



**City of Lake Dallas
City Council
Regular Meeting
Thursday, April 8, 2021 at 7:00 p.m.
Conducted by Videoconference
Agenda**

Pursuant to Governor Greg Abbott's temporary suspension of various provisions of the Texas Open Meetings Act, and in an effort to protect the health and safety of the public, this meeting is being conducted by video conference. Members of the public who desire to only listen to proceedings of the meeting may dial the following toll-free number and, when prompted, enter the following Meeting ID #, beginning at 6:40 p.m. to join the meeting. Any person wishing to view the video conference may go to the Internet link shown below and enter the password shown.

Toll Free Number: 877-853-5257

Meeting ID#: 858 5065 4678

Passcode: 638250

Video Conference: <https://us02web.zoom.us/j/85850654678?pwd=Qzd0a1FXMnNpN0Q2YzgyUHplaGxnQT09>

Members of the public are entitled to participate remotely via Videoconference. To speak remotely at the City Council Meeting, speakers must:

- Register with the City Secretary by either email cdelcambre@lakedallas.com or calling 940-497-2226 ext. 102 by 3:00 p.m. on Thursday, April 8, 2021.
- Registered speakers will receive an email or phone call providing the meeting link and/or telephone number to call on the date of the meeting.
- Speakers must call not later than 6:45 p.m. on the date of the meeting in order to be allowed to speak. Late callers will not be accepted and will not be allowed to speak.
- Registered speakers will not be allowed to speak until recognized by the Mayor and unmuted by the City Secretary.
- Speakers will be limited to 5 minutes each.
- Handouts or other information that a member of the public desires to provide to the City Council must be emailed to cdelcambre@lakedallas.com by 3:00 p.m. on Thursday, April 8, 2021.
- Any person wishing to provide only written comments during Item 4 – Citizen Agenda & Public Comment, or on any other matter to be considered on this agenda, should email such comments to the City Secretary at cdelcambre@lakedallas.com by 3:00 p.m. on Thursday, April 8, 2021.

Section I – Presentations

- 1. Call to Order & Determination of Quorum**
- 2. Invocation & Pledges of Allegiance**
- 3. Announcements & Special Recognitions**

A. City Manager's Report

The City Manager's Report may provide information on status of current city projects and other projects affecting the City, meetings and actions of the city's boards and commissions, upcoming local community events, including, but not limited to, departmental operations and capital improvement project status. No action will be taken with respect to this report.

4. Citizen Agenda & Public Comment

An opportunity for citizens to address the Mayor and City Council on matters which are not scheduled for consideration by the City Council. In order to address the Council, please send your comments to the City Secretary before 3:00 p.m. on the date of this meeting. Comments sent by e-mail will be read aloud so that they are included in the recorded record of the meeting. In keeping with the Council's procedures for limiting speaking time to five (5) minutes per speaker, any written comments provided for this item should be kept short enough so that they can be read aloud in five (5) minutes or less.

Section II – Consent Agenda

All items listed below are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of the items unless a Councilmember so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence.

5. Consider and Act on the Consent Agenda

- A. Approval of minutes for the regular council meeting held on March 25, 2021.
- B. Consider and take appropriate action to excuse Councilmember Bailey's absence from the March 11, 2021, regular meeting.
- C. Consider and Act on a Resolution authorizing an Interlocal Agreement with Denton County for public safety communications services; authorize the City Manager and Chief of Police to execute all documents related thereto on behalf of the City of Lake Dallas and provide an effective date.

Section III – Planning & Development:

- 6.** Conduct a public hearing and consider approval of a replat of Lots 6-8, a portion of Lot 10, Lots 22-24, and a portion of Lot 25, Block 8, Lake Dallas Shores Addition into one lot. The property is more commonly known as 612 Shore Drive. (Case R-21-01).
- 7.** Conduct a public hearing and consider an ordinance amending the Lake Dallas Zoning Ordinance and Zoning Map by changing the zoning regulations applicable to the use and development of Lot 1, Block A, Public Works Addition (commonly known as 351 Betchan Avenue) generally located along the north portion of Betchan Street and to the east of Goliad Avenue from Residential (R-1-6000) with a Downtown Overlay to M-1 Light Industrial. (Case Z-21-001).

8. Conduct a public hearing and consider an ordinance the Lake Dallas Zoning Ordinance and Zoning Map by amending the boundaries of the Downtown District by removing Lot 1, Block A, Public Works Addition, commonly known as 351 Betchan Avenue; and Lot 1, Block A, Advantage Mechanical Addition, commonly known as 411 Goliad Avenue, from within said boundaries.
9. Consider a resolution approving a Site Plan for Lot 1, Block A, Public Works Yard Addition (commonly known as 351 Betchan Drive) generally located on the north side Betchan Street approximately 150 feet east of Goliad Avenue(SP-21-001- City of Lake Dallas Public Works Yard).
10. Receive a report, hold a discussion, and give staff direction regarding front yard fencing requirements.

Section IV- General Items

11. Receive a report and hold a discussion regarding an assessment completed for concrete and asphalt pavement conditions.
12. Receive a report, hold a discussion, and give staff direction regarding the Lake Cities 4th of July event.

Section V – Elected Official Requested Items

13. Mayor & Council Member Announcements

The City Council may hear or make reports of community interest provided no action is taken or discussed. Community interest items may include information regarding upcoming schedules of events, honorary recognitions, and announcements involving imminent public health and safety threats to the city. Any deliberation shall be limited a proposal to place the subject on an agenda for a subsequent meeting.

Section VI – Executive Session As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed executive session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed above or herein. A closed executive session will also be conducted for the following purposes:

14. Conduct a closed meeting pursuant to Texas Government Code Section 551.074 to deliberate the duties and responsibilities of the Community Development Coordinator.
15. Conduct a closed meeting pursuant to Texas Government Code Section 551.074 to deliberate the duties and responsibilities of the Interim City Manager.

Section VII – Return to Open Session

16. Discuss and take appropriate action, if any, resulting from the discussions conducted in Closed Session.

Section VIII – Adjournment

I certify that the above notice of this meeting posted on the bulletin board at City Hall of the City of Lake Dallas, Texas on April 5, 2021 at 5:00 p.m.



Codi Delcambre, TRMC

City Secretary

If you plan to attend this public meeting telephonically and you have a disability that requires special arrangements at this meeting, please contact City Secretary's Office at (940) 497-2226 ext. 102 or fax (940) 497-4485 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

**State of Texas
County of Denton
City of Lake Dallas**

The Lake Dallas City Council met in a regular called meeting on March 25, 2021 via video conference, with notice of the meeting given, as required by Title 5, Chapter 551.041 of the Texas Government Code. Mayor Barnhart called the meeting to order at 7:05 p.m.

1. Roll Call

Michael Barnhart
Megan Ray
Brian Bailey
Cheryl McClain
Charlie Price
Andi Nolan

Mayor
Councilmember 1
Councilmember 2
Councilmember 3
Councilmember 4
Councilmember 5

Absent:

Staff Present: City Secretary Codi Delcambre, City Attorney Kevin Laughlin, Public Works Superintendent Layne Cline, Police Chief Dan Carolla, Interim Director of Library Services Megan Foote, Development Services Director Angie Manglaris, Community Development Coordinator Lancine Bentley and Interim City Manager Mike Wilson.

2. Invocation and Pledges of Allegiance

Mike Wilson led the invocation and Mayor Barnhart led the pledges.

3. Announcements & Special Recognitions.

A. City Manager's Report

- Farmer's Market starts April 10, 2021.
- Tree Planting on April 10, 2021

4. Citizen Agenda & Public Comments

Mayor Barnhart opened the Visitors/Citizens Agenda. No one signed up to speak.

5. Consider and Act on the Consent Agenda

- A. Approval of minutes for the meetings held on March 3, 2021 and March 11, 2021.**
- B. Consider and approve a resolution amending the authorized signatories on the City's financial institution accounts.**

Motion: to approve a consent agenda item 5A and 5B was made by Councilmember Ray and second by Councilmember McClain.

Ayes: Councilmembers Ray, Bailey, Nolan, McClain and Price

Noes: None

Motion Passed 5-0.

6. Receive a report, hold a discussion, and provide staff with direction regarding suspension of various provisions of Chapter 80 - Signs in the Lake Dallas Code of Ordinances.

Council received a report from Angie Manglaris, Director of Development Services regarding suspension of various provisions of Chapter 80 - Signs in the Lake Dallas Code of Ordinances. Council directed that staff allow two signs per property till September 30, 2021.

7. Mayor & Council Member Announcements

- Councilmember McClain- Fourth of July
- Councilmember Nolan- reminder about the TML Region 8 Meeting

8. **Executive Session** As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed executive session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed above or herein.

Council convened into Executive Session at 7:37 p.m.

- Conduct a closed meeting pursuant to Texas Government Code Section 551.074 to deliberate the duties and responsibilities of the Acting City Manager

Council reconvened into open session at 7:54 p.m.

9. Return to Open Session

- Discuss and take appropriate action, if any, resulting from the discussions conducted in Closed Session

No action taken.

10. Adjournment

Mayor Barnhart adjourned the meeting at 7:55 p.m.

Approved:

Michael Barnhart, Mayor

Attest:

Codi Delcambre, City Secretary



CITY COUNCIL AGENDA MEMO

Prepared By: Codi Delcambre, City Secretary

April 8, 2021

Excusing Councilmember Bailey's Absence

DESCRIPTION:

Consider and take appropriate action to excuse Councilmember Bailey's absence from the March 11, 2021, regular meeting.

BACKGROUND INFORMATION:

Lake Dallas Municipal Code Section 2.53 requires that the City Council take up the absence of a councilmember at the next regularly scheduled meeting following the absence and vote to determine if the absence is excused. Councilmember Bailey was on vacation and was absent from the March 11, 2021 council meeting. Because of events relating to the transition in City Administration, this matter was not placed on the March 25th meeting. Councilmember Bailey did notify the City Secretary that he would be absent from that meeting prior to the meeting, and is requesting that his absence be excused by the City Council.

FINANCIAL IMPACT:

None

RECOMMENDED MOTIONS:

Motion to approve or deny Councilmember Bailey's absence from the March 11, 2021, regular meeting.

ATTACHMENT(S):

None



CITY COUNCIL
AGENDA MEMO

Prepared By: Daniel Carolla, Chief of Police

April 8, 2021

Denton County Dispatch Agreement

DESCRIPTION:

Consider and Act on a Resolution authorizing an Interlocal Agreement with Denton County for public safety communications services; authorize the City Manager and Chief of Police to execute all documents related thereto on behalf of the City of Lake Dallas and provide an effective date.

BACKGROUND INFORMATION:

In 2017, the Lake Dallas Police Department closed its police communications center and contracted communications services with the Denton County Sheriff's Department. This agreement enabled the police department to share computer aided dispatch services provided by the Denton County Sheriff's Communications Division as well as creating a significant cost savings to the City.

FINANCIAL CONSIDERATION:

The cost for communications services is spread out amongst subscribing agencies based on percentage of workload. The total cost for Lake Dallas for FY 2020-2021 is \$48,823.00.

RECOMMENDED MOTIONS:

I move to approve/deny a Resolution authorizing an Interlocal Agreement with Denton County for public safety communications services; authorize the City Manager and Chief of Police to execute all documents related thereto on behalf of the City of Lake Dallas and provide an effective date.

ATTACHMENT(S):

Resolution

Interlocal Agreement for Communications and Dispatch Services

TLETS Non-twenty-four-hour terminal agency agreement 2021-2022

**CITY OF LAKE DALLAS, TEXAS
RESOLUTION NO. 04082021- _____**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND SIGN AN INTERLOCAL AGREEMENT WITH DENTON COUNTY FOR POLICE COMMUNICATION SERVICES FOR FY 2021-2022; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Lake Dallas is a party to an interlocal agreement with Denton County relating to the provision of police dispatching and communications services by the County for the City; and

WHEREAS, the Interim City Manager recommends that the Interlocal Agreement with Denton County to provide Police Communication Services for the City be renewed and extended; and

WHEREAS, the City Council of the City of Lake Dallas finds it to be in public interest to concur in the foregoing recommendation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS, THAT:

SECTION 1. The Interim City Manager is hereby authorized to negotiate and sign on behalf of the City an Interlocal Agreement with Denton County for Police Communication Services for Fiscal Year 2021-2022 with City Attorney approval as to form and is further authorized to execute all additional documents related thereto on behalf of the City of Lake Dallas.

SECTION 2. This Resolution shall be effective immediately upon approval.

PASSED AND APPROVED this the 8th day of April 2021.

City of Lake Dallas, Texas

Michael Barnhart, Mayor

ATTEST:

Codi Delcambre, TRMC, City Secretary

APPROVED AS TO FORM:

Kevin B. Laughlin, City Attorney
(kbl:3/30/21:121507)

STATE OF TEXAS

§
§
§

COUNTY OF DENTON

**INTERLOCAL COOPERATION AGREEMENT FOR
SHARED GOVERNANCE COMMUNICATIONS & DISPATCH SERVICES SYSTEM**

This Interlocal Cooperation Agreement for Shared Governance Communications and Dispatch Services System, hereinafter referred to as "Agreement", is made by and between Denton County, a political subdivision of the State of Texas, hereinafter referred to as the "County", and

Name of Agency: Lake Dallas Police Department
--

hereinafter referred to as "Agency".

WHEREAS, the County is a duly organized political subdivision of the State of Texas engaged in the administration of county government and related services for the benefit of the citizens of Denton County, Texas; and

WHEREAS, the Agency is duly organized and operating under the laws of the State of Texas engaged in the provision of municipal government and/or related services for the benefit of the citizens of Agency; and

WHEREAS, parties agree that the utilization of combined communications and dispatch services system will be in the best interests of both the County and the Agency,

WHEREAS, the County and the Agency mutually desire to be subject to the provisions of the Interlocal Cooperation Act of the V.T.C.A. Government Code, Chapter 791; and

NOW THEREFORE, the County and the Agency, for the mutual consideration hereinafter stated, agree and understand as follows:

1. **PURPOSE.** The Denton County Sheriff ("Sheriff") has the facilities to provide emergency telecommunications and dispatch services throughout Denton County. The Agency wishes to utilize the Sheriff's available telecommunications and dispatch services ("Services") during the term of this agreement.

2. **ADVISORY BOARD.** The Denton County Sheriff's Office will establish an Advisory Board for the Shared Governance Communication and Dispatch System "Advisory Board". The membership of the board shall be the Chief of each Agency, or designee. The Advisory Board may advise and make recommendations to the Sheriff and the Sheriff's Office on matters relating to the Communications Center, as well as the recommendations for the Annual Agency Workload and Cost Statistics, within the limitations set forth in paragraph 6.1, herein.

3. **TERM OF AGREEMENT.** The initial term of this Agreement shall be for a one-year period beginning **October 1, 2021** and ending on **September 30, 2022**.

4. **TERMINATION OF AGREEMENT.** Either party may terminate this agreement, with or without cause, after providing ninety (90) days written notice to the other party.

5. **ANNUAL SERVICE FEE.** Each Agency shall pay to the County a fee for services based on the workload generated by the Agency.

- 5.1. Agency shall pay to County the Total Amount on *Exhibit "A"*.
- 5.2. The Agency shall complete *Exhibit "A"*, Agency Payment Worksheet, to identify the payment terms preferred by Agency. Agency is responsible for sending payments to County
- 5.3. The fee for service will be based on the pro rata share of the workload generated by the Agency.
- 5.4. County agrees to provide Agency a proposed service fees for the next budget/fiscal year as agreed by the parties.
- 5.5. If this Agreement is terminated prior to the expiration of the term of the Agreement, payment shall be pro-rated by written agreement between the parties.
- 5.6. Dispatch costs for the upcoming fiscal year are calculated utilizing 50% of the approved Communications Budget for the current fiscal year and agency workload statistics from the previous fiscal year.

Agency workload percentages are calculated by:

- 5.6.1. Determining the agency's percentage of total Calls For Service (CFS)
- 5.6.2. Determining the agency's percentage of total Officer Initiated Activity (OIA)
- 5.6.3. Averaging the values from # 5.6.1 & # 5.6.2
- 5.6.4. Determining the percentage of OIA that is Mobile Data Computer (MDC) activity
- 5.6.5. Determining agency OIA that is not MDC Activity
- 5.6.6. Determining adjusted percentage of OIA that is MDC activity by dividing value of # 5.6.5 by total OIA
- 5.6.7. Determining agency CFS that are public requests by subtracting agency assists or mutual aid calls from the agency's CFS
- 5.6.8. Determining adjusted percentage of total CFS that are public requests by dividing value of # 5.6.7 by total CFS
- 5.6.9. Determining agency workload percentage by calculating average of # 5.6.6 and # 5.6.8
- 5.6.10. Determining agency final cost by workload by multiplying value of # 5.6.9 against 50% of the approved Communications budget

6. **COUNTY SERVICES AND RESPONSIBILITIES.** The County agrees to provide the following services and responsibilities:

6.1 The Sheriff shall have the sole discretion as to the method of providing the Services including, but not limited to the order of response to calls, and shall be the sole judge as to the most expeditious and effective manner of handling and responding to calls for service or the rendering thereof. The Sheriff shall have the sole discretion as to the method and final decision regarding the annual workload and cost statistics. The Sheriff will devote sufficient time to insure the performance of all duties and obligations set forth herein.

6.2 County shall furnish full-time communications services including a twenty-four (24) hours a day, seven (7) days a week public safety answering point, radio services, dispatching services, or law enforcement transmission originating from AGENCY requesting law enforcement and fire

protection services and access to local, regional, state, and national data bases and telecommunications systems.

- 6.3 The services provided by County include the following:
 - 6.3.1 twenty-four (24) hours a day, seven (7) days a week public safety answering point;
 - 6.3.2 receiving emergency and routine calls for law enforcement, fire, and medical services;
 - 6.3.3 directing a response to said calls by dispatching the appropriate law enforcement, fire, and medical services;
 - 6.3.4 providing on-going communication support to the emergency personnel in the field; and
 - 6.3.5 updating, maintaining, and managing the County owned radio communications system, computer systems, support files, and resource materials necessary to accomplish the above.

6.4 County may add new Agencies not currently served by Denton County at the discretion of Denton County and the Denton County Sheriff's Office.

7. **AGENCY RESPONSIBILITIES.** The Agency agrees to the following responsibilities:

- 7.1 Providing accurate current GIS data of the corporate limits and extraterritorial jurisdiction of the Agency.
- 7.2 Furnish County with a current list of all Officers and Reserves authorized by Agency to use the communications system.
- 7.3 Agency is responsible for the costs and upgrades associated with maintaining Agency's communication equipment.
- 7.4 Agency agrees to abide by all laws of the United States and the State of Texas and all present or hereafter approved rules, policies and procedures of TLETS, NLETS, TCIC, NCIC and any other system now or in the future associated with TLETS concerning the collection, storage, processing, retrieval, dissemination and exchange of information for criminal justice purposes
- 7.5 Adherence to all Sheriff's Office communications rules and regulations.
- 7.6 Agency agrees to provide all necessary and required TLETS paperwork. See *Exhibit "B"*.
- 7.7 Appoint representative and agree to participate in the Advisory Board.
- 7.8 Agency is responsible for sending payments to County as more fully described in *Exhibit "A"* to this Agreement.

8. **AGREEMENT.** The parties acknowledge they have read and understand and intend to be bound by the terms and conditions of this Agreement. This Agreement contains the entire understanding between the parties concerning the subject matter hereof. No prior understandings, whether verbal or written, between the parties or their agents are enforceable unless included in writing in this agreement. This Agreement may be amended only by written instrument signed by both parties.

9. **AGREEMENT LIASONS.** Each party to this agreement shall designate a Liaison to insure the performance of all duties and obligations of the parties. The Liaison for each party shall devote sufficient time and attention to the execution of said duties on behalf of the Party to ensure full compliance with the terms and conditions of this Agreement.

10. **ASSIGNMENT.** Neither party shall assign, transfer, or sub-contract any of its rights, burdens, duties, or obligations under this Agreement without the prior written permission of the other party to this Agreement.

11. **AGENCY LIABILITY.** The Agency understands and agrees that the Agency, its employees, servants, agents, and representatives shall at no time represent themselves to be employees, servants, agents, and/or representatives of the County. The Agency shall not be required to indemnify nor defend County for any liability arising out of the wrongful acts of employees or agents of County to the extent allowed by Texas law.

12. **COUNTY LIABILITY.** The County understands and agrees that the County, its employees, servants, agents, and representatives shall at no time represent themselves to be employees, servants, agents, and/or representatives of the Agency. The County shall not be required to indemnify nor defend Agency for any liability arising out of the wrongful acts of employees or agents of Agency to the extent allowed by Texas law.

13. **DISPUTES/RECOURSE.** County and Agency agree that any disputes or disagreements that may arise which are not resolved at the staff level by the parties should be referred to the Appointed Liaisons for each entity. Any further disputes arising from the failure of either Agency or County to perform and/or agree on proportionate reduction in fees shall be submitted to mediation, with the parties splitting the mediation fees equally. It is further agreed and understood that the scope of matters to be submitted to dispute mediation as referenced above is limited to disputes concerning sufficiency of performance and duty to pay or entitlement, if any, to any reduced fee or compensation. Any other disputes or conflicts involving damages or claimed remedies outside the scope of sufficiency of performance and compensation adjustment shall be referred to a court of competent jurisdiction in Denton County, Texas.

14. **EXHIBITS.** Attached hereto, and referred to elsewhere in this Agreement are the following Exhibits, which are hereby incorporated by reference.

Exhibit A	Agency Payment Worksheet
Exhibit B	TEXAS LAW ENFORCEMENT TELECOMMUNICATION SYSTEM (TLETS) NON - TWENTY-FOUR HOUR TERMINAL AGENCY AGREEMENT

15. **MULTIPLE ORIGINALS.** It is understood and agreed that this Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

16. NOTICES. All notices, demands or other writings may be delivered by either party by U.S. First Class Mail or by other reliable courier to the parties at the following addresses:

County:	1	Denton County Judge Denton County Commissioners Court 110 West Hickory, Room #207 Denton, Texas 76201
	2	Denton County Sheriff Denton County Sheriff's Office 127 N. Woodrow Lane Denton, Texas 76205
	3	Assistant District Attorney Counsel to the Sheriff 127 N. Woodrow Lane Denton, Texas 76205

Name of Agency:	Lake Dallas Police Department
Contact Person	Chief Daniel Carolla
Address	212 Main St.
City, State, Zip	Lake Dallas, TX 75065
Telephone	940-497-2226
Email	dcarolla@lakedallaspd.org

17. SEVERABILITY. The validity of this Agreement and/or any of its terms or provisions, as well as the rights and duties of the parties hereto, shall be governed by the laws of the State of Texas. Further, this Agreement shall be performed and all compensation payable in Denton County, Texas. In the event that any portion of this Agreement shall be found to be contrary to law, it is the intent of the parties hereto that the remaining portions shall remain valid and in full force and effect to the extent possible.

18. THIRD PARTY. This Agreement is made for the express purpose of providing communications and dispatch services, which both parties recognize to be a governmental function. Except as provided in this Agreement, neither party assumes any liability beyond that provided by law. This Agreement is not intended to create any liability for the benefit of third parties.

19. VENUE. This agreement will be governed and construed according to the laws of the State of Texas. This agreement shall be performed in Denton County, Texas.

20. WAIVER. The failure of County or Agency to insist upon the performance of any term or provision of this Agreement or to exercise or enforce any right herein conferred, or the waiver of a breach of any provision of this Agreement by either party, shall not be construed as a waiver or relinquishment to any extent of either party's right to assert or rely upon any such term or right, or future breach of such provision, on any future occasion.

21. AUTHORIZED OFFICIALS. Each party has the full power and authority to enter into and perform this Agreement. The persons executing this Agreement represent they have been properly authorized to sign on behalf of their governmental entity.

22. **CURRENT FUNDS.** All payments made by Agency to County pursuant to this Agreement shall be from current revenues available to Agency.

23. **DISPATCH & COMMUNICATION RECORDS.** The parties acknowledge that the Denton County Sheriff's Office may release dispatch and communication records of Agency pursuant to the Texas Public Information Act until such a time that the parties agree to transfer such responsibility to Agency.

DENTON COUNTY, TEXAS

AGENCY

Andy Eads, County Judge
Denton County Commissioners Court
110 West Hickory, Room #207
Denton, Texas 76201
(940)349-2820

John Carbrales

Lake Dallas City Manager

212 Main St.

Lake Dallas, TX 75065

940-497-2226

EXECUTED duplicate originals on this

EXECUTED duplicate originals on this

Date: _____

Date: _____

Approved as to content:

Approved as to content:

Denton County Sheriff's Office

Chief Daniel Carolla

Approved as to form:

Approved as to form:

Assistant District Attorney
Counsel to the Sheriff

Attorney for Agency

Exhibit A

2021-22 Budget Year
Denton County Sheriff's Office
Communications Agreement
Agency Payment Worksheet

Agency:	Lake Dallas Police Department
Payment Contact Person:	Chief Daniel Carolla
Phone Number:	940-497-2226
Email:	dcarolla@lakedallaspd.org
Address:	212 Main St.
City, State, Zip	Lake Dallas, TX 75065
AGENCY TOTAL AMOUNT DUE	\$ 48,823.00

Agency Should Include this Worksheet with Each Payment Sent to Denton County.

Make checks payable to:	Denton County
Mail payments to:	Communications Agreement Payments Denton County Auditor 401 W. Hickory, Suite 423 Denton, Texas 76201-9026

Payment Plan Options

Agency MUST
Select One
Payment Option

1	One Annual Payment (100%)
2	Two Payments (50%)
3	Four Payments (25%)
4	Twelve Monthly Payments
5	Other Payment Option

Exhibit B

TEXAS LAW ENFORCEMENT TELECOMMUNICATION SYSTEM (TLETS) **NON - TWENTY-FOUR HOUR TERMINAL AGENCY AGREEMENT 2021-2022**

Twenty-Four Hour Terminal Agency	DENTON COUNTY SHERIFF'S OFFICE
Non Twenty-Four Hour Terminal Agency	Lake Dallas Police Department

This document constitutes an agreement between the following parties:

The Twenty-Four Hour Terminal Agency agrees to make entries into the Texas Crime Information Center (TCIC) and the National Crime Information Center (NCIC) computers for the Non Twenty-Four Hour Terminal Agency.

All records must be entered with the Twenty-Four Hour Agency's ORI, and all case reports and original warrants must be held at the Twenty-Four Hour Agency for hit confirmation purposes.

The Non Twenty-Four Hour Agency agrees to abide by all laws of the United States and the State of Texas and all present or hereafter approved rules, policies and procedures of TLETS, NLETS, TCIC, NCIC and any other system now or in the future associated with TLETS concerning the collection, storage, processing, retrieval, dissemination and exchange of information for criminal justice purposes.

The Twenty-Four Hour Agency reserves the right to suspend service to the Non Twenty-Four Hour Agency which may include canceling of records entered for the Non Twenty-Four Hour Agency when applicable policies are violated. The Twenty-Four Hour Agency may reinstate service following such instances upon receipt of satisfactory assurances that such violations have been corrected.

In order to comply with NCIC policies established by the NCIC Advisory Policy Board, the Non Twenty-Four Hour Agency agrees to maintain accurate records of all TCIC/NCIC entries made through the Twenty-Four Hour Agency and to immediately notify the Twenty-Four Hour Agency of any changes in the status of those reports to include the need for cancellation, addition, deletion or modification of information. The Twenty-Four Hour Agency agrees to enter, update and remove all records for the Non Twenty-Four Hour Agency on a timely basis, as defined by NCIC.

In order to comply with NCIC Validation requirements, the Non Twenty-Four Hour Agency agrees to perform all validation procedures as required by NCIC on all records entered through the Twenty-Four Hour Agency.

Either the Twenty-Four Hour Agency or the Non Twenty-Four Hour Agency may, upon thirty days written notice, discontinue this agreement.

To the extent allowed by the laws of the State of Texas, the Non Twenty-Four Hour Agency agrees to indemnify and save harmless the Twenty-Four Hour Agency as well as the DPS, its Director and employees from and against all claims, demands, actions and suits, including but not limited to any liability for damages by reason of or arising out of any false arrests or imprisonment or any cause of the Non Twenty-Four Hour Agency or its employees in the exercise of the enjoyment of this Agreement.

In witness whereof, the parties hereto caused this agreement to be executed by the proper officers and officials.

DENTON COUNTY SHERIFF'S OFFICE

AGENCY

Signature: _____

By: **Tracy Murphree**

Title: **Denton County Sheriff**

Date: _____

Signature: _____

By: **Daniel Carolla**

Title: **Chief of Police**

Date: _____



CITY COUNCIL
AGENDA MEMO

Prepared By: Angie Manglaris, Director of Development Services

April 8, 2021

612 SHORE DRIVE REPLAT

DESCRIPTION:

Conduct a public hearing and take appropriate action a request to replat Lots 6-8, a portion of Lot 10, Lots 22-24, and a portion of Lot 25, Block 8, Lake Dallas Shores Addition into one lot. The property is more commonly known as 612 Shore Drive. (Case R-21-01).

ADJACENT ZONING AND LAND USE:

North: Single-family residence zoned R-1-6000 –Single Family Dwelling District

East: Single-family residence zoned R-1-6000 –Single Family Dwelling District

South: Single-family residence zoned R-1-6000 –Single Family Dwelling District

West: Single-family residence zoned R-1-6000 –Single Family Dwelling District

EXISTING CONDITIONS:

The property was developed in 1969 and consists of a single-family home with an attached garage, totaling approximately 3000 square feet in improvements. The property has several mature trees on site and is situated in an area of minimal flood hazard. The property is Zoned Single-Family Residential R-1-6000.

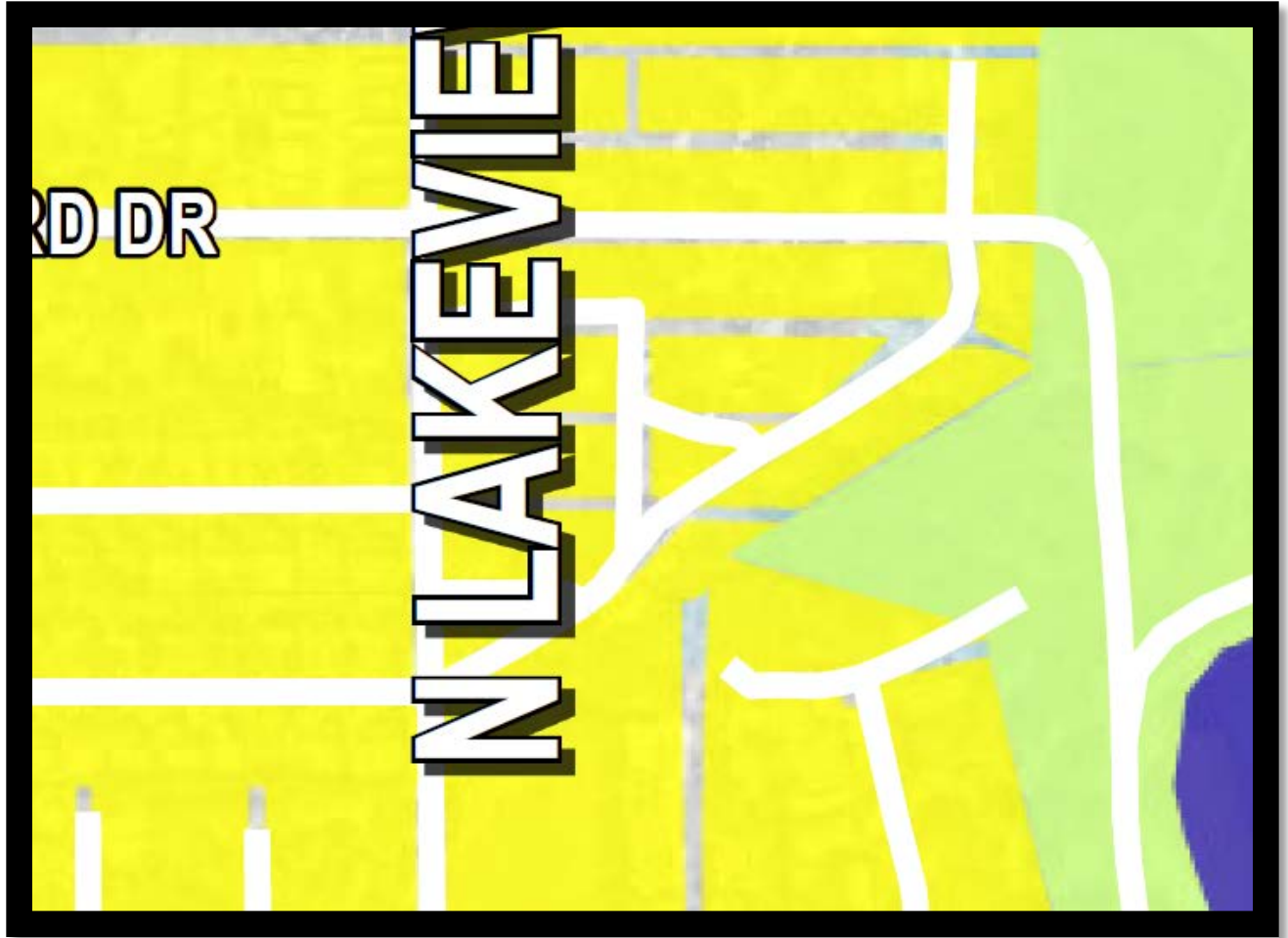
BACKGROUND INFORMATION:

Ms. Linda Forester, applicant, has applied to replat six (6) existing platted lots and two (2) portions of lots into one (1) platted lot. There is a single-family house situated on the lot, which spans six (6) of the existing lots. The total area is approximately .258 acres of land.

The property is Zoned Single-Family Residential R-1-6000 and the proposed lot meets all size and area dimensions in this district.

CONFORMANCE WITH COMPREHENSIVE PLAN

The Lake Dallas Vision 2030 Comprehensive Plan shows the property as “Single Family Residential”, as well as the surrounding property. Single-Family Residential calls for single-family development with a density between .5 and 7 dwelling units per acre. The proposed replat conforms to the Comprehensive Plan.



PLANNING ANALYSIS

Conformance with Zoning and Subdivision Ordinances

The plat conforms with the City of Lake Dallas Subdivision and Zoning Ordinances, with the exception of one (1) item:

1. Per Chapter 94-53 (a) right-of-way shall be dedicated at the time of plat and shall conform to the City Engineering and Design Standards Manual. Shore Drive is designated as a “connector” with a total right-of-way of 50’. The current right-of-way shown on this plat is 16’, the owner would be responsible for one-half the deficiency (17’). The applicant is requesting a variance to the right-of-way dedication amount and is proposing to dedicate 7’. Given the current width of Shore Drive, staff is amenable to the variance request to allow for a reduction in the amount of right-of-way to be.

It should also be noted, the subdivision of the existing parcels creates two (2) lots that are noncompliant with the R-1-6000 Zoning (Lots 10 and 25). Per Ordinance, the minimum lot width shall be fifty feet. Staff has suggested incorporating these lots into the replat, but it is our understanding they are under different ownership.

Land Use:

The proposed replat has no significant effect on land use. The plat provides a minor benefit of combining several existing lots into one (1).

Traffic

The proposed replat will not generate any appreciable traffic impact along Shore Drive.

Drainage

The property is in an area of minimal flood hazard. There does not appear to be any need for additional drainage improvements on the property.

FINANCIAL CONSIDERATION:

The proposed development would have minimal effect on City costs and revenues. If additional street right-of-way needs to be acquired, then the taxpayers would need to pay fair market value for the additional right-of-way if not donated.

PUBLIC HEARING:

Per Texas State Law, notices of public hearing were sent to property owners within 200' of the subject property.

As of Monday, March 29th, no responses have been received.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission considered this request at their March 18, 2021 regular meeting. Discussion was held regarding the right-of-way dedication and if adjacent property owner's dedication would match the proposal of the plat.

The public hearing was opened at 7:10 p.m. No public input was received. The public hearing was closed at 7:10 p.m.

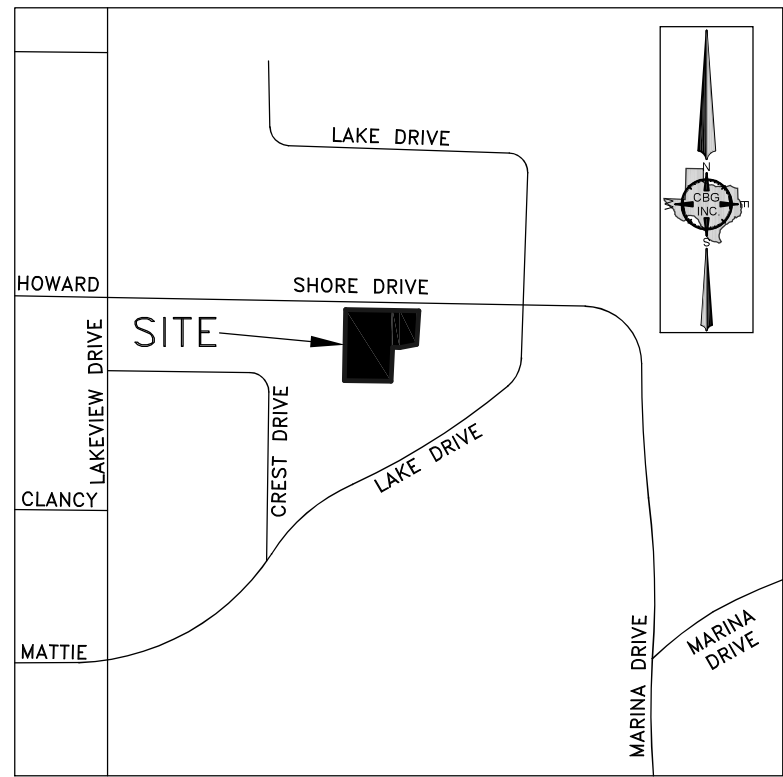
After discussion, a motion made to recommend approval of the request to replat Lots 6-8, a portion of Lot 10, Lots 22-24, and a portion of Lot 25, Block 8, Lake Dallas Shores Addition into one lot as presented. The motion was seconded and carried by a vote of four (4) in favor to none (0) opposed.

RECOMMENDED MOTION:

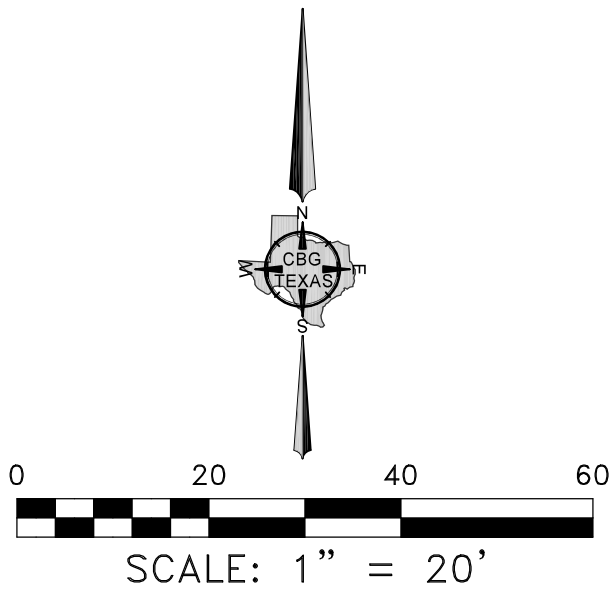
I move to **APPROVE/DENY** a request to replat Lots 6-8, a portion of Lot 10, Lots 22-24, and a portion of Lot 25, Block 8, Lake Dallas Shores Addition into one lot as presented.

Attachments:

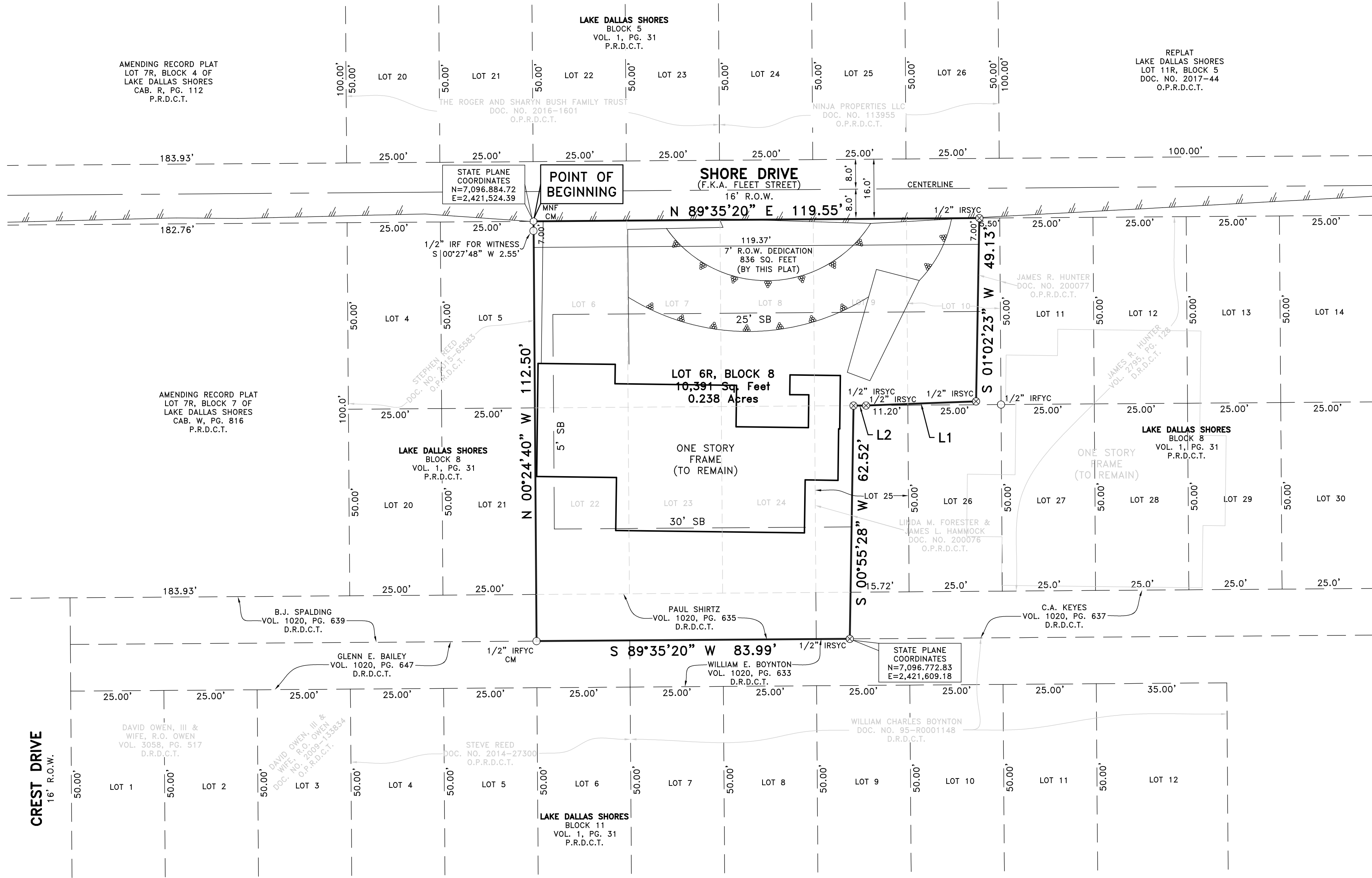
- Proposed Replat
- City of Lake Dallas Zoning Map



VICINITY MAP
NOT TO SCALE



LINE	BEARING	DISTANCE
L1	S 87°51'37" W	29.52'
L2	S 89°35'20" W	3.35'



NOTE: Any franchised public utility, including the City of Lake Dallas shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements which in any way endanger or interfere with the Construction, maintenance or efficiency of its respective system on any of the easements shown on the plat. Any franchised public utility including the City of Lake Dallas, shall have the right at all times of ingress and egress to and from and upon such easements for the purposes of constructing, reconstructing, inspection, patrol, 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.

GENERAL NOTES

- 1) BASIS OF BEARINGS ARE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, ADJUSTMENT REALIZATION 2011.
- 2) THE PURPOSE OF THIS PLAT IS TO CREATE 1 LOT.
- 3) LOT TO LOT DRAINAGE IS NOT ALLOWED PER CITY ORDINANCE.
- 4) ANY NEW STRUCTURE SHALL COMPLY WITH THE BUILDING SETBACKS ESTABLISHED WITH THIS PLAT.
- 5) COORDINATES SHOWN HEREON ARE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES, NO SCALE AND NO PROJECTION.
- 6) ALL STRUCTURES ON PROPERTY WILL REMAIN.
- 7) THE SUBJECT PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT ON FLOOD INSURANCE RATE MAP NO. 48121C0395H, WITH A DATE OF IDENTIFICATION OF 06/19/2020, FOR COMMUNITY NO. 480780, IN DENTON COUNTY, STATE OF TEXAS.

LEGEND

D.R.D.C.T. = DEED RECORDS, DENTON COUNTY, TEXAS
P.R.D.C.T. = PLAT RECORDS, DENTON COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DENTON COUNTY, TEXAS
DOC. NO. = DOCUMENT NUMBER
VOL. = VOLUME
PG. = PAGE
SB = BUILDING SETBACK LINES
CM = CONTROLLING MONUMENT
R.O.W. = RIGHT-OF-WAY
MNF = MAG NAIL FOUND
1/2 IRF = 1/2 INCH IRON ROD FOUND
1/2 IRSYC = 1/2 INCH IRON ROD SET WITH YELLOW PLASTIC CAP
STAMPED "CBG SURVEYING"
1/2 IRFYC = 1/2 INCH IRON ROD FOUND WITH YELLOW PLASTIC CAP
STAMPED "CBG SURVEYING"

CITY OF LAKE DALLAS
Approved by City Council:

Mayor: _____

Planning & Zoning Chairperson: _____

Attested by City Secretary: _____

Date of Approval: _____

OWNER'S ACKNOWLEDGMENT AND DEDICATION

STATE OF TEXAS
COUNTY OF DENTON

I Uriel Herrera Camarillo, the undersigned, owner(s) of the land shown on this plat within the area described as follows:

Whereas Uriel Herrera Camarillo is the owner of a tract of land situated in the M.E.P. & P.R.R. CO. Survey, Abstract No. 924, City of Lake Dallas, Denton County, Texas, and being all of Lots 6, 7, 8, 9 and a portion of Lot 10 and all of Lots 22, 23, 24 and a portion of Lot 25, Block 8, Lake Dallas Shores, an addition to the City of Lake Dallas, Denton County, Texas, according to the Plat thereof recorded in Volume 1, Page 31, Plat Records, Denton County, Texas, and being a tract of land conveyed to Uriel Herrera Camarillo by deed recorded in Document No. 2014-29587, Official Public Records, Denton County, Texas, and being a tract of land conveyed to Paul Shultz by deed recorded in Volume 1020, Page 635, Deed Records, Denton County, Texas, and being a tract of land conveyed to Uriel Herrera Camarillo by deed recorded in Document No. 200076, Official Public Records, Denton County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a Mag nail found for corner, said corner being along the South right of way line of Shores Drive (16 foot right of way), said corner being the Northeast corner of Lot 5, Block 8 of said Lake Dallas Shores;

THENCE North 89 degrees 35 minutes 20 seconds East along the South right of way line of said Shores Drive, a distance of 119.55 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "CBG SURVEYING" for corner;

THENCE South 01 degrees 02 minutes 23 seconds West, a distance of 49.13 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "CBG SURVEYING" for corner;

THENCE South 87 degrees 51 minutes 37 seconds West, a distance of 29.52 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "CBG SURVEYING" for corner, said corner being along the South line of Lot 9 and the North line of Lot 25, Block 8 of said Lake Dallas Shores;

THENCE South 89 degrees 35 minutes 20 seconds West along the South line of Lot 9 and the North line of Lot 25, a distance of 3.35 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "CBG SURVEYING" for corner;

THENCE South 00 degrees 55 minutes 28 seconds West, a distance of 62.52 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "CBG SURVEYING" for corner, said corner being along the North line of a tract of land conveyed to William Charles Boynton by deed recorded in Document No. 95-R0001148, Deed Records, Denton County, Texas;

THENCE South 89 degrees 35 minutes 20 seconds West along the North line of said Boynton tract, a distance of 83.99 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "CBG SURVEYING" for corner, said corner being the Southeast corner of a tract of land conveyed to B.J. Spalding by deed recorded in Volume 1020, Page 639, Deed Records, Denton County, Texas, said corner being along the North line of a tract of land conveyed to Glenn E. Bailey by deed recorded in Volume 1020, Page 647, Deed Records, Denton County, Texas;

THENCE North 00 degrees 24 minutes 40 seconds West along the East line of said Spalding tract and the East line of Lots 5 and 21, Block 8 of said Lake Dallas Shores, a distance of 112.50 feet to the POINT OF BEGINNING and containing 11,227 square feet or 0.258 acres of land.

and designated herein as the **AMENDING RECORD PLAT, LOT 6R, BLOCK 8, LAKE DALLAS SHORES**, subdivision to the City of Lake Dallas, Texas, and whose name is subscribed hereto, hereby dedicate to the public in fee simple all streets, alleys, rights-of-way and parks, and dedicate to the public forever all water courses, drains, easements and public places thereon shown for the purpose and consideration therein expressed.

Owner: _____
Uriel Herrera Camarillo

Date: _____

STATE OF TEXAS
COUNTY OF DENTON

BEFORE ME, the undersigned, a Notary Public in and for said County and State on this day appears Uriel Herrera Camarillo known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2021.

Notary Public in and for Denton County, Texas.

SURVEYOR'S STATEMENT:

I Bryan Connally, a Registered Professional Land Surveyor, licensed by the State of Texas, the undersigned, a public surveyor in the State of Texas, hereby state that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

RELEASED FOR REVIEW 3/11/2021 PRELIMINARY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSES AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

Bryan Connally
Registered Professional Land Surveyor, No. 5513

Date: _____

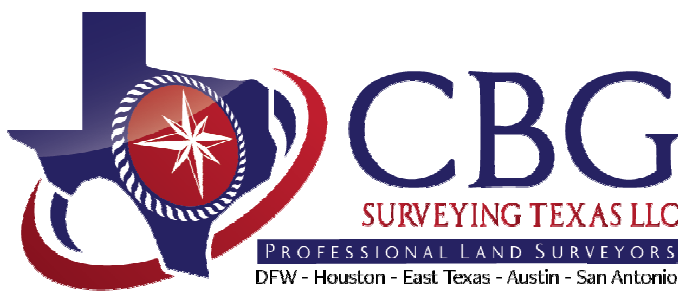
STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared Bryan Connally 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 therein expressed and under oath stated that the statements in the foregoing certificate are true.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2021.

Notary Public in and for Dallas County, Texas

FINAL PLAT
**LOT 6R, BLOCK 8
LAKE DALLAS SHORES**
11,227 SQ.FT. / 0.258 ACRES
BEING A REPLAT OF LOTS 6, 7, 8, 9 AND A PORTION
OF LOT 10 AND LOTS 22, 23, 24 AND A PORTION OF
LOT 25, BLOCK 8, AN ADDITION TO THE CITY OF LAKE
DALLAS, DENTON COUNTY, TEXAS, ACCORDING TO THE
PLAT THEREOF RECORDED IN VOLUME 1, PAGE 31, PLAT
RECORDS, DENTON COUNTY, TEXAS
M.E.P. & P.R.R. CO. SURVEY, ABSTRACT NO. 924
CITY OF LAKE DALLAS, DENTON COUNTY, TEXAS



PLANNING & SURVEYING
Main Office
12025 Shiloh Road, Ste. 230
Dallas, TX 75228
P 214.349.9485
F 214.349.2216
Firm No. 10168800
www.cbginetx.com

OWNER: URIEL HERRERA CAMARILLO
612 SHORE DRIVE
LAKE DALLAS, TEXAS 75065
PHONE: 940-999-8420



CITY COUNCIL
AGENDA MEMO

Prepared By: Angie Manglaris, Director of Development Services

April 8, 2021

Public Works Yard Zoning Change

DESCRIPTION:

Conduct a public hearing and consider a request to change the development and use regulation applicable to Lot 1, Block A, Public Works Addition (commonly known as 351 Betchan Avenue) generally located along the north portion of Betchan Street and to the east of Goliad Avenue from Residential (R-1-6000) with a Downtown Overlay to M-1 Light Industrial. (Case Z-21-001).

EXISTING CONDITIONS:

The subject property is presently zoned Single Family-Dwelling District with a Downtown Overlay (DD-R-1-6000) and is developed with an approximately 1,440 square foot building and open storage space for vehicles. The site is the location of the City of Lake Dallas Public Works Yard.

ADJACENT LAND USES AND ZONING:

North: Single-family residence zoned R-1-6000 –Single Family Dwelling District

East: Oakwood Terrace Apartments Zoned R-3 –Multi-Family Residence

South: Betchan Right-of-Way

West: Betchan Right-of-Way

BACKGROUND INFORMATION:

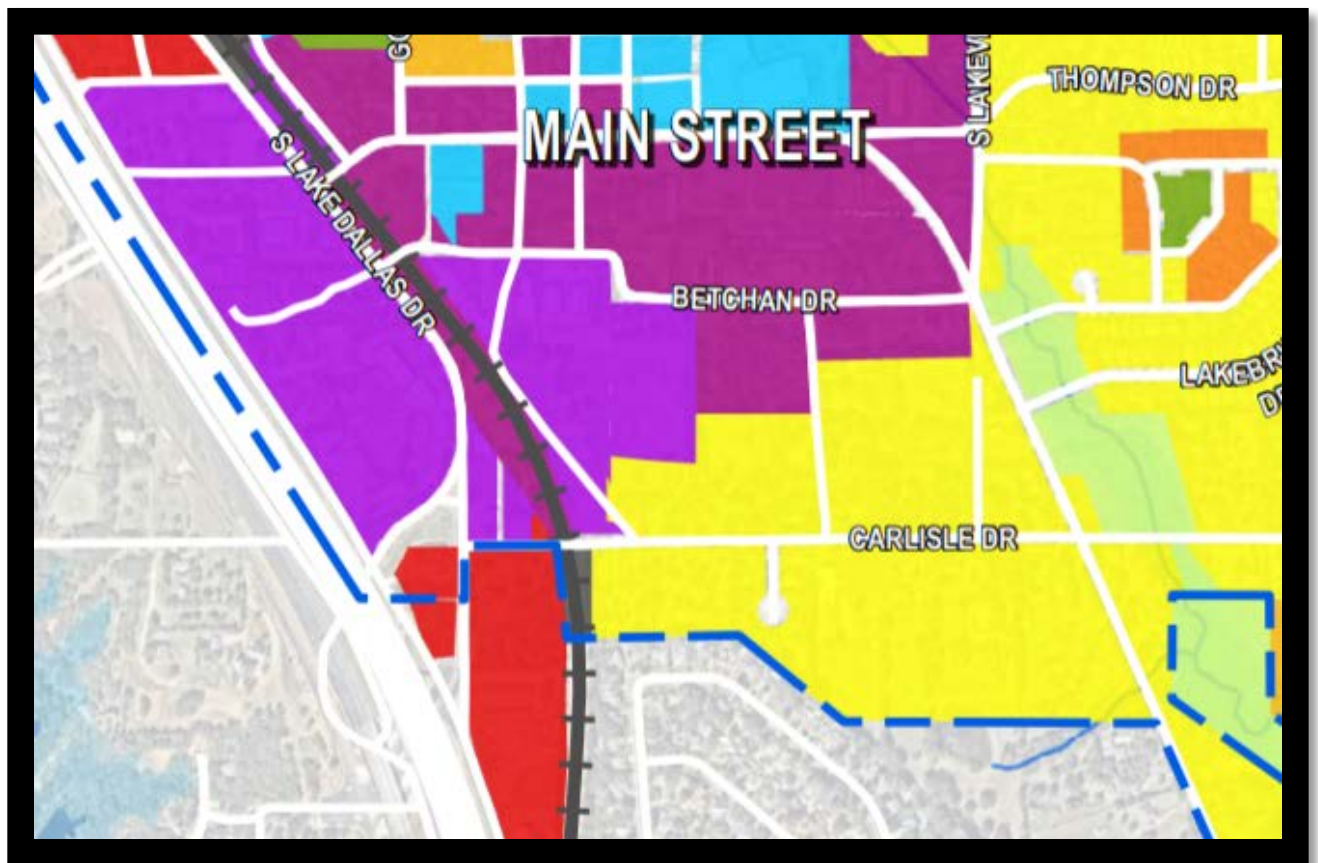
The Department of Public Works is in the process of updating their facilities and reconfiguring their site plan. Public Works will be constructing a new building that will better suit the City's needs. In the initial conversations regarding the new site plan, staff noticed the property was never rezoned and is currently situated on a residentially zoned tract of land in the Downtown Overlay District. Staff agreed that since there would be a new site plan considered for this facility, the City also needed to correct the zoning on the parcel because a contractor's shop is prohibited in residential zoning districts.

In January 2021, Mr. Layne Cline, Public Works Superintendent, submitted a development application to rezone Lot 1, Block A, Public Works Addition, a .792-acre tract of land situated at 351 Betchan Street from Single-Family Residential (R-1-6000) with a Downtown Overlay to Light Industrial (M-1). The City of Lake Dallas owns the site and will be moving forward with improvements to the Public Works Yard over the year. The new site will include an approximately 2400 sq. ft. building as well as open storage for work vehicles and construction materials. Because it allows for contractor's shops and open yard storage uses (provided it is screened from public view), the M-1 Zoning district is the most appropriate zoning district for the Public Works Yard. Following the zoning application, the Department of Public Works will be required to submit a

detailed site plan and demonstrate compliance with all regulations in the Lake Dallas Code of Ordinances.

CONFORMANCE WITH COMPREHENSIVE PLAN:

Lake Dallas Vision 2030 Comprehensive Plan designates the area “Mixed-Use Development”, which is intended to include a mixture of uses (vertically or horizontally) including residential, retail, commercial and office uses in a walkable setting. The Public Works yard does not conform to the Vision 2030 Plan; however, the site has been in existence in its present state of use and development for many years and pre-dates the Comprehensive Plan.



PLANNING ANALYSIS:

Land Use:

The intent of the zoning application is to rezone Lot 1, Block A, Public Works Addition in order to align the zoning of the property with the use of the property, Public Works Yard. When the City initially located the Public Works Yard on this site, the zoning was not changed from residential. Now that the Public Works Yard will be undergoing improvements and submitting a new site plan, it is only appropriate that the zoning follow suit.

Traffic

The project is not large enough to require a traffic impact analysis. Lake Cities Fire Department has indicated it will be able to serve the proposed development.

Drainage

The property is in an area of minimal flood hazard. Any on-site drainage will be addressed during the site plan review process and shall comply with the City of Lake Dallas Code of Ordinances and Engineering Design Standards Manual.

Regulatory Issues

The applicant will need to submit a site plan for the project before any building permits may be submitted. At the time of site plan review, staff will review the proposed development for compliance with requirements as set forth in the Lake Dallas Code of Ordinances and the Engineering Design Standards Manual. The proposed site plan would go before the Planning and Zoning Commission and City Council prior to final approval.

FINANCIAL CONSIDERATION:

None. This is a City-owned tax-exempt facility.

PUBLIC HEARING:

In accordance with State Law and the City of Lake Dallas Code of Ordinances, notices of public hearing were sent to property owners with 200' and 400' of the subject property. As of March 29, 2021, no responses have been received,

PUBLIC HEARING:

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission considered this request at their March 18, 2021 regular meeting.

The public hearing was opened at 7:22 p.m. No public input was received. The public hearing was closed at 7:22 p.m.

Brief discussion was held, and a motion was made to recommend City Council approve an ordinance amending the re-zoning of Lot 1, Block A, Public Works Addition from Residential (R-1-6000) with a Downtown Overlay to M-1 Light Industrial (Z-21-001). The motion was seconded. The motion carried by a vote of four (4) in favor to none (0) opposed.

RECOMMENDED MOTION:

After conducting the public hearing, City staff recommends the following motion:

I move to **APPROVE/DENY** an ordinance amending the re-zoning of Lot 1, Block A, Public Works Addition from Residential (R-1-6000) with a Downtown Overlay to M-1 Light Industrial (Z-21-001).

ATTACHMENTS:

- Draft Ordinance
- Applicant Conceptual Plan

CITY OF LAKE DALLAS, TEXAS

ORDINANCE NO. 2021 –

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS, AMENDING THE LAKE DALLAS ZONING ORDINANCE AND ZONING MAP BY CHANGING THE ZONING REGULATIONS APPLICABLE TO THE USE AND DEVELOPMENT OF LOT 1, BLOCK A, PUBLIC WORKS YARD ADDITION FROM RESIDENTIAL (R-1-6000) WITH A DOWNTOWN OVERLAY TO M-1 LIGHT INDUSTRIAL; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Lake Dallas and the governing body of the City of Lake Dallas, in compliance with the laws of the State of Texas and the ordinances of the City of Lake Dallas, have given requisite notice by publication and otherwise, and after holding due public hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion have concluded that the Comprehensive Zoning Ordinance and Map should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS, THAT:

SECTION 1. The Comprehensive Zoning Ordinance and Map of the City of Lake Dallas, Texas, heretofore duly passed by the governing body of the City of Lake Dallas, as heretofore amended, be, and the same are hereby amended by changing the zoning regulations governing the use and development of Lot 1, Block A, Public Works Yard Addition, an addition to the City of Lake Dallas, Texas, according to the plat thereof recorded as Document No. 2019-227, Plat Records, Denton County, Texas (“the Property”) from those applicable Residential (R-1-6000) with a Downtown Overlay to those applicable to the M-1 Light Industrial Zoning District.

SECTION 2. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Lake Dallas and the provisions of this ordinance as applicable to the use and development of the Property, the provisions of this Ordinance shall be controlling.

SECTION 3. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 4. An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Comprehensive Zoning Ordinance, as amended in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 5. Any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Lake Dallas, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand (\$2,000.00) Dollars for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6. This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS ON THIS THE ____ DAY OF _____ 2021.

APPROVED:

Michael Barnhart, Mayor

ATTEST:

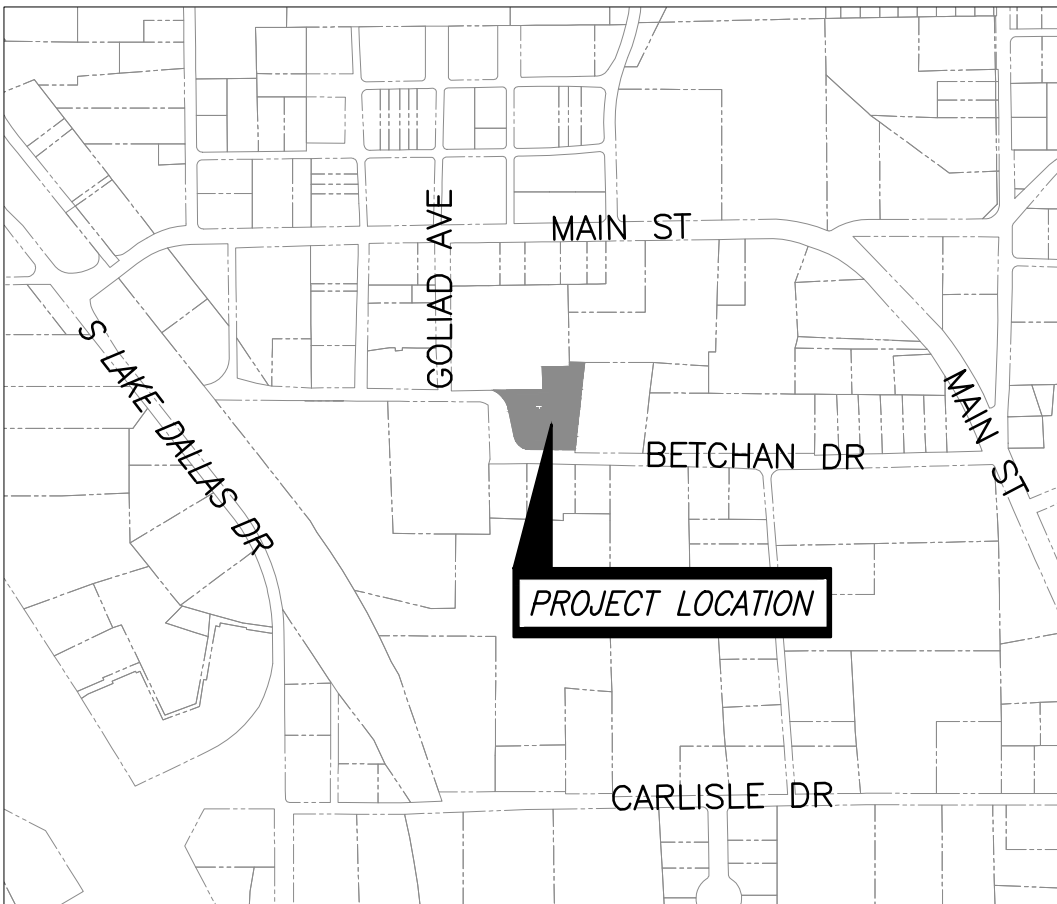
Codi Delcambre, City Secretary

APPROVED AS TO FORM:

Kevin B. Laughlin., City Attorney
(kbl:2/11/21:120637)

- NOTES:
- SURVEY UTILIZED WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST THAT ARE NOT SHOWN ON THIS PLAN.
 - SITE IS WITHIN FEMA ZONE X, AND NO FLOOD PLAINS OR FLOODWAYS ARE WITHIN THE STUDY AREA SHOWN.
 - ALL BEARING AND COORDINATES ARE IN US SURVEY FEET GRID AND REFERENCED TO THE TEXAS COORDINATE SYSTEM, NAD-83, THE NORTH CENTRAL ZONE, AS DERIVED FROM GPS VECTORS OBTAINED FROM WESTERN DATA SYSTEMS RTK NETWORK.
 - FENCE SHALL BE A SOLID WOOD BOARD FENCE MEETING THE FOLLOWING REQUIREMENTS OR THEIR EQUIVALENT:
 - PICKETS TO BE #1 FULL CUT GRADE CEDAR
 - 2"x4" RAILS
 - STEEL POST OF 0.095 GAUGE AND OF 2 3/8" DIAMETER.
 - LANDSCAPE PLAN TO BE SUBMITTED AND APPROVED BEFORE CONSTRUCTION PERMITS.

CAUTION!!!
EXISTING UTILITIES IN THE AREA. UTILITIES LOCATION SHOWN ARE SCHEMATIC IN NATURE AND MAY NOT ACCURATELY REFLECT SIZE, HORIZONTAL, AND/OR VERTICAL LOCATION. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION PRIOR TO BEGINNING CONSTRUCTION. CONTACT AFFECTED UTILITIES AT LEAST 48 HOURS PRIOR TO CONSTRUCTION IN THIS AREA. (1-800-DIG-TESS)



LOT 1, BLOCK A
Z FLOORING ADDITION
DOC. 2011-3
P.R.D.C.T.
ZONING: C-1

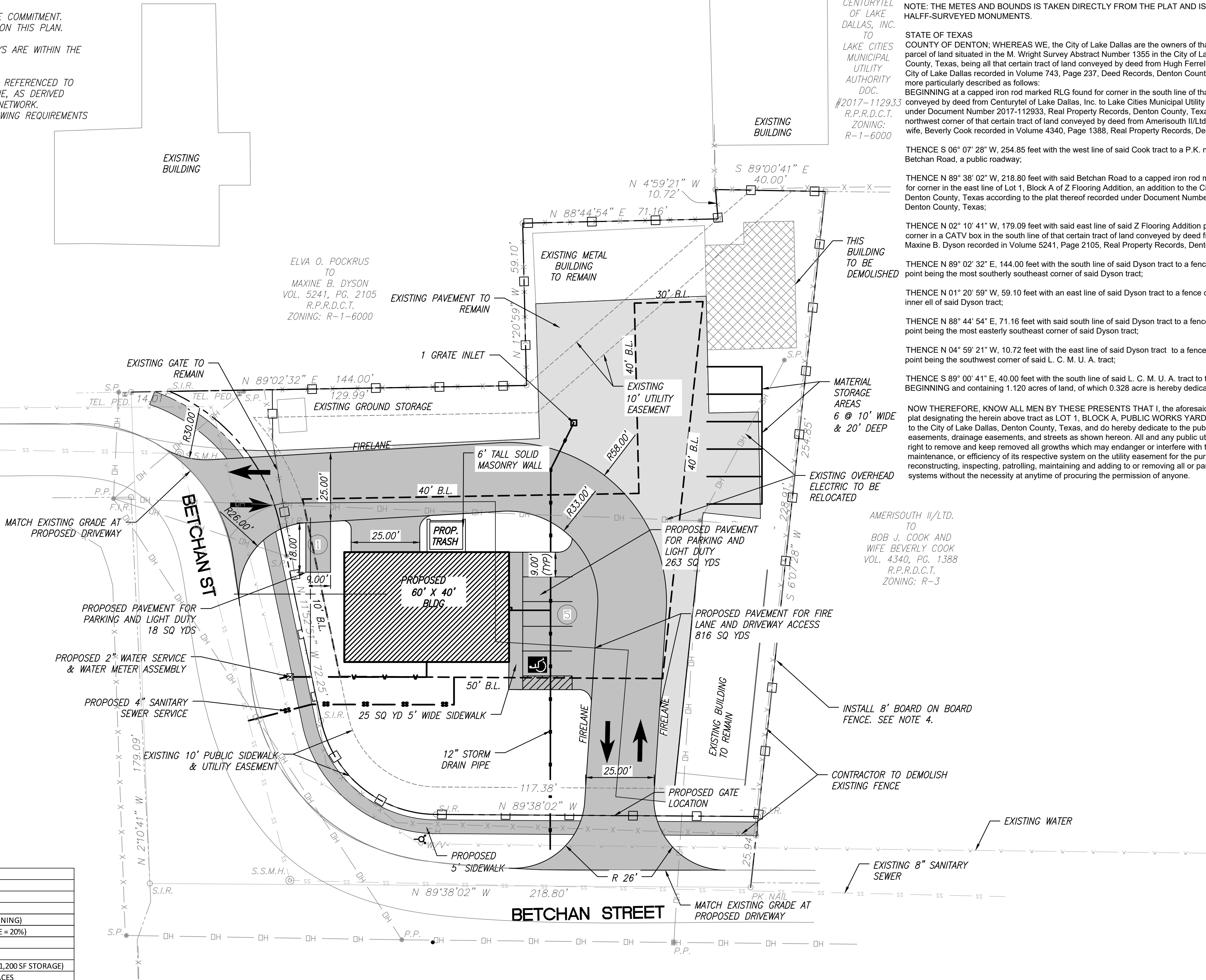
SITE SUMMARY TABLE	
ZONING	R-1-6000 (BEING CONSIDERED FOR M-1)
PROPOSED USE	CONTRACTORS SHOP/YARD
BUILDING AREA	4,200 SF EXISTING TO REMAIN, 2,400 SF PROPOSED
BUILDING HEIGHT	TO BE DETERMINED (NO MORE THAN 50 FEET PER ZONING)
LOT COVERAGE	5,880 SF EXISTING, 6,905 PROPOSED (LOT COVERAGE = 20%) MAX LOT COVERAGE: 70% x 35,000 SF = 24,500 SF
TOTAL PARKING REQUIRED	1 SPACE PER 200 SF OFFICE SPACE TOTAL BUILDING SPACE: 2,400 SF (1,200 SF OFFICE, 1,200 SF STORAGE) REQUIRED PARKING BASED ON OFFICE SPACE=6 SPACES

* LEGEND *

PROPERTY LINE	---	POWER POLE	●
BUILDING SETBACK LINE	---	SANITARY SEWER CLEAN-OUT	●
EASEMENT	---	PROPERTY MONUMENT	●
CURB AND GUTTER	---	WATER METER	●
PROPOSED PAVING	---	SEWER MANHOLE	●
OVERHEAD ELECTRIC	---	PARKING COUNTS	●
SANITARY SEWER	---	TRAFFIC FLOW ARROW	→
WATER	---	PROPOSED PAVING IMPROVEMENTS	---
STORM SEWER	---	EXISTING PAVEMENT TO REMAIN	---
FENCE	---		
PROPOSED BUILDING	---		
EXISTING BUILDING TO BE REMOVED	---		

OWNER
CITY OF LAKE DALLAS
212 MAIN STREET
LAKE DALLAS, TX 75065
(940) 497-2226

ENGINEER
HALFF ASSOCIATES INC.
4000 FOSSIL CREEK BLVD
FORT WORTH, TX 76137
(817) 847-1422



NOTE: THE METES AND BOUNDS IS TAKEN DIRECTLY FROM THE PLAT AND IS NOT BASED ON HALF-SURVEYED MONUMENTS.

STATE OF TEXAS
COUNTY OF DENTON; WHEREAS WE, the City of Lake Dallas are the owners of that certain lot, tract, or parcel of land situated in the M. Wright Survey Abstract Number 1355 in the City of Lake Dallas, Denton County, Texas, being all that certain tract of land conveyed by deed from Hugh Ferrell, Administrator to the City of Lake Dallas recorded in Volume 743, Page 237, Deed Records, Denton County, Texas and being more particularly described as follows:
BEGINNING at a capped iron rod marked RLG found for corner in the south line of that certain tract of land conveyed by deed from Centurtyel of Lake Dallas, Inc. to Lake Cities Municipal Utility Authority recorded under Document Number 2017-112933, Real Property Records, Denton County, Texas, said point being the northwest corner of that certain tract of land conveyed by deed from Amerisouth II/Ltd. to Bob J. Cook and wife, Beverly Cook recorded in Volume 4340, Page 1388, Real Property Records, Denton County, Texas;

THENCE S 06° 07' 28" W, 254.85 feet with the west line of said Cook tract to a P.K. nail set for corner in Betchan Road, a public roadway;

THENCE N 89° 38' 02" W, 218.80 feet with said Betchan Road to a capped iron rod marked RPLS 4561 set for corner in the east line of Lot 1, Block A of Z Flooring Addition, an addition to the City of Lake Dallas, Denton County, Texas according to the plat thereof recorded under Document Number 2011-3, Plat Records, Denton County, Texas;

THENCE N 02° 10' 41" W, 179.09 feet with said east line of said Z Flooring Addition part way to a point for corner in a CATV box in the south line of that certain tract of land conveyed by deed from Elva O. Pockrus to Maxine B. Dyson recorded in Volume 5241, Page 2105, Real Property Records, Denton County, Texas;

THENCE N 89° 02' 32" E, 144.00 feet with the south line of said Dyson tract to a fence corner for corner, said point being the most southerly southeast corner of said Dyson tract;

THENCE N 01° 20' 59" W, 59.10 feet with an east line of said Dyson tract to a fence corner for corner at an inner ell of said Dyson tract;

THENCE N 88° 44' 54" E, 71.16 feet with said south line of said Dyson tract to a fence corner for corner, said point being the most easterly southeast corner of said Dyson tract;

THENCE N 04° 59' 21" W, 10.72 feet with the east line of said Dyson tract to a fence corner for corner, said point being the southwest corner of said L. C. M. U. A. tract;

THENCE S 89° 00' 41" E, 40.00 feet with the south line of said L. C. M. U. A. tract to the PLACE OF BEGINNING and containing 1.120 acres of land, of which 0.328 acre is hereby dedicated for public roadway.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS THAT I, the aforesaid do hereby adopt this plat designating the herein above tract as LOT 1, BLOCK A, PUBLIC WORKS YARD ADDITION, an addition to the City of Lake Dallas, Denton County, Texas, and do hereby dedicate to the public use forever all utility easements, drainage easements, and streets as shown hereon. All and any public utilities shall have the full right to remove and keep removed all growths which may endanger or interfere with the construction, maintenance, or efficiency of its respective system on the utility easement for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at anytime of procuring the permission of anyone.

PUBLIC WORKS YARD
LAKE DALLAS TEXAS



PRELIMINARY	
FOR INTERIM REVIEW ONLY	
THESE DOCUMENTS ARE FOR INTERIM REVIEW AND NOT INTENDED FOR REGULATORY APPROVAL, PERMIT, BIDDING OR CONSTRUCTION PURPOSES. THEY WERE PREPARED BY OR UNDER THE SUPERVISION OF:	
LEIGH A. HOLLIS	103573
NAME	P.E. NO.
DATE	12/18/20
TBPE FIRM #	#-312

The seal appearing on this document was authorized by Leigh A. Hollis, P.E. 103573 on 12/18/20. Alteration of a sealed document without proper notification to the responsible engineer is an offense under the Texas Engineering Practice Act. The record copy of this drawing is on file at the offices of Halff Associates, Inc., 4000 Fossil Creek Blvd., Fort Worth, TX 76137. TBPELS FIRM #F-312.

Project No.:	37635.008
Issued:	12/18/20
Drawn By:	AZH
Checked By:	LAH
Scale:	AS NOTED

Sheet Title
**UTILITY AND
SITE EXHIBIT**

1 OF 1
Sheet Number



CITY COUNCIL
AGENDA MEMO

Prepared By: Angie Manglaris, Director of Development Services

April 8, 2021

Downtown Overlay Boundary Adjustment

DESCRIPTION:

Conduct a public hearing and consider an ordinance amending the boundaries of the Downtown Overlay District by removing Lot 1, Block A, Public Works Addition, commonly known as 351 Betchan Avenue; and Lot 1, Block A, Advantage Mechanical Addition, commonly known as 411 Goliad Avenue, from within said boundaries.

EXISTING CONDITIONS:

Lot 1, Block A, Public Works Addition at 351 Betchan Avenue is the City of Lake Dallas Public Works Yard. The property is zoned Single Family-Dwelling District with a Downtown Overlay (DD-R-1-6000) and is developed with an approximately 1,440 square foot building and open storage space for vehicles.

Lot 1, Block A, Advantage Mechanical Addition at 411 Goliad is zoned Retail C-1 with a Downtown Overlay. The property owner and applicant, Mr. Joe Flowers, recently demolished an existing single-family home on the property. The home was used by the previous owners as office space. There remains a storage building on the property and several mature trees.

ADJACENT LAND USES AND ZONING:

Both properties are on the fringe of the Downtown Overlay Zoning District. To the south of these properties is Betchan Street right-of-way.

BACKGROUND INFORMATION:

The intent of the boundary change is to remove the two properties on the fringe on the Downtown Overlay from the district.

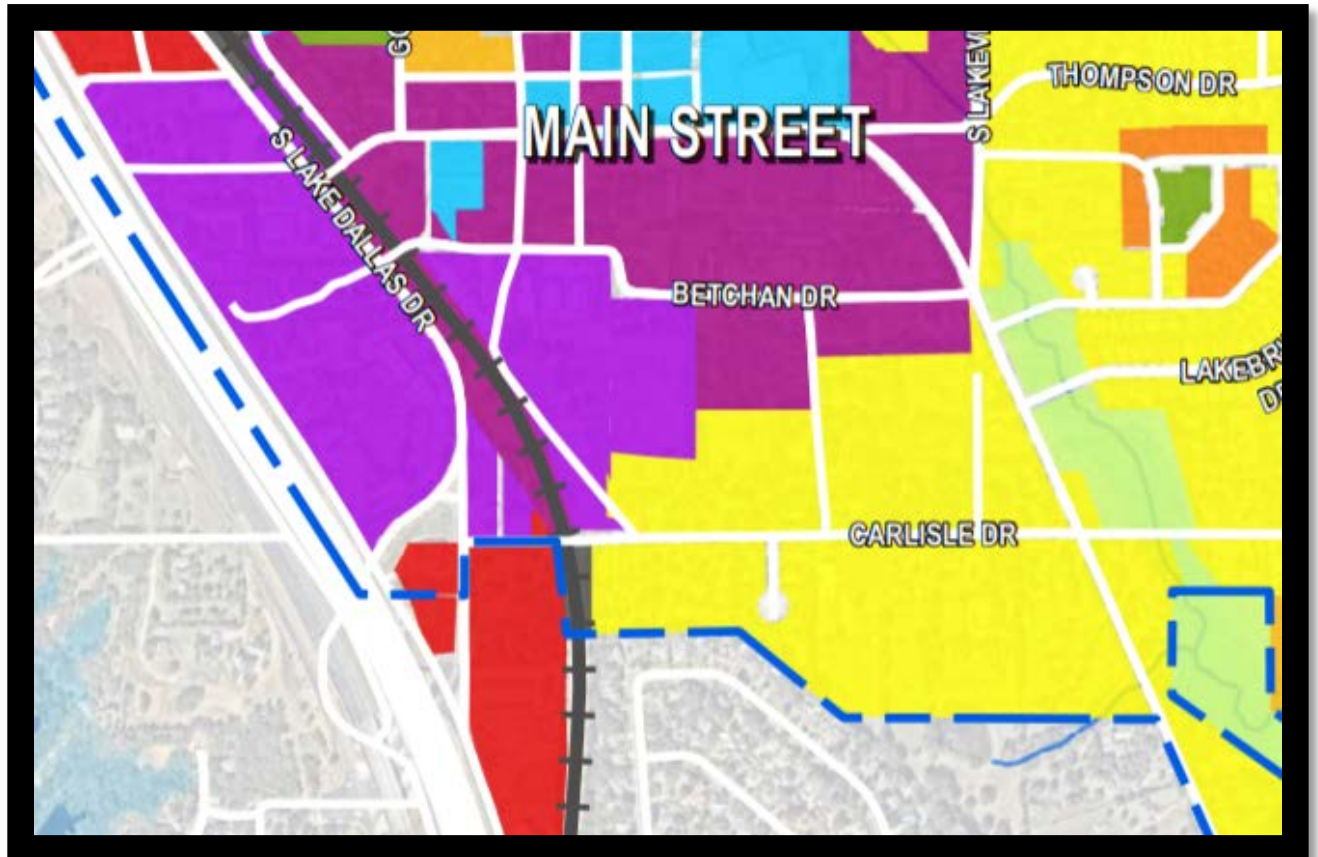
411 Goliad has existed as an HVAC contractor's office in the past and has recently been purchased by Mr. Joe Flowers to be used as 3H Concrete's professional office as well as site for materials (note: per Code of Ordinances, all materials and equipment shall be screened from public view). The long-term plan for this site is to lease out up to three additional office spaces, which will bring more businesses to Lake Dallas.

The two properties being considered to be removed from the Downtown Overlay are the fringe of the district and have a property between them outside of the district. Staff recommends removing these properties from the Overlay. As the City progresses on its zoning updates, the

Downtown Overlay will be receiving heavy attention and may possibly be replaced with a Form Based Code.

CONFORMANCE WITH COMPREHENSIVE PLAN:

Lake Dallas Vision 2030 Comprehensive Plan designates the area “Mixed-Use Development”, which is intended to include a mixture of uses (vertically or horizontally) including residential, retail, commercial and office uses in a walkable setting. Neither of these sites necessarily conform to the Vision 2030 Plan; however, the intent of the update is to allow these sites to continue to exist as they are/have historically been used in the past.



PLANNING ANALYSIS:

Land Use

The intent of the boundary adjustment is to remove these two properties from the Downtown Overlay. Any site improvements will be required to go through the site plan and any permitting processes required by their base zoning districts.

Traffic

This makes no change to existing permitted uses such that traffic is impacted.

Drainage

The proposed change does not result in a change in use of the property.

Regulatory Issues

This map change only removes the special development requirements of the Downtown District with respect to development of the two properties.

FINANCIAL CONSIDERATION:

None.

PUBLIC HEARING:

In accordance with State Law and the City of Lake Dallas Code of Ordinances, notices of public hearing were sent to property owners with 200' and 400' of the subject property. As of March 29, 2021, the following responses have been received:

- One (1) response in favor.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission considered this request at their March 18, 2021 regular meeting.

The public hearing was opened at 7:30 p.m. No public input was received. The public hearing was closed at 7:30 p.m.

Brief discussion was held, and a motion was made to recommend City Council approve an ordinance amending the boundaries of the Downtown Overlay District by removing Lot 1, Block A, Public Works Addition; and Lot 1, Block A, Advantage Mechanical Addition, from within said boundaries. The motion was seconded. The motion carried by a vote of four (4) in favor to none (0) opposed.

RECOMMENDED MOTION:

After conducting the public hearing, City staff recommends the following motion:

I move to recommend City Council **APPROVE/DENY** an ordinance amending the boundaries of the Downtown Overlay District by removing Lot 1, Block A, Public Works Addition and Lot 1, Block A, Advantage Mechanical Addition from within the boundaries of the district.

ATTACHMENTS:

- Draft Ordinance
- Lake Dallas Zoning Map
- Public Hearing Responses

CITY OF LAKE DALLAS, TEXAS

ORDINANCE NO. 2021 –

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS, AMENDING THE LAKE DALLAS ZONING ORDINANCE AND ZONING MAP BY AMENDING THE BOUNDARIES OF THE DOWNTOWN DISTRICT BY REMOVING FROM WITH SAID BOUNDARIES LOT 1, BLOCK A, PUBLIC WORKS YARD ADDITION AND LOT 1, BLOCK A, ADVANTAGE MECHANICAL ADDITION; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Lake Dallas and the governing body of the City of Lake Dallas, in compliance with the laws of the State of Texas and the ordinances of the City of Lake Dallas, have given requisite notice by publication and otherwise, and after holding due public hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion have concluded that the Comprehensive Zoning Ordinance and Map should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS, THAT:

SECTION 1. The Comprehensive Zoning Ordinance and Map of the City of Lake Dallas, Texas, heretofore duly passed by the governing body of the City of Lake Dallas, as heretofore amended, be, and the same are hereby amended by amending the boundaries of the Downtown District as described and depicted in Ordinance No. 09-01 by removing from within the boundaries of said district the following two properties such that the development and use regulations of the Downtown District shall not apply to such properties on and after the effective date of this ordinance:

- A. Lot 1, Block A, Public Works Yard Addition, an addition to the City of Lake Dallas, Texas, according to the plat thereof recorded as Document No. 2019-227, Plat Records, Denton County, Texas; and
- B. Lot 1, Block A, Advantage Mechanical Addition, an addition to the City of Lake Dallas, Texas, according to the plat thereof recorded as Document No. 2016-2233, Plat Records, Denton County, Texas.

SECTION 2. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Lake Dallas and the provisions of this ordinance as

applicable to the use and development of the Property, the provisions of this Ordinance shall be controlling.

SECTION 3. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 4. An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Comprehensive Zoning Ordinance, as amended in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 5. Any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Lake Dallas, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand (\$2,000.00) Dollars for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6. This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS ON THIS THE ____ DAY OF _____ 2021.

APPROVED:

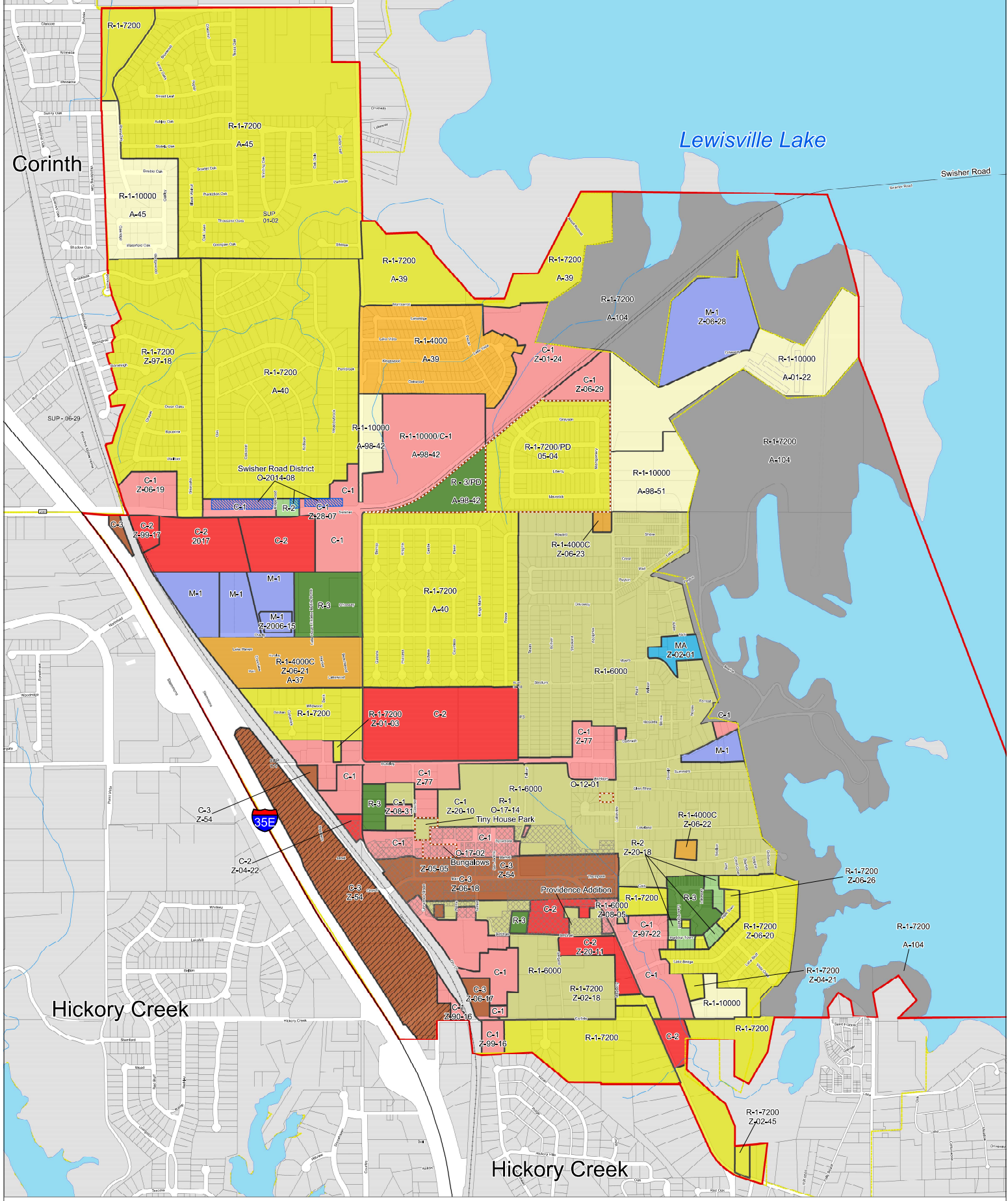
Michael Barnhart, Mayor

ATTEST:

Codi Delcambre, City Secretary

APPROVED AS TO FORM:

Kevin B. Laughlin., City Attorney
(kbl:2/12/21:120663)



- | | | |
|--|---|---|
| <ul style="list-style-type: none">R-1-10000 Single FamilyR-1-7200 Single FamilyR-1-6000 Single FamilyR-1-4000 Residential Manufactured HomeR-1-4000C Commercial Manufactured HomeR-2 Two FamilyR-3 Multi FamilyC-1 Retail | <ul style="list-style-type: none">C-2 CommercialC-3 CommercialM-1 Light IndustrialMA MarinaOpenParcelsDowntown Overlay DistrictSwisher Road District | <ul style="list-style-type: none">I35 Business CorridorZoning BoundaryLake Dallas City LimitsPlanned Development |
|--|---|---|

A - ANNEXATION ORDINANCE
Z - ZONING ORDINANCE
Zoning districts without a designated A or Z ordinance number were derived from the City of Lake Dallas Zoning Map dated April 29, 1997.
December 6, 2004
Draft - Revised January 6, 2007
Draft - Revised November 2, 2016
Draft - Revised March 21, 2019
Final - Revised May 22, 2019

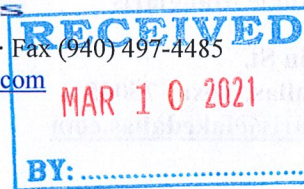
1 inch = 300 feet
0 300 600 900 Feet

Lake Dallas
HALFF



212 Main Street · Lake Dallas, Texas 75065 · (940) 497-2226 · Fax (940) 497-4485

www.lakedallas.com · lakedallas@lakedallas.com



March 8, 2021

Dear Sir or Madam:

This letter is to inform you that a property owner in your area has requested approval to rezone their property from R-1-6000 Residential with a Downtown Overlay to M-1 Light Industrial. You are being notified by State law because you own one or more properties that are within 200 feet of the property for which this application has been requested.

Notice is hereby given that the City of Lake Dallas Planning and Zoning Commission will conduct a public hearing on March 18, 2021 at 7:00 p.m. and the Lake Dallas City Council will conduct a public hearing on April 8, 2021 at 7:00 p.m. to receive public comment and act on the following items:

1. A Zoning Change request for .792 acres of land being located at Block A, Lot 1, Public Works Addition, and being located in the City of Lake Dallas, Denton County, Texas; generally located on the north portion of Betchan Street and to the east of Goliad Avenue from R-1-6000 Residential with a Downtown Overlay to M-1 Light Industrial. It is commonly known as 351 Betchan Avenue.
2. A Zoning Change request to consider adjustments to the Downtown Overlay District, removing the .792 acres of land located at Block A, Lot 1, Public Works Addition, more commonly known as 351 Betchan Avenue.

By state law, if the owners of twenty percent (20%) of the area of the property within two hundred feet (200') of the subject property are opposed to the rezoning request permit application, then an affirmative vote of three-fourths of the City Council is required to approve the rezoning request permit application. For your opposition to count, it must be written and must be signed. Emails do not count as official written opposition. Signatures must be in accordance with the official tax roll for the City of Lake Dallas. For example, because Texas is a community property state, the tax roll typically lists both spouses as the owners of a residence. Therefore, individual original signatures from both spouses must be on the written opposition for the opposition to be valid. ***Please note that written opposition toward initiating the super-majority (three-fourths) vote shall only be applicable to property owners receiving notice within the two hundred-foot (200') distance in accordance with State law.*** The attached location map will indicate the subject property and two hundred-foot (200') notification buffer.

Pursuant to Governor Greg Abbott's temporary suspension of various provisions of the Texas Open Meetings Act this meeting will be conducted via videoconference. Information and instructions on how to participate in the public hearing will be included with the agendas for the respective Planning and Zoning and City Council Meetings which will be posted on the City's website not later than 5:00 p.m. on Monday, March 15, 2021 and Monday, April 5, 2021 at: <https://www.lakedallas.com/AgendaCenter>

You may return this form with your written comments or attend the public hearing virtually. Instructions on how to attend the public hearing can be found below. You may scan and email this form to the email address below, drop it off in person at 212 Main St., or mail it to City Hall:

Lake Dallas City Hall

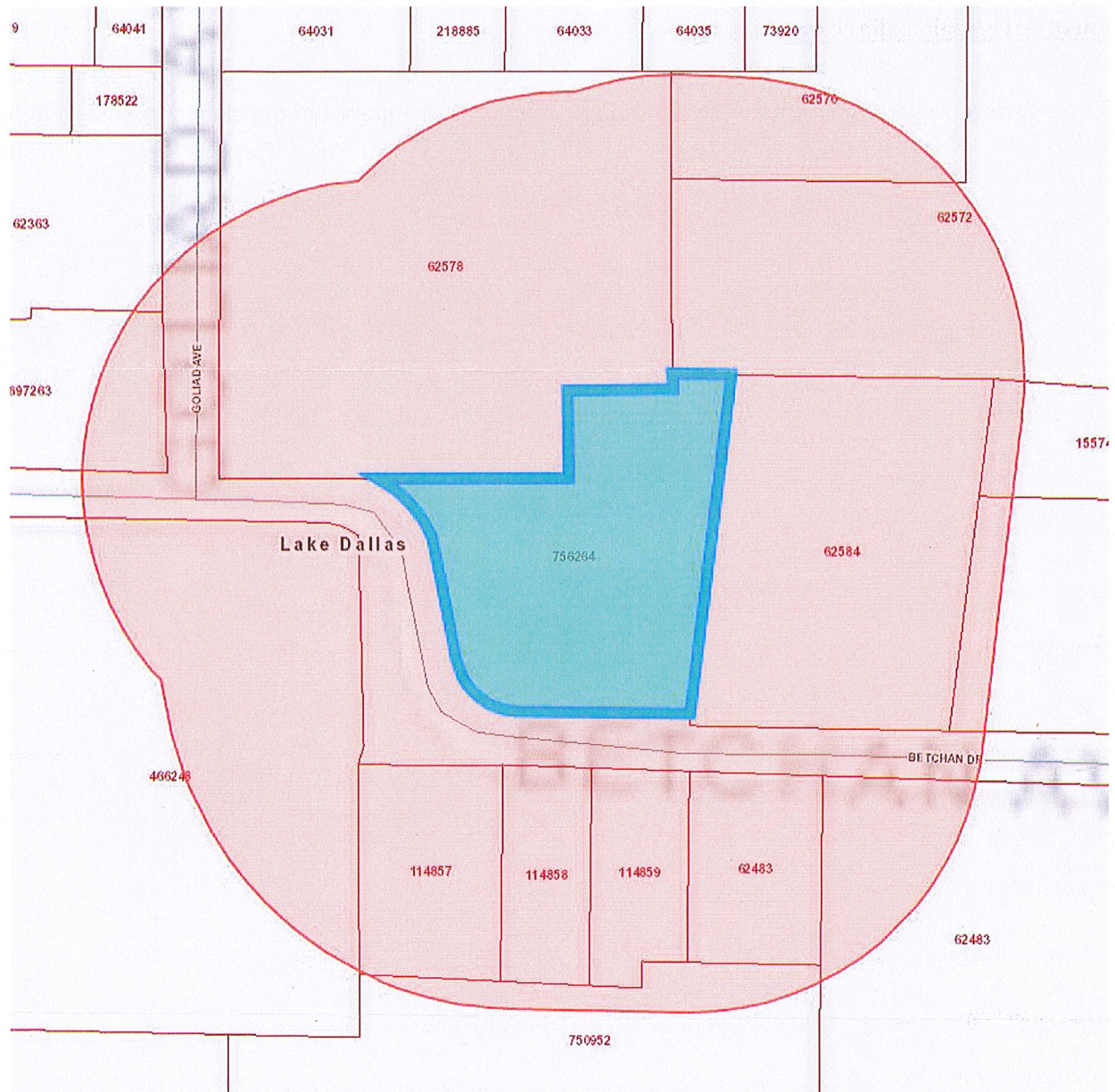
amanglaris@lakedallas.com

Opposed to request

Comments:

Angie Manglaris
Director of Development Services

Vicinity Map





CITY COUNCIL
AGENDA MEMO

Prepared By: Angie Manglaris, Director of Development Services

April 8, 2021

Public Works Yard Site Plan

DESCRIPTION:

Consider a resolution approving a Site Plan for Lot 1, Block A, Public Works Yard Addition (commonly known as 351 Betchan Drive) generally located on the north side Betchan Street approximately 150 feet east of Goliad Avenue (SP-21-001 - City of Lake Dallas Public Works Yard).

EXISTING CONDITIONS:

As of the writing of this memo, the subject property is zoned Single Family-Dwelling District with a Downtown Overlay (DD-R-1-6000) and is developed with an approximately 1,440 square foot building and open storage space for vehicles. The site is the location of the City of Lake Dallas Public Works Yard.

ADJACENT LAND USES AND ZONING:

North: Single-family residence zoned R-1-6000 –Single Family Dwelling District

East: Oakwood Terrace Apartments Zoned R-3 –Multi-Family Residence

South: Betchan Right-of-Way

West: Betchan Right-of-Way

BACKGROUND INFORMATION:

The Department of Public Works is in the process of updating its facilities and reconfiguring the site plan for the property. Public Works will be constructing a new building that will better suit the City's needs. As part of the overall redevelopment of the property, City staff has recommended the zoning of the property be amended to an M-1 Light Industrial District (which will be considered at this same meeting) to avoid any questions about the legality of operating a contractor's shop in a residential zoning district.

In February 2021, Lee Williams, Mr. Layne Cline, Public Works Superintendent, submitted a development application for a Site Plan for the Public Works Yard located at 351 Betchan Street. The site plan was developed by City-contracted engineering firm, HALFF Associates, INC. ('applicant') in accordance with the provisions of the Lake Dallas Municipal Code.

PLANNING ANALYSIS

Consistency with M-1 Zoning:

Staff has reviewed the subject site plan application and has determined the applicant has demonstrated compliance with all minimum requirements of the M-1 Zoning District regarding fire lanes, parking, building setbacks and screening requirements.

Setbacks and Lot Coverage

The site is required to have the following minimum setbacks:

- Front yard: 50'
- Side yards: 40' when adjacent to residential uses; 10' adjacent to all other uses
- Rear yards: 40' when adjacent to residential uses; 10' adjacent to all other uses

The proposed site plan meets all required minimum setbacks of the M-1 Zoning District. To the east and north of the property, the site is adjacent to residentially zoned properties and the main structure is setback 40' from these uses.

The M-1 Zoning District allows for up to 70% impervious surface coverage. The proposed site plan includes 12,785 square feet of impervious surface, which is 20% of the site.

Parking

The applicant is required to provide one (1) parking space for every 200 square feet of office space. The 2400 square foot building consists of 1200 square feet of office space with the remaining 1200 square feet designated for storage. The applicant has provided the minimum six (6) required parking spaces.

Screening

Per Section 122-1132 of the Lake Dallas Municipal Code, when a multifamily or nonresidential use is adjacent to a single-family or two-family residential district, screening not less than six feet (6') shall be provided and comply the requirements of Section 12-1133.

The applicant will be erecting an eight-foot (8') board on board fence around the perimeter of the property that will comply with the City's screening requirements.

Landscaping

Per Section 122-1228 of the Municipal Code, the applicant is required to provide a minimum of ten percent of gross parking devoted to living landscape with one (1) tree planted for each 400 square feet of interior landscaping. The interior landscaping shall also include planting islands in

the parking areas to relieve expansive areas of paving. The applicant has submitted a site plan that complies with the provisions of Section 122-1228. Five (5) trees will be planted in the interior of the site and one (1) landscaped planting island will be established within the parking area.

Per Section 122-1229 of the Municipal Code, the applicant is required to provide ground cover to cover all open ground located within 20 feet of the building as well as comply with all minimum landscaping coverage and tree planting requirements as specified in the Code. The applicant has submitted a landscape plan that complies with the provisions of Section 122-1229, which includes a total of 58,755 sq. ft. of landscaped area on the site.

In addition, one (1) perimeter tree will be planted per every fifty (50) linear feet of street frontage. The site has 300 feet of frontage along Betchan Street. The applicant is required to provide six (6) perimeter trees and has submitted a plan that meets the requirements. The applicant is proposing to locate the street trees behind the fence line because of the bar ditches, water line, and proposed sidewalks located in the right-of-way. Section 122-1228(2)c. does not specify where perimeter trees shall be located: *Perimeter landscape areas shall contain at least one tree for each 50 lineal feet or fraction thereof of perimeter area.* For the long-term viability of the trees, staff agrees with the applicant's proposal for the location of the perimeter trees.

Traffic

The project is not large enough to require a traffic impact analysis. Lake Cities Fire Department has indicated it will be able to serve the proposed development.

Drainage

The property is in an area of minimal flood hazard. Any on-site drainage will be addressed during the civil construction plan review process and shall comply with the City of Lake Dallas Municipal Code and Engineering Design Standards Manual.

FINANCIAL CONSIDERATION:

None. This is a City-owned tax-exempt facility.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission considered this site plan request at its March 18, 2021, regular meeting. Discussion was held around the future sidewalks, landscaping, and screening requirements. Following discussion, a motion was made to recommend City Council approve the site plan request contingent upon the applicant providing a detailed landscape plan to City staff for review. The motion was seconded and carried by a vote of four (4) in favor to none (0) opposed.

Project update: The applicant has provided a detailed landscaped plan that meets the requirements of the Lake Dallas Municipal Code.

RECOMMENDED MOTION:

City staff recommends the following motion:

I move to **APPROVE** a resolution approving a Site Plan for the City of Lake Dallas Public Works Yard as presented.

ATTACHMENTS:

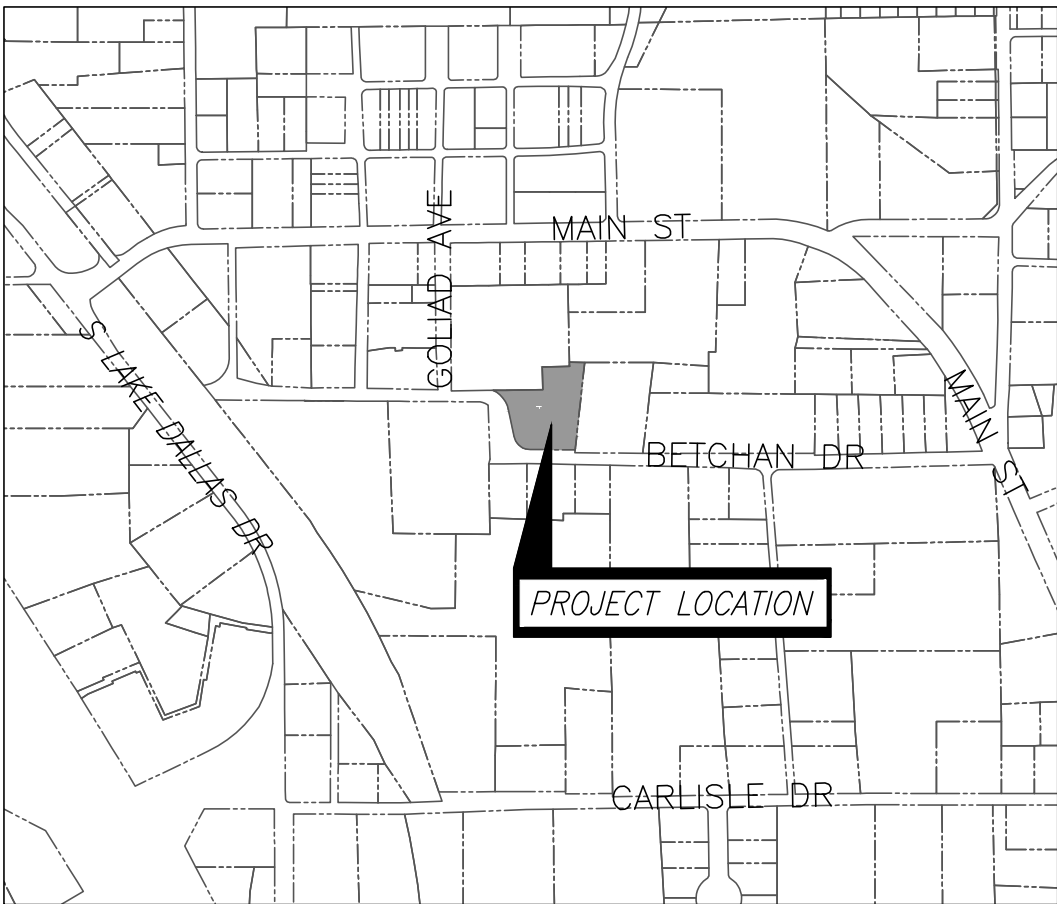
- Public Works Yard Site Plan
- Public Works Yard Landscape Plan
- Resolution

March 5, 2021
I:\37000S\37635\008-PUBLIC\WORKSYARD\CADD\SHEETS\CE-SITE 2 35310.DWG

NOTES:

1. SURVEY UTILIZED WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST THAT ARE NOT SHOWN ON THIS PLAN.
2. SITE IS WITHIN FEMA ZONE X, AND NO FLOOD PLAINS OR FLOODWAYS ARE WITHIN THE STUDY AREA SHOWN.
3. ALL BEARING AND COORDINATES ARE IN US SURVEY FEET GRID AND REFERENCED TO THE TEXAS COORDINATE SYSTEM, NAD-83, THE NORTH CENTRAL ZONE, AS DERIVED FROM GPS VECTORS OBTAINED FROM WESTERN DATA SYSTEMS RTK NETWORK.
4. FENCE SHALL BE A SOLID WOOD BOARD FENCE MEETING THE FOLLOWING REQUIREMENTS OR THEIR EQUIVALENT:
- A. PICKETS TO BE #1 FULL CUT GRADE CEDAR
- B. 2"x4" RAILS
- C. STEEL POST OF 0.095 GAUGE AND OF 2 3/8" DIAMETER.
5. LANDSCAPE PLAN TO BE SUBMITTED AND APPROVED BEFORE CONSTRUCTION PERMITS.

CAUTION!!!
EXISTING UTILITIES IN THE AREA. UTILITIES LOCATION SHOWN ARE SCHEMATIC IN NATURE AND MAY NOT ACCURATELY REFLECT SIZE, HORIZONTAL, AND/OR VERTICAL LOCATION. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION PRIOR TO BEGINNING CONSTRUCTION. CONTACT AFFECTED UTILITIES AT LEAST 48 HOURS PRIOR TO CONSTRUCTION IN THIS AREA. (1-800-DIG-TESS)



LOT 1, BLOCK A
Z FLOORING ADDITION
DOC. 2011-3
P.R.D.C.T.
ZONING: C-1

SITE SUMMARY TABLE	
ZONING	R-1-6000 (BEING CONSIDERED FOR M-1)
PROPOSED USE	CONTRACTORS SHOP/YARD
BUILDING AREA	4,200 SF EXISTING TO REMAIN, 2,400 SF PROPOSED
BUILDING HEIGHT	TO BE DETERMINED (NO MORE THAN 50 FEET PER ZONING)
LOT COVERAGE	5,880 SF EXISTING, 6,905 PROPOSED (LOT COVERAGE = 20%) MAX LOT COVERAGE: 70% x 35,000 SF = 24,500 SF
TOTAL PARKING REQUIRED	1 SPACE PER 200 SF OFFICE SPACE TOTAL BUILDING SPACE: 2,400 SF (1,200 SF OFFICE, 1,200 SF STORAGE)
REQUIRED PARKING BASED ON OFFICE SPACE=6 SPACES	

* LEGEND *

PROPERTY LINE	---	POWER POLE	●
BUILDING SETBACK LINE	---	SANITARY SEWER CLEAN-OUT	○
EASEMENT	---	PROPERTY MONUMENT	○
CURB AND GUTTER	---	WATER METER	○
PROPOSED PAVING	---	SEWER MANHOLE	○
OVERHEAD ELECTRIC	---	PARKING COUNTS	○
SANITARY SEWER	---	TRAFFIC FLOW ARROW	→
WATER	---	PROPOSED PAVING IMPROVEMENTS	---
STORM SEWER	---	EXISTING PAVEMENT TO REMAIN	---
FENCE	---		
PROPOSED BUILDING	---		
EXISTING BUILDING TO BE REMOVED	---		

PLANT SCHEDULE

TREES	QTY	BOTANICAL / COMMON NAME	CONT	CAL	HT
	6	Pistacia chinensis / Chinese Pistache	B&B/Cont.	3" Cal min.	8'-10' Ht
	5	Ulmus crassifolia / Cedar Elm	B&B/Cont.	3" Cal min.	6'-8' Ht
GROUND COVERS	QTY	BOTANICAL / COMMON NAME	CONT	SIZE	
	7,682 sf	Cynodon dactylon / Bermuda Grass	Hydromulch		

	CODE REQUIRED	EXISTING CONDITION	CODE QUANTITY	PROVIDED
* STREET TREES	1/50'	300'LF	6	6
** SITE TREES	1/3000'SF	12,250SF	4.1	5
INTERIOR LANDSCAPING	15%	35,000SF	5250SF	5875SF

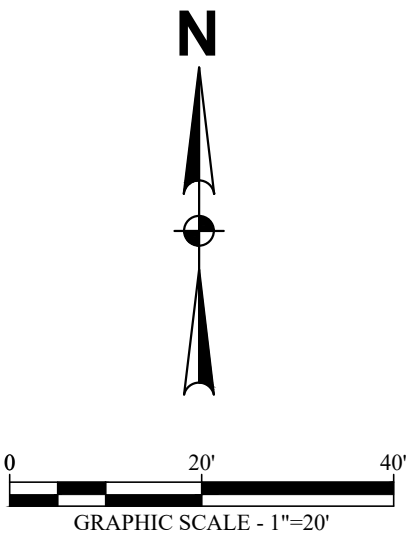
* STREET TREES TO BE LOCATED ON PROPERTY SIDE OF SCREEN FENCE DUE TO CONSTRAINTS OF EXISTING BAR DITCH, WATERLINE AND PROPOSED SIDEWALK.

** CALCULATIONS BASED ON NON-VEHICULAR OPEN SPACE; NO EXISTING TREES ON SITE.

OWNER
CITY OF LAKE DALLAS
212 MAIN STREET
LAKE DALLAS, TX 75065
(940) 497-2226

ENGINEER
HALFF ASSOCIATES INC.
4000 FOSSIL CREEK BLVD
FORT WORTH, TX 76137
(817) 847-1422

LOT 1, BLOCK A OF
PUBLIC WORKS YARD ADDITION
BEING 1.120 ACRES IN THE
M. WRIGHT SURVEY A-1355
CITY OF LAKE DALLAS
DENTON COUNTY, TX
FEBURARY 2021



CENTURYTEL
OF LAKE
DALLAS, INC.
TO
LAKE CITIES
MUNICIPAL
UTILITY
AUTHORITY
DOC.
#2017-112933
R.P.R.D.C.T.
ZONING:
R-1-6000

NOTE: THE METES AND BOUNDS IS TAKEN DIRECTLY FROM THE PLAT AND IS NOT BASED ON HALF-SURVEYED MONUMENTS.

STATE OF TEXAS
COUNTY OF DENTON; WHEREAS WE, the City of Lake Dallas are the owners of that certain lot, tract, or parcel of land situated in the M. Wright Survey Abstract Number 1355 in the City of Lake Dallas, Denton County, Texas, being all that certain tract of land conveyed by deed from Hugh Ferrell, Administrator to the City of Lake Dallas recorded in Volume 743, Page 237, Deed Records, Denton County, Texas and being more particularly described as follows:
BEGINNING at a capped iron rod marked RLG found for corner in the south line of that certain tract of land conveyed by deed from Centurytel of Lake Dallas, Inc. to Lake Cities Municipal Utility Authority recorded under Document Number 2017-112933, Real Property Records, Denton County, Texas, said point being the northwest corner of that certain tract of land conveyed by deed from Amerisouth II/Ltd. to Bob J. Cook and wife, Beverly Cook recorded in Volume 4340, Page 1388, Real Property Records, Denton County, Texas;

THENCE S 06° 07' 28" W, 254.85 feet with the west line of said Cook tract to a P.K. nail set for corner in Betchan Road, a public roadway;

THENCE N 89° 38' 02" W, 218.80 feet with said Betchan Road to a capped iron rod marked RPLS 4561 set for corner in the east line of Lot 1, Block A of Z Flooring Addition, an addition to the City of Lake Dallas, Denton County, Texas according to the plat thereof recorded under Document Number 2011-3, Plat Records, Denton County, Texas;

THENCE N 02° 10' 41" W, 179.09 feet with said east line of said Z Flooring Addition part way to a point for corner in a CATV box in the south line of that certain tract of land conveyed by deed from Elva O. Pockrus to Maxine B. Dyson recorded in Volume 5241, Page 2105, Real Property Records, Denton County, Texas;

THENCE N 89° 02' 32" E, 144.00 feet with the south line of said Dyson tract to a fence corner for corner, said point being the most southerly southeast corner of said Dyson tract;

THENCE N 01° 20' 59" W, 59.10 feet with an east line of said Dyson tract to a fence corner for corner at an inner ell of said Dyson tract;

THENCE N 88° 44' 54" E, 71.16 feet with said south line of said Dyson tract to a fence corner for corner, said point being the most easterly southeast corner of said Dyson tract;

THENCE N 04° 59' 21" W, 10.72 feet with the east line of said Dyson tract to a fence corner for corner, said point being the southwest corner of said L. C. M. U. A. tract;

THENCE S 89° 00' 41" E, 40.00 feet with the south line of said L. C. M. U. A. tract to the PLACE OF BEGINNING and containing 1.120 acres of land, of which 0.328 acre is hereby dedicated for public roadway.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS THAT I, the aforesaid do hereby adopt this plat designating the herein above tract as LOT 1, BLOCK A, PUBLIC WORKS YARD ADDITION, an addition to the City of Lake Dallas, Denton County, Texas, and do hereby dedicate to the public use forever all utility easements, drainage easements, and streets as shown hereon. All and any public utilities shall have the full right to remove and keep removed all growths which may endanger or interfere with the construction, maintenance, or efficiency of its respective system on the utility easement for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at anytime of procuring the permission of anyone.

AMERISOUTH II/LTD.
TO
BOB J. COOK AND
WIFE BEVERLY COOK
VOL. 4340, PG. 1388
R.P.R.D.C.T.
ZONING: R-3

PUBLIC WORKS YARD

LAKE DALLAS TEXAS

HALFF

4000 FOSSIL CREEK BLVD
FORT WORTH, TEXAS 76137
TEL: 817.847.1422
TBE FIRM #F-312

Revision No.	Date	Description

PRELIMINARY

FOR INTERIM REVIEW ONLY

THESE DOCUMENTS ARE FOR INTERIM REVIEW AND ARE NOT INTENDED FOR REGULATORY APPROVAL, PERMIT BIDDING OR CONSTRUCTION PURPOSES. THEY WERE PREPARED BY OR UNDER THE SUPERVISION OF:

KIRK M. WILSON 3103
NAME R.L.A. NO.
DATE MARCH 2021
TBE FIRM # F-312

Project No.: 37635.008
Issued: 03/24/21
Drawn By: CM
Checked By: KMW
Scale: AS NOTED

Sheet Title
LANDSCAPE EXHIBIT

1 OF 1
Sheet Number

**CITY OF LAKE DALLAS, TEXAS
RESOLUTION NO. 04052021-____**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS, APPROVING A SITE PLAN FOR LOT 1, BLOCK A, PUBLIC WORKS YARD ADDITION (MORE COMMONLY KNOWN AS 351 BETHCAN DRIVE) LOCATED WITHIN A M-1 LIGHT INDUSTRIAL ZONING DISTRICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, an application has been made for approval of a site plan for Lot 1, Block A, Public Works Yard Addition, an addition to the City of Lake Dallas, Texas, according to the plat thereof recorded as Document No. 2019-227, Plat Records, Denton County, Texas (“the Property”), which is located in an M-1 Light Industrial Zoning District; and

WHEREAS, the City Council of the City of Lake Dallas, Texas, having received and considered the recommendation of the Planning and Zoning Commission and City Staff, has concluded that the proposed site plan should be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS, THAT:

SECTION 1. The Property shall be developed substantially in accordance with:

- A. The Site Plan attached hereto as Exhibit “A” and incorporated herein by reference; and
- B. The Landscape Plan attached hereto as Exhibit “B” and incorporated herein by reference.

SECTION 2. This Resolution shall be effective immediately upon approval.

PASSED AND APPROVED this the 8th day of April 2021.

APPROVED:

Michael Barnhart, Mayor

ATTEST:

Codi Delcambre, TRMC, City Secretary

APPROVED AS TO FORM:

Kevin B. Laughlin, City Attorney
(kbl:3/31/21:121527)

[illegible]

PREPARED BY: J. L. HARRIS CHECKED BY: J. L. HARRIS DATE: 10/10/2010 PROJECT NO.: 10-000001 SHEET NO.: 1 OF 1 EXHIBIT	PRELIMINARY FOR AIRPORT RECONSTRUCTION PROJECT NO. 10-000001 SHEET NO. 1 OF 1 EXHIBIT	REVISIONS NO. DESCRIPTION 1. 10/10/2010	HALFF 4001 DALLAS STREET, SUITE 200 DALLAS, TEXAS 75219-3000 TEL: 214-636-1234 FAX: 214-636-1235	PUBLIC WORKS YARD LAKE DALLAS TEXAS
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CITY COUNCIL AGENDA MEMO

Prepared By: Angie Manglaris, Director of Development Services

April 8, 2021

Front Yard Fencing

DESCRIPTION:

Receive a report, hold a discussion, and give staff direction regarding front yard fencing requirements.

BACKGROUND INFORMATION:

On March 29, 2021, Council Member McClain requested staff bring forth an item discussing front yard fencing in the City of Lake Dallas. It was requested the item that review the following topics: the maximum allowable height of front yard fences, the allowable design criteria for front yard fences (decorative vs. privacy), the regulations neighboring cities have for front yard fences, the pros and cons of the regulations and language that could be included in the Code of Ordinances as an amendment to Chapter 22, Article III. - Fences.

The goal of this item is to receive input from Council on potential amendments to front yard fencing standards.

Current Front Yard Fencing Requirements

Chapter 22, Article III. – Fences includes the following definitions as it relates to front yard fencing:

- Fence means an enclosing barrier that prohibits through passage.
- Front yard means a yard extending along the whole length of the front lot line between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projections other than steps, planter boxes, unenclosed porches and driveways.

Section 22-246. regulates allowable height of fences in residential areas. Fences in the front yard are not to exceed 36 inches in height and may not be constructed with solid material. Front yard fences that are chain link may be up to four feet (4') in height. In Zoning Districts R-1-4000 and R-1-4000A, fences in the side and rear yards shall not exceed six feet in height; and in zones R-1-6000, R-1-7200 and R-1-10000, fences shall not exceed eight feet in height.

Neighbor-City Regulations

City	Max. Height	Style
Lake Dallas	3'	Open-style
Hickory Creek	3'	Decorative – may have solid area not in excess of 50%
Shady Shores	Code does not address front yards.	Code does not address front yards.
Little Elm	Allowed up to 30 inches.	Split-rail, wrought iron, picket fence or decorative masonry wall. Shall be generally 50% open.
Corinth	4' maximum in residential areas. If there is less than 1 dwelling unit per acre may exceed 4' in height.	Shall be constructed of tubular metal, vinyl, simulated wood or wooden rail; shall be picket-style.

Pros and Cons of Front Yard Fencing:

Front yard fences are seen as a valuable tool to homeowners, especially as it relates to safety of children and pets. A front yard fence creates a barrier between those in the yard and moving vehicles and could prevent one from accidently ending up in a busy roadway.

Front yard fences are typically shorter and more decorative in nature than a privacy fence that would be seen in the rear or side yard of a residential property. Fences that are too tall or opaque in the front yard could contribute to visibility issues for vehicular traffic and could be a detriment to the sense of place on a given street – open/decorative fences contribute to line-of-sight and greenspace views. Attached to this memo is a detailed article from the American Planning Association that elaborates further on the pros and cons of different types of fencing strategies (Page 5 addresses front yards).

Ordinance Amendments:

There are several options that may be considered regarding the language on front yard fences.

Option A: leave as written.

Section 22-246 (b) -No fence shall be erected, constructed or placed in any front yard which exceeds 36 inches in height as measured from the finished grade of the property except chain link fence which may not exceed four feet in height. Any front yard fence permissible hereunder may not be constructed of solid material. Such fences must be constructed of wood or comparable material and must be open so as not to obstruct visibility. Such fences may include but are not limited to post and rail fences and picket fences.

Option B: Amend the language to include an increase in height up to four feet (4').

Section 22-246 (X) No fence shall be erected, constructed or placed in any front yard which exceeds **four feet** in height as measured from the finished grade of the property. Any front yard fence permissible hereunder may not be constructed of solid material. Such fences must be constructed of wood or comparable material and must be open so as not to obstruct visibility. Such fences may include but are not limited to post and rail fences and picket fences.

Option C: Amend the language to include an increase in height up to four feet (4') and an increase in the allowable opacity.

Section 22-246 (X) No fence shall be erected, constructed or placed in any front yard which exceeds **four feet** in height as measured from the finished grade of the property. Such fences must be constructed of wood or comparable material and must be open so as not to obstruct visibility. Such fences may include but are not limited to post and rail fences and picket fences. **All front yard fences shall be generally open and not have an excess of 50 percent solid material.**

FINANCIAL IMPACT:

There is no financial impact to the residents of Lake Dallas.

RECOMMENDED MOTIONS:

There is no motion required as part of this item. After discussion, staff requests Council provide direction on how to proceed with the project.

ATTACHMENT(S):

- City of Lake Dallas Fence Ordinance
- Hickory Creek Fence Ordinance
- Shady Shores Fence Ordinance
- Little Elm Fence Ordinance
- Corinth Fence Ordinance
- American Society of Planning Professionals Information Report No. 113, Fences

ARTICLE III. - FENCES

Sec. 22-241. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Corner means the space between intersecting streets, the intersection of a street and an alley, the intersection of a driveway and an alley, or the intersection of a street and a driveway.

Decorative fence means fencing that adds beauty and does not substantially block view and maintains the open space characteristic provided for by zoning standards.

Fence means an enclosing barrier that prohibits through passage.

Front yard means a yard extending along the whole length of the front lot line between the side lot lines, and being the minimum horizontal distance between the street line and the main building or any projections other than steps, planter boxes, unenclosed porches and driveways.

Intersection means a point where streets, roads, highways, alleys and driveways meet or cross.

Rear yard means a yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projections other than steps, unenclosed balconies, unenclosed porches or driveways.

Self-closing gate means a gate which is kept in a normally closed position and is equipped with an approved device to ensure closing and latching after having been opened for use.

Side yard means a yard extending along the side lot line from the front yard to the rear yard, being the minimum horizontal distance, measured at the building line, between any building or projections except steps or driveways and the side lot line.

Swimming pool means a pool of water 24 inches or greater in depth either indoors or outdoors that is used for swimming or water-related recreation. This also includes spas and hot tubs.

Visibility range means the distance required to afford proper vision for pedestrian and vehicular traffic at intersections and/or corners.

Yard means an open space between a building and the adjoining property line, unoccupied and unobstructed by any structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a rear yard and the depth of a front yard, the minimum total distance between the building site and the lot line shall be used. A yard extends along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations of the zoning district in which such building is located.

Zoning district map means the map incorporated into this article as a part of this article by reference.

(Ordinance 89-03, § 1; Code 1989, § 15.28.010)

Sec. 22-242. - Permits.

- (a) It is unlawful for any person to erect, construct, enlarge, alter or replace any fence regulated by this article or cause such work to be done without first obtaining a separate permit for each fence from the building department.
- (b) To obtain a permit, the applicant shall first file an application in writing on a form furnished by the building department.
- (c) Plans and other data deemed necessary by the building department shall be submitted with each application.
- (d) All permits issued under this article shall comply with the requirement of the Uniform Building Code adopted by the city.
- (e) The fee for each permit shall be as set forth in the city's master fee schedule.
- (f) The permit fee to be paid pursuant to this section shall be waived if:
 - (1) The permit is related to partial replacement of an existing fence;
 - (2) The fence is located on a single-family residential lot/tract;
 - (3) No more than 50 percent of the entire length of the fence (measured in linear feet) is being replaced (inclusive of all sides of the property on which the fence is located);
 - (4) The replacement fence will be installed at the same location on the property from where the old fence was removed; and
 - (5) No similar waiver of the permit fee has been granted for a partial fence replacement on the same lot/tract within the 12 months prior to the date of the application for the permit for which the fee waiver is granted.

Nothing in this subsection (f) should be construed as waiving the requirement to obtain a permit for the fence replacement for which the permit fee has been waived.

(Ordinance 89-03, § 2; Code 1989, § 15.28.020; Ordinance 12-13, § 4, 7-26-12; Ord. No. 2020-07, § 1, 4-23-2020)

Sec. 22-243. - Maintenance.

- (a) All fences, both existing and new, and all parts of fences, shall be maintained in a safe and aesthetically pleasing condition. Graffiti shall be removed immediately upon notification. All devices or safeguards which are required by this article shall be maintained operable.
- (b) The owner or his designated agent shall be responsible for the maintenance of the fence; and to determine compliance with this section, the building inspector may cause any fence to be

reinspected.

(Ordinance 89-03, § 3; Code 1989, § 15.28.030)

Sec. 22-244. - Visibility; clear zone.

Fences constructed on any lot, and specifically corner lots, will be subject to and shall conform to the visibility range requirements contained in the exhibits attached to the ordinance codified in this article. Additional clear zones may be required by the building inspector.

(Ordinance 89-03, § 4(A); Code 1989, § 15.28.040)

Sec. 22-245. - Extension onto city property or easements.

No fence nor any guy wire, braces or post of a fence shall be constructed upon or extend over property over which the city has control, owns or has an easement over or under, except upon utility easements which are permitted to be fenced if written permission is granted by all users.

(Ordinance 89-03, § 4(B); Code 1989, § 15.28.050)

Sec. 22-246. - Height restrictions.

- (a) In zone R-1-4000 and R-1-4000A, fences shall not exceed six feet in height, and in zones R-1-6000, R-1-7200 and R-1-10000, fences shall not exceed eight feet in height measured from the finished grade of the lot or property upon which the fence is being erected, except as otherwise provided for in this article.
- (b) No fence shall be erected, constructed or placed in any front yard which exceeds 36 inches in height as measured from the finished grade of the property except chain link fence which may not exceed four feet in height. Any front yard fence permissible hereunder may not be constructed of solid material. Such fences must be constructed of wood or comparable material and must be open so as not to obstruct visibility. Such fences may include but are not limited to post and rail fences and picket fences.

(Ordinance 89-03, § 4(C); Code 1989, § 15.28.060; Ordinance 01-26, § 1, 9-27-01; Ordinance 04-13, § 1, 7-22-04)

Sec. 22-247. - Electrified fences.

No fence erected within the city limits shall be electrically charged in any manner.

(Ordinance 89-03, § 4(D); Code 1989, § 15.28.070)

Sec. 22-248. - Barbed wire fences.

No fence shall be constructed of barbed wire except on property used as agricultural and which is five acres or greater in size.

(Ordinance 89-03, § 4(E); Code 1989, § 15.28.080)

Sec. 22-249. - Gates.

All fences shall have a minimum of one gate for emergency ingress and egress. The minimum width shall be three feet.

(Ordinance 89-03, § 4(F); Code 1989, § 15.28.090)

Sec. 22-250. - Angle arms.

In commercial, industrial or R-3 zoning districts, fences eight feet or greater in height may be constructed with angle arms at the top; and such angle arms may be armed with barbed wire. Such arms shall not extend over public property, city, county or state rights-of-way, easements or private property. Any property that requires a screening device shall conform to chapter 122.

(Ordinance 89-03, § 4(G); Code 1989, § 15.28.100)

Sec. 22-251. - Construction materials.

Construction material may be only wood, chain link, wrought iron, PVC fence materials manufactured for application in fence construction or masonry; except in the case where a screening device is required, in all such cases chapter 122 shall prevail.

(Ordinance 89-03, § 4(H); Code 1989, § 15.28.110; Ordinance 93-04, § 1, 1993)

Sec. 22-252. - Swimming pool enclosures.

- (a) Every owner, purchaser under contract, lessee, tenant, licensee or other person in possession of residential, commercial or multifamily property within the corporate limits of the city shall at all times maintain upon the tract, lot or premises on which a swimming pool is located a fence, wall or barrier that completely surrounds the swimming pool, tract, lot or premises. The fence, wall or barrier shall be not less than four feet in height with no openings, holes or gaps large enough for a sphere four inches in diameter to pass through.

Exception: Swimming pools existing before February 9, 1989, may continue to be enclosed by fences, walls or barriers not less than 3½ feet in height, provided the fence, wall or barrier is kept in repair and otherwise maintained in compliance with all other provisions of this article.

- (b) All gates and doors opening directly into a swimming pool enclosure shall be equipped with self-closing and self-latching devices designed to keep, and capable of keeping, such doors or gates

securely closed at all times when not in actual use. The latching device on a gate shall be attached not less than 40 inches above grade and shall be located on the swimming pool side of the enclosure where the latching device is not readily accessible to small children from outside the enclosure. The latching device on a door shall be attached not less than 36 inches above floor level when a separate locking device is provided on the door, and not less than 40 inches above floor level when no locking device is provided on the door.

Exception: Self-closing and self-latching devices are not required on gates or doors which provide the only access into nonhabitable storage or equipment buildings, rooms or enclosures.

- (c) A person who, on or after February 9, 1989, obtains a permit to install a swimming pool is responsible for assuring compliance with the provisions of this section before placing water into the swimming pool.

(Ordinance 89-03, § 4(I); Code 1989, § 15.28.120(A)—(C))

State Law reference— Pool yard enclosures, V.T.C.A., Health and Safety Code § 757.001 et seq.

Sec. 22-253. - Violation; penalty; additional remedies.

- (a) Any person who violates the provisions of this article shall, for each violation, be deemed guilty of a misdemeanor and shall be fined not more than \$1,000.00; and each violation shall be construed to constitute a separate offense.
- (b) In addition to and cumulative to all other penalties, the city shall have the right to seek injunctive relief for any and all violations of this article.

(Ordinance 89-03, §§ 6, 8; Code 1989, § 15.28.130)

State Law reference— Penalty, V.T.C.A., Local Government Code § 214.101(f).

Secs. 22-254—22-274. - Reserved.

Sec. 3.06.005. - General requirements and restrictions.

- (a) Fences constructed on any lot, and specifically corner lots, will be subject to and shall conform to the visibility triangle requirements as follows:
 - (1) Residential zoning districts. 25 feet × 25 feet visibility triangle on corner lots at the intersection of two streets; five feet setback from alley pavement.
 - (2) Nonresidential zoning districts. 40 feet × 40 feet visibility triangle on corner lots at the intersection of two streets.
 - (3) All zoning districts. Teen feet visibility triangle on corner lots at the intersection of an alley and street.
 - (4) Reverse frontage lots. On all reverse frontage lots it shall be unlawful to construct, maintain, suffer or permit a fence within the required side yard area that is adjacent to a front yard area at a distance closer than 15 feet from and perpendicular to the side property line.
 - (5) The owner of property adjoining a reverse frontage lot may have a fence that meets the requirements in subsection (4) above at the adjoining property line.
 - (6) Additional clear zone may be required by the town engineer.
- (b) No fence, guy wire, brace or post of any fence shall be constructed upon or extend over property over which the town has control, owns or has an easement over or under, except for utility easements which are permitted to be fenced if written permission is granted.
- (c) No fence shall exceed eight feet in height, measured from the finished grade of the lot or property upon which the fence is being erected. Any permanent trim or attachment(s) shall be counted toward the height calculation.
- (d) No fence erected within the town limits shall be electrically charged in any manner except for agricultural use.
- (e) No fence shall be constructed of barbed wire on any property zoned residential or used for residential purposes, except for agricultural use.
- (f) All fences shall have a minimum of one gate for emergency ingress and egress. The minimum width of any gate shall be three feet.
- (g) In C-1, C-2, and PBD zoning districts, fences with a base of eight feet in height may be constructed with additional angle arms at the top, and such angle arms may be armed with barbed wire. Such arms shall not exceed two feet above the eight-foot base and shall not extend over public property, town, county or state rights-of-way, easements or private property belonging to others. Any property that requires a screening device shall conform to the zoning ordinance.
- (h) Fence construction material may be wood, chain link, masonry, vinyl or wrought iron except in the case of a sight barrier fence, then masonry shall be required. In all such cases the zoning ordinance shall prevail. No fence may be constructed of, including but not limited to, deteriorated

or damaged wood; wood such as plywood or scrap lumber; slats of any nature or material; wire or mesh products except for agricultural use; sheet metal; corrugated or fiberglass panels; rope; string, or other materials not manufactured or intended as fence materials.

- (i) All swimming pools and spas, whether private (single family) or public (hotel, motel, apartment, etc.) shall be fenced or enclosed. The fence or enclosure shall extend around the entire pool or spa and have a minimum height of four feet. The fence or enclosure shall be equipped with self-closing and self-latching gates or doors that will close and latch when released from an open position six inches from the gatepost. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate, the release mechanism shall be located on the pool side of the gate at least six inches below the top of the gate, and the gate and the barrier shall not have an opening greater than one-half inch within 18 inches of the release mechanism. Such fence and gates shall be so constructed as to have no openings, holes or gaps in or under larger than four inches in any dimension. All horizontal members and supports shall be on the interior of the fence, smooth side out. No water shall be placed in any swimming pool within the town by any person unless and until there shall be erected and in place a fence which meets these specifications.
- (j) No fence shall be constructed in the required front yard area of any lot in an SF-1, SF-2, or SF-3 zoning district, except that a decorative fence may be constructed to a height no more than three feet above the finished lot grade and the solid area of such fence shall not exceed 50 percent of the total. This prohibition shall not apply in the event a property's front yard adjoins the backyard of a neighbor's property. In such a case the regulations for backyard fences shall apply. Properties in excess of one acre may erect a perimeter fence of 50 percent visibility, including in the required front yard, to a height greater than three feet but no more than ten feet in height.
- (k) No fence shall be constructed so as to encroach past any adjacent lot's front building line except as defined in subsection (j) above or in the case of a reverse frontage lot.
- (l) Fences shall be of solid color and shall be limited to the following colors only: White; black; or earth tones of brown, gray, green, rust or natural wood.
- (m) All fences shall be constructed with the smooth side facing out.
- (n) A masonry fence or retaining wall exceeding four feet in height shall require a design submitted by a registered engineer or registered architect.
- (o) All fences and retaining walls shall be a minimum of one foot from all property lines adjacent to public right-of-ways or easements. Plans for all fences and retaining walls adjacent to public property must be submitted to the town for review, regardless of height, prior to the start of any new construction or the repair of previously existing structures.
- (p) No fence adjacent to a required subdivision screening wall, whether parallel or perpendicular to the wall, may be constructed higher than the height of the subdivision screening wall.

(1999 Code, § 3.514; Ord. 2007-03-578, § 3.04, 3-20-07; Ord. 2007-09-597, § 3, 9-18-07; Ord. 2009-04-635, §§ 3.01—3.04, 4-21-09)

ARTICLE 3.05 FENCES

Sec. 3.05.001 Purpose; applicability

The purpose of this article is to regulate the construction, erection, enlargement, alteration, and maintenance of all fences within the boundaries of the town in order to provide a practical safeguarding of life, health, and property from hazards that may arise from improper construction of such installations. However, this article shall not apply to fences erected or maintained on property within the town which has agricultural tax exemption status approved by the Denton County Appraisal District. (Ordinance 222-2-2010, sec. 1, adopted 2/1/10)

Sec. 3.05.002 Penalty

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed five hundred dollars (\$500.00), plus costs of court. (Ordinance 222-2-2010, sec. 13, adopted 2/1/10)

Sec. 3.05.003 Compliance with other provisions

All fences and fence locations shall conform to the requirements of the zoning ordinance of the town, and nothing in this article shall be construed as permitting construction of a fence which would violate the provisions of the zoning, swimming pool, or FEMA flood ordinances as the same now exist or may be hereafter amended. (Ordinance 222-2-2010, sec. 5, adopted 2/1/10)

Sec. 3.05.004 Permit to install or alter

(a) It shall be unlawful for any person to install or cause to be installed or to permit any person to install a fence, or to make any alterations, additions or changes to a fence, without first having procured a permit to do so from the building official. Notwithstanding the foregoing, a permit shall not be required for alterations, additions or changes if repairs do not exceed twenty-five (25) percent of the area of the fence over a twelve-month period.

(b) When installing a new fence parallel to and within three (3) feet of an existing fence on the same lot, the existing fence shall be removed. The term "parallel" is defined as a corresponding fence that runs in the same direction as the existing fence but does not have to maintain a precise constant distance from one another.

(c) The fee for a permit required by this section shall be as established in the fee schedule in [appendix A](#) of this code and shall be paid prior to the issuance of the permit.

(Ordinance 222-2-2010, sec. 2, adopted 2/1/10)

Sec. 3.05.005 Inspection of new fences

When any fence for which a permit has been issued under this article is completed, it must be inspected. The chief building official's office shall be notified by the property owner within 72 hours of completion of the fence. The chief building official will issue a card of acceptance if the fence complies with the provisions of this article or reject the fence if it does not so comply. A fence that is rejected shall be removed or reconstructed in compliance with this article within the time permitted by the town inspector, to be determined at the time of rejection. (Ordinance 222-2-2010, sec. 9, adopted 2/1/10)

Sec. 3.05.006 Maintenance

All fences constructed under the provisions of this article shall be maintained so as to comply with the requirements of this article at all times. Such requirements include, but are not necessarily limited to, the following maintenance standards:

(1) The fence shall not be out of vertical alignment more than one foot (1') from the vertical measured at the top of the fence. Except, however, for fencing four feet (4') or less in height, the vertical alignment shall not be more than six inches (6") from the vertical measured at the top of the fence.

(2) Any and all broken, loose, damaged, insect damaged, or missing parts (i.e., slats, posts, wood rails, bricks, panels) having a combined total area of twenty (20) square feet or more of said fences shall be replaced or repaired within sixty (60) days of notification of noncompliance. Fences enclosing swimming pools or spas must be repaired immediately. Repairs of any nature shall be made with materials of comparable composition, color, size, shape, and quality of the original fence to which the repair is being made. Products manufactured for other uses such as plywood, corrugated steel, or fiberglass panels are prohibited as fencing materials. Nothing herein shall be construed so as to prohibit the complete removal of a fence, unless such fence encloses a swimming pool or spa.

(3) No fencing material and/or supports shall be located within a street or alley right-of-way.

(Ordinance 222-2-2010, sec. 10, adopted 2/1/10)

Sec. 3.05.007 Fences in or near drainage easements, floodways, creeks or rivers

No fence shall be constructed within any drainage easement in the corporate limits of the town unless the town engineer shall have first determined and advised the chief building official, in writing, that he believes such fence shall, in all probability, not interfere with or impair the natural flow of water across the drainage easement. In that event, fences in or near the drainage must be constructed as set forth below:

(1) Fences perpendicular to or crossing the drainage easement shall provide the following within the drainage easement:

(A) The fence shall have a post set on each side of the easement line.

(B) No fence post or support shall be placed inside the easement without the written approval of the town engineer.

(C) The fence shall be constructed to span from top of bank to top of bank, or from one side of the easement to the other side, whichever distance is further.

(D) The bottom of the fence shall be not less than three inches (3") above the top of the channel/swale bank.

(E) Subsections (A) through (D) above require the fence to be constructed in a manner leaving the drainage easement open and the flow of water unimpeded under the fence. Should the property owner desire to fence in the drainageway (area below the fence), the property owner may use:

(i) Vertical tubular steel or similar material. The tubular steel is to be no more than one inch (1") across, to be spaced not less than four inches (4") apart (no horizontal bars shall be allowed in the drainageway); or

(ii) 4-inch by 4-inch (4" x 4") opening steel mesh, not less than one-fourth inch (1/4") thick.

The solid area of the fence in the drainageway shall not exceed twenty percent (20%) of the total area of the fence, leaving eighty percent (80%) open for the passage of water. There shall be no massing of solid fence material widths greater than one inch (1"), except for corners or posts.

(F) The design and proposed materials are subject to the town engineer's advance written approval.

(G) The completed construction is subject to inspection and approval by the town. Not obtaining written approval of the "as-built" fence is a violation of this article.

(H) Property owners are required to maintain the banks and contours of drainage easements which may cross their property, and to mow and keep clear of debris the drainageway.

(2) Fences may not, without a specific building permit, be constructed between a residence and the side of a drainage easement nearest to a home. A fence may be constructed by the drainage easement if it is located within one foot of the rear property line, and does not hinder the flow of storm drainage water, and is not constructed in a drainage easement.

(3) Any person who constructs or owns a fence, or property on which a fence or other obstruction is placed in an easement, which does not comply with the terms of this article, and which obstructs the flow of water in a public drainageway or easement, must remove the fence, and any obstruction, or be guilty of a violation of this article.

(Ordinance 222-2-2010, sec. 3, adopted 2/1/10)

Sec. 3.05.008 Electric fences

(a) No fence constructed in such a manner that it may continuously conduct electrical current may be allowed in any zoning district wherein farm animals are not allowed.

(b) Single-strand wires designed to conduct electricity through an approved low voltage regulator shall be allowed only along the interior base line of an otherwise permitted fence. No permit shall be required for the erection and maintenance of such single-strand electric wires.

(Ordinance 222-2-2010, sec. 4, adopted 2/1/10)

Sec. 3.05.009 Location on or protrusion over town property

No privately owned fence or guy wires, braces or any other part of a privately owned fence shall be constructed

upon or caused to protrude over property owned by the town. (Ordinance 222-2-2010, sec. 6, adopted 2/1/10)

Sec. 3.05.010 Fence arms

Fence arms shall not be permitted in residential zoning districts. (Ordinance 222-2-2010, sec. 7, adopted 2/1/10)

Sec. 3.05.011 Barbed wire

Barbed wire shall not be permitted except in agricultural pastures for the fencing of livestock. (Ordinance 222-2-2010, sec. 8, adopted 2/1/10)

Sec. 3.05.012 Fences along rear yard or alley line

No fence shall be constructed at a height exceeding eight feet (8') along the rear yard or alley line in residential districts. (Ordinance 222-2-2010, sec. 11, adopted 2/1/10)

Sec. 3.05.013 Fences on side yard line

No fence shall be constructed at a height exceeding eight feet (8') on any side yard line in residential districts up to the building line of the house proper. All such fences constructed on side yard lines in residential districts must be vertical. (Ordinance 222-2-2010, sec. 12, adopted 2/1/10)

Sec. 106.06.32 - Residential fences.

(a) *General requirements.*(1) *Permit required.*

- a. Fence construction or repair of greater than 50 percent of the length of the fence requires a permit. Repairs with a total length of less than one full length of the fence (side or back yard) may be completed without a permit with materials matching the existing fence.
- b. A plan showing exact materials, location, height, dimensions from property lines, sidewalks, curbs, and location of gates must accompany the completed application form and fee. The design of the fence must accommodate vision sight lines at the intersections of two roadways and the intersection of a drive with an alley or a roadway with a five-foot by five-foot triangle in these locations, measured from the edge of pavement.

(2) *Regulations.*

- a. *Maximum height of residential fences.* Fences shall not be greater than eight feet in height, excluding a maximum six inches allowance for ground clearance and a decorative cap.
- b. *Materials allowed.* No fence material shall be used to construct a fence except for those listed and regulated in this chapter. Generally, residential fences should only be wooden or black tubular steel (powder coated ornamental iron).
- c. *Materials prohibited.* Barbed wire, electric, and other injurious fence material is prohibited in the town, unless the property is an agricultural district over five acres in size with a current AG Agricultural exemption tax status, legitimately needed for industrial purposes, or otherwise approved by the director.
- d. *Fences that back or side to other residences.* Fences that back or side to another residence may have either side of the fence face the interior of the lot.
- e. *Fences located on corner lots.* On all corner lots, fences shall not be closer than 15 feet from the face of any curb, unless otherwise approved by the director.
- f. *Fences facing rights-of-way (on back, side or corners).* All fences erected on side yards of corner lots and reverse corner lots or backing to a right-of-way of shall be cedar, board-on-board, with a decorative cap so that a finished fence side faces the street.
- g. *Fences located between houses that face the street.* The portion of fence that is parallel to the street and perpendicular to the fence along the side yard must be constructed of cedar, board-on-board, with a decorative cap so that a finished fence side faces the street.
- h. *Fences in front yards.* Fences and walls are only allowed in front yards up to 30 inches in height and must be either: split-rail, wrought iron, picket fence, or decorative masonry wall. Lots over one acre in size are exempt from this regulation, subject to review and

approval by the director. All front yard fences should generally be 50 percent open, except for walls when allowed.

- i. *Public rights-of-way, easements.* No fence shall be erected on public right-of-way or within any drainage easement, unless otherwise authorized by the director.
- j. *Within property lines.* Fences shall not encroach upon any property line (front, side, or rear).
- k. *Fences adjacent to scenic views.* All fences installed adjacent to a floodplain, creek, or dedicated open space shall be black tubular steel.
- l. *Neighborhood integrity grant program.* Properties that have exterior fences improved by the town through the Neighborhood Integrity Grant program shall maintain, repair, and replace the fence to the same standard as it was installed by the town.

(3) *Required inspections.*

- a. A footing inspection is required. The footing inspection must be completed prior to pouring concrete.
- b. A final inspection is required and must be scheduled within one week (five business days) of completion.
- c. All fence installers are required to be registered with the Town of Little Elm.
- d. Fences that fail inspection through the rental registration program shall be repaired or replaced accordingly.

(b) *Wooden fence standards.*

- (1) *Vertical posts.* All vertical posts shall be galvanized steel with a minimum two and three-eighths-inch diameter, a minimum CS 20 (.095) thickness, and set in a concrete footing.
- (2) *Concrete footings.* Concrete footings shall be a minimum of eight inches in diameter and must be at least six inches deeper than the post depth.
- (3) *Spacing of footings.* For fences less than seven feet in height, posts shall be spaced at a maximum of eight feet on center, set in a concrete footing of no less than 24 inches deep. For fences that are seven feet or greater in height, posts shall be spaced at a maximum of six feet on center, set in a concrete footing of no less than 36 inches deep.
- (4) *Allowed materials.* Residential wood material shall be stained Western Red Cedar. White wood, if pre-stained or stained a natural brown or earth tone color, is also allowed.
- (5) *Construction.* 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.
- (6) *Kick board.* The bottom of the fence shall be designed to prevent ground-to-wood contact and allow drainage beneath it. This can be achieved through the use of a concrete mow strip poured between the fence supports or by installing a two- by six-inch pressure treated kick

board to cover the gap between the bottom of pickets and the ground. The kick board may have ground contact so long as it does not inhibit drainage.

- (7) *Private residential fence adjacent to a subdivision perimeter wall.* A fence that is parallel to or perpendicular to such wall shall not exceed the height of the adjacent subdivision wall. A fence that is separated from the subdivision screening wall by a public alley or right-of-way is deemed to not be adjacent to the subdivision screening wall. If abutting, the height of the residential fence is allowed to transition or increase in height from the height of the subdivision screening wall to the maximum allowable height of the residential fence, provided that the transition is an even or smooth rate of increase and does not exceed a span of 16 feet in length.
- (8) *Fences facing streets.* When a residential fence is visible to the right-of-way, the construction must be board-on-board with a decorative cap and with support posts placed on the inside of the fence (i.e. facing the enclosed area). This applies to both new fences and existing fences being replaced.

(c) *Exceptions.*

- (1) *Materials.* The use of chain link, vinyl, split-rail, and composite materials may be allowed, if constructed to manufacturer's specifications, subject to discretionary review and approval by the director. Otherwise, these materials are generally prohibited. Existing non-conforming chain link fences may be replaced with similar material.
- (2) *Interior fences.* Defined as fences within the property fence for specific uses, such as dog runs, swimming pool fences, and other similar situations within the interior of a back yard. These interior fences may be constructed of alternate materials, as long as all exterior and shared fence lines are built to compliance with section 106.06.32(a) and (b) and the alternate interior materials are shorter than the exterior fence and not visible to the public, subject to discretionary review and approval by the director.
- (3) *Gate embellishments.* Decorative gate embellishments are allowed; however, they shall not exceed the height of the fence by more than two feet.
- (4) *Submittal for review and approval.* Alternate materials and methods that deviate from the fence standards listed above may be submitted, subject to discretionary review and approval by the director.

(Ord. No. 1407, § 2, 8-15-2017)

4.02.10. - Residential Fences

A. Fence Construction

1. Fences that are erected abutting streets, parks, trails, Denton County Transit Authority (DCTA) trails, public property may be constructed of wood or simulated wood (with horizontal members facing the interior yard) or tubular metal, meeting the vertical spacing requirement for swimming pool barrier fences.
 - a. Where a tubular metal fence is in place, a wood fence may not be constructed along streets immediately behind the tubular metal fence.
2. Fences that are erected abutting property used for open space or agricultural use may be constructed of wood or simulated wood (with horizontal members facing the interior yard), or tubular metal meeting the vertical spacing requirement for swimming pool barrier fences.
3. All residential fences shall be constructed with the finished surface (i.e., the smooth side) facing outward from the property. The finished surface (i.e., the smooth side) may have a horizontal cap, architectural detail, or molding located at the top of the fence that extends beyond the surface plane of the fence.

B. Front Yards In front yards, no fence shall be erected in front of the front building line except fences that do not obstruct vision.

1. Fences allowed within front yards shall be constructed of tubular metal, vinyl, simulated wood or wooden rail or picket-style construction and shall be no greater than four feet (4') in height, excluding the posts.
2. Properties with less than one dwelling per acre may have fences in the front yard in excess of four feet (4') provided they do not obstruct vision or hamper safety.

C. Corner Lots Where a corner lot (Lot, Corner) has two (2) front yards and a house is constructed facing one of the two (2) front yards, the second front yard may be fenced in the same manner as any other side yard provided it complies with corner open space easements (i.e., visibility triangles) per Section 3.05.07.C. Triangular Sight Visibility Easements (see also Figure 35).

D. Alleys At the intersections of driveways with alley access, a visibility triangle extending to the edge of alley pavement a distance of five (5) feet and extending from the edge of driveway pavement a distance of five (5) feet and connecting the two (2) points shall be established and maintained and shall remain free of all obstructions as detailed in Figure 34 below.

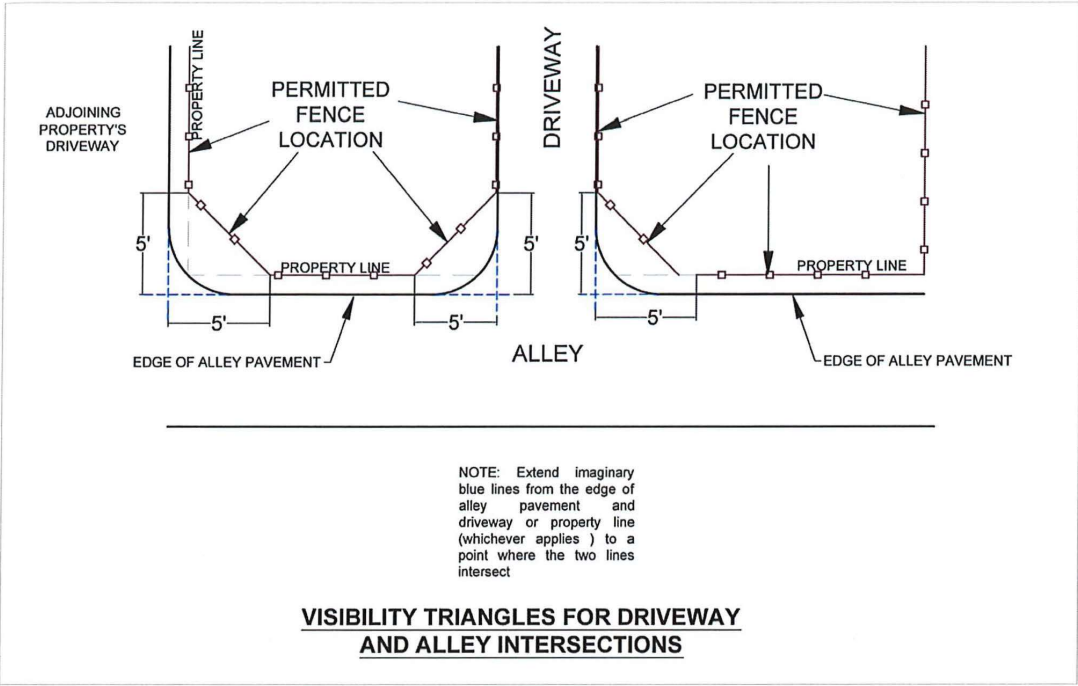
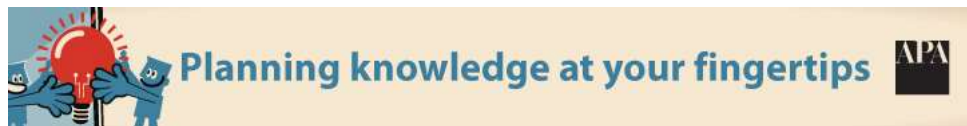


Figure 34: Alley Visibility

(Ord. No. 19-04-18-14, § 2.01, 4-18-19)



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Fences

PAS Report 113

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Information Report No. 113

August 1958

Fences

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Good fences make good neighbors until attempts are made by ordinance to restrict height or type of fence! This relatively unimportant topic can be the subject of immense controversy.

The Text of a Model Zoning Ordinance, with Commentary,

by Fred H. Bair, Jr. and Ernest R. Bartley,

Public Administration Clearing Service of the University of Florida, 1958.

Historically, courts have recognized the importance of the right to fence property.¹ In many of the western states this right was turned into a responsibility. Settlers who wanted to keep cattle out of their corn had to fence the fields. However, common law, as evolved in most eastern states, generally requires a property owner to fence in his animals to keep them from trespassing on his neighbor's property. Special agencies have been developed through court action and state legislation to handle rural fencing problems. The days of shooting it out with the neighbors about fencing the waterhole are over except on TV.

There are lengthy fence statutes in many states. Generally speaking, they apply only to agricultural land, but sometimes all land in the state is covered by a fence act. Fence districts created for the purposes of erecting and maintaining fences are sometimes provided for by law. Fence viewers — an appeal board that settles fence disputes — also stem from state acts.

Of particular interest because it is common in urban areas, as well as rural, is the partition fence. A form of division or property line fence, it is usually erected jointly by adjoining landowners. State law may establish the rights and duties of the two proprietors. Both are equally responsible for maintenance and construction unless they arrange otherwise by agreement or written contract. In case of disagreement, appeal may be made to fence viewers or to the courts.

In urban areas, attitudes toward fences are different from those in rural areas and the fences serve different purposes. Joint building and maintenance is probably less common. From experience, the urban property owner is cautioned to build his fence several inches back from the property line to avoid legal entanglements due to opposition from a neighbor or to faulty surveying. To stave off spite fence battles, dealers in fencing materials often advise a prospective fence builder to tactfully approach his neighbors and explain why he wants to put up a fence. Another graceful gesture advised is to turn the best side of the fence toward the neighbors. In some residential areas, covenants should be checked because they may prohibit or strictly limit fences. These notes of caution are testimony to a changed attitude toward fences: our ancestors built fences because they wanted privacy and independence; we fight fences because we want everyone to conform to new norms of sociability and neighborliness.

The contemporary pattern of residential development is the single-family dwelling near the center of a lot and surrounded by yards, most of which are open to public view. Little privacy is possible, even in the back yard. However, there are many situations in which fences are appropriate and necessary. They can be used to guard a toddler, to keep a dog in the yard, to protect a lawn or garden, and to safeguard against the dangers of yard pools. Moreover, fences and walls can block off the hot sun and break the cold wind; they can shield against unsightly neighboring yards, outside noises, and inquisitive eyes.

But these considerations seldom take into account the right of adjoining property owners to light, air, and view. However, fence regulations can be drawn so they serve both the property owner and the public — his neighbor, for the most part — with little conflict. Fence controls should, of course, be determined on the basis of what is appropriate for a particular community.

This report first considers general municipal regulation of fences, including control of materials that might cause injury. Because much of the impetus for fence provisions in zoning ordinances comes from citizen interest in preventing spite fences, they and how they are handled in zoning ordinances are discussed. Regulation of other fences, walls, and hedges through zoning ordinances is reviewed. Vision clearance provisions are also analyzed. Finally, some developing issues in the use and control of fences are explored.

Barbed wire and electric fences, and fences and walls with spikes, broken glass, or other sharp points that can cause injuries are usually forbidden by municipal regulations. In many instances, however, a barbed wire top to an open wire mesh fence is allowed, provided the barbed wire is of sufficient height above the ground — usually eight feet. Sometimes the barbed wire must face away from the side of the fence that fronts on a sidewalk or other public way. The purpose of that restriction is to prevent projections that might cause injury to people falling upon them, running into them, or carelessly touching the fence. Regulations dealing with the safety of fences are sometimes incorporated into a zoning ordinance provision on fences.

Gates and doors swinging outward across a sidewalk are generally permitted. Such swinging obstructions have been held not to be nuisances per se but may become so by negligent use and by interference with pedestrian traffic.²

The control of unsightly fences and walls is also a problem. Nevertheless, most courts would probably not look kindly upon an ordinance that required fences and walls to be built of specific materials or in a particular pattern just because they might be better looking. For example, the issue of fence materials arose in a junk yard fencing case, *City of New Orleans v. Southern Auto Wreckers*, 193 La. 895, 192 So. 523 (1939). The court said that the ordinance under attack (not a zoning ordinance) was "an arbitrary and unreasonable exercise of the police power, because the requirement of a tight board fence instead of a substantial fence built of ether materials, in no way tends toward the accomplishment of the object for which the city's power was exercised in this case."

Spite Fences

Any discussion by laymen of legal technicalities calls for statements of principles that are carefully qualified. The following remarks on spite fences attempt to present only broad principles.³

The layman regards a spite fence as one built to annoy his neighbors. Often it is considered such because the neighbors' feelings are hurt; they feel snubbed by being cut off from contact with the fence builder. If the fence is obnoxious in appearance, damage to neighborhood ego is compounded and the neighbors

are all the more sure of the spiteful intentions of the builder. Formerly, when a spite fence builder was brought to court, the courts believed they could not recognize such psychological "injury" in assessing damages or issuing an injunction. Other tests had to be developed.

The general common law rule is that a property owner must so use his property as not to injure others.⁴ However, courts usually hesitate to restrict the property owner in the use of his land and often give him the benefit of doubt because property rights are a major cornerstone of our law.⁵ So long as he refrains from "actively wrongful, negligent, or unskillful acts causing unnecessary injury to adjoining premises," according to *Corpus Juris Secundum*,⁶ "he may make any reasonable and proper use of his property in accordance with his own tastes, and any injurious consequences to adjacent premises are without liability."

Of special interest because of the relationship to spite fences is the principle that obstruction of light, air, and view is not cause for action by neighboring landowners.⁷

Since the doctrine of ancient lights generally does not apply in the United States, a building or structure cannot be considered a nuisance merely because it interferes with passage of light and air to adjoining property, nor does the fact that a structure obstructs the view of neighboring property constitute a nuisance.⁸ Of course, in extreme cases the courts may protect the neighbor.

Suits involving spite fences for years were not actionable as private nuisance cases in many courts because of the long recognized right of a property owner to erect a fence to separate his land from adjoining plots (e.g., *Rose v. Lindeman*, 147 Mich. 372, 110 N.W. 939 [1907]). Because of the unwillingness of courts to handle spite fence cases as private nuisance actions, several states (including Connecticut, Maine, Massachusetts, New Hampshire, Vermont, Washington, New York, and Kentucky) have made spite fences a cause for action by plaintiff through state statutes. Such laws usually spell out grounds for identifying a spite fence and recognize the spite fence as a cause for action through a private nuisance suit.

Spite fence statutes were based on principles that developed slowly in the courts of a few states — principles under which it was held that a fence cannot be built for the sole reason of annoying or injuring a neighbor. Motive as the principal test of spite developed from the case of *Gallagher v. Dodge*, 48 Conn. 387 (1880).⁹ In that decision the court said that "a structure is erected for spite when from its character, or location, or use, it would strike the ordinary beholder as manifestly erected with a leading purpose to annoy the adjoining owner or occupant in his use of his premises." (See also *Burke v. Smith*, 69 Mich. 380, 37 N.W. 838, 8 A.L.R. 184 [1888]. For lists of states allowing or disallowing consideration of motive, see 133 A.L.R. 691.)

The statute approach was taken by some states because spite fence cases are in an area of law that courts have been slow to enter, and because when an action becomes a nuisance action largely because of the public's emotion, there are many conflicting principles.

In most nuisance cases, the intent or motive of a person is not considered in determining whether there is a nuisance.¹⁰ But, a spite fence is primarily defined by the presence of intent to annoy. This finding must be coupled with a finding that the fence is not serving some useful and reasonable purpose.

If a defendant can show that he erected his fence for purposes other than to annoy and that he draws some benefit from the fence, the courts will probably find that it is not a spite fence. In a case reported in ZONING DIGEST, Vol. 4, page 69, *Livingston v. Davis*, 50 N.W.2d 592 (Iowa, 1951), the court held that a six-foot wood fence around a playground erected without the motive of spite or malice could not be enjoined even though the adjoining property owner was annoyed by it.

It is generally held that spite fence laws do not apply to buildings even though they are built to annoy, nor do the laws apply to fences not "substantially adjoining" the property line. (However, statutes are not confined to fences actually on boundary lines unless the laws are limited by definition.)

As a means of defining spite fences, some state laws, such as the New York real property law, declare fences exceeding a certain height that are maliciously erected and maintained to spite or annoy the owners or occupants of adjoining land, a private nuisance, and the law provides a remedy. The New York law places the height limit at ten feet if the barrier excludes the owner or occupant of the adjoining property from the enjoyment of light and air.

Regulation of Spite Fences Through Zoning

Zoning purposes, as expressed in the rationale for yard requirements,¹¹ are contrary to common law. Common law generally holds that a landowner may build in such a manner as to deprive adjoining owners of the light, air, and view that they had before the structure was built.¹² Moreover, under common law it has been held that no legal injury is inflicted by obstruction. Zoning, on the other hand, has as one of its purposes the protection of access to light and air and since fences are obstructions to them, zoning is used to regulate fences.

In addition, safety (especially vision clearance at corners) has been a strong reason for regulation of fences. Because access of view is largely an aesthetic matter when applied to fences, it has not been used as a justification for fence controls through zoning. However, view is most certainly a major element in a spite fence argument, because there may be malice in cutting off a good view by putting up a fence.

In a case reported in 10 ZD 89, *State v. Zumpano*, 146 N.E.2d 871 (Ohio App. 1956), the court held that the fence provision in a zoning ordinance (clearly aimed at forbidding spite fences, rather than protecting access to light and air) was invalid because no clear standards of what constitutes a spite fence were established. The ordinance prohibited as an accessory use "Unnecessary structures, including a fence, the apparent purpose of which is to annoy or damage the owner of adjacent property. . ." The court, in holding the prohibition invalid, asked who was to determine what is "unnecessary," or who would determine the "apparent purpose" and whether it "damages owners of adjacent properties." The court said that there is no uniform fence regulation in the section of the zoning resolution in question and pointed out that uniformity is abandoned ". . . because enforcement is left to a next door neighbor, a more distant neighbor, or to a zoning official."

A case involving a similar lack of standards (although decided on procedural grounds) is reported in 10 ZD 151, *Incorporated Village of Plandome Manor v. Greene*, 171 N.Y.S.2d 356 (1958). *Pearson v. Baldwin*, 270 P.2d 866, 6 ZD 180 (Cal.App. 1954) also involves a spite fence action brought under zoning ordinance provisions.

Control of Fences Through Zoning

"Fence" Defined

It does not seem necessary to define "fence" in most zoning ordinances. "Fence" has a clear meaning for which a dictionary definition will usually suffice. Fence provisions also usually cover walls, retaining walls, hedges, shrubbery, trees, "other growth," plants, flowers, screens, and "similar obstructions."

The principal use of a definition probably arises when a city wants to specifically include or exclude fences from the category of structures regulated by the ordinance. The Milford, Connecticut ordinance (1952) says ". . . the word 'building' includes the word 'structure' but does not include the word 'fence'." However, the Philadelphia ordinance (proposed 1957) defines a fence as "an unroofed barrier or unroofed enclosing *structure*, including retaining walls." [Editors' underscoring.] Definition of a fence as a structure may be of importance in determining location of fence provisions within the zoning ordinance.

When a fence is not considered a structure, it is usually regulated as an encroachment or projection into yard spaces. When it is considered a structure, it is usually regulated as an accessory structure.

When a fence is treated as an encroachment, the fence provisions often appear in the supplementary regulations section, which also covers such details as vision clearance, exceptions to height regulations, and other types of projections and encroachments. Fences occupy space in yards that otherwise is supposed to be unoccupied.

A typical provision in which fences are considered encroachments is that in the Denver ordinance (1957).

Fences or walls not exceeding 42 inches in height may be erected on any part of the Zone Lot: between the front line of the Zone Lot and the front setback line for structures, and on any other part of the Zone Lot may be erected to a height of not to exceed 72 inches. The height of such walls or fences shall be determined by measurement from the ground level at the lowest grade level within three feet of either side of such walls or fences. Fences or walls permitted hereunder shall not be included in computing compliance with Outside Area of Window Exposure.

If a fence is regulated as an accessory structure, fence rules generally appear in the district regulations. The zoning ordinances of Erie, Pennsylvania (1950) and Faribault, Minnesota (1952), for example, treat fences, walls, and hedges as accessory uses in residential districts. To be an accessory use, a fence must be an entity as opposed to a projection that is part of another entity. It is interesting, therefore, to note that in *State v. Zumpano* the court held that a fence is a structure within the terms of the township zoning enabling statute, and that the phrase "uses of buildings and other structures" contemplated the right to control the erection of fences through a zoning resolution. (See also *City of Chicago v. Pielet*, 342 Ill.App. 201, 95 N.E.2d 528 (1950), a nuisance case, in which it was held that a fence was a structure.)

Height Limitations

Where it is desirable to provide for different heights for different kinds of yards (as in the Denver ordinance provision quoted earlier), the definition of yards should be kept in mind and the height permitted in each set forth. For example, a model zoning ordinance for Florida¹³ contains a fence section as a supplementary district regulation for residence districts, which reads:

Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall or hedge along the sides or front edge of any front yard shall be over two and one-half feet in height.

The writers comment that "The maximum of two and one-half feet for front yard fences or hedges is preserved as a safety factor, particularly where small children are concerned. Some cities include maximum height provisions on side and rear yard fences. The matter is one of policy for the individual city."

Strict controls over the height and opacity of fences and similar obstructions appear in some ordinances. El Dorado, Kansas (1951) limits height to five feet and limits solidity to 50 per cent. Mount Lebanon Township, Pennsylvania (1955) has the strictest provisions of any ordinance reviewed for this report. Fences are limited to four feet in height, permitted in side or rear yards only, and the ratio of open to closed spaces must be not less than four to one. Tiffin, Ohio (1950) does not permit a fence to extend in front of the building line. North Hempstead, New York (1945) also limits height to four feet, as does Erie, Pennsylvania. Wheeling, Illinois has an ordinance provision (1949) that allows a fence ". . . in which the openings between the materials of which the fence is constructed represent less than seventy per cent of the total surface [to] be erected to a height not exceeding four feet along the boundaries of the lot" and ". . . wire fences and other fences in which the openings between the materials of which the fence is constructed represent more than seventy per cent of the total are [to] be erected to a height of six feet."

A specific reference point for measuring height such as that in the Denver ordinance is a necessary detail.¹⁴ Because height limits are sometimes established in state spite fence statutes, it is desirable to check the statutes before setting heights in the zoning ordinance, so that the local maximum is not higher than the state's.

Along streets — A provision governing height of fences in side yards when they border on a public way is sometimes added: ". . . and those in . . . any required side yard or extension thereof, shall not exceed three and one half (3 ½) feet in height when side yard or its extension borders upon a street" (Midland, Michigan — 1956). A variation of this appears in the San Diego County ordinance (1954): "Between an abutting front or side street and the minimum distance, the nearest main building is required to be set back from such street forty-two inches (42")."

In front yards — The heights permitted in front yards are usually lower because of the safety aspect, as well as in the interest of preserving an unobstructed view of open, green lawns. There is little difference between restriction of vision by a wall or by a high, thick hedge. Both are hazards to cars coming into and out of driveways because they block the view of the driver. However, the precise effect of either can only be determined in a particular case because there is a wide variation from city to city and within a city of the relationships between (1) street width, (2) radius of driveway returns, and (3) curb line, planting strip, sidewalk, and property line location and distances. For example, there is a tendency today to plant trees between the sidewalk and the building line, which gives drivers a better view of pedestrians and cars.

There is a provision in the Santa Barbara, California ordinance (1957), which says in the interests of safety, presumably, ". . . no fence, screen, wall, or hedge located within ten (10) feet of a driveway shall exceed a height of three and one-half (3 ½) feet."

Over hedges and other obstructions — In addition to fences, some ordinances attempt to control walls, screens, hedges, and shrubberies because these obstructions pose many of the same problems that fences do. For example, the San Diego County ordinance provides: "Trees, shrubs, flowers, and plants shall be permitted in any yard, except that no hedge shall be grown or maintained at a height greater than that permitted by this ordinance for a solid fence."

The Oyster Bay, New York ordinance (1953) notes in the fence provisions that "the provisions hereof shall also apply to hedges or other densely growing shrubbery."

The implication in distinguishing between hedges and other trees, plants, or shrubs is that a hedge obscures much more light, air, and view because it is denser and more opaque. However, the ordinance for the town of North Hempstead, New York specifically exempts "hedge, privet, trees, or other shrubbery" from height limitations. And Mount Lebanon Township, Pennsylvania permits ". . . trees, shrubs, and other planting . . . in required yards provided they do not unduly block a clear view or vision for vehicular traffic."

Differentiation is sometimes made between obstructive and ornamental plantings. The city of Chico, California in a 1958 amendment to the zoning ordinance says that "This provision is limited in its application to fences, shrubs, hedges, screen plantings and similar obstructions which are primarily intended or designed for fencing purposes; and this provision shall not be construed to prevent or prohibit shrubs, trees, or other ornamental plantings which are primarily intended or designed for landscaping purposes." Administration of such a provision might be difficult, however.

Exceptions

For openness — Fences can sometimes be built above the height limit if they are ornamental; such provisions usually require that the fence be largely open above the height limit. For instance, the Sarasota, Florida ordinance (1954) provides that "an ornamental fence may be higher than six feet when all of the structure above the six-foot height shall have a ratio of solid portion to open portion not in excess of one to four." Similar provisions are found in the Chicago (1957), Erie, Pennsylvania, and

Faribault, Minnesota zoning ordinances. Tiffin, Ohio allows "an ornamental fence to a reasonable height in excess of five feet." And the Chicago ordinance provides that "visibility at right angles to any surface of such fence not be reduced by more than 20 per cent" for open type fences exceeding five feet in height.

Inside building lines — A distinction should be made between walls and fences within the building or yard setback lines and those built on property lines or within yards. So long as the required front, side, and rear yards are provided, many ordinances permit a wall or fence almost without restriction, save that the height not exceed the limit for the main building. The San Diego County ordinance explicitly states that "within any area where a main building is permitted [the height limit for fences shall be the] same as for the main building."

The question that arises at this point is whether a fence within the building line may be damaging to owners of abutting property. Where required side and rear yards are narrow, a fence as high as the main building is obviously an unwelcome obstruction; and there could be a strong suspicion of spite in a fence that was nearly as high as the main building.

The only defense that a community has against such an abuse is to limit heights within building lines as well as within yards. A reasonable height limit can be decided upon by considering the height of walls and fences erected for legitimate purposes, such as one used to enclose a formal garden.

Light computations — Fences inside yards on narrow lots can come close to shutting out light and air from windows opening on them. The six-foot high fences allowed under some ordinances in side yards virtually necessitate a side yard wider than usual.

The Denver ordinance takes special note of the possibility of blocking light by walls and fences. It exempts walls and fences from the category of obstructions in calculating units of light access, or, as put in the ordinance, "outside area of window exposure." This exemption can be justified on the grounds that most fences and walls are limited to a height that will not greatly obstruct light.

Consent Provisions

No doubt with the thought in mind that a principal cause of fence trouble is the resentment that neighbors feel when a fence is built — rather than the loss of light and air — same ordinances require that the written consent of owners of abutting property be secured before a fence is built.

The El Dorado, Kansas ordinance provides, for example, that "no fence or wall more than fifty (50) per cent solid or more than five (5) feet in height shall be erected along any front or side street line nor within the limits of any side yard or rear yard abutting another lot without the written consent of such abutting lot owner." The Sarasota, Florida ordinance has a similar provision. The El Paso, Texas ordinance (1955) says that owners of abutting property may jointly build a fence closer to their front lot lines and higher than permitted under the ordinance if they put their agreement in writing and file it with the department of public inspection before they start construction.

Since consent provisions are not considered good practice, this procedure is not recommended.

Special Problems

The Beverly Hills, California (1947) ordinance contemplates abuses that might arise in fence and wall construction. The first paragraph, quoted below, controls the bulk of a wall or fence (when coupled with height control), insures a minimum passageway between a fence that parallels a building on a lot, and provides for enclosed spaces, such as a patio, by allowing a wall or fence to be attached to a building. The second paragraph prohibits the use of a wall as a structure or building not otherwise permitted in yards.

Walls, gates, and/or fences, if built, erected or constructed within three feet (3') of any common property line of lot shall not have a thickness in excess of three feet (3') measured at right angle to said lot line. No portion of any wall shall be constructed nearer than two feet (2') to any portion of any building on the same lot except a porte cochere portion, provided that at its end a wall may be in contact with a building, and may be returned at its end and contact a building.

No interior space in any portion of any wall built, erected or constructed within three feet (3') of any common property line of lot shall be used for storage, housing, or other purposes unless such portion of such wall is at a greater distance from the street or streets upon which a setback is established or maintained than the setback distance.

Fences around public property — Under some ordinances, fences and walls around public property, particularly schools and playgrounds, are exempt from fence provisions or are specially treated. The Santa Barbara ordinance says "an open mesh type fence to enclose an elementary or high school site may be located and maintained in any required yard." Mount Lebanon Township, Pennsylvania allows "for schools, playgrounds, and parks in any District, an open fence with a ratio of the open portion to the solid portion of net less than six to one (6:1), not more than ten (10) feet in height, in a side and rear yard." An example of another exemption appears in the Midland, Michigan ordinance: "This regulation shall not apply to chain link fences erected on public recreational areas, school grounds and in industrial districts."

Retaining walls — Retaining walls are also considered in some ordinances. Two provisions that illustrate opposing approaches are given below:

Retaining walls shall not extend above the surface of the ground which they support. — North Hempstead, New York

Retaining walls shall be considered as fences and controlled under this paragraph to the extent that such walls protrude above the actual ground level at the highest point of such walls. — Philadelphia (proposed)

It seems reasonable to allow retaining walls to extend above the finished grade to substitute for fencing needed to prevent people from falling off the embankment. The dissent in the Parker case, cited earlier, takes notice of the need for a clearly worded provision on retaining walls as a base for measuring maximum height.

Variation by zone — Although there is probably more to be said for not varying fence height limits by residence districts than for varying them, it may be desirable to place a more restrictive height limit on fences in certain districts or where yards are especially narrow or lots are small. The court in *State v. Zumpano* stated that a variation in regulations from district to district may be justified.

Administrative variances — It seems undesirable to grant to boards of appeal, building inspectors, or municipal legislators the power to make exceptions to fence heights at will, as some ordinances provide. In the interests of uniformity, variation in maximum fence heights should not be allowed freely within a zoning district. However, exceptional cases may be handled under the general power given to boards of appeal to grant variances.

Safety

Instead of general municipal control over hazardous fences, provisions prohibiting dangerous fence materials sometimes appear in zoning ordinances. However, the zoning ordinance is usually not the proper place for such detailed regulations.

A typical provision appears in the El Paso, Texas zoning ordinance, which says "no electrified fence or wall or any fence or wall containing broken glass, barbed wire, or other substances reasonably calculated to do bodily harm shall be permitted." And under the Santa Barbara ordinance: ". . . no barbed wire shall be used or maintained in or about the construction of a fence, screen, wall or hedge along the front, side or rear lines of any lot, or within three (3) feet of said lines, and no sharp wire or points shall project at the top of any fence or wall less than six (6) feet in height."

Vision Clearance

A provision regulating vision clearance at street intersections is more common in zoning ordinances than in general fence regulations. The chief differences among vision clearance provisions are height limits, setback distances, and the method of determining setback distances. Setback distances are most commonly measured from the intersection of property or right-of-way lines at corners. The usual practice is to forbid obstructions over a certain height in a triangle established by measuring a certain distance back from the property line intersection and then connecting the two points established by measurement. The hypotenuse of the triangle becomes the setback line. A typical provision follows:

On a corner lot in a residence or neighborhood business zone no fence, wall, shrubbery, sign, marquee, or other obstruction to vision between a height of three and one-half feet and ten feet above the center line grades of the intersecting streets shall be erected, placed, planted, allowed to grow or maintained within the triangular yard space formed by the intersecting street lines and a line joining points on such street lines thirty feet from the point of intersection of the street lines.

Where applicable — Vision clearance regulations mostly affect residential zones but sometimes include neighborhood business districts where front yard setbacks have been established. Because land is usually expensive in main business districts and because those areas are often built up when a zoning ordinance is first adopted, it is not customary to require front yards in such districts. On the other hand, it is common practice to require front yards in neighborhood business districts so that contiguous business and residential zones appear similar and surrounding residential properties are not depreciated by the nearby businesses.

An addition to the applicability of the basic regulation was noted in the Colorado Springs, Colorado ordinance (1954) in which vision clearance setbacks must be made at the intersection of streets and railroads.

Height measurement — Within the vision clearance triangle, heights are usually limited to between two and one-half and three and one-half feet. The most restrictive limit found in the ordinances examined was two feet in the Milford, Connecticut ordinance. A maximum of four feet was permitted by Sarasota, Florida. Under some ordinances, overhanging objects within the triangle, such as marquees or tree limbs, are allowed only if they are above a certain height, usually from eight to ten feet above the

basepoint. Colorado Springs, Colorado prohibits overhangs except above 12 feet. The most common base point for measuring heights is the level of the street pavement at the point where the street center lines intersect.

In the model zoning ordinance for Florida mentioned earlier, comments are made on the height to be permitted within the triangle:

The 2 ½ foot requirement is practical, and, from the safety standpoint, the maximum that should be allowed. Drivers of small European sports cars coming up to an intersection where the hedge is more than 2 ½ feet above the center grade line of the street simply cannot see over it. Most children can be seen over a 2 ½ foot hedge or solid fence. If the limit is raised to 3 or 4 feet, the requirement might just as well be omitted. Allowing obstructions above 10 feet is necessary because of tree limbs; such an obstruction in no way affects safety factors.

Triangle measurement — Distances to be measured along the street line vary from five feet in North Hempstead, New York to 75 feet in Santa Barbara, California. However, a report titled *Municipal Regulation of Traffic View Obstructions*¹⁵ suggests a different method of establishing a vision clearance triangle.

. . . it is recommended that zoning ordinances require setbacks in residential districts as required by a city's zoning ordinance maps and that a sight triangular area at all corners be established by measurements along intersecting street lines, and within the sight triangular area and within the setback area along the street, the ordinance should declare it to be unlawful to install, to set out, or maintain, or to allow the installation, setting out, or maintenance of any structures, signs, hedges, shrubbery, natural growth, or other obstruction to view, higher than three feet six inches above the level of the center of the adjacent intersection. This should not apply retroactively to permanent structures; public utility poles; trees trimmed (to the trunk) to a line at least eight feet above the level of the intersection; saplings, or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view; supporting members of appurtenances to existing structures; official warning signs or signals; to places where the contour of the ground is such that there can be no cross-visibility at the intersection; or to signs mounted 10 feet or more above the ground and whose supports do not constitute an obstruction. . . .

The triangular area should be determined by measuring 80 feet along the center line of intersecting streets from the point of intersection of the same, thus providing for a sight triangle across the corner lots. Regardless of the width of the intersecting rights-of-way or the amount of required zoning setback, this stopping distance of 80 feet for 20 M.P.H. speed or 90 feet for 25 M.P.H. speed always is obtained with a triangular area free from sight obstructions under the combination of zoning setback and corner sight triangle as recommended above.

The use of street center lines instead of right-of-way lines to determine the vision triangle appears to be a superior method, in that traffic engineering measurements of effective stopping sight distances for speeds common in residential areas can be used to determine length of the sides of the triangle.

One modification that might be necessary is to lengthen the sides of the triangle as the width of the streets increases in order to account for drivers in right-hand lanes. The speed figures recommended above are postulated on the presumption that the maximum street width in residential areas will be 60 feet.

Another point about which there might be disagreement is the exemption of corners where topography limits cross-visibility. Some ordinances require that there be no "blind" corners even if high banks must be cut down to open up a vision triangle.

Some Additional Considerations

Privacy — the Patio and Outdoor Room

Attention is being given to means of increasing the number of dwelling units an acre by using row house types. And an essential element of plans for row house developments is privacy in the face of high densities. Fences and walls are means of achieving privacy in outdoor spaces around such dwellings. Provisions for unusual wall and fence heights may be warranted under the circumstances. The precedent for houses with walled-in courts and patios comes from the Spanish influence, as seen in New Orleans, Savannah, and towns in southwestern United States.

The Redevelopment Authority of the City of Philadelphia made a study of row house developments that shows the value of fences and walls as devices for privacy.¹⁶ The report says:

The adoption of the "outdoor room" concept imposes certain design requirements, whether between house and street or in inverted houses [with the living room in the rear]. This outdoor area is valuable and should be private. Extensions of party walls or the provision of wood walls, trellises or fences are indispensable to the best exploitation of these spaces.

Ordinances might provide for such experiments by varying regulations by zone or through the exceptions that are allowed for large-scale housing developments.

Light

If obstruction of light by walls and fences seriously lowers residential standards, it may be necessary to not only restrict fences and walls to protect the neighbors, but also to protect the property of the man who builds the fence or wall. For instance, if the housing code requires a certain amount of light and air by window, light and air — and view — should be protected by the imposition of angle of light obstruction, units of light access, or other formulae. (See Information Report No. 111, *Floor Area Ratio*, pages 24 and 25, for brief explanations of these terms.) At most, of course, these specialized controls result only in forcing the builders of fences and walls to set them back from windows short distances.

Air Flow

Air flow over and around fences and planting screens, as well as around buildings, is now being investigated.¹⁷ Soon it should be possible to know with fair precision how to get the most out of favorable cooling breezes in summer and how to protect against chill winds in winter. Some studies on fence design point to surprising conclusions about the effects of various types of fences on wind currents. For example, the solid fence permits the quickest return to normal wind velocities on the lee — or protected — side (recovery with 35 feet). Therefore, a solid barrier design might be the most favorable if complete privacy and summer breezes are both desired. Many other fences would be excellent as windbreaks; wind velocities fail to recover in distances up to 100 feet in the lee of some fences.

Noise Control

Fences, walls, and hedges used as screen or shields against neighborhood noises can do much to cut down air-borne noises and make residential properties more livable. For instance, the Pasadena, California zoning ordinance (1954) takes notice of the value of buffers for "property exposed to exceptional hazards of traffic, trespass, dust or noise," and allows higher fences to meet such conditions under a variance procedure.

The Courts on Fence Regulations

The attitude of the courts toward fence regulation through zoning is not well established except on vision clearance provisions, which have frequently been upheld — on safety grounds. But in two reported cases (not vision clearance regulations) the courts held zoning fence regulations invalid on grounds that they imposed strict height limits.

In the case of *Wondrak v. Kelly*, 129 Ohio St. 268, 195 N.E. 65 (1935), the court ruled invalid a limit of three and one-half feet on division line fences (presumably side and rear yard property line fences). The court said that such a low height had no reasonable relation to the public safety, although evidence given by police and fire chiefs was considered.

In the case of *Lamkin v. City of Bellaire*, 308 S.W.2d 70, 10 ZD 88 (Tex. Civ.App. 1958) the court held invalid a zoning ordinance provision that did not permit fences, walls, or similar enclosures in the front yard. The city had brought suit to have four-foot side yard fences and a two and one-half-foot front yard fence removed. The court of appeals held that for a zoning ordinance to prohibit fences in the front yard was so unreasonable concerning the two and one-half-foot fence in question as to be unenforceable.

In a case not involving zoning, *Williams v. City of Hudson*, 219 Wis. 119, 262 N.W. 607 (1935), the Wisconsin Supreme Court held a fence ordinance invalid, stating that common law has always protected the landowner in the right to fence his property; this was a property right that could not be interfered with unreasonably. The court said "to deprive one of this right to use his yard and home in a way which does not interfere with the usual and lawful commerce and life of a community would be exercising a high power that is not to be used except when the public welfare requires it." The restrictions were not considered by the court as being an exercise of the police power.

Although the language of the court at that time was broad, changing judicial attitudes may have modified the need for restraint in fence regulations that this case emphasizes.

The Parker case cited earlier is largely a vision clearance case. Although often used in support of the idea that the courts may considered a five- or six-foot fence limit in front and rear yards reasonable, the principal issue was a 15-foot wall at the intersection of a street and alley.¹⁸ Possible fire hazards from difficulties of access to the property were also discussed.¹⁹

A Separate Fence Ordinance?

Perhaps the most important point to be made concerning both vision clearance and general fence regulations is that such provisions probably do not belong in the zoning ordinance. Several municipalities regulate fences, particularly the vision clearance and dangerous materials aspects,

through separate ordinances.

Chicago controls barbed wire fences and fences as right-of-way obstructions under a special ordinance. The city of San Diego's "fence ordinance" makes reference where necessary to the zoning ordinance (relating permitted heights to residential and certain commercial zones, for instance). Enactment of fence controls in a separate ordinance would help to reduce the length and the profusion of detail in "catchall" zoning ordinances.

Conclusions

Fences, walls, and plantings in residential areas can prove to be troublesome, though minor problems. But for purposes of privacy, shade, wind-breaking, and noise control, fences, walls, and hedges are justified. Communities contemplating prohibition or restriction of fences in an effort to keep yards open should also recognize their positive values.

Although fences, walls, and plantings have been extensively regulated through zoning ordinances, it seems more desirable to control them through a separate fence ordinance. However, such regulations should be coordinated with the zoning ordinance. Such problems as dangerous materials and vision clearance are especially suited to treatment in a special ordinance.

Fences probably have been regulated by zoning because they are an aspect of neighborhood environment. However, zoning ordinances have been used in a mistaken effort to control spite fences in some instances. The courts have not been sympathetic to zoning provisions in which the language revealed that the aim was spite fence control. The only direct control a municipality can have over spite fences is height.

In addition to height, zoning regulations can control openness, location, and materials. However "openness" provisions are not believed to be wise because enforcement is difficult. A few ordinances contain consent provisions and allow some height exceptions. Neither practice is recommended.

Vision clearance provisions should be more closely related to traffic engineering calculations of effective stopping sight distances, if city officials believe that vision clearance is a necessary supplement to traffic control devices.

The use of fences, walls, and plantings for both functional and decorative landscaping is being studied. The effect of such landscape elements on light and air can now be fairly well predicted and controlled. The use of fences, walls, and plantings to provide privacy for patios and "outdoor rooms" suggests that conventional ordinance provisions may have to be reconsidered.

ENDNOTES

1 Ray Hamilton Skelton, *The Legal Elements of Boundaries and Adjacent Properties* (Indianapolis: The Bobbs-Merrill Co., 1930), pp. 501-513.

2 Eugene McQuillin, *The Law of Municipal Corporations* (3rd ed.; Chicago: Callaghan and Co., 1949-1951), Vol. 10, p. 755, sec. 30.98.

3 For further legal discussion see *Spite Fences and Other Spite Structures*, 133 *American Law Reports* (A.L.R.) 691 (1941).

4 66 *Corpus Juris Secundum* (C.J.S.) Nuisances sec. 8.

5 Clyde O. Martz, *Rights Incident to Possession of Land* (Boston: Little, Brown and Co., 1954), sec. 28.28, as reprinted from *American Law of Property*, Vol. VI-A, part 28.

6 2 *C.J.S.* Adjoining Landowners sec. 1.

7 2 *C.J.S.* Adjoining Landowners sees. 47-52.

8 66 *C.J.S.* Nuisances sec. 25.

9 Richard L. Leedy, "Spite Fence: A Newly Created Cause of Action," *Wyoming Law Journal* 9 (Fall, 1954), pp. 74-77.

10 66 *C.J.S.* Nuisances sec. 10.

11 *Projections into Yards*, PLANNING ADVISORY SERVICE Information Report No. 66 (Chicago: American Society of Planning Officials, September 1954).

12 2 *C.J.S.* 44, Adjoining Landowners, sec. 50.

13 Fred H. Bair, Jr. and Ernest R. Bartley, *The Text of a Model Zoning Ordinance, with Commentary*, Studies in Public Administration No. 16 (Gainesville: Public Administration Clearing Service of the University of Florida, 1958), pp. 35-36.

14 The dissenting opinion in *In re Appeal of Parker* (214 N.C. 51, 197 S.E. 706 (1938)) is partially based on a lack of clarity in establishing a point for height measurement.

15 *Municipal Regulation of Traffic View Obstructions*, Report No. 112, Bureau of Governmental Research and Services (Seattle: University of Washington Press, 1953), pp. 36–37.

16 *Eastwick New House Study* (Philadelphia: Redevelopment Authority of the City of Philadelphia, 21st Street and Parkway, 1957), p. 39.

17 For additional readings on the subject, see the following:

Robert F. White, "Contemporary Landscape Screens Show Various Effects in Wind Tunnel Breezes," *Texas Engineering Experiment Station News*, March 1958, pp. 8–13.

Robert F. White, "Landscape Development and Natural Ventilation," *Landscape Architecture*, January 1955, pp. 72–80.

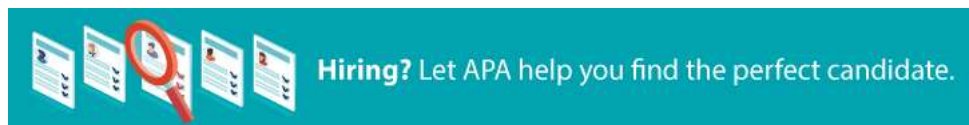
"Air Flow Around Buildings," *Architectural Forum*, September 1957, pp. 166–168.

"Wind Tests: Which Fence Is Best?" *How to Build Fences and Gates* (Menlo Park, California: Lane Publishing Co., 1951) pp. 75–76.

18 However, in the dissenting opinion it was pointed out that the ordinance provision at issue was not aimed at vision clearance, although the majority opinion was largely based on safety hazards at the corner.

19 One reason given for the requirement of side yards has been that they provide fire lanes between buildings, which allow access for fire fighting equipment. Fences are certainly a block to easy access. See Philip P. Green, Jr., *Zoning in North Carolina* (Chapel Hill, N.C.: University of North Carolina, Institute of Government, 1952), p. 202.

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CITY COUNCIL AGENDA MEMO

Prepared By: Layne Cline, Public Works Superintendent

April 8, 2021

Pavement Assessment Presentation and Discussion

DESCRIPTION:

Receive a report and hold a discussion regarding an assessment completed for concrete and asphalt pavement conditions.

BACKGROUND INFORMATION:

Currently, the City of Lake Dallas has an estimated 50.83 lane miles throughout the entire City, which is the distance measured from the middle of each lane traveled. Public Works maintains and manages roughly 50 lane miles of paved surfaces, which are 53% Asphalt, 43% Concrete and 4% Gravel. An average estimate to properly construct one lane mile of roadway totals to about \$1,500,000.00. Multiplying the average cost to construct a road and the amount of lane miles on hand, the City potentially has about \$74,245,000.00 in street infrastructure.

Over the past year, the Public Works Department conducted a pavement condition index assessment for all streets within the City limits. The attachments for this report display those findings using an unbiased professional evaluation method recommended by the Federal Highway Administration (FHWA). FHWA's manual survey method is used to determine a pavement condition index (PCI), this information is used to help prioritize maintenance treatments and reconstruction operations. Manual surveys are conducted by walking by foot or traveling in a vehicle at low speed and scoring/noting the existing surface distresses across the entire roadway. Considering the age of the street, the distresses present, and preventative maintenance measures taken, is how a PCI score is developed.

This study shows a detailed inventory of every street, surface type, segment lengths and widths, age of construction, distresses, and condition rating accordingly. The types of distresses that were observed throughout the assessment were longitudinal cracking (expanding length of road), transverse cracking (expanding the width of the road), alligator cracking, raveling, rutting, and block cracking.

Currently the City does not have software that is dedicated solely for asset management related to Public Works. Adding a license to the ArcGIS account would cost \$100 per year. All data collection and visual aids were comprised through Microsoft Excel and Google Earth Pro, all free programs.

Due to the lack of record keeping and access to past projects related to pavement maintenance operations, crackseal, slurry seal, wedge-mill overlay, reconstruction etc., it is difficult to understand past maintenance plans. Implementing a new pavement management plan, will allow the City to stay on top of maintenance and budget for future capital projects.

FINANCIAL CONSIDERATION:

None.

RECOMMENDED MOTIONS:

Discussion Only.

ATTACHMENT(S):

1. Presentation
2. Excel Pavement Assessment Data
3. 2021 PCI Map
4. Asphalt PCI Image
5. Concrete PCI Image

20-21 Pavement Condition Index Rating

ID #	Street Name	Surface	Segm. Add.	Length	Width	Constant	Age	Alligator	Long.	Trans.	Rutting	Raveling	Block	Total
1	ADDISON PL	Asphalt	100-150	0.06mi	20ft	100	30	1.5	2	2	2.5	1	1.5	10.5
2	ADDISON ST	Asphalt	220-225	0.07	20ft	100	30	5	4	3	0.5	1	2	15.5
3	ADDISON ST	Asphalt	210-219	0.08	20ft	100	30	3.5	2	2	0.5	1	1	10
4	ADDISON ST	Asphalt	500-535	0.21	20ft	100	30	5.5	3	3	1.5	2	0.5	15.5
5	ADOLPHUS AVE	Asphalt	200-415	0.15	16ft	100	30	5	5	4	3	2	2	21
6	ADOLPHUS AVE	Asphalt	100-199	0.04	16ft	100	30	3	4	2.5	2.5	1.5	4	17.5
7	ALAMO AVE	Asphalt	200-249	0.03	24ft	100	30	1.5	3.5	1.5	0	0.5	0	7
8	ALAMO AVE	Asphalt	250-299	0.03	24ft	100	30	1.5	3.5	1.5	0	0.5	0	7
9	ALAMO AVE	Asphalt	300-399	0.04	20ft	100	30	0.5	2	0.5	0	0.5	0	3.5
10	ALAMO AVE	Asphalt	400-450	0.08	22ft	100	30	0.5	2	1.5	0	0.5	0	4.5
11	ASHLEY OAK LN	Concrete	311-344	0.23	25ft	100	26	0	1	0.5	0	0	0	1.5
12	ATCHISON DR	Asphalt	500-520	0.12	22ft	100	30	2	4	2.5	2.5	1.5	2	14.5
13	BECK AVE	Asphalt CC	500-720	0.15	27ft	100	30	4.5	5	4	2.5	0.5	3	19.5
14	BETCHAN DR	Asphalt	150-349	0.11	18ft	100	30	2.5	5	4	3	1.5	4	20
15	BETCHAN DR	Asphalt	350-450	0.18	20ft	100	30	5	6	4	1.5	1.5	4	22
16	BETCHAN DR	Asphalt	451-500	0.14	20ft	100	30	7	6	1	3.5	2	5	24.5
17	BISHOP CT	Asphalt CC	5501-5515	0.09	23ft	100	30	1	3	1.5	0	0.5	0	6
18	BLACK WALNUT DR	Concrete	731-739	0.05	25ft	100	26	0	0.5	0.5	0	0	0	1
19	BLACK WALNUT DR	Concrete	723-730	0.05	25ft	100	26	0	0.5	0.5	0	0	0	1
20	BLUEWOOD LN	Concrete	311-317	0.05	25ft	100	26	0	0.5	0	0	0	0	0.5
21	BLUEWOOD LN	Concrete	319-337	0.13	25ft	100	26	0	0	0	0	0	0	0
22	BOLIVER AVE	Asphalt	290-415	0.15	16ft	100	30	3	4	2	4.5	2.5	4	20
23	BRIAR OAKS DR	Concrete	500-516	0.11	25ft	100	17	0	1.5	1	0	0	2.5	5
24	BRIAR OAKS DR	Concrete	518-524	0.05	25ft	100	17	0	2	1	0	0	5	8
25	BRIAR OAKS DR	Concrete	526-534	0.06	25ft	100	17	1.5	2	1.5	0	0	4	9
26	BRIAR OAKS DR	Concrete	536-552	0.07	25ft	100	17	0	2.5	1.5	0	0	0.5	4.5
27	BROOKSIDE DR	Concrete	400-408	0.11	25ft	100	24	0	0	0	0	0	0	0
28	BROOKSIDE DR	Concrete	410-423	0.06	25ft	100	24	0	0	0	0	0	0	0
29	CAIN ST	Concrete	810-815	0.05	26ft	100	25	0	0.5	0.5	0	0	0	1
30	CAIN ST	Concrete	737-809	0.05	26ft	100	25	0	0.5	0.5	0	0	0	1
31	CAIN ST	Asphalt CC	725-735	0.05	26ft	100	30	3	3	2.5	0.5	0.5	1	10.5

32	CAIN ST	Asphalt CC	701-724	0.05	26ft	100	30	0	2	1	0.5	0.5	0	4
33	CAIN ST	Asphalt CC	600-700	0.12	19ft	100	30	0.5	2	1	1.5	0.5	0.5	6
34	CARLISLE CT	Concrete	700-710	0.05	29ft	100	25	0	0.5	0.5	0	0	0	1
35	CARLISLE DR	Asphalt	201-299	0.07	20ft	100	30	3	4	2.5	1.5	0.5	3	14.5
36	CARLISLE DR	Asphalt	301-499	0.18	20ft	100	30	3	4	2.5	1.5	0.5	4	15.5
37	CARLISLE DR	Asphalt	500-605	0.18	18ft	100	30	1.5	2	1.5	0.5	0.5	2	8
38	CARLISLE DR	Asphalt	701-770	0.2	14ft	100	30	0	2	1	0	0.5	0.5	4
39	CASTLE CT	Asphalt CC	5500-5516	0.08	26ft	100	30	2	2	2	5	0.5	1.5	13
40	CEDAR LEAF CIR	Concrete	735-752	0.1	25ft	100	26	0	0.5	0.5	0	0	0	1
41	CHAPEL CREEK	Concrete	531-537	0.06	25ft	100	17	0	0.5	0.5	0	0	0	1
42	CHAPEL CREEK	Concrete	519-529	0.05	25ft	100	17	0	0	0	0	0	0	0
43	CHESTNUT DR	Concrete	312-784	0.12	25ft	100	26	0	0	0	0	0	0	0
44	CLANCY LN	Concrete	505-535	0.13	27ft	100	18	0	0.5	0.5	0	0	0	1
45	COLUMBIA CIR	Asphalt CC	400-410	0.06	26ft	100	30	1.5	2	2	1.5	0.5	0	7.5
46	CORAL LN	Gravel/Dirt	Private?			100								
47	COUNTESS CT	Asphalt CC	5401-5417	0.09	26ft	100	30	4	3	2.5	2	1.5	2	15
48	COUNTESS CT	Asphalt CC	5300-5316	0.09	26ft	100	30	3	3	1.5	0.5	1.5	1	10.5
49	CREST DR	Asphalt	300-650	0.11	17ft	100	30	2	3	1.5	2	1.5	3	13
50	DOBBS RD	Asphalt	102-110	0.19	21ft	100	20	5	4	2	1.5	1	1	14.5
51	DOBBS RD	Asphalt	200-299	0.16	21ft	100	20	4.5	3	2	0.5	1	0.5	11.5
52	DOBBS RD	Asphalt	300-350	0.11	21ft	100	20	3	2.5	1.5	0.5	1	0.5	9
53	DOLPHIN LN	Asphalt	300-350	0.04	16ft	100	30	3	2	1	1.5	0.5	0	8
54	DONALD LN	Asphalt	100-150	0.06	16ft	100	30	0.5	3	1	0.5	0.5	0	5.5
55	DOUBLE OAK LN	Concrete	300-311	0.08	25ft	100	24	0	0.5	0.5	0	0	0	1
56	DRIFTWOOD ST	Gravel	300-350	0.03	18ft	100	30							
57	DUCHESS CT	Asphalt CC	5300-5316	0.08	26ft	100	30	1	2	1.5	0.5	0.5	0	5.5
58	DUCHESS CT	Asphalt CC	5401-5417	0.08	26ft	100	30	4	3	1.5	2	2	1.5	14
59	FALCON DR	Asphalt	101-200	0.04	28ft	100	30	0	2	1	0	0.5	0	3.5
60	FALCON DR	Asphalt	201-300	0.04	28ft	100	30	0	2	1	0	0.5	0	3.5
61	FALCON ST	Asphalt	301-350	0.16	28ft	100	30	3	5	4	1.5	1.5	3	18
62	FORREST ST	Asphalt	Private?			100								
63	GALBRAITH ST	Asphalt	600-650	0.07	15ft	100	30	2.5	5	3.5	3.5	1.5	2	18
64	GEORGIAN OAK CT	Concrete	320-326	0.03	25ft	100	26	0	0	0	0	0	0	0
65	GEORGIAN OAK CT	Concrete	319-302	0.09	25ft	100	26	0	0.5	0.5	0	0	0	1

66	GLEN RHEA DR	Asphalt	60-700	0.1	16ft	100	30	3	3	1	1.5	0.5	0	9
67	GLEN RHEA DR	Asphalt	702-726	0.17	14ft	100	30	2	3	1	2	1	0	9
68	GOLIAD AVE	Asphalt	101-200	0.03	22ft	100	30	0	1.5	1	0.5	0.5	0.5	4
69	GOLIAD AVE	Asphalt	201-300	0.04	22ft	100	30	0	2	1	0.5	0.5	0	4
70	GOLIAD AVE	Asphalt	301-415	0.08	19ft	100	30	1.5	3	2	0.5	0.5	1.5	9
71	GOTCHER AVE	Asphalt	101-199	0.04	23ft	100	30	1.5	2	1	0.5	0.5	0	5.5
72	GOTCHER AVE	Asphalt	200-215	0.19	23ft	100	30	2.5	4	2.5	1.5	0.5	3	14
73	GRAYSON LN	Concrete	600-619	0.05	28ft	100	15	0	0.5	0.5	0	0	0	1
74	GRAYSON LN	Concrete	620-635	0.08	28ft	100	15	0	0.5	0	0	0	0	0.5
75	GRAYSON LN	Concrete	487-520	0.16	28ft	100	15	0	0.5	0.5	0	0	0	1
76	HARBOUR TOWN DR	Asphalt CC	500-599	0.08	30ft	100	30	7	7	6	1.5	3	6	30.5
77	HARBOUR TOWN DR	Asphalt CC	600-634	0.05	28ft	100	30	5	6	4	1.5	2	3	21.5
78	HARBOUR TOWN DR	Asphalt CC	636-740	0.16	28ft	100	30	6	5	4	3	2	3	23
79	HIGHGATE CT	Concrete	585-599	0.02	30ft	100	11	0	0.5	0.5	0	0	0	1
80	HIGHPARK CT	Concrete	500-522	0.08	27ft	100	9	0	0.5	0	0	0	0	0.5
81	HILLCREST ST	Asphalt	100-110	0.06	21ft	100	30	1.5	3	2	1	0.5	1	9
82	HILLCREST ST	Asphalt	111-117	0.06	21ft	100	30	0.5	3	1.5	0.5	0	0	5.5
83	HILLCREST ST	Asphalt	200-206	0.06	21ft	100	30	2	2	1	0.5	0.5	0	6
84	HILLCREST ST	Asphalt	208-214	0.06	21ft	100	30	0.5	3	0.5	0.5	1	0	5.5
85	HOWARD DR	Asphalt	500-550	0.21	21ft	100	30	3	5	3.5	2.5	0.5	1	15.5
86	W HUNDLEY DR	Asphalt CC	301-314	0.06	28ft	100	5	0	0.5	0.5	0	0	0	1
87	W HUNDLEY DR	Asphalt	201-299	0.08	21ft	100	30	3.5	4	3	0.5	0.5	1.5	13
88	W HUNDLEY DR	Asphalt	101-200	0.07	21ft	100	30	3.5	4	3	0.5	0.5	1	12.5
89	E HUNDLEY DR	Asphalt	101-186	0.1	24ft	100	30	0.5	2	1	0.5	0.5	0	4.5
90	E HUNDLEY DR	Asphalt	201-300	0.22	24ft	100	30	3	4	3	2.5	1	2	15.5
91	E HUNDLEY DR	Asphalt	301-499	0.08	24ft	100	30	2	5	4	1.5	1	0.5	14
92	E HUNDLEY DR	Asphalt	500-523	0.09	24ft	100	30	3	4	3	2.5	1.5	1	15
93	E HUNDLEY DR	Asphalt	600-701	0.1	24ft	100	30	7.5	6.5	5	3.5	2.5	3	28
94	E HUNDLEY DR	Asphalt	702-850	0.17	22ft	100	30	6	5	4.5	2	1.5	3	22
95	JANET ST	Asphalt	101-200	0.05	18ft	100	30	5	4	2.5	1.5	1	0.5	14.5
96	JANET ST	Asphalt	201-299	0.06	18ft	100	30	4	3	2	1.5	1	1	12.5
97	JEFFERSON LN	Concrete	400-489	0.03	28ft	100	15	0	0.5	0.5	0	0	0	1
98	JEFFERSON LN	Concrete	490-515	0.16	28ft	100	15	0	0.5	0.5	0	0	0	1
99	JULIAN ST	Asphalt	200-350	0.03	14ft	100	30	4	4	2.5	4	1.5	2	18

100	KINGS MANOR DR	Asph/Con CC	5300-5316	0.08	26ft	100	30	4	4	3	1.5	1	0	13.5
101	KINGS MANOR DR	Asphalt CC	1031-5402	0.26	26ft	100	30	4	5	3.5	1.5	1.5	2	17.5
102	KINGS MANOR DR	Asphalt CC	1021-1029	0.05	26ft	100	30	4	3	1	0.5	1	0	9.5
103	KINGS MANOR DR	Asphalt CC	1013-1019	0.05	26ft	100	30	2	3	1	0	0.5	2	8.5
104	KINGS MANOR DR	Asphalt CC	1005-1011	0.05	26ft	100	30	4	3	2	0.5	1	1	11.5
105	KINGS MANOR DR	Asphalt CC	1000-1004	0.03	26ft	100	30	1	2	1	0	0.5	0	4.5
106	KINGSWOOD DR	Asphalt CC	186-200	0.07	25ft	100	30	4	3	2.5	0.5	0.5	3	13.5
107	KINGSWOOD DR	Asphalt CC	139-185	0.19	25ft	100	30	2.5	3	2.5	0.5	0.5	2	11
108	KNIGHTS CT	Asphalt CC	5500-5516	0.09	26ft	100	30	3	3	1	5	1	0	13
109	LACEY OAKS LN	Concrete	768-775	0.07	25ft	100	26	0	0	0.5	0.5	0	0	1
110	LAKE DR	Asphalt	720-750	0.06	14ft	100	30	0.5	3	1.5	0	1	0.5	6.5
111	LAKE DR	Asphalt	612-715	0.12	14ft	100	30	0	3	2	0	0.5	0	5.5
112	LAKE DR	Asphalt	600-610	0.05	14ft	100	30	0	2.5	2	0	0.5	0	5
113	LAKE BLUFF DR	Concrete	900-934	0.16	26ft	100	24	0	0.5	0.5	0	0	0	1
114	LAKE BLUFF DR	Concrete	800-814	0.07	26ft	100	24	0	0.5	0.5	0	0	0	1
115	LAKE BRIDGE DR	Concrete	711-811	0.22	26ft	100	24	0	2	0.5	0	0	0	2.5
116	LAKE BRIDGE DR	Concrete	601-710	0.12	26ft	100	24	0	1	0.5	0	0	0	1.5
117	N LAKE DALLAS DRIVE	Asphalt	100-150	0.15	32ft	100	5	0	0.5	0.5	0	0	0	1
118	S LAKE DALLAS DRIVE	Asphalt	101-200	0.13	25ft	100	25	0.5	2	2	0.5	0.5	1	6.5
119	S LAKE DALLAS DRIVE	Asphalt	201-300	0.12	25ft	100	25	1	2	1	1.5	0.5	1	7
120	S LAKE DALLAS DRIVE	Asphalt	301-400	0.09	25ft	100	25	1.5	2	1	1.5	0.5	1	7.5
121	S LAKE DALLAS DRIVE	Asphalt	401-424	0.07	25ft	100	25	1	3	2	0.5	0	1.5	8
122	S LAKE DALLAS DRIVE	Asphalt	425-630	0.22	22ft	100	25	4	5	3	2.5	2.5	0.5	17.5
123	LAKE HIGHLANDS DR	Asphalt CC	420-430	0.06	27ft	100	30	4	4	2.5	0.5	1.5	1	13.5
124	LAKE HIGHLANDS DR	Asphalt CC	431-438	0.04	27ft	100	30	4	4	2.5	0.5	1.5	1	13.5
125	LAKE VISTA DR	Asphalt CC	100-140	0.21	27ft	100	30	1.5	2	1.5	0	0.5	0	5.5
126	LAKE VISTA CIR	Asphalt CC	30-50	0.15	28ft	100	30	1	4	1.5	0	0.5	0	7
127	LAKELAND CT	Asphalt	699-705	0.05	16ft	100	30	0.5	3	1	0.5	0.5	0	5.5
128	LAKELAND RD	Asphalt	600-700	0.12	16ft	100	30	0	2	1	0.5	0.5	0	4
129	LAKELAND RD	Asphalt	701-720	0.16	18ft	100	30	2	3	1	1.5	0.5	0	8
130	LAKE RIDGE DR	Ashphalt	50-120	0.21	27ft	100	30	2	2	1	0.5	0.5	0	6
131	N LAKEVIEW DR	Concrete	601-700	0.2	30ft	100	10	0	1	0.5	0	0	0	1.5
132	N LAKEVIEW DR	Concrete	511-600	0.05	30ft	100	10	0	0.5	0.5	0	0	0	1
133	N LAKEVIEW DR	Concrete	501-510	0.08	30ft	100	10	0	0.5	0.5	0	0	0	1

134	N LAKEVIEW DR	Concrete	411-500	0.07	30ft	100	10	0	0.5	0	0	0	0	0.5
135	N LAKEVIEW DR	Concrete	401-410	0.05	30ft	100	10	0	0.5	0	0	0	0	0.5
136	N LAKEVIEW DR	Concrete	301-400	0.14	30ft	100	10	0	0.5	0.5	0	0	0	1
137	N LAKEVIEW DR	Concrete	201-300	0.04	30ft	100	10	0	0.5	0.5	0	0	0	1
138	N LAKEVIEW DR	Concrete	111-200	0.08	30ft	100	10	0	0.5	0	0	0	0	0.5
139	N LAKEVIEW DR	Concrete	100-110	0.08	30ft	100	10	0	0.5	0	0	0	0	0.5
140	S LAKEVIEW DR	Concrete	100-200	0.13	30ft	100	10	0	0.5	0	0	0	0	0.5
141	S LAKEVIEW DR	Concrete	201-304	0.09	30ft	100	10	0	0.5	0	0	0	0	0.5
142	S LAKEVIEW DR	Concrete	305-405	0.12	30ft	100	10	0	0.5	0	0	0	0	0.5
143	LAKEVIEW WEST DR	Concrete	100-150	0.15	36ft	100	10	0	0.5	0	0	0	0	0.5
144	LAKEWAY DR	Asphalt CC	400-450	0.09	27ft	100	30	6	5	4.5	3	3	2	23.5
145	LIBERTY WAY	Concrete	489-515	0.2	28ft	100	15	0	0.5	0	0	0	0	0.5
146	E MAIN ST	Concrete	100-199	0.07	30ft	100	6	0	1	0.5	0	0	0	1.5
147	E MAIN ST	Concrete	201-250	0.08	29ft	100	6	0	0.5	0.5	0	0	0	1
148	E MAIN ST	Concrete	251-274	0.04	29ft	100	6	0	0.5	0.5	0	0	0	1
149	E MAIN ST	Concrete	312-380	0.03	29ft	100	6	0	0.5	0.5	0	0	0	1
150	E MAIN ST	Concrete	400-450	0.05	24ft	100	6	0	1	0.5	0	0	0	1.5
151	E MAIN ST	Concrete	460-500	0.11	24ft	100	6	0	0.5	0.5	0	0	0	1
152	E MAIN ST	Concrete	501-600	0.14	24ft	100	6	0	1	0	0	0	0	1
153	E MAIN ST	Concrete	601-620	0.18	24ft	100	6	0	1	0.5	0	0	0	1.5
154	E MAIN ST	Concrete	701-727	0.38	24ft	100	6	0	1	0	0	0	0	1
155	W MAIN ST	Asphalt	100-150	0.13	17ft	100	30	3	2	1.5	3	1.5	2	13
156	MARINA DR	Asphalt	Private?			100								
157	MARKET ST	Asphalt	300-399	0.04	22ft	100	30	0	2	1.5	0	0.5	0	4
158	MARKET ST	Asphalt	200-299	0.04	22ft	100	30	0	2	1.5	0	0.5	0	4
159	MARKET ST	Asphalt	100-110	0.08	22ft	100	30	2	3	2	0	0.5	1	8.5
160	MATTIE LN	Concrete	500-534	0.21	27ft	100	18	0	0.5	0.5	0	0	0	1
161	MAVERICK DR	Concrete	482-520	0.2	28ft	100	15	0	0.5	0	0	0	0	0.5
162	MEADOWBROOK ST	Asphalt	500-532	0.23	21ft	100	30	2	4.5	3	0.5	0	0	10
163	MEADOWBROOK ST	Gravel	UNDEV.			100								
164	MONTGOMERY DR	Concrete	610-618	0.05	8ft	100	15	0	0	0.5	0	0	0	0.5
165	MONTGOMERY DR	Concrete	620-62+D167	0.05	28ft	100	15	0	0.5	0.5	0	0	0	1
166	MONTGOMERY DR	Concrete	630-640	0.07	28ft	100	15	0	0	0.5	0	0	0	0.5
167	MORRIS	Gravel				100								

168	MOSELEY ST	Asphalt	600-699	0.04	14ft	100	30	1.5	4	2	2	0.5	0.5	10.5
169	MOSELEY ST	Asphalt	700-750	0.11	15ft	100	30	4	6	3	2.5	0.5	1.5	17.5
170	MYERS DR	Asphalt	600-606	0.06	16ft	100	30	0	2.5	1	0.5	0	0	4
171	MYERS DR	Asphalt	608-710	0.1	16ft	100	30	2	4	2.5	1.5	0	0.5	10.5
172	NICK ST	Asphalt	600-750	0.08	17ft	100	30	0.5	2	1	0.5	0.5	0	4.5
173	NOYES ST	Asphalt		0.08	15ft	100	30	0	3	1.5	1	0	0	5.5
174	NOYES ST	Asphalt		0.09	15ft	100	30							
175	OAK		?			100								
176	OAK DALE AVE	Concrete	735-752	0.11	25ft	100	26	0	1.5	1.5	0	0	0.5	3.5
177	OAK LAKE ST	Asphalt	527-535	0.07	21ft	100	30	1.5	2	2	0.5	0	0.5	6.5
178	OAK LAKE ST	Asphalt	500-526	0.17	21ft	100	1	1.5	0.5	0.5	0.5	0	0.5	3.5
179	OAKLAWN AVE	Concrete	100-150	0.05	25ft	100	26	0	0	0	0	0	0	0
180	OAKCREST ST	Asphalt	505-529	0.19	21ft	100	30	4.5	2	1	0.5	0.5	0.5	9
181	OAKLEY DR	Concrete	701-713	0.1	25ft	100	24	1	1.5	1	0	0.5	3	7
182	OAKLEY DR	Concrete	714-721	0.05	25ft	100	24	0	0.5	0.5	0	0	0	1
183	OAKRIDGE DR	Concrete	700-708	0.05	25ft	100	24	0	0	0	0	0	0	0
184	OAKWOOD DR	Asphalt CC	1-210	0.25	28ft	100	30	5	3	2.5	2	1	2.5	16
185	E OVERLY DR	Asphalt	101-199	0.03	28ft	100	30	5	4	3	2	2	0.5	16.5
186	E OVERLY DR	Asphalt	200-299	0.05	28ft	100	30	4	4	3	1	1.5	0	13.5
187	E OVERLY DR	Asphalt	300-399	0.05	28ft	100	30	4	4	3	1	1.5	1	14.5
188	E OVERLY DR	Asphalt	400-499	0.05	28ft	100	30	3	3	1	2	1.5	0	10.5
189	E OVERLY DR	Asphalt	500-599	0.05	28ft	100	30	3	3	1	1	1.5	0	9.5
190	E OVERLY DR	Asphalt	600-699	0.05	28ft	100	30	1	1	1	0.5	1	0	4.5
191	W OVERLY DR	Concrete	300-360	0.35	40ft	100	30	0	2	1	0	0	1.5	4.5
192	OWEN OAKS DR	Concrete	310-314	0.08	25ft	100	17	0	1.5	0.5	0	0	0	2
193	OWEN OAKS DR	Concrete	300-308	0.07	25ft	100	17	0	3	2	0	0	1.5	6.5
194	PARKSIDE LN	Concrete	100-199	0.06	25ft	100	26	0	0	1	0	0	0.5	1.5
195	PARKSIDE LN	Concrete	200-299	0.03	25ft	100	26	0	0.5	0.5	0	0	0	1
196	PAWN CT	Asphalt CC	5500-5516	0.08	27ft	100	30	0.5	1	1	0	0.5	0	3
197	PAYTON ST	Asphalt				100								
198	PEARL LN	Asphalt	101-215	0.12	14ft	100	30	0.5	3	1	0.5	0.5	0	5.5
199	PECAN ST	Asphalt CC	210-215	0.05	27ft	100	30	1	1.5	0	0	1	2	5.5
200	PECAN ST	Asphalt CC	200-210	0.05	27ft	100	30	0	1	0.5	0	0.5	0	2
201	PECAN ST	Asphalt CC	57-137	0.04	27ft	100	30	0.5	1.5	1	0	0.5	0	3.5

202	PECAN ST	Asphalt CC	50-57	0.03	27ft	100	30	1.5	2	1	0	1	0	5.5
203	PEMBROOK ST	Asphalt	100-199	0.05	21ft	100	30	0.5	1.5	0.5	0	0.5	0.5	3.5
204	PEMBROOK ST	Asphalt	200-205	0.05	21ft	100	30	1.5	2.5	2.5	0.5	1	0.5	8.5
205	PEMBROOK ST	Asphalt	209-231	0.21	21ft	100	30	2	2.5	1	3.5	0.5	1.5	11
206	PLANTATION OAK AVE	Concrete	311-322	0.09	25ft	100	26	0	0.5	1	0	0	0	1.5
207	POPLAR CT	Concrete	769-777	0.06	25ft	100	26	0	0	0	0	0	0	0
208	PRINCE DR	Asphalt CC	5301-5318	0.2	26ft	100	25	2	5	3	1.5	0	1.5	13
209	PRINCE DR	Asphalt CC	5400-5435	0.11	26ft	100	4	0	2.5	1.5	0	0	0	4
210	PRINCESS CT	Asphalt CC	5401-5417	0.08	26ft	100	30	4	3	2	2	1.5	2	14.5
211	PRINCESS CT	Asphalt CC	5300-5316	0.08	26ft	100	30	3	2.5	2	1.5	1.5	1	11.5
212	QUEEN CT	Asphalt CC	5401-5416	0.08	26ft	100	30	3	2	2	1	1.5	0	9.5
213	QUEEN CT	Asphalt CC	5300-5316	0.08	26ft	100	30	3	3	2.5	1.5	1.5	1	12.5
214	RAVENNA RD	Concrete	300-313	0.09	25ft	100	24	0	2	1.5	0	0	0	3.5
215	RIDGEWOOD ST	Asphalt	505-530	0.22	24ft	100	30	6	5	4	1.5	0	4	20.5
216	RIDGEWOOD ST	Asphalt	100-500	0.06	24ft	100	30	2.5	2	0.5	0	0	0.5	5.5
217	RIVER OAK WAY	Concrete	700-703	0.04	25ft	100	30	0	0	0	0	0	0	0
218	RIVER OAK WAY	Concrete	704-711	0.06	25ft	100	30	0	0.5	0	0	0	0	0.5
219	RIVER OAK WAY	Concrete	713-718	0.07	25ft	100	30	0	0.5	0.5	0	0	0	1
220	RIVER OAK WAY	Concrete	719-750	0.24	25ft	100	30	0	2	1.5	0	0	0	3.5
221	SARGENT ST	Asphalt	600-630	0.17	13ft	100	30	2	5	3.5	2	1.5	2	16
222	SCARLET OAK DR	Concrete	311-323	0.09	25ft	100	30	0	0	0	0	0	0	0
223	SHADY SHORES RD	Asphalt	700-750	0.23	26ft	100	30	4.5	3	2	0.5	0.5	1.5	12
224	SHADY SHORES RD	Asphalt	608-699	0.13	26ft	100	30	1.5	2	1.5	0.5	1	1	7.5
225	SHADY SHORES RD	Asphalt	600-607	0.25	26ft	100	30	5.5	3	2.5	1.5	1	2	15.5
226	SHADY SHORES RD	Asphalt	501-579	0.29	26ft	100	30	5	4	4	2.5	0.5	1	17
227	SHADY SHORES RD	Asphalt	400-500	0.25	26ft	100	3	2.5	1.5	1	1.5	0	1.5	8
228	SHADY SHORES RD	Asphalt	314-201	0.27	26ft	100	3	2	1	0.5	0	0	0.5	4
229	SHADY SHORES RD	Asphalt	101-200	0.26	23ft	100	30	3	5	3.5	0.5	0.5	1	13.5
230	SHORE DR	Asphalt	600-630	0.16	14ft	100	30	0.5	3	2	0	0.5	0	6
231	SILKTREE CT	Concrete	101-113	0.08	25ft	100	26	0	0	0	0	0	0	0
232	SKELTON ST	Asphalt				100	30	4	2	1	0.5	0.5	0	8
233	SKELTON ST	Gravel				100								
234	SPANISH OAK DR	Concrete	300-305	0.05	25ft	100	26	0	1	0.5	0	0	0	1.5
235	SPRINGTREE RD	Concrete	401-419	0.11	25ft	100	26	0	2	0.5	0	0	0	2.5

236	STADIUM DR	Asphalt	0-100-	0.04	22ft	100	30	0.5	2	2	0.5	1	1	7
237	STADIUM DR	Asphalt	101-200	0.04	18ft	100	30	0.5	2	1	0.5	1	1	6
238	STADIUM DR	Asphalt	201-300	0.04	16ft	100	30	0.5	3	1	0.5	1	1	7
239	STADIUM DR	Concrete	301-400	0.04	16ft	100	30	0	0.5	0.5	0	0	0	1
240	STARFISH ST	Asphalt	301-400	0.04	16ft	100	30	3	3	1	1.5	0.5	0	9
241	STATELY OAK LN	Concrete	311-344	0.23	25ft	100	24	0	0.5	0.5	0	0	0	1
242	STEPHENS ST	Asphalt	100-250	0.1	20ft	100	30	4	4	2	2	1.5	2	15.5
243	STOCKARD AVE	Asphalt	200-411	0.16	18ft	100	30	0.5	3.5	2	1.5	0.5	3	11
244	STOCKARD AVE	Asphalt	100-120	0.08	16ft	100	30	2	2	1	0.5	0.5	0	6
245	STONELEIGH CIR	Concrete	400-413	0.07	25ft	100	24	0	2	1.5	0	0	1.5	5
246	SUMMERS LN	Asphalt	700-755	0.15	14ft	100	30	0.5	3	1	2	0.5	0	7
247	SUNNY OAK LN	Concrete	100-150	0.03	25ft	100	26	0	0.5	0.5	0	0	0	1
248	SURF ST	Asphalt	300-312	0.03	13ft	100	30	0	2	1	0.5	0.5	0	4
249	SWEET LEAF LN	Concrete	312-320	0.08	25ft	100	26	0	0	0	0	0	0	0
250	SWEET LEAF LN	Concrete	322-330	0.06	25ft	100	26	0	0.5	0.5	0	0	0	1
251	SWEET LEAF LN	Concrete	333-346	0.07	25ft	100	26	0	0.5	0.5	0	0	0	1
252	SWISHER RD	Concrete	300-350	0.19	60ft	100	12	0	0.5	1.5	0	0	0	2
253	SWISHER RD	Concrete	200-299	0.17	60ft	100	12	0	4.5	1.5	0	0	0.5	6.5
254	SWISHER RD	Concrete	101-199	0.17	65ft	100	12	0	0	0	0	0	0	0
255	SWISHER RD	Concrete	300-400	0.42	65ft	100	12	0	1	1	0	0	0	2
256	SWISHER RD	Concrete	401-510	0.16	65ft	100	12	0	1	1	0	0	0	2
257	SYCAMORE ST	Asphalt	100-199	0.03	20ft	100	30	2.5	3.5	1.5	0	0.5	0	8
258	SYCAMORE ST	Asphalt	200-250	0.06	20ft	100	30	0.5	2.5	1	0	0.5	0	4.5
259	TEXAS DR	Concrete	301-331	0.16	18ft	100	21	0	0.5	0.5	0	0	0	1
260	TEXAS OAK TRL	Concrete	726-732	0.05	25ft	100	26	0	0.5	0.5	0	0	0	1
261	TEXAS OAK TRL	Concrete	734-740	0.05	25ft	100	26	0	0.5	0.5	0	0	0	1
262	TEXAS OAK TRL	Concrete	742-750	0.05	25ft	100	26	0	0.5	0	0	0	0	0.5
263	TEXAS OAK TRL	Concrete	751-758	0.05	25ft	100	26	0	0.5	0.5	0	0	0	1
264	TEXAS OAK TRL	Concrete	760-766	0.05	25ft	100	26	0	0.5	0	0	0	0	0.5
265	TEXAS OAK TRL	Concrete	768-744	0.05	25ft	100	26	0	5	0	0	0	0	5
266	TEXAS OAK TRL	Concrete	745-786	0.08	25ft	100	26	0	0	0	0	0	0	0
267	TEXAS OAK TRL	Concrete	787-788	0.04	25ft	100	26	0	0.5	1	0	0	0	1.5
268	THOMPSON DR	Asphalt	601-736	0.34	19ft	100	30	5	6	3	3	1.5	0	18.5
269	THOMPSON DR	Concrete	0-100	0.09	21ft	100	10	0	0.5	0.5	0	0	0	1

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PCI%	Comments
59.5	
54.5	
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54.5	
49	
52.5	
63	needs cracksealing
63	needs cracksealing
66.5	needs cracksealing
65.5	needs cracksealing
72.5	
55.5	
50.5	
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45.5	
64	
73	needs cracksealing
73	
73.5	
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74	
74	
59.5	needs cracksealing

66	needs cracksealing
64	needs cracksealing
74	
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54.5	needs cracksealing
62	needs cracksealing
66	needs cracksealing
57	needs cracksealing
73	
82	
83	
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71	
62	
64.5	needs cracksealing
75	
64.5	needs cracksealing
56	needs cracksealing
66.5	needs cracksealing
66.5	needs cracksealing
52	
52	
74	
73	

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66	
66	needs cracksealing
61	needs cracksealing
64.5	needs cracksealing
56	
84	
84.5	
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39.5	
48.5	
47	
88	
90.5	
61	
64.5	
64	needs cracksealing
64.5	
54.5	needs cracksealing
94	
57	needs cracksealing
57.5	needs cracksealing
65.5	needs cracksealing
54.5	needs cracksealing
56	needs cracksealing
55	
42	
48	
55.5	
57.5	
84	
84	
52	

56.5	needs cracksealing (concrete in great condition)
52.5	needs cracksealing
60.5	needs cracksealing
61.5	needs cracksealing
58.5	needs cracksealing
65.5	needs cracksealing
56.5	needs cracksealing
59	needs cracksealing
57	needs cracksealing
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63.5	needs cracksealing
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65	needs cracksealing
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74.5	
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56.5	
56.5	
64.5	needs cracksealing
63	needs cracksealing
64.5	
66	needs cracksealing
62	needs cracksealing
64	needs cracksealing
88.5	Reconstructed in 2011
89	Reconstructed in 2011
89	Reconstructed in 2011

89.5	Reconstructed in 2011
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89	Reconstructed in 2011
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89.5	Reconstructed in 2011
46.5	
84.5	
92.5	Reconnstruced in 2017
93	Reconnstruced in 2017
93	Reconnstruced in 2017
93	Reconnstruced in 2017
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93	Reconnstruced in 2017
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93	Reconnstruced in 2017
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66	needs cracksealing
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74	
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76	
54	
53.5	recommend overlay
56.5	recommend overlay
55.5	recommend overlay
59.5	recommend overlay
60.5	recommend overlay
65.5	needs cracksealing
65.5	
81	
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67	needs cracksealing
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64.5	needs cracksealing
68	needs cracksealing
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64.5	needs cracksealing
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59	needs cracksealing
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62	needs cracksealing
92	needs cracksealing
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72.5	
49.5	
64.5	needs cracksealing
70	
69.5	
69	
66.5	
54	needs cracksealing
70	
58	
62.5	
54.5	
53	
89	Overlaid in 2018/needs crack seal
93	Overlaid in 2018/needs crack seal
56.5	Overlaid in 2018/needs crack seal
64	needs cracksealing
74	
62	
72.5	
71.5	

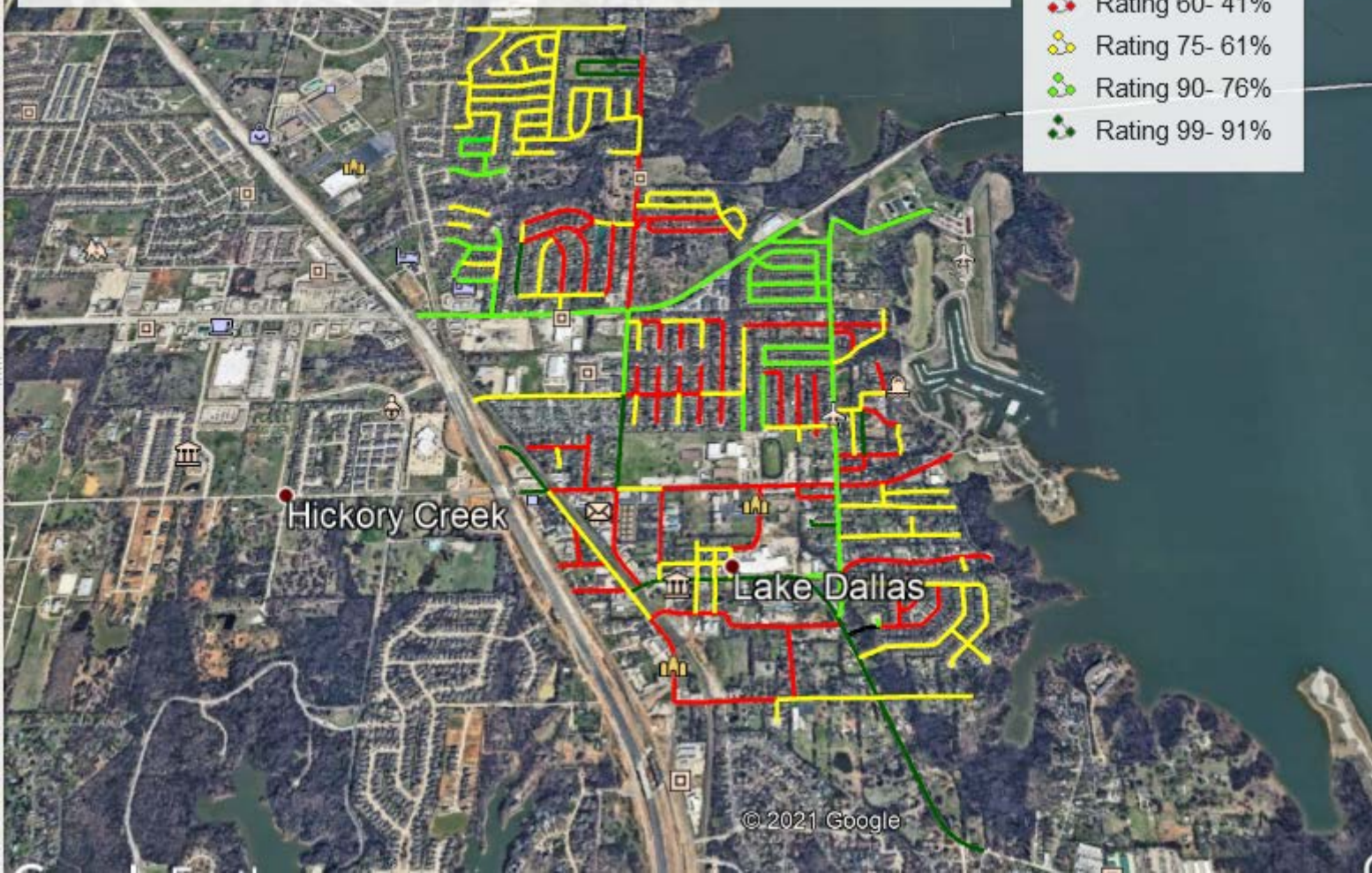
63	
64	
63	
69	
61	
75	
54.5	
59	needs cracksealing
64	needs cracksealing
71	
63	
73	
66	
74	
73	
73	
86	
81.5	
88	
86	
86	
62	needs cracksealing
65.5	needs cracksealing
78	
73	
73	
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69	
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51.5	
89	

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2021 City of Lake Dallas Pavement Assessment

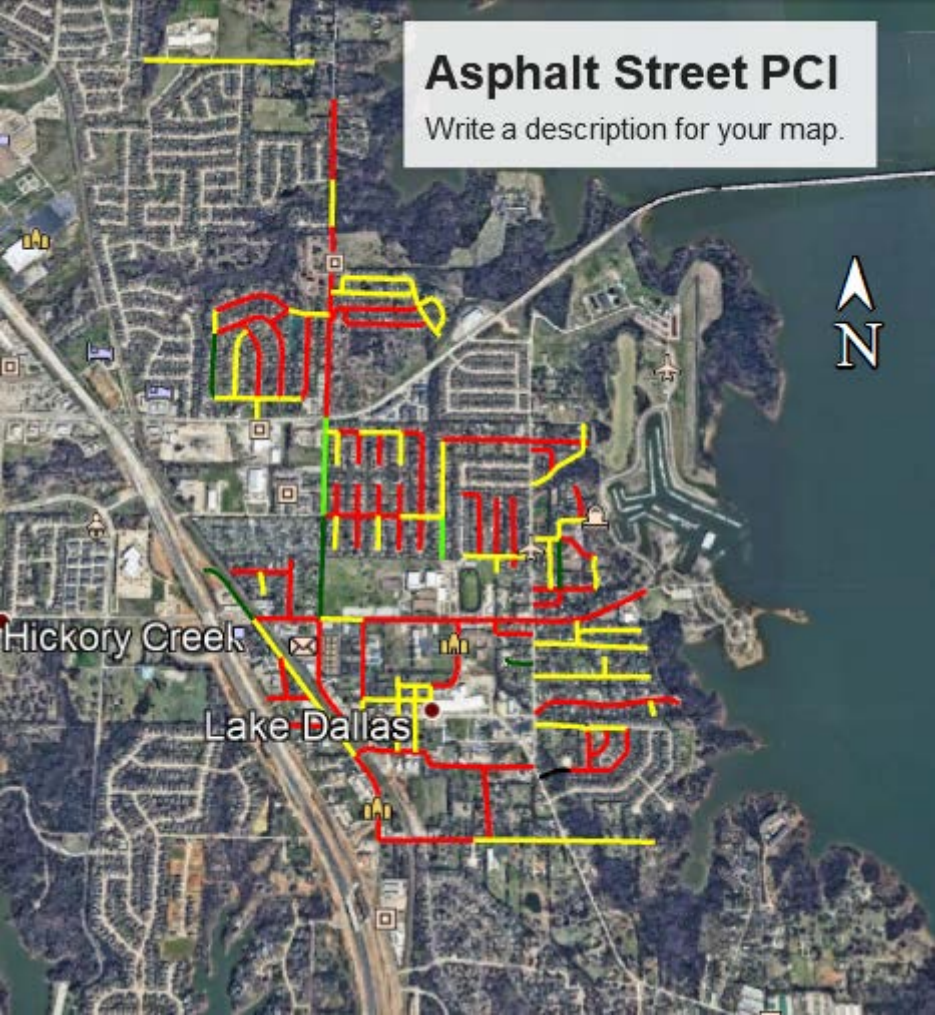
Legend

- Rating 40- 0%
- Rating 60- 41%
- Rating 75- 61%
- Rating 90- 76%
- Rating 99- 91%



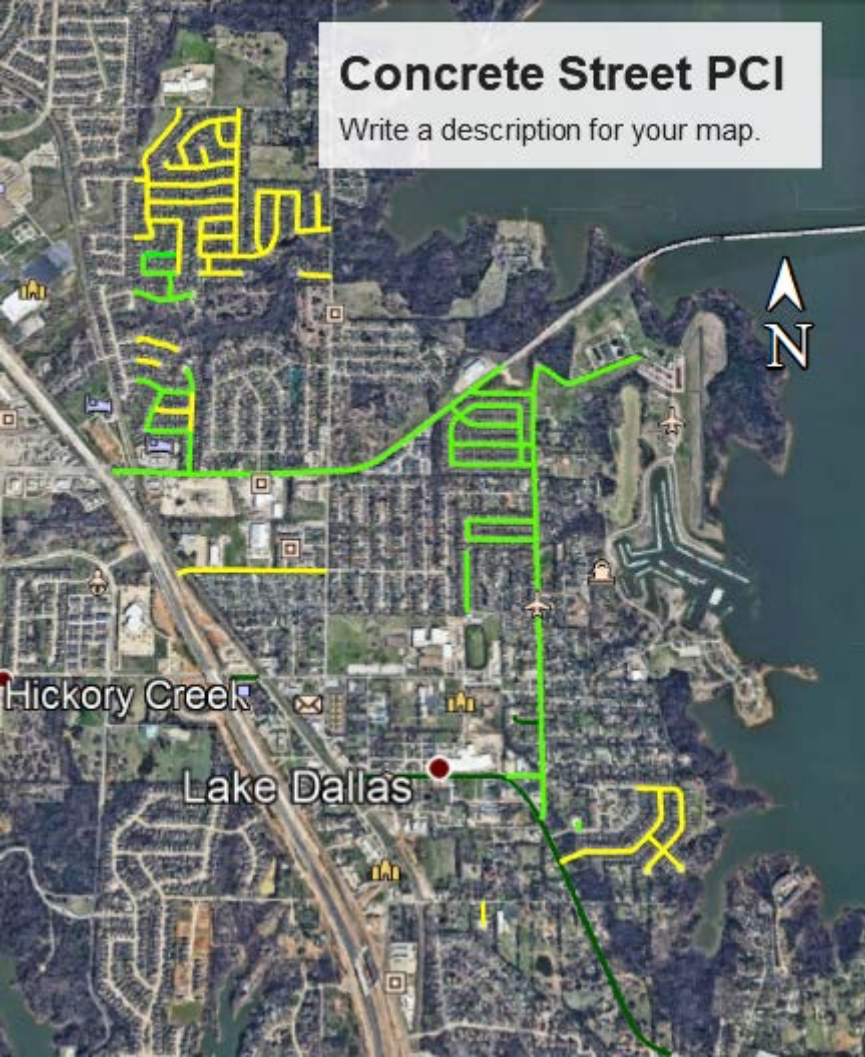
Asphalt Street PCI

Write a description for your map.



Concrete Street PCI

Write a description for your map.





**CITY COUNCIL
AGENDA MEMO**

Prepared By: Lancine Bentley, Community Development Coordinator

April 8, 2021

4th of July Event

DESCRIPTION:

Receive a report, hold a discussion, and give staff direction regarding the Lake Cities 4th of July event.

BACKGROUND INFORMATION:

Due to the COVID-19 pandemic, Governor Greg Abbott issued a disaster proclamation for the State of Texas. Several Executive Orders followed including social distancing restrictions, requirements for face coverings and rules for mass gatherings. In light of this, 4th of July events across the state were cancelled in 2020, including the Lake Cities 4th of July event.

In light of GA-34, which opened businesses to 100% capacity, and eliminated (while still “strongly encouraging”) the face covering and mass gathering requirements, staff has begun to discuss options regarding the 2021 Lake Cities 4th of July event.

Potential options discussed are as follows:

1. host no 4th of July event,
2. host the full 4th of July event, and
3. host a modified 4th of July event.

FINANCIAL IMPACT:

The fireworks vendor, Big Boom Pyrotechnic, has provided a bid of \$22,000. Those funds are typically obtained from proceeds from the Mighty Thomas Carnival and sponsorship from the City of Corinth, the Town of Hickory Creek, and the Town of Shady Shores. The Mighty Thomas Carnival was not held this year. Invoices will be sent to the neighboring Lake Cities requesting the following amounts:

- Corinth (\$9,000)
- Hickory Creek (\$5,000)
- Shady Shores (\$2,000)

Hot Funds are used to pay for the balance of the event, i.e. event planner, bands, stage and audio equipment, generators, lighting stations, port-a-potties, marketing, etc. Per State law, HOT Funds cannot be used to pay for fireworks.

RECOMMENDED MOTIONS:

No motion required. After discussion, staff is seeking Council direction on how to proceed.

ATTACHMENT(S):

PowerPoint