

CITY OF GLENN HEIGHTS
SUBDIVISION REGULATIONS

(as of 12-08)

ARTICLE I GENERAL PROVISIONS

SECTION 1 TITLE

I.1.1 This Code shall be known and cited as the Glenn Heights Unified Development Code.

SECTION 2 ENACTING CLAUSE

I.2.1 The Unified Development Code, as set forth herein, establishes criteria for Comprehensive Zoning Standards and District Mapping, and Standards for the Subdivision and Development of Lands is hereby adopted and approved.

SECTION 3 PURPOSE

I.3.2 The Subdivision Regulations as herein established for the subdivision and development of land, have been made to: guide future growth and development in accordance with a Comprehensive Plan; to guide public and private policy and action in providing adequate and efficient transportation, water, sewerage, and other public and private requirements; and establish reasonable standards of design and procedures for subdivision and re-subdivision and to further the orderly layout of land.

SECTION 4 AUTHORITY

I.4.1 The Code is adopted pursuant to the laws of the State of Texas, Local Government Code, Chapter 211 and 212 and the appropriate chapters of the City of Glenn Heights Charter which governs the zoning and subdivision of land.

SECTION 5 JURISDICTION

I.5.1 The Code shall be effective for all areas within the City Limit boundaries of the City. In addition, provisions of this Code regulating the procedures and establishment of standards for the subdivision or re-subdivision of land shall be applicable within the City and its extraterritorial jurisdiction, the limits of which are defined by agreement with adjoining cities, or as permitted by State statutes.

I.5.2 The Planning and Zoning Commission and City Council shall exercise the power and authority to administer standards established by this Code and review, approve, or

disapprove plans and development plans for subdivision of land and for any development within the corporate limits of the municipality (or unincorporated ETJ areas of the county) which show lots, blocks, or sites with or without new streets or highways or any lot improvement activities as deigned by this Code.

It shall be the policy of the City to:

Withhold all City improvements, including the maintenance of streets and the furnishing of sanitary sewer facilities and water service, from all land developments that have not been officially approved according to this Code. No improvements should be initiated nor contracts executed until the approval of the City has been given.

Prior to the issuance of any building permit, the property for which the permit is being issued shall have been platted and shall exist as an official lot or tract of record.

I.5.3 The scope of this Code shall include rules governing plats, plans, subdivisions and development of land within the City of Glenn Heights, Texas, and its legally defined extraterritorial jurisdiction including certain definitions; providing procedures for the approval of subdivision plats; prescribing regulations for the design and construction of streets, sidewalks, alleys, water and sanitary sewer facilities, utilities, drainage, and community facilities, in conjunction with immediate or future development upon that property.

SECTION 6 COMPLIANCE

SECTION 8 FEES ESTABLISHED

I.8.1 Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning permits, sign permits, specific use permits, subdivision plat approval, zoning amendments, variances and other administrative relief. The amount of the fees charged shall be as set forth in the City's budget or as established by resolution of the Council filed in the office of the City Secretary.

I.8.2 Fees established in accordance with Subsection 8.1 shall be paid upon submission of a signed application.

SECTION 9 SEVERABILITY

I.9.1 If any section or part of any Article, Section, paragraph, or clause of this Code is declared invalid or unconstitutional for any reason, such declaration shall not be held to invalidate or impair the validity, force, or effect of any other Article, Section or Sections, part of Section, paragraph, or clause of this Code.

SECTION 10 EFFECTIVE DATE

I.10.1 That the Unified Development Code of the City of Glenn Heights, as passed and approved on the 17th day of April, 1995, in its entirety.

ARTICLE 10.04 SUBDIVISIONS

SECTION 1 PROCEDURES FOR SUBMISSION AND APPROVAL

10.04.1.1 Preliminary Plat and Plans

A. The developer is required to submit a preliminary plat of the subdivision to the City of Glenn Heights. Submittal shall include an application requesting approval accompanied by the required filing fees.

B. The purpose of the submittal is to allow the Planning and Zoning Commission and City Council to review overall platting of the tract, water and sewer service, and street patterns within the subdivision for conformance with the requirements of the City.

C. The preliminary plat shall receive approval by the Commission and Council prior to preparation of final plat.

10.04.1.2 Final Plat and Plans

A. The developer or his engineer shall submit to the City of Glenn Heights for review the final plat and complete construction plans, along with an application requesting approval of the plat and the required fees.

B. The final plat shall require the approval of the Planning Commission and City Council. The City Council will be required to formally accept the fiscal requirements between the developer and City for infrastructure and other improvements required by Ordinance.

10.04.1.3 Replat Procedure

A. A public hearing is required on all replats when the previous plat is not vacated. Vacation procedure shall be followed as set forth in Local Government Code, Title 7, Chapter 212.013, .014, and .015.

B. If the previous plat is not vacated and the area proposed for replatting was zoned for residential use for not more than two residential units per lot or deed restricted for same (within preceding five years), then the following procedure is required:

- (1) Notice by Planning and Zoning Commission (or governing body) for a public hearing must be published fifteen (15) days in advance of the hearing.

(2) Written notice of the public hearing must be forwarded to the owners of all lots in the current plat at least fifteen (15) days prior to the hearing; however, if the preceding plat contains more than one hundred (100) lots, the notice shall be mailed to those owners within five hundred (500) feet of the parcel to be replatted.

(3) If twenty percent (20%) or more of the owners of lots In the current plat file a written protest, the Planning and Zoning Commission or governing body shall require the written approval of 66-2/3 percent of the owners of all lots in such plat; or those lots within five hundred feet (500') of the property to be replatted if the current plat contains more than one hundred (100) lots.

(4) Correction of error and omissions on plat shall follow procedures set forth in Local Government Code, Title 7, Chapter 212.016.

SECTION 2 SUBDIVISION PROCEDURES

10.04.2.1 The preparation, submittal, review, and approval of all subdivision plats shall proceed through the following steps:

- A. Pre-submission conference - meeting between developer and Public Works Director
- B. General Development Plan - submitted by developer, if required, for Public Works Director's approval
- C. Preliminary Plat - approved by Planning Commission and City Council
- D. Final Plat - approved by Planning Commission and City Council

10.04.2.2 Pre-submission Conference

This step is intended to be of mutual benefit to the subdivider and the community by determining the suitability and time of development of a tract of land in relation to availability of services and facilities. This step also involves considerable subdivision planning which precedes actual preparation of the preliminary plat. The developer's engineer, surveyor, or planner shall present the proposal to the Public Works Director, who shall inform the developer's engineer, surveyor or planner of the details regarding platting procedures and requirements.

- A. Actions required by the Subdivider:
 - (1) Sketch plans and ideas regarding land use, streets, lot arrangement, and size

(2) Proposals regarding water supply, sewage disposal, drainage, streets, and other improvements

B. Actions required of the Public Works Director:

(1) Determine existing zoning of the tract if within the City and determine if a zoning change is involved.

(2) Determine the adequacy of, and possible effects on, existing or proposed schools, parks, and other public uses.

(3) Determine the relationship of the proposed development to such existing and proposed facilities as major streets, availability of utility systems, adequacy of accessibility, and any unusual problems such as topography or flooding.

(4) Determine the need for preparation and review of a General Development Plan prior to considering a preliminary plat, and if required, advise the developer that such plan is to be prepared and submitted for review and comment.

10.04.2.3 General Development Plan

A General Development Plan will be prepared by the subdivider when, in the opinion of the Public Works Director, a tract of land is sufficiently large to comprise an entire neighborhood or neighborhoods, or the tract initially proposed for platting is only a portion of a larger landholding of the subdivider; or the tract is complicated by unusual physical, utility, land use, ownership, or other conditions. The General Development Plan shall include:

A. Arrangement and correlation of street pattern, particularly collector streets and major street system, to provide good traffic circulation throughout the neighborhood

B. General location and size of school sites, park and recreation areas, and other public areas

C. Location of shopping centers, multi-family residential, and other land uses

D. Proposals for water, sewer, and drainage systems in relation to master plans where they exist for these facilities

E. Proposals for service as furnished by private utility companies

F. Summary of uses by type, number, and acreage

- G. Identification of any flood prone areas and general proposals for such areas

10.04.2.4 Acceptance of General Development Plan

Only after acceptance of the General Development Plan by the Public Works Director shall the preliminary plat(s) be prepared. If development is to take place in several phases, the General Plan should be submitted as supporting data for each part.

10.04.2.5 Determination of Preliminary Plat Filing

A. The appropriate fees and number of copies of the preliminary plat shall be submitted to the Public Works Director, who shall note the date that the preliminary plat is received by the City. The preliminary plat shall not be considered to be “filed” with the City, as that term is used in Chapters 212 and 245 of the Texas Local Government Code, until it has been determined to be administratively complete. The preliminary plat shall be considered administratively complete after it is examined and determined to be in compliance with the general and administrative provisions of these regulations by the Public Works Director. The Public Works Director shall make a determination of whether the preliminary plat is administratively complete within 30 days after the date the preliminary plat is received by the Public Works Director, and shall promptly notify the applicant of that determination.

B. If the preliminary plat is found not to be administratively complete, the Public Works Director, or his designee, shall inform the applicant, in writing, of the specific information or corrective action needed to render the preliminary plat administratively complete. In the event that the preliminary plat is determined not to be administratively complete, the applicant may, within 30 days after the date that the written administrative completeness determination is issued, (1) resubmit the preliminary plat for further administrative completeness review and determination or (2) request that the preliminary plat be scheduled for consideration on the first available Planning and Zoning Commission agenda as determined by the City Secretary. A preliminary plat placed on the Planning and Zoning Commission agenda that has been determined not to be administratively complete will be placed on the agenda with a recommendation of denial from City staff based upon the finding of administrative incompleteness. If the applicant does not resubmit the preliminary plat or request placement of the preliminary plat on the Planning and Zoning Commission agenda within the required 30 day period provided to allow the applicant to do so, the preliminary plat will be considered withdrawn.

C. If the preliminary plat is determined to be administratively complete by the Public Works Director, the preliminary plat shall be scheduled for

consideration on the first available Planning and Zoning Commission agenda as determined by the date of acceptance for review and the calendar schedule as maintained by the City Secretary. (Ord. 746-03)

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SECTION 3 PRELIMINARY PLAT REQUIREMENTS

10.04.3.1 Preliminary Plat

The preliminary plat phase of land subdivision includes detailed subdivision planning, submittal, review, and approval of the preliminary plat. To avoid delay in processing his application, the subdivider's engineer or surveyor should provide the Public Works Director with all Information essential to determine the character and general acceptability of the proposed development.

10.04.3.2 Zoning

The subdivision should be designed within the requirements for the specific zoning district within which it is located. Any change in zoning required in relation to the preliminary plat shall have been adopted by the City Council prior to preliminary plat approval by the Commission.

10.04.3.3 Preliminary Plat Submission

Upon an agreeable completion of the pre-application conference step, the developer shall prepare and submit the preliminary plat to the Planning Department not less than fourteen (14) days prior to the Commission meeting at which such plat is to be considered. The following information, certified by a State registered professional engineer, landscape architect, or a registered public surveyor, in accordance with the requirements of this Code, shall be submitted:

A. Five (5) copies of a preliminary plat showing the general features of the proposed development.

B. This preliminary plat shall be drawn on a scale of one (1) inch equals one hundred feet (100') or larger and shall show the following:

(1) The outline of the tract that is proposed to be subdivided, with boundary dimensions.

(2) The proposed plan of subdivision, showing streets, blocks, lots, alleys, easements, building lines, parks, etc., with principal dimensions. The preliminary plat shall cover all of the tract intended to be developed whether in total or by sections.

(3) The location, width, and name of existing streets and any blocks, lots, alleys, easements, building lines, water courses, flood plain, boundary of tree cover, or other natural features in the area affected, with principal dimensions, and any other significant information on all sides for a distance of not less than two hundred feet (200').

(4) The names of proposed streets.

The location of the nearest existing sewers, water and gas mains, and other public utilities if any. If none near vicinity, so state.

(5) A proposed general plan for drainage to include calculation of 100 year storm for any stream, creek, or channel and the limits of any flood plain either as designated by FEMA mapping or limits as may be determined by the owner’s registered professional civil engineer.

(6) The proposed drainage plan shall include: a topographical map in sufficient detail showing all abutting drainage areas either contributing to the storm water flows within the proposed subdivision; preliminary, plans for drainage improvements within the proposed subdivision; and all calculations relating to the design of the drainage plan and its impact on the downstream system.

(7) The name of the proposed subdivision, north point, scale, and date.

(8) The name of the owner or owners and the signature, date, and seal of the registered professional engineer, landscape architect, or registered public surveyor who has prepared the preliminary, Plat.

(9) A vicinity sketch or key map at a scale of not more than one thousand (1,000) feet to the inch which shall show all existing subdivisions, streets, and tracts of acreage in the area.

(10) The contours at not more than two-foot (2') intervals.

(11) The proposed plan of improvements and utilities to be constructed in the subdivision, prepared by a registered professional engineer, shall be shown with indication of street widths and utility line sizes. The accurate location of any existing utilities within the subdivision shall be shown on the Preliminary, Plat.

(12) The following certificate shall be placed on the Preliminary Plat:

“APPROVED FOR PREPARATION OF FINAL PLAT”

_____	_____	_____	_____
Chairman, Planning Commission	Date	Mayor	Date

_____	_____	_____	_____
Secretary Planning Commission	Date	City Secretary	Date

(13) One copy of the signed plat shall be returned to the developer.

(14) A copy of any protective or restrictive covenants whereby the subdivider proposes to regulate land use and construction in the subdivision shall be attached to his Preliminary Plat.

SECTION 4 PRELIMINARY PLAT

10.04.4.1 Preliminary Plat Review

On receipt of the preliminary plat, the Public Works Director shall:

A. Review the preliminary plat for compliance with public objectives, giving special attention to design principles and standards; to streets and thoroughfares as related to the Master Street Plan of the Comprehensive Plan and to neighborhood circulation; to existing and proposed zoning and land use of the tract and adjacent tracts; and to sites required for schools, parks, and other public facilities.

B. Distribute copies of the preliminary plat to the following offices for review:

(1) City Departments

(2) Public Utilities

(3) County Engineer and/or school district (when concerned with a specific plat).

C. The reviewing offices will transmit their recommendations to the Public Works Director. The Director will then summarize the recommendations of the reviewing offices and present them to the Planning Commission for their consideration in action on the preliminary plat.

SECTION 5 PRELIMINARY PLAT APPROVAL

10.04.5.1 If the requirements of this Code have been met, the Commission shall render a decision thereon at the next regular meeting of the Commission. Such decision may consist of approval, conditional approval, or disapproval. The recommendation of the Planning and Zoning Commission shall be sent to the City Council for their final approval and acceptance of the preliminary plat. The Commission shall act on the plat within the thirty (30) day period following the filing of the plat with the Director of Public Works. The City Council shall act on the plat within thirty (30) days after the plat is approved by the Commission.

A. The approval or conditional approval of a Preliminary Plat by the Council is the authorization to proceed with the preparation of the final Plat and application to consider the Final Plat. Approval or conditional approval of a Preliminary Plat does not constitute the acceptance of a subdivision or the improvements placed therein.

B. The conditional approval of a Preliminary Plat by the Council is the approval of the plat subject to compliance with all conditions prescribed by the Council. All conditions prescribed by the Council shall be furnished in writing to the developer within fourteen (14) days of Council action. Compliance with the conditions imposed shall be reflected on the “approved preliminary plat” to be submitted following Council approval, as set forth in paragraph F below, and on the Final Plat and related documents required for consideration of the final Plat. Failure to comply with the conditions imposed shall constitute disapproval of the Preliminary Plat.

C. The disapproval of a Preliminary Plat by the Council shall be final. Written notice of the reasons for disapproval shall be provided to the developer within fourteen (14) days of Council action.

D. Commission approval or conditional approval shall be valid for a period of twelve (12) months from the date of Council action. If within the twelve (12) month period no application is made for Final Plat consideration, the Preliminary Plat shall become null and void. The developer may request and the Council, at its discretion, may grant an extension of the time limit for a specified period of time **not to exceed twelve (12) months**. (Ord. 598-97)

E. If the developer intends to develop a proposed subdivision in sections or phases, he shall at the time of application for Preliminary Plat consideration so state.

F. Upon Council approval of the Preliminary Plat, the developer shall provide to the City five (5) copies of the plat, with revisions needed to comply with a conditional approval, and bearing the following:

“APPROVED MASTER PRELIMINARY PLAT”

_____	_____	_____	_____
Chairman, Planning Commission	Date	Mayor	Date
_____	_____	_____	_____
Secretary Planning Commission	Date	City Secretary	Date

G. One copy of the signed plat shall be returned to the developer.

H. An approved Preliminary Plat shall be valid approval for application for Final Plat consideration provided that application for Final Plat consideration for the first section or phase is made within twelve (12) months of Council approval and provided that the Final Plat for each section or phase substantially conforms to the Approved Master Preliminary Plat. Any substantial deviation in street layout or alignment, lot size or configuration, utility and/or drainage layout, or easement shall require submittal for consideration of a new preliminary plat.

I. No construction shall begin on the proposed improvements in the proposed subdivision prior to approval of the Final Plat by the Planning Commission, and acceptance of fiscal arrangements by the City Council.

SECTION 6 FINAL PLAT REQUIREMENTS

(This step includes the final design of the subdivision, engineering of public improvements, and submittal of the final plat by the subdivider.)

10.04.6.1 Final Plat Requirements

After the preliminary plat has been approved by the Council and any or all conditions are complied with, the developer's engineer or surveyor shall prepare and file with the Public Works Director not less than fourteen (14) days prior to the meeting of the Planning Commission at which the plat is to be considered a final plat which shall comply with the requirements of this Code and shall include the following:

A. The original Final Plat and five (5) copies printed from the original. The original and copies shall be clearly legible. The original plat shall be drawn to a scale of one inch equals one hundred feet (1" = 100') or larger in ink on mylar or other acceptable permanent material, with all figures and letters legible. One (1) copy of the original shall be on mylar or other acceptable permanent material.

B. The Final Plat shall be proper for filing for record in the Office of the County Clerk with the following information given:

- (1) The name or names of the owner and developer.
- (2) The name of the licensed Land Surveyor who prepared the Plat.
- (3) The name of the proposed subdivision and any adjacent subdivisions.

- (4) The names of streets (to conform whenever possible to existing street names).
- (5) The numbers of lots and blocks, in accordance with a systematic arrangement.
- (6) The north point, date, acreage being subdivided, and scale. All plats shall be on a scale on one (1) inch equals one hundred (100) feet or larger.
- (7) An accurate boundary survey of the property, with bearings and distances referenced to the corner of an existing survey or established subdivisions, with complete and accurate field notes of said boundaries. The lines with dimensions of all adjacent lands and alleys, and easements in adjacent subdivisions shall be shown in dashed lines
- (8) The location of proposed lots, streets, alleys, easements, building setback lines (both front and side streets), and other features.
- (9) All necessary dimensions, including linear, angular and curvilinear, and other surveying information necessary to reproduce the Plat on the ground with the linear and curvilinear dimensions shown in feet and decimals of a foot.
- (10) The angular dimensions shall be shown by true bearings. The length of all straight lines, deflection angles, radii, tangents, central angle of curves shall be shown. All curve information shall be shown for the center line of the street. Dimensions shall be shown from all angle points and points of curve of lot lines. All lots on curves shall be shown with curve length dimensions based on arc definitions
- (11) All survey monuments shall be shown on the Plat (see Article XV, Section 4).
- (12) All deed restrictions that are to be filed with the plat.
- (13) Certification by a registered public surveyor, licensed by the State of Texas, placed on the Plat as follows:

KNOW ALL MEN BY THESE PRESENTS:

THAT I, _____, do hereby certify that I prepared this Plat from an actual and accurate survey of the land and that the corner monuments shown thereon shall be properly placed, under my personal supervision, in accordance with the Development Code regulations of the City of Glenn Heights, Texas.

(SEAL)

(14) Certificate of Approval by the Planning Commission to be placed on plat in manner that will allow filling in of the certificate:

I hereby certify that the above and foregoing Plat of _____ Addition to the City of Glenn Heights was approved this ____ day of _____, 19____, by the Planning and Zoning Commission of the City of Glenn Heights, Texas.

Chairman

Secretary

Said addition shall be subject to all the requirements of the Development Code of the City of Glenn Heights.

Witness my hand this ____ day of _____, 19____.

, City Secretary

(15) An instrument of dedication, signed and acknowledged by the owner or owners and by all other parties who have a mortgage or lien interest in the property, showing all restrictions, reservations, and/or easements, if any, to be imposed and reserved in connection with the addition. Such restrictions shall include the following provisions:

“No house, dwelling unit, or other structure shall be constructed on any lot in this addition by the owner or any other person until:

(a) Such time as the developer and/or owner has complied with all requirements of the Development Code of the City of Glenn Heights regarding improvements within the area so platted, including the actual installation of streets with the required base and paving, curb and gutter, drainage structures, storm sewers, alleys, and water and sewer utilities, all according to specifications of the City of Glenn Heights; or

(b) The developer files with the City Secretary either a corporate surety bond, escrow deposit, or irrevocable letter of credit in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation of improvements thereon within the time period established by the City for completion of said improvements. The developer shall execute an agreement authorizing the City to make or complete said improvements in the event the developer fails or refuses to make or

complete said improvements within the time so stated for completion thereof. The corporate surety bond, escrow or irrevocable letter of credit shall comply with the following:

(1) The sum equal to the cost of improvements shall include all construction costs, the cost for construction staking and engineering services related to construction including but not limited to periodic administration, and preparation of as-built plans. The cost estimate for construction and related administration shall be prepared by the developer's engineer based on currently prevailing private commercial rates and approved by the City Manager.

(2) An escrow deposit shall be in the form of a cashier's check payable to the "City of Heights Escrow Account for Addition." The City shall open an interest bearing escrow account bearing the subdivision name with the City's depository bank. All interest accrued by said account shall be deposited to the account. The City shall have the right to use the principal of the escrow deposit and all accrued interest to make or complete construction of subdivision improvements as provided by this Code. The developer may reduce the amount of escrow deposit equal to the cost, less ten percent (10%) thereof, of each major phase of improvements as such phases are completed and satisfactorily pass all applicable tests and inspections. The major phases are: (1) water and sewer utilities and (2) streets and drainage. The release of any portion of escrow deposit shall not include any accrued interest and shall not constitute final acceptance of the improvements by the City. Upon final completion and final acceptance of all improvements, the City shall release to the developer the remaining balance of escrow deposit for the subdivision along with interest accrued and paid on same.

(3) An irrevocable letter of credit shall be in a form and drawn from a bank satisfactory to the City and in an amount equal to the cost of improvements as defined heretofore. The amount of the irrevocable letter of credit may be reduced by the developer upon completion of each major phase of construction in the same manner applicable to an escrow deposit.

(4) These restrictions with respect to improvements are made to insure the installation of such improvements and to give notice to each owner and each prospective owner of lots in the subdivision that no house or other building can be

constructed on any lot in the subdivision until said improvements are actually made or provided for on the entire block on the street and/or streets on which the property abuts as described herein.”

(c) Until the developer and/or owner files a corporate surety bond with the City Secretary in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the City Council of the City of Glenn Heights.

(d) In specific circumstances, a developer may desire to obtain a building permit prior to final completion of a Subdivision. The building official may be authorized to release specific permits for lot(s) as requested by the developer, or as may be modified by the City Council in their approval of the developer’s written request. When such request is approved, the developer will be required to provide sufficient security for completion of the Subdivision as set forth in this Section.

C. A certificate of dedication of all streets, alleys, and other land intended for public use, signed by the owner or owners and by all other parties who have a mortgage or lien interest in the property and acknowledged before a Notary Public.

D. A waiver of claim for damages against the City occasioned by the establishment of grades or the alteration of the surface of any portion of existing streets and alleys to conform to the grades established in the subdivision.

E. Receipt showing that all taxes are paid. The final plat submitted to the Planning Commission and to be filed for record with the County clerk shall not show construction or physical features unless so unusual as to be of significance; except that the shoreline of water areas shall be shown with the date surveyed.

F. Two copies of each of the following:

1. Construction plans and specifications for subdivision improvements.
2. Report of soil tests and pavement designs.
3. Drainage Study Report as required in Article XIII, Section 5 of this Code.

4. Executed copies of paving and utility contracts before commencing construction.

10.04.6.2 Final Plat Review

On receipt of the final plat, the Public Works Director shall check the final plat for completeness and conformity to the approved preliminary plat and prepare and submit a written recommendation to the Planning Commission.

10.04.6.3 Final Plat Approval

A. Upon filing of said final plat with the Public Works Director by the developer, the Commission shall render a decision thereon within thirty (30) days. Said decision may consist of approval, disapproval, or conditional approval. Reasons for disapproval or conditional approval shall be stated by the Commission in writing within fourteen (14) days. When a final plat is approved with conditions, ten (10) revised prints shall be submitted showing compliance with the conditions.

B. After the Final Plat has been approved and has been fully and properly endorsed, the City Secretary shall file the plat with the County Clerk of Dallas or

10.04.6.3 If the public improvements for a subdivision have not been constructed and accepted by the City, and a corresponding Final Plat for that subdivision filed in the map and plat records of the appropriate county within eighteen (18) months from the date of Final Plat approval by the City, the Final Plat shall be null and void and shall conclusively be deemed to be withdrawn, without further action by the City; provided, however, this provision shall not apply to Final Plats approved by the City prior to January 6, 1997. An approved, unexpired Final Plat may be extended once for a period not to exceed twelve (12) months pursuant to the following provisions:

A. The Council may extend the approval of the Final Plat for good cause shown by the applicant, if there has been no significant change in development conditions affecting the subdivision plan and the plat continues to comply with all applicable standards and ordinances.

B. A request for an extension of time to complete final public improvements for a subdivision pursuant to these provisions shall be submitted to the Public Works Director no later than the date the Final Plat expires. The request shall be in writing and the application shall state the reason and justification for the requested extension. (Ord. 598-97)

SECTION 7 REPLAT OR VACATION OF RECORDED PLAT

10.04.7.1 Procedures as set forth in this article shall be followed in replacing of platted property or the abandonment of a recorded subdivision.

SECTION 8 SHORT FORM PLAT

10.04.8.1 The purpose of this section is to provide a short, convenient method of issuing permits to owners of residential and non-residential property involving unusual conditions where it is unreasonable to require an owner to comply with the standard platting procedures set out in this Code. Properties permitted to be platted under this section of the Code shall be located adjacent to an existing street having an impervious surface and where street or utility construction is not required. The application of the short Form Plat procedures to any request for same shall be solely at the discretion of the City.

SECTION 9 ISSUANCE OF CITY PERMITS FOR UNPLATTED PROPERTY

10.04.9.1 The City shall have the power and may declare and grant an exception to the formal platting provisions of this Code when an owner of property, qualifying under the provisions of this section, complies with all of the requirements hereinafter set forth.

A. The City shall authorize the Building Official to issue any permit or permits requested by the owner of any parcel of property less than one acre in size within the city limits, who desires to plat the same as a single lot, in keeping with the requirements for the respective property use classification as set forth in the Code for any existing residential improvement on said property sought by such owner, when it appears that a manifest and unnecessary hardship would arise from a literal enforcement of this ordinance and when the planning of the orderly development, growth, and expansion of the City will be accomplished as well by the requirements of this section, as would compliance with the provisions of this Code in securing final approval of a plat.

B. The owner making the request for said permit must establish that said property sought to be improved was a separately owned parcel of property prior to the effective date, June 8, 1951, of Texas Revised Civil Statutes, Article 6626, amended, which regulates the recording of property plats and that such property has not been divided into any portion or portions or conveyed to any person in separate ownership since the effective date of said Article 6626, and provided further that said property sought to be improved must abut on a dedicated public street sufficiently improved to show actual use by the public and must be in an area where easements for all public utilities have been dedicated or, by the platting of said property by the terms of this provision, will be dedicated to the public for the future installation of all utilities that will serve said property. The permit requested, under the conditions set forth above, shall be issued by the Building Official after the property owner(s) presents a subdivision plat prepared in accordance with this Section by a registered professional engineer or a registered public surveyor and after approval by the City Council.

1. The plat shall be drawn on a standard twelve (12) inch by eighteen (18) inch sheet and shall show the dimensions and bearings of the property boundaries, its location with respect to all abutting streets, alleys, easements and other public dedications, easements dedicated by the plat, the property's relative position to the nearest dedicated public street intersection, recognized corner or platted subdivision, a proper title referencing the property to some recognized grant, partition, unrecorded subdivision, bear a north point and date and shall be drawn to scale of one (1) inch equals twenty (20) feet. Such plat shall likewise contain a certificate of authenticity that the plat is true and correct and in accordance with the determination of surveys actually made on the ground and shall be signed by the person who prepared it.
2. A certificate of ownership in fee and dedication of any easement or easements which appear on the face of said plat shall also be placed on the plat and shall be signed and acknowledged by the owner of such property.
3. A certificate of approval by and signature of the chairman of the Commission shall also be placed upon said plat.

**SECTION 10 PLANNED DEVELOPMENT ZONING DISTRICTS
(REFERENCE ARTICLE VII, SECTION 1)**

10.04.10.1 Where it is proposed to develop and plat a unified residential, commercial, industrial, and/or institutional project under the provisions of Planned Development zoning, the Planning and Zoning Commission may recommend to the City Council the variance of specific requirements of this Code based upon a detailed site development plan which is to be followed at time of preliminary and final platting.

10.04.10.2 Such modification shall be governed by the amending Planned Development ordinance standards for granting such modification from normal standards. Planned Development zoning is an optimal zoning and subdivision process intended to provide an avenue to apply new and innovative planning concepts that are not readily accommodated by traditional regulations. In reviewing Planned Development plans, traditional standards are utilized as the base standard for comparison and guidance. Any modification of those standards shall meet all of the following criteria:

- A. The modified proposal shall conform to the Comprehensive [Master Plan](#).
- B. The modification will not have the effect of preventing the orderly subdivision of other land in the area.

C. The need must exist for a variance of requirements to accomplish a unique project design, as distinguished from a need for a variance for personal convenience.

D. The proposed development cannot be readily accomplished through standard zoning districts or subdivision processes.

E. The proposed modification must substantially accomplish the intent of the standard and improve the overall development design.

SECTION 11 SUBDIVISION IMPROVEMENTS

10.04.11.1 Concurrent with the final plat, the developer shall submit construction plans for the development of all public improvements proposed in the subdivision or section thereof.

10.04.11.2 Said construction plans are to be submitted to the Public Works Director.

10.04.11.3 Upon approval of the above plans and any required agreements between the City and subdivider, appropriate construction documents for all facilities will be filed with the City.

10.04.11.4 Upon completion of all subdivision improvements, the following shall be submitted to the Public Works Director: Two (2) sets of “as built” construction plans, a maintenance bond covering all improvements in the amount of one hundred percent (100%) of the total construction cost and be in effect for a period of one (1) year from date of acceptance of improvements, any pro rata contracts, a listing of final quantities for any City costs for participation in oversized facilities.

10.04.11.5 Following the completion of the subdivision improvements and final inspections, the subdivision improvements shall be submitted for approval and acceptance by the Public Works Director who shall notify developer in writing of said final acceptance.

SECTION 12 CONSTRUCTION PLANS

10.04.12.1 Construction plan and profile sheets for all public improvements shall be reviewed prior to construction and approval of the final plat. Construction plans and profiles shall be drawn on sheets measuring twenty-four (24) by thirty-six (36) inches. Each sheet shall include north point, scale, and date. Bench mark description to sea level datum shall be included with the plans.

A. Each sheet shall show the seal and signature of the registered professional engineer licensed by the State of Texas who prepared the plans and shall include the following, unless specifically approved otherwise by the Public Works Director

- (1) A plan and profile of each street with top of curb grades shown. Scale shall be 1" = 20' horizontally, and appropriate vertical scale.
- (2) The cross-section of proposed streets, alleys, and sidewalks showing the width and type of pavement, base and subgrade, and location within the right-of-way.
- (3) A plan and profile of proposed sanitary sewers, with grades and pipe sized indicated and showing locations of manholes, cleanouts, and other appurtenances, and a cross section of embedment
- (4) A plan of the proposed water distribution system showing pipe sizes and location of valves, fire hydrants, fittings and other appurtenances, with a section showing embedment.
- (5) A plan to scale of all areas contributing storm water runoff or drainage within and surrounding the proposed subdivision. Such plan shall indicate size of areas, storm frequency and duration data, amounts of runoff, points of concentration, and other data necessary to adequately design drainage facilities for the area.
- (6) A plan and profile of proposed storm sewers, showing hydraulic data, pipe grades and sizes, manholes, inlets, pipe connections, culverts, outlet structures, bridges, and other structures.
- (7) Profile views of individual improvements shall have no more than two improvements on one sheet unless specifically approved by the Public Works Director. The project engineer is responsible for the accuracy, completeness, and conformance to City standards.

B. The purpose of the City review is to assure conformance to city policies and standards. However, the City review is limited to facts as presented on submitted plans. The City takes no project engineering responsibility. The engineer certifying the plans is the engineer responsible for the accuracy and completeness of the documents submitted for review and actual construction.

C. The City reserves the right to require plan corrections when actual conditions in the field are found to be contrary to or omitted from the previously submitted plan.

**ARTICLE 10.05 STREETS, THOROUGHFARES,
ALLEYS AND SIDEWALKS**

SECTION 1 PURPOSE

10.05.1.1 The purpose of this article is to outline the general design standards and policies for development within the City of Glenn Heights. It is intended that these standards set the basic development policies for the City and be used with the guidelines set forth in the Design Manual.

SECTION 2 STREET STANDARDS AND POLICIES

10.05.2.1

A. Street standards shall conform to the Major Thoroughfare Plan and criteria for right-of-way, pavement width, and general alignment of major thoroughfares shall be as set forth in the Major Thoroughfare Plan. The Major Thoroughfare Plan may be amended as needed by the City Council as recommended by the Planning and Zoning Commission.

B. Street Right-of-Way

(1) A property shall be required to dedicate street right-of-way as shown in the officially adopted Thoroughfare Plan when the property is contiguous or traversed by a designated major thoroughfare or collector street.

C. Residential (single or two-family) or local streets shall have fifty feet (50') of right-of-way and a paved surface of twenty-eight feet (28') from back of curb to back of curb.

D. Streets in apartments, commercial, or industrial area shall have sixty-four feet (64') of right-of-way with minimum of forty-one feet (41') of paving from back of curb to back of curb. A collector serving the above uses shall have sixty-eight feet (68') of right-of-way with a minimum of forty-nine feet (49') of paving from back of curb to back of curb.

10.05.2.2 Design Requirements

A. The following design guidelines shall be followed. Interpretation of street need classification shall be governed first by the approved Thoroughfare Plan. If outside the detail of the Thoroughfare Plan, street classification shall be interpreted on the basis of need as determined by a study of the neighborhood area in which the subdivision is proposed and the intensity of the area's future development.

B. If a circumstance or existing topographic features prohibits the reasonable use of the following specified design requirements, consideration will be given for a variation. A written request for such a variation must be made to the Planning and Zoning Commission or shown on the proposed subdivision, and sufficient data submitted to analyze the variation.

	Major Thoroughfare	Collector	Local/Residential
Right-of-Way	120 Feet	60, 64 or 68 Feet	50 Feet
Pavement (back to back)	37 - 16 - 37	39, 41 or 49 Feet	28 Feet
Grade – Maximum	5%	7%	7%
Grade – Minimum	.5%	.5%	.5%
Sight Distance	350 - 500 Feet Minimum	250 - 350 Feet	200 Feet
Horizontal Curvature (Minimum Radius)	1,000 Feet	450 Feet	150 Feet
Radius for Curb Return at Intersection	35 Feet	20 Feet	20 Feet

10.05.2.3 Street Cost and City Participation

The owner shall be responsible and pay all costs for the design and construction of all streets within his development except streets over forty-nine feet (49') as required by the City as defined below. The developer shall build these streets in accordance with city standards. The City will participate in the paving cost only (excavation, sub-grade preparation, base and wearing surface, and subject to funds available and approval of City Council) on street paving costs above a pavement section of forty-nine feet (49') on streets required by the City, above and beyond the traffic needs of the proposed development.

10.05.2.4 Relation to Adjoining Street System

The proposed street system shall extend all existing major streets and such collector streets up to logical termination points according to the preceding criteria. Local access streets are to be extended as may be desirable for public safety and convenience of circulation. The width and the horizontal and vertical alignment of extended streets shall be preserved.

10.05.2.5 Offset Street Intersection

Where offsets (jogs) in street alignment are desirable, in the opinion of the Planning and Zoning Commission, such offsets may be employed provided the distance between center lines is not less than one hundred twenty-five feet (125').

10.05.2.6 Construction Plans for subdivisions in City's ETJ Areas

Any subdivision being platted in the extraterritorial jurisdiction of the City of Glenn Heights shall provide for the following improvements or plans prior to approval of final plat.

A. Streets

Construction plans shall be required to be prepared for the construction of streets in accordance with this Code, Article XIV, Section 2.

B. Drainage

Construction plans shall be required to be prepared for the construction of drainage improvements needed to accommodate the subdivision plat in conformance with Article XIV, Section 2.

C. Water

Subdivisions being platted shall submit plans and construct the water distribution system with appropriate appurtenances for fire protection.

D. Sanitary Sewer

Construction plans shall be prepared for sanitary sewer facilities and offsite lines extended to major outfall line.

10.05.2.7 Design Criteria

The design of all improvements shall be guided by the criteria set forth herein and standards contained in Article XIV, Section 2.

10.05.2.8 Cul-de-Sacs and Dead-end Streets

A. The maximum length of a cul-de-sac or dead-end street with a permanent turnaround shall not be greater than four hundred feet (400'), except under unusual conditions and with the approval of the Planning and Zoning Commission.

B. Turnarounds are to have (1) a minimum right-of-way width of one hundred feet (100') and (2) a minimum forty-foot (40') outside radius for single family and two-family uses, and a minimum right-of-way width of one hundred twenty feet (120') and a minimum fifty-foot (50') outside radius for all other uses

C. Temporary dead-end streets may be approved by the Planning and Zoning Commission if adequate, all-weather turnaround is provided. "Adequate, all-weather turnaround" is defined as a turnaround that is of sufficient size to accommodate fire and sanitation vehicles and is of a construction quality comparable to standard road cross-sections.

10.05.2.9 Street Intersection

Except where existing conditions will not permit, all streets shall intersect at a ninety degree (90°) angle. Variations of more than ten degrees (10°) on residential or local streets and more than five degrees (5°) on collectors and thoroughfares must have the approval of the Planning and Zoning Commission.

10.05.2.10 Perimeter Streets

A. General

Partial or half streets may be provided where the Planning and Zoning Commission feels that a street should be located along a property line. Wherever a half street has already been provided adjacent to an area to be subdivided, the other remaining portion of the street shall be platted with such subdivision. Where part of a street is being dedicated along a common property line, the first dedication shall be one half of the proposed street right-of-way.

B. Unimproved Perimeter Streets

Unimproved perimeter streets adjacent to subdivisions and developed lots shall mean public streets or thoroughfares without paved curb and gutter which afford access by vehicles and pedestrians to abutting property.

Upon any land being subdivided or otherwise developed in an area adjacent to existing unimproved streets (excluding State or Federal highways), the developer shall bear half the total cost of paving (up to 24.0 feet width) and installing curb and gutter for all such unimproved perimeter streets adjacent to the area being subdivided or otherwise developed provided, however, that the Planning and Zoning Commission may either waive or postpone this requirements in the manner as set forth below:

1. For the following listed developments, the Planning and Zoning Commission may waive the required improvements of an unimproved street by the developer after considering such factors as:

- a. The extent of existing and anticipated development in the area;
- b. The amount of anticipated vehicular and pedestrian traffic;
- c. The current condition of the unimproved streets under consideration.

2. In all developments, the Planning and Zoning Commission may postpone the required improvements of an unimproved street by the developer should it be determined that such improvements are not feasible or desirable at the time of development. If such improvements are postponed, the developer shall either:

- a. Post an approved performance bond acceptable to the City for one and one-half the current estimated cost of construction and enter into a written agreement with the City obligating the developer to pay for such costs.
- b. Place his pro-rata share (half the total cost of paving and installing curb and gutter for the unimproved street) in an escrow account with a

county bank acceptable to the City and enter into a written agreement obligating the developer to pay such pro-rata share. Said interest from such an escrow account shall be made payable to the City to offset inflationary costs of construction. If the funds are not used within nine (9) years, the City shall hold a public hearing to show clear intent to improve the road within one year; if no such intent is shown the funds and interest will be returned

c. Any developer who builds one-half the street and desires to provide ultimate drainage facilities for the whole street will be able to collect up to one-half of the cost of the drainage improvements when adjacent properties develop by signing an appropriate pro-rata agreement with the City of Glenn Heights.

10.05.2.11 Street Names

New streets shall be named so as to provide continuity of name with existing streets and to prevent conflict with identical or similar names in other parts of the City.

10.05.2.12 Private Streets

Private streets shall be prohibited except in Planned Development zoning districts as approved by the City Council.

10.05.2.13 Large Lot Division

If the lots in the proposed subdivision are large enough to suggest resubdivision in the future or if a part of the tract is not subdivided, consideration must be given to possible future street openings and access to future lots which could result from such resubdivision.

10.05.2.14 Estate Subdivision

For Estate Subdivision as herein defined two (2) acre lots with two hundred feet (200') or more frontage for single-family use, a pavement width of twenty-four feet (24') without curbs is allowed in a seventy-foot (70') right-of-way. Pavement quality must meet the minimum quality of the City of Glenn Heights standard specifications

10.05.2.15 Sidewalk Standards and Policy

A. The City Council may waive the installation of sidewalks at the time of preliminary plat approval. However, sidewalks shall be required adjacent to all schools.

B. In a residential subdivision or serving a residential use, sidewalks shall be placed in the right-of-way with the outside edge one foot (1') off the right-of-way line and shall be

four feet (4') in width and shall include required ramps. When justification is presented, location can be modified.

Sidewalks in retail, office, and commercial areas shall be five feet (5') in width and be placed adjacent to the back of curb.

C. Final design shall conform to the construction standard specifications for the City of Glenn Heights.

10.05.2.16 Alleys

A. Commercial and Industrial Areas

Alleys shall be provided in commercial and industrial districts where other definite and assured provisions are not made for service access, such as off-street loading, unloading, parking, and fire-fighting access consistent with and adequate for the uses proposed.

B. Residential Areas

Alleys may not be required; however, when required, alleys shall be located to serve all lots within the subdivision.

C. Alley Width

All alleys shall be paved. In commercial areas, the minimum width of the alley right-of-way shall be twenty feet (20') and the minimum pavement width shall be sixteen feet (16'). In residential areas, the minimum alley right-of-way width shall be twenty feet (20') and the minimum pavement width shall be twelve feet (12').

D. Alley design and alignment

Alley design and alignment shall be governed by criteria set forth in Article XIV, Section 2.

E. Alley intersection and sudden changes in alignment shall be avoided; but where necessary, lot corner shall be cut off at least fifteen feet (15') on each tangent to permit safe vehicular movement.

F. Dead-end Alleys

Dead-end alleys shall be avoided if possible, but if unavoidable, shall be provided with adequate outlet or turnaround, as determined by the Planning and Zoning Commission.

ARTICLE 10.06 UTILITIES

SECTION 1 WATER AND SEWER UTILITY STANDARDS

10.06.1.1 Basic Policy - Water

Water systems shall be provided with 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 and to conform to the Master Water Plan and Standard specifications of the City of Glenn Heights.

10.06.1.2 Basic Policy- Sewer

Sanitary sewer facilities shall be provided to serve the subdivision adequately and conform to the Master Sewer Plan and Standard specifications of the City of Glenn Heights.

SECTION 2 OVERSIZED MAINS

10.06.2.1 When oversized mains are required to serve property beyond the boundary of the subdivision, the developer shall be required to install the oversized line and the cost be credited under the provisions of the City's community impact ordinance.

SECTION 3 EXTENSIONS OF WATER AND SEWER MAINS

10.06.3.1 Required Extensions

A. All new subdivisions and other developments shall be required to extend across the full width of the subdivision in such an alignment that it can be extended to the next property in accordance with the Master Sewer and Water Plans for the City.

B. Properties already served by water and sewer shall not be required to install additional facilities unless:

(1) The current lines are not of adequate capacity to serve the proposed development; in which case the developer will be required to install adequate facilities.

(2) The current lines are not of adequate capacity to serve the zoning of a property that has been rezoned to a more intense use since the time of the original utility installation.

SECTION 4 UTILITY EASEMENT REQUIREMENTS

10.06.4.1 All utilities shall be provided in street or alley rights-of-way except when special circumstances require lines or facilities to be placed outside rights-of-way for providing adequate service.

10.06.4.2 All utility easements shall be a minimum of fifteen feet (15') in width unless special circumstances warrant additional or reduced easement widths.

SECTION 5 DRAINAGE REQUIREMENTS

10.06.5.1 General Policy

A. The Planning and Zoning Commission shall not recommend for approval any plat of subdivision which does not make adequate provision for storm or flood water runoff. Drainage provision shall ensure the health and safety of the public and property in times of floods; and such facilities shall not cause excessive increases in flood heights or velocities, particularly to adjacent and downstream properties.

B. The applicant may be required by the Planning and Zoning Commission to carry away by pipe or open ditch any spring or surface water that exists either previous to, or as a result of, the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications of the City of Glenn Heights.

10.06.5.2 General Design Standards

The general drainage design and construction standards and policies of the City of Glenn Heights are set forth in Article XIV, Section 2.

10.06.5.3 Drainage Easements

A. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or other drainage facilities.

B. When proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat or other instrument as approved by the City Attorney. In the case of clear public interest, the City shall participate in easement acquisition by power of condemnation.

C. The applicant shall dedicate an appropriate drainage easement either in fee or by drainage easement or by conservation easement of land on both sides of existing watercourses to a distance to be determined by the Planning and Zoning Commission.

10.06.5.4 Modification of Flood Plains

No land shall be changed which lies in any 100-year flood drainageway as defined by FEMA mapping until a drainage study has been prepared, submitted, and approved by the FEMA and the City of Glenn Heights and any other agencies having jurisdiction.

SECTION 6 WATER SERVICE CHARGES

10.06.6.1 Rates Established, Determination by Meter Readings

A. The following rates are hereby established and shall be collected for water service furnished by the City through the water department. Apartment complexes and mobile home communities shall have one master meter with a bypass meter. Each unit shall be billed by combining the total gallons consumed, dividing that number by the number of units and then determining the amount to be billed for each apartment unit as though each unit was a separate residence. For each unit in the mobile home community or apartment complex, the rates shall be as follows:

- (1) \$20.50 per unit for the first 1,000 gallons per unit (minimum charge).**
- (2) \$3.25 per thousand gallons per unit thereafter.**

The above rates for water are monthly rates to be charged for water on a monthly basis as determined by meter readings.

B. The schedule of charges for commercial properties shall be as established by Ordinance No. 547-95, as amended.

C. Definitions.

(1) Unless the context specifically indicates otherwise, in this and the following subsections of Section 6, the meaning of terms used shall be as follows:

- a. Biochemical oxygen demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under a standard laboratory procedure for five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter.**
- b. City shall mean the City of Glenn Heights.**

c. Commercial customer shall mean any customer that does not qualify as a residential or multifamily customer.

d. Living unit shall mean a residential unit providing complete independent living facilities for one family, including permanent provisions for living, sleeping, cooking, eating, and sanitation.

e. Monthly volume of wastewater generated shall mean the calculated average monthly volume of wastewater generated by a particular user, to which the available rate set out herein is applied.

f. Multi-family customer shall mean any customer with two (2) or more living units served by a single lateral line transporting wastewater to the collection system.

g. Normal sewage shall mean sewage that when analyzed shows a daily average concentration of not more than two hundred fifty (250) mg/l of BOD and SS and is otherwise acceptable for collection and treatment.

h. Residential customer shall mean any customer that has no more than a single living unit served by a single lateral line transporting wastewater to the collection system.

i. Suspended solids (SS) shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids that are removable by laboratory filtering.

j. User charge shall mean that portion of the total wastewater service charge that is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the wastewater treatment and collection system.

(2) The user charges set out herein shall take precedence over any terms or conditions of agreements or contracts between the City and the users, including commercial, industrial, special districts, or federal agencies or installations, which are inconsistent with this Section.

D. Wastewater Service Charges.

(1) The following schedule of charges is adopted:

a. Residential (maximum 14,000 gallons per unit)

i. \$20.00 per unit for the first thousand (1,000) gallons per unit (minimum charge);

ii. \$3.27 per thousand gallons thereafter.

b. Multi-family, including mobile home communities and apartment complexes (maximum. 14,000 gallons per occupied unit).

i. \$20.04 per unit for the first thousand (1,000) gallons per unit (minimum charge);

ii. \$3.27 per thousand gallons thereafter.

1.b, above, is not like Ord. 647-98

c. The schedule of charges for commercial properties shall be as established by Ordinance No. 547-95, as amended.

(2) The rates set forth above are applicable to each residential, multi-family and commercial customer per month or for any part of a month for which water is used at the same location.

(3) The rate structure will be reviewed periodically, and rates increased, at the discretion of city council to accomplish the following:

a. Ensure that the extant user charge rate is adequate to cover operation, maintenance, and replacement costs.

b. Ensure that operation, maintenance, and replacement costs are being distributed proportionally among users and user classes.

E. Solid Waste Collection and Disposal.

(1) The schedule of charges for garbage pick-up shall be established by the Franchise Agreement (Ordinance No. 572-96, adopted 1/96, Section 4, as amended) for each unit in the mobile home community or apartment complex.

10.06.6.2 Certification of Occupancy - Master Meter Rates

Mobile home communities and apartment complexes with master meters must certify by the third day of each month the number of units occupied. If certification is not received by the third day of the month, the city will assume one hundred percent (100%) occupancy and no further adjustments shall be made

10.06.6.3 Payable Monthly; Billing; Penalty and Delinquency

Bills are due upon receipt. Bills not paid in full within fifteen (15) days of the due date will have a delinquent payment charge added in the amount of ten percent

(10%) or ten dollars (\$10.00) whichever is greater. Accounts not paid in full within twenty (20) days after the due date will be disconnected.

10.06.6.4 Disconnection Upon Failure to Pay - Generally

A. Upon failure or refusal of any person to promptly pay his water bill by the twentieth (20th) day from the date of the initial billing, the water service shall be disconnected and further water service shall not be permitted unless such water charges shall be paid in full and until the reconnection charges provided for herein have been paid.

B. Prior to disconnection, proper notice shall be issued by separate mailing at least five (5) days prior to the date of disconnection, with the words “termination notice,” or words to that effect, predominantly displayed on the notice. The notice shall include the office or street address where the person can go during normal business hours to make arrangements for payment of the bill and for reconnection of the same.

10.06.6.5 Same - Reconnection Charge

A. For single-family dwellings, duplexes and multi-family units, a reconnection charge of thirty-five dollars (\$35.00) must be paid for restoring water service that has been disconnected for nonpayment of water bills. Such reconnection charges must be paid before water service will be restored.

B. An additional reconnection charge of fifty dollars (\$50.00) must be paid if the water meter has been pulled. Such additional reconnection charges must be paid before water service will be restored.

10.06.6.6 Returned Check Charge

An additional service charge in the amount of twenty dollars (\$20.00) shall be assessed and collected from a customer for each check for water service returned to the City for insufficient funds or for any other reason resulting in nonpayment.

10.06.6.7 Deposit Required

A security deposit of seventy-five dollars (\$75.00) shall be made with the water department on each residential water meter and seventy-five dollars (\$75.00) on each commercial meter; provided, however, that all master meter installations require a cash bond or bank letter of credit in the amount of three thousand nine hundred dollars (\$3,900.00), in lieu of a deposit. Where multi-family units have not heretofore provided for the required deposit or bond, and water service is disconnected for nonpayment of bill, then such deposit or bond shall be provided in addition to the reconnection charges provided for herein.

10.06.6.8 Submetering

If the apartment house owner, mobile home park owner, multi-family use facility owner or condominium manager provide submetering to all or some of the living units or rental units for the measurement of the quantity of water, if any, consumed by the occupants of that unit, said owner shall comply with all applicable statutes and codes relevant thereto. (Ord. 647-98)

SECTION 7 STANDARD CONSTRUCTION DETAILS

10.06.7 General Description and Purpose

The Standard Construction Details consist of drawings and associated notes pertaining to paving, storm drainage, water, and sanitary sewer construction to establish the technical construction requirements for public works projects to be built within the City Limits, the City's Extra Territorial Jurisdiction, and the City's Water CNN and Wastewater CCN. (Ord. 651-98)

ARTICLE 10.07 CONSTRUCTION DESIGN STANDARDS

SECTION 1 ADOPTION, PURPOSE AND APPLICABILITY

10.07.1.1 The North Central Texas Council of Government publication of Standard Specifications for Public Works Construction, First Edition, 1983 and subsequent amendments **to date (?)** are herein adopted as a part of the City of Glenn Heights Construction Manual.

10.07.1.2 The Construction Manual for Public Works Improvements is herein adopted as a **intended to benefit the citizens, as well as the business community. They are not intended to discourage or inhibit commercial structures.**

10.07.1.4 The following regulations shall govern the reconstruction and construction of all commercial buildings within the City. The HC district has its own ordinance that shall be followed. (Ord. 837-07)

SECTION 2 DESIGN STANDARDS

10.07.2.1 Streets and Alleys:

Streets and alleys shall be platted and constructed in accordance with the Master Thoroughfare Plan or other plans approved by the City Council, shall be of concrete construction, and shall conform to the following general requirements and standard specifications: residential streets shall be five-inch (5") reinforced concrete; collector streets shall be six-inch (6") reinforced concrete.

A. Thoroughfares shall generally be constructed as required in the Master Thoroughfare Plan. The developer will be responsible for up to a forty-nine-foot (49') pavement width. Pavement shall be in conformance with City of Glenn Heights standard specifications.

B. Collector streets shall generally be constructed within a sixty-foot (60') right-of-way and shall consist of a thirty-nine-foot (39') roadway, measured from back-to-back of curb. Pavement shall be in conformance with City of Glenn Heights standard specifications. The developer shall construct, at his own cost, the entire width of roadway if it is located in the interior of the subdivision.

C. Residential streets shall generally be constructed within a fifty-foot (50') right-of-way and shall consist of a twenty-eight-foot (28') wide roadway measured from back-to-back of curb. Pavement shall be in conformance with City of Glenn Heights standard specifications. The developer shall construct the entire width of pavement.

D. Alleys shall be constructed with a twenty-foot (20') right-of-way and shall be twelve feet (12') in width. Alley turnouts shall be twelve feet (12') wide to the property line, then narrowing to ten feet (10'). The pavement shall be five inch (5") reinforced concrete.

E. Other street sections may be used if approved by the City Council.

F. Where the plasticity index of the natural soil is equal to or exceeds fifteen (15), lime stabilization shall be required. A minimum of six percent (6%) by weight lime to a depth of six inches (6") shall be required. Soil samples for determining the plasticity Index of the natural soils shall be taken at locations specified by the Director of Public Works and shall be paid for by the owner. At the owner's option and expense, a lime series test may be made by a qualified testing firm, and lime may then be applied at the optimum rate indicated by the test.

When a proper subgrade cannot be constructed in soils having a low plasticity index, cement stabilization may be required when deemed necessary by the Director of Public Works.

G. All construction shall be in accordance with the Standard Specifications for Street Construction in the City of Glenn Heights.

10.07.2.2 Storm Drainage:

The Hydraulic Manual prepared and compiled by the Texas Highway Department's Bridge Division, and dated September, 1970, with subsequent revisions may be used in cases not covered by these requirements.

In special cases, alternate studies and/or designs may be required. These cases shall be reviewed on an individual basis. Methods, criteria, etc. shall be preapproved by the Department of Public Works. Additional documentation may be required to support the application.

Any design parameter or design criteria found in the Manual may be waived by the Department of Public Works only after a request for such waiver is made in writing to the Department of Public Works and a determination has been made that there are circumstances meriting this waiver. All proposed waivers must be approved in writing by the Department of Public Works. In most cases, the following parameters shall apply:

All storm drainage facilities shall be designed assuming fully developed conditions.

Drainage area shall conform to the natural topography of the watershed tributary to the proposed storm drainage facilities. If runoff is changed from its natural course, the change must be designed in such a manner that neither upstream or downstream properties will receive a negative impact. When the change requires the regrading of land, a grading plan shall be included in the final plans for the affected areas and be subject to approval by the Department of Public Works.

Pipe stubouts may be allowed. When allowed, pipe stubouts shall be designed with proper inlet facilities to serve the entire design subarea. The stubout pipe shall be extended to a point determined necessary to provide drainage facilities to all lots within the subarea. One hundred year overflows originating from stubout pipes into public rights-of-way or easements shall be limited to an amount which will not exceed the right-of-way or easement capacity as required in Sections IIA and IIB. Overflow velocities shall be limited to facilities as determined by the Department of Public Works. Stubout design subareas must be graded in a manner which is in conformance with the design and shall be shown as part of the construction plans.

A. Storm Drain Facilities in Street Rights-of-Way

Streets and storm drains within new developments shall be designed so that storm water runoff resulting from a design storm of 100-year frequency is contained within the available right-of-way and/or drainage easement. The capacity of the street and right-of-way and/or easement and the storm sewer pipe, working in combination, must be designed for a capacity to safely contain storm water from a design storm of 100-year frequency.

Storm drainage facilities in existing developed areas shall be designed to meet this criteria to the extent practical as determined by the Department of Public Works.

The storm sewer system is to begin at the point where the storm water from a five-year frequency storm reaches curb depth, with the exception of collector streets on which storm sewer facilities must be designed to prevent

one twelve-foot (12') wide lane in each direction from ponding. On future six-lane divided roadways where four lanes will be constructed initially, one ten-foot (10') wide lane in each direction shall remain dry unless waived by the Department of Public Works.

1. Storm sewers are to be designed to provide:
 - a. Capacity for the five-year frequency storm runoff when combined with the surface flow capacity of the street (flow contained within the curbs or providing for clear lanes as previously described) and
 - b. Capacity for the 100-year frequency storm runoff when combined with the surface flow capacity of the available right-of-way.
2. At such point where the combined capacity of the street and storm drain system satisfies the five-year street capacity criteria (as previously described) but the 100-year frequency storm runoff cannot be contained within the right-of-way, additional pick-up points shall be provided along with an increase in storm sewer capacity so that the 100-year frequency storm runoff will be contained within the right-of-way.
3. In sump conditions, the 100-year frequency storm capacity shall be provided for unless otherwise directed by the Department of Public Works, the depth of ponding shall not exceed one foot (1') measured from the normal gutter line and shall be contained within the right-of-way and/or easement.
4. At such point within a storm drain system that the 100-year frequency storm runoff requires the installation of a pipe greater than an eighty-four inch (84") diameter storm drain (or some other shape with a cross sectional area of more than 38.5 square feet), to satisfy the above mentioned criteria, then storm drainage facilities shall be installed in open channels.

B. Storm Drainage Facilities in Easements or Separate Drainage Right-of-Way

1. One, Two, Three, and Four-Family Residential Areas
 - a. When the 100-year storm can be contained in a sixty-inch (60") pipe or less, the 100-year storm must be carried underground.
 - b. When the 100-year storm cannot be contained in a sixty inch (60") pipe, the developer may:

- (1) Put the 100-year storm underground, or
- (2) Carry the 100-year storm in a lined or an unlined channel, or
- (3) Carry the 100-year storm in a natural creek if the watershed is greater than one (1) square mile (640 acres).

c. Sufficient pick-up points (inlet capacity) shall be provided to properly load the system.

2. All Other Land Uses

a. When the five-year storm can be contained in a sixty-inch (60") pipe or less, the five-year storm must be carried underground and the rest of the waters from a 100-year storm must be carried underground and/or in a drainage swale.

b. When the five-year storm cannot be contained in a sixty inch (60") pipe, the developer may:

- (1) Put the 100-year storm underground, or
- (2) Put the 100-year storm in a lined or an unlined channel or natural creek, or
- (3) Put the 100-year storm in any combination of underground, drainage swale, or channel system.

C. Culverts and Bridges

Culverts and bridges shall be designed for a design storm frequency of 100 years. Bridges shall require a two-foot (2') freeboard between the low point of the bridge and the 100-year water surface elevation. Where the drainage facility crossing a street is an open channel or a natural creek, a culvert or a bridge, as determined by the Department of Public Works to be the most desirable shall be constructed.

Where a culvert is determined to be the most effective option, the headwater shall be a minimum of one foot (1') below the adjacent top of curb. Backwater zones shall be platted as flood plain easements.

D. Lakes

Approval to develop in any area subject to inundation by a lake must be obtained from the appropriate agency responsible for that particular lake

before the City of Glenn Heights grants its approval. Agencies that should be contacted include the U.S. Army Corps of Engineers, Texas Natural Resource Conservation Commission and the Trinity River Authority.

Regardless of approvals obtained from those agencies listed above, no filling, development, or construction in any area subject to inundation by a lake shall occur without the approval of the Department of Public Works, and the Department of Public Works may require any studies necessary to determine that filling, development, or construction does not have any detrimental effect on adjacent, upstream or downstream properties and any building shall be protected. This Section in no way diminishes from other requirements of this Policy.

10.07.2.3 Drainage

Alignment of open channels adjacent to public street rights-of-way is to be discouraged and shall not be allowed unless specifically approved in writing by the Department of Public Works.

Open channels shall meet the following criteria and be designed in accordance with one of the following methods:

A. Natural Creeks

Natural creeks may be approved without significant channel improvements provided that:

1. Storm flow velocities do not exceed six feet (6') per second unless the developer's engineer can show that the soils will sustain higher velocities without erosion. The engineer's findings (appropriately documented and sealed) less one foot (1') per second shall be the maximum water velocity allowed so as to avoid erosion that could threaten life or property. All side slopes that are exhibiting erosion shall be regraded to a 3 to 1 ratio and seeded, or as approved by the City Engineer.
2. The appropriate use of the neighboring property or the health and safety of such persons affected will not be substantially injured.
3. If an entity other than the City maintains the natural creek, that entity shall enter into an agreement by which the City is indemnified from loss of life or property damage resulting from erosion of the creek bed and bank or any other cause.
4. In addition, such creeks may be modified by cutting and filling in accordance with the FEMA requirements provided that:

- a. Fill material must be suitable for compaction to create side slopes capable of sustaining expected flow velocities without erosion.
- b. Resulting side slopes shall not be steeper than a four (4) to one (1) ratio.
- c. Ample soil compaction testing shall be required to ensure specifications are being met.

B. Improved Earthen Channels

1. Storm flow velocities shall not exceed six feet (6') per second unless the developer's engineer can show that the soils will sustain higher velocities without erosion. The engineer's findings (appropriately documented and sealed) less one foot (1') per second shall be the maximum water velocity allowed so as to avoid erosion that could threaten life or property. Roughness coefficients ("n") for improved earthen channels shall adhere to criteria presented in the City of Fort Worth Storm Drainage Criteria and Design Manual. The minimum roughness coefficient ("n") for improved earthen channels to be maintained by the City shall be 0.050.
2. The channel shall have a trapezoidal shape with side slopes not steeper than a four (4) to one (1) ratio.
3. The channel bottom must be at least twelve feet (12') in width.
4. One foot (1') of freeboard above the 100-year frequency water surface elevation must be available within the designed channel at all locations.
5. The appropriate use of the neighboring property or the health and safety of such persons affected will not be substantially injured.

C. Lined Channels

1. Channels shall be trapezoidal in shape and lined with five inches (5) of reinforced concrete with side slopes of two feet (2') horizontal to one foot (1') vertical or otherwise to such standards, shape and type of lining as may be approved by the Department of Public Works. The lining shall extend to and include the water surface elevation of the 100-

year design storm plus one foot (1') freeboard above the 100-year water surface elevation.

2. The maximum water flow velocity in a lined channel shall be twenty feet (20') per second except that the water flow shall not be supercritical in an area from one hundred feet (100') upstream from a bridge to twenty-five feet (25') downstream from a bridge. Hydraulic jumps shall not be allowed from the face of a culvert to fifty feet (50') upstream from that culvert.

3. Whenever flow changes from supercritical to subcritical channel protection shall be provided to protect from the hydraulic jump that is anticipated.

4. The design of the channel lining shall take into account the superrelevation of the water surface around curves and other changes in direction.

5. A chain link fence six feet (6') in height, or other fence as approved by the Department of Public Works, shall be constructed on each side of the concrete channel lining.

6. Gabion or other forms of channel lining may be allowed in lieu of reinforced concrete lining with the approval of the Department of Public Works.

10.07.2.4 Detention

On-site detention is the process of storing or retaining storm water runoff and regulating its outflow in order to distribute the runoff over a longer period of time.

An on-site detention system may be allowed. The provision of either an adequate outfall condition or an on-site detention system shall be subject to the approval of the Department of Public Works. For parking lots used as detention ponds, the maximum depth of ponding allowed shall not exceed one foot (1'), and a maintenance indemnity/agreement may be required.

XIV.2.5 Sanitary Sewer

Sanitary sewer facilities shall be provided to adequately service the subdivision.

A. Sewer pipe shall have a minimum internal diameter of six inches (6). Construction and materials shall conform to the Standard Specifications of the City of Glenn Heights and shall be PVC (SDR-35).

B. Sewer services for each lot shall be carried to the property line at the center of the lot.

C. The developer shall construct all manholes, cleanouts, and other appurtenances as required by the Public Works Director. Distance between manholes shall not exceed five hundred feet (500'). Manholes shall be placed at all grade changes and alignment changes.

D. Should a lift station, either temporary or permanent, be necessary to provide a sanitary sewer service to the subdivision, the developer shall construct the station and all appurtenances, at his own expense. If and when the lift station is no longer needed, the installation will remain the property of the City of Glenn Heights for disposal.

10.07.2.6 Water

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

A. Water pipe shall be a minimum of six inch (6') nominal internal diameter. Construction and material shall conform to the Standard Specification of the City of Glenn Heights and shall be ductile iron or PVC AWWA C-900.

The size of pipe required to meet the demand shall be determined by the design engineer with the approval of the Public Works Director. The Public Works Director may require larger pipes than necessary to serve the proposed development to meet future system demands.

B. 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 City shall be installed over the end of each service.

C. Valves and fire hydrants shall be located to satisfy the requirements of the Public Works Department and spacing shall be five hundred feet (500') in residential areas and three hundred feet (300') in apartment and commercial areas.

SECTION 3 TERMINOLOGY

10.07.3.1 Definitions:

Berm: A small hill that is man-made; typically it is elevated land that is used in place of trees or shrubs to screen some business from the public view. It should not be more than six (6) feet from the ground to its highest point. A rolling topography is generally created.

Big Box: Commercial structures over 45,000 square feet in size.

Façade: Exterior walls visible to the public or adjacent to residential property.

FAR: This is the ratio between the floor area of the building and the floor area of the land.

Floor Area: The entire floor space from interior wall to wall.

Masonry: Exterior construction materials including brick, stone, granite, marble, concrete, clay tile, concrete block or other approved building materials, as determined by the Building Department and obtaining both Planning and Zoning Commission and City Council approval.

Sheetflow: The same as water overland flow.

Streetscape: Amenities such as benches, refuse containers, lights and pedestrian ways with trees and shrubs.

Texas SmartScape: A CD put out by the North Central Texas Council of Government, Texas Park and Wildlife and Texas Engineer Extension and Tarrant Regional Water District regarding the planting of native plants and those adapted to the climate to control the micro climate and reduce soil erosion, so that the need for excessive watering and fertilizer can be avoided.

Thoroughway/thoroughfare: The network of roadways and connecting intersections throughout the City, as well as bordering cities' roadways and state highway (SH) frontage and arterials. (Ord. 837-07)

SECTION 4 PROVISIONS FOR SET BACKS, BUILDING HEIGHTS, FAÇADE, STREETScape, LANDSCAPE AND VEHICULAR TRAFFIC

10.07.4.1 Apply to interior City Limits:

Setbacks along the highway frontage as mentioned in the Comprehensive **Master Plan** (Type A or B roads) shall consist of twenty-five (25) foot rear yard setback and a ten (10) foot frontage building setback within the City, and a forty (40) foot frontage setback in the HC District. Right-of-Way when mentioned shall be in accordance with the Thoroughfare Plan. There shall be a twenty-five (25) foot minimum buffer on each side that abuts residential buildings. If a setback is twenty (20) feet or less, there shall be no waiver to build anything less than a brick wall by the party that is the last to build.

Adjustment to residential and interior structures shall be observed.

I – Building Heights – to the property line calls for more buffer space – (40 ft. max) – I

I ----- **BUFFER AREA 25 FT.** ----- I

From the residential property line to that of the commercial/institutional building.

The space is from the residential property line to the other facility property line.

In some instances, non-conforming alleys form the buffer hence, some alleys with commercial uses may have restricted uses imposed when residents are home.

10.07.4.2 Height and Corner Visibility

The height set for these buildings shall be in accordance with Article VIII.7.2 -7.3 Section VIII.7.3 B shall also apply to the TC (Town Center) district along with all the other elements such as C, BP, and I. Planned Development (PD) or Specific Use Permit (SUP) setbacks will be governed by their design and approved by the Planning and Zoning Commission and City Council. Under this section, building heights over sixty (60) feet require City Council approval.

XIV.4.3 Style

Eight (80) percent of the building shall blend with surrounding neighborhood façade.

XIV.4.4 Façade

A. Façade Walls: For the purpose of this section all portions of walls visible to the street or non-commercial property in the C, B, BP, I, NS, O, PD or any commercial, R. and TC districts will be considered façade.

- 1. Buildings with a rear elevation shall be designed to match those sections facing the public right-of-way. These walls also appear near drainage and sidewalk areas.**
- 2. When possible building doors, windows and stairways shall be designed so that they are in public view.**

- B. Ground Floor – Façade Walls: shall incorporate at least three (3) of the following four (4) requirements: (i) entry, (ii) detail, (iii) material, and (iv) color features. These required design elements must be comprised of at least sixty percent (60%) of the façade wall's horizontal length and or be a featured element.**
- 1. Wall recesses/projections, even one hundred (100) feet long, shall have a relief of at least eight (8) inches.**
- C. Entryway Features shall have at least three items from the following list:**
- 1. Raised corniced parapets over the door, peaked roof forms having an average slope greater than or equal to a minimum 5/12 pitch, arches, or architectural details such as tile work and moldings may be integrated into the building structure and design.**
 - 2. Integral planters or wing walls shall incorporate landscaped areas and/or places for sitting.**
 - 3. Enhanced exterior lighting such as wall sconces, light coves with a concealed light source, ground mounted accent lights, or decorative pedestal lights shall be an option.**
 - 4. A three-dimensional entryway feature to project from the face of the main exterior wall by a minimum of eight (8) feet above the ground. Roofs shall be a minimum of three (3) feet, and above the main structure.**
 - 5. Provide pilasters that will project from the wall by a minimum of eight (8) inches to provide an architectural design and view.**
- D. Detail Features. These requirements apply to all façade walls. Building façade walls shall repeat patterns that incorporate no less than three (3) of the elements listed below. In addition, at least one of these elements shall be repeated horizontally:**
- 1. Color change.**
 - 2. Textural change.**
 - 3. Material module change.**
 - 4. Architectural or structural bays created through a change in plane no less than twenty-four (24) inches wide such as an offset, reveal or projecting rib.**

E. Materials. These requirements shall apply to all exterior walls except where noted. Eight (80%) minimum of all exterior walls building materials shall be approved, and be any combination of the following materials listed:

1. Face brick or face tile.
2. Natural stone or cultured stone.
3. Glass, with the use of reflective glass limited to a maximum of fifty percent (50%) of the area of any façade wall on which it is used. The windows or glass with a southern exposure shall be recessed. Care shall be given to overgrown trees or trees that will in the future cause much shading.
4. Tinted and/or textured, concrete masonry units (e.g., split face block, burnished block).
5. Portland cement plaster.
6. Synthetic products (e.g., cement fiberboard, or other materials approved by the Planning and Zoning Commission and City Council). An existing building with greater than fifty percent (50%) changes shall obtain approval from the Zoning Board of Adjustment or designated commission; or if it is a PD, shall bring the revised plans to City Council for approval.
7. Tilt-up concrete panels that are adorned or textured.
8. Any or all combination of the listed designs should cause an edge-separation of businesses such that buildings maybe distinctive and easily recognized.

F. Colors. Exterior colors shall be low reflectance, subtle, neutral, or earth tone colors and blend with the surrounding development. Building trim and accent areas may feature brighter colors, primary colors, and neon tubing for trim or accentuation in proportions consistent with the other structures in the vicinity.

G. For any non-façade wall (i.e., a non-visible “back” side) incorporating a loading, unloading, or service area more for industrial warehouses, the following materials shall be permitted:

1. Smooth-faced concrete block that is non-tinted or non-burnished.
2. Tilt-up concrete panels that are unadorned or untextured.

10.07.4.5 Vehicular Access

Large scale retail and other shopping developments shall have direct access to at least one lane of public right-of-way in each direction, with a minimum of twenty-seven (27) feet of pavement. However, entry ways and loading zones used for delivery shall be kept free of customer traffic. Shared access easements are allowed by separate instrument or by a recorded plat.

10.07.4.6 Streets Adjacent to Residential Zoning

Streets and alleys abutting residential districts shall be screened by a minimum eight (8) foot masonry wall. This eight (8) foot measurement shall be from grade level. There shall be a twenty-five foot (25') buffer by residential properties. Any space less than twenty (20) feet if approved by the Planning and Zoning Commission and City Council, shall require an additional cluster of tall well maintained hedges, ornamental trees such as Crepe Myrtle, Wild Plum or Oleander. These ornamental trees are supplemental plants when trees are called for and shall not be used in place of any trees required by separate ordinance.

10.07.4.7 A Landscaped Buffer of at least Ten Feet (10') Behind the Dedicated ROW

A. Setbacks

A ten (10) foot in width buffer shall be required along all freeways. This requirement can be observed within the forty (40) foot setback from the proposed right-of-way along I-35E. This buffer may contain a berm three (3) or four (4) feet in height. Where street traffic exists and enters the retail parcel, no berm is required. This buffer area shall contain the sidewalk, some pedestrian and streetscape features, (i.e., lighting, garbage refuse containers, benches and phone booths). A landscape plan shall be submitted with the construction plans showing the type of trees, spacing, ground cover, maintenance, layout of sprinkler system, and any amenities such as ponds, fountains, wetland and aerator for those systems that will be operative. Existing facilities are exempt from landscaping, until they expand more than twenty percent (20%) in size or exceed 45,000 square feet in size. Trees lost due to expanded right-of-way shall be exempt as well as trees lost due to the City's exercise of its eminent domain powers. The owner shall plant additional trees to compensate for such loss either on site or in the City Park. However, if there is a loss due to construction on the property, tree compensation is required. A tree that is removed or dies due to construction shall be replaced by three (3) inch caliper trees or greater, in accordance with Articles XVIII of the UDC, the tree survey submitted for the construction site and the recommendations made to the applicant(s).

B. Trees and Visibility

The trees to be planted shall be any of the trees listed in the Landscaping in Ellis County – Exhibit in the UDC, or the list may be obtained from the Texas Agricultural Engineering Extension in Ellis County. The visibility triangle shall be maintained on all plans and planted aisles.

The landscaping shall be maintained for the duration of the planned development (PD) or project and only live trees will count as landscaping.

B. To receive credit for trees that remain in place the following points shall be adhered to: the protection of healthy trees; and provision for the replacement and/or replanting of trees that are removed during construction.

1. Trees preserved shall be three (3) inch caliper (width) or greater. The sections will be viewed per square foot and the sprinkler system shall be spread per square foot as well. The sprinkler system shall be used sparingly during drought declared seasons and severe winter warning-of freezing temperatures. Xeriscape trees are best for the Texas climate.
2. Clear cutting, erosion protection and enhance storm-water management shall be approved by the City Engineer and the Public Works Department.

10.07.4.8 Parking Lot Design, Access and Pedestrian Safety

A. Parking

1. A maximum of two-thirds (2/3) of the parking area shall be located between the entryway and the front of the building, whenever possible. Nevertheless, the other 33.3% of the parking area shall become 16.6% on either side to applicable buildings. It is understood that some structures will be without a true front or side, so the rules shall not apply to such sites. Head in parking is requested and preferred.
2. Color poles or some form of identifying scheme shall be in place for safety and shopper contentment. The calculation of this parking area ratio shall apply only to the number of parking spaces required by the UDC and TAS.

3. **Parking lot design shall incorporate a delineated pedestrian pathway network no less than six (6) feet- (to include the green space on either side of a four (4) foot or greater walking path). All internal pedestrian walkways shall be distinguished from driving surfaces through the use of landscaping barriers, or durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort as well as the attractiveness of the walkways. Island walkways in between the parking right-of-way are also ideal. At a minimum, pedestrian pathways shall connect public sidewalks or right-of-way to the principal customer entrance of all principal buildings on the site.**
4. **Stack parking is required to be behind the building so that less than twenty percent (20%) or less of the parking is on the sides or in front of the building. A walkway on the ground or overhead shall be built to facilitate the customers' easy access to the parking lot and stores. If parking behind the primary structure is not functional, "side by side" parking shall be considered.**

10.07.4.9 See Off-Street Parking Article ?? for Spaces Per Permitted Use

Reference shall be made to the American Disability Act (ADA) and the Texas Accessibility Standards (TAS). Be advised that the TAS authorities in Austin or designees need to approve the design of the building and parking area prior to a permit being issued. Parking spots shall be approximately twenty (20) feet in length and nine (9) feet wide to allow for maneuvering of closely parked cars. The fire lane aisle in place shall be at least twenty-seven (27) feet wide, but not less than twenty-four (24) feet for reasonable ambulance access. There shall be at least two (2) egress and ingress points to the site.

10.07.4.10 Minimum Off-Street Loading Standards

- A. **Street facilities shall be provided and maintained for receiving and loading of merchandise, supplies and materials within a building or on the premises.**
- B. **Required off-street loading facilities may be adjacent to a public alley or private service drive, or may consist of a berth within a structure.**
- C. **No portion of a loading facility may extend into a public right-of-way or into an off-street parking facility elsewhere herein required.**
- D. **The off-street loading spaces or truck berths shall provide maneuvering areas on site to prevent any blockage of public right-of-way, and in accordance with Texas Commission on Environmental Quality (TCEQ) regulations.**

E. Off-street loading spaces shall be screened in compliance with the provisions of Articles ?? of this Ordinance.

**SECTION 5 ARCHADES, COVERED WALKWAYS,
ARCHITECTURAL, AWNINGS, CANOPIES OR
PORTICOES**

10.07.5.1 Readily observed entrances are important and encouraged. For example, Michael Graves pronounced doorways saying “this is the front.” Any covering may be used which consists of neon lights, canopy or awnings. Covered walkways or porticoes and porte-cochere’ shall be of like materials and composed of sixty (60%) of the material on the length of wall that is the front of the mall or “Big-Box.” The roof pitch may be at least 5/12. If the roof is less or is to be flat, a drainage mechanism shall be put in place to prevent excess roof run off and internal leaks or stagnant water. These mechanisms shall be explained within the approved zoning or construction plans.

SECTION 6 ROOFS, PARAPET AND ELEVATED PATIOS

10.07.6.1 A. Roofs shall incorporate parapets concealing flat roofs and rooftop equipment.

- 1. Mechanical devices shall be shielded from public view and those on the ground shall be screened by a masonry wall or both a masonry wall and ever-green shrubs. For example, HVAC units shall be hidden from public view.**
- 2. Parapet height changes shall be over one (1) foot; vary three dimensionally to add visual interest to the building; and shall include architectural detailing, cornices, moldings, trims, variations in brick coursing, and other similar type detailing.**
- 3. Metal, composition or brick style roofs are acceptable. Depending on the height and beam support for the archway, an architectural or engineering seal shall be requested.**

**SECTION 7 DISPLAY WINDOWS, FAUX WINDOWS, OR
DECORATIVE WINDOWS**

10.07.7.1 The windows shall not present a glare and shall be tinted. All glass installed shall be engineer designed, energy and ICC approved.

SECTION 8 LIGHTING

10.07.8.1 All lighting in commercial districts shall be screened to prevent a glare off site and in the adjacent residential districts. Except for utility company light poles, light poles shall not be more than twenty (20) feet high. Utility company light poles shall be at least thirty (30) feet in lateral distance from residential structures.

SECTION 9 GARBAGE AREA

10.07.8.1 The width of the refuse storage unit for the dumpster shall be at least twelve (12) feet with an apron of at least eighteen feet (18'). The storage entrance may be of easily parted metal or wood made non-absorbent (by paint or a sealant) and the three sides of this enclosure shall be of masonry materials as described in the beginning of this ordinance. The height shall not be less than that of the bin or trash container that will be hidden from public view. Approval of the height shall be done during the plan and review stage. The screening enclosure shall be one (1) foot higher than the trash container, and any such fence over eight (8) feet must be designed by an engineer. Trash compactors cannot face the public road and shall not be used between the hours of 10 p.m. and 6 a.m. in accordance with the City's nuisance codes. The area shall be well lit and free of pest and excessive debris.

SECTION 10 OUTDOOR STORAGE, SERVICE AND LOADING AREAS

10.07.10.1 A. Temporary outside storage

Temporary outside storage is not permitted without the issuance of a SUP. Bins over two hundred (200) square feet shall not be stored for more than thirty (30) days on the parking lot unless they are being used as part of a construction effort and permits have been issued for the construction.

B. Service areas including, but not limited to, loading docks

Truck courts shall be oriented away from the view of any freeway or public street or adjacent residential zoning district screened by an eight (8) foot masonry wall extending the entire length of the service dock area. Such service areas shall have additional screening along the exterior side of the wall in the form of evergreen landscaping which must be opaque and eight (8) feet in height within (24) months after planting.

C. Permanent Outdoor Display (Seasonal/Promotional Sales and Storage)

- 1. Merchandise may be stored or displayed for sale to customers in areas contiguous to the front or side of the building not in areas striped for parking or a fire lane.**
- 2. All permanent outdoor display items for sale and/or storage, and seasonal outdoor items for sale and/or storage shall be approved by the Building Official, City Enforcement Officer or an authorized designee prior to the display being exhibited. All outside storage shall not exceed fifteen percent (15%) of the total square feet of the primary use. All outside storage shall be screened to a height equal to the height of materials or items stored outside, unless there is a SUP.**
- 3. No unscreened merchandise shall be left next to residential neighborhoods, or on the parking lot.**

D. Shopping Cart Storage

Shopping carts shall be stored by the inside-front section of the store and by the end of parking aisles. The retailers shall provide storage areas also by central sections of the parking aisles and no single cart storage area shall exceed twenty (20) feet in length. The cart corral directly outside the front of the store shall be screened. (Ord. 837-07)

ARTICLE 10.08 SUPPLEMENTAL SUBDIVISION REGULATIONS

SECTION 1 STREET LIGHTS

10.08.1.1 Basic Policy

It is the policy of the City of Glenn Heights that adequate street lights be installed in all new developments.

- A. Developers shall furnish satisfactory easements for installation of services to street lights, normally five feet (5') in width.**
- B. Street light number, type, and size shall be determined by the City of Glenn Heights.**
- C. Developers will pay pro rata cost of street light installations.**
- D. Street lights are normally required at all intersections, in cul-de-sacs, and at approximately three hundred-foot (300') intervals on tangent streets.**

SECTION 2 STREET NAME SIGNS POLICY

10.08.2.1 The developer shall install street name signs, and any required traffic control devices concurrent with the improvements within the subdivision approved by a final plat.

10.08.2.2 Signs and markers shall meet the City's specifications for markings.

SECTION 3 FIRE LANES

Where adequate access for fire-fighting purposes may not otherwise be provided, easements for fire lanes may be required. Fire lane easements shall be paved with either asphalt or concrete material of such strength to support fire vehicles; shall be a minimum of sixteen feet (16') in width; shall generally be within fifty feet (50') of all exposed building walls; shall be maintained by the property owner; shall be marked as such on the ground; and shall be kept free and clear at all times, or have such obstacles that can easily be traversed by a fire truck, (i.e. breakable chains, low level plant material), unless otherwise approved by the Planning and Zoning Commission.

SECTION 4 MONUMENTS AND MARKERS

10.08.4.1 Markers

Lot markers shall be a five-eighths (5/8) inch reinforcing bar, eighteen inches (18") long, or approved equal, and shall be placed at all lot corners flush with the ground or below ground if necessary in order to avoid being disturbed.

10.08.4.2 Monuments

Monuments shall be set at any angle point in the perimeter boundary of the subdivision. Monuments shall be a concrete post four inches (4") in diameter and four feet (4') in length, or other such type of monument as may be approved by the Public Works Director. The precise point of intersection shall be indented on top of the monument.

10.08.4.3 Bench Marks

A bench mark will be established on a boundary corner of the subdivision and within the subdivision not closer than two hundred feet (200') apart at a ratio of one bench mark per ten (10) acres of subdivision area. Such bench marker shall be established to a sea level datum. The bench mark shall be established upon a permanent structure, or may be set as a monument, and shall be readily accessible and identifiable on the ground as well as on the subdivision plat.

SECTION 5 DEVELOPMENT ON EXISTING LOTS THAT WERE PREVIOUSLY APPROVED BY THE CITY

10.08.5.1 It is the policy of the City of Glenn Heights that redevelopment on existing residential lots within the City shall be encouraged. This policy shall apply to lots that have been platted previously and/or developed and are now currently being redeveloped. For such areas, the existing community facilities of streets, water, and sewer shall be considered the responsibility of the City and shall be upgraded as funds are available and/or during the regular assessment program.

10.08.5.2 For areas where zoning has been changed significantly from the time of original platting or development, the full requirements of this subdivision/development Code shall be applied, including all required improvements and facilities. A zoning change from single-family to multi-family, commercial, or industrial is deemed a significant change for the purpose of this Section.

SECTION 6 LOTS AND BLOCKS

10.08.6.1 Lots

A. Lot Size

The size, width, and depth of lots shall conform to the zoning requirements for the area.

B. Access to Street

Each lot shall be provided with adequate access to an existing or proposed public street (County or City) by frontage of not less than twenty feet (20') on such street except frontage on a private street may be permitted in a Planned Development Zoning District. Such public street shall be connected to and considered part of the general network of public streets in the area. Development adjacent to existing public streets shall include the required improvements in accordance with the City's perimeter street policy.

C. Facing

Wherever feasible, each lot should face the front of a similar lot across the street. In general, an arrangement placing facing lots at right angles to each other should be avoided.

D. Common Areas and Facilities

Such areas shall be noted on the plat, and also have filed covenants approved by the City Attorney, or other arrangements for permanent

maintenance of these areas and facilities as may be approved by the Planning and Zoning Commission.

E. Building Across Lot Lines

No building, except buildings designed and constructed as two-family dwellings or one-family attached dwellings, shall be constructed on or across existing lot lines. Where buildings are designed and constructed on or across lot lines, the buildings shall be so located so that the common walls separating the individual living units are located on and along the common lot lines of the adjoining lots on which the buildings are located.

F. When lots back to major thoroughfares, a screening device shall be installed on the lot(s) limiting visibility between the traffic way and adjoining lots. Screening material shall be approved by the City Council and shall be either of solid material or vegetative material.

G. Blocks

Block length for residential use should generally not exceed twelve hundred feet (1200'), measured along the center of the block. Six hundred feet (600') is a desirable minimum. The Commission may require a pedestrian easement or a walk near the center of blocks over one thousand feet (1,000').

ARTICLE 10.09 LANDSCAPE DEVELOPMENT AND SCREENING REGULATIONS

SECTION 1 PURPOSE

10.09.1.1 The Purpose of this Article is as Follows:

- A. To aid in establishing the environment’s ecological balance and contributing to the processes of air purification, oxygen regeneration, ground water recharge, and storm water runoff retardation, while at the same time aiding in noise, glare, and heat abatement; and**
- B. To ensure that the local stock of native trees and vegetation is replenished; and**
- C. To assist in providing adequate light and air in preventing overcrowding of land; and**
- D. To provide visual buffering and enhance the beautification of the City; and**

- E. To safeguard and enhance property values to protect public and private investments; and**
- F. To preserve and protect the unique identity and environment of Glenn Heights' economic base attracted to the City of Glenn Heights by such factors; and**
- G. To conserve energy; and**
- H. To protect the public health, safety and general welfare.**

SECTION 2 APPLICABILITY

10.09.2.1 This Article shall apply to the following at the time a building permit application is made:

- A. Nonresidential. New nonresidential development in all districts shall be subject to all provisions of this Article, provided that a one-time expansion of the floor area of buildings on a lot or building tract not exceeding twenty-five percent (25%) of the existing floor area shall not be subject to the requirements of this Article.**

10.09.2.2 Exceptions. These requirements shall not apply to the following:

- A. Building permits for restoration within a period of twelve (12) months of a building which has been damaged by fire, explosion, flood, tornado, riot, or act of public enemy.**
- B. Building permits for restoration of buildings with a recognized City historic designation.**
- C. Building permits for remodeling as long as the front and side exterior walls of the building remain in the same location.**
- D. Where a Preliminary Plat or Site Plan is filed with the City Secretary prior to the date of this Ordinance.**

SECTION 3 DEFINITIONS

10.09.3.1 These definitions are in addition to those provided in Article ?? of the Zoning Ordinance

- A. *Buffering* - The use of landscaping (other than mere grass on flat terrain), or the use of landscaping along with beams, walls, or decorative fences that at least partially obstruct the view from the street, in a**

continuous manner, of vehicular use areas, parking lots and their parked cars, and detention ponds.

B. *Corner Lot* - A corner lot is situated at the junction of two or more streets, or of two segments of a curved street, forming an angle of not more than 135 degrees.

C. *Drip Line* - The circular area directly beneath the leaf canopy of a tree, where most of the tree's feed roots are located.

D. *Landscaped Area* - That area within the boundaries of a given lot which is devoted to and consists of plant material, including but not limited to grass, trees, shrubs, flowers, vines and other groundcover, native plant materials, planters, brick, stone, walkways, waterways, ponds, fountains, sculptures and other organic and inorganic material used to create an attractive appearance. Smooth concrete or asphalt surfaces are not considered landscape. The use of brick, stone aggregate or other inorganic materials shall not predominate over the use of organic plant material.

E. *Owner* - That person who has legal title to the property, as indicated by the most current tax rolls, or a lessee, agent, employee or other person acting on behalf of the titleholder with written authorization to do so.

F. *Street Yard* - The area of a lot that lies between any street line and the actual front wall line of the principal building, as such building wall line extends by imaginary lines from the outward corners of the building and parallel to the street to the side property lines. In determining the street yard, steps and unenclosed porches shall be excluded; however, the building wall line shall follow and include the irregular indentions of the building. A front building wall is a building wall fronting on a street. In the case of multiple principal buildings located on a building tract, imaginary lines shall connect the corners of facing walls of adjacent buildings.

On corner lots, the street yard shall consist of all the area of such lot between all abutting street lines and their corresponding actual front building wall lines, as such lines are imaginarily extended in the manner provided above.

If a building has a rounded front, the front building wall corners shall be the points closest to the side boundaries; provided, however, that isolated buildings (e.g. fast food restaurants in a shopping center, photo processing dropoffs, bank drive-throughs, etc.) shall not be considered in delineating the street yard.

Notwithstanding the foregoing, on land used only for parking purposes or only as a commercial or private parking lot, the street yard shall consist of the area between the street line and the back property line.

SECTION 4 APPLICATION PROCEDURE

10.09.4.1 Application

Any proposed building or use shall be shown on a landscape plan indicating the location of existing and proposed buildings, parking areas, street improvements, location and types of landscaped areas, walls, screening devices and watering devices. This landscape plan shall be submitted at the time that any application for a Development Plan or Site Plan is submitted and shall contain the following information.

- A. The date, scale, north point, title, and name of owner.**
- B. The location of existing boundary lines and dimensions of the tract.**
- C. The approximate center line of existing water courses; the appropriate location of significant drainage features; the location and size of the existing and proposed streets and alleys, the existing and proposed utility easements on or adjacent to the lot, and existing and proposed sidewalks adjacent to the street.**
- D. The location, size, and type (tree, shrub, groundcover or grass) of proposed landscaping in the proposed landscaped area along with the location and size of the proposed landscaped area.**
- E. The location and species of existing trees in the street yard and parking lots, having a caliper width of ten (10) inches in diameter or greater, and the approximate size of their crowns.**
- F. Written verification that the tree requirements have been met under 10.09.5.2(A) and 10.09.5.2(B) as applicable.**
- G. A statement regarding the tree protection measures the applicant plans to take to protect the existing trees, to be retained, from damage during construction.**
- H. The proposed irrigation systems as provided by 10.09.5.7 below.**

10.09.4.2 Approval and Permits

- A. All landscape plans must be approved by the Building Official.**
- B. Landscaping plans approved by the City as part of a Site Plan/Development Plan shall not require further approval by the Building Official if the approved Site Plan/Development Plan contained all information listed in subsections A through H above and no material changes are made prior to submission of either the Preliminary or Final Plat.**
- C. The Building Official shall not issue an occupancy permit prior to the approval of the Landscape Plan and completion of all planting and other landscape improvements designated on each Plan; however, when adverse seasonal planting conditions exist, the Building Official may issue a temporary permit not to exceed twelve (12) months.**
- D. The existing natural landscape character shall be preserved to the extent reasonable and feasible. In an area of the street yard containing a stand of trees, the owner shall use best good faith efforts to preserve such trees. In determining whether there is compliance with this subsection, the Building Official shall consider topographical constraints on design, drainage, access and egress, utilities, other factors reasonably related to the health, safety and welfare of the public which necessitated disturbance of the existing natural character, the nature and quality of the landscaping installed to replace it, and such other factors as may be relevant and proper.**
- E. Indiscriminate clearing or stripping of the natural vegetation on a lot is expressly prohibited.**

10.09.4.3 Fees

- A. An inspection fee, in an amount to be set by the City Council from time to time by Ordinance, shall be collected by the Building Official or his designee at the time of application for a Final Plat.**
- B. In the event the required landscaping is not completed in accordance with the approved landscape plan at the time of Final Plat approval, the owner or developer shall escrow sufficient funds, to be determined by the City, to ensure the required landscaping shall be installed in accordance with this Article. Further, the owner/developer shall be required to grant permission to the City to enter upon the land for the purposes of installing the required landscaping in the event that such landscaping is not in place at the time of the inspection and to indemnify and hold the City harmless from any and all damages, costs of suit or liability arising from the City's actions towards gaining compliance with this Article. The escrow funds shall be released if the required landscaping is in place at the time of such inspection.**

SECTION 5 LANDSCAPING REQUIREMENTS

10.09.5.1 Street Yard Landscaping

A. All undeveloped areas of the street yard shall be landscaped. Each lot or building tract shall be required to have a landscaped area that is at least 20% of the area of the street yard.

10.09.5.2 Tree Planting Standards

A. Non-residential lots. Trees shall be planted, or existing trees preserved, within the street yard of the non-residential lots, in accordance with the following provisions:

(1) At least one tree of at least three inches (3") in caliper and ten (10') feet in height (either existing or planted) shall be included and replaced as necessary in accordance with the following ratios:

a. For street yards less than ten thousand (10,000) square feet in area, one (1) tree per one thousand (1,000) square feet, or fraction thereof, of street yard.

b. For street yards between ten thousand (10,000) and one hundred ten thousand (110,000) square feet in area, one (1) tree per two thousand five hundred (2,500) square feet, or fraction thereof, of street yard area over ten thousand (10,000) square feet is added to the requirement of ten (10) trees.

c. For street yards over one hundred ten thousand (110,000) square feet in area, one (1) tree per five thousand (5,000) square feet, or fraction thereof, of street yard area over one hundred ten thousand (110,000) square feet is added to the requirement of fifty (50) trees.

(2) An existing or planted tree which is at least eight inches (8") in diameter or at least six inches (6") in diameter and at least fifteen feet (15') tall, shall be considered as two trees for purposes of satisfying this subsection. All newly planted trees shall be planted in a permeable area no less than four feet (4') wide.

10.09.5.3 Permissible Tree Species

Tree specifications and definitions shall be in accordance with the American Standard for Nursery Stock. The following approved tree species shall satisfy the tree planting requirements of this Article.

A. A tree species in the suggested plant list, attached hereto as Exhibit “A;” or

B. A tree species listed in *The Trees of North Texas* by Robert Vines.

10.09.5.4 Credit for Trees

Tree credits shall be awarded based on the following criteria:

A. The existing trees shall be in a healthy, vigorous growing condition.

B. The area below the drip line shall remain undisturbed either by cutting or filling in the development process.

C. The developer/owner shall not put an impervious material under the drip line. Permeable pavers will be considered as impervious material.

D. No credit shall be allowed or given in the event that grade alterations surrounding the established tree are detrimental to the survival of the trees.

10.09.5.5 Credits Toward Landscaping Requirements

A. Each square foot of landscaped area which is permeable and within the area encompassed by the drip line of a tree shall count as 1.5 square feet of landscaped area for the purpose of satisfying the requirements of 10.09.5.1 and 10.09.5.2 above, as applicable. Thus, each square foot of landscaped area which is permeable and contiguous to the landscaped area within the drip line shall count as 1.5 square feet of landscaped area for the purposes of satisfying the requirements of Article 10.09.5.1 and 10.09.5.2., as applicable.

B. The foregoing 150% credit shall be subject to the following limitations. Neither overlapping drip line areas nor areas contiguous to the drip line areas which overlap shall be counted twice. Moreover, a tree drip line area shall not qualify for credit under this subsection if:

(1) less than one-half of the drip line area is permeable cover;

(2) there have been any damaging changes in the original grade of the drip line under the tree; or

(3) The total of such area receiving such credit around the tree exceeds the total square footage landscaped area within the drip line.

10.09.5.6 Screening Standards

A. Parking Area Landscaping.

(1) Vehicular use areas, parking areas, parking lots and their parked vehicles shall have effective buffering from the street view.

a. The area of the lot adjacent to the street right-of-way line and extending unto the lot for a minimum width of fifteen feet (15'), shall be landscaped, except for necessary driveways. Street buffer landscaped area shall be counted toward the street yard landscaping requirement.

b. Street buffer trees shall be a minimum of three inch (3") caliper and shall be provided in a ratio of one (1) tree for every thirty feet (30') of lineal frontage.

(2) A minimum amount of the total area of all vehicular use areas and parking areas of a lot shall be devoted to landscaped islands, peninsulas, or medians. The minimum total area in such islands, peninsulas, and medians in the street yard shall be ninety (90) square feet for each twelve (12) parking spaces. The minimum total area in such islands, peninsulas, and medians in the remainder of the lot (i.e., the non-street yard) shall be sixty (60) square feet for each twelve (12) parking spaces therein.

(3) The number, size, and shape of islands, peninsulas, and medians in both street yards and non-street yards shall be at the discretion of the owner; however, no parking space shall be located further than fifty feet (50') from a permeable landscaped island, peninsula or median. All islands, peninsulas, and medians required in the areas stated above shall be more or less evenly distributed throughout such parking areas, respectively; however, the distribution and location of landscaped islands, peninsulas, and medians may be adjusted to accommodate existing trees or other natural features so long as the total area requirements for landscaped islands, peninsulas, and medians for the respective parking areas above is satisfied.

(4) Landscaped areas within parking lots shall be counted toward the street yard landscaping requirement.

B. All landscaping which is in required landscaped areas and which is adjacent to pavement shall be protected with concrete curbs or equivalent barriers when necessary to protect trees.

C. Landscaping in landscaped areas shall not obstruct the view between the street and the access drives and parking aisles near the street yard entries

and exits, nor shall any landscaping which creates an obstruction of view be located in the radius of any curb return

D. Landowners are encouraged to landscape the areas within the non-paved street right-of-way abutting their land; provided however:

(1) The City may at any time require such landscaping to be removed and the City shall not be responsible or liable in the event any landscaping in the right-of-way must be removed or is requested to be moved by the City.

(2) Such landscaping in the right-of-way shall observe the provisions of the City pertaining to traffic and pedestrian safety.

(3) Any underground sprinkler systems, planters, or other permanent structures placed in the right-of-way shall require a license agreement with the City of Glenn Heights. When any other governmental jurisdiction is trustee of the public right-of-way at the particular location in question, arrangements must be made with such other jurisdiction.

10.09. 5.7 Irrigation and Maintenance

A. All required landscaped areas shall include an irrigation system as defined herein to ensure the health and growth of the landscape. Medians, rights-of-way, visibility clips and other common areas that are landscaped shall be irrigated, with irrigation plans for said landscaped areas approved by the City prior to acceptance of public improvements for the development.

B. All required landscaping shall be irrigated by one of the following methods:

(1) An underground sprinkling system; or

(2) A hose attachment within 100 feet of all landscaping, provided, however, a hose attachment within 200 feet of all landscaping in non-street yards shall be sufficient.

C. Landscaped areas shall be reasonably maintained by the owner or the lessee of the property, including but not limited to pruning, trimming, watering, and other requirements necessary to create an attractive appearance for the development.

D. Any plant material not surviving shall be replaced within thirty (30) days of its demise. Variances because of seasonal requirements can be granted by the Building Official or his designated representative.

- E. Lack of maintenance of required landscaping material shall constitute a violation of this Article.

SECTION 6 VARIANCES

10.09.6.1 Notwithstanding the above, a Landscape Plan which proposes a variance from the landscape requirements as stated herein, may be approved by the City Council upon the affirmative recommendation of the Building Official and upon a finding by City Council that the proposed variance meets the intent and purpose of these requirements and would result in a Landscape Plan that, in the opinion of City Council, is an improvement over a Plan that is in strict compliance with this Article. (Ord. 604-97)

The following section is not numbered so in adopting Ordinance 645-98.

SECTION 7 LANDSCAPING STANDARDS FOR ONE AND TWO FAMILY DWELLINGS

10.09.7.1 All one- and two- family dwellings shall have installed:

A. Not less than one (1) locally adapted shrub for every three (3) linear feet of structure width, pursuant to standards, specified in Exhibit “A” (Texas Agricultural Extension Service, *Landscaping In Ellis County*) and Exhibit “B” (Texas Agricultural Extension Service, *Landscape Water Conservation*); and

B. Not less than two (2) two-inch caliper locally adaptable large trees, pursuant to examples, stated in Exhibit “A” (Texas Agricultural Extension Service, *Landscaping In Ellis County*) and Exhibit “B” (Texas Agricultural Extension Service, *Landscape Water Conservation*), to be located within the front yard.

C. All lawns shall be hydro mulched or block sodded covering one hundred percent (100%) of the front and side yards except for lots that are one-half acre or larger. The minimum amount of hydro mulched or block sodded covering for lots that are one-half acre or larger shall be no less than the required amount of lawn coverage designated for a SF-1 lot.

Minimum coverage for lots that are one-half acre or larger:

- (1) Minimum width coverage is 100 feet.**
- (2) Minimum front yard coverage is 35 feet.**
- (3) Minimum side yard coverage is 15 feet.**

D. Such required landscaping shall be required on all NEW CONSTRUCTION after the EFFECTIVE DATE of this Ordinance and such landscaping shall be in a thriving condition at time of final inspection of the main structure.

10.09.7.2 Variances

Notwithstanding the above, a landscape plan which proposes a variance from the landscape requirements herein, may be approved by the City Council upon the affirmative recommendation of the Building Official and upon finding by City Council that the proposed variance meets the intent and purpose of these requirements and would result in a Landscape Plan that, in the opinion of City Council, is an improvement over a Plan that is in strict compliance with this Article.

10.09.7.3 Definitions

- A. Lawn/Yard. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward. In measuring a lawn/yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot lines and the main building shall be used.**
- B. Lawn/Yard, Front. A lawn/yard located in front of the elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main structure.**
- C. Lawn/Yard, Side. A lawn, yard between the building and side line of the lot and extending from the front lot line to the rear lot line and being in the minimum horizontal distance between a side lot line and the outside wall of the side of the main structure. (Ord. 645-98)**