

**ORDINANCE NO. 4093-07-2014**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AMENDING THE LEWISVILLE CITY CODE, CHAPTER 6, LAND DEVELOPMENT REGULATIONS, BY DEFINING AND ALLOWING THE USE OF A MODIFIED SITE PLAN, PROVIDING FOR THE ABANDONMENT OF RIGHT-OF-WAY BY PLAT UNDER CERTAIN CIRCUMSTANCES, ADDRESSING THE USE OF BACKFLOW DEVICES IN THE INTERIOR OF A BUILDING AND AMENDING PAVEMENT THICKNESSES; AMENDING CHAPTER 16, UTILITIES, BY ADDRESSING THE USE OF DOUBLE CHECK DETECTOR CHECK VALVES IN THE INTERIOR OF A BUILDING; PROVIDING A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY; PROVIDING FOR AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City Council of the City of Lewisville, Texas, has determined that for the health, welfare and safety of its citizens, certain changes to the Lewisville City Code, Chapter 6, Land Development Regulations, and Chapter 16, Utilities, are necessary;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT:**

**SECTION 1.** Lewisville City Code, Chapter 6, Article I, Section 6-1 is hereby amended by inserting the following new definition:

*Modified Site Plan.* A city council approved site plan which does not meet all the provisions/requirements of an engineering site plan as required by this article and serves the purpose of and/or modifies an engineering site plan.

**SECTION 2.** Lewisville City Code, Chapter 6, Article III, Section 6-54 is hereby amended by inserting the following new subsection:

(e) When approved by city council, a modified site plan may be accepted as an engineering site plan. The modified site plan shall serve with the same effect and force as an engineering site plan. If a site has a previously approved engineering site plan, the modified site plan shall alter the provisions of the original engineering site plan as approved in the modified site plan, and portions of the original engineering site plan unaffected by the modified site plan shall stay in force.

**SECTION 3.** Lewisville City Code, Chapter 6, Article IV, Section 6-76(a) is hereby amended by deleting the current language in its entirety and in its place inserting the following new language:

(a) *General provisions.* Except as otherwise provided, an abandonment ordinance is required for abandonment of any public right-of-way. If a right-of-way is dedicated only by plat and remains unimproved, it can also be abandoned by plat so long as the plat notes expressly state that the city intends to abandon, a certificate of abandonment (see appendix) is signed by the city, and all procedural requirements in this Section and in the city's platting regulations are met. Any easement may be abandoned with a certificate of abandonment (see appendix) in accordance with paragraph (c) below. Requests for abandonment shall be made in writing to the community development department. The city will file with the county all documents that are required to record the transaction. An application fee, as set forth in section 2-201, must accompany all requests, and the Denton County filing fee shall be submitted with a separate check. If applicable, fair market value will be established by the city paid in advance by the applicant. Should appraisals be required, the cost shall be paid in advance by the applicant. Any relocation, adjustment or other construction shall be the financial responsibility of the applicant.

The following information must be attached:

- (1) Metes and bounds description of the property to be abandoned.
- (2) Exhibit showing the subject abandonment.
- (3) Letters of release from utility companies, if applicable.
- (4) Application fee made payable to the City of Lewisville.
- (5) Filing fee made payable to Denton County Clerk.

**SECTION 4.** Lewisville City Code, Chapter 6, Article V, Section 6-92(d) is hereby amended by deleting the current language in its entirety and in its place inserting the following new language:

(d) *Paving Thickness Requirements.* Commercial streets that are classified as Principal Arterial 6 Lane Divided (P6D), Principal Arterial 4 Lane Divided (P4D), One Way Arterial or Major Traffic Carriers as defined by the latest City Thoroughfare Plan shall be a minimum of ten (10) inches in thickness. All other commercial streets and commercial alleys shall be a minimum eight (8) inches in thickness. Residential streets and residential alleys shall be a minimum of six (6) inches in thickness. Streets and alleys serving both residential and commercial shall be a minimum of eight (8) inches in thickness. All alleys shall be considered commercial except those serving only single-family and two family zoning classifications and uses.

Where right turn, left turn or deceleration lanes are added to existing streets, the minimum pavement thickness shall be ten (10) inches. Subgrade preparation in this circumstance will not require lime or cement treatment but must include scarifying and compacting existing subgrade.

Where over five (5) percent of a street's traffic is expected to be comprised of vehicles with a single axle load of 18,000 lbs or greater or a tandem axle load of 34,000 lbs or greater, a pavement design performed by a geotechnical engineer may be required at the City's discretion. The final required pavement section will be determined by the City.

**SECTION 5.** Lewisville City Code, Chapter 6, Article V, Section 6-97(e) is hereby amended by deleting the current language in its entirety and in its place inserting the following new language:

(e) *Backflow devices.* Approved double check detector check valves must be installed on all privately maintained fire lines. Such valves shall be installed in an underground vault located on private property at the boundary of the public/private property line.

Requirements for backflow devices other than fire lines are governed by the backflow prevention ordinance and the water and sewer regulations ordinance of the city.

*Exception:* When the fire line serves only the automatic fire sprinkler system, and with prior written permission from the City which shall be given at its sole discretion, the double check detector check valve may be located on the interior of the building in the fire control room. The length of the fire line as measured from the nearest edge of right of way or utility easement to the interior double check detector check valve shall not exceed 50 feet, or as otherwise approved by the Fire Code Official.

**SECTION 6.** Lewisville City Code, Chapter 16, Article VII, Section 16-355(g) is hereby amended by deleting the current language in its entirety and in its place inserting the following new language:

(g) If required, an approved backflow prevention device shall be installed on each service line to a customer's water system at or near the property line before the first branch line leading off the service line wherever the following conditions exist:

(1) In the case of a premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention device in the service line appropriate to the degree of hazard.

(2) In the case of a premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow prevention device in the service line appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the utility system which have been subject to deterioration in quality.

(3) In the case of premises having internal cross-connections that cannot be permanently corrected and controlled, or intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to

ascertain whether or not dangerous cross connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention device in the service line.

(4) Any nonresidential building greater than one story elevation.

(5) Any residential building structure greater than two stories elevation.

(6) For fire lines, approved double check detector check valves must be installed on all privately maintained fire lines. Such valves shall be installed in an underground vault located on private property at the boundary of the public/private property line.

*Exception:* When the fire line serves only the automatic fire sprinkler system, and with prior written permission from the City which shall be given at its sole discretion, the double check detector check valve may be located on the interior of the building in the fire control room. The length of the fire line as measured from the nearest edge of right of way or utility easement to the interior double check detector check valve shall not exceed 50 feet, or as otherwise approved by the Fire Code Official.”

**SECTION 7. REPEALER.** Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

**SECTION 8. SEVERABILITY.** If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

**SECTION 9. PENALTY.** Any person, firm or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the Municipal Court, shall be subject to a fine of not more than \$2,000.00 for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

**SECTION 10. EFFECTIVE DATE.** This ordinance shall become effective immediately upon its passage and publication as required by law.

**SECTION 11. EMERGENCY.** It being for the public welfare that this ordinance be passed creates an emergency and public necessity, and the rule requiring this ordinance be read on three separate occasions be, and the same is hereby waived, and this ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF 4 TO 0, ON THIS THE 7<sup>th</sup> DAY OF JULY, 2014.**

**APPROVED:**

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Dean Ueckert, MAYOR

**ATTEST:**

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Julie Heinze, CITY SECRETARY

**APPROVED AS TO FORM:**

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Lizbeth Plaster, CITY ATTORNEY