

ARTICLE IV. PLAN SUBMITTAL AND APPROVAL PROCEDURES

Sec. 51. GENERAL PROVISIONS

(a) The City of Lewisville has established a central location for submitting plans for development and construction once property is properly zoned. All plats, site plans and plans for building construction shall be submitted directly to the Building Inspection Division of the Community Development Department. Persons wishing to discuss specific questions in the development process should contact the appropriate division, but all formal submittals should be made to this "one stop" location to provide a coordinated review. Copies of the City of Lewisville's development and construction regulations are available at the Building Inspection Division and on-line at www.cityoflewisville.com.

(b) Prior to the filing of a preliminary plat, final plat or Old Town Development Plan, the developer/owner shall consult with the appropriate City staff review committee concerning the proposal. Staff will assist in determining whether the proposed development is generally consistent with City of Lewisville standards, plans and policies.

(c) The City review staff will be available on a regular weekly basis for a joint meeting with any person wishing to discuss projects in review or proposed for submittal. The project engineer or architect is encouraged to attend the review meeting in order to directly receive pertinent information regarding the proposed project. This meeting will not provide a full review of any particular project, but will provide the opportunity for a developer, architect or engineer to schedule a regular meeting to assist in expediting the City review process. Persons wishing to schedule a time for the regular review meeting should contact the Community Development Department.

(d) Twelve (12) copies, 22"x34", of preliminary plats, final plats and Old Town Development Plans shall be included with all formal submittals. Plats and Old Town Development Plans will be reviewed by applicable Community Development divisions. The Parks and Leisure Services Department will review plats and site plans involving residential development and right-of-way landscaping and irrigation. Copies of the submittals are also furnished to the electric, telephone, gas, cable, and solid waste disposal utility companies for review and comment. The initial review period will be a maximum of fifteen (15) working days, with subsequent re-submittal reviews to be a maximum of ten (10) working days. On larger sets of plans staff may require additional time for review. The Building Inspection Division will coordinate all submittals and returns of marked-up copies, including payment of review fees, as well as acceptance of tax certificates, file copies and other required materials.

(e) All preliminary plats, final plats and Old Town Development Plans submitted for review will be on the city's active list for a period of three (3) months from the date of each submittal. After the three (3) month period, a project will be considered abandoned and will be removed from the files. Substantial developer-initiated changes in the project from one submittal to the next that need additional review will require payment of one-half of the original review fee.

Sec. 52. REQUIREMENTS FOR SUBMITTAL OF FINAL FILE COPIES

Following completion of the review process, plats and replats must be submitted to the Planning and Zoning Commission for final approval. In the event a variance is requested, all preliminary and final plats must have final approval by the City Council after a recommendation by the Planning and Zoning Commission. Development plan approval can be granted by City staff if the site plan conforms with all applicable requirements of the City. If a variance is requested, the development plan shall be forwarded directly to the City Council upon completion of staff review.

- (a) *Preliminary plats.* Following the completion of the review process and twelve (12) days prior to the scheduled Planning and Zoning Commission meeting, the applicant must submit final file copies. This will include one (1) mylar and two (2) **blue**line prints of 22" by 34" sheet size and twenty (20) copies of 11" by 17" sheet size reductions. If development and/or construction variances are being requested, the number of 11" by 17" sheet size reductions to be submitted shall be forty (40) to allow for the additional submission to the city council.
- (b) *Final plats.* Following the completion of the review process and twelve (12) days prior to the scheduled Planning and Zoning Commission meeting, the applicant must submit final file copies, all with seals and notarized signatures shall be original. This will include one (1) mylar and one (1) **blue**line prints of 22" by 34" sheet size, one (1) mylar and three (3) **blue**line prints of 18" by 24" sheet size, and twenty (20) copies of 11" by 17" sheet size reductions. If development and/or construction variances are being requested, the number of 11" by 17" sheet size reductions to be submitted shall be forty (40) to allow for the additional submission to the city council. At such time when all final file copies have been submitted, as outlined in this ordinance, to the Planning and Community Services Division, the plat will be considered filed with the City of Lewisville to be heard by the Planning and Zoning Commission, in accordance with Local Government Code, Section 212.009.
- (c) *Minor plats.* Following the completion of the review process, the applicant must submit final file copies, all with seals and notarized signatures shall be original. This will include one (1) mylar and one (1) **blue**line prints of 22" by 34" sheet size, one (1) mylar and three (3) **blue**line prints of 18" by 24" sheet size and three (3) 11" by 17" sheet size reductions.
- (d) *Old Town Development Plans.* Following completion of the review process, the applicant must submit one (1) original 22" by 34" sheet size mylar, signed and sealed by a Texas licensed civil engineer and/or a Texas registered architect, to be signed by city staff members and utility companies. After all signatures are collected, twelve (12) **blue**line copies 22" by 34" sheet size must be submitted prior to a pre-construction conference. Development plan construction may begin prior to final plat acceptance by the Planning and Zoning Commission if staff review is complete and no variances are requested. If development and/or construction variances are requested, twenty (20) 11" by 17" reductions must be submitted four (4) weeks in advance of the City Council meeting at which the variance request will be presented.
- (e) *Denton County filing fees.* For all documents to be filed at the Denton County Clerk's Office, including all plats, deeds, easements, abandonment's, and corrections, a separate check in the exact amount of the county filing fee shall be submitted with the document(s) to be filed. The check shall be made payable to "**Denton County Clerk**".
- (f) *External Agency Permit Submittals.* Submittals for floodplain development to F.E.M.A., and the U.S. Corps of Engineers (C.D.C. applications), can be processed concurrently with City staff approval. Submittals for TXDOT permits will be processed through City initiation (per TXDOT policy) only upon completion of City staff review. Permits are granted only to the City of Lewisville by TXDOT and not private developers.

Sec. 53. PARK AND OTHER PUBLIC USE DEDICATION REQUIREMENT

Park Dedication for residential development shall be in accordance with the City of Lewisville Park Dedication Ordinance. All rights-of-way and land proposed for public use dedication associated with a current or future development shall be dedicated with a final plat. Requirement of fees in lieu of land for park dedication purposes shall be met prior to the approval of the final plat for the project. Land for

park dedication purposes may be deeded to the city in advance, but will have to be included on the plat as development occurs. Rights-of-way acquisition for public improvement projects will not be affected by this requirement.

Sec. 54. WHEN AN OLD TOWN DEVELOPMENT PLAN IS REQUIRED (Modified 9/2008)

(a) Development plan approval is required for all construction involving new buildings. Old Town Development Plans may proceed through staff review and approval so long as a final plat, when required, has been approved or is in the process of being reviewed and approved with no variances. Once the Old Town Development Plan is approved, a temporary, 30-day construction permit for public and semi-public improvements may be issued prior to acceptance of a fully compliant final plat, as long as the final plat is scheduled for a Planning and Zoning meeting with no variances. In the event that the City Council denies the plat, all temporary permits will be revoked. Development plans must also be submitted for approval when any of the following apply:

- (1) Change in the square footage of any existing enclosed building or parking area. This provision shall not apply when a new building or addition is no more than 10 percent of the size of the existing building or buildings on the tract, provided there are one or more buildings already located on the tract. This provision shall apply up to a maximum addition or new building of 5,000 square feet in size when there are no significant impacts to the property as determined by a current survey. If there are changes in drainage, city utilities or required parking an engineering site plan will still be required.
- (2) Any change requiring additional fire protection to the site.
- (3) Change in the fire lane configuration or location.
- (4) Change in grading or drainage.
- (5) Addition of new water or sanitary sewer services to the site.
- (6) Change in use from residential to commercial.

(b) Existing legal non-conforming structures may maintain a legal non-conforming status unless one of the items listed above is triggered or unless the use or operation of the structure or property ceases or becomes vacant for a period of twelve (12) months or more, in which case, the start up of any use of the structure or property will require compliance with all applicable provisions of this ordinance, including platting and submission of an Old Town Development Plan.

(c) Development plans for new construction or for alteration(s) to a site must be reviewed by all applicable departments. Any minor changes on the site which would otherwise trigger a development plan will require submission of a copy of the approved development plan, prepared in accordance with this ordinance, with the proposed change(s) drawn in. More significant changes may require full submission of a new development plan in accordance with this ordinance.

Sec. 55. ACCELERATED REVIEW FOR OLD TOWN DEVELOPMENT PLANS

An accelerated review may be utilized for the review process in limited situations. Development plans submitted in accordance with this section will be reviewed within seven (7) working days; each subsequent submittal will be reviewed within five (5) working days. The following is a list of minimum requirements for invoking the special review process. Review fees are those of a regular submittal.

- (a) The property must be platted as one platted lot or building lot.
- (b) No City Council action is required.
- (c) No public improvements other than driveways and sidewalks are required.

- (d) No right-of-way or easement dedication is required.

Sec. 56. REQUIREMENTS FOR PHASING A DEVELOPMENT

Development may be phased on a plat or engineering site plan by establishing phase lines and/or lot lines. The phasing on an engineering site plan for a lot with existing developments shall not be allowed. The engineering site plan for lots with existing developments shall fully comply with the requirements of this ordinance. Each phase shall be capable of standing alone, as development occurs, and shall not be dependant on future construction associated with separate phases to meet City standards or requirements. All required public, semi-public and private improvements, as defined by this ordinance, (roads, turn lanes, deceleration lanes, RR crossings, traffic control devices, sidewalks, screening walls, etc.), shall be designed and constructed with each phase in conformance with all applicable City standards.

The pro-rated cost of Public Improvements which are deferred for the construction of future phases shall be deposited with the City of Lewisville prior to the scheduling of the final plat for consideration by the Planning and Zoning Commission. The pro-rated cost will be established based on the percentage of the area being developed out of the total property area and excluding all Right-Of-Way (ROW) dedications.

Sec. 57. PROCEDURES FOR ISSUANCE OF BUILDING PERMIT

(a) No building permit including but not limited to permits for electrical, mechanical, plumbing, signs, fire protection, etc. (with the exception of temporary power permits associated with construction), will be issued for any residential or commercial building in the Old Town Design District or Old Town Center Design District until all public improvements associated with the development are completed and accepted by the city and a letter of Design Appropriateness is obtained. These public improvements constitute the basic infrastructure required to serve the development and include construction of streets, sidewalks, drainage, water and sanitary sewer facilities as outlined in Section V. Simultaneous construction of public and private improvements will require City Council action. In addition, gas and electrical service shall be available to each lot prior to the issuance of a building permit.

(b) Commercial buildings have to follow additional requirements prior to obtaining a building permit. These requirements include submitting an Old Town Development Plan for staff approval, construction and acceptance of all required public and semi-public improvements (fire lanes, fire lines, fire hydrants and other appurtenances, sidewalks, driveway approaches, drainage facilities, water and sanitary sewer service connections, etc.) as shown on the approved Old Town Development Plan.

(c) A foundation permit may be issued, on a case-by-case basis, based on the approved development plan that adequately addresses the location and elevations of water and sanitary sewer services in relation to the proposed finish floor elevation of the building.

(d) No building construction above the slab may be commenced prior to the construction and approval of all fire lanes, fire lines, fire hydrants and other waterline appurtenances.

(e) Some items of public and semi-public improvements i.e. sidewalks, driveway approaches, grading and drainage improvements, water and sanitary sewer service connections may be constructed simultaneously with the building provided a cash escrow is deposited with the City to cover 100 percent of the cost of the improvements. A non-refundable fee of \$250.00 will be charged for escrow handling. On cash escrow's where the developer satisfactorily completes all public and semi-public improvements, the City will return the entire amount escrowed plus interest earned on that escrow. If the developer fails to complete the project, and the City is to complete the project at a later date, then the amount escrowed plus the interest will be retained by the City.

(f) Three-party contracts may be considered on case-by-case basis and are subject to approval by the City Council.

Sec. 58. GRADING AND FILLING REGULATIONS.

(a) Prior to commencement of any grading or filling operation, the owner, developer or contractor shall secure a “grading and fill” permit properly issued by the City of Lewisville. Said permit will be issued only after the requirements of this section and related requirements have been met. The permit will be valid for a period of 180 days from the date of issuance. The permit may be extended in increments of 180 days, if approved, and will be valid for a maximum period of up to eighteen (18) months from the date of initial approval.

In order to apply for a permit, the applicant shall comply with the following:

- (1) Submittal of a grading and/or fill plan. The plan shall comply with the applicable provisions of a grading and filling plan requirements.
- (2) Submittal of review fees and tax certificates.

(b) In addition to the requirements of a development plan, the grading and fill plan must indicate the specifics of the proposed work, including areas to be excavated or filled, erosion control measures, means of ingress and egress, restoration plans, hauling routes with traffic control, and any other items deemed appropriate by City staff to fully define the work.

(c) A grading and fill permit will not be issued if the work is deemed to adversely affect drainage on adjacent or other properties, create a traffic safety problem, or be considered a mining operation. Specific use district zoning is required for mining, including such mining as sand and gravel removal.

(d) Any grading or filling operation in the floodway or floodplain will trigger additional requirements contained elsewhere within this Old Town Development Ordinance.

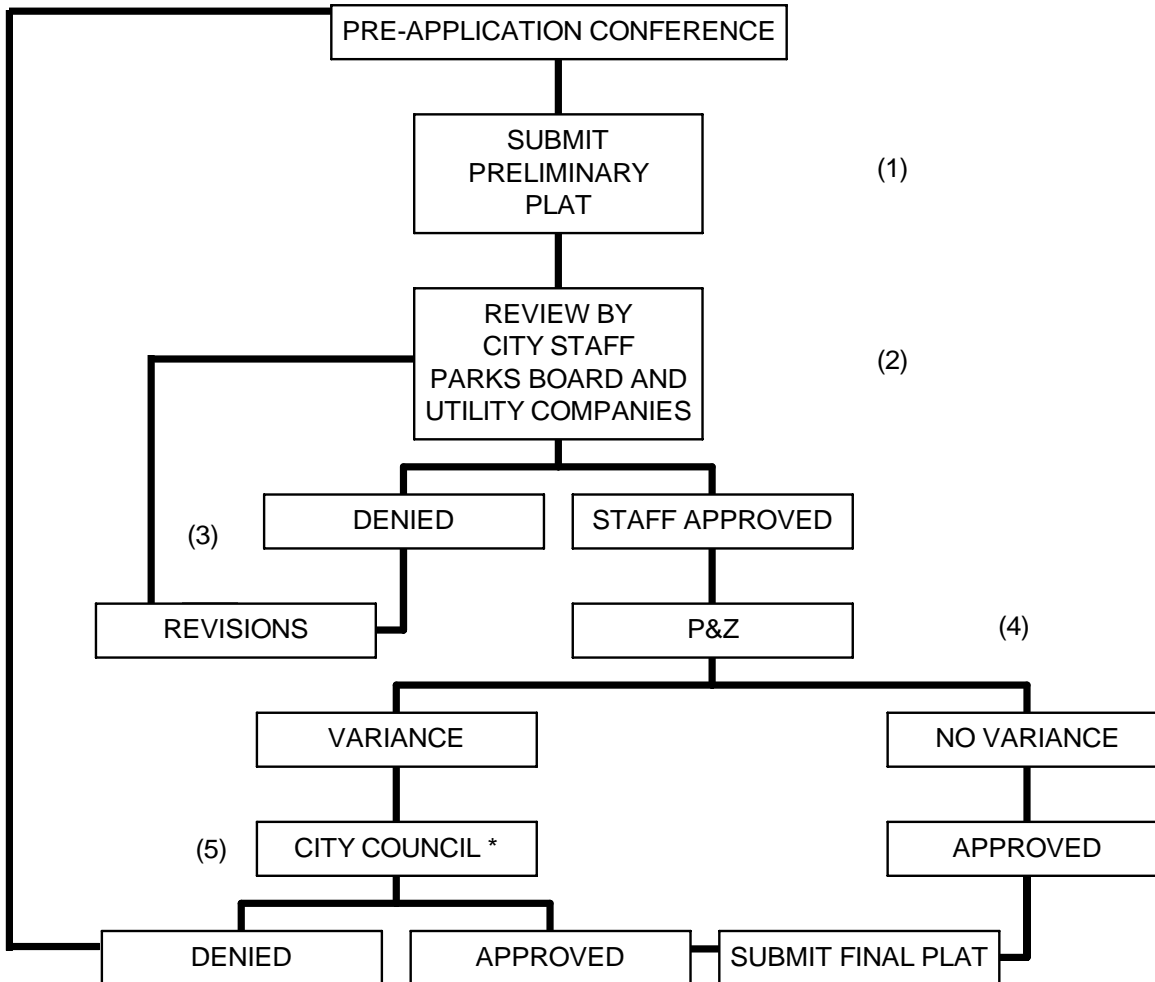
(e) Any grading or filling operation involving the removal of trees is prohibited prior to the approval of an old town development plan for commercial developments.

Any grading or filling operation involving the removal of trees is permissible with an approved preliminary plat when accompanied by a grading plan, tree survey and tree mitigation plan. Tree mitigation fees must be paid before grading permits will be issued.

(f) A grading and fill permit is not required for the addition of topsoil or similar material used to spread over grassed areas in average depths of less than two inches.

(g) The contractor shall establish erosion control devices in accordance with the current Texas Pollution Discharge Elimination System (TPDES) requirements.

**PRELIMINARY PLAT APPROVAL
PROCESS FLOWCHART**



(1) Submit 12 copies and pay all fees at this time.

(2) Staff has a maximum of 15 working days to review plans after the 1st submittal (larger projects may require longer time).

(3) Staff has a maximum of 10 working days to review plans on the second and subsequent submittal. (larger projects may require longer review time).

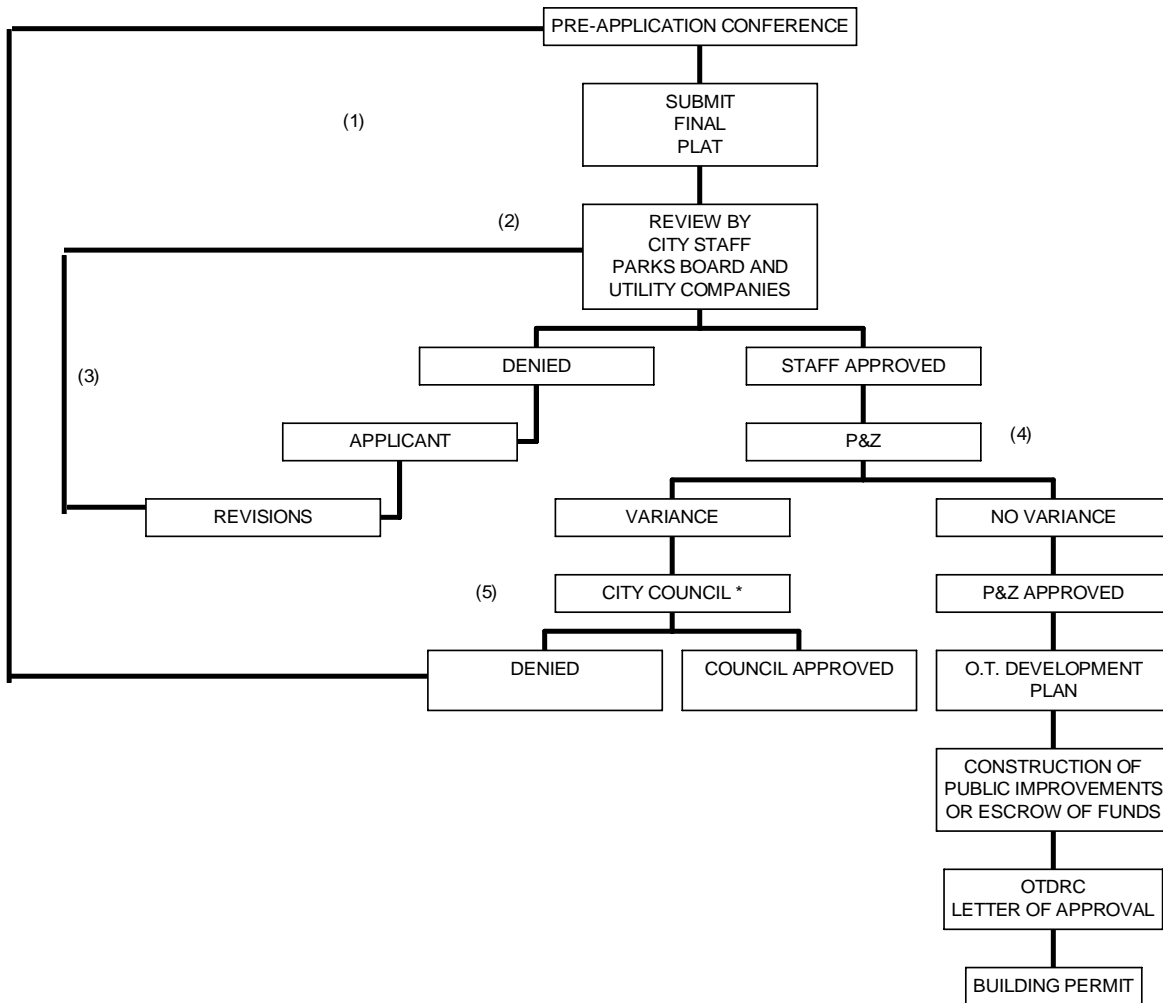
(4) The Planning and Zoning Commission meets the 1st and 3rd Tuesday of each month on a regular basis.

(5) The City Council meets the 1st and 3rd Mondays of each month.

* City Council may approve a variance, but all other criteria must be met before.—Scheduling the plat for consideration by the Planning and Zoning Board.

FIGURE 4

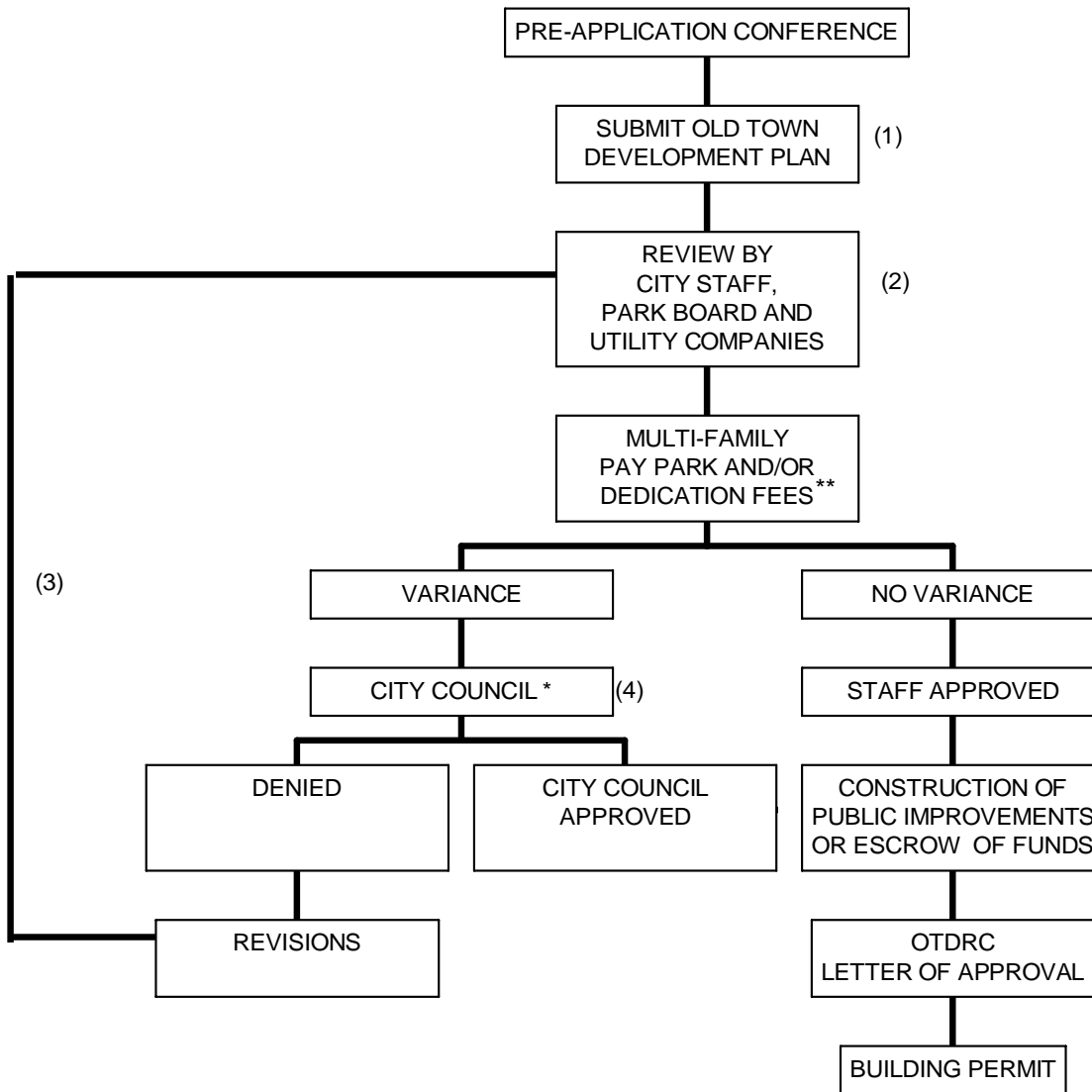
**FINAL PLAT APPROVAL
PROCESS FLOWCHART**



- (1) Submit 12 copies and pay all fees at this time.
- (2) Staff has a maximum of 15 working days to review plans after the 1st submittal (larger projects may require longer time).
- (3) Staff has a maximum of 10 working days to review plans after revisions are submitted
- (4) The Planning and Zoning Commission meets the 1st and 3rd Tuesdays of each month.
- (5) The City Council meets the 1st and 3rd Mondays of each month.
- * City Council may approve a variance, but all other criteria must be met before scheduling the plat for Planning and Zoning consideration.
- ** Engineering Site Plans may be submitted at this time.

FIGURE 5

**DEVELOPMENT PLAN
PROCESS FLOWCHART**



- (1) Submit 12 copies and pay all fees at this time.
- (2) Staff has a maximum of 15 working days to review plans after the 1st submittal (larger projects may require longer time).
- (3) Staff has a maximum of 10 working days to review plans after revisions are submitted
- (4) The City Council meets the 1st and 3rd Mondays of each month.

* City Council may approve a variance, but all other criteria must be met before approving the engineering site plan.

** A park dedication agreement shall be finalized at the time of approval of the final plat including all dedication and/or fees to be paid at this time. The agreement, including approval date, must be noted on the face of the plat or plan.

FIGURE 6

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