

PORTIONS OF GLEN ROSE SUBDIVISION ORDINANCE TO BE REPEALED AND REPLACED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)