

**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. *(Ord. No. 2573, 11/07/00; Ord. No. 3271, 01/01/09; (Ord. No. 4004, 03/02/2021- Effective 04/01/2021)*

An easement dedicated by separate instrument may be provided in lieu of by plat, as determined by the City Manager or designee. *(Ord. No. 4004, 03/02/2021- Effective 04/01/2021)*