

AN ORDINANCE OF THE CITY OF GLEN ROSE, TEXAS, AMENDING CHAPTER 10 "SUBDIVISION REGULATION" OF THE CITY'S CODE OF ORDINANCES CONCERNING PROVISIONS RELATED TO SIDEWALKS, RETAINING WALLS, WATER AND WASTEWATER UTILITIES, DRAINAGE AND STORMWATER, AND SURVEY MONUMENTS AND LOT MARKERS; PROVIDING FOR REPEALING, SEVERABILITY AND PROPER NOTICE MEETING AND QUORUM CLAUSES; AND, ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Glen Rose (City) is a Type A General Law Municipality;

WHEREAS, pursuant to §51.001 of the Texas Local Government Code (TLGC), "The governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule, or police regulation that: (1) is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and (2) is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality";

WHEREAS, Chapter 212 of the Texas Local Government Code (TLGC) authorizes municipalities to regulate the subdivision of land;

WHEREAS, the City has exercised the authority granted under Chapter 212 of the TLGC by adopting a Subdivision Ordinance;

WHEREAS, recently the City has experienced an acceleration in its growth rate and has determined that revisions to the Subdivision Ordinance are needed to help manage growth and ensure that the cost of development is borne by developers, not by taxpayers;

WHEREAS, the City has provided notification and conducted the public hearing required under Chapter 212 of the TLGC concerning the imposition of subdivision regulations; and,

WHEREAS, for the good government, peace, and order of the municipality and to carry out the powers granted to the City under Chapter 212 of the TLGC, the City Council has decided to amend Chapter 10 "Subdivision Regulation" of the City's Code of Ordinances.

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

**SECTION 1 (OF 14)
INCORPORATION OF RECITALS**

All of the above recitals are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2 (OF 14)
REPEAL AND REPLACE SEC. 10.02.034(b) STORM SEWERS
WITH SEC. 10.02.034(b) DRAINAGE AND STORMWATER**

Repeal and replace Sec. 10.02.034(b) "Storm sewers" with Sec. 10.02.034(b) "Drainage and storm water," to read as follows:

(b) Drainage and storm water.

(1) General.

- (A) Components of the drainage system. Drainage systems, including all conveyances, inlets, conduits, structures, basins, or outlets used to drain storm water, must be designed and constructed to promote the health, safety, and welfare of the property owner and the public.
- (B) Management of stormwater runoff. Adequate provision must be made for the acceptance, collection, conveyance, detention, and discharge of storm water runoff drainage onto, through and originating within the Subdivision.
- (C) Criteria Manual. The City of Glen Rose (City) hereby adopts and incorporates herein all of the iSWM Criteria Manual for Site Development and Construction, Revised January 14, 2015 (Criteria Manual), developed by the North Central Texas Council of Governments (NCTCOG), except for Section 3.2 *Water Quality Protection*. The adoption is the same as if set forth fully herein. The Criteria Manual shall be used for all development within the boundary of the City and within its extraterritorial jurisdiction (ETJ). The digital version of the Criteria Manual can be found on the NCTCOG website or ordered from the respective agency for the cost of reproduction.
- (D) Maintenance responsibility.
 - (i) Detention and retention pond maintenance is the responsibility of the property owner or the Homeowners' or Property Owners' Association.
 - (ii) It is a violation of this Subdivision Ordinance for the pond not to be maintained according to the City's requirements.
 - (iii) It is a violation of this Ordinance for a detention/retention pond or a structural control to be unable to operate for its intended purpose due to lack of maintenance.
- (E) Discharge of stormwater runoff. Storm water must be discharged in an acceptable form and at a controlled rate so as not to endanger human life or public or private property.
- (F) Drainage Facilities. Drainage facilities shall be provided and constructed by the Developer in accordance with the requirements within this 6.15 Drainage and Storm Water and the Criteria Manual.

(2) Planning and construction.

- (A) Plans, profiles, and specifications shall be prepared for storm water improvements to be constructed and shall show the locations, sizes, grades, hydraulic gradients, flow arrows, and other details for the proposed pipe, inlets, channels, manholes, culverts, outlet structures, and other appurtenances.
 - (i) Each sheet of the plans and profiles shall bear the seal and signature of the Professional Engineer licensed in the State of Texas who prepared them.
- (B) The Developer shall incur the cost of all drainage improvements connected with development of the Subdivision and acceptance of current upstream flows necessary to safely and adequately drain the Subdivision, including any necessary off-site channels or storm sewers and acquisition of any required easements.

- (i) The 100-year storm must be contained within the street Right-of-Way and/or the drainage easement boundaries.
- (ii) Any necessary off-site channel or storm sewers which are required to be within easements must have a separate instrument easement filed in the County Real Property Records and a filed copy shall be submitted to the City before Construction Plans will be approved.

(3) Residential grading and drainage.

(A) Lot to Lot Drainage Standards.

- (i) Surface runoff from residential lots shall cross no more than one additional lot before being directed toward the street or a dedicated drainage system.
- (ii) When the flow reaches the second lot, side lot swales shall be in place to direct the flows to the street or to a dedicated City drainage system within a privately-maintained easement. Easements shall be acquired and/or provided by the Developer.
- (iii) Furthermore, no more than one lot may drain to a second lot before the flow is directed to the street or to a dedicated City drainage system.
- (iv) Where lot to lot drainage occurs, the lot lines shall be aligned and a minimum of a ten (10') feet wide drainage easement shall be provided.

(B) Detailed Standards. See the Criteria Manual for requirements for detailed standards and policies.

(4) Nonresidential grading and drainage.

(A) Lot to Lot Grading and Drainage Standards.

- (i) Grading and drainage plans shall strive to ensure that surface runoff from nonresidential individual lots cross no more than one (1) additional lot before being directed toward a private on site system or a dedicated City drainage system.
- (ii) When the flow reaches the third lot, side lot swales may be utilized to direct the flows to private enclosed systems or to a dedicated City drainage system within a dedicated easement or street Right-of-Way.
- (iii) No runoff may drain to a fourth lot. The flow must be directed to the street system or to a dedicated City drainage system with a dedicated easement.
- (iv) Concentrations of storm water shall not be discharged to City Streets through driveways or flumes in a manner that may inundate paved streets with water or ice but shall be collected into an enclosed system, either private or public, prior to reaching the curb line of the roadway.
- (v) Specific deviations from these guidelines may be addressed on an individual basis.

(B) Detailed Standards. See the Criteria Manual for detailed standards and policies.

(5) Design criteria.

(A) The design of the swales and enclosed systems located within a dedicated drainage easement shall utilize the City's adopted drainage design criteria for channel and pipe systems.

(B) Side yard swales shall have a minimum slope of one (1) percent to ensure adequacy of flow during and after a rain event.

(C) See the Criteria Manual for requirements for detailed standards and policies.

(6) Maintenance.

(A) All grassed swales should be designed and constructed with 3:1 side slopes that will be gentle enough to allow easy mowing.

(B) Mowing and maintenance responsibility shall be the responsibility of the property owner or Homeowners' or Property Owners' Association.

(C) Periodic cleaning of enclosed systems located within public, dedicated drainage easements shall be the responsibility of the City.

(7) Preliminary drainage plan.

(A) Applicability and purpose.

(i) A Preliminary Drainage Plan shall be prepared for all developments in accordance with the requirements set forth in the City's application forms.

(ii) The Preliminary Drainage Plan shall show the watershed affecting the development and how the runoff from the fully-developed watershed will be conveyed to, through, and from the development.

(iii) The Preliminary Drainage Plan must comply with the standards outlined in this Subdivision Ordinance, Criteria Manual, and the Code of Ordinances.

(iv) The Preliminary Drainage Plan is a guide for later detailed drainage design.

(v) The review of the Preliminary Drainage Plan does not constitute final drainage plan approval or authorize a waiver to the Subdivision Regulations.

(vi) The design engineer may also submit a sealed letter of No Adverse Impact with supporting documentation and calculations if the Preliminary Drainage Plan indicates there will be no adverse impact to downstream properties.

(B) Plan required, previous plans, and waivers.

(i) For any property involved in the development process, a Preliminary Drainage Plan shall be provided, at the Developer's expense, for the area proposed for development.

- (ii) For property with a previously accepted Preliminary Drainage Plan, the accepted Preliminary Drainage Plan may be submitted and enforced unless a revised Preliminary Drainage Plan is required by the City due to lot reconfiguration or other conditions created by a new Plat.
 - (iii) The City Administrator may waive the requirement for a Preliminary Drainage Plan if the submitted plat is not anticipated to cause any significant change in runoff characteristics from a previously accepted drainage study or for single residential properties where no drainage problems are anticipated.
 - (iv) If the applicant requests a waiver in writing, a copy of any previous drainage plan prepared for the property shall be provided.
- (C) Submittal.
- (i) The Preliminary Drainage Plan shall be labeled as "Preliminary" or attached to the Preliminary Plat.
 - (ii) The Preliminary Drainage Plan shall be stamped by and dated by the professional engineer.

SECTION 3 (OF 14)
AMEND SEC. 10.02.034(c) SANITARY SEWER

Amend Sec. 10.02.034(c) "Sanitary sewer" to read as follows:

- (c) Sanitary sewer. Sanitary sewer facilities shall be provided to adequately service the subdivision. **All subdivisions shall be connected to the City's wastewater system if the subdivision is within 500' of a City wastewater main deemed by the City to have sufficient capacity to service the subdivision. If City service isn't available, the City may grant a waiver and allow an on-site sewage disposal system. Such Systems shall follow all standards as required by the Texas Commission on Environmental Quality (TCEQ).**
- (1) Sewer pipe standards. Sewer pipe shall have a minimum internal diameter of 6 inches. Construction and materials shall conform to the standard specifications of the city and shall be vitrified clay tile, SDR-35, or PVC Schedule 60, or greater.
 - (2) Service to lots. Sewer services for each lot shall be carried to the property line at the center of the lot.
 - (3) Pro rata charges. Should the subdivision or addition abut and use a sewer main of the city, the developer shall pay to the city a pro rata charge as prescribed by the pro rata ordinance of the city for the use of the same **(see Article 13.04 of the City's Code of Ordinances)**.
 - (4) Compliance with plans. The developer shall construct all manholes, cleanouts, and other appurtenances as required on the plans.
 - (5) Lift stations.
 - (i) Should a lift station, either temporary or permanent, be necessary to provide sanitary sewer

service to the subdivision, the developer shall construct the station and all appurtenances at his or her own expense. Once the subdivision has been accepted, the City will become responsible for operating the lift station. Once the subdivisions' maintenance bond has expired, the City will become responsible for maintaining the lift station. If and when the lift station is no longer needed, the installation will remain the property of the city for disposal.

(ii) Should a grinder pump lift station unit be necessary to provide sewer service to an individual property, the developer or builder shall construct the lift station and all appurtenances at his or her own expense. The lift station shall be owned, operated, and maintained by the property owner.

(6) Required line extensions. All laterals and sewer mains installed within a subdivision must extend to the borders of the subdivision as required for future extensions of the collection system, regardless of whether such extensions are required for service within the subdivision. If due to physical constraints, it is believed a new subdivision will not be constructed within the foreseeable future beyond the subdivision under consideration, or if due to capacity constraints with the City's system or topographical constraints, an extension is deemed unfeasible, the City Administrator may approve a Minor Subdivision Waiver from this requirement.

(7) Location requirements. All sewer mains and public lift stations shall be constructed within the street Right-of-Way or easements dedicated to the City.

(8) Preliminary plan required. When a preliminary plat is submitted, it shall be accompanied by a preliminary plan of the subdivision's wastewater utility requirements shall also be submitted.

SECTION 4 (OF 14) **AMEND SEC. 10.02.034(d) WATER**

Amend Sec. 10.02.034(d) "Water" to read as follows:

(d) Water. Water systems shall have a sufficient number of outlets and shall be of sufficient size to furnish adequate domestic water supply, and to furnish fire protection to all lots.

(1) General.

(A) Service Requirements. If a subdivision is within 500' of a municipal water line and the City determines that the capacity of said line is adequate to serve the subdivision, said subdivision shall be connected to the City's water system, unless the City authorizes the subdivision to connect to the Somervell County Water District distribution system. If a subdivision is not within 500' of the City or Somervell County Water District system lines, the City may grant a waiver to allow for an alternative method for providing water service to the subdivision. If a water well is used, the City shall require testing of the well in accordance with the Texas Commission on Environmental Quality (TCEQ).

(B) Construction standards. In the absence of specific standards, all water supply, distribution, pumping, and storage improvements shall be designed in accordance with the most current standards of the American Water Works Association and the most current criteria included in the Texas Administrative Code, Chapter 290. Water pipe shall be a minimum of 6-inch nominal internal diameter. Construction and material shall conform to the standard specifications of the City and shall be PVC Schedule 60, PC 150, AWWA C-900, or greater.

(C) Location requirements. All water mains shall be constructed within the street Right-of-Way or easements dedicated to the City.

(D) Required line extensions.

(i) All water lines installed within a Subdivision must extend to the borders of the Subdivision as required for future extensions of the distribution system, regardless of whether such extensions are required for service within the Subdivision.

(ii) If due to physical constraints, it is believed a new subdivision will not be constructed within the foreseeable future beyond the subdivision under consideration, the City Administrator may approve a Minor Subdivision Waiver for this requirement prior to action on the Construction Plans or prior to action on any Plat.

(E) Water services for each lot shall be stubbed out with an angle stop to the location required as shown on the standard details. A meter box conforming to the requirements of the standard specifications shall be installed over the end of each service.

(F) Valves and fire hydrants shall be located to satisfy the requirements of the public works department, and spacing shall be 500 feet in residential areas and 300 feet in commercial areas.

(G) Should the subdivision or addition abut and use a water main of the city, the developer shall pay to the city a pro rata charge as prescribed by the line extension policy of the city.

(2) Preliminary Utility Plan.

(A) *General.* A Preliminary Utility Plan is regulated as part of Preliminary Plat approval and shall detail both Section 6.13 Water Utility and 6.14 Wastewater Utility requirements.

(B) *Illustrate the Location and Size of Water Utility and Wastewater Utility Mains.* Concurrent with the submission of a Plat, the Developer shall submit a map or plan showing the location and size of Water Utility and Wastewater Utility mains, which will be required to provide adequate service and fire protection to the lots specified in the proposed plat.

SECTION 5 (OF 14)
ADD SEC. 10.02.034(h) SIDEWALKS

Sec. 10.02.034(h) "Sidewalks" shall be added to Chapter 10 "Subdivision Regulation" of the City's Code of Ordinances as follows:

(h) Sidewalks.

(1). Sidewalks required. Sidewalks and Pedestrian ways are required as a part of Subdivision Plat approval to help the City achieve the following:

(A) Promote the mobility, health, safety, and welfare of residents, property owners, and visitors to the City and to implement objectives and strategies of the Comprehensive Plan,

- (B) Improve the safety of walking by providing separation from motorized transportation and improving travel surfaces for pedestrians,
- (C) Improve public welfare by providing an alternate means of access to transportation and social interaction, especially for children, other citizens without personal vehicles, or those with disabilities, and,
- (D) Facilitate walking as a means of physical activity recognized as an important provider of health benefits.

(2) Sidewalk location and design.

- (A) Sidewalks shall be constructed on both sides of Major Arterial and Thoroughfare Streets and on one side of all other streets within the Subdivision.
- (B) Sidewalks shall be constructed along all lots adjoining dedicated streets, along Major Arterial/Thoroughfare Streets where lots do not adjoin the street, across power line easements and in other areas where pedestrian walkways are necessary.
- (C) Routing to clear poles, trees or other obstacles shall be subject to Building Official approval.
- (D) The Plat or Construction Plans shall show the location and engineered design of all proposed sidewalks and shall state at what stage of the project they will be constructed.
- (E) All sidewalks shall conform to Federal Americans with Disabilities Act (ADA) requirements and barrier-free ramps should be provided for access to the street.

(3) Sidewalk general construction.

- (A) Sidewalks shall be constructed by Class "A" concrete and shall have a width of not less than five (5) feet and a minimum thickness of four (4) inches and shall meet the Public Works Construction Standards established by the (NCTCOG).
- (B) Sidewalks along Major Arterial/Thoroughfare Streets shall be no less than six feet (6') in width.
- (C) Sidewalks adjacent to screening and retaining walls shall be five (5') feet in width and shall abut the wall, eliminating the landscape area found along the wall, thereby reducing maintenance.
- (D) Sidewalks shall be constructed one foot (1') from the property line within the street or Major Arterial/Thoroughfare Street Right-of-Way and shall extend along the full street frontage including both sides of corner lots and block ends.
- (E) Water meters, valves, valve boxes and sewer clean-outs shall not be located in a sidewalk or that portion of the driveway approach in the path of a sidewalk.
- (F) Sidewalk construction may be delayed until development of lots, but in locations not adjacent to lots and across bridges and culverts, the sidewalk shall be constructed

with the other improvements to the Subdivision.

- (4) Sidewalks in nonresidential areas. Sidewalks in nonresidential areas shall be a minimum width of five feet (5') or extend from the back of the curb to the building line as required by the City.

SECTION 6 (OF 14)
ADD SEC. 10.02.034(i) RETAINING WALLS

Sec. 10.02.034(i) "Retaining walls" shall be added to Chapter 10 "Subdivision Regulation of the City's Code of Ordinances as follows:

(i) Retaining walls.

- (1) Applicability. This section shall apply for retaining walls under private ownership.
- (2) Location.
 - (A) Retaining walls shall be located and constructed on private property only.
 - (B) Retaining walls shall be located within a private retaining wall easement.
 - (C) If a retaining wall is designed to traverse three or more lots within a Subdivision, the wall shall be located within a private retaining wall easement dedicated to the Homeowners' or Property Owners' Association of the Subdivision. The easement shall be shown on the Final Plat and shall be dedicated to the Homeowners' or Property Owners' Association of the Subdivision to maintain the wall in a safe and orderly condition.
- (3) Maintenance. Retaining walls shall be maintained under private ownership.
- (4) Design. Any retaining wall four (4) feet tall or higher shall be designed by a professional engineer licensed in the State of Texas and plans submitted to the City for review must be signed and sealed by the design engineer.
- (5) Building permit required.
 - (A) Any earth terracing method that supports a structure or vehicle load, or that is over four feet (4') in height (as measured from the bottom of footing to top of wall), shall require a building permit and shall meet the requirements of this section.
 - (B) A retaining wall shall not be constructed in excess of four (4') feet in height.
 - (i) If the wall is to be more than four feet high, the retaining wall system shall be terraced, so as to provide a minimum of four (4) feet of flat ground between the faces of the retaining walls for each four-foot section of retaining wall.
 - (ii) The flat terrace shall be sloped to a maximum of two (2) percent to allow drainage.
 - (C) No building permit, other than for a retaining wall, shall be issued for any lot within a Subdivision until all retaining walls are constructed in accordance with a grading plan for the Subdivision.

- (D) A retaining wall shall be constructed in accordance with the grading plan and shall comply with the requirements of the applicable building code and this ordinance.
- (E) Any change from the approved grading plan or design for a retaining wall within a Subdivision shall not be permitted unless the Applicant has submitted sealed plans for the entire Subdivision showing the proposed changing in grading and the City Administrator has approved the proposed change(s).

SECTION 7 (OF 14)

ADD SEC. 10.02.034(j) SURVEY MONUMENTS AND LOT MARKERS

(j) Survey monuments and lot markers.

(1) Temporary survey reference markers.

- (A) Before the Preliminary Plat is submitted to the City for consideration, a temporary marker and a guard stake with flagging shall be placed by the surveyor on all of the development's perimeter boundary corners which do not have a "found" monument.
 - (i) Perimeter boundary corners includes points of intersection (PI), points of curvature (PC), points of compound curvature (PCC), points of tangency (PT) and any other point along the boundary which is necessary to establish the boundary of the development.
 - (ii) A guard stake with flagging shall be placed on all "found" monuments.
 - (iii) The temporary markers shall be within one foot (1') of the surveyed corner and the guard stake shall be within one foot (1') of the temporary marker or the "found" monument.
- (B) Submission of the Preliminary Plat prepared by the licensed surveyor shall be considered evidence that the temporary markers, guard stakes, and flagging have been set, regardless of whether or not the Final Plat has been sealed and signed.

(2) Permanent survey reference monuments.

- (A) Before the Final Plat is submitted to the City for consideration, a concrete monument six inches (6") in diameter and twenty-four inches (24") long, shall be placed by the surveyor on each of the development's perimeter boundary corners which do not have a "found" monument.
 - (i) An eighteen inch (18") long steel rod, 5/8 inch in diameter and embedded at least twelve inches (12") into the monument, shall be placed at the boundary intersection point on each monument.
 - (ii) These monuments shall be set at such an elevation that they will not be disturbed during construction.
 - (iii) The tops of the monuments shall be at least twelve inches (12") below the finished grade.

- (B) In addition to the requisite number of hard copies, Final Plats shall also be prepared and submitted electronically oriented in Texas State Plane grid coordinates (U.S. Survey Foot), North Central Zone (4202), NAD 83, at an elevation datum based on NAVD 88.
 - (C) Submission of the Final Plat prepared by the licensed surveyor shall be considered evidence that the monuments and benchmarks have been set, regardless of whether or not the Final Plat has been sealed and signed.
- (3) Public right-of-way markers.
- (A) Public rights-of-way and easements for public streets or approved access easement shall be indicated by monuments placed along their centerlines. Monuments shall be placed at PI, PC, PCC, and PT.
 - (B) Where concrete streets are constructed, the monuments shall be an "X" cut into the concrete pavement.
 - (C) Each leg of the "X" shall be at least six inches (6") long and ¼-inch deep.
 - (D) Where asphalt streets are constructed and in unpaved areas, the monument shall be a 5/8-inch iron bar, eighteen inches (18") long.
- (4) Survey benchmarks.
- (A) All survey monuments and lot markers shall adhere to the adopted survey benchmark documents.
 - (B) Each Final Plat is required to have at least one permanent benchmark monument set within its boundary based upon NAVD 88. All portions of the perimeter boundary of the development shall be less than ½ mile from the benchmark, or additional benchmarks shall be set such that all portions of the perimeter boundary of the development are within ½ mile of a benchmark.
 - (C) Benchmark monuments may be similar to permanent boundary corner monuments set flush with the ground, or may be set on top of visible concrete structures such as headwalls or curb inlets by chiseling a 1-1/2 inch square in the concrete ¼ inch deep. The location and elevation of the Benchmark(s) (based on NAVD 88) shall be noted on the Final Plat.

SECTION 11 (OF 14) **SAVINGS/REPEALING CLAUSE**

Chapter 10 of the City's Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 12 (OF 14) **SEVERABILITY CLAUSE**

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional,

illegal or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Glen Rose hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 13 (OF 14)
PROPER NOTICE, MEETING, AND QUORUM CLAUSE

It is hereby officially found and determined that the meeting at which this Ordinance was adopted by majority vote of the City Council of the City of Glen Rose, Texas was open to the public; that public notice of the time, place, and purpose of the meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code; and, that a quorum was present pursuant to Section 22.039 of the Texas Local Government Code.

SECTION 14 (OF 14)
EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED this the 14th day of June, 2022.

APPROVED:

Julia Douglas, Mayor

ATTEST:

Staci King, City Secretary