



# COMPREHENSIVE SUBDIVISION ORDINANCE

Development Services  
Planning Department  
Updated February 1, 2020





# **COMPREHENSIVE SUBDIVISION ORDINANCE**

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January 1, 1993  
Updated February 1, 2020



# AMENDMENTS

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SUBDIVISION ORDINANCE  
OF THE  
CITY OF CARROLLTON, TEXAS

ORDINANCE NO. 1849

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE PLATTING AND DEVELOPING OF SUBDIVISIONS WITHIN THE CORPORATE LIMITS OF THE CITY OF CARROLLTON AND FOR SUCH OTHER AREAS AS MAY BE AUTHORIZED BY CHAPTER 212 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING FOR PRELIMINARY PLATS; PROVIDING FOR FINAL PLATS, REPLATS, ABANDONMENT AND VACATION OF PLATS; PROVIDING FOR DESIGN STANDARDS AND CONSTRUCTION PLANS; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE; AND PROVIDING FOR A PENALTY, SAVINGS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, on April 2, 1962, the City Council of the city of Carrollton, in accordance with State Law, adopted a comprehensive subdivision ordinance, and since then, from time to time, additional territory has been added to the city of Carrollton by annexation; and

WHEREAS, through experience and administration, the City Council is of the opinion that the ordinance as originally adopted, and subsequently amended from time to time, no longer subserves the public interest nor affords sufficient protection to the general welfare of the citizenship and the peaceful enjoyment of their homes and properties, and by reason thereof, the City Council requested the Planning and Zoning Commission to conduct a study of the subdivision ordinance as it existed; and

WHEREAS, the Planning and Zoning Commission has, after study of several months, and after holding a public hearing, filed with the City Council of Carrollton, Texas, on the 3rd day of September, 1992, a revised subdivision ordinance, and has recommended to the City Council the adoption of such ordinance, and that the ordinance of April 2, 1962 and all subsequent revisions be repealed in their entirety; and

WHEREAS, the City Council of the city of Carrollton set a public hearing for the 3rd day of November, 1992, and conducted such hearing until every person whose property was affected or who had any interest in the matter had an opportunity to be heard, and a fair and complete hearing afforded all who desired to be heard, and said hearing was officially closed, at which time the City Council directed that the subdivision ordinance be presented in its final form, and found that same represented their best judgement and opinion and will promote the health, safety, morals and general welfare of the people, and will promote the safe, orderly and healthful development of the community.

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

That Ordinance Number 229 of the Code of Ordinances of the City of Carrollton, Texas, known as the Subdivision Ordinance, and the amendments thereto, are hereby repealed; and a new ordinance is hereby enacted in lieu thereof, to read in its entirety as follows:

## **ARTICLE I. GENERAL**

### **SECTION A. SHORT TITLE.**

This ordinance shall be known, and may be cited and referred to as the "Subdivision Ordinance" to the same effect.

### **SECTION B. AUTHORITY.**

This ordinance is adopted under the authority of the constitution and laws of the State of Texas, including particularly Chapter 231, Acts of the 40th Legislature, Regular Session, 1927, as heretofore or hereafter amended (codified as Chapter 212, Texas Local Government Code) and the provisions of Section 4 of the Municipal Annexation Act as heretofore or hereafter amended (codified as Chapter 43, Texas Local Government Code).

### **SECTION C. PURPOSE.**

In order to achieve the orderly, efficient and environmentally sound subdivision of land, the city must be provided with appropriate guidelines and development management mechanisms. This ordinance, in conjunction with any other land use control tool as now or hereafter may be adopted by the city, provides those guidelines and mechanisms. It is the intent and stated purpose of this ordinance to:

1. Provide for the orderly, efficient and economical development of residential, commercial and industrial land uses, and community facilities, including transportation, water, sewerage, drainage, schools, parks, recreation and any other related element or service;
2. Guide and phase land development to maximize the utilization of existing and proposed public improvements;
3. Guide and regulate the financial impact of land development on municipal facilities, services and capabilities;
4. Ensure that the comprehensive and coordinated plans affected by the various land use controls of the city are not negated by disorganized, unplanned and uncoordinated development which would create an undue burden and hardship on the community;
5. Establish and maintain municipal control over the character of development and the quality of community facilities and services;

6. Enhance the community aesthetically and to preserve and improve the quality of life within the community;
7. Promote the health, safety, morals and general welfare of the people, and the safe, orderly and healthful development of the community.

**SECTION D. JURISDICTION.**

From and after the date of its adoption, this ordinance shall govern all subdivision of land within the corporate limits and the extraterritorial jurisdiction of the city of Carrollton, subject to the applicable laws of the State of Texas.

**SECTION E. CONSISTENCY WITH THE COMPREHENSIVE PLAN AND  
COMPREHENSIVE ZONING ORDINANCE.**

It is the intent that this ordinance shall provide for the implementation of the Comprehensive Plan, including the Future Land Use Plan, Thoroughfare Plan and other applicable elements; and any supplemental land use and community development policies that may be hereafter adopted by the City Council, and shall be consistent with the Comprehensive Zoning Ordinance. No plat or subdivision of land within the city or its extraterritorial jurisdiction shall be approved unless it conforms to such plans and ordinances.

## ARTICLE II. ADMINISTRATION

### SECTION A. SUBDIVISION PLAT REQUIRED.

1. Every owner of any tract of land who may, subsequent to April 2, 1962, divide said tract into two (2) or more lots or tracts, or create from said tract one (1) or more lots of record, for the purpose of transfer of ownership, dedication of streets, alleys, easements, parks or other areas dedicated to public use, or for use for building development, shall cause a plat to be made in accordance with this ordinance.

Furthermore, a subdivision plat shall be required:

- a. For the expansion in excess of five hundred (500) square feet of any existing building. For purposes of this subsection, the 500 square feet calculation shall be a cumulative total of all expansions constructed after January 1, 1993; or
  - b. For the issuance of a construction or placement permit for any new building in excess of 500 square feet constructed on a tract or parcel currently occupied by a building or buildings; or
  - c. For the construction or placement of any new building, regardless of square footage, on a tract or parcel not currently occupied by a building or buildings;
  - d. To alter any aspect of a recorded plat, meeting all applicable requirements of Article VII of this ordinance;
  - e. In accordance with all applicable state laws;
  - f. Where separate, contiguous tracts are assimilated into one or more tracts under common ownership. (*Ord. No. 2088, 07/18/95*)
2. A subdivision plat shall not be required:
    - a. When a tract of land is being used for a temporary use, as herein defined;
    - b. For the division of land into parts greater than five (5) acres or more, where each part has access and no public improvement is being dedicated. The term public improvement shall mean any right-of-way, easement, or physical improvement of any kind intended for public use. (*Ord. No. 1948, 10/19/93*)
    - c. Upon a parcel or tract of land for which a deed was duly recorded with the appropriate county clerk prior to May 4, 1953, provided that such parcel or tract of land has not

thereafter been subdivided into two (2) or more parcels or tracts of land. However, a subdivision plat shall be required where development on the parcel or tract of land occurs in accordance with Section A(1)(a) through A(1)(d) of this Article, and where such development is not related to any farm, ranch, or other agricultural use existing on the effective date of this ordinance. (*Ord. No. 2088, 07/18/95*)

3. No subdivision plat shall be submitted for approval as a means to circumvent or otherwise avoid any requirement of this ordinance or any other ordinance of the city of Carrollton, as determined by the Planning and Zoning Commission.
4. An easement which has been established by a separate instrument and does not appear on a recorded plat shall require approval by the City Council in order to be altered or abandoned. An easement which appears on a recorded plat may be altered or abandoned by a replat, prepared in accordance with Article VII of this ordinance, or upon approval by the City Council.

#### **SECTION B. DISCREPANCIES.**

1. Where a discrepancy exists between the prescriptions established in this ordinance and the requirements of the construction codes, fire code, Comprehensive Zoning Ordinance or any other applicable code or ordinance of the city of Carrollton, or any state law, then the more restrictive requirements shall apply.

#### **SECTION C. EXISTING LOTS AND PARCELS.**

1. The minimum required lot area, width and depth shall be in accordance with the requirements established in the Comprehensive Zoning Ordinance for the applicable district, except that a lot having less area, width or depth, than required by the Comprehensive Zoning Ordinance which was a lot of record on July 18, 1988, may be used provided that all other requirements of this ordinance and the applicable zoning district are met.
2. A parcel or tract of land having less area, width or depth than required by the Comprehensive Zoning Ordinance, the deed for which was duly recorded in the office of the appropriate county clerk prior to January 1, 1986, but subsequent to May 4, 1953, may be used provided that such parcel or tract shall first be platted in accordance with the procedures set forth herein, and that all other requirements of the Comprehensive Zoning Ordinance and the applicable zoning district are met.
3. No lot of record existing on the effective date of this ordinance shall be reduced in size below the minimum requirements set forth by the Comprehensive Zoning Ordinance, except where the conditions for approval of an amending plat, as prescribed in Article VIII of this ordinance, apply or where the acquisition of right-of-way, by eminent domain, dedication, or purchase by a public entity creates the non-conforming lot size, width or depth.

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

4. No block or lot of record existing on the effective date of this ordinance or amendments hereto, shall be modified in size without approval of a replat or amending plat as set forth herein, except where a public utility or political subdivision acquires a portion of a block or lot by purchase or dedication.
5. A parcel or tract of land that has been created out of a recorded block or lot without approval of a replat, and where such block or lot was duly recorded in the office of the appropriate county clerk prior to the effective date of this ordinance, may be replatted in accordance with the procedures set forth herein without including in such replat the entire block or lot of which the parcel or tract of land was originally a part. (Reference Figure 1.1, Appendix A)
6. No subdivision plat or replat shall be approved if such approval results in the creation of a residual parcel or tract of land that does not meet the minimum requirements set forth in the Comprehensive Zoning Ordinance or this ordinance, or where the effect of such approval on an adjacent parcel or tract of land is such that it does not meet the minimum requirements set forth in the Comprehensive Zoning Ordinance or this ordinance.

#### **SECTION D. EXISTING PLANNED DEVELOPMENTS.**

1. Property located within a Planned Development District approved prior to the effective date of this ordinance may be platted in accordance with the regulations of such Planned Development District.

#### **SECTION E. SPECIAL PROVISIONS.**

1. The City of Carrollton has the authority to withhold all improvements of any nature, including but not limited to the maintenance of streets and the furnishing of sewage and water service, to all additions for which a subdivision plat has not been approved by the Planning and Zoning Commission and filed with the appropriate county clerk.
2. The City of Carrollton has the authority to withhold the issuance of a building permit for the erection of any building on a newly subdivided parcel of land until all the requirements of these subdivision regulations have been complied with, including installation of, and acceptance by, the city of all public improvements and facilities for the area designated.
3. No building or structure shall be permitted to cross a platted lot line. *(Ord. No. 3301, 06/02/09)*
4. Where a lot, tract, or parcel is occupied by a lawful structure, and where the acquisition of right-of-way, by eminent domain, dedication, or purchase, by a city, county, state, or federal agency creates noncompliance of the structure regarding any requirement of this ordinance, such structure shall be deemed a lawful structure. Such designation shall apply only to

noncompliance that results directly from the acquisition of right-of-way. In the event that such structure is partially or totally destroyed by fire or other causes, the structure may be rebuilt upon approval of a building permit by the Building Official.

Any new construction on the lot, tract, or parcel, including expansion of any existing structure, shall comply with all applicable zoning standards, and building setbacks of the expansion or new construction shall be measured relative to the new right-of-way line.

*(Ord. No. 1978, 04/19/94)*

**ARTICLE III.  
PROCEDURES FOR PLAT APPROVAL**

**SECTION A. PROCEDURE.**

1. The applicant shall submit to the Planning Department a complete plat application packet prepared in the manner prescribed by the Planning and Zoning Commission. Applications for plat approval shall be available in the Planning Department. A complete application shall include the certification of payment of all taxes and fees as prescribed by the City of Carrollton.
2. A plat application shall be considered formally filed with the City when all required material has been submitted to the Planning Department, and the plat has been placed on a printed Planning and Zoning Commission agenda, posted in conformance with all legal requirements. The Planning & Zoning Commission shall act on the plat within thirty (30) days after the plat is formally filed with the City or within thirty (30) days after referral by the City Manager or Designee as allowed by state law to the Planning & Zoning Commission. The plat shall be considered approved if it is not disapproved by the Planning & Zoning Commission within such thirty (30) day period. *(Ord. No. 1948, 10/19/93; Ord. No. 3301, 06/02/09)*
3. The Planning Department shall review all plat applications in conjunction with other city departments and utility companies for compliance with this ordinance and other applicable city codes and regulations.
4. If a plat is approved through administrative action or by the Planning & Zoning Commission, the corrected and signed plat shall be submitted to the Planning Department with the appropriate number and format of electronic and paper copies as required by the Planning Department, for recording with the appropriate county clerk. The plat shall be filed before vertical construction begins on the property. *(Ord. No. 3944, 01/14/20)*
5. Any person or persons, jointly or severally, aggrieved by any platting decision of the Planning & Zoning Commission, may present to a District Court in the applicable county, a petition for writ of certiorari, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the Court within ten (10) days after the final decision of the Planning & Zoning Commission.

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**ARTICLE IV.  
ADMINISTRATIVE PLAT**

**SECTION A. PURPOSE.**

The purpose of the administrative plat is to allow approval of a minor plat through administrative action in certain circumstances without review and approval by the Planning and Zoning Commission.

**SECTION B. GENERAL PROVISIONS.**

**1. AUTHORITY:**

Under Section 212.0065 of the Texas Local Government Code, authority is hereby delegated to the Director of Planning or his or her designee to approve an administrative plat only where:

- a. The administrative plat includes four (4) or fewer lots; and
- b. The total area covered by the administrative plat does not exceed forty (40) acres; and
- c. Every lot created by the administrative plat has frontage on an existing paved street; and
- d. Every lot within the administrative plat is able to be established without the need for the creation of a new street or extension of municipal facilities; and
- e. The area covered by the administrative plat does not constitute a portion or a phase of an approved preliminary plat; and
- f. Each lot created by the administrative plat is in accordance with all requirements of the applicable zoning district, and with the requirements of this ordinance. The Director of Planning shall not have authority to grant any variance to the requirements of this ordinance; and
- g. Dedication of street or alley right-of-way, if applicable, occurs in accordance with the Transportation Plan and General Design Standards of the City of Carrollton.

**2. PROCEDURE:**

Formal application for administrative plat approval shall be made by the subdivider to the Planning Department in the manner prescribed by the Planning and Zoning Commission. An application for approval of an administrative plat will be placed on the Development Review Committee agenda, in accordance with established deadlines set for all development cases. The Director of the Planning Department or his or her designee shall make the decision to approve or not to approve the administrative plat only after the Development Review Committee has reviewed the application, and within thirty (30) days of submittal of an application.

The Director of the Planning Department or his or her designee may, for any reason, elect to present an administrative plat to the Planning and Zoning Commission for action. Any

administrative plat which the Director of Planning Department refuses to approve shall be presented to the Planning and Zoning Commission, within thirty (30) days of such refusal, for action. Any administrative plat which is presented to the Planning and Zoning Commission shall be processed in accordance with the procedures set forth in Article III of this ordinance.

The Director of the Planning Department shall have no authority to grant a waiver or variance to this ordinance in approving an Administrative Plat. Any request for a waiver or variance to this ordinance shall be considered by the Planning and Zoning Commission in accordance with Article XII of this ordinance.

3. VALIDITY:

An administrative plat shall be filed for record with the appropriate county clerk before vertical construction begins on the property. *(Ord. No. 3944, 01/14/20)*

4. CONTENT:

An administrative plat shall contain all information required for a final plat, as prescribed by Article VI of this ordinance, provided, however, that the signature block and signature of the chairman of the Planning and Zoning Commission shall not be required. The following signature block shall appear on the administrative plat:

CITY SIGNATURE BLOCK

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, this administrative plat was approved by the City Manager, the Director of Development Services, or other City Manager Designee.

Signed: \_\_\_\_\_

Attest: \_\_\_\_\_

City Secretary

Title: \_\_\_\_\_

*(Ord. No. 3843, 12/05/17)*

Copies of the final paving and utility plans, as applicable, shall be submitted to the City Engineer in the same manner as prescribed by this ordinance for final plats.

## **ARTICLE V. PRELIMINARY PLAT**

### **SECTION A. PURPOSE.**

The purpose of the preliminary plat is to allow the Planning & Zoning Commission to review overall platting of the tract and street patterns within the subdivision for conformance with the requirements of this ordinance. It also provides the City an opportunity to make preliminary estimates of city participation in street and utility costs in the subdivision.

### **SECTION B. GENERAL PROVISIONS.**

#### **1. PRELIMINARY PLAT REQUIRED:**

- a. Preliminary plats are required for the subdivision of a tract of land into five (5) or more lots, or the subdivision of land into two (2) or fewer lots which contain a total of forty (40) acres or more.
- b. Preliminary plats are required for complex subdivisions as determined by the Director of Planning or designee. (*Ord. No. 3271, 01/01/09*)

#### **2. PROCEDURE:**

Formal application for preliminary plat approval shall be made by the subdivider or his or her agent in the manner prescribed by the Planning & Zoning Commission and shall be processed and considered in accordance with Article III of this ordinance.

#### **3. VALIDITY:**

Approval of a preliminary plat is valid until a final plat is approved by the Planning & Zoning Commission or until a new preliminary plat is filed, whichever is earlier.  
(*Ord. No. 3944, 01/14/20*)

#### **4. CONTENT:**

A preliminary plat shall include the following items:

- a. Location map showing the location of the subdivision in relation to the City.
- b. Name, address and telephone number of the subdivider, record title owner, engineer and surveyor.
- c. Proposed name of the subdivision, subject to City approval.
- d. Proposed names of all streets within the subdivision, subject to City approval.
- e. Dashed in names and approximate layouts of contiguous subdivisions and the owners of contiguous parcels of unsubdivided land, and an indication of whether or not contiguous properties are platted, within 200 feet of the request site.

- f. Subdivision boundary lines, indicated by heavy lines, and the computed acreage of the subdivision.
- g. The words "preliminary plat" in the title block.
- h. The location and approximate dimensions, description and name of all proposed streets, alleys, common areas, parks, public areas, playgrounds or other similar uses, reservations, easements, visibility easements or rights-of-way, blocks, lots and watercourses.
- i. Date of preparation, scale of plat and north arrow.
- j. Topographical information shall include contours of two (2) foot intervals.
- k. Location of City limits line, the outer border of the City's extraterritorial jurisdiction, abstract lines, or independent school district boundaries where applicable, and zoning district boundaries, if they traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary.
- l. A number to identify each lot and block, and approximate square footage of all lots which are not rectangular shaped.
- m. Identify any flood plains within the project.
- n. All physical features of the property to be subdivided, including locations and size of all watercourses, ravines, bridges, culverts, existing structures, drainage area in acres or areas draining into subdivision, and other features pertinent to the proposed subdivision. The outline of wooded areas and the location of individual trees eighteen (18) inches in diameter or larger shall be shown for properties dedicated for public purposes.
- o. When a preliminary plat is approved for a single-family residential subdivision, and the plat includes developable property for other uses, (school sites, church sites, etc.), those areas shall be platted and filed for record in conjunction with the platting process for the single-family area.
- p. Any modification(s) to a median that is necessary to serve the proposed subdivision shall be shown on the preliminary plat. If a variance to the General Design Standards is necessary to modify a median, a request for such variance shall be submitted to and acted on by the Planning and Zoning Commission at the same time as the preliminary plat.
- q. The City signature block:

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, this preliminary plat was duly approved by the Planning & Zoning Commission of the City of Carrollton.

Signed: \_\_\_\_\_  
 Director of Development Services  
*(Ord. No. 3271, 01/01/09)*

Signed: \_\_\_\_\_  
 Chairman  
 Planning and Zoning Commission

## r. Homeowners Agreement:

When a subdivision contains common areas, drainage ways, screening walls or other facilities not located within the public right-of-way nor subject to City maintenance, or if landscaping, sidewalks, or other amenities are provided within the public right-of-way for which a license agreement is required by the City, a homeowners agreement, as evidenced by the covenants identifying the association, shall be placed on the plat. Such homeowners agreement shall be approved as part of the preliminary plat process. The City Attorney will review the homeowners agreement as to form. (*Ord. No. 3271, 01/01/09*)

The following six statements shall appear on the face of the plat and in the homeowners agreement:

1. "The owner of fee simple title to every individual lot of land within the subdivision must be a member of the homeowners association."
2. "The homeowners association must have the authority to collect membership fees."
3. "The homeowners association must be responsible for the maintenance of all common areas and non-required screening walls."
4. "The homeowners association must grant the City right of access to common areas to abate any nuisances thereon, and attach a lien for the prorated cost of abatement upon each individual lot."
5. "The homeowners association shall indemnify and hold the City harmless from any and all costs, expenses, suits, demands, liabilities, damages, or otherwise including attorney's fees and costs of suit, in connection with the City's maintenance of common areas."
6. "The homeowners association shall enter into a license agreement with the City of Carrollton, where additional right-of-way has been dedicated for the purpose of providing landscaping, additional areas for sidewalks, walls, or other amenities, and shall be responsible for the installation and maintenance of all landscape areas that are in the public right-of-way." (*Ord. No. 2029, 10/18/94; Ord. No. 3271, 01/01/09*)

**SECTION C. APPROVAL PROCESS.**

1. The action of the Planning & Zoning Commission shall be noted on two (2) copies of the preliminary plat, referenced and attached to any conditions required by the commission. Action of the Planning & Zoning Commission shall be certified by the Planning Director. One copy shall be returned to the subdivider and the other retained in the files of the City of Carrollton.
2. Approval of a preliminary plat by the Planning & Zoning Commission shall be deemed an expression of approval of the layout submitted on the preliminary plat as a guide to the final engineering of streets, water, sewer and other required improvements and utilities and to the

preparation of the final plat. Approval of a preliminary plat shall not constitute automatic approval of the final plat, nor be considered authorization to begin construction. Approval of a preliminary plat shall not constitute a guarantee or warranty, either implied or otherwise, that all other applicable codes and ordinances of the City of Carrollton have been complied with. It shall be the responsibility of the subdivider to ensure that all applicable requirements of the City of Carrollton relative to the subdividing and development of property have been met.

## **ARTICLE VI. FINAL PLAT**

### **SECTION A. PURPOSE.**

The purpose of the final plat is to allow the Planning and Zoning Commission to review the overall platting of the tract and street patterns within the addition for compliance with this ordinance, and for compliance with an approved preliminary plat, if applicable.

### **SECTION B. GENERAL PROVISIONS.**

#### **1. FINAL PLAT REQUIRED:**

- a. A final plat is required for the creation of a legal lot of record.
- b. If so desired by the developer, the final plat may constitute only that portion of the approved preliminary plat which he or she proposes to record and then develop. Provided, however, that such portion conforms to all requirements of these regulations.

On a tract of land containing less than forty (40) acres and which has frontage on one (1) or more arterial or collector thoroughfares, as designated on the Transportation Plan, all of such property under the same ownership shall be included in a final plat of the tract. Such tract shall not be part of a phased platting strategy whereby a portion of the tract is included in a final plat and the remainder of the tract is included in a preliminary plat.

- c. No final plat, for which a preliminary plat was required, shall be acted on by the Planning and Zoning Commission until a preliminary plat conforming to all Planning and Zoning Commission stipulations has been submitted to the Planning Director.

#### **2. PROCEDURE:**

Formal application for final plat approval shall be made by the subdivider in the manner prescribed by the Planning and Zoning Commission. An application for final plat approval shall be processed and considered in accordance with Article III of this ordinance.

The final plat shall be in accordance with the approved preliminary plat. Provided, however, that the Planning and Zoning Commission may authorize minor adjustments to street and alley alignments, length, and lot lines where the Commission determines such adjustments are consistent with the intent and general layout of the approved preliminary plat. Where the final plat deviates from the approved preliminary plat to the extent that the Commission finds such deviation to be significant and not consistent with the intent and general layout of the approved preliminary plat, such final plat shall not be approved until it reflects the originally approved preliminary plat, or a new preliminary plat has been approved in accordance with

Article V of this ordinance.

3. VALIDITY:

A Final Plat is valid after it is approved by the Planning & Zoning Commission. It shall be the applicant's responsibility to submit all required copies of the plat to the City of Carrollton in order to acquire city signatures, and to file the plat. (*Ord. No. 3944, 01/14/20*)

4. CONTENT:

The plat shall include the following items:

- a. The final plat and accompanying data shall conform to the preliminary plat, if applicable, as approved by the Planning and Zoning Commission, incorporating any and all changes, additions, modifications, alterations, and corrections stipulated by the Planning and Zoning Commission.
- b. The final plat shall contain all of the features required for preliminary plats in Article V of this ordinance and shall bear the seal of a registered Texas surveyor. Topographic contours, identification of physical features and wooded areas shall not be required on a final plat.
- c. Engineering plans prepared by an engineer registered in the state of Texas shall be required when property is platted for the purpose of immediate development. Engineering plans shall include grading and drainage plans, water and sewer plans, and other plans as required by the City Manager or Designee. The engineering plans shall obtain approval by the City Manager or Designee prior to filing the plat with the appropriate county clerk.
- d. In addition to the various requirements for the preliminary plat, the final plat shall also include the following:

1. EXISTING FEATURES:

- a. The exact location, dimension, name and description of all existing or recorded streets, alleys, reservations, easements or public rights-of-way within the subdivision, intersecting or contiguous with its boundary or forming such boundary, or located in close proximity to the site, with accurate dimensions, bearings or deflecting angles and radii, area and central angle, chord bearing and distance, tangent distance and length of all curves, where appropriate.

2. PROPOSED FEATURES:

- a. The exact location, dimensions, description and names of all proposed streets, alleys, common areas, parks, public areas, playgrounds or other similar uses, reservations, easements or rights-of-way, blocks, lots and significant sites within

the subdivision, with accurate dimensions, bearing or deflecting angles and radii, area and central angles, chord bearing and distance, tangent distance and length of all curves where appropriate.

- b. The surveyor of record for the plat shall submit, with the initial Plat submittal, full calculations for the closure of the tract, showing the bearings and distances as shown on the Final Plat, the computed acreage and square footage for the site and closure information for the site. Closure tolerances shall be in accordance with state statutes, but in no case less than 1:25,000. These calculations shall be signed and sealed by the surveyor of record for the plat.

*(Ord. No. 3271, 01/01/09; Ord. No. 3301, 06/02/09)*

- 3. All dimensions and bearings along the lines of each lot shall be shown. The curve data pertaining to block or lot boundary may be placed in a curve table at the base of the plat and prepared in the following manner:

CURVE TABLE

CURVE NUMBER	DELTA ANGLE	RADIUS FOR OUTER PROPERTY LINE	RADIUS FOR CENTER LINE	RADIUS FOR INNER PROPERTY LINE	TANGENT LENGTH	ARCH LENGTH	CHORD DISTANCE	CHORD BEARING
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- 4. The names of all adjoining subdivisions, the dimensions of all abutting lots, lot and block numbers and accurate reference ties to courses and distances of at least two (2) recognized land corners shall be shown. If adjacent property is not platted, note "NOT PLATTED" and the owner's name.
- 5. All approved street names shall be shown.
- 6. All abstract lines shall be shown and labeled.
- 7. The location and dimension of any easement, designated by use, adjoining or abutting the subdivision.
- 8. Description of the subdivision by metes and bounds shall be shown.
- 9. Point of beginning or commencement shall reference an original abstract or existing subdivision property corner. Primary control points or descriptions and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referenced.
- 10. The plat shall show a title including the name of the subdivision, the names, addresses and phone numbers of the owner and engineer or surveyor, scale and location of the subdivision with reference to original land grant or survey, abstract number, and a north arrow depicting true or magnetic north, and noting whether true or magnetic

north is used.

11. Show the one-hundred-year flood plain limits based on ultimate watershed development, as determined by the City Engineer, or note that such property is not within the flood plain limits, if applicable. Finished floor elevations of two (2) feet above the one-hundred-year flood plain elevation shall be shown on the plat, where applicable.
12. Location and description of monuments, which shall be placed at each corner of the boundary survey of the subdivision, shall be shown as described in Article XI, Sec. C.
13. Lot numbers and block letters shall be shown. Lots numbers shall be sequential and orderly within a designated block. Land subdivided in stages over time shall provide phase numbers or letters.
14. Address numbers shall be placed on the face of the plat, on the assigned lot, as assigned by the Fire Marshal, or his or her designee.
15. The square footage of all lots which are not rectangular shall be shown in a table.
16. Certificates of the owner, surveyor and utility companies, a dedication statement, City signature block and other standard notes shall be placed on the final plat in accordance with Figure 1 (As applicable).
17. Homeowners Agreement:

When a subdivision contains common areas, drainage ways, screening walls or other facilities not located within the public right-of-way nor subject to City maintenance, or if landscaping, sidewalks, or other amenities are provided within the public right-of-way for which a license agreement is required by the City, a homeowners agreement, as evidenced by the covenants identifying the association, shall be placed on the plat. Such homeowners agreement shall be approved as part of the preliminary plat process.

The City Attorney will review the homeowners agreement as to form.

The following six (6) statements shall appear on the face of the plat and in the homeowners agreement:

- a. The owner of fee simple title to every individual lot of land within the subdivision must be a member of the homeowners association.
- b. The homeowners association must have the authority to collect membership fees.
- c. The homeowners association must be responsible for the maintenance of all common areas and screening walls.

- d. The homeowners association must grant the City the right of access to common areas to abate any nuisances thereon, and attach a lien for the prorated cost of abatement upon each individual lot.
- e. The homeowners association shall indemnify and hold the City harmless from any and all costs, expenses, suits, demands, liabilities, damages, or otherwise including attorney's fees and costs of suit, in connection with the City's maintenance of common areas.
- f. The homeowners association shall enter into a license agreement with the City of Carrollton, where additional right-of-way has been dedicated for the purpose of providing landscaping, additional areas for sidewalks, walls, or other amenities, and shall be responsible for the installation and maintenance of all landscape areas that are in the public right-of-way. *(Ord. No. 2029, 10/18/94)*

18. Homeowners association note, if required by preliminary plat approval:

A homeowners association covenant has been approved by the City of Carrollton and recorded in \_\_\_\_ (volume and page) \_\_\_\_\_. Such homeowners association shall be responsible for the maintenance of all common areas and facilities and screening walls located in \_\_\_\_ (lot and block number of common area) \_\_\_\_, or public right-of-way where a license agreement with the City of Carrollton is required, or otherwise identified on the plat. *(Ord. No. 2029, 10/18/94)*

**FIGURE 1**

**STANDARD NOTES**

Selling off a portion of this addition by metes and bounds description, without a replat being approved by the City of Carrollton, is a violation of City ordinance and state law and is subject to fines and withholding of utilities and building permits. *(Ord. No. 3271, 01/01/09)*

GPS Coordinates are rectified to NAD 83 State Plane Coordinate System North Central Texas Zone 4202 (feet).

**VISIBILITY NOTE**

Intersection visibility triangles shall have the dimensions specified in Section 53.40 et seq. of the Carrollton Code of Ordinances.

**CITY SIGNATURE BLOCK**

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, this plat was duly approved by the Planning and Zoning Commission of the City of Carrollton.

Signed: \_\_\_\_\_ Attest: \_\_\_\_\_  
Chairman City Secretary  
Planning and Zoning Commission

Signed: \_\_\_\_\_  
Director of Development Services  
(or their designee)

**SURVEYOR CERTIFICATE**

STATE OF TEXAS

I, (Engineer/Surveyor's printed name), Registered Public Surveyor, hereby certify that I have prepared this plat from an actual on-the-ground survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the platting rules and regulations of the City of Carrollton, Texas.  
*(Ord. No. 3271, 01/01/09)*

\_\_\_\_\_  
Engineer/Surveyor's Signature

**DEDICATION STATEMENT**  
(to be used in all instances)

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS;

THAT (OWNER’S NAME) ACTING HEREIN BY AND THROUGH ITS DULY AUTHORIZED OFFICERS, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS (SUBDIVISION NAME), AN ADDITION TO THE CITY OF CARROLLTON, TEXAS AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE PUBLIC USE FOREVER, THE STREETS, ALLEYS, AND PUBLIC USE AREAS SHOWN HEREON, AND DOES HEREBY DEDICATE THE EASEMENTS SHOWN ON THE PLAT FOR THE PURPOSES INDICATED TO THE PUBLIC USE FOREVER, SAID DEDICATIONS BEING FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES EXCEPT AS SHOWN HEREIN. NO BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS SHALL BE CONSTRUCTED OR PLACED UPON, OVER, OR ACROSS THE EASEMENTS ON SAID PLAT. UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO A PARTICULAR UTILITY OR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC’S AND CITY OF CARROLLTON’S USE THEREOF. THE CITY OF CARROLLTON AND ANY PUBLIC UTILITY SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PART OF ANY BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS WHICH IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF ITS RESPECTIVE SYSTEM ON ANY OF THESE EASEMENTS AND THE CITY OF CARROLLTON ON ANY PUBLIC UTILITY SHALL AT ALL TIMES HAVE THE RIGHT OF INGRESS AND EGRESS TO AND FROM AND UPON ANY OF SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEM WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE. (OWNER’S NAME) DOES HEREBY BIND ITSELF, ITS SUCCESSORS AND ASSIGNS TO FOREVER WARRANT AND DEFEND ALL AND SINGULAR THE ABOVE DESCRIBED STREETS, ALLEYS, EASEMENTS, AND RIGHTS UNTO THE PUBLIC AGAINST EVERY PERSON WHOMSOEVER LAWFULLY CLAIMING OR TO CLAIM THE SAME OR ANY PART THEREOF. THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS, AND RESOLUTIONS OF THE CITY OF CARROLLTON.

WITNESS MY HAND THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Position in Corporation (if applicable)

\_\_\_\_\_  
Name of Corporation (if applicable)

\_\_\_\_\_  
Lien Holder (if applicable)

*If there is no lien holder, add the following statement:*  
To the best of my knowledge, there are no liens against this property.

\_\_\_\_\_  
Signature of Owner  
(Ord. No. 2088, 07/18/95)

**UTILITY CERTIFICATE**

THIS PLAT CORRECTLY PRESENTS THE REQUIRED EASEMENTS FOR THIS DEVELOPMENT.

ATMOS GAS \_\_\_\_\_

COSERV ELECTRIC \_\_\_\_\_

ONCOR ELECTRIC \_\_\_\_\_

(Please refer to the "Plat Checklist" as supplied by the Planning Development for updated names of utility companies) (Ord. No. 2565, 10/03/00)

**NOTARY CERTIFICATE**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public in and for the said County and State on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

Given under my hand and seal of office, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Signature  
Notary Stamp:

The following statement shall be included when detention is required:

**DETENTION AND DRAINAGE EASEMENT**

**THE STATE OF TEXAS §  
COUNTY OF \_\_\_\_\_ §  
CITY OF CARROLLTON §**

**KNOW ALL MEN BY THESE PRESENTS:**

This plat is hereby adopted by the Owners and approved by the City of Carrollton (Called "City") subject to the following conditions which shall be binding upon the Owners, their heirs, grantees, successors and assigns: The portion of block \_\_\_\_\_, as shown on the plat is called "Drainage and Detention Easement." The Drainage and Detention Easement within the limits of this addition, will remain open at all times and will be maintained in a safe and sanitary condition by the owners of the lot or lots that are traversed by or adjacent to the Drainage and Detention Easement. The City will not be responsible for the maintenance and operation of said Easement or for any damage to private property or person that results from conditions in the Easement, or for the control of erosion. No obstruction to the natural flow of storm water run-off shall be permitted by construction of any type of building, fence or any other structure within the Drainage and Detention Easement, as hereinabove defined, unless approved by the City Engineer. Provided, however, it is understood that in the event it becomes necessary for the City to erect or consider erecting any type of drainage structure in order to improve the storm drainage that may be occasioned by drainage in or adjacent to the subdivision, then in such event, the City shall have the right to enter upon the Drainage and Detention Easement at any point, or points, to investigate, survey or to erect, construct and maintain any drainage facility deemed necessary for drainage purposes. Each property owner shall keep the Drainage and Detention Easement clean and free of debris, silt, and any substance which would result in unsanitary conditions or obstruct the flow of water, and the City shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions which may occur. Should the property owner not maintain the detention pond, the City may perform the work and assess the property for the cost of the work and if not paid attach a lien on all property in the subdivision. The natural drainage through the Drainage and Detention Easement is subject to storm water overflow and natural bank erosion to an extent which cannot be definitely defined. The City shall not be held liable for any damages of any nature resulting from the occurrence of these natural phenomena or resulting from the failure of any structure or structures, within the Easement.”

*(Ord. No. 3843, 12/05/17)*

**(THIS PAGE RESERVED FOR FUTURE USE)**

## **ARTICLE VII. REPLAT**

### **SECTION A. PURPOSE.**

The purpose of the replat is to allow the Planning and Zoning Commission to review the resubdivision of a lot, block or addition for conformance with the requirements of this ordinance.

### **SECTION B. GENERAL PROVISIONS.**

#### **1. REPLAT REQUIRED:**

- a. A replat is required to alter or create new lot lines, add or remove easements, or alter any other aspects of a recorded plat, and shall meet the requirements of Chapter 212 of the Texas Local Government Code.
- b. A replat is not required when an existing shopping center is conveyed to multiple ownership, is located on an existing lot of record, and meets the following criteria:
  1. Meets the definition of shopping center as prescribed by the Comprehensive Zoning Ordinance; and
  2. Existing easements, rights-of-way, platted fire lanes or other dedicated public spaces will not be abandoned or altered; and
  3. A mutual parking/access agreement has been executed and signed by all applicable property owners, approved as to form by the City Attorney, and filed with the appropriate county; and
  4. A unity agreement has been executed and signed by all applicable property owners, approved as to form by the City Attorney, and filed with the appropriate county. The need for a unity agreement shall be assessed by the Building Official on a case-by-case basis.

#### **2. PROCEDURE:**

Formal application for replat approval shall be made by the subdivider or his or her agent in the manner prescribed by the Planning and Zoning Commission and shall be processed and considered in accordance with Article III of this ordinance.

#### **3. VALIDITY:**

A replat is valid after it is approved by the Planning and Zoning Commission. It shall be the applicant's responsibility to submit all required copies of the replat to the City of Carrollton

in order to acquire City signatures, and to file the plat.

4. CONTENT:

The replat shall be in accordance with the final plat requirements of Article VI of this ordinance, with the following additional requirements:

- a. Exact name of previous plat, which shall be retained in the title of the replat identified;
- b. Blocks, lots and portions thereof which are being replatted, shall be identified;
- c. Volume and page number where the previous plat was recorded shall be identified;
- d. Original plat information being deleted, abandoned, or changed by the replat, (lots and blocks, rights-of-way, etc.), shall be shown lightly sketched or dotted on the drawing with a note of explanation;
- e. The word "replat" shall be shown in the title block. (*Ord. No. 2088, 07/18/95*)
- f. A purpose statement detailing the reason for the replat.”

**SECTION C. SPECIAL PROVISIONS.**

Hearing notice shall be provided, as required by state law, including Texas Local Government Code, Title 7. Regulation of Land Use, Section 212.015 Additional Requirements for Certain Replats, as may be amended.

**ARTICLE VIII.**  
**MISCELLANEOUS PLATS AND ABANDONMENTS**

**SECTION A. PURPOSE.**

The purpose of these submittals is to allow the Planning and Zoning Commission to review vacation plats and other miscellaneous separate instruments for compliance with this ordinance.  
*(Ord. No. 3301, 06/02/09)*

The purpose of the amending plat is to allow approval through administrative action in certain circumstances without review and approval by the Planning and Zoning Commission.  
*(Ord. No. 3301, 06/02/09)*

**SECTION B. AMENDING PLAT.**

1. An amending plat may be applied for if an error or omission in a previously recorded plat meets one or more of the following conditions:
  - a. To correct an error in any course or distance shown on the prior plat.
  - b. To add any course or distance that was omitted on the prior plat.
  - c. To correct an error in the description of the real property shown on the prior plat.
  - d. To indicate monuments set after death, disability, or retirement from practice of the engineer or surveyor charged with responsibility for setting monuments.
  - e. To show the property location or character of any monument which has been changed in location or character or which originally was shown at the wrong location or incorrectly as to its character on the prior plat.
  - f. To correct any other type of scrivener or clerical error or omission as previously approved by the municipal authority responsible for approving plats; such errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent recorded plats. *(Ord. No. 3301, 06/02/09)*
  - g. To correct an error in courses and distances of lot lines between two (2) adjacent lots where both lot owners join in the application for plat amendment and neither lot is abolished, provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat.
  - h. To relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement.
  - i. To relocate one (1) or more lot lines between one (1) or more adjacent lots where the owner or owners of all such lots join in the application for the plat amendment, provided that the amendment does not:

1. Attempt to remove recorded covenants or restrictions; or
  2. Increase the number of lots.
- j. To make necessary changes to the prior plat to create six (6) or fewer lots in the subdivision or a part of the subdivision covered by the prior plat if:
1. The changes do not affect applicable zoning and other regulations of the City; and
  2. The changes do not attempt to amend or remove any covenants or restrictions; and
  3. The area covered by the changes is located in an area that the Planning and Zoning Commission and City Council has approved, after a public hearing, as suitable for residential development.

## 2. PROCEDURE:

Formal application for amending plat approval shall be made by the subdivider to the Planning Department in the manner prescribed by the City. An application for approval of an amending plat will be placed on the staff review committee agenda, in accordance with established deadlines set for all development cases. The City Manager or Designee responsible for approving plats shall make the decision to approve or not to approve the amending plat only after the staff review committee has reviewed the application, and within thirty (30) days of submittal of an application. *(Ord. No. 3301, 06/02/09)*

The City Manager or designee responsible for approving plats may, for any reason, elect to present an amending plat to the Planning and Zoning Commission for action. The City Manager or Designee shall not disapprove the amending plat and shall be required to refer any plat which the person refused to approve to the Planning and Zoning Commission within thirty (30) days after the plat is filed. Any amending plat which is presented to the Planning and Zoning Commission shall be processed in accordance with the procedures set forth in Article III of this ordinance. *(Ord. No. 3301, 06/02/09)*

The City Manager or designee responsible for approving plats shall have no authority to grant a waiver or variance to this ordinance in approving an amending plat. Any request for a waiver or variance to this ordinance shall be considered by the Planning and Zoning Commission in accordance with Article XII of this ordinance. *(Ord. No. 3301, 06/02/09)*

## 3. VALIDITY:

An amending plat is valid from the date of City Manager or Designee approval.  
*(Ord. No. 3944, 01/14/20)*

## 4. CONTENT:

- a. An amending plat shall contain all information required for a final plat, as prescribed by Article VI of this ordinance, provided, however, that the signature block and signature of

the chairman of the Planning and Zoning Commission shall not be required. The following signature block shall appear on the amending plat:

CITY SIGNATURE BLOCK

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, this amending plat was approved by the City Manager, the Director of Development Services, or other City Manager Designee.

Signed: \_\_\_\_\_ Attest: \_\_\_\_\_  
City Secretary  
Title: \_\_\_\_\_

- b. A purpose statement and cloud depiction indicating the amendment or change on the plat.
- c. The amending plat shall be in accordance with the following additional requirements:
  - i. Shall contain a note identifying what element(s) of the plat is (are) being amended;
  - ii. Shall contain a graphic representation encircling the area of the plat being amended; and
  - iii. The words "Amending Plat" shall be shown in the title block.  
*(Ord. No. 3843, 12/05/17)*

a. An amending plat shall contain all information required for a final plat, as prescribed by Article VI of this ordinance, provided, however, that the signature block for a final plat and signature of the chairman of the Planning and Zoning Commission shall not be required. The following signature block shall appear on the amending plat:

CITY SIGNATURE BLOCK

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, this amending plat was approved by the City Manager, the Director of Development Services, or other City Manager Designee.

Signed: \_\_\_\_\_ Attest: \_\_\_\_\_  
City Secretary  
Title: \_\_\_\_\_

- b. A purpose statement and cloud depiction indicating the amendment or change on the plat.
- c. The amending plat shall be in accordance with the following additional requirements:
  - i. Shall contain a note identifying what element(s) of the plat is (are) being amended;

- ii. Shall contain a graphic representation encircling the area of the plat being amended; and
- iii. The words "Amending Plat" shall be shown in the title block.

### **SECTION C. VACATION PLAT.**

1. A vacation plat may be applied for to vacate a previously recorded plat, in accordance with the following conditions:
  - a. The owner may vacate a plat before any lots within the original subdivision are sold; or
  - b. If lots within the subdivision have been sold, the original plat or portions of the original plat may be vacated only upon the application of all of the owners of the lots within the original subdivision.
2. PROCEDURE:

Formal application for vacation plat approval shall be made by the subdivider or his or her agent in the manner prescribed by the Planning and Zoning Commission, and shall be processed and considered in accordance with Article III of this ordinance.

3. VALIDITY:

Approval of a vacation plat is valid from the date it is approved by the Planning and Zoning Commission. It shall be the applicant's responsibility to submit all required copies of the plat to the City of Carrollton in order to acquire City signatures, and to file the plat.  
*(Ord. No. 3944, 01/14/20)*

4. CONTENT:

The vacation plat shall be in accordance with the final plat requirements of Article VI of this ordinance, with the following additional requirements:

- a. A note identifying what is being vacated of the original plat shall be indicated; and
- b. The words "Vacation Plat" shall be shown in the title block.

### **SECTION D. ABANDONMENTS.**

1. Abandonment of right-of-way may be applied for under the following conditions:
  - a. The request shall be initiated by an abutting property owner of the right-of-way to be abandoned.
  - b. All property owners abutting such right-of-way shall be notified by the applicant of such request by certified letter. A written response from each abutting property owner must

be received by the City prior to staff review.

- c. All public utilities must consent to the abandonment.
- d. A summary of how the City acquired the right-of-way to be abandoned shall be provided by the applicant.
- e. A certified appraisal of the value of the land to be abandoned shall be submitted to the City by the applicant. This requirement may be waived by the Director of Development Services for good cause. (*Ord. No. 3843, 12/05/17*)
- f. An explanation which identifies why the proposed use of the land to be abandoned is of more benefit to the community under private ownership than retention of the land as public right-of-way shall be provided.
- g. All property owners abutting such right-of-way must hold harmless, and indemnify the City of Carrollton against all suits, costs, expenses, and damages that may arise or grow out of such abandonment.
- h. All of the abandoned right-of-way must be purchased by the abutting property owners within six (6) months of City Council approval.
- i. A plat or replat shall be submitted to the City combining the abandoned right-of-way into the adjacent platted lots. Such plat or replat shall be submitted to the City within six (6) months of City Council approval. Abandonment of right-of-way shall not be considered complete until such plat or replat has been prepared in accordance with this ordinance, and approved by the Planning and Zoning Commission, and filed with the appropriate county.

## 2. PROCEDURE:

The City Council shall have the final authority to approve or deny an abandonment request. Applications shall be obtained from the Planning Department. Approval of an abandonment is valid for six (6) months from the date of City Council approval. Reapproval of an abandonment by the City Council may be applied for at any time subsequent to the date such abandonment becomes invalid. If the City Council should deem changes necessary in the reapproval of an abandonment in light of new or significant information or requirements, it shall so inform the applicant. (*Ord. No. 3944, 01/14/20*)

## 3. CONTENT:

The abandonment document shall be in accordance with the final plat requirements of Article VI of this ordinance, with the following additional requirements:

- a. A note identifying what is being abandoned shall be shown; and
- b. The abandonment document shall be filed for record, as an appendix to the plat or replat.

## 4. ABANDONMENT OF FIRE LANES:

- a. In instances where fire lanes are depicted on a plat of record, the owner of the property

may submit a Certificate of Abandonment to remove the fire lane from the plat. The certificate shall be submitted to the Building Official.

- b. The Certificate shall include an accurate exhibit of the proposed abandonment and reference the exact name of the plat, including volume and page number where the plat was recorded.
- c. Notwithstanding any action regarding the Certificate of Abandonment of a platted fire lane, fire lanes shall be provided in accordance with the City of Carrollton Fire Code.
- d. The Certificate of Abandonment for a fire lane shall be filed with the appropriate county clerk within six (6) months from the date of approval. (*Ord. No. 2266; 05/20/97*)

### **SECTION E. CONVEYANCE PLATS**

(*Ord. No. 3944, 01/14/20*)

1. A conveyance plat subdivides land and provides for recordation of same for the purpose of conveying property without developing the property. A conveyance plat does not constitute approval for any type of development on the property.
2. A conveyance plat may be applied for under the following conditions:
  - a. The conveyance plat is in lieu of a Final Plat to record the subdivision of property in the following instances:
    - i. To record the remainder of a tract that is larger than five (5) acres, and that is created by the final platting of the property, provided that the remainder is not intended for immediate development.
    - ii. To record the subdivision of property into parcels, five (5) acres or smaller in size, that are not intended for immediate development, provided all required public improvements exist to the City's current standards prior to approval and minimum frontage requirements are met. All public rights-of-way must be dedicated and all abutting streets and utilities must be installed and accepted by the City. Installation of on-site improvements may be delayed if development of other tracts is not affected.

#### **3. PROCEDURE:**

Formal application for conveyance plat approval shall be made by the subdivider or his or her agent in the manner prescribed by the Planning and Zoning Commission and shall be processed and considered in accordance with Article III of this ordinance.

#### **4. VALIDITY:**

Approval of a conveyance plat is valid from the date it is approved by the Planning and Zoning Commission.

## 5. CONTENT:

The conveyance plat shall be in accordance with the final plat requirements of Article VI of this ordinance, with the following additional requirements:

- a. The words "Conveyance Plat" shall be shown in the title block.
- b. The following note shall be under the notes section:

This Conveyance Plat shall not convey any rights to development or guarantee of public utilities, public or private access, or issuance of addressing and permits, without compliance with all subdivision rules and regulations and the approval and recording of a Final Plat.

**(THIS PAGE RESERVED FOR FUTURE USE)**

**ARTICLE IX.  
PLANNED DEVELOPMENT DISTRICT  
AND SUBDIVISION MASTER PLAN**

**SECTION A. PURPOSE OF THE PLANNED DEVELOPMENT DISTRICT.**

1. In certain instances, the purposes of this chapter may be achieved in the development of planned units which do not conform in all respects with the land use pattern designated on the zoning map, the district regulations prescribed by the zoning ordinance, or the subdivision requirements of this chapter. A Planned Development District (PD) may include a combination of different dwelling types and/or a variety of land uses which creatively complement each other and harmonize with existing and proposed land uses in the vicinity.

**SECTION B. SUBDIVISION REQUIREMENTS OF A PLANNED DEVELOPMENT DISTRICT.**

1. It is the intent of this Article that subdivision review under this ordinance be carried out simultaneously with the review of a Planned Development District under the zoning ordinance.
2. The preliminary plat and final plat shall be in conformance with the requirements of the approved Planned Development District before they may be approved by the Planning and Zoning Commission. Where a development plan, site plan or other mechanism showing street layouts is made a part of the amending ordinance creating such Planned Development District, the preliminary plat, final plat and construction plans shall be in accordance with such plan or layout.
3. Both this ordinance and the zoning ordinance contain regulations which apply to the design of streets, utilities and open spaces. In any proposed Planned Development District for which the provisions of this ordinance are varied, written recommendations of the Director of Planning or his or her designee shall be given to the Planning and Zoning Commission and City Council as part of their consideration of approval of such proposed Planned Development District and variance to this ordinance.

**SECTION C. SUBDIVISION MASTER PLAN.**

1. Except as provided in Section B(1)(b) of Article VI of this ordinance, where a proposed subdivision is to be developed in phases, or where a tract of land containing forty (40) acres or more is to be subdivided and will contain an internal street system, the subdivider shall be required to submit, and receive approval by the Planning and Zoning Commission of, a subdivision master plan of the entire tract.

The purpose of a subdivision master plan is to allow the Planning and Zoning Commission to review the subdivision in relation to future phases of the development, existing and proposed subdivisions adjacent to the site, and future city service participation requirements.

2. The subdivision master plan shall be drawn at a scale of not less than one (1) inch equals five hundred (500) feet on a topographic map. The subdivision master plan shall include all land under control of, or owned by, the developer, and contain or have attached the following:
  - a. Names and addresses of the subdividers, owner of record, engineer and surveyor;
  - b. Proposed name of the subdivision;
  - c. Location in relation to the rest of the city and boundaries of the proposed subdivision;
  - d. Schematic layout of the entire tract and its relationship to adjacent property and existing adjoining development;
  - e. The successive order or phasing of the development of the tract, if applicable;
  - f. Proposed major categories of land use and current zoning;
  - g. Number of dwelling units and population densities, where applicable;
  - h. Street layout;
  - i. Location of sites for parks, schools and other public uses as shown on the Comprehensive Plan, where applicable;
  - j. Significant natural features, including floodplains, floodways, and wooded areas;
  - k. Significant existing man-made features such as railroads, buildings, utilities or physical features.
3. The overall layout, if approved by the Planning and Zoning Commission, shall be attached to and filed in the permanent records of the Planning Department. All subsequent preliminary or final plats shall be in accordance with the approved subdivision master plan. Provided, however, that the Planning and Zoning Commission may authorize minor adjustments to the approved subdivision master plan where the Commission determines such adjustments are consistent with the intent and general layout of the approved subdivision master plan. Where the preliminary or final plat deviates from the approved subdivision master plan to the extent that the Commission finds such deviation to be significant and not consistent with the intent and general layout of the approved subdivision master plan, such preliminary or final plat shall not be approved until it reflects the originally approved subdivision master plan, or a new subdivision master plan has been approved in accordance with Article IX of this ordinance. However, the Planning and Zoning Commission shall not change such approved

overall layout unless the subdivider agrees to such change or the Planning and Zoning Commission finds:

- a. That adherence to the previously approved overall layout will hinder the orderly subdivision of land in the area in accordance with the provisions of this chapter; and
  - b. That changes to the previously approved overall layout will not be detrimental to the public health, safety or general welfare.
4. Approval of a subdivision master plan shall be effective for eighteen (18) months. Approval may be extended for one (1) year periods by consent of the Planning and Zoning Commission. Once an approved final plat of a portion of the subdivision master plan has been recorded with the appropriate county, the subdivision master plan shall be deemed as vested and does not require any extensions.
  5. If the subdivision master plan is attached as an exhibit to the amending ordinance creating a Planned Development District, such plan shall be considered a condition of the zoning of the tract.
  6. Approval of a subdivision master plan shall not constitute automatic approval of the preliminary or final plat. The subdivider shall be required to submit a preliminary and final plat, including construction plans, for each unit or phase of development.
  7. A preliminary plat may be submitted to meet the requirements of this Article in lieu of the subdivision master plan, provided all applicable requirements of Article V of this ordinance are met.

**(THIS PAGE RESERVED FOR FUTURE USE)**

**ARTICLE IX.1.  
PRIVATE STREETS**

**SECTION A. GATED COMMUNITIES.**

*(Entire Article Established by Ord. 2524, 06/06/00)*

1. Residential subdivisions may be developed with private streets and alleys in lieu of public streets and alleys upon approval of a Planned Development District and if the development complies with the requirements of this Article. The term private street shall include alleys, if provided.

**SECTION B. DESIGN AND CONSTRUCTION STANDARDS**

1. Private streets shall be designed in accordance with the Design Standards of this ordinance, and all other applicable standards as prescribed by the city of Carrollton.
2. All streets, alleys, sidewalks, drainage ways, water and sewer line and improvements shall be designed, placed and constructed in accordance with the General Design Standards of the city of Carrollton, as amended.

**SECTION C. STREETS EXCLUDED**

1. Streets designated on the Thoroughfare Plan as an arterial or collector shall not be used, maintained or constructed as private streets.
2. The Planning and Zoning Commission and or the City Council may deny the creation of a private street if it makes a finding of fact, based upon the evidence provided, that it would:
  - a. Negatively affect traffic circulation on public streets; or
  - b. Impair access to property either on-site or off-site of the subdivision; or
  - c. Impair access to or from public facilities including schools, parks and libraries, or
  - d. Delay the response time of emergency vehicles.

**SECTION D. HOMEOWNERS ASSOCIATION**

1. Residential subdivisions developed with private streets shall establish a mandatory Homeowners Association. The Association shall own and be responsible for the maintenance of the private streets. Lot deeds shall convey membership in the Association and provide for the payment of dues and assessments required by the Association.
2. The manager shall be required to maintain and file a Fidelity Bond. The name of the Association's president shall be submitted to the Public Works Department and updated as needed.

The following notice shall appear in bold print on each deed to property in the subdivision, on the plat of the subdivision and on each contract on the sale of land within the subdivision:

***Notice: The lots within this subdivision are governed by a Homeowners Association requiring the payments of fees. Failure to pay such fees are subject to attachment of a lien on your property by the Association or by the city of Carrollton.***

3. The Association documents shall establish a reserve fund for the maintenance of streets and other improvements, and contain provisions for reliable access to provide city services and to other utility service providers with appropriate identification. The Association may not be dissolved, and no portion of the Association documents pertaining to this section may be amended without the written consent of the city.
4. A reserve fund balance report shall be submitted to the Public Works Department annually to ensure that adequate fund reserves are being maintained for future repairs and/or replacement costs of the private streets.
5. In the event the Association fails to maintain the streets in accordance with city standards, the City may repair and maintain the streets and charge the cost to the Association. If the Association fails to pay for the maintenance cost, after notice to the property owners, the costs shall be filed as a lien on all property within the subdivision.
6. The Association documents shall be reviewed and approved by the City Attorney and the Director of Planning to ensure that they conform to this and other applicable city ordinances, and shall be filed of record prior to the approval of the final plat.

**SECTION E. PRIVATE STREETS AND EASEMENTS**

1. Private streets shall be constructed within a designated separate lot owned by the Homeowners Association. Every lot shall have frontage on, and access to, said lot in lieu of a public street.
2. An easement encompassing the lot shall be granted to the city providing unrestricted use of the property for utilities and their maintenance. The right shall extend to all utility providers,

including telecommunication companies operating within the city. The easement shall also provide the city with the right of access for any purpose related to the exercise of a governmental service of function, including but not limited to fire and police protection, inspection, animal control and code enforcement. The easement shall permit the city to remove any vehicle or obstacle within the lot that impairs emergency access.

#### **SECTION F. CONSTRUCTION AND MAINTENANCE COST**

1. The city shall not pay for any portion of the cost of constructing or maintaining a private street.
2. All city regulations relating to shared improvements costs shall be in accordance with Article XI., Section I of the Comprehensive Subdivision Ordinance, with the exception of those applying to street construction.

#### **SECTION G. UTILITIES**

1. Water, sewer, drainage facilities, and water meters shall be placed within the “street lot” and shall be dedicated to the city upon final acceptance of the subdivision by the city. Installation of touch read water meters shall be required.

#### **SECTION H. IMPROVEMENTS AND INSPECTIONS**

1. Developments proposed with private streets shall comply with Article XI, Construction and Improvements, of the Comprehensive Subdivision Ordinance. In lieu of the two (2) year maintenance bond provided to the city of Carrollton from the contractor in the amount of 100 percent of the contract price for the street, such period measured from the date of the issuance of a Letter of Acceptance by the City Engineer, the bond shall be issued to the Homeowners Association.
2. The city may periodically inspect private streets and require repairs necessary to insure emergency access.

#### **SECTION I. SIGNS**

1. All private traffic signs and markings shall conform to the Texas Manual on Uniform Traffic Control Devices. The entrances to all private streets shall be marked with a sign stating that it is a private street.

#### **SECTION J. ACCESS PROVISIONS**

1. Guard houses, access control gates and cross arms may be constructed within the “street lot”.

All restricted access entrances must be manned 24 hours every day, or provided with an alternative means of ensuring access to the subdivision by the city and other utility service providers with appropriate identification.

2. If the Association fails to maintain reliable access as required to provide city services, the city may enter the subdivision and remove any gate or device, which is a barrier to access at the sole expense of the Association, as provided for in the Association documents.

### **SECTION K. ENTRANCE DESIGN STANDARDS**

1. Any private street with an access control gate shall have a minimum uninterrupted pavement width of twenty-four (24) feet at the location of the access control device. All restricted access gates shall be approved by the Fire Department and meet access requirements for emergency vehicles.
2. Overhead barriers shall not be allowed.
3. Internal storage for three (3) vehicles shall be provided between the right-of-way line and the point of the access control device. An additional setback between the point of the access control device and the access gate shall be required to allow a vehicle which is denied access to safely turn around and exit onto a public street.
4. On lots adjacent to access gates, screening walls may exceed thirty (30) inches in height, up to a maximum of eight (8) feet within the front yard setback of the adjacent lot. Such wall shall be constructed of wrought iron with brick columns. Solid fencing panels shall not be allowed.

### **SECTION L. WAIVER OF SERVICES**

1. The subdivision final plat, property deeds and property owner Association documents shall note that certain city services shall not be provided on private streets. Among the services, which will not be provided, are: street maintenance, routine police patrols, enforcement of traffic and parking ordinances and preparation of accident reports. Depending on the characteristics of the proposed development other services may not be provided.

**SECTION M. PETITION TO CONVERT TO PUBLIC STREETS**

1. The Homeowners Association documents shall allow the Association to request the city to accept private streets and alleys and the associated property as public streets and right-of-way upon written notice to all Association members and upon the favorable vote of 51% of the membership.
2. In no event shall the city accept private streets as public unless said streets have been maintained to city standards. Should the city elect to accept private streets as public, the city may inspect the private streets and assess the lot owners for the expense of needed repairs concurrent with the city's acceptance of the streets and alleys.
3. The city shall be the sole judge of whether repairs are needed. The city may also require, at the Association's expense, the removal of guard houses, access control devices, landscaping or other aesthetic amenities located within the street lot. The Association documents shall provide for the city's right to such assessment. Those portions of the Association documents pertaining to the subject matter contained in this section shall not be amended without the written consent of the city.

**SECTION N. HOLD HARMLESS**

1. Language shall be placed on the subdivision final plat whereby the Homeowners Association, as owner of the private streets and appurtenance, agrees to release, indemnify, defend and hold harmless the city, any governmental entity and public utility for damages to the private street occasioned by the reasonable use of the private street by the city, governmental entity or public utility; for damages and injury (including death) arising from the condition of said private street; for damages and injury (including death) arising out of the use by the city, governmental entity or public utility of any restricted access gate or entrance; and for damages and injury (including death) arising out of any use of the subdivision by the city, government entity or public utility.

Further, such language shall provide that all lot owners shall release the city, governmental entities and public utilities for such damages and injuries. The indemnification contained in this paragraph apply regardless of whether or not such damages and injury (including death) are caused solely by the negligent act or omission of the city, governmental entity or public utility, or their representative officers, employees or agents.

2. The Homeowners Association shall provide general liability insurance in the amount of not less than \$300,000 per occurrence and \$500,000 aggregate. Such insurance shall protect the Homeowners Association and city of Carrollton from any claim, suit or demand resulting from any activity by the City within the subdivision, including the operation, maintenance or repair of water, sewer and drainage facilities. The insurance shall be occurrence based and name the city of Carrollton an additional insured. The insurance shall not include any exclusions that would deny coverage from the operation of sewer lines.

A signed Certificate of Insurance, satisfactory to the city of Carrollton, showing compliance with the requirements of this section shall be furnished to the city of Carrollton at the time all improvements are accepted by the city. Such Certificate shall provide thirty (30) day written notice to the city of Carrollton prior to the cancellation or modification of any insurance referred to therein. Language shall be placed on the subdivision final plat indicating that a signed Certificate of Insurance shall be furnished to the city of Carrollton which complies with Article IX.1, Section N (2) of the Comprehensive Subdivision Ordinance.

**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 fifteen (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.***(Ord. No. 3944 01/14/20)*

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, except as follows:
  - a. On property that was a legal lot of record prior to April 2, 1962.
  - b. 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 that does not front a collector or arterial thoroughfare, or a perimeter street.
- 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. Sidewalk Waiver:

The Planning and Zoning Commission may grant a waiver of the sidewalk requirement where the Commission finds that it is physically impractical to build a sidewalk.

5. The approval of the subdivision plat and issuance of any certificates of occupancy or building permits is contingent upon the construction of required sidewalks except sidewalks for which the Commission has granted a waiver.

A note shall be added to any plat approved with a sidewalk waiver.

6. When a sidewalk is required in a developed area, and no sidewalk waiver has been granted, the conditions of paragraph G(5) shall apply.
7. A sidewalk shall be provided by the developer where a sidewalk is 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 a subdivision. Sidewalks shall be built in accordance with the City of Carrollton General Design Standards.”

## **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:

<u><i>R.O.W. Width</i></u>	<u><i>Tangent</i></u>	<u><i>Radius</i></u>
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 (1/2) 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 (1/2) 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.

STREET	FROM	TO	MINIMUM RIGHT-OF-WAY WIDTH
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 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 parks 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:

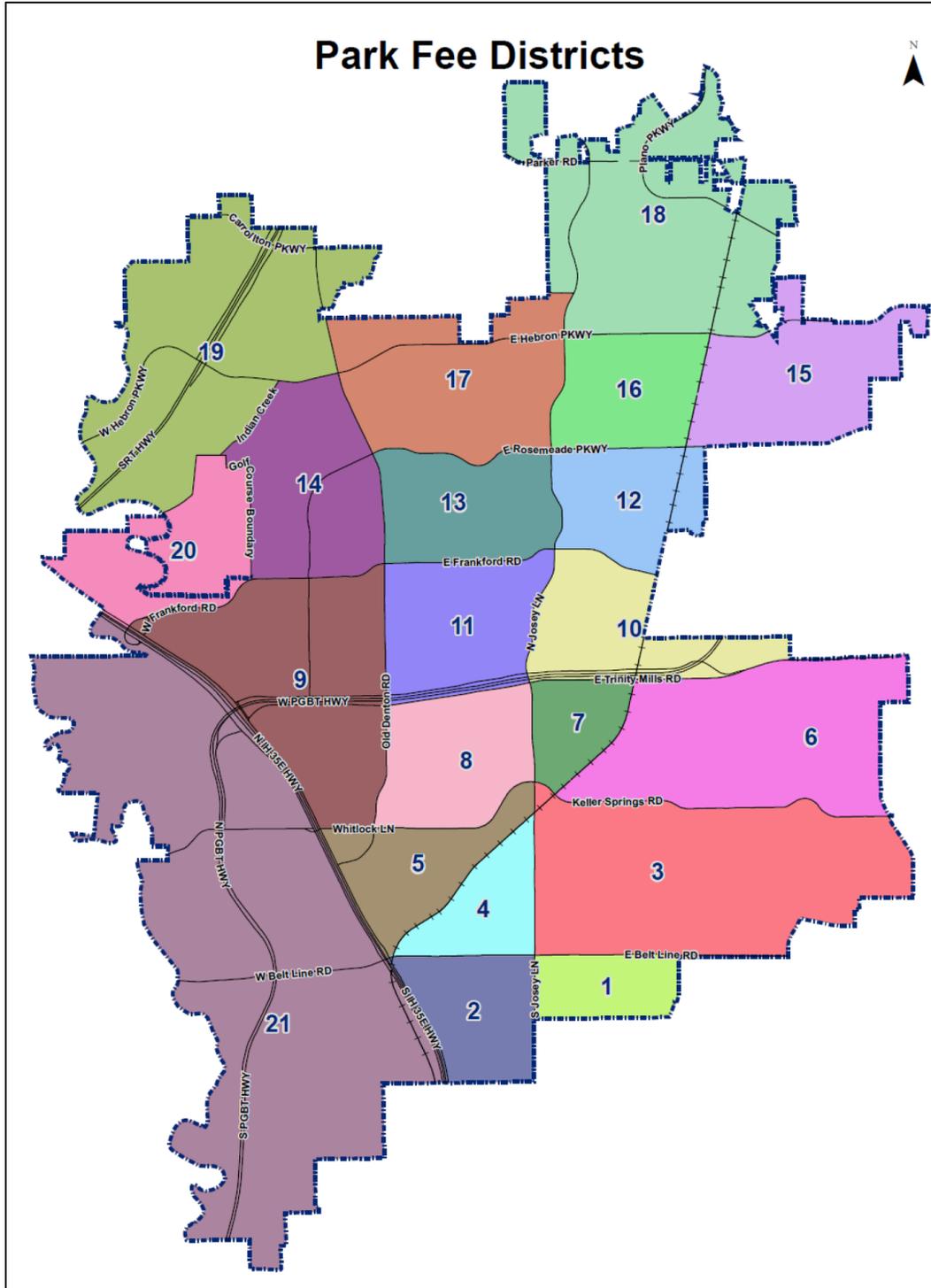
When a developer proposes park related capital improvements that are greater than or equal to the value of the fee-in-lieu of park land dedication that would be required for the development, the City Council may, at its discretion, accept such improvements as payment of the park fee. If such improvements 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.

**(THIS PAGE RESERVED FOR FUTURE USE)**

**Figure 1**  
**CITY OF CARROLLTON**  
**PARK SERVICE AREAS**



(Ord. No. 3843, 12/05/17)

**(THIS PAGE RESERVED FOR FUTURE USE)**

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

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

*(Ord. No. 3843, 12/05/17)*

**ARTICLE XI.  
CONSTRUCTION AND IMPROVEMENTS**

**SECTION A. GENERAL.**

1. The developer shall prepare, or have prepared, and submit blueline copies in accordance with the requirements of the Engineering Department, of the complete engineering plans of streets, alleys, screening walls, curbs and gutters, storm sewers and drainage structures, and water and sanitary sewer improvements for the area covered by the plat. The developer shall have such plans prepared by an engineer registered in the state of Texas, subject to approval of the plans by the city of Carrollton. The City Engineer shall review the plans and specifications, and, if approved, shall mark them approved and return one (1) set to the developer. If not approved, the bluelines shall be marked with the objections noted and returned to the developer for correction. No building permits shall be issued for the main structure on a site until the Engineering Plans have been approved, or the City Engineer approves the permit.
2. After approval of the final plat and final construction plans, the developer shall install the facilities in accordance with such approved plans, and these regulations. The City Engineer or his or her designee shall inspect the installation of the improvements. Such construction shall be rejected only if it fails to comply with the standards and specifications contained or referred to herein and as otherwise established by the city of Carrollton.
3. The City Engineer shall approve and issue for the city of Carrollton the title, use and maintenance of the improvements where:
  - a. Such improvements have been found to be installed in accordance with the approved subdivision plat and construction plans; and
  - b. Such improvements have been completed, and have been inspected and approved by the City Engineer; and
  - c. The city of Carrollton is in receipt of a two (2) year maintenance bond from each separate contractor in the amount of 100 percent of the contract price, such period measured from the date of the issuance of a Letter of Acceptance by the City Engineer; and
  - d. "As-Built" plans, mylars and microfilm fees have been submitted in the manner required by the City Engineer; and
  - e. The inspection fee has been paid in the amount required by the city of Carrollton, prior to scheduling a pre-construction meeting.
4. All improvements required herein shall be constructed in accordance with the standards prescribed by the city of Carrollton prior to acceptance of the subdivision by the city.

**SECTION B. SURVEY MONUMENTS.**

1. In all subdivisions and additions, except in an Amending Plat or a Vacation Plat, all block and lot corners shall be established and set. All corners, except those comprising the perimeter of the subdivision, shall consist of iron rods of a diameter not less than one-half (1/2) inch and eighteen (18) inches deep, set a maximum of two (2) inches below finished grade. (*Ord. No. 2772; 02/04/03*)

Perimeter markers shall be monuments consisting of a two (2) inch diameter aluminum disc and set in accordance with the General Design Standards of the city of Carrollton.

2. The "X," "Y" and "Z" (elevation) coordinates (Texas State Plane Coordinate System, North Central Texas FIPS 4202) shall be shown for no fewer than two perimeter markers. (*Ord. No. 2772; 02/04/03; Ord. No. 3271, 01/01/09*)

**SECTION C. STREET AND ALLEY IMPROVEMENTS.**

1. Construction:

All streets and alleys shall be constructed in accordance with the General Design Standards of the city of Carrollton, the NCTCOG Standards and Specifications for Public Works Construction, and all other applicable codes and ordinances of the city of Carrollton.

2. Perimeter Streets:

- a. Whenever any subdivision within the city is developed adjacent to an arterial or collector thoroughfare, as designated on the Transportation Plan, the developer shall, in conjunction with such development, install a portion of the required paving, complete with curb and gutter, for the entire length of such thoroughfare where it is adjacent to the property.
- b. The portion of right-of-way that shall be dedicated by the developer shall be roughly proportionate for such adjacent arterial or collector thoroughfare, in accordance with the applicable right-of-way standards as established in Article X of this ordinance. Except, however, that where an adjacent collector thoroughfare is constructed, the developer shall dedicate a roughly proportionate share of land in an amount adequate to ensure that at least thirty-five (35) feet of right-of-way exists for the construction of the collector thoroughfare.

The developer may be required to dedicate right-of-way in an amount sufficient to provide for the entire road section of such adjacent thoroughfare after a determination as to the amount of existing right-of-way, the amount of right-of-way to be dedicated in the future by adjacent property owners, and the benefit to be derived by the property from such adjacent thoroughfare has been made by the City. (*Ord. No. 3271, 01/01/09*)

- c. The roughly proportionate share of pavement width shall be installed by the developer for the entire length of such adjacent arterial or collector thoroughfare. The paving shall be situated and designed in a manner that will permit the remaining pavement to be added at a future date, with the finished product being in compliance with the standard specifications of the City. (*Ord. No. 3271, 01/01/09*)

Where the provision of such pavement is impractical at the time of subdivision development, as determined by the City Engineer, the developer may escrow with the city money in lieu of construction of the required paving. Such escrow amount shall equal the developer's proportional share of the design and construction of such required paving, including curb and gutter, and sidewalks where applicable.

- d. Where it is necessary that existing perimeter streets or other existing streets adjacent to the subdivision be improved, the city may construct such improvements, if funds are available, or cause same to be constructed in accordance with the street assessment requirements of the city at the time of such construction. The subdivider shall pay or furnish satisfactory security for the payment of any required pro rata share of such street assessments prior to the approval of the final subdivision plat.

### 3. Internal Streets:

- a. The developer shall be responsible for the dedication of right-of-way and construction of all streets which cross his or her subdivision in accordance with the developer's roughly proportionate share. Where an arterial or collector thoroughfare, as designated on the Transportation Plan, crosses such subdivision, the developer shall dedicate all right-of-way for such arterial or collector thoroughfare in accordance with the applicable right-of-way standards as established in Article X of this ordinance. (*Ord. No. 3271, 01/01/09*)
- b. For any arterial thoroughfare that crosses such subdivision, the developer of the subdivision shall be responsible for installing the developer's roughly proportionate share of outside traffic lanes, center median, turning lanes, curbs and gutters. (*Ord. No. 1948, 10/19/93; Ord. No. 3271, 01/01/09*)
- c. For any collector thoroughfare that crosses such subdivision, the developer shall be responsible for the installation of the developer's roughly proportionate share of the entire pavement width. The width of such paving shall be in accordance with the applicable standards established in Article X of this ordinance. (*Ord. No. 3271, 01/01/09*)
- d. In the event it is impractical to install a portion of a street at the time of subdivision development, as determined by the City Engineer, the developer may escrow with the city money in lieu of construction of the required paving. Such escrow amount shall equal the cost for the design and construction of such required paving, including curb and gutter, and sidewalks where applicable, and shall be considered as full and final payment for the installation of said improvements. No further cost shall be assessed the

developer thereafter. (*Ord. No. 3271, 01/01/09*)

4. Connection to Existing Streets:

No building shall be occupied and no use shall commence on a lot until such time as any street or portion thereof providing access to such lot shall have been connected to the existing street system by a street of at least 24 feet in width, located within public right-of-way. The construction of such street extension shall be in accordance with the General Design Standards of the city of Carrollton and the NCTCOG Standards and Specifications for Public Works Construction. The provision of right-of-way and alignment of such street extension shall be in accordance with Article X of this ordinance.

Where construction of the street extension occurs concurrently with construction of any building on a lot to be served by such extension, an access road shall be provided and maintained for fire apparatus and other emergency vehicles during the construction of the building, or until such time as the extension to the existing street system has been constructed. Such access road shall be provided in accordance with the current Fire Code adopted by the City of Carrollton. (*Ord. No. 3271, 01/01/09*)

5. Engineer's Certificate:

Upon the completion of construction of the street or alley, a certificate shall be provided, signed by the subdivision's engineer, who shall be registered in the State of Texas, that any and all improvements constructed in the subdivision have been completed in accordance with the approved construction plans, and that all monuments and lot markers have been properly located and placed in accordance with this ordinance.

6. Curb and Gutter:

Curb and gutter shall be installed in the subdivision by the developer on both sides of all interior streets and streets adjacent to greenbelts, and on the subdivision side of all streets forming part of the boundary of the subdivision, including half streets, where provided. Such curb and gutter shall be constructed in accordance with the General Design Standards of the city of Carrollton, and the NCTCOG Standards and Specifications for Public Works Construction.

7. Street Signs:

- a. Within the corporate limits of the city, street signs shall be furnished and installed by the city at each intersection. The subdivider shall pay to the City Engineer, before beginning construction on site improvements, such sum as computed by the Transportation Department for street sign material and labor for the installation of such signs.
- b. Street signs in subdivisions outside the city limits but within the extraterritorial jurisdiction of the city of Carrollton shall be installed in accordance with city standards by the subdivider at his or her expense. Such signs shall be of a standard type approved by the city and shall be installed in accordance with the standards approved by the

Director of Transportation.

8. Street Lights:

a. Residential and Collector Streets:

Street lights along residential and collector streets shall be installed and paid for by the developer, including materials and labor, and shall be placed at each public street intersection, at the end of cul-de-sacs, and in curves or hazardous areas. The minimum spacing between street lights shall be 175 feet. The maximum spacing shall be 350 feet. All street lights shall be installed prior to final inspections of any building. (*Ord. No. 2370, 09-01-98; Ord. No. 3271, 01/01/09*)

b. Arterial Streets:

Street light placement on arterial thoroughfares, as designated on the Transportation Plan, shall be as designed by TU Electric or Denton County Co-op, and approved by the Director of Transportation or his or her representative. The developer of an adjacent property to an arterial thoroughfare shall be responsible for one-third (1/3) of the costs of the adjacent street light system. Such cost shall be paid to the City Engineer prior to construction of site improvements.

9. Traffic Signals

Where the developer desires to build a driveway to an existing signalized intersection, and thereby creating a four-legged intersection, the developer will be required to install and pay for, including materials and labor, any additional signalization equipment, as determined by the Director of Transportation. Said construction shall be in accordance with City Standards and all applicable codes and ordinances. The developer may escrow funds for the cost of installing the additional signalization equipment in lieu of building the improvements. Such escrow funds will be equal the cost of designing and constructing the additional signal mast arm and making the location a fully operational four-legged signalized intersection. (*Ord. No. 2573, 11/07/00*)

**SECTION D. SANITARY SEWER.**

1. All subdivisions shall be provided with an approved sewage disposal system which shall be connected to the city of Carrollton sanitary sewer system.
2. The developer shall furnish and install the complete sewage system. The sewage system shall be designed and constructed in accordance with the Wastewater Master Plan, the General Design Standards of the city of Carrollton and the NCTCOG Standards and Specifications for Public Works Construction.
3. The developer shall also be responsible for the proportional share of the cost of oversized or off-site improvements needed to assure adequate sanitary sewer services for the subdivision. Such costs shall be established and paid in accordance with the Impact Fee Ordinance, as

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

### **SECTION E. WATER.**

1. All subdivisions shall be provided with an approved water system which shall be connected to the city of Carrollton water distribution system.
2. The developer shall furnish and install the complete water system. The water system shall be designed and constructed in accordance with the Water Distribution Master Plan, the General Design Standards of the city of Carrollton and the NCTCOG Standards and Specifications for Public Works Construction.
3. The developer shall also be responsible for the proportional share of the cost of oversized or off-site improvements needed to assure adequate water service for the subdivision. Such costs shall be established and paid in accordance with the Impact Fee Ordinance, as amended. (*Ord. No. 3271, 01/01/09*)

### **SECTION F. SCREENING WALLS.**

The purpose of providing screening walls is to improve the appearance of subdivisions abutting public rights-of-way; preserve and promote the aesthetic appeal of surrounding neighborhoods; and provide a cohesive identity for each subdivision.

1. Lots Backing Upon a Freeway Frontage Road, Arterial Thoroughfare, or a Major or Residential Collector Street:

A screening wall, shall be provided and maintained along the property line of any subdivision of single-family, mobile home or duplex lots where the rear of such lots abuts any freeway frontage road, or arterial thoroughfare, as such thoroughfare is identified on the Transportation Plan, or a major or residential collector street. This requirement shall also apply where such lots are separated from the freeway frontage road, arterial thoroughfare, or major or residential collector street by an alley. In such instance the screening wall shall be placed on the right-of-way line separating the alley, and freeway frontage road, arterial thoroughfare, or major or residential collector street.

The construction of such screening wall shall be the responsibility of the developer of the single-family, mobile home or duplex subdivision. Construction of the required screening wall shall occur subsequent to the final grading of the subdivision, but prior to formal acceptance of the subdivision by the city of Carrollton.

The provisions of this subsection shall also apply to mobile home parks. (*Ord. No. 1998, 07/05/94*)

2. Lots Siding Upon a Freeway Frontage Road or Arterial Thoroughfare:

Where a street within a single-family, mobile home or duplex subdivision must intersect a freeway frontage road or arterial thoroughfare, as identified on the Transportation Plan, in order to provide access into the subdivision, and where a single-family, mobile home or duplex lot sides to a freeway frontage road or arterial thoroughfare, a screening wall shall be provided along the side of the lot adjacent to such freeway frontage road or arterial thoroughfare where the screening wall would constitute a continuation of any existing or proposed screening wall.

Where two residential streets intersect with a freeway frontage road or arterial thoroughfare identified on the Transportation Plan, the Planning and Zoning Commission shall determine whether adequate distance exists between the residential streets such that the provision of a masonry screening wall would be reasonable and appropriate. In making its determination, the Planning and Zoning Commission shall take into consideration the requirements of Article V, Chapter 19, of the Carrollton Code of Ordinances, otherwise known as the Visibility Obstructions Ordinance, and the provision of corner clips, as may be deemed necessary by the Director of Transportation to afford the adequate provision of roadway and intersection design or signalization.

The provisions of this subsection shall apply where the sides of such lots are separated from the freeway frontage road or arterial thoroughfare by an alley. In such instance the screening wall shall be placed on the right-of-way line separating the alley and freeway frontage road or arterial thoroughfare.

The provisions of this subsection shall also apply to mobile home parks.

### 3. No Existing Screening Wall:

Where an existing single-family, mobile home or duplex subdivision has been developed, and no screening wall was erected, the city of Carrollton may participate in building such wall, provided that all of the following conditions are met:

- a. A screening wall would be required under the criteria established by this Section; and
- b. The entire contiguous residential area, unbroken by nonresidential uses, shall be considered as one project; and
- c. One hundred (100) percent of the property owners abutting the project shall agree to the erection of the wall; and
- d. The property owners referenced in subsection (3) (c) above shall deposit not less than fifty (50) percent of the estimated cost of the project with the city, such deposit being made at the time city participation is requested. Such deposit shall be returned in full if the project is not let for bids within three (3) years of the initial project. Upon the award of a contract for the construction of the project, the property owners referenced in subsection (3)(c) above shall deposit any additional amount necessary to equal fifty (50) percent of the actual contract construction price;

- e. City participation shall be contingent upon the availability of funds. Projects may be grouped with other public works projects for convenience, ease of bidding and timing.
4. It is not the intent of this ordinance to require the construction of screening walls where any single-family, mobile home or duplex subdivision abuts a local street, or sides to a collector street. However, where a developer desires to erect a screening wall adjacent to a local street, or where a single family lot sides to a collector street:
    - a. Such screening wall may be constructed entirely on private property in accordance with city standards, and shall be maintained at the sole expense of the property owner; or
    - b. Such screening wall may be constructed within a common area not located within public right-of-way. Such common area shall be designated on the final plat of the subdivision. The screening wall shall be constructed in accordance with city standards. Maintenance of such screening wall shall be established by a homeowners agreement in accordance with Article VI of this ordinance; or
    - c. Such screening wall may be constructed within public right-of-way. The screening wall shall be constructed in accordance with city standards. Such screening wall shall become the property of the city of Carrollton upon final acceptance of the subdivision by the city. The developer shall pay a one-time maintenance fee in the sum of ten dollars (\$10.00) per linear foot of such screening wall to the city of Carrollton, to be deposited with the City Engineer prior to acceptance of the subdivision. In no event shall the amount deposited with the City Engineer be less than \$2,000. Such maintenance fee shall be required in addition to any maintenance bond provided by the developer. City maintenance of the screening wall shall not begin until such maintenance bond has expired.

Where such screening wall is located at a street intersection and the requirements of the Visibility Ordinance apply, the screening wall may be placed on private property for the distance necessary to accommodate the requirements of the Visibility Ordinance. The portion of the screening wall on private property shall, in this instance, be maintained by the city. However, the portion of the screening wall on private property shall be calculated in the maintenance fee designated above, and shall be located within an easement providing access by the city for perpetual maintenance.

Fees collected pursuant to this section shall be utilized solely for the purpose of city maintenance of such non-required screening walls.

The provisions of this subsection shall apply only to screening walls constructed after the effective date of this ordinance.

#### 5. Building Materials:

For purposes of this section masonry shall mean stone and/or full-width brick. (*Ord. No. 1998*,

07/05/94)

6. Maintenance:

All areas adjacent to any screening wall or fence, or areas adjacent to a public street or right-of-way, shall be maintained in a clean and orderly condition by the property owner, free of debris and trash, in accordance with the applicable codes of the city of Carrollton.

The city of Carrollton shall maintain screening walls provided in accordance with subsections G(1), G(2), G(3), and G(4)(c) of this Section.

7. Alternative Screening Material:

- a. Other material or screening devices which meet the intent of this Section, as determined by the Planning and Zoning Commission may be utilized to satisfy the requirements of this Section only upon approval of the Planning and Zoning Commission. Any screening wall shall be constructed in accordance with the General Design Standards of the city of Carrollton.

8. Conflicts:

Where the screening or buffering standards prescribed by this Section are in conflict with special screening or buffering requirements which have been established within certain zoning districts, then the more restrictive requirements shall apply.

In instances where placement of a screening wall conflicts with the Visibility Obstructions Ordinance or other applicable ordinances, the screening wall shall be placed on private property within a screening wall maintenance easement which shall be provided on the subdivision plat of the property. (*Ord. No. 3271, 01/01/09*)

## SECTION G. PARTICIPATION.

1. City's Share of Improvement Costs:

The city shall participate in the costs of public improvements which are not for the primary benefit of the subdivision and which have been oversized to serve developments other than for which the plat has been submitted for approval. The city shall participate, however, only to the extent and according to the standards prescribed in this Article and pursuant to the procedures set forth herein. The city shall participate only if an Improvement Agreement is entered into between the city and owner as provided in this Section which conforms to the requirements of Article 2368a Section 2c, Vernon's Annotated Civil Statutes, as amended, and as later codified in the Texas Local Government Code.

2. Developer's Responsibility:

- a. The developer shall be responsible for the proportional costs of designing and installing

all public improvements which serve his or her subdivision. Facilities required by these regulations shall be considered as serving the subdivision to the extent established in Article XI, Section I(3)(a) below unless otherwise determined by the city.

- b. The developer shall also be responsible for the proportional share of the costs of oversized or off-site public improvements needed to assure adequacy of public improvements and services for the subdivision. Such costs for water and sewer improvements shall be established and paid in accordance with the Impact Fee Ordinance, as amended.
- c. The developer shall be responsible for extending streets, water and sewer facilities through his or her property to ensure adequacy of public facilities. (Ord. No. 2573, 11/07/00)
- d. Where the subdivision abuts an existing water or sanitary sewer line installed by a party other than the city, the developer shall pay to the city a charge to be refunded to the original installer of the line, as prescribed by the Code of Ordinances regulating the extension of water and sewer mains, also known as the Pro Rata Ordinance.

Where such payment will be credited against any impact fees imposed upon the subdivision, such credit shall be provided in accordance with the Impact Fee Ordinance, as amended.

### 3. Facilities Eligible for City Participation:

Where the developer pays for the costs of oversizing public improvements, the city shall participate in the costs of such improvements according to the following schedule:

- a. The city shall reimburse the property owner or developer for 100% of the following costs:
  1. Costs of paving streets in excess of four (4) lanes for the portion of the width of pavement exceeding the four (4) outside lanes.
  2. A portion of the costs of all water or sanitary sewer lines larger than twelve (12) inches, subject to the needs of the subdivision. If the subdivision requires mains larger than twelve (12) inches, then the developer shall be responsible for the entire cost. City participation shall be based upon the difference in cost between a standard twelve (12) inch diameter line and the size of line actually installed, including embedment, manholes, special fittings and other appurtenances necessary for complete sanitary sewer or water line installation.

Where such payment will be credited against any impact fees imposed upon the subdivision, such credit shall be provided in accordance with the Impact Fee Ordinance, as amended.

### 4. Procedures for City Participation:

a. Application for Participation:

In order to initiate a reimbursement request, the developer must establish a front foot oversize cost for the reimbursable public improvements. Requests for reimbursement to the developer of the cost of oversized paving, water or sanitary sewer mains shall include the developer's name and mailing address. The request must include as-built drawings showing the reimbursable items, a copy of the contractor's bid for construction, final payment with quantities and unit costs, oversize calculations for all reimbursement items, and a project location map.

b. Precondition to Processing Request:

Participation requests will be processed after the public improvements are accepted by the city. Reimbursement requests for on-site oversizing will be processed in the order of their receipt and subject to City Council approval as appropriate. Requests exceeding funds available shall be scheduled for payment as a part of the next year's capital improvements program, subject to available funding. However, all oversize participation shall be refunded no later than ten (10) years following the date of final acceptance of the public infrastructure improvements. In the case of off-site public improvements, participation will be processed after a subdivision is accepted which contains or abuts the off-site improvements. All participation will be made in accordance with Section I(4)(c) below.

c. City Engineer Determination:

The City Engineer shall determine the city's participation in the cost of public improvements, in accordance with this Section. Payments shall be allocated to a subdivision on a front foot basis and shall be made as follows:

1. As property is platted and developed adjacent to the off-site public infrastructure improvements, the city will reimburse oversize costs for that portion contiguous to the property, when requested by the developer. Oversize costs will be reimbursed to the initial developer after final acceptance by the city of the public improvements.
2. Reimbursement funds for the city's share of the public infrastructure improvements will be as scheduled in the annual capital improvements program. However, all oversize participation shall be refunded no later than ten (10) years following the date of final acceptance of the public infrastructure improvements.

d. Funding:

The city will prepare a capital improvement program, a component of which will generally identify funds for payment of oversize participation. Funds will be designated individually from the appropriate source for street, water and wastewater projects. Requests in excess of available funding will be deferred for future allocations.

5. Payment of Fees, Charges and Assessments:

As a condition of building permit approval, the property owner shall pay all fees, charges and assessments required to assure adequacy of public facilities to the subdivision or addition, as

may be imposed under these or other regulations of the city. Impact fees shall be assessed and paid in accordance with the Impact Fee Ordinance, as amended. (*Ord. No. 3271, 01/01/09*)

#### **SECTION H. DRAINAGE AND CHANNEL ALTERATIONS.**

All channel alterations and storm sewer construction shall comply with the Storm Water and Flood Protection Ordinance, as amended, and the General Design Standards of the city of Carrollton. (*Ord. No. 3271, 01/01/09*)

#### **SECTION I. SIDEWALKS.**

1. Sidewalks shall be provided in accordance with Article X of this ordinance and constructed in accordance with the General Design Standards of the city of Carrollton. Where the developer/builder desires to construct minimum five (5) foot wide sidewalks which abut the right-of-way line within the entire subdivision, a one (1) foot wide pedestrian/utility easement shall be provided on private property along the entire length of the right-of-way. (*Ord. No. 2310, 02-17-98*)
2. When the delay of sidewalk construction is deemed appropriate due to future right-of-way improvements, escrow of funds in lieu of the construction of sidewalks may be approved by the city of Carrollton. Such funds shall be escrowed with the city of Carrollton prior to the filing of the subdivision plat with the appropriate county clerk or the issuance of a building permit. The escrow amount shall be determined by the square foot cost of constructing such sidewalk, as estimated by the City Engineer. (*Ord. 2266; 05-20-97; Ord. No. 2923, 09-07-04*)

An escrow account may be established when sidewalks are to be built on city park land or greenbelt property, as designated by the Comprehensive Plan. (*Ord. No. 3271, 01/01/09*)

#### **SECTION J. EASEMENTS.**

The developer of any site shall be responsible for providing the necessary easements for the extension of water, sanitary sewer and drainage facilities to adjacent properties as the property is platted or by separate instrument. (*Ord. No. 2573, 11/07/00; Ord. No. 3271, 01/01/09*)

## ARTICLE XII. VARIANCES AND WAIVERS

### SECTION A. VARIANCES.

1. The Planning and Zoning Commission may authorize a variance only to the following regulations of this ordinance:
  - a. Any provision of Section B or Section H of Article X, provided such variance does not exceed 15 percent of the design requirement of such provisions. A variance in excess of 15 percent of such design requirements may be approved only by the City Council. However, no variance to Section H(1)(i), H(1)(p), or H(1)(r) of Article X shall be permitted. The pavement width of new street construction may be modified in accordance with Section H(1)(p) of Article X. (*Ord. No. 2088, 07/18/95*)
2. The Planning and Zoning Commission may authorize a waiver only to the following regulations of this ordinance:
  - a. Any provision of Section E(1)(a) through E(1)(f) of Article X. No variance to the provisions of Section E(2) shall be permitted.
  - b. A temporary waiver of the sidewalk requirements may be granted by the Planning and Zoning Commission, provided such temporary waiver is in accordance with the provisions of Section G of Article X of this ordinance.
3. The Planning and Zoning Commission may only authorize a variance or waiver of the provisions identified above, and only when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance or waiver, the Commission shall prescribe only conditions that it deems necessary or desirable to the public interest while making the findings herein below required. The Commission shall take into account the nature of the proposed use of land involved and existing uses of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the effect of such variance or waiver upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance or waiver shall be granted unless the Commission finds:
  - a. That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his or her land; and
  - b. That the variance or waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant, and that the granting of the variance or waiver will not be detrimental to the public health, safety or welfare or injurious to other property in the area; and
  - c. That the granting of the variance or waiver will not have the effect of preventing the

orderly subdivision of other lands in the area in accordance with the provisions of this ordinance.

4. Variances and waivers may be granted only when in harmony with the general purpose and intent of this ordinance so that the public health, safety and welfare may be secured and substantial justice done. Financial hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.
5. The Planning and Zoning Commission shall not authorize a variance or waiver that would constitute a violation of, or conflict with, any other valid ordinance of the city of Carrollton, or as an attempt to circumvent the intent of this or any other valid ordinance of the city of Carrollton.
6. The findings of the Commission, whether or not a variance or waiver is approved, together with the specific facts on which such findings are based, shall be incorporated under the official minutes of the Commission meeting at which such variance request is heard.
7. A variance or waiver may be applied for as part of a plat or replat request or as a separate request if the property is already platted. The applicant shall be responsible for providing all necessary information pertinent to the request, including the justification for such variance or waiver.

**ARTICLE XIII.  
DEFINITIONS**

For the purpose of this ordinance, the following words and terms as used herein are defined to mean the following:

Words used in the present tense include the future; words in the singular number include the plural; and words in the plural number include the singular; the word "shall" or the word "must" is mandatory and not discretionary; the term "used for" includes the meaning "designed for" or "intended for"; the word "lot" includes the word "plot". Terms not herein defined shall have the meaning assigned to them as it appears in the building codes of the City of Carrollton. Terms not defined herein or in the building codes shall have the customary meaning assigned to them.

1. **ABANDONMENT:** The legal process by which land dedicated to public use may revert to private use.
2. **ABUTS:** To be separated by common property lines, lot lines or an alley; adjacent, adjoining, contiguous or touching.
3. **ACCELERATION/DECELERATION LANE:** A lane added to the side of a street to facilitate ingress and egress from adjacent property and to help maintain traffic flow in the travel lanes of the street.
4. **ACCESS WAY:** An area on private property used by vehicular traffic for access to and from streets.
5. **ACCESS WIDTH:** The minimum lot frontage necessary to accommodate a driveway and its return.
6. **ADDITION:** See SUBDIVISION.
7. **ALL WEATHER ACCESS:** An access way paved with a paving material which is cohesive and holds its form when subjected to vehicular traffic and the normal variation of weather conditions experienced in the City of Carrollton.
8. **ALLEY:** A public way which affords only secondary means of access to property abutting thereon.
- 9-19. **RESERVED FOR FUTURE USE.**
20. **BASE FLOOD:** The flood having a one (1) percent chance of being equaled or exceeded in any given year, determined based upon FEMA (Federal Emergency Management Agency) guidelines and as shown in the current effective Flood Insurance Study.

21. **BLOCK:** An area within the City enclosed by streets and occupied by or intended for buildings.
22. **BLOCK LENGTH:** The distance along a side of a street between the nearest two (2) streets which intersect said street on said side.
23. **BUILDER:** The person or party responsible for the construction of buildings and/or other structures or permanent improvements on a platted lot or building site, as defined by the Building Official. The builder shall also be defined as the developer if responsible for platting or replatting of property and/or development of property, as herein defined.
24. **BUILDING:** Any structure for the support, shelter and enclosure of persons or movable property of any kind. (See STRUCTURE).
25. **BUILDING LINE:** A line designated on an approved subdivision plat which is parallel or approximately parallel to a street, beyond which buildings may not be erected.
26. **CENTERLINE, STREET:** A point equidistant from opposite right-of-way lines of a street, roadway, thoroughfare or alley.
27. **CITY:** The City of Carrollton.
28. **CITY COUNCIL:** The governing or legislative authority of the City of Carrollton.
29. **CITY ENGINEER:** The individual, or his designee, with responsibility to review and approve construction plans for development projects. He/she is also responsible for overseeing the construction of the development to ensure that it meets the requirements of the City of Carrollton General Design Standards and the North Central Texas Council of Governments (NCTCOG) Public Works Specifications.
30. **COMPREHENSIVE PLAN:** The plan adopted by the City Council as the official municipal policy regarding the guidance and coordination of the development of private and public land in Carrollton, Texas, and the provision of adequate public facilities.
31. **CONTIGUITY:** Contiguous; where the reimbursable improvements are within the boundaries, or abutting the perimeter, of a developed subdivision.
32. **CORNER CLIP:** A triangular extension of street right-of-way at intersections of streets, used for curb returns, utilities, barrier-free ramps, and other public facilities.
33. **CUL-DE-SAC:** A local street with only one primary outlet and having a terminal of sufficient width for the reversal of traffic movement.

- 34-42. RESERVED FOR FUTURE USE.
43. DEAD-END STREET: A street having right-of-way or pavement which terminates abruptly at one end without intersection with another street but has no terminal of sufficient width for the reversal of traffic movement.
44. DEDICATION: An act transmitting property or interest to the City or other entity.
45. DEVELOPER: The owner of the property being platted or replatted or the person designated by the owner as being responsible for the development of the property. The terms "subdivider" and "developer" are synonymous and used interchangeably, and shall include any person, partnership, firm, association, corporation and/or any officer, agent, employee, servant and trustee thereof who does or participates in the doing of any act toward the subdivision of land within the intent, scope and purview of this ordinance. The developer shall also be defined as the builder if he or she is responsible for the construction of buildings and/or other structures or permanent improvements.
46. DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, paving, drainage or utility improvements.
47. DEVELOPMENT AGREEMENT: An agreement between the City and the developer to provide certain public improvements, donating land for the purposes of constructing public improvements or to pay funds to construct public improvements and/or to acquire land for the public improvements.
48. DIVIDED THOROUGHFARE: A street in which the opposite travel lanes are separated by a median.
49. DRAINAGE WAY: All areas with an elevation lower than a ground elevation, defined as being the highest elevation of the following:
- a. One (1) foot above the base flood, calculated in accordance with criteria set forth by the City of Carrollton; or
  - b. One (1) foot above the elevation required for peak discharge for the 100-year design flood, Alternate C, of the Flood Insurance Study, U.S. Department of Housing and Urban Development, Federal Insurance Agency; or
  - c. The top of the high bank.
50. DWELLING UNIT: A single unit providing complete, independent living facilities for a family, and including a residential kitchen, bathroom, and provisions for living, sleeping and sanitation.

- 51-59. RESERVED FOR FUTURE USE.
60. EASEMENT: A grant of one or more of the property rights by the property owner to and/or for the use or benefit by the public, a corporation, or other person or entity. An easement shall be identified on a subdivision plat, or by a separate instrument and filed for record with the appropriate county clerk, and cannot be varied or altered by action of the Board of Adjustment.
61. EASEMENT, MUTUAL ACCESS: A grant of one or more of the property rights by the property owner or owners to and/or for the use or benefit by the public, for access between and/or across two (2) or more lots or tracts of land.
62. ENGINEERING PLANS: A group of drawings and specifications, including paving, water, wastewater, or other required plans, submitted to the City Engineer for review in conjunction with a subdivision plat or development.
63. EXACTION REQUIREMENT: A requirement imposed as a condition for approval of a plat, preliminary plat, building permit application to:
- a. Dedicate an interest in land for a public infrastructure improvement;
  - b. Construct a public infrastructure improvement; or
  - c. Pay a fee in lieu of constructing a public infrastructure improvement.
64. FEDERAL EMERGENCY MANAGEMENT AGENCY: The federal agency which administers the National Flood Insurance Program.
65. FILED: The day the administrative review process is completed, and the plan or plat is placed on the Planning and Zoning Commission agenda.”  
(*Ord. No. 3944, 01/14/20*)
66. FINAL ACCEPTANCE: Acceptance by the City of Carrollton of all capital improvements constructed by a developer in connection with the development of land.
67. FLOOD PLAIN: Any land area susceptible to being inundated by water from the base flood.
68. FLOODWAY: A drainage area designated on a plat to accommodate the design flood for existing creeks and open drainage ways.
69. FLOODWAY EASEMENT: A drainage area dedicated to the City for control and maintenance of a flood plain.
70. FREEWAY: A street listed on the Transportation Plan of the City of Carrollton,

- meeting the requirements for a freeway and intended to be the highest capacity limited access thoroughfare.
71. FRONTAGE: All of the property measured along the property line abutting on one side of the street upon which such property is addressed.
72. GREENBELT: A linear park, generally in or near a flood plain, and as defined on the Comprehensive Plan as a park.
- 73-80. RESERVED FOR FUTURE USE
81. HOMEOWNERS' ASSOCIATION: An organization to maintain or improve a given tract of real property and improvements on that property.
82. INFRASTRUCTURE: All streets, alleys, sidewalks, storm drainage facilities, water and wastewater facilities, utilities, lighting, transportation, and such other facilities as required by the City of Carrollton.
83. KEY LOT: A corner lot whose exterior side yard abuts the front yard of another lot.
84. LANDSCAPE AUTHORITY: A landscape architect registered with the State of Texas, or a licensed Texas nurseryman.
85. LAY DOWN CURB: A low curb with a flat slope designed to be crossed easily.
86. LOT: Land occupied or to be occupied by a building and its accessory building(s), and including such open spaces as are required under this ordinance, and having its principal frontage upon a public street, and designated on a subdivision plat filed with the appropriate county clerk.
87. LOT, AREA: The net area of the lot, exclusive of any portion of streets, alleys, or rights-of-way.
88. LOT, CORNER: A lot or parcel of land abutting two (2) or more streets at their intersection or abutting two (2) parts of the same street which form an interior angle of less than 135 degrees.
89. LOT, DOUBLE OR REVERSE FRONTAGE: A lot having frontage on two (2) non-intersecting streets, as distinguished from a corner lot.
90. LOT LINES: Lines defining the legal boundaries of a lot.
91. LOT OF RECORD: A lot which is created by an approved subdivision, the plat of which has been duly recorded in the office of the appropriate county clerk.
- 92-102. RESERVED FOR FUTURE USE.

103. MAJOR INTERSECTION: The intersection of two public streets, each of which is four-lanes, divided, or larger, as designated on the Transportation Plan.
104. MEDIAN OPENING: A gap in a median allowing vehicular passage through the median.
105. METES AND BOUNDS: A system of describing and identifying land by measures (metes) and direction (bounds) from an identifiable point of reference such as a monument or other marker, the corner of intersecting streets, or in a rural area, a tree or other permanent fixture.
106. MONUMENT: A permanent structure set on a line to define the location of property lines, important horizontal subdivision control points, and other important features on a plat.
107. NATURAL FLOODWAY: The effective area of a channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the "design flood" without cumulatively increasing the water surface elevation. This floodway differs from the FEMA "regulatory floodway".
108. NEIGHBORHOOD PARK: As defined and identified by the Comprehensive Plan, as amended, of the City of Carrollton.
109. NONCONFORMING LOT: A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the Comprehensive Zoning Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the applicable zoning district.
110. OWNER: The fee simple owner(s) of property being platted or their representative(s) when authorized by a power of attorney, corporate resolution or other appropriate document.
111. PARCEL: See TRACT.
112. PARKWAY: The area between the curb line, or outside edge of street pavement where no curb exists, and street right-of-way lines.
113. PLAT: A map of a subdivision that represents a tract of land, showing the boundaries and location of individual properties, streets, easements and other pertinent information.
114. PLAT, AMENDING: A plat making minor corrections to a previously approved plat in accordance with state law provisions applicable to amending plats, and which meets the requirements of Article VIII of this ordinance.

115. PLAT, FINAL: A plat that is filed with the appropriate county clerk after final approval by the Planning and Zoning Commission to create a lot of record, and which meets the requirements of Article VI of this ordinance. An ADMINISTRATIVE PLAT shall be considered a final plat.
116. PLAT, PRELIMINARY: A plat of five (5) or more lots that is not filed with the county clerk, but which is reviewed for general design principles, and which meets the requirements of Article V of this ordinance.
117. PUBLIC INFRASTRUCTURE IMPROVEMENT: A water, wastewater, roadway, drainage or park facility that is a part of one or more of the City's public facilities systems.
118. PUBLIC FACILITIES SYSTEM: With respect to water, wastewater, roadway, drainage or parks, the facilities owned or operated by or on behalf of the City to provide services to the public, including existing and new developments and subdivisions.
119. REPLAT: A plat to alter lot lines or alter other aspects of a recorded plat, and which meets the requirements of Article VII of this ordinance.
120. RESERVE STRIP: An area adjacent to dedicated right-of-way conveyed or dedicated to a federal or state agency by a property owner for the eventual location of State Highway 121, 161, 190, or Interstate Highway 35 E.
121. RESIDENTIAL DEVELOPMENT: The construction of one or more dwelling units.
122. RIGHT-OF-WAY LINE: A dividing line between a lot, tract, or parcel of land and the public right-of-way.
- 123-129. RESERVED FOR FUTURE USE.
130. SCREENING WALL: A solid opaque masonry wall, not less than six (6) feet in height measured at the highest finished grade, designed by a Professional Engineer registered in the state of Texas and constructed in accordance with the General Design Standards of the City of Carrollton.
131. SERVICE AREA: The area to be served by a neighborhood park and delineated in Figure 1 of Article X, Section J of this ordinance.
132. SIDEWALK: A paved travelway intended for pedestrian use.
133. SINGLE-FAMILY LOT: A lot in a single-family zoning district, or a lot in an identifiable single-family component of a planned development district.
134. STREET: Any public thoroughfare dedicated to the public and not designated as an

alley.

135. **STREET, ARTERIAL:** A street listed on the Transportation Plan of the City of Carrollton and meeting the requirements for an arterial thoroughfare and intended as the primary urban traffic-carrying system between major traffic centers. (Reference Figure 2.4, Appendix A).
136. **STREET CENTERLINE OFFSET:** The difference in location of the theoretical centerline of one street and the theoretical centerline of another street on the opposite side of a more or less perpendicular street.
137. **STREET, COLLECTOR:** A street listed on the Transportation Plan of the City of Carrollton and meeting the minimum requirements for a collector thoroughfare and intended to move traffic from local access streets to arterial streets. (Reference Figure 2.4, Appendix A).
138. **STREET, EASEMENT:** An authorization by the property owner in perpetuity for the public use of a portion of his or her property for the placement thereon of a street, sidewalk, etc., whereby the property owner retains title to the property upon which such easement is established. Public use of such easement shall also be extended to the construction and placement of sidewalks, street signs, signals and markings; utilities, both above- and below-ground; and other such facilities as are customarily located within typical street rights-of-way.
139. **STREET, HALF:** A street which, due to special circumstances, can only be constructed to one half (1/2) of its ultimate design. A half street is usually built as a perimeter street to a subdivision.
140. **STREET, LOCAL:** A street listed on the Transportation Plan of the City of Carrollton, meeting the requirements for a local residential street and intended to provide access from groups of housing units to collector streets. (Reference Figure 2.4, Appendix A).
141. **STREET, MARGINAL-ACCESS:** A street that runs parallel to an arterial street and provides access to abutting properties.
142. **STREET RIGHT-OF-WAY:** A street, including its pavement and all the publicly owned property adjacent to it, dedicated for street purposes.
143. **STRUCTURE:** Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground; including, but not limited to, buildings, communications towers, signs and swimming pools, and excluding utility poles, parking lots, fences and retaining walls. (See BUILDING)
144. **SUBDIVISION:** The division of a parcel of land into two (2) or more lots or tracts, or the creation from said parcel one (1) or more lots of record, subsequent to April 2,

1962, for the purpose of transfer of ownership, dedication of streets, alleys, or easements, for use for building development, or for the assimilation of separate, contiguous tracts into one or more tracts under common ownership. A division of land for agricultural purposes into tracts of five (5) acres or more, and not involving the construction of a new street or alley shall not be deemed a subdivision. This definition includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

145. **SUBDIVISION, DEVELOPED:** Property for which a final plat has been filed for record in the county in which the property is located, and all public improvements required by the City have been installed by the developer and accepted by the City.
146. **TEMPORARY:** Used or lasting for only a limited period of time; not a permanent structure or use. For temporary on-site construction offices, administrative offices, and batching plants, temporary shall mean the period of time limited to the actual on-site construction of the structure, facility or subdivision, as the case may be. For all other uses, temporary shall mean a period of time not to exceed ninety (90) calendar days from the date of commencement of the use.
147. **TEMPORARY DEAD-END STREET:** A street that can feasibly be extended in the foreseeable future to another street.
148. **THOROUGHFARE:** See STREET.
149. **TRANSPORTATION PLAN:** The plan adopted by the City Council that provides the general location and designation for the street system in Carrollton.
150. **TRACT:** All contiguous property in common ownership.
- 151-160. **RESERVED FOR FUTURE USE.**
161. **UTILITIES:** An agency under public franchise or ownership which provides a regulated service to the public, such as electric, gas, or communication services.
162. **UNITY AGREEMENT:** An agreement by the owners of adjacent tracts or lots to consider their combined tracts or lots as a singular tract or lot under the provisions of the City of Carrollton Building Code.
163. **VACATION:** The legal process by which platted land may be unplatted.
164. **VARIANCE:** Modification of the provisions of these regulations, as applied to a specific piece of property, as further set out in Article XII of this ordinance.
165. **WAIVER:** Relief from the provisions of these regulations, as applied to a specific piece of property, as further set out in Article XII of this ordinance.

166.        **WASTEWATER FACILITIES:** An underground piping system that conveys wastewater from a lot or subdivision, and includes pipe, manholes and associated appurtenances.
  
167.        **WATER FACILITIES:** An underground piping system that provides water to a lot or subdivision, and includes pipe, valves and associated appurtenances.
  
168.        **ZONING ORDINANCE:** The Comprehensive Zoning Ordinance of the City of Carrollton, including all duly adopted amendments thereto.

**ARTICLE XIV.  
APPORTIONMENT OF MUNICIPAL INFRASTRUCTURE COSTS**

**SECTION A. PURPOSE AND POLICY**

1. These subdivision regulations of the City are designed and intended to achieve the following purposes and shall be administered so as to:
  - a. Promote the health, safety, morals and general welfare of the community and the safe, orderly and healthful development of the City;
  - b. Establish adequate policies and procedures to guide development of the City and its extraterritorial jurisdiction;
  - c. Provide for the establishment of minimum specifications for construction and engineering design criteria for public infrastructure improvements to maintain land values, reduce inconveniences to residents of the area, and to reduce related unnecessary costs to the City for correction of inadequate facilities that are designed to serve the public;
  - d. Ensure that development of land and subdivisions shall be of such nature, shape and location that utilization will not impair the general welfare;
  - e. Ensure against the dangers of fires, floods, erosion, landslides, or other such menaces;
  - f. Preserve the natural beauty and topography of the City and to ensure appropriate development with regard to these natural features;
  - g. Realistically and harmoniously relate new development of adjacent properties;
  - h. Provide the most beneficial circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways, and pedestrian traffic movements; and to provide for the proper location and width of streets;
  - i. Ensure that public facilities for water supply, drainage, disposal of sanitary and industrial waste, and parks are available for every building site and with adequate capacity to serve the proposed subdivision before issuance of a certificate of occupancy or release of utility connections or final inspection within the boundaries of the plat;
  - j. Assure that new development adequately and fairly participates in the dedication and construction of public infrastructure improvements that are necessitated by or attributable to the development or that provide value or benefit that makes the development feasible;

- k. Help prevent pollution, assure the adequacy of drainage facilities, control storm water runoff, safeguard the water table, and encourage the wise use and management of natural resources throughout the City and its extraterritorial jurisdiction in order to preserve the integrity, stability, and beauty of the community and the value of the land; and
- l. Provide for open spaces through the most efficient design and layout of the land, while preserving the land use intensity as established in the Zoning Ordinance of the City.
2. To carry out the purposes hereinabove stated, it is declared to be the policy of the City to guide and regulate the subdivision and development of land in such a manner as to promote orderly growth both within the City and where applicable, within its extraterritorial jurisdiction.
3. Land must not be platted until proper provision has been made for adequate public facilities for roadways, drainage, water, wastewater, public utilities, capital improvements, parks, recreation facilities, and rights-of-way for streets.
4. Proposed plats or subdivisions which do not conform to the policies and regulations shall be denied, or, in lieu of denial, disapproved conditioned on conformance with conditions.
5. There shall be an essential nexus between the requirement to dedicate rights-of-way and easements and/or to construct public works improvements in connection with a new subdivision and the need to offset the impacts on the City's public facilities systems created by such new development.

**SECTION B. ADEQUATE PUBLIC FACILITIES**

1. Land proposed to be subdivided must be served adequately by essential public facilities and services, including water and wastewater facilities, roadway and pedestrian facilities, drainage facilities and park facilities. An application for a plat or development may be denied unless adequate public facilities necessary to support and serve the development exist or provision has been made for the facilities, whether the facilities are to be located within the property being platted or offsite.
2. It is necessary and desirable to provide for dedication of rights-of-way and easements for public works improvements to support new development at the earliest stage of the development process.
3. The City desires to assure both that impacts of new development are mitigated through contributions of rights-of-way, easements and construction of capital improvements, and that a new development be required to contribute not more than its proportionate share of such costs.

4. Proposed public works improvements serving new development shall conform to and be properly related to the public facilities elements of the City's adopted Master Plan, other adopted master plans for public facilities and services, and applicable capital improvements plans, and shall meet the service levels specified in such plans.

**SECTION C. MINIMUM STANDARDS**

1. The standards established in this Article for dedication and construction of public works improvements and infrastructure are based upon engineering studies and historical usages and demands by different categories of development. These regulations identify certain minimum requirements and sizes for utilities, roadways, parks and other facilities that the City Council has determined to be necessary in order to provide the minimum level of service necessary to protect or promote the public health, safety, and welfare and to assure the quality of life currently enjoyed by the citizens of Carrollton. It is the intent of these regulations that no development occur until and unless these minimum levels of service are met. Therefore, each subdivision in the City shall be required to dedicate, construct and/or upgrade required facilities and infrastructure to a capacity that meets these minimum levels.
2. For each type of public infrastructure, a minimum standard of infrastructure, and in some cases, service level, has been developed based upon historic studies and construction projects of the City and other cities. These minimum standards take into consideration the soil conditions and topographic configuration of the City, the use and impact analyses of the North Central Texas Council of Governments in developing standard specifications for public works installation, and other historical use and performance experiences of the City that reflect the minimum level of facilities and services that must be built to meet the health, safety and welfare of the citizens of Carrollton.
3. In order to maintain prescribed levels of public facilities and services for the health, safety and general welfare of its citizens, the City may require the dedication of easements and rights-of-way for or construction of on-site or off-site public works improvements for water, wastewater, road, drainage or park facilities to serve a proposed subdivision, or require the payment of fees in lieu thereof. If adequate levels of public facilities and services cannot be provided concurrent with the schedule of development proposed, the City may deny the subdivision until the public facilities and services can be provided, or require that the development be phased so that the availability and delivery of facilities and services coincides with the demands for the facilities created by the development.

16. Whenever the City Council determines that levels of service in excess of these minimum standards are necessary in order to promote the orderly development of the City, the owner shall qualify for reimbursement for any costs in excess of the minimum levels of service through City participation, to the extent funds are available by a pro rata reimbursement policy or other means adopted by the City.

**SECTION D. ADEQUACY OF SPECIFIC FACILITIES**

1. All lots to be platted shall be connected to a public water system which has capacity to provide water for domestic use and emergency purposes, including adequate fire protection.
2. All lots to be platted shall be served by an approved means of wastewater collection and treatment. The City Engineer shall be responsible for determining the approved means of wastewater collection and treatment. The City may require the phasing of development and/or improvements in order to maintain adequate wastewater capacity.
3. Proposed roads shall provide a safe, convenient and functional system for vehicular, bicycle and pedestrian circulation and shall be properly related to the applicable thoroughfare plan and any amendments thereto, and shall be appropriate for the particular traffic characteristics of each proposed subdivision or development. New subdivisions shall be supported by a thoroughfare network having adequate capacity, and safe and efficient traffic circulation. Each development shall have adequate access to the thoroughfare network.
4. Drainage improvements serving new development shall be designed to prevent overloading the capacity of the downstream drainage system. The City may require the phasing of development, the use of control methods such as retention or detention, the construction of off-site drainage improvements, or drainage impact fees in order to mitigate the impacts of the proposed subdivision.

**SECTION E. IMPROVEMENT OF ADJACENT AND ABUTTING EXISTING  
STREETS AND UTILITIES**

In the case of existing adjacent or abutting roads, the City may require that the entire right-of-way be dedicated and/or improved to the City's design standards, based upon factors including the impact of the proposed subdivision on the road, safety to the traveling public, conditions and life expectancy of the road, the impact of the proposed subdivision on other roads, the timing of this development in relation to need for improving the road, the impact of the traffic on the road and City's roadway system as a whole.

**SECTION F. TIMING OF DEDICATION AND CONSTRUCTION**

1. The City shall require an initial demonstration that a proposed subdivision shall be adequately served by public facilities and services at the time of the first development

application that portrays a specific plan of development, including but not limited to any zoning change or request, planned development, comprehensive plan amendment or a development agreement; or an application for a preliminary or final plat.

2. The obligation to dedicate rights-of-way for or to construct one or more public works improvements to serve a new subdivision may be deferred until approval of a subsequent phase of the subdivision, at the sole discretion of the City Engineer, upon written request of the property owner, or at the City's own initiative. As a condition of deferring the obligation, the City may require that the subdivider include provisions in a development agreement, specifying the time for dedication of rights-of-way for or construction of public works improvements serving the subdivision.

#### **SECTION G. PROPORTIONALITY DETERMINATION**

1. Prior to a decision by the Planning and Zoning Commission on a preliminary plat application, or if no preliminary plat application is required, on a final plat application, or any other application for which an exaction requirement is approved as a condition of approval, the City Engineer shall prepare a written statement affirming that each exaction requirement to be imposed as a condition of plat approval or permit approval is roughly proportionate to the demand created by the subdivision or development on the applicable public facilities system of the City, taking into consideration the nature and extent of the development proposed. In making this determination, the City Engineer may consider:
  - a. categorical findings of the North Central Texas Council of Governments in developing standard specifications for public infrastructure improvements;
  - b. the proposed and potential use of the land;
  - c. the timing and sequence of development in relation to availability of adequate levels of public facilities systems;
  - d. impact fee studies, traffic impact studies, drainage studies or other studies that measure the demand for services created by developments and the impact on the city's public facilities system;
  - e. the function of the public infrastructure improvements in serving the proposed subdivision or development;
  - f. the degree to which public infrastructure improvements necessary to serve the proposed subdivision are supplied by other developments;

- g. the anticipated participation by the City in the costs of necessary public infrastructure improvements;
    - h. the degree to which acceptable private infrastructure improvements to be constructed and maintained by the applicant will offset the need for public infrastructure improvements;
    - i. any reimbursements for the costs of public infrastructure improvements for which the proposed subdivision is eligible; and/or
    - j. any other information relating to the impacts created by the proposed subdivision or development on the city's public facilities systems.
2. Based upon the proportionality determination, the City Engineer shall affirm that the exaction requirements of the Subdivision Ordinance, or other ordinance requiring the permit, as applied to the proposed subdivision or development, do not impose costs on the applicant for public infrastructure improvements that exceed those roughly proportionate to the impact of the proposed subdivision or development.
3. The City Engineer may require that the applicant, at its expense, submit any information or studies that may assist in making the proportionality determination.

**SECTION H. ROUGH PROPORTIONALITY DETERMINATION**

1. The Planning and Zoning Commission and City Council shall consider the City Engineer's report concerning the proportionality of the exaction requirements in making a decision on a plat application. The Commission may consider the City Engineer's report in granting a variance to the requirements of the Subdivision Ordinance.
2. The City official responsible for issuing a permit for which an exaction requirement is imposed as a condition of approval shall consider the City Engineer's report concerning the proportionality of the exaction requirements in making its decision as to whether to grant the permit.

**SECTION I. ROUGH PROPORTIONALITY APPEAL**

1. An applicant for a preliminary or final plat or for a permit which imposes an exaction requirement as a condition of approval may file an appeal to contest any proportionality determination, other than impact fees, imposed as a condition of approval or in which the failure to comply is grounds for denying the plat application pursuant to the Subdivision Ordinance.
2. The purpose of a proportionality appeal is to assure that an exaction requirement imposed on a proposed plat or development as a condition of approval does not result in a

disproportionate cost burden on the applicant, taking into consideration the nature and extent of the demands created by the proposed subdivision or development on the City's public facilities systems.

**SECTION J. APPEALS PROCEDURE**

1. An applicant for a preliminary or final plat or an applicant seeking approval for any other permit or zoning for which an exaction requirement is imposed shall file a written appeal with the City Secretary within 10 days of the date the Planning and Zoning Commission or the city official responsible for issuing the permit takes action applying the exaction requirement. This may include denial of the permit or plat. The applicant shall submit 2 copies of the appeal.
2. A separate appeal form shall be submitted for each proportionality determination for which relief is sought. The City Secretary shall forward the appeal to the City Council for consideration.
3. The applicant may request postponement of consideration of the applicant's plat application by the Planning and Zoning Commission pending preparation of the study required by subsection 6, in which case the applicant shall also waive the statutory period for acting upon a plat for the time necessary for the City Council to decide the appeal.
4. No development agreement may be approved by the City until the time for appeal has expired or, if an appeal is filed, until the City Council has made a determination with respect to the appeal.
5. The appeal shall state the reasons that application of the exaction requirement is not roughly proportional to the nature and extent of the impact created by the proposed subdivision or development on the City's public facilities systems and does not reasonably benefit the proposed subdivision or development.
6. The appellant shall submit to the City Engineer 15 copies of a study in support of the appeal that includes, with respect to each specific proportionality determination appealed, the following information within 30 days of the date of appeal, unless a longer time is requested:
  - a. total capacity of the City's water, wastewater, roadway, drainage, or park system, as applicable, to be utilized by the proposed subdivision or development, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the subdivision. If the proposed subdivision is to be developed in phases, such information also shall be provided for the entire development, including any phases already developed;
  - b. total capacity to be supplied to the City's public facilities systems for water,

- wastewater, roadway, drainage or parks, as applicable, by the exaction requirement. This information shall include any capacity supplied by prior exaction requirements imposed on the development;
- c. comparison of the capacity of the applicable City public facilities systems to be consumed by the proposed subdivision or development with the capacity to be supplied to such systems by the proposed exaction requirement. In making this comparison, the impacts on the City's public facilities systems from the entire subdivision or development shall be considered;
  - d. the amount of any City participation in the costs of oversizing the public infrastructure improvements to be constructed by the applicant in accordance with the City's requirements;
  - e. comparison of the minimum size and capacity required by City standards for the applicable public facilities systems to be utilized by the proposed subdivision or development with the size and capacity to be supplied by the proposed exaction requirement; and
  - f. any other information that shows the alleged disproportionality between the impacts created by the proposed development and the exaction requirement imposed by the City.
7. The City Engineer shall evaluate the appeal and supporting study and shall make a recommendation to the City Council based upon the City Engineer's analysis of the information contained in the study and utilizing the same factors considered by the Engineer in making the original proportionality determination.

#### **SECTION K. CITY COUNCIL DECISION**

1. The City Council shall decide the appeal within 30 days of the date of final submission of any evidence by the applicant. Upon receipt of the final submission of evidence from the applicant, the City Secretary shall schedule a time and date for the City Council to consider the appeal and shall cause the applicant to be notified at the address specified in the appeal form of the time, date and location at which the City Council shall consider the appeal.
2. The applicant shall be allowed time to present testimony at the City Council meeting. The Council shall base its decision on the criteria listed in Sections G (1.) and J (6.) and may:
  - a. deny the appeal and impose the proportionality determination in accordance with the City Engineer's recommendation or the Planning and Zoning Commission's decision on the plat or other development application; or

- b. grant the appeal, and waive in whole or in part a proportionality determination to the extent necessary to achieve proportionality; or
  - c. grant the appeal, and direct that the City participate in the costs of acquiring land for or constructing the public infrastructure improvement.
3. In deciding an appeal, the City Council shall determine whether application of the proportionality determination is roughly proportional to the nature and extent of the impact created by the proposed subdivision on the City's public facilities systems for water, wastewater, roadway, drainage, or park facilities, as applicable, and reasonably benefits the subdivision. In making such determination, the Council shall consider:
  - a. the evidence submitted by the applicant;
  - b. the City Engineer's report and recommendation, considering in particular the factors identified in Sections G (1.) and J (6.); and
  - c. if the property is located within the City's extraterritorial jurisdiction, any recommendations from the county.
4. The City Council may require the applicant or the City Engineer to submit additional information that it deems relevant in making its decision.

**SECTION L. ACTION FOLLOWING DECISION OF CITY COUNCIL**

1. If the City Council finds in favor of the applicant and waives the proportionality determination as a condition of plat approval, or modifies the proportionality determination to the extent necessary to achieve rough proportionality, the applicant shall resubmit the plat application to Planning Development without incurring an additional plat application fee. The resubmittal shall include any modifications necessary to conform the plat with the City Council's decision. The applicant shall not be deemed to have prevailed in the event that the City Council modifies the exaction requirement.
2. If the City Council finds in favor of an applicant and waives the proportionality determination as a condition of plat approval, or modifies the proportionality determination to the extent necessary to achieve rough proportionality, and a permit application has previously been submitted, the applicant shall also resubmit a permit application to the responsible official within 30 days of the date the City Council takes action, with any modifications necessary to conform the application with the City Council's decision. Failure to do so will result in the denial of the existing or non-compliant permit.
3. If the City Council finds in favor of an applicant for any other permit and waives the

proportionality determination as a condition of permit approval, or modifies the proportionality determination to the extent necessary to achieve rough proportionality, the applicant shall also resubmit a permit application to the responsible official within 30 days of the date the City Council takes action, with any modifications necessary to conform the application with the City Council's decision. Failure to do so will result in the denial of the existing or non-compliant permit.

4. If the City Council denies the appeal and the applicant has executed a waiver of the statutory period for acting upon a plat, the City shall place the plat application on the agenda of the Planning and Zoning Commission within 30 days of the City Council's decision.
5. If the rough proportionality appeal was submitted appealing the imposition of a proportionality determination for a plat application, and City Council grants relief to an applicant but the applicant fails to conform the plat to the City Council's decision within the 30 day period provided, the relief granted by the City Council on the appeal shall expire.
6. If the plat application is modified to increase the number of residential dwelling units or the intensity of non-residential uses, the City Manager or designee may require a new study to validate the relief granted by the City Council.
7. If the plat application for which relief was granted is denied on other grounds, a new appeal shall be required on any subsequent application.

#### **SECTION M. APPEAL OF CITY COUNCIL DECISION**

An applicant may appeal the decision of the City Council to the county or district court of the county in which the development is located within 30 days of the date that the Council issues its final decision. In the event that the applicant prevails in such action, the applicant will be entitled to attorneys' fees and costs, including expert witness fees.

#### **SECTION N. MISCELLANEOUS**

1. This Article shall be cumulative of all provisions of ordinances of the City of Carrollton, Texas, except where the provisions of this Article are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.
2. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Article are severable, and if any phrase, clause, sentence, paragraph or section of this Article shall be declared unconstitutional by the valid judgment or decree of any court of competent

jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Article, since the same would have been enacted by the City Council without the incorporation in this Article of any such unconstitutional phrase, clause, sentence, paragraph or section.

3. 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 subdivision regulations which have accrued at the time of the effective date of this Article; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Articles, same shall not be affected by this Article but may be prosecuted until final disposition by the courts.  
*(Ord. No. 3271, 01/01/09)*

**(THIS PAGE RESERVED FOR FUTURE USE)**

**ARTICLE XV.  
PENALTY FOR VIOLATION**

Any person or corporation who violates any of the provisions of this ordinance, or fails to comply herewith, or with any of the requirements hereof, or who shall build or alter any building or use in violation of any plan or plat submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable for a fine of not more than two thousand dollars (\$2,000.00), and each day or portion thereof such violation shall exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof, where anything in violation of this ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith, and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction shall be fined as herein provided. (*Ord. No. 3271, 01/01/09*)

**(THIS PAGE RESERVED FOR FUTURE USE)**

**ARTICLE XVI.  
SEVERABILITY CLAUSE**

If any section, clause, paragraph, sentence or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such invalid section, clause, paragraph, sentence or phrase is hereby declared to be severable; and any such invalid or unconstitutional section, clause, paragraph, sentence or phrase shall in no way affect the remainder of this ordinance; and it is hereby declared to be the intention of the City Council that the remainder of this ordinance would have been passed notwithstanding the invalidity or unconstitutionality of any section, clause, paragraph, sentence or phrase thereof. (Ord. No. 3271, 01/01/09)

**(THIS PAGE RESERVED FOR FUTURE USE)**

**ARTICLE XVII.  
REPEALING CLAUSE**

Ordinance Number 229, as amended, is hereby repealed in its entirety.  
(Ord. No. 3271, 01/01/09)

**(THIS PAGE RESERVED FOR FUTURE USE)**

**ARTICLE XVIII.  
EFFECTIVE DATE**

(Original Copy of Ordinance with Signatures on file in the Office of the City Secretary)

This ordinance shall become effective on the 1st day of January 1993. Duly passed and approved by the City Council of the city of Carrollton, Texas, this the 3rd day of November 1992.

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

\_\_\_\_\_  
Milburn Gravley  
Mayor

ATTEST:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Janice Carroll  
City Secretary

\_\_\_\_\_  
Marc Guy  
Director of Planning

APPROVED AS TO FORM:

\_\_\_\_\_  
Karen Brophy  
City Attorney

**(THIS PAGE RESERVED FOR FUTURE USE)**

# **APPENDIX A**

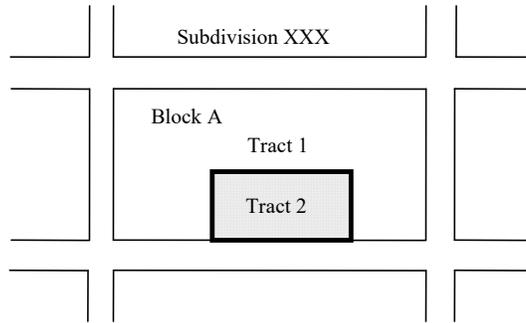


# **PART 1**

## **General**

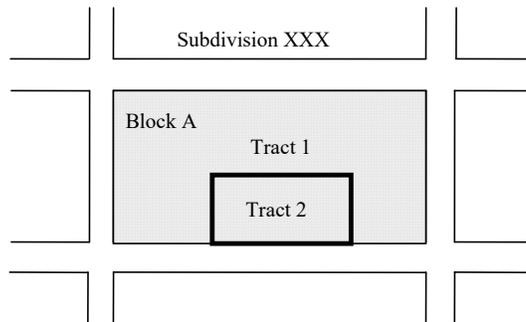


**Figure 1.1**  
**Replat Alternatives**



Tract 2: Sold off **Before** the Effective Date of this Ordinance

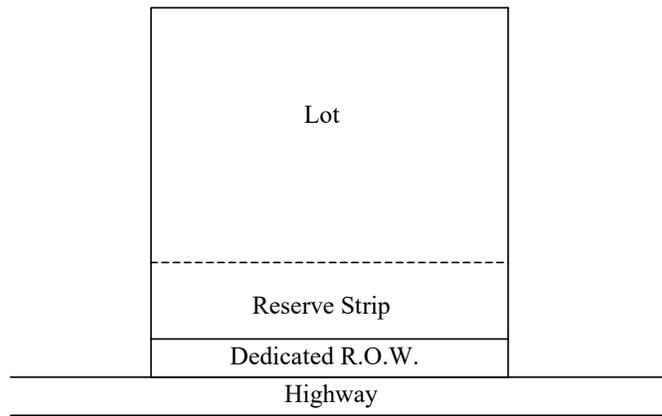
 Replat Tract 2 Only



Tract 2: Sold off **After** the Effective Date of this Ordinance

 Replat **Must** Include both Tracts

**Figure 1.2**  
**Reserve Strip**

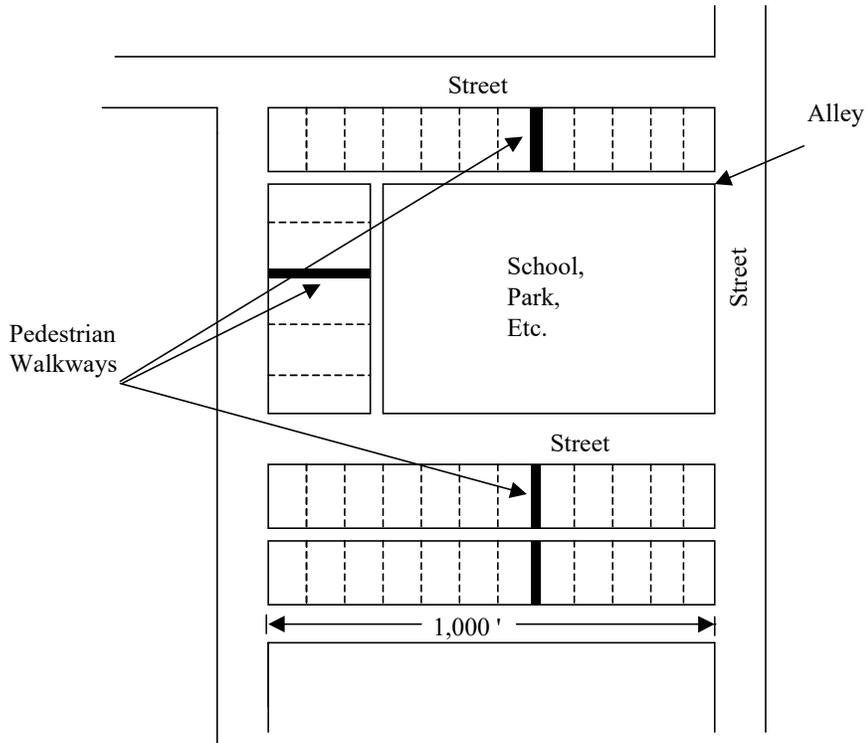


# **PART 2**

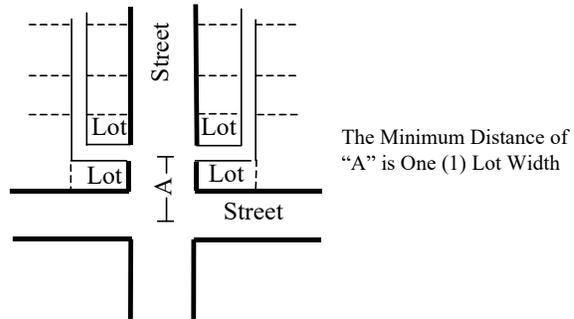
## **Design Standards**



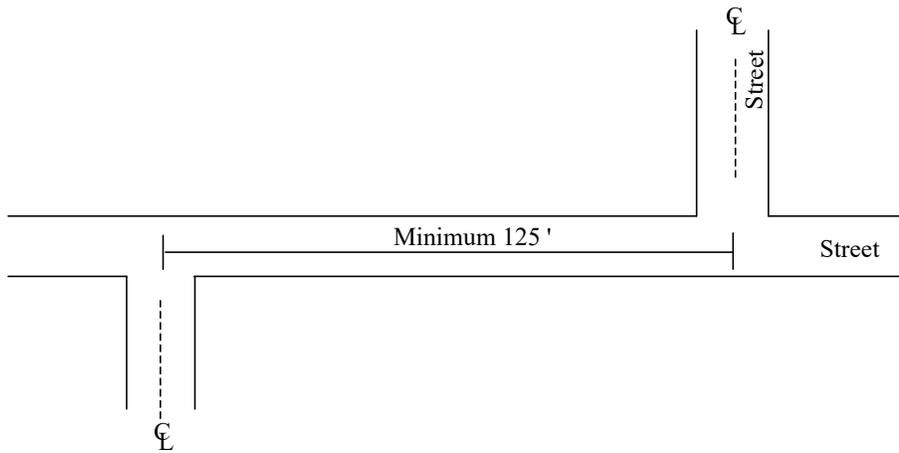
**Figure 2.1  
Pedestrian Walkways**



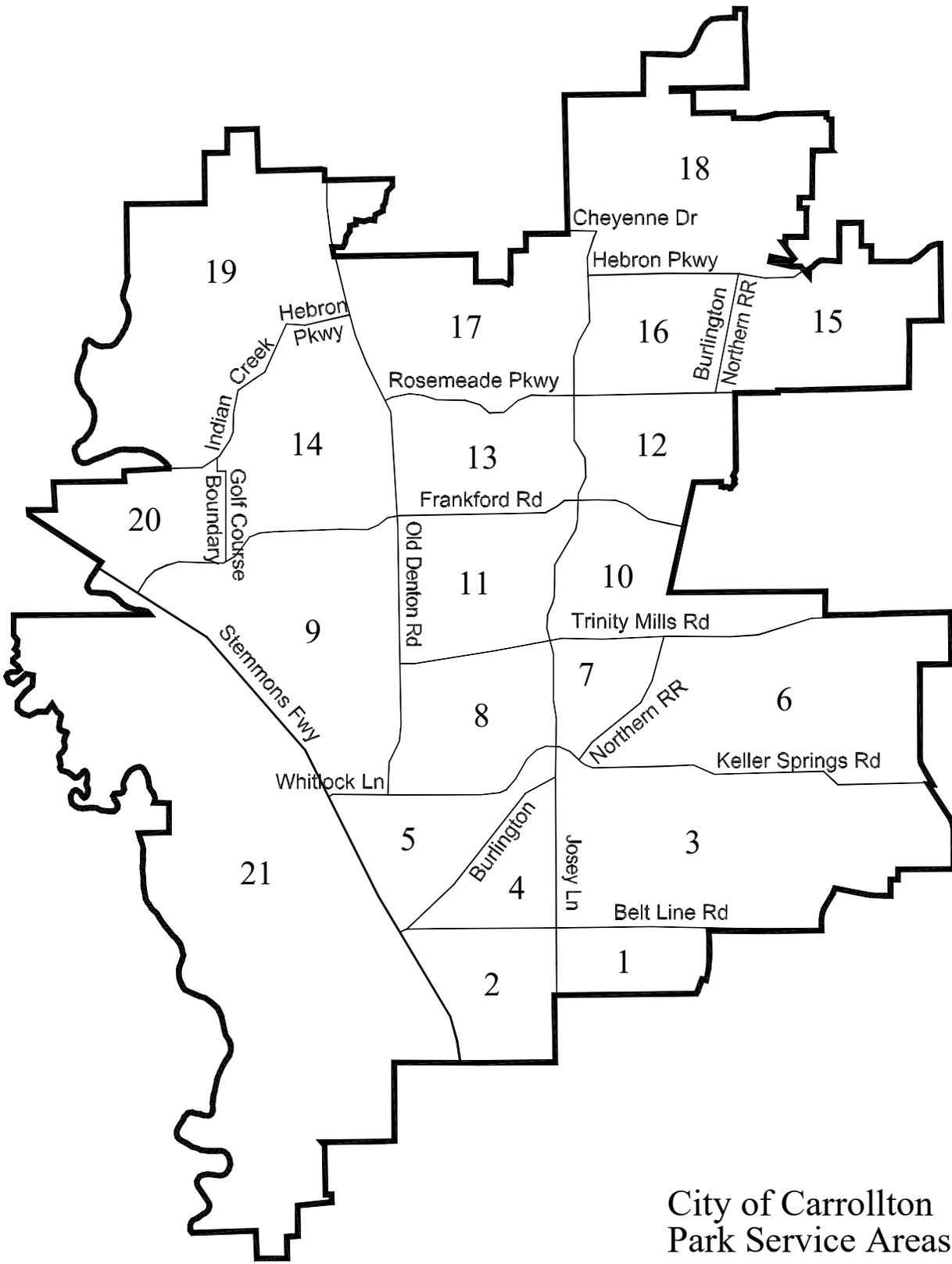
**Figure 2.2  
Alley Access**



**Figure 2.3**  
**Street off-sets**



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



City of Carrollton  
Park Service Areas