septic tanks, shall be prohibited except where approved by the Director of Public Works or designee and the Tarrant County Health Department.

Section 9.15 Storm Water Facility Requirements

A. Drainage Improvement Requirements – The developer shall provide for the design of storm water management in the proposed subdivision and shall be required to furnish, install, construct, or extend, at his own expense, all storm sewers and drainage structure facilities necessary for the proper development of the subdivision. Storm water facilities shall conform to the storm water drainage master plan and shall be designed in accordance with the design standards and specifications contained in this Land Development Code. Alternate earthen channels may be approved when in accordance with the criteria established in *Chapter 14 – Engineering Design Standards*.

B. Drainage Easements – All public drainage facilities shall be constructed within a public drainage easement or drainage right-of-way as required by the City. The following statement of restriction shall be placed in the dedication instrument of the subdivision plat:

> *Drainage Easement Restriction: No construction or filling, without the written approval of the City of Colleyville shall be allowed within a drainage 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. Where construction is permitted, all finished floor elevations shall be a minimum of two feet above the 100-year* flood elevation.

C. Development of Flood Plain – Land within the 100-year flood plain shall be subject to the Colleyville Flood Plain Ordinance. Any land which in the 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 Planning and Zoning Commission and City Council may recommend approval of the plat. However, construction upon such land shall be prohibited until the specific improvements have been planned and construction completed.

D. Floodway Easements

1. Floodway easements shall be provided along natural drainage-ways and lakes reservations. Floodway easements shall encompass all areas beneath the water surface elevation of the base flood, 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 Director of Public Works or designee.

2. The following statement of restrictions shall be placed in the dedication instrument of the subdivision plat:

> *Floodway Easement Restriction: No construction shall be allowed within a floodway easement without the written approval of the City of Colleyville, and then only after detailed engineering plans and studies show that no flooding will result.*

E. Off-Site Drainage – The following provisions shall be applicable to off-site drainage of new subdivisions:

1. The developer shall accept and be responsible for all runoff from properties upstream of the proposed development. The proposed improvements shall be designed for fully developed conditions.

2. Where a drainage study indicates that additional runoff from the developing property will overload downstream drainage facilities and result in hazardous conditions, the City may withhold approval of

the development until appropriate provisions have been made. These provisions shall include any drainage design or construction plans necessary to accommodate the off-site drainage problem.

Section 9.16 Street Improvement Requirements

A. General Requirement – The developer shall construct, at his expense, street facilities necessary for the proper development of the subdivision. The street system shall provide access to every lot in the subdivision and be designed and constructed in accordance with the criteria contained in this Land Development Code.

B. Improvements to Existing Unimproved Streets and Utilities – This section is applicable to a proposed development situated adjacent to an existing street or municipal utility, which does not meet the standards contained in the Land Development Code. *(O-06-1562 / 02-07-06)*

1. *Improvements Required* – If a proposed subdivision is situated adjacent to an existing street or municipal utility, which does not meet the standards contained in this Land Development Code, the developer shall bear the cost for constructing the infrastructure improvements required by this Land Development Code in accordance with the General Infrastructure Policy contained elsewhere in the Land Development Code.

   For the purpose of this regulation, the calculation used for estimating the reconstruction costs for an unimproved street shall include all street paving, curb and gutter, sidewalks, hike and bike trails, water and sewer utilities, and drainage improvements. The improvements shall be sized in accordance with the most recently approved Master Thoroughfare Plan or Capital Improvements Plan, which is applicable.

2. *Escrow* – The Administrative Official may recommend approval of a subdivision plat to the Approving Body conditioned upon the deposit in escrow, via Letter of Credit or cash, of the estimated costs of the adjacent unimproved street and utility improvements in-lieu of the actual construction of said facilities. Any escrow, without interest, shall be applied against any assessment for improvements levied on such property, but shall not be deemed to release such property from liability for any future costs assessed which exceed the escrow.

3. *One and Two Lot Residential Subdivisions* – If a proposed residential subdivision contains only one or two lots and the developer does not own any contiguous property, in lieu of actual construction, the developer shall pay the applicable perimeter street costs in accordance with the General Infrastructure Policy contained elsewhere in this Land Development Code for the initial one hundred feet of street frontage. The applicable perimeter street costs shall be reduced 0.2% per linear foot of frontage in excess of one hundred feet, not to exceed fifty percent of the applicable additional street frontage.

   Exemption: A lot platted under this Section that contains an existing single-family dwelling at the time a subdivision plat application is filed with the City and the lot is situated within a zoning district that allows single-family residential uses, said lot shall have an automatic exemption from the perimeter street costs, provided that existing perimeter street facilities are sufficient to assure the safe, effective and orderly movement of traffic in and about the subdivision and utility services are adequate to serve the development. The following notation shall be placed on the plat: *"Any future divisions of these lots will require full compliance with the unimproved street requirements applicable at the time of any subsequent re-platting."*

Section 9.17 Street Design Criteria

A. Street Functional Classification – All streets shall be designed in accordance with the functional classification shown on the most recent version of the Master Thoroughfare Plan and the following:

Functional Classification of Streets	
Street Classification	**Functions - Uses**
Local	Carries traffic from residential and commercial areas to collector streets and interconnects individual sites. Local streets carry light traffic volumes and trips are of a short duration.
Collector Major Minor	Carries traffic from local streets to arterial streets. Uses served would include medium and high density residential, limited commercial facilities, elementary schools, some small offices and as direct access within industrial parks. Collector streets also carry heavy traffic to major commercial and industrial facilities from arterial streets. Uses would include office parks, industrial parks, and community level commercial facilities.
Arterial Major Minor	The main function of an arterial is to carry traffic from on urban area to another. The arterial streets serve the major activity centers of urbanized areas. An arterial street is used for longer urban trips and carries a high portion of the total traffic with a minimum of mileage.

B. Street Design

1. *In-General* – Streets shall be designed with due regard to topography, with due consideration of the abutting uses, and the anticipated destination of traffic and traffic volumes at full development of the neighborhood. Where necessary to prevent traffic congestion and to ease the movement of vehicles to and from principal traffic generators, additional right-of-way width or other special design shall be provided. Where topographical conditions make other treatment necessary to secure the best overall design, these standards may be modified by the Director of Public Works or designee..

2. *Street Continuity* – The street layout shall provide for the continuation of the collector street system as shown on the Master Thoroughfare Plan. Streets shall provide connection to streets in adjacent subdivisions, but local streets shall be designed so as to discourage use by through traffic and to require the minimum number of streets necessary for convenient and safe access to property.

3. *Curvilinear Streets Encouraged* - The developer is encouraged to consider curvilinear, cul-de-sac, and loop street designs where such use would result in a more functional layout and not necessarily adhere to a rigid rectangular street pattern.

4. *Right-of-way Widths* – Every subdivision plat shall dedicate sufficient right-of-way to comply with the requirements of the Master Thoroughfare Plan. The right-of-way widths shall be designed for the intended use and anticipated traffic volume at optimum development of the area served. Additional right-of-way may be required at street intersections and to provide for left and right turn lanes at high-volume intersections.

5. *Cul-de-sac Lengths* – No street shall be designed as a permanent dead-end street, but shall be designed to incorporate a cul-de-sac which complies with this Section. *(O-00-1261 / 12-19-00)*

   a. *Diameter* – A cul-de-sac street shall be provided at the closed end with a minimum property line right-of-way diameter of one hundred feet, and a pavement turn-around with a minimum outside diameter of eighty feet (80'). *(O-00-1261 / 12-19-00)*

   b. *Length* – No cul-de-sac street shall exceed six hundred feet (600') in length, unless additional right-of-way width and additional pavement width are provided as required in this Section. Furthermore, no cul-de-sac street shall exceed the maximum length of one-thousand two hundred feet (1,200'). For purpose of this regulation, cul-de-sac length shall be measured along the centerline of the cul-de-sac from the intersecting street right-of-way line to the center point of the cul-de-sac. *(O-00-1261 / 12-19-00)*

   c. *Width* – A cul-de-sac street shall have a minimum right-of-way width of fifty feet (50') and a minimum pavement width of thirty-one feet (31'), back-to-back of curb. However, a cul-de-sac street which exceeds six-hundred feet (600') in length shall have a minimum right-of-way width of fifty-six feet (56') and minimum pavement width of thirty-six feet (36'), back-to-back of curb. *(O-00-1261 / 12-19-00)*

d. *Maximum Number of Lots* – The maximum number of single-family lots served on a cul-de-sac street shall be as shown in the following table: *(O-00-1261 / 12-19-00)*

Maximum SF Residences Served on Cul-de-sac	
District	**Max. Number of Lots Served**
AG	5
RE	5
R-40	10
R-30	10
R-20	12
R-15	12
PUD-R	12

e. *Temporary Turn-Around – A temporary turn-around is required when a street is temporarily dead-ended and is longer than one-hundred and fifty (150) feet, as measured from the intersecting street right-of-way line. The temporary turn-around shall be within a temporary easement and constructed of asphalt or concrete.* *(O-00-1261 / 12-19-00)*

6. *Temporary Dead-End Streets* - Temporary dead-end streets shall have provision for future extension of the street and utilities and, if a temporary cul-de-sac is utilized, a reversionary right to the land abutting the turnaround for excess right-of-way shall be provided.

7. *Stub-outs for Future Extensions* - Permanent dead-end roads shall not be allowed. The street layout shall be extended to the tract boundary to provide for future access into adjoining tracts to assure adequate neighborhood circulation unless: 1) prevented by topography or other physical conditions; or 2) the City Council determines that the extension is not necessary for future development of adjacent tracts. In general, these extensions should be not more than one thousand (1,000) feet apart.

8. *Pavement Required* - All street surfaces within or abutting the proposed subdivision shall be paved, with curbs and gutters installed, and constructed in accordance with the standards and specifications contained elsewhere in this Land Development Code.

9. *Frontage Access Road* - Where a subdivision abuts or contains an existing or proposed collector street or railroad right-of-way or abuts a commercial or industrial land use, the City may require a frontage street approximately parallel to and on each side of such right-of-way to separate through and local traffic, or reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or equivalent treatment as may be necessary for adequate protection of residential properties.

10. *Half Streets* - 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 City 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 such tract.

11. *Number of Subdivision Entryways* – Every subdivision shall be designed to provide sufficient access into the development to accommodate anticipated traffic demands and to provide for emergency public services using the criteria contained in this Section. *(O-01-1280 / 08-08-01)*

    a. Where a proposed subdivision, or cul-de-sac street, contains more than twelve (12) lots, the development shall provide for two entryways as follows:

i. The development shall provide one street entryway and one emergency access easement. The emergency access easement shall be located on an adjacent or opposite side of the subdivision from the main entryway. The widths of the right-of-way and driving surfaces of the street entryway and the emergency access easement shall be in accordance with the standards contained elsewhere in this Land Development Code, or

ii. The development shall provide two street entryways separated not less than one-hundred feet between the centerlines of the driving surfaces. The widths of the right-of-way and driving surfaces of the two entryways shall be in accordance with the standards contained elsewhere in this Land Development Code, or

iii. The development shall provide a divided entryway and one emergency access easement. The driving surfaces of the divided entryway shall be separated by a median not less than ten (10) feet in width and provide for one-way traffic. The widths of the right-of-way and driving surfaces of the divided entryway shall be in accordance with the standards contained elsewhere in this Land Development Code. The emergency access easement shall be located on an adjacent or opposite side of the subdivision from the main entryway and be constructed in accordance with the standards contained elsewhere in this Land Development Code.

b. If it is physically impractical or otherwise impossible to provide two entryways or to incorporate an emergency access easement into the development in accordance with the above stated requirements, the following alternative may be considered by the approving body:

i. A single pavement width of forty-one (41) feet shall be constructed. Said pavement shall extend back from the intersecting street right-of-way a minimum distance of one-hundred (100') feet. All residences within the subdivision shall contain automatic fire-sprinkler systems.

c. If it is physically impractical or otherwise impossible to comply with the above-stated requirements, an alternative design may be submitted to the City Council for consideration. The approving body may approve the alternate design if it finds that the above-stated requirements can not be satisfied and that all efforts have been made by the developer to comply with said requirements.

12. *Reverse Curves* - Between reverse curves there shall be a tangent section of centerline not less than one hundred feet (100') long.

C. Intersections

1. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable.

2. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street Not more than two (2) streets shall intersect at any one point unless specifically approved by the City.

3. Street jogs with centerline offsets of less than one hundred thirty-five (135) feet shall not be permitted.

4. Local streets intersecting a collector street or larger shall have a tangent section of centerline at least fifty (50) feet in length measured from the right-of-way line of the collector street; however, no such tangent is required when the minor street curve has a centerline radius greater than four hundred (400) feet with the center located on the collector street right-of-way line.

5. At local street intersections, the property line corner shall be rounded by an arc having a radius of twelve (12) feet. This radius shall be increased when the smallest angle of intersection is less than eighty (80) degrees. At intersections of streets with major and collector streets the property line corners shall be rounded by an arc having a radius of twenty-five (25) feet. The Director of Public Works or designee may approve comparable cut-offs or cords in place of rounded corners.

6. Where practical, spacing of intersections along collector streets shall be at least 500 feet apart.

D. Alleys – Alleys shall be provided in commercial and industrial districts and at the rear of multifamily residential building sites for adequate circulation. Where approved by the Fire Marshal, an emergency access easement not less than twenty-four feet (24') in width shall be provided for emergency vehicle access in lieu of any alley. Alleys should intersect streets at right angles or radially to curved streets where sharp changes in alignment cannot be avoided. Property line corners shall be cut off fifteen feet (15') on each side to permit safe vehicular movement. Dead-end alleys shall be prohibited except where prior development of land adjoining the subdivision permits no other reasonable design; under such circumstances alleys shall be provided with turnaround or back-around facilities at the dead-end adequate to permit clear maneuvering of sanitation trucks, utility service vehicles and emergency vehicles. Alleys shall be not less than the following widths:

1. Twenty feet (20') where residential building sites are provided on both sides;

2. Twenty-two feet (22') wherever residential development abuts commercial or industrial areas;

3. Twenty-four feet (24') where commercial or industrial development abuts on both sides.

Section 9.18 Easements

A. Easements – Easements for drainage and utility construction, service, and maintenance shall be provided in locations approved by the City and affected utilities according to the following standards:

1. Easement for the use of public utilities of not less than seven and one-half (7.5') feet in width shall be provided on each lot and extend along the entire length of the rear property line. Easements shall connect with easements already established on adjoining properties or extend to connect with a public right-of-way. No lot shall be shown with an easement which prevents proper development and full utilization of the lot as a suitable building site for the intended zoning district.

2. For lots of more than two hundred (200) feet deep, the utility easement shall be not less than sixteen (16) feet wide.

3. The width of any drainage easement shall be determined by the Director of Public Works or designee or in accordance with the need for drainage improvements established by any drainage study.

4. All utility easements shall be dedicated as utility and/or drainage easements.

5. When an easement is granted for public purposes as a separate instrument, the following statement of restrictions shall be placed in dedication instrument:

> *Utility Easements*
>
> *Any public utility, including the City of Colleyville, shall have the right to move and keep moved all or part of any building, fences, shrubs, other growths or improvements which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements shown on the plat; and any public utility, including the City of Colleyville, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.*

B. Easements Adjacent to State Highways – When a proposed water or sewer line or drainage facility will be placed adjacent to a public road maintained by the Texas Department of Transportation, a separate specific use easement shall be provided for each utility or drainage facility.

C. Emergency Access Easements – Emergency access easements shall have a clear unobstructed width to accommodate a pavement section of not less than twenty-four (24) feet in width. The emergency access easement shall connect at each end to a dedicated public street or shall have a suitable size turnaround at

the dead-end, and appropriate turning space at inside corners to permit free movement of emergency vehicles. An emergency access easement may be used as a driveway to gain access to parking or loading spaces, but shall not be used for parking. All emergency access gates shall provide for an opening of not less than twenty four (24) feet wide by fourteen (14) feet in height and include a locking and opening mechanism acceptable to the Fire Department. *(03-20-07 / O-07-1613)*

D. Mutual Access Easements *(O-02-1336 / 04-16-02)*

1. *Purpose* – The purpose of this requirement is to provide public access to adjacent properties by reducing the number of driveway cuts and potential traffic accidents on adjacent streets.

2. *Applicability* – This Section shall be applicable to properties abutting and that may derive access from a Collector Street or Arterial Street as shown on the Master Thoroughfare Plan.

3. *Requirement* – The City shall require the dedication of a mutual access easement to provide cross access to adjacent properties or shared use of a driveway to conform with the minimum driveway standards contained in Chapter 14 of this Land Development Code.

4. *Easement Dimensions* – Easements for shared driveways shall be 16 feet in width and 35 feet in length, but may vary given the shape of the particular tract. Easements extending across the entire width of the property shall not be less than 24 feet in width.

Section 9.19 Private Utilities

A. Newly Installed Utilities Required to be Underground *(O-17-2015 / 08-15-17)*

1. All newly installed gas, electric, telephone utilities, street lighting, cable television, and fiber lines shall be underground except where conditions do not warrant underground installations and as approved by the City Council.

2. All electric, telephone, cable, and fiber utilities shall be placed in the rear easement. Mechanical equipment, transformers, and other visible installations will not be permitted in the front yards of any lots.

3. All support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installations shall be pad mounted or placed underground. Nothing in this section shall restrict or prohibit the placement, erection, or construction of street lighting poles or standards above ground, provided all lines and wires used to provide such lighting are placed underground.

4. All above ground equipment shall be screened from public view, in such a manner that the ground equipment cannot be seen from a public right-of-way. Said screening shall be completed at the time of installation by the utility company and/or developer.

5. Where existing overhead service or lateral/distribution utilities lines are located within the land proposed for development and the lines must be relocated to accommodate the development, the developer is responsible for relocation and placement of the lines underground.

6. All new service lines shall be placed underground.

7. Overhead services will not be permitted to cross public rights-of-way. All such crossings of a right-of-way will be required to be completed by methods as approved by the city.

8. Temporary construction service may be provided by overhead electric lines and facilities without obtaining a variance or exception, provided that when the underground utility service to any portion of a subdivision is completed, such overhead electric lines and facilities are promptly removed.

Section 9.20 Traffic Impact Analysis

When a proposed subdivision plat is estimated to generate more than 1,000 vehicle trips per day, a traffic impact analysis shall be required with the earliest submittal of a plat application. The traffic impact analysis shall be prepared in accordance with the requirements of the Director of Public Works or designee. The purpose of the traffic impact analysis is to determine the need for traffic mitigation measures which may include, but are not limited to, dedication of additional right-of-way, construction of turning lanes, or construction of traffic control facilities. This requirement may be waived when a traffic impact analysis was submitted at the time the current zoning was adopted and the traffic impact analysis is less than one year old. Any mitigating measures required shall be the responsibility of the developer, unless a cost-sharing agreement is approved by the City.

Section 9.21 Sidewalks

A. General Sidewalk Requirement

1. Sidewalks shall be constructed prior to completion of any primary structure for all lots that: (1) are required as part of a Planned Unit Development or Special use Permit; or; (2) front on a new street dedicated in conjunction with a subdivision plan; or, (3) front on an existing City Street. Other than properties zoned as Planned Unit Developments or containing Special Use Permits with specific sidewalk provisions, sidewalks shall be required to be constructed prior to the final inspection. Any variance to the sidewalk construction requirements described above shall be considered by the City Council.

2. The sidewalks shall be constructed adjacent to and within the public street right-of-way and include curb ramps where applicable. Where no public right-of-way exists, the sidewalk shall be located within a public access easement that provides accommodation of the future street right-of-way dedication. When a subdivision is proposed with a masonry or other permanent perimeter screening wall adjacent to a street, the sidewalk shall be constructed by the developer at the same time as the screening wall. All sidewalks shall conform to the standards and specifications contained in this Land Development Code.

3. When circumstances exist wherein it is not practical to construct a sidewalk, the developer may be afforded the opportunity to escrow funds in an amount sufficient to pay for the construction of a sidewalk at some future date.

4. The issuance of a building permit is contingent on the written commitment of the applicant to construct a sidewalk or pay the required escrow amount.

B. Trails System Sidewalks – When a proposed sidewalk coincides with the general location of a future sidewalk shown in the most recently approved Colleyville Trails System Plan, the sidewalk shall be constructed in accordance with the design standards for a trails system sidewalk. The standards and specifications for a trails system sidewalk are contained elsewhere in this Land Development Code. The developer shall be required to provide additional street right-of-way dedication or a public access easement of sufficient width to accommodate the trails system sidewalk. Where the trails system sidewalk will be located at the rear or to the side of a lot, such as within a green-belt or similar open space, the developer shall provide sufficient right-of-way or public access easement to accommodate the sidewalk.

Section 9.22 Street Lighting

A. General Requirements – The developer shall be required to install, at no cost to the City, a street lighting system at all street intersections, at the end of all cul-de-sac streets, and at additional locations in accordance with the criteria contained elsewhere in *Chapter 14 – Engineering Design Standards* of this Land Development Code. All City Lighting shall be consistent with standard light pole ONCOR Texas Style Pole D with Luminaire F with a Finial Band. Any variance from this standard requires written approval from the Director of Public Works or designee.

Section 9.23 Amendments to This Chapter

Ord. Number	Date	Subject
O-00-1261	12/19/00	Cul-de sac street lengths
O-00-1261	12/19/00	Lot Drainage and Grading
O-00-1261	12/19/00	Fire Hydrants
O-00-1261	12/19/00	Divided Entryways
O-00-1280	08/08/01	Number of Subdivision Entryways
O-00-1214	12/18/01	Existing Unimproved Street Requirements
O-02-1336	04/16/02	Mutual Access Easements
O-06-1562	02/07/06	General Infrastructure Policy
O-07-1613	03/20/07	Emergency Access Gates
O-09-1712	03/03/09	Amendment to sidewalk regulations – Sections 9.12 and 9.19
O-12-1860	01/08/13	Amendment to sidewalk regulations adding appeal process to the City Council from the P&Z
O-14-1907	02/18/14	Amendment to Sidewalk Regulations & General Update
O-17-2015	08/15/17	Underground Utility Requirement
O-18-2057	9/04/2018	Several amendments as part of a total LDC review

Chapter 10
Private Streets and Entrance Gates

02/05/08

Section 10-100 Purpose of This Chapter

The purpose of this Chapter is to establish regulations for gated subdivisions and/or with privately owned streets.

Section 10-105 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the following authority:

A. *Chapter 212 – Municipal Regulation of Subdivisions and Property Development of the Texas Local Government Code*, which authorizes a municipality to adopt rules governing plats and subdivisions of land within the municipality's jurisdiction.

B. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.

C. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 10-110 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a waiver from a requirement contained in this Chapter, or appeal a decision of an administrative official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 10-115 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Section 10-120 Applicability

The regulations contained in this Chapter shall be applicable to any proposed subdivision plat, or to any request to convert a public street to a private street, submitted for approval by the City of Colleyville after October 20, 1998.

Section 10-125 Procedure

A City Council Approval Required - No existing subdivision shall convert any public street to a private street unless such request has been approved by the City Council, after receiving recommendation from the Planning and Zoning Commission. Furthermore, no proposed subdivision plat shall include a private street unless such plat is approved by the City Council, after receiving recommendation from the Planning

and Zoning Commission. The terms "private street" or "private streets" shall be inclusive of streets, alleys, storm drainage systems, entrance gates and structures, sidewalks and traffic signs.

B. Public Hearings Required - A public hearing shall be required by the Planning and Zoning Commission and City Council for a request for an existing subdivision proposing to convert a public street to a private street. Written notice of such public hearings shall be mailed to the owners of real property situated within 200 feet of the proposed private street subdivision as listed on the last approved City tax roll. Such notice to be mailed not less than ten (10) days before the day set for public hearing. Such notice may be served by depositing letters properly addressed and postage paid in the City Post Office.

Section 10-130 Conditions of Approval

A. Planning Considerations – The following criteria shall be used as guidelines in the review and approval of a private street subdivision.

1. Streets shown on the adopted Thoroughfare Plan of the City of Colleyville must not be used, maintained or constructed as private streets.

2. A subdivision with private streets and alleys must not impede or cross an existing or proposed street as shown on the City's most recent Thoroughfare Plan or approved preliminary or final plats.

3. A subdivision with private streets and alleys must not disrupt or disconnect an existing or proposed City of Colleyville public pedestrian pathway, hike and bike trail, or park as shown on the City's most recent Park Plan.

4. The perimeter of a subdivision with private streets and alleys must include a minimum of eighty (80) feet of contiguous frontage upon a public street.

5. The proposed subdivision with private streets must be zoned for residential purposes in accordance with the Colleyville Land Development Code, and contain twenty-five (25) single-family lots or greater.

B. Public Access Considerations - In addition to the above conditions of approval, the Planning and Zoning Commission may recommend denial and the City Council may reject a request for a subdivision with private streets if in the Commission's and Council's judgment the private streets would negatively affect traffic circulation on public streets, impair access to properties or future developments that are either on-site or off-site to the subdivision, impair access to or from public facilities such as schools, parks and libraries, etc., or delay the response time of emergency vehicles.

C. Private Street, Sidewalks and Drainage Design and Construction Standards - Private streets and sidewalks must conform to the same standards regulating the design and construction of public streets and sidewalks contained in this Land Development Code. The drainage system must meet all the requirements of public facilities in this Land Development Code.

D. Traffic Signs - All traffic regulatory signs along private streets must conform to the Texas Manual of Uniform Traffic Control Devices and be maintained by the Homeowner's Association (HOA).

E. Homeowners Associations (HOA) Required - A subdivision developed with private streets must have a mandatory HOA which includes all properties served by the private streets. The association shall own and be responsible for the maintenance of the private streets and appurtenances. The association's document must indicate that the streets and drainage systems within the development are private, owned and maintained by the association, and that the City has no obligation to maintain the private streets and drainage systems. The documents shall be filed of record prior to the approval of the final plat. A notation shall be included on the final plat stating that the HOA shall own and be responsible for all costs associated with the maintenance and reconstruction of the private streets, drainage facilities, sidewalks and related appurtenances, and that the City has no obligation to maintain the private streets and

drainage systems. Lot deeds must convey membership in the association and provide for the payment of dues and assessments required by the association. The association must not be dissolved without the prior written consent of the City. No portion of the association's documents pertaining to the maintenance of the private streets and assessments thereto shall be amended without the written consent of the City.

F. Private Street Inspections. The City shall have authority to inspect all streets, drainage facilities, and related appurtenances on a periodic basis to determine the need for repairs to these capital facilities. The HOA shall repair all drainage and street facilities when instructed to do so by the City, subject to appeal to the City Council. Failure by the HOA to make repairs to streets or drainage facilities which impact drainage up or downstream from the development may result in the completion of needed repairs by the City with an assessment of all costs plus interest accrued from the time the City installs the improvements until all funds are collected. HOA documents must detail this City authority and shall not be amended without City approval.

G. Private Street Lot - Private streets must be constructed within a separate lot owned by the HOA. This lot must conform to the City's standards for public street and alley right-of-way. An easement covering the street lot must be granted to the City providing unrestricted use of the property for utilities and the maintenance of same. This right shall extend to all utility providers including telecable companies operating within the City. The easement must also provide the City with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, inspection and code enforcement. The easement shall permit the City to remove any vehicle or obstacle within the private street lot that impairs emergency access.

H. Construction and Maintenance Cost - The City shall not pay for any portion of the cost of constructing or maintaining a private street.

I. City Utilities - Water, sanitary sewer, storm drainage facilities placed within the private street and alley lot shall be installed to city standards. After completion and acceptance of such facilities, the water and sanitary sewer facilities shall be dedicated to the city. All storm drainage facilities in the subdivision shall remain within the ownership and maintenance responsibilities of the HOA. All city regulations relating to infrastructure financing, performance bonds, developer cost participation and capital cost recovery shall apply to developments with private streets. Any and all city executable maintenance bonds covering subdivision construction shall be transferred to the HOA upon approval of the private street subdivision by the City Council.

J. Plans & Inspections - Proposed subdivision with private streets must submit to the City the same plans and engineering information required to construct public streets, utilities and related appurtenances. Requirements pertaining to inspection and approval of improvements prior to the City's acceptance of the subdivision shall apply. Fees charged for these services shall also apply. The City shall have the right to inspect the private streets and related appurtenances at any time, and require the HOA to provide the repairs needed to ensure emergency access. The City Council shall be the final judge of whether such repairs are needed.

K. Access Restrictions - Guard houses, access control gates and cross arms may be constructed. All restricted access entrances must be manned 24 hours every day, or provide an alternative means of ensuring access to the subdivision by the City and other utility service providers with appropriate identification. If the HOA fails to maintain reliable access as required to provide city or utility services, the City shall have the right to enter the subdivision and remove any gate or device which is a barrier to access at the sole expense of the HOA, subject to approval by the City Council. The HOA's documents must contain provisions in conformity with this paragraph which must not be amended without the written consent of the City.

L. Restricted Access Entrance Design Standards - Any private street which has an access control gate or cross arm must have a minimum uninterrupted pavement width of 24 feet at the location of the access control device. If an overhead barrier is used, it must have a minimum height above the road surface as required by the Fire Code for fire lanes. The design of all gates, cross arms and access control devices, including automatic opening systems and manual backup systems, must meet City guidelines or policies and must be approved by the City prior to installation. The gates, cross arms and opening devices must be tested and accepted by the City prior to being put into operation. Gate designs may incorporate one

or two gate sections to meet the required minimum width of 24 feet. If the entrance is to incorporate a median, guard shack, or similar structure that necessitates a divided gate arrangement, the gate and street pavement widths may be reduced if approved by the City, but in no case shall any single gate or street pavement have a clear opening of less than 18 feet in width nor fourteen (14) feet in height. (O-00-1261 / 12/19/00)

All restricted access entrances shall be equipped with the Opticom gate opening system. The system shall be maintained by the HOA in good working condition at all times.

M. Visitor Entrance Design Standards - At least one entrance per subdivision with private streets must be equipped for visitor access. In addition to the above Restricted Access Entrance Design Standards, said visitor entrance must be equipped with a call or code box located at least 50 feet from the boundary of the subdivision to provide for visitors calling in and automobile queuing. The City reserves the right to require the developer to provide a detailed study to determine if the traffic generated by the proposed development will warrant the call or code box to be set back greater than the 50 foot minimum requirement in order to ensure sufficient vehicle storage or queuing space. A turn-around space with a minimum outside radius of 30 feet must be located between any call or code box and access control gate or cross arm to allow vehicles denied access to safely exit onto public streets in a “head out” position. A sign must be erected next to the edge of such turn around space to prohibit vehicle parking in such space. Residents entrance used in combination with a visitor entrance shall comply with the requirements of this paragraph.

N. Resident Only Entrance Design Standards - In addition to the above Restricted Access Entrance Design Standards, an access control gate or cross arm that requires residents to use a key, card or code to gain access must be set back a minimum of 50 feet from the boundary of the subdivision to provide for automobile queuing. Resident entrances equipped with an electronic opener that allows residents to remotely open the control access gate or cross arm and enter the subdivision without having to stop are exempted from this requirement. A sign must be erected next to any resident entrance that does not meet the 50 feet setback requirement of this paragraph and does not provide a turn-around space with a minimum outside radius of 30 feet to indicate that it is for resident use only and not for visitors.

O. Hold Harmless - The subdivision final plat and the HOA’s documents must contain language whereby the HOA, as owner of the private streets and appurtenances, agrees to release, indemnify, defend and hold harmless the City, its officers, agents, licensees, servants and employees, from and against any and all claims or suits for property damage or loss and/or personal injury, including death, to any and all persons, of whatsoever kind of character, whether real or asserted, arising out of or in connection with, directly or indirectly: a) the reasonable use of the private streets, emergency access, utility easements, entrance gate or structure by the City, its officers, agents, licensees, servants and employees; b) the condition of the private streets, private street lights, private entrance gates or structures, private walls or fences, private pedestrian access, private storm drainage systems and emergency access; or c) any use of the subdivision with private streets by the City, its officers, agents, licensees, servants and employees for any purpose related to the exercise of a governmental function or service, whether or not caused, in whole or in part, by alleged negligence of officers, agents, servants, employees, contractors, subcontractors, licensees or invitees of City. The HOA shall be responsible for carrying liability insurance to meet the requirements in this paragraph. Those portions of the HOA’s documents pertaining to the subject matter contained in this paragraph must not be amended without the written consent of the City.

P. Revocation of Private Street Permit - The City Council, after giving a sixty (60) day notice to the HOA, its successors or assignees and after holding a public hearing, may revoke a private street permit issued to a subdivision with private streets if the Council finds that the private street permit was obtained by fraud or deception, or if the HOA fails to provide reliable emergency access. The revocation of a private street permit shall give the City the right to inspect the private streets and levy an assessment upon each lot on a pro-rata basis for the expense of needed repairs. Said assessment shall constitute an assessment lien upon the lot against which each assessment is made. The City Council shall be the final judge of whether repairs are needed. The City shall also have the right to require, at the HOA's expense, the removal of guard houses, access control devices, landscaping or other aesthetic amenities located within the street lot. If the permit is revoked, the HOA will be assessed the cost for appropriate maintenance. The HOA’s documents must provide for the City's right to require said assessment and removal of improvements.

Those portions of the HOA's documents pertaining to the subject matter contained in this paragraph must not be amended without the written consent of the City.

Q. Petition to Convert to Public Streets - The HOA may petition the City Council to accept private streets as public streets and rights-of-way upon written notice to all HOA members and upon receipt of the notarized signatures of 100% of the HOA's membership indicating approval. However, in no event shall the City be obligated to accept the private streets as public. Should the City Council elect to grant the petition, the City shall have the right to inspect the private streets and estimate the expense of repairing the private streets and removing gates, guard houses, access control devices, landscaping or other amenities located within the private street lot. The City shall be the final judge of whether repairs are needed to the private streets prior to acceptance. Before approval by the City Council, the petitioners or their designee must contract with the City for payment of 100% of the City's estimated expenses.

R. Petition to Convert to Private Streets - The homeowners may petition the City Council to convert public streets to private streets upon written notice to all the neighborhood's members and upon receipt of the notarized signatures of 100% of the neighborhood's homeowners indicating approval. A subdivision petitioning to have private streets must have a mandatory HOA which includes all properties proposed to be served by the private streets. However, in no event shall the City be obligated to convert public streets to private streets. Upon receipt of a request to convert a public street subdivision to a private street subdivision, the petitioner shall provide an analysis of the long term maintenance and reconstruction obligation for the subdivision. This analysis shall be prepared and stamped by a private engineering firm and shall be submitted to the City of Colleyville.

The homeowner's association will be responsible for the repair or replacement of any public facilities damaged during the maintenance and reconstruction of the private streets and drainage facilities. Public facilities include, but are not limited to, sanitary sewer and water facilities.

A notation within the homeowner's association documents stating that all costs associated with the maintenance and reconstruction of the private streets, drainage facilities, sidewalks and related appurtenances shall be the responsibility of the homeowner's association.

S. City Attorney Review - All HOA's documents must be reviewed and approved by the City Attorney to ensure that they conform to this and other applicable City policies prior to being filed of record at the County. The developer of a new subdivision shall pay for the cost of the City Attorney's review.

T. Subdivision Plat Requirements - The plat dedication certificate and conditions of approval shown in the attached Exhibits "10-A" and "10-B" must be provided in all final plats for subdivisions with private streets."

U. Permit Fee - To defray the cost of processing the application, and maintaining City owned electronic emergency equipment, an application fee of $700 shall be paid prior to scheduling the application for public hearing."

EXHIBIT "10-A"

PLAT DEDICATION CERTIFICATE

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENT:

THAT _____, acting by and through the undersigned, its duly authorized agent, does hereby adopt this plat designating the hereinabove described real property as _____, an addition to the City of Colleyville, Tarrant County, Texas, and does hereby dedicate to the public's use the emergency access and utility easements shown thereon subject to the conditions of approval stated herein.

WITNESS MY HAND at Colleyville, Tarrant County, Texas, this _____ day of _____, 20__.

_____
(provide name and title)

EXHIBIT "10-B"

CONDITIONS OF APPROVAL:

1. Lot 1, Block A denotes the private access and private drainage easement owned by the Homeowners Association (HOA) of _____. No building permit will be issued for Lot 1, Block A.

2. The landowners and any subsequent owners of lots shown herein (the Lot Owners), jointly and severally, shall be responsible and liable for the construction, operation and maintenance of any private common areas or facilities in the addition created herein (the Addition), including but not limited to private streets, private entrance gates or structures, private walls and fences, private pedestrian access, private storm drainage systems, private lake, private open space and landscaping, and emergency access.

3. A HOA shall be established by the subdivider or developer to operate and/or maintain the aforementioned private common areas or facilities.

4. The City of Colleyville, Texas (the City) shall not be responsible for maintaining any of the aforementioned private common areas or facilities. The City will maintain only the public water and sanitary sewer systems in utility easements accepted by the City.

5. The HOA, lot owners, and landowners shall not seek maintenance from the City except for the aforementioned public water and sanitary sewer systems in utility easements accepted by the City.

6. Any public utility entities, including the City, shall have the right at all times of ingress and egress to and from and upon the utility easements shown herein for the purpose of construction, reconstruction, inspection, patrolling, maintaining, and adding to or removing all or part of its respective systems. Except for private storm drainage systems, private streets and related entrance gates or structures that are approved by the City, no buildings, fences, structures, trees, shrubs, or other improvements or growths shall be constructed or placed upon, or across said public utility easements. Any public utility entity, including the City, shall have the right to remove and keep removed all or parts of any buildings, fences, structures, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with its respective systems within said utility easements.

7. The City shall have the right at all times to remove and keep removed any vehicle or obstacle that impairs emergency access in the emergency access easements shown herein.

8. Any governmental entities, including the City, shall have the right at all times of ingress and egress to and from and upon the private access easements shown herein for any purpose related to the exercise of a governmental service or function.

9. If the HOA or lot owners fail to maintain reliable access to any public utility or governmental entities for purposes stated hereinabove, the City may enter the Addition and remove any entrance gate or structure which is a barrier to access at the sole expense of the HOA or lot owners on a pro-rata share formula.

10. The construction, reconstruction or repair of any private streets within the Addition must meet the approval of the Director of Public Works and comply with the specifications of the City for public streets at the time of construction, reconstruction or repair. The construction, reconstruction or repair of any entrance gate and structure for the Addition must meet the approval of the Engineering Department and Fire Department of the City.

11. The installation or replacement of all traffic regulatory signs along the private streets must conform to the Texas Manual of Uniform Traffic Control Devices.

12. THE HOA AND LOT OWNERS AGREE TO RELEASE, INDEMNIFY, DEFEND AND HOLD HARMLESS THE CITY, ITS OFFICERS, AGENTS, LICENSEES, SERVANTS AND EMPLOYEES, FROM AND AGAINST ANY AND ALL CLAIMS OR SUITS FOR PROPERTY DAMAGE OR LOSS AND/OR PERSONAL INJURY, INCLUDING DEATH, TO ANY AND ALL PERSONS, OF WHATSOEVER KIND OF CHARACTER, WHETHER REAL OR ASSERTED, ARISING OUT OF OR IN CONNECTION WITH, DIRECTLY OR INDIRECTLY: (A) THE REASONABLE USE OF THE PRIVATE STREETS, EMERGENCY ACCESS, UTILITY EASEMENTS, ENTRANCE GATE OR STRUCTURE BY THE CITY, ITS OFFICERS, AGENTS, LICENSEES, SERVANTS AND EMPLOYEES; (B) THE CONDITION OF THE PRIVATE STREETS, PRIVATE ENTRANCE GATES OR STRUCTURES, PRIVATE WALLS AND FENCES, PRIVATE PEDESTRIAN ACCESS, PRIVATE STORM DRAINAGE SYSTEMS AND EMERGENCY ACCESS; OR (C) ANY USE OF THE ADDITION BY THE CITY, ITS OFFICERS, AGENTS, LICENSEES, SERVANTS AND EMPLOYEES FOR ANY PURPOSE STATED HEREINABOVE, WHETHER OR NOT CAUSED, IN WHOLE OR IN PART, BY ALLEGED NEGLIGENCE OR OFFICERS, AGENTS, SERVANTS, EMPLOYEES, CONTRACTORS, SUBCONTRACTORS, LICENSEES OR INVITEES OF CITY. THE HOA SHALL BE RESPONSIBLE FOR CARRYING LIABILITY INSURANCE TO MEET THE REQUIREMENTS IN THIS PARAGRAPH.

Section 10-135 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-00-1261	12/19/00	Restricted Access Entrance Design Standards
O-05-1513	03/01/05	Revisions to entire Chapter
O-08-1655	02/05/08	Revisions to Reserve Fund Requirement

Chapter 11
Park Land Dedication

Rev. Jan. 16, 2007

Section 11.1 Purpose of This Chapter

The purpose of this Chapter is to ensure that there will be sufficient land dedicated or otherwise set aside to meet the demand and need of the future residents for open space and parks. In determining the size, shape and quality of open space and park areas that should be set aside and reserved in the manner set out in this section, the City has considered the projected growth in population and development within the municipality and the amount of open space and park and recreational facilities needed to accommodate such growth as stated in the Parks and Recreation Master Plan.

Section 11.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the following authority:

1. *Chapter 212 – Municipal Regulation of Subdivisions and Property Development of the Texas Local Government Code*, which authorizes a municipality to adopt rules governing plats and subdivisions of land within the municipality's jurisdiction.

2. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.

3. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 11.3 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a waiver from a requirement contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 11.4 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Section 11.5 Council Authority and Procedure

11.5.A APPLICABILITY

1. Unplatted Property - This section applies to all property for which a final plat has not been formally submitted to the City for approval, unless otherwise noted herein.

2. Exempt Property - Any tract or lot occupied by an existing residential dwelling unit at the time of adoption of this ordinance shall be exempt from the dedication requirements of this section herein if the residential dwelling remains on the lot. This exemption pertains only to the tract or lot with the

existing residential dwelling. Any additional lots created by further subdivision of the property shall be subject to the requirements herein.

3. Date of Assessment - All requirements contained in this section shall be assessed at the time of approval of the final plat of any applicable property.

11.5.B LAND DEDICATION REQUIREMENTS

1. Standards

In reviewing proposed dedications of park land, the following criteria shall be imposed; provided, however, the approving body may vary or waive any of the following criteria on a finding that the proposed dedication of park land is in accordance with the development of the City, complies with the statement of intent of the Park Land Dedication Ordinance and because of the uniqueness of the property, requires a variance:

a. Park land shall be clearly visible from the public rights-of-way and shall be located so as to give maximum possible exposure throughout the neighborhood.

b. Access to the park land shall be available from public rights-of-way.

c. Where the proposed park land is a flood plain area which is proposed as a linear park, the following shall also be considered:

i. Whether the proposed site contains significant environmental features representative of a pre-urbanized Colleyville, including trees, plants, wildlife, topography, geological outcroppings, unique water features or any combination thereof.

ii. Whether the proposed site currently provides, or will provide in the future, an effective linkage to other existing or anticipated public park sites which will allow movement to and from places where residents live, work and play.

iii. Whether the proposed site is easily accessible, visible and identifiable.

iv. Whether the proposed site has street frontage along its entire length.

v. Whether the proposed site is designed to be used and function as a natural waterway with minimal site alteration.

d. A minimum of fifty percent (50%) of any dedicated park land shall have grades of less than three percent (3%) and shall be well drained and suitable for development of park land improvements.

e. Park land shall be provided with access to all utilities, including water and sewer, along the street frontage of the park.

f. Park land shall not be burdened with easements, rights-of-way, deed restrictions or other limitations which prohibit or inhibit the use of the park land for park purposes.

2. Amount and Location

a. Residential Developments

Based on the population projected to reside in the City of Colleyville, as stated in the 1998 Master Plan adopted by the City Council, the City desires to provide 12.93 acres of park land for every new 1,000 residents in an ultimate condition. Park Land meeting the requirements contained within this section shall be dedicated to the City at a ratio of one (1) acre of park land for every twenty-five (25) residential dwelling units or a prorated portion thereof.

The subdivider shall dedicate to the City a minimum of 0.040 acres of park land in fee simple for each DU (dwelling unit) within the subdivision; provided, however, no tract of park land shall be less than seven (7) acres in total area unless approved by the City Council.

b. Non-Residential Developments

Although non-residential development does not generate residential occupancies per se, it does create environmental impacts, which may negatively affect the living environment of the community. These impacts may be ameliorated or eliminated by providing park or open space areas which buffer adjoining land uses, prevent undue concentration of paved areas, allow for the reasonable dissipation of automotive exhaust fumes, provide natural buffers to the spread of fire or explosion, and provide separation of lighting, waste disposal, and noise by-products of non-residential operations and activities from adjacent residential areas. The City has therefore determined that non-residential developments must provide dedicated parks and/or reserved open space at a ratio of one (1) acre of park land for every fifty-six (56) non-residential gross acres of development or prorated portion thereof.

c. Off-site Dedications

A developer may dedicate the required park land for a development at another location owned by the same developer within the City with the consent of the City, provided that the off-site dedication is in accordance with this ordinance.

3. Documents Accompanying Final Plat

Where the subdivider proposes to dedicate land to the City for park land purposes, the following additional documents shall be submitted to the City with the submission of the final plat of the subdivision:

a. An environmental study, audit or assessment demonstrating that the property is in a condition which would allow the City to utilize the property for park purposes without expenditures to remove environmental waste or hazardous materials, that the property is suitable and safe for use as a park and is free from environmentally related problems.

b. If a developer chooses to dedicate the land or to build the park, a site plan of the park property containing a conceptual plan of the type, nature, and extent of improvements which could be made to the property and identifying the property as to type, i.e., neighborhood park, linear park, special purpose or community park.

c. A statement as to the number of proposed DUs within the subdivision.

4. Condition of Property and Acceptance by the City of Colleyville

Prior to the issuance of a building permit for the erection of any house within the subdivision, the subdivider shall apply to the City for written acceptance of the park land, which shall be accepted upon completion of the following conditions:

a. The subdivider shall permanently mark each corner of the park site with a three-quarter inch (3/4") iron pin set in concrete.

b. The subdivider shall provide the City with a survey acceptable to the City reflecting each corner monument, showing and locating any encroachments, easements and providing a metes and bounds description of the park land.

c. All rubbish, trash, junk and other offensive materials shall be removed from the park land and the property returned to its natural condition except as to approved construction and improvements thereon.

d. All improvements or construction on or within the park land to be installed by the subdivider shall be completed in accordance with approved construction plans.

e. All other applicable ordinances of the City have been complied with.

11.5.C ALTERNATIVES TO LAND DEDICATION

1. Authorization

In any case where a dedication is required, the City shall have the right to accept the dedication, as submitted for approval, or in the alternative, to refuse dedication of the same, and in lieu thereof to require payment of cash under the formula contained in this Section. The City may permit a combination of dedication and fees to be used to fulfill this requirement.

2. Fee Payment Alternative

Approval of Fee Payment Alternative: The City Council shall upon recommendation of the Parks and Recreation Advisory Board, determine the acceptability of a developer's payment of fees in lieu of land dedication requirement of this section.

3. Calculation of Fees

The City Council shall establish an acreage land value cost figure to be used in calculating park fees.

a. Residential Dwelling Unit Fees: Fees paid in lieu of dedication shall be based on the determined cost of 1 acre of land divided by twenty-five (25), for a resulting fee per residential dwelling unit of $1,802.

b. Non-Residential Development Fees: The fee payment alternative for non-residential development shall be calculated by dividing the determined cost of one (1) acre of land by fifty-six, for a resulting fee per non-residential acre cost of $800 per acre.

c. Park land fees shall not be assessed or collected for lots that do not impact the parks system. Examples of lots that do not impact the parks system include, but are not limited to, open space lots, greenbelts, and detention or retention lots. *(O-07-1606 / 01-16-07)*

4. Collection of Fees

a. Park land dedication fees in lieu of dedication shall be paid before the final plat is recorded with the County Clerk's office. A plat containing two (2) or fewer lots may pay park land dedication fees at the time of issuance of any building permit for a DU within the subdivision.

b. By agreement approved by the City Council, the City and the subdivider may alter the time and method of payment and fees in lieu of dedication.

5. Physical or Equipment Improvements to Parks

Compatibility with Parks and Recreation Master Plan: A developer may have the option of improving existing facilities within municipal parks or improving dedicated park land in lieu of park land dedication or payment of cash, based on recommendations made in the Parks and Recreation Master Plan. Should any of these options be exercised, the City and the developer shall prior to initiation of work on such improvements, enter into an agreement for credit of expenses for authorized park improvements. In no case shall the municipality be required to reimburse the developer if he chooses to improve park lands at an amount greater than required. Such a proposed agreement to provide facility improvements in lieu of dedication shall be submitted in writing with the subdivision plat.

6. Approval Process

a. Land Dedications

i. Parks and Recreation Advisory Board Recommendation: The Parks and Recreation Manager or their designee shall report to the Parks and Recreation Advisory Board regarding any park land dedication issues arising from development applications submitted to the City for approval. The Parks and Recreation Advisory Board may then make a formal recommendation to the Planning and Zoning Commission to accept or refuse any proposed dedicated land prior to the Commission's action on the development.

ii. Planning and Zoning Commission: The Planning and Zoning Commission shall consider the recommendation of the Parks and Recreation Advisory Board in determining the acceptability of any land dedications proposed on any development. The Commission recommendation shall then be forwarded to the City Council for final approval where applicable.

iii. Final Plat Dedications: Where review or development applications have resulted in the City's desire for land dedication, such land dedication shall be shown on a final plat and shall contain a clear fee simple dedication of that land to the City.

7. Use of Fees

a. All funds collected as fees in lieu of dedication shall be deposited in a special interest bearing account dedicated to the accumulation of monies required by this section. Interest earned on fees in lieu of dedication shall be considered funds of the account on which it is earned and shall be subject to all restrictions placed upon the use of fees in lieu of dedication.

b. Expenditures of fees in lieu of dedication shall be made only for one or more of the following purposes:

i. The acquisition or improvement of park sites or other sites which are available for park purposes.

ii. Inappropriate expenditures

Monies placed in this fund may not be utilized for any other general business activity of the City or for maintenance of park facilities.

Section 11.6 Park Land Dedication Committee

1. The City hereby creates the Park Land Dedication Committee. The Park Land Dedication Committee shall be made up of two members of the Planning and Zoning Commission and two members of the Parks and Recreation Advisory Board. The Park Land Dedication Committee shall have the following duties:

a. Review proposed park land dedication fund expenditures and make recommendations to the Planning and Zoning Commission and the City Council.

b. Review the Parks and Recreation Master Plan every three years and make recommendations for modification or alteration.

2. The City Council shall appoint the members of the Park Land Dedication Committee and the terms of the members of the Park Land Dedication Committee shall coincide with their respective terms of the Planning and Zoning Commission or the Parks and Recreation Advisory Board, as applicable.

Section 11.7 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-00-1216	5/2/00	Changed fee & deleted PUD open space credits
O-07-1606	1/16/07	Added paragraph c to Section 11.5.C.3 – Calculation of Fees

Chapter 12
Erosion Control Regulations

Rev. 02/01/05

Section 12-100 Purpose

The purpose of this Chapter is to establish minimum standards to deter erosion and sedimentation problems within the City of Colleyville which are associated with building construction activities, new developments or when other soil erosion conditions have potential to create a public erosion nuisance. These erosion control regulations are intended to prevent a public erosion nuisance by:

A. reducing sedimentation in streams, creeks, lakes, waterways, storm drains;
B. protecting the quality of the water in the City of Colleyville;
C. protecting and preserving wildlife habitat, and
D. reducing the negative environmental impacts of construction activity.

Section 12-105 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of:

A. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.

B. *Chapter 217 – Municipal Regulation of Nuisances and Disorderly Conduct of the Texas Local Government Code*, which authorizes a municipality to define and prohibit any nuisance.

C. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 12-110 Applicability of This Chapter

The provisions of this Chapter shall be applicable to every lot, parcel, or tract of land situated within the corporate limits of the City of Colleyville and to any property situated outside the corporate limits where a building permit has been approved by the City of Colleyville.

Section 12-115 Exemptions for Certain Activities

The following activities shall be exempt from these erosion control regulations, provided that an exempt activity which causes a public erosion nuisance may be required to install erosion control measures:

A. A property containing an existing single-family residence where any earthwork performed is for the sole purposes of gardening, landscaping, sprinkler installation, or other earthwork activity not related to urban development.

B. Any non-residential earthwork where the volume of material does not exceed 100 cubic yards or where the area disturbed does not exceed 1,000 square feet.

C. When the City inspector has determined that:

   1. the amount of earthwork will not cause a public erosion nuisance, or

2. the topography and the amount of existing vegetation is sufficient to prevent a public erosion nuisance.

D. The Director of Public Works may approve a waiver of a provision of these erosion control regulations where strict adherence to these requirements will result in unnecessary hardship and not fulfill the intent of these erosion control regulations. The owner shall submit a written request for such waiver stating the specific waiver sought and reasons for requesting the waiver. The Director of Public Works shall not grant a waiver unless and until sufficient specific reasons justifying the waiver are provided by the owner.

Section 12-120 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Section 12-125 Earthwork Permit

A. General Requirement – It shall be unlawful to remove trees, perform excavation, grading, leveling, filling or otherwise disturb soil without prior approval of an earthwork permit by the Director of Public Works, or his designee, except where such work is exempted by a provision contained in this Chapter. Approval of an earthwork permit and installation of erosion control measures may be required by the Director of Public Works anytime that an offense of these erosion control regulations is imminent. No earthwork permit is required where engineering construction plans for a subdivision or a building permit for a structure has been approved which includes an approved erosion control plan.

B. Earthwork Permit – All applications for an earthwork permit shall be reviewed by the Director of Public Works, or his designee, for compliance with the regulations contained in this Chapter. No earthwork permit shall be approved until the developer has submitted, and the Director of Public Works has approved, an erosion control plan as defined elsewhere in this Chapter. Any earthwork permit approved under the authority of this Chapter shall expire one hundred and eighty (180) days from the date of issuance, unless a time extension has been authorized by the Director of Public Works. When the area proposed for earthwork is located within the limits of the 100-year flood area, approval of a separate Development Permit issued by the Flood Plain Administrator shall also be required.

Section 12-130 Requirements for Developments

A. Subdivisions – All applications for subdivision plat approval where excavation or filling is proposed or where public improvements are proposed shall include an erosion control plan. No engineering construction plans for a subdivision shall be approved nor shall any grading, tree removal, excavation, or construction of public improvements commence until the erosion control plan has been approved by the City. Erosion control measures shall be installed and maintained during the construction of public improvements. Upon completion of the subdivision, the Director of Public Works shall not recommend final acceptance of the public improvements or authorize release of building permits for the subdivision until either (1) the construction site has been returned to a condition that will not create a soil erosion nuisance, or (2) erosion control measures have been installed, inspected and determined to be in conformance with an approved erosion control plan and/or the regulations contained in this Chapter. The developer, or lot owner, shall be responsible for the maintenance of all erosion control measures for the subdivision or applicable privately owned lot, except for any lot where a building permit has been issued for construction of a structure. The Director of Public Works shall notify the developer, or lot owner, of any non-compliance with the erosion control plan for the subdivision.

B. Suretv for Permanent Erosion Controls in New Subdivisions – The developer shall provide a surety in the form of cash, certificate of deposit, irrevocable letter of credit acceptable to the City, or surety bond underwritten by a surety company licensed to operate in the State of Texas to insure that vegetative cover or other permanent erosion control measures are maintained and functioning properly up to a two (2) year period from the date of final acceptance of the dedicated streets and/or utilities by the City of Colleyville.

This surety shall be given to the City before the final acceptance of the streets and/or utilities. This surety shall be in the amount estimated to be one hundred percent (100%) of the cost of constructing and maintaining the permanent erosion controls for a two (2) year period. Such estimate shall be signed and sealed by a registered professional engineer.

Vegetative cover which is planted and a permanent part of a public improvement project associated with a subdivision development will not be accepted by the City until the growth has been established and maintained by the developer for a two (2) year period from the date of final acceptance of the subdivision's streets and utilities.

After the two-year period has elapsed, the owner of the property shall be responsible for maintaining the erosion controls in good working order. If any future owner modifies or disturbs the erosion controls for the area, that owner must restore or replace the permanent erosion controls at the conclusion of the disturbing activity.

C. Building Permit Applications – All applications for a building permit for any new structure or renovation or addition to an existing structure shall submit an erosion control plan for the proposed building site, unless the building official has determined that the proposed construction work does not pose a potential erosion control nuisance. The erosion control plan shall be similar to that shown in Exhibit 12-D. No building permit application shall be approved nor shall any grading, tree removal, excavation, or construction commence until the erosion control plan has been approved by the City. Erosion control measures shall be installed and maintained during the construction period of the structure.

No building inspection shall be approved unless the erosion control measures are in compliance with the erosion control plan and these erosion control regulations. Upon completion of the structure, the building official shall not approve the final inspection until either (1) all erosion control measures are found to be in conformance with the erosion control plan or (2) the lot has been adequately sodded. The building official shall notify the contractor of any non-compliance with the erosion control plan for the building site.

D. Existing Developments – The City may require installation of erosion control measures on an existing development when it is determined by the City that a sufficient amount of soil erosion or siltation has potential for creating a public nuisance.

Section 12-135 Erosion Control Plan Requirements

At a minimum, an Erosion Control Plan shall contain the following information:

A. Name and address of the property owner
B. Name and address of the person performing the earthwork
C. A plan drawn to scale of the property showing the property boundary, street right-of-way, drainage easements and the general area where earthwork is proposed.
D. The existing and proposed drainage flow by using arrows to indicate the direction of slope.
E. The location and type of erosion control method proposed.
F. The location where access is gained to the property.
G. An estimate of the amount of soil being disturbed.

Section 12-140 Acceptable Methods of Erosion Control

A. The following are the minimum acceptable methods of erosion control permitted in the City of Colleyville. All methods of erosion control shall be installed to prevent siltation on public rights-of-way.

1. Erosion control barriers, including the following

a. silt screen fencing installed in accordance with Exhibit 12-A.
b. sandbag sediment barrier installed in accordance with Exhibit 12-B.
c. silt collection ponds.

d. storm drain inlets -Curb inlets shall be protected with wire mesh and sand bags in accordance with the requirements shown on Exhibit 12-C.
e. hay bale screening shall not be used as a primary silt screen barrier but may be approved by the City to supplement other erosion control methods.

2. Erosion control filters, including the following
   a. filter berms
   b. filter fencing
   c. continuous block sodding at a width acceptable to the City Engineer.

3. The City Engineer may approve an alternate method if said method meets the intent of these erosion control regulations.

B. Erosion Control Barrier Standards – Where required by these regulations, there shall be an erosion control barrier constructed according to these standards. The erosion control barrier shall be installed to a minimum height of twelve inches (12") with the base buried to protect from washout. Said erosion control barrier shall be placed behind any curb and extend across a minimum of 66% of the street frontage of the lot. Additional erosion control barriers may be required to provide erosion control for the entire width of the lot where required by the Administrative Official, except at the access point. There shall be a four-foot (4') transition section a each end of the barrier. The erosion control barrier shall provide for a minimum of one point of access which shall be a minimum width of ten feet (10') and a maximum width of twenty feet (20'). The access point shall have a minimum four inch (4") thick gravel base and extend a minimum of ten feet (10') from the curb. In the absence of any curb, the City inspector shall determine the proper location of the erosion control barrier.

C. Re-vegetation Requirements – No erosion control measure shall be removed until the property has been replanted with vegetation and said vegetation prevents an offense of these erosion control regulations, or upon approval by the City.

Section 12-145 Offense for Failure to Comply, Notification and Stop Work Order

A. Public Erosion Nuisance Defined – It shall be unlawful for any person, firm or corporation which owns, possesses, is in custody of, or exercises control of property to permit a public erosion nuisance. A public erosion nuisance is an occurrence where erosion of, or sediment from, one location causes an unsafe, bothersome, or unsightly condition on property at another location, public property and/or public rights-of-way. An unsafe, bothersome or unsightly condition or burden includes silt, mud or similar debris, originating on one property, but being deposited onto a second off-site property, public property or a public right-of-way.

The owner, builder, developer, tenant, or any other person. firm, or corporation who owns, possesses, is in custody of, or exercises control of. property, building structures. subdivisions, excavations and fill operations, all development and all other similar development activities shall be responsible for any silt. mud. or sands transported from the property by drainage. Additionally. all persons. firms or corporations who, after construction and development, own, possess, are in custody of, or exercise control of the property, are responsible for preventing the erosion and sedimentation problems addressed by these erosion control regulations.

B. Violation for Damaging Erosion Control Measures – It shall be a violation of these regulations to remove, damage or destroy an erosion control barrier or other erosion control measure without the approval of a city inspector or which is required for compliance with these regulations.

C. Notice of Violation and Stop Work Provision – The City shall give written notice to the owner or agent in charge of any premises believed to be in violation of these erosion control regulations, and provide forty-eight (48) hours to secure an Earthwork Permit and/or to correct the public erosion nuisance and to remove the offending sedimentation.

A notice of less than forty-eight (48) hours may be given in the event that the City determines that the situation believed to be in violation poses an poses an immediate threat to public health, and safety.

The City is hereby authorized to issue a "stop work order" at a construction site that is in violation of these erosion control regulations. However, no stop work order may be issued until the notice provisions of this section are fully complied with by the City and the owner or agent of the premises has been given the amount of time allotted to correct the public erosion nuisance and to clean up and remove the offending sedimentation.

Section 12-150 Abatement by the City

In the event that the owner of any lot, tract, parcel of land, or a portion thereof situated within the corporate limits of the city shall fall to comply with these erosion control regulations, the Director of Public Works, or his designee, shall notify such owner by letter, addressed to him at the address shown on the last approved tax rolls of the city or at any residence or business structure located on subject property or at the last known address. The mailing of notice in accordance with any of the above shall satisfy this section. In the alternative, the city may notify the owner by publication in the City's official newspaper on one (1) occasion.

At the expiration of ten (10) days after notification or publication. the city may enter upon such premises and may do such work as is necessary, or cause the same to be done, in order that the premises may comply with the requirements set forth within this ordinance. A statement of the cost incurred by the city to abate such condition shall be mailed to the owner of said premises. which statement shall he paid within thirty (30) days of the date of the mailing thereof. In the event that said statement has not been paid within such period. The City Manager may file a statement with the Tarrant County Clerk of the expenses incurred to abate such condition on said premises. and the city shall have a privileged lien on any lot, tract or parcel of land upon which such expenses is incurred, together with ten (10) percent on the delinquent amount from the date such payment is due. For any such expenditure and interest, as aforesaid, suit may be instituted and recovery and foreclosure had in the name of the city and the statement so made, as aforesaid, or a copy thereof shall be prima facie proof of the amount expended in any such work performed by the city.

Section 12-155 Administration and Approvals

A. Duties of Officials – The Director of Public Works, or his designee, is hereby authorized to enforce these erosion control regulations.

B. Effect of Approval – It is to be understood that the approval of an Erosion and Sedimentation Control Plan by the City does not constitute a recognition by the City that the Erosion and Sedimentation Control Plan will prevent any, or all, public erosion nuisances. By approval of the Erosion and Sedimentation Control Plan, the City does not warrant that the Erosion and Sedimentation Control Plan will be sufficient to prevent a public erosion nuisance, and the City waives no rights to pursue any legal remedies, both under these erosion control regulations, and all other applicable ordinance and laws.

   If for any reason, after an Erosion and Sedimentation Control Plan is approved by the City, a public erosion nuisance occurs on property addressed by said Erosion and Sedimentation Control Plan, the approval of said Erosion and Sedimentation Control Plan shall not be a defense or bar to prosecution under this ordinance.

C. Disclaimer of Liability – These erosion control regulations rely on a degree of erosion and sedimentation control and flood protection that is considered reasonable for regulatory purposes and that is based on scientific, engineering, and economic considerations. These erosion control regulations do not imply that erosion and sedimentation controls will survive inundation by runoff from storms or that land below such controls will be free from flooding or flood damages. These erosion control regulations shall not create liability on the part of the City of Colleyville, or any officer or employee thereof, for any flood damages, or erosion or sedimentation damages, whether to personas or property, that result from reliance these erosion control regulations or any administrative decision lawfully made thereunder.

Section 12-160 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-05-1508	02/01/2005	Re-organization of regulations

Section 12-165 Exhibits

The following Exhibits are included with this Chapter:

Exhibit Number	Subject
12-A	Typical silt screening fence
12-B	Typical sand bag screening
12-C	Typical curb inlet screening
12-D	Typical erosion control plan

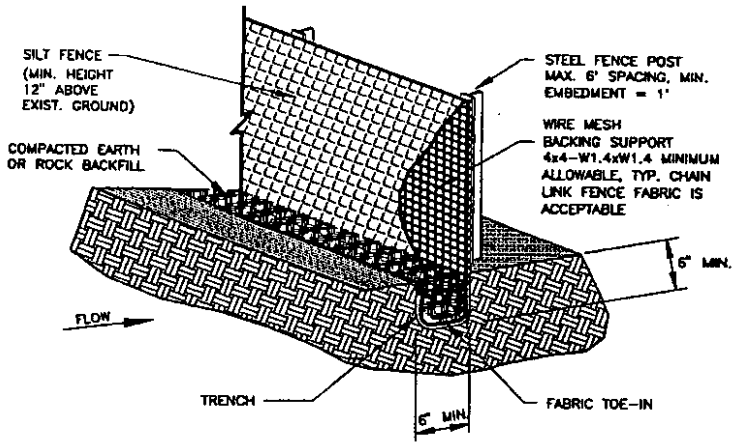


Exhibit "12-A"
Typical Silt Screening Fence

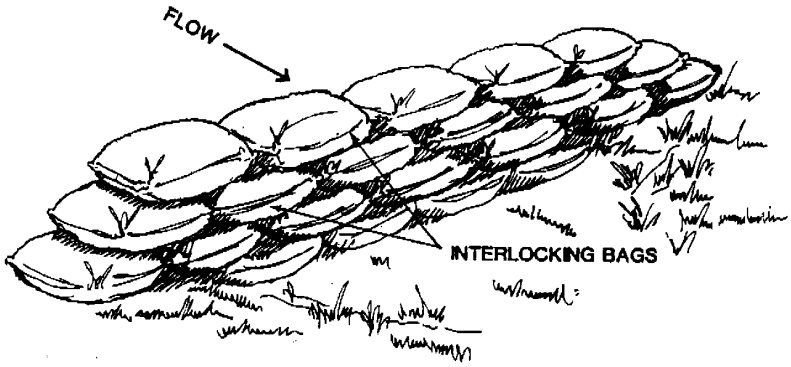


Exhibit "12-B"
Typical Sand Bag Screening

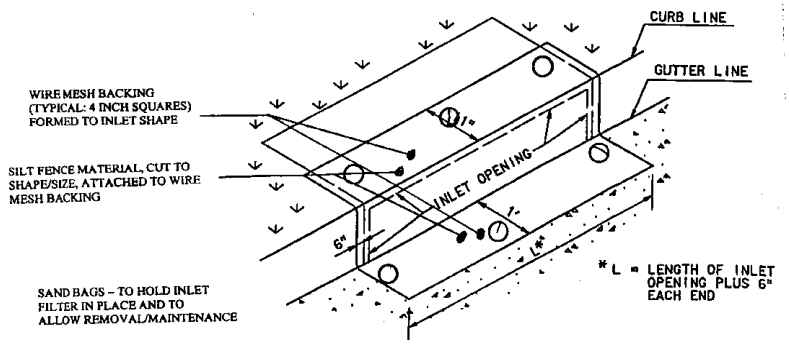


Exhibit "12-C"
Typical Curb Inlet Screening

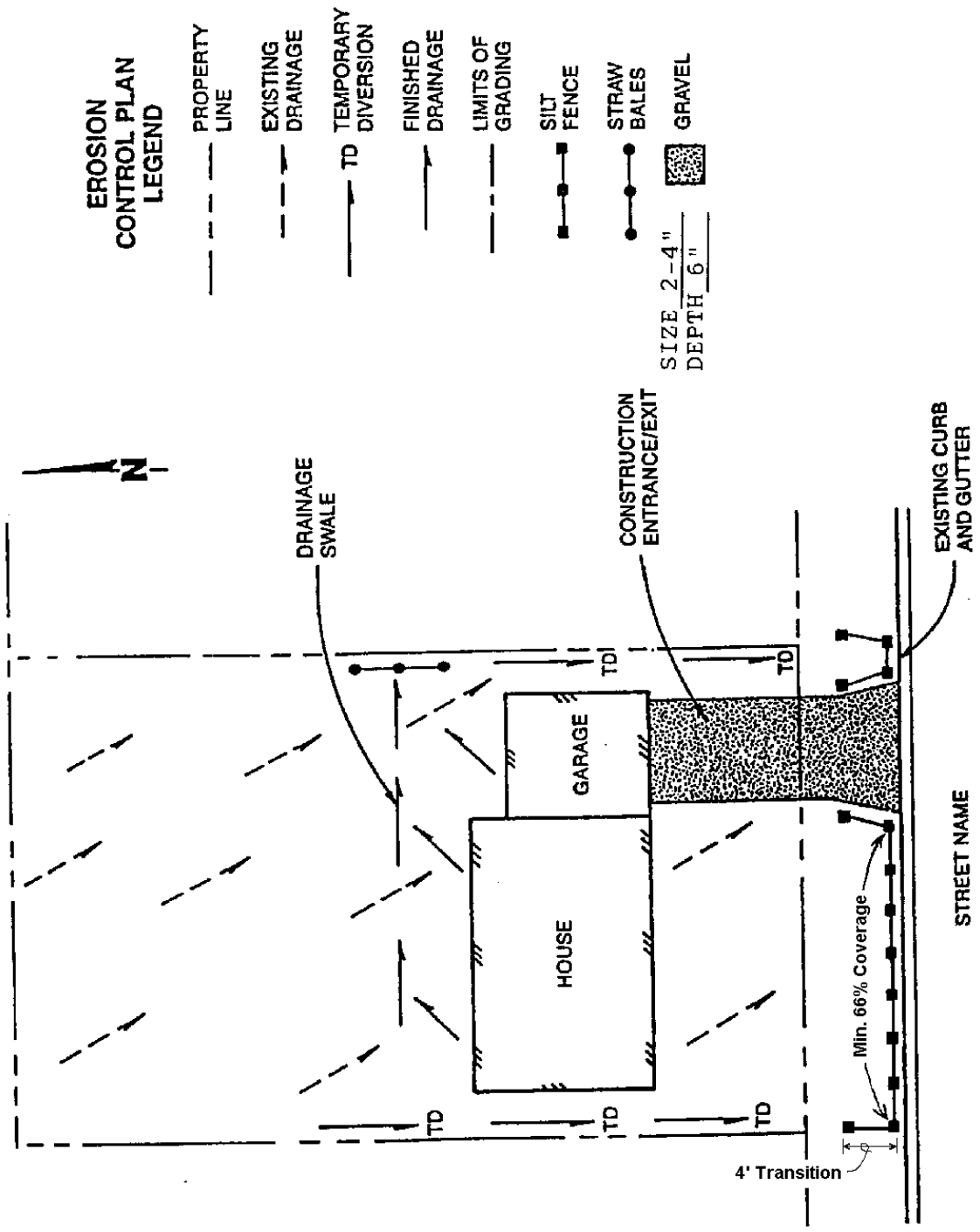


Exhibit "12-D"
Typical Erosion Control Plan

Chapter 13
Impact Fees

Rev. 11/15/2013

Section 13 – 100 Purpose of this Chapter

The purpose of this Chapter is to establish regulations for the collection of impact fees to pay for the costs for new development.

Section 13 – 105 Authorization for Adoption of this Chapter

The regulations contained in this Chapter are adopted under the authorization *of Chapter 395 – Local Government Code* and *Article VI of the Charter of the City of Colleyville*.

Section 13 – 110 Waivers and Appeals

An applicant requesting a waiver of a requirement contained in this Chapter may seek relief from the City Council by using the procedure described in Section 190 of this Chapter this Land Development Code.

Section 13 – 115 Definitions

The definitions unique to this Chapter are found in *Chapter 2 – Definitions* of this Land Development Code.

Section 13 – 120 Master Plan and Capital Improvements Plan Adopted

A. Master Plan – The City of Colleyville, Texas Master Plan, approved by Ordinance O-04-1483 on October 19, 2004, be and the same is hereby adopted and designated as the Master Plan for the City of Colleyville for impact fees.

B. Land Use Assumptions – The land use assumptions used in the development of the impact fees are contained in the document titled Water, Wastewater, and Roadway Impact Fee Update, dated May 2012, prepared by Kimley-Horn and Associates, are adopted for the purpose of compliance with Chapter 395 of the Texas Local Government Code regarding impact fees and referenced in Exhibit - 13.A – Table of Land Use Assumptions.

C. Water and Wastewater Capital Improvements Plans – The document titled Water, Wastewater, and Roadway Impact Fee Update, dated May 2012, prepared by Kimley-Horn and Associates, is adopted as the Water and Wastewater Capital Improvements Plan for the City of Colleyville for the purpose of compliance with Chapter 395 of the Texas Local Government Code regarding impact fees.

D. Roadway Capital Improvements Plan – The document titled Water, Wastewater, and Roadway Impact Fee Update, dated May 2012, and prepared by Kimley-Horn and Associates is adopted as the Roadway Capital Improvements Plan for the City of Colleyville for the purpose of compliance with Chapter 395 of the Texas Local Government Code regarding impact fees.

Section 13 – 125 Applicability of Impact Fees

A. This Chapter shall be uniformly applicable to new development which occurs within the water, wastewater and roadway service areas.

B. No new development shall be exempt from the assessment of impact fees as defined in this Chapter.

Section 13 – 130 Impact Fees as Conditions of Development Approval

No final plat for new development shall be approved within the service area without assessment of impact fees pursuant to this Chapter, and no water and wastewater tap shall be issued and no building permit shall be issued unless the applicant has paid the impact fees imposed by and calculated as provided herein.

Section 13 – 135 Establishment of Service Areas

A. The water, wastewater and roadway service areas are established as shown on the Service Area Map, attached as Exhibit -13-B – Service Area Map. The service areas shall be established consistent with any facility service area established in the CIP for each utility.

B. The boundaries of the water, wastewater and roadway service areas may be amended from time to time, and new service areas may be delineated, pursuant to the procedures in Chapter 395 of the Texas Local Government Code.

Section 13 – 140 Service Units

A. Service units are established in accordance with generally accepted engineering and planning standards.

B. For water and wastewater impact fees, service units shall be calculated in accordance with the attached Exhibit -13-C – Table of Water and Wastewater Service Unit Equivalencies, as determined by the size of the water meter(s) for the development, or alternatively, as approved the City Engineer as a result of an engineering report prepared by a qualified professional engineer licensed to perform such professional engineering services in the State of Texas, which demonstrates that the number of service unit equivalents (SUE's) for the new development will be different than those indicated by the size of the water meter.

C. If the Director of Public Services determines that the water pressure in the City's transmission main is significantly higher or lower than standard pressure such that the size of the water meter is not indicative of actual service demand, the Director may adjust the number of (SUE's) based on a smaller or larger sized meter which more accurately reflects the flow rate and the system pressure conditions.

D. If a fire demand meter (tap) is purchased for a property, the meter size utilized to calculate the number of (SUE's) shall be the dimension of the portion of the fire demand meter which reflects the meter size which would provide only domestic service to the property. Said reduced meter size shall then be utilized to calculate the number of (SUE's).

1. The meter types used to calculate the number of (SUE's) shall be either simple or compound meters.

2. If the fire protection capacity of the fire demand meter is routinely utilized for domestic purposes as evidenced by the registration of consumption recorded on the City's meter-reading and billing systems, the then-owner of the property shall be assessed the then current fee for the fire protection capacity which has been converted to domestic capacity by its routine usage as domestic capacity.

3. To avoid the use of fire flow volumes for domestic usage, the owner of any property for which a fire demand meter is purchased shall be required to execute a restrictive covenant on a form approved by the City Attorney, which covenant shall acknowledge the right of the City to assess such fees to subsequent owners of the property. Said covenant shall be executed prior to the purchase of the fire demand meter and shall be filed in the deed records of the County.

4. No fees shall be collected for the purchase of taps which shall be utilized to provide only fire protection capacity.

E. Upon wastewater tap purchase for lots for which no water meter has been purchased, service units shall be established by a professional engineer licensed in the State of Texas, shall be reviewed by the Engineer and shall be presented to Council, which shall designate the appropriate number of service units.

F. For roadways, service units shall be calculated in accordance with Exhibit - 13.D – Table of Vehicle-Mile Equivalencies.

G. The City Council may revise the service unit equivalency tables according to the procedure set forth in Chapter 395 of the Texas Local Government Code and its successors.

Section 13 – 145 Maximum Assessable Impact Fees Per Service Unit

A. Calculation Method – The maximum assessable impact fee per service unit for each service area shall be computed by dividing the growth-related capital construction cost of service in the service area identified in the capital improvements plan for that category of capital improvements, by the total number of projected service units anticipated within the service area which are necessitated by and attributable to new development, based on the land use assumptions for that service area.

B. Utility or Ad Valorem Tax Credits – The maximum assessable impact fee is determined by applying a credit back to the development community based on the utility revenues or ad valorem taxes that are allocated for paying a portion for future capital improvements. The maximum assessable water impact is 72.9 percent of the Pre-Credit Recoverable Costs. The maximum assessable wastewater impact fee is 76.1 percent of the Pre-Credit Recoverable Costs. The maximum roadway impact fee is 93.5 percent for Service Area One and 95.1 percent for Service Area Two of the Pre-Credit Recoverable Costs.

C. Maximum Assessable Water and Wastewater Impact Fees – The maximum assessable impact fees per service unit for water and wastewater facilities after applying the utility or ad valorem tax credits is contained in Exhibit -13-E – Table of Maximum Assessable Water and Wastewater Impact Fees.

D. Maximum Assessable Roadway Impact Fees – The maximum assessable impact fees per service unit for roadway facilities after applying the utility or ad valorem tax credits is contained in Exhibit -13-F – Table of Maximum Assessable Roadway Impact Fees.

Section 13 – 150 Assessment of Impact Fees

A. The assessment of an impact fee for any new development shall be made in accordance with the provisions of this Section.

B. Assessment of the impact fee for any new development shall be made on occurrence of the following events:

1. For new development which is submitted for approval pursuant to the City's subdivision regulations after June 20, 1987, or for which replatting results in an increase in the number of service units after such date, assessment shall be at the time of final subdivision plat approval, and shall be the amount of the impact fee per service unit, as provided in the Schedule of Impact Fees to be Collected that is in effect at the time of subdivision plat approval.

2. For new development which has received final plat approval prior to June 20, 1987, and for which no replatting is necessary prior to the issuance of a building permit, assessment shall be upon the issuance of a building permit, and shall be the amount of the impact fee per service unit set forth in the Schedule of Impact Fees to be Collected that is in effect at the time of building permit application.

3. For new development which occurs or is proposed to occur without platting, assessment shall be upon the issuance of a building permit or water or sewer tap purchase (whichever occurs first), and shall be the amount of the impact fee per service unit set forth in the Schedule of Impact Fees to be Collected that is in effect at the time of building permit application.

4. For water and wastewater facilities, fees shall not be assessed to a development for which taps previously were purchased and which development does not result in an increase in the number of living unit equivalents as determined by the service unit equivalency table. If the exchange of said taps will result in an increase in the number of (SUE's), impact fees for the increase in the number of (SUE's) shall be assessed in accordance with the Schedule of Impact Fees to be Collected that is in effect at the time of subdivision plat approval.

5. Because fire protection is of critical concern to the community as a whole, water demand related solely to fire protection is not subject to assessment or collection of a water or wastewater impact fee. However, if the fire protection capacity of the fire demand meter is routinely utilized for domestic purposes as evidenced by the registration of consumption recorded on the City's meter-reading and billing systems, the current owner of the property shall be assessed the impact fees currently in effect at the time such conversion is established by the City for the fire protection capacity which has been converted to domestic capacity by its routine usage as domestic capacity.

C. Following assessment of the impact fee above, no additional impact fees or increases thereof shall be assessed against that development unless the number of service units increases.

D. Following the lapse or expiration of approval for a plat, a new assessment must be performed at the time a new application for such development is filed.

Section 13 – 155 Schedule of Actual Impact Fees Collected

A. Water Impact Fee Schedule – The actual water impact fee collection rate which is to be paid by each new development shall be 40.8% of the maximum allowed. This rate is incorporated into Exhibit 13-G – Schedule of Actual Water and Wastewater Impact Fees to be Collected, which shall become effective on August 22, 2012.

B. Residential Irrigation Meter Exemption – The payment of the water impact fee shall not be required by an existing residential customer for the installation of a meter to serve a separate lawn irrigation system provided all of the following requirements are met:

1. The lawn irrigation meter does not exceed the ¾" x ⅝" standard basic meter size,
2. The lawn irrigation shall be located on the same property as the residential meter,
3. the residential property must be owner-occupied and be in possession of a valid certificate of occupancy, and
4. The lawn irrigation meter only serves the lawn irrigation system.
5. The upgrade of a ¾" x ⅝" lawn irrigation meter to a 1" meter shall require payment of a water impact fee based on the difference between the base meter size and the water impact fee for a 1" meter applicable at the time of upgrade.
6. No exemption or pro-rata credit shall apply for any meter size exceeding 1" for a lawn irrigation meter.

C. Wastewater Impact Fee Schedule – The actual wastewater impact fee collection rate which is to paid by each new development shall be 25.5% of the maximum allowed by this Chapter. This rate is incorporated into Exhibit 13-G – Schedule of Actual Water and Wastewater Impact Fees to be Collected, which shall become effective on August 22, 2012.

D. Roadway Impact Fee Schedule – The actual impact fees per service unit equivalent for roadway facilities is shown in Exhibit 13-H – Schedule of Actual Roadway Impact Fees to be Collected, which incorporates the following collection rate percentages.

1. *Service Area 1:* The actual Roadway Impact Fee collection rate shall be 51.8**%** of the maximum assessable impact fee allowed for all uses, except retail and office uses, which shall include a 65% credit of the actual fee collected, which shall become effective on August 22, 2012.

2. *Service Area 2:* The actual Roadway Impact Fee collection rate shall be 50.0% of the maximum allowed by this Chapter for all uses, except retail and office uses, which shall include a credit of 65% of the actual fee collected, which shall become effective on August 22, 2012.

3. For land uses not specifically listed, refer to Trip Generation, published by the Institute of Transportation Engineers.

Section 13 – 160 Payment and Collection of Impact Fees

A. Tap or Building Permit – No water or wastewater tap or building permit shall be issued until all impact fees have been paid to the City, except as provided otherwise by contract.

B. Payment with Building Permit – Water, wastewater and roadway impact fees shall be paid at the time of the issuance of a building permit, unless a provision in this Chapter provides for another time for collection of impact fee.

C. Conversion from Existing Private Facilities – For new development converting to the City water utility from a water well or to the City wastewater utility from a septic tank or individual waste disposal system, the City may allow the fee-payer to pay impact fees in the form of a monthly assessment in the same manner as monthly assessments for related tap fees, if such an extended payment program for tap fees is currently in effect.

D. Contract Specifying Time and Method of Payment – The City may, at its sole discretion, enter into a contract with the owner of a tract of land for which the plat has been recorded to establish a different time and method of payment of impact fees than those provided in this Section.

E. Notification Due to Increased Service Units – Whenever a property owner proposes to increase the number of service units for a development previously assessed, the additional impact fees to be collected on such service units shall be determined in accordance with the Schedule of Impact Fees to be Collected that is in effect at the time of building permit application .

F. Roadway Impact Fees for Exempt Non-Residential Uses – For roadway impact fees, in circumstances where non-residential uses may be exempt from payment of fees based upon prospective generation of sales tax revenues, such fees may be paid as provided in Section 13-173, subject to rebate pursuant to this Chapter, upon demonstration that more than 50% of the floor area of the structure for which a building permit is issued will be utilized by a business generating city sales tax revenues.

Section 13 – 163 Offsets and Credits Against Impact Fees

A. System Related Facilities – The City shall offset the reasonable value of any system-related facilities, pursuant to rules established in this Section, which have been dedicated to and have been received by the City, including the value of rights-of-way or capital improvements constructed pursuant to an agreement with the City, against the amount of the impact fee due for that category of capital improvement, subject to administrative guidelines established by the City.

B. Credit for Impact, Pro-Rata, Acreage of Lot Fees – The City shall credit impact, pro rata, acreage or lot fees which have been paid pursuant to the subdivision regulations contained in this Land Development Code prior to the effective date of this amendatory ordinance against the amount of an impact due for that category of capital improvement, subject to administrative guidelines established by the City.

C. Limitations for Offsets and Credits – All offsets and credits against impact fees shall be subject to the following limitations and shall be granted based on this Chapter and additional standards promulgated by the City, which may be adopted as administrative guidelines.

1. No offset or credit shall be given for the dedication or construction of site-related facilities, except where credit is provided in this Chapter, or for any capital improvement which is not identified within the applicable capital improvements plan, unless the City agrees that such improvement supplies capacity to new developments other than the development paying the impact fee and provisions for offsets are incorporated into an agreement for capital improvements.

2. Any construction of, contributions to, or dedications of off-site roadway facilities agreed to or required by the City as a condition of development approval shall be credited against roadway impact fees otherwise due from the development.

3. The unit costs used to calculate the offsets shall not exceed those assumed for the capital improvements included in the capital improvements plan for the category of facility within the service area for which the impact fee is imposed.

4. An offset or credit created pursuant to prior impact fee ordinances shall expire no later than ten (10) years after the effective date of this amendatory ordinance, unless a different expiration date has been agreed to by the City by contract or certificate. Offsets or credits created after the effective date of this amendatory ordinance shall expire within ten (10) years from the date the offset or credit was created, unless otherwise prescribed by contract.

5. In no event will the City reimburse the property owner or developer for an offset or credit when no impact fees for the new development can be collected pursuant to this Chapter or for any value exceeding the total impact fees due for the development for that category of capital improvement, unless otherwise agreed to by the City.

6. Offsets or credits created after the effective date of this amendatory ordinance for a development which has received final plat approval prior to the effective date hereof shall be discounted to take into account the number of service units in the development which will utilize the facility for which the offset or credit was given.

D. Application for Offset or Credit – An applicant for new development must apply for an offset or credit against impact fees due for the development either at or before the time of plat recordation, unless the City agrees to a different time. The applicant shall file a petition for offsets or credits with the City on a form provided for such purpose. The contents of the petition shall be established by administrative guidelines. The City must provide the applicant, in writing, with a decision on the offset or credit request, including the reasons for the decision. The decision shall specify the maximum value of the offset or credit which may be applied against an impact fee, which value and the date of the determination shall be associated with the plat for the new development.

E. Manner of Offset or Credit Application – The available offset or credit associated with the plat shall be applied against an impact fee in the following manner:

1. Such offset or credit shall be prorated proportionally among all service units, or for roadway facilities, among all units of trip generation, as calculated from the applicable service unit equivalency table, and shall remain applicable to such service units, to be applied at time of filing and acceptance of an application for a building permit, against impact fees due.

2. If the total number of service units used by the City in the original offset or credit calculation described in subsection (1) is eventually exceeded by the number of total service units realized by the actual development, the City may, at its sole discretion, collect the full impact fee exclusive of any associated offset or credits for the excess service units.

3. At its sole discretion, the City may authorize alternative credit or offset agreements upon petition by the owner in accordance with guidelines promulgated by the City.

Section 13 – 165 Establishment of Accounts and Records

A. The City shall establish separate interest-bearing accounts, in a bank authorized to receive deposits of City funds, for each major category of capital facility for which an impact fee is imposed pursuant to this Chapter.

B. Interest earned by each account shall be credited to that account and shall be used solely for the purposes specified for funds authorized in the Capital Improvements Plan.

C. The City shall establish adequate financial and accounting controls to ensure that impact fees disbursed from the account are utilized solely for the purposes authorized in the CIP. Disbursement of funds shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this Chapter; provided, however, that any fee paid shall be expended within a reasonable period of time, but not to exceed ten (10) years from the date the fee is deposited into the account.

D. The City shall maintain and keep adequate financial records for each such account, which shall show the source and disbursement of all revenues, which shall account for all monies received, and which shall ensure that the disbursement of funds from each account shall be used solely and exclusively for the provision of uses specified in the capital improvements program as system-related capital projects. The City Finance Department shall also maintain such records as are necessary to ensure that refunds are appropriately made under the provisions of this Chapter, and such other information as may be necessary for the proper implementation of this Chapter.

Section 13 – 168 Use of Proceeds of Impact Fee Accounts

A. Permitted Uses of Fees – The impact fees collected pursuant to this Chapter may be used to finance or to recoup capital construction costs of service. Impact fees may also be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the City to finance such capital improvements or facilities expansions.

B. Prohibited Uses of Fees – Impact fees collected pursuant to this Chapter shall not be used to pay for any of the following expenses:

1. Construction, acquisition or expansion of capital improvements or assets other than those identified in the associated capital improvements plans;

2. Repair, operation, or maintenance of existing or new capital improvements or facilities expansions;

3. Upgrading, expanding or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;

4. Upgrading, expanding or replacing existing capital improvements to provide better service to existing development; provided however, that impact fees may be used to pay the costs of upgrading, expanding or replacing existing capital improvements in order to meet the need for new capital improvements generated by new development: or

5. Administrative and operating costs of the City.

Section 13 – 170 Appeals

A. The property owner or applicant for new development may appeal the following decisions to the City Manager or designee:

1. The applicability of an impact fee to the development;

2. The value of the impact fee due;

3. The availability or the value of an offset or credit;

4. The application of an offset or credit against an impact fee due,

5. The amount of the refund due, if any; or

6. The alternative determination by the City Engineer concerning the size of the water meter which is to be converted to service units.

B. The burden of proof shall be on the appellant to demonstrate that the value of the fee or the value of the offset or credit was not calculated according to the applicable impact fee schedule or the ordinance provisions and guidelines established for determining offsets and credits.

C. The appellant may appeal the decision of the City Manager to the City Council. A notice of appeal to the Council must be filed by the applicant with the City Secretary within thirty (30) days following the City Manager's decision. If the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the City Attorney in an amount equal to the original determination of the impact fee due, the development application or tap purchase or building permit issuance may be processed while the appeal is pending.

Section 13 – 173 Refunds

A. Time Limit Prior to Refund – Any impact fee or portion thereof collected pursuant to this Chapter which has not been expended within ten (10) years from the date of payment, shall be refunded, upon application, to the record owner of the property at the time the refund is paid, or, if the impact fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund at the statutory rate as set forth in Article 1.03, Title 79, Revised Statutes (Article 5069-1.03, Vernon's Texas Civil Statutes), or any successor statute.

B. Pro-Rated Refund – If a refund is due, the City shall pro-rate the same by dividing the difference between the amount of expenditures and the amount of the fees collected by the total number of service units assumed within the service area for the period to determine the refund due per service unit. The refund to the record owner or governmental entity shall be calculated by multiplying the refund due per service unit by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.

C. Determination of Excess Fees Upon Completion of Improvements – Upon completion of all the capital improvements or facilities expansions identified in the capital improvements plan upon which the fee was based, the City shall recalculate the maximum impact fee per service unit using the actual costs for the improvements or expansions. If the maximum impact fee per service unit based on actual cost is less than the impact fee per service unit paid, the City shall refund the difference, if such difference exceeds the impact fee paid by more than ten percent (10%). The refund to the record owner or governmental entity shall be calculated by multiplying such difference by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.

D. Request of Refund Fees - Upon the request of an owner of the property on which an impact fee has been paid, the City shall refund such fees if:

1. Existing service is available and service is denied; or

2. Service was not available when the fee was collected and the City has failed to commence construction of facilities to provide service within two years of fee payment; or

3. Service was not available when the fee was collected and has not subsequently been made available within a reasonable period of time considering the type of capital improvement or facility expansion to be constructed, but in any event later than five years from the date of fee payment.

E. Proportional Refund Due to Downsizing Meter – The City shall refund an appropriate proportion of impact fee payments in the event that a previously purchased unused water meter is replaced with a smaller meter, based on the SUE differential of the two meter sizes and the per-SUE fee at the time of the original fee payment, less an administrative charge of $50.

F. Procedure for Petitioning of Refund – Petition for refunds shall be submitted to the Director of Public Services on a form provided by the City for such purpose. Within one month of the date of receipt of a petition for refund, the Director must provide the petitioner, in writing, with a decision on the refund request, including the reasons for the decision. If a refund is due to the petitioner, the Director shall notify the Finance Director and request that a refund payment be made to the petitioner. The petitioner may appeal the determination to the City Manager and Council, as set forth in this Land Development Code.

G. Rebate of Roadway Impact Fees for Expired Permit – The City shall rebate the roadway impact fees to the owner on which a building permit has been issued, for which such permit has expired without construction.

Section 13 – 175 Updates to Plan and Revision of Fees

The City shall review the land use assumptions and capital improvements plan for water, wastewater and roadway facilities at least every five years, the first five year period which shall commence from the date of adoption of the capital improvements plan referenced herein. The City Council shall accordingly then make a determination of whether changes to the land use assumptions, capital improvements plan or impact fees are needed and shall, in accordance with the procedures set forth in Chapter 395 of the Texas Local Government Code, or any successor statute, either update the fees or make a determination that no update is necessary.

Section 13 – 178 Functions of Advisory Committee

A. The functions of the Advisory Committee are those set forth in Chapter 395 of the Texas Local Government Code, or any successor statute, and shall include the following:

1. Advise and assist the City in adopting land use assumptions;

2. Review the capital improvements plan regarding water, wastewater and roadway capital improvements and file written comments thereon;

3. Monitor and evaluate implementation of the capital improvements program;

4 Advise the City of the need to update or revise the land use assumptions, capital improvements program and impact fees; and

5. File a semiannual report evaluating the progress of the City in achieving the capital improvements plans and identifying any problems in implementing the plans or administering the impact fees.

B. The City shall make available to the Advisory Committee any professional reports prepared in the development or implementation of the capital improvements plan.

C. The City Council shall adopt procedural rules for the committee to follow in carrying out its duties.

Section 13 – 180 Agreement for Capital Improvements

A. The City Council may approve the owner of a new development to construct or finance some of the public improvements identified in the CIP. In the case of such approval, the property owner must enter into an agreement with the City prior to fee collection. The agreement shall be on a form approved by the City, and shall establish the estimated cost of improvement, the schedule for initiation and completion of the improvement, a requirement that the improvement shall be completed to City standards, and any other terms and conditions the City deems necessary. The Engineer shall review the improvement plan, verify costs and time schedules, determine if the improvement is contained in the CIP, and determine the amount of the applicable credit for such improvement to be applied to the otherwise applicable impact fee before submitting the proposed agreement to the Council for approval.

B. The City and such owner either may agree that the costs incurred or funds advanced will be credited against the impact fees otherwise due from the new development, or they may agree that the City shall reimburse the owner for such costs from impact fees paid from other new developments which will use such capital improvements or facility expansions.

Section 13 – 183 Use of Other Financing Mechanisms

A. The City may finance water, wastewater and roadway capital improvements or facilities expansions designated in the capital improvements plan through the issuance of bonds, through the formation of public improvement districts or other assessment districts, or through any other authorized mechanism, in such manner and subject to such limitations as may be provided by law, in addition to the use of impact fees.

B. Except as herein otherwise provided, the assessment and collection of an impact fee shall be additional and supplemental to, and not in substitution of, any other tax, fee, charge or assessment which is lawfully imposed on and due against the property.

Section 13 – 188 Impact Fees as Additional and Supplemental Regulation

A. Impact fees established by this Chapter are additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or the issuance of building permits or the sale of water or wastewater taps. Such fees are intended to be consistent with and to further the policies of City's Comprehensive Plan, capital improvements plan, zoning ordinance, subdivision regulations and other City policies, ordinances and resolutions by which the City seeks to ensure the provision of adequate public facilities in conjunction with the development of land.

B. This Chapter shall not affect, in any manner, the permissible use of property, density of development, design, and improvement standards and requirements, or any other aspect of the development of land or provision of public improvements subject to the zoning and subdivision regulations or other regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

Section 13 – 190 Relief Procedures

A. Any person who has paid an impact fee or an owner of land upon which an impact fee has been paid may petition the Council to determine whether any duty required by this ordinance has not been performed within the time so prescribed. The petition shall be in writing and shall state the nature of the unperformed duty and request that the act be performed within sixty (60) days of the request. If the Council determines that the duty is required pursuant to the ordinance and is late in being performed, it shall cause the duty to commence within sixty (60) days of the date of the request and to continue until completion.

B. The Council may grant a variance or waiver from any requirement of this ordinance, upon written request by a developer or owner of property subject to the ordinance, following a public hearing, upon finding that

a strict application of such requirement would, when regarded as a whole, result in confiscation of the property.

Section 13.29 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-00-1218	06/20/00	Established 35% collection rate on church, office and retail uses
O-00-1261	12/19/00	Expanded roadway impact fee schedule
O-02-1367	10/01/02	Revised impact fee schedules per S.B 243
O-04-1453	04/16/04	Residential irrigation meter exemption
O-06-1581	08/02/06	Comprehensive revision and adoption of new fee schedules
O-09-1711	03/03/09	Impact Fee Update – Roadway Capital Improvements Plan
O-12-1846	08/21/12	Five year update and adoption of new fee schedules
O-13-1901	11/15/13	Remove automatic rebate provisions for sales tax generating businesses

Exhibit – 13-A
Table of Land Use Assumptions

Population and Non-Residential Facilities by Service Area

Service Area	Year	Population	Dwelling Units	Square Feet			
				Basic	Service	Retail	Total
1	**2012**	14,315	4,836	30,417	2,288,308	1,004,025	3,322,750
	2022	15,795	5,336	33,936	2,514,622	1,344,891	3,893,449
	Build Out	15,795	5,336	33,936	2,514,622	1,344,891	3,893,449
2	**2012**	10,102	3,413	41,805	1,091,014	267,142	1,399,961
	2022	11,583	3,913	46,642	1,348,009	400,483	1,795,134
	Build Out	11,583	3,913	46,642	1,348,009	400,483	1,795,134
Total 2012		24,417	8,249	72,222	3,379,322	1,271,167	4,722,711
Total 2022		27,378	9,249	80,578	3,862,631	1,745,374	5,688,583
Total Build Out		27,378	9,249	80,578	3,862,631	1,745,374	5,688,583

Exhibit – 13-B
Service Area Map

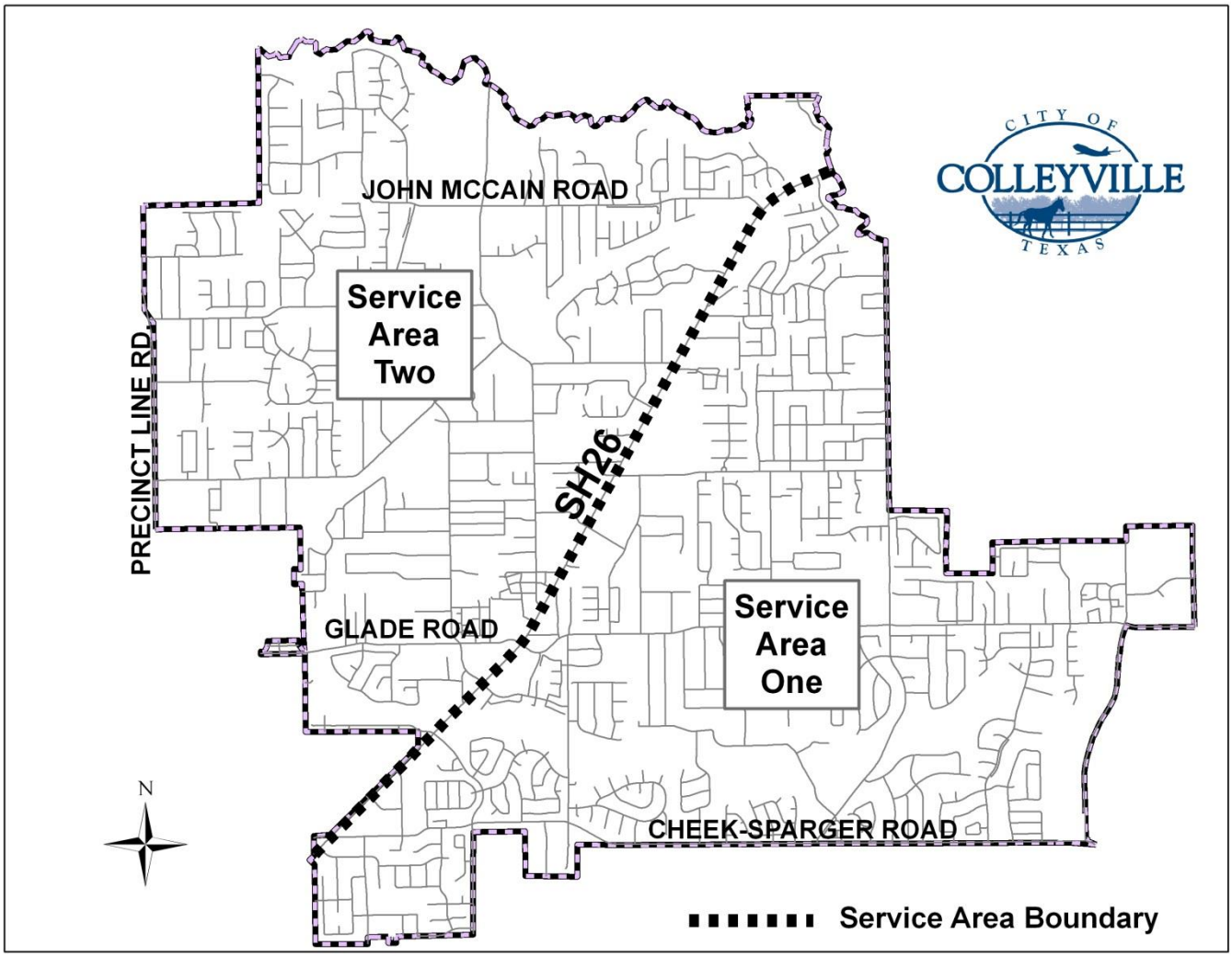


Exhibit 13 – C Table of Water and Wastewater Service Unit Equivalencies		
Meter Size*	**Maximum Continuous Operating Capacity (GPM)**	**Service Unit Equivalent**
5/8" x ¾" PD	**10**	**1**
¾" PD	**15**	**1.5**
1" PD	**25**	**2.5**
1 ½" PD	**50**	**5**
2" PD	**80**	**8**
2" Compound	**80**	**8**
2" Turbine	**100**	**10**
3" Compound	**160**	**16**
3" Turbine	**240**	**24**
4" Compound	**250**	**25**
4" Turbine	**420**	**42**
6" Compound	**500**	**50**
6" Turbine	**920**	**92**
8" Compound	**800**	**80**
8" Turbine	**1,600**	**160**
10" Turbine	**2,500**	**250**

***PD = Positive Displacement Meter (Typical residential meter)**

Exhibit 13-D - Table of Vehicle Mile Equivalencies

Land Use Category		ITE Land Use Code	Development Unit	Vehicle-Mile Per Dev Unit
PORT AND TERMINAL				
	Truck Terminal	030	Acre	26.20
INDUSTRIAL				
	General Light Industrial	110	1,000 SF GFA	3.88
	General Heavy Industrial	120	1,000 SF GFA	2.72
	Industrial Park	130	1,000 SF GFA	3.44
	Warehousing	150	1,000 SF GFA	1.28
	Mini-Warehouse	151	1,000 SF GFA	1.04
RESIDENTIAL				
	Single-Family Detached Housing	210	Dwelling Unit	4.04
	Apartment/Multi-family	220	Dwelling Unit	2.48
	Residential Condominium/Townhome	230	Dwelling Unit	2.08
	Mobile Home Park / Manufactured Housing	240	Dwelling Unit	2.36
	Senior Adult Housing-Detached	251	Dwelling Unit	1.08
	Senior Adult Housing-Attached	252	Dwelling Unit	0.64
	Assisted Living	254	Beds	0.88
LODGING				
	Hotel	310	Room	1.90
	Motel / Other Lodging Facilities	320	Room	1.51
RECREATIONAL				
	Golf Driving Range	432	Tee	4.03
	Golf Course	430	Acre	0.97
	Recreational Community Center	495	1,000 SF GFA	4.67
	Ice Skating Rink	465	1,000 SF GFA	7.60
	Miniature Golf Course	431	Hole	1.06
	Multiplex Movie Theater	445	Screens	43.92
	Racquet / Tennis Club	491	Court	10.79
INSTITUTIONAL				
	Church	560	1,000 SF GFA	1.16
	Day Care Center	565	1,000 SF GFA	14.66
	Primary/Middle School (1-8)	522	Students	0.34
	High School	530	Students	0.27
	Junior / Community College	540	Students	0.25
	University / College	550	Students	0.44

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Exhibit 13-D - Table of Vehicle Mile Equivalencies - Continued

Land Use Category	ITE Land Use Code	Development Unit	Veh-Mi Per Dev-Unit
MEDICAL			
Clinic	630	1,000 SF GFA	19.58
Hospital	610	Beds	4.95
Nursing Home	620	Beds	0.83
Animal Hospital/Veterinary Clinic	640	1,000 SF GFA	12.47
OFFICE			
Corporate Headquarters Building	714	1,000 SF GFA	5.60
General Office Building	710	1,000 SF GFA	5.96
Medical-Dental Office Building	720	1,000 SF GFA	13.84
Single Tenant Office Building	715	1,000 SF GFA	6.92
Office Park	750	1,000 SF GFA	5.92
COMMERCIAL			
Automobile Related			
Automobile Care Center	942	1,000 SF Occ. GLA	6.54
Automobile Parts Sales	843	1,000 SF GFA	10.98
Gasoline/Service Station	944	Vehicle Fueling Position	4.82
Gasoline/Service Station w/ Conv Market	945	Vehicle Fueling Position	3.53
Gasoline/Service Station w/ Conv Market and Car Wash	946	Vehicle Fueling Position	3.68
New Car Sales	841	1,000 SF GFA	6.67
Quick Lubrication Vehicle Shop	941	Servicing Positions	10.01
Self-Service Car Wash	947	Stall	1.99
Tire Store	848	1,000 SF GFA	9.63
Dining			
Fast Food Restaurant with Drive-Thru Window	934	1,000 SF GFA	40.61
Fast Food Restaurant without Drive-Thru Window	933	1,000 SF GFA	31.39
High Turnover (Sit-Down) Restaurant	932	1,000 SF GFA	15.26
Quality Restaurant	931	1,000 SF GFA	10.06
Coffee/Donut Shop with Drive-Thru Window	937	1,000 SF GFA	30.91
Other Retail			
Free-Standing Discount Store	815	1,000 SF GFA	11.27
Nursery (Garden Center)	817	1,000 SF GFA	8.57
Home Improvement Superstore	862	1,000 SF GFA	3.96
Pharmacy/Drugstore w/o Drive-Thru Window	880	1,000 SF GFA	12.75
Pharmacy/Drugstore w/ Drive-Thru Window	881	1,000 SF GFA	17.00
Shopping Center	820	1,000 SF GLA	7.93
Supermarket	850	1,000 SF GFA	21.64
Toy/Children's Superstore	864	1,000 SF GFA	11.24
Department Store	875	1,000 SF GFA	4.03
Video Rental Store	896	1,000 SF GFA	21.90
SERVICES			
Walk-In Bank	911	1,000 SF GFA	12.38
Drive-In Bank	912	Drive-in Lanes	24.70
Hair Salon	918	1,000 SF GLA	1.73

Exhibit 13 – E Table of Maximum Assessable Water and Wastewater Impact Fees			
Meter Size*	**Service Unit Equivalent**	**Maximum Assessable Water Impact Fee**	**Maximum Assessable Wastewater Impact Fee**
5/8" x ¾" PD	**1**	**$6,100**	**$2,521**
¾" PD	**1.5**	**$9,150**	**$3,782**
1" PD	**2.5**	**$15,250**	**$6,303**
1 ½" PD	**5**	**$30,500**	**$12,605**
2" PD	**8**	**$48,800**	**$20,168**
2" Compound	**8**	**$48,800**	**$20,168**
2" Turbine	**10**	**$61,000**	**$25,210**
3" Compound	**16**	**$97,600**	**$40,336**
3" Turbine	**24**	**$146,400**	**$60,504**
4" Compound	**25**	**$152,500**	**$63,025**
4" Turbine	**42**	**$256,200**	**$105,882**
6" Compound	**50**	**$305,000**	**$126,050**
6" Turbine	**92**	**$561,200**	**$231,932**
8" Compound	**80**	**$488,000**	**$201,680**
8" Turbine	**160**	**$976,000**	**$403,360**
10" Turbine	**250**	**$1,525,000**	**$630,250**

***PD = Positive Displacement Meter (Typical residential meter)**

Exhibit 13-F
Table of Maximum Assessable Roadway Impact Fees

Land Use Description	Development Unit	Veh-Mi Per Dev-Unit	Maximum Impact Fee Per Development Unit	
			Service Area 1	Service Area 2
PORT AND TERMINAL				
Truck Terminal	Acre	26.20	$61,832	$64,085
INDUSTRIAL				
General Light Industrial	1,000 SF GFA	3.88	$9,157	$9,490
General Heavy Industrial	1,000 SF GFA	2.72	$6,419	$6,653
Industrial Park	1,000 SF GFA	3.44	$8,118	$8,414
Warehousing	1,000 SF GFA	1.28	$3,021	$3,131
Mini-Warehouse	1,000 SF GFA	1.04	$2,454	$2,544
RESIDENTIAL				
Single-Family Detached Housing	Dwelling Unit	4.04	$9,534	$9,882
Apartment/Multi-family	Dwelling Unit	2.48	$5,853	$6,066
Residential Condominium/Townhome	Dwelling Unit	2.08	$4,909	$5,088
Mobile Home Park / Manufactured Housing	Dwelling Unit	2.36	$5,570	$5,773
Senior Adult Housing-Detached	Dwelling Unit	1.08	$2,549	$2,642
Senior Adult Housing-Attached	Dwelling Unit	0.64	$1,510	$1,565
Assisted Living	Beds	0.88	$2,077	$2,152
LODGING				
Hotel	Room	1.90	$4,484	$4,647
Motel / Other Lodging Facilities	Room	1.51	$3,564	$3,693
RECREATIONAL				
Golf Driving Range	Tee	4.03	$9,511	$9,857
Golf Course	Acre	0.97	$2,289	$2,373
Recreational Community Center	1,000 SF GFA	4.67	$11,021	$11,423
Ice Skating Rink	1,000 SF GFA	7.60	$17,936	$18,590
Miniature Golf Course	Hole	1.06	$2,502	$2,593
Multiplex Movie Theater	Screens	43.92	$103,651	$107,428
Racquet / Tennis Club	Court	10.79	$25,464	$26,392
INSTITUTIONAL				
Church	1,000 SF GFA	1.16	$2,738	$2,837
Day Care Center	1,000 SF GFA	14.66	$34,598	$35,858
Primary/Middle School (1-8)	Students	0.34	$802	$832
High School	Students	0.27	$637	$660
Junior / Community College	Students	0.25	$590	$612
University / College	Students	0.44	$1,038	$1,076
MEDICAL				
Clinic	1,000 SF GFA	19.58	$46,209	$47,893
Hospital	Beds	4.95	$11,682	$12,108
Nursing Home	Beds	0.83	$1,959	$2,030
Animal Hospital/Veterinary Clinic	1,000 SF GFA	12.47	$29,429	$30,502

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Exhibit 13-F
Table of Maximum Assessable Roadway Impact Fees – Continued

Land Use Description	Development Unit	Veh-Mi Per Dev-Unit	Maximum Impact Fee Per Development Unit	
			Service Area 1	Service Area 2
OFFICE				
Corporate Headquarters Building	1,000 SF GFA	5.60	$13,216	$13,698
General Office Building	1,000 SF GFA	5.96	$14,066	$14,578
Medical-Dental Office Building	1,000 SF GFA	13.84	$32,662	$33,853
Single Tenant Office Building	1,000 SF GFA	6.92	$16,331	$16,926
Office Park	1,000 SF GFA	5.92	$13,971	$14,480
COMMERCIAL				
Automobile Related				
Automobile Care Center	1,000 SF Occ. GLA	6.54	$15,434	$15,997
Automobile Parts Sales	1,000 SF GFA	10.98	$25,913	$26,857
Gasoline/Service Station	Vehicle Fueling Position	4.82	$11,375	$11,790
Gasoline/Service Station w/ Conv Market	Vehicle Fueling Position	3.53	$8,331	$8,634
Gasoline/Service Station w/ Conv Market and Car Wash	Vehicle Fueling Position	3.68	$8,685	$9,001
New Car Sales	1,000 SF GFA	6.67	$15,741	$16,315
Quick Lubrication Vehicle Shop	Servicing Positions	10.01	$23,624	$24,484
Self-Service Car Wash	Stall	1.99	$4,696	$4,868
Tire Store	1,000 SF GFA	9.63	$22,727	$23,555
Dining				
Fast Food Restaurant with Drive-Thru Window	1,000 SF GFA	40.61	$95,840	$99,332
Fast Food Restaurant without Drive-Thru Window	1,000 SF GFA	31.39	$74,080	$76,780
High Turnover (Sit-Down) Restaurant	1,000 SF GFA	15.26	$36,014	$37,326
Quality Restaurant	1,000 SF GFA	10.06	$23,742	$24,607
Coffee/Donut Shop with Drive-Thru Window	1,000 SF GFA	30.91	$72,948	$75,606
Other Retail				
Free-Standing Discount Store	1,000 SF GFA	11.27	$26,597	$27,566
Nursery (Garden Center)	1,000 SF GFA	8.57	$20,225	$20,962
Home Improvement Superstore	1,000 SF GFA	3.96	$9,346	$9,686
Pharmacy/Drugstore w/o Drive-Thru Window	1,000 SF GFA	12.75	$30,090	$31,187
Pharmacy/Drugstore w/ Drive-Thru Window	1,000 SF GFA	17.00	$40,120	$41,582
Shopping Center	1,000 SF GLA	7.93	$18,715	$19,397
Supermarket	1,000 SF GFA	21.64	$51,070	$52,931
Toy/Children's Superstore	1,000 SF GFA	11.24	$26,526	$27,493
Department Store	1,000 SF GFA	4.03	$9,511	$9,857
Video Rental Store	1,000 SF GFA	21.90	$51,684	$53,567
SERVICES				
Walk-In Bank	1,000 SF GFA	12.38	$29,217	$30,281
Drive-In Bank	Drive-in Lanes	24.70	$58,292	$60,416
Hair Salon	1,000 SF GLA	1.73	$4,083	$4,232

Exhibit 13 – G **Schedule of Actual Water and Wastewater Impact Fees to be Collected**			
Meter Size*	**Service Unit Equivalent**	**Water Impact Fee (40.8% of Max)**	**Wastewater Impact Fee (25.5% of Max)**
5/8" x ¾" PD	**1**	**$2,491**	**$643**
¾" PD	**1.5**	**$3,736**	**$965**
1" PD	**2.5**	**$6,227**	**$1,608**
1 ½" PD	**5**	**$12,455**	**$3,215**
2" PD	**8**	**$19,928**	**$5,144**
2" Compound	**8**	**$19,928**	**$5,144**
2" Turbine	**10**	**$24,910**	**$6,430**
3" Compound	**16**	**$39,856**	**$10,288**
3" Turbine	**24**	**$59,784**	**$15,432**
4" Compound	**25**	**$62,275**	**$16,075**
4" Turbine	**42**	**$104,622**	**$27,006**
6" Compound	**50**	**$124,550**	**$32,150**
6" Turbine	**92**	**$229,172**	**$59,156**
8" Compound	**80**	**$199,280**	**$51,440**
8" Turbine	**160**	**$398,560**	**$102,880**
10" Turbine	**250**	**$622,750**	**$160,750**

Exhibit 13 – H
Schedule of Actual Roadway Impact Fees to be Collected

Land Use Description	Development Unit	Veh-Mi Per Dev-Unit	Impact Fee Per Development Unit	
			Service Area 1 (51.8% of MAX)	Service Area 2 (50.0% of MAX)
PORT AND TERMINAL				
Truck Terminal	Acre	26.20	$14,181	$14,181
INDUSTRIAL				
General Light Industrial	1,000 SF GFA	3.88	$2,122	$2,122
General Heavy Industrial	1,000 SF GFA	2.72	$1,472	$1,472
Industrial Park	1,000 SF GFA	3.44	$1,862	$1,862
Warehousing	1,000 SF GFA	1.28	$1,277	$1,277
Mini-Warehouse	1,000 SF GFA	1.04	$563	$563
RESIDENTIAL				
Single-Family Detached Housing	Dwelling Unit	4.04	$4,941	$4,941
Apartment/Multi-family	Dwelling Unit	2.48	$3,033	$3,033
Residential Condominium/Townhome	Dwelling Unit	2.08	$2,544	$2,544
Mobile Home Park / Manufactured Housing	Dwelling Unit	2.36	$2,886	$2,886
Senior Adult Housing-Detached	Dwelling Unit	1.08	$1,321	$1,321
Senior Adult Housing-Attached	Dwelling Unit	0.64	$783	$783
Assisted Living	Beds	0.88	$1,076	$1,076
LODGING				
Hotel	Room	1.90	$1,028	$1,028
Motel / Other Lodging Facilities	Room	1.51	$817	$817
RECREATIONAL				
Golf Driving Range	Tee	4.03	$2,176	$2,176
Golf Course	Acre	0.97	$520	$520
Recreational Community Center	1,000 SF GFA	4.67	$2,852	$2,852
Ice Skating Rink	1,000 SF GFA	7.60	$4,108	$4,108
Miniature Golf Course	Hole	1.06	$574	$574
Multiplex Movie Theater	Screens	43.92	$23,734	$23,734
Racquet / Tennis Club	Court	10.79	$5,829	$5,829
INSTITUTIONAL				
Church	1,000 SF GFA	1.16	$752	$752
Day Care Center	1,000 SF GFA	14.66	$14,982	$14,982
Primary/Middle School (1-8)	Students	0.34	$173	$173
High School	Students	0.27	$157	$157
Junior / Community College	Students	0.25	$135	$135
University / College	Students	0.44	$238	$238
MEDICAL				
Clinic	1,000 SF GFA	19.58	$10,581	$10,581
Hospital	Beds	4.95	$2,658	$2,658
Nursing Home	Beds	0.83	$449	$449
Animal Hospital/Veterinary Clinic	1,000 SF GFA	12.47	$7,357	$7,357

(Continued on next page)

Exhibit 13 – H

Schedule of Actual Roadway Impact Fees to be Collected - Continued

Land Use Description	Development Unit	Veh-Mi Per Dev-Unit	Impact Fee Per Development Unit	
			Service Area 1 (51.8% of MAX)	Service Area 2 (50.0% of MAX)
OFFICE				
Corporate Headquarters Building	1,000 SF GFA	5.60	$1,061	$1,061
General Office Building	1,000 SF GFA	5.96	$779	$779
Medical-Dental Office Building	1,000 SF GFA	13.84	$2,819	$2,819
Single Tenant Office Building	1,000 SF GFA	6.92	$1,311	$1,311
Office Park	1,000 SF GFA	5.92	$1,137	$1,137
COMMERCIAL				
Automobile Related				
Automobile Care Center	1,000 SF Occ. GLA	6.54	$3,529	$3,529
Automobile Parts Sales	1,000 SF GFA	10.98	$5,932	$5,932
Gasoline/Service Station	Vehicle Fueling Position	4.82	$2,609	$2,609
Gasoline/Service Station w/ Conv Market	Vehicle Fueling Position	3.53	$1,911	$1,911
Gasoline/Service Station w/ Conv Market and Car Wash	Vehicle Fueling Position	3.68	$1,905	$1,905
New Car Sales	1,000 SF GFA	6.67	$3,675	$3,675
Quick Lubrication Vehicle Shop	Servicing Positions	10.01	$5,418	$5,418
Self-Service Car Wash	Stall	1.99	$1,077	$1,077
Tire Store	1,000 SF GFA	9.63	$6,300	$6,300
Dining				
Fast Food Restaurant with Drive-Thru Window	1,000 SF GFA	40.61	$7,858	$7,858
Fast Food Restaurant without Drive-Thru Window	1,000 SF GFA	31.39	$5,931	$5,931
High Turnover (Sit-Down) Restaurant	1,000 SF GFA	15.26	$2,825	$2,825
Quality Restaurant	1,000 SF GFA	10.06	$1,904	$1,904
Coffee/Donut Shop with Drive-Thru Window	1,000 SF GFA	30.91	$7,514	$7,514
Other Retail				
Free-Standing Discount Store	1,000 SF GFA	11.27	$2,158	$2,158
Nursery (Garden Center)	1,000 SF GFA	8.57	$1,620	$1,620
Home Improvement Superstore	1,000 SF GFA	3.96	$1,044	$1,044
Pharmacy/Drugstore w/o Drive-Thru Window	1,000 SF GFA	12.75	$3,099	$3,099
Pharmacy/Drugstore w/ Drive-Thru Window	1,000 SF GFA	17.00	$2,677	$2,677
Shopping Center	1,000 SF GLA	7.93	$1,508	$1,508
Supermarket	1,000 SF GFA	21.64	$4,073	$4,073
Toy/Children's Superstore	1,000 SF GFA	11.24	$2,127	$2,127
Department Store	1,000 SF GFA	4.03	$980	$980
Video Rental Store	1,000 SF GFA	21.90	$4,141	$4,141
SERVICES				
Walk-In Bank	1,000 SF GFA	12.38	$6,386	$6,386
Drive-In Bank	Drive-in Lanes	24.70	$6,004	$6,004
Hair Salon	1,000 SF GLA	1.73	$421	$421

Chapter 14
Engineering Design Standards

(Rev. 03/03/09)

Section 14-100 Purpose of This Chapter

The purpose of this Chapter is to establish minimum standards and construction details for all public facility improvements.

Section 14-105 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the following authority:

A. *Chapter 212 – Municipal Regulation of Subdivisions and Property Development of the Texas Local Government Code*, which authorizes a municipality to adopt rules governing plats and subdivisions of land within the municipality's jurisdiction.

B. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.

C. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 14-110 Applicability of This Chapter

The provisions of this Chapter shall be applicable to all public improvements owned and maintained by the City of Colleyville and to any semi-public improvements owned and maintained by a property owner's association that are intended to serve and function as a public improvement.

Section 14-115 Variances and Appeals

A. The Director of Public Works may consider an alternative proposal of a regulation contained in this Chapter in order to achieve the best overall design. When considering such a proposal, the Director of Public Works shall determine that the approval, disapproval or modification will not be detrimental to the public safety, health, or welfare or injurious to other property and is consistent with sound engineering practices. The applicant shall provide information to support a claim that the public interest may be better served by an alternative proposal.

B. Any person seeking approval of a development may appeal a decision of the Director of Public Works regarding the regulations contained in this Chapter by using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 14-120 General Conditions

A. "COG" and "TXDOT" Specifications – All drawings and details contained in *Chapter 15 – Public Works Construction Details* which include references to "item numbers", "specs" and "types" shall be governed by the latest version of "Standard Specifications for Public Works Construction, North Central Texas" of the North Central Texas Council of Governments ("COG"), with all amendments thereto, and shall constitute the technical specifications, except as amended by this Land Development Code, and made a part thereof, but not physically bound within this document. Streets shall be designed in accordance with the most current edition of *The Texas Department of Transportation's Highway Design Division Operations and Procedures Man*ual, AASHTO's *A Policy on Geometric Design of Highways and Streets*, and the Transportation Research Board's *Highway Capacity Manual*.

B. Acceptance of Improvements – No public improvements shall be accepted by the City or its representatives, unless and until such improvements conform to this Land Development Code and all other applicable standards as prescribed by the City of Colleyville. All streets, alleys, sidewalks, drainage-ways, signage, water and sewer lines and all other public improvements shall be designed, placed and constructed in accordance with the design criteria contained in this Land Development Code.

C. Plan Review and Inspection Fees – Prior to the acceptance by the City of any public improvements, the developer shall pay the City a plan review fee and an inspection fee as follows:

1. *Engineering Plan Review Fee* – 2% of the actual cost of the public improvements
2. *Engineering Inspection Fee* – 3% of the actual cost of the public improvements

D. City-Developer Agreements

1. *Requirement* – When it is proposed that the City will share in the costs with a developer for the construction of public improvements, no public improvements shall be constructed within a development, unless and until a City-Developer Agreement has been approved by the City Council. Where the public improvements are a requirement of a subdivision plat approval, the City-Developer Agreement shall be submitted to the City Council for approval at the same time as the plat submittal, or as soon thereafter as practical. *(O-00-1261 / 12/19/00)*

2. *City Participation* – The City may share in the costs with a developer for constructing public improvements relating to a development, provided a City-Developer Agreement has been approved by the City Council in accordance with this Section. The limits of City participation shall be expressly established in the agreement at a level not to exceed thirty (30) percent of the total contract price. Under the agreement, the developer shall construct the public improvements and the City shall participate in the costs. Where a developer is requesting City participation in the construction of a public facility and the total participation cost by the City exceeds twenty-five thousand ($25,000) dollars, the procurement procedures specified in the Texas Local Government Code for public improvements shall be used by the developer. All records to the developer's cost of constructing the public improvements shall be maintained and made available for inspection by the City. *(O-00-1261 / 12/19/00)*

3. *Construction Plans* – It shall be the responsibility of the developer's engineer to prepare all engineering construction plans and contract documents for construction of the project for the use of the City and the contractor. *(O-00-1261 / 12/19/00)*

4. *Performance Bond* – Where a City-Developer Agreement has been authorized, the developer shall execute a performance bond for the construction of the public improvements which shall include any City participation to ensure their completion. *(O-00-1261 / 12/19/00)*

5. *Authorization to Proceed* – On projects not requiring a City-Developer Agreement, the developer may proceed with the construction of the public improvements after the City has issued a letter authorizing the developer to proceed with the construction, provided the engineering construction plans have been approved by the Director of Public Works. All construction shall be in accordance with the applicable sections of this Land Development Code. The developer may select his own contractor subject to the contractor executing the necessary bonds with the City and payment of the inspection fees required for each portion of the public facilities. *(O-00-1261 / 12/19/00)*

Section 14-125 Construction Plan Requirements

The purpose of this Section is to specify the minimum construction drawing requirements for all public improvement projects, including public improvements associated with a proposed subdivision or commercial development. All construction plans for public water, sanitary sewer, street, drainage and traffic improvements shall be designed, signed, sealed, and dated by a Registered Professional Engineer licensed in the State of Texas. All construction plans or drawings must be accompanied by a Geotech Report signed, sealed, and dated by a Registered Professional Engineer licensed in the State of Texas. Plans and drawings shall adhere to the requirements in this Section and be furnished in the format listed herein:

A. General Requirement – No construction of any public improvement shall commence, unless and until the construction plans for the proposed public improvement has been approved by the Director of Public Works or designee.

B. Number of Copies – The developer, or developer's engineer, shall submit the minimum number of copies required by the Director of Public Works to distribute to the various City departments to adequately review the proposed improvements.

C. Cover Sheet

1. project title
2. property legal description, if applicable
3. city name
4. vicinity map
5. owner, engineer, and surveyor name, address and telephone number
6. project title in small print placed vertically along the right border
7. sheet index
8. signature block for City approval

D. Copy of Current Plat – When construction plans are related to a new subdivision or a commercial development, a copy of the current plat shall be bound with the construction plans. The signed plat shall be bound with the as-built drawings.

E. Drainage Area Map – The drainage area map is critical to all drainage designs, since the ultimate layout, sizing and hydraulic analysis is dependent upon a thorough review of the proposed development. This map should be accompanied with all drainage calculations. The Drainage Area Map must show the physical features of the site that either exist or are proposed, including the existing and proposed contours, existing and proposed storm sewers, and/or other drainage facilities. Commercial projects should include the locations of buildings, flatwork and pavement.

F. Site Plan – The developer of a commercial project shall submit a site plan indicating the location and width of all proposed and existing street and driveway approaches noting the back-of-curb radii.

G. Utility Plan – This drawing shall indicate the location and size of all existing and proposed water and sanitary sewer lines with adjacent existing or proposed top of curb grades. Show the location of all existing and proposed fire hydrants adjacent to the site including the maximum coverage radius of each as outlined in later sections of this manual.

H. Plan and Profile Sheets – Plan and profile drawings shall be required for roads, sewers, storm sewers, channels, flumes, and water lines twelve (12") inches in diameter and larger. Stationing shall be generally left to right and with stationing beginning at the downstream end for all sewers, storm sewers, and channels. Stationing shall be included on the plan view as well as the profile for all roads, water, sewer, storm sewer and channel sheets. Elevations shall be calculated and provided on all profiles as indicated below.

1. *Straight grade* – provide elevations at a maximum interval of 50 feet.
2. *Vertical curve* – provide elevations at the beginning and ending points and at a maximum interval of 25 feet in between.

I. Plan & Profile Sheet Size – Plan and profile sheets shall not exceed twenty-four (24") inches wide by thirty-six (36") inches long. Horizontal scale shall be one (1") inch equals fifty (50') feet or larger, i.e. 1" = 40'. Vertical scale shall be one (1") inch equals five (5') feet or larger.

J. Details – Drawing details shall be included with all construction plans to clarify proposed construction specifications and said details shall be consistent with Chapter 15 of this Land Development Code.

K. Plotting Drainage Features – Appropriate hydraulic grade line or water surface profile shall be plotted with all drainage designs. Capacity, design discharge, velocity, and velocity head shall be noted on each segment of a drainage facility in the profile whenever one or more of these parameters changes.

L. Erosion Control Plan – The developer of a subdivision or a commercial project shall submit an erosion control plan in accordance with the requirements of *Chapter 12 – Erosion Control*.

M. Storm Water Pollution Prevention Plan – The developer of a subdivision or a commercial project shall submit a storm water pollution prevention plan in accordance with the requirements of the Texas Commission on Environmental Quality.

N. Street Sign Plan – showing the location of all proposed street name signs and traffic control signs. The street sign plan shall include an elevation view of each street sign indicating the type and color of each sign. All signs shall comply with the requirements of the latest edition of the Texas Manual on Uniform Traffic Control Devices. Refer to street sign standards, located elsewhere in this Land Development Code (Section 14-145).

O. City Review and Approval Process – All construction plans for public improvements shall be reviewed by city staff for compliance with this Section and with any applicable guidelines of other agencies. City staff shall provide written comments to the developer and the developer shall respond to all city comments. The Director of Public Works, or designee, shall not approve any construction plans until all comments have been resolved and the construction plans determined to be acceptable to the city. All approved construction plans shall be signed by the Director of Public Works, or designee, and no construction work shall commence until a pre-construction meeting has been held and a letter of authorization to proceed has been issued by the Director of Public Works. Development projects which have not started within one year from the date of approval of the construction plans shall require a new review.

Section 14-130 Street Design Criteria

A. Right-of-Way Widths – The right-of-way widths for any proposed street shall be designed for the intended use and anticipated traffic volume at optimum development of the area served. Additional right-of-way may be required at street intersections and to provide for left and right turn lanes at high-volume intersections. The following table shall be used as a guide in determining right-of-way widths.

Master Thoroughfare Plan
Right-of-Way and Pavement Standards

Street Classification (1)	Street Type	R.O.W. Width (feet)	Lane Width (feet)	Total Pavement Width (feet)	Number of Lanes
Local	R2U	50 (2)	15	30	2
Cul-de-sac	R2U	50 (3)	18	36 (3)	2
Minor Collector	C2U	75	12	42	2 w/ 9' parking or 3 w/o parking
Major Collector (two lane)	C3U	75	12	42	2 w/ 9' parking or 3 w/o parking
Major Collector (four lane)	C4U	80	12	48	4 undivided
Minor Arterial	M4D	95	13	52	4 divided
Major Arterial	P4D	120	13	52	4 divided
Primary Arterial \ S. H. 26	P6D	120	12	76	6 divided

(1) Street classification refers to the functional classification shown on the Master Thoroughfare Plan.
(2) A local street having a total length in excess of one thousand two hundred (1,200) feet or serving more than thirty (30) dwelling units may be required to provide a right-of-way width of not less than sixty (60) feet.
(3) A cul-de-sac street exceeding 600 feet in length shall have a 56’ right-of-way and 36’ of pavement.

B. Design Speed and Maximum Grade – All streets shall be designed to conform to the following parameters:

Design Speeds and Maximum Grades				
Street Classification	**Minimum Design Speed (MPH)**	**Maximum Percent Grade (%) (1)**	**Minimum Percent Grade (%)**	**Area Free from Storm Water, Using a 100-year Frequency Storm**
Local	30	8	0.5	-
Collector	30	6	0.5	One lane or center 12’
Arterial	40	4	0.5	One lane in each direction

(1) The Director of Public Works may approve an alternate design.

Section 14-135 Driveway Spacing and Design Standards

A. Residential Construction – Residential driveway approaches shall be constructed of six (6") inch thick three thousand five hundred (3,500) p.s.i. compressive strength concrete reinforced with #3 steel bars on eighteen (18") inch centers each way, with #4 bars doweled into the existing concrete paving.. Residential driveways shall be constructed with the return curbs having a rolled face disappearing at the sidewalk and joining the street curb.

B. Commercial and Industrial Construction – Commercial and industrial driveway approaches shall be constructed of six (6") inch thick three thousand five hundred (3,500) p.s.i. compressive strength concrete reinforced with #4 steel bars on eighteen (18") inch centers each way, with #4 bars doweled into the existing concrete paving. Commercial and industrial driveways shall be constructed with the return curbs having a rolled face disappearing at the sidewalk and joining the street curb.

C. Driveway Approach Depth – The driveway shall begin at the street curb and extend to the property line or to a point nine and one-half (9.5') feet from the back of the curb, whichever is greater. The drive approach shall be constructed such that the height of the drive approach at the property ROW, with a typical nine and one-half (9.5') foot parkway, shall be two and one-half (2-1/2") inches higher than the top of the curb. The tangency point of a driveway curb shall be a minimum of ten (10’) feet from a storm water inlet.

D. Driveway Approach Widths and Spacing – The criteria contained in the following table shall be the minimum and/or maximum standards to be applied in spacing and designing driveways on public streets. For the purpose of this regulation, driveway width shall be measured at the property line. The Director of Public Works may modify these standards based on anticipated traffic flow and in accordance with sound traffic engineering practices. To implement the standards contained in the following table, subdivision plats for new commercial developments shall be required to provide cross-access easements.

(See table on next page)

Driveway Spacing and Design Criteria					
Description	**Street Classification**	**Residential Driveway**		**Commercial Driveway**	
		Min.	**Max.**	**Min.**	**Max.**
Driveway Throat Width	Local	12’	25’	25’	35’
	Minor Coll.	12’	25’	25’	35’
	Major Coll.	16’	25’	25’	35’
	Arterial	20’	25’	25’	35’
Driveway Curb Radius	Local	5’	10’	10’	20’
	Minor Coll.	5’	10’	10’	20’
	Major Coll.	10’	10’	10’	20’
	Arterial	15’	15’	20’	30’
Driveway Spacing (centerline)	Local	22’	n/a	100’	n/a
	Minor Coll.	32’	n/a	100’	n/a
	Major Coll.	80’	n/a	150’	n/a
	Arterial	100’	n/a	250’	n/a
Minimum Distance from Driveway to Intersection *(pi to pi)*	Local	30’	n/a	75’	n/a
	Minor Coll.	50’	n/a	100’	n/a
	Major Coll.	100’	n/a	150’	n/a
	Arterial	100’	n/a	180’	n/a

E. Provision for Joint Approaches – Driveway approaches shall be located entirely within the frontage of the premises they serve except that joint, or cooperative, driveways with adjoining property holders may be permitted by the Director of Public Works. When a joint drive approach is proposed by a developer, the request must be made by all interested parties and/or all property owners involved.

F. Circular Driveway Approaches at Street Intersections – The Director of Public Works may approve a circular drive on a corner lot where both streets are residentially classified.

G. Angle of Driveway Approach – The angle of the driveway approach with the curb line shall be ninety (90) degrees.

H. Sidewalk to be Removed – Where a driveway approach is to be built, any existing sidewalk located within the proposed driveway location shall be removed and the entire area replaced as a driveway. The drive approach shall extend to the property line.

I. Driveways Crossing Bar Ditches

1. *Culvert Size* – The minimum culvert pipe size shall be 18" diameter. However, an engineered design that provides for a larger culvert pipe size may be required by the developer where the Director of Public Works determines that additional drainage capacity may be required. The ends of all culvert pipes shall be cut at a 6:1 slope.

2. *Radius* – Driveways shall be constructed with the return curbs joining the edge of pavement at the street with a minimum ten-foot (10’) radius.

3. *Slope* – The maximum slope from the edge of driveway to the top of the culvert pipe shall be 6:1. The sloped area around the end of the culvert pipe shall be sodded or hydro-mulched to resist erosion.

4. *Cross Slope* – The minimum cross slope on the drive shall be 1/8 inch per foot. The minimum longitudinal slope between the edge of pavement at the street and the valley over the culvert pipe shall be 1/4 inch per foot.

5. *Maintenance* – Future maintenance of the drive approach and culvert pipe is the responsibility of the property owner.

6. *Grading* – During the drive approach installation, all ditch grading upstream and downstream of the proposed driveway culvert is the responsibility of the property owner.

J. General

1. *Driveway Approaches at Pedestrian Crossings* – Driveway approaches shall not be located in street intersections or at established pedestrian crossings.

2. *Driveway Approaches at Obstructions* – Driveways shall be kept at a minimum of five (5') feet away from obstructions such as street light posts, fire hydrants, traffic signals, etc.

3. *Accumulative Width of Approaches* – Driveway approaches shall not occupy more than forty (40%) percent of the frontage of a lot or tract.

Section 14-137 Fire Lane Requirements (Current City-Adopted IFC)

A. Plan Approval – Plans for fire lanes shall be submitted to the Fire Marshal Division for review and approval prior to construction. Repainting of existing markings does not require plan review unless changes are to be made.

B. Obstructions Prohibited – Fire lanes shall be kept clear and unobstructed at all times. Marking shall be repainted as necessary to maintain readability.

C. Signage – Where required by the Fire Marshal, approved signs or other approved notices shall be provided and maintained to identify fire lanes and prohibit obstructions.

D. Where Required – Fire lanes shall be provided when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building or facility.

E. Certain Roadways Not Considered Access – Heavily traveled public roadways are not considered for fire apparatus access due to the dangers involved with operating fire apparatus in close proximity to moving traffic.

F. Access to Serve All Buildings – Fire lanes shall be provided to serve all buildings through parking areas to service entrances, loading areas, trash collection areas, and other areas deemed necessary to be available to fire and emergency vehicles.

G. Driveways Included – Fire lanes shall include driveways leading onto a public street.

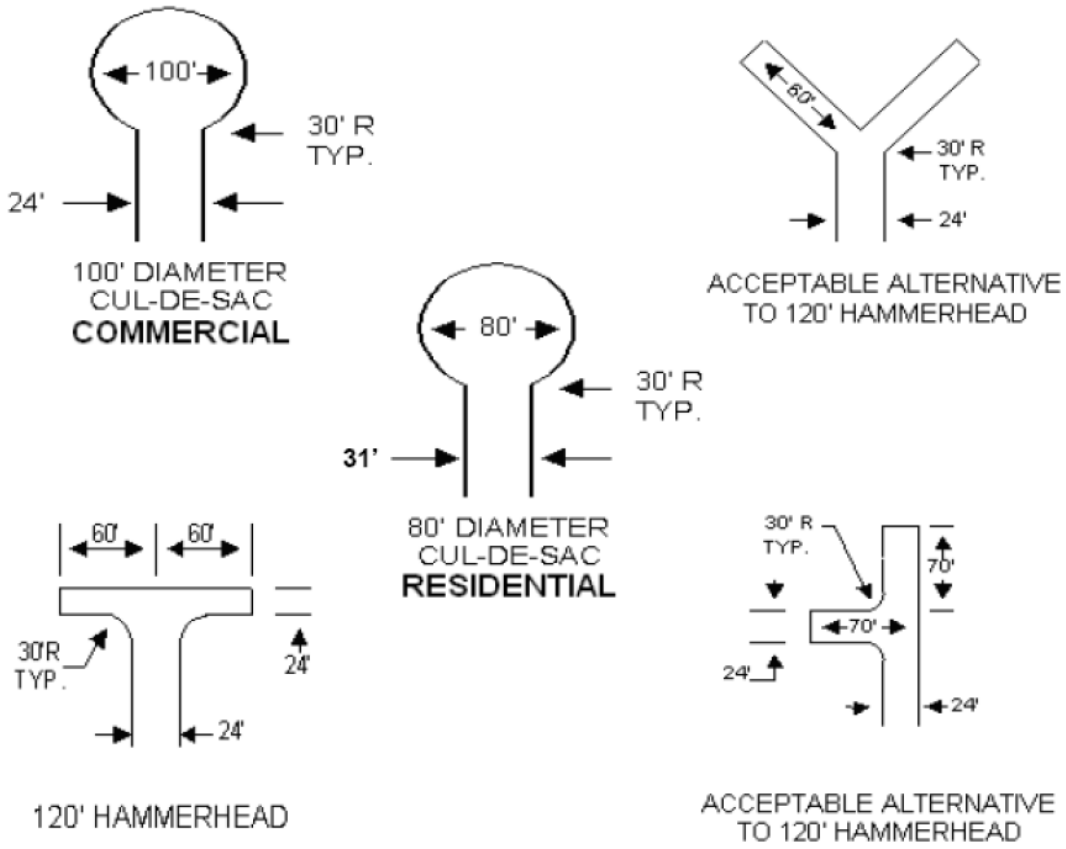
H. Fire Lane Width – Fire lanes shall have an unobstructed width of not less than 24 feet and an unobstructed vertical clearance of not less than 14 feet.

I. Turning Radius – Fire lanes shall have a minimum inside turning radius of thirty (30) feet and a minimum outside turning radius of fifty (50) feet.

J. All-weather Surface Required – Fire lanes shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an asphalt or concrete surface so as to provide all-weather driving capabilities.

K. Construction Specifications – Fire lanes shall be constructed of seven (7) inch concrete with #3 rebar on eighteen (18) inch centers on chairs over a modified subgrade as per the Geotechnical Soils Report; or seven (7) inch asphalt over a modified subgrade as per the Geotechnical Soils Report. The construction shall be capable of supporting a minimum of 75,000 pounds gross vehicle weight.

L. Maximum Dead-end Length – Dead end fire lanes in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. Dead end fire lanes more than 150 feet in length but less than 700 feet in length shall provide one of the following turn-around configurations. Dead end fire lanes in excess of 700 feet in length shall be submitted to the Fire Marshal for review and approval.



Note: In residential subdivisions where a proposed cul-de-sac will include an obstruction within its center, such as a planter or other impassable object, the pavement width shall measure a minimum of 100 feet.

M. Fire Lane Striping – Fire lanes shall be marked with a six (6) inch wide continuous bright red stripe on both sides. Striping shall be on the curb face where curbing is located at the edge of fire lanes. White 4 inch high lettering with a one (1) inch stroke centered on red stripe shall read: NO PARKING - FIRE LANE. This lettering shall be painted every (15) feet measured from the end of one lettering group to the beginning of the next group with a one (1) foot space between "No Parking" and "Fire Lane". Red paint shall not be used for any parking lot marking other than fire lanes. Fire lane markings are subject to the field inspection of the Fire Marshal.

Section 14-138 Emergency Access Gates

(03-20-07 / O-07-1613)

A. Scope and Applicability – The regulations in this section shall be applicable to all gates or barriers that are permanently installed across an emergency access easement to a development for purposes of controlling, limiting, or prohibiting vehicular public access to a development.

B. Definitions – For purpose of this regulation, an emergency access gate shall mean a gate mechanism which is used to allow access for emergency service vehicles or to allow public access during an emergency situation where the primary access to a development is not accessible or is determined un-accessible by the Fire Department.

C. Permit – Approval of a permit issued by the fire department shall be obtained prior to the installation of an emergency access gate. Fire department staff shall coordinate the approval review process with other departments, as appropriate.

1. *Application:* Application for an emergency access gate shall be submitted on forms furnished by the fire department, and include, at a minimum, the name and contact information of the gate contractor, and the name and contact information of the party responsible for the gate maintenance. The application shall be accompanied by drawings of the proposed gate improvements as outlined in this section.

2. *Construction Plan Requirements:*
   a. *For New Developments:* Drawings showing the location and design of the proposed emergency access gates shall be included with the construction plans for the development. In the absence of any construction plans for the development, separate drawings showing the location and design of the proposed emergency access gates shall be submitted with the application.
   b. *For Existing Developments:* Drawings showing the location and design of the proposed emergency access gates shall be submitted with the application.
   c. *Sufficiency of Drawings:* Plans and drawings shall be clear and contain sufficient information and detail to determine conformance with these regulations.
   d. *Design*: The design of all gates, supporting members and access control devices, including automatic opening systems and manual backup systems, shall meet City guidelines or policies, be compatible with City transmitting equipment, and be approved by the City prior to installation. All gates shall be designed and constructed with materials that are comparable to the subdivision perimeter fencing of the applicable development, but shall not be a lesser design standard than shown on Exhibit "A". Lift arm gates or gates of similar design as shown in Exhibit "B" shall be prohibited on new gate installations.
   e. *Encroachment Agreement:* An emergency access gate proposed for installation within a public right-of-way shall require the approval of the City Council of a Right-of-Way Encroachment Agreement.

Exhibit "A"

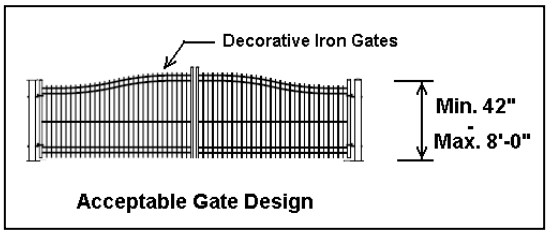
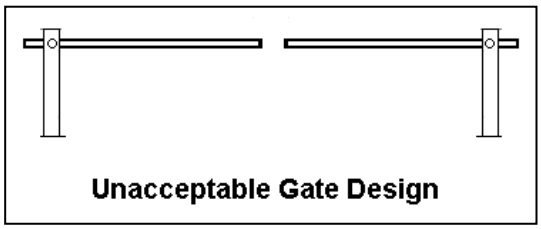


Exhibit "B"



3. *Inspection:* Upon completion of the installation of the emergency access gates, the Fire Department shall inspect the gates for conformance to these regulations and any other applicable codes and ordinances. All emergency access gates, cross arms and opening devices shall be tested and approved by the City prior to being put into operation.

D. Requirements – All new emergency access gates shall comply with the following minimum requirements:

1. When in the open position, an emergency access gate shall provide an unobstructed opening of twenty-four (24) feet wide and fourteen (14) feet high.

2. Swinging gates for single direction traffic shall swing in the direction of vehicle travel.

3. Swinging gates for bi-directional traffic shall swing into the property being entered.

4. Emergency access gates shall be installed within the limits of the emergency access easement, unless an alternate location is determined acceptable by the fire department. If located within a public right-of-way, approval by the City Council of a Right-of-Way Encroachment Agreement is required.

5. Gates shall not be installed within a required turning radius of a fire access roadway.

6. An emergency access gate shall be electrically operated for entry and exit by an approved emitter system (Opticom®) that is compatible with fire department traffic signal pre-emption equipment. The receiver equipment shall have Knox® Key over-ride and a power failure mechanism.

7. No parking shall be permitted within the emergency access easement or near the emergency gates.

E. Pedestrian Access – A development containing an emergency access gate shall provide for a separate pedestrian access gate within 10 feet of the vehicle gate.

F. Maintenance – Emergency access gates shall be maintained in good working order by the property owners of the development receiving benefit from the gates. Gate maintenance shall include lubrication of moving parts and hinges, batteries required for operation of the system during power failure, and any electrical and mechanical equipment required for the proper operation of the automatic gate opening system. The City of Colleyville reserves the right to inspect an emergency access gate at any time and require the party responsible for the maintenance of the gates to provide the repairs necessary to ensure emergency access. The City of Colleyville assumes no responsibility for the construction or maintenance of an emergency access gate.

G. Failure to Maintain – If the property owners of a development or the homeowners association fail to maintain reliable access, the City shall have the right to enter the development and remove any gate or device which is a barrier to emergency access at the sole expense of the property owners. The gate permit may be revoked and the gate locked in the open position for any cause determined by the fire department to be in the best interest of public safety.

Section 14-140 Street Improvement Specifications

A. General – Streets shall be constructed or reconstructed using either hot-mixed asphaltic concrete pavement sections or reinforced portland cement concrete pavement sections that meet or exceed the minimum specifications of this Land Development Code. The developer requiring street construction shall provide a geotechnical report, sealed by a Registered Professional Engineer licensed in the State of Texas, containing recommendations for subgrade thickness and content. The minimum subgrade and pavement thickness shall be in accordance with the specifications contained in this Section.

For the purpose of this Section, a collector street shall be defined as all those collector streets shown on the Master Thoroughfare Plan and those streets internal to a subdivision which provide connection between local residential streets and the major collector network and which are designed to accommodate more than 500 vehicles per day.

B. Hot-Mixed Asphaltic Concrete Pavement Sections

1. *Local Streets (including cul-de-sac)*

   a. Eight (8") inches thick (minimum) stabilized subgrade, twelve (12") inches past the back of curb line.
   b. Prime (or cure) coat.
   c. Five (5") inches Type "A" or "B" hot-mixed asphaltic concrete placed in three (3) lifts. The bottom lift shall extend to one (1') foot beyond the back of curb line.
   d. Two (2") inches Type "D" hot-mixed asphaltic concrete placed in one (1) lift.

2. *Collector Streets*

   a. Eight (8") inches thick (minimum) stabilized subgrade, twelve (12") inches past the back of curb line.
   b. Prime (or cure) coat.
   c. Six (6") inches Type "A" or "B" hot-mixed asphaltic concrete placed in three (3) lifts. The bottom lift shall extend to one (1') foot beyond the back of curb line.
   d. Two (2") inches Type "D" hot-mixed asphaltic concrete placed in one (1) lift.

3. *Arterial Streets*

    a. Eight (8") inches thick (minimum) stabilized subgrade, twelve (12") inches past the back of curb line.
    b. Prime (or cure) coat.
    c. Eight (8") inches Type "A" or "B" hot-mixed asphaltic concrete placed in four (4) lifts. The bottom two lifts shall extend to one (1') foot beyond the back of curb line.
    d. Two (2") inches Type "D" hot-mixed asphaltic concrete placed in one (1) lift.

4. *Stabilized Subgrade for Hot-Mixed Asphaltic Concrete Pavements* – The basic design of the asphaltic pavement sections for streets and roads assumes average subgrade conditions which in all cases shall be stabilized to not less than the thickness shown herein with lime or cement at a minimum rate of 6% of the necessary volume or that recommended by an approved and acceptable geotechnical report submitted to the City by a licensed Geotech Engineer. Classification of the subgrade for evaluating the supporting qualities shall generally apply to the top twelve (12") inch layer of soil measured down from subgrade surface. Where combinations of conditions indicate special problems, such as springs or seepage, drastic material changes from point to point, etc., that reduce the existing subgrade below average, appropriate remedies designed by a Registered Professional Engineer based upon actual onsite observations and tests shall be included to correct the particular condition involved. In all cases, the requirements set forth in this criteria are minimum and the City reserves the right to require further additional testing (such as California Bearing Ratio), precautions or treatments consistent with sound engineering practice when necessary to provide for other conditions not specifically covered by this criteria. Compaction of stabilized subgrade shall be 95% standard proctor density.

C. Reinforced Portland Cement Concrete Pavement Sections

1. *Local Streets (including cul-de-sac)*

    a. Six (6") inch thick stabilized subgrade, twelve (12") inches past the back of curb line.
    b. Prime (or cure) coat.
    c. Six (6") inch thick portland cement concrete, reinforced with #3 reinforcing bars having a spacing of eighteen (18") inches center to center both ways.

2. *Collector Streets*

    a. Six (6") inch thick stabilized subgrade, twelve (12") inches past the back of curb line.
    b. Prime (or cure) coat.
    c. Seven (7") inch thick portland cement concrete, reinforced with #4 reinforcing bars having a spacing of eighteen (18") inches center to center both ways.

3. *Arterial Streets*

    a. Six (6") inch thick stabilized subgrade, twelve (12") inches past the back of curb line.
    b. Prime (or cure) coat.
    c. Eight (8") inch thick portland cement concrete, reinforced with #4 reinforcing bars having a spacing of eighteen (18") inches center to center both ways.

4. *Basic Requirements For All Reinforced Concrete Pavement* – The basic design of reinforced concrete pavement sections for streets and roads assumes poor subgrade conditions which shall be stabilized with lime or cement at a minimum rate of 6% of the necessary volume or that recommended by an approved and acceptable geotechnical report submitted to the City by a licensed Geotech Engineer. In all cases, the requirements set forth in this criteria are minimum and the City reserves the right to require further additional testing (such as California Bearing Ratio), precautions or treatments, when necessary, consistent with sound engineering practice to provide for other conditions not specifically covered by this criteria.

5. *Concrete for Pavement* – Concrete for pavements shall be Class "A" and consist of five (5) sacks (minimum) of portland cement for each cubic yard of concrete mix and have a seven (7) day flexural strength of five hundred pounds per square inch (500 p.s.i.) and a twenty-eight (28) day compressive strength of three thousand five hundred pounds per square inch (3,500 p.s.i.). Composition and placement of reinforced concrete pavements shall be in accordance with the applicable requirements of Item 360 of the *Texas State Department of Transportation Standard Specifications*. Coarse aggregate shall be either number 2 or 3. Cement for the mixture shall be Type I portland cement. All hand pours are to be six (6) sacks minimum of portland cement for each cubic yard of concrete mix with a compressive strength of three thousand five hundred pounds per square inch (3,500 p.s.i.).

D. Curb and Gutter Specifications

All streets shall be provided with reinforced portland cement concrete curbs and gutters in accordance with the following specifications.

1. *Curbs and gutters*

   a. Curb rolls shall be six (6") inches wide and not less than six (6") inches high nor more than seven (7") inches high.

   b. Curb and gutter bases shall not be less than twenty-four (24") inches wide and provide a minimum gutter width of eighteen (18") inches (see detail P-4A and P-4B).

   c. Gutter depths for hot-mixed asphaltic concrete pavement shall be five (5”) inches for local streets and six (6") inches for collector and arterial streets. Gutter depths for reinforced portland cement concrete pavement shall be the same as the pavement thickness.

2. *Reinforcement Steel* – Reinforcement shall be provided by three (3) number three (#3) steel reinforcing bars by placing one (1) bar in the curb roll and two (2) bars in the curb and gutter base. This reinforcement is in addition to reinforcement in portland cement concrete pavements.

3. *Concrete Classification* – Concrete for curbs and gutters shall be Class "A" and consist of five (5) sacks (minimum) of portland cement for each cubic yard of concrete mix and have a seven (7) day flexural strength of five hundred pounds per square inch (500 p.s.i.) and a twenty-eight (28) day compressive strength of three thousand five hundred pounds per square inch (3,500 p.s.i.).

4. *Installation Procedure* – Curb and gutter for hot-mixed asphaltic concrete pavements shall be placed on the first two (2") inch lift of asphaltic paving. For reinforced portland cement concrete pavements, the curb and gutter base shall be placed monolithically with the pavement. The curb roll shall be placed monolithically with the pavement or added separately. Curb rolls added separately shall be provided with number three (#3) reinforcing bar stirrups spaced twenty-four (24") inches center to center which extend to within three (3") inches of the bottom of the pavement.

5. *Driveway Cuts* – All driveway entrances constructed in existing curb and gutters shall be saw-cut at the curb return on both sides of the driveway and eighteen (18”) inches into the street. After work is completed, the street sidewalk shall be repaired and it shall be the responsibility of the party installing the driveway.

F. Street Drainage – The following drainage conditions shall be observed:

1. All roads shall be a crowned or roof top section so as to provide proper drainage.

2. All plats shall depict the flow of drainage with arrows sufficient to show predicted path.

3. An explanation and depiction shall be attached to show outflow and inflow availability on high flow areas. Adjoining property where inflow originates or outflow exists must be attached to insure compliance with drainage or excessive run-off factors.

4. No plat shall be considered for approval unless accompanied by a complete set of construction drawings that show the drainage areas and flow calculations.

5. The contractor/developer will assume all responsibility to disperse excess run-off so as not to exceed previous disbursements to the satisfaction of the city.

G. Street Construction

1. The street portion of the plat must be approved by the Planning and Zoning Commission or the Approving Body, Fire Chief, Police Chief and Director of Public Works.

2. The street type code must be plainly visible on the plat and marked so that no misunderstanding can result.

3. A performance bond must be presented to the City Secretary or duly appointed representative for an amount equal to the contract by the contractor doing the project. A maintenance bond equal to 10% of the contract price will be in effect for two (2) years after acceptance by the City.

4. No work shall commence without the issuance of an authorization of construction letter.

5. When Perimeter Street Escrows are required the following items shall be included in the fee calculations.

   a. Paving
   b. Subgrade stabilization
   c. Curb and gutter
   d. Sidewalk (or pathways where applicable)
   e. Excavation
   f. Utility relocation (20% of paving)
   g. Storm sewer improvements (20% of paving)
   h. Engineering (12% of the total of items a - g)
   i. Contingency (15% of the total of items a - h)

H. Streets to be Trenched – When a public street is cut or trenched, the street shall be repaired according to this paragraph. A three (3) sack per cubic yard concrete mixture shall be filled-in beginning one (1') foot above the object the street was cut for and continue until one (1') foot from the top of the street or reaching the plane of the sub-base compacted to 95% Standard Proctor. The base and topping shall be the minimum required for that type of street.

I. Forfeiture Clause – If in the opinion of the Director of Public Works or his duly appointed representative, the street project does not comply with the type code applied to the street(s), the performance bond shall be forfeited to the amount necessary to correct the substandard section if that section(s) is not corrected by the contractor.

1. All areas in question by the City that cannot be reconciled by the contractor will be examined by an independent testing firm, agreed upon by both parties, and its findings will prevail.

2. The cost of this testing will be borne by the incorrect party.

3. The City of Colleyville reserves the right to make tests or checks at any place or any time there is a question of ordinance compliance.

4. Any developer or contractor found to willfully and knowingly misrepresent or disregard the regulations herein stated shall forfeit all rights and permits in the City of Colleyville, Texas, with a majority vote of the City Council.

J. Texas Department of Transportation Highway Specifications – All specifications not specifically provided for elsewhere in this Chapter are referenced to the Texas Department of Transportation *Standard Specifications For Construction of Highways, Streets and Bridges, 1993,* AASHTO's *A Policy on*

Geometric Design of Highways and Streets, and the Transportation Research Board's *Highway Capacity Manual*.

1. *Item 260 Lime Treated Subgrade* – Lime used shall be Type "A" hydrated lime. The placement and construction of the subgrade shall be done in accordance with the applicable requirements described in Item 260 of the *Texas State Department of Transportation Standard Specifications*.

2. *Item 270 Cement Treated Subgrade* – Cement used shall be Type 1 portland cement. The placement and construction of cement treated subgrade shall be done in accordance with the applicable requirements described in Item 270 of the *Texas State Department of Transportation Standard Specifications*. An asphaltic membrane of RC-250 asphalt shall be applied as a cure coat. An alternate method of wet curing is also acceptable.

3. *Item 310 Prime Coat* – Asphalt material for prime coat shall be EA-HVMS. The placement of prime coat shall be described in Item 310 of the *Texas State Department of Transportation Standard Specifications*. Prime coat shall be placed on all lime treated subgrade at a rate of not less than 0.15 nor more than 0.25 gallons per square yard.

4. *Item 340 Hot-Mixed Asphaltic Concrete Pavement* – The composition and placement of hot-mixed asphaltic concrete pavement shall be in accordance with the applicable requirements of Item 340 of the *Texas State Department of Transportation Standard Specifications*. The asphalt for paving mixture shall be AC-20 forming from 4.5 to 6.0 percent of the mixture by weight. The asphalt for use as a tack coat under Item 340 shall be either RC-250 or EA-HVRS.

K. Concrete Pipe – All concrete pipe used for drainage purpose on City streets shall be reinforced.

L. Lime Treated Subgrade – Lime treatment shall extend ten (10') feet, if feasible, beyond the completed street when a future street is proposed to be built to assure proper conformity.

Section 14-145 Street Signs and Traffic Control Signs

A. General Requirement – Street name signs and traffic control signs shall be required for all street intersections. Installation of signs shall be performed by City work crews after payment to the City has been received from the developer for the installation costs. The Director of Public Works shall provide the developer with a cost estimate for all street signs associated with a development. The cost estimate shall include material and labor costs.

1. The Director of Public Works may require the installation of temporary street signs by the developer.

B. Location – All signs shall be located in accordance with the Texas Manual on Uniform Traffic Control Devices. Street signs shall be furnished and installed by the subdivider for all intersections within or abutting the subdivision.

C. Standards – All signs shall conform to the standards as set forth in the *Texas Manual on Uniform Traffic Control Devices.* All road identification signs are to have a blue background with white reflective lettering.

D. Installation – The sign pole shall be buried to a minimum depth of two (2') feet and placed in a twelve (12") inch diameter concrete filled posthole. The pole shall be tall enough to accommodate all applicable signs. The bottom of all signs shall be located seven (7') feet above the finished grade of the travel surface.

E. Approval – The developer shall submit a list of signs to be placed and a graphical representation of the signs for review by Director of Public Works prior to installation.

F. Custom Signs – The Director of Public Works may approve custom-made street signs and custom-made sign poles, provided the Director of Public Works has executed a written agreement with a party responsible for the maintenance and replacement of such signs or sign poles.

Section 14-150 Sidewalk & Pathways Specifications

A. Permit Required – No person shall construct, reconstruct, alter, repair, remove or replace any sidewalk or pathway on any public property within the City Limits without first obtaining a permit from the building permit office, unless the sidewalk or pathway is included on the construction plans of an existing approved permit.

B. Maintenance Bond – No such permit shall be approved until proof of bonding coverage has been submitted to the City and a two (2) year maintenance bond in the amount of 10% of the total cost of construction covering the sidewalk or pathway is in full force and effect at the time of the permit approval. Such bond shall not be valid unless persons doing the work are covered by the bond. Such bond may cover other work done by the applicant. The Director of Public Works may waive the maintenance bond requirement for repair to an existing sidewalk or pathway.

C. Inspection Required – All work done in construction, reconstruction, alteration, repair, or removal or replacement of sidewalks or pathways shall be inspected by the city inspector to assure compliance with these regulations. When other public improvements are required, final acceptance of all other improvements shall not be made until sidewalks or pathways are approved.

D. Minimum Sidewalk or Pathway Width – All sidewalks shall be a minimum of four (4') feet in width, except a sidewalk located within or abutting a collector street, or larger, as shown on the Master Thoroughfare Plan, which shall not be less than five (5) feet in width. All sidewalks and pathways shall be constructed in the area between the curb or grade line of the public street and the abutting property line unless the pathway is situated within a dedicated pathway easement or right-of-way. The edge of the sidewalk or pathway shall generally be parallel with the curb line and be situated no more than one (1') foot from the abutting property line. The Director of Public Works may approve a plan to alter the location of a sidewalk to preserve a tree or for aesthetic purposes. One additional foot of width shall be added to a sidewalk that abuts a street curb. The widths of all sidewalks and pathways shall be in accordance with the following table, which are further referenced *in Chapter 15 – Public Works Construction Details.*

Sidewalk & Pathway Widths	
Classification	**Minimum Width**
Type “A”	4.0 ft.
Type “B”	5.0 ft.
Type “C”	8.0 ft.
Type “D”	10.0 ft.
Type “E”	12.5 ft.

E. Construction Materials – Sidewalks shall be constructed of portland cement concrete (minimum thickness four (4") inches). Pathway system sidewalks shall be a minimum thickness of five (5”) inches. Concrete for sidewalks and pathways shall be Class "A" and consist of five (5) sacks (minimum) of portland cement for each cubic yard of concrete mix and have a seven (7) day flexural strength of 500 pounds per square inch (500 p.s.i.) and twenty-eight (28) day compressive strength of 3,000 pounds per square inch (3,000 p.s.i.). Reinforcement shall be in accordance with the construction detail contained in *Chapter 15 – Public Works Construction Details*. In such cases, reinforcements shall be #3 steel deformed reinforcing bars on eighteen (18”) centers.

F. Architectural Barriers Act – All sidewalk/street intersections shall be constructed so as to provide a ramp that complies with the Architectural Barriers Act. Barrier free ramps shall be provided for access to the street. The following specifications shall apply:

1. Ramp to be minimum four (4') feet in width.
2. Ramp to be constructed with Class "A" concrete.
3. Ramp concrete thickness shall be the same as the street (six (6") inch normal residential).
4. #3 bars shall be used for reinforcement (twenty-four (24") inch on centers).
5. Curb return shall match existing curb height of the street and taper to the connecting walk with a 1-foot radius.

6. Street shall be blocked out (max. twelve (12") inches) and dowels installed.
7. Saw joints shall be made one and a half (1 1/2") inch minimum depth and sealed with silicone joint sealant material.
8. Subgrade shall be prepared to a minimum depth of six (6") inches.
9. At no time shall the walk running parallel to the street be altered.
10. Surface of walk shall be coarse and ribbed to provide extra traction (see detail P-8).

Where the above specifications do not apply or have jurisdiction, refer to the specifications from the American Disabilities Act.

Section 14-155 Street Lighting

A. General Requirement – Street lights shall be installed at all intersections, at the end of all cul-de-sac streets, and at additional locations in accordance with the following table:

Street Lighting Requirements			
Required Spacing	**Pole Type**	**Lamp Type**	**Height**
At intervals of not more than three hundred (300) feet	Wood or metal	100 watt high pressure sodium	30 feet

B. Spacing – The number of required street lights shall be equal to the total linear footage between street intersections divided by the required spacing. Fractions of street lights shall be rounded to the next whole number.

C. Intervals – Street lights shall be placed at approximately equal intervals between intersections and shall be subject to the approval of the Director of Public Works.

D. Design – Cobra head lamps shall be provided on standard street lighting fixtures, except that other lamp types may be permitted where custom lighting is approved by the Director of Public Works.

E. Custom Lighting – The subdivider may elect to provide custom lighting lieu of the required standard street lighting, subject to the approval of the city engineer.

F. Custom Lighting Maintenance – If a subdivider elects to provide and install custom lighting, a homeowner's association (or some other such private entity) shall be created which will be perpetually liable for all costs associated with the maintenance of the lighting fixtures. Where the city is not liable for the costs of electrical energy from the custom lighting as provided in this subsection, the homeowner's association shall also be liable for the electrical energy costs of the custom lighting.

Section 14-160 Water System Improvements

A. General – This section pertains to general design requirements for water distribution system construction in the City of Colleyville. All water lines shall be sized and designed in accordance with the City of Colleyville Water Distribution System Master Plan or as determined by the Director of Public Works. In the absence of specific standards, all water supply, distribution, pumping, and storage improvements shall be designed in accordance with the most current standards of the American Water Works Association or the Standard Specifications for Public Works Construction of the North Central Texas Council of Governments or criteria adopted by the Texas Administrative Code, Chapter 290, "Water Hygiene".

B. Line Sizes & Locations

1. Standard water line sizes are, 8 inch, 10 inch, 12 inch, 16 inch, 20 inch, and 24 inch diameter. Other sizes may be approved by the Director of Public Works.

2. All water lines shall be looped. Dead end lines shall not exceed 600 feet, unless approved by the Director of Public Works. No services shall be allowed on a dead end line.

3. Water lines shall be located within the parkway. Along State Highways, water lines are required on both sides of the roadway. New water lines crossing existing streets shall be placed by boring. A casing shall be required under major and minor collector roadways, arterial roadways and Highway 26 (Colleyville Blvd.). Open cut excavation will not be allowed to cross existing streets, unless approved by the Director of Public Works.

4. Easements for water line construction shall meet the following requirements:

   a. The easement width shall be a minimum of 15 feet.
   b. In areas where multiple easements exist the easement may need to be wider as specified by the City.

5. All piping with mechanical couplings, push-on, or similar joints subject to internal pressure shall be designed with blocking, anchors, and restraining harnesses to preclude separation of joints.

6. Water lines for multi-family, commercial and industrial fire protection lines shall be dedicated to the public, unless the system is isolated from the public system by a detector check. All water lines shall be a minimum of eight (8") inches in diameter and looped when possible. Dead end lines shall not exceed 50 feet on multi-family, commercial, or industrial sites. All public water lines located on private property shall be centered in a 15-foot minimum easement. Larger easements may be required by the Director of Public Works to provide adequate space for maintenance. Water lines shall not be located under paved surfaces where possible.

C. Line and Fitting Materials – All water lines and fittings shall be new materials and comply with the following:

1. *Water Lines* – All water lines shall be Polyvinyl Chloride (PVC) material and be designed, manufactured, and tested in accordance with the applicable requirements of AWWA C-900 (eight (8") inch through twelve (12") inch water pipe) AWWA C-905 (sixteen (16") inches and larger water pipe), and AWWA M-23.

2. *Other Pipe Material* – All other materials must be submitted for approval by the Director of Public Works. Ductile Iron pipe is an acceptable substitution.

   a. All PVC water pipe shall be blue in color.
   b. Eight (8") inch through twelve (12") inch water pipe shall be pressure class 150, DR 18. Pressure class 200, DR 14 pipe may be required by the Director of Public Works in areas of high distribution system pressure, under roadways or other unusual circumstances.

3. *Fittings* – All fittings shall be ductile iron in accordance with AWWA C110 or AWWA C153.

   a. Fittings: ANSI/AWWA C111/A21.11, except gaskets shall be neoprene or other synthetic rubber and factory installed. Natural rubber will not be acceptable.
   b. All buried metal shall be wrapped in polyethylene Tube Wrap: ANSI/AWWA C105/A21.5.
   c. All waterline pipe and fittings shall be new materials and produced in the USA.

D. Installation – All installations shall conform to the latest NCTCOG, TCEQ and AWWA Specifications, as amended by these standards.

1. All eight (8") inch and ten (10") inch pipe shall be installed with a minimum of forty-eight (48") inches of cover over top of pipe, and pipe twelve (12") inches and larger shall be installed with a minimum of sixty (60") inches of cover over top of pipe.

2. The amount of trench excavation shall not exceed two hundred (200') feet from the end of the pipe laying operations, and no more than three hundred (300') feet of total open trench will be allowed. At the end of each work day, all trench excavation shall be backfilled and compacted to the end of the

pipe laying operation. Barricades and lights will be required around any open trench or equipment and cover plates are required in traffic areas.

3. All connections to existing water mains shall be made under pressure unless dry connections will not cause any loss of service. Under special conditions connections that cause an interruption of service may be performed with approval of the Director of Public Works.

4. Coated tracer tape or wire shall be installed in the embedment material twelve (12”) inches above the PVC pipe with the tracer wire terminating in in-line gate valve boxes accessible by City Staff.

5. Density tests shall be taken at a minimum of every one hundred (100') feet for every lift. A maximum thickness of twelve (12") inches per loose lift is required for all trench backfill. The compaction of backfill shall meet or exceed 95% Standard Proctor density. A geotechnical report should be submitted for all trenches. The density reports shall be submitted daily to the City Inspector. The City has the right to require additional tests if they are deemed necessary.

6. All density reports and bacteria test reports shall be completed, delivered to the Director of Public Works and Inspector, and approved before paving is allowed to begin.

7. PVC water pipe and appurtenances shall be installed as specified in AWWA M-23 and in accordance with the pipe manufacturer's recommendations.

8. Fittings shall be installed in accordance with AWWA C-600.

   a. All mechanical joint bends, tees, and reducers which require blocking shall be additionally restrained with EBAA megalug retainer gland or approved equal.
   b. All fittings must be polyethylene wrapped.

E. Fire Hydrants

1. *Hydrant Location and Spacing* – Fire hydrants shall be provided along fire apparatus access roads and adjacent public roads. *(O-00-1261 12/19/00)*

   a. The minimum number of fire hydrants available to a building shall not be less than that listed in Appendix B of the 2000 International Fire Code, as amended.

   b. The number of fire hydrants available to a complex or subdivision shall not be less than that determined by the spacing requirements in the following table, when applied to fire apparatus access roads and perimeter public streets from which fire operations could be conducted.

Fire Hydrant Spacing Requirements			
Fire Flow Requirements (Gallons Per Minute)	**Number of Hydrants**	**Average Spacing Between Hydrants (in feet)**	**Maximum Distance From Any Point on Street or Road Frontage to a Hydrant (in feet)**
1,750 or less	1	500	250
2,000 – 2,250	2	450	225
2,500	3	450	225
3,000	3	400	225
3,500 – 4,000	4	350	210
4,500 – 5,000	5	300	180
5,500	6	300	180
6,000	6	250	150
6,500 – 7,000	7	250	150
7,500 or more	8 or more	200	120

2. *Materials* – Fire hydrants shall be manufactured in accordance with AWWA C-502, Dry-Barrel Fire Hydrants. Hydrants shall be manufactured such that all maintenance and adjustments can be performed without excavation and such that hydrants may be faced in any direction in relation to base.

3. *Installation depth* – The standard fire hydrant bury length from ground to bottom of the connecting pipe shall be three (3') feet six (6') inches. The hydrant shall be of a design that will permit extensions without disturbing the bottom section of the hydrant.

4. *Gate valve* – A gate valve shall be installed with each fire hydrant.

5. *Manufacturers* – Approved fire hydrants manufacturers are as follows:

    a. Mueller Centerion A-423
    b. Watrous Pacer – 100
    c. Clow

6. *Locations* – Fire hydrants are to be located a minimum of three (3') feet and a maximum of six (6') feet behind the back of curb.

F. Valves – 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.

    1. *Valve Spacing* – Valves shall be spaced such that only one fire hydrant is out of service at any one time. Three (3) valves shall be used on a four-way water line intersection and a minimum of two (2) valves shall be used on a three-way intersection.

    2. *Valve Types* – Resilient seated gate valves shall be used for six (6") inch through twelve (12") inch water lines. Butterfly valves shall be allowed for twelve (12") inches and larger water lines when approved by the Director of Public Works.

    3. *Valve Materials*

        a. *Resilient Seated Gate Valves*

            (1) Resilient seated gate valves six (6") inches through sixteen (16") inches shall meet or exceed the latest revisions of AWWA C509 and shall meet or exceed the requirements of these standards.
            (2) Resilient seated gate valves for buried service shall be furnished with a square two (2") inch operating nut. The valve box shall be Tyler Pipe 6850 series or approved equal. The valve box lid shall be painted safety blue. The paint shall be Glidden or approved equal.
            (3) All valves must open left and close right.

        b. *Butterfly Valves* – Butterfly valves shall meet or exceed the latest revision of AWWA Standard C504 for Class 150B butterfly valves and shall meet or exceed the requirements of this specification. All valve components shall conform to Underwriters Laboratories classification in accordance with ANSI/NSF Standard 61.

    4. *Valve Installation*

        a. Valves shall be furnished with extensions, such that the working nut is a maximum of thirty-six (36") inches below grade.

        b. Adjustable valve boxes shall be furnished and set on each valve in accordance with these standards. Valves that are deeper than forty-eight (48") inches, AWWA C900 PVC pipe shall be used for stacks, as long as the adjustable valve box is used at the top.

        c. After the final clean-up and alignment has been complete, the contractor shall cast in place a concrete block, twenty-four (24") inches by twenty-four (24") inches around all valve box tops at the finish grade. See detail W-3.

d. Valves located within a right-of-way shall be indicated on the face of the curb, or where curbs do not exist, on a conspicuous location adjacent to the valve location. Markings are to be the stamping of a four (4") inch high letter "V" with a three-eighths (3/8") inch stroke with the point of the "V" pointing towards the valve location.

e. Valve markers shall be provided in rural areas.

5. *Valve Manufacturers*

a. Approved manufacturers of six (6") inch through twelve (12") inch resilient seated gate valves are as follows:

(1) Mueller, Clow and Waterous

b. Approved manufacturers of sixteen (16") inches resilient seated gate valves are as follows:

(1) Mueller

c. Approved manufacturers of sixteen (16") inch and larger butterfly valves are as follows:

(1) Mueller and Clow

G. Air Release and Flushing Valves – Adequate air relief, and flushing valves shall be provided for flushing, disinfecting, daily operation requirements, and repairs when required by the Director of Public Works. Air release valves shall be required on twelve (12") inches and larger water lines. Water lines shall be designed so that each section of the water line can be flushed at its lowest and highest points.

1. All dead end lines shall have a fire hydrant installed for flushing purposes. If installation of a fire hydrant is not possible, a flushing valve is required.

2. A fire hydrant shall be required at high points on water lines smaller than twelve (12") inches for air relief and flushing.

3. Materials – Air release valves and air/vacuum valves shall meet or exceed the latest revision of AWWA C512.

H. Tapping Sleeves – A tapping sleeve and valve shall be used when connecting a new water line to an existing line. A resilient seated gate valve shall be flanged to the tapping sleeve. The tapping sleeve shall be a Smith-Blair Spec. 664-665 stainless steel tapping sleeve, or approved equal.

I. Water Services

1. *Meter Box Locations* – The water meter box shall be placed a minimum of two (2') feet behind the back of curb unless sidewalks are adjacent to the curb, then they are to be set seven (7') feet behind the back of curb, and the water service shall be a minimum of twelve (12") inches deep, covered with a meter box in place at grade. If no curb is present, the water service shall be located at the property line, a minimum of twelve (12") inches deep, covered with a meter box in place at grade. Along roadways without a curb the water service line shall be constructed at a minimum of twelve (12") inches below the ditch flow line. All water services crossing beneath streets may be encased in four (4") inches diameter PVC casing.

2. *Meter Size* – Meter and service sizes will be determined by the developer prior to requesting service from Colleyville. The minimum water service size between the water main and the meter shall be one (1") inch. Water services on undeveloped lots shall be located at the property line and shall be a minimum of one (1") inch in diameter.

3. *Materials*

   a. *Service Saddle* – Service saddle shall be double strap bronze with brass body or nylon / epoxy coated stainless steel double bolt wide straps. Minimum size tap shall be 1 inch diameter.

      (1) Approved manufacturers for bronze saddles are Ford, Mueller, Jones or Smith-Blair.
      (2) Approved manufacturers for nylon stainless steel saddles are Ford, Mueller, JCM or Romac.

   b. *Service Line* – Service lines shall be one (1") inch minimum diameter, Type K copper as specified in ASTM B88.

   c. *Corporation Stop* – Corporation stop shall be ball type with a diameter equal to the pipe size with compression outlet fitting, designed for a minimum working pressure of two hundred pounds per square inch (200 psi) and threaded counter clockwise. Approved manufacturers are Ford or Mueller.

   d. *Angle Stop* – Angle stop shall be set with compression inlet fitting and locking wings. Approved manufacturers are Ford, Mueller or Smith Blair.

   e. *Meter Boxes* – Meter box for one (1") inch meters are to be East Jordan Iron Works brand and are to be #37-S Plastic Box with Cast Iron Lid. Meter box for one and one-half (1 ½") inch and two (2") inch meters shall be East Jordan Iron Works brand and are to be a 15x27 plastic box with 2 65T dual lids.

4. *Installation*

   a. All water services shall be installed in accordance with these standards.
   b. Each individual service location shall be saw cut into the face of the curb with a four (4") inch high "W" painted blue by the Contractor. If no curb exists a similar mark should be placed in the pavement near the edge of the roadway.

5. *Acceptable Manufacturers for Corporation Stops, Curb Stops, and Service Saddles*

   a. Ford
   b. Mueller
   c. Smith-Blair

J. Flushing Valves

1. Corporation stop shall be two (2") inch ball type with compression outlet fitting, designed for a minimum working pressure of two hundred pounds per square inch (200").

2. Two (2") inch curb stop shall be ball type with compression inlet fitting with tee head shut off.

3. Pipe shall be two (2") inches diameter, Type K copper as specified in ASTM B88.

4. All flushing valves shall be installed within a twenty-four (24") inch round metal meter box.

K. Water Line Borings – Casings shall be required under collectors and thoroughfares, highway crossings, and railroad crossings. Casings may also be required where deemed necessary by the Director of Public Works. Minimum casing thickness shall be a quarter (1/4") inch. The construction bore pit shall be located a minimum distance of four (4') feet behind the back of curb or edge of pavement where no curb is present.

1. *Casing Design* – The design engineer shall design the water line pipe casing for the following loading conditions and applicable combinations thereof:

   a. Cooper's E-80 Railway loading or AASHTO HS20 loading as applicable.
   b. Earth loading with the height of fill above the casing as shown on the plans.

c. Loads applied during jacking, including axial load from jacking.
d. All other applicable loading conditions, including loads applied during transportation and handling.

2. *Casing Materials*

a. *Steel Casing Pipe* – Steel casing pipe shall be new (or used if approved by the Director of Public Works) and suitable for the purpose intended and shall have a minimum yield strength of 35,000 psi. Casing shall meet ASTM A-36, ASTM A-570, ASTM A-135, ASTM A-139, or approved equal. Pipe shall be coated with coal tar epoxy (15 mils min.) in accordance with AWWA C-210. Pipe joints shall be welded in accordance with AWWA C-206. After pipe is welded, coating shall be repaired.

b. *Cement Mortar* – Cement mortar shall consist of one (1) part cement to two (2) parts clean sand with sufficient water to make a thick, workable mix.

c. *Pressure Grout Mix* – Grout shall be comprised of one (1) cubic foot of cement and three and a half (3.5) cubic feet of clean fine sand with sufficient water added to provide a free flowing thick slurry. If desired to maintain solids in the mixture in suspension, one cubic foot of commercial grade bentonite may be added to each twelve (12) to fifteen (15) cubic feet of the slurry.

d. *Casing Insulators (Spacers)* – Use casing insulators for any type of carrier pipe. Insulators shall be high density polyethylene. Insulators shall fit snug over the carrier pipe and position the carrier pipe approximately in the center of the casing pipe to provide adequate clearance between the carrier pipe bell and the casing pipe. Insulators shall be manufactured by "Recon" and be Racci Type or approved equal.

3. *Casing Installation*

a. Excavation and Backfill of Access Pits

(1) Do not allow excavation over the limits of the bore or tunnel as specified. Trench walls of access pits adjacent to the bore or tunnel face shall be truly vertical. Shore the trench walls as necessary to protect workmen, the public, structures, roadways, and other improvements.
(2) Excavations within the right-of-way and not under surfacing shall be backfilled and consolidated by mechanical methods as specified in these standards for compaction of trenches under roadways. Surplus material shall be removed from the right-of-way and the excavation finished to original grades. Backfill pits immediately after the installation of the carrier pipe is completed. If carrier pipe is not installed immediately after casing pipe installation, the City may require the access pits be temporarily backfilled until installation of carrier pipe.
(3) Where seeding or sodding is disturbed by excavation or backfilling operations, such areas shall be restored to the existing or better conditions.

Section 14-165 Wastewater System Improvements

A. General – This section pertains to general design requirements for wastewater collection system construction in the City of Colleyville. All sewer lines shall be sized and designed in accordance with the City of Colleyville Waste Water System Master Plan or as determined by the Director of Public Works. In the absence of or in conflict with a specific standard contained in this Chapter, all collection, treatment, and disposal systems shall be designed in accordance with the most current criteria adopted by the Texas Administrative Code, Chapter 317, "Design Criteria for Sewerage Systems", NCTCOG, TCEQ and ASTM.

B. Sewer Line Sizes and Design

1. Standard sewer line sizes are six (6") inches, eight (8") inches, twelve (12") inches, fifteen (15") inches, and eighteen (18") inches in diameter. Other sizes may be approved by the Director of Public Works.

2. Sewer lines shall be constructed at a minimum depth of four (4') feet and be located within the parkway or an approved utility easement. A sewer line is required to be constructed on both sides of a State Highway.

3. Easements for sewer line construction shall meet the following requirements:

   a. The easement width shall be a minimum of fifteen (15') feet. Greater easement width may be required for deep lines.

   b. If the sewer line is less than twelve (12') feet deep, the outside diameter of the sewer line shall be located a minimum distance of six (6') feet from the edge of the easement, and if other utilities are located in the same easement, the outside diameter of the sewer line shall be located a minimum distance of three (3') feet from the outside diameter of the other utilities.

   c. If the sewer line is greater than twelve (12') feet deep, the outside diameter of the sewer line shall be located a minimum distance of nine (9') feet from the edge of the easement, and if other utilities are located in the same easement, the outside diameter of the sewer line shall be located a minimum distance of six (6') feet from the outside diameter of the other utilities.

   d. Proper separation of utilities must be maintained per TCEQ regulations.

4. All sewers shall be designed with consideration for serving the full drainage area subject to collection by the sewer in question; the drainage area may be modified with the concurrence of the Director of Public Works because of the projected rate of development or the financial feasibility of the proposed extension.

5. Sewers should be designed with straight alignment whenever possible. When horizontal curvatures must be used, radial pipe must be used in accordance with the pipe manufacturer's recommendations. No joint deflection is allowed without the approval of the Director of Public Works.

6. All sewers shall be designed with hydraulic slopes sufficient to give mean velocities, when flowing full or half full, of no less than two (2') feet per second.

7. When a one hundred fifty pounds per square inch (150 psi) rated sewer line is required due to its proximity to a water line, the one hundred fifty pounds per square inch (150 psi) rated pipe shall terminate at a manhole on each end. The pipe shall be extended to the interior wall of the manhole. No external boot connection will be allowed.

C. Sewer Line Materials – All sewer lines and fittings shall be new materials and comply with the following:

1. All sanitary sewer pipes shall be Polyvinyl Chloride (PVC) pipe type SDR-35 for sewer lines constructed less than fifteen (15') feet deep. SDR-26 shall be provided where sewer lines exceed fifteen (15') feet. PVC pipe will not be allowed for depths greater than twenty four (24') feet unless approved by Director of Public Works.

2. All PVC sanitary sewer pipe shall be green in color. Developer to provide a manufacturers statement for pipe color other than green.

3. PVC sewer pipe and fittings shall conform to the current ASTM Designation D 3034 for four (4") inches through fifteen (15") inches and ASTM Designation F 679 for greater than fifteen (15") inches.

D. Sewer Line Installations

1. *General*

   a. All installations shall conform to ASTM Designation D2321, and the latest NCTCOG Specifications as amended by these standards.
   b. Sewer lines shall not be installed within nine (9') feet horizontally of any water main or fire hydrant. Where this is not possible, separation shall be in accordance with TCEQ standards.

c. Construction shall begin at the downstream end of project and continue upstream with the bell facing upstream. No upstream piping shall be installed before downstream piping unless approved by the Director of Public Works.

2. *Excavation and Backfill*

a. Filter fabric shall be installed separating the backfill material from the rock embedment no more than twelve (12") inches above the top of the pipe.
b. The amount of trench excavation shall not exceed two hundred (200') feet from the end of the pipe laying operations, and no more than three hundred (300') feet of total open trench will be allowed. At the end of each workday, all trench excavation shall be backfilled to the end of the pipe laying operation. Barricades and lights will be required around any open trench left overnight.
c. Density tests shall be taken every one hundred (100') feet for every lift. A maximum thickness of twelve (12") inches per loose lift is required for all trench backfill. A geotechnical report should be submitted for all trenches. The compaction of backfill shall meet or exceed 95% Standard Proctor density. The density reports shall be submitted daily to the City Inspector. The City has the right to require additional tests if they are deemed necessary.
d. A City inspector will be on site at all times when testing is being performed. The City Inspector shall be present during the placement of trench backfill lifts.
e. All density reports shall be completed, delivered to the Director of Public Works and Inspector, and approved before paving is allowed to begin.

3. *Inspection and Testing*

All sanitary sewer lines shall be inspected using standard television inspection methods prior to acceptance by the City. The developer is responsible for television testing.

a. The Contractor is responsible for cleaning the sewer pipe. If the inspection shows debris or evidence that the line has not been properly cleaned, the review will cease and the tape will be returned to the Contractor.
b. A City representative will be present during the television inspection and all other testing procedures, unless otherwise authorized in writing.
c. The televised inspection shall commence only after the line has passed both air and mandrel test.
d. The sanitary sewer system must pass all air, mandrel and television tests prior to paving.
e. The air and mandrel test must meet the required specifications set forth by the NCTCOG and TCEQ.
f. All sanitary sewer mains must be flushed clean with water just prior to televised inspection. All debris must be captured and prevented from blocking the system. Water is to be provided at the Contractor's expense. A City representative is to be present during the flushing of the main.
g. All television equipment used shall have a minimum of two hundred twenty (220) lines of horizontal resolution. The picture shall be in color.
h. All video information on tape must have good picture quality.
i. As a title heading on the tape and during the televising, the operator must note the following:

(1) project name and Contractor name.
(2) name of the company and the operator performing the video inspection.
(3) line size and material, joint type and length.
(4) line segment to be televised including beginning and ending station numbers.
(5) page of plans used and year plans were stamped.
(6) date and time of inspection.
(7) A footage counter must be displayed on the tape during the filming.
(8) Show the above title block before and after each line segment. Show the title block at one hundred (100') foot intervals while filming the line segment.
(9) All defects should be shown on film for a minimum of ten (10) seconds before proceeding with the televising.

j. The Contractor shall supply a log sheet used in conjunction with the video tape for written documentation. All written information gathered must be legible and clearly understandable.

(1) Note the project name, Contractor name and contract number.
(2) Note the name of the company and the operator performing the video inspection.
(3) Note pipe size and material, joint type and length between joints.
(4) Note the VCR tape footage counter, start to end.
(5) Note line segment to be televised, station numbers from and station numbers to length of line segment as indicated on plans.
(6) Note page of plans used and year plans were stamped.
(7) Note date and time of inspection.
(8) Indicate by sketch the line segment to be televised in relation to surrounding road intersections and street addresses. Identify manhole station numbers. Show direction of flow with arrows and direction the camera is going. Indicate direction of north on the sketch.
(9) Note the water depth at the beginning, every fifty (50') foot station, every change in grade, and at the end of the line segment.
(10) Identify the clock location, direction, size and type of laterals entering main. Indicate laterals as saddles, punched, or glued fittings.
(11) Indicate final footage televised at end of the log sheet.

k. One tape per visual televised inspection project shall be furnished to the Project Inspector.
l. Tapes must be VHS format, one (1") inch wide T-120, high quality tape. Tapes are to be recorded on SP (2 hours) play.
m. All tapes and run sheets shall be submitted to the City. All tapes and log sheets shall become the property of the City.

4. *Criteria for Repair*

The Contractor shall make repairs if the inspection reveals any deficiency in the sewer line. If repairs are required, another television inspection shall be made after the repairs are complete on a new tape from manhole to manhole at the Contractor's expense. Any water discovered with a depth of more than one-quarter (1/4") inch will require removal and replacement of the portion of the line not within specification. Repairs shall be made to the satisfaction of the Director of Public Works.

E. Manholes

1. Manholes shall be located at all intersections of sewer lines and at intermediate spacing along the line. Generally the maximum spacing should not exceed five hundred (500') feet. Manholes should be located at all changes in grade and at the ends of all sewer lines that will be extended.

2. A manhole is required at the junction of sewer lines with different inside pipe diameters.

3. A drop of at least one tenth of a foot (0.1') is required through the manhole when a change in flow direction occurs.

4. A drop manhole is required when the flow line in is two (2') feet or more greater than the flow line out.

5. Minimum manhole inside diameter is four (4') feet.

6. Drop-connection manholes shall have a minimum inside diameter of four (4') feet, with an exterior drop.

7. Minimum cast-in-place manholes must be installed to the North Central Texas COG standards.

8. Minimum pre-cast wall thickness is five (5") inches.

9. A manhole is required where a sanitary sewer line enters and exits private property.

10. All manholes shall be concrete.

11. Sanitary sewer manhole sizes shall be in accordance with the following table:

Sewer Manhole Sizes			
Pipe Sizes	**Depth of Cover**	**Maximum Diameter of Manhole**	**Number of Pipe Connections Allowed in Manhole**
Under 12"	<12'	4'	3
Under 12"	>12' - 20'	5'	3
12" to 18"	<12'	5'	3
	>12' - 20'	6'	4
Note: If the proposed design requires the sewer line to be placed at depths greater than shown above, the design will require approval by the Director of Public Works.			

12. *Cast-in-place Manholes*

    a. The manhole foundation shall be poured on undisturbed soil and shall have a minimum thickness of eight (8") inches.
    b. The inlet and outlet pipes shall be poured into the foundation of the manhole. When straight through flow occurs, the pipe shall be laid continuously through the manhole.
    c. The invert shall be shaped and smoothed so that no projections will exist and the invert shall be self cleaning.
    d. When a cast-in-place manhole is used to connect to an existing sewer line the manhole should be poured, tested and approved before the top of the existing line is cut out.
    e. Concrete work shall conform to all requirements of ACI 301, Standard Specification for Structural Concrete, published by the American Concrete Institute, except as modified herein.
    f. Detailing of concrete reinforcement and accessories shall be in accordance with ACI Publication 315.
    g. Portland cement shall be Type II, low-alkali and conform to ASTM Designation C-150.
    h. The manhole shall not be backfilled within twelve (12) hours after the concrete placement. Backfill shall be compacted and reports submitted to the City.
    i. The face of curb shall be stamped with a three (3”) inch "MH" to mark the location of all manholes. The location of the stamp shall be a line that intersects the center of the manhole cover and the curb perpendicular to the centerline of the street. For manholes located in intersections, the curb shall be stamped at the closest location to the manhole. If no curb exist a similar mark should be placed in the pavement near the edge of the roadway.

13. *Precast Manholes*

    a. Precast manholes shall be constructed in accordance to ASTM Designation C-478.
    b. Manhole base shall have a spread footing and be placed on a minimum of twelve (12) inches of crushed rock.

14. *Manufacturers* – Approved precast manhole manufacturers are as follows:

    a. Hydro-conduit
    b. Gifford Hill American

F. Manhole Frames and Covers

1. *Cover*

    a. *Materials* - All manhole covers shall conform to the Standard Specifications for Domestic Grey Iron Castings, ASTM A-48, Class 30 B.

    b. *Installation*

        (1) All manhole covers shall be twenty four (24") inches in diameter.

(2) All manhole covers shall have two (2) integrally cast pick bars.

c. *Manufacturers* (Traffic rated where necessary)

(1) Bass and Hays
(2) Vulcan

2. *Frames*

a. *Materials* - All manhole frames shall conform to the Standard Specifications for Grey Iron Castings, ASTM A-48, Class 30 B.

b. *Installation* - All manhole frames shall provide a twenty four (24") inch by one quarter (1/4") inch opening to assure proper fit of the manhole cover.

c. *Manufacturers*

(1) Bass and Hays
(2) Vulcan

d. Manholes located within the floodplain are to be sealed cover and frame.

3. *Extension Rings*

a. *Materials* - All precast reinforced concrete extension rings shall conform to ASTM C-478.

b. *Installation*

(1) The number of extension ring sections shall be kept to a minimum (i.e. use 1-12 inch extension ring instead of 2-6 inch extension rings).
(2) A one (1") inch by three and a half (3 1/2") inch bitumastic gasket shall be used to seal the extension ring at both joints.

4. *Rain Pan*

a. *Materials* - Rain pans shall be high density polyethylene plastic.

b. *Manufacturers* - Knutson or approved equal.

G. Sewer Services

1. No sewer service line (lateral) shall be less than four (4") inches in nominal diameter.

2. Sewer laterals shall be located at the center of the lot and extended to the property line and be a minimum of ten (10') feet downstream of the water service. Services will be identified in the field by a three (3") inch "S" cut into the curb, on the As-Built Plans and with a stake in the field for location purposes.

3. Sewer service laterals shall have a minimum of four (4') feet of cover at the property line.

4. A cleanout shall be located on the service lateral at the time of connection to the home.

5. *Materials*

a. All lateral sewer service lines shall be gasketed PVC pipe type SDR-35.
b. All PVC sanitary sewer pipe used for lateral services shall be green in color. (ASTM SPEC)

6. *Installation* – All service laterals shall be installed in accordance with the sanitary sewer embedment and backfill standards of the City of Colleyville.

7. *Video Inspection Required* – All sewer service lines that are connected to a section of sewer service piping located within the right-of-way must have a clean-out installed where the property line abuts the right-of-way. After the new sewer service line has been connected and the excavated area is backfilled, the portion of the sewer service line located within the right-of-way including the tap into the sewer main must be televised. The video tape must be submitted to and approved by the City of Colleyville Public Works Department.

8. *Point of Connection* – The point of connection for all sanitary sewer service lines shall be made to an approved public sewer main line. No sanitary sewer service line shall directly connect to a manhole.

H. Main Line Cleanouts – Cleanouts may be installed on lines that are permanent dead ends. The line may not exceed two hundred fifty (250') feet. Any line exceeding that length must end with a manhole.

I. Sewer Line Borings

1. The design engineer shall design the sewer line pipe casing for the following loading conditions and applicable combinations thereof.

   a. Cooper's E-80 Railway loading or AASHTO HS20 loading as applicable.
   b. Earth loading with the height of fill above the casing as shown on the plans.
   c. Loads applied during jacking, including axial load from jacking.
   d. All other applicable loading conditions, including loads applied during transportation and handling.

2. *Materials* – Materials must meet jurisdictional requirements in all areas, Railroad, TCEQ, TXDOT, etc.

   a. *Steel Casing Pipe* – Steel casing pipe shall be new (or used if approved by the Director of Public Works) and suitable for the purpose intended and shall have a minimum yield strength of 35,000 psi. Casing shall meet ASTM A-36, ASTM A-570, ASTM A-135, ASTM A-139, or approved equal. Pipe shall be coated with coal tar epoxy (15 mils min.) in accordance with AWWA C-210. Pipe joints shall be welded in accordance with AWWA C-206. After pipe is welded, coating shall be repaired.

   b. *Cement Mortar* – Cement mortar shall consist of one (1) part cement to two (2) parts clean sand with sufficient water to make a thick, workable mix.

   c. *Pressure Grout Mix* – Grout shall be comprised of one (1) cubic foot of cement and three and a half (3.5) cubic feet of clean fine sand with sufficient water added to provide a free flowing thick slurry. If desired to maintain solids in the mixture in suspension, one (1) cubic foot of commercial grade bentonite may be added to each twelve (12) to fifteen (15) cubic feet of the slurry.

   d. *Casing Insulators (Spacers)* – Use casing insulators for any type of carrier pipe. Insulators shall be high density polyethylene. Insulators shall fit snug over the carrier pipe and position the carrier pipe approximately in the center of the casing pipe to provide adequate clearance between the carrier pipe bell and the casing pipe. Insulators shall be manufactured by "Recon" and be Racci Type or approved equal.

3. *Installation*

   a. *Tolerances*

      (1) All bores shall be installed at a grade no less that the minimum indicated by TAC, Chapter 317 for the desired pipe size.
      (2) All bores shall maintain grade enough to ensure desired clearance distances between existing utilities and bore.

b. *Excavation and Backfill of Access Pits*

(1) Bore pits must be a minimum of four (4') feet from the back of curb when located for boring under roadways.
(2) Do not allow excavation over the limits of the bore or tunnel as specified. Trench walls of access pits adjacent to the bore or tunnel face shall be truly vertical. Shore the trench walls as necessary to protect workmen, the public, structures, roadways, and other improvements.
(3) Excavations within the right-of-way and not under surfacing shall be backfilled and consolidated by mechanical methods as specified in these standards for compaction of trenches under roadways. Surplus material shall be removed from the right-of-way and the excavation finished to original grades. Backfill pits immediately after the installation of the carrier pipe is completed. If carrier pipe is not installed immediately after casing pipe installation, the right-of-way Owner may require the access pits be temporarily backfilled until installation of carrier pipe. Plug ends of sleeves to prevent soil migration.
(4) Where seeding or sodding is disturbed by excavation or backfilling operations, such areas shall be replaced to meet existing or better conditions.

Section 14-170 Drainage and Storm Sewer Improvements

A. General – This section pertains to general design requirements for drainage and storm sewer construction in the City of Colleyville. All drainage facilities shall be sized and designed in accordance with the City of Colleyville Drainage Master Plan or as determined by the Director of Public Works.

B. Runoff Calculations – The selection of which method to use for calculating runoff depends upon the size of the contributing drainage area at the most downstream point of the project. The "Rational Method" is acceptable for designing projects in which the drainage area is less than one-hundred (100) acres. A unit hydrograph method is required for projects with larger drainage areas.

1. No matter which method is used to calculate runoff, a developer or builder of residential property greater than one (1) acre in size, or any property that was platted as a part of an overall tract which was greater than one (1) acre in size (including churches and schools), shall develop the property so that the rate of runoff created by the development as it leaves the property does not exceed the rate of runoff that is currently occurring in the existing conditions. A developer or builder of commercial property greater than one-half (1/2) acre must follow the above guidelines.

2. Runoff computations shall be based upon fully developed watershed conditions in accordance with the land use projections in the latest comprehensive land use plan for the City of Colleyville. The design engineer shall size drainage facilities by disregarding the detention effects of upstream property and calculating the runoff as if the off-site property was developed without any detention. If an approved regional detention/retention facility is in operation, the design engineer may size downstream drainage facilities based on consideration of the detention effects of the regional facility.

C. Drainage Areas Less Than one-hundred acres

1. Computation of Storm water Runoff for drainage areas less than one-hundred (100) acres shall be by the "Rational Method," which is based on the principle that the maximum rate of runoff from a given drainage area for an assumed rainfall intensity occurs when all parts of the area are contributing to the flow at the point of discharge.

(see next page)

Formula for calculation of runoff by the "Rational Method" : Q = CIA	
Q = the maximum rate of discharge, expressed in cubic feet per second	
C = Coefficient of Runoff	
Park areas - No developed land	0.30
Developed Park sites	0.40
Single Family Residential	0.60
Duplex	0.60
Multiple Family	0.70
Schools	0.70
Churches	0.70
Neighborhood Commercial	0.70
Office Commercial	0.70
Commercial	0.85
Industrial	0.85
I = Intensity of Runoff in inches per hour (reference chart from the Ft. Worth Drainage Manual)	
A = Drainage Area in acres	

2. Time of concentration is the longest time, without interruption of flow by detention devices that a drop of water takes to flow from the farthest point of the drainage area to the point of concentration (i.e. the point of design). The time of concentration is composed of the inlet time and the flow time in a conduit or channel to the point of design.

   The inlet time shall be 10 minutes for property zoned multiple family, churches, schools, local business, central business, commercial, or industrial.

   An inlet time of 15 minutes shall be used for property zoned for parks, cemeteries, agricultural, and single family residential.

   When designing inlets and laterals, the time of concentration is equal to the inlet time. The design engineer will compare the above specified inlet times to the actual calculated inlet time by computing the flow time overland and along the gutter to the first inlet. Manning's Equation shall be used to determine flow time to the inlet. The design engineer may use the actual calculated or specified inlet time. In no case shall a longer inlet time be used than 10 minutes for multiple family, commercial, churches, schools, industrial and business areas and 15 minutes for parks, cemeteries, agricultural, and single-family areas.

D. Drainage Areas of one-hundred (100) acres or More

1. For drainage areas of one-hundred (100) acres or more where the use of the "Rational Method" does not provide reliable results, the use of a unit hydrograph method shall be made. The use of a unit hydrograph calculation will be based upon standard and accepted engineering principles subject to the approval of the Director of Public Works. Acceptable methods include the Soil Conservation Service (SCS) Technical Release Number 55 or the Corps of Engineers HEC-1 models for drainage areas one-hundred (100) acres or more.

2. The unit hydrograph method shall be based upon fully developed watershed conditions assuming no effects from the small on-site detention facilities for maintaining the rate of runoff as if the property was undeveloped. The detention effects of large regional detention facilities can be taken into account in unit hydrograph methods.

3. Circumstances that may require the use of a unit hydrograph method include sizing open channels, reclaiming floodplains, creating lakes, or building other types of drainage-related facilities on major drainage courses. Design engineers of these types of facilities should be aware that the requirement of designing for fully developed watershed conditions will mean that they will have to calculate these fully developed flows instead of using the flows calculated in the Federal Emergency Management

Agency's (FEMA) flood insurance studies for Colleyville or Tarrant County or from studies performed for or approved by the City of Colleyville.

E. Design Storm Frequencies – All developments submitted must provide data for the following design storm frequencies: 2-Year / 5-Year / 10-Year / 25-Year / 50-Year / 100-Year.

1. Drainage facilities shall be designed in accordance with the following table:

Drainage Facility Design Frequency	
Drainage Facility	**Design Recurrence Interval**
Closed Storm Sewer Systems	5-year with 100-year positive overflow in streets such that the depth of flow in the street does not exceed the right-of-way or drainage easement capacity.
Closed Storm Sewer Systems and Inlets at Street Low Point or Sag	100-year with positive overflow
Culverts and Bridges	100-year
Concrete-lined Channels	100-year
Earthen Channels	100-year

2. The approved drainage system shall provide for positive overflow at all low points and these areas must be denoted on the plans as such. The term "positive overflow" means that when the inlets do not function properly or when the design capacity of the conduit is exceeded, the excess flow can be conveyed overland along a grassed or paved course. Normally, this would mean along a street or alley, or shall require the dedications of special drainage easements on private property.

F. Street and Alley Capacity

1. *Streets* – Streets and storm drains within new developments shall be designed so that storm water runoff resulting from a design storm of a one-hundred (100) year frequency is contained within the available right-of-way and/or drainage easement. The capacity of the street and right-of-way and/or easement and the storm sewer pipe working in combination must be designed for a capacity to safely contain a storm water from a design storm of one-hundred (100) year frequency.

2. *Alleys* – The flows created by the one-hundred (100) year storm shall be contained within the capacity of all paved alleys.

G. Inlet Placement and Capacity – The storm sewer system is to begin at the point where the storm water from a five (5) year frequency storm reaches curb depth, with the exception of collector streets on which storm sewer facilities must be designed to prevent one-twelve (12') foot wide lane from ponding and on major streets on which storm sewer facilities must be designed to prevent one-twelve (12') foot wide lane in each direction from ponding. At such point where the combined capacity of the street and storm drain system satisfies the five (5) year street capacity criteria (as previously described) but the one-hundred (100) year frequency storm runoff can not be contained within the right-of-way additional pick-up points (inlet capacity) shall be provided along with an increase in storm sewer capacity so that the one-hundred (100) year frequency storm runoff will be contained within the right-of-way.

1. Inlets shall be placed upstream from an intersection whenever possible. At any intersection, only one street shall be crossed with surface drainage and this street shall be the lower classified street. When an alley intersects a street, inlets shall be placed in the alley whenever flow down that alley would cause the capacity of the intersecting street to be exceeded.

2. The minimum inlet size shall be ten (10') feet. No more than twenty (20') feet of inlet shall be placed along one gutter at any given location. Minimum sizes of laterals shall be twenty-one (21") inches for use with ten (10') foot inlets, and twenty-four (24") inch laterals with fourteen (14') foot, twenty (20') foot inlets, and drop inlets. Where laterals tie into trunk lines, place the laterals on a minimum angle forty-five (45°) degrees and a maximum angle of sixty (60°) degrees with the trunk line and connect them so that the longitudinal centers intersect.

3. Manholes are required every three hundred feet (300'). Junction boxes are required at every change in flow line direction, change in pipe size, and where a convergence of more than two pipes occurs. Manholes are to be five feet (5') square and can be precast or cast in place.

H. Pipe Design Standards

1. Storm sewer conduit shall be sized to flow full. Manning's Equation shall be used to determine the conduit size.

2. Design Velocities

   a. Minimum – two and a half feet (2.5') per second.

   b. Maximum – twelve feet (12') per second.

   c. The maximum discharge velocities in the pipe shall also not exceed the permitted velocity of the receiving channel or conduit at the outfall to prevent erosive conditions. The maximum outfall velocity of a conduit in partial flow shall be computed for partial depth and shall not exceed the maximum permissible velocity of the receiving channel unless controlled by an appropriate energy dissipater (e.g. stilling basins, impact basins, riprap protection).

3. In general, storm water shall be carried in concrete pipe conduit within the right-of-way but other types of conduit can be used to carry stormwater in areas other than the right-of-way. However, prior permission to use other conduit materials must be obtained from the Director of Public Works.

4. Hydraulic Gradient (also refer to the Ft. Worth Drainage Manual)

   a. Conduits must be sized, and slopes must be set, such that runoff flows smoothly down the drainage system. To insure this smooth passage, the hydraulic gradient must be at the proper elevations. The hydraulic grade line shall be established and shown on the plans for all storm sewer design.
   b. The hydraulic grade line shall in no case be closer to the surface of the ground or street than one foot (1'). The HGL must not exceed the neck into the inlet.
   c. Hydraulic gradient calculations shall account for all head losses that may occur in the storm sewer line. Friction head loss shall be determined by direct application of Manning's Equation. Minor losses due to turbulence at structures shall be determined using Appendix A of this section.

5. Inspection / Testing

   a. The compaction of backfill shall meet or exceed 95% Standard Proctor density.

   b. All storm sewer conduits shall be inspected prior to acceptance by the City. All conduit forty-two inch (42") or less shall be inspected using television inspection. Conduits larger than forty-two inch (42") may be inspected visually.

   c. A City representative shall be present during the television inspection.

   d. Televised Inspection Criteria

      (1) All television equipment used shall have a minimum of two-hundred-twenty (220) lines of horizontal resolution. The picture shall be in color.
      (2) All video information on tape must have good picture quality.

      (3) As a title heading on the tape and during the televising, the operator must:

         i. Note the project name and Contractor name.
         ii. Note the name of the company and the operator performing the video inspection.
         iii. Note line size and material, joint type and length.
         iv. Line segment to be televised including beginning and ending station numbers.

v. Note page of plans used and year plans were stamped.
vi. Note date and time of inspection.
vii. A footage counter must be displayed on the tape during the filming.
viii. Show the above title block before and after each line segment. Show the title block at one-hundred (100') foot intervals while filming the line segment.
ix. All defects should be shown on film for a minimum of 10 seconds before proceeding with the televising.

(4) The Contractor shall supply a log sheet used in conjunction with the video tape for written documentation. All written information gathered must be legible and clearly understandable.

i. Note the project name, Contractor name and contract number.
ii. Note the name of the company and the operator performing the video inspection.
iii. Note pipe size and material, joint type and length between joints.
iv. Note the VCR tape footage counter, start to end.
v. Note line segment to be televised, station numbers from and station numbers to length of line segment as indicated on plans.
vi. Note page of plans used and year plans were stamped.
vii. Note date and time of inspection.
viii. Indicate by sketch the line segment to be televised in relation to surrounding road intersections and street addresses. Identify manhole station numbers. Show direction of flow with arrows and direction the camera is going. Indicate direction of north on the sketch.
ix. Note the water depth at the beginning, every fifty (50') foot station, every change in grade, and at the end of the line segment.
x. Identify the clock location, direction, size and type of laterals entering main. Indicate laterals as saddles, punched, or glued fittings.
xi. Indicate final footage televised at end of the log sheet.

(5) One tape per visual televised inspection project shall be furnished to the Project Inspector.

(6) Tapes must be VHS format, one (1”) inch wide T-120, high quality tape. Tapes are to be recorded on SP (2 hours) play.

(7) All tapes and run sheets shall be submitted to the City. All tapes and log sheets shall become the property of the City.

I. Culvert Design – Culverts must be designed using standard engineering practices and engineering judgment. Culverts shall be designed in accordance with the latest edition of the *City of Fort Worth Drainage Manual.* If the *City of Fort Worth Drainage Manual* does not incorporate the necessary standards please refer to the *Texas Department of Transportation (TxDOT) Hydraulic Design Manual.*

1. One (1') foot of freeboard is required between the one-hundred (100) year water surface elevation and the top of curb elevation. Exceptions must be approved in writing by the Director of Public Works.

2. Culvert hydraulic grade line calculations shall consider both inlet and outlet control.

3. Culverts shall be aligned to provide the minimum resistance to the flow of water during the 10, 50, 100 and 500 year events.

4. The maximum velocity through a culvert shall be fifteen (15') feet per second.

5. Stream stability shall be assessed when determining the number of barrels, height and width and culvert skew. Potential for scour shall be accounted for in the design.

6. Hydraulic jumps shall not be allowed from face of culvert to ten (10') feet from the culvert, subject to the approval of the Director of Public Works.

J. Bridges – Two (2') feet of freeboard is required between the one-hundred (100) year water surface elevation and the low chord of the bridge. Exceptions to this requirement must be approved by the Director of Public Works in writing.

1. The skew of the bridge piers and abutments shall be oriented as close to the normal or flood direction of flow resulting in an angle of attack as close to zero (0) degrees as possible.

2. Bridge piers shall be aligned to provide the minimum resistance to the flow of water during the 10, 50, 100 and 500 year events.

3. Computer modeling programs used for the hydraulic analysis of bridges shall be HEC-RAS, Version 2.2, or HEC2.

4. Stream stability shall be assessed when designing the abutments and interior bents of the bridge. Scour shall be accounted for in the design.

5. Where flows are supercritical, erosion control measures shall be used in an area from one-hundred (100') feet upstream from a bridge to twenty-five (25') feet downstream from a bridge.

K. Channels – Open channels may be used instead of an enclosed system when a pipe greater than an eighty-four (84") inch diameter (or other shape equivalent to more than thirty-eight and a half (38.5) square feet) is required to carry the design storm event.

1. *Design Criteria:*

a. All open channel design must follow the Corp of Engineers Guidelines.

b. Channels may be left in their natural state provided that the channel velocities are six (6.0') feet per second or less and that one (1') foot of freeboard is available during the design storm event.

c. If the natural channel is to be replaced by an improved channel, the flow from the one-hundred (100') year design flood must be contained within the improved channel while allowing for one (1') foot of freeboard.

d. Improved channels shall be trapezoidal shaped and include a lined section if the design velocity is greater than six feet per second. Lining types such as concrete, rock walls and gabions may be used upon approval of the Director of Public Works. The maximum velocity allowed in concrete lined channels is fifteen (15') feet per second.

e. Unless shown to be feasible in a soils report sealed by a licensed professional engineer in the State of Texas, and approved by the Director of Public Works, improved channels shall have minimum side slopes of:

(1) 4 feet horizontal to 1 foot vertical for earthen, grassed-lined side slopes.
(2) 2 feet horizontal to 1 foot vertical for concrete-lined side slopes.

f. Where practicable, all unpaved channels should have sufficient grade to avoid ponding. A minimum slope of 1.00% is required for earthen channels and swales, except those used as part of a wetlands area. In areas where 1.00% cannot be obtained a pilot channel approved by the City may be used. All lined channels are to have a minimum slope of 0.50% and earthen channels a minimum slope of 1.00%.

g. The developer or owner shall use low maintenance vegetation for vegetative cover, as approved by the Director of Public Works prior to planting. The selection of materials shall comply with the current ground cover listing for North Central Texas furnished through the Texas Agricultural Extension Service.

2. Manning's Equation can be used to design channels and determine water surface elevations and velocities when backwater effects are negligible, subject to approval by the Director of Public Works.

Channels where backwater effects occur must be designed using models accepted by FEMA.

3. All channel sections must consider and account for channel stabilization in their design. This requirement pertains to all sections whether they are left in their natural condition or are modified in any manner. The design of all drainage channels and swales shall assure adequate capacity and minimum maintenance to overcome the result of erosion, silting, sloughing of bends or similar occurrences.

4. When performing hydraulic analyses for channel or drainageway design, the one-hundred year (100) year starting water surface shall be based on the following:

   a. Known water surface elevations should be used where possible. Known elevations are available for some creeks and channels from previous studies approved by the City.

   b. When known water surface elevations are not available the slope-area method or a rating curve may be used.

      (1) A rating curve approximates the starting water surface elevation for a given flow by using the relationship between known flows and water surface elevations for the creek. This is an excellent method for determining starting conditions if good data is available to develop the rating curve.
      (2) The slope-area method approximates the starting water surface elevation by calculating the normal depth for the channel. To calculate normal depth the slope of energy gradient for the channel is required. The energy slope can be approximated using the average slope of the channel or the average slope of the water surface.

5. The design of the channel lining shall take into account the super-elevation of the water surface around curves and other changes in direction. In general a radius that is three (3) times the top width of the water surface during the design storm event is recommended for channel bends.

6. A chain link fence six (6') feet in height, or other improvements as approved on a case by case basis by the Director of Public Works, shall be constructed on each side of the lined channel.

7. Gabion or other forms of channel lining may be used in lieu of reinforced concrete lining with the approval of the Director of Public Works.

L. Detention / Retention Facilities – Detention or retention facilities may be used to reduce peak discharges where conditions prevent conveying storm water to an adequate discharge point. Detention or retention facilities shall be privately maintained unless the City of Colleyville has agreed to accept public dedication of the facility. *(O-05-1558 / 12/13/05)*

1. Runoff rates for all land uses shall be limited to the rates that would be produced from single family residential areas. This requirement also applies to the development of sites as churches, school, and other institutional uses. Detention/retention facilities shall be designed for the fully developed one-hundred (100) year design flood according to the criteria contained in this Section.

2. The minimum amount of storage volume of the detention basin shall be that volume required to reduce runoff rate during the one-hundred (100) year event to the undeveloped rate. The outflow structure shall be sized to reduce the 2, 5, 10, 25, 50, and 100 year discharges to the undeveloped rate. Dedicated detention/retention basins shall also include an additional one (1) foot of freeboard and two (2) feet of sediment storage. The volume of runoff storage for drainage areas greater than one-hundred (100) acres shall be computed using unit hydrograph procedures. Acceptable unit hydrograph procedures are provided in Section 14-170.D.1 of this document.

   For drainage areas less than one-hundred (100) acres, the above methods are recommended; however, an approximate routing method based on the modified rational method is allowable.

3. All detention facilities designed shall consider the timing of the flood peak in the main channel into which the detention facility drains. Delaying the peak from a site in lower portions of a watershed

may result in a higher peak on the main channel. The Director of Public Works may require that upstream and downstream ponds be included in the detention design model.

4. A detention facility shall have enough gradient to ensure positive drainage to the outlet structures so as to avoid nuisance conditions such as standing water, odors, insects, and weeds. A minimum slope of 0.50% towards the outlet structure is required for all grass lined detention facilities.

5. Detention areas in parking lots shall not be:

    a. In required parking spaces.
    b. Behind speed bumps unless the speed bumps are made with reinforced concrete.
    c. Deeper than six (6") inches unless otherwise approved by the Director of Public Works.

6. Drainage easements shall be provided for all regional detention/retention facilities and for other detention/retention facilities where two or more owners are involved.

7. Individual detention facilities shall be designed to empty in less than three (3) hours, unless it is also serving as an erosion control facility.

8. Detention facilities used as a sediment control facility shall meet the following requirements:

    a. The sediment control facility shall be designed with minimal velocities such that sediment is dropped and not picked up by flows at any time during the storm event.

    b. The basin shall be designed with two (2) feet of sediment storage area so that sediment removal is not required more than twice a year. Expected removal periods greater than twice a year must be specified in the maintenance plan and approved by the Director of Public Works.

    c. Sediment control facilities cannot be used to meet detention requirements unless the volume of sediment is included in the calculations for the detention basin design.

9. The owner shall maintain detention/retention facilities unless the facilities are dedicated to the City of Colleyville. Detention facilities must be properly maintained if they are to function as intended over a long period of time. The following measures are required to ensure the facility functions properly.

    a. Facilities should be mowed at least twice a year to control weeds and discourage woody growth.

    b. Debris, litter and accumulated sediment should be removed from detention facilities at least twice a year. Particular attention should be given to removal of debris, litter and sediment around outlet structures. The Director of Public Works may require that the property owner remove said debris when in the Director's determination that property damage or a flood hazard may exist.

    c. Detention basins designed for sediment removal shall be maintained as specified in the maintenance plan and approved by the City with construction plan submittal.

10. Retention facilities shall provide for continuous water movement, aeration facilities or other process approved by the City that is designed to prevent surface accumulation of aquatic vegetation. Failure to prevent surface accumulation of aquatic vegetation will result in additional water movement, aeration facilities or other processes approved by the City being required. *(O-05-1558 / 12/13/05)*

M. Flumes – The use of flumes is not recommended for widespread use. Flumes shall not be permitted when the purpose of a permanent flume is to carry runoff down the sides of earthen channels.

1. A flume may be used to direct overflow runoff along property lines until the runoff can be intercepted by streets or conduits. A flume shall not carry more than ten (10) cubic feet per second during the one-hundred (100) year storm event with a slope of 1.00%.

2. All flumes crossing sidewalks shall be covered or bridged such as to minimize danger to pedestrians.

3. All edges are to be protected with rock rip-rap or other form of protection for erosion control and scour purposes.

N. Lakes – Approval to develop in any area subject to inundation by a lake must be obtained from the appropriate agency responsible for that particular lake before the city grants its approval. Agencies that should be contacted include U.S. Army Corps of Engineers, Tarrant County Water Control Board, TCEQ, the Trinity River Authority, and FEMA.

Regardless of approvals obtained from those agencies listed above, no filling, development or construction in any area subject to inundation by a lake shall occur without the approval of the City Manager. The City Manager may require any studies necessary to determine that filling, development or construction will not have a detrimental effect on adjacent, upstream or downstream properties and buildings. This subsection in no way diminishes other requirements of this section.

O. Lot Drainage and Grading – Grading and drainage of all residential lots shall be designed in a manner which will allow one lot to drain across an adjacent lot and into a permanent structure, such as a concrete flume, lined channel, or proper inlet to an adequate drainage facility, or to a street right-of-way. If an approved drainage structure is not present, it will be required of the developer to construct the necessary facilities. *(O-00-1261 / 12/19/00)*

1. Sheet flow techniques shall be used for lot to lot drainage where possible. *(O-00-1261 / 12/19/00)*

2. Single lots shall accommodate their own drainage into an approved structure where topographic elevations allow this to occur. *(O-00-1261 / 12/19/00)*

Section 14-175 Miscellaneous

A. Trench Safety – In conformance with House Bills 662 and 665 as passed by the Seventieth Legislature Regular Session of the State of Texas, all construction projects within the City of Colleyville or its extraterritorial jurisdiction as provided by the Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes) shall contain provisions for trench safety. On construction projects in which trench excavation will exceed a depth of five (5) feet, the uniform set of general conditions must require that the bid documents and the contract include detailed plans and specifications for adequate safety systems that meet Occupational Safety and Health Administration standards and that these plans and specifications include a pay item for these same safety systems.

B. Underground Utilities – All distribution lines, cables, etc. for utilities other than those listed above shall be installed below ground within the subdivision. Transmission lines or major cables to provide utilities such as electric, telephone, and cable television to the area as a whole may be located above ground on the perimeter of the subdivision being served. The installation of these utilities shall conform to commonly accepted construction standards and be subject to review by the Director of Public Works.

Section 14-180 Drainage Studies and Engineering Certification

A. Preliminary Drainage Analysis Guidelines – The purpose of a *Preliminary Drainage Analysis* is to determine the need for drainage facilities and/or drainage easements either within the proposed development or offsite. A *Preliminary Drainage Analysis* is required for every subdivision plat or a development requesting a building permit on a parcel which does not have a previously approved drainage analysis, unless the Director of Public Works has waived this requirement due to existing conditions. The *Preliminary Drainage Analysis* shall consist of the following information:

1. A topographical map drawn at a scale of I" = 200' which depicts the watershed that drains to and across the subdivision or development. The map must include the subdivision and an area extending a minimum of 200' in all directions from the proposed subdivision. Sheets shall be either 18” X 24" or 24” X 36" in size and may contain sheet to sheet match lines. The map must include contour lines at five (5‘) foot vertical intervals in terrain with a slope of two (2%) percent or more, or two (2’) foot vertical intervals in terrain with a slope of less than two (2%) percent. Data from the City topographic maps will be acceptable where available. Data from USGS Quad sheets may be acceptable only

where City topographic maps are not available. The datum for "0" topography shall be that of the United States Coast and Geodetic Survey or the City of Colleyville GIS datum.

The map shall indicate any offsite or adjoining areas outside the limits of the area being developed which are relevant to onsite drainage. Show all significant physical features such as proposed or existing drainage and utility easements, water bodies, streams, railroads, parks, and drainage ditches. Show location of existing utilities including gas and petroleum lines, electric, telephone and TV cable. Also, the location of any existing structures located within the area being proposed for development. The plan shall include the building footprint and parking areas when the Preliminary Drainage Analysis is prepared for a building permit.

2. Calculation of the drainage areas, time of concentration, and storm water runoff rate for the 2, 5, 10, 25, 50 and 100-year frequency storms. The design calculations shall include preliminary locations of drainage facilities. *(O-00-1261 / 12/19/00)*

3. Identification of special flood hazard areas as defined by the Flood Hazard Area Regulations Ordinance and as located by the current Flood Insurance Rate Map.

4. The *Preliminary Drainage Analysis* shall be sealed by a Registered professional Engineer licensed by the State of Texas.

B. Drainage Study Guidelines – A *Drainage Study* is required when it has been determined by the Director of Public Works that the area being developed will require storm water drainage facilities or drainage easements either within the development or offsite. The following criteria shall be used for the developer's engineer to prepare a *Drainage Study*.

1. The study shall analyze the effect of the subdivision or the development on existing downstream drainage facilities. The study shall be sufficient to verify compliance with the drainage design criteria contained in this chapter.

2. The study shall include a topographical map as defined above in "Preliminary Drainage Analysis Guidelines."

3. Delineation and calculation of drainage areas together with proposed flow arrows shall represent flow patterns from runoff after all proposed improvements have been installed. Surface water drainage patterns shall be shown for each and every lot in the proposed subdivision and for each lot adjacent to the proposed subdivision.

4. In addition to those calculations required by the *Preliminary Drainage Analysis*, this study shall also include:

   a. Hydraulic calculations to each lateral, manhole, inlet and outlet structure on the pipe. Head losses shall be calculated as described elsewhere in this chapter.

   b. Inlet calculations utilizing the minimum time of concentration for the zoning type which is contributing the largest "CA" to the inlet.

5. If any portion of the proposed subdivision or its offsite improvements (including pipes or ditches) falls within the limits of a Federal Emergency Management Agency (FEMA) floodplain, additional backwater calculations may be required. Additional calculations in the form of a Conditional Letter of Map Revision will be required if:

   a. Any portion of the proposed subdivision is determined to be located within a FEMA Zone "A" floodplain; or

   b. Any portion of the proposed subdivision is determined to be located within a FEMA Zone "AE" floodplain and the overall subdivision (including all phases) is 5 acres or larger; or

   c. Any portion of the proposed improvements from a subdivision include dredging or filling within a FEMA designated floodway.

6. Backwater calculations shall comply with normally accepted standards as required by FEMA for application for a Letter of Map Revision (LOMR). In addition, the calculations must begin with a previously defined Base Flood Elevation (BFE). The calculations shall continue upstream through the project until the proposed BFE is within .01 feet of the existing BFE or the limits of the existing Zone 'A' have been reached. A LOMR will be required prior to issuing building permits.

C. Certification – All drainage studies and/or plans including those which are part of a standard construction plan submittal shall be sealed and signed by an engineer proficient in civil engineering and registered in the State of Texas. All drainage submittals shall include the following certifying statement by the "Engineer of Record".

> I _____a Professional Engineer licensed in the State of Texas have prepared this drainage study and/or plan in compliance with the latest published requirements and criteria of the City of Colleyville, and have verified that the topographic information used in this study and/or plan is in compliance with said requirements and is otherwise suitable for developing this workable plan of drainage which can be implemented through proper subsequent detailed construction planning.
>
> Signature P.E., (Seal)

D. Disclaimer of Liability – The degree of flood protection required by this policy is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This policy does not imply that land outside the areas of street rights-of-way, drainage or flood plain easements will be free from flooding or flood damages. This policy shall not create liability on the part of the City of Colleyville, Texas or any official or employee thereof for any flood damages that result from reliance on this policy or any administrative decision lawfully made thereunder.

Section 14-185 Amendments to This Chapter

Ord. Number	Date	Subject
O-00-1261	12/19/00	City-Developer Agreements / Lot Drainage and Grading / Fire Hydrant Spacing / Preliminary Drainage Analysis Guidelines
O-01-1280	01/08/01	Driveway Spacing
O-03-1403	05/06/03	Drainage, concrete specifications and new paragraph notation
O-05-1558	12/13/05	Aeration facilities in retention ponds
O-07-1613	03/20/07	Emergency Access Gates
O-09-1712	03/03/09	Amend Section 14-137 – Const. Spec. and Max. Dead-End Length

Chapter 15
Public Works Construction Details

Printed June 08, 00

Section 15.1 Purpose of This Chapter

The purpose of this Chapter is to establish construction details for all public facility improvements.

Section 15.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the following authority:

1. *Chapter 212 – Municipal Regulation of Subdivisions and Property Development of the Texas Local Government Code*, which authorizes a municipality to adopt rules governing plats and subdivisions of land within the municipality's jurisdiction.

2. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.

3. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 15.3 Applicability of This Chapter

The provisions of this Chapter shall be applicable to all public improvements owned and maintained by the City of Colleyville and to any semi-public improvements owned and maintained by a property owner's association that are intended to serve and function as a public improvement.

Section 15.4 Variances and Appeals

The Director of Public Services may consider a waiver of a regulation or to substitute an alternative proposal of a regulation contained in this Chapter in order to achieve the best overall design. When considering such a request, the Director of Public Services shall determine that the approval, disapproval or modification will not be detrimental to the public safety, health, or welfare or injurious to other property. The applicant shall provide information to support a claim that there are extraordinary hardships or practical difficulties which may result from strict compliance with the regulation or that the public interest may be better served by an alternative proposal.

Any person seeking approval of a development as required by this Land Development Code may appeal a decision of the Director of Public Services using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 15.5 Construction Standards

The construction standards and details contained in the drawings in this Chapter and listed in the following tables are adopted as a part of this Land Development Code.

All drawings and details contained in this Chapter which include references to "item numbers", "specs" and "types" shall be governed by the latest version of "Standard Specifications for Public Works Construction,

North Central Texas" of the North Central Texas Council of Governments ("COG"), with all amendments thereto, and shall constitute the technical specifications, except as amended by this Land Development Code.

15.5.A PAVING DETAILS

Detail Title	Detail Number	Revision Date
Concrete Street Sections	P-1A	April 2000
Asphalt Street Sections	P-1B	April 2000
Steel Layout Plan	P-2	April 2000
Intersection Joint Spacing	P-3A	April 2000
Concrete Pavement Joints	P-3B	April 2000
Concrete Pavement Joints	P-3C	April 2000
Standard Curb and Gutter	P-4A	April 2000
Mountable Curb and Gutter	P-4B	April 2000
Laydown Curb and Driveway	P-5	April 2000
Street Header	P-6	April 2000
Wheelchair Ramp	P-7	April 2000
Sidewalk & Pathway Standards	P-8A	April 2000
Concrete Sidewalks	P-8B	April 2000
Concrete Sidewalk	P-8C	April 2000
Manhole and Water Valve Boxout	P-9A	April 2000
Water Valve Boxout - Asphalt	P-9B	April 2000
Curb and Gutter, Sidewalk, and Driveway Typical Joint Layout	P-10	April 2000
Median Nose	P-11	April 2000
Left Turn Lane in Median	P-12	April 2000
Right Turn Lane without Channelization	P-13	April 2000
Right Turn Lane with Channelization	P-14	April 2000
Concrete Valley	P-15	April 2000
Dead End Barricade	P-16	April 2000
Metal Beam Guardrail	P-17	April 2000
Standard Wooden Fence	P-18	April 2000
Standard Masonry Fence	P-19	April 2000

15.5.B WATER DETAILS

Detail Title	Detail Number	Revision Date
Standard Water Line Embedment & Backfill	W-1A	April 2000
Standard Water Line Embedment & Backfill	W-1B	April 2000
Fire Hydrant Installation	W-2	April 2000
Gate Valve Installation	W-3	April 2000
Air Release Valve Assembly (Type 1)	W-4A	April 2000
Air Release Valve Assembly (Type 2)	W-4B	April 2000
Water Service Assembly	W-5A	April 2000
Meter Boxes	W-5B	April 2000
Flushing Valve Installation	W-6	April 2000
Horizontal Blocking	W-7	April 2000
Vertical Thrust Block	W-8	April 2000
Concrete Cradle at Vertical Bends	W-9	April 2000
Typical Ring Connection	W-10	April 2000
Water Line Installation Bore Detail	W-11	April 2000
3 inch and Larger Meter Vault	W-12	April 2000
Blow-off Installation	W-13	April 2000
Service Line Encasement	W-14	April 2000

15.5.C SANITARY SEWER DETAILS

Detail Title	Detail Number	Revision Date
Standard Sanitary Sewer Embedment & Backfill	S-1A	April 2000
Standard Sanitary Sewer Embedment & Backfill	S-1B	April 2000
Precast Sanitary Sewer Manhole	S-2	April 2000
Cast-in-place Sanitary Sewer Manhole	S-3	April 2000
Drop Sanitary Sewer Manhole	S-4	April 2000
Manhole Frame and Cover	S-5	April 2000
Extension Ring Installation	S-6	April 2000
4 inch Sanitary Sewer Service	S-7	April 2000
Sanitary Sewer Main Line Cleanout	S-8	April 2000
Abandonment of Existing Manhole	S-9	April 2000
		April 2000

15.5.D STORM SEWER DETAILS

Detail Title	Detail Number	Revision Date
Storm Sewer Embedment and Backfill	D-1A	April 2000
Storm Sewer Embedment and Backfill	D-1B	April 2000
Storm Sewer Embedment and Backfill	D-1C	April 2000
Storm Sewer Subsurface Drain	D-2	April 2000
Storm Sewer Inlet General Notes	D-3	April 2000
Storm Sewer Curb Inlet	D-4	April 2000
Storm Sewer Recessed Curb Inlet	D-5	April 2000
Storm Sewer Curb Inlet	D-6	April 2000
Storm Sewer Drop Inlet	D-7	April 2000
Storm Sewer Manhole	D-8	April 2000
Storm Sewer Reinforced Concrete Collar	D-9	April 2000
Storm Sewer Curbed Flume and Pilot Channels	D-10	April 2000
Storm Sewer Concrete Riprap	D-11	April 2000
Storm Sewer Sloping Headwall	D-12	April 2000
Storm Sewer Vertical Headwall	D-13	April 2000
Storm Sewer Culvert	D-14A	April 2000
Safety End Treatments	D-14B	April 2000
Erosion Control Plan	D-15A	April 2000
Erosion Control Barriers	D-15B	April 2000
Erosion Control Barrier	D-15C	April 2000

Section 15.6 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	*Date*	*Subject*