



DATE: August 22, 2023
TO: Honorable Mayor & City Council
FROM: Planning & Zoning Commission
VIA: Eric Hill, AICP, Assistant Director of Planning acting as Secretary of the Planning & Zoning Commission
Christina D. Day, AICP, Director of Planning 
SUBJECT: Results of Planning & Zoning Commission Meeting of August 21, 2023 

AGENDA ITEM NO. 1D – SUBDIVISION ORDINANCE AMENDMENT 2023-001
PETITIONER: CITY OF PLANO

Request to amend various sections of the Subdivision Ordinance to align with the Street Design Standards.
Tabled on July 17, 2023. Project #SOA2023-001.

APPROVED: 7-0-1

Speaker Card(s) Received	Support: <u>0</u>	Oppose: <u>7</u>	Neutral: <u>1</u>
Petition Signatures Received:	Support: <u>0</u>	Oppose: <u>0</u>	Neutral: <u>0</u>
*Other Responses:	Support: <u>0</u>	Oppose: <u>8</u>	Neutral: <u>19</u>

All responses for Items 1A-E are reported together due to the interrelated nature of the topic.

RESULTS:

The Commission recommends approval of the item as shown in Exhibit A.
Commissioner Lisle recused himself due to a conflict of interest.

To view the hearing, please click on the provided link:
<https://planotx.new.swagit.com/videos/269726?ts=971>

MK/kob

cc: Eric Hill, Assistant Director of Planning
Christina Sebastian, Land Records Planning Manager
Mike Bell, Comprehensive Planning Manager
Caleb Thornhill, Director of Engineering
Brian Shewski, Transportation Manager

AGENDA ITEM NO. 1D

PUBLIC HEARING: Subdivision Ordinance Amendment 2023-001

PETITIONER: City of Plano

DESCRIPTION: Request to amend various sections of the Subdivision Ordinance to align with the Street Design Standards. Tabled on July 17, 2023. Project #SOA2023-001.

SUMMARY:

The purpose of this request is to amend the Subdivision Ordinance to align with the proposed updates to the Thoroughfare Standards Rules and Regulations, to be retitled the Street Design Standards. These amendments will ensure consistency between the Subdivision Ordinance and the Street Design Standards, Comprehensive Plan, and Zoning Ordinance. For these reasons, staff recommends approval.

STAFF PRELIMINARY REPORT - REMARKS

BACKGROUND:

The City of Plano is updating the [Thoroughfare Standards Rules and Regulations](#) (now called Street Design Standards). The Thoroughfare Standards are used in conjunction with the Comprehensive Plan, Subdivision Ordinance, and Zoning Ordinance to regulate the design and location of city streets, sidewalks, alleys, and other roadway improvements. As part of this update, additional ordinances, including the Subdivision Ordinance, need to be amended to align with the new Street Design Standards. This request is a companion item to Agenda Item No. 1A, to adopt the Street Design Standards, and should be considered contingent upon all approval of all related agenda items. The items work together to direct and regulate development and changes are inconsistent if one is approved without the others.

The Commission [called a public hearing](#) on March 1, 2023, to consider amending the Subdivision Ordinance to align with the proposed changes to the Thoroughfare Standards Rules and Regulations.

REMARKS:

The Subdivision Ordinance is used to regulate the preparation of land for development and redevelopment through the platting process, which ensures all properties have adequate access and infrastructure to serve their needs before construction occurs. The Ordinance outlines the requirements for public improvements, such as streets, sidewalks, utilities, drainage, park dedication, and thoroughfare screening. Additionally, the Subdivision Ordinance includes regulations that promote an orderly configuration of lots in relation to the street network, allow safe access to subdivisions from major roadways, and prevent inappropriate uses from fronting certain types of streets.

Summary of Proposed Changes

The following is a brief explanation of the proposed updates to the Subdivision Ordinance recommended to align with the Street Design Standards. The proposed changes are included as Exhibit A and a [clean version of the text is available online](#).

1. Restructuring of Article V (Requirements for Public Improvements, Reservation and Design) to add new subsections for traditional neighborhood, nonresidential and multifamily, and mixed-use development types.
2. Street standards pertaining to mixed-use developments which are currently located in the Zoning Ordinance are proposed to move into the Subdivision Ordinance as they are intended to regulate public improvements which fall under the jurisdiction of the Subdivision Ordinance.
3. Agenda item 1E notes changes made to the Subdivision Ordinance related to private street subdivision guidelines. The proposed Street Design Standards and associated amendments to the Subdivision Ordinance incorporate the remaining guidelines into these documents, rendering the Private Street Subdivision Guidelines obsolete. The proposed changes include updates regarding the development of single-family subdivisions with private street networks.

4. Minor edits are proposed for Articles I (General Provisions), II (Definitions), and III (Platting Procedures) to update terms used and adjust processes as needed to conform to the new Street Design Standards.

STAFF PRELIMINARY REPORT - ANALYSIS & RECOMMENDATION

SUMMARY:

The purpose of this request is to amend the Subdivision Ordinance to align with the proposed updates to the Thoroughfare Standards Rules and Regulations, to be retitled the Street Design Standards. These amendments will ensure consistency between the Subdivision Ordinance and the Street Design Standards, Comprehensive Plan, and Zoning Ordinance. For these reasons, staff recommends approval.

RECOMMENDATION:

Recommended for approval as shown in Exhibit A (additions are indicated in blue text; deletions are indicated in red strikethrough text; text that has been relocated but is otherwise unchanged is indicated in purple text).

Subdivision Ordinance Amendment Case 2023-001 Draft Standards

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Amend Section 1.12 (Waivers from Development Exactions) of Article I (General Provisions), such section to read in its entirety as follows:

1.12 Waiver from Development Exactions

The property owner or applicant for ~~preliminary plat~~ development approval may file a petition for relief from a dedication or construction requirement that is applied or imposed as a condition of approval of a conveyance plat, preliminary plat, ~~or~~ final plat, or site plan. Waiver requests shall be considered in accordance with the following procedures:

- a. Petition for Relief - The property owner or applicant must submit a written petition for relief to the Planning Department at least 10 days prior to the Commission's consideration of a conveyance plat, preliminary plat, ~~or~~ final plat, or site plan. The petition shall set forth the reasons for the waiver request and must indicate the dedication and/or construction requirements for which relief is being requested. An applicant may also submit a petition for relief from conditions of plat or site plan approval added by the Commission in its consideration of a conveyance plat, preliminary plat, ~~or~~ final plat, or site plan. This petition must be submitted no later than 10 days following the Commission's action.
- b. Consideration of Plat Development Application - After receipt of a petition for relief, the Planning Department shall schedule consideration of the plat or site plan ~~only~~, within a reasonable time or within any time frame required by state law. The Commission shall approve the plat or site plan subject to future consideration of the applicant's petition for relief from a dedication or construction requirement, or disapprove the plat or site plan.
- c. Study Requirements - The city shall provide a study in support of the dedication or construction requirements. The petitioner may provide a study in support of the waiver request for their petition for relief. The city's study shall include the following information:
 1. Total capacity of the city's public infrastructure system or improvements to be dedicated to the city to be utilized by the proposed subdivision, employing standard measures of capacity and equivalency tables that relate the type of development proposed to the quantity of system capacity. In no case shall the calculation of the capacity used by a proposed commercial or multifamily development be based on development intensities less than the mid-point of intensity allowed by the particular zoning for the property. If the proposed subdivision is to be developed in phases, such information shall be provided for the entire development, including any phases already developed.
 2. Total capacity to be supplied to the city's public infrastructure system by the proposed dedication of an interest in land or construction of capital improvements. If the development application is part of a phased development, the information

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shall include any capacity supplied by prior dedications or construction of capital improvements.

3. Comparison of the capacity of the city's public facilities system to be consumed by the proposed subdivision with the capacity to be supplied by the proposed dedication of an interest in land or construction of capital improvements. In making this comparison, the impacts on the city's public facilities system from the entire development shall be considered.
 4. The effect of any city participation in the costs of oversizing the capital improvements to be constructed in accordance with the city's requirements.
- d. Processing of Petition - The Director of Engineering shall evaluate the petition and any supporting study provided by petitioner and make a recommendation to the Commission based upon the city's study, any submitted petitioner's study and his own analysis. The Director of Engineering may utilize any reasonable methodology and information in evaluating the information.
- e. Consideration of Petition for Relief - The petition for relief will be considered by the Commission no later than 30 days after receipt of an applicant's petition for relief. Based upon the application, the city's study, any submitted petitioner's study and the Director of Engineering's recommendation, the Commission shall determine whether the application of the regulations for dedication or public improvements is roughly proportional to the nature and impact created by the development. The Commission shall take one of the following actions in considering the petition for relief:
1. Deny the petition for relief, and impose the standard or condition requiring dedication or construction of capital improvements in accordance with the regulations contained within this ordinance.
 2. Grant the petition for relief, and waive in whole or in part any dedication or construction requirement necessary to meet the criteria for approval.
 3. Accept alternative designs for the public infrastructure system or improvements to be dedicated to the city.
 4. Delay the imposition of the requirement until a future phase of development. If a delay is granted, the future phase of development must be clearly defined.
 5. Reduce the applicant's cost of the dedication or construction requirement.
- f. Criteria for Approval - The Commission shall determine whether the application of the regulations requiring dedication of an interest in land for public improvements or construction of capital improvements is roughly proportional to the nature and extent of

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the impacts created by the proposed development on such water, wastewater, roadway, or drainage system, and reasonably benefits the development. The Commission shall take into account the evidence submitted by the city, the petitioner and the Director of Engineering's recommendation.

- g. Appeals - The decision of the Commission on a petition for relief may be appealed in accordance with Article III, Section 3.8 of this ordinance. An appeal constitutes authorization for the plat **or site plan** to also be placed on the Council's agenda for consideration and action. After hearing any testimony and reviewing the evidence, the Council shall make a determination within 30 days following the final submission of any testimony or evidence of the developer in accordance with Section 212.904 of the Texas Local Government Code.
- h. Lapse of ~~Plat~~ Approval - If relief is granted to the petitioner, it shall remain in effect for the time period specified in Article III **of this Ordinance** for each type of plat **or Article 3 of the Zoning Ordinance for site plans**, and shall end upon expiration of the **plat or site plan**. Plat approvals may be extended as provided in Article III **of this Ordinance**. **Site plan approvals may be extended as provided in Article 3 of the Zoning Ordinance**.
- i. Plat **or Site Plan** Modification - If a plat **or site plan** for which relief was granted is modified to increase the number of residential units or the intensity of nonresidential uses, the Director of Engineering may prepare a new study to validate the relief. The petitioner may file for relief, and the new application and study shall be submitted and processed according to the procedures outlined in Sections 1-5.

Amend Section 2.2 (Words and Terms Defined) of Article II (Definitions), such portions of section to read as follows, and the remaining terms relettered:

2.2 Words and Terms Defined

...

- aa. Development Regulations - The term used to collectively refer to the following city codes and ordinances, as amended:
 - 1. Zoning Ordinance;
 - 2. Subdivision Ordinance;
 - 3. **Street Design Standards** ~~Thoroughfare Standards Rules, & Regulations~~; and
 - 4. Any other development-related code or ordinance that is incorporated herein by reference.

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- gg. Existing Street - Any street for which right-of-way has been dedicated and the original construction, in whole or in part, has been completed and accepted by the Engineering Department, resulting in a functional transportation facility.
...
- jj. Future Street - Any street shown on the Thoroughfare Plan Map which is not in use at the time the plat to dedicate the right-of-way for the street is filed.
...
- tt. Officially Approved Place - Access, other than a dedicated street, to a property, which is approved by the city.
...
- eee. Property Owners' Association - Shall have the meaning prescribed in Section 202.001 of Chapter 202 (Construction and Enforcement of Restrictive Covenants) of the Texas Property Code. The term property owners' association shall be inclusive of governance association.
...
- hhh. Quasi-Public Street - Privately owned and maintained drives open to public access.
...
- ppp. ~~kkk.~~ Standard Street - A street or highway that meets or exceeds the minimum specifications in the city's Street Design Standards ~~Thoroughfare Standards Rules & Regulations~~, Engineering Construction Standards, and Thoroughfare Plan.
...
- uuu. ~~ppp.~~ Substandard Street - An existing street, or highway that does not meet the minimum specifications in the city's Street Design Standards ~~Thoroughfare Standards Rules & Regulations~~ and Engineering Construction Standards, or if a State Highway or FM Highway does not meet the minimum Standard Specifications of the State Department of Highways and Public Transportation and is not constructed to the ultimate extent for the type of roadway it is designated for in the Thoroughfare Plan.
...
- xxx. ~~sss.~~ Thoroughfare Plan Map - A component of the city's Comprehensive Plan that shows the overall future roadway network for the city, along with ~~the ultimate right-of-way widths and~~ design configuration for various types of roadways within the city.

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...

Amend Section 3.8 (Appeals to Council) of Article III (Platting Process), such section to read in its entirety as follows:

3.8 Appeals to Council

The applicant, Director of Planning, or two members of Council may appeal the decision of the Commission with regard to any type of plat, ~~or a~~ variance, or petition by filing a Notice of Appeal in the office of the Director of Planning, no later than ten (10) calendar days after the date on which the Commission notifies the applicant of its decision. Such notification may take place by means of an oral ruling by the Commission at a public meeting. Written notice of any appeal shall be sent to the property owner. The Notice of Appeal shall set forth in clear and concise fashion the basis for the appeal. The Council shall consider the appeal at a public meeting no later than forty-five (45) calendar days after the date on which the Notice of Appeal is filed. The Council may affirm, modify, or reverse the decision of the Commission and may, where appropriate, remand the plat, or variance request to the Commission for further proceedings consistent with Council's decision.

Amend Section 5.1 (General Requirements) of Article V (Requirements for Public Improvements, Reservations and Design), such section to read in its entirety as follows:

5.1 General Requirements

- a. Plats Straddling Municipal Boundaries - Whenever access to the subdivision or development is required across land in another municipality, the Commission may request assurance from that municipality's attorney that access is legally established, and from its engineer that the access road is adequately improved, or that a bond has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal, county or school district boundary lines.
- b. Remainders – A plat may not be approved if it results in a remainder of unplatted property that cannot be platted under the terms of this ordinance.
- c. Corner and Reference Markers -
 1. All lot corners shall be located and marked with one half (1/2) inch reinforcing bar, eighteen (18) inches in length, and shall be placed flush with the ground or counter sunk, if necessary, in order to avoid being disturbed.

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2. Iron rods, one inch in diameter and eighteen (18) inches long, shall be placed on all boundary corners, block corners, curve points, and angle points in public rights-of-way. Monuments shall be located as required by the Director of Engineering and shall be located along all drainage/floodway boundaries at all curve points, angle points and at least one (1) monument at lot corners. One (1) monument may serve two (2) lots if located at a common corner.

d ~~b~~. Character of the Land - Land that the Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or development and/or its surrounding areas, shall not be subdivided or platted unless adequate methods are formulated by the owner and approved by the Commission, upon recommendation of the Director of Engineering, to solve the problems created by the unsuitable land conditions.

e ~~e~~. Adequate Public Facilities Policy - The land proposed for subdivision must be adequately served by essential public facilities and services. These services include street access, water, wastewater disposal, and stormwater management. No plat or replat may be approved unless it conforms to this policy and its standards. This policy may be further defined and supplemented by other ordinances adopted by the City of Plano. This policy does not apply to the approval of conveyance plats.

1. Street Access - All platted lots must have safe and reliable street access for daily use and emergency purposes.

(a) All platted lots must have direct access to an improved public street, private street, or an approved public way, and connected by improved public streets to an improved public thoroughfare.

(b) Except for lots which are provided access from an approved cul-de-sac, all subdivisions must have two means of access or approach. Where development phasing or constraints of the land prevent the provision of a second, separate means of access, the city may accept a temporary street connection, or a median divided street or entry to satisfy this requirement.

2. Water - All platted lots must be connected to a public water system which is capable of providing water for health and emergency purposes.

(a) Except for lots along an approved cul-de-sac, all lots must be provided service connections from a looped water main providing water flow from two directions or sources.

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- (b) Water service must be sufficient to meet the fire flow requirements of the proposed development, except where a suitable alternative means of fire protection is approved by the city's Fire Department.
 - (c) The city may accept development phasing, development restrictions, and/or the construction of improvements to maintain adequate fire protection.
3. Wastewater - All platted lots must be served by an approved means of wastewater collection and treatment.
- (a) Onsite wastewater treatment systems will not be permitted, except for the pretreatment of industrial waste.
 - (b) The projected wastewater discharge of a proposed development shall not exceed the capacity of the wastewater system.
 - (c) The city may accept the phasing of development and/or improvements to the systems so as to maintain adequate wastewater capacity.
4. Stormwater Management - Increased stormwater runoff attributable to new development must not exceed the capacity of the downstream drainage system or adversely affect adjoining property. Where the projected runoff would exceed capacity, the city may accept one or more of the following: the phasing of development, the use of control methods such as retention or detention, and/or the construction of offsite drainage improvements as means of mitigation.
- f ~~d.~~ Alternative Public Facilities Design - Alternative public facilities design intended to reduce stormwater quantity will be considered if submitted as part of a site-specific stormwater management plan. Alternative facilities design shall be subject to approval by the Director of Engineering.
- g ~~e.~~ Subdivision or Addition Name - The proposed name of the subdivision or addition shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or addition in the area covered by these regulations and shall, where possible correspond to named subdivisions or additions in the immediate vicinity. The Commission shall have final authority to approve the name of the subdivision or addition.
- ~~f. Corner and Reference Markers~~
- ~~1. All lot corners shall be located and marked with one half (1/2) inch reinforcing bar, eighteen (18) inches in length, and shall be placed flush with the ground or counter sunk, if necessary, in order to avoid being disturbed.~~

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- ~~2. Iron rods, one inch in diameter and eighteen (18) inches long, shall be placed on all boundary corners, block corners, curve points, and angle points in public rights-of-way. Monuments shall be located as required by the Director of Engineering and shall be located along all drainage/floodway boundaries at all curve points, angle points and at least one (1) monument at lot corners. One (1) monument may serve two (2) lots if located at a common corner.~~

Amend Section 5.2 (Lot Design and Improvements) of Article V (Requirements for Public Improvements, Reservations and Design), such section to read in its entirety as follows:

5.2 Lot Design and Improvements

a. General

1. ~~a.~~ Lot Arrangement - The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Ordinance, Building Code and other applicable ordinances, laws and regulations. Driveway access shall be provided to buildings on the lots from an approved street, alley, or public way.
2. ~~b.~~ Lot Dimensions - Lot dimensions shall comply with the minimum standards of the Zoning Ordinance. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking, landscaping, and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance.
3. Lot Grading and Drainage - Drainage for lots shall be designed in accordance with the city's Storm Drainage Design Manual. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots. The land shall be platted with appropriate regard for all topographical and drainage features. A grading plan shall be provided with contours at an interval of two (2) feet or less. Except where approved by the Director of Planning or Engineering, all single-family residential lots less than twenty thousand (20,000) square feet in size must be graded to meet the elevation of adjoining property. The center of a single-family or duplex residential lot shall not be higher than three (3) feet above the top of the street curb. Multifamily and nonresidential lots shall be graded to match elevations at adjoining properties to provide good access and to

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minimize the use of retaining walls. Cuts or fills which do not allow grades to match elevations at adjoining properties will not be permitted, unless authorized by the Director of Planning or Engineering when deemed necessary for engineering conditions.

4. Debris and Waste - No cut trees, timber, debris, large rocks or stones, junk, rubbish or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of final acceptance by the Director of Engineering, and removal of those items and materials shall be required prior to such acceptance. No items and materials as herein described shall be left or deposited in any area of the subdivision or development at the time of expiration of any improvement agreement or acceptance of dedication of public improvements, whichever is sooner. However, dirt or topsoil may be stockpiled on a property with approval of the Director of Engineering.

b. Typical Neighborhood Development

1. General - A residential plat shall be subject to all the requirements of these regulations, except those that clearly pertain only to nonresidential or mixed-use properties, as well as such additional standards as may be required by the Commission, and shall conform to the proposed land use and standards established in the Comprehensive Plan and Zoning Ordinance. Site plan approval and plat approval may proceed simultaneously at the discretion of the Commission.
2. Design Principles - In addition to these regulations, which are appropriate to all platting, the applicant shall demonstrate to the satisfaction of the Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity.
3. Frontage Standards -
 - (a) Residential lots must have a minimum frontage of twenty-four (24) feet on a dedicated street for single-family detached, two-family or patio home uses or a minimum frontage of fifteen (15) feet for single-family attached uses, except where varied through approval of a planned development district. Residential lots must have a minimum frontage of twenty (20) feet on an alley.
 - (b) ~~e.~~ Double Frontage Residential Lots - Double frontage and reversed frontage lots shall be avoided except where necessary to separate residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

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- (c) Where subdivisions or developments are platted so that the front yards of single-family residential lots are adjacent to a dedicated roadway, the owner shall provide at his sole expense one (1) of the following types of treatment:
- i. Residential lots shall meet the Neighborhood Context of the Street Design Standards.
 - ii. Types A-D Thoroughfares - Residential lots shall not front onto a Type A, B, C, or D streets unless the residential lots front onto a parallel access road.
 - a) The minimum distance between adjacent curbs of the street and the access road shall be 20 feet.
 - b) Access road right-of-way shall be in addition to the street right-of-way and access roads shall not connect to the adjacent street.
 - iii. Type E Thoroughfares - Residential lots shall not front a designated Type E Thoroughfare unless the following development standards are met:
 - a) A minimum lot width of one hundred (100) feet;
 - b) A minimum front yard setback of fifty (50) feet; and
 - c) A circular driveway shall be provided with a minimum of six (6) off-street paved parking spaces.
 - iv. Types F-G Thoroughfares - Residential lots shall not front onto Type F or G streets within 100 feet of the right-of-way line of the nearest Type B or C street.
 - v. Roundabouts - Residential lots shall not front onto a roundabout. Residential lots adjacent to roundabouts shall be oriented so that their homes do not face the roundabout and their driveways do not intersect with the roundabout or along any section of street with a splitter island.
 - vi. Medians - Residential lots are allowed to front onto a divided Type D street that has 24 feet of pavement, face to face, on each side of the median. In that case, on-street parking shall be prohibited adjacent to the median.
4. Access from Residential Subdivisions or Developments - All residential lots established following the effective date of this ordinance, XX-XX-XX, shall meet the following access criteria:

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- (a) Roundabouts - Residential lots shall not take access from a roundabout and shall be oriented so that buildings do not face the roundabout. Sufficient frontage shall be provided along an adjacent Type F or G thoroughfare to accommodate driveway connections that meet the minimum separation requirements of the Street Design Standards.
- (b) Public Entrance Streets - A residential subdivision shall comply with the following requirements for public entrance streets:
 - i. Unless approved as a cul-de-sac, all residential subdivisions abutting a Type D or above thoroughfare shall include at least one (1) primary public entrance street and one (1) secondary public entrance street, designed in accordance with the Street Design Standards.
 - ii. If built in phases, a primary public entrance street shall be constructed in the first phase.
 - iii. Regardless of phased construction, neighborhoods of connected, contiguous residential subdivisions greater than 100 acres in size (including parks, schools, or floodplain areas) should be designed to include at least one (1) primary entrance street along each Type D or above thoroughfare bounding the neighborhood.
 - iv. A neighborhood with public residential streets shall have a minimum of two public entrance streets regardless of any connections it may have to a private neighborhood. A public entrance street cannot be removed or converted to a private entrance street unless the public portion of the neighborhood retains at least two other public entrance streets.

5. ~~d.~~ Blocks -

- ~~1. Blocks shall generally have sufficient width to provide for two (2) tiers of lots of appropriate depths.~~
- ~~2. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed twelve hundred (1,200) feet.~~

- (a) Block Length - Blocks shall not exceed 1,200 feet in length, measured from street right-of-way line to street right-of-way line. In the case of non-rectangular blocks, each side of the block with lots fronting onto it shall not exceed 1,200 feet, measured between the vertices formed by the extension of right-of-way lines at each corner of the block.

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- i. Residential blocks shall be further restricted so that they shall contain no more than 20 lots on one side.
 - ii. Residential blocks with a continuous series of lots longer than 1,200 feet, measured along one or more sides, are required, where practical, to be bisected by a pedestrian easement and a sidewalk.
- (b) Block Width - Residential blocks shall be wide enough to allow two tiers of lots and shall have a block width no less than 200 feet, except when only one tier of lots is possible due to the size of the property or the need to back up to a Type B-E streets and required thoroughfare screening is provided.
6. Soil Preservation and Final Grading - Top soil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover on the lots and parkways. Permanent erosion control measures, such as grassed parkways, shall be provided throughout the development prior to final acceptance of the improvements. All areas disturbed during the construction process must be revegetated.
7. Improvement Agreement and Security to Include Lot Improvements for Residential Subdivisions - The applicant shall enter into an improvement agreement secured by suitable surety to guarantee completion of all improvement requirements on individual lots including, but not limited to, soil preservation, removal of debris and waste, and all other lot improvements required by the Director of Engineering. Whether or not a building permit or certificate of occupancy has been issued, the city may enforce the provisions of the improvement agreement where the provisions of this section or any other applicable law, ordinance, or regulation have not been met.
- c e. Nonresidential and Traditional Multifamily Developments Plats -
 1. General - A nonresidential or multifamily plat shall be subject to all the requirements of these regulations, except those that clearly pertain only to residential or mixed-use properties, as well as such additional standards as may be required by the Commission, and shall conform to the proposed land use and standards established in the Comprehensive Plan and Zoning Ordinance. Site plan approval and plat approval may proceed simultaneously at the discretion of the Commission.
 2. Design Principles - In addition to these regulations, which are appropriate to all platting, the applicant shall demonstrate to the satisfaction of the Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles shall be observed:

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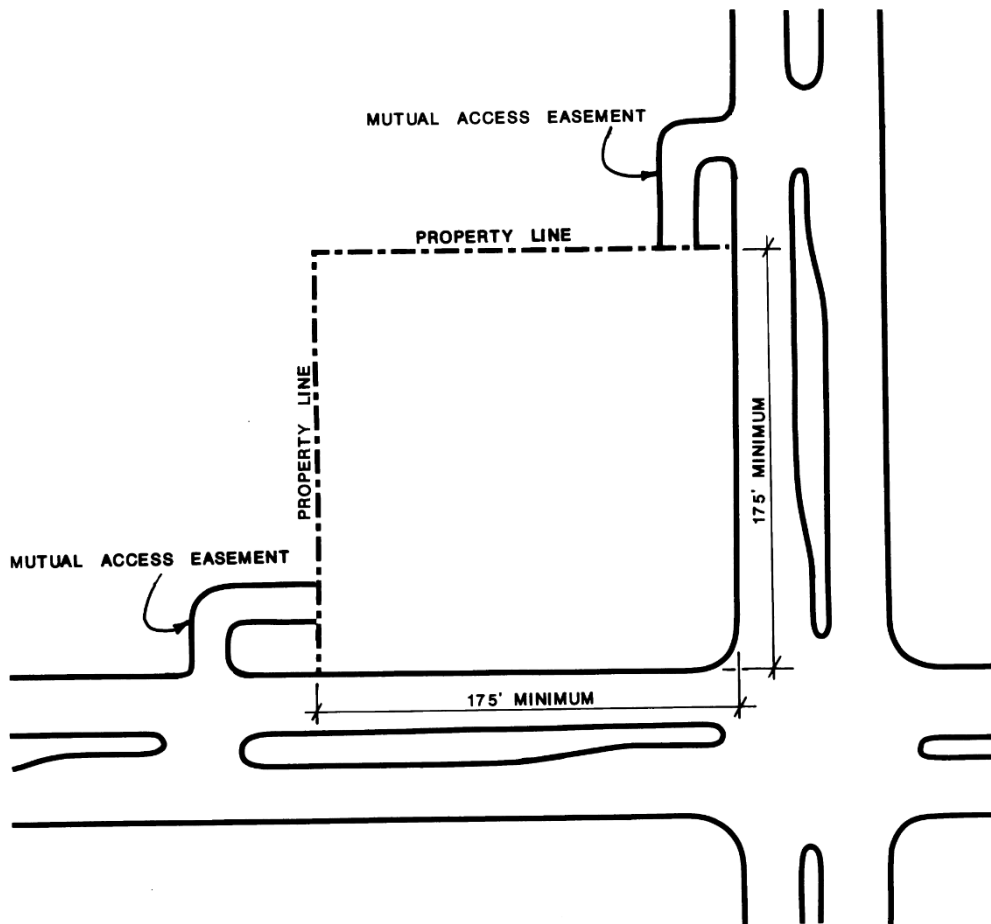
- (a) Proposed nonresidential parcels shall be suitable in area and dimensions to the types of nonresidential development anticipated.
 - (b) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
 - (c) Residential areas shall be protected from potential nuisance from a proposed nonresidential plat.
 - (d) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or future residential areas.
3. Frontage ~~and Access~~ Standards - All nonresidential lots established following the effective date of this ordinance shall meet the following frontage and access criteria:
- (a) ~~Frontage~~ - Corner Lots - Corner lots must have a minimum continuous frontage of one hundred and seventy-five (175) feet on all abutting streets. Except as provided below, all non-corner lots must have a minimum continuous frontage along abutting public streets based on the street's classification. Where a lot abuts a Type C (or higher) street, the minimum frontage is one hundred and fifty (150) feet. Where a lot abuts a Type D (or lower) street, the minimum frontage shall be one hundred (100) feet. Where a non-corner lot abuts two (2) or more streets, the minimum frontage requirement shall apply to only one (1) street face. The minimum frontage of any non-corner lot greater than two (2) acres may be reduced to twenty-four (24) feet provided that the lot has one (1) direct access to a public street.
 - (b) Type A Thoroughfare - Nonresidential and traditional multifamily lots shall not front a Type A Thoroughfare.
 - (c) Types B-G Thoroughfares - Nonresidential and traditional multifamily lots may front on Types B, C, D, E, F, or G Thoroughfares if meeting the Commercial Context of the Street Design Standards.
 - (d) Frontage Exception - Nonresidential lots may be platted to a public way instead of a dedicated street upon approval by the Director of Planning under the following conditions:
 - i. Within a regional mall development requiring an internal circulation system;
 - ii. For a public utility facility which precedes street extensions;
 - iii. Within a commercial development greater than twenty (20) acres having an internal private street meeting the city's Street Design Standards and

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Engineering Construction Standards for public streets and where mutual access is insured by easement or other legal instrument; and

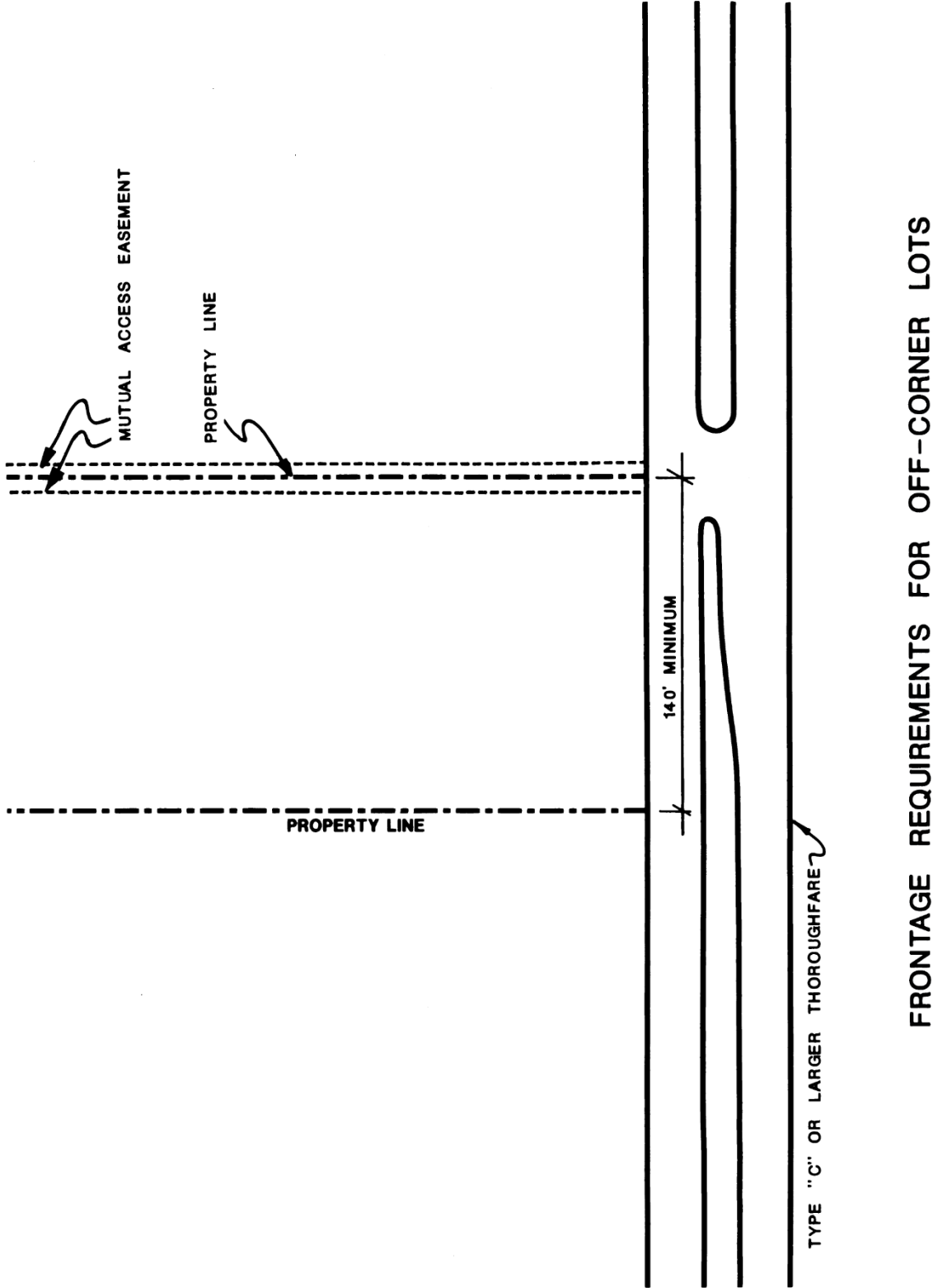
- iv. Where access to a public street will be removed by construction of an overpass or other required facility.
- (e) A public way must be constructed to minimum fire lane standards. Access and/or utilities must be provided within the required frontage on a dedicated street or public way.



MEDIAN ACCESS AND FRONTAGE REQUIREMENTS FOR CORNER LOTS

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4. Access from Nonresidential and Traditional Multifamily Developments -

- (a) ~~Access to~~ Public Entrance Streets - Except as provided herein, all nonresidential lots shall have a minimum of two (2) points of access to public streets. One (1) point of access must be directly from the lot to a public street. The other point of access may be secured through use of easements. Where a nonresidential lot abuts a Type B, C, or D thoroughfare, it must have access to a median opening. Notwithstanding, the Commission may approve a lot having only one (1) point of access if it determines that a second point of access cannot be obtained and traffic safety and fire protection are sufficient.

~~A plat may not be approved if it results in a remainder of unplatted property that cannot be platted under the terms of this ordinance.~~

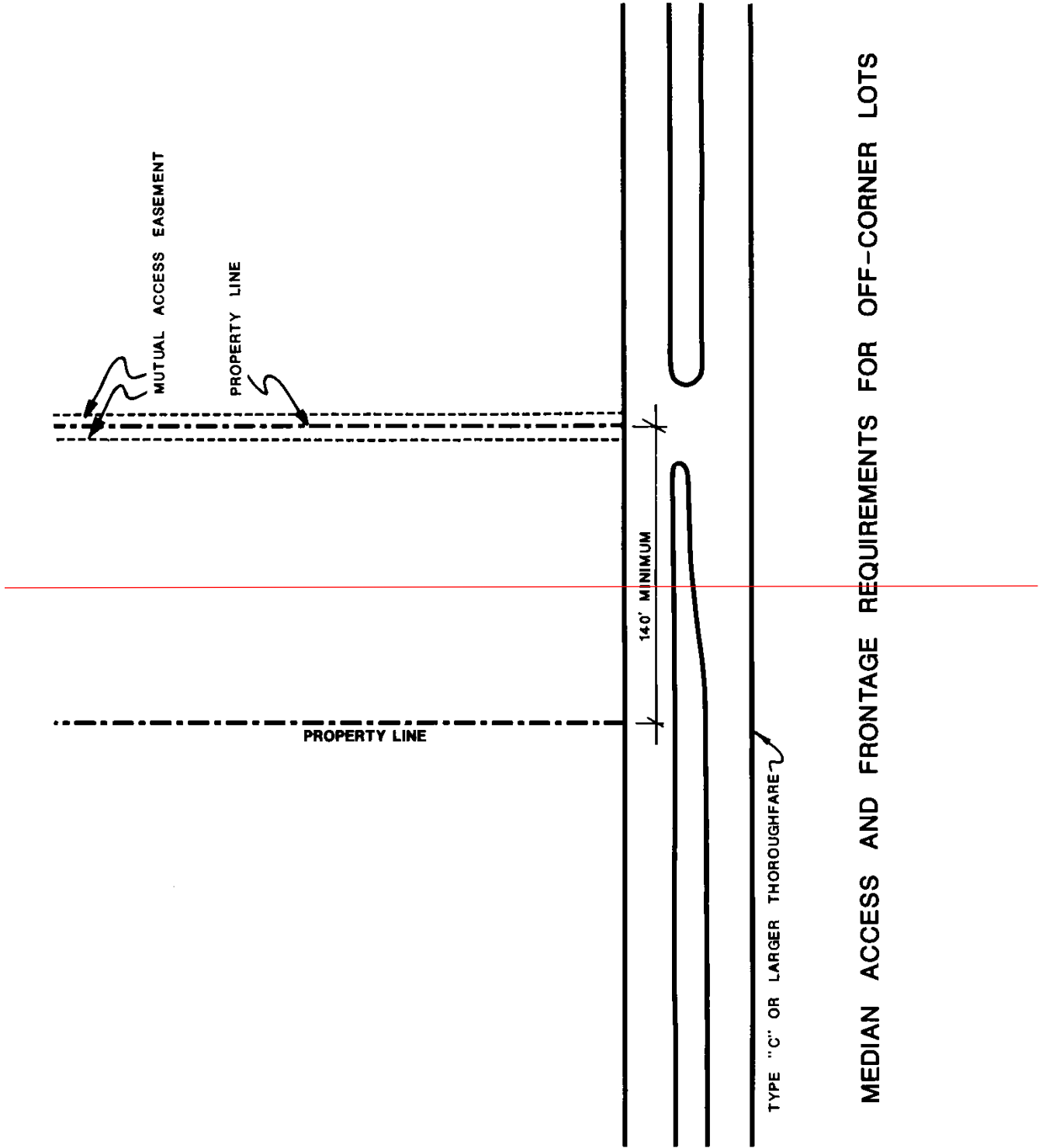
- (b) Curb Cuts - All nonresidential lots shall have, at a minimum, direct access to one (1) curb cut per street front, except where prohibited by the Street Design Standards ~~Thoroughfare Standards Rules & Regulations~~.
- (c) Medians - When adjacent to a median divided street, all lots shall have access to a median opening. Direct access should be provided where possible. If direct access is not available, a corner lot shall have indirect access through a shared access easement between it and adjacent properties. All off-corner lots shall have direct access or indirect access by platting a minimum of one-half of the intersecting drive as a shared access easement.

5. Blocks -

- (a) Block Length - Blocks shall not exceed 1,200 feet in length, measured from street right-of-way line to street right-of-way line. In the case of non-rectangular blocks, each side of the block with lots fronting onto it shall not exceed 1,200 feet, measured between the vertices formed by the extension of right-of-way lines at each corner of the block.

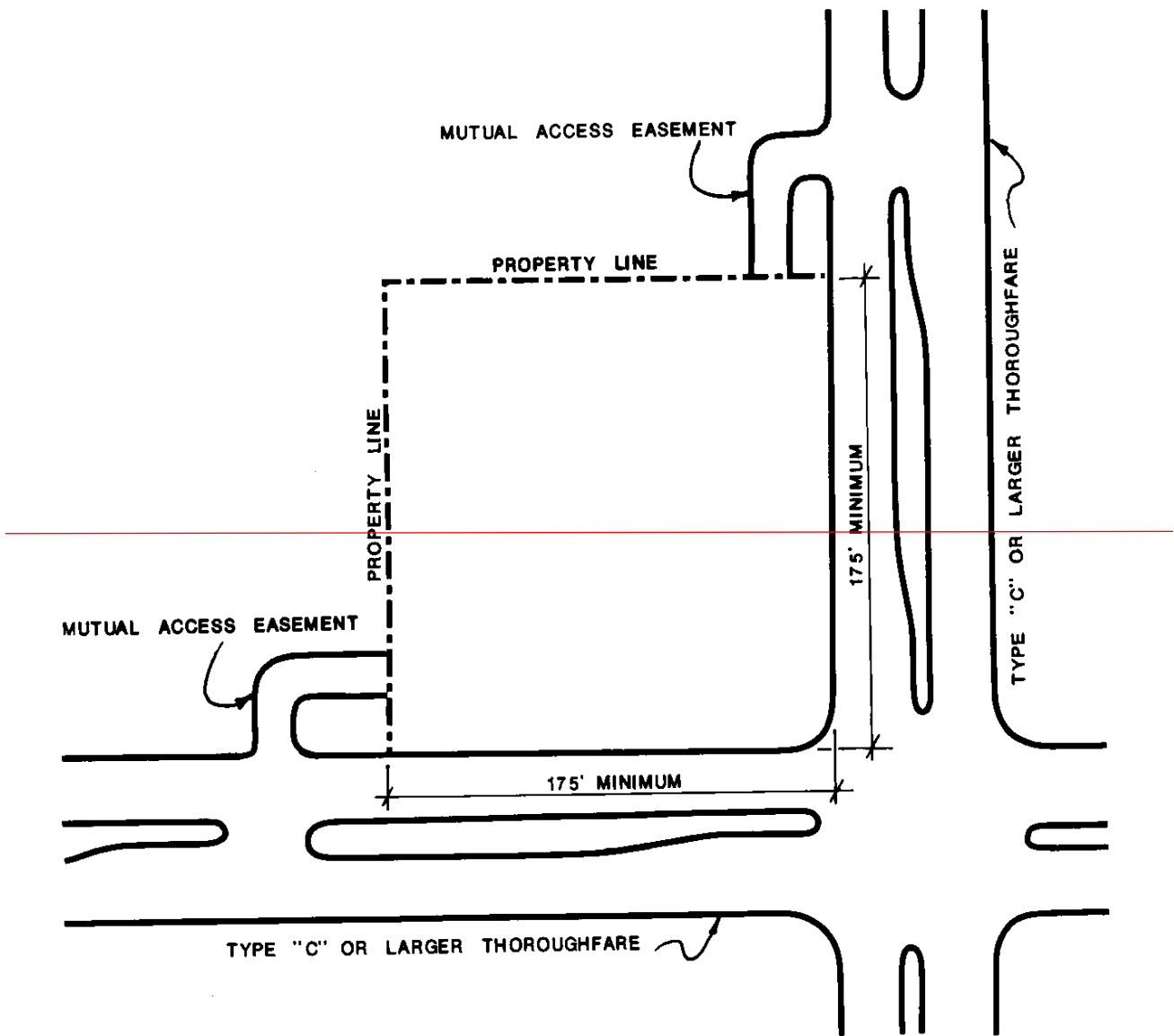
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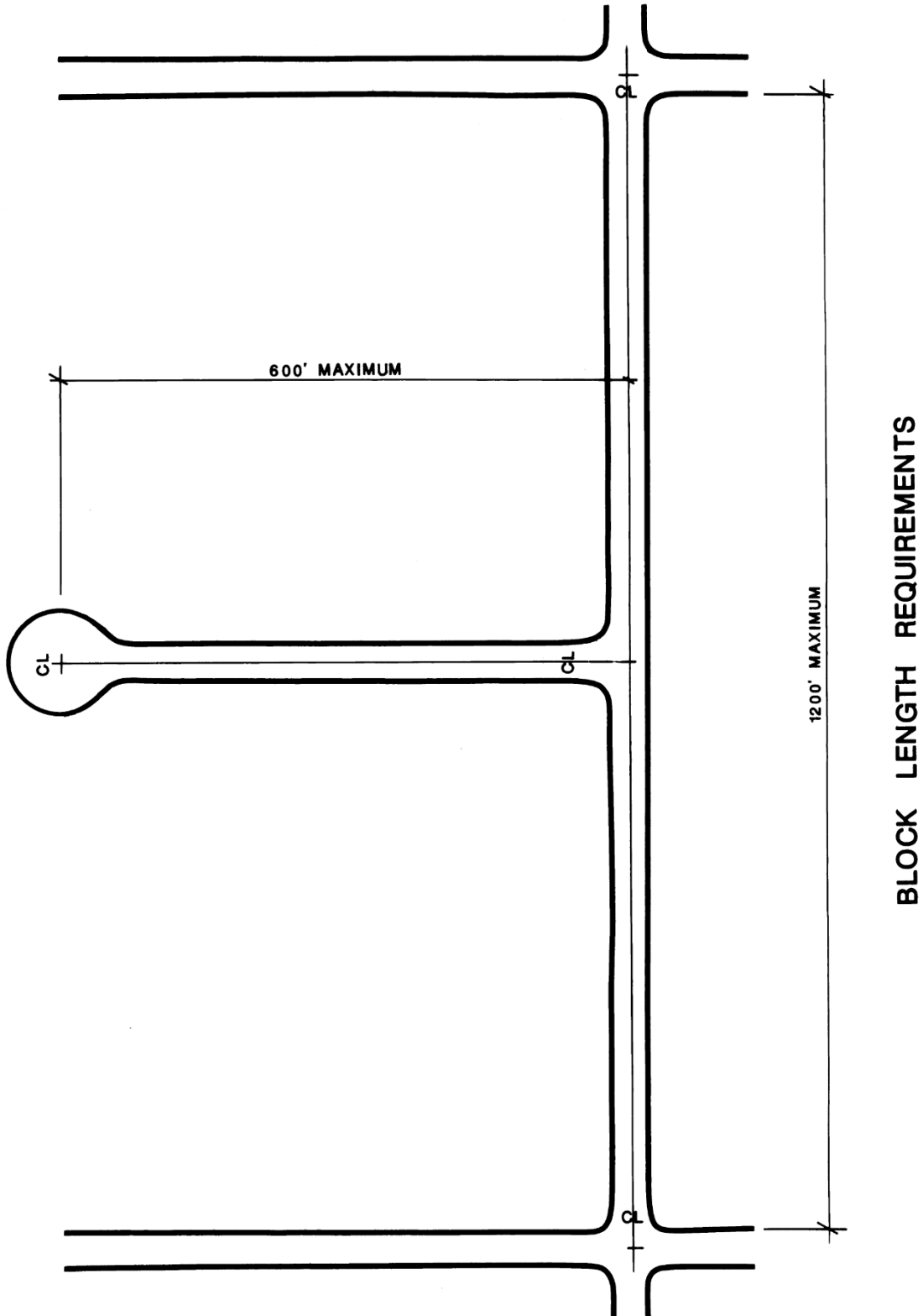
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d. Mixed-Use Development

1. General - A mixed-use development plat shall be subject to all the requirements of these regulations as well as such additional standards as may be required by the Commission, and shall conform to the proposed land use and standards established in the Comprehensive Plan and Zoning Ordinance. Where conflicts exist with neighborhood, nonresidential, and multifamily property requirements, the provisions of this section shall apply. Site plan approval and plat approval may proceed simultaneously at the discretion of the Commission.
2. Design Principles - In addition to these regulations, which are appropriate to all platting, the applicant shall demonstrate to the satisfaction of the Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles shall be observed:
 - (a) Proposed mixed-use parcels shall be suitable in area and dimensions to the types of nonresidential development anticipated.
 - (b) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
 - (c) Traditional neighborhood developments shall be protected from potential nuisance from a proposed mixed-use development plat.
 - (d) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or future traditional neighborhood developments.
3. Frontage Standards -
 - (a) Mixed-Use lots shall meet the Mixed-Use Context of the Street Design Standards
 - (b) Mixed-Use lots shall comply with the frontage standards prescribed for typical neighborhood, nonresidential, and traditional multifamily developments, where applicable.
 - (c) Mews - Where appropriate based on the Thoroughfare Plan Map and Street Design Standards, mixed-use lots may front a mews street in subdivisions where the following conditions apply:
 - i. No more than 25 total lots, excluding common area or open space; may take sole access from a mews. All other lots must take access from a

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common open space, courtyard, paseo, trail, natural area, or other landscape feature intended for recreational or environmental conservation purposes.

- ii. When a development is constructed in phases, no more than 25 lots per phase, excluding common area or open space; may take sole access from a mews. Mews lots between phases shall not be contiguous.
 - iii. If the use of a mews makes it appear that a residential lot fronts onto a Type B or C street, as determined by the Director of Engineering or his/her designee, a fence or wall that meets City standards shall be installed between the front yard of the home and the public sidewalk along the street. No gates shall be installed in the fence or wall that would provide resident access to the street other than communal access points located at street corners or authorized mid-block locations.
- (d) Open Spaces - Mixed-Use lots that front onto open space rather than onto a Type F or G street shall back to a mews. When such open space is adjacent to a Type B or C street, the distance between the front of the lot and the right-of-way line of the street shall be a minimum of 50 feet.
- i. If a residential use, the sidewalk from the front door of each home shall be prohibited from connecting directly to the public sidewalk along that street. Each home's sidewalk shall connect to a privately maintained, communal sidewalk that is separated from the parallel public sidewalk by at least 50 feet.
- (e) Paseos - Residential lots may front a paseo when the following requirements are met:
- i. Access is provided from a mews street or alley;
 - ii. No more than 50% of residential lots within a residential subdivision or mixed-use development may directly front a paseo; and
 - iii. Paseos shall be dedicated as public right-of-way or sidewalk easement and constructed in conformance with the Street Design Standards.
- (f) Shared Streets - Residential lot frontage on a shared street is prohibited. Nonresidential lots may front a shared street in compliance with the Street Design Standards.

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4. Access from Mixed-Use Developments -

- (a) Mixed-Use lots shall meet the Mixed-Use Context of the Street Design Standards.
- (b) Mixed-Use lots shall comply with the access standards prescribed for typical neighborhood, nonresidential, and traditional multifamily developments, where applicable.

5. Blocks -

- (a) Mixed-use blocks shall not exceed three acres, except as required for public parks or school use.
- (b) Mixed-use blocks shall be organized into blocks created by a grid of streets. A variety of street types and block sizes may be incorporated to create the grid, including diagonal, off-set, and angled streets.

~~4. Frontage Exception—Nonresidential lots may be platted to a public way instead of a dedicated street upon approval by the Director of Planning under the following conditions:~~

- ~~(a) Within a regional mall development requiring an internal circulation system;~~
- ~~(b) For a public utility facility which precedes street extensions;~~
- ~~(c) Within a commercial development greater than twenty (20) acres having an internal private street meeting the city's Engineering Construction Standards for public streets and where mutual access is insured by easement or other legal instrument.~~
- ~~(d) Where access to a public street will be removed by construction of an overpass or other required facility.~~

~~A public way must be constructed to minimum fire lane standards. Access and/or utilities must be provided within the required frontage on a dedicated street or public way.~~

- ~~f. Soil Preservation and Final Grading—Top soil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover on the lots and parkways. Permanent erosion control measures, such as grassed parkways, shall be provided throughout the development prior to final acceptance of the improvements. All areas disturbed during the construction process must be revegetated.~~

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- ~~g. Lot Grading and Drainage – Drainage for lots shall be designed in accordance with the city's Storm Drainage Design Manual. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots. The land shall be platted with appropriate regard for all topographical and drainage features. A grading plan shall be provided with contours at an interval of two (2) feet or less. Except where approved by the Director of Planning or Engineering, all single-family residential lots less than twenty thousand (20,000) square feet in size must be graded to meet the elevation of adjoining property. The center of a single-family or duplex residential lot shall not be higher than three (3) feet above the top of the street curb. Multifamily and nonresidential lots shall be graded to match elevations at adjoining properties to provide good access and to minimize the use of retaining walls. Cuts or fills which do not allow grades to match elevations at adjoining properties will not be permitted, unless authorized by the Director of Planning or Engineering when deemed necessary for engineering conditions.~~
- ~~h. Debris and Waste – No cut trees, timber, debris, large rocks or stones, junk, rubbish or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of final acceptance by the Director of Engineering, and removal of those items and materials shall be required prior to such acceptance. No items and materials as herein described shall be left or deposited in any area of the subdivision or development at the time of expiration of any improvement agreement or acceptance of dedication of public improvements, whichever is sooner. However, dirt or topsoil may be stockpiled on a property with approval of the Director of Engineering.~~
- ~~i. Improvement Agreement and Security to Include Lot Improvements for Residential Subdivisions – The applicant shall enter into an improvement agreement secured by suitable surety to guarantee completion of all improvement requirements on individual lots including, but not limited to, soil preservation, removal of debris and waste, and all other lot improvements required by the Director of Engineering. Whether or not a building permit or certificate of occupancy has been issued, the city may enforce the provisions of the improvement agreement where the provisions of this section or any other applicable law, ordinance, or regulation have not been met.~~

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Amend Section 5.4 (Streets and Thoroughfares) of Article V (Requirements for Public Improvements, Reservations and Design), such section to read in its entirety as follows:

5.4 Streets and Thoroughfares

a. Adequacy of Streets and Thoroughfares –

1. All streets and alleys shall be designed and platted in conformance with the Thoroughfare Plan Map, the Street Design Standards, ~~Development Regulations~~, the Engineering Construction Standards, the adequate public facilities policies within this ordinance, and other valid development regulations and development plans approved pursuant to these regulations. Access to all lots must be suitably improved or secured by provisions contained in these regulations.
2. Street cross-sections shall conform to the Street Design Standards for the applicable Land Use Context of the Thoroughfare Plan Map. The Director of Planning may require standards of the Mixed-Use and Corner Contexts to be used for subdivisions in any location where a compact development form (e.g., integrated mix of uses, minimum lot sizes 5,000 sq. ft. or less, etc.) is approved by a Planned Development District or an Adopted Development Plan.

- b. Design Standards - ~~1. General~~ - In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, sanitation, and street-maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, an adequate street and thoroughfare system shall be designed in accordance with the standards set forth in these regulations, together with those contained in the city's Street Design Standards and Engineering Construction Standards, which are incorporated herein by reference. In the event of a conflict between these or other regulations and those contained in such documents, the more specific, and/or restrictive provisions shall be applied. Paving and other improvements are subject to the participation policies stated in Article VI of these regulations.

- 1 ~~2.~~ Street Paving and Improvements - After sewer and water utilities have been installed by the owner, the owner shall construct roadways to the widths prescribed in the Street Design Standards ~~these regulations~~. Adequate provision shall be made for culverts, drains, and bridges. All street pavement, drainage improvements and structures, turnarounds, and sidewalks shall conform to all construction standards ~~and~~ contained or referenced in these regulations and shall be incorporated into the construction plans required for plat approval. Specific design standards are incorporated in the city's Street Design Standards and Engineering Construction Standards.

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- 2 ~~3.~~ Alleys - Alleys shall be constructed to the widths prescribed in the Street Design Standards. ~~a minimum of 10 feet in width within a minimum 15-foot right-of-way.~~ Wider alleys, when required for drainage, screening walls, or other purposes, shall be constructed in rights-of-way approved by the Director of Engineering. ~~Alley turnouts shall be a minimum of twelve (12) feet in width at the street right of way line or the width of the alley, whichever is greater. Paving in alleys adjacent to masonry screening walls shall be constructed a minimum of twelve and one-half (12.5) feet in width and shall abut the screening wall. Alleys for other than residential uses shall be dedicated and paved a minimum of twenty (20) feet in width. The owner shall construct the full width of the alley at his own cost.~~
- 3 4. Median Openings - Median openings, median pavers, and left-turn lanes, including channelizing buttons, constructed to serve dedicated streets or private drives, shall be installed and paved to city standards by the developer. Existing trees in the median, if affected by median improvements, must be relocated or replaced. If the trees cannot be relocated or replaced in the median, then the developer shall pay a fee to the city in accordance with Section 16-19 of the Code of Ordinances to replace the tree in public right-of-way or on public park land.
- 4 5. Acceleration and Deceleration Lanes - Acceleration or deceleration lanes shall be installed by the owner when required by the Street Design Standards ~~Thoroughfare Standards Rules & Regulations~~ and constructed to the same standards as the adjoining street in accordance with the Engineering Construction Standards.
- ~~6. Other street or alley sections may be used if approved by the City Council.~~
- 5 7. Future Connections - Street extensions may be required to link subdivisions as the neighborhood develops. Temporary cul-de-sacs shall be installed by the developer when required by phasing.
- 6 8. Gradient - Streets and alleys shall be designed with a minimum gradient of 0.5% and a maximum gradient of 5.0% unless otherwise approved by the Director of Engineering.
- 7 9. Intersections - The intersections of streets, alleys, and officially approved places shall be laid out and constructed in accordance with the specifications in the Street Design Standards ~~Thoroughfare Standards Rules & Regulations~~.
- 8 ~~10.~~ Traffic Buttons - The owner shall be responsible for the installation of traffic buttons which are necessary for the safe transition or channelization of traffic. When required by the Director of Engineering, such as on Type D or wider thoroughfares, the owner shall install traffic buttons for lane dividers. The costs of

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these lane divider buttons shall be reimbursed by the city in accordance with the city's reimbursement policy. All traffic buttons shall be installed per city standards.

- 9 ~~41~~. Reserve Strips - The creation of reserve strips shall not be permitted in such a manner as to deny access from adjacent property to any street, alley, or officially approved place.
- 10 ~~42~~. Grading and Improvement Plan - Streets shall be graded and improved in conformance with the city's Engineering Construction Standards and shall be approved as to design and specifications by the Director of Engineering, in accordance with the construction plans required to be submitted prior to final plat approval.
- 11 ~~43~~. Topography and Arrangement -
- (a) Streets shall be related appropriately to the topography. Local streets **in the Neighborhood context of the Thoroughfare Plan Map** shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain building sites when possible at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.
 - (b) All streets shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way as established on the city's Thoroughfare Plan **Map**. However, Type F collector streets not shown on the **Map Plan** may be required to meet traffic requirements of proposed development. Type F and G streets shall be designed to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
 - (c) Proposed streets shall be extended to the boundary lines of the tract to be platted, unless prevented by topography or other physical conditions, or unless in the opinion of the Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision or development with the existing layout or the most advantageous future development of adjacent tracts.
- 12 ~~44~~. Continuation of Streets and Cul-de-sacs -
- (a) Continuation of Streets - The arrangement of streets shall provide for the continuation of principal streets between adjacent properties.
 - (b) If the adjacent property is undeveloped and the street must temporarily be a dead-end street the right-of-way shall be extended to the property line.

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- (c) Where existing alleys are used, alley turnouts shall be provided to new subdivisions.
- (d) Cul-de-sacs - For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be prohibited. However, the Commission may require the reservation or dedication of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with the city's Engineering Construction Standards.
- (e) Where utilizing the standards of the Mixed-Use Context of the Street Design Standards, cul-de-sacs are not permitted.
- (f) ~~(e)~~ Temporary Dead-End Streets - The city may require the construction of temporary dead-end streets in order to provide for the future connection of subdivisions and to ensure reasonable access and avoid excessive street length.

13 ~~15~~. Street and Alley Length -

- (a) Streets and alleys shall comply with the Street Design Standards. ~~not exceed twelve hundred (1,200) feet in length between intersections (outlets).~~
- ~~(b) No cul-de-sac unless otherwise authorized shall exceed six hundred (600) feet in length, which is to be measured from the centerline of the street with which it intersects to the center point of the cul-de-sac.~~
- (b) ~~(e)~~ Street and alley lengths longer than those specified in the Street Design Standards ~~this section~~ shall require approval of a variance. In reviewing a variance, the Commission shall consider the following:
 - i. Alternative designs which would reduce street or alley length;
 - ii. The effect of overlength streets or alleys on access, congestion and delivery of municipal services; and
 - iii. Means of mitigation, including but not limited to increased street width, mid-block turnarounds, limitation on the number of lots to be created and served, temporary points of access, and additional fire protection measures.

c. ~~16~~. Street Names and Signs -

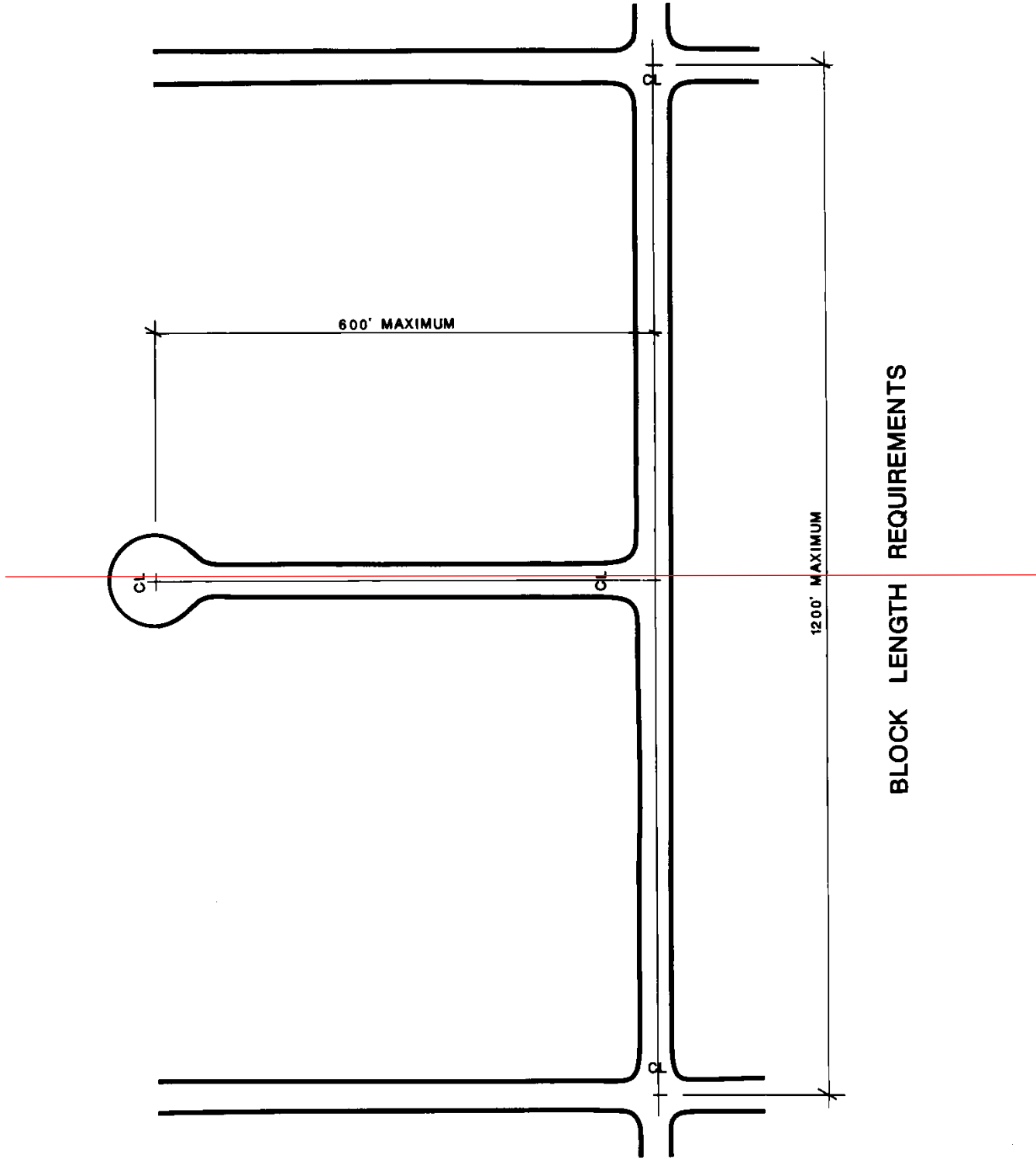
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1. ~~(a)~~ Street names must be submitted to the Planning Department for approval in accordance with the city's guidelines for the naming of streets. Surnames or names of corporations may not be used as street names. The Planning Department will maintain an index of street names, which will contain these guidelines. Street names and subdivision names are fixed at the time of approval of the preliminary plat. A fee, in accordance with the Code of Ordinances, will be charged to change street names and subdivision names after approval of the preliminary plat.
 2. ~~(b)~~ The property owner shall provide payment for street name signs for the development. The price of each street name installation shall include cost of the sign assembly, pole, and installation. Payment by the property owner will be due prior to approval of the engineering plans by the Director of Engineering.
 3. ~~(c)~~ Street name signs shall be installed in accordance with the city's guidelines before issuance of building permit for any structure on the streets approved.
- d. ~~47.~~ Street Lights - Installation of street lights shall be in accordance with [the Street Design Standards](#), the applicable electrical provider, and the city's street lighting policies. The developer shall be responsible for the cost of such street lighting installation and for the power costs for a length of time as specified in the city's street lighting ordinance. The developer shall install conduit for street lights and traffic signals in divided thoroughfares as directed by the Director of Engineering.

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e. ~~18.~~ Street Dedications and Reservations -

1. ~~(a)~~ Dedication of Right-of-Way - The property owner shall provide all right-of-way required for existing ~~or future~~ streets, including perimeter streets, as shown in the Thoroughfare Plan Map or other valid development plans approved by the Commission or Council. ~~The property owner shall provide all right-of-way required for future streets, including perimeter streets, as shown in the Thoroughfare Plan Map and the Community Investment Program.~~ Additional right-of-way may be necessary to meet drainage, utility placement, visibility, or other requirements as required by the Director of Engineering. (See Section 3.6.c.3 for information on reservations and dedications with conveyance plats.) In the case of perimeter streets, half of the total required right-of-way for such streets shall be provided. However, in some instances more than half shall be required depending on the actual or proposed alignment of the street. A minimum parkway width of ten (10) feet shall be provided along existing constructed thoroughfares. In such cases, no additional right-of-way will be required, except at intersections or other locations when deemed necessary by the Director of Engineering. Standard right-of-way widths are as specifically set forth in the Street Design Standards ~~Thoroughfare Standards Rules & Regulations~~.
 2. ~~(b)~~ Perimeter Streets - Where an existing half-street is adjacent to a new subdivision or development, the other half of the street shall be dedicated and improved by the developer of the new development.
 3. ~~(c)~~ Slope Easements - The dedication of easements, in addition to dedicated rights-of-way shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three (3) feet horizontal to one (1) foot vertical.
- f. ~~19.~~ Street Construction - The owner shall construct all streets or thoroughfares to city standards in rights-of-way as required by the Thoroughfare Plan Map, subject to participation policies stated in Article VI of these regulations. Streets (including sidewalks) which dead-end at power lines, railroad, or similar rights-of-way, and are intended for future extension shall be constructed in the full right-of-way as required by the Thoroughfare Plan Map for half the distance across such right-of-way for each side. Widths shown below are back-to-back of curbs and required on both sides of divided streets, Type A through D. Developers of property abutting only one side of a street are responsible for the minimum paving widths shown below. The minimum paving widths for the various types of streets shall be as listed in the Street Design Standards. ~~follows:~~

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<u>Type Street</u>	<u>Minimum Paving Width</u>	<u>Right-of-Way</u>
A	25 feet	80 feet
B+	25 feet	70 feet
B	25 feet	65 feet
C	25 feet	55 feet
D	25 feet	46 feet
E	23 feet	35 feet
F	23 feet	35 feet
G	27 feet	50 feet
Retail, Commercial, Industrial, Schools, Parks, Apartment or similar uses	37 feet	60 feet

g. 20. Improvement, Widening, and Realignment of Existing and Future Proposed Streets

- Where a subdivision or development borders a substandard street or when the Thoroughfare Plan Map indicates plans for realignment, widening or constructing a street that would require use of some of the land in the subdivision or development, the applicant shall be required to improve and dedicate those areas for widening or realignment of those streets, as follows:

1. ~~(a)~~ When a proposed subdivision or development abuts or will abut both sides of a substandard street or ~~a proposed a future~~ future proposed street in the Community Investment Program in the Thoroughfare Plan Map, the owner shall be required to improve the substandard street or ~~proposed future~~ future proposed street so that it will be a standard street, including sidewalks. The minimum street paving width shall be as listed in the Street Design Standards shown in Section 5.4.d of this article.

2. ~~(b)~~ If the proposed subdivision or development is located along only one side of a substandard street or ~~a future street in the Community Investment Program or a proposed street in the Thoroughfare Plan Map~~, the owner shall be required to improve his side of the substandard street or ~~future proposed~~ future proposed street, including sidewalks, so that it will be a standard street. The minimum street paving width shall be as listed in the Street Design Standards shown in Section 5.4.d of this article. The owner may, however, petition the city to construct the improvements herein required, subject, upon approval, to the city's escrow policies stated in Article VI of these regulations.

3. ~~(c)~~ When an existing major arterial street or above (Type C or greater) is to be extended through a property to intersect with another arterial street, the full six (6) lanes shall be constructed for a minimum distance of three hundred and fifty (350)

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feet from the point of intersection. From that point, the pavement width may be decreased to four (4) lanes, with provision of an appropriate transition in paving width. If property abutting only one (1) side of the ~~proposed~~ thoroughfare ~~extension~~ is to be developed, then three (3) full lanes will be constructed, including left turn lane and transition. This provision will not require widening an existing intersection that already provides four (4) through lanes.

~~21. Access from Residential Subdivisions or Developments - Residential lots must have a minimum frontage of twenty four (24) feet on a dedicated street for single-family detached, two-family or patio home uses or a minimum frontage of fifteen (15) feet for single-family attached uses, except where varied through approval of a planned development district. Where subdivisions or developments are platted so that the front yards of single-family residential lots are adjacent to a dedicated roadway, the owner shall provide at his sole expense one (1) of the following types of treatment:~~

~~(a) For thoroughfares designated Type A, B+, C, or D (in the Comprehensive Plan), no residential lot shall have direct access to the thoroughfare unless a service road is provided adjacent to the thoroughfare.~~

~~(b) For thoroughfares designated Type E, lots may have direct driveway access to the street provided that the following development standards are complied with:~~

~~(i) A minimum lot width of one hundred (100) feet;~~

~~(ii) A minimum front yard setback of fifty (50) feet; and~~

~~(iii) A circular driveway shall be provided with a minimum of six (6) off-street paved parking spaces.~~

~~(c) For streets designated Type F or G, lots may have direct access to the street if other requirements of the Thoroughfare Standards Rules & Regulations are met.~~

h. 22. Private Streets and Alleys - Subdivisions may be developed with private streets and alleys instead of public streets and alleys if the development complies with the requirements of this section and the subdivision has received a specific use permit (SUP) for a private street development. The term private street shall be inclusive of alleys. Variances to these requirements shall not be permitted.

1. Quasi-Public Streets -

(a) The required right-of-way for quasi-public streets may be provided in a private street lot maintained by a property owners' association if acceptable to the Director of Engineering.

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- i. All quasi-public streets are to be open for public use and may not be gated or have restricted access, except as may be permitted for special events.
 - ii. A public access and fire lane easement covering the street lot shall be granted to the city providing unrestricted use of the property for utilities and the maintenance of same. This right shall extend to all utility providers, including telecable companies, operating within the city. The easement shall also provide the city with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, solid waste collection, utility services, inspection, and code enforcement. The easement shall permit the city to remove any vehicle or obstacle within the street lot that impairs emergency access.
- (b) ~~(a)~~ Design and Construction Standards - Quasi-public ~~Private~~ streets shall conform to the same standards regulating the design and construction of public streets. These standards shall include, but are not limited to the following:
- i. ~~(i)~~ The Comprehensive Plan;
 - ii. Street Design Standards ~~(ii) Thoroughfare Standards Rules and Regulations;~~
 - iii. ~~(iii)~~ Engineering Construction Standards; and
 - iv. ~~(iv)~~ Street naming and addressing policies.
- (c) ~~(b)~~ Streets Excluded - Streets shown on the Thoroughfare Plan Map shall not be used, maintained, or constructed as private streets. Also, the Commission may deny the creation of any other quasi-public ~~private~~ street if, in the Commission's judgment, the quasi-public ~~private~~ street would negatively affect traffic circulation on public streets or impair access to property either onsite or offsite to the subdivision, impair access to or from public facilities including schools, parks and libraries, or delay the response time of emergency vehicles.
- (d) ~~(c)~~ Property Owners Associations Required - ~~Subdivisions developed~~ Developments with quasi-public ~~private~~ streets and alleys must have a mandatory property owners' association which includes all property served by quasi-public ~~private~~ streets. The association shall own and be responsible for the maintenance of quasi-public ~~private~~ streets and appurtenances. The association documents must establish a reserve fund for the maintenance of streets and other improvements. The association documents shall be reviewed and approved by the City Attorney to ensure that they conform to this and other applicable city ordinances. The documents shall be filed of record prior to the

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approval of the final plat. Lot deeds must convey membership in the association and provide for the payment of dues and assessments required by the association. The association may not be dissolved without the prior written consent of the city. No portion of the association documents pertaining to the maintenance of the **quasi-public private** streets and alleys and assessments therefore may be amended without the written consent of the city.

- ~~(d) Private Street Lot - Private streets and alleys must be constructed within a separate lot owned by the property owners association. This lot must conform to the city's standards for public street and alley right-of-way. An easement covering the street lot shall be granted to the city providing unrestricted use of the property for utilities and the maintenance of same. This right shall extend to all utility providers including telecable companies, operating within the city. The easement shall also provide the city with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, solid waste collection, utility services, inspection and code enforcement. The easement shall permit the city to remove any vehicle or obstacle within the street lot that impairs emergency access.~~
- (e) Construction and Maintenance Cost - The city shall not pay for any portion of the cost of constructing or maintaining a **quasi-public private** street.
- (f) City Utilities - Water, sewer, and drainage facilities and street lights and signs placed within the **quasi-public private** street and alley lot shall be installed to city standards and dedicated to the city prior to approval of the final plat. All city regulations relating to infrastructure financing, developer cost participation and capital cost recovery shall apply to developments with **quasi-public private** streets with the exception of those applying to street construction.
- (g) Plans and Inspections - Developments proposed with **quasi-public private** streets must submit to the city the same plans and engineering information required to construct public streets and utilities. Requirements pertaining to inspection and approval of improvements prior to final plat approval shall apply. Fees charged for these services shall also apply. The city may periodically inspect **quasi-public private** streets and require repairs necessary to insure emergency access.
- ~~(h) Access Restrictions - The entrances to all **private** streets must be marked with a sign stating that it is a private street. Guard houses, access control gates and cross arms may be constructed. All restricted access entrances must be manned twenty-four (24) hours every day, or provide an alternative means of ensuring access to the subdivision by the city and other utility service providers with appropriate identification. If the association fails to maintain reliable access as required to provide city services, the city may enter the subdivision and~~

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~~remove any gate or device, which is a barrier to access at the sole expense of the association. The association documents shall contain provisions in conformity with this paragraph, which may not be amended without the written consent of the city.~~

- ~~(f) Access Restricted Entrance Design Standards - Any private street that has an access control gate or cross arm must have a minimum uninterrupted pavement width of twenty two (22) feet at the location of the access control device. If an overhead barrier is used, it must be a minimum of fourteen (14) feet in height above the road surface. All gates and cross arms must be of a breakaway design. A turn-around space must be located in front of any restricted access entrance to allow vehicles denied access to safely exit onto public streets. On lots adjacent to entry gates, fences may exceed forty (40) inches in height, up to a maximum of eight (8) feet within the front yard setback. Such fences must be constructed of wrought iron with brick columns. No solid fencing panels will be allowed.~~
- ~~(h) (f) Waiver of Services - The development subdivision final plat, property deeds, and property owners' association documents shall note that certain city services shall not be provided on quasi-public private streets. Among the services which will not be provided are: routine police patrols, enforcement of traffic and parking ordinances, and preparation of accident reports. All private traffic regulatory signs shall conform to the Texas Manual of Uniform Traffic Control Devices, as amended. Depending on the characteristics of the proposed development other services may not be provided.~~
- ~~(i) Hold Harmless - On the development final plat shall be language whereby the property owners' association, as owner of the quasi-public streets and appurtenances, agrees to release, indemnify, defend, and hold harmless the city, any governmental entity and public utility for damages to the quasi-public street occasioned by the reasonable use of the quasi-public street by the city, governmental entity or public utility; for damages and injury (including death) arising from the condition of said quasi-public street; for damages and injury (including death) arising out of the use by the city, governmental entity or public utility of any restricted access gate or entrance; and for damages and injury (including death) arising out of any use of the subdivision by the city, government entity or public utility. Further, such language shall provide that all lot owners shall release the city, governmental entities and public utilities for such damages and injuries. The indemnifications contained in this paragraph apply regardless of whether or not such damages and injury (including death) are caused by the negligent act or omission of the city, governmental entity, or public utility, or their representative officers, employees or agents.~~

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- (j) Access Restrictions - The entrances to all quasi-public streets must be marked with a sign stating that it is a private street.
 - (k) Petition to Convert to Public Streets - The property owners' association documents shall allow the association to request the city accept private streets and alleys and the associated property as public streets and right-of-way upon written notice to all association members and the favorable vote of at least fifty-one (51) percent of the membership. However, in no event shall the city be obligated to accept said streets and alleys as public. Should the city elect to accept the streets and alleys as public, the city may inspect the private streets and assess the lot owners for the expense of needed repairs concurrent with the city's acceptance of the streets and alleys. The city will be the sole judge of whether repairs are needed. ~~The city may also require, at the association's expense, the removal of guardhouses, access control devices, landscaping or other aesthetic amenities located within the street lot. The association documents shall provide for the city's right to such assessment. Those portions of the association documents pertaining to the subject matter contained in this paragraph shall not be amended without the written consent of the city.~~
 - (l) Variances to these requirements shall not be permitted.
 - (+) Hold Harmless - ~~On the subdivision final plat shall be language whereby the property owners association, as owner of the private streets and appurtenances, agrees to release, indemnify, defend and hold harmless the city, any governmental entity and public utility for damages to the private street occasioned by the reasonable use of the private street by the city, governmental entity or public utility; for damages and injury (including death) arising from the condition of said private street; for damages and injury (including death) arising out of the use by the city, governmental entity or public utility of any restricted access gate or entrance; and for damages and injury (including death) arising out of any use of the subdivision by the city, government entity or public utility. Further, such language shall provide that all lot owners shall release the city, governmental entities and public utilities for such damages and injuries. The indemnifications contained in this paragraph 12 apply regardless of whether or not such damages and injury (including death) are caused by the negligent act or omission of the city, governmental entity or public utility, or their representative officers, employees or agents.~~
2. Controlled Access Streets - Residential subdivisions may be developed with controlled access streets and alleys instead of public streets and alleys if the development complies with the requirements of this section, in addition to all requirements above for Quasi-Public Streets. The subdivision must receive a specific use permit (SUP) for a private street development.

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(a) Frontage and Access Requirements -

- i. Controlled access streets should provide a minimum of 50 feet of frontage on Type D or larger thoroughfare as shown on the City's most recent Thoroughfare Plan Map. Primary access to the controlled access street system subdivision should come from this type of roadway.
- ii. No more than two controlled access street entrances may face a Type D or larger thoroughfare within any one-mile segment.
- iii. Controlled access streets may not disrupt or cross an existing or proposed City of Plano public pedestrian way, hike and bike trail, or park as shown on the City's most recent Parks Master Plan Map or Bicycle Transportation Plan Map.
- iv. Proposed controlled access streets adjacent to an existing public street subdivision that can reasonably connect, including the need to build a bridge or culvert for example, shall not be approved as part of a controlled access street community. The two developments should be connected as public street subdivisions.

(b) Access Restricted Entrance Design Standards –

- i. Any private street that has an access control gate or cross arm must have a minimum uninterrupted pavement width of twenty-two (22) feet at the location of the access control device.
- ii. If an overhead barrier is used, it must be a minimum of fourteen (14) feet in height above the road surface.
- iii. All gates and cross arms must be of a breakaway design.
- iv. A turn-around space must be located in front of any restricted access entrance to allow vehicles denied access to safely exit onto public streets.
- v. Guard houses, access control gates and cross arms may be constructed. All restricted access entrances must be manned twenty-four (24) hours every day, or provide an alternative means of ensuring access to the subdivision by the city and other utility service providers with appropriate identification. If the association fails to maintain reliable access as required to provide city services, the city may enter the subdivision and remove any gate or device, which is a barrier to access at the sole expense of the association. The association documents shall contain provisions in

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conformity with this paragraph, which may not be amended without the written consent of the city.

vi. On lots adjacent to entry gates, fences may exceed forty (40) inches in height, up to a maximum of eight (8) feet within the front yard setback. Such fences must be constructed of wrought iron with brick columns. No solid fencing panels will be allowed.

(c) Petition to Convert to Public Streets - In addition to the requirements above for Quasi-Public Streets, the city may also require, at the association's expense, the removal of guardhouses, access control devices, landscaping, or other aesthetic amenities located within the street lot. The association documents shall provide for the city's right to such assessment. Those portions of the association documents pertaining to the subject matter contained in this paragraph shall not be amended without the written consent of the city.

Amend Section 5.5 (Sidewalks and Bikeways) of Article V (Requirements for Public Improvements, Reservations and Design), such section to read in its entirety as follows:

5.5 Sidewalks and Bikeways

- a. Dedication of Right-of-Way - All public sidewalks and bikeways shall be located in a public right-of-way or private street lot, except that public sidewalks and bikeways maintained by the City may be located in an easement. Public sidewalks and bikeways shall be open for public use and may not be gated or have restricted access, except as may be permitted for special events. An easement covering the street lot shall be granted to the city providing unrestricted use of the property for utilities and the maintenance of same. This right shall extend to all utility providers, including telecable companies, operating within the city. The easement shall also provide the city with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, solid waste collection, utility services, and inspection and code enforcement. The easement shall permit the city to remove any vehicle or obstacle within the street lot that impairs emergency access.
- b. a. Sidewalks - Sidewalks shall be constructed in accordance with the Street Design Standards ~~Thoroughfare Standards Rules & Regulations~~ for all lots adjoining dedicated streets, along major thoroughfares where lots do not adjoin the street, along power line easements and in other areas where pedestrian walkways are necessary. Sidewalk construction may be delayed until development of lots, but in locations not adjacent to lots and across bridges and culverts, the sidewalk shall be constructed with the other improvements to the subdivision or development. Sidewalks adjacent to screening walls shall generally be placed against the screening walls to the subdivision or

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development. Routing to clear poles, trees or other obstacles shall be subject to approval by the Engineering Department.

- c ~~b~~. Pedestrian Accesses - The Commission may require, in order to facilitate pedestrian access from the streets to schools, parks, playgrounds, or other nearby streets, perpetual unobstructed easements at least fifteen (15) feet in width. Easements shall be indicated on the plat.
- d ~~e~~. Bicycle Facilities ~~Bikeways~~ - Bicycle facilities are provisions to accommodate or encourage bicycling.
 - 1. Bicycle facilities are classified into three categories:
 - (c) Shared-use paths
 - (d) Bikeways
 - (e) On-street shared lanes
 - 2. Bicycle facilities ~~Hike and bike sidewalks~~, designed and located according to city standards, shall be constructed in conformance with the Parks Master Plan Map and Bicycle Transportation Plan Map. ~~along streets designated for hike and bike trails~~. Such facilities ~~sidewalks~~ shall be built by the owner at the time of site development, or, the owner may petition for the city to construct such facilities, subject to escrow policies stated in Article VI of these regulations.

Amend Section 5.14 of Article V (Requirements for Public Improvements, Reservations and Design), such section to read in its entirety as follows:

5.14 The following design standards and specifications, as amended, ~~are incorporated by reference into these regulations, and those~~ that are engineering-related are collectively known as the “Engineering Construction Standards”:

~~Manual for the Design of Water & Sanitary Sewer Lines~~

~~Standard Construction Details~~

~~North Central Texas Council of Governments (NCTCOG) Standard Specifications for Public Works Construction (as adopted by the city with the City of Plano Special Provisions)~~

~~Thoroughfare Standards, Rules & Regulations~~

~~Flood Damage Prevention provisions in the city’s Code of Ordinances (Chapter 16, Article VIII)~~

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~~Erosion and Sediment Control Manual~~

~~Storm ~~Drainage~~ Design Manual~~

~~Stormwater Quality Requirements~~

~~Fire Code~~

~~Streambank Stabilization Manual for the Cities of Plano, Garland, McKinney, and Allen~~

~~Manual for Right-of-Way Management~~

~~Monumentation GPS Geodetic Control Survey & Monument Overview Map~~

~~Standard Design and Construction Requirements for City of Plano Facilities~~

~~Technical Specifications for Automatic Irrigation Systems~~

~~Irrigation Details~~

~~Trail Construction Details~~

~~Specifications for Tree Planting~~

~~Specifications for Turfgrass Planting~~

~~SWPPP Forms~~

~~Approved Materials List~~

a. The following design standards and specifications, as amended, are referenced in these regulations:

- Fire Code
- Flood Damage Prevention provisions in the city's Code of Ordinances (Chapter 16, Article VIII)
- Right-of-Way Ordinance
- Stormwater Design Manual
- Street Design Standards

b. The following design standards and specifications, as amended, are incorporated by reference into this ordinance:

- Approved Materials List
- Erosion and Sediment Control Manual
- Irrigation Details
- Monumentation GPS Geodetic Control Survey & Monument Overview Map
- North Central Texas Council of Governments (NCTCOG) Standard Specifications for Public Works Construction with the City of Plano Special Provisions
- Parks Standard Products List
- Specifications for Tree Planting

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- Standard Construction Details
- Standard Park and Trail Construction Details
- Stormwater Quality Requirements
- Streambank Stabilization Manual for the Cities of Plano, Garland, McKinney, and Allen
- SWPPP Forms
- Technical Specifications for Automatic Irrigation Systems
- Technical Specifications for Turfgrass Planting
- Water and Wastewater Design Manual

Amend Subsection a. of Section 6.2 (Facilities Eligible for City Participation) of Article VI (Participation and Escrow Policies), such subsection to read in its entirety as follows:

6.2 Facilities Eligible for City Participation

The city shall participate in the costs of installing public improvements according to the following schedule:

- a. The city shall reimburse the property owner or developer for one hundred (100) percent of the following costs:
 1. Costs of paving streets and thoroughfares for the portion of the width of pavement exceeding thirty-seven (37) feet for internal streets and eighteen and one-half (18.5) feet (per side) for divided thoroughfares. Costs include those for pavement, lime stabilization and excavation to a depth equal to the distance from the top of the curb to the top of stabilized subgrade for that width of street paving wider than thirty-seven (37) feet or eighteen and one-half (18.5) feet on each side in the case of a divided thoroughfare.
 2. Paving costs for streets and thoroughfares for that portion of the required paving thickness exceeding eight (8) inches, except where thicker pavement is required by the Texas Department of Transportation (TxDOT) and the Dallas Area Rapid Transit (DART).
 3. The costs of left-turn lanes and median openings on Type "D" or wider thoroughfares intersecting Type "D" or wider thoroughfares.
 4. Costs of that portion of grade-separated intersections which require paving in excess of thirty-seven (37) feet in width (18.5 feet per side).
 5. Costs of installing conduit and pullboxes for street lights and traffic signals along Type D or wider thoroughfares.

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6. A portion of the costs of all water or sanitary sewer pipelines larger than twelve (12) inches, subject to the provisions of the city's pro rata ordinance. City participation shall be based upon the difference in cost between a standard twelve (12) inch diameter pipeline and the size pipeline actually installed, including embedment, manholes, special fittings and other appurtenances necessary for complete sanitary sewer pipeline installation.
7. For streets and thoroughfares identified on the Downtown Streets Inset of the Thoroughfare Plan Map:
 - (a) Construction of public streets and sidewalks as required by the Thoroughfare Plan Map.
 - (b) Additional right-of-way required for public improvements.
 - (c) Installation of street lights in accordance with the street lighting standards.
 - (d) Traffic signals required by the city's traffic engineer.
 - (e) Construction of public infrastructure (storm sewer system, water mains, and wastewater mains).
 - (f) Street trees and associated landscaping on public property.