

**ARTICLE X.
DESIGN STANDARDS**

SECTION A. GENERAL.

1. CONFORMITY TO THE DESIGN REQUIREMENTS:

No plat shall be approved by the Planning and Zoning Commission, and no completed improvements shall be accepted by the city engineer, unless and until such conforms to the Design Standards of this ordinance, and all other applicable standards as prescribed by the city of Carrollton. All streets, alleys, sidewalks, drainage ways, water and sewer lines, and improvements shall be designed, placed and constructed in accordance with the General Design Standards and the Stormwater and Flood Protection Ordinance of the city of Carrollton, as amended. (*Ord. No. 2772; 02/04/03*)

2. CONFORMITY TO COMPREHENSIVE PLAN:

All subdivisions shall conform to the Comprehensive Plan and Transportation Plan of the city of Carrollton and all applicable parts thereof.

3. RESERVE STRIPS:

There shall be no reserve strips of land permitted within a subdivision except those which are planned to be conveyed or dedicated to a federal or state agency for State Highways 190, 161 and 121, and Interstate Highway 35E. (Reference Figure 1.2, Appendix A)

4. SUBDIVISION NAMES:

Subdivision names shall not duplicate or cause confusion with the names of existing subdivisions. All subdivision names shall be approved by the Planning and Zoning Commission upon recommendation of the Planning Department.

SECTION B. BLOCKS.

Block lengths shall not exceed one thousand, two hundred (1,200) feet, except along arterial thoroughfares, as designated on the Transportation Plan. The minimum block length along an arterial thoroughfare shall be one thousand, six hundred (1,600) feet.

1. The length, width and shape of blocks shall be determined with due regard to:
 - a. Provision of adequate building sites suitable to the special needs of the type of use contemplated;
 - b. Zoning requirements as to lot size and dimensions; and
 - c. Need for convenient and safe access, circulation, and control of street traffic.
2. In general, intersecting streets determining the block lengths and widths shall be provided at such intervals as to serve cross traffic adequately, and to meet existing streets. Where no existing subdivision establishes control, the block lengths shall not exceed one thousand, two hundred (1,200) feet, nor be less than five hundred (500) feet in length. However, in cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied by the Planning and Zoning Commission upon recommendation of the Transportation Department and in accordance with Article XII of this ordinance, the length may be increased or decreased to meet the existing conditions, having due regard for connecting streets, circulation of traffic and public safety.
3. Where a block in the vicinity of a school, public park or shopping center is platted to a length of one thousand (1,000) feet or longer, the Planning and Zoning Commission may require a sidewalk, five (5) feet in width and within a ten (10) foot easement, to be built by the developer within the block or at a street that terminates between the streets at the ends of the block, as determined appropriate by the Commission. Such sidewalk shall be constructed in accordance with the standards prescribed by the city of Carrollton, and shall extend through the block from sidewalk to sidewalk, or to the rear property line where no street exists. (Reference Figure 2.1, Appendix A)

SECTION C. LOTS.

1. Lot design shall provide for lots of adequate width, depth and shape to provide open area, to eliminate overcrowding, and to be appropriate for the location of the subdivision for the type of development and use contemplated, and in accordance with the Comprehensive Zoning Ordinance of the city of Carrollton.
2. Every lot shall meet the minimum area and dimension standards as set forth in the Comprehensive Zoning Ordinance for the district in which the lot is located. The Planning and Zoning Commission shall have the authority to approve a subdivision plat where lots have area, dimensions or setbacks greater than the minimum standards set forth in the Comprehensive Zoning Ordinance.
3. Every lot shall have frontage on, and access to, a public street. However, where existing conditions make it impractical for one or more lots to have frontage on a public street or where in-fill development can be accommodated, the Planning and Zoning Commission may authorize access to a lot or lots from a public street via an access easement without requiring frontage on a public street. The access easement must be of sufficient width and appropriate design so as not to deter access by emergency vehicles or any other public services. *(Ord. No. 2943, 11/02/04)*
4. Lots in the (SF) Single-Family, (D) Duplex, (T) Tri-plex, and (F) Four-plex Districts shall not front upon a freeway frontage road or an arterial thoroughfare, as designated on the Transportation Plan.
5. Side lot lines shall be substantially at right angles to straight streets, and substantially radial to curved street lines.
6. Where a lot in a residential area backs up to a railroad right-of-way, drainage easement, a high-pressure gasoline, oil or gas line, electric transmission lines (69kv or higher), a freeway frontage road or arterial thoroughfare, as designated on the Transportation Plan, an (LI, HI) Industrial, (LC, HC, C/W) Commercial, (FWY) Freeway, or (IP) Industrial Park zoned area, or other land use which has a deprecating effect on the residential use of the property, and where no street or alley is provided at the rear of such lot, additional lot depth may be required by the Planning and Zoning Commission.
7. Key lots or irregular shaped lots shall have sufficient width at the building setback lines to meet the frontage requirements of the applicable zoning district. The rear width shall be sufficient to provide access for all utilities, including garbage collection, but shall not be less than twenty-two (22) feet.
8. Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. Where lots have double frontage, front building setbacks shall be established in accordance with the Comprehensive Zoning Ordinance.

9. Lots shall not be platted abutting public parks or public greenbelts, unless specifically approved by the Planning and Zoning Commission. When property is located in a Planned Development District existing on the effective date of this ordinance, and where such district specifically allows lots to abut a public park or public greenbelt, then the requirements of such district shall apply.

SECTION D. POLITICAL SUBDIVISION LINES.

In the event a subdivision is located in portions of two (2) or more counties or school districts, the boundary lines of such counties or districts shall be shown on the plat. A residential subdivision must be designed in a manner whereby school district boundary lines traverse public streets, alleys or lot lines and shall not place a residential lot in more than one school district. The developer may request a waiver of this requirement by the Planning and Zoning Commission, provided the building area of a residential lot is not affected by the waiver request. (*Ord. No. 2658, 02/05/02*)

SECTION E. ALLEYS.

1. Alleys shall be required in the (SF) Single-Family, (D) Duplex, (T) Tri-plex, and (F) Four-plex districts. The following requirements shall apply:
 - a. Alleys shall be parallel, or approximately parallel, to the frontage of all residential streets.
 - b. Alleys shall not intersect a freeway frontage road or streets that are designated as arterial thoroughfares or major collector streets on the Transportation Plan.
 - c. The minimum distance between an alley/street intersection and a street/street intersection shall be the width of at least one (1) lot. (Reference Figure 2.2, Appendix A)
 - d. Maximum alley length between access points to a street shall be six hundred (600) feet. A length of between six hundred (600) feet and one thousand (1,000) feet without access to a street may be approved by the Planning and Zoning Commission if it finds unusual conditions or limiting factors. In no case, however, shall an alley be in excess of one thousand (1,000) feet between access points to a street.
 - e. Where the deflection of an alley alignment exceeds thirty (30) degrees, a cutback of a minimum fifteen (15) feet, or of such greater distance to provide safe vehicular movement, shall be established on the inside property line. The pavement of the alley shall be cut back in the same manner.
 - f. Dead-end alleys shall be prohibited, except where determined by the Planning and Zoning Commission to be necessary. In such cases, adequate turn-around facilities, as determined by the Planning and Zoning Commission, shall be provided.
 - g. Alleys shall be dedicated at the time of plat approval by the Planning and Zoning Commission before they can become public alleys.
 - h. Alleys shall be paved, and rights-of-way shall be provided, in accordance with the General Design Standards of the city of Carrollton.
 - i. Public water, sanitary and storm sewers shall be placed within the street right-of-way, unless otherwise approved by the City Engineer at the time of final plat approval. All other public utilities shall be placed in the alley right-of-way or designated easements, unless otherwise approved by the City Engineer at the time of final plat approval. Where utilities are placed in alleys, such utilities shall be placed underground. Feeder and transmission lines may be placed above ground, where allowed by the applicable zoning district.

2. Where the Planning and Zoning Commission finds that hardships or practical difficulties may result from requiring alley access for each lot in a subdivision, and/or the purposes of these regulations may be served to a greater extent by an alternative design proposal, the Commission may approve a waiver to the requirement of alley access to each lot. The Planning and Zoning Commission shall not approve a waiver unless it makes a finding, based upon the evidence presented, that the granting of the waiver will not be detrimental to the public health, safety, or welfare, or injurious to other property, and that the alternative design proposal is consistent with the intent and purpose of this ordinance.

In approving a waiver, the Planning and Zoning Commission may require such additional conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this ordinance.

The subdivider shall submit a request for such waiver at the time of application for a preliminary plat review by the Planning and Zoning Commission. The request shall state fully the justification for, and provide all facts in regards to, the requested waiver.

- a. The Planning and Zoning Commission may waive the requirement for alleys in any residential subdivision under the following circumstances:

1. PHYSICAL HARDSHIP

In reviewing a request for an alley waiver based on physical hardship, the Commission must find that:

- A. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property in the city; and
- B. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from an inconvenience, or an economic or self-imposed hardship, if alley access to a lot is required.

2. LOCATIONAL CRITERIA

- A. The subject lots shall abut either of the following:
 1. A recreational amenity, whether public or private; or
 2. A useable open space amenity (i.e. greenbelt, etc.) as determined by the Planning & Zoning Commission at the time of the request; or
 3. An existing, improved drainage area or a proposed, improved drainage area constructed by the developer

3. SUBDIVISIONS EXCLUSIVE OF ALLEYS

Upon request, the Planning and Zoning Commission shall waive the requirement for alleys in any residential subdivision where the minimum lot size of such subdivision is at least 10,000 square feet.

b. In any subdivision where a waiver has been granted and alleys are not provided, the following requirements shall apply:

1. The lots shall not front on to a collector or arterial thoroughfare; and
2. All utilities shall be placed in the street right-of-way or utility easements abutting the right-of-way for those lots that do not have an alley; and
3. A five (5) foot wide utility easement shall be required to accommodate utilities on the side of a street where the adjoining lots do not have an alley; and
4. The maximum height of electrical transformers and utility boxes located in the front yard of a lot shall not exceed thirty-six (36) inches above grade and shall be situated to allow landscape screening. Utility power supply cabinets and other similar devices exceeding thirty-six (36) inches in height shall be located behind the front building line or behind the front building line of the abutting lot on a side street. (*Ord. No. 2465, 10/05/99*)
5. Where an above-ground electrical transformer or utility box is located in a rear yard, a service easement of not less than ten (10) feet in width shall be provided for access to such transformers and utility boxes. Such access easement shall be located on a single lot, and shall not straddle or traverse a lot line; and
6. Drainage easements shall not be permitted across the back of individual lots without an alley. Lots may however, back up to drainage easements that are not incorporated into a developable lot. (*Ord. No. 2038, 11/15/94; Ord. No. 2378, 09/15/98*)

SECTION F. EASEMENTS.

1. Easements shall be located across lots or centered on rear or side lot lines to provide for utilities where necessary, as determined by the utility companies and the city, and shall be of such widths as may be reasonably necessary for the utility or utilities using such easement. However, water, sewer, and drainage easements shall be a minimum of 15 feet wide.
2. Where a subdivision is traversed by a watercourse, drainage way, or channel, there shall be provided a storm sewer easement or drainage right-of-way or easement conforming substantially with such course and of such additional width as shall be designated by the City Engineer. Streets or access easements may be required into the watercourse from a public right-of-way.
3. Drainage easements shall not be obstructed by fences, landscaping or any other structure or building that may impede the surface flow of water, as determined by the City Engineer.

SECTION G. SIDEWALKS.

1. Sidewalks shall be required along any street upon which a lot abuts, regardless of whether such lot faces, abuts on the side, or backs up to such street, or is separated from such street by an alley. The only exceptions to this requirement are:
 - a. On local streets in a (FWY) Freeway District, (LI) Light Industrial District, (HI) Heavy Industrial District or (IP) Industrial Park District;
 - b. Along the IH-35E frontage roads outside of the Transit Center District;
(Ord. No. 2573, 11/07/00; Ord. No. 3271, 01/01/09)
 - c. On property that was a legal lot of record prior to April 2, 1962; and
 - d. Within existing subdivisions accepted without sidewalks.
2. Residential Subdivisions.
 - a. Sidewalks shall be constructed by the developer along all collector and arterial thoroughfares, as designated on the Transportation Plan, and along all perimeter streets abutting the subdivision, regardless of whether such collector, arterial or perimeter thoroughfare abuts a lot, alley, or other space. Sidewalks shall be constructed along all collector and arterial thoroughfares and perimeter streets prior to the issuance of a letter of acceptance for the subdivision by the City Engineer. The developer is not responsible, however, for constructing a sidewalk along the frontage, as herein defined, of any residential lot.
 - b. The builder on a lot is responsible for the construction of all sidewalks along the frontage, as herein defined, of such residential lot, including where such lot fronts on a collector thoroughfare, and along that portion of the lot that sides or rears to a street other than a collector or arterial. Provided, however, that such sidewalk is not

required on a lot until completion of building construction. Upon completion of building construction, sidewalks shall be provided in accordance with the provisions contained herein. Authorization for occupancy shall not be granted until this requirement has been met.

3. All New and Existing Non-residential Subdivisions.

Sidewalks shall be constructed along all streets, except as noted in Section G(1) above, prior to final acceptance of the subdivision by the City Manager or designee. Certificates of Occupancy shall not be issued, and final inspections shall not be approved until this requirement has been met. (*Ord. No. 3271, 01/01/09*)

4. Temporary Sidewalk Waiver:

The Planning and Zoning Commission may grant a temporary waiver of the sidewalk requirement where it finds that:

- a. The property abuts a collector or arterial thoroughfare, as designated on the Transportation Plan, and is zoned to the (LI, HI) Industrial District, (IP) Industrial Park District, (LC, HC, C/W) Commercial District, (FWY) Freeway District, or a Planned Development district for industrial or commercial uses; or
- b. The property is generally being developed for warehousing or non-labor intensive manufacturing uses; or
- c. It is physically impractical to build a sidewalk, as determined by the Planning and Zoning Commission; or
- d. A substantial amount of property along the same side of the street as the request site, as determined by the Planning and Zoning Commission is developed without sidewalks.

5. The approval of the subdivision plat and issuance of any certificates of occupancy or building permits is contingent upon approval of a temporary waiver, or construction of required sidewalks. *If at any time the city determines that a sidewalk is needed along a street frontage, then the temporary waiver will be revoked and the adjacent property owner shall construct a sidewalk along the entire length of street frontage, in accordance with the General Design Standards of the city of Carrollton.* If the property owner does not construct the sidewalk, the city of Carrollton may finance construction of the sidewalk and place a lien on the property until such construction costs are paid back to the city. The cost applicable to a particular lot shall be determined by the square footage of sidewalk installed adjacent to such lot.

A note shall be added to any plat approved with a temporary waiver informing prospective purchasers of any lot or block within a subdivision that all successors and assigns will bear such responsibility and that building permits or certificates of occupancy may be revoked if the terms of this ordinance or the temporary waiver are not complied with.

6. In situations where the city of Carrollton determines a sidewalk is necessary in a developed area, and where no sidewalk waiver has been granted, the conditions of paragraph G(5) shall apply.
7. A sidewalk shall be provided where deemed necessary by the Planning and Zoning Commission to provide circulation or access to schools, public parks and playgrounds, shopping centers, and transportation or community facilities, or to provide pedestrian circulation within the subdivision. Such sidewalk shall be provided by the developer, and built in accordance with the General Design Standards of the city of Carrollton.

SECTION H. STREETS.

1. GENERAL:

- a. Adequate streets shall be provided by the subdivider. The arrangement, character, extent, pavement width, right-of-way width, grade and location of each street shall conform to the Transportation Plan and this Article, and shall be considered in its relation to existing and planned streets, topographical conditions, significant natural features such as mature trees or water courses, public safety and convenience, and its relationship to the proposed uses of land to be served by such street.
- b. Whenever a tract to be subdivided abuts any part of any street so designated on the Transportation Plan, or where a street designated on the Transportation Plan crosses any part of the tract to be subdivided, such part of the proposed public street shall be platted, and right-of-way shall be dedicated by the subdivider, generally consistent with the location as indicated on the Transportation Plan, and to a width consistent with the Transportation Plan and the requirements of this ordinance.

Additional right-of-way dedication shall not be required from a previously platted property where:

1. The plat of such property is being modified by an amending plat in accordance with Article VIII of this ordinance; or
2. The plat of such property is being modified by a replat in accordance with Article VII of this ordinance, and where:
 - A. The property is occupied by a building or buildings; and
 - B. The sole purpose of the replat is to remove previously platted fire lanes, easements, mutual access easements, or delineate the legal boundaries of ownership of the property; and
 - C. No additional development rights will be conveyed to the property as a result of the replat.

- c. When such street is not on the Transportation Plan, the arrangement of streets in a subdivision shall either:
 - 1. Provide for the continuation or appropriate projection of existing streets in surrounding areas; or
 - 2. Conform to a Subdivision Master Plan approved by the Planning and Zoning Commission in accordance with Article IX of this ordinance to meet a particular situation where topographical or other conditions make continuance or conformity with existing streets impracticable.
- d. Existing streets in adjoining areas shall be continued into the proposed subdivision. Proposed streets shall be at least as wide as, and in alignment with, such existing streets in the adjoining subdivision.
- e. Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into such unsubdivided area.
- f. Names of new streets shall not duplicate or cause confusion with the names of existing streets. All street names shall be approved by the Planning and Zoning Commission upon recommendation of the Fire Marshal.
- g. Streets with centerline offsets of less than one hundred twenty-five (125) feet shall be prohibited. (Reference Figure 2.3, Appendix A)
- h. A median opening with an offset of less than 125 feet from the centerline of an intersecting street or alley shall be prohibited.
- i. Street intersections shall be as nearly at right angles as practicable, giving due regard to terrain, topography, site distances and safety. All arterial and collector streets, unless otherwise approved by the Planning and Zoning Commission, shall intersect at or near a ninety (90) degree angle. No streets, however, shall intersect at less than sixty (60) degrees. Curb tangent and radii shall be as follows:

<i>R.O.W. Width</i>	<i>Tangent</i>	<i>Radius</i>
50'-60'	As approved by the Traffic Engineer	
60'-70'	50'	440'
70'-80'	100'	600'
90'-120'	250'	1000'

- j. Half streets shall be prohibited, except when essential to the reasonable development of the subdivision in conforming with the other requirements of these regulations, and where the Planning and Zoning Commission finds it will be practical to require the dedication of the other one-half (½) of the street when the adjoining property is subdivided.

Whenever a half street is allowed, the pavement width shall not be less than twenty-four (24) feet. Where a half street is being dedicated along a common property line, the developer shall dedicate not less than one-half (½) of the minimum right-of-way requirements as prescribed by this ordinance. In no event, however, shall such dedication be less than thirty-five (35) feet of right-of-way.

Where a half street exists, the developer of the property abutting the other side of the half street shall be required to construct, and dedicate right-of-way for, the remaining portion of the street.

- k. With the exception of arterial thoroughfares, street lengths without an intersection or turnaround shall not exceed one thousand, two hundred (1,200) feet.
- l. Dead-end streets shall be prohibited except as temporary stubs to permit future street extension. In no case shall the length of such street exceed two hundred fifty (250) feet. If such street exceeds one hundred fifty (150) feet, then a temporary turnaround which meets Fire Department standards shall be provided.
- m. A cul-de-sac shall not be more than six hundred (600) feet in length unless topography or engineering design necessitates otherwise, as determined by the Planning and Zoning Commission. Cul-de-sac length shall be measured as the distance from the center of the cul-de-sac to the nearest intersecting street right-of-way line. In residential areas, the turnaround shall have a minimum right-of-way radius of fifty (50) feet and a minimum driving surface radius of forty (40) feet. In commercial or industrial areas, the turnaround shall have a minimum driving surface radius of fifty (50) feet in sixty (60) feet of right-of-way.

A birdseye lane may only be utilized in residential areas as a residential street and shall be designed as one-way. The location and number of traffic control signs shall be determined by the Transportation Department for placement on birdseye lanes. Birdseye lanes shall be constructed in accordance with the General Design Standards of the city of Carrollton. (*Ord. No. 2310, 02-17-98*)

- n. Marginal access streets shall be prohibited.
- o. Local streets shall be laid out so as to discourage their use by cut-through traffic.
- p. Please refer to the GDS and/or the Transportation Thoroughfare Plan for all Street rights-of-way and pavement widths. (*Ord. No. 3271, 01/01/09*)

- q. The following streets and street sections are hereby established as Designated Arterial Corridors, subject to reduced right-of-way width standards.

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>MINIMUM RIGHT-OF-WAY WIDTH</u>
Frankford Road	Dickerson Parkway	Burlington Northern RR Tracks	100'
Josey Lane	Valwood Parkway	Hebron Parkway	100'
Keller Springs Road	Denton Drive	McCoy Road	100'
Keller Springs Road	Josey Lane	Marsh Lane	100'
Marsh Lane	Belt Line Road	Trinity Mills Road	100'
Rosemeade Parkway	Old Denton Road	Marsh Lane	100'
Trinity Mills Road	Kelly Boulevard	Westgrove Road	100'
Webb Chapel Road	Fyke Road	Belt Line Road	100'

Where any such street, as identified above, intersects a major arterial street (4 lanes divided or larger), as designated on the Transportation Plan, such reduced right-of-way width standards shall not apply within 600 feet of the intersection.

- r. The minimum left turn storage area on arterial thoroughfares shall be as follows:
 1. Two hundred (200) feet long for traffic turning left onto another arterial thoroughfare.
 2. One hundred fifty (150) feet long for traffic turning left onto a collector or local street, or onto a driveway. (Reference Figure 2.5, Appendix A)
- s. Where a subdivision within the city is developed adjacent to an arterial or collector thoroughfare, as designated on the Transportation Plan, the developer may, upon approval from the Planning and Zoning Commission, dedicate additional right-of-way for the arterial or collector thoroughfare above the minimum required by this ordinance. This additional right-of-way shall be for the purpose of the developer providing landscaping, additional areas for sidewalk or wall locations, or other amenities as approved by the Planning and Zoning Commission.

In conjunction with the submittal, the request shall include landscape/design plans developed by a landscape authority, as defined herein. Such plan shall clearly delineate and identify any existing or proposed landscaping elements, walls, sidewalks, or any other design component to be incorporated.

1. INSTALLATION AND MAINTENANCE

- A. The developer and/or Homeowners Association shall enter into a

- license agreement with the city of Carrollton and shall be responsible for the installation and maintenance of all landscape areas. Such areas shall be maintained so as to present a healthy, neat and orderly appearance at all times, and shall be kept free of debris and trash.
- B. All landscape areas shall be permanently landscaped with living plant material, and shall have an automatic irrigation system installed meeting all applicable requirements of the city of Carrollton.
 - C. Shrubs shall be, at a minimum, a five-gallon container size at the time of planting. Trees shall be of at least three (3) inches in trunk diameter at the time of planting, measured twelve (12) inches above grade, and shall be maintained in a living and growing condition.
 - D. Grass areas may be sodded, plugged, sprigged or seeded, except that solid sod shall be used in swales or other areas subject to erosion, as determined by the City Engineer, based upon accepted engineering practice.
 - E. Landscape material, inclusive of decorative walls, benches, or other component, shall comply with the provisions of Chapter 53 of the Carrollton Code of Ordinances, otherwise known as the Visibility Obstructions Ordinance.
 - F. All walls, walks, and any other man-made component of the proposed design shall be designed and constructed in accordance with the General Design Standards of the city of Carrollton. (*Ord. No. 2029, 10/18/94*)
- t. No street right-of-way should encumber or be encumbered by an electrical utility easement. Accordingly, no street right-of-way shall cross an electrical utility easement at an angle which is less than 45 degrees. (*Ord. No. 2088, 07/18/95*)

SECTION I. STREET EASEMENTS.

1. GENERAL:

- a. In instances where a site is completely developed, such that at the time of platting or replatting the conveyance of right-of-way is impractical, street easements may be accepted in lieu of right-of-way dedication. The determination as to whether a site is subject to this provision shall be made by the Planning and Zoning Commission. Street easements shall not be accepted in lieu of right-of-way dedication as a means to relieve the property owner of a financial hardship.
- b. The property owner shall retain the use of the property within a designated easement until such time as the property is required for street, sidewalk, utility or other facility construction or expansion. It is the intent of this provision, however, that where the construction of a street or sidewalk causes the elimination of landscaping, parking, fences, signs, or other such use or facilities within the street easement, the city shall not be obligated to compensate the property owner nor be obligated to find or provide alternative areas for such uses or facilities. In such instances, the property shall not be subjected to nonconforming status if required parking or landscaping is removed, or if the existing structure(s) exceeds the coverage, setback, intensity, or any other zoning ordinance requirement directly and solely as a result of construction of such street or sidewalk within a designated street easement.

2. GRADE SEPARATED INTERSECTIONS:

In instances where a grade separated intersection is shown on the Transportation Plan and it appears at the time of platting that its construction will be at an uncertain time in the future, all property which is needed in excess of that required for constructing the intersection at grade shall be reserved for a period of ten (10) years. During that period of time the property will be owned and used by the property owner in the manner provided in Section I.1.b.; provided however, no building or other structure shall be constructed thereon. If at the end of that time, the City shall have received the funds necessary to construct the grade separated intersection, the City shall give notice to the owner of the property. Thirty (30) days after such notice the property shall automatically be converted to City ownership in fee simple. If the City has not received the funds or their receipt is not imminent, the City may establish another reservation period wherein the property is treated as in the initial ten (10) year period. The City may conduct similar periodic reviews thereafter until receipt of the funds necessary to construct the grade separated intersection. (*Ord. 2203, 08-06-96*)

SECTION J. PUBLIC SITES AND OPEN SPACES.

1. PURPOSE:

It is hereby declared to be the intent of the city of Carrollton to provide recreational areas in the form of neighborhood parks as a function of residential subdivision development.

2. AUTHORITY:

This section is enacted pursuant to the City's police powers existing under the City's charter and consistent with the Texas Constitution, Article XI, Section 5, and applies to all property within the City's corporate boundaries.

3. APPLICABILITY:

This section shall be uniformly applicable to any subdivision of land for residential development, for which the plat was approved subsequent to the effective date of this ordinance, on property which is or will be served by neighborhood park facilities as herein defined. This section does not apply to activities involving the remodeling, rehabilitation or other improvements to an existing residential structure, or the rebuilding of a damaged structure or to permits required for accessory uses, unless such activity results in a new dwelling, on a lot created after the effective date of this ordinance.

4. DEDICATION OR PAYMENT OF A FEE IN LIEU OF DEDICATION AS A CONDITION OF RESIDENTIAL DEVELOPMENT:

No residential subdivision shall be finally accepted by the city of Carrollton, and no building permit for multi-family residential construction shall be issued, until park land has been dedicated or the appropriate payment of a fee in lieu of dedication has been made in accordance with this section.

5. REQUIREMENTS FOR DEDICATION OF LAND OR PAYMENT OF A FEE IN LIEU OF DEDICATION FOR PARK AND RECREATION DEVELOPMENT:

- a. Prior to the approval of any final plat for a residential subdivision, the need for neighborhood park and recreational facilities required to serve the platted area shall be determined by the Planning and Zoning Commission. The Commission shall base its determination on the standards and guidelines established by the Comprehensive Plan adopted by the city council and on the provisions of this ordinance.
- b. Prior to the final acceptance of a residential subdivision and prior to the issuance of a building permit for multi-family residential construction, a subdivider, developer or owner shall be required to dedicate land or pay the fee in lieu thereof to the city to fully and adequately provide for neighborhood park and recreational facilities to serve the proposed subdivision. The city is not required to accept all proposed park

dedications by the developer, but may require dedication of other land in accordance with the Comprehensive Plan, or a fee in lieu of dedication. All land proposed for dedication by the developer is subject to acceptance by the Parks and Recreation Director, whose acceptance shall not be unreasonably withheld. The determination of whether land is dedicated or a fee in lieu thereof is paid shall be determined as follows:

- c. If neighborhood park land sufficient to serve the needs of the proposed development, and located within the service area of the proposed development, has been previously dedicated to the city, then the developer shall pay the assessed fee in lieu of dedication based on the assessment contained in this ordinance. Such fees shall be utilized to develop the neighborhood park system designated to serve the proposed subdivision in accordance with subsection nine of this section.

6. COMPUTATION OF THE FEE IN LIEU OF PARK LAND DEDICATION:

- a. The actual assessed amount of the fee in lieu of dedication per service area shall be that set forth in Column 2 of Figure 2, attached hereto and incorporated herein. (*Ord. No. 3271, 01/01/09*)
- b. The maximum amount allowed by the State of the fee in lieu of dedication to be collected per service area shall be that set forth in Column 3, Figure 2, attached hereto and incorporated herein. (*Ord. No. 3271, 01/01/09*)

7. ESTABLISHMENT OF ACCOUNTS:

- a. The city's Finance Department shall establish a separate, interest bearing account into which all park fees collected shall be deposited. Each service area as shown in Figure 1 shall be identified by a separate accounting method. Funds collected pursuant to this section shall be credited to the account for the service area in which the residential subdivision for which a park fee is collected is located.
- b. Interest earned on park fees shall be considered funds of the park fees account and shall be used solely for the purposes specified for the funds of such account.
- c. The city shall maintain and keep financial record for park fees, which shall show the source and disbursement of all fees collected in or expended from each service area. The records of the account into which park fees are deposited shall be open for public inspection during ordinary business hours. The city may establish a fee for copying services.

8. USE OF PARK FEES COLLECTED IN LIEU OF LAND DEDICATION:

- a. Park fees in lieu of dedication collected pursuant to this section shall be utilized solely for the purpose of funding the acquisition and/or development of park facilities to

benefit persons in the residential subdivisions for which such funds were collected. Said fees may also be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the City to finance park facilities within the applicable service area. *(Ord. 3392, 08/03/10)*

- b. In the event that parks in a service area have been developed in accordance with the Comprehensive Plan, such fees as have been collected for said category of park and in and for a service area may be used for the redevelopment or rehabilitation of said category of park or parks in the applicable service area. For the purposes of this section, the terms redevelopment and rehabilitation shall include the replacement, reconstruction or expansion of existing facilities such as playgrounds and playground equipment, trails and parking areas, landscaping, picnic facilities and pavilions, and other similar physical appurtenances located within the park. Such fees shall not be used for the normal maintenance of the park or the normal repair or maintenance of equipment or facilities within the park. *(Ord. 3392, 08/03/10)*
- c. Park fees in lieu of dedication collected shall not be used to maintain, repair or operate the existing park system except as provided in paragraph (a) above. *(Ord. 3392, 08/03/10)*
- d. Any park fee in lieu of dedication or portion thereof collected pursuant to this section which has not been expended for the development of parks within the service area, or for the redevelopment or rehabilitation of an existing park in the applicable service area in accordance with paragraph (a) above, within ten (10) years from the date of payment, shall be refunded proportionally, upon written application, to the record owner of the property at the time the refund is paid, together with interest calculated from the date of collection to the date of refund at the statutory rate set forth in Article 5069 - 1.03, Vernon's Texas Civil Statutes, or any successor statute. *(Ord. 3392, 08/03/10)*
- e. Park fees collected in lieu of dedication received prior to January 1, 1993, shall be expended for the purpose of funding the acquisition and/or development of park facilities to benefit persons in the residential subdivisions for which such funds were collected or for the redevelopment or rehabilitation of such park in the applicable service area in accordance with paragraph (a) above. *(Ord. 3392, 08/03/10)*

9. CREDIT:

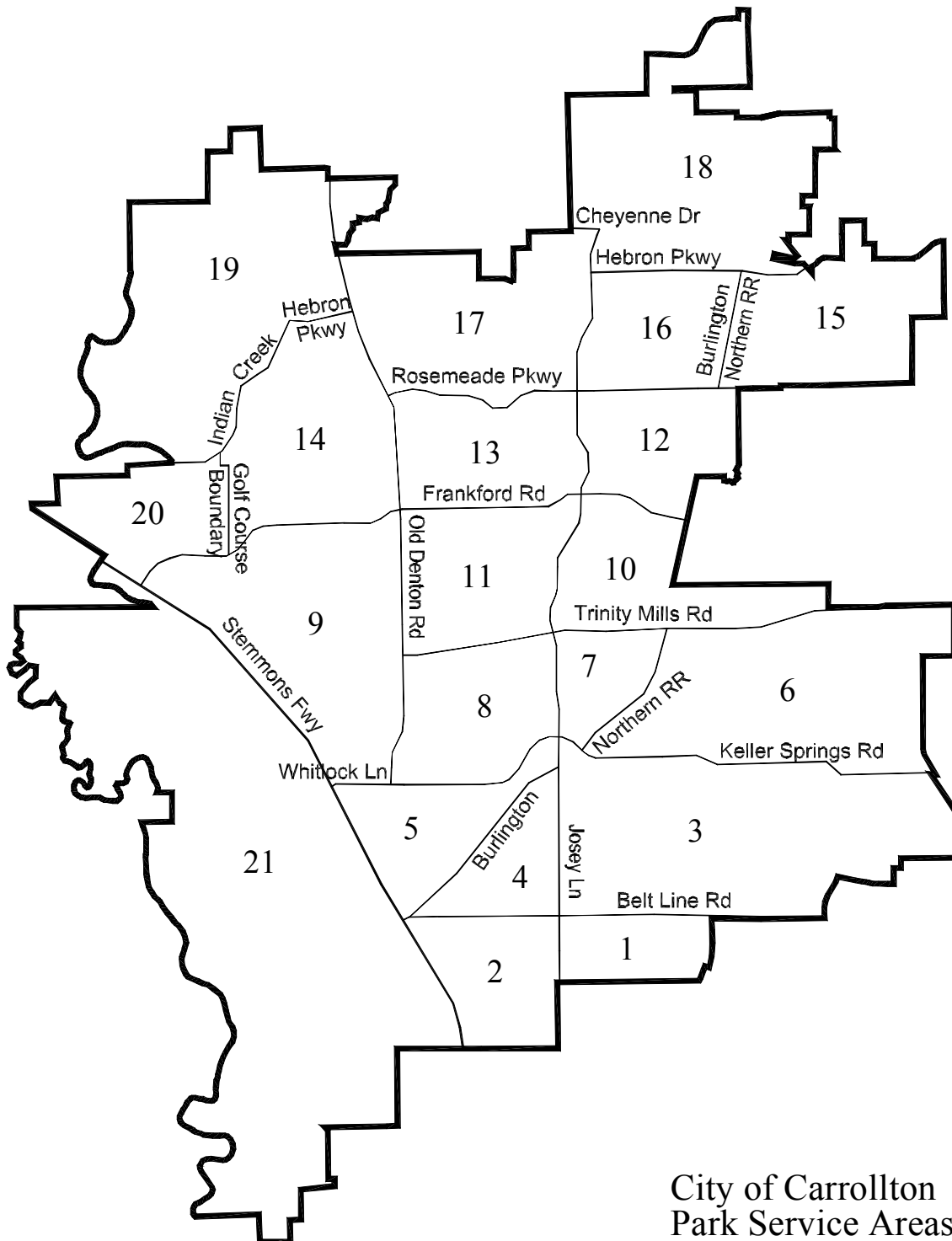
When a developer proposes park related capital improvements that are greater than or equal to the value of the fee-in-lieu of park land dedication that would be required for the development, the City Council may, at its discretion, accept such improvements as payment of the park fee. If such improvements do not meet or exceed the value of the fee-in-lieu, the City Council may authorize a credit against the fee owed.

10. APPEAL:

Any person aggrieved by the application of this section may appeal such application to the City Council.

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Figure 1



City of Carrollton
Park Service Areas

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Figure 2**FEE COLLECTION SCHEDULE
(PER UNIT)**

Column 1 <u>SERVICE AREA</u>	Column 2 <u>ACTUAL ASSESSED AMOUNT</u>	Column 3 <u>MAXIMUM ALLOWED BY STATE</u>
1	\$ 0	\$ 0
2	0	0
3	300	597
4	300	745
5	300	542
6	300	540
7	300	715
8	300	545
9	300	941
10	300	2,300
11	300	2,419
12	300	682
13	108	108
14	300	662
15	300	1,545
16	300	869
17	300	730
18	170	170
19	300	300
20	0	0
21	0	0

(Ord. No. 3271, 01/01/09)

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