

ORDINANCE NO. 2020 6 9

AN ORDINANCE OF THE CITY OF ANNETTA SOUTH PROVIDING FOR THE MINIMUM DRIVEWAY APPROACH CONSTRUCTION STANDARDS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE, PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Annetta South is a Type A general law municipality located in Parker County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, currently, the City of Annetta South does not regulated the construction of driveway approaches; and

WHEREAS, the City of Annetta South deems it necessary and appropriate to implement regulations governing the construction of driveway approaches; and

WHEREAS, the City Council of Annetta South has determined it is in the best interests of the public's health, safety, and general welfare that this ordinance be passed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNETTA SOUTH, TEXAS, THAT;

SECTION 1.

MINIMUM DRIVEWAY APPROACH CONSTRUCTION STANDARDS

- A.** The driveway approach is defined as that portion of a driveway that lies within the public/private street or public/private roadway right-of way (R.O.W.), between the paved edge of the public/private street or public/private roadway and the R.O.W. LINE abutting the driveway property.
- B.** Where the driveway approach crosses a drainage ditch or drainage swale in which stormwater flows, the driveway approach shall include the installation of stormwater drainage pipe(s) or culvert(s) under the full width of the driveway approach to maintain the natural flow of the stormwater.
- C.** The driveway approach shall abut the paved edge of the public/private street or public/private roadway and extend toward the R.O.W. LINE abutting the driveway property a distance determined as follows:

- 1) In a platted subdivision of a Single Family – 1 Zoning District (SF-1), Minimum Lot size of 2 acres, the driveway approach shall extend the full distance to the R.O.W. LINE abutting the driveway property.
 - 2) In all other locations, the driveway approach shall extend a minimum of 3 ft. distance beyond the centerline of a drainage pipe(s) or culvert(s), or extend a minimum of 15 ft., whichever is the greater distance.
- D. The minimum driveway approach construction standards shall be as shown in the North Central Texas Council of Governments (NCTCOG) PUBLIC WORKS CONSTRUCTION STANDARDS, Fifth Edition; November 2017; STANDARD SPECIFICATIONS and STANDARD DRAWINGS.
- E. The use of these NCTCOG PUBLIC WORKS CONSTRUCTION STANDARDS shall be under the supervision and seal of a professional engineer in the State of Texas. Any modification to these Standard Specifications and Standard Drawings shall be clearly noted on engineering plans and contract documents prepared under the supervision and seal of a registered professional engineer.
- F. The applicable minimum driveway approach construction standards are included herewith and shall be **either**:
- 1) STANDARD DRAWING NO. 2150A and No. 2150B: DRIVEWAY APPROACH – FLARED RETURN TYPE
 - or**
 - 2) STANDARD DRAWING NO. 2155: DRIVEWAY APPROACH – RADIUS RETURN TYPE
 - 3) **Along with** related STANDARD DRAWINGS:
 - a) STANDARD DRAWING NO. 2060: REINFORCED CONCRETE PAVEMENT TRANSVERSE JOINT SPACING
 - b) STANDARD DRAWING NO. 2070: REINFORCED CONCRETE PAVEMENT STREET HEADERS
 - c) STANDARD DRAWING NO. 6060: CONCRETE APRON VERTICAL HEADWALL
 - d) STANDARD DRAWING NO. 6070: CONCRETE APRON SLOPING HEADWALL
- G. With reference to STANDARD DRAWING NO. 2150A and 2150B: DRIVEWAY APPROACH – FLARED RETURN TYPE:
- 1) Minimum driveway approach width at end of approach shall be 12 ft.

- 2) Minimum driveway flare-width shall be 5 ft. on each side of driveway approach.
- 3) Minimum overall driveway width at joint with existing public/private street or public/private roadway shall be 22 ft.
- 4) Transition widths shall also be required where there are existing and/or planned sidewalks along the public/private street or public/private roadway R.O.W. that the driveway approach crosses.

H. With reference to STANDARD DRAWING NO. 2155: DRIVEWAY APPROACH – RADIUS RETURN TYPE:

- 1) Minimum driveway approach width at end of approach shall be 12 ft.
- 2) Minimum overall driveway width at joint with existing public/private street or public/private roadway shall be 22 ft.

I. With reference to **both STANDARD DRAWING NO. 2150A and 2150B, and STANDARD DRAWING NO. 2155:**

- 1) Minimum driveway approach pavement shall be 6 in. reinforced concrete as shown and specified on the Standard Drawings.
- 2) Preparation of the subgrade under the pavement shall be a minimum 6 in. thickness of Lime or Cement Stabilized material compacted to 95% Standard Proctor Density.
- 3) The driveway approach reinforced concrete pavement joint spacing shall be constructed in accordance with concrete STANDARD DRAWING NO. 2060: REINFORCED CONCRETE PAVEMENT TRANSVERSE JOINT SPACING.
- 4) The end of the driveway approach reinforced concrete pavement that abuts the existing paved edge of the public/private street or public/private roadway shall be constructed in accordance with STANDARD DRAWING NO. 2070: REINFORCED CONCRETE PAVEMENT STREET HEADERS - STREET HEADER AT EXISTING PAVEMENT
 - a) Dowels shall not be required where the existing edge of the public/private street or public/private roadway is constructed of bituminous pavement.
- 5) Where the installation of stormwater drainage pipe(s) or culvert(s) under the full width of the driveway approach to maintain the natural flow of the stormwater are required:

- a) The combined stormwater drainage capacity of the drainage pipe(s)/culvert(s), ditch(es), driveway(s), public/private street/roadway and surfaces within the public/private street/roadway R.O.W. shall contain a 100-year storm flow within the public/private street/roadway R.O.W.
- b) Driveway approach drainage pipe(s)/culvert(s) shall not be less than 18 inches in diameter.
- c) Concrete Headwalls shall be constructed at both the upstream and downstream ends of all drainage pipe(s)/culvert(s) in accordance with **either**:
 - STANDARD DRAWING NO. 6060: CONCRETE APRON VERTICAL HEADWALL
 - or**
 - STANDARD DRAWING NO. 6070: CONCRETE APRON SLOPING HEADWALL
 - TxDOT standard precast concrete headwalls may be substituted for the above-referenced Standard Drawing No 6060 and/or 6070.
- d) Erosion Protection in the form of stone riprap shall be provided at the upstream and downstream ends of all Concrete Headwalls. Riprap shall be in the size range of 6 inches to 12 inches in diameter.

J. The NCTCOG PUBLIC WORKS CONSTRUCTION STANDARDS referred to above are attached hereto as Exhibit A.

SECTION 2. APPLICATION FOR PERMIT TO CONSTRUCT

- A) It shall be unlawful for any person to construct or have constructed a driveway approach without first obtaining a permit.
- B) To obtain a permit, the City Development Application shall be completed and submitted, along with the required permit application fee, providing all application listed information including a scalable site plan showing all minimum construction standard information proposed to be incorporated in the proposed driveway approach.
- C) All permit applications shall be reviewed by an authorized agent of the City of Annetta South at the requestor's expense prior to submission to the City Council.
- D) The permit application fee shall be as provided from time to time by resolution or by ordinance of the City of Annetta South City Council.

**SECTION 3.
VARIANCE REQUESTS**

- A. All requests for variance shall be submitted in writing detailing the section and sentence to be varied, the exact change requested and supporting argument, detailing the hardship necessitating the variance.

- B. A Variance may be granted upon a showing of special circumstances or conditions affecting the land such that the strict application of the provisions of this ordinance create an unnecessary hardship and the requested variance is the minimum relief necessary to relieve the hardship.

- C. All variance requests shall be reviewed by an authorized agent of the City of Annetta South at the requestor's expense prior to submission to the City Council.

**SECTION 4.
ORDINANCE CUMULATIVE**

This ordinance shall be cumulative of all provisions of ordinances of the City of Annetta South, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 5
PENALTY**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. In addition, any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance may be subjected to such civil penalties as authorized by law.

**SECTION 6
SAVINGS**

All rights and remedies of the City are expressly saved as to any and all violations of the provisions of the Subdivision Ordinance, as amended, or any other ordinances affecting driveway approach construction regulations which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 7
SEVERABILITY**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

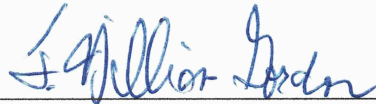
**SECTION 8
PUBLICATION**

The City Secretary of the City of Annetta South is hereby directed to publish in the official newspaper of the City the caption, penalty clause, and effective date clause of this ordinance as required by law.

**SECTION 9
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS NINTH DAY OF JUNE, 2020.



MAYOR PROTEM BILL GORDON

ATTEST:



ELLEN WOODWARD, CITY SECRETARY

EFFECTIVE DATE: _____

