

PLANNING & ZONING COMMISSION MEETING

Thursday, August 18, 2022 at 5:30 PM

Glen Rose City Hall, Council Chambers,
201 NE Vernon, Glen Rose, TX 76043



AGENDA

City Hall will be open to the public.

Citizens can view or listen live by tuning in to the following Zoom.com webinar:

Meeting ID: 841 1390 1354 • Passcode 037101 • or dial 1-346-248-7799

CALL TO ORDER

Pledge of Allegiance, Roll Call

CONSENT AGENDA

1. Consider approval of minutes from June 16, 2022 P&Z Board Meeting
2. Consider approval of minutes from June 29, 2022 P&Z Board Special Meeting
3. Consider approval of minutes from July 21, 2022 P&Z Board Meeting

PUBLIC HEARING

4. Public hearing regarding a request to rezone 401 Sam Houston St, Glen Rose, TX 76043; also known as Acres 0.321, Lot 7, 8 & PT 9, Blk 00001, Subd R0100, Abst A41, RAILROAD, BLOCK 1, LOT 7, 8 & PT 9, from R-1 (Single-Family Residential District) to B-1 (Restricted Commercial District.).
5. Public hearing regarding a request to rezone Sam Houston St 309 (144), Glen Rose, TX 76043; also known as Acres 0.413, Lot 10,11 & PT OF 9, Blk 00001, Subd R0100, Abst A41, RAILROAD, BLOCK 1, LOT 10,11 & PT OF 9, from R-1 (Single-Family Residential District) to B-1 (Restricted Commercial District.).
6. Public hearing regarding amending Chapter 10: Subdivision Regulation of the City's Code of Ordinances to add or revise Application Submittal, Processing, and Procedures; to add procedures for requesting a variance; and to add or revise definitions

INDIVIDUAL ITEMS FOR CONSIDERATION

7. Discussion, consideration and possible action regarding a request to rezone 401 Sam Houston St, Glen Rose, TX 76043; also known as Acres 0.321, Lot 7, 8 & PT 9, Blk 00001, Subd R0100, Abst A41, RAILROAD, BLOCK 1, LOT 7, 8 & PT 9, from R-1 (Single-Family Residential District) to B-1 (Restricted Commercial District.).
8. Discussion, consideration and possible action regarding a request to rezone Sam Houston St 309 (144), Glen Rose, TX 76043; also known as Acres 0.413, Lot 10,11 & PT OF 9, Blk 00001, Subd R0100, Abst A41, RAILROAD, BLOCK 1, LOT 10,11 & PT OF 9, from R-1 (Single-Family Residential District) to B-1 (Restricted Commercial District.).
9. Discussion, consideration and possible action regarding the City of Glen Rose Grease Traps

- [10.](#) Discussion, consideration and possible action regarding the City of Glen Rose Pest Control
- [11.](#) Discussion, consideration and possible action regarding a request regarding amending Chapter 10: Subdivision Regulation of the City's Code of Ordinances to add or revise Application Submittal, Processing, and Procedures; to add procedures for requesting a variance; and to add or revise definitions
- [12.](#) Discussion, consideration and possible action regarding the City of Glen Rose Tree Ordinance / Landscape and Tree Manual

WORKSHOP

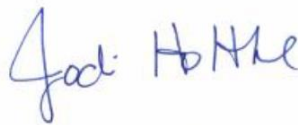
- 13. Discussion regarding the City of Glen Rose "Schedule of Uses" R-1 "Single Family", R-2 "Two - Four Family", R-3 "Single, Two-Four & MH Family and R-4 "Multi-Family Zoning Districts
- 14. Discussion regarding the Mobile Food Courts Ordinances
- 15. Discussion regarding the Mobile Food Vendor Ordinances

ADJOURNMENT

CERTIFICATION

I, the undersigned authority, do hereby certify that this NOTICE OF MEETING was posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance of the City of Glen Rose City Hall, a place convenient and readily accessible to the general public, as well as to the City's website at www.glenrosetexas.org and said notice was posted on the following date and time: **Monday, August 15, 2022, by 5:00 PM** and remained posted for at least two hours after said meeting was convened.

This building is wheelchair accessible. Any request for sign interpretation or other services should be made 48 hours in advance of the meeting. To make arrangements, call the City Secretary's office at (254) 897-2272 x 102.



Jodi Holthe
Building, Planning Code Enforcement Department

Certification of NOTICE OF MEETING was removed on: _____ at _____ am/pm

by _____ . _____



CITY COUNCIL AGENDA ACTION FORM

AGENDA DATE:	Thursday, August 18, 2022		
AGENDA SUBJECT:	Consider approval of minutes from June 16, 2022 P&Z Board Meeting		
PREPARED BY:	Building/Planning/Code Enforcement Assistant Holthe	DATE SUBMITTED:	8/12/22
EXHIBITS:			
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY ADMINISTRATOR APPROVAL:			
SUMMARY:			
RECOMMENDED ACTION:			
Move to approve or deny as presented.			

Meeting Minutes
Planning & Zoning Commission – City of Glen Rose, Texas
June 16, 2022

1. Call to Order
 - a. The meeting was called to order to 5:31pm by Chairperson, Pam Streeter
 - b. Pledge of Allegiance
 - c. Roll Call – Chairman, Pam Streeter called roll. Board Members Larry Cremean, William Green, Greg Clanton, Joe Boles and Pam Streeter were in attendance. A quorum was present. Additionally Staff members, Kyle Reeves and Jodi Holthe were present.
2. Consent Agenda
 - a. Approval of the meeting minutes from April 21, 2022 Commission Meeting
 - b. Approval of the minutes from May 19, 2022 Commission Meeting

After discussion, a motion to approve the meeting minutes was made by Larry Cremean and seconded by Greg Clanton. The consent agenda was passed 5-0.
3. Public Hearing
 - a. Public Hearing was opened at 5:35pm regarding the proposed recommendations on adopting a Community Facilities Agreement and administrative procedures.
 - b. With no public comments the public hearing was closed at 5:36pm
4. Individual Items for Consideration
 - a. Discussion, consideration, and possible action regarding proposed recommendations on adopting a Community Facilities Agreement and administrative procedures.
 - i. Discussion was held by Building Official Kyle Reeves to discuss the benefit of the community agreement as part of new developments. The community agreement ensures that the developers involved are responsible for public works items for a period of time after development is complete.
 - ii. Motion was made by Larry Cremean and seconded by Greg Clanton
 - iii. Motion was passed 5-0; pending attorney approval
5. Workshop
 - a. Discussion regarding the Schedule of Uses – I – Industrial Zoning District
 - i. A review of the current schedule of uses was agreed to be the basis for the new Schedule of Uses.
 - b. Discussion regarding the City of Glen Rose Tree Ordinance / Landscape Tree Manual
 - i. After reviewing the Stephenville and Weatherford Tree Ordinance, discussion was held on how restrictive the ordinance should be. Common opinion was that we wanted to protect the Hardwood Trees such as the Oaks and Pecans but are less inclined to be worried about juniper, cypress, etc.
 - ii. Everyone was instructed to research and come back with their thoughts at the next meeting.
6. With no further business before the commission the meeting was adjourned at 7:05pm

Chairperson

Kyle Reeves,
Building Official



CITY COUNCIL AGENDA ACTION FORM

AGENDA DATE:	Thursday, August 18, 2022		
AGENDA SUBJECT:	Consider approval of minutes from June 29, 2022 P&Z Board Special Meeting		
PREPARED BY:	Building/Planning/Code Enforcement Assistant Holthe	DATE SUBMITTED:	8/12/22
EXHIBITS:			
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY ADMINISTRATOR APPROVAL:			
SUMMARY:			
RECOMMENDED ACTION:	Move to approve or deny as presented.		

Meeting Minutes
Planning & Zoning Commission – City of Glen Rose, Texas
June 29, 2022

1. Call to Order

- a. The meeting was called to order to 5:34pm by Chairperson, Pam Streeter
- b. Pledge of Allegiance
- c. Roll Call – Chairman, Pam Streeter called roll. Board Members Larry Cremean, William Green, Greg Clanton, and Pam Streeter were in attendance. Joe Boles was absent. A quorum was present. Additionally, Staff members, Kyle Reeves and Jodi Holthe were present.

2. Workshop

Discussion, consideration, and possible action regarding the City of Glen Rose Tree Ordinance/Landscape and Tree Manual.

- a. A review of the Stephenville, Weatherford, Savannah GA, and Mansfield TX policies were conducted. It was agreed that while clear cutting in these cities were forbidden for new development, we wanted to allow clear cutting when Hardwood Trees are not present.
- b. A discussion of some Firewise Community policies were discussed and agreed while it is imperative to be aware of their guidance, based on development lot sizes, it would be hard to ensure achievement if we wanted to retain tree coverage in the community.
- c. A discussion was held on whether tree preservation should apply to both new development and existing landowner/business owners. It was agreed that we needed to protect our tree coverage within the extent that it doesn't interrupt business development or create undue hardships on business or homeowners.
- d. It was agreed that a proposed plan would be put together by chairperson, Pam Streeter to present to the commission at the next meeting in July

3. With no further business before the commission the meeting was adjourned at 7:08 pm.

Chairperson

Kyle Reeves,
Building Official



CITY COUNCIL AGENDA ACTION FORM

AGENDA DATE:	Thursday, August 18, 2022		
AGENDA SUBJECT:	Consider approval of minutes from July 21, 2022 P&Z Board Meeting		
PREPARED BY:	Building/Planning/Code Enforcement Assistant Holthe	DATE SUBMITTED:	8/12/22
EXHIBITS:			
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY ADMINISTRATOR APPROVAL:			
SUMMARY:			
RECOMMENDED ACTION:	Move to approve or deny as presented.		

Meeting Minutes
Planning & Zoning Commission – City of Glen Rose, Texas
July 21, 2022

1. Call to Order

- a. The meeting was called to order to 5:34pm by Chairperson, Pam Streeter
- b. Pledge of Allegiance
- c. Roll Call – Chairman, Pam Streeter called roll. Board Members Larry Cremean, William Green, Greg Clanton, Joe Boles and Pam Streeter were in attendance. A quorum was present. Additionally, Staff members, Kyle Reeves and Jodi Holthe were present.

2. Consent Agenda

- a. Approval of the meeting minutes from June 13, 2022 Commission Meeting
- b. Approval of the minutes from June 16, 2022 Commission Meeting
- c. Approval of the minutes from June 29, 2022 Commission Meeting

A discussion was held to postpone the approval of minutes from June 16 & June 29 as they were not available for review.

After discussion, a motion to approve the meeting minutes from June 13, 2022 was made by Larry Cremean and seconded by Greg Clanton. The consent agenda was passed 5-0.

3. Public Hearing- Public Hearing was opened at 5:38pm

- a. Proposed Amendment to Appendix A “Schedule of Uses” for I (Industrial District)
- b. Recommendations to recodify Article 3.16 Historic Landmark Preservation of Chapter 3: Building Regulations of the City’s Code of Ordinances as Article 14.03 of Chapter 14: Zoning of the City’s Code of Ordinances, to ratify the Ordinance as adopted on March 13, 2017 and to amend the Ordinance to (1) allow either a staff member or a volunteer to serve as the Historic Preservation Officer, (2) authorize the Historic Preservation Commission (HPC) to vote on making a recommendation to the City Council for filling vacancies when terms expire, (3) remove the 3 consecutive term limitations for commission members, and (4) to charge the HPC with oversight of the Farmer’s Market.
- c. Request to rezone 2322 CR 312, Glen Rose, TX 76043; also known as Tract 1-6 Three Rivers Addition, Abst A136, A136 Milam Co Sch LD, Tract 1-6 Three Rivers Addition, Acres 45.99, from R-1(Single – Family Residential District to P&R (Parks & Recreation District).
- d. Request for Specific Use Permit for Short Term Rental for the property located at 103 SW Vernon, Lot 1 & 2 (57X100), Block 00002, Subd G0500, Abst: A136, Glen Rose Townsite, Block 2, Lot 1& 2 (57x100) 1&2 (57 x 100) to operate in the B-3 (Central Business District).
- e. Request for a Specific Use Permit in order to operate a “Athletic or fitness club” at the property located at 102 NE Barnard Street, Lot 7 (25x100) Blk 00005, Subd G0500, Abst A136, Glen Rose Townsite, Block 5 Lot 7 (25x100) within the B-3 Central Business District Zone.
- f. Preliminary Plat for Squaw Valley Estates Phase 1, as submitted by owners Oaktree Assets LLC, for the property identified as Squaw Valley Estates, Lots 1-27, and addition to the City of Glen Rose being a 18.54 acre tract of the land in the Milam County School Land Survey Abst #136, in the City of Glen Rose. Somervell Count, Texas being part of the called 135.24 acre tract described in a deed from Tom Brookes to Somervell County, dated May 28th, 1997, recorded in Volume 50, Page 798 of the Somervell County real property records.
- g. With no public comments the public hearing was closed at 5:51pm

4. Individual Items for Consideration

- a. Discussion, consideration, and possible action regarding Amendment to Appendix A “Schedule of Uses” for I (Industrial District)

- i. With no further discussion, motion was made by Joe Boles and seconded by Larry Cremean.
 - ii. Motion was passed 5-0
- b. Discussion, consideration, and possible action regarding Recommendations to recodify Article 3.16 Historic Landmark Preservation of Chapter 3: Building Regulations of the City's Code of Ordinances as Article 14.03 of Chapter 14: Zoning of the City's Code of Ordinances, to ratify the Ordinance as adopted on March 13, 2017 and to amend the Ordinance to (1) allow either a staff member or a volunteer to serve as the Historic Preservation Officer, (2) authorize the Historic Preservation Commission (HPC) to vote on making a recommendation to the City Council for filling vacancies when terms expire, (3) remove the 3 consecutive term limitations for commission members, and (4) to charge the HPC with oversight of the Farmer's Market.
 - i. Vice Chairman of the Preservation Historic Commission presented the changes requested by the HPC and why those changes were necessary
 - ii. Larry Cremean made the motion to accept the proposed recommendations and it was seconded by Greg Clanton.
 - iii. Motion was passed 5-0.
- c. Discussion, consideration, and possible action regarding Request to rezone 2322 CR 312, Glen Rose, TX 76043; also known as Tract 1-6 Three Rivers Addition, Abst A136, A136 Milam Co Sch LD, Tract 1-6 Three Rivers Addition, Acres 45.99, from R-1(Single – Family Residential District to P&R (Parks & Recreation District).
 - i. Jamie Halton (Sp?) presented the request explaining when the tract was annexed by the city, it was automatically assigned to R1, when in fact the property was more of a Resort. Since the invention of the P&R zone was made within the last two years, the request to rezone as a P&R was more appropriate for the current use of the land.
 - ii. Motion was made by Greg Clanton and seconded by Larry Cremean
 - iii. Motion was passed 5-0
- d. Discussion, consideration, and possible action regarding Specific Use Permit for Short Term Rental for the property located at 103 SW Vernon, Lot 1 & 2 (57X100), Block 00002, Subd G0500, Abst: A136, Glen Rose Townsite, Block 2, Lot 1& 2 (57x100) 1&2 (57 x 100) to operate in the B-3 (Central Business District).
 - i. Ms Debbie Gill presented the idea that the John St Helen cabin would be used as a Short Term Rental (VRBO/Air BNB).
 - ii. Discussion was held about parking, noise, and other concerns of safety. Ms Gill expressed her thoughts and assurance that all efforts would be made to provide the best possible experience to the city and her guests.
 - iii. Under the Schedule of Uses at the time of this request, Short Term Rentals were allowed in the B-3 zone with an SUP.
 - iv. Motion was made to accept the SUP by Joe Boles and seconded by William Green.
 - v. Motion passed 5-0
- e. Discussion, consideration, and possible action regarding Request for a Specific Use Permit in order to operate a "Athletic or fitness club" at the property located at 102 NE Barnard Street, Lot 7 (25x100) Blk 00005, Subd G0500, Abst A136, Glen Rose Townsite, Block 5 Lot 7 (25x100) within the B-3 Central Business District Zone.
 - i. Mr. Barry Kranz presented his business plan for a karate studio to be in use for residents in and around Glen Rose.
 - ii. Questions were discussed about parking, times of use, involvement in other city sponsored functions, traffic on the square to the other retail businesses.
 - iii. Under the Schedule of Uses at the time of this request, Athletic or Fitness Club were allowed in B-3 zone with an SUP.

- iv. Motion was made by Larry Cremean and seconded by Greg Clanton
- v. Motion was passed 5-0
- f. Discussion, consideration, and possible action regarding Preliminary Plat for Squaw Valley Estates Phase 1, as submitted by owners Oaktree Assets LLC, for the property identified as Squaw Valley Estates, Lots 1-27, and addition to the City of Glen Rose being a 18.54 acre tract of the land in the Milam County School Land Survey Abst #136, in the City of Glen Rose. Somervell Count, Texas being part of the called 135.24 acre tract described in a deed from Tom Brookes to Somervell County, dated May 28th, 1997, recorded in Volume 50, Page 798 of the Somervell County real property records.
 - i. A presentation of the initial plat was made by the principles of Oaktree Assets.
 - ii. Discussion was held about street length and the fire departments opinion on the ability to provide first responder services to the community.
 - iii. Discussion was held about drainage of water runoff
 - iv. Discussion was held about Tree Preservation in the area
 - v. Discussion was held about fencing, and other features of the community.
 - vi. Discussion was held about the City Engineers & Public Works review of the plat.
 - vii. Motion was made by Larry Cremean to accept the initial plat and seconded by Greg Clanton
 - viii. Motion was passed 5-0
- g. Discussion, consideration, and possible action regarding the City of Glen Rose Tree Ordinance/Landscape and Tree Manual.
 - i. Chairperson, Pam Streeter presented an initial idea of a tree preservation that protected “heritage trees” but allowed for the removal without penalty or prejudice of “junk trees”.
 - ii. Discussion was held on whether the balance of development either New or Existing was struck with the ideas of trees being placed at a level of importance and that while all efforts to preserve “heritage trees” should be made, options to remove those trees are allowed based on cirmumstances.
 - iii. It was agreed for Ms Streeter to continue to work on the tree ordinance in its entirety and allow the commission to review a final draft at the next meeting in Aug.
- 5. Workshop
 - i. Discussion regarding the Mobile Food Court Ordinances and Mobile Food Vendor Ordinances.
 - ii. This topic was briefly discussed and explained that options should be researched and brought back to the next meeting.
- 6. With no further business before the commission the meeting was adjourned at 7:25pm

Chairperson

Kyle Reeves,
Building Official



CITY COUNCIL AGENDA ACTION FORM

AGENDA DATE:	Thursday, August 18, 2022		
AGENDA SUBJECT:	Public hearing regarding a request to rezone 401 Sam Houston St, Glen Rose, TX 76043; also known as Acres 0.321, Lot 7, 8 & PT 9, Blk 00001, Subd R0100, Abst A41, RAILROAD, BLOCK 1, LOT 7, 8 & PT 9, from R-1 (Single-Family Residential District) to B-1 (Restricted Commercial District.).		
PREPARED BY:	Building/Planning/Code Enforcement Assistant Holthe	DATE SUBMITTED:	7/15/22
EXHIBITS:			
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY ADMINISTRATOR APPROVAL:			
SUMMARY:			
RECOMMENDED ACTION:			



CITY COUNCIL AGENDA ACTION FORM

AGENDA DATE:	Thursday, August 18, 2022		
AGENDA SUBJECT:	Public hearing regarding a request to rezone Sam Houston St 309 (144), Glen Rose, TX 76043; also known as Acres 0.413, Lot 10,11 & PT OF 9, Blk 00001, Subd R0100, Abst A41, RAILROAD, BLOCK 1, LOT 10,11 & PT OF 9, from R-1 (Single-Family Residential District) to B-1 (Restricted Commercial District.).		
PREPARED BY:	Building/Planning/Code Enforcement Assistant Holthe	DATE SUBMITTED:	7/15/22
EXHIBITS:			
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY ADMINISTRATOR APPROVAL:			
SUMMARY:			
RECOMMENDED ACTION:			



CITY COUNCIL AGENDA ACTION FORM

AGENDA DATE:	Thursday, August 18, 2022		
AGENDA SUBJECT:	Public hearing regarding amending Chapter 10: Subdivision Regulation of the City's Code of Ordinances to add or revise Application Submittal, Processing, and Procedures; to add procedures for requesting a variance; and to add or revise definitions		
PREPARED BY:	Building/Planning/Code Enforcement Assistant Holthe	DATE SUBMITTED:	8/15/22
EXHIBITS:			
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY ADMINISTRATOR APPROVAL:			
SUMMARY:			
RECOMMENDED ACTION:			



CITY COUNCIL AGENDA ACTION FORM

AGENDA DATE:	Thursday, July 21, 2022		
AGENDA SUBJECT:	Discussion, consideration and possible action regarding a request to rezone 401 Sam Houston St, Glen Rose, TX 76043; also known as Acres 0.321, Lot 7, 8 & PT 9, Blk 00001, Subd R0100, Abst A41, RAILROAD, BLOCK 1, LOT 7, 8 & PT 9, from R-1 (Single-Family Residential District) to B-1 (Restricted Commercial District.).		
PREPARED BY:	Building/Planning/Code Enforcement Assistant Holthe	DATE SUBMITTED:	8/10/22
EXHIBITS:	1. Request for Zoning Change Application 2. Property Notification Letter 3. Property Return Letter 4. 200' Surrounding Property map 5. Current Zoning Map 6. Future Land Use Map 7. R-1 Single-Family Residential District 8. B-1 Restricted Commercial District		
BUDGETARY IMPACT:		Required Expenditure:	\$00.00
		Amount Budgeted:	\$00.00
		Appropriation Required:	\$00.00
CITY ADMINISTRATOR APPROVAL:			
SUMMARY: 07/15/2022 – Request for Zoning Change Application was received 07/29/2022 - Notice of Public Hearing was posted in the local newspaper 07/29/2022 - 18 Property owner letters were sent representing 16 properties. 10 Letters have been confirmed as received 00 Letters unconfirmed as received 010 Letters were returned 01 Favorable response has been returned 00 Opposition response has been returned			
RECOMMENDED ACTION:			
Move to approve or deny as presented.			

DATE RECEIVED 7-15-22



Code Enforcement Unit
City of Georgetown, Texas 77626-1144 (512) 837-1274 Fax: (512) 837-1989

Request for Zoning Change

Address of property: 309 + 401 SAM HOUSTON

Applicant's Name: LORETTA Whitworth
Judy Thompson

Date: _____

Property Owner Information

Full Name Judy Thompson

LORETTA Whitworth Estate

Address: _____

Telephone No: _____

Applicant/Owner's Representative (if not the owner)

Full Name SCOTT W KNAPP

Address: _____

Telephone No: _____

Email: _____

Present zoning at site: R New zoning requested R-1

Form of Ownership of the property: ☒ Individual ☐ Partnership ☐ Corporation

Reason for zoning change (must be specific):

We Are Selling Our Two Lots To Scott & Michelle Knapp.
They Are The Owners of The LongPost Apartments At 400 Bailey St.
They Want To Replicate These Apartments To Bring More
Affordable Housing To This Area. They Try To Rent To SS
and Older and Have Kept These Apartments in Great Shape.
We Believe It Will Be A Good fit For Both Georgetown
The Knapps Is They Are Able To Do This

If/We, am/are the owner(s) of the property, I/We hereby certify that all the information provided is true and correct.

Owner(s) Signature

Signature of Applicant/Owner

Judy Thompson Co-executor

Date: 07/13/2022

To whom it may concern,

We are letting the P&Z committee and the city council know that we would like Scott Knapp to ask for a zoning change to our two properties at 309 and 401 Sam Houston St on our behalf.

Thank you,

Sharon Whitworth ~~Sharon Whitworth~~ 07/10/2022

Judy Thompson ~~Judy Thompson Co-escalator~~ 07/10/2022



Building, Planning and Code Enforcement Department
201 NE Vernon Street, PO Box 1949, Glen Rose, Texas 76043
(254) 897-2272 Fax: (254) 897-7989

NOTIFICATION

July 29, 2022

NOTICE OF PUBLIC HEARING ON PROPERTY LOCATED AT 401 SAM HOUSTON ST.

Public hearings will be held at 5:30 p.m. at City Hall (201 NE Vernon Street, Glen Rose, Texas) on August 18, 2022 before the Planning and Zoning Commission and on September 13, 2022 before the City Council on a request by owner, Alfredo Garcia, to rezone the property located at 401 Sam Houston St; Subd: R0100, Abst: A41, RAILROAD, BLOCK 1, LOT 7, 8 & PT 9, from R-1 (Single-Family Residential District) to B-1 (Restricted Commercial District).

Dear Property Owner:

You are receiving this notice because our records indicate you own property within 200' of the property previously referenced that is the subject of these hearings. Included with this letter is a Property Owner Response Form, the application for rezoning which is under consideration, and a map showing all the properties within 200' of this property. If you would like to register your opinion in favor or in opposition to granting the rezoning request, please complete the form and either mail or email it to us, or deposit it in one of the drop boxes at City Hall.

If the owners of 20% or more of the land within 200' of this property provide written notice of their objection to the issuance of the rezoning request, instead of a simple majority it will require a vote of $\frac{3}{4}$ of the City Council members present to approve the request.

You are welcome to attend and participate in either or both of the Public Hearings. If you are unable to attend, but would like to listen to the hearings, generally, those proceedings are broadcast via Zoom. Instructions for accessing those broadcasts are available in the "Latest Events" section at the bottom of the City's website at www.glenrosetexas.org.

Should you have any questions, please contact us at code.enforcement@glenrosetexas.org or at (254) 897-2272 ext. 109.

Sincerely,

Building, Planning, and Code Compliance Department

NOTICE OF PUBLIC HEARING

Item 7.



City of Glen Rose, Texas

Building, Planning, Code Enforcement Department

P.O. Box 1949, Glen Rose, TX 76043

Ph: (254) 897-2272

Fax: (254) 897-7989

Email: buildingofficial@glenrosetexas.org

Re: Property owners' representative, Scott Knapp request to rezone the property located at 401 Sam Houston St., Glen Rose, TX 76043; also known as Subd: R0100, Abst: A41, RAILROAD, BLOCK 1, LOT 7, 8 & PT 9, from R-1 (Single-Family Residential District) to B-1 (Restricted Commercial District)

This letter may be deposited in either of the two drop boxes located at City Hall, 201 NE Vernon Street, Glen Rose, Texas or mailed to City Hall, Attention: Planning and Zoning Department, PO Box 1949, Glen Rose, Texas 7643.

NAME: _____ DATE: _____

ADDRESS: _____

I AM () IN FAVOR () IN OPPOSITION TO THIS REQUEST.

Reasons/Comments:

Kyle Reeves,
Building Official, Planning and Zoning (P&Z)

City of Glen Rose • P.O. Box 1949 • Glen Rose, TX 76043
Building Inspections / Permits 254-897-2272 ext. 109

R-1 Single-Family Residential District

1. Purpose. The R-1 Single-Family Residential District is established to allow for single-family dwellings.
2. Permitted uses. The uses permitted in the R-1 district include those listed in the schedule of uses found in appendix A of this article. Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with section 14.02.107 dealing with new and unlisted uses.
3. Specific use permit. In order to allow for certain uses which, because of their nature or unusual character, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the planning and zoning commission shall forward its recommendations of action to the city council, after public hearing thereon. The city council shall hold a public hearing and may authorize and grant the issuance of a specific use permit for those uses allowed in the schedule of uses in appendix A of this article. The issuance of the permit by the city council shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time, so as to properly protect any adjacent property, use or neighborhood character, as well as ensure the appropriate conduct of the conditional use of the land and buildings granted.
4. Area, yard, height, lot coverage and building size. The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percentage of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the schedule of district regulations found in section 14.02.041 and any other applicable regulations as herein provided.
5. Parking requirements. Off-street parking space requirements shall be in accordance with the parking schedule found in appendix A of this article and section 14.02.104. Parking for at least 2 motor vehicles shall be provided by an enclosed garage or carport for any single-family dwelling constructed after the date of adoption of this article.
6. Sales displays prohibited.
 1. Garage sales shall be permitted in accordance with this Code of Ordinances.
 2. It shall be unlawful for any person to display or allow to be displayed for sale or lease at one time on any lot any motor vehicle; boat or vessel subject to registration under Texas Parks & Wildlife Code chapter 31; or camper shell designed for use on a motor vehicle unless such vehicle is owned by the actual occupant of the premises. However, no person or persons shall be permitted to display more than 2, or combination thereof, of the following: motor vehicles; boats or other similar vessels subject to registration under Texas Parks and Wildlife Code chapter 31; or camper shells per lot at any time.

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City of Glen Rose • P.O. Box 1949 • Glen Rose, TX 76043
Building Inspections / Permits 254-897-2272 ext. 109

City of Glen Rose B-1 Zoning

14.02.047 B-1 Restricted Commercial District

1. **Purpose.** The B-1 Restricted Commercial District has been established to limit commercial uses and operations within enclosed buildings and prohibiting the outside storage and display of goods, materials, vehicles and equipment. This district is intended to accommodate the basic shopping and service needs of residents and to provide retail and office space for merchants and financial, administrative, government and business services.
2. **Permitted uses.** The uses permitted in the B-1 district include those listed in the schedule of uses found in appendix A of this article. Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with section 14.02.107 dealing with new and unlisted uses.
3. **Specific use permit.** In order to allow for certain uses which, because of their nature or unusual character, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the planning and zoning commission shall forward its recommendations of action to the city council, after public hearing thereon. The city council shall hold a public hearing and may authorize and grant the issuance of a specific use permit for such uses allowed in the schedule of uses in appendix A of this article. The issuance of the permit by the city council shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time, so as to properly protect any adjacent property, use or neighborhood character, as well as ensure the appropriate conduct of the conditional use of the land and buildings granted.
4. **Area, yard, height, lot coverage and building size.** The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percentage of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the schedule of district regulations found in section 14.02.041 and any other applicable regulations as herein provided.
5. **Parking requirements.** Off-street parking space requirements shall be in accordance with the parking schedule found in appendix A of this article and section 14.02.104. No enclosed or covered parking is specifically required.
6. **All commercial operations and sales to be enclosed; exception.** All commercial uses, operations and sales, except for off-street parking and off-street loading facilities, shall be conducted within completely enclosed buildings. However, the city council may grant a permit to businesses for sidewalk sales for a period up to 30 days.

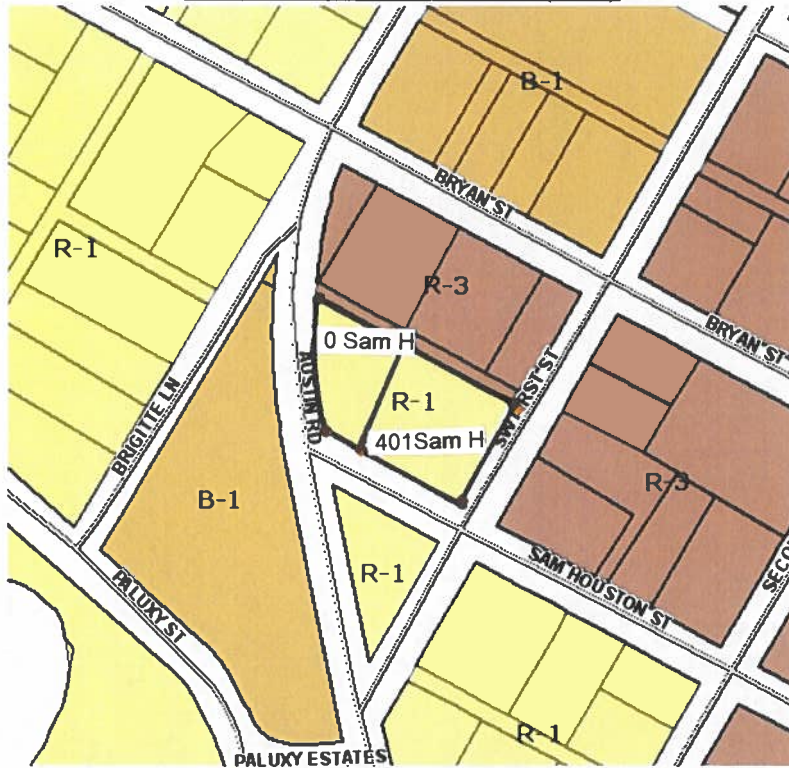
(Ordinance 240 adopted 3/15/94; 2007 Code, sec. 155.21)

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401 Sam Houston St
R-1 to B-1



Current Zoning for 401 Sam Houston St.
&
0 Sam Houston St. 309 (144)



Future Zoning



Future Land Use Legend

LEGEND

Zone	Map Section/Area	Color	Color Name
R-1	Single Family		Golden Yellow
R-2M	Single Family/Duplex/Cabin		Pink
R-3	Single/Two-Four/MH		Tan
R-4	Multi-Family		Gray
B-1	Restricted Commercial		Orange
B-2	General Commercial		Aqua Green
I	Industrial		Brown
OSP	Open Space Parks		Yellow Green
PD	Planned Development		Mahogany Overlay
PF	Public Facilities		Violet Purple Overlay
H	Historic District		Black Overlay



CITY COUNCIL AGENDA ACTION FORM

AGENDA DATE:	Thursday, July 21, 2022		
AGENDA SUBJECT:	Discussion, consideration and possible action regarding a request to rezone Sam Houston St 309 (144), Glen Rose, TX 76043; also known as Acres 0.413, Lot 10,11 & PT OF 9, Blk 00001, Subd R0100, Abst A41, RAILROAD, BLOCK 1, LOT 10,11 & PT OF 9, from R-1 (Single-Family Residential District) to B-1 (Restricted Commercial District.).		
PREPARED BY:	Building/Planning/Code Enforcement Assistant Holthe	DATE SUBMITTED:	7/12/22
EXHIBITS:	1. Request for Zoning Change Application 2. Property Notification Letter 3. Property Return Letter 4. 200' Surrounding Property map 5. Current Zoning Map 6. Future Land Use Map 7. R-1 Single-Family Residential District 8. B-1 Restricted Commercial District		
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY ADMINISTRATOR APPROVAL:			
SUMMARY: 07/15/2022 – Request for Zoning Change Application was received 07/29/2022 - Notice of Public Hearing was posted in the local newspaper 07/29/2022 - 17 Property owner letters were sent representing 15 properties. 11 Letters have been confirmed as received 00 Letters unconfirmed as received 010 Letters were returned 01 Favorable response has been returned 00 Opposition response has been returned			
RECOMMENDED ACTION:			
Move to approve or deny as presented.			

Staff use only
Date Received 7-15-22



Code Enforcement Office
City of Genoa, Texas 75143 Tel: (254) 837-9373 Fax: (254) 837-7989

Request for Zoning Change

Address of property: 309 + 401 SAM HOUSTON

Applicant's Name: LORETTA Whitworth
Judy Thompson

Date: _____

Property Owner Information

Full Name Judy Thompson | LORETTA Whitworth Estate

Address: _____

Telephone No: _____

Applicant/Owner's Representative (if not the owner)

Full Name SCOTT W KNAPP

Address: _____

Telephone No: _____ Email: _____

Present zoning at site: R-1 New zoning requested R-1

Form of Ownership of the property: ☒ Individual ☐ Partnership ☐ Corporation

Reason for zoning change (must be specific):

We Are Selling Our Two Lots To Scott & Michelle Knapp.
They Are The Owners of The LampPost Apartments At 400 Bailey St.
They Want To Replicate Those Apartments To Bring More
Affordable Housing To This Area. They Try To Rent To SS
and Older and have kept these Apartments in Great Shape.
We Believe it will be a Good fit For Both Genoa and
The Knapps as They Are Able To Do This.

I/We, am/are the owner(s) of the property. I/We hereby certify that all the information provided is true and correct.

Owner(s) Signature: _____

Signature of Owner(s)

Judy Thompson, Co-executor

Date: 07/13/2022

To whom it may concern,

We are letting the P&Z committee and the city council know that we would like Scott Knapp to ask for a zoning change to our two properties at 309 and 401 Sam Houston St on our behalf.

Thank you,

Sharon Whitworth ~~Sharon Whitworth~~ 07/10/2022

Judy Thompson ~~Judy Thompson Co-counsel~~ 07/10/2022



Building, Planning and Code Enforcement Department
201 NE Vernon Street, PO Box 1949, Glen Rose, Texas 76043
(254) 897-2272 Fax: (254) 897-7989

NOTIFICATION

July 29, 2022

NOTICE OF PUBLIC HEARING ON PROPERTY LOCATED AT 401 SAM HOUSTON ST.

Public hearings will be held at 5:30 p.m. at City Hall (201 NE Vernon Street, Glen Rose, Texas) on August 18, 2022 before the Planning and Zoning Commission and on September 13, 2022 before the City Council on a request by owner, Alfredo Garcia, to rezone the property located at Subd: R0100, Abst: A41, RAILROAD, BLOCK 1, LOT 10,11 & PT OF 9, also known as 0 Sam Houston St. (309), from R-1 (Single-Family Residential District) to B-1 (Restricted Commercial District).

Dear Property Owner:

You are receiving this notice because our records indicate you own property within 200' of the property previously referenced that is the subject of these hearings. Included with this letter is a Property Owner Response Form, the application for rezoning which is under consideration, and a map showing all the properties within 200' of this property. If you would like to register your opinion in favor or in opposition to granting the rezoning request, please complete the form and either mail or email it to us, or deposit it in one of the drop boxes at City Hall.

If the owners of 20% or more of the land within 200' of this property provide written notice of their objection to the issuance of the rezoning request, instead of a simple majority it will require a vote of $\frac{2}{3}$ of the City Council members present to approve the request.

You are welcome to attend and participate in either or both of the Public Hearings. If you are unable to attend, but would like to listen to the hearings, generally, those proceedings are broadcast via Zoom. Instructions for accessing those broadcasts are available in the "Latest Events" section at the bottom of the City's website at www.glenrosetexas.org.

Should you have any questions, please contact us at code.enforcement@glenrosetexas.org or at (254) 897-2272 ext. 109.

Sincerely,

Building, Planning, and Code Compliance Department

NOTICE OF PUBLIC HEARING

Item 8.



City of Glen Rose, Texas

Building, Planning, Code Enforcement Department

P.O. Box 1949, Glen Rose, TX 76043

Ph: (254) 897-2272

Fax: (254) 897-7989

Email: buildingofficial@glenrosetexas.org

Re: Property owners' representative, Scott Knapp request to rezone the property located at 0 Sam Houston St. 309 (144), Glen Rose, TX 76043; also known as Subd: R0100, Abst: A41, RAILROAD, BLOCK 1, LOT 10,11 & PT OF 9, from R-1 (Single-Family Residential District) to B-1 (Restricted Commercial District)

This letter may be deposited in either of the two drop boxes located at City Hall, 201 NE Vernon Street, Glen Rose, Texas or mailed to City Hall, Attention: Planning and Zoning Department, PO Box 1949, Glen Rose, Texas 7643.

NAME: _____ DATE: _____

ADDRESS: _____

I AM () IN FAVOR () IN OPPOSITION TO THIS REQUEST.

Reasons/Comments:

Kyle Reeves,
Building Official, Planning and Zoning (P&Z)

City of Glen Rose • P.O. Box 1949 • Glen Rose, TX 76043
Building Inspections / Permits 254-897-2272 ext. 109

R-1 Single-Family Residential District

1. Purpose. The R-1 Single-Family Residential District is established to allow for single-family dwellings.
2. Permitted uses. The uses permitted in the R-1 district include those listed in the schedule of uses found in appendix A of this article. Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with section 14.02.107 dealing with new and unlisted uses.
3. Specific use permit. In order to allow for certain uses which, because of their nature or unusual character, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the planning and zoning commission shall forward its recommendations of action to the city council, after public hearing thereon. The city council shall hold a public hearing and may authorize and grant the issuance of a specific use permit for those uses allowed in the schedule of uses in appendix A of this article. The issuance of the permit by the city council shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time, so as to properly protect any adjacent property, use or neighborhood character, as well as ensure the appropriate conduct of the conditional use of the land and buildings granted.
4. Area, yard, height, lot coverage and building size. The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percentage of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the schedule of district regulations found in section 14.02.041 and any other applicable regulations as herein provided.
5. Parking requirements. Off-street parking space requirements shall be in accordance with the parking schedule found in appendix A of this article and section 14.02.104. Parking for at least 2 motor vehicles shall be provided by an enclosed garage or carport for any single-family dwelling constructed after the date of adoption of this article.
6. Sales displays prohibited.
 1. Garage sales shall be permitted in accordance with this Code of Ordinances.
 2. It shall be unlawful for any person to display or allow to be displayed for sale or lease at one time on any lot any motor vehicle; boat or vessel subject to registration under Texas Parks & Wildlife Code chapter 31; or camper shell designed for use on a motor vehicle unless such vehicle is owned by the actual occupant of the premises. However, no person or persons shall be permitted to display more than 2, or combination thereof, of the following: motor vehicles; boats or other similar vessels subject to registration under Texas Parks and Wildlife Code chapter 31; or camper shells per lot at any time.

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Building Inspections / Permits 254-897-2272 ext. 109

City of Glen Rose B-1 Zoning

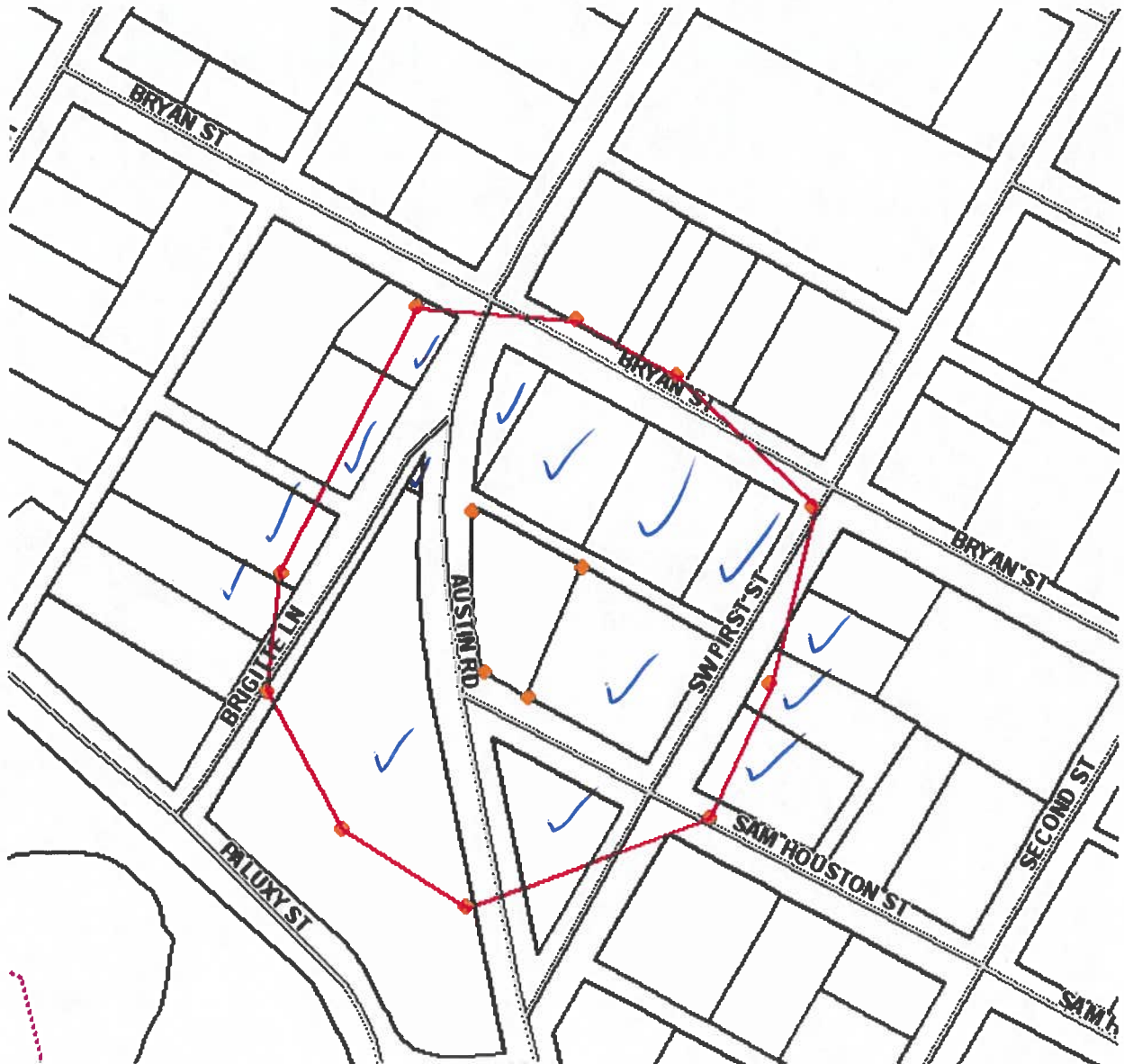
14.02.047 B-1 Restricted Commercial District

1. **Purpose.** The B-1 Restricted Commercial District has been established to limit commercial uses and operations within enclosed buildings and prohibiting the outside storage and display of goods, materials, vehicles and equipment. This district is intended to accommodate the basic shopping and service needs of residents and to provide retail and office space for merchants and financial, administrative, government and business services.
2. **Permitted uses.** The uses permitted in the B-1 district include those listed in the schedule of uses found in appendix A of this article. Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with section 14.02.107 dealing with new and unlisted uses.
3. **Specific use permit.** In order to allow for certain uses which, because of their nature or unusual character, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the planning and zoning commission shall forward its recommendations of action to the city council, after public hearing thereon. The city council shall hold a public hearing and may authorize and grant the issuance of a specific use permit for such uses allowed in the schedule of uses in appendix A of this article. The issuance of the permit by the city council shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time, so as to properly protect any adjacent property, use or neighborhood character, as well as ensure the appropriate conduct of the conditional use of the land and buildings granted.
4. **Area, yard, height, lot coverage and building size.** The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percentage of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the schedule of district regulations found in section 14.02.041 and any other applicable regulations as herein provided.
5. **Parking requirements.** Off-street parking space requirements shall be in accordance with the parking schedule found in appendix A of this article and section 14.02.104. No enclosed or covered parking is specifically required.
6. **All commercial operations and sales to be enclosed; exception.** All commercial uses, operations and sales, except for off-street parking and off-street loading facilities, shall be conducted within completely enclosed buildings. However, the city council may grant a permit to businesses for sidewalk sales for a period up to 30 days.

(Ordinance 240 adopted 3/15/94; 2007 Code, sec. 155.21)

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0 SAM HOUSTON ST 309 (144)
R-1 to B-1



Current Zoning for 401 Sam Houston St.
&
0 Sam Houston St. 309 (144)

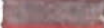


Future Zoning



Future Land Use Legend

LEGEND

Zone	Map Section/Area	Color	Color Name
IL-1	Single Family		Golden Yellow
R-2M	Single Family/Duplex/Cabin		Pink
R-3	Single/Two-Four/MH		Tan
R-4	Multi-Family		Gray
B-1	Restricted Commercial		Orange
B-2	General Commercial		Aqua Green
I	Industrial		Brown
OSP	Open Space Parks		Yellow Green
PD	Planned Development		Hickory Overlay
PF	Public Facilities		Violet Purple Overlay
H	Historic District		Black Overlay



CITY COUNCIL AGENDA ACTION FORM

AGENDA DATE:	Thursday, August 18, 2022		
AGENDA SUBJECT:	Discussion, consideration and possible action regarding the City of Glen Rose Grease Traps		
PREPARED BY:	Building/Planning/Code Enforcement Assistant Holthe	DATE SUBMITTED:	8/15/22
EXHIBITS:			
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY ADMINISTRATOR APPROVAL:			
SUMMARY:			
RECOMMENDED ACTION:			
Move to approve or deny as presented.			

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING THE INSTALLATION, USE, MAINTENANCE, REQUIREMENTS, MONITORING, AND ENFORCEMENT OF GREASE TRAPS AND INTERCEPTORS FOR COMMERCIAL BUSINESSES GENERATING FATS, OILS, AND/OR GREASE; PROVIDING FOR PENALTIES; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the desire of the City Council to prevent the accumulation of grease within the sewer system of the City of Glen Rose which can lead to sanitary sewer main blockages and subsequent back-ups and sanitary sewer overflows; to reduce the costs of maintaining the sewer system by preventing the accumulation of grease within the sewage system; to establish guidelines for installation and maintenance and provide enforcement controls for failure to comply with the guidelines; and to protect public health and insure the quality of water in the waterways of the State of Texas from pollution caused by sanitary sewer overflows.

Grease Traps

Applicability and Prohibitions

- (a) This ordinance shall apply to all non-domestic users of the Publicly Owned Treatment Works (POTW), as defined in this Ordinance.
- (b) Grease traps or grease interceptors shall not be required for residential users.
- (c) Facilities generating fats, oils, or greases as a result of food manufacturing, processing, preparation, or food service shall install, use, and maintain appropriate grease traps or interceptors as required in _____ of this Ordinance. These facilities include but are not limited to restaurants, food manufacturers, food processors, hospitals, hotels and motels, prisons, nursing homes, and any other facility preparing, serving, or otherwise making any foodstuff available for consumption.
- (d) No user may intentionally or unintentionally allow the direct or indirect discharge of any petroleum oil, non-biodegradable cutting oil, mineral oil, or any fats, oils, or greases of animal or vegetable origin into the POTW system in such amounts as to cause interference with the collection and treatment system, or as to cause pollutants to pass through the treatment works into the environment.

Definitions

All terms used in this Ordinance shall be given their meaning as provided by the Texas Food Establishment Rules found in 25 Tex. Admin. Code, ch. 229, §§ 161-171 and 173-175, including any future amendments of such rules, unless otherwise defined in the following definitions.

- (a) Act means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- (b) BOD means the value of the 5-day test for Biochemical Oxygen Demand, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."
- (c) COD means the value of the test for Chemical Oxygen Demand, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."
- (d) EPA means the United States Environmental Protection Agency.
- (e) Fats, oils, and greases (FOG) means organic polar Compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases."
- (f) Generator means any person who owns or operates a grease trap/grease interceptor, or whose act or process produces a grease trap waste.
- (g) Grease trap or interceptor means a device designed to use differences in specific gravities to separate and retain light density liquids, waterborne fats, oils, and greases prior to the wastewater entering the sanitary sewer collection system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection system. Grease traps and interceptors are also referred to herein as "grease traps/interceptors."
- (h) Grease Trap Waste means material collected in and from a grease trap/interceptor in the sanitary sewer service line of a commercial, institutional, or industrial food service or processing establishment, including the solids resulting from de-watering processes.
- (i) Indirect Discharge or Discharge means the introduction of pollutants into a POTW from any non-domestic source.
- (j) Interference means a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal, or is a cause of a violation of the city's TPDES permit.
- (k) pH means the measure of the relative acidity or alkalinity of water and is defined as the negative logarithm (base 10) of the hydrogen ion concentration.
- (1) POTW or Publicly Owned Treatment Works means a treatment works which is owned by a state or municipality as defined by section 502(4) of the Clean Water Act. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes all sewers, pipes and

other conveyances that convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. For purposes of this ordinance, the terms "sanitary sewer system" and "POTW" may be used interchangeably.

(m) TCEQ means the Texas Commission on Environmental Quality, and its predecessor and successor agencies.

(n) Transporter means a person who is registered with and authorized by the TCEQ to transport sewage sludge, water treatment sludge, domestic septage, chemical, toilet waste, grit trap waste, or grease trap waste in accordance with 30 TEXAS ADMINISTRATIVE CODE §312.142.

(o) TSS means the value of the test for Total Suspended Solids, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."

(p) User means any person, including those located outside the jurisdictional limits of the city, who contributes causes or permits the contribution or discharge of -wastewater into the POTW, including persons who contribute such wastewater from mobile sources.

S Installation Requirements and Maintenance Requirements

(a) Installations

- 1) **New Facilities.** Food processing or food service establishments which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a food service facility, where such facility did not previously exist, shall be required to design, operate and maintain a grease trap/interceptor in accordance with locally adopted plumbing codes or other applicable ordinances. Minimum size of the trap for new facilities shall be 1,000 Gallon unless a justifiable design can be provided at the time of plan review, or special exceptions are granted from the Building Official or Public Works Director. Grease traps/interceptors shall be installed and inspected prior to issuance of a certificate of occupancy.
- 2) **Existing Facilities.** Existing grease traps/interceptors must be operated and maintained in accordance with the manufacturer's recommendations and in accordance with these Model Standards, unless specified in writing and approved by the POTW.

(b) Cleaning and Maintenance

- 1) Grease traps and grease interceptors shall be maintained in an efficient operating condition at all times.

- 2) Each grease trap pumped shall be fully evacuated unless the trap volume is greater than the tank capacity on the vacuum truck in which case the transporter shall arrange for additional transportation capacity so that the trap is fully evacuated within a 24-hour period, in accordance with 30 TEXAS ADMINISTRATIVE CODE §312.143.
- 3) All grease trap/interceptor waste shall be properly disposed of at a facility in accordance with federal, state, or local regulation.

(c) Self-Cleaning

- 1) Grease trap self-cleaning operators must receive approval from the POTW annually prior to removing grease from their own grease trap(s) located inside a building, provided:
 - (A) the grease trap is no more than fifty (50) gallons in liquid/operating capacity;
 - (B) proper on-site material disposal methods are implemented (e.g. absorb liquids into solid form and dispose into trash after being double bagged);
 - (C) the local solid waste authority allows such practices;
 - (D) grease trap waste is placed in a leak proof, sealable container(s) located on the premises and in an area for the transporter to pump-out; and
 - (E) Detailed records on these activities are maintained.
- 2) Grease trap self-cleaning operators must submit a completed self-cleaning request to the POTW for approval. The written request shall include the following information:
 - (A) Business name and street address;
 - (B) Grease trap/interceptor operator name, title, and phone number;
 - (C) Description of maintenance frequency, method of disposal, method of cleaning and size (in gallons) of the grease trap/interceptor; and
 - (D) Signed statement that the operator will maintain records of waste disposal and produce them for compliance inspections.
- 3) Self-cleaners must adhere to all the requirements; procedures and detailed record keeping outlined in their approved application, to ensure compliance with this ordinance. A maintenance log shall be kept by self-cleaning operators that indicates, at a minimum, the following information:

- (A) Date the grease trap/interceptor was serviced;
 - (B) Name of the person or company servicing the grease trap/interceptor;
 - (C) Waste disposal method used;
 - (D) Gallons of grease removed and disposed of;
 - (E) Waste oil added to grease trap/interceptor waste; and
 - (F) Signature of the operator after each cleaning that certifies that all grease was removed, disposed of properly, grease trap/interceptor was thoroughly cleaned, and that all parts were replaced and in operable condition.
- 4) Violations incurred by grease trap self-cleaners will be subject to enforcement action including fines and/or removal from the self-cleaner program.
- (d) Cleaning Schedules
- 1) Grease traps and grease interceptors shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease trap/interceptor; to ensure the discharge is in compliance with local discharge limits; and to ensure no visible grease is observed in discharge.
 - 2) Grease traps and grease interceptors subject to these standards shall be completely evacuated a minimum of every ninety (90) days for traps greater than 50 gallons and every thirty (30) days for traps up to 50 gallons, or more frequently when:
 - (A) Twenty-five (25) percent or more of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases; or
 - (B) The discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the POTW; or
 - (C) If there is a history of non-compliance.
 - 3) Any person who owns or operates a grease trap/interceptor may submit to the POTW a request in writing for an exception to the ninety (90) day pumping frequency of their grease trap/interceptor. The POTW may grant an extension for required cleaning frequency on a case-by-case basis when:
 - (A) The grease trap/interceptor owner/operator has demonstrated the specific

trap/interceptor will produce an effluent, based on defensible analytical results, in consistent compliance with established local discharge limits such as BOD, TSS, FOG, or other parameters as determined by the POTW, or

- (B) Less than twenty-five (25) percent of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases.
- 4) In any event, a grease trap and grease interceptor shall be fully evacuated, cleaned, and inspected at least once every 180 days.

(e) Manifest Requirements

- 1) Each pump-out of a grease trap or interceptor must be accompanied by a manifest to be used for record keeping purposes.
- 2) Persons who generate, collect and transport grease waste shall maintain a record of each individual collection and deposit. Such records shall be in the form of a manifest. The manifest shall include:
 - (A) Name, addresses, telephone, and commission registration number of transporter;
 - (B) Name, signature, address, and phone number of the person who generated the waste and the date collected;
 - (C) Type and amount(s) of waste collected or transported;
 - (D) Name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste;
 - (E) Date and place where the waste was deposited;
 - (F) Identification (permit or site registration number, location, and operator) of the facility where the waste was deposited;
 - (G) Name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received;
 - (H) The volume of the grease waste received; and
 - (I) A consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of grease

transported.

- 3) Manifests shall be divided into five parts and records shall be maintained as follows.
 - (A) One part of the manifest shall have the generator and transporter information completed and given to the generator at the time of waste pickup.
 - (B) The remaining four parts of the manifest shall have all required information completely filled out and signed by the appropriate party before distribution of the manifest.
 - (C) One part of the manifest shall go to the receiving facility.
 - (D) One part shall go to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste.
 - (E) One copy of the manifest shall be returned by the transporter to the person who generated the wastes within 15 days after the waste is received at the disposal or processing facility.
 - (F) One part of the manifest shall go to the POTW within 15 days after the waste is received at the disposal or processing facility.
- 4) Copies of manifests returned to the waste generator shall be retained for five years and be readily available for review by the POTW.

(f) Alternative Treatment

- 1) A person commits an offense if the person introduces, or causes, permits, or suffers the introduction of any surfactant, solvent or emulsifier into a grease trap. Surfactants, solvents, and emulsifiers are materials which allow the grease to pass from the trap into the collection system, and include but are not limited to enzymes, soap, diesel, kerosene, terpene, and other solvents.
- 2) It is an affirmative defense to an enforcement of Section 22-132 (f) (1) that the use of surfactants or soaps is incidental to normal kitchen hygiene operations.
- 3) Bioremediation media may be used with the POTW's approval if the person has proved to the satisfaction of the POTW that laboratory testing which is appropriate for the type of grease trap to be used has verified that:
 - (A) The media is a pure. Live bacterial product which is not inactivated by the use of domestic or commercial disinfectants and detergents,

strong alkalis, acids, and/or water temperatures of 160/F (71/C).

- (B) The use of the media does not reduce the buoyancy of the grease layer in the grease trap and does not increase the potential for oil and grease to be discharged to the sanitary sewer.
 - (C) The use of the bioremediation media does not cause foaming in the sanitary sewer.
 - (D) The BOD, COD, and TSS discharged to the sanitary sewer after use of the media does not exceed the BOD, COD, and TSS which would be discharged if the product were not being used and the grease trap was being properly maintained. pH levels must be between 5 and 11.
- 4) All testing designed to satisfy the criteria set forth in _____ shall be scientifically sound and statistically valid. All tests to determine oil and grease, TSS, BOD, COD, pH, and other pollutant levels shall use appropriate tests which have been approved by the Environmental Protection Agency and the Texas Commission on Environmental Quality and which are defined in Title 40, Code of Federal Regulations, Part 136 or Title 30, TEXAS ADMINISTRATIVE CODE §319.11. Testing shall be open to inspection by the POTW, and shall meet the POTW's approval.

Schedule of Penalties

1. If the POTW determines that a generator is responsible for a blockage of a collection system line the generator shall owe a civil penalty of \$1,000 for the first violation, \$1,500 for a second violation, and \$2,000 for the third violation within a two-year period. Continuous violations shall result in an increase in penalty by \$500 and may also result in termination of services.
2. Any person violating any of the provisions of this Ordinance shall be subject to a written warning for the first violation, a \$1,000 civil penalty for the second violation, a \$1,500 civil penalty for the third violation, and a \$2,000 civil penalty for the fourth violation within a two- year period. Consistent violations will result in a \$500 increase in civil penalty and may result in termination of service.

Enforcement

The Public Works Director or his designee shall have the administrative authority to enforce this ordinance. Whenever the City finds that any user has violated or is violating this ordinance, or any prohibition, limitation, or requirements contained in the ordinance, the City will implement the enforcement response plan. Enforcement response necessary to initiate corrective action may include but not be limited to the following:

1. Notice of violation. The city may serve upon any user a written notice stating the nature of violation. Within 24 hours of the time and date of the notice or first regular work day, a plan for the satisfactory correction thereof shall be submitted for approval by the Utility Director.
2. The City of Glen Rose may suspend water service when such suspension necessary, in the opinion of the Director, in order to stop an actual or threatened discharge which:
 - a) Presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment; and/or
 - b) Causes stoppages or excessive maintenance to be performed to prevent stoppages in the sanitary sewer system.

Any person notified of a suspension of water service shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary, including immediate termination of water utility services, to prevent or minimize damage to the sanitary sewer collection system or endangerment of any individuals.

The City of Glen Rose shall reinstate utility services when such conditions causing the suspension have been corrected or eliminated. A detailed written statement submitted by the user describing the cause(s) of the violation and the measure(s) taken to prevent any future occurrence shall be submitted to the City of Glen Rose, Public Works Director, within fifteen days of the date of the occurrence.

Conflicting Ordinances Repealed

Other Ordinances in Conflict Repealed. All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Severability

If any provision of this Ordinance or the application of any provision of this Ordinance to any person is, to any extent, held invalid or unenforceable by a tribunal of competent jurisdiction, the remainder of this Ordinance and the application of such provision to other persons or circumstance shall not be affected by such holding. In case of such event, this Ordinance and all of its remaining provisions shall, in all other respects, continue to be effective. In the event the law invalidating such an Ordinance provision is subsequently repealed, rescinded, amended or is otherwise changed so that the provision which had previously been held invalid or unenforceable, no longer conflict with the laws, rules or regulations then in effect, the previously invalid or unenforceable provision shall return to full force and effect.

This Ordinance shall be in full force and effect from and after the date of its passage, approval and/or publication as required by law.



CITY COUNCIL AGENDA ACTION FORM

AGENDA DATE:	Thursday, August 18, 2022		
AGENDA SUBJECT:	Discussion, consideration and possible action regarding the City of Glen Rose Pest Control		
PREPARED BY:	Building/Planning/Code Enforcement Assistant Holthe	DATE SUBMITTED:	8/15/22
EXHIBITS:			
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY ADMINISTRATOR APPROVAL:			
SUMMARY:			
RECOMMENDED ACTION:			
Move to approve or deny as presented.			

AN ORDINANCE ESTABLISHING THE INSTALLATION, USE, MAINTENANCE, REQUIREMENTS, MONITORING, AND ENFORCEMENT OF PEST CONTROL IN A COMMERCIAL FOOD ESTABLISHMENT BUSINESS, Retail Food Stores, Mobile Food Units, & Roadside Vendors.

WHEREAS, it is the desire of the City Council to prevent health and food safety issues within publically used food establishment businesses by way of pest control methods. This is especially important in connected buildings with common space that pests can travel between one business to another, by establishing guidelines in accordance with the State of Texas and Department of State Health and Safety.

PEST CONTROL

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLEN ROSE, TEXAS:

Section 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2: Amendment to _____ of Glen Rose's Code of Ordinances by adding _____ of Glen Rose's Code of Ordinances by adding _____ hereby amended to read as follows:

Applicability and Prohibitions

- (a) This ordinance shall apply to any Food Establishment. And follows the Food establishment laws provided by the Department of State Health Services as adopted on October 11, 2015.
- (b) Detailed records of the types of pesticides used and the application methods, along with the proof of certification of the applicator and the frequency of service must be kept for a period of 3 years.
- (c) Chemicals used cannot put food at risk of contamination.

Definitions

- (a) Pest Control--The inspection or control of pests in and around structures or pest animals which may invade homes, restaurants, stores, and other buildings, attacking their contents or furnishings or being a general nuisance, but do not normally attack the building itself. Examples of such pests are cockroaches, silverfish, ants, fleas, ticks, flies, mosquitoes, rats, mice, skunks, raccoons, opossums, etc.
- (b) Licenses Pest Control Operator – The state of Texas requires professional pest control technicians to be licensed to apply general and restricted-use pesticides in commercial settings.

Requirements

- (a) Controlling pests. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence on the premises by:
 - (1) routinely inspecting incoming shipments of food and supplies;
 - (2) routinely inspecting the premises for evidence of pests;

- (3) using methods, if pests are found, such as trapping devices or other means of pest control specified under §228.204(b) and §228.208(b) of the State of Texas Food Establishment Rules
- (4) eliminating harborage conditions.

§228.204 (b)(1)(B) §228.206 (a)(1) (B) manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a food establishment; P (C) the conditions of certification, if certification is required, for use of the pest.

§228.208. Pesticides. (a) Restricted use pesticides, criteria. Restricted use pesticides specified in §228.204(b)(3) of this title shall meet the requirements specified in 40 CFR 152, Subpart I, Classification of Pesticides. P (b) Rodent bait stations. Rodent bait shall be contained in a covered, tamper-resistant bait station. P (c) Tracking powders, pest control and monitoring. (1) Except as specified in paragraph (2) of this subsection, a tracking powder pesticide may not be used in a food establishment. P (2) If used, a nontoxic tracking powder such as talcum or flour may control materials; P and (D) additional conditions that may be established by the regulatory authority; P and (2) applied so that: (A) a hazard to employees or other persons is not constituted; P and (B) contamination including toxic residues due to drip, drain, fog, splash or spray on food, equipment, utensils, linens, and single-service and single-use articles is prevented, and for a restricted use pesticide, this is achieved by: P (i) removing the items; P (ii) covering the items with impermeable covers; P or (iii) taking other appropriate preventive actions; P and (iv) cleaning and sanitizing equipment and utensils after the application. P (3) A restricted use pesticide shall be applied only by an applicator certified as defined in 7 USC 136(e), Certified Applicator of the Federal Insecticide, Fungicide and Rodenticide Act, or a person under the direct supervision of a certified applicator. P §228.205. Container Prohibitions, Poisonous or Toxic Material Containers. A container previously used to store poisonous or toxic materials may not be used to store, transport, or dispense food. P



CITY COUNCIL AGENDA ACTION FORM

AGENDA DATE:	Thursday, August 18, 2022		
AGENDA SUBJECT:	Discussion, consideration and possible action regarding a request regarding amending Chapter 10: Subdivision Regulation of the City's Code of Ordinances to add or revise Application Submittal, Processing, and Procedures; to add procedures for requesting a variance; and to add or revise definitions		
PREPARED BY:	Building/Planning/Code Enforcement Assistant Holthe	DATE SUBMITTED:	8/15/22
EXHIBITS:			
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY ADMINISTRATOR APPROVAL:			
SUMMARY:			
RECOMMENDED ACTION:			
Move to approve or deny as presented.			

DISCUSSION ON AMENDMENTS TO THE SUBDIVISION ORDINANCE

The City's Subdivision Ordinance stands in need of revision to bring it into compliance with State law and to make it a more effective tool for controlling growth within the City. On September 1, 2019, HB 3167 went into effect. That bill addressed the plat approval timelines and processes used by Texas municipalities. It created a hard and fast deadline of 30 days for plat approvals. Recently, the City of Stephenville adopted a subdivision ordinance designed to comply with the requirements of HB 3167. Thirty days isn't very much time for the plat approval process, so several cities have created a process whereby the 30 day clock doesn't start ticking until the application has been deemed "administratively complete." Also, those cities have adopted an annual calendar of monthly dates when plat applications will be accepted. Through these two strategies, cities have been able to develop processes which comply with the 30 day approval deadline, but still allow cities to do their due diligence in reviewing and approving plats. Rather than trying to reinvent the wheel, Building Official Reeves, Public Works Director Holder, and City Administrator Leamons began reviewing the Stephenville Ordinance with an eye to using it as the template for a new Glen Rose Subdivision Ordinance.

Early in that process, it was decided it would be too much to adopt the Stephenville Ordinance all at once, but instead, that it should be adopted one or two pieces at a time. First, we adopted the Ordinance's utility standards and its "Criteria Manual" (iSWM Criteria Manual for Site Development and Construction, Revised January 14, 2015, developed by the North Central Texas Council of Governments), as this strengthened the weakest portion of the Glen Rose Ordinance.

Now, we would like to adopt the the application submittal, processing and procedures section of the Stephenville Ordinance. This portion of the Ordinance covers the requirements established by HB 3167. The Stephenville Ordinance is substantially different from the Glen Rose Ordinance in that the Planning and Zoning Commission is give final authority on approving preliminary and final plats. As you know, in Glen Rose, the City Council has final authority. A professional acquaintance of Building Official Reeves who works for the City of Glen Rose says that their process works very well. It provides relief both to developers, so that they don't have to attend two meetings, and to staff, in that they don't have to prepare for two meetings and don't have to send out notices for two public hearings.

Under the City of Stephenville's system, the City Council's role is to appoint the P&Z (which it does here as well), to adopt and amend the Subdivision Ordinance with the rules and processes to achieve the City Council's objectives (which it does here as well), and to hear appeals from the rulings of the Planning and Zoning Commission. With the City of Glen Rose's current system, there isn't anyone to appeal to since both the Planning and Zoning Commission and City Council

are involved in the original approval process. Finally, under the Stephenville system, the City Council must approve any major waivers from the requirements of their Subdivision Ordinance.

Regarding the plat approval process, State Law (Texas Local Government Code Sect. 212.006) reads as follows:

AUTHORITY RESPONSIBLE FOR APPROVAL GENERALLY. (a) The municipal authority responsible for approving plats under this subchapter is the municipal planning commission or, if the municipality has no planning commission, the governing body of the municipality. The governing body by ordinance may require the approval of the governing body in addition to that of the municipal planning commission.

As you can see, through special action City Councils are allowed to involve themselves in the approval process, but the default method is for a City's Planning Commission, alone, to handle that responsibility.

Another piece of the Stephenville Ordinance under consideration is its definitions, since many of them are related to the application submittal, processing, and procedures section now under consideration for adoption. The Glen Rose and Stephenville definitions have been compared and some of the Glen Rose definitions have been imported into Stephenville's list of definitions.

The application submittal, processing, and procedures, and definitions sections of the Stephenville Ordinance were all that were being planned for consideration and adoption, as that is a fairly substantial undertaking; however, City Attorney Lowry asked that the City adopt a variance procedure for the Subdivision Ordinance to provide authority for the variances that the City has been approving. So, also included for your consideration is the "Waivers" section of the Stephenville Ordinance.

The Stephenville Ordinance allows for minor and major waivers, with the minor waivers being approved administratively by the City Administrator (with input from staff) and the major waivers being approved by action of both the Planning and Zoning Commission and the City Council. The Ordinance also has a process whereby a developer can request a waiver if the developer believes a disproportionate burden is being placed upon his development. This waiver request is processed by the City Administrator, then submitted to the Planning and Zoning Commission and to the City Council. Finally, the Ordinance also established a process whereby a developer can petition for "vested rights," which if recognized would allow the developer's project to be processed under a previous version of the City's Subdivision Ordinance. This process was created to conform to the requirements of State law and also involves administrative staff and the Planning and Zoning Commission and/or the City Council.

A copy of those portions of the City of Glen Rose Subdivision that would be repealed and replaced if the portions of the City of Stephenville Ordinance are adopted have been included for your review and consideration.

PORTIONS OF GLEN ROSE SUBDIVISION ORDINANCE TO BE REPEALED AND REPLACED

10.02.001 Division Of Land To Be Under Supervision Of City

1. All land within the jurisdiction and the extraterritorial jurisdiction of the city, not heretofore subdivided according to the laws, rules and regulations of the city and the state into lots, blocks and streets, shall hereafter be laid out under the direction of the city council and city planning and zoning committee, and no other subdivisions will be recognized or provided services by the city.
2. The subdivider should avail himself or herself of the advice and assistance of the city planning and zoning committee and consult early and informally with the code enforcement officer before the preparation of the preliminary plat and before formal application, in order to save time and expedite the planning work necessary.

(1990 Code, ch. 8; Ordinance 171 Rev. adopted 5/25/04; 2007 Code, sec. 154.01)

10.02.002 Withholding Improvements

It shall be the policy of the city to withhold all city improvements, including the maintenance of streets and the furnishing of municipal utilities including sewage and water from all additions, the platting of which has not been officially approved by the city council. No officer or employee of the city shall do or cause to be done any work upon any street or in any addition or subdivision of the city unless all requirements of these regulations have been complied with by the owner of the addition or subdivision. No improvements shall be initiated nor contracts executed until the approval of the city council has been given. (1990 Code, ch. 8; Ordinance 171 Rev. adopted 5/25/04; 2007 Code, sec. 154.02)

10.02.003 Scheduling And Consideration

1. The appropriate fees and number of copies of the development plan shall be submitted to the building official, who shall note the date that it is received. The development plan shall not be considered by any committee of the city until the building official has determined it to be administratively complete. The building official shall make his or her determination within 10 days after the development plan is received and shall promptly notify the applicant of his or her decision.
2. If the development plan is found not to be administratively complete, the building official shall inform the applicant, in writing, of the specific information or corrective action needed to render it administratively complete. The applicant may, within 10 days after the determination is issued, resubmit the plan for further review and determination, or request that consideration of the plan be scheduled for consideration on the next available planning and zoning committee agenda. A plan placed on the planning and zoning committee agenda that has been determined not to be administratively complete will carry with it a recommendation of denial from the city staff. If the applicant does not

resubmit the plan or request consideration by the planning and zoning committee within the required 10-day period, the development plan will be considered to be withdrawn.

3. If the development plan is determined to be administratively complete, it shall be scheduled for consideration on the next available planning and zoning committee agenda, as determined by the date of acceptance for review and the calendar scheduled maintained by the building official.

(1990 Code, ch. 8; Ordinance 171 Rev. adopted 5/25/04; 2007 Code, sec. 154.03; Ordinance 2020.03.17D, sec. 4(a), adopted 3/17/20)

10.02.004 Date Of Filing Of Plat

In accordance with Tex. Loc. Gov't. Code section 212.009(b), a plat shall be considered to be filed with the city on the date of its first review by the planning and zoning committee. The city council must review and act upon the plat within 30 days after the date of filing. If no other action is taken within that period, the plat will be considered to be approved by the city council. (1990 Code, ch. 8; Ordinance 171 Rev. adopted 5/25/04; 2007 Code, sec. 154.04)

10.02.005 Definitions; Interpretation

1. Words used in the present tense include the future; words in the singular number include the plural; and words in the plural number include the singular; the word "shall" or the word "must" is mandatory and not discretionary; the term "used for" includes the meaning "designed for" or "intended for"; the word "lot" includes the word "plot."
2. Terms not herein defined shall have the meaning assigned to them as it appears in the building codes of the city. Terms not defined herein or in the building codes shall have the customary meaning assigned to them.
3. For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Abuts. To be separated by common property lines, lot lines or an alley; adjacent, adjoining, contiguous or touching.

Addition. See definition of subdivision.

Alley. A public way which affords only secondary means of access to property abutting thereon.

Base flood. The flood having a 1% chance of being equaled or exceeded in any given year, determined based upon FEMA (Federal Emergency Management Agency)

guidelines and as shown in the current effective flood insurance study.

Block. An area within the city enclosed by streets and occupied by or intended for buildings.

Bond. Any form of security including cash deposit, surety bond, collateral, instrument or credit in an amount and form satisfactory to the city. All bonds shall be approved by the city attorney wherever a bond is required by the subdivision ordinance.

Builder. The person or party responsible for the construction of buildings and other structures or permanent improvements on a platted lot or building site, as defined by the building official. The builder shall also be defined as the developer if responsible for platting or replatting of property and development of property, as herein defined.

Building. Any structure for the support, shelter and enclosure of persons or movable property of any kind (see definition of structure).

Building line. A line designated on an approved subdivision plat which is parallel or approximately parallel to a street, beyond which buildings may not be erected.

Centerline, street. A point equidistant from opposite right-of-way lines of a street, roadway, thoroughfare or alley.

City. The City of Glen Rose.

City council. The governing or legislative authority of the City of Glen Rose.

Code enforcement officer. The individual, or his or her designee, with responsibility to review and approve construction plans for development projects on behalf of the city.

Contiguity. Contiguous; where the reimbursable improvements are within the boundaries, or abutting the perimeter, of a developed subdivision.

Cul-de-sac. A local street with only one primary outlet and having a terminal of sufficient width for the reversal of traffic movement.

Dead-end street. A street having right-of-way or pavement which terminates abruptly at one end without intersection with another street, but has no terminal of sufficient width for the reversal of traffic movement.

Dedication. An act transmitting property or interest to the city or other entity.

Design review committee. Representatives from the city, the utility companies, the city engineer (if applicable) and the developer, who determine the viability of a new subdivision.

Developer. The owner of the property being platted or replatted or the person designated by the owner as being responsible for the development of the property. The terms “subdivider” and “developer” are synonymous and used interchangeably, and shall include any person, partnership, firm, association, corporation and any officer, agent, employee, servant and trustee thereof who does or participates in the doing of any act toward the subdivision of land within the intent, scope and purview of this article. The developer shall also be defined as the builder if he or she is responsible for the construction of buildings and other structures or permanent improvements.

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, paving, drainage or utility improvements.

Drainageway. All areas with an elevation lower than a ground elevation, defined as being the highest elevation of the following:

1. One foot above the base flood, calculated in accordance with criteria set forth by the city;
2. One foot above the elevation required for peak discharge for the 100-year design flood, Alternate C, of the Flood Insurance Study, U.S. Department of Housing and Urban Development, Federal Insurance Agency; or
3. The top of the high bank.

Dwelling unit. A single unit providing complete, independent living facilities for a family, and including a residential kitchen, bathroom, and provisions for living, sleeping and sanitation.

Easement. A grant of one or more of the property rights by the property owner to and for the use or benefit by the public, a corporation, or other person or entity. An easement shall be identified on a subdivision plat, or by a separate instrument and filed for record with the appropriate county clerk, and cannot be varied or altered by action of the board of adjustment.

Engineering plans. A group of drawings and specifications, including paving, water, wastewater, or other required plans, submitted to the code enforcement officer for review in conjunction with a subdivision plat or development.

Federal Emergency Management Agency. The federal agency which administers the National Flood Insurance Program.

Final acceptance. Acceptance by the city of all capital improvements constructed by a developer in connection with the development of land.

Floodplain. Any land area susceptible to being inundated by water from the base flood.

Floodway. A drainage area designated on a plat to accommodate the design flood for existing creeks and open drainageways.

Floodway easement. A drainage area dedicated to the city for control and maintenance of a floodplain.

Frontage. All of the property measured along the property line abutting on one side of the street upon which the property is addressed.

Greenbelt. A linear park, generally in or near a floodplain.

Homeowners' association. An organization to maintain or improve a given tract of real property and improvements on that property.

Infrastructure. All streets, alleys, sidewalks, storm drainage facilities, water and wastewater facilities, utilities, lighting, transportation and other facilities as required by the city.

Lot. Land occupied or to be occupied by a building and its accessory building(s), and including such open spaces as are required under this article, and having its principal frontage upon a public street, and designated on a subdivision plat filed with the appropriate county clerk.

Lot area. The net area of the lot, exclusive of any portion of streets, alleys or rights-of-way.

Lot, corner. A lot or parcel of land abutting 2 or more streets at their intersection, or abutting 2 parts of the same street which form an interior angle of less than 135 degrees.

Lot, double or reverse frontage. A lot having frontage on 2 nonintersecting streets, as distinguished from a corner lot.

Lot lines. Lines defining the legal boundaries of a lot.

Lot of record. A lot which is created by an approved subdivision, the plat of which has been duly

recorded in the office of the appropriate county clerk.

Metes and bounds. A system of describing and identifying land by measures (metes) and direction (bounds) from an identifiable point of reference such as a monument or other marker, the corner of intersecting streets, or in a rural area, a tree or other permanent fixture.

Monument. A permanent structure set on a line to define the location of property lines, important horizontal subdivision control points and other important features on a plat.

Natural floodway. The effective area of the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the design flood without cumulatively increasing the water surface elevation. This floodway differs from the FEMA regulatory floodway.

Owner. The fee simple owner(s) of property being platted or their representative(s) when authorized by a power of attorney, corporate resolution or other appropriate document.

Parcel. See definition of tract.

Plat. A map of a subdivision that represents a tract of land, showing the boundaries and location of individual properties, streets, easements and other pertinent information.

4. Plat, amending. A revised plat correcting errors or making minor changes to the original recorded final plat. Approval responsibility is delegated to the city's building official in accordance with section 212.016 of the Texas Local Government Code (TLGC).
5. Plat final. The final plat shall conform substantially to the approved preliminary plat. The planning and zoning commission reviews and recommends the final plat to the city council. If desired by the subdivider, it may constitute only that portion of the approved preliminary plat which is proposed to be recorded and developed, provided that such portion shall conform to all provisions of this chapter.
6. Plat, preliminary or construction plat. A plat that is submitted to the planning and zoning commission for its review of the concept and performance of the subdivision as related to the provisions of this chapter. The preliminary plat and the review thereof are intended to produce a subdivision design in which all planning factors are recognized and reconciled prior to submission of the final plat.
7. Replat. A new plat of all or a portion of a previously approved plat. Replats eliminate the prior plats as to the area replatted. Approval responsibility is

delegated to the city's building official in accordance with section 212.016 of the TLGC for some minor replats.

8. Plat, short form. A plat that eliminates the necessity for a preliminary plat of previously unplatted property. Development issues are generally confined to onsite improvements.
9. Plat, minor. A plat involving four or fewer lots, the size and configuration of which comply with the city's zoning and subdivision requirements and which front on an existing street and do not require the creation of any new street or the extension of municipal utilities, other than the installation of service lines to the individual lots. Approval responsibility is delegated to the city's building official in accordance with section 212.016 of the TLGC.

Replat. A plat to alter lot lines or alter other aspects of a recorded plat.

Residential development. The construction of one or more dwelling units.

Right-of-way line. A dividing line between a lot, tract or parcel of land and the public right-of-way.

Screening wall. A wall, not less than 6 feet in height measured at the highest finished grade.

Sidewalk. A paved travelway intended for pedestrian use.

Single-family lot. A lot in a single-family zoning district, or a lot in an identifiable single-family component of a planned development district.

Street. Any public thoroughfare dedicated to the public and not designated as an alley.

Street easement. An authorization by the property owner in perpetuity for the public use of a portion of his or her property for the placement thereon of a street, sidewalk and the like, whereby the property owner retains title to the property upon which the easement is established. Public use of the easement shall also be extended to the construction and placement of sidewalks, street signs, signals and markings; utilities, both above and below ground; and other facilities as are customarily located within typical street rights-of-way.

Street right-of-way. A street, including its pavement and all the publicly owned property adjacent to it, dedicated for street purposes.

Structure. Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground; including but not limited to buildings,

communications towers, signs and swimming pools, and excluding utility poles, parking lots, fences and retaining walls (see definition of building).

Subdivision. The division of a parcel of land into 2 or more lots or tracts, or the creation from that parcel one or more lots of record, subsequent to April 2, 1962, for the purpose of transfer of ownership, dedication of streets, alleys or easements, for use for building development, or for the assimilation of separate, contiguous tracts into one or more tracts under common ownership. A division of land for agricultural purposes into tracts of 5 acres or more, and not involving the construction of a new street or alley shall not be deemed a subdivision. This definition includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Subdivision, developed. Property for which a final plat has been filed for record in the county in which the property is located, and all public improvements required by the city have been installed by the developer and accepted by the city.

Temporary. Used or lasting for only a limited period of time; not a permanent structure or use. For temporary on-site construction offices, administrative offices and batching plants, temporary shall mean the period of time limited to the actual on-site construction of the structure, facility or subdivision, as the case may be. For all other uses, temporary shall mean a period of time not to exceed 90 calendar days from the date of commencement of the use.

Thoroughfare. See definition of street.

Tract. All contiguous property in common ownership.

Utilities. An agency under public franchise or ownership which provides a regulated service to the public, such as electric, gas or communication services.

Vacation. The legal process by which platted land may be unplatted.

Variance. Modification of the provisions of these regulations, as applied to a specific piece of property.

Waiver. Relief from the provisions of these regulations, as applied to a specific piece of property.

Wastewater facilities. An underground piping system that conveys wastewater from a lot or subdivision, and includes pipe, manholes and associated appurtenances.

Water facilities. An underground piping system that provides water to a lot or subdivision, and

includes pipe, valves and associated appurtenances.

Zoning ordinance. The zoning ordinance of the city, including all duly adopted amendments thereto.

(1990 Code, ch. 8; Ordinance 171 Rev. adopted 5/25/04; 2007 Code, sec. 154.05; Ordinance 17.07.10 adopted 7/10/17; Ordinance 2019.08.26A, sec. 2, adopted 8/26/19)

10.02.006 Penalty

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with the provisions of this article shall be fined not more than \$500.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. (1990 Code, ch. 8; Ordinance 171 Rev. adopted 5/25/04; 2007 Code, sec. 154.99)

10.02.031 Procedures For Subdivision

1. In order to allow orderly processing of proposed subdivisions, the procedures discussed in the following sections shall be used.
2. In general, the steps necessary for subdivision include:
 1. Annexation by the city council, if appropriate;
 2. Meeting of design review committee to determine viability of proposed subdivision;
 3. Zoning as recommended by the planning and zoning committee, and approved by the city council;
 4. Acceptance of a land study as recommended by the planning and zoning committee, and approved by the city council;
 5. Acceptance of preliminary plat and engineering plans as recommended by the planning and zoning committee and approved by the city council;
 6. Preliminary approval of the final plat and plans by the code enforcement officer;
 7. Acceptance of the final plat and plans as recommended by the planning and zoning committee and approved by the city council;
 8. Completion of construction and acceptance of the improvements by the city; and
 9. Filing of approved plat with the county clerk and recording of all executed easements, dedications and other documents required to be filed of record.
3. Those areas to be subdivided which lie outside of the corporate limits of the city but are being submitted for review and approval to satisfy the requirements of extraterritorial jurisdiction, shall conform to all provisions of this article as though they were within the corporate limits of the city.

(1990 Code, ch. 8; Ordinance 171 Rev. adopted 5/25/04; 2007 Code, sec. 154.15)

SUBDIVISIONS

GENERAL PROVISIONS

Title.

This Ordinance and subsequent regulations of the City of Glen Rose, Texas shall be known as, and may be cited and referred to as, the "Subdivision Ordinance."

Authority.

This Subdivision Ordinance and subdivision regulations are adopted pursuant to the authority granted by the U.S. Constitution, the Texas Constitution, and the laws of the State of Texas, specifically including Chapter 212 of the Texas Local Government Code. All property subdivided into lots, blocks, or streets, or property to be re-subdivided, within the City Limits or within its Extraterritorial Jurisdiction (ETJ) shall hereafter be laid out subject to the approval of the City as outlined within this Subdivision Ordinance.

Purpose.

These regulations shall be administered so as to achieve the following specific purposes:

A. Specific Purposes of the Subdivision Ordinance.

1. Provide for the orderly, safe and healthful development of the area within the City and its Extraterritorial Jurisdiction (ETJ) and provide for adequate public facilities;
2. Promote the health, safety and general welfare of the community;
3. Establish orderly policies and procedures to guide development of the City;
4. Provide for the establishment of minimum specifications for construction and engineering design criteria for public infrastructure reduce inconveniences to residents of the area, and to reduce related unnecessary costs to the City for correction of inadequate facilities that are designed to serve the public;
5. Ensure that development of land and subdivisions shall be of such nature, shape and location that utilization will not impair the general welfare;
6. Protect against the dangers of fires, floods, erosion, landslides, or other such menaces;
7. Provide proper utilities and services for adequate drainage, water supply, and disposal of sanitary and industrial waste; to furnish adequate sites, convenient to schools, parks, playgrounds, and other community services, respecting topography and existing vegetation so that the natural beauty of the land shall be preserved;
8. Coordinate new development realistically and harmoniously with existing development;

9. Protect and conserve the value of land throughout the City;
10. Provide the most beneficial circulation of vehicle and pedestrian traffic throughout the City, and to provide for the proper location and width of streets;
11. Establish reasonable standards of design and procedures for the development and redevelopment, provide for the orderly layout and use of land;
12. Ensure proper legal descriptions and documentation of subdivided land;
13. Ensure public facilities with sufficient capacity to serve the proposed subdivision are available for every building site, and to provide public facilities for future development;
14. Ensure the adequacy of drainage facilities; and encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability, and beauty of the community;
15. Preserve the topography of the City and ensure appropriate development with regard to natural features;
16. Ensure that new development adequately and fairly participates in the dedication and construction of Public Improvements and infrastructure that are necessitated by or attributable to the development or that provide value or benefit that makes the development feasible; and
17. Address other needs necessary for ensuring the creation and continuance of a healthy, attractive, safe and efficient community that provides for the conservation, enhancement and protection of its human and natural resources.

Applicability.

- A. *General.* It is hereby declared to be the policy of the City to consider the subdivision and development of land, as subject to the control of the City, in order to carry out the purpose of the Comprehensive Plan, and to promote the orderly, planned, efficient and economical development of the City.
- B. *Subdivision and Development of Land Policies.*
 1. Land shall not be subdivided or developed until proper provision has been made for drainage, water, wastewater, transportation and other facilities required by these regulations.
 2. All public and private facilities and improvements shall be of at least the capacity necessary to adequately serve the development and shall conform to and be properly designed in accordance with the Comprehensive Plan of the City.
 3. These regulations shall supplement, and facilitate the enforcement of, provisions and standards contained in the Zoning Ordinance and building codes adopted by the City.
- C. *Requirement to Plat.* Platting is required for the following purposes:
 1. To create a building site on a single lot or tract;

2. To construct or enlarge any exterior dimension of any building, structure, or improvement on land without an existing Plat;
3. To subdivide land to divide a lot or tract into two or more parcels for development of the parcels;
4. To combine lots or tracts;
5. To amend a Plat; or
6. To correct errors on an approved and recorded Plat.

D. *Plat Required.*

1. Subdivision Plats Required per Texas Local Government Code (TLGC) 212 Subchapter A (i.e., All plats except Development Plats).
 - a. In accordance with TLGC Section 212.004, the owner of a tract of land located within the city limits or in the Extraterritorial Jurisdiction (ETJ) who divides the tract in two (2) or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a Plat of the subdivision prepared.
 - b. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.
 - c. A division of land under this subsection does not include a division of land into parts greater than five (5) acres, where each part has access and no Public Improvement is being dedicated.
2. Development Plats Required per TLGC 212 Subchapter B.
 - a. Any person who proposes the development (i.e., any new construction or the enlargement of any exterior dimension of any building, structure, or improvement) of a tract of land located within the limits or in the ETJ of the City shall have a Development Plat of the tract prepared in accordance with TLGC 212 Subchapter B and this Subdivision Ordinance. (See Section 4.11 Development Plat of this Ordinance for requirements for Development Plats.)
 - b. Whenever a property owner proposes to divide land within the City or its ETJ into two (2) or more tracts, and claims exemption from TLGC 212 Subchapter A for the purposes of development, that results in parcels or lots all greater than five (5) acres in size, a Development Plat shall be required.
 - c. In the event that development of any tract of land is intended, and where no Public Improvement is proposed to be dedicated, the Applicant shall first obtain approval of a Development Plat.

- d. No Development Plat is required when the land has an approved Final Plat, Minor Plat, Replat, or Amending Plat.
- E. *Exemptions to the Requirement to Plat.* The following are exemptions to the platting requirements found in Section C above:
 - 1. Use of existing cemeteries complying with all State and local laws and regulations;
 - 2. Dedication of an easement or Right-of-Way by a separate document recordable in the county records if approved by the City; and
 - 3. Divisions of land created by order of a court of competent jurisdiction.

Compliance required.

Compliance with the latest version of all City ordinances, policies, and plans pertaining to the subdivision and development of land, as listed below, as well as applicable State and Federal regulations, shall be required prior to the approval of any Application pursuant to this Subdivision Ordinance:

- 1. Comprehensive Plan (including all associated maps and plans);
- 2. Subdivision Ordinance;
- 3. iSWM Criteria Manual for Site Development and Construction (except for Section 3.2 Water Quality Protection);
- 4. Zoning Ordinance;
- 5. International Family of Building Codes;
- 6. International Fire Code;
- 7. Thoroughfare Plan;
- 8. Other applicable portions of the Code of Ordinances; and,
- 9. NCTCOG Public Works Construction Standards.

Public improvements required.

- A. *Requirements.* The subdivider shall furnish, install and/or construct the Public Improvements (e.g., water and wastewater systems and the street and drainage facilities, including any offsite Public Improvements or private improvements) necessary for the proper development of the subdivision. All such facilities shall be designed and constructed in accordance with the requirements of this Subdivision Ordinance and Section 1001.407 “Construction of Certain Public Works” of the Texas Occupation Code, and any other standards, specifications, and drawings as may be hereafter adopted and approved by the City Council.
- B. *Facilities Sizing.* The subdivider may be required to furnish, install, and/or construct public improvements of greater size or capacity than required by this Subdivision Ordinance

should the City deem such necessary or advisable to provide for future growth and expansion and agree to pay for all the costs associated with the increase in size or capacity.

C. *Development Agreement.*

1. Cases that Require a Development Agreement.
 - a. The Subdivider shall be required to enter into a Development Agreement with the City that shall govern the Subdivision if there are any public improvements, pro rata payments, escrow deposits or other future considerations, or variances are granted to this Subdivision Ordinance, or if the City participates in the cost of any public improvements, or if there are nonstandard development regulations.
 - b. This Development Agreement shall be based upon the requirements of this Subdivision Ordinance, and shall provide the City with specific authority to complete the improvements required in the Development Agreement in the event of failure by the developer, and to recover the full costs of such measures.
2. The Development Agreement shall be a legally binding agreement between the City and the Subdivider and shall specify the individual and joint responsibilities of both the City and the Subdivider.
3. The Development Agreement shall contain:
 - a. As appropriate, provisions for pro rata payments, City participation in community facilities, escrow deposits or other payments for future facilities, variances granted to this chapter, and other particular aspects of the proposed Subdivision;
 - b. Authority for the City to withhold building permits, put a hold on construction and inspections in the event of breach by the Subdivider;
 - c. Provisions for financial security (see 5.05.D Security for Completion of Improvements);
 - i. Insurance requirements in accordance with the City's requirements for public works projects; and
 - ii. An indemnification clause by which the Subdivider shall agree to hold the City harmless against any claim arising out of the proposed Subdivision or any actions taken therein.
4. The City may provide a standard-form Development Agreement that may be approved by the City Administrator. In the event that either party desires not to enter into the standard-form Development Agreement, then a Subdivision-specific Development Agreement will be negotiated and will be subject to City Council approval before execution.

Special provisions for enforcement.

A. *Provisions.*

1. *Plat Filing Requirement.*

- a. A Subdivision Plat shall not be filed or recorded until it has been approved by the City and all Public Improvements have been accepted by the City, and any such actual recording shall be void unless such approval shall be endorsed on the face of the Plat as hereinafter provided.
 - b. Subsection “a” above shall not apply to a Minor Plat or an Amending Plat.
 - c. No lot shall be sold or transferred until a Plat is approved or recorded.
2. *Water and Wastewater (Sanitary Sewer) System Requirement.* No building permit shall be issued by the City for any structure on any lot without connection to the City's existing or proposed wastewater facilities or without a City approved water source. See sections 6.12 and 6.14 for exemptions.
3. *Final Plat or Development Plat Required for Building Permits.* No building permit shall be issued by the City for any structure on a lot in a Subdivision for which a Final Plat or Development Plat has not been approved and filed for record, nor for any structure on a lot within a Subdivision that the standards contained herein or referred to herein have not been complied with in full.
4. *Compliance with Standards Required.* The City shall not authorize any other person to nor shall the City itself repair, maintain, install or provide any streets or public utility services in any Subdivision for which the standards contained herein or referred to herein have not been complied with in full.
5. *Dedications.*
 - a. Refusal or denial of a Plat by the City Council shall be deemed a refusal by the City to accept the offered dedications shown thereon.
 - b. Approval of a Plat shall not impose any duty upon the City concerning the maintenance or improvement of any such dedicated parts until the proper authorities of the City have actually appropriated the same by final acceptance.
 - c. Any such dedication, before or after actual appropriation may be vacated by the Council in any manner provided by law.
6. *Services Prohibited to Subdivision.* The City shall not authorize any other person to, nor shall the City itself sell or supply any utility service such as water, gas, electricity, telephone, cable, communication or wastewater service within a Subdivision for which a Final Plat has not been approved or filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.
7. *Action in a Court.* On behalf of the City, the City Attorney shall, when directed by the City Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Subdivision Ordinance or the standards referred to herein with respect to any violation thereof which occurs within any area subject to all or a part of the provisions of this Subdivision Ordinance.
8. *Abutting Owner or Lessee Action.* In addition thereto, any abutting owner or lessee or other person prejudicially affected by the violation of the terms of this Subdivision

Ordinance may resort to any court of competent jurisdiction for any writ or writs, or to obtain such relief, either in law or equity, as may be deemed advisable in these premises.

9. *Non-Compliant Subdivision or Subdivision without a Final Plat.* If any Subdivision exists for which a Final Plat has not been approved or in which the standards contained herein or referred to herein have not been fully complied with, the City Council shall pass a resolution reciting the facts of such non-compliance and failure to secure Final Plat approval, and reciting the fact that the provisions of this Section will apply to the Subdivision and the lots therein.
 - a. The City Secretary shall, when directed by the City Council, cause a certified copy of such resolution under the corporate seal of the City to be filed in the Deed of Records of the County.
 - b. If full compliance and Final Plat approval are secured after the filing of such resolution, the City Secretary shall forthwith file an instrument, in the Deed of Records of the County stating that the provisions of this section no longer apply.

Extraterritorial jurisdiction (ETJ).

- A. *Subdivision Regulations Extend into the ETJ.* Subdivision Regulations as they now exist or may hereafter be amended, are hereby extended to all of the area lying within the extraterritorial jurisdiction of the City and the rules and regulations within said Subdivision Regulations governing Plats and Subdivision of land shall be applicable to such area within said extraterritorial jurisdiction from and after the date of final passage of this Subdivision Ordinance.
- B. *Subdividing.* No person shall subdivide or plat any tract of land into two or more parcels of land within the extraterritorial jurisdiction of the City except in conformity with the provisions of this Subdivision Ordinance.

Violations and fines.

- A. *Subdivision Violations.* Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of the Subdivision Ordinance shall be fined not more than five-hundred dollars (\$500.00) for each violation. Each day that a violation is permitted to exist shall constitute a separate offense.

Summary of general subdivision procedure.

Any owner or Developer of any lot, tract, or parcel of land located within the corporate limits of the City or within its extra-territorial Jurisdiction (ETJ) who wishes to subdivide such land shall conform to the following procedure.

- A. *General Overview of the Platting Process.*
 1. Pre-Application Meeting between the Applicant and City Staff (Optional).

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2. Preliminary Plat Submittal.
 3. Construction Plans Approval.
 4. Construction of Improvements.
 5. City Inspection of Subdivision.
 6. Final Document Submittal.
 7. Final Plat Approval.
 8. City Signs the Final Plat.
 9. Final Plat Filed with County.
 10. Final Plat Approval without Construction, See Section 5.05.
 11. City Issuance of "Letter of Final Acceptance" for Improvements (if improvements fail to meet City standards, then the City will enforce the developer's guarantees).
 12. Issuance of Building Permit.
- B. *Detailed Steps.* The detailed steps within each phase of the Subdivision development procedure are covered in Section 3, Section 4, and Section 5.



SECTION 2. DECISION-MAKER AUTHORITY

City council.

- A. *Establishment.* The City's Code of Ordinances establishes the standards governing the City Council.
- B. *Responsibilities.* Table 1 is a summary of the City Council's responsibilities within the Subdivision Ordinance.

Table 1: City Council Responsibilities	
4.05.J.4.b	Approving/Denying an Appeal of the Commission's Decision on a Preliminary Plat Extension
4.06.O.4.b	Approving/Denying an Appeal of the Commission's Decision on a Final Plat

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	Extension
4.10.E	Approving/Denying a Plat Vacation
7.01.C.1.b	Approving/Denying an Appeal of a Minor Subdivision Waiver Decision
7.01.C.2	Approving/Denying a Major Subdivision Waiver
7.02	Approving/Denying a Subdivision Proportionality Appeal
7.03.F.4	Approving/Denying a Decision by City Council on a Subdivision Vested Rights Petition
7.03.F.5	Approving/Denying an Appeal to the Council of a Decision on Subdivision Vested Rights Petition

Planning and zoning commission.

- A. *Establishment.* The City's Code of Ordinances establishes the standards governing the Planning and Zoning Commission.
- B. *Responsibilities.* Table 2 is a summary of the Planning and Zoning Commission's responsibilities within the Subdivision Ordinance.

Table 2: Planning and Zoning Commission Responsibilities	
4.05.F	Approving/Denying a Preliminary Plat
4.05.J.4.a	Approving/Denying an Appeal of the Building Official's Decision on a Preliminary Plat Extension
4.06.O.4.a	Approving/Denying an Appeal of the Building Official's Decision on a Final Plat Extension
4.06.H	Approving/Denying a Final Plat
4.07.H.1.	Approving/Denying a Deferral to the Commission of a Minor Plat Decision
4.08.G	Approving/Denying a Replat
4.12	Approving/Denying a Conveyance Plat
4.08.G.2.b.i	Approving/Denying a Deferral to the Commission of a Minor Replat Decision
4.09.G.1	Approving/Denying a Deferral to the Commission of an Amending Plat Decision
7.01.C.1.b	Approving/Denying an Appeal of a Minor Subdivision Waiver Decision
7.01.C.2	Approving/Denying a Major Subdivision Waiver
7.02	Approving/Denying a Subdivision Proportionality Appeal
7.03.F.3	Approving/Denying a Decision by Commission on a Subdivision Vested Rights Petition

City Administrative Staff/Responsible Official.

- A. *Establishment.* City Administrative Staff shall consist of the City Administrator, Building Official, City Engineer, Public Works Director and other City Staff or Consultants as designated by the City Administrator.

- B. *Responsibilities.* Table 3 is a summary of the City Administrative Staff responsibilities within the Subdivision Ordinance, with the Building Official taking the lead and being the Responsible Official in most instances.

Table 3: City Administrative Staff Responsibilities	
4.05.F	Reviewing a Preliminary Plat
4.06.G	Reviewing a Final Plat
4.07.G	Approving a Minor Plat
4.08.G	Reviewing a Replat
4.08.G.2.b	Approving a Minor Replat
4.09.F	Approving an Amending Plat
4.10.D	Recommending a Plat Vacation
4.11.I	Reviewing a Development Plat
5.01	Approving Construction Plans
5.01	Approving an Extension of Construction Plans beyond Expiration Date
5.02	Attending a Pre-Construction Meeting
5.03	Approving a Construction Release
5.05.C	Recommending Development Agreements and Security for Completion
5.06.A	Scheduling and Approving Inspection of Public Improvements
7.01.C.1	Approving a Minor Subdivision Waiver (as applicable)
7.02	Reviewing a Subdivision Proportionality Appeal
7.03.F.2	Approving a Decision by the Responsible Official on a Subdivision Vested Rights Petition

SECTION 3. APPLICATION SUBMITTAL, PROCESSING AND PROCEDURES

General application processing.

A. *Initiation of Application.*

1. Initiation by Owner or Owner's Agent.
 - a. Unless provided by this Subdivision Ordinance, any petition or Application may be initiated only by the property owner, owner of an interest in the land, or by the owner's designated agent.
 - b. If the Applicant is a designated agent, the Application shall include a written statement from the property owner authorizing the agent to file the Application on the owner's behalf.
 - c. The Building Official may require submission of documents, such as an affidavit from the owner, to provide evidence of ownership or agency.
2. Initiation by City Building Official. The City Building Official can initiate any Application authorized under this Subdivision Ordinance.

- B. *Waiver of Application Information.* The Building Official may initially waive the submission of any information in the Application and accompanying materials that are not necessary due to the scope and nature of the proposed activity.
- C. *Universal Application Contents.*
1. *Application Forms Generally.* The City is hereby authorized to prepare Application Forms that include information requirements, checklists, architectural or engineering drawing sizes, Applicant contact information, and any other information necessary to show compliance with City codes.
 2. *Information for All Applications.* All Applications shall contain the following information and shall be signed under oath stating that the Applicant believes the information contained therein is true to the best of his or her knowledge:
 - a. Identification of property owner and authorized agent;
 - b. Description of the property including state plane correlated data and the nature of the development that is the subject of the application;
 - c. Identification of all zoning classifications (inside the City only) for the property;
 - d. Identification of all pending legislative applications for the property;
 - e. Identification of decisions on all quasi-judicial or administrative Applications for the property that remain in effect;
 - f. Identification of all accompanying Applications;
 - g. Identification of all pending or accompanying requests for relief;
 - h. Demonstration of compliance with prior approved permits; and
 - i. Application signed by the owner of an interest in the land subject to the Application, or the owner's designated agent.
 3. All Application Forms are available at City Offices or on City's official website.
- D. *Development Application Handbook.* The City Building Official may create, manage, and update a Development Application Handbook, which shall be a collection of Application Forms that the City Building Official has created per 3.01.C.1.
- E. *Universal Application Fees.*
1. Every Application shall be accompanied by the prescribed fees set forth in the adopted Fee Schedule.
 2. The prescribed fee shall not be refundable, except when the City Council waives the Application fee for resubmission of an approval that was denied.
 3. The Fee Schedule may be amended from time to time per procedures established by the City Council.
- F. *Payment of all Indebtedness Attributable to the Subject Property.*

1. No Application shall be accepted or reviewed for completeness from a person who owes delinquent taxes, assessments, any fees, or is otherwise indebted to the City until the taxes, assessments, debts, or obligations shall have been first fully discharged by payment, or until an arrangement has been made for the payment of such debts or obligations.
 2. It shall be the Applicant's responsibility to provide evidence or proof that all taxes, fees, etc. have been paid, or that other arrangements have been made for payment of said taxes, fees, etc.
- G. *Modification of Applications.* The Applicant may modify any complete Application following its Official Vesting Date and prior to the expiration of the period, if any, during which the City is required to act on the Application.
1. *Modifications Requested by the City.* If the modification is for revisions requested by the City, and the modification is received at least five (5) business days prior to the time scheduled for decision on the Application, then the Application shall be decided within the period for decision prescribed by this Subdivision Ordinance.
 2. *Modifications not Requested by the City.*
 - a. In all other instances (e.g., when the Applicant chooses to submit a revised Application of his/her own accord because of a change in development decisions), submittal of a modified Application shall extend the time for deciding the Application for a period equal to the time specified in this Subdivision Ordinance to decide the original Application.
 - b. The extension of the time for deciding the Application shall commence on the date the modified Application is submitted.
 - i. For Plat Applications, a modified Application shall be accompanied by a properly executed Waiver of Right to 30-Day Action.
- H. *Action by Responsible Official.*
1. *Circulate and Compile Comments.* After the determination of completeness has been established, the Building Official shall circulate the Application to all other administrative officials and departments whose review is required for a decision on the Application and shall compile the comments and recommendations of the officials.
 2. *Decision Rendered, If Applicable.* The Building Official shall render a decision in the time prescribed for the applicable Application, if the official is the Decision-Maker for the Application.
 3. *Forward Application and Provide Notification.*
 - a. In cases where the Building Official is not the Decision-Maker, the Building Official shall forward the Application for review to any advisory board/commission and the final Decision-Maker, and shall prepare a report to such board or commission, or to the City Council, including the compilation of any comments and recommendations by other administrative officials.

- b. The Building Official also shall prepare required notices and schedule the Application for decision within the time and in the manner required by this Subdivision Ordinance.
- I. *Action by the Decision-Maker.*
 - 1. The Decision-Maker for the Application shall approve, approve with conditions or deny the Application within the time prescribed by this Subdivision Ordinance.
 - 2. Unless otherwise prescribed by law, where the Decision-Maker is a board, commission or the City Council, the Application shall be decided by majority vote of a quorum of the members of the board, commission or the City Council.
- J. *Conditions.* The initial or final Decision-Maker may attach such conditions to the approval of an Application as are reasonably necessary to ensure compliance with applicable requirements of this Subdivision Ordinance.

Official submission date and official vesting date.

- A. *Official Submission Date.*
 - 1. A calendar of official submission dates for subdivision related Applications requiring City review and approval pursuant to Texas Local Government Code Chapter 212 (if applicable) shall be published by the City thirty (30) calendar days prior to the beginning of each calendar year or within six (6) months after the adoption of this Subdivision Ordinance.
 - 2. This calendar shall specify one "official submittal date" for each month.
 - 3. All Applications delivered to the City on a date other than a scheduled date shall be dated received on the next Official Submission Date.
- B. *Official Vesting Date.*
 - 1. Pursuant to TLGC 245, an Application or plan for development is considered filed on the date the Applicant delivers the Application or plan to the City or deposits the application or plan with the United States Postal Service by certified mail addressed to the City.
 - 2. A certified mail receipt obtained by the Applicant at the time of deposit is prima facie evidence of the date the Application or plan was deposited with the United States Postal Service.
 - 3. Every Application or plan is subject to a determination of completeness by the Responsible Official for processing the Application.

Application filing and determination of completeness.

- A. *Applicability.* The following procedures shall apply to any subdivision related plan or Application that is required by the City and is submitted in accordance with this Subdivision Ordinance.

- B. *Determination of Completeness for Subdivision Related Applications.* Every required Application shall be subject to a determination of completeness by the Responsible Official for processing the Application.
1. *Acceptance Standards.* The Application shall only be accepted by the Responsible Official for processing when it is accompanied by all documents required by, and prepared in accordance with, the requirements of this Subdivision Ordinance and required items stated on the Application Form. A typographical error shall not, by itself, constitute an incomplete Application.
 2. *Acceptance Procedures.* A determination of completeness of an Application shall be conducted in accordance with the following procedures:
 - a. A determination of completeness shall be made by the Responsible Official not later than the tenth (10th) business day, unless otherwise specified, after the Official Vesting Date.
 - b. If the submitted Application is incomplete, then the Applicant shall be notified in writing not later than the tenth (10th) business day after the Official Vesting Date.
 - i. Such notice shall be served by depositing it in the U.S. Postal Service, or by electronic mail transmission, before the tenth (10th) business day following submission of the Application.
 - ii. The notification shall specify the documents or other information needed to complete the Application, and shall state the date the Application will expire (see 3.03.E Expiration of a Subdivision Related Application—Before Approval Decision) if the documents or other information are not provided to the City.
 - c. An Application shall be deemed complete on the eleventh (11th) business day after the Application has been received if notice is not served in accordance with 3.03.B.2.b.
 - d. If the Application is determined to be complete, the Application shall be processed as prescribed by this Subdivision Ordinance.
 3. *Acceptance shall not Constitute Compliance.* A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Subdivision Ordinance.
 4. *Acceptance shall not Guarantee Approval.* There is no implied intent or guarantee that an accepted and completed Application will be approved, if after the Application is deemed complete, it is determined that the Application does not comply with this Subdivision Ordinance.
- C. *Re-Submittal after Notification of Incompleteness.*
1. If the Application is re-submitted after a notification of incompleteness, the Application shall be processed upon receipt of the re-submittal.

2. The statutory 30-day time frame for Plat approvals shall begin on the date of the re-submittal.
 3. To the extent that the information or documents submitted is not sufficient to enable the Decision-Maker to apply the criteria for approval, the Application may be denied on such grounds.
- D. *Waiver of Right to 30-Day Action.* The Building Official shall be the Responsible Official to approve a Waiver of Right to 30-Day Action.
1. *Request.* An Applicant may submit in writing a Waiver of Right to 30-Day Action.
 2. *Received.*
 - a. If the Applicant is requesting a Waiver of Right to 30-Day Action, the Waiver of Right to 30-Day Action must be received by the Building Official on or before the seventh (7th) calendar day prior to the Planning and Zoning Commission meeting at which action would have to be taken (based on the 30-day requirement in State law) on the Application.
 - b. Waiver requests that are not received by that day shall not be considered properly submitted, and action shall be taken on the Application at such meeting as scheduled.
 3. *Requirements Maintained.*
 - a. Submission of a Waiver of Right to 30-Day Action, and acceptance of such waiver by the City as part of an Application, shall not be deemed in any way a waiver to any requirement within this Subdivision Ordinance.
 - b. A waiver from requirements herein is a separate and distinct process (see 7.01 Petition for Subdivision Waiver).
- E. *Expiration of a Subdivision Related Application—Before Approval Decision.* Pursuant to TLGC 245, a subdivision related Application shall automatically expire (ending all vesting claims) at the close of business on the forty-fifth (45th) calendar day after the Application's Official Vesting Date, if:
1. The Applicant fails to provide documents or other information necessary to comply with the City's technical requirements relating to the form and content of the permit Application;
 2. The City provides to the Applicant, not later than the tenth (10th) business day after the date the Application is filed, written notice that specifies the necessary documents or other information, and the date the Application will expire if the documents or other information is not provided; and
 3. The Applicant fails to provide the specified documents or other information necessary to comply with the City's requirements relating to the Application within the time provided in the notification.

- F. *Vesting Begins on the Official Vesting Date.* An Application shall be vested into the standards of the Subdivision Ordinance in effect at the time of the Application's Official Vesting Date.
- G. *Right to 30-Day Action for Plats Applications Begins on the Official Submission Date.* The statutory 30-day time frame for Plat approvals, established by TLGC 212, shall commence on the Official Submission Date.

Processing, action, and notification of application decision.

- A. *Action by the Responsible Official.*
 - 1. The Responsible Official for an Application shall initiate internal (i.e., City Staff) review and assessment of the Application following the City's development review procedures.
 - 2. The Responsible Official shall also, to the extent possible, work with the Applicant by advising on and communicating revisions that may be necessary to bring the Application into compliance with City regulations in preparation for consideration by the appropriate Decision-Maker.
- B. *Decision.* The Decision-Maker for the Application shall approve, approve with conditions, or deny the Application within the time period prescribed by this Subdivision Ordinance.
- C. *Conditions Attached.* The Decision-Maker may attach such conditions to the approval of an Application as are reasonably necessary to ensure compliance with all applicable requirements of this Subdivision Ordinance, in which case the Application is considered denied until the conditions are satisfied.
- D. *Notification of Decision.* The City shall send written notice within fourteen (14) calendar days following the date of a decision on an Application.
- E. *Notification of Appeal.* Whenever appeal is taken from a final decision on an Application following a public hearing, or whenever the City is to consider revocation of an Application that was obtained following a public hearing, personal notice of the appeal or revocation proceeding shall be provided to the Applicant.

Public hearings for replat and plat vacation applications.

- A. *Setting the Hearing.*
 - 1. When the Responsible Official determines that an Application is complete and that a public hearing is required by this Subdivision Ordinance (see 4.08.B [Replat] and 4.10.C [Plat Vacation]) or by State law, the official shall cause notice of such hearing to be prepared and made in accordance with State law.
 - 2. The time set for the public hearing shall conform to the time periods required by Sections 4.08.B (Replat) and 4.10.C (Plat Vacation) in this Subdivision Ordinance and by State law.
- B. *Conduct of the Hearing.*

1. The public hearing shall be conducted in accordance with State law.
 2. Any person may appear at the public hearing and submit evidence, either individually or as a representative of an organization.
 3. Each person who appears at a public hearing shall state his or her name and address, and if appearing on behalf of an organization or Applicant, state the name of the organization or Applicant for the record.
- C. *Record of Proceedings.* The board/commission conducting the hearing shall record the proceedings using standard municipal record-keeping procedures.
- D. *Notice Requirements for Replats.*
1. *Published Notice for Replats.*
 - a. Whenever published notice of a public hearing for a Replat approval before the Council and/or Commission is required under State law, or this Subdivision Ordinance, the Responsible Official shall cause notice to be published in a newspaper of general circulation in the City before the fifteenth (15th) calendar day before the date set for the required hearing.
 - b. The notice shall set forth the date, time, place and purpose of the hearing, and identification of the subject property, where the decision concerns an individual tract or parcel of land.
 2. *Personal Notice for Replats.*
 - a. *Notification by Mail.* Whenever personal notice of a Replat public hearing before the Council and/or Commission, is required by State law or this Subdivision Ordinance, the Building Official shall cause notice to be sent by certified mail before the tenth (10th) calendar day before the hearing date to the following:
 - i. Each owner of real property located within the original subdivision and within two hundred feet (200') of the exterior boundary of the property in question, and
 - ii. The Applicant and/or property owner.
 - b. *Notification Details.* The notice shall set forth the name of the Applicant, the time, place and purpose of the hearing, identification of the subject property.
 - i. Notice shall be sent to each owner indicated on the most recently approved municipal tax roll for land inside the City limits, and, when required by State law, on the most recently approved County tax roll for land in the extraterritorial jurisdiction. For recently annexed land that is not included on the most recently approved City or County tax roll, notice may be given by publication.
 - ii. Notice shall be considered served by depositing the notice, properly addressed and first class postage prepaid, in the United States mail.
- E. *Notice Requirements for Plat Vacations.*

1. Published notice of the public hearing on the Plat Vacation Application shall be given in accordance with 3.05 Public Hearings for Replat and Plat Vacation Applications and State law.
2. The hearing shall be conducted by the City Council.

Amendments and expiration to approved subdivision applications.

- A. *Amendments/Revisions to an Approved Subdivision Application.* Unless another method is expressly provided by this Subdivision Ordinance, any request to amend or revise an approved Application shall be considered a new Application, which must be decided in accordance with the procedures governing the original Application and the standards in effect at the time such new Application is filed with the City.
- B. *Expiration of an Approved Subdivision Application.*
 1. *Subdivision Application Expiration—Two (2) Years.* Unless otherwise expressly provided by this Subdivision Ordinance, an approved Application shall automatically expire two (2) years following the approval date of the Application (see 5.01.G Expiration Date for Construction Plans for expiration of Construction Plans), and shall become null and void, and all activities under the Application thereafter shall be deemed in violation of this Subdivision Ordinance, if:
 - a. The Applicant fails to satisfy any condition that was imposed by this Subdivision Ordinance or as part of the approval of the Application or that was made under the terms of any Development Agreement, within the time limits established for satisfaction of such condition or term; or
 - b. The Applicant fails to submit a subsequent complete Application required by this Subdivision Ordinance within the time so required; or
 - c. A Development Agreement (5.05 Development Agreements and Security for Completion) is not approved for the development.
 2. *Applications with No Time Limit.* If no time limit for satisfaction of conditions is specified in the decision on the Application or in the regulations governing, the time shall be presumed to be two (2) years following the date the Application was approved.
 3. *Applications with Vested Right.* Unless a different date is determined pursuant to and upon review of a vested rights petition, an Application approved prior to the effective date of this Subdivision Ordinance shall expire in accordance with the terms of the regulations in effect at the time the Application was filed.
- C. *Effect of Expiration.*
 1. Upon the expiration of an approved Application, all previously approved Applications for the same land shall also expire on the expiration date if the filing of an Application was required to avoid expiration for the previously approved Application(s).
 2. Thereafter, a new Application must be submitted for consideration and approval subject to regulations in effect at the time the new Application is filed.

SECTION 4. PLATS AND PLATTING PROCEDURES

Subdivision procedure summary.

Any owner or Developer of any lot, tract, or parcel of land located within the corporate limits of the City or within its extraterritorial jurisdiction who wishes to subdivide such land shall conform to the following general procedures.

A. General Procedures.

1. Pre-Application Conference (Optional).
2. Preliminary Plat.
3. Construction Plans.
4. Construction of improvements.
5. City acceptance of improvements.
6. Final Plat.

General plat requirements.

- A. *Development Application.* All submittals shall conform to the appropriate Application Form Requirements.
- B. *Application Fees.* All Application fees shall be paid according to the Fee Schedule.
- C. *Phased Development.*
 1. All subdivisions shall be designed in accordance with Municipal Master Utility Plans.
 2. The City may establish size limits and requirements for phased development.
 3. A concept development plan for the entire site shall be prepared and shall accompany all submittals for a Preliminary Plat and Final Plat.
 4. Phased Developments shall coordinate with the surrounding land use plan and existing developments.
 5. Each phase shall submit a Preliminary Plat and Final Plat.
- D. *Drainage.* If provisions are necessary for drainage facilities on the unplatted future phases of the development, then the Plat shall include separate instruments for (public or private easements) off-site drainage needs and shall include appropriate notes and descriptions providing the City the appropriate permissions and approvals needed for access and for maintaining and improving the public drainage system.

General subdivision and platting procedures.

- A. *Plats Required for Land Subdivision.* A Preliminary Plat or Minor Plat shall be approved prior to any land division that is subject to these regulations and prior to commencement of any new development.
- B. *Replats and Amending Plats.*
 - 1. *Replat.* A Replat, in accordance with State law, and the provisions of Section 4.08 shall be required any time a platted, recorded lot is further divided or expanded, thereby changing the boundary and dimensions of the property.
 - 2. *Amending Plat.* In the case of minor revisions to recorded Plats or lots, an Amending Plat may also be utilized if in accordance with Section 4.09.
- C. *Zoning.*
 - 1. *Conformance with Existing Zoning.* All Applications shall be in conformance with the existing zoning on property inside the City Limits.
 - 2. *Request to Rezone First.* If an Applicant seeks to amend the zoning for the property, the request to rezone the land shall be submitted and approved prior to acceptance of an Application for filing of a plat, unless as otherwise provided below.
 - a. The Applicant may request approval from the Building Official to submit an application simultaneous with the zoning change request, in which case the Application for the zoning amendment shall be acted upon first, provided that the Application is accompanied by a properly executed Waiver of Right to 30-Day Action (due to the more lengthy time frame necessary to advertise and process zoning Applications).
 - b. In the event that the requested zoning amendment is denied, the Plat Application shall also be rejected or denied.
 - 3. *Zoning Ordinance Site Plan Approval.* Where Site Plan approval is required by the Zoning Ordinance prior to development, no Application for a Final Plat approval shall be accepted for filing until a Site Plan has been approved for the land subject to the proposed Plat.

Pre-application conference (optional).

- A. *Purpose.*
 - 1. The Pre-Application Conference is optional but intended to allow for the exchange of non-binding information between the Applicant and the Design Review Committee to ensure that the Applicant is informed of pertinent City development regulations and processes.
 - 2. The Pre-Application Conference provides an opportunity for the Applicant and the Design Review Committee to discuss major development considerations such as

utilities, roadways, drainage concerns, Comprehensive Plan elements, specific neighborhood characteristics, and historic information.

3. This exchange of information is intended to promote an efficient and orderly review process.

B. *Pre-Application Conference before the Submission of Plans and Applications.*

1. Prior to formal submittal of any required plan or Application, the Applicant is encouraged to consult with the Design Review Committee in order for the Applicant to become familiar with the City's development regulations and the development process.
2. At the Pre-Application Conference, the Applicant may be represented by their land planner, engineer, surveyor, or other qualified professional.
3. Pre-application meetings do not vest a permit, application or other type of development approval, pursuant to Chapter 245, LGC.

Preliminary plat.

- A. *Purpose.* The purpose of a Preliminary Plat shall be to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the land division with applicable requirements of this Subdivision Ordinance.

- B. *Applicability.* No subdivision of land shall be allowed without proper submittal, approval, and adoption of a Preliminary Plat.

C. *Exceptions.*

1. A Preliminary Plat is not required when a Minor Plat is submitted (refer to 4.07).
2. A Final Plat in accordance with Section 4.06 may be submitted in lieu of a Preliminary Plat if a Development Agreement and appropriate surety are submitted along with the Application.

D. *Accompanying Applications.*

1. *Preliminary and Other Types of Plans.* An Application for a Preliminary Plat shall be accompanied by the following:
 - a. Preliminary Drainage Plan;
 - b. Preliminary Storm Water Management Plan;
 - c. Preliminary Utility Plan; and
 - d. Other plans if deemed necessary for thorough review by the Responsible Official, such as a Planned Development Master Plan.

Approval of each shall be separately included with this application.

2. *Current Title Commitments.* The Applicant shall furnish with the Application to the City a current title commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas,

or some other acceptable proof of ownership, identifying all persons having an ownership interest in the property subject to the Preliminary Plat.

E. *Review by the Building Official.* The Building Official shall:

1. Initiate review of the plat and materials submitted.
2. Include the City Administrator, Public Works Director, City Engineer, and Fire Marshal (if the latter's involvement is deemed appropriate) in the review of the plat and materials submitted.
3. Make available Plats and reports to the Commission for review.
4. Upon determination that the Application is ready to be acted upon, schedule the Preliminary Plat for consideration on the agenda of the next available meeting of the Planning and Zoning Commission.

F. *Action by the Planning and Zoning Commission.* The Commission shall:

1. Review the Preliminary Plat Application, the findings of the Building Official, City Administrator, Public Works Director, City Engineer, and/or Fire Marshal and any other information available.
 - a. From all such information, the Commission shall determine whether the Preliminary Plat conforms to this Subdivision Ordinance.
2. Act within thirty (30) calendar days following the Official Submission Date, unless the Applicant submits a Waiver of Right to 30-Day Action.
 - a. If no decision is rendered by the Commission within the thirty (30) day period described above or such longer period as may have been agreed upon, the Preliminary Plat, as submitted, shall be deemed approved by the Commission.
3. Take one of the following actions:
 - a. Approve the Preliminary Plat;
 - b. Approve the Preliminary Plat with conditions, which shall mean that the Preliminary Plat shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or
 - c. Deny the Preliminary Plat.

G. *Criteria for Approval.* The following criteria shall be used by the Commission to determine whether the Application for a Preliminary Plat shall be approved, approved with conditions, or denied:

1. All Plats must be drawn to conform to the zoning regulations currently applicable to the property. If a zoning change for the property is proposed, then the zoning change must be completed before the approval of any Preliminary Plats/Final Plats;
2. No Plat or Replat may be approved that leaves a structure located on a remainder lot.
3. The Preliminary Plat is consistent with any approved Development Agreement;

4. The proposed provision and configuration of Public Improvements including, but not limited to, roads, water, wastewater, storm drainage, park facilities, open spaces, habitat restoration, easements and Right-of-Way are adequate to serve the development, meet applicable standards of this Subdivision Ordinance, and conform to the City's adopted master plans for those facilities;
5. The Preliminary Plat has been duly reviewed by applicable City staff;
6. The Preliminary Plat conforms to design requirements and construction standards as set forth in this Subdivision Ordinance and any standards referenced by it;
7. The Preliminary Plat is consistent with the adopted Comprehensive Plan, except where application of the Plan may conflict with State law;
8. The proposed development represented on the Preliminary Plat does not endanger public health, safety or welfare; and
9. The Preliminary Plat conforms to the City's subdivision Application checklists.

H. *Effect of Approval.*

1. Approval of a Preliminary Plat shall allow the Applicant to proceed with the development and platting process by submitting Construction Plans and Final Plat.
2. Approval of the Preliminary Plat shall be deemed general approval of the subdivision's layout only, and shall not constitute approval or acceptance of Construction Plans or a Final Plat.

I. *Expiration.*

1. *Two-Year Validity.*
 - a. The approval of a Preliminary Plat shall remain in effect for a period of two (2) years following the date of approval, during which period the Applicant shall submit and receive approval for Construction Plans and a Final Plat for the land area shown on the Preliminary Plat.
 - b. If Construction Plans and a Final Plat Application have not been approved within the two (2) year period, the Preliminary Plat shall expire.
2. *Relationship to Construction Plans.* A Preliminary Plat shall remain valid for the period of time in which approved Construction Plans are valid (See Section 5.01.G).
3. *Action on Final Plat.* Should a Final Plat Application be submitted within the two (2) year period, but not be acted upon by the Commission within the two (2) year period, the Preliminary Plat shall expire unless an extension is granted.
4. *Void If Not Extended.* If the Preliminary Plat is not extended as provided in J below, it shall expire and shall become null and void.

- J. *Preliminary Plat Extension.* A Preliminary Plat may be extended for a period not to exceed one (1) year beyond the Preliminary Plat's initial expiration date. A request for extension shall be submitted to the Building Official in writing at least thirty (30) calendar days prior

to expiration of the Preliminary Plat, and shall include reasons why the Preliminary Plat should be extended.

1. *Decision by the Building Official.*

- a. The Building Official will review the extension request and shall approve it, approve it with conditions, or deny the extension request within thirty (30) calendar days following the Official Vesting Date of the request.
- b. Should the Building Official fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.

2. *Considerations.* In considering an extension, the Building Official shall consider whether the following conditions exist:

- a. A Final Plat has been submitted and/or approved for any portion of the property shown on the Preliminary Plat;
- b. Construction Plans have been submitted and/or approved for any portion of the property shown on the Preliminary Plat;
- c. Construction is occurring on the subject property;
- d. The Preliminary Plat complies with new ordinances that impact the health, safety and general welfare of the community; and/or
- e. If there is a need for a park, school or other public facility or improvement on the property.

3. *Conditions.*

- a. In granting an extension, the Building Official may impose such conditions as are needed to ensure that the land will be developed in a timely fashion and that the public interest is served.
- b. Any extension may be predicated upon compliance with new development regulations and/or the Applicant waiving any vested rights.

4. *Appeal of Denial for Extension.*

- a. Appeal of the Building Official's Decision on a Preliminary Plat Extension
 - i. The denial of an extension by the Building Official may be appealed to the Commission.
 - ii. A written request for such appeal shall be received by the Building Official within fourteen (14) calendar days following the denial.
 - iii. The Commission shall hear and consider such an appeal within thirty (30) calendar days following receipt of the appeal request by the Building Official.
- b. Appeal of the Commission's Decision on a Preliminary Plat Extension

- i. The denial of an extension by the Commission may be appealed to the City Council.
- ii. A written request for such appeal shall be received by the Building Official within fourteen (14) calendar days following the denial.
- iii. The City Council shall hear and consider such an appeal within thirty (30) calendar days following receipt of the appeal request by the Planning and Development Department.
- iv. The decision of the City Council is final.

K. *Amendments to Preliminary Plats Following Approval.*

1. *Minor Amendments to Preliminary Plats.*
 - a. Minor amendments to the design of the subdivision subject to an approved Preliminary Plat may be incorporated in an Application for approval of a Final Plat without the necessity of filing a new Application for re-approval of a Preliminary Plat.
 - b. Minor amendments may only include minor adjustments in street or alley alignments, lengths and paving details, and minor adjustments to lot lines that:
 - i. Do not result in creation of additional lots or any non-conforming lots (such as to zoning standards), and
 - ii. Are consistent with approved prior Applications.
2. *Major Amendments to Preliminary Plats.* All other proposed changes to the design of the subdivision subject to an approved Preliminary Plat shall be deemed major amendments that require submittal and approval of a new Application for approval of a Preliminary Plat (including new fees, new reviews, new Official Vesting Date, new Official Submission Date, etc.) before approval of Construction Plats and/or a Final Plat.
3. *Determination of Minor or Major Amendment.* The Building Official shall decide whether proposed amendments are deemed to be minor or major, thereby requiring new submittal of a Preliminary Plat.

Final plat.

A. *Purpose.* The purpose of a Final Plat is to ensure:

1. That the proposed Subdivision and development of the land is consistent with all standards of this Subdivision Ordinance pertaining to the adequacy of public facilities,
2. That Public Improvements to serve the Subdivision or development have been installed and accepted by the City, or that provision for such installation has been made, and
3. That all other City requirements and conditions have been satisfied or provided for to allow the Final Plat to be recorded.

- B. *Applicability.* No subdivision of land shall be allowed without proper submittal, approval, and adoption of a Final Plat.
- C. *Exceptions.* A Final Plat is not required when a Minor Plat is submitted (See Section 4.07).
- D. *Ownership.*
1. The Applicant shall furnish with the Application to the City a current title commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas, or some other acceptable proof of ownership, identifying all persons having an ownership interest in the property subject to the Final Plat.
 2. The Final Plat shall be signed by each owner, or by the representative of the owners authorized to sign legal documents for the owners and lienholder, effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the Final Plat.
- E. *Accompanying Applications.*
1. An Application for a Final Plat may be accompanied by Construction Plans if also accompanied by a Development Agreement and appropriate surety in accordance with Section 5.05.
 2. Approval of each shall be separate and in accordance with Section 5.05.
- F. *Prior Approved Preliminary Plat.* The Final Plat and all accompanying data shall conform to the approved Preliminary Plat, or as the Preliminary Plat may have been amended subsequently, incorporating all conditions imposed or required, if applicable.
- G. *Review by Building Official.* The Building Official shall:
1. Initiate review of the plat and materials submitted,
 2. Include the City Administrator, Public Works Director, City Engineer, and Fire Marshal (if the latter's involvement is deemed appropriate) in the review of the plat and materials submitted.
 3. Make available Plats and reports to the Commission for review, and
 4. Upon determination that the Application is ready to be acted upon, schedule the Final Plat for consideration on the agenda of the next available meeting of the Commission.
- H. *Action by Planning and Zoning Commission.* The Commission shall:
1. Review the Final Plat Application, the findings of the Building Official, City Administrator, Public Works Director, City Engineer, and or Fire Marshal and any other information available.
 - a. From all such information, the Commission shall determine whether the Final Plat conforms to the applicable regulations of this Subdivision Ordinance.
 - b. All Public Improvements have been installed (For exception, See Section 5.05)

2. Act within thirty (30) calendar days following the Official Submission Date, unless the Applicant submits a Waiver of Right to 30-Day Action.
 - a. If no decision is rendered by the Commission within the thirty (30) day period described above or such longer period as may have been agreed upon, the Final Plat, as submitted, shall be deemed to be approved by the Commission.
 3. Take one of the following actions:
 - a. Approve the Final Plat;
 - b. Approve the Final Plat with conditions, which shall mean that the Final Plat shall be considered to have been approved once such conditions are fulfilled, and until the conditions are satisfied, it is considered denied; or
 - c. Deny the Final Plat.
 4. A motion to approve a Final Plat shall be subject to the following conditions, whether or not stated in the motion to approve:
 - a. All required fees shall be paid.
 - b. All conditions required by ordinances have been reviewed and approved by the City.
 - c. On-site easements and rights-of-way have been dedicated and filed of record and properly described and noted on the proposed plat.
 - d. All required abandonments of public rights-of-way or easements that must be approved by the City Council and the abandonment ordinance numbers are shown on the plat.
 - e. Original tax certificates have been presented from each taxing unit with jurisdiction of the real property showing the current taxes are paid.
- I. *Final Plat Criteria for Approval.* The following criteria shall be used by the Commission to determine whether the Application for a Final Plat shall be approved, approved with conditions, or denied.
1. *With Prior Approved Preliminary Plat.*
 - a. The Final Plat conforms to the approved Preliminary Plat except for minor amendments that are authorized under Section 4.05.K.1 and that may be approved without the necessity of revising the approved Preliminary Plat;
 - b. All conditions imposed at the time of approval of the Preliminary Plat, as applicable, have been satisfied;
 - c. The Construction Plans conform to the requirements of Section 5 and have been approved by the Building Official.
 - d. Where Public Improvements have been installed, the improvements conform to the approved Construction Plans and have been approved for acceptance by the Public Works Director and Building Official;

- e. Where the City Administrator has authorized Public Improvements to be deferred, a Development Agreement has been executed and submitted by the property owner in conformity with Section 5.05;
 - f. The final layout of the Subdivision or development meets all standards for adequacy of public facilities contained in this Subdivision Ordinance;
 - g. The Plat conforms to design requirements and construction standards as set forth in this Subdivision Ordinance; and
 - h. A plat prepared by a registered public surveyor conforms to the Building Official's subdivision Application checklists and Subdivision Ordinance regulations.
2. *Without Prior Approved Preliminary Plat.*
- a. The Final Plat conforms to all criteria for approval of a Preliminary Plat;
 - b. The Construction Plans conform to the requirements of Section 5 and have been approved by the Building Official;
 - c. A Development Agreement with surety for installation of Public Improvements has been prepared and executed by the property owner in conformance with 5.05;
 - d. The final layout of the Subdivision or development meets all standards for adequacy of public facilities contained in this Subdivision Ordinance; and
 - e. The Final Plat conforms to the City's subdivision Application checklist and Subdivision Ordinance regulations.
- J. *Procedures for Final Plat Recordation upon Approval.* The Applicant shall supply to the Building Official the required number of signed and executed copies of the Final Plat that will be needed to file the Plat, upon approval, with the County (in the County's required format) at least seven (7) calendar days prior to the meeting at which it will be considered for approval.
1. *General.*
- a. *Signatures.* After approval of the Final Plat, the Building Official shall procure the appropriate City signatures on the Final Plat.
 - b. *Recording upon Performance.* The Final Plat shall be recorded after:
 - i. The Final Plat is approved by the City;
 - ii. All required Public Improvements have been completed and accepted by the City or a Development Agreement has been executed and appropriate surety provided in accordance with Section 5.05; and
 - iii. All County filing requirements are met.
2. *Submittal of Final Plat Where Improvements Installed.* Where all required Public Improvements have been installed prior to recording of the Final Plat, the Applicant shall meet all requirements in accordance with Section 4.06.I.

3. *Submittal of Final Plat Where Improvements Have Not Been Installed.* Where some or all required Public Improvements are not yet completed in connection with an approved Final Plat, the Applicant shall submit the Final Plat as approved, revised to reflect any conditions imposed as part of approval.
 4. *Update of Proof of Ownership.* If there has been any change in ownership since the time of the Proof of Ownership provided under 4.05.D, the Applicant shall submit a new consent agreement executed by each owner and lienholder consenting to the platting of the property and the dedications and covenants contained in the Plat.
- K. *Effect of Approval.* The approval of a Final Plat:
1. Supersedes any prior approved Preliminary Plat for the same land.
 2. If applicable, authorizes the Applicant to install any improvements in public Right-of-Way in conformance with approved Construction Plans and under a Development Agreement (refer to 5.05).
 3. Authorizes the Applicant to seek Construction Release and/or issuance of a Building Permit.
- L. *Revisions Following Recording/Recordation.* Revisions may only be processed and approved as a Replat, Minor Replat, or Amending Plat, as applicable.
- M. *Signature Blocks.* Unless otherwise modified by the Building Official, the following signature blocks shall be used in conjunction with the Final Plat.
1. Certificate of Surveyor.
 2. Owner's Statement for Fire Lane Easement.
 3. Owner's Acknowledgement and Dedication.
 4. Lienholder's Ratification of Plat Dedication.
 5. Certificate of Final Plat Approval.
 6. Certificate of Completion and Authorization to File.
 7. County Authorization (If Applicable).
- N. *Expiration of Approved but not Filed Plat.*
1. *Two-Year Validity.*
 - a. The approval of a Final Plat shall remain in effect for a period of two (2) years following the date of approval, during which period the Applicant shall submit and receive approval for Construction Plans for the land area shown on the Final Plat.
 - b. If Construction Plans have not been approved within the two (2) year period, the Final Plat shall expire.

2. *Relationship to Construction Plans.* A Final Plat shall remain valid for the period of time in which approved Construction Plans are valid (5.01.G Expiration Date for Construction Plans).
 3. *Void If Not Extended.* If the Final Plat is not extended as provided in 4.06.O Final Plat Extension for Approved but not Filed Plat, it shall expire and shall become null and void.
 4. *Approved Final Plat that have been Filed (Recorded with the County).* Approved plats that have been filed with the County shall not expire.
- O. *Final Plat Extension for Approved but not Filed Plat.* A Final Plat may be extended for a period not to exceed one (1) year beyond the Final Plat's initial expiration date. A request for extension shall be submitted to the Building Official in writing at least thirty (30) calendar days prior to expiration of the Final Plat, and shall include reasons why the Final Plat should be extended.
1. *Decision by the Building Official.*
 - a. The Building Official will review the extension request and shall approve or deny the extension request within thirty (30) calendar days following the date of the request.
 - b. Should the Building Official fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.
 2. *Considerations.* In considering an extension, the Building Official shall consider whether the following conditions exist:
 - a. Construction Plans have been submitted and/or approved for any portion of the property shown on the Final Plat;
 - b. Construction, including the installation of public improvements, is occurring on the property;
 - c. The Final Plat complies with new ordinances that impact the health, safety and general welfare of the community; and/or
 - d. If there is a need for a park, school or other public facility or improvement on the property.
 3. *Conditions.*
 - a. In granting an extension, the Building Official may impose such conditions as are needed to ensure that the land will be developed in a timely fashion and that the public interest is served.
 - b. Any extension may be predicated upon compliance with new development regulations and/or the Applicant waiving any vested rights.
 4. *Appeal of the Denial of a Final Plat Approval Extension.*
 - a. Appeal of the Building Official's Decision on a Final Plat Extension.

- i. The denial of an extension by the Building Official may be appealed to the Commission.
 - ii. A written request for such appeal shall be received by the Building Official within fourteen (14) calendar days following the denial.
 - iii. The Commission shall hear and consider such an appeal within thirty (30) calendar days following receipt of the appeal request by the Building Official.
- b. Appeal of the Commission's Decision on a Final Plat Extension.
 - i. The denial of an extension by the Commission may be appealed to the City Council.
 - ii. A written request for such appeal shall be received by the Building Official within fourteen (14) calendar days following the denial.
 - iii. The City Council shall hear and consider such an appeal within thirty (30) calendar days following receipt of the appeal request by the Building Official.
 - iv. The decision of the City Council is final.

Minor plat.

- A. *Purpose.* The purpose of a Minor Plat is to simplify divisions of land under certain circumstances as outlined in Texas Local Government Code Section 212.0065.
- B. *Applicability.* An Application for approval of a Minor Plat may be filed only in accordance with State law, when all of the following circumstances apply:
 - 1. The proposed division results in four (4) or fewer lots;
 - 2. All lots in the proposed Subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of this Subdivision Ordinance; and
 - 3. Except for Right-of-Way widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the Subdivision.
- C. *Application Requirements.* The requirements for the submittal of a Minor Plat shall be determined by the Building Official.
- D. *Additional Requirements.* To be considered a Minor Plat it must also meet the following requirements:
 - 1. The proposed Plat shall be for the Subdivision of one lot into four (4) or fewer lots.
 - 2. The person, firm or corporation owning the property shall not have more than one Minor Plat approved during any twelve (12) month period.
 - 3. The person, firm or corporation presenting the proposed Plat shall dedicate all easements and Right-of-Way as required elsewhere in these regulations.

4. Private wells and private wastewater treatment facilities that meet the current City health standards shall be considered adequate when existing public water and wastewater lines are not within one hundred (100) feet of the proposed Plat.
- E. *Minor Plat Criteria for Approval.* The following criteria shall be used to determine whether the Application for a Minor Plat shall be approved, approved with conditions, or denied:
1. The Minor Plat is consistent with all zoning requirements for the property (if applicable), any approved Development Agreement (if applicable), and all other requirements of this Subdivision Ordinance that apply to the Plat;
 2. All lots to be created by the plat already are adequately served by improved public street access and by all required City utilities and services and by alleys, if applicable;
 3. The ownership, maintenance and allowed uses of all designated easements have been stated on the Minor Plat; and
 4. Except for Right-of-Way widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the subdivision.
- F. *Review by the Building Official.* The Building Official shall:
1. Initiate review of the plat and materials submitted; and
 2. Distribute to appropriate City Departments for review.
- G. *Action by the Building Official.* The Building Official shall:
1. Determine whether the Minor Plat meets the regulations of this Subdivision Ordinance.
 2. Act within thirty (30) calendar days following the Official Submission Date, unless the Applicant submits a Waiver of Right to 30-Day Action.
 - a. If no decision is rendered by the Building Official, or if the Building Official has not deferred the Application to the Planning and Zoning Commission for decision, within the thirty (30) day period described above or such longer period as may have been agreed upon, the Minor Plat, as submitted, shall be deemed to be approved.
 3. Take one of the following actions:
 - a. Approve the Minor Plat;
 - b. Approve the Minor Plat with conditions, which shall mean that the Minor Plat shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or
 - c. Defer the Minor Plat to the Planning and Zoning Commission for consideration prior to expiration of the required 30-day approval period unless a Waiver of Right to 30-Day Action is submitted.
- H. *Deferral of Decision of a Minor Plat Application.*
1. Deferral to the Commission of a Minor Plat Decision. If the Building Official defers the Minor Plat Application to the Planning and Zoning Commission, the Commission

shall consider the Application at a regular meeting no later than thirty (30) calendar days after the date on which the Building Official deferred the Application to the Commission. The Commission shall, upon simple majority vote, take one of the following actions:

- a. Approve the Minor Plat;
 - b. Approve the Minor Plat with conditions, which shall mean that the Minor Plat shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or
 - c. Deny the Minor Plat.
- I. *Procedures for Minor Plat Recordation Following Approval.* The procedures for recordation of a Minor Plat shall be the same as the procedures for recordation of a Final Plat, as outlined in Section 4.06.J.
- J. *Revisions Following Approval.* Revisions may only be processed and approved as a Replat, Minor Replat, or Amending Plat, as applicable.

Replat.

A. Purpose and Applicability.

- 1. A Replat of all or a portion of a recorded Plat may be approved in accordance with State law without vacation of the recorded Plat, if the Replat:
 - a. Is signed and acknowledged by only the owners of the property being replatted;
 - b. Is approved after a public hearing; and
 - c. Does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded Plat.
- 2. A Replat shall be subject to approval by the Commission.

B. General Notice and Public Hearing Requirements.

- 1. Published notice of the public hearings on the Replat Application shall be given in accordance with Section 3.05 if applicable.
 - a. See specific notice and hearing requirements for "Certain" Replats in Section 4.08.F.
- 2. A public hearing shall be conducted by the Commission on all Replat Applications.

C. Application. The Application for a Replat of a Subdivision shall meet all Application requirements of a Final Plat. The Applicant shall acknowledge that the Replat will not amend or remove any covenants or restrictions previously incorporated in the recorded Plat.

D. Partial Replat Application. If a Replat is submitted for only a portion of a previously platted subdivision, the Replat must reference the previous Subdivision name and recording information, and must state on the Replat the specific lots which are being changed along with a detailed "Purpose for Replat" statement.

E. *Criteria for Approval.*

1. The Replat of the Subdivision shall meet all review and approval criteria for a Final Plat.
2. The Replat document shall be prepared by a Registered Professional Land Surveyor.

F. *Additional Requirements for "Certain" Replats.*

1. *Applicability of "Certain" Replats.* Pursuant to Texas Local Government Code Chapter 212.015, a Replat without vacation of the preceding Plat must conform to the requirements of this Section if:
 - a. During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or
 - b. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.
2. *Notice and Public Hearing Requirements for "Certain" Replats.* Notice of the required public hearing shall be given before the fifteenth (15th) calendar day before the date of the hearing by:
 - a. Publication in an official newspaper or a newspaper of general circulation in the applicable City or unincorporated area (as applicable) in which the proposed Replat property is located; and
 - b. Written notice, with a copy of Section 212.015(c) of the TLGC (as amended) attached, forwarded by the City to the owners of lots that are in the original Subdivision and that are within two hundred feet (200') of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a Subdivision within the ETJ, the most recently approved applicable county tax roll of the property upon which the Replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the City.
3. *Protest.*
 - a. If the Replat Application is accompanied by a waiver petition (per 7.01) and is protested in accordance with this Section, approval of the Replat shall require the affirmative vote of at least three-fourths of the voting members of the Commission present at the meeting.
 - b. For a legal protest, written instruments signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the Replat Application and extending two hundred feet (200') from that area, but within the original Subdivision, must be filed with the Commission prior to the close of the public hearing.
 - c. The area of streets and alleys shall be included in the area computations.

G. *Replat Review and Approval.*

1. *Replat.* The review and approval processes for a Replat shall be the same as the review and approval processes for a Final Plat (except for the special public hearing and notice requirements described in Section 3.05).
 2. *Minor Replat.*
 - a. Pursuant to TLGC 212.0065, a Replat involving four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities (i.e., a Minor Replat) may be approved by the Building Official. The review and approval process shall be the same as that followed for a minor plat.
 - b. Prior to the Building Official or the Planning and Zoning Commission, if the matter has been deferred to that Commission, taking action on a proposed Minor Replat the Planning and Zoning Commission shall hold at least one public hearing thereon.
- H. *Effect.* Upon approval of the Application, the Replat may be recorded and is controlling over the previously recorded Plat for the portion re-platted.

Amending plat.

- A. *Purpose.* The purpose of an Amending Plat shall be to provide an expeditious means of making minor revisions to a recorded Plat consistent with provisions of State law.
- B. *Applicability.* The procedures for an Amending Plat shall apply only if the sole purpose of the Amending Plat is to achieve one or more of the following Purposes:
 1. *Error Corrections or Administrative Adjustments.*
 - a. Correct an error in a course or distance shown on the preceding Plat.
 - b. Add a course or distance that was omitted on the preceding Plat.
 - c. Correct an error in a real property description shown on the preceding Plat.
 - d. Indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor responsible for setting monuments.
 - e. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding Plat.
 - f. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving Plats, including lot numbers, acreage, street names, and identification of adjacent recorded Plats.
 - g. Correct an error in courses and distances of lot lines between two adjacent lots if:
 - i. Both lot owners join in the Application for amending the Plat;
 - ii. Neither lot is abolished;

- iii. The amendment does not attempt to remove recorded covenants or restrictions; and
- iv. The amendment does not have a material adverse effect on the property rights of the other owners in the Plat.

2. *Relocate Lot Lines.*

- a. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement.
- b. Relocate one or more lot lines between one or more adjacent lots if:
 - i. The owners of all those lots join in the Application for amending the Plat;
 - ii. The amendment does not attempt to remove recorded covenants or restrictions; and
 - iii. The amendment does not increase the number of lots.

3. *Replatting.*

- a. Make necessary changes to the preceding Plat to create six (6) or fewer lots in the Subdivision or a part of the Subdivision covered by the preceding Plat if:
 - i. The changes do not affect applicable zoning and other regulations of the municipality;
 - ii. The changes do not attempt to amend or remove any covenants or restrictions; and
 - iii. The area covered by the changes is located in an area that the City has approved, after a public hearing, as a residential improvement area (per State law, TLGC 212.016).
- b. Replat one or more lots fronting on an existing street if:
 - i. The owners of all those lots join in the Application for amending the Plat;
 - ii. The amendment does not attempt to remove recorded covenants or restrictions;
 - iii. The amendment does not increase the number of lots; and
 - iv. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

C. *Certificates of Correction.* Certificates of Correction are prohibited.

D. *Notice Not Required.* The approval and issuance of an Amending Plat shall not require notice, hearing or approval of other lot owners.

E. *Review by Building Official.* The Building Official shall:

- 1. Review the plat and materials submitted.

F. *Action by Building Official.* The Building Official shall:

1. Determine whether the Amending Plat meets the regulations of this Subdivision Ordinance.
2. Act within thirty (30) calendar days following the Official Submission Date, unless the Applicant submits a Waiver of Right to 30-Day Action.
3. Take one of the following actions:
 - a. Approve the Amending Plat;
 - b. Approve the Amending Plat with conditions, which shall mean that the Amending Plat shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or
 - c. Defer the Amending Plat to the Commission for consideration prior to expiration of the required 30-day approval period unless a Waiver of Right to 30-Day Action is submitted.

G. Deferral of Decision on an Amending Plat Application.

1. Deferral to the Commission of an Amending Plat Decision. If the Building Official defers the Amending Plat Application to the Planning and Zoning Commission, the Commission shall consider the Application at a regular meeting no later than thirty (30) calendar days after the date on which the Building Official deferred the Application to the Commission. The Commission shall, upon simple majority vote, take one of the following actions:
 - a. Approve the Amending Plat;
 - b. Approve the Amending Plat with conditions, which shall mean that the Amending Plat shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or
 - c. Deny the Amending Plat.

Plat vacation.

- A. *Purpose.* The purpose of a Plat Vacation is to provide an expeditious means of vacating a recorded Plat in its entirety, consistent with provisions of State law.
- B. *Initiation of a Plat Vacation.*
 1. *By Property Owner.* The property owner of the tract covered by a Plat may submit an Application to vacate the Plat at any time before any lot in the Plat is sold.
 2. *By All Lot Owners.* If lots in the Plat have been sold, an Application to vacate the plat must be submitted by all the owners of lots in the Plat.
 3. *City Council.* If the City Council, on its own motion, determines that the Plat should be vacated in the interest of and to protect the public's health, safety and welfare; and:
 - a. No lots within the approved Plat have been sold within five (5) years following the date that the Final Plat was approved by the City; or

- b. The property owner has breached a Development Agreement, and the City is unable to obtain funds with which to complete construction of Public Improvements, except that the vacation shall apply only to lots owned by the property owner or its successor; or
 - c. The Plat has been of record for more than five (5) years, and the City Council determines that the further sale of lots within the Subdivision or addition presents a threat to public health, safety and welfare, except that the vacation shall apply only to lots owned by the property owner or its successors.
- C. *Notice.* Published notice of the public hearing shall be given in accordance with Section 3.05.
- D. *Review and Recommendation by the Building Official.* The Building Official shall:
 1. Initiate review of the Plat Vacation Application and materials submitted; and
 2. Recommend action on Plat Vacation to the City Council.
- E. *Action by the City Council.* The Building Official shall:
 1. Review the Plat Vacation Application, the findings of the Building Official, and any other information available. From all such information, the Building Official shall make a finding as to whether the plat should be vacated.
 2. Take one of the following actions:
 - a. Approve the Plat Vacation;
 - b. Approve the Plat Vacation with conditions, which shall mean that the Plat Vacation shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or
 - c. Deny the Plat Vacation.
 3. The City Council's decision on a Plat Vacation shall be final.
- F. *Procedures for Recordation Following Approval.*
 1. If the City Council adopts a resolution vacating a plat in whole, it shall record a copy of the resolution in the County Clerk's Office.
 2. If the City Council adopts a resolution vacating a plat in part, it shall cause a revised Final Plat to be recorded along with the resolution which shows that portion of the original plat that has been vacated and that portion that has not been vacated.
- G. *Effect.*
 1. On the execution and recording of the vacating instrument, the previously filed plat shall have no effect.
 - a. Regardless of the City Council's action on the petition, the property owner(s) or Developer will have no right to a refund of any monies, fees or charges paid to the City nor to the return of any property or consideration dedicated or delivered to the City except as may have previously been agreed to by the City Council.

2. The Plat is vacated when a signed, acknowledged instrument declaring the Plat vacated is approved and recorded in the manner prescribed for the original Plat.
3. The City Council, at its discretion, shall have the right to retain all or specific portions of road Right-of-Way or easements shown on the Plat being considered for vacation. However, the City Council shall consider Plat Vacation upon satisfactory conveyance of easements and/or Right-of-Way in a separate legal document using forms provided by the City Attorney's office.

Development plat.

- A. *Purpose.* The purpose of a Development Plat is to ensure the adequacy of public facilities needed to serve the intended development and the overall compliance of such development with applicable requirements of this Subdivision Ordinance.
- B. *Authority.* This Section is adopted pursuant to the TLGC, Chapter 212, Subchapter B, Sections 212.041 through 212.050, as amended.
- C. *Applicability.*
 1. *To Whom Development Plat Regulations Apply.* Any person who proposes the development of a tract of land located within the limits or in the Extraterritorial Jurisdiction (ETJ) of the City must have a Development Plat of the tract prepared in accordance with 1.04.D.2 of this Subdivision Ordinance, unless a Development Plat is not required in accordance with Section 1.04.D.
 2. *The Term "Development."* For purposes of this Section, "development" means the new construction or the enlargement of any exterior dimension of any building, structure, or improvement.
 3. *Cases Where Development Plat Regulations Apply.* Development Plat regulations shall apply to any land lying within the City or within its Extraterritorial Jurisdiction (ETJ) in the following circumstances:
 - a. The development of any tract of land that has not been platted or re-platted prior to the effective date of this Subdivision Ordinance, unless expressly exempted herein; or
 - b. The development of any tract of land for which the property owner claims an exemption from the City's subdivision requirements, including requirements to replat, which exemption is not expressly provided for in Section 1.04.E; or
 - c. The development of any tract of land for which the only access is a private easement or street; or
 - d. The division of any tract of land resulting in parcels or lots each of which is greater than five (5) acres in size, and where no public improvement is proposed to be dedicated or constructed.
- D. *Exceptions.* A Development Plat is not required:

1. When the land has an approved Final Plat, Minor Plat, Replat, or Amending Plat; or
 2. For bona fide agricultural activities; or
 3. For construction of agricultural accessory structures and related development activities.
- E. *Prohibition on Development.* No development shall commence, nor shall any building permit, utility connection permit, electrical connection permit or similar permit be issued for any development or land division subject to this Section until a Development Plat has been approved by the Planning and Zoning Commission and submitted to the City for filing at the County. Notwithstanding the provisions of this Section, the City shall not require building permits or otherwise enforce the City's Building Code in the City's Extraterritorial Jurisdiction (ETJ) in relation to any Development Plat required by this Subdivision Ordinance.
- F. *Required Information for all Development Plat Applicants.* All Applications shall be submitted with the required information as stated on the Application Form. Information required shall be the same as required for a Final Plat. In addition to this information, a Development Plat shall:
1. Be prepared by a Registered Professional Land Surveyor as a boundary survey;
 2. Clearly show the boundary of the Development Plat;
 3. Clearly show each existing or proposed building, structure, or improvement or proposed modification of the external configuration of the building, structure, or improvement involving a change of the building, structure, or improvement;
 4. Clearly show each easement and right-of-way within or abutting the boundary of the surveyed property;
 5. Clearly show the dimensions of each street, sidewalk, alley, square, park, or other part of the property intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, sidewalk, alley, square, park, or other part; and
 6. Be accompanied by the required number of copies of the Development Plat, a completed Application Form, the required submission fee (per the City's current Fee Schedule), and a certificate or some other form of verification from the County appraisal district showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property.
- G. *Accompanying Applications.* An Application for a Development Plat may be accompanied by an application for rezoning approval. The rezoning Application shall be decided first. The applicant must execute a Waiver of Right to 30-Day Action that is mandated by the State for general approval of Plats, including Development Plat approval.

- H. *Development Plat Criteria for Approval.* The following criteria shall be used to determine whether the application for a Development Plat shall be approved, approved with conditions, or denied.
1. The proposed development conforms to all City plans, including but not limited to, the Comprehensive Plan, utility plans and applicable capital improvements plans;
 2. The proposed development conforms to the requirements of the Zoning Ordinance (if located within the City's corporate limits) and this Subdivision Ordinance;
 3. The proposed development is adequately served by public facilities and services, in conformance with City regulations;
 4. Appropriate agreements for acceptance and use of public dedications to serve the development have been tendered; and
 5. The proposed development conforms to the design and improvement standards contained in this Subdivision Ordinance, Engineering Standards Manual, and any other applicable codes or ordinances of the City that are related to development of a land parcel.
- I. *Development Plat Review and Approval.* The review and approval procedure for a Development Plat shall be the same as the review and approval processes for a Final Plat.
- J. *Effect.* Upon approval, the Development Plat shall be filed at the County by the City in the same manner as prescribed for a Final Plat.

Conveyance plat.

- A. *Purpose.*
1. The purpose of a Conveyance Plat is to subdivide land and to provide for recordation of same, for the purpose of conveying (i.e., selling) the property without developing it.
 2. A Conveyance Plat may be used to convey the property or interests therein; however, a Conveyance Plat does not constitute approval for any type of development on the property.
- B. *Applicability.* A Conveyance Plat may be used in lieu of a Final Plat to record only the subdivision of property in the following instances:
1. *Remainder Tract.*
 - a. To record the remainder of a tract that is created by a Final Plat, provided that the remainder is not intended for immediate development; and
 - b. The remainder of a tract that was involved in a Final Plat must be larger than five (5) acres.
 2. *Inheritance or Holding Tract.* To record the subdivision of property into parcels, five (5) acres or smaller in size, that are not intended for immediate development, provided all required Public Improvements exist to the City's current standards prior to approval and minimum frontage requirements are met.

- a. All public Right-of-Way must be dedicated, contingent that alignments have been determined.
 - b. Installation of on-site improvements may be delayed if development of other tracts is not affected. All easements shall be dedicated to allow subdivided lot within the conveyance plat access to public infrastructure and/or drainage ways from the parent tract, if applicable.
- C. *Review and Consideration.* Unless otherwise specified within this Section 4.12 Conveyance Plat for specific requirements for a Conveyance Plat, a Conveyance Plat shall be processed and approved using the same timing and procedures, including recordation, as specified for a Final Plat, refer to Section 4.06 Final Plat.
- D. *Concurrent or Prior Filing of a Final Plat.* No Final Plat processed and approved in association with a Conveyance Plat shall be filed without the concurrent or prior filing of the associated approved Conveyance Plat for the remainder of the subject property.
- E. *Conveyance Plat Requirements.*
 - a. No building or development permits shall be issued nor permanent utility service provided for land that has only received approval as a Conveyance Plat; a Final Plat must be filed for building and development permits and for utility service.
 - b. Notwithstanding the above, the Building Official may authorize temporary building permits, temporary occupancy permits, and temporary utility service.
 - c. A Conveyance Plat may be superseded by a revised Conveyance Plat or a Final Plat in total or in part through compliance with the procedures and requirements of these regulations.
2. Require a Preliminary Site Plan or Sketch Plan per the request of the City to ensure all Conveyance Plat tracts and remainder tracts have adequate access to public utilities and infrastructure.
- F. *Standards for Approval.*
 1. *Access.*
 - a. All lots created by a Conveyance Plat must have frontage and access to an existing or proposed public street, defined in the Comprehensive Plan, or an existing standard street meeting City construction standards and accessing the existing City street system.
 - b. All lots created by a Conveyance Plat must provide points of access as required by this Subdivision Ordinance.
 2. *Dedication of Right-of-Way.* Dedication of Right-of-Way shall be required in accordance with the City requirements.
- G. *Effect of Approval.*

1. *Development on the Property Prohibited.* The approval of a Conveyance Plat authorizes conveyance of the lot(s) created thereon, but does not authorize any type of development on the property.
2. *Future Development Requires Compliance.* The Applicant and future owner(s) of the property remain obligated to comply with all provisions in this Subdivision Ordinance upon future development of the property including, but not limited to, all requirements for platting, required Public Improvements, utility extensions, street improvements or assessments, Right-of-Way and easement dedications, and all other requirements in these regulations.

SECTION 5. CONSTRUCTION PLANS AND PROCEDURES

Construction plans.

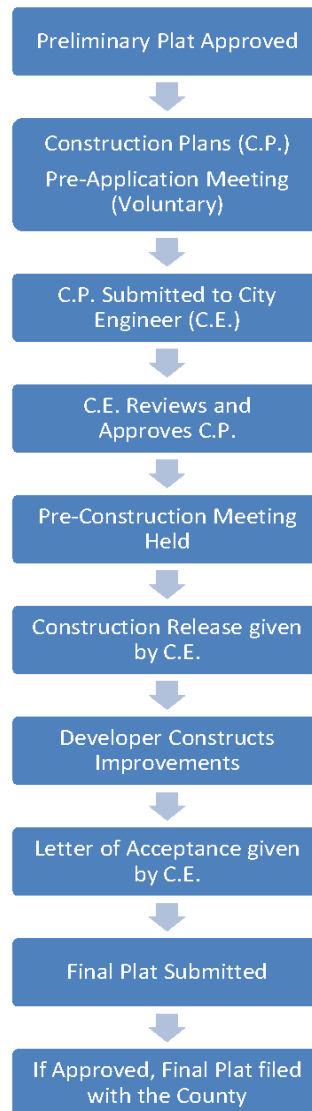


Figure 2: Construction Plan Process

- A. *Purpose.* To require that Public Improvements be installed to serve a development in accordance with all Subdivision Regulations.
- B. *Submitting Plans.*
 - 1. Plans shall be submitted in accordance with the Building Official's requirements, as required in the City's Application Form. Incomplete Construction Plans shall not be accepted and such plans shall be returned to the Applicant. All Construction Plans shall be prepared by a licensed professional engineer registered with the State of Texas.

2. In addition to the requisite number of hard copies, Construction Plans shall also be prepared and submitted electronically oriented in Texas State Plane grid coordinates (U.S. Survey Foot), Grid North, NAD 83, at an elevation datum based on NAVD 88. Electronic copies shall be submitted in PDF, AutoCAD, GIS or other City approved formats.
- C. *Responsible Official and Decision Authority for Construction Plans.*
1. *Review and Approval Action.* The Building Official shall be the Responsible Official for review and approval of Construction Plans.
 2. *Outside Review.* If an outside consultant is contracted to review Plats, Construction Plans or other submittals, then the Applicant shall reimburse the City for all review fees after the second review.
 3. *Decision-Maker Options.* In this capacity, therefore, the Building Official shall approve, approve subject to modifications, or deny the Construction Plans.
- D. *Approval Required and Timing of Construction.* Construction Plans must be approved in accordance with this Section 5 Construction Plans and Procedures prior to the approval and/or recordation of the Final Plat, unless otherwise stated within this Subdivision Ordinance.
- E. *Criteria for Approval.* The Building Official shall approve Construction Plans if:
1. The Construction Plans are consistent with the approved Preliminary Plat, or the proposed Final Plat; and
 2. The Construction Plans conform to the subject property's zoning (if the property is within the City Limits) and any planned development (PD) standards, and to the technical Engineering Standards Manual (ESM) for adequate public facilities, contained in this Subdivision Ordinance and all other applicable City codes and plans.
- F. *Effect.* Approval of Construction Plans authorizes the Applicant to:
1. Schedule a Pre-Construction Meeting (5.02); and
 2. Apply for Construction Release (5.03).
- G. *Expiration Date for Construction Plans.* The approval of Construction Plans shall remain in effect for a period of one (1) year from the date of approval, or for the duration of construction of the project, provided that progress toward completion of the project continues to be demonstrated, unless the Construction Plans are extended in accordance with Section 5.01.H Extension of Construction Plans beyond Expiration Date.
- H. *Extension of Construction Plans beyond Expiration Date.*
1. *General.*
 - a. Construction Plans may be extended for a period of six (6) additional months beyond the expiration date.

- b. A request must be made in writing to the Building Official for such extension prior to expiration of the plans, and shall include reasons why the plans should be extended.
2. *Decision by the Building Official.*
 - a. The Building Official will review the extension request, and shall approve, approve with conditions, or deny the extension request within thirty (30) calendar days following the date of the extension request.
 - b. Should the Building Official fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.
3. *Consideration.* The Building Official shall extend Construction Plans approval for a period of six (6) additional months beyond the expiration date if:
 - a. A Final Plat has been submitted, approved or filed of record for any portion of the property shown on the Construction Plans;
 - b. The Construction Plans comply with new ordinances (i.e., ordinances that have been adopted after approval of the original Construction Plans) that impact the health, safety and general welfare of the City;
 - c. Demonstrable forward progress has been made to proceed with construction or required improvements; and
 - d. A Development Agreement (Section 5.05 Development Agreements and Security for Completion), if applicable, is still valid and in full effect.
4. *Conditions.* In granting an extension, the Building Official may impose such conditions as are needed to ensure that the land will be developed in a timely fashion and that the public interest is served. Any extension may be predicated upon compliance with new development regulations and/or the Applicant waiving any vested rights.
5. *Total Extension.* A second six (6) month extension may be requested using the same process outlined above.

Pre-construction meeting.

A. Requirement.

1. The Applicant(s) shall attend a Pre-Construction Meeting with the Design Review Committee following the approval of Construction Plans and prior to commencement of any construction on the property.
2. The Building Official shall require three (3) business days to schedule a Pre-Construction Meeting.

B. Purpose.

1. *Discussion of Procedures.* The purpose of the Pre-Construction Meeting is to discuss administrative, communication, and operating procedures for project construction prior to Construction Release or issuance of a Building Permit.

2. *Review of Criteria.* A list of typical inspection items, procedures, and acceptance criteria for items in public Right-of-Way and easements will also be furnished to the Applicant.
- C. *Notice.* The Applicant shall receive written notice from the Building Official that Construction Plans have been approved and that the project is eligible for a Pre-Construction Meeting.
- D. *Effect.*
 1. Following the Pre-Construction Meeting and upon approval of the Construction Plans and full compliance with all pre-construction requirements, the Building Official shall authorize Construction Release, allowing the Applicant to commence with construction of the project.
 2. The Applicant may also be issued a Building Permit, if appropriate, provided that a Building Permit Application has been submitted and approved and all other Building Permit requirements have also been met.

Construction release.

1. *Requirements for a Construction Release.*
 - a. Upon approval of the Preliminary Plat and/or the Construction Plans, receipt of all documentation (e.g., insurance information, bonds, etc.) and fees, and after the Pre-Construction Meeting with City staff and a franchise utility representative, the City Building Official shall release the plans for construction if all City requirements pertaining to construction have been met. All construction of public works, including but not limited to water works, sewers, drainage, highways, and streets shall be supervised by a licensed professional engineer.
 - b. The Construction Release shall remain in effect for a period of one (1) year from the date of issuance, or for the duration of construction of the project, provided that progress toward completion of the project continues to be demonstrated.
2. *Construction Release Expiration and Extension.* Expiration, and possible extension, of the Construction Release shall be the same as for the Construction Plans (see Sections 5.01.G and 5.01.H).

Timing of public improvements.

- A. *Completion Prior to Final Plat Approval and Recordation.*
 1. Completion of all required Public Improvements, in accordance with the approved Preliminary Plat and the approved Construction Plans, shall occur prior to Final Plat approval and recordation.
 2. A Final Plat shall not be accepted for filing, nor shall it be considered for approval, prior to completion of such improvements except as provided in Section 5.04.B.
- B. *Completion after Final Plat Approval and Recordation.*

1. The Building Official, upon written request by the Applicant, may allow construction of Public Improvements after Final Plat approval and recordation.
 2. Postponement of Public Improvements shall be conditioned on execution of a Development Agreement and provision of security, in accordance with Section 5.05 Development Agreements and Security for Completion.
 3. It shall be at the Building Official's discretion to determine whether postponing construction of Public Improvements until after Final Plat approval and recordation is appropriate, and therefore, whether financial guarantee is acceptable through a Development Agreement.
 4. All construction of the required Public Improvements shall be completed within two (2) years of construction release; an extension may be granted by the city council for up to one (1) year.
- C. *Deferral of Obligation.* The City Administrator may defer the Developer's obligation to construct Public Improvements to serve a new development upon execution of a Development Agreement and upon provision of adequate security (see Section 5.05 Development Agreements and Security for Completion).
- D. *Phased Development.* If the development is being platted and constructed in phases, improvements shall be completed as platted areas are approved and phases are constructed.
- E. *Easements for Utility Providers.*
1. The Applicant is responsible for contacting all utility providers prior to beginning construction, and for securing all necessary easements for same prior to Final Plat approval and recordation.
 2. The Applicant's engineer shall provide the Building Official with written certification that all necessary easements are secured for the various utility providers, and such easements shall be shown on the Final Plat with the recording information for each.
- F. *Off-Site Easements.*
1. All necessary public and/or private off-site easements required for installation of required off-site improvements to serve the development shall be acquired by the Applicant prior to the Pre-Construction Meeting (see Section 5.02 Pre-Construction Meeting), or prior to approval and recordation of the Final Plat, whichever occurs first. Any off-site private improvements shall be designed by a professional engineer licensed in the State of Texas.
 2. Off-site easements shall be conveyed and recorded at the County by an instrument approved by the City.
 3. If the property on which the off-site easement is required has been platted, a separate instrument shall be required to dedicate the easement.
 4. The Applicant shall be responsible for the acquisition of all required off-site easements. If the Applicant is unable to acquire the necessary off-site easements, the Applicant may request assistance from the City. The Applicant shall provide the City

with easement or Right-of-Way survey documents and exhibits, documentation, including evidence of a reasonable offer made to the affected property owner. Upon receiving a written request for assistance, the City may secure the services of a Right-of-Way agent, at the developer's cost. The City may secure easements through eminent domain proceedings, should the City deem it appropriate.

5. The Applicant shall reimburse the City for the costs of acquiring the necessary easements including but not limited to attorney's fees and costs.

Development agreements and security for completion.

A. *Development Agreements.* When any of the required Public Improvements (i.e., water, wastewater, streets, drainage, park improvements etc.) will be postponed and constructed after Final Plat approval and recordation, the Final Plat shall not be accepted for filing, nor shall it be approved, unless and until the Applicant enters into a Development Agreement of standardized format approved by the City by which the

1. *Applicant:*

- a. Will complete the improvements;
- b. Warrants the improvements for a period of two (2) years following final and formal acceptance by the City;
- c. Provides a maintenance bond in the amount of one hundred and ten percent (110%) of the costs of the improvements for such period to ensure the repair and replacement of all defects due to faulty materials and workmanship that appear within the two (2) year period following date of acceptance;
- d. Provides provisions (e.g., performance and payment bonds) for securing the obligations of the agreement consistent with Section 5.05.D Security for Completion of Improvements; and
- e. Outlines other terms and conditions as are agreed to by the Applicant and the City, or as may be required by this Subdivision Ordinance, including insurance requirements and covenants to comply with other ordinances of the City.

2. *Exception:*

- a. If escrow is provided in agreement with Section 5.05.E (Escrow Policies and Procedures), then the requirement for a Development Agreement may be waived by the City Administrator.

B. *Development Agreements to Run with the Land.*

1. The Development Agreement shall provide that the covenants and other items of agreement contained therein shall run with the land and shall bind all successors, heirs and assignees of the Applicant.
2. All existing owners shall be required to execute the agreement or provide written consent to the covenants and other items contained in the agreement.

C. *Development Agreement Decision by the City Council.*

1. The City Administrator and City Attorney shall review all Development Agreements.
2. The City Administrator shall recommend an action to the City Council for all Development Agreements.
3. The Development Agreement shall require the approval of the City Council. The City Council may approve, approve with conditions, or deny a Development Agreement.
 - a. The City Council may authorize the City Administrator to approve specific Development Agreements on behalf of the City Council. In the event of a disagreement between the City staff and the Subdivider concerning stipulations of the Development Agreement, the Subdivider may request City Council approval of alternative provisions.

D. *Security for Completion of Improvements.*

1. *Type of Security.*
 - a. When any of the required Public Improvements will be constructed after approval and recordation of the Final Plat, the Applicant shall guarantee proper construction of such postponed improvements and payment of all claimants supplying labor and materials for the construction of the improvements, in accordance with the City's standards and with this Subdivision Ordinance, by a bond executed by a surety company holding a license to do business in the State of Texas, and acceptable to the City, on the form provided by the City.
 - b. The performance and payment bonds shall be approved as to form by the City Attorney.
 - c. In lieu of security, the City may accept a developer agreement drafted in a form suitable to the City Attorney.
2. *Estimated Cost and Security Approval.*
 - a. Security shall be issued in the amount of one hundred and ten percent (110%) of the cost to construct and complete all required Public Improvements to the City's standards as estimated by the Applicant's professional engineer licensed in the State of Texas, and as reviewed and approved by the City Engineer and City Administrator.
 - b. Security shall be subject to the review and approval of the City Attorney.
 - c. The Applicant shall reimburse the City for all related legal costs for review (this reimbursement shall be paid in full prior to filing of the Final Plat).

E. *Escrow Policies and Procedures.*

1. *Request for Escrow.*
 - a. The City may require or the Developer may petition the City to defer required improvements in exchange for a deposit of escrow up to an amount not to exceed \$15,000 for a period of two (2) years from acceptance of the project. An example

may include a timing issue due to pending street improvements by another agency such as TxDOT.

- b. The City Administrator may require studies and other information to support the Developer's request to escrow.
2. *Escrow Deposit with the City.*
 - a. When the City Administrator requires or agrees to accept escrow deposits, the Developer shall deposit in escrow with the City, at a financial institution to be approved by the City, an amount equal to one hundred and ten percent (110%) of the total "turnkey" costs including, but not limited to, the design, permitting, acceptance and inflation costs related to the improvement(s). The full amount of escrow shall remain deposited with the City until completion of the project.
 - b. The City Administrator shall review and approve the amount, which shall be approved and paid prior to recordation of the Final Plat.
 3. *City Usage of Escrowed Funds.* The City may also use the escrowed funds in participation with another entity (such as TxDOT or the County, etc.) to jointly construct the Public Improvement(s).
 4. *Termination of Escrow.*
 - a. Escrows, or portions of escrowed amounts, which remain unused after a period of ten (10) years following the date of such payment shall, upon written request, be returned to the Developer.
 - b. Such return of escrowed funds does not remove any obligations of the Developer for construction of the required improvement(s).
 5. *Refund.* If all or a portion of a street or other type of Public Improvement for which escrow is deposited is constructed by a party other than the City, the remaining unused escrowed funds, upon written request shall be refunded to the Developer after completion and City acceptance of the street or Public Improvement. The City shall require thirty (30) days from the request to process the refund.
 6. *Interest on Escrowed Funds.* When escrowed funds are returned or refunded to the escrowing Developer, the City shall retain all of the interest accrued by the funds.
 7. *Escrow Fee Agreement.* The City Administrator, at his/her discretion, may require an escrow fee agreement be executed.
- F. *Pro-rata Policy for Infrastructure Reimbursement.*
1. The subdivider shall be fully responsible for the construction of utilities necessary for the subdivision and the surrounding area, unless other provisions are approved by the City Council. Provisions for reimbursement of costs required by the City but exceeding those necessary to serve the subdivision, and any other provisions, shall be made a part of a facilities agreement. For any subsequent subdivision utilizing such facilities, any costs due prior subdividers shall be prorated by the use the new subdivision bears to the amount due. Such prorated amounts will be made a part of any subsequent facilities

agreement, collected by the City, and repaid to the original developer making such improvements.

2. All such reimbursements or prorations shall be based on the actual cost of the improvements at the time of their construction, subject to comparison with other current unit and/or project costs. The original subdivider shall therefore provide the City with acceptable documentation of actual construction costs from which calculation of reimbursable amounts will be made for inclusion in a facilities agreement.
3. (a) As concerns all non-residential property: In cases that a Subdivision utilizes utilities or infrastructure already constructed through use of city funds, the subdivider shall pay to the City for the use of such facilities an amount equal to that which would be required to serve the subdivision under the requirements of this ordinance, based upon policies developed and approved by the City Council.
 (b) As concerns residential property: All provisions that subjected residential property to a reimbursement policy are void and of no affect.
4. Notwithstanding the foregoing, the adjacent owner shall pay 100 percent of the costs incurred by the subdividers to acquire an easement from the adjacent owner. The pro-rata share paid by the adjacent owner to the City will be forwarded to the subdivider within 60 days of receipt by the City. All pro rata payments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

G. *City Infrastructure Participation.*

1. The City may participate with the subdivider on major items of construction such as lift stations, bridges or streets adjacent to the subdivision, which benefit existing or future development in addition to that being subdivided. The City shall participate in the street construction within and adjacent to new subdivisions on the following basis:
 - a. All streets not exceeding forty-five (45) feet from curb back to curb back shall be paid for and constructed by the subdivider.
 - b. If the subdivider's property abuts only one side of a street right-of-way, the subdivider shall provide not less than twenty-four (24) feet of paved width.
 - c. Streets in excess of forty-five (45) feet in width shall be provided by the subdivider in accordance with the City's transportation plan, or on request of the City Council, but the City shall pay the cost of developing the width of the street in excess of forty-five (45) feet, excluding the cost of curbs or turning lanes.
2. The construction of certain facilities required by the provisions of this ordinance may not be possible or practical at the time the subdivider prepares their plans for public improvements. Such deletion or delay of improvements may be specified in a facilities agreement, together with provisions for escrow deposits or future payments by the city and/or subdivider. The City shall not be responsible for payment until the street is

extended into or through property other than that being subdivided, and/or until funds are available, unless otherwise provided in the facilities agreement for the subdivision.

(Ord. No. 2018-O-24, passed July 3, 2018)

Inspection, maintenance, and acceptance of public improvements.

A. *Inspection of Public Improvements.*

1. *Timing and Contact.*

- a. The City Administrator, Building Official, Public Works Director, and City Engineer (if the latter's assistance is needed) shall inspect the construction of improvements while in progress, as well as upon completion.
- b. The Applicant, or Applicant's contractor, shall maintain contact with the Building Official during construction of improvements.

2. *Conformance with Construction Plans.*

- a. Construction shall be in accordance with the approved Construction Plans.
- b. Any significant change in design required during construction shall be made and documented by the Applicant's engineer, and shall be subject to approval by the Building Official.

3. *Corrections to Improvements.* If the City Administrator, Building Official, Public Works Director, or City Engineer finds, upon inspection, that any of the required Public Improvements have not been constructed properly and in accordance with the approved Construction Plans, the Applicant shall be responsible for completing and/or correcting the Public Improvements to bring such into compliance.

4. No building permit shall be issued until completion of all improvements within the subdivision and acceptance by the city. The City Administrator, upon the recommendation of the Building Official and Public Works Director shall have the authority, after reviewing the improvements, to release parts of the subdivision for building permits. The engineer responsible for the design of the proposed improvements shall submit testing reports performed by the engineer of an independent testing laboratory with a verification statement to the Building Official and Public Works Director that the improvements have been constructed in accordance with the plans and specifications as approved by the City Council and in accordance with any other provisions of any other ordinance of the city applicable thereto.

B. *Public Works Inspection Fees.*

1. A public works inspection fee of two percent (2%) of the actual contract costs of city-maintained improvements shall be established. The fee shall be based on a percentage of the estimated cost of public improvements including, but not limited to water, sanitary sewer, storm sewer, drainage structures, bridges, culverts, paving, screening walls, etc. The fee shall be due and payable at the time of the preconstruction meeting

for residential developments and at the time of the building permit issuance for industrial and commercial developments.

2. Fee Standards.

- a. The subdivider is required to retain a professional engineer to supervise the construction of all public improvements as required in Title 6 of the Texas Occupation Code, §1001.407. The supervision of the construction shall include, but not be limited to construction inspection and verifying the compliance with the construction plans and specifications.
- b. If the subdivider does not retain a professional engineer to supervise the construction, then 5.06.B.1 shall apply.
- c. Inspections shall be conducted during normal business hours, 8:00 A.M. to 5:00 P.M., Monday through Friday.

3. Exceptions.

- a. Where excavations are made by a public utility company operating under a franchise agreement issued by City or under the direct supervision of the Public Works Director, a permit may be granted without making the advance permit payment, or waived if the franchise agreement permits waiver and approved by the Public Works Director.

4. Cost for Construction.

- a. The Developer shall submit to the City a cost for construction of the public infrastructure to be dedicated to the City and upon which the maintenance bond and inspection fees will be based.
- b. The cost of construction shall be reviewed and approved by the City Engineer.

5. Inspection During Non-Business Hours.

- a. Public works inspections may be conducted at times other than normal working hours with prior approval.
- b. A minimum forty-eight (48) hour notice must be given to the City by the Developer for any work that, in the City's sole opinion, requires inspection and occurs during non-business hours, and the Developer shall reimburse the City a minimum of four (4) hours at the current overtime rate per hour upon receipt of an invoice.

C. *Maintenance during Construction.* The Applicant shall maintain all required Public Improvements during construction of the development.

D. *Engineer's Certification and Submission of Record Drawings.*

1. Upon completion of the construction of all improvements, a certificate shall be provided, signed by the subdivision's professional engineer, that any and all improvements constructed in the subdivision have been completed in accordance with the approved construction plans

2. The City shall not accept dedication of required Public Improvements until the Applicant's engineer has certified to the Building Official, through submission of detailed Record Drawings, which have been approved by the City, of the project and filed copies of any off-site easements that the Public Improvements have been built in accordance with the approved Construction Plans.
3. Each record drawing sheet shall show all changes made in the Construction Plans during construction, and on each sheet, there shall be a "record" stamp bearing the signature of the engineer and date, which shall be maintained by the Building Official.
4. Digital files of all the Record Drawings shall be submitted by the Applicant in a format acceptable by the City and received by the City.

E. *Acceptance or Rejection of Improvements by the City Administrator.*

1. *Responsible Official.* The City Administrator shall be responsible for inspecting all required Public Improvements shown in the Construction Plans, and for accepting completed subdivision improvements intended for dedication to the City.
2. *Final Inspection.* After completion of all improvements, franchise utilities, grading, and erosion control, the City Administrator, Building Official, Public Works Director and City Engineer (if the latter's involvement is deemed appropriate) will perform a final inspection before recommending acceptance of the improvements via a Letter of Final Acceptance.
3. *Letter of Final Acceptance.* If all improvements are completed, inspected, tested (if applicable), and determined by the City to be in conformance with Subdivision Ordinance regulations and with the City's design standards and all inspection fees have been paid, then the City Administrator shall issue a Letter of Final Acceptance to the Applicant, thereby notifying the Applicant of the City's approval of improvements and acceptance or future acceptance subject to approval of a Final Plat.
 - a. In cases where a Final Plat has not been approved, the Letter of Final Acceptance will indicate that the City's acceptance of the Public Improvements will occur concurrently with the approval of a Final Plat.
 - b. In cases where a Final Plat has already been approved with a Development Agreement, then the Letter of Final Acceptance will indicate that the City's acceptance of the Public Improvements.
4. *Meaning of Acceptance.* Acceptance of the Improvements shall mean that the Applicant has transferred all rights to all the Public Improvements to the City for title, use, and maintenance.
5. *Rejection.* The City Administrator shall reject those Improvements that fail to comply with the City's standards and specifications. The City shall enforce the guarantee provided by agreement(s).

F. *Disclaimer.*

1. Approval of a Preliminary Plat or Final Plat by the Commission, or Construction Plans by the City Administrator, shall not constitute acceptance of any of the Public Improvements required to serve the Subdivision or development.
2. No Public Improvements shall be accepted for dedication by the City except in accordance with this Section.

G. *Maintenance Bond.*

1. Per requirements established and maintained by the City Administrator, the Developer shall furnish maintenance bonds to the City for Public Improvements for a period of two (2) years from the date of acceptance by the City (see 5.06.E.3 Letter of Final Acceptance for acceptance dates).
2. The maintenance bond shall be a good and sufficient bond executed by a corporate surety approved by the City in an amount equal to the total cost of said improvements and guaranteeing their maintenance for two (2) years from the date of Final Plat approval.
3. The maintenance bond shall be for a full period of two years from the date of final approval of the contractual project and shall be in the amount of 20% of the contract price for the first year and in the amount of 10% of the contract price for the second year.
4. A licensed professional engineer shall write and seal an itemized letter verifying the accuracy of the maintenance of the items that were constructed.

SECTION 7. RELIEF FROM SUBDIVISION DESIGN STANDARDS

Sec. 155.7.01. Petition for subdivision waiver.

- A. *Purpose.* The purpose of a petition for a Subdivision Waiver to a particular standard or requirement with these Subdivision Regulations, as such are applicable to Plats or Construction Plans, is to determine whether such particular standard or requirement should be applied to an Application.
- B. *Definitions.* Subdivision Waivers shall be classified as a Minor Subdivision Waiver or Major Subdivision Waiver.
- C. *Decision-Maker.*
 - 1. *Minor Subdivision Waiver.*
 - a. *Decision-Maker Authority.*
 - i. The City Administrator shall act upon a Minor Subdivision Waiver listed in Table 8.
 - b. *Appeal of a Minor Subdivision Waiver Decision.*
 - i. *Appeal Review and Recommendation.* An appeal of the Minor Subdivision Waiver decision may be considered by the Commission.
 - ii. *Appeal Decision.* If further appeal is made, the City Council shall then act on such an appeal. (See 7.01.J Minor Subdivision Waiver Appeal)

Table 8: Minor Subdivision Waiver		
Section	Standard	City Administrator
1.06.A.8	Thoroughfare Plan	Approve
3.01.B	Waiver of Application Information	Approve
6.06.N	Dead-End Alleys	Approve
6.10.D	Right Angles for Side Lot Lines	Approve
6.05.D	Traffic Impact Analysis	Approve
6.13.A.5	Water Lines Extended to Subdivision Borders	Approve
6.14.A.5	Wastewater Lines Extended to Subdivision Borders	Approve

- 2. *Major Subdivision Waiver.*
 - a. *Decision Maker Authority.* After review and recommendation from the Commission, the City Council shall decide a Major Subdivision Waiver.
- 3. *Waiver from the Requirements for Sidewalks, Curbs, and/or Gutters.*
 - a. The City Administrator is authorized to grant waivers for Sidewalks, Curbs, and/or Gutters under the following conditions:
 - i. The property was platted prior to March 1, 2021; and
 - ii. The property is located outside of the City of Stephenville's Sidewalk Improvement Area as defined in Resolution No. 2019-R-05.
 - b. Waivers requested that do not qualify under the conditions outlined in Section 3.a. above must follow the procedure for a Major Subdivision Waiver.

- c. Applicants whose request for waiver is denied by the City Administrator may appeal this decision. Appeals under Section 3 will follow the procedures for appealing a Minor Subdivision Waiver as set forth in Section J.
 - d. All approved waivers require the payment of a fee equal to 25% of the total improvement cost as determined by the city's current bid contract for such improvements. Fees collected will be dedicated to the City's Sidewalk Cost Share Program.
- D. *Subdivision Waiver Applicability.*
 - 1. *Waiver of Standard or Requirement.*
 - a. An Applicant may request a Subdivision Waiver of a particular standard or requirement applicable to a Preliminary Plat, to Construction Plans, or where no Preliminary Plat Application has been submitted for approval, to a Final Plat or a Replat.
 - b. A Subdivision Waiver petition shall be specific in nature, and shall only involve relief consideration for one particular standard or requirement.
 - c. An Applicant may, if desired, submit more than one Subdivision Waiver petition if there are several standards or requirements at issue.
 - d. For processing a Subdivision Waiver in relationship with a Plat Application, an Applicant shall submit a Waiver of Right to 30-Day Action in accordance with 3.03.D Waiver of Right to 30-Day Action.
 - 2. *Waiver Petition Acceptance.*
 - a. A petition for a Subdivision Waiver shall not be accepted in lieu of:
 - i. A Subdivision Proportionality Appeal (7.02); or
 - ii. A Subdivision Vested Rights Petition (7.03).
 - b. If there is a question as to whether a Subdivision Proportionality Appeal or Subdivision Vested Rights Petition is required instead of a Subdivision Waiver petition, such determination shall be made by the City Administrator.
- E. *Subdivision Waiver Submission Procedures.*
 - 1. *Written Waiver Request with Application.*
 - a. A request for a Subdivision Waiver shall be submitted in writing by the Applicant with the filing of a Preliminary Plat, Construction Plans, Final Plat or Replat, as applicable.
 - b. No Subdivision Waiver may be considered or granted unless the Applicant has made such written request.
 - 2. *Grounds for Waiver.*
 - a. The Applicant's request shall state the grounds for the Subdivision Waiver request and all of the facts relied upon by the Applicant.
 - b. Failure to do so, will result in denial of the Application unless the Applicant submits a Waiver of Right to 30-Day Action in accordance with 3.03.D Waiver of Right to 30-Day Action.
- F. *Subdivision Waiver Criteria.*
 - 1. *Undue Hardship Present.* A Subdivision Waiver to regulations within this Subdivision Ordinance may be approved only when, in the Decision-Maker's opinion, undue hardship will result from strict compliance to the regulations.

2. *Consideration Factors.* The Decision-Maker shall take into account the following factors:
 - a. The nature of the proposed land use involved and existing uses of the land in the vicinity;
 - b. The number of persons who will reside or work in the proposed development; and
 - c. The effect such Subdivision Waiver might have upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.
3. *Findings.* No Subdivision Waiver shall be granted unless the Decision-Maker finds:
 - a. That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this Subdivision Ordinance would deprive the Applicant of the reasonable use of his or her land; and
 - b. That the Subdivision Waiver is necessary for the preservation and enjoyment of a substantial property right of the Applicant, and that the granting of the Subdivision Waiver will not be detrimental to the public health, safety or welfare or injurious to other property in the area; and
 - c. That the granting of the Subdivision Waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this Subdivision Ordinance.
4. *Intent of Subdivision Regulations.*
 - a. A Subdivision Waiver may be granted only when in harmony with the general purpose and intent of the Subdivision Ordinance so that the public health, safety and welfare may be secured and substantial justice done.
 - b. Financial hardship to the Applicant shall not be deemed to constitute undue hardship.
5. *Minimum Degree of Variation.* No Subdivision Waiver shall be granted unless it represents the minimum degree of variation of requirements necessary to meet the needs of the Applicant.
6. *Violations and Conflicts.* The Decision-Maker shall not authorize a Subdivision Waiver that would constitute a violation of, or conflict with, any other valid ordinance, code, regulation, master plan or Comprehensive Plan of the City.
7. *Falsification of Information.*
 - a. Any falsification of information by the Applicant shall be cause for the Subdivision Waiver request to be denied.
 - b. If the Subdivision Waiver request is approved based upon false information, whether intentional or not, discovery of such false information shall nullify prior approval of the Subdivision Waiver, and shall be grounds for reconsideration of the Subdivision Waiver request.
- G. *Burden of Proof.* The Applicant bears the burden of proof to demonstrate that the requirement for which a Subdivision Waiver is requested, if uniformly applied, imposes an undue hardship or disproportionate burden on the Applicant. The Applicant shall submit the burden of proof with the original submittal.
- H. *Subdivision Waiver Decision.*
 1. The Decision-Maker shall consider the Subdivision Waiver petition and, based upon the criteria set forth in 7.01.F Subdivision Waiver Criteria, shall take one of the following actions:
 - a. Deny the petition, and impose the standard or requirement as it is stated in this Subdivision Ordinance; or
 - b. Grant the petition, and waive in whole or in part the standard or requirement as it is stated in this Subdivision Ordinance.

2. Decision Process for a Minor Subdivision Waiver. The Decision-Maker shall deny or grant a request for a Minor Subdivision Waiver concurrently with the decision of a Preliminary Plat, Construction Plans, Final Plat or Replat, as applicable.
3. Decision Process for a Major Subdivision Waiver.
 - a. Recommendation of the Planning and Zoning Commission.
 - i. The Commission shall consider the Major Subdivision Waiver request at a public meeting no later than thirty (30) calendar days after the date on which the notice of Major Subdivision Waiver is submitted to the City Administrator.
 - ii. The Commission shall recommend to the City Council to approve or deny a request for a Major Subdivision Waiver by majority vote.
 - b. Decision by City Council.
 - i. After the recommendation from the Commission has been made, the City Council shall consider the Major Subdivision Waiver request at a public meeting no later than thirty (30) calendar days after the date on which the Commission's recommendation was made.
 - ii. The City Council may or shall approve or deny a request for a Major Subdivision Waiver by a vote of all members.
 - iii. The decision of the City Council is final.
- I. *Notification of Decision on Petition—14 Days.* The Applicant shall be notified of the decision on the Subdivision Waiver by the applicable Decision-Maker (e.g., the City Administrator, Commission or City Council, as applicable), within fourteen (14) calendar days following the decision.
- J. *Minor Subdivision Waiver Appeal.*
 1. *Initiation of an Appeal.*
 - a. The Applicant may appeal a Minor Subdivision Waiver decision of the City Administrator, as allowed within the Subdivision Ordinance.
 - b. The written request to appeal shall be submitted to the City Administrator within thirty (30) calendar days following the denial decision.
 2. *Recommendation of the Planning and Zoning Commission.*
 - a. The Commission shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the notice of appeal is submitted to the City Administrator.
 - b. At this meeting, new information may be presented and considered, if available, that might alter the previous decision to deny the Minor Subdivision Waiver.
 - c. The Commission shall recommend to the City Council to affirm, modify or reverse the previous decision by simple majority vote.
 3. *Appeal to City Council.*
 - a. The Applicant may appeal the Commission's decision by submitting a written notice of appeal to the City Administrator within thirty (30) calendar days following the Commission's decision.
 - b. After the recommendation from the Commission has been made, the City Council shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the Commission's recommendation was made.
 - c. The City Council may affirm, modify or reverse the decision by simple majority vote.

d. The decision of the City Council is final.

K. *Effect of Approval.*

1. *Submission and Processing.* Following the granting of a Subdivision Waiver, the Applicant may submit or continue the processing of a Plat or Construction Plans, as applicable.
2. *Expirations.* The Subdivision Waiver granted shall remain in effect for the period the Plat or Construction Plans are in effect, and shall expire upon expiration of either or both of those Applications.
3. *Extensions.* Extension of those Applications shall also result in extension of the Subdivision Waiver.

Sec. 155.7.02. Subdivision proportionality appeal.

A. *Purpose and Applicability.*

1. *Purpose.* The purpose of a petition for relief from a dedication, construction requirement, or a requirement to pay a fee, other than an impact fee authorized by Chapter 395 of the Texas Local Government Code is to ensure that the imposition of uniform dedication, construction, and fee standards to a proposed development does not result in a disproportionate burden on the property owner, taking into consideration the nature and extent of the demands created by the proposed development on the City's roadways and public facilities systems.
2. *Applicability.*
 - a. An Applicant may file a petition for relief under this 7.02 Subdivision Proportionality Appeal to contest any requirement to dedicate land or to construct Public Improvements as required by this Subdivision Ordinance, other ordinance, or attached as a condition to approval of the Application.
 - b. A petition under this 7.02 Subdivision Proportionality Appeal shall not be used to waive standards on grounds applicable to any Subdivision Waiver Application, as outlined in 7.01 Petition for Subdivision Waiver.

B. *Petition Requirements.*

1. *Form of Petition.* The petition for relief from a dedication, construction, or fee requirement shall allege that Application of the standard relating to the requirement is not roughly proportional to the nature and extent of the impacts created by the proposed development on the City's water, wastewater, storm drainage, parks or roadway system or does not reasonably benefit the proposed development.
2. *Study Required.* The Applicant shall provide a study in support of the petition for relief that includes the following information:
 - a. *Capacity Utilized.*
 - i. Total capacity of the City's water, wastewater, storm drainage, parks or roadway system to be utilized by the proposed development, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the development.
 - ii. If the proposed development is to be developed in phases, such information also shall be provided for the entire development proposed, including any phases already developed.
 - b. *Capacity Supplied.*

- i. Total capacity to be supplied to the City's water, wastewater, storm drainage, parks or roadway system by the proposed dedication of an interest in land or construction of Public Improvements.
 - ii. If the Application is part of a phased development, the information shall include any capacity supplied by prior dedications or construction of Public Improvements.
 - c. *Capacity Comparison.*
 - i. Comparison of the capacity of the City's public facilities system(s) to be consumed by the proposed development with the capacity to be supplied to such system(s) by the proposed dedication of an interest in land, construction of Public Improvements, or payment of a fee.
 - ii. In making this comparison, the impacts on the City's public facilities system(s) from the entire development shall be considered.
 - d. *Oversizing.* The effect of any City participation in the costs of oversizing the Public Improvement to be constructed in accordance with the City's requirements.
 - e. *Other Information.* Any other information that shows the alleged disproportionality between the impacts created by the proposed development and the dedication or construction requirement imposed by the City.
3. *Time for Filing Petition and Study.*
- a. A petition for relief from a dedication, construction, or fee requirement shall be filed with the City Administrator within fourteen (14) calendar days following the City Council's decision to conditionally approve or deny an Application.
 - b. The study in support of the petition shall be filed within sixty (60) calendar days following the initial decision, unless the Applicant (petitioner for relief) seeks an extension in writing.
 - c. The City Administrator may extend the time for submitting the study for a period not to exceed an additional thirty (30) calendar days for good cause shown.
4. *Land in Extraterritorial Jurisdiction (ETJ).* Where land or facilities to be dedicated are located in the ETJ of the City and are to be dedicated to the County, a petition for relief or study in support of the petition shall be accepted as complete for review by the City Administrator only when such petition or study is accompanied by verification that a copy has been delivered to and accepted by the County, as applicable.
- C. *Processing of Subdivision Proportionality Appeal Petitions and Decision.*
- 1. *Responsible Official.* The City Administrator shall be the Responsible Official for a petition for relief from a dedication or construction requirement.
 - 2. *Review and Recommendation.*
 - a. The City Administrator shall review the petition and supporting study and shall make a recommendation to:
 - i. The Commission, and
 - ii. The City Council.
 - b. In response to a petition for relief from a dedication or construction requirement pursuant to 7.02 Subdivision Proportionality Appeal and to achieve proportionality between the demands created by a proposed development on public facilities and the obligation to provide adequate public facilities, the City may participate in the costs of Public Improvements, credit or offset the obligations against payment of impact fees, or relieve the property owner any of the obligations.

3. *Decision-Maker.* The City Council shall decide the Subdivision Proportionality Appeal petition, after receiving a recommendation from the Planning and Zoning Commission.
 4. *Public Hearing Held within 60 Days after Receipt of Study.* The City Council shall conduct a public hearing within sixty (60) calendar days after the study supporting the petition (refer to Section 7.02.B) is filed with the City Administrator.
 5. *Burden of Proof.* The Applicant bears the burden of proof to demonstrate that the Application of a dedication or construction requirement that is uniformly applied imposes a disproportionate burden on the Applicant.
 6. *Decision.* The City Council shall consider the petition for relief from a dedication or construction requirement based upon the following criteria:
 - a. The City Council shall determine whether the Application of the standard or condition is roughly proportional to the nature and extent of the impacts created by the proposed development on the City's water, wastewater, storm drainage, parks or roadway system, and whether the Application of the standard or condition reasonably benefits the development.
 - b. In making such determination, the City Council shall consider the evidence submitted by the Applicant, the report and recommendation of the City Administrator and, where the property is located within the City's ETJ, any recommendations from the County, as applicable.
 7. *Action.* Based on the criteria in 7.02.C.6, the City Council shall take one of the following actions:
 - a. Deny the petition for relief, and impose the dedication or construction requirement as required by this Ordinance; or
 - b. Grant the petition for relief, and waive any dedication or construction requirement to the extent necessary to achieve proportionality; or
 - c. Grant the petition for relief, and direct that the City participate in the costs of acquiring land for or constructing the Public Improvement under standard participation policies.
 8. *Notification of Decision on Petition.* The City Administrator shall notify the Applicant of the decision on the petition for relief within fourteen (14) calendar days following the City Council's decision.
- D. *Expiration or Failure to File Application.* Where an Application was denied based upon the imposition of the standard requiring dedication of land or construction of a required Public Improvement and the City Council's decision is to grant some level of relief, the Applicant shall resubmit the Application within sixty (60) calendar days following the date the petition for relief is granted, in whole or in part, showing conformity with the City Council's decision on the petition.
1. If the Application is not resubmitted within the sixty (60) day period, the relief granted by the City Council on the petition shall expire.
 2. If the re-submittal of the Application is modified in any other way, a new petition for relief may be required by the City Administrator.
 3. If the Application for which relief was granted is denied on other grounds, a new petition for relief may be required by the City Administrator.
- E. *Effect of Relief.*
1. The City Administrator may require the Applicant to submit a modified Application or supporting materials consistent with the relief granted by the City Council on the petition.
 2. The relief granted on the petition shall remain in effect for the period the Application is in effect, and shall expire upon expiration of the plat or related Application.

Sec. 155.7.03. Subdivision vested rights petition.

- A. *Purpose.* In accordance with TLGC, Chapter 245 or successor statute, the purpose of a Subdivision Vested Rights Petition is to determine whether an Application should be processed under the terms of a previous ordinance, to provide a process for determination of possible vested status, and to determine when certain permits are subject to expiration.
- B. *Applicability of a Subdivision Vested Rights Petition.*
1. *Any Application.* A Subdivision Vested Rights Petition may be submitted for any Application authorized by this Subdivision Ordinance.
 2. *Prohibit Joint Submission.* A Subdivision Vested Rights Petition cannot be submitted by an Applicant along with submission of a request for a text amendment to this Subdivision Ordinance, a Zoning Map amendment, or any other request for a legislative decision by the City Council.
- C. *Petition Submission.*
1. *Filing.* A Subdivision Vested Rights Petition shall be submitted to the City's Responsible Official and shall be in accordance with the TLGC, Chapter 245 or successor statute.
 2. *Automatic Waiver.* Submission of a Subdivision Vested Rights Petition shall require a Waiver of Right to 30-Day Action (See Section 3.03.D).
 3. *Stay of Further Proceedings.* Submission of a Subdivision Vested Rights Petition shall stay further proceedings on the related Application until a final decision is reached on the Subdivision Vested Rights Petition.
- D. *Time for Filing a Petition and Application.*
1. A Subdivision Vested Rights Petition shall be filed jointly with an Application for which a vested right is claimed.
 2. A Subdivision Vested Rights Petition may be filed without a joint Application if the petition is filed pursuant to Section 7.03.K Dormant Projects.
 3. Where more than one Application is authorized to be filed simultaneously by this Subdivision Ordinance, the petition may be filed simultaneously for each Application.
- E. *Petition Requirements.* The Subdivision Vested Rights Petition shall allege in writing that the Applicant has a vested right for some or all of the land subject to the Application under Texas Local Government Code, Chapter 245 or successor statute, or pursuant to Texas Local Government Code, Section 43.002 or successor statute or other applicable law, that requires the City to review and decide the Application under standards that were in effect prior to the effective date of the currently applicable standards. The petition shall include the following information and documents:
1. The name, mailing address, phone number and fax number of the property owner (or the property owner's duly authorized agent).
 2. Identification of the property for which the person claims a vested right.
 3. Identification of the project, as that term is defined in Local Government Code Section 245.001(3), and the permit application, permit, or plan for development giving rise to the project.
 4. A narrative description of the grounds for the petition, including a statement as to whether the petition asserts a vested right related to a specific standard or to an entire project;
 5. A copy of each approved or pending Application which is the basis for the contention that the City may not apply current standards to the Application which is the subject of the petition;
 6. The Official Vesting Date of the Application;

7. The date the subdivision for which the Application was submitted was commenced;
8. Identification of all standards otherwise applicable to the Application from which relief is sought;
9. Identification of any current standards which Applicant agrees can be applied to the Application at issue;
10. A narrative description of how the Application of current standards affect proposed landscaping, Usable Open Space or park dedication, shown on the Application for which the petition is filed;
11. A copy of any prior vested rights determination involving the same land; and
12. Whenever the Applicant alleges that an Application subject to expiration should not be terminated, a description of the events constituting Progress Towards Completion of the subdivision for which the application was approved.

F. *Decision of a Subdivision Vested Rights Petition.*

1. Reviewing a Subdivision Vested Rights Petition.
 - a. The Responsible Official for a Subdivision Vested Rights Petition is the same as that for reviewing the Application with which the petition is associated.
 - b. Where multiple Applications are submitted, and there is more than one Responsible Official, the decision of each Responsible Official shall be coordinated with that of any other Responsible Official on the Subdivision Vested Rights Petition.
 - c. The City Attorney shall also be notified of the Subdivision Vested Rights Petition following its filing and acceptance for processing.
 - d. The Applicant shall reimburse the City for all related legal costs for review of a Subdivision Vested Rights Petition. This reimbursement shall be paid in full prior to filing of the Final Plat.
2. Decision by the Responsible Official on a Subdivision Vested Rights Petition.
 - a. If the City Administrator or Responsible Official is the Decision-Maker on the original related Application, that official shall determine whether the relief requested in the Subdivision Vested Rights Petition should be granted in whole or in part, and shall formulate a written report summarizing the Decision-Maker's reasoning and recommendation.
 - b. The Applicant shall be notified of the decision within fourteen (14) calendar days following the date the Subdivision Vested Rights Petition was filed at the City.
 - c. The City Administrator or Responsible Official may defer making a decision on the Subdivision Vested Rights Petition and instead forward the petition to the Commission for a decision, in accordance with the process outlined in 7.03.F.3.
3. Decision by Commission on a Subdivision Vested Rights Petition.
 - a. If the original related Application is to be decided by the Commission, or if the City Administrator or Responsible Official defers making a decision on a Subdivision Vested Rights Petition pursuant to 7.03.F.2.c, the Responsible Official for that type of Application shall submit a report in the form of a recommendation on the petition to the Commission.
 - b. The Commission shall render a decision on the petition within thirty (30) calendar days following the date the petition was filed at the City or deferred by the City Administrator or Responsible Official.
 - c. The Commission's decision on a petition shall be upon a simple majority vote of the full Commission's voting members.
4. Decision by City Council on a Subdivision Vested Rights Petition.

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- a. Where the City Council is the final Decision-Maker on the related Application, or for any petition submitted pursuant to Paragraph K. Dormant Projects, the Responsible Official for that type of Application shall submit a report in the form of a recommendation on the petition to the City Council.
 - b. The City Council shall render a decision on the petition within thirty (30) calendar days following the date the petition was filed at the City.
 - c. The City Council's decision on a petition shall be upon a simple majority vote of the full City Council's voting members, and shall be final.
5. Appeal to the Council of a Decision on Subdivision Vested Rights Petition.
- a. For an Applicant-Initiated Appeal. The Applicant may appeal the City Administrator or Responsible Official's or Commission's decision on the Subdivision Vested Rights Petition to the City Council by submitting written notice of appeal to the applicable Responsible Official within fourteen (14) calendar days following the date of such decision.
 - i. A letter stating the reasons for the appeal, citing the specific applicable section(s) of the Subdivision Ordinance, shall be submitted by the Applicant.
 - b. For a City Council-Initiated Appeal. No less than four (4) voting members of the City Council may appeal the Responsible Official's or Commission's decision on the Subdivision Vested Rights Petition to the entire City Council by submitting written notice of appeal to the applicable Responsible Official within fourteen (14) calendar days following the date of such decision.
 - i. The Council shall consider and act on whether it will appeal the decision at its first regular meeting (for which there is time to include such appeal on its posted agenda, as required by State law) that occurs after the date at which the decision was made.
 - ii. Written notice of the City Council's vote to appeal shall be submitted to the City Administrator within seven (7) calendar days following the City Council's vote to appeal the decision.
 - c. The City Council shall hear and decide the appeal within thirty (30) calendar days following receipt of the notice of appeal by the City.
 - d. Approval of an appeal by the City Council shall only be upon a favorable vote of at least four (4) of the City Council's voting members, and shall be final.
- G. *Criteria for Subdivision Vested Rights Petition Approval.*
- 1. *Factors.* The Decision-Maker shall decide the Subdivision Vested Rights Petition based upon the following factors:
 - a. The nature and extent of prior Applications filed for the land subject to the petition;
 - b. Whether any prior vested rights determinations have been made with respect to the property subject to the petition;
 - c. Whether any prior approved Applications for the property have expired or have been terminated in accordance with State law or local ordinances;
 - d. Whether current standards adopted after commencement of the project affect proposed use of the land, landscaping or tree preservation, open space or park dedication, lot size, lot dimensions, lot coverage or building size based upon the proposed Application;
 - e. Whether any statutory exception applies to the standards in the current Subdivision Regulations from which the Applicant seeks relief;
 - f. Whether any prior approved Applications relied upon by the Applicant have expired; and
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- g. Any other applicable provisions outlined in Chapter 245 or Section 43.002 of the Texas Local Government Code, or successor statutes.
 - 2. *Conditions for a Pending Application.* If the claim of vested rights is based upon a pending Application, subject to standards that have been superseded by current standards of this Subdivision Ordinance, the Decision-Maker may condition any relief granted on the Subdivision Vested Rights Petition on the approval of the pending Application.
- H. *Action and Record of Action on the Subdivision Vested Rights Petition.*
- 1. *Action.* The Decision-Maker may take any of the following actions:
 - a. Deny the relief requested in the petition, and direct that the Application shall be reviewed and decided under currently applicable standards; or
 - b. Grant the relief requested in the petition, and direct that the related Application be reviewed and decided in accordance with the standards contained in identified prior regulations; or
 - c. Grant the relief requested in part, and direct that certain identified current standards be applied to the related Application, while standards contained in identified prior regulations also shall be applied.
 - 2. *Record.* The Responsible Official's report and the decision on the Subdivision Vested Rights Petition shall be recorded in writing in an order identifying the following:
 - a. The nature of the relief granted, if any;
 - b. The related Application(s) upon which relief is premised under the petition;
 - c. Current standards that shall apply to the related Application for which relief is sought, if applicable;
 - d. Prior standards that shall apply to the related Application for which relief is sought, including any procedural standards, if applicable;
 - e. The statutory exception or other grounds upon which relief is denied in whole or in part on the petition; and
 - f. To the extent feasible, subsequent related Applications that are subject to the same relief granted on the petition.
- I. *Effect of the Final Petition Decision on Related Applications.*
- 1. *Petition Decision Required Before Proceeding with Application.* A final decision on the Subdivision Vested Rights Petition must be achieved prior to further processing, and prior to any consideration of, or decision on, the related Application.
 - 2. *Revision Made (if necessary) to Related Application After Petition Decision.* Following the City's final decision on a petition, the Applicant shall, if necessary, revise the related Application such that it conforms to the City's decision on the petition.
 - 3. *Related Applications with Revisions.* After submission of a revised related Application, the Decision-Maker on the related Application shall review and consider the revised Application in accordance with the procedures for deciding that type of Application, as outlined in this Subdivision Ordinance, and in conformity with any relief granted.
 - 4. *Related Applications without Revisions.* If the relief granted on the petition is consistent with the related Application on file, no revisions shall be necessary, and the related Application shall be deemed submitted at the time of the final decision on the petition.
- J. *Expiration and Extension of a Subdivision Vested Rights Petition.*
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1. *Expiration.* Relief granted on a Subdivision Vested Rights Petition shall expire on occurrence of one of the following events:
 - a. The Applicant fails to submit a revised Application that is consistent with the relief granted, if any, within sixty (60) calendar days following the final decision on the petition;
 - b. The Application for which relief was granted on the petition is denied; or
 - c. The Application for which relief was granted on the petition expires.
2. *Extension.* Extension of the date of expiration for the Application for which relief was granted on a petition shall result in extension of the relief granted on the petition for the same time period.

K. *Dormant Projects.*

1. *Definitions.* For purposes of this Section 7.03.K only:
 - a. *Dormant Project.* A dormant project shall meet the following criteria:
 - i. An Initial Permit does not have an expiration date; and
 - ii. No Progress Towards Completion has been made within the project over 5 years.
 - b. *Initial Permit.* Initial permit means any of the following types of approvals granted under these Subdivision Regulations, or any predecessor subdivision or development-related regulation or ordinance that was in effect prior to the adoption of this Subdivision Ordinance:
 - i. Preliminary Plat,
 - ii. Construction Plans,
 - iii. Construction Release,
 - iv. Subdivision Waivers to any requirement in this Subdivision Ordinance (per 7.01 Petition for Subdivision Waiver), or
 - v. Any other Application that was approved subject to a schematic drawing illustrating the location, arrangement, orientation or design of development, lots or improvements on a site intended for development.
 - c. *Final Permit.* Final permit means a Final Plat approved under this Subdivision Ordinance, or any predecessor subdivision or development-related regulation or ordinance that was in effect prior to the adoption of this Subdivision Ordinance.
2. *Expiration Date Established for an Initial Permit.* Any Application for an Initial Permit that was approved or filed two (2) years prior to the adoption date of this Subdivision Ordinance, and was not subject to an expiration date shall expire on the effective date of this Subdivision Ordinance.
3. *Reinstatement of an Expired Initial Permit.*
 - a. The property owner of the land subject to an Initial Permit that expires under 7.03.K.2 (above) may petition the City Council to reinstate such Initial Permit by filing a written petition within one (1) year following the effective date of this Subdivision Ordinance.
 - b. The petition shall clearly state the grounds for reinstatement, and shall be accompanied by documentation the following:
 - i. As of two (2) years prior to the effective date of this Subdivision Ordinance, one of the following events had occurred:
 - (a) A Final Permit to continue toward completion of the project was submitted to the City for all or part of the land subject to the approved Initial Permit and was approved by the City, or was filed and was subsequently approved by the City;

- (b) An Application for a Final Permit to continue toward completion of the project was submitted to the City for all or part of the land subject to the expired Initial Permit, but such Application was rejected on grounds of incompleteness (consistent with Texas Local Government Code, Chapter 245.005(c)(2));
 - (c) Costs for development of the land subject to the Initial Permit, including costs associated with roadway, utility and other infrastructure facilities designed to serve the land in whole or in part, but exclusive of land acquisition costs, were incurred in the aggregate amount of five percent (5%) of the most recent appraised market value of the land;
 - (d) Fiscal security was posted with the City to guarantee performance of obligations required under this Subdivision Ordinance, including the construction of required improvements associated with the proposed development, for all or a part of the land subject to the approved Initial Permit; or
 - (e) Utility connection fees for all or part of the land subject to the approved Initial Permit were paid to the City.
- 4. City Council Action on Reinstatement of a Dormant Project's Expired Initial Permit. The City Council may take one of the following actions:
 - a. Reinstatement the expired Initial Permit without an expiration date, if it finds that the Applicant has met any one of the criteria listed in 7.03.K.3.b.i.
 - b. Reinstatement the Initial Permit for all or part of the land subject thereto, if it finds that the Applicant has met any one of the criteria listed in 7.03.K.3.b.i, subject to expiration dates or other conditions that ensure that the remaining land that is not subject to an approved or pending Final Permit Application will be developed in a timely fashion.
 - i. In granting relief under this provision, the City Council may require that development of such remaining land is subject to standards enacted after approval of the Initial Permit.
 - c. Deny the reinstatement petition, if it finds that the Applicant has failed to meet any of the criteria in 7.03.K.3 Reinstatement of an Expired Initial Permit); or
 - d. Reinstatement the permit for only that part of the land subject to a pending Final Permit Application, if it finds that the Applicant has met the criteria in Section 7.03.K.3.b.i and the pending Application subsequently was approved, and deny the reinstatement petition for the remaining land subject to the expired Initial Permit.

SECTION 8. DEFINITIONS

Sec. 155.8.01. Usage and interpretation.

- A. *Usage and Interpretation Rules.* For the purpose of this Subdivision Ordinance certain terms or words herein shall be interpreted or defined as follows:
1. Words used in the present tense include the future tense;
 2. The singular includes the plural;
 3. The word "person" includes a corporation as well as an individual;
 4. The term "shall" is always mandatory;
 5. The term "may" is discretionary;
 6. The male gender shall include the female and the neutral.
- B. *Words and Terms not Expressly Defined.* Words and terms not expressly defined herein are to be construed according to the normally accepted meaning of such words or terms or, where no definition appears, then according to their customary usage in the practice of municipal planning and engineering.

Sec. 155.8.02. Words and terms defined.

For the purpose of this Subdivision Ordinance, certain terms and words are herewith defined and shall have the meaning here applied; any word not defined herein shall be determined by the City Council; to wit:

1. *Abutting.* Adjacent, adjoining and contiguous to. It may also mean having a lot line in common with a right-of-way or easement, or with a physical improvement such as a street, waterline, park, or open space.
2. *Access.* A means of approaching or entering a property, or the ability to traverse a property (such as in the use of the phrase "pedestrian access easement").
3. *Alley.* A public Right-of-Way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.
4. *Amending Plat.* An Amending Plat applies minor revisions to a recorded plat consistent with provisions of State law, see Section 4.09 Amending Plat.
5. *Applicant.* The person or entity responsible for the submission of an Application. The Applicant must be the actual owner of the property for which an Application is submitted, or shall be a duly authorized representative of the property owner. Also see Developer.
6. *Application.* The package of materials, including but not limited to an Application Form, Plat, completed checklist, tax certificate, Construction Plans, special drawings or studies, and other informational materials, that is required by the City to initiate City review and approval of a development project.
7. *Application Form.* The written form (as provided by and as may be amended by the City Administrator) that is filled out and executed by the Applicant and submitted to the City along with other required materials as a part of an Application.
8. *Approval.*

- a. Approval constitutes a determination by the official, board, commission or City Council responsible for such determination that the Application is in compliance with the minimum provisions of this Subdivision Ordinance.
 - b. Such approval does not constitute approval of the engineering or surveying contained in the plans, as the design engineer or surveyor that sealed the plans is responsible for the adequacy of such plans.
9. *Major Arterial/Thoroughfare Street.*
 - a. A street designated within the Comprehensive Plan.
 - b. A principal traffic way more or less continuous across the City or areas adjacent thereto and shall act as a principal connecting street with highways as indicated in the Comprehensive Plan.
10. *Base Flood.* The flood having a one (1) percent chance of being equaled or exceeded in any given year, determined based upon FEMA (Federal Emergency Management Agency) guidelines and as shown in the current effective Flood Insurance Study.
11. *Block.* A tract or parcel of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad Right-of-Way, highway, stream, or corporate boundary lines.
12. *Block Face.* The portion of a Block that abuts a street.
13. *Block Length.* The length of the Block Face between two intersections.
14. *Bond.* Any form of security including cash deposit, surety bond, collateral, instrument or credit in an amount and form satisfactory to the city. All bonds shall be approved by the city attorney wherever a bond is required by the subdivision ordinance.
15. *Building.* Any structure built for support, shelter or enclosure of persons, animals, personal property, records or other movable property and when separated in a manner sufficient to prevent fire, each portion of such building shall be deemed a separate building.
16. *Building line.* A line designated on an approved subdivision plat which is parallel or approximately parallel to a street, beyond which buildings may not be erected.
17. *Building Official.* The Building Official of the City or his or her designee.
18. *Building Permit.* A permit issued by the City before a building or structure is started, improved, enlarged or altered as proof that such action is in compliance with the City code.
19. *Building Setback Line.* The line within a property defining the minimum horizontal distance between a building or other structure and the adjacent street Right-of-Way/property line.
20. *Centerline, street.* A point equidistant from opposite right-of-way lines of a street, roadway, thoroughfare or alley.
21. *Certificate of Occupancy.* An official certificate issued by the City through the enforcement official which indicates conformance with the City's rules and regulations and which authorizes legal use of the premises.
22. *City.* The City of Glen Rose, Texas, together with all its governing and operating bodies.
23. *City Administrator.* The officially appointed and authorized City Administrator of the City of Glen Rose, Texas, and may include the City Administrator's duly authorized representative or designee, per the City Administrator's discretion.
24. *City Attorney.* The person(s) so designated by the City Council to provide oversight for and have legal responsibility for the City. This term shall also include any designee of the City Attorney.
25. *City Council.* The duly elected governing body of the City of Glen Rose, Texas.

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26. *City Engineer.* The Licensed Professional Engineer or firm of Licensed Professional Consulting Engineers that has been specifically designated or contracted as such by the City Administrator.
 27. *City Secretary.* The person appointed by the City Council to provide clerical and official services for the City Council. This term shall also include any designee of the City Secretary.
 28. *Collector Street.* A street which is continuous through several residential districts and is intended as a connecting street between residential districts and Major Arterial/Thoroughfare Streets, highways or business districts.
 29. *Commission.* The Planning and Zoning Commission of the City.
 30. *Comprehensive Plan*
 - a. The plan, including all revisions thereto, adopted by the City Council as the official policy regarding the guidance and coordination of the development of land in the City.
 - b. The plan indicates the general location recommended for various land uses, transportation routes, public and private buildings, streets, utilities, parks other public and private developments and improvements and population projections.
 - c. The plan may consist but is not limited to the following plan elements: Future Land Use Plan, Mobility, Housing, Livability, and Infrastructure.
 30. *Construction Details.* A separate and stand-alone document not included within this Subdivision Ordinance that provides technical construction drawings of the City's required Improvements, such as a "Standard Storm Drain Curb Inlet." The Construction Details document is developed and maintained by the City Administrator.
 31. *Construction Plans.* A set of drawings and/or specifications, including paving, water, wastewater, drainage, or other required plans, submitted to the City for review in conjunction with a subdivision or a development.
 32. *Conveyance Plat.* An interim step in the subdivision and development of land, a Conveyance Plat is a plat designed to subdivide land and to provide for recordation for the purpose of conveying (*i.e.*, selling) the property without developing it. A Conveyance Plat does not constitute approval for any type of development on the property.
 33. *Council.* See City Council.
 34. *County.* Somervell County.
 35. *Criteria Manual.* The iSWM Criteria Manual for Site Development and Construction, Revised January 14, 2015, developed by the North Central Texas Council of Governments (NCTCOG), except for Section 3.2 Water Quality Protection.
 36. *Crosswalk Way.* A public Right-of-Way, four (4) feet or more in width between property lines, which provides pedestrian circulation.
 37. *Cul-de-Sac.* A short, residential street having but one vehicular access to another street, and terminated on the opposite end by a vehicular turnaround.
 38. *Curb Level.*
 - a. The level of the established curb in front of the building measured at the center of such front.
 - b. Where no curb has been established, the City Administrator shall establish such curb or its equivalent for the purpose of this Subdivision Ordinance.
 39. *Date of Adoption.* The date of adoption of this Subdivision Ordinance shall be the date this ordinance becomes effective.
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40. *Dead-End Street*. A street, other than a cul-de-sac, with only one outlet.
41. *Decision-Maker*. The City official or group, such as the City Administrator, City Council, or Planning and Zoning Commission, responsible for deciding action on an Application authorized by this Subdivision Ordinance.
42. *Dedication*. An act transmitting property or interest to the city or other entity.
43. *Design review committee*. Representatives from the City, including the City Administrator, Building Official, Public Works Director, City Engineer (if deemed appropriate), and Fire Marshal (if deemed appropriate) and the utility companies (if deemed appropriate), who provide design recommendations and determine the viability of a new subdivision.
44. *Developer*.
- a. A person or entity, limited to the property owner or duly authorized representative thereof, who proposes to undertake or undertakes the division, developments, or improvement of land and other activities covered by this Subdivision Ordinance.
 - b. The word Developer is intended to include the terms Subdivider, property owner, and, when submitting platting documents, Applicant.
45. *Development*. Any manmade change to improved or unimproved real estate, including but not limited to, buildings and/or other structures, paving, drainage, utilities, storage, and agricultural activities.
46. *Development Agreement*. Agreement between the City and a Subdivider, which includes provisions for construction of Public Improvements, City participation, pro rata agreements, escrow deposits, and other provisions for the development of land. (See 5.05 Development Agreements and Security for Completion for details.)
47. *Development Application*. An Application, developed and updated by the City Administrator, for any type of plan, permit, plat or Construction Plans/drawings authorized or addressed by this Subdivision Ordinance. Also may be referred to as a permit within the Texas Local Government Code, Chapter 245.
48. *Development Application Handbook*. A collection of Application Forms created, updated, and managed by the City Administrator. (See 3.01.D.)
49. *Development Plat*. A Plat required prior to development (i.e., any new construction or the enlargement of any exterior dimension of any building, structure, or improvement), in accordance with Local Government Code 212, Subchapter B (212.045), in lieu of other Subdivision Plats (established in LGC 212, Subchapter A) required by this Subdivision Ordinance and in accordance with Section 4.11 Development Plat.
50. *Director of Community Services*. The person(s) so designated by the City Administrator to perform and manage tasks related to community services. This term shall also include any designee of the Director of Community Services.
51. *Dwelling, Multi-Family*. Any building, or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments, or which is occupied as a home or place of residence by three or more families living in independent and separate housekeeping units.
52. *Dwelling, Single Family (attached—duplex)*. A building designed for occupancy for two (2) families living independently of each other. A two family attached unit (also known as a duplex) has a lot line dividing the building and separating the building's two (2) dwellings units onto two (2) separate lots.
53. *Dwelling, Single Family (attached—townhouse)*. A dwelling which is joined to another dwelling at one or more sides by a party wall or abutting separate wall, and which is designed for occupancy by one family and is located on a separate lot delineated by front, side and rear lot lines.
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54. *Dwelling, Single Family (detached)*. A dwelling designed and constructed for occupancy by one family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract and occupied by one family.
55. *Dwelling Unit*. One or more rooms, which are arranged, designed, used, or intended to be used for occupancy by a single family or group of persons living together as a family or by a single person.
56. *Easement*.
- a. Authorization by a property owner for another to use any designated part of the owner's property for a specified purpose or use and evidenced by an instrument or plat filed with the County Clerk. Among other things, easements may be used to install and maintain utility lines, drainage ditches or channels, or for other City or public services.
 - b. An area established for public purposes on private property upon which the City shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of City systems.
 - c. The City shall at all times have the right of ingress and egress to and from and upon the said easements 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 any time or procuring the permission of anyone.
57. *Easement, Common Access*. An easement to provide shared access to and from commercial, and industrial owned and maintained by the owners of the property upon which the easement is located or as otherwise provided by deed restrictions or the terms of the easement instrument.
58. *Engineer*. A person duly authorized under the provisions of the Texas Engineering Practice Act, as heretofore or hereafter amended, to practice the profession of engineering and who is specifically qualified to design and prepare Construction Plans and specifications for public works improvements.
59. *Engineering Plans*. See Construction Plans.
60. *Extraterritorial Jurisdiction (ETJ)*. The unincorporated area, not a part of any other municipality, which is contiguous to the corporate limits of the City, the outer limits of which are measured from the extremities of the corporate limits of the City outward for the distance as stipulated in Chapter 42 of the Texas Local Government Code, according to the population of the City, and in which area the City may regulate subdivisions and enjoin violation of provisions of this Subdivision Ordinance.
61. *Fee Schedule*. A listing of fees for various City Applications, which is prepared by the City Administrator and approved by City Council and may be amended periodically. The Fee Schedule is approved separately from this Subdivision Ordinance.
62. *FEMA*. Federal Emergency Management Agency.
63. *Final Acceptance*. The acceptance by the City of all infrastructure improvements constructed by the Developer in conjunction with the development of land.
64. *Final Plat*.
- a. The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a Surveyor or Engineer with the subdivision location referenced to a survey corner and all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references.
 - b. The Final Plat of any lot, tract, or parcel of land shall be recorded in the Deed Records of Erath County, Texas.
 - c. A Final Plat may also be referenced as a Record Plat or Final Plat.
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65. *Floodplain*. The area subject to be inundated by water from the Base Flood.
66. *Floodway*. A natural drainage area which accommodates the design flood for existing creeks and open drainage ways.
67. *Floor Area*. The habitable area of a building that is served by a conditioned air system, but specifically excluding porches, patios, breeze-ways, automobile storage areas, garages, workshops, attic storage areas and basements.
68. *Frontage*. All the property abutting on one (1) side of the street, or between two (2) intersecting streets, measured along the street line.
69. *Greenbelt*. A linear park, generally in or near a floodplain.
70. *Homeowners' or Property Owners' Association*. A formal nonprofit organization operating under recorded land agreements through which:
- a. Each lot and/or property owner in a specific area is automatically a member; and
 - b. Each lot or property interest is automatically subject to a charge for a proportionate share of the expense for the organization's activities, such as the maintenance of common property; and
 - c. The charge if unpaid, becomes a lien against the nonpaying member's property.
71. *Improvement*. Any man-made fixed item which becomes part of or placed upon real property, see also Public Improvement.
72. *Infrastructure*. All streets, alleys, sidewalks, storm drainage, water, and wastewater facilities, utilities, lighting, transportation, and other facilities as required by the City.
73. *Land Planner*. A person(s) other than Surveyors or Engineers who also possess and can demonstrate a valid proficiency in the planning of residential, commercial, industrial and other related developments; such proficiency often having been acquired by education in the field of landscape architecture or other specialized planning curriculum and/or by actual experience and practice in the field of land planning and who is a member of the American Planning Association.
74. *Letter of Final Acceptance*. Notification to an Applicant from the City Administrator that all improvements are completed, inspected, tested (if applicable), and determined by the City to be in conformance with this Subdivision Ordinance and with the City's design/engineering standards and all improvements are accepted by the City or will be accepted contingent to the approval of a Final Plat.
75. *Lot*. Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under this Subdivision Ordinance, and having its principal frontage upon a street or officially approved place.
76. *Lot, Corner*.
- a. A lot situated at the junction of two (2) or more streets.
 - b. A corner lot shall be deemed to front on the street on which it has its smallest dimensions, or as otherwise designated by the Planning and Zoning Commission.
77. *Lot, Depth*. The mean horizontal distance from the front street line to the rear line.
78. *Lot, Double*. See Lot, Through.
79. *Lot, Interior*. A lot, the side line of which does not abut on any street.
80. *Lot, Reverse*. See Lot, Through.
81. *Lot, Through*. An interior lot having frontage on two (2) streets. Such through lot shall provide a front yard on each street. Also known as a double or reverse lot.
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82. *Lot Lines.* The lines bounding a lot as defined herein.
83. *Lot of Record.* A lot which is part of a subdivision, a map of which has been recorded in the office of the County Clerk.
84. *Lot Width.* The mean horizontal distance between side lines measured at right angles to the depth.
85. *Major Subdivision Waiver.* See Waiver, Major Subdivision.
86. *Manual on Uniform Traffic Control Devices.* The Manual on Uniform Traffic Control Devices, or MUTCD defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets, highways, bikeways, and private roads open to public traffic. The MUTCD is published by the Federal Highway Administration (FHWA) under 23 Code of Federal Regulations (CFR), Part 655, Subpart F.
87. *Metes and bounds.* A system of describing and identifying land by measures (metes) and direction (bounds) from an identifiable point of reference such as a monument or other marker, the corner of intersecting streets, or in a rural area, a tree or other permanent fixture.
88. *Minor Plat.* A plat dividing land into no more than four (4) lots that meets the submission and approval requirements of Section 4.07 Minor Plat. Such plat is also considered a Final Plat.
89. *Minor Replat.* Pursuant to Texas Local Government Code 212.0065, a Minor Replat is a Replat involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities. See Section for 4.08.G.2 Minor Replat details.
90. *Minor Subdivision Waiver.* See Waiver, Minor Subdivision.
91. *Monument.* A permanent structure set on a line to define the location of property lines, important horizontal subdivision control points and other important features on a plat.
92. *Official Submission Date.*
- a. A calendar of official submission dates for subdivision related Applications requiring City review and approval pursuant to Texas Local Government Code Chapter 212.
 - b. See 3.02 Official Submission Date and Official Vesting Date for further details and standards.
93. *Official Vesting Date.*
- a. Pursuant to Texas Local Government Code Chapter 245, an Application or plan for development is considered filed on the date the Applicant delivers the Application or plan to the City or deposits the application or plan with the United States Postal Service by certified mail addressed to the City.
 - b. See 3.02 Official Submission Date and Official Vesting Date for further details and standards.
94. *Owner.* The fee simple owner(s) of property being platted or their representative(s) when authorized by a power of attorney, corporate resolution or other appropriate document.
95. *Parcel.* See definition of tract.
96. *Parkway.* Within the Right-of-Way, the area between the property line and the nearest curb or edge of the roadway (if no curb exists.) See Figure 10: Example of a Parkway for visual depiction of a parkway.

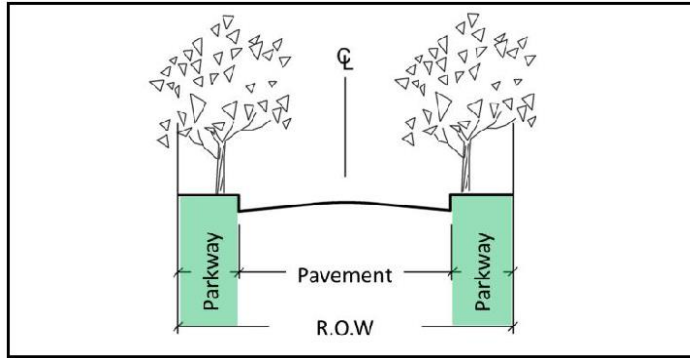


Figure 10: Example of a Parkway

97. *Park, Playground, or Community Center, Public.* An open recreational facility or park owned and operated by a public agency such as the City or the school district, and available to the general public.
98. *Parking Space.* Open space or garage space reserved exclusively for the parking of a vehicle.
99. *Paved Driveways.* Paved driveways are constructed of brick pavers, concrete pavers, hot mix asphaltic concrete, or portland cement concrete.
100. *Pavement Width.* The portion of a street available for vehicular traffic. Where curbs are laid, it is the portion between the back of the curbs.
101. *Perimeter Street.* A street which abuts a parcel of land to be subdivided on one side.
102. *Person.* Person means an individual, firm, association, organization, partnership, trust, foundation, company or corporation.
103. *Planning and Zoning Commission.* The Planning and Zoning Commission of the City.
104. *Plat.*
 - a. A map or chart of the subdivision, lot or tract of land.
 - b. It shall include the term plan, plat or re-plat, in both singular or plural.
105. *Preliminary Drainage Plan.* This plan shows the watershed affecting the development and how the runoff from the fully-developed watershed will be conveyed to, through, and from the development.
106. *Preliminary Plat.*
 - a. The graphic expression of the proposed overall plan for subdividing, improving and developing a tract shown by superimposing a scale drawing of the proposed land division on a topographic map and showing in plan view existing and proposed drainage features and facilities, street layout and direction of curb flow, and other pertinent features with notations sufficient to substantially identify the general scope and detail of the proposed development.
 - b. The Preliminary Plat shall serve as a means for the City to review and study the proposed division of land and/or improvements.
107. *Preliminary Storm Water Management Plan.* The purpose of the Preliminary SWMP is to identify permanent water quality feature opportunities for Subdivision development.
108. *Preliminary SWMP.* Preliminary SWMP is an abbreviation for the graphic expression of the proposed overall plan for subdividing, improving and developing a tract shown by superimposing a scale drawing of the proposed land division on a topographic map and showing in plan view existing and proposed drainage features and facilities, street layout and direction of curb flow, and other pertinent features

- with notations sufficient to substantially identify the general scope and detail of the proposed development.
109. *Preliminary Utility Plan.* A plan detailing both Water Utility and Wastewater Utility requirements.
110. *Progress Towards Completion.* Progress towards completion of the project shall include any one of the following:
- a. An Application for a Final Plat or plan for development is submitted;
 - b. A good-faith attempt is made to file with the City or County an Application for a permit necessary to begin or continue towards completion of the project;
 - c. Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;
 - d. Fiscal security is posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency; or
 - e. Utility connection fees for the project have been paid to a regulatory agency.
111. *Pro-rata.* Pro-rata means a charge made against an existing lot abutting a utility or other city infrastructure that is the average per foot cost of the improvement, multiplied by the front footage of the land, and that is imposed to reimburse the original subdivider their cost of installing or paying for the improvement. The pro-rata must be approved as part of a subdivider agreement.
112. *Public Improvement.* Any Improvement, facility or service together with its associated public site, Right-of-Way or easement necessary to provide transportation, storm drainage, public or private utilities, parks or recreational, energy or similar essential public services and facilities, for which the City ultimately assumes the responsibility, upon a Letter of Final Acceptance being issued, for maintenance, operation and/or ownership.
113. *Record Drawings.* A group of drawings or plans that depicts the final configuration of the installed or constructed improvements of a development, improvements that have been verified by the contractor as their installation or construction occurs during development. The Record Drawings shall reflect the Construction Plans (or working drawings) used, corrected, and/or clarified in the field.
114. *Record Plat.* See Final Plat.
115. *Replat.* The re-subdivision of any or part or all of any block or blocks of a previously platted subdivision, addition, lot or tract, that is beyond the definition of an Amending Plat and which does not require the vacation of the entire preceding plat. Such plat also conforms to Section 4.08 Replat of this Subdivision Ordinance. A Replat can function as a Final Plat for a property.
116. *Residential District.* Residential district means a single family, patio home, duplex, townhouse, multifamily or mobile home zoning district as defined in the zoning ordinance.
117. *Residential Street.* A street which is intended primarily to serve traffic within a neighborhood or limited residential district and which is used primarily for access to abutting properties.
118. *Residential Use.* Residential use means use of a structure as a residence.
118. *Responsible Official.* The City staff person who has been designated by the City Administrator to accept a type of development Application for filing, to review and make recommendations concerning such Applications, and where authorized, to initially decide such Applications, to initiate enforcement actions, and to take all other actions necessary for administration of the provisions of development Applications. Also includes any designee of the designated City staff person.

119. *Retaining Wall.* A non-building, structural wall supporting soil loads and live and dead surcharge loads to the soil, such as additional soil, structures and vehicles.
120. *Right-of-Way:*
- a. A parcel of land occupied or intended to be occupied by a street or alley.
 - b. A Right-of-Way may be used for other facilities and utilities, such as sidewalks, railroad crossings, electrical communication, oil or gas, water or sanitary or storm sewer facilities, or for any other use.
 - c. The use of Right-of-Way shall also include parkways and medians outside of pavement.
 - d. For platting purposes, the term "Right-of-Way" shall mean that every Right-of-Way shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such Right-of-Way and not included within the dimensions or areas of such lots or parcels.
121. *Screening wall.* A wall, not less than 6 feet in height measured at the highest finished grade.
122. *Setback Line.* A line within a lot, parallel to and measured from a corresponding lot line, establishing the minimum required yard and governing the placement of structures and uses on the lot.
123. *Sidewalk.* A paved travel way intended for pedestrian use.
124. *Single-family lot.* A lot in a single-family zoning district, or a lot in an identifiable single-family component of a planned development district.
125. *Site Plan.* A Site Plan is a detailed, scaled drawing of all surface improvements, structures, and utilities proposed for development and is associated with the zoning ordinance.
126. *Sketch Plat.* A sketch or informal plan prepared prior to the preparation of the Preliminary Plat describing the proposed design of the subdivision to be reviewed during the pre-application review process.
127. *Street.* A public Right-of-Way that provides vehicular traffic access to adjacent lands.
128. *Street Width.* The shortest distance between the property or easement lines which delineate the Right-of-Way of a street.
129. *Structure.* Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to advertising signs, billboards and poster panels, but exclusive of customary fences or boundary of retaining walls, sidewalks and curbs.
130. *Subdivider.*
- a. Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision.
 - b. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land to be subdivided.
131. *Subdivision.*
- a. The division of a tract or parcel of land into two or more parts or lots for the purpose, whether immediate or future, of sale or building development or transfer of ownership with the exception of transfer to heirs of an estate, and shall include re-subdivision.
 - b. Any other subdivision or re-subdivision of land contemplated by the provisions of Chapter 212, Local Government Code.
132. *Subdivision Ordinance.* The adopted Subdivision Ordinance of the City, as may be amended in the future, and may be referred as "this Ordinance."

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133. *Subdivision Plat*. A Plat (e.g., Preliminary Plat, Final Plat, Minor Plat, Replat, or Amending Plat) established in LGC 212, Subchapter A involving the subdividing of land in two (2) or more parts or the amending of a recorded Plat.
134. *Subdivision Regulations*. Any regulations and standards contained within the Subdivision Ordinance.
135. *Subdivision Waiver*. Either a Minor Subdivision Waiver or Major Subdivision Waiver, see Section 7.01 Petition for Subdivision Waiver.
136. *Surveyor*. A licensed State Land Surveyor or a Registered Public Surveyor, as authorized by the State to practice the profession of surveying.
137. *TLGC*. Texas Local Government Code.
138. *Temporary*. Used or lasting for only a limited period of time; not a permanent structure or use. For temporary on-site construction offices, administrative offices and batching plants, temporary shall mean the period of time limited to the actual on-site construction of the structure, facility or subdivision, as the case may be. For all other uses, temporary shall mean a period of time not to exceed 90 calendar days from the date of commencement of the use.
139. *Thoroughfare*. See Major Arterial/Thoroughfare Street.
140. *Thoroughfare Plan*. The plan that guides the development of adequate circulation within the City, and connects the City street system to regional traffic carriers. Also, referred to as the Thoroughfare Plan.
141. *Tract*. All contiguous property in common ownership.
142. *Usable Open Space*. An area or recreational facility that is designed and intended to be used for outdoor living and/or recreation. Usable Open Space may include recreational facilities, water features, required perimeter landscape areas, floodplain areas, and decorative objects such as art work or fountains. Usable Open Space shall not include the following:
- a. Walks,
 - b. Rooftops,
 - c. Buildings, except those portions or any building designed specifically for recreation purposes,
 - d. Parking areas,
 - e. Landscaped parking requirements,
 - f. Driveways,
 - g. Turnarounds, or
 - h. Rights-of-Way or easements for streets and alleys.
143. *Utilities*. An agency under public franchise or ownership which provides a regulated service to the public, such as electric, gas or communication services.
144. *Utility Easement*. See Easement.
145. *Vested Right*. A right of an Applicant requiring the City to review and decide the Application under standards in effect prior to the effective date of the standards of this Subdivision Ordinance and/or of any subsequent amendments.
146. *Vested Rights Petition*.
- a. A request for relief from any standard or requirement of the Subdivision Regulations based on an assertion that the Applicant (petitioner for relief) has acquired a Vested Right.
 - b. Such petition is regulated under Section 7.03 Subdivision Vested Rights Petition.
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147. *Vision Clearance.* A space left open and unobstructed by fences, structures, shrubs, trees or other plant life along streets at the corner in front of the building line of lots contiguous to intersecting streets.
148. *Waiver, Major Subdivision.*
- a. A significant change to both the standards and intent of the Subdivision Regulations, which involves Planning and Zoning Commission and City Council approval.
 - b. See Section 7.01 Petition for Subdivision Waiver for details.
149. *Waiver, Minor Subdivision.*
- a. A minor change to the standards, but not the intent, of these Subdivision Regulations, which involves the City Administrator approval unless otherwise noted.
 - b. See Section 7.01 Petition for Subdivision Waiver for details.
150. *Wastewater facilities.* An underground piping system that conveys wastewater from a lot or subdivision, and includes pipe, manholes and associated appurtenances.
151. *Water Treatment Facility.* The facility or facilities within the water supply system which can alter the physical, chemical, or bacteriological quality of the water.
152. *Yard.*
- a. An open space other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
 - b. In measuring to determine the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.
153. *Yard, Front.* A yard across the full width of a lot extending from the front line of the main building to the front street line of the lot.
154. *Yard, Rear.* A yard extending across the full width of the lot and measured between the rear line of the lot and rear line of the main building, except that area included in the side yard as defined below.
155. *Yard, Side.* A yard between the building and the side line of the lot and extending from the front yard to the required minimum rear yard.
156. *Zoning Ordinance.* The adopted Zoning Ordinance of the City, as may be amended in the future.



CITY COUNCIL AGENDA ACTION FORM

AGENDA DATE:	Thursday, August 18, 2022		
AGENDA SUBJECT:	Discussion, consideration and possible action regarding the City of Glen Rose Tree Ordinance / Landscape and Tree Manual		
PREPARED BY:	Building/Planning/Code Enforcement Assistant Holthe	DATE SUBMITTED:	8/12/22
EXHIBITS:			
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY ADMINISTRATOR APPROVAL:			
SUMMARY:			
RECOMMENDED ACTION:			

The purpose of this chapter is to promote site planning which furthers the preservation of mature trees and natural areas, to protect trees during construction, to facilitate site design and construction which contribute to the long term viability of existing trees and to control the removal of trees when necessary. It is the further purpose of this chapter to achieve the following broader objectives:

- 1) Prohibit the indiscriminate clearing of property
- 2) Protect and increase the value of residential and commercial properties within the city
- 3) Maintain and enhance a positive image for the attraction of new business enterprises to the city
- 4) Protect healthy quality trees and promote the natural ecological environmental and aesthetic qualities of the city per our Vision Statement.

Definitions

- Protected Tree – Hardwood Trees with a DBH of 10” if deemed a fast growing tree of 5” if deemed a slow growing tree. See appendix A
- Critical Root Zone (CRZ) is **the distance from the trunk that equals one foot for every inch of the tree's diameter**. For example: if the tree has a trunk 12 inches in diameter, the CRZ is a 12 foot radius around the tree. At bare minimum, it's optimal to stay outside the drip line (tree canopy).

Permits

No person, directly or indirectly, shall cut down, destroy, remove or move or effectively destroy through damaging any healthy “Protected” tree situated on property regulated by this chapter without first obtaining a tree removal permit unless otherwise specified in this chapter.

Authority for Review

The building official shall be responsible for the review and approval of all requests for tree removal permits submitted in accordance with the requirements specified herein.

- (A) Deferrals. The building official may defer the approval of a tree removal permit to the Planning & Zoning Commission for any reason.
- (B) Appeals. Any decision made by the Building Official may be appealed to the Planning & Zoning Commission. All decisions made by the Planning & Zoning Commission shall be final.

Submittal Requirement

The Building Official shall establish administrative procedures necessary to facilitate the implementation and enforcement of this chapter.

- A) Tree removal permit. A request for a tree removal permit must be submitted and approved prior to the removal of any Protected tree in the city unless the tree is exempt under a provision of this chapter.

- B) All tree removal permits shall be accompanied by a payment made to the city in the amount specified by City Council.
- C) Required documents. Either a transparency or tree survey shall be required as determined by the Building Official and must include items referenced in this chapter and its appendices.
- D) Permit Expiration. Permits for tree removal issued in connection with a building permit or site plan shall be valid for the period of that building's permit or site plan's validity. Permit(s) for tree removal not issued in connection with a building permit or a site plan shall become void 180 days after the issue date on the permit.

Action on Permit Application

The Building Official or Planning & Zoning Commission shall grant a tree removal permit based on the following criteria:

- a) Whether or not a reasonable accommodation or alternative solution can be made to accomplish the desired activity without the removal of the tree.
- b) The cost of preserving the tree
- c) Whether the tree is worthy of preservation depending on the individual characteristic of the tree
- d) The effect of the removal of erosion, soil moisture, retention, flow of surface waters and drainage systems.
- e) The need for buffering of residential area from the noise, flare and visual effects of nonresidential uses.
- f) Whether the tree interferes with a utility service
- g) Whether the proposed tree replacement pursuant to the tree requirements hereof adequately mitigates the removal of the tree
- h) Whether the removal affects the public health, safety or welfare.

Regulations:

Clear Cutting

The clear cutting of land as defined in this chapter is permitted as long as no Protected Trees are damaged during the clear cutting.

Selective Thinning

Removal of selected trees from within a densely forested area when done in a professionally accepted manner shall be allowed as a single permit upon approval by the Building Official. It is recommended to have an arborist or Texas Forest Service recommendation when seeking permitting for Selective Thinning to ensure that the manner this is conducted will enhance the environment and the likelihood of survival of the remaining trees.

Ground Level Cuts

Where protected tree removal is allowed through exemption or by tree removal permit and the root system is intertwined with protected trees which are intended to be saved, the tree shall be removed by flush cutting with the natural level of the surrounding group. Where stump

removal is desired, stump grinding shall be allowed. When recommended by an arborist of the Texas Forest Service, a trench may be cut between trees sufficient to cut the roots near the tree to be removed, thereby allowing removal of the remaining stump with out destruction of the root system of the saved trees.

New Developments

All developments which have not submitted final construction plans as of the effective date of this chapter shall be subject to the requirements for tree protection and replacement specified as follows:

- 1) Residential Developments. All areas within street right-of-ways, utility or drainage easements as shown on an approved final plat and areas designated as cut/fill on the master construction plan shall follow the protected tree plans as reasonably possible. Meaning plans should be designed to allow for Protected trees to remain on site. A developer may request a permit to allow for the removal of Protected Trees prior to final approval of the plat. Additionally Protected trees within potential building pads may be removed from permit requirements if identified during the plat review process and placement of the building pads cannot prevent the Protected tree from being saved.
- 2) Non-residential development. All areas within street right-of-ways, utility or drainage easements as shown on an approved final plat and areas designated as cut/fill on the master construction plan shall follow the protected tree plans as reasonably possible. Meaning plans should be designed to allow for Protected trees to remain on site. A developer may request a permit to allow for the removal of Protected Trees prior to final approval of the plat. Additionally Protected trees within potential building pads, fire lanes, and parking areas may be removed from permit requirements if identified during the plat review process and placement of the building pads cannot prevent the Protected tree from being saved.
- 3) Gas well drilling and production facilities/natural gas pipelines shall not be exempt from the tree protection and replacement requirements

Private Property

- a) Homestead – the owner of property which is used for an individual residence or homestead shall be permitted to remove one Protected tree per calendar year without obtaining a permit.
- b) Agricultural Property – the owner of property being used for agricultural purposes shall be permitted to remove up to seven Protected trees per calendar year without obtaining a permit. Protected trees removed in excess of seven will require permits. It is not the intent of this chapter to prohibit the clearing of land for legitimate, agricultural use.

Exceptions

A tree removal permit and tree protection and replacement requirements shall not be required under any of the follow circumstances. Burden of proof as a qualified exemption is upon the remover of the tree.

- A) Preexisting Conditions: All construction activities for which final construction plans and building permit applications have been submitted prior to the effective date of this ordinance shall be exempt.
- B) Diseased Trees: The tree is diseased, damaged beyond the point of recovery or in danger of falling as determined by the Building Official prior to the removal of the tree. The removal of a diseased tree by the city or an individual is required to reduce the changed of spreading the disease to adjacent healthy trees.
- C) Public Safety: The tree endangers the public health, welfare, or safety and immediate removal is required
- D) Utility Service Interruption: The tree has disrupted a public utility service due to weather or act of God. Removal shall be limited to the portion of the tree reasonable necessary to reestablish and maintain reliable utility service.
- E) Landscape nursery. All licensed plant or tree nurseries shall be exempt from the requirements of this chapter as they pertain to those trees planted and growing on the premises of the licensee that are for sale or intended to sale to the general public in the ordinary course of the licensee's business.

Tree Replacement Requirements

- a) In the event that it is necessary to remove a protected tree, the party removing the tree (Other than franchise utility companies) shall be required to replace the protected trees being removed with quality trees of the same nature, that has the ability to grow to the same canopy as the removed trees within a reasonable time frame. This mitigative measure is not meant to supplant good site planning. Tree replacement will be considered only after all design alternative which could save more existing trees have been evaluated and reasonable rejected. Said replacement trees shall be a minimum of three-and-a-half inch diameter (measured at one foot above ground and seven feet in height when planted. Cedar, Juniper, and Fruitless Mulberry, Mimosa, and Hackberry trees are not acceptable replacement trees.
- b) Replacement procedures: The replacement trees shall be located on the subject site whenever possible. However, if not possible, the agent responsible for replacement, the time of replacement, and the location of the new trees will be determined by the Building Official in conjunction with the Public Works Director. The replacement site should be on public or city owned property. A suitable site cannot be determined by staff then City Council in conjunction with private citizens may determine an alternative replacement location. Franchise utility companies shall be exempt from this requirement. Replacement Trees must be planted within 6 months of the removal of the protected tree and must be covered by a one-year warranty that is acceptable to the building official.
- c) If a suitable replacement location cannot be found, upon approval of the Building Official, a payment may be made into a Tree Reforestation Fund in lieu of planting a replacement tree on the subject site. The funds shall be used for: purchasing and planting trees on public property, acquiring wooded property which shall remain in a naturalistic state in perpetuity, and any herein and other activities in support of tree

planting, preservations and maintenance, and the general purpose and intent of this chapter. The amount of the payment requirement for each replacement tree shall be calculated based on the average cost of a quality tree that is approved as a replacement tree and the average cost of planting a tree at the time of the tree removal.

TREE PROTECTION

A major purpose of this chapter is to protect ALL protected trees which are not required to be removed to allow approved construction to occur. The following procedures are required:

- A. Construction Plan Requirements: All plans shall include the requirements noted in Appendix ____
- B. The following activities shall be prohibited within the limits of the critical root zone of any protected tree subject to the requirements of this chapter.
 - a. Material Storage – No materials intended for use in construction or waste materials accumulated due to excavation or demolition shall be placed within the limits of the critical root zone of a protected tree. However, this restriction shall not apply to materials stored in areas exempt from the tree protection and replacement requirements (For example, building pad, driveway, patio, parking lot, and the like.)
 - b. Equipment cleaning/liquid disposal. No equipment shall be cleaned, or other liquids deposited or allowed to flow overland within the limits of the critical root zone of a protected tree. This includes, without limitation, paint, oil solvents, asphalt, concrete, mortar, or similar materials.
 - c. Tree Attachments. No signs, wires, or other attachments, other than those of a protective nature shall be attached to any protected tree.
 - d. Vehicular traffic. No vehicular and/or construction equipment traffic or parking shall take place within the limits of the critical root zone of any protected tree other than on an existing street pavement. This restriction does not apply to single incident access within the CRZ for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service or routine mowing operations.
 - e. Grade Changes. No grade changes shall be allowed within the limits of the critical root zone of any protected tree unless adequate constructions methods are approved by the Building Official or if grading is as directed by the city, county, or state official.
 - f. Impervious paving. No paving with asphalt, concrete or other impervious materials in a manner which may reasonably be expected to kill a tree shall be placed with in the limits of the CRZ except as otherwise allowed in this chapter.
 - g. Preserved tree. A protected tree shall be considered to be preserved only if a minimum of 75% of the CRZ is maintained at undisturbed natural grade and no more than 25% of the canopy is removed due to building encroachment.

- h. Prior to construction. The following procedures shall be followed on all types of construction projects (including but not limited to residential subdivisions, commercial, multi family, industrial developments, residential builders, and municipal/public).
 - i. Tree flagging or marking. Protected Trees shall be flagged with bright fluorescent orange vinyl tape wrapped around the main trunk or at a height to four feet or more such that it is very visible to workers operating construction equipment. Trees that are not flagged do not need to be protected.
 - ii. Protective fencing. In those situations, where a protected tree is so close to the construction area that constructive equipment might infringe on the root system or is within 20 feet of the construction activity area. Four feet high protective fencing shall be supported at a maximum of ten feet intervals by approved methods. All fencing shall be in place prior to the commencement of any site work and remain in place until all exterior work has been completed.

C. Permanent construction methods.

- a. Boring. Where it is not possible to trench around the CRZ of a protected tree, boring of utilities under the protected tree shall be required. The length of the bore shall at least be the width of the CRZ and depth of the bore shall at least be 24 inches.
- b. Grade Change. In situations where grade change within the CRZ of the protected tree exceeds the limits noted in division ____ of this section, the procedures noted in the city standard detail sheet shall be required.
- c. Trenching. All trenching shall be designed to avoid trenching across the CRZ of any protected tree. Although this section is not intended to prohibit the placement of underground services such as electric, phone, gas, and the like, the placement of these utilities is encouraged to be located outside of the CRZ. Irrigation system trenching shall be placed outside of the CRZ with only the minimum required single head supply line allowed within that area placed radially to the tree trunk.
- d. Root pruning. All roots two inches or larger in diameter which are exposed as a result of trenching or other excavation shall be cut off square with a sharp medium tooth saw and covered with pruning compound within two hours of initial exposure.

TREE PRUNING RESTRICTIONS

- A. GENERAL. No protected tree should be pruned in a manner which significantly disfigures the tree without proper cause or in a manner which would reasonably lead to the death of the tree. All pruning shall be conducted in accordance with universally accepted arboricultural standards and the regulations contained in this chapter.
- B. Required Pruning. The owners of trees adjacent to public right-of-way shall be required to maintain a minimum clearance of 14 feet above the traveled pavement or curb of a public street. Said owners shall also remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City

shall also have the right to prune trees overhanging within public right-of-way which interfere with the proper spread of light along the street from streetlight or interfere with visibility of any traffic control device or sign or as necessary to preserve the public safety. If the City does deem it necessary to prune trees growing on privately owned land, they may submit the costs of the pruning to the landowner.

- C. Tree Topping. It shall be unlawful as a normal practice for any person, firm or city department to top any protected tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempt from this chapter at the determination of the Building Official.

TREE PLANTING RESTRICTIONS

- A. Overhead lines. Any trees shall not be planted within an area such that the mature canopy of the tree will be within ten feet of overhead utility lines.
- B. Proximity to utilities. Any tree shall not be planted within five feet of electrical facilities (underground or surface), public utility lines, including water lines, sewer lines, transmission lines, or other utilities. No trees shall be planted within ten feet of a fire hydrant. Shrubs will be permitted outside of the minimum clearance of surface electrical facilities established by the franchise electrical company.
- C. Street Corners. No street tree shall be planted closer than 25 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines.

ADMINISTRATION AND ENFORCEMENT

- A. Building Permit
 - a. No building permit shall be issued unless the applicant signs and an application or permit request which states that all construction activities shall meet the requirements of this chapter. The building official shall make available to the applicant a copy of this chapter.
- B. Acceptance of Improvements
 - a. No acceptance of public improvements shall be authorized until all replacement trees have been planted or appropriate payments have been made to the Tree Reforestation Fund.
- C. Certificate of Occupancy
 - a. No certificate of occupancy shall be issued until all replacement trees have been planted or appropriate payments have been made to the Tree Reforestation Fund.
- D. Violations
 - a. It shall be deemed a violation of this chapter for any person or firm to remove, damage, or destroy a protected tree without prior approval from the city, county or state as allowed in this chapter.
- E. Penalty
 - a. Any person, firm, corporation, agent or employee thereof who violates the provision of _____ shall be guilty of _____ and upon conviction hereof

shall be fined not to exceed _____ per diameter inch of the tree(s) removed or damaged, not to exceed the calculated amount of the tree replacement as defined in this chapter.

Appendix A:

Protected Trees:

Central Texas are the live oak, cedar elm, Spanish oak, Texas ash and the black cherry.

LIVE OAK

Live oaks, also known as *Quercus virginiana*,

The escarpment live oak is best suited for shallow soil, as it is more drought tolerant, and prunes only during the hottest and coldest months. Under the right conditions, these trees can live for more than 100 years, with some local trees surviving up to 500.

CEDAR ELM

Cedar elms, which have the scientific name of *Ulmus crassifolia*, the cedar elm is recognized for its smaller leaves and thicker cuticles, which help these plants survive in hot, dry climates. Similar to live oak trees, this species can live up to 100 years or more under ideal conditions. The cedar elm can reach anywhere from 50 to 90 feet high when mature and can tolerate poor drainage, compacted soil and urban air pollution.

SOUTHERN RED (SPANISH) OAKS

The *Quercus falcata* and *Quercus buckleyi* southern red varieties are typically found on rocky ridges and slopes and in areas where the trees have shaded root zones. This species, which is considered medium to large in size, can also be found in greenbelts. Because of this tree's inability to retain large amounts of water, planting them where few other plants or trees will grow is ideal.

TEXAS ASH

The Texas ash (also known as the mountain ash or by its scientific name, *Fraxinus albicans*) has a relatively short life, typically lasting between 15 and 20 years, and sometimes less. The Texas ash is also considered a small tree, growing to a height of between 35 and 40 feet.

BLACK CHERRY

The *Prunus serotina* grows relatively fast. This upright native Texas tree prefers well-drained limestone and does better in moist areas where the alkaline in the soil is more moderate. Under ideal conditions, this tree typically doesn't grow taller than 50 feet or wider than 35 feet, making it ideal to include in yards.

MEXICAN WHITE OAK

Also known as the netleaf white oak or Monterrey oak, the *Quercus polymorpha* can grow as wide as 60 feet and as high as 80 feet. This species is resistant to oak wilt, in addition to other diseases and pests that typically affect other oaks; it is classified as a hardy evergreen oak tree.

SHUMARD OAK

Quercus shumardii grows to be between 50 and 90 feet tall with bark that is thick, smooth, and grayish. These oaks can grow in a variety of soil types, including sandy, clay, limestone-based or caliche, but prefers deeper soils. A Shumard oak is a relatively fast-growing, adaptable tree that is relatively drought-resistant and can tolerate short-term flooding.

TEXAS ASH

Not only is the Texas ash a native species, but also it can quickly grow to provide your yard with some nice shade. This medium sized tree prefers salty soil that is loamy and well-drained. The Texas ash can tolerate dry soils as well. Water needs are moderate, and this species has a long life

AMERICAN SYCAMORE

This wide-canopied, deciduous tree with the scientific name *Plantus occidentalis* grows to be 75 to 100 feet tall and has an open crown and a large trunk. The sycamore trunk's diameter grows larger than any other native hardwood. Though this species can tolerate moist, sandy loams or silty clays, moist soils are preferred for optimal growth.

AMERICAN ELM

This well-known species, also known as the common elm and soft elm, typically grows between 60 and 80 feet high. The vase-shaped trunk of the *Ulmus americana* divides into several erect limbs that are recognizable on front lawns and streets. The American elm prefers full sun well-drained soils and can tolerate high heat.

ANACUA

The Anacua tree, also known as the anaqua tree, the knockaway tree, the sandpaper tree and *Ehretia anacua*, grows well along streams and sandy deposits, but has also been known to thrive in alkaline soils. These trees grow to be between 30 and 50 feet tall with trunks up to two feet in diameter. A very low maintenance tree, the anacua doesn't require much watering and can tolerate lots of sun.

YAUPON

Llex vomitoria prefer some shade and can do well in poor drainage areas, as well as having a high drought tolerance. These trees are usually taller than 10 feet, but they normally don't grow more than 25 feet.

REDBUD

the Texas redbud tree (*Cercis canadensis* var. *texensis*) can withstand drought and dry temperatures and is easily adaptable to varying soil conditions. Redbuds can grow up to 20 feet tall.

MEXICAN BUCKEYE

Ungnadia speciosa—usually grow to be 8 to 12 feet tall. In some cases, however, these trees can reach heights of up to 30 feet. These trees don't require much watering and are tolerant of cold weather as well.

DESERT WILLOW

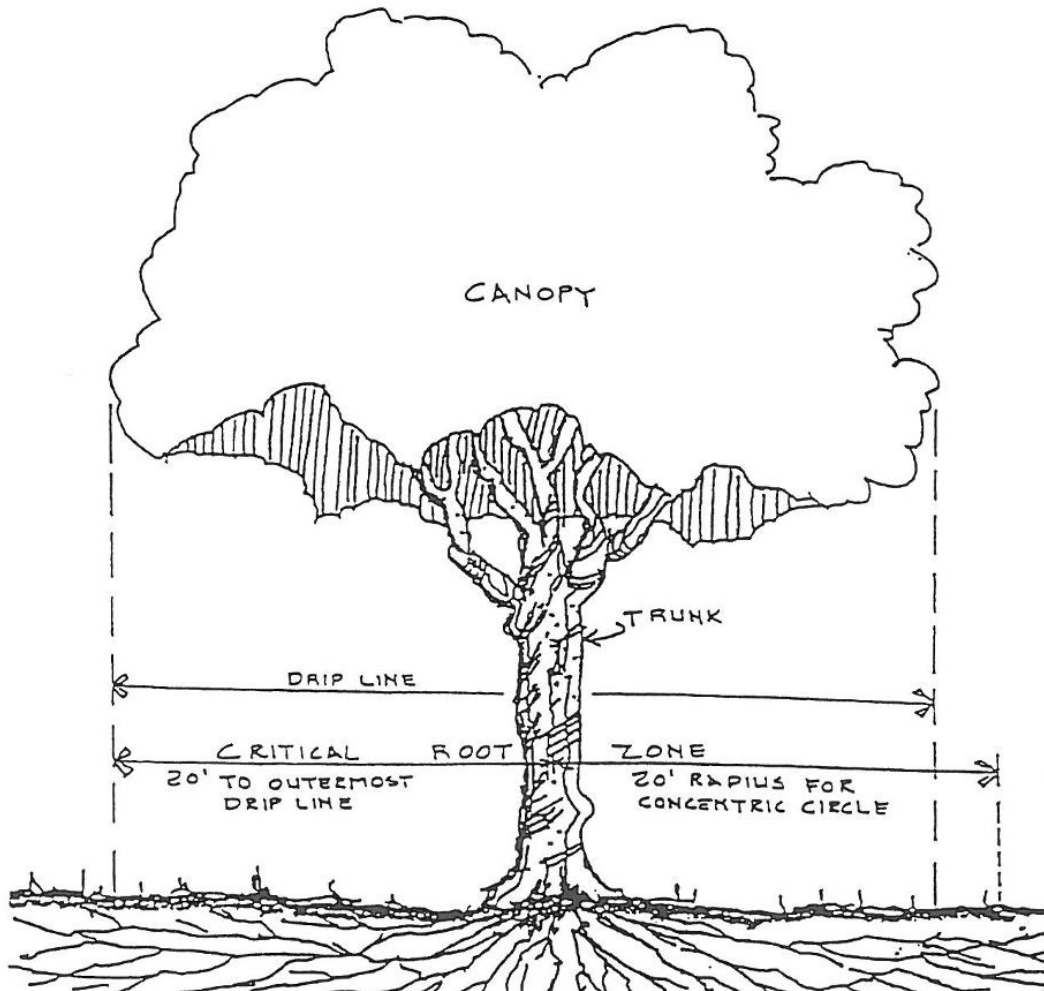
Chilopsis linearis can survive in dry soil conditions and withstand the full Texas sun and heat.

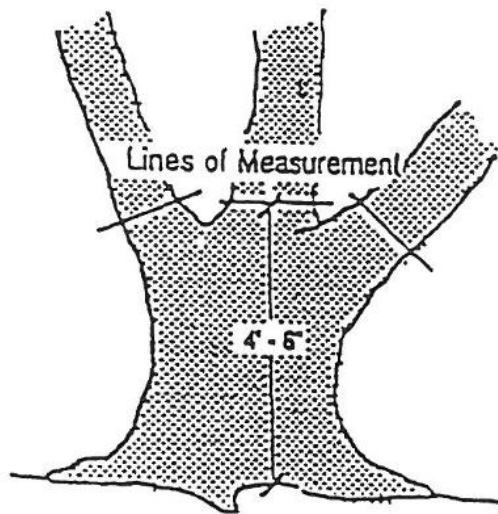
ANACACHO ORCHID

Bauhinia lunarioides, grows to be anywhere between 6 to 12 feet tall.

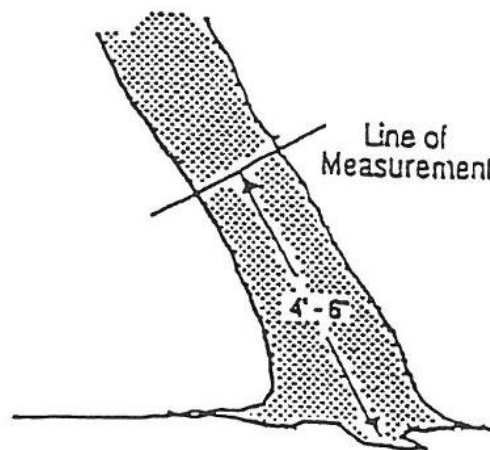
MAGNOLIA

Magnolia grandiflora can grow up to 70 feet tall.

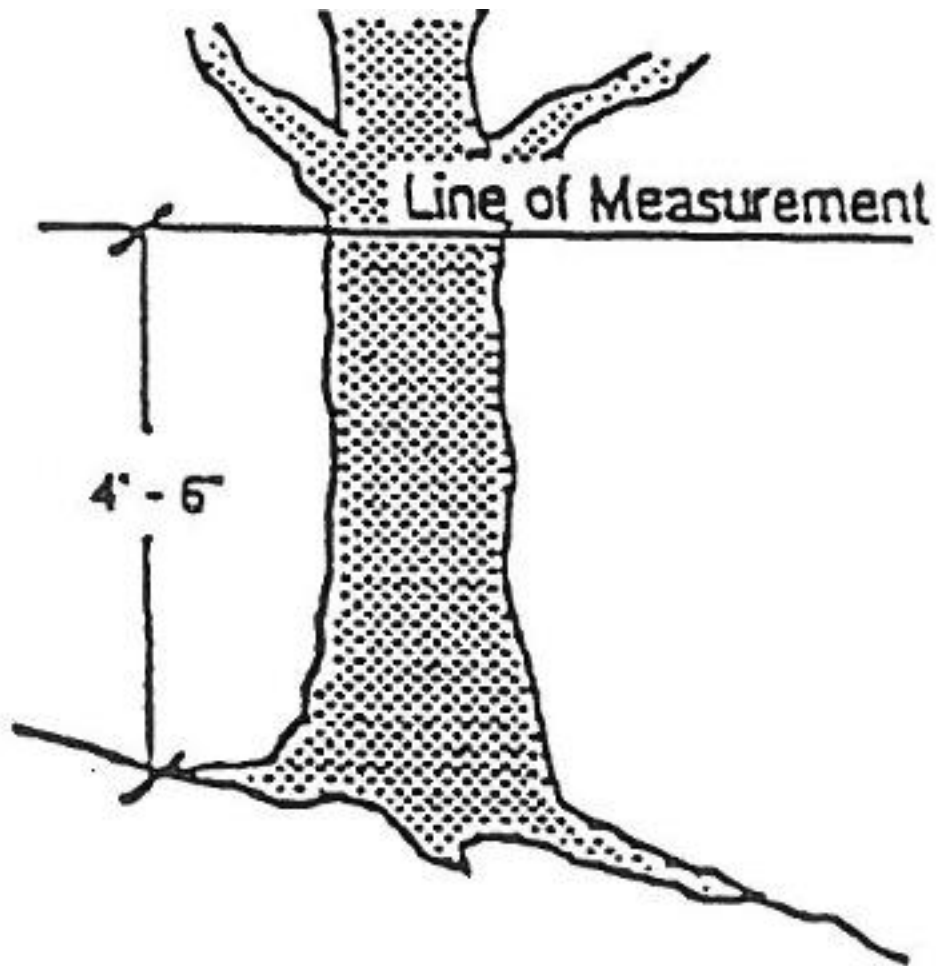




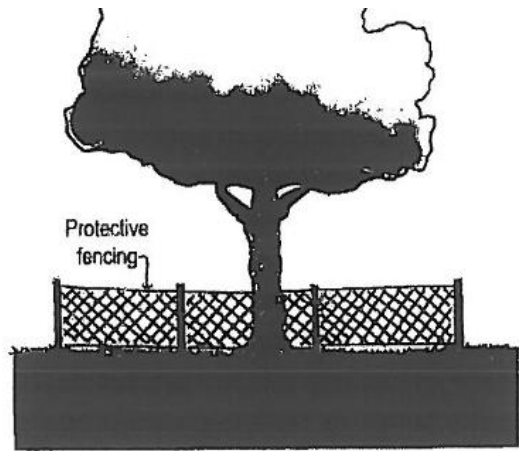
MULTI-TRUNK TREE



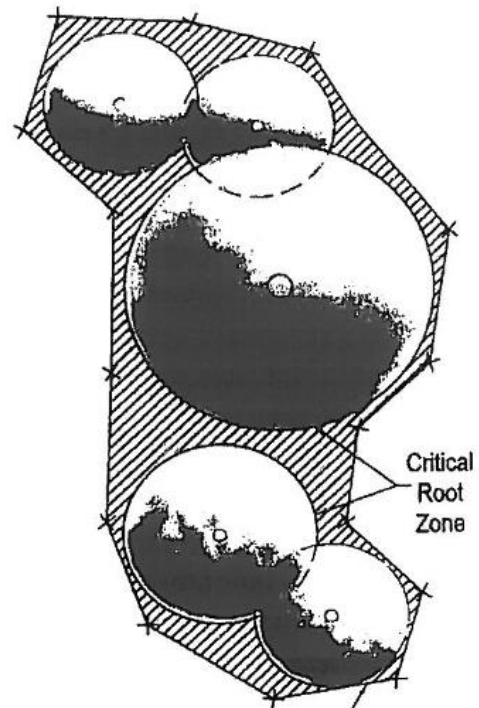
LEANING TREE

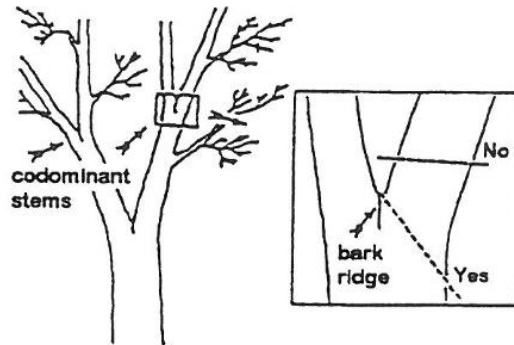


ON A SLOPE

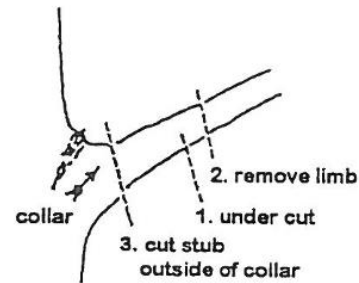


Protection Detail for a single tree



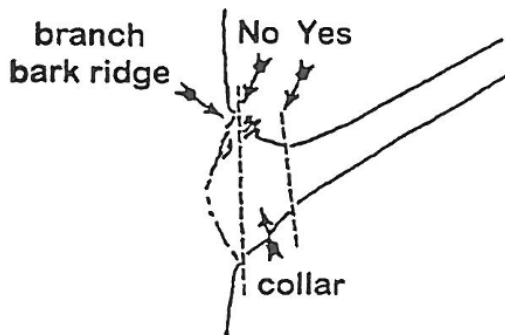


Trees may have codominant stems, as shown on the left. If a codominant stem must be removed, cut at an angle outside of the bark ridge as shown in the insert at right. Avoid leaving any stub.

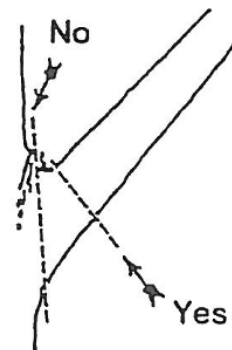


When removing heavy limbs, first make an undercut several inches outside of the collar. Then remove limb by a second cut an inch or so outside of the first cut. Remove stub with a third cut just outside of the collar. (Feucht, 1985)

TREE PRUNING RECOMMENDATIONS



When removing a branch, always cut outside the branch bark ridge and collar. Do not make a flush cut.



Branches that do not have a distinct collar should be cut at a right angle to the branch outside the branch bark ridge.