

CHAPTER 14
DEVELOPMENT CODE

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SUBDIVISION DESIGN AND IMPROVEMENTS

Sec. 14.1601 General Provisions

(a) Purpose

The purpose of this Article is to promote the public health, safety and general welfare of the City by requiring the proper design and arrangement of public improvements and site elements.

(b) Authority

The provisions of this Article are adopted pursuant to Texas Local Government Code Chapter 212 and are applicable in the City and its extraterritorial jurisdiction (ETJ).

(c) Applicability

- (i)** Prior to the subdivision, re-subdivision or development of any land within the City or the ETJ, all plats and plans shall first be approved in accordance with this Article.
- (ii)** Unless otherwise provided in this Article, anyone who divides a tract of land located within the City limits or the ETJ in two or more parts to lay out a subdivision, to lay out public improvements, to create a use upon the land, or to make additions to land or structure shall have a plat prepared.
- (iii)** A division of a tract under this Section includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract for sale or other executory contract to convey, or by using any other method.
- (iv)** No building permit may be issued for any parcel or tract of land until:
 - A.** Such property has received final, minor or amending plat approval or replat approval;
 - B.** The plat has been recorded with the Dallas County Clerk;
 - C.** All required plans have received approval; and
 - D.** Public improvements have been accepted, as applicable.
- (v)** The division of any lot or any parcel of land by the use of metes and bounds description for the purpose of development is prohibited.
- (vi)** No plat shall be approved that attempts to amend or remove any covenants or restrictions of the preceding plat until such preceding plat, or portion of such preceding plat has been vacated or amended.
- (vii)** For applicability of minor, amending or vacating plats see Article 14.1600Sec. 14.1601(a). For applicability of replats without vacation see Article 14.1600Sec. 14.1601(a).

(d) Exemptions

The provisions of this Article shall not to apply to the following:

- (i)** Any division of a tract of land in the City into parcels greater than five acres, where each part has public street access and no public improvement is being dedicated;
- (ii)** In the portions of Dallas County in which the City has subdivision plat review authority, a division of land into parcels greater than 10 acres;

- (iii) Any division of land to heirs through an estate proceeding;
- (iv) Any division of land by virtue of the foreclosure of a deed of trust; and
- (v) Cemeteries complying with all state and local laws and regulations.

(e) No City Maintenance or Services

- (i) The City shall not repair, maintain, install or provide any public improvements required in this Article in any subdivision for which a final plat has not been approved and filed for record in accordance with requirements herein, nor shall the City repair or maintain any public improvements for which the standards contained in this Article or referred to in this Article have not been complied with in full.
- (ii) The City shall withhold all services, including the provisions of sewage facilities and water service, from additions and subdivisions that have not been approved by the appropriate development review body.
- (iii) Private improvements shall not be repaired, maintained, installed or provided by the City.

(f) Requirements for Improvements

Where applicable, all public improvements shall be designed and installed in accordance with the Comprehensive Plan. Design and installation shall meet the minimum requirements established by this Code and City standards.

(g) Type of Improvements Required

In the absence of any provision to the contrary, the applicant shall provide the following improvements in conformance with the standards, specifications and requirements of this Code, the Comprehensive Plan and any state or federal requirements:

- (i) Streets including but not limited to curb and gutter, driveways, pavement, sidewalks, bicycle facilities, alleys, bridges, street lighting, street name signs, traffic control signage or devices, medians and landscaping;
- (ii) Permanent survey monuments, range points and lot pins;
- (iii) Public open space;
- (iv) Water system including but not limited to water lines, fire hydrants, valves and water towers;
- (v) Sanitary sewer system including but not limited to sanitary sewer water lines, force mains, manholes, cleanouts and lift stations;
- (vi) Storm water system including but not limited to drainage easements, channels, culverts, storm water lines and inlets and any associated stabilization as required to provide storm water facilities in accordance with the ordinances and standards of the City; and
- (vii) Utilities including but not limited to electric, cable, natural gas and telephone service shall be installed in conformance with the terms and regulations of the provider of the utility.

(h) Continuity of Improvements

All required public improvements shall be designed and installed to provide for continuity of improvements between adjacent properties. Pedestrian, vehicle, water, sanitary sewer and storm water improvements shall be extended along the property line to the furthest property line within a subdivision or a single lot (“to and through”).

(i) Acceptance of Improvements

- (i) During the course of installation and construction of required improvements, the City shall make periodic inspections of the work to insure that all improvements comply with City requirements. Upon satisfactory inspection and completion of installation and construction of all required public improvements and submission of required quality assurance documentation, the applicant may seek acceptance of such public improvements. Finished as-built plans including adequate dimensions, reference points and notes describing unique construction details of all public improvements as installed shall be required before the City will accept the improvements. In addition, a maintenance bond acceptable to the City, in an amount as specified by the City Engineer at the time of final plat submittal, shall be required for acceptance of public improvements.
- (ii) Building permits shall not be issued until the City has accepted all improvements and released all guarantees required by the final plat, engineering drawings and other agreements. The City Manager may waive this requirement and authorize the issuance of such permits provided that security is provided by the developer.

(j) Maintenance and Supervision

Where a subdivision contains storm water, water and sanitary sewer facilities, open space or other physical facilities necessary or desirable for the welfare of the area, or that are of common use or benefit which are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made for the establishment of a homeowners association or other arrangement for continued maintenance that is acceptable to the City for the proper and continuous operation, maintenance and supervision of such facilities. A copy of the agreements providing for the proper and continuous operation, maintenance and supervision of such facilities shall be approved as to form by the City Attorney and shall be filed with the plat.

(k) Public Improvement District (PID)

- (i) Adequate provision shall be made for the operation and maintenance of all private improvements. This shall include the creation of a PID to ensure a reliable source of maintenance funding, and may also include a homeowners association or other legal entity with direct responsibility to, and control by, the property owners of the subdivision.
- (ii) The applicant shall submit a legal instrument:
 - A. Establishing a plan for the use and permanent maintenance of the private improvements;
 - B. Requesting the establishment of a Public Improvement District to adequately fund maintenance of public improvements such as neighborhood parks, landscaping in public right-of-way which is generally inaccessible to adjacent property owners, entry features, private streets (where approved) and other improvements for the general benefit of the neighborhood;
 - C. Providing the City and other governmental authorities with written permission for access at any time without liability when on official business; and
 - D. Permitting the City to remove obstructions if necessary for emergency vehicle access and to assess the cost of removal to the owner of the obstruction.

- (iii) The instrument shall be approved as to form by the City Attorney prior to any plat recordation and shall be recorded at the same time as the plat.
- (iv) Homeowners associations shall be established in such a manner that:
 - A. Provision for the establishment of the association is made before any lot in the development is sold or any building occupied;
 - B. Owners of property in the subdivision shall automatically be members and shall be subject to assessments levied to maintain the private improvements for the purposes intended;
 - C. The association or similar legal entity has clear legal authority to maintain and exercise control over such private improvements; and
 - D. The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.

(l) Application Check-In

Whenever possible where an application is submitted in person by a representative of the project, not including a courier or other delivery service, the application shall be evaluated to ensure the completeness of submission materials that includes the necessary copies, fees and other required documents. The content of the submitted materials shall not be considered at that time. Where an application lacks any required materials, the application shall not be accepted.

(m) Application Review

- (i) A determination as to whether any zoning, platting or development application or plan is complete shall be made by the Director within ten days after submittal of the application or the post mark on mailed materials.
- (ii) An application that contains all the information necessary to ensure compliance with all of the requirements of this Code shall be deemed complete.
- (iii) If the application is determined not to be complete, the Director shall notify the applicant within the above ten (10) day period. The notification may list missing or incomplete items or issues. The applicant shall have forty-five (45) days from the date of receipt of the application to make all required changes to plans or the application and resubmit the material. The applicant may request an additional meeting for explanation of the missing or incomplete items. If the application is not resubmitted within the period specified by the Director, the application shall be deemed rejected, null and void and shall not be accepted for filing. After an application has been rejected or has become null and void, a new application and fee shall be required and all previous application materials shall be destroyed at the discretion of the Director. The Director may consider additional time based on the nature and complexity of a project.
- (iv) Any time an incomplete application is deemed complete and later determined to be incomplete, the application shall be rejected and paragraph (iii) shall apply.

(n) Site Considerations

- (i) All land proposed for platting and/or development shall be suitable for development as determined by the City. All development shall be carried out in conformity with the plans as finally approved by the City.

- (ii) Unless otherwise required or approved, drainage areas should be left in a natural state and no encroachments shall be made on the natural channel area. Any land subject to flooding will be regulated as stipulated by the Drainage and Flood Control Ordinance as found in Chapter 3, Articles 3.1300 and 3.1400 of the City Code.
- (iii) Where a subdivision borders a railroad right-of-way, a freeway or an arterial street, design of the subdivision shall include adequate provisions for reduction of noise. Parallel streets, a landscaped buffer area, lots with increased setbacks, among others, are recommended solutions.

Sec.14.6102 Preliminary Plan Review

(a) Preliminary Plat Required

- (i) Unless otherwise allowed by the Director, preliminary plat approval shall be required before any division of land or platting activity that does not meet the definition of a minor, amending or vacating plat as described herein.
- (ii) Where required, preliminary plats shall be prepared by a Texas licensed professional engineer or by a state registered professional land surveyor.
- (iii) A preliminary plat shall be considered accepted and deemed filed when all requirements herein and as required to make up an application is/are complete in all detail(s).

(b) Application Requirements

A minimum of 20 copies of the preliminary plat and required supplemental material shall be presented to the Director in accordance with the submittal calendar established by the Director. The drawing shall be made at a scale of one (1") inch equals 200 feet or larger. The size of the sheets shall be 24 inches by 36 inches. If it is necessary to place the plat on more than one sheet, an index map shall be included on the first sheet. A vicinity map showing the location of the area being platted as it relates to major streets in the area shall be included. A preliminary plat application shall contain the following information:

- (i) Property boundary indicated by a heavy solid line, intermittent with 2 dash lines; dimensioned with bearing and distance;
- (ii) Front and exterior side or corner setback lines shown as a light dashed line and labeled;
- (iii) Location map clearly showing the location of the proposed preliminary plat with cross streets with an indication if the location map is to scale or not to scale;
- (iv) Written and bar graph scale and north arrow with the north oriented to the top or left side of the sheet;
- (v) Abstract lines, survey lines, county lines, and corporate boundaries as applicable;
- (vi) A title block provided in the lower right corner that includes large, boldly printed:

(SUBDIVISION NAME)
PRELIMINARY PLAT
LOT(S) _____, BLOCK(S) _____
(or survey, abstract and tract number)
(If a replat, include:)
REPLAT OF LOT(S) _____, BLOCK(S) _____

- (vii) The applicant, owner and engineer names, addresses and phone numbers, gross area, submission date, and a log of submittal/revision dates since submitted to the City;
- (viii) If the proposal is a replat, the existing lot numbers and block numbers or letters are shown as light dotted lines;
- (ix) Location of property lines, owner or subdivision name(s) and recording information of abutting properties;
- (x) Abutting properties indicated by a light solid line;

- (xi) Existing boundary or adjacent streets, alleys and rights-of-way and boundaries of right-of-way dedication indicated by a medium weight solid line, intermittent with two dashed lines;
- (xii) Existing boundary or adjacent street names and widths;
- (xiii) Medians, median openings; turn lanes, deceleration and acceleration lanes and stacking distance indicated within 200 feet of the property;
- (xiv) Existing and proposed internal alleys and streets indicated by a medium weight solid line, intermittent with two dashed lines and dimensioned;
- (xv) Existing internal street names and widths;
- (xvi) Internal lot lines clearly indicated and shown to scale;
- (xvii) Dimensions and the square footage of each lot;
- (xviii) Each lot numbered and block groups assigned a letter;
- (xix) Location of existing underground and above ground utilities, flood plain boundaries and state or federally protected areas, such as wetlands;
- (xx) Location of existing structures or other features proposed to remain indicated by a light, solid line, and those proposed for removal indicated by a light, dashed line;
- (xxi) Existing easements indicated by a light, dashed line and labeled indicating dimension, purpose and recording information;
- (xxii) Location, dimension and purpose of proposed easements indicated by a light, dashed line.
- (xxiii) Required and proposed ingress and egress easements indicated by shading;
- (xxiv) Existing zoning of subject and adjacent property;
- (xxv) Location and area of parks, drainageways, creeks and open space;
- (xxvi) Legal description;
- (xxvii) Any notes required by the various affected agencies or utilities;
- (xxviii) Sites to be reserved or dedicated for parks, playgrounds or other public uses;
- (xxix) Preliminary utility plans with contours indicated in intervals of two feet;
- (xxx) A note that states whether or not the property is in the 100-year flood plain, with the FIRM Community Panel reference number and map date;
- (xxxi) Minimum dwelling size indicated on the lot;
- (xxxii) Lot size indicated on the lot;
- (xxxiii) A Tree Survey/Preservation Plan in the same number and format as required for this plat;
- (xxxiv) Location of proposed detention facilities and if such facilities will be below ground detention or above ground pond; and

(xxxv) A note stating:

“Preliminary Plat - For Inspection Purposes Only”
“Approved for Preparation of Final Plat”

Chairman, City of Lancaster,
Planning and Zoning Commission

Date

Director of Community Development

Date

(c) Review Process

(i) Pre-application Conference

- A. It is recommended that an applicant for preliminary plat review request a one-time courtesy pre-application conference with the Director and other affected City departments prior to formal application.
- B. At the pre-application conference, the applicant should present a draft Plan of the subdivision with as much detail as possible.
- C. Based on the information presented, the City representative will provide initial comments concerning the merits of the proposed development and inform the applicant of any additional requirements for preparation of the preliminary plat application.

(ii) City Review

The Director and affected City departments shall review the application and, considering the review criteria below, make a recommendation to the Planning and Zoning Commission.

(iii) Planning and Zoning Commission Final Action

- A. At a public meeting, the Planning and Zoning Commission shall approve, approve with conditions or disapprove the preliminary plat. The Planning and Zoning Commission shall make findings regarding the review criteria below.
- B. The Planning and Zoning Commission shall take final action on the preliminary plat within 30 days of determination of completeness. In the event the Planning and Zoning Commission fails to act within 30 days, the preliminary plat shall be deemed approved.

(iv) Appeal

The decision of the Planning and Zoning Commission may be appealed to the City Council, whose determination shall be final.

(d) Review Criteria

In making a recommendation or taking action on a preliminary plat, the applicable development review bodies shall consider the following criteria.

- (i) The preliminary plat is consistent with all district development regulations for the property, and any approved development or annexation agreements.

- (ii) The proposed design and arrangement of required public improvements conforms to the Comprehensive Plan, this Code and other adopted plans.
- (iii) The tract of land subject to the application is adequately served by public improvements, or will be adequately served upon completion by the applicant of required improvements that meet the standards of Sec. 14.1601.
- (iv) The dedications of land, construction of public improvements or fees to be contributed by the applicant are adequate to offset the impacts created by the development on existing public facilities.
- (v) The plat meets any county standards to be applied under an interlocal agreement between the City and Dallas County under Texas Local Government Code Chapter 242, where the proposed development is located in whole or in part in the ETJ of the City.

(e) Exceptions

An Exception to the standards in Sec. 14.1601 may be requested in writing during preliminary plat review. Justification for such Exception shall be submitted with the plat application and the need for the Exception demonstrated to the Planning and Zoning Commission's satisfaction. The Exception may be approved, approved with conditions or disapproved after consideration of the following factors:

- (i) The Exception is not detrimental to the public health, safety or general welfare, or be injurious to other property in the area, conforms to the goals of the City, and is consistent with the intent of this Code;
- (ii) The conditions that create the need for the Exception do not generally apply to other property in the vicinity;
- (iii) The granting of the Exception would not substantially conflict with the Comprehensive Plan and the purposes of this LDC.

Denial of an Exception or condition for an Exception may be appealed to City Council.

(f) Expiration

- (i) Preliminary plats for developments that are not phased or not to be developed sequentially shall expire and be deemed null and void 24 months after approval unless a final plat is filed and approved for all of the preliminary plat within that time or unless the Planning and Zoning Commission, in its discretion, extends such period of validity.
- (ii) For preliminary plats for developments that are phased or that will be developed sequentially, the approval of a final plat for a phase of the project shall extend the expiration date for the remaining portion of the original preliminary plat for a period of 12 months after the date of approval of the final plat. Approval of each subsequent final plat within 24 months of the date of approval of the preceding final plat shall extend the expiration date for the portion of the original preliminary plat for which no final plats have been approved for an additional 24 months from the date of approval of such final plat.
 - A. Each 12-month extension period for the expiration of the original preliminary plat runs from the date of the latest final plat approval. Extension periods shall not be cumulative.
 - B. If a final plat is not filed and approved during the 12-month extension period, the original preliminary plat, together with any unapproved final plat applications or expired final plats shall expire and be deemed null and void.

- C. For the purpose of this provision, a preliminary plat shall indicate on its face that this will be a phased development and that approximate phase lines are clearly indicated.
- (iii) All requests by an applicant for extensions of the expiration date of the preliminary plat shall be filed with the Director 60 days prior to the expiration of the 12-month period. A second consecutive extension shall not be granted. Thereafter, the applicant shall submit a new preliminary plat application.
 - (iv) The Planning and Zoning Commission may specify a shorter time for expiration of the extended plat than is applicable to the original approval, but shall not extend the period that a preliminary plat is valid for more than one year, and to no more than two years total from the date of original approval.
 - (v) At any time following the expiration of a preliminary plat, an applicant may request a reinstatement from the Planning and Zoning Commission of such preliminary plat for the purpose of considering and approving a final plat for all or a portion of the area covered by the preliminary plat. The Planning and Zoning Commission shall reinstate a preliminary plat only when it determines that it would be in the public interest to do so to avoid unnecessary review of a new preliminary plat, and when the pattern of development proposed by the plat would not be to the detriment of any nearby area or the general development of the City. The Commission may establish such conditions on reinstatement as are necessary to ensure that the reinstated plat conforms to the City's Comprehensive Plan, including a requirement that the plat conform to this Article.

Sec.14.1603 Construction Plan Review and/or Civil Plan Review

(a) Application Requirements

Construction plans shall include the following information.

- (i) Plan and profile sheets for the following:
 - A. Water lines 12” and greater in diameter;
 - B. Streets;
 - C. Storm sewers;
 - D. Sanitary sewer lines; and
 - E. Drainage systems.
- (ii) Overall utility plan;
- (iii) Standard City details;
- (iv) Construction notes;
- (v) Grading plan;
- (vi) Drainage plan and drainage study; and
- (vii) Any additional plans or details needed to detail construction the project, including but not limited to a site plan, landscaping plan, irrigation plans and plat.

(b) Review Process

- (i) After preliminary plat approval, the applicant may submit to the City Engineer construction plans for all improvements pertinent to the subdivision or as required by the City.
- (ii) The City Engineer shall approve the construction plans if they conform to the requirements of this Article, established engineering principles and Standard Specifications and Design Criteria for the City, or disapprove the plans giving reasons for denial in writing to the applicant at the request of the applicant.
- (iii) An engineer’s seal on the submitted construction plans shall indicate to the City that the plans comply with the standards of this Code and City standards.

Sec. 14.1604 Final Plat Review

(a) Final Plat Required

- (i) A final plat is a technically complete version of an already approved preliminary plat that incorporates all required changes from the approved preliminary plat. No final plat shall be considered for review unless a preliminary plat, if one was required, for the same property boundaries has been approved and the final plat is consistent with the previously approved preliminary plat. If a final plat is not consistent with the approved preliminary plat, where one was required, the applicant may be required to submit a revised preliminary plat.
- (ii) Submittal of a final plat shall include signed and sealed final engineering drawings and descriptions and any “as-built” infrastructure on the site.
- (iii) A final plat submitted under these circumstances shall contain all information required of a preliminary plat.

(b) Application Requirements

- (i) A complete submittal shall include the following:
 - An original Mylar and 20 folded paper copies of the plat; a photographic copy on matte film equal in quality to ink lines on mylar will be considered as an original. Maps of two or more sheets shall be referenced to an index map placed on the first sheet.
 - A legible reproducible reduction at 11 x 17 inches of the plat.
 - The plat drawn at a scale of one inch equals 100 feet or larger with the use of permanent lines or ink, and the outer dimensions of the map shall be 24 inches by 36 inches;
 - A completed application;
 - A Title Certificate no more than 14 days old indicating any mortgage or other property interest. The City may require a title policy if ownership is suspect. If there are multiple property owners, such as an escrow, consortium, joint venture, or other such arrangement, acknowledgement of such will be provided and a letter stating authority to act in behalf of the platting shall be required.
 - An electronic copy of the plat on a CD in either dwg. or jpeg format; and
 - A required fee.

- (ii) The plat shall contain the following information:
- A. Property boundary indicated by a heavy solid line, intermittent with 2 dash lines; dimensioned with bearing and distance;
 - B. Front and exterior side or corner setback lines shown as a light dashed line and labeled;
 - C. Location map clearly showing the location of the proposed preliminary plat with cross streets with an indication if the location map is to scale or not to scale;
 - D. Written and bar graph scale and north arrow with the north oriented to the top or left side of the sheet;
 - E. Abstract lines, survey lines, county lines, and corporate boundaries;
 - F. A title block provided in the lower right corner that includes large, boldly printed:

(SUBDIVISION NAME)
FINAL PLAT (or MINOR, AMENDING or VACATING PLAT or REPLAT WITHOUT VACATION as
applicable)
LOT(S) _____, BLOCK(S) _____
(or survey, abstract and tract number)
If a replat, include:
REPLAT OF LOT(S) _____, BLOCK(S) _____

- G. The applicant, owner and engineer names, addresses and phone numbers, gross area, submission date, and a log of submittal/revision dates since submitted to the City;
- H. Location of property lines, owner or subdivision name(s) and recording information of abutting properties;
- I. Abutting properties indicated by a light solid line;
- J. Existing boundary or adjacent streets, alleys and rights-of-way and boundaries of right-of-way dedication indicated by a medium weight line solid line, intermittent with two dashed lines;
- K. Existing boundary or adjacent street names and widths;
- L. Existing and proposed internal alleys and streets indicated by a medium weight solid line, intermittent with two dashed lines and dimensioned;
- M. Existing internal street names and widths;
- N. Streets, alleys, and rights-of-way named and widths indicated within 200 feet of the property;
- O. The length and bearing of all straight lines, radii, arc lengths, tangent length and central angles of all curves indicated along the lines of each lot.
- P. The curve data pertaining to block or lot boundary in a curve table at the base of the plat and prepared in a tabular form with the following information:
 - 1. Curve number;

2. Delta;
3. Radius;
4. Tangent length;
5. Tangent offset;
6. Arc length;
7. Chord; and
8. Chord direction.
- Q. The description and location of all survey monuments placed in the subdivision or immediately adjacent to it;
- R. Internal lot lines clearly indicated and shown to scale;
- S. Dimensions and the square footage of each lot;
- T. Each lot numbered and block groups assigned a letter;
- U. Location of existing underground and above ground utilities, flood plain boundaries and state or federally protected areas, such as wetlands;
- V. Existing easements indicated by a light, dashed line and labeled indicating dimension, purpose and recording information;
- W. Location, dimension and purpose of proposed easements are indicated by a light, dashed line. Required and proposed ingress/egress easements are shaded.
- X. Dimensions and location of required and proposed ingress, egress and fire lane easements indicated by shading;
- Y. Existing zoning of the subject property and adjacent property;
- Z. Location and area of parks, drainageways, creeks and open space;
- AA. Legal description;
- BB. Any notes required by the various affected agencies/utilities.
- CC. Sites to be reserved or dedicated for parks, playgrounds or other public uses;
- DD. A note that states whether or not the property is in the 100-year flood plain, with the Community Panel reference number and map date;
- EE. Minimum dwelling size indicated on the lot;
- FF. Lot size indicated on the lot; and
- GG. Additional applicable notes as required by the City.

(c) Review Process

- (i) The Planning and Zoning Commission shall approve or deny the final plat within 30 days of determination of completeness.
- (ii) Reasons for denial shall be furnished to the applicant at the request of the applicant.
- (iii) There shall be no endorsement of a final plat and the final plat shall not be recorded until either the improvements are complete or an appropriate improvement guarantee has been

accepted by the City. Unless otherwise authorized by the City Engineer, a final plat shall be deemed to have expired 180 days from the date of the approval of the plat by the Commission if it has not been filed at the County, which shall not occur until such time that all infrastructure construction has been approved or surety provided to the City as required herein.

- (iv) The decision of the Planning and Zoning Commission may be appealed to the City Council, whose determination shall be final.

(d) Review Criteria

A final plat shall be approved if it meets all of the criteria below.

- (i) The final plat is reasonably consistent with an approved preliminary plat, if one was required.
- (ii) The final plat is consistent with any City-approved construction plans for any required or agreed upon improvements.
- (iii) The final plat is in compliance with any subdivision design and improvement standards adopted by the City pursuant to Texas Local Government Code §212.002 or Texas Local Government Code §212.044, governing plats and subdivision of land within the City's jurisdiction to promote the health, safety or general welfare of the City and the safe, orderly and healthful development of the City.
- (iv) The final plat meets any county standards to be applied under an interlocal agreement between the City and Dallas County under Texas Local Government Code Chapter 242, where the proposed development is located in whole or in part in the ETJ of the City.
- (v) The tract of land subject to the application is adequately served by public improvements, or will be adequately served upon completion by the applicant of required improvements that meet the standards of Sec. 14.1601.

(e) Expiration

The approved final plat shall be recorded by the City when all obligations by the developer have been met.

Sec. 14.1605 Minor, Amending or Vacating Plat Review

(a) Applicability

(i) General

- A.** Minor, amending or vacating plats may be approved by the Director in accordance with this Section.
- B.** Any plat that requires an Exception from the standards of this Article, any utility dedication, or any dedication of land shall not be processed as a Minor Plat.

(ii) Minor Plat

A minor plat is a plat with no more than four contiguous lots fronting on an existing street, and not requiring the creation of any new street or public improvements.

(iii) Amending Plat

An amending plat is a revised plat correcting errors or making minor changes to the original recorded final plat.

(iv) Vacating Plat

- A.** A vacating plat shall allow any final plat or any part of any final plat to be vacated by the proprietors of the tract at any time before any lot in the plat is sold. A vacating plat shall operate to destroy the force and effect of the recording of the final plat so vacated and to divest all public rights to the streets, areas and public grounds and dedications laid out and described in such final plat.
- B.** If lots subject to the vacating plat have been sold, the final plat, or any part of the final plat, may be vacated on the application of all owners of the lots subject to the final plat.

(b) Application Requirements

See application requirements for final plat in (b).

(c) Review Process

- (i)** The Director may approve the minor, amending or vacating plat.
- (ii)** For any just cause as determined by the Director, the Director may forward any minor, amending or vacating plat to the Commission for review and approval.
- (iii)** The Director may not deny a minor, amending or vacating plat. Any such plat that does not meet the requirements of this Code shall be forwarded to the Planning and Zoning Commission for final action.
- (iv)** The decision of the Planning and Zoning Commission may be appealed to the City Council, whose determination shall be final. However, the City Council must approve all vacating plats which involve the vacation of public rights-of-way or easements.

(d) Recordation

The minor, amending or vacating plat shall not be recorded until it has received the necessary endorsements by the City as required herein.

(e) Review Criteria

A minor, amending or vacating plat shall be approved if it meets all of the criteria below.

- (i)** The plat meets or exceeds the requirements of this Code and any applicable state law.
- (ii)** An Exception from the standards of this Article in accordance with provisions herein, utility dedication or dedication of land is not required.
- (iii)** The plat meets all subdivision design and improvement standards adopted by the City pursuant to Texas LGC § 212.002 or Texas LGC § 212.044, governing plats and subdivision of land within the City's jurisdiction to promote the health, safety or general welfare of the City and the safe, orderly and healthful development of the City.
- (iv)** The tract of land subject to the application is adequately served by public improvements.

(f) Expiration

An approved minor, amending or vacating plat that has not been filed with the Dallas County Clerk within 180 days of its approval shall expire and be considered null and void. Any further action shall require a new application, the same fee as required at initial submittal, and shall require the same approval.

Sec. 14.1606 Replat Without Vacation Review

(a) Applicability

- (i) A replat of all or a portion of a recorded plat may be approved without vacation of the recorded plat if:
 - A. The replat is signed and acknowledged by the owners of the property being replatted; and
 - B. The replat does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded plat.

(b) Partial Replat Without Vacation

Any replat without vacation that adds or deletes lots shall include the original subdivision and lot boundaries. Within the title area, the replat shall reference the subdivision name and recording information, and shall state on the replat the specific block and lots that are being replatted.

(c) Review Process

- (i) The Planning and Zoning Commission shall approve or deny the replat without vacation within 30 days of determination of completeness.
- (ii) Reasons for denial shall be furnished to the applicant at the request of the applicant.
- (iii) The replat without vacation shall not be recorded until it has received the necessary endorsements as determined by the City.
- (iv) The decision of the Planning and Zoning Commission may be appealed to the City Council, whose determination shall be final.

(d) Review Criteria

A replat without vacation shall be approved if it meets all of the criteria below.

- (i) The replat without vacation is consistent with any City-approved construction plans for any required or agreed upon improvements.
- (ii) The replat without vacation is in compliance with any subdivision design and improvement standards adopted by the City pursuant to Texas Local Government Code §212.002 or Texas Local Government Code §212.044, governing plats and subdivision of land within the City's jurisdiction to promote the health, safety or general welfare of the City and the safe, orderly and healthful development of the City.
- (iii) The replat without vacation meets any county standards to be applied under an interlocal agreement between the City and Dallas County under Texas Local Government Code Chapter 242, where the proposed development is located in whole or in part in the ETJ of the City.
- (iv) The tract of land subject to the application is adequately served by public improvements and infrastructure, including water, storm water and sanitary sewer, or will be adequately served upon completion by the applicant of required improvements.

(e) Expiration

An approved replat without vacation that has not been filed Dallas County Clerk within 180 days of its approval shall expire and be considered null and void. Any further action shall require a new application, fee and approval.

Sec. 14.1607 Traffic Impact Analysis (TIA)

(a) Purpose

The purpose of a traffic impact analysis is to assist in determining the adequacy of the road network to serve a proposed subdivision or development and whether off-site road dedication and/or improvements are required to mitigate the effects of the proposed subdivision or development.

(b) When Required

(i) A traffic impact analysis shall be required with any application for a preliminary and final plat, site plan or other plan for which:

- A.** The development exceeds an average of 100 parking spaces per driveway;
- B.** The development generates traffic in excess of 1,000 average daily trips, based upon the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual; or
- C.** Any driveway in the development is projected to serve 100 ingress vehicles or more in the peak hour of the adjacent street;

(ii) The City Engineer may also require a traffic impact analysis for:

- A.** Any project that proposes access to a street with a current Level of Service “C” or below, or will meet an LOS of C or below as determined by the future land use plan;
- B.** Any case where the previous TIA for the property is more than two years old; or
- C.** Any case where the Director and the City Engineer determine that the increased land use intensity will result in increased traffic generation or traffic conflicts such as turning movements and topography may affect the speed or safety of the roadway.

(iii) A traffic impact analysis shall be submitted with a preliminary plat, site plan or as otherwise required by the Director to address situations not addressed herein. An updated traffic impact analysis shall be submitted with each final plat submitted for review if the initial TIA is more than two years old or if staff determines that off-site traffic patterns since the initial TIA have changed that could negatively affect the project scope and initial intent. The traffic impact analysis shall be updated whenever a plat is modified to authorize more intensive development.

(iv) If a TIA is required with the approval or review of any plat or plan, the TIA must be completed prior to submittal of the plat or plan to the City for review or, if a plat is involved, the applicant shall provide a letter waiving the 30 day approval period at the submission of the plat. If the applicant chooses to have a completed TIA prior to submittal of a plat, the applicant shall pay a sum of 50 percent of the estimated cost prior to the City retaining a consultant. Disclosure of the results of the TIA shall not be made until the balance of the costs has been paid. If payment is not forthcoming, the City shall cause an interest-bearing lien to be placed on the property to recover costs.

(c) Study Scope

When a traffic impact analysis is required, the scope of the analysis shall be determined during or soon after the pre-application conference. No application requiring a traffic impact analysis may be made until the scope of the required analysis has been determined. The Director or

City Engineer may involve representatives of or request assessments from other agencies and departments. The elements to be determined during the pre-application conference shall include the following.

(i) Definition of Impact Area

The points of access and key streets and intersections that may be affected by development of the subject tract constitute the impact area shall be determined. Traffic recorder and turning movement assessment locations shall be determined.

(ii) Period of Analysis

Periods of analysis shall include average daily traffic, peak AM and PM and/or weekend peak hour.

(iii) Analysis Scenarios

Scenarios for analysis shall include existing conditions, opening year conditions with and without development, and 10 years after opening with and without off-site development.

(iv) Process

The process for determining trip generation and distribution shall include trip generation category, diversion assumptions, distribution assumptions and capacity analysis.

(v) Growth Rate Assumption

The rate of growth assumed in background traffic assumptions shall be determined.

(vi) Future Development

Developments that are planned in the area that have been approved or are under review shall be considered.

(d) Traffic Study Elements

A traffic impact study shall include the following elements.

(i) Existing Condition Survey

A. Street System Description

The street system shall be described including geometric features, lane usage, traffic control, signage, sight distances and adjacent uses and curb cuts.

B. Traffic Volumes

Existing traffic volumes shall be provided for the impact area including both average daily traffic and "design" peak hour volumes. Average daily trips shall be derived from the latest available counts taken by the City, North Central Texas Council of Governments, or Texas Department of Transportation. Peak hour volumes shall be obtained from field counts. Data shall be adjusted for daily and seasonal variations. Turning movement counts for the peak hour shall be provided for critical intersections. Peak hour periods shall be as determined at the pre-application meeting.

C. Capacity Analysis

Existing capacity of signalized and unsignalized intersections shall be provided.

D. Other

Other items may be required at the discretion of the Director or City Engineer depending upon the type and scale of the project. These may include but are not limited to: queue length analysis, pedestrian counts, accident data, traffic speeds (both 50th and 85th percentile) and stopping sight distances.

(ii) Future Without Development

Capacity analysis is to be provided for opening year and plus 10-year for key intersections (and roadway segments where appropriate) without the development but including any planned developments. The analysis shall be based upon the Highway Capacity Manual or other methodologies approved in advance by the Director or City Engineer.

(iii) Future With Development

- A.** Projections of the daily and peak hour traffic generation of the project shall be made using the latest edition of the ITE Trip Generation Manual unless the Director or City Engineer determines that locally derived data will provide more accurate forecasts. Data from similar facilities may be used where the information is not available from ITE.
- B.** The projected trips shall be distributed onto the road network as agreed in the pre-application conference.
- C.** Capacity analysis for opening year and plus 10-year for key intersections (and roadway segments where appropriate) shall be provided.
- D.** Special analysis may be required to determine warrants for signalization, minimum safe sight distances, gap analysis, turning radius requirements, queue length analysis, turning lane length analysis, curb cut locations or similar requirements. If projected traffic combined with existing traffic warrants signalization, then adequate signalization shall be the responsibility of the applicant.

(iv) Mitigation Plan

Where the analysis indicates that the project will create deficiencies in the impact area, improvements shall be recommended which shall include projected cost estimates. The design of improvements shall be in accordance with specifications of the City Engineer and, where appropriate, the Texas Department of Transportation. The mitigation plan shall also include any dedications necessary to comply with the minimum road standards described below. Where the Planning and Zoning Commission determines that a mitigation plan is not adequate to address the traffic impacts of the project, it may serve as a basis for denial of the plat. Where the Director determines that a mitigation plan is not adequate to address the traffic impacts of the project, it may serve as a basis for denial of a development plan.

(e) Conduct of TIA

The traffic impact analysis shall be conducted by the City who shall calculate the rough proportionality of the impacts of the subdivision or proposed development. The applicant shall pay all incurred charges prior to the approval of any plat or plan unless otherwise required herein.

(f) Right-of-Way Dedication

Street right-of-way shall be dedicated as required in the Thoroughfare Plan or as determined by the TIA. If multiple lanes are required, the location and placement shall be determined by the City Engineer. In lieu of construction, the City Engineer may require that the cost for construction be placed in escrow if roadway improvements are planned or can be planned by the City within a foreseeable future as determined by the City Engineer, who may defer to the City Council for determination. Additional improvements such as deceleration lane, curb cut location, median openings, stacking lanes and other such issues shall be required as determined in the traffic impact analysis and approved by the City.

(g) City Evaluation and Action

The City shall evaluate the adequacy of the traffic impact analysis prepared by the applicant. Based upon such evaluation, the City shall determine:

- (i) Whether the application may be approved in the absence of dedication of rights-of-way or construction of improvements to each affected thoroughfare; and
- (ii) The extent of the applicant's obligations to make such dedications or improvements. The City shall condition the approval of the plan or plat application on one or more of the following performances by the applicant:
 - A. Delay or phasing of development until thoroughfares with adequate capacity or intersection improvements are constructed;
 - B. A reduction in the density or intensity of the proposed development sufficient to assure that the road network has adequate capacity to accommodate the additional traffic to be generated by the development;
 - C. The dedication or construction of thoroughfares or traffic control improvements needed to mitigate the traffic impacts generated by the proposed development.

(h) Deferral of Obligation

Upon request of the applicant, the obligation to dedicate or improve thoroughfare rights-of-way or to make intersection improvements imposed on an application may be considered by the City to defer to a later stage of the development process. As a condition of deferring the obligation to dedicate rights-of-way for or to improve thoroughfares, which deferral shall be in the sole discretion of the City, the City shall require the developer to execute an agreement specifying the amount and timing of the rights-of-way dedication or improvements to thoroughfares.

(i) Cash Contributions

In lieu of the obligation to improve thoroughfares or make traffic control improvements, the applicant may propose to make equivalent cash contributions based upon the development project's proportionate share of the costs of improvements, which the City in its sole discretion may accept. Any funds accepted by the City shall be earmarked for construction of the improvements for which the contribution was made.

(j) Options

Whenever the proposed development's share of the costs of a thoroughfare or traffic control improvement needed to mitigate traffic generated by the development is less than 100 percent, the City in its sole discretion may do the following:

- (i) Participate in the excess costs; or

- (ii) Aggregate the costs of improving multiple thoroughfares or intersections identified in the traffic impact analysis, and require improvements to only some of the thoroughfares or intersections affected by the development; or
- (iii) Require surety to cover the cost of the developer's responsibility.

(k) Appeal of Road Adequacy Conditions

Any appeal of a disapproved plan or plat resulting, in full or in part, from a determination that the mitigation plan was insufficient may be taken to the City Council, whose decision shall be final. The appeal shall include the following.:

- (i) The appeal shall allege that recommended conditions requiring dedication or construction of thoroughfares or traffic control improvements are not roughly proportional to the nature and extent of the traffic impacts on the road network created by the development being proposed.
 - A. The applicant shall provide a study in support of the appeal
- (ii) The City Council shall consider the appeal and determine whether the requirements are roughly proportional to the nature and extent of the impacts on the road network created by the development proposed. Following such determinations, the City Council may take any of the following actions regarding the road adequacy portion of the appeal only:
 - A. Deny the appeal, upon determining that the required dedications of rights-of-way for or improvements to thoroughfares or traffic control improvements are roughly proportional to the nature and extent of the impacts created by the development, and order that such dedication or improvements be made as a condition of approval of the application;
 - B. Deny the appeal, finding that the dedication or improvement requirements are inadequate to achieve road adequacy, and either deny the application or require that additional dedications of rights-of-way dedication for or improvements to thoroughfares, or traffic control improvements, be made as a condition of approval of the application;
 - C. Grant the appeal and waive in whole or in part any dedication or construction requirement that is not roughly proportional; or
 - D. Grant the appeal, and direct that the City participate in the costs of acquiring rights-of-way or constructing improvements sufficient to achieve proportionality.

Sec. 14.1608 General Design Standards

(a) General

- (i)** Engineering plans and specifications shall be in accordance with applicable design standards of the City pertaining to construction of water, sanitary sewer, paving, drainage, sidewalk, driveways, streets, alleys, culverts, bridge facilities, and any other facilities regulated by City ordinances or design standards.
- (ii)** No improvements shall be made until all plans, profiles and specifications have been reviewed and approved by the City or other government agency under whose authority is required to approve.
- (iii)** Where another regulatory agency has authority within the City limits or ETJ, the more stringent design standards shall apply.

(b) Blocks

(i) Width

Blocks must have sufficient width to provide for two tiers of lots, phase or plat, except where single tier lots are required to separate residential development from arterial traffic, to separate lots from an incompatible use, to accommodate a requirement for single loaded streets, to allow for unusual topographical conditions, where across from a public park or open space, or when adjacent to the outer perimeter of the subdivision.

(ii) Length

- A.** Blocks in the A-O and SF-E districts shall not exceed 1,600 feet.
- B.** In other residential districts, a traditional or modified grid of small blocks should be used as a foundation for new neighborhoods to enhance orientation, walkability, route choices and community interconnectivity. The perimeter of a block shall not exceed 3,000 feet in length. Where a block face exceeds 800 feet, a minimum 20-foot pedestrian access easement shall be provided through the block, except where adjacent to a golf course.
- C.** Blocks in all other districts shall not exceed 1,320.

(iii) Pedestrian Access

A pedestrian access easement a minimum of 12 feet in width may be required to traverse blocks where deemed essential to provide access to institutional and community service uses or to retail and personal service uses.

(c) Lots

(i) Zoning Requirements

Lots shall meet all applicable zoning requirements.

(ii) Access

Unless otherwise approved, each lot shall have vehicular access to a public street. No single-family detached or two-family lot with a frontage of less than 300 feet shall have direct access to any street classed as an arterial or larger.

(iii) Land Remnants

Unless otherwise approved by the Director, remnants of land containing less area than the required minimum lot size prescribed by the underlying district shall not be allowed when approving a plat. In making a determination, the Director shall consider adjacency to open space or park land, access to such, and the rights of users.

(iv) Side Lot Lines

Unless otherwise approved by the Director, side lot lines shall be required to intersect rights of way between 60 and 90 degrees on a straight street, or from the tangent of a curved street.

(v) Double Frontage

- A.** Residential lots less than 5 acres in area shall not have double frontage on roadways.
- B.** Nonresidential lots with double frontage shall have offset access points to inhibit cut-through traffic.

(vi) Lot Numbering

All lots must be numbered consecutively within each block phase or plat.

(d) Easements

Unless otherwise approved or as required by the appropriate utility, easements for utilities shall be a minimum of 16 feet in width. Eight feet of the easement shall be on each side of common lot lines where lot lines abut. On perimeter rear lots, easements shall be a minimum of 10 feet in width. Side lot easements, where necessary, shall be a minimum of ten feet in width.

(e) Survey Markers and Monuments

- (i)** In all subdivisions corners are established at the corner of each block in the subdivision consisting of a minimum 12 inch iron rod not less than three-quarter inches in diameter and placed no more than four inches below grade. All lot corners shall be installed prior to the final inspection of the subdivision.
- (ii)** Lot corner markers are placed at all lot corners except corners which are also block corners, consisting of iron rods or pipes of a diameter of not less than one-half inch and no more than six inches from finished grade. All lot corners shall be installed prior to the final inspection of the subdivision.
- (iii)** Curve point markers are established using the same specifications as lot corners. All lot corners shall be installed prior to the final inspection of the subdivision.
- (iv)** A monument may be required by the City Engineer of a type and with necessary identification information as required and in a location as determined. Construction specifications and placement of the monument shall be determined by the City Engineer. The monument shall be linked by global positioning using 'X', 'Y' and 'Z' coordinates to the City's monument network. The accuracy of the monument placement and information contained thereon shall be verified by a registered professional surveyor.

(f) Street Trees

Street trees shall be provided in accordance with Sec. 14.909.

Sec. 14.1609 Streets and Alleys

(a) General

- (i) Streets bordering a lot or subdivision shall be installed by the developer in accordance with the Thoroughfare Plan, traffic impact analysis approved by the City and/or the City's design criteria.
- (ii) The developer shall dedicate the necessary rights-of way as required on the Thoroughfare Plan or approved traffic impact analysis.
- (iii) Based on the approved traffic impact analysis, the developer shall cause those portions of streets and road to be improved to City standards by using the rough proportionality as determined by the TIA. Improvements shall include mill, overlays, reconstruction or other such improvements as approved by the City Engineer in accordance with City Standards for the impact area. Areas of improvement shall also include intersections, signalization, culverts, drainage crossings and other such areas that are impacted by the improvements to the streets and roads.
- (iv) The City may credit all or a portion of roadway impact fees toward actual construction of primary lanes, not to include deceleration lanes, drives, entryways and other such elements that may be associated with the actual function of the site, as determined by the City Engineer.
- (v) If the City's design criteria show a roadway cross-section to include a median, the developer shall be required to construct a concrete-curbed median of a size indicated therein or herein, and to install the required turning lanes and openings as required by the City or the TIA. The City shall provide the necessary irrigation and landscaping of the median. The developer shall provide the conduits for irrigation, electricity, future traffic signals and other services as determined by the City Engineer.
- (vi) If a multiple lane road is required by the thoroughfare plan, and the TIA requires fewer lanes to serve the development, based on rough proportionality, the location of the lanes shall be determined by the City Engineer with regard to structural integrity after adding the additional lanes, and other such criteria.
- (vii) The requirements herein shall be applicable to the City and its ETJ.

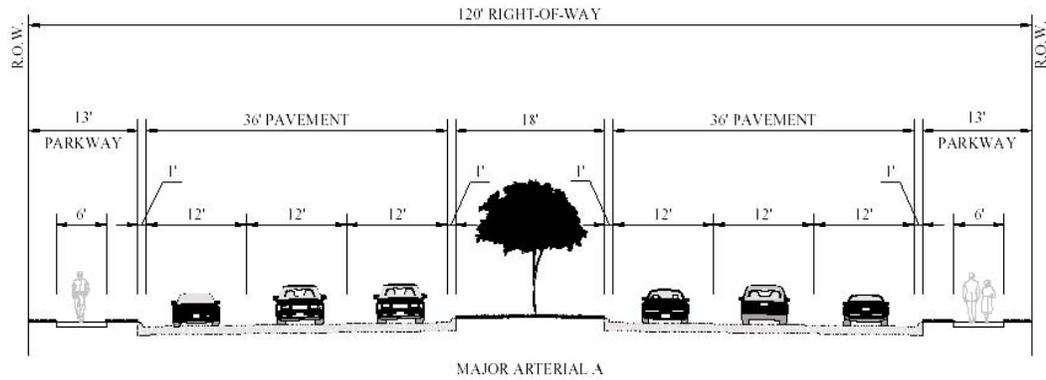
(b) Street Dimensional Standards

- (i) Street dimensional standards shall be as shown in the table below.

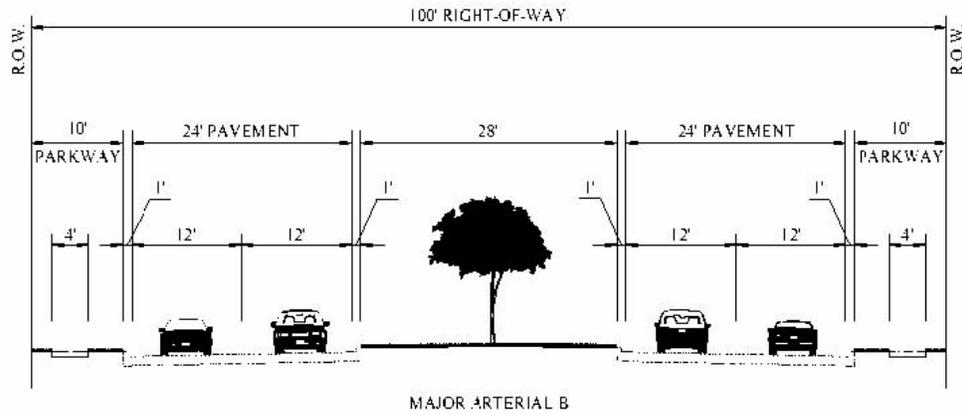
Street Type

Street Section

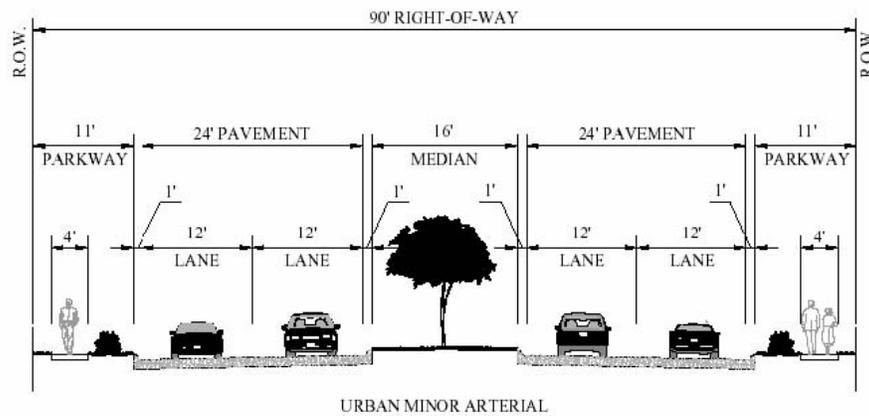
Major Arterial A



Major Arterial B



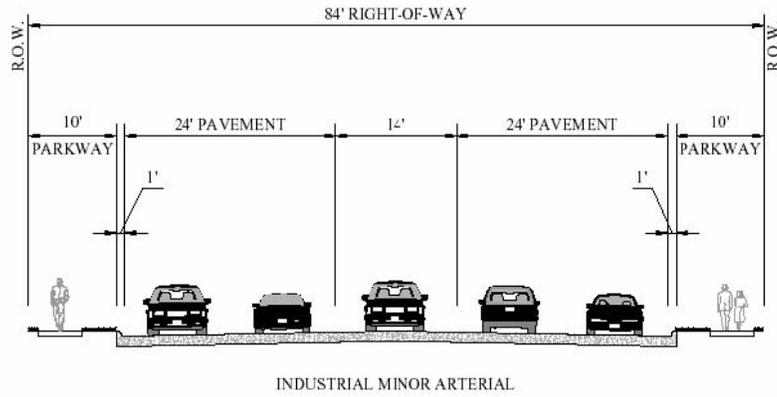
Urban Minor Arterial



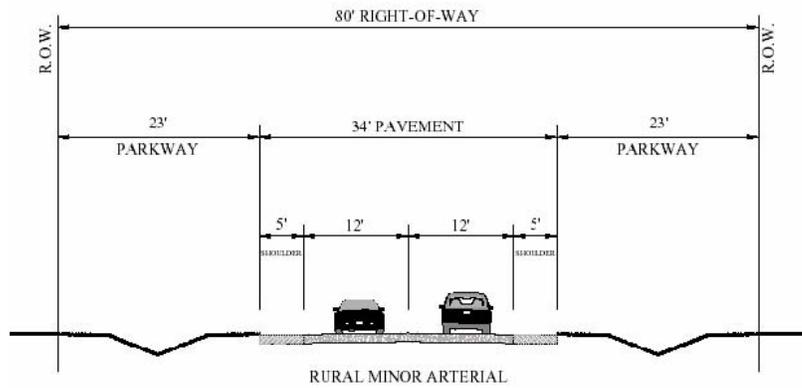
Street Type

Street Section

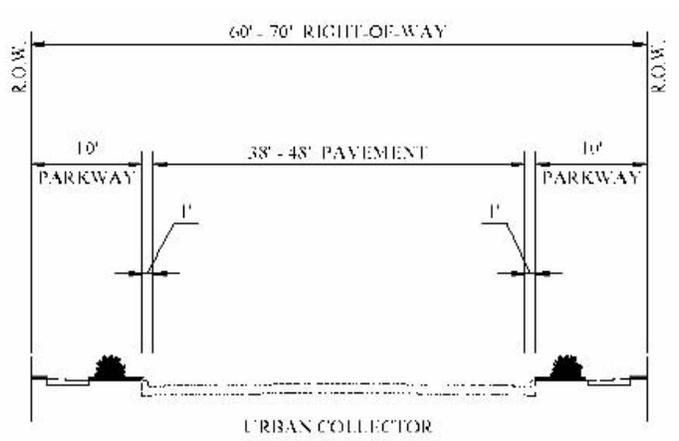
Industrial
Minor
Arterial



Rural Minor
Arterial



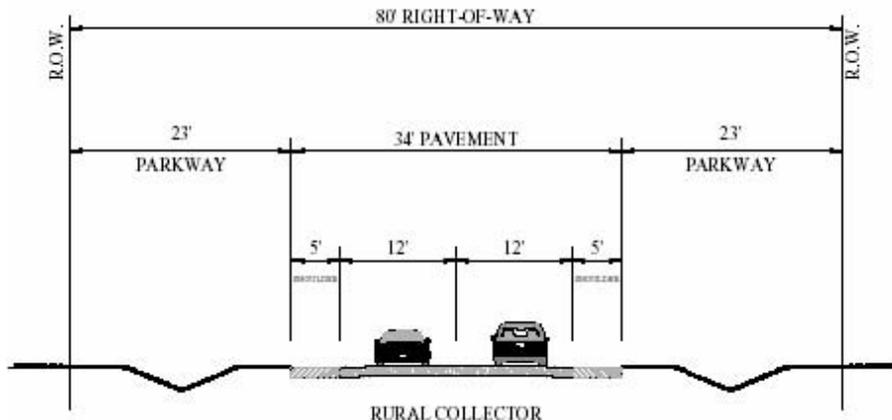
Urban
Collector



Street Type

Street Section

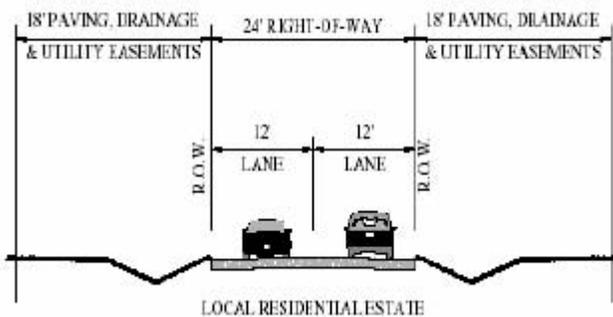
Rural
Collector



Local
Residential



Local
Residential
Estate



- (ii) The public dedication of all streets and rights-of-way shall be in fee simple.
- (iii) Reserve strips controlling access to streets are permitted only when the control of such strip is given to the City.
- (iv) Maintenance of all public rights-of-way between the edge of pavement or back of curb and the subject property shall be the responsibility of the abutting property owner.
- (v) Freeway standards shall conform to the State of Texas Highway Standards.
- (vi) Minimum grade for all streets shall be one-half of one percent.
- (vii) Maximum grade through intersections shall be four percent. The maximum grade shall extend a minimum of 50 feet each direction from the centerline of the intersecting streets.

(c) Alleys and Fire Lanes

- (i) The minimum width of an alley right-of-way shall be 17 feet and the minimum pavement width shall be 12 feet.
- (ii) Alleys shall be provided for nonresidential uses where it is necessary to provide service access, such as access for emergency vehicles, off-street loading and parking consistent with and adequate for the uses proposed.
- (iii) Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- (iv) Dead-end alleys shall not be allowed.
- (v) Alleys shall not access arterial streets.
- (vi) All alleys shall have a minimum of two direct access points to public streets.
- (vii) Alleys shall be subject to the block length criteria included in Section 14.1608(b).
- (viii) Alleys shall be paved and dedicated to the public unless such alleys are part of a private street development as described in paragraph (j) below.
- (ix) A fire lane easement a minimum of 24 feet in width shall be provided when required by the Fire Marshal. The fire lane shall remain free of obstructions and provide access to the subdivision at all times.

(d) Internal Connectivity

An interconnected street system is necessary in order to promote orderly and safe development by ensuring that streets function in an interdependent manner, provide adequate access for emergency and service vehicles, enhance access by ensuring connected transportation routes, and provide continuous and comprehensible traffic routes.

(i) Cul de sacs Are Discouraged

Cul de sacs containing more than seven lots shall not be permitted unless an Exception is granted by the Planning and Zoning Commission based on development constraints of a particular property.

(ii) Connectivity Defined

- A. Connectivity is defined by the ratio of links to nodes in any subdivision.
- B. Connectivity ratio is the number of street links divided by the number of nodes or end links, including cul-de-sac heads.
- C. A link is any portion of a street defined by a node at each end or at one end. Stubs to adjacent property shall be considered links. Alleys shall not be considered links.
- D. A node is the terminus of a street or the intersection of two or more streets.
- E. Any location where a street name changes shall be considered a node.
- F. Any curve or bend of a street that exceeds 75 degrees shall receive credit as a node. Any curve or bend of a street that does not exceed 75 degrees shall not be considered a node.

(iii) Required Ratio

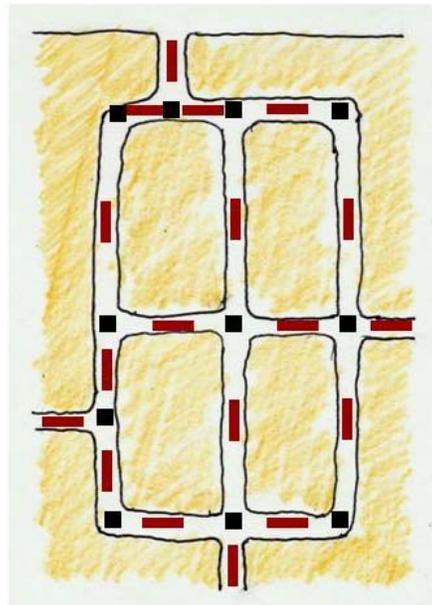
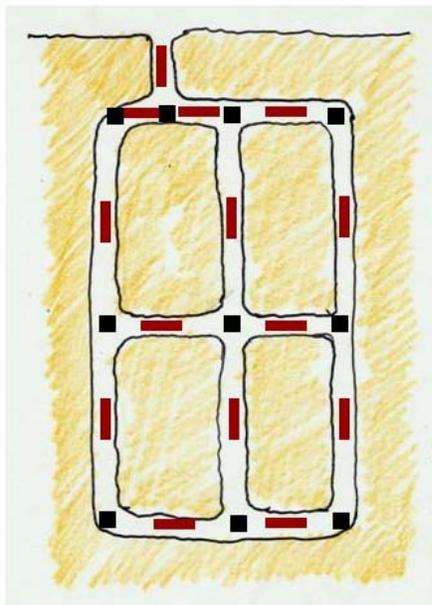
- A. The street network for any subdivision with internal roads or access to any public road shall achieve a connectivity ratio of not less than 1.50, measured within the subdivision.
- B. A higher connectivity ratio in a surrounding area shall not provide justification to reduce the required connectivity of a proposed subdivision.

(iv) Sample Calculation

The following sample calculation shows how the street connectivity ratio for a subdivision shall be calculated.

EXAMPLE 1: Does not meet ratio
(14 links/10 nodes = 1.4)

EXAMPLE 2: Modified to meet ratio
(18 links/12 nodes = 1.5)



Nodes ■
Links —

(e) External Connectivity

- (i) Existing streets in adjacent or adjoining areas shall be continued in a new subdivision. Whenever connections to anticipated or proposed surrounding streets are required by this Section, the right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. Temporary turnarounds may be required to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency or service vehicles. No temporary dead-end street shall be permitted in excess of 500 feet unless no other practical alternative is available.

- (ii) Subdivisions shall require sufficient external access points to the City’s existing or future roadway network and shall be provided in accordance with table below.

BUILDABLE LOTS IN SUBDIVISION	MIN. EXTERNAL ACCESS POINTS REQUIRED
24 or fewer	1
25 to 49	2
50 to 99	3
100 or more	4

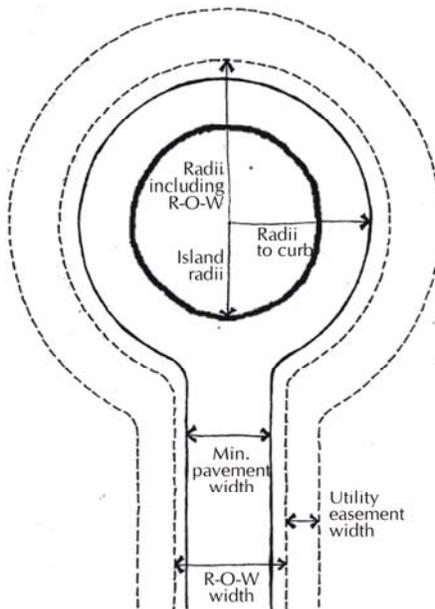
(f) Street Layout

- (i) Street alignments shall generally conform to the alignments shown in the Thoroughfare Plan.
- (ii) Streets shall be aligned to join with planned or existing streets.
- (iii) Street jogs with centerline offsets of less than 125 feet shall be prohibited. Street offsets shall be approved by the Director.
- (iv) Reverse curves on arterials and collectors shall be joined by a tangent a minimum of 100 feet in length.
- (v) Streets shall be designed to bear a logical relationship to the topography.
- (vi) Intersections shall approximate right angles as closely as possible.

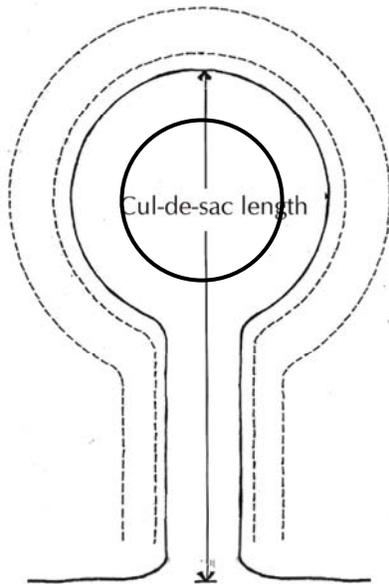
(g) Cul-de-Sacs

Any time a cul-de-sac is created, it shall have a landscaped island including at least one shade tree, and in no case shall exceed the following standards

STANDARD	WITH ISLAND
Maximum Length	750 ft
Minimum Turnaround Radii (including ROW)	62 ft
Minimum Turnaround Radii (to curb)	54 ft
Minimum pavement width	36 ft
Right-of-way width	50 ft
Utility Easement Width	15 ft
Minimum center island radii	10 ft
Maximum center island radii	20 ft

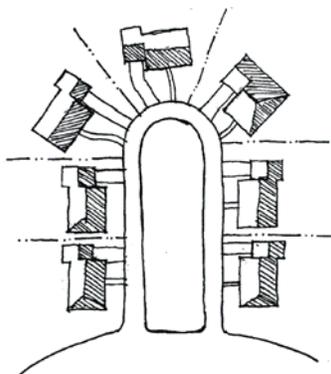


- (i) A cul-de-sac shall terminate with a curbed, permanent turn-around.
- (ii) Cul-de-sac length shall be measured along the center line of the cul-de-sac from the single point of access at the public right-of-way to the farthest curb at the turn-around.



- (iii) An unpaved island shall be provided at the center of the turn-around in accordance with the standards in the table under (g) above and :
 - A. The island shall be surrounded by a vertical or lay-down curb.
 - B. The surface of the island shall be landscaped.
 - C. The island shall have a minimum radii of 10 feet measured to the back of the curb.

- D. The applicant shall provide for perpetual maintenance of the unpaved island through a homeowners association or other acceptable organization.
- (iv) Permitted alternatives to cul-de-sacs include loop lanes, eyebrows and any similar alternatives approved by the Planning and Zoning Commission.



Loop Lane

(h) Dead-End Streets

Dead-end streets shall be prohibited except for short stubs to permit extension. Temporary turnarounds shall be required where the street stub exceeds one lot or 100 feet in length, whichever is greater. The applicant shall provide a sign at the stub declaring that the particular street will connect with future development.

(i) Half Streets

The dedication of a half street shall not be accepted unless:

- (i) The applicant obtains for the City a dedication from the abutting landowner of the other half of the street;
- (ii) The applicant obtains from the abutting landowner an agreement in a form satisfactory to the City Attorney that guarantees the cost and construction of the improvements of the half street within a time suitable to the city; and
- (iii) The applicant guarantees the construction of the improvements on the half street that is being dedicating; or
- (iv) Other similar arrangement approved by the City Engineer.

(j) Private Streets

Private streets shall be allowed in a residential subdivision subject to meeting the requirements of this LDC and the conditions set forth below.

(i) General

- A. Private streets shall be the principal access easement between a public street and platted lot(s) which do not abut a public street. Such private streets are not dedicated to the public and shall not be publicly maintained. The term “private street” may include both the pavement and easement areas of streets, alleys or service roads within such development.
- B. No part of a private street shall be sold or dedicated to any person other than the City of Lancaster.

- C. The dimensional standards for a private street shall match the standards listed in subsection (b) above for the most similar street type in terms of expected average daily trips and shall be approved by the City.
- D. All streets shall be constructed to City street standards.

(ii) Access

- A. A private street shall be labeled on the plat as an access easement and be assigned a lot and block number from its subdivision.
- B. Private streets shall be reserved for use by owners and residents served by such private streets and all governmental entities providing services and regulatory enforcement, as well as private service entities. Access to subdivisions containing private streets may be controlled by 24-hour security guard or a self-activated gate at the entrance. The gate shall be of a breakaway model which will not damage emergency vehicles responding to a call.

(iii) Street Yards and Lot Widths

All private street access easements shall be treated as public street rights-of-way for purposes of determining required street yards and lot widths.

(iv) Platting Private Streets as Lots

A private street shall be designated as a non-buildable lot.

(v) Maintenance

- A. The final plat shall make reference to recorded restrictive covenants that shall:
 - 1. Provide for the perpetual maintenance of private streets by a homeowners association to the same standards as connecting public streets for the safe use of persons using the streets;
 - 2. State that the City has absolutely no obligation or intention to ever accept such streets as public right-of-way; and
 - 3. Provide for the event that if the homeowners association defaults, the City may provide the required maintenance and assess all property owners the cost of such maintenance.
- B. Such covenants as approved by the City, shall not be altered without City Council approval.
- C. The restrictive covenants shall be recorded prior to the issuance of the first building permit for the subdivision.

(vi) Future Dedication

Should the lot owners abutting private streets or the homeowners association request the City accept dedication of the private street as a public right-of-way for purposes of maintenance, a condition of such dedication shall require that the private street meet all City standards and be in satisfactory condition for the safe use of such street by the general public. Any such dedication shall require a replat without vacation in accordance with Sec. 14.1601.

(k) Conversion of Public Street to Private Street

- (i) Approval of a vacating plat in accordance with Article 14.1600Sec. 14.1601 shall be required for the conversion of a public street to a private street.
- (ii) The applicant shall provide liability insurance that guarantees indemnification of and a defense for the City should any lawsuit arise from a loss related to the use of the street or other private improvement subsequent to the vacation.
- (iii) A performance bond or other security satisfactory to the City Engineer shall be required to guarantee that a homeowners association shall maintain the streets and other improvements granted to the association. If no formal community association exists in the subdivision, one shall be created in accordance with Section 14.1601(k).
- (iv) Street maintenance shall include keeping the street driving surface in a good state of repair. Curbs, gutters, and sidewalks shall be maintained so as to not present a safety hazard.
- (v) Unless otherwise required by the City Engineer, storm water systems, surface and underground, that collect runoff primarily from the area shall become private.
- (vi) Facilities, such as streetlights and underground utilities, shall be considered separately and the facility shall remain public if it can be shown it is in the best public interest for the facility to remain public.

(l) Street Bridges

- (i) Street bridges shall be constructed to remain out of the 100-year flood event.
- (ii) Bridges which cross an existing or future trail shall be constructed to accommodate such trail beneath or on their spans.

(m) Street Names

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

(n) Median Openings

- (i) Channelization and median islands for full access and right turn in/right turn out partial access driveways shall be a minimum 150 square feet in area.
- (ii) Median opening to or from a driveway may be allowed if:
 - A. The median is of sufficient length to be subdivided into multiple medians, each of which meets or exceeds the minimum median length described in this Chapter.
 - B. The median is of sufficient width to permit the construction of an exclusive left turn lane.
- (iii) An engineering study shall justify the opening after consideration of the impact on traffic operations, levels of service and safety.
- (iv) Such opening shall not adversely impact the provision for access to land on the opposite side of the street.
- (v) Minimum length of a median island shall be in accordance with the table below.

THOROUGHFARE PLAN CLASSIFICATION	MINIMUM MEDIAN LENGTH (FT)
Type A+ Thoroughfare	450
Type B+ Thoroughfare	300

- (vi) All medians shall be landscaped in accordance with the adopted Streetscape Master Plan. The Director of Parks and Recreation may allow ornamental trees to be substituted for shade trees in certain limited circumstances where shade trees would provide a nuisance. All landscaping shall be irrigated with a buried system designed by a professional licensed by the State.

Sec. 14.1610 Standards Included by Reference

(a) Pedestrian and Bicycle Facilities

Pedestrian and bicycle facilities shall be provided in conformity with the adopted Hike and Bike Trail Master Plan.

(b) Parks and Open Space

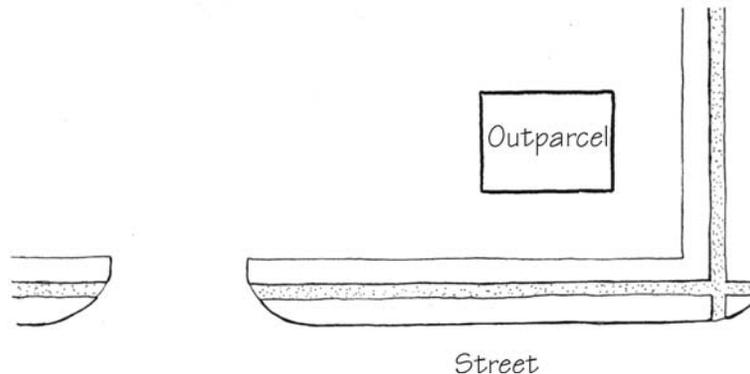
(i) Parks and open space shall be provided in conformance with the adopted Parks and Open Space Master Plan.

(ii) Park land fees shall be in conformance with the adopted Parkland Dedication/Development fee established by resolution of the city council.

Sec. 14.1611 Access Management and Driveway Standards

(a) Street Access

- (i) Every building shall be located on a lot abutting a public street or private street built in accordance with the standards in Article 14.1600Sec. 14.1601.
- (ii) Unless otherwise allowed by the Director, out-parcels shall take access from within the development.



- (iii) All retail parcels shall provide a shared access easement with a minimum concrete paving width of 30 feet when abutting another retail-zoned property, unless otherwise approved by the Director. The Director may require a wider width depending on the use of the drive.
- (iv) Where other access is available or where another driveway is possible that conforms to requirements herein, the City or other governmental agency shall have the right to close any driveway where it has been determined by the Director and/or City Engineer that such driveway poses or could pose a threat to public safety. If such is closed, the property owner shall be required to remove the drive approach and associated driveway, install a concrete curb to connect to adjacent curbs, and shall landscape and irrigate the area in accordance with requirements herein for spacing, design, species, etc.
- (v) There shall be no parking or driveway designed in such a way that will require or allow the backing of vehicles into an arterial-classed street.
- (vi) Public streets shall not be used as maneuvering areas for backing into or onto a property.
- (vii) There shall not be allowed any vehicle or obstacle to block driveways intended for use as a fire lane, cross-access easement or required parking.

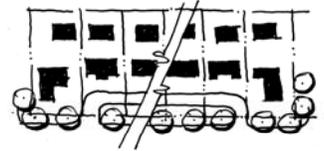
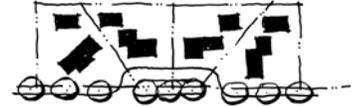
(b) Use of Residentially Zoned Property for Access

No land which is residentially zoned shall be used for driveway or vehicular access purposes to any land which is non-residentially zoned.

(c) Residential Access to Major Thoroughfares

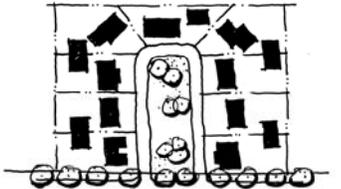
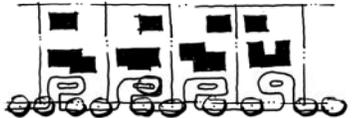
Access to residential property shall be allowed from any Type A+ through B thoroughfare where:

- (i) Lots have a minimum street frontage of 300 feet; or
- (ii) Are accessed by a margin access street or slip-road street.; or
- (iii) Are accessed by a public or private drive around a landscaped court.



(d) Driveways for Multifamily and Nonresidential Use

- (i) Unless otherwise approved or required by the City, a platted lot shall be permitted only one driveway. Such determination by the City shall consider site design, pedestrian and vehicle circulation, adjacent uses, topography, speed of traffic on the road being exited from, and other such considerations. Where required, driveways shall be contained wholly within the property frontage or as part of a joint access easement with an adjacent platted lot, tract, or parcel of land.
- (ii) Unless approved or required by the City, the permitted driveway for a corner lot shall connect to the street with the lower Thoroughfare Plan classification except that no access shall be permitted to a local residential street without approval by the City.
- (iii) Additional driveways may be considered. The table below is intended to provide criteria that will be used in making a determination. In addition, evaluation shall consider the minimum driveway spacing and location requirements are met as follows, or where analysis has determined size and configuration of a single driveway cannot accommodate the traffic.



LOT FRONTAGE	PERMITTED ADDITIONAL DRIVEWAYS
200 feet of frontage or less	No additional driveways
201 feet to 400 feet of frontage	1 additional driveway
201 feet to 600 feet of frontage	2 additional driveways
201 feet to 800 feet of frontage	3 additional driveways

- (iv) Additional driveways based on actual or projected peak hour exiting trips from the lot, parcel, or tract of land may be permitted as follows.

PEAK HOUR EXITING TRIPS	PERMITTED ADDITIONAL DRIVEWAYS
100 exiting trips or less	No additional driveways
101 – 200 exiting trips	1 additional driveway
201 – 600 exiting trips	2 additional driveways

- (v) One additional driveway may be permitted by the City Engineer for access to and from a corner lot unless there are already two driveways serving the corner lot.
- (vi) Entering and exiting lanes shall be as required below. Such lanes shall be 15 feet in width. For the purpose of computation of additional driveways, entry only and exit only partial access driveways shall be considered to be one-half of a right turn in/right turn out partial access driveway or full access driveway.

THOROUGHFARE PLAN CLASSIFICATION	DRIVEWAY TYPE	ENTERING LANES	EXITING LANES
Type A+ through C	Full Access	1	2
Type A+ through C	Right Turn In – Right Turn Out	1	1
Type A+ through C, or Minor	Entry Only	1	0
Type A+ through C, or Minor	Exit Only	0	1
Type C and Minor	Full Access or Right In/Right Out	1	1

- (vii) The following table indicates minimum driveway spacing for each adopted Thoroughfare Plan street classification for full access driveways and right turn in/right turn out partial access driveways. The distance shall be measured between the nearest edges of driveway pavements at the street right-of-way line exclusive of curb return radii.

THOROUGHFARE PLAN CLASSIFICATION	MINIMUM SPACING (ft)
Type A+ and A	150
Type B+ and B	150
Type C	100
Minor	Minimum Spacing

- (viii) All driveways shall be separated from street intersections according to the following table, unless approved by the Director where site dimensions prohibit such spacing. Driveway spacing shall be measured from back of curb or edge of pavement.

THOROUGHFARE PLAN CLASSIFICATION	INTERSECTING WITH	CLEARANCE(FT)
Type A+ or A	Type A+ or A	200
Type A+ or A	Type B+ or B	150
Type A+ or A	Type C	150
Type A+ or A	Minor or Alley	50
Type B+ or B	Type A+ or A	100
Type B+ or B	Type B+ or B	100
Type B+ or B	Type C	50
Type B+ or B	Minor or Alley	50
Type C	All	50
Minor	All	50

- (ix) Unless otherwise approved by the City Engineer, the following median length/driveway offset shall govern.

MEDIAN LENGTH	MINIMUM DRIVEWAY OFFSET (FT)
Less than 220 feet	95
220 feet to 280 feet	$(\text{Median Length} / 2) - 15$
Greater than 280 feet	125

Driveways shall meet the standards established in the City’s General Design Manual.

- (x) The minimum curb return radius shall be as provided in the following table.

THOROUGHFARE PLAN CLASSIFICATION	DRIVEWAY TYPE	MINIMUM CURB RETURN RADIUS (FT)
Type A+ through B Thoroughfare	All Types	45
Type C	All Types	30
Minor	All Types	20

Sec. 14.1612 Utilities

(a) General

- (i) Unless otherwise waived by the City Council, all lots within the City limits shall be connected to the City water and sanitary sewer systems.
- (ii) In the ETJ, all lots shall connect to the City systems. If in the opinion of the City Council it is not feasible to connect to the City systems, the applicant shall connect to an existing public system. Any lot that is approved for using septic tanks or private water wells shall meet all requirements of the County and State health department regulations.
- (iii) The applicant shall pay all costs for connecting to the City system, or, if the subdivision is in the ETJ and the City Council so approves, to an existing public system for the following public utilities, that is complete, in place and ready for service as follows:
 - A. Water mains, customer services, meter boxes, valves, fittings, fire hydrants and all appurtenances to make a complete operating water system within the subdivision or other development;
 - B. A complete sanitary sewer system including laterals and mains, manholes, clean-outs, customer service wyes, tees, lift stations, force mains, lines, and all appurtenances; and
 - C. Storm water improvements as required herein or according to adopted ordinance or Master Plan under consideration by the City.
- (iv) In the event oversized utilities improvements are required, arrangements for reimbursement could be made whereby the applicant may be allowed to recover the cost of the utilities or off-site improvements that have been provided by him beyond the needs of his development. The qualifications, method and time of payment under the reimbursement shall be established in accordance with the city's ordinances and policies relating to the emplacement of such oversized utilities.

(b) Water

(i) Water Supply and Fire Protection Standards

- A. All lots shall be provided with water supply and distribution systems for fire protection and domestic use. The design of such systems shall be approved and enforced by the City Engineer in accordance with applicable city, state and federal statutes, codes, established engineering principles and Standard Specifications and Design Criteria for the City.
- B. Fire hydrants shall be provided as part of the water distribution system and as required by the City's General Construction Design Manual.

(ii) Water System Required

Applicants shall be responsible for providing an approved public water supply system consistent with the Comprehensive Plan. Where an approved public water supply or distribution main is within reasonable distance of the subdivision, but in no case less than one-half mile away and connection to the system is both possible and permissible, the applicant shall be required to bear the cost of connecting the subdivision or their development to an existing water supply.

(iii) General Water System Design

- A.** The design and construction of the public water system shall comply with regulations covering extension of public water systems adopted by the City, the Water Master Plan and the General Design and Construction Details.
- B.** Water systems shall be of sufficient size to furnish adequate domestic water supply to furnish fire protection and water services to all lots, and to conform to the Master Water Plan for the City.
- C.** No main line extensions shall be less than, and the developer shall be required to install such a line up to, eight inches. The City may participate in over-sizing a line that is not required by the Water Master Plan.
- D.** Fire flows are required to conform to Insurance Standards Office (ISO) standards. The Fire Marshal shall be responsible for providing required fire flows for distribution to applicants. The Fire Marshal shall be responsible for updating this general listing whenever ISO standards change.

(c) Sanitary Sewer

(i) Sanitary Sewer System Required

An applicant shall be responsible for providing an approved public sanitary sewer system, consistent with the Comprehensive Plan, throughout the entire subdivision or other development such that all lots, parcels, or tracts of land will be capable of connecting to the sanitary sewer system unless otherwise allowed do to site conditions and/or constraints. Connection shall be required for all lots and subdivisions unless otherwise determined by the City. The design and construction of a public sanitary sewer system shall comply with regulations covering extension of public sanitary sewer systems adopted by the City, the Wastewater Master Plan and the General Design and Construction Details.

(ii) General Sanitary Sewer System Design

- A.** All new public sanitary sewer systems shall be designed and constructed to conform to the Standard Specifications and Design Criteria of the City.
- B.** If lift stations and/or force mains are required and approved by the City Engineer, the applicant shall be responsible for installation.

(d) Storm Water

No plat shall be approved unless the project meets the minimum requirements herein for control of the quantity of storm water runoff to the benefit of both future owners of property within the subdivision and other lands within the watershed as determined by the City.

(i) General Requirements

It shall be the responsibility of the applicant to design and construct a system for the collection and conveyance of all storm water run-off flowing onto and generated within the subdivision in accordance with:

- A.** Any specific or general requirements of these regulations;
- B.** Standard Specifications and Design Criteria for the City;
- C.** Drainage and Flood Control Ordinance of the City Code;
- D.** Established engineering practices;

- E. City-approved plans, including any regional storm water plans; and
- F. City adopted Storm Water Master Plan

(ii) Basic Design Objectives

- A. In general, the storm water management system shall be designed and constructed in accordance with the adopted Storm Water Ordinance and Design Manual and in a manner that promotes the development of a network of both natural and built drainage ways throughout the community and so as to:
 - 1. Retain natural flood plains in a condition that minimizes interference with flood water conveyance, floodwater storage, aquatic and terrestrial ecosystems, and ground and surface water;
 - 2. Reduce exposure of people and property to the flood hazard and nuisance associated with inadequate control of run-off;
 - 3. Systematically reduces the existing level of flood damages;
 - 4. Ensure that corrective works are consistent with the overall goals of the City;
 - 5. Minimize erosion and sedimentation problems and enhance water quality;
 - 6. Protect environmental quality, social well being and economic stability;
 - 7. Plan for both large flooding events and smaller, more frequent flooding by providing both major and minor drainage systems;
 - 8. Minimize future operational and maintenance expenses;
 - 9. Reduce exposure of public investment in utilities, streets and other public facilities;
 - 10. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the public;
 - 11. Acquire and maintain a combination of recreational and open space systems utilizing flood plain lands; and
 - 12. Preserve natural drainage patterns so as to prevent erosion, maintain infiltration and recharge of groundwater, and attenuate the harm of contaminants collected and transported by storm water.

(iii) General Design Requirements

- A. The storm water management system shall be separate and independent of any sanitary sewer system and its use shall not interfere with the operation and maintenance of road networks or utility systems.
- B. Any use of retaining walls or similar construction shall be indicated on construction plans for such structure.
- C. To preserve the use of land and to improve the quality of aesthetics along streets and roads, no open storm water detention facility shall be located within the front street yard or exterior side yard of a property fronting, siding or backing to an Interstate or any arterial unless determined by the Director and City Engineer that placing such detention underground is technically unfeasible. Underground detention shall be allowed on any part

of the lot with the exception of under a structural foundation of a building, unless otherwise designed by a professional engineer. The surface area of a parking lot may be used as part of the detention facility when approved by the City Engineer. Above-ground detention visible from a public street shall receive heightened landscaping to screen such as determined by the Director, unless it is created and improved as an open space amenity, as approved by the Director.

- D.** No lot or building site shall take access to a public street across a waterway unless such access is approved by the City Engineer.
- E.** Areas subject to inundation under design storm conditions shall be indicated with the minimum floor elevation of each lot so affected on the preliminary plat. The appropriate final review authority for plat approval may, when it deems necessary for the protection of the health, safety or welfare of the present and future populations, place restrictions on the subdivision, regarding the design and use of areas within a drainage way that may also include a minimum finished floor elevation 12 inches or more above design storm conditions.
- F.** Design of major drainage ways through a subdivision and major structures such as box culverts or bridges across a major drainage channel shall be coordinated with the requirements of the County when any portion of the subdivision lies outside the City limits, and when applicable, a letter requesting a local flood plain map amendment from the Federal Emergency Management Agency (FEMA) shall be provided prior to final construction plan approval.

(iv) Drainage Easements

The requirements set forth herein are not intended to be exhaustive and wherever it is necessary to make additional requirements in order to maximize the effectiveness of the drainage plan in question, such requirements shall be made by the Commission.

A. General Requirements

Where a subdivision is traversed by a watercourse, drainage way, channel or stream, a storm water easement or drainage right-of-way shall be provided that conforms substantially with the contours of such watercourse. Additional width may be required for necessary flood control measures. The minimum requirements for such easements shall be based on the 100-year flood. When parking lots or other approved use areas serve a dual function, including detention, those areas shall be designated on the plat or plan as detention areas. The drainage shall, at a minimum, be maintained by an open channel with landscaped banks having adequate width to contain the volume of flow generated by the design storm under ultimate development conditions, unless otherwise required herein.

B. Design Requirements

- 1.** Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within the street right-of-way, as determined by the City Engineer, perpetual unobstructed easements a minimum of 16 feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory

access to the road. Easements shall be recorded by separate instrument and indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

2. When a proposed drainage system will carry water across private land outside the subdivision, drainage easements shall be secured and recorded by separate instrument in the property records of the County and shown on the construction plans.
3. Low lying lands along watercourses subject to flooding or overflowing during storm periods shall be preserved and retained in their natural state as drainage ways except where modification can be shown to benefit the community and as approved by the Planning and Zoning Commission. All development activity within the regulatory floodplain must comply with City and FEMA floodplain management regulations.
4. All sedimentation, filtration, detention and/or retention basins and related appurtenances shall be within a drainage easement that is recorded in the property records of the County. The owners of the tracts upon which are located such easements, appurtenances, and detention facilities shall maintain same and be responsible for their upkeep. Notice of such duty to maintain shall be shown on the plats.

(e) Other Utilities

- (i) Utility services shall be placed underground unless a temporary above-grade connection is approved by the City.
- (ii) The applicant shall make the necessary arrangements including any construction or installation charges with each of the serving utilities for the installation of such facilities and shall be subject to all applicable laws and regulations for their construction. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, and other facilities necessarily appurtenant to such underground utilities may be placed above the ground in a location approved by the City. Electric transmission and distribution feeder lines and communication long-distance trunk and feeder lines and necessary appurtenances may be placed above the ground. Such facilities shall be placed within easements or public rights-of-way.
- (iii) Other improvements not specifically mentioned herein but found necessary due to conditions found on the site by the City may be required.

Sec. 14.1613 Stormwater Management
(Insert Stormwater Ordinance adopted July 26, 2004)

Sec. 14.1614 Improvement Guarantees

(a) Construction Prior to Recordation of Plat

If, upon final plat approval, the applicant elects to construct the improvements required in this Article prior to recording of the final plat, all construction shall be inspected while in progress and shall be approved only upon satisfactory completion by the City Engineering.

(b) Security In Lieu of Construction Prior to Recordation of Plat

If the applicant elects to file security in lieu of completing construction prior to recording of the final plat, the applicant may utilize one of the following methods of posting security. If the applicant elects to file security, the final plat shall not be approved unless the applicant has done one of the following:

(i) Performance Bond

The applicant may post a bond executed by a surety company holding a license to do business in the State of Texas, and acceptable to the City Council on the form provided by the City, in an amount of 125 percent of the cost of improvements required by this Article as estimated by a Texas licensed professional engineer and approved by the City Engineer. The performance bond shall be approved as to form and legality by the City Attorney.

(ii) Escrow Agreement

The applicant may place on deposit in an escrow account in a bank or trust company in the name of the City a sum of money equal to in an amount of 125 percent of the cost of improvements required by this Article as estimated by a Texas licensed professional engineer and approved by the City Engineer. Selection of the trustee shall be subject to approval by the City Council, and the escrow agreement shall be executed on the form provided by the City and approved as to form and legality by the City Attorney. Periodic withdrawals may be made from the escrow account for a progressive payment of installation costs. The amounts of such withdrawals shall be based upon progress work estimates approved by the City Engineer.

(iii) Irrevocable Letter of Credit

The applicant may file with the City an irrevocable letter of credit from a local bank or federally insured savings and loan association or other financial institution, acceptable to the City, agreeing to pay to the City, on demand, 125 percent of the cost of improvements required by this Article as estimated by a Texas licensed professional engineer and approved by the City Engineer. The irrevocable letter of credit shall include a letter that states the name of the subdivision, and shall list the improvements for which the applicant is required to provide that are secured by the letter of credit.

APPENDIX I FORMS

STATE OF TEXAS §

COUNTY OF DALLAS §

WHEREAS, John Doe and Joe Dokes are the Owners of a tract of land situated in the J. Foreman Survey, Abstract No. 483, Dallas County, Texas and being out of a 40 acre tract conveyed to them by Joe Smith and Tom Smith and a 0.54 acre tract conveyed to them by Jim Henry and being more particularly described as follows:

(Enter accurate property description here)

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That I/we, John Doe, Joe Dokes, Owners, do hereby bind themselves and their heirs, assignees and successors of title this plat designating the hereinabove described property as New Town Estates, an addition to the City of Lancaster, and do hereby dedicate to the public use forever the streets, alleys, and right-of-way easements shown thereon, and do hereby reserve the easement strips shown on this plat for the mutual use and accommodation of garbage collection agencies and all public utilities desiring to use or using same. 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 that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements strips, and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, without the necessity at any time of procuring the permission of anyone. Additionally, I/we certify that I/we (indicate correct options) are the sole owners of the dedicated property and that no other's interest are attached to this property unless otherwise indicated on the required Mortgage Holder Certification that is included on this plat. This plat approved subject to all ordinances, rules, regulations and resolutions of the City of Lancaster, Texas.

Witness our hands at Dallas, Texas, this _____ day of _____, 200__.

Joe Dokes, Owner

John Doe, Owner

STATE OF TEXAS §

COUNTY OF DALLAS §

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared John Doe and Joe Dokes, Owners, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they each executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this _____ day of _____, 200__.

Notary Public in and for the State of Texas

MORTGAGE HOLDER CERTIFICATION

(If no homeowners' association is involved)

That I, _____, hold a mortgage or represent holders of a mortgage on the described property herein, do hereby consent to the submission and filing of this plat designating the hereinabove described property as *New Town Estates*, an addition to the City of Lancaster and do hereby dedicate to the public use forever the streets, alleys, and right-of-way easements shown thereon and do hereby reserve the easements shown on this plat for the mutual use and accommodation of garbage collection agencies, public utilities desiring to use or using same and fire and access easements. 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 systems on any of these easements and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to ordinances, rules, regulations and resolutions of the City of Lancaster, Texas.

Witness our hands at _____, Texas, this _____ day of _____, 200__.

Signature

Title

Company

STATE OF TEXAS §
COUNTY OF *DALLAS* §

Before me, the undersigned authority, a Notary Public in and for 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 purpose and considerations therein expressed.

Given under my hand and seal of office, this _____ day of _____, 200__.

Notary Public in and for
the State of Texas

SAMPLE OWNER'S CERTIFICATE
(If a homeowners' association is involved)

STATE OF TEXAS §
COUNTY OF *DALLAS* §

WHEREAS, *John Doe and Joe Dokes* are the Owners of a tract of land situated in the *J. Foreman Survey, Abstract No. 483, Dallas County, Texas* and being out of a *40 acre tract conveyed to them by Joe Smith and Tom Smith* and a *0.54 acre tract conveyed to them by Jim Henry* and being more particularly described as follows:

APPENDIX I FORMS

(Enter accurate property description here)

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That I/we, John Doe, Joe Dokes, Owners, do hereby bind themselves and their heirs, assignees and successors of title this plat designating the hereinabove described property as New Town Estates, an addition to the City of Lancaster, and do hereby dedicate to the public use forever the streets, alleys, and right-of-way easements shown thereon, and do hereby reserve the easement strips shown on this plat for the mutual use and accommodation of garbage collection agencies and all public utilities desiring to use or using same. 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 that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements strips, and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, without the necessity at any time of procuring the permission of anyone. Additionally, I/we certify that I/we are the sole owners of the dedicated property and that no other's interest is attached to this property unless otherwise indicated on the required Mortgage Holder Certification that is included on this plat.

Furthermore, as the owner of the property described herein, and in consideration of establishing the subdivision described herein, I/we agree to the following:

- Every owner of fee simple title to every individual lot within the subdivision shall be a member of the homeowners' association;
- The homeowners' association shall have the authority to collect membership fees;
- As applicable as it pertains to conditions shown herein, the homeowners' association shall be responsible for the maintenance of all common areas, screening walls, landscaped areas, private streets and alleys.
- The homeowners' association shall grant the City the right of access to any areas to abate any nuisances on such areas, and attach a lien upon each individual lot for the prorated costs of abatement.
- The homeowners' association shall indemnify and hold the City harmless from any and all costs, expenses, suits, demands, liabilities, damages, or otherwise, including attorney fees and costs of suit, in connection with the City's maintenance of common areas.
- The homeowners' association shall, where additional rights-of-way has been dedicated for the purpose of providing landscaping, additional areas for sidewalks, walls or other amenities, enter into a license agreement with the City and shall be responsible for the installation and maintenance of all landscape areas in the public rights-of-way.

This plat approved subject to ordinances, rules, regulations and resolutions of the City of Lancaster, Texas.

Signature of Owner

STATE OF TEXAS §

COUNTY OF DALLAS §

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared John Doe and Joe Dokes, Owners, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they each executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this _____ day of _____, 200_.

Notary Public in and for
The State of Texas

MORTGAGE HOLDER CERTIFICATION
(If a homeowners' association is involved)

That I, _____, hold a mortgage or represent holders of a mortgage on the described property herein, do hereby consent to the submission and filing of this plat designating the hereinabove described property as *New Town Estates No. 2*, an addition to the City of Lancaster and do hereby dedicate to the public use forever the streets, alleys, and right-of-way easements shown thereon and do hereby reserve the easement strips shown on this plat for the mutual use and accommodation of garbage collection agencies and all public utilities desiring to use or using same. 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 systems on any of these easement strips and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Lancaster, Texas, and to requirements placed on the homeowners' association as indicated herein and remedies to the abatement of nuisance and liens on properties therein and as required.

Witness our hands at _____, Texas, this _____ day of _____, 200__.

Signature

Title

Company

STATE OF TEXAS §

COUNTY OF DALLAS §

Before me, the undersigned authority, a Notary Public in and for 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 purpose and considerations therein expressed.

Given under my hand and seal of office, this _____ day of _____, 200__.

Notary Public in and for The State of Texas

APPENDIX II. AMMENDMENTS TO OTHER SECTIONS OF LDC

Amend Art. I General Provisions with the following:

Sec XX Dormant Projects and Vested Rights

(c) Dormant Projects

- (i) An application that was approved or filed under the predecessor subdivision regulations before February 12, 2005 for a plat or a plan that was not subject to an expiration date or for a final plat that was not recorded shall expire at 5:00 p.m. on February 12, 2007.
- (ii) The owner of the land subject to a plat or plan that expires under paragraph (i) above may petition the City Council to reinstate such plat or plan in accordance with subsection (d) below within 60 working days of February 12, 2007. The petition shall clearly state the grounds for reinstatement, and shall be accompanied by documentation of one of the following:
 - A. As of February 12, 2005, one of the following events had occurred:
 - 1. In the case of an approved preliminary plat application:
 - a. A final plat for all or part of the land subject to the approved preliminary plat was approved, or was filed and was subsequently approved;
 - b. An application for a final plat was submitted for all or part of the land subject to the approved preliminary plat, but such application was rejected on grounds of incompleteness;
 - c. Costs for development of the land subject to a plat or plan, including but not limited to costs associated with public improvements designed to serve the land in whole or in part, but exclusive of land acquisition costs, were incurred in the aggregate amount of five percent or more of the most recent appraised market value of the land; or
 - d. Fiscal security was posted to ensure performance of an obligation required for development of all or a part of the land subject to the approved preliminary plat.
 - 2. In the case of an approved, unrecorded final plat application:
 - a. Costs for development of the land subject to the preliminary plat, including but not limited to costs associated with public improvements designed to serve the land in whole or in part, but exclusive of land acquisition costs, were incurred in the aggregate amount of five percent or more of the most recent appraised market value of the land;
 - b. Fiscal security was posted after approval of the final plat to ensure performance of an obligation required for all or a part of the land subject to the approved final plat; or
 - c. Utility connection fees or impact fees for all or part of the land subject to the approved final plat were paid.
 - 3. In the case of an approved plan:

- a. Costs for development of the land subject to an approved plan, including but not limited to costs associated with public improvements designed to serve the land in whole or in part, but exclusive of land acquisition costs, were incurred in the aggregate amount of 15 percent or more of the most recent appraised market value of the land;
 - b. Fiscal security was posted after approval of a plan to ensure performance of an obligation required for all or a part of the land subject to the approved plan.
- (iii) A dormant project shall not be reinstated if it is found that standards and/or regulations have been adopted since the plat or plan went dormant that are intended to accomplish goals of the City.

- B.** After February 12, 2005 but before the expiration date specified in paragraph (i), one of the following events had occurred:
 - 1.** A final plat was approved for all or part of the land subject to the approved preliminary plat, and remained in effect for such land on such expiration date; or
 - 2.** A complete application for approval of a final plat for all or part of the land subject to the approved preliminary plat was pending for decision on such expiration date.

(iii) After reviewing the petition described in paragraph (ii), the City Council may take one of the following actions:

- A.** Reinstates the expired preliminary or final plat without an expiration date, if it finds that the petitioner has met any one of the criteria listed in paragraph (ii)A;
- B.** Reinstates the preliminary plat for all or part of the subject land, if it finds that the petitioner has met any one of the criteria listed in paragraph (ii)B, subject to such expiration dates or other conditions that assure that the remaining land that is not subject to an approved or pending final plat application will be developed in a timely fashion. In granting relief under this provision, the Council may require that development of such remaining land is subject to standards enacted after approval of the preliminary plat;
- C.** Deny the petition, if it finds that the petitioner has failed to meet any of the criteria in paragraph (ii); or
- D.** Reinstates the initial permit for only that part of the land subject to a pending final permit application, if it finds that the petitioner has met the criteria in paragraph (ii)B.2 and the pending application subsequently was approved, and deny the petition for the remaining land subject to the expired initial permit.

(d) Determination of Vested Rights

(i) Vested Rights Petition

A. Purpose

The purpose of a vested rights petition is to determine if:

1. The standards of this Article should not be applied to a preliminary or final plat application;
2. The standards of a previous set of subdivision regulations should apply to a preliminary or final plat; and
3. An approved plat has expired per this sub-section..

B. Applicability

1. The provisions of this subsection shall apply to any plat for which an applicant desires to establish rights under Chapter 245 of the Texas Local Government Code.
2. A vested rights petition may be filed with an application for a preliminary or final plat application.
3. The provisions of Chapter 245 shall only apply to the specified subdivision standards set forth in the vested rights petition. Any modification of the subdivision standards shall be considered a new project subject to the provisions of this LDC.
4. The provisions of Chapter 245 shall not apply to any of the following:
 - a. Regulations that do not affect open space dedication or that do not change development permitted by a restrictive covenant required by the City;
 - b. Fees imposed in conjunction with a development review procedure;
 - c. Regulations for annexation that do not affect landscaping or tree preservation or open space dedication;
 - d. Regulations for utility connections;
 - e. Regulations to prevent imminent destruction of property or injury to persons from flooding that are effective only within a flood plain established by a federal flood control program and enacted to prevent the flooding of buildings intended for public occupancy;
 - f. Construction standards for public works located on public lands or easements; or
 - g. Regulations to prevent the imminent destruction of property or injury to persons if the regulations do not:
 - i. Open space dedication or the timing of a project; or
 - ii. Change development permitted by a restrictive covenant required by the City.
 - h. Regulations governing landscaping, tree preservation and lot standards

C. Effect

Upon approval of a vested rights petition, the plat application shall be decided in accordance with the standards specified in the relief order based on prior subdivision regulations, or the approved plat otherwise subject to expiration shall be extended.

(ii) Petition Requirements

- A.** A vested rights petition may be filed with a preliminary or final plat application for which a vested right is claimed, or by the holder of a plat subject to expiration pursuant to subsection (c) above or (e).
- B.** A vested rights petition shall contain the following information:
 - 1.** A narrative description of the grounds for the petition;
 - 2.** A copy of each approved or pending development application which is the basis for the contention that the City may not apply current standards to the plat application which is the subject of the petition;
 - 3.** The date of submittal of the plat application, or of a development plan pursuant to which the plat was subsequently filed, if different from the official filing date established under Sec. 14.203.
 - 4.** The date the project for which the application for the plat was submitted was commenced.
 - 5.** Identification of all standards otherwise applicable to the plat application from which relief is sought;
 - 6.** Identification of the standards which the petitioner contends apply to the plat application;
 - 7.** Identification of any current standards which petitioner agrees can be applied to the plat application at issue;
 - 8.** A copy of any prior vested rights determination by the City involving the same land; and
 - 9.** Where the petitioner alleges that a plat subject to expiration under subsection (c) above or (e) should not be terminated, a description of the events, including any plat or other development applications on file, which should prevent such termination.

(iii) Review Process

A. Director of Community Development Review

- 1.** The Director shall review the vested rights petition and, considering the review criteria in paragraph (iv) below, make a recommendation to the Planning and Zoning Commission.
- 2.** The director's report and each decision on the vested rights petition shall be memorialized in an order identifying the following:
 - a.** The nature of the relief granted, if any;
 - b.** The approved or filed plat applications upon which relief is premised under the petition;
 - c.** Current standards which shall apply to the plat application for which relief is sought;
 - d.** Prior standards which shall apply to the plat application for which relief is sought, including any procedural standards;

- e. The statutory exception or other grounds upon which relief is denied in whole or in part on the petition;
- f. For petitions filed pursuant to subsection (c) above or (e), whether the approved plat should be terminated, and the expiration date or the conditions of expiration for the plat.

B. Planning and Zoning Commission Final Action

The Planning and Zoning Commission shall take any of the following final actions in conjunction with its decision on the plat application.

- 1. Deny the relief requested in the petition, and direct that the plat application shall be reviewed and decided under currently applicable standards;
- 2. Grant the relief requested in the petition, and direct that the plat application shall be reviewed and decided in accordance with the standards contained in identified prior subdivision regulations;
- 3. Grant the relief requested in part, and direct that certain identified current standards shall be applied to the plat application, while standards contained in identified prior subdivision regulations also shall be applied; or

C. For petitions filed pursuant to subsection (c) above or (e), determine whether the approved plat Appeal of Decision on Petition

- 1. The petitioner or any interested person may appeal the Planning and Zoning Commission's decision on the vested rights petition within 10 working days of the date of such decision to the City Council. Such appeal stays acceptance of further filing of any related development applications.
- 2. The City Council on appeal shall decide the vested rights petition. The request shall be accompanied by an Exception of the time for decision on the plat application imposed under this Article pending decision by the Council, which shall stay further proceedings on the application. The Council shall decide the petition, after considering the recommendation of the Director of Community Development and the decision of the Planning and Zoning Commission within 30 calendar days of receipt of the notice of appeal.

(iv) Review Criteria

In making a recommendation or taking final action on a vested rights petition, the applicable development review bodies shall consider the following criteria.

- A. The nature and extent of prior plat or other development applications filed or approved for the land subject to the petition;
- B. Whether any prior vested rights determinations have been made with respect to the property subject to the petition;
- C. Whether any prior approved applications for the property have expired or have been terminated in accordance with law;
- D. Whether any statutory exception applies to the standards in this Article from which the applicant seeks relief;
- E. Whether any prior approved plat or other development applications relied upon by the petitioner have expired; and

- F.** For petitions filed pursuant to subsection (c) above or (e), whether any of the events preventing expiration have occurred.

(v) Application Following Relief Order

- A.** Following the final decision on the vested rights petition, the petitioner shall revise the plat application to conform with such decision. If the plat application on file is consistent with the relief granted on the vested rights petition, no revisions shall be necessary.
- B.** Where proceedings have been stayed on the plat application pending referral of the vested rights petition to the City Council, proceedings on the application shall resume after the Council's decision on the vested rights petition.

(vi) Expiration

Relief granted on a vested rights petition shall expire on occurrence of one of the following events:

- A.** The petitioner fails to submit a required revised plat application consistent with the relief granted within 30 days of the final decision on the petition;
- B.** The plat application for which relief was granted on the vested rights petition is denied under the criteria made applicable through the relief granted on the petition; or
- C.** The plat application for which relief was granted on the vested rights petition expires.

Amend Article XV I Definitions with the following:

Easement. Authorization by a property owner for the use by the public, a corporation or persons, of any designated part of his property for specific purposes.

Engineer. A person duly authorized and licensed under the provisions of the Texas Engineering Registration Act, as heretofore or hereinafter amended, to practice the profession of engineering.

Extraterritorial Jurisdiction (ETJ). Within the terms of the Texas Municipal Annexation Act, the term "extraterritorial jurisdiction" means the unincorporated area, not a part of any other city, which is contiguous to the corporate lines of the city, the outer boundaries of which are measured from the extremities of the corporate limits of the city outward for such distances as may be stipulated in the Texas Municipal Annexation Act in accordance with the total population of the incorporated city in which area, within the terms of the act, the city may enjoin the violation of its ordinances and codes.

Floodplain. As defined in the Drainage and Flood Control Ordinance as found in Chapter 3, Article 3.1400 of the City Code or as defined by FEMA.

General Design and Construction Details. Engineering design and construction details as may be adopted by the City, including the General Design Manual.

General Design Manual.

Hike and Bike Trail Master Plan. The City's adopted hike and bike trail plan as may be amended from time to time.

Improvements. All facilities constructed or erected by an applicant within a subdivision to permit and facilitate the use of lots or blocks for a principal residential, business or manufacturing purpose. Improvements shall include all facilities listed in (g). The term may be used synonymously with "development."

Owner. Any person or persons, firm or firms, corporation or corporations or any other legal entity having legal title to land sought to be subdivided under these regulations.

Open Space, Public. Land in a predominantly natural state which is free of any structures not directly related to the function of the open space.

Parks and Open Space Master Plan. The City's parks and open space plan as may be amended from time to time.

Property Line. The boundary of any lot, parcel or tract as the same is described in the conveyance to the owner, and shall not include the streets or alleys upon which the said lot, parcel or tract may abut.

Reserve Strip. A narrow strip of land along a property line reserved to control access to abutting properties or public rights-of-way.

Right-of-Way, Public. All streets, roadways, sidewalks, alleys and all other areas reserved for present or future use by the public as a matter of right for the purpose of vehicular or pedestrian travel.

Sidewalk. A paved pedestrian walkway, extending for the entire length of a block or blocks parallel to a street right-of-way line or street pavement edge, which walkway shall be constructed within the right-of-way of any public street.

Storm Water Master Plan. The City's adopted storm water plan as may be amended from time to time.

Streetscape Master Plan. The City's adopted streetscape plan as may be amended from time to time.

Wastewater Master Plan. The City's adopted wastewater plan as may be amended from time to time.

Water Master Plan. The City's adopted fresh water supply plan as may be amended from time to time.