

ARTICLE 6. SUBDIVISION REGULATIONS

6.1. GENERAL PROVISIONS¹

6.1.1. TITLE

This article is known as the Subdivision Regulations of the City of Arlington.

6.1.2. PURPOSES²

The purposes of these regulations are:

- A.** To protect and provide for the public health, safety, and general welfare of the community by promoting sustainable development of the area both within the City and within its extraterritorial jurisdiction
- B.** To guide the future growth and development of the City in accordance with this Code, Comprehensive Plan, and its constituent elements, including the Thoroughfare Development Plan, Parks Master Plan, Hike and Bike System Master Plan, and all other development-related ordinances of the City.
- C.** To promote safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- D.** To ensure that public and private development are served by adequate public facilities and services with sufficient capacity for efficient transportation, water, sanitary sewer, drainage, and other public requirements and facilities and that the development bear its fair share of the cost of providing the facilities and services.
- E.** To provide for the circulation of pedestrians required for the beneficial use of land and buildings and to minimize congestion throughout the City.
- F.** To establish policies governing traffic flow and safety on street facilities, minimize traffic congestion, improve traffic safety and flow, and ensure that traffic generated from the proposed development can be adequately and safely served by the existing and future street system.
- G.** To establish reasonable standards of design and procedures for platting to further the orderly layout and use of land and to promote proper legal descriptions and monumenting of platted land.
- H.** To minimize the pollution of streams and ponds; to provide for the adequacy of drainage facilities; to control stormwater runoff; to minimize erosion and siltation problems; to safeguard the water table; to encourage the wise use and management of natural resources; and enhance the stability and beauty of the community and the value of the land.
- I.** To assure that sufficient linear park land facilities are provided to meet the recreational demands resulting from new residential development and to encourage

¹ The following is taken from Article 1 of the current Subdivision Regulations.

² The following purpose statements are taken from Section 1.02 of the current subdivision regulations. In some instances, we have combined purpose statements that overlapped (e.g., current subsections A and B have been combined into A in this draft; current subsections E and I combined into D).

measures for nonstructural flood control that will reduce the risk of flood damage for surrounding development.

- J. To remedy the problems associated with illegally subdivided lands and/or previously platted lands, including premature subdivision, incomplete subdivision, or scattered subdivision of land.

6.1.3. APPLICABILITY³

A. Applicability

1. The owner or proprietor of any tract of land who desires to subdivide land (i.e., to create a “subdivision”) shall submit a plat of the subdivision to the Zoning Administrator.
2. No person shall subdivide land without making and recording a plat and complying fully with this article, and the subdivision procedures in Sections 10.4.10 to 10.4.19 of Article 10, *Review Procedures*.
3. No person shall sell or transfer ownership of any lot or parcel of land by reference to a plat of a subdivision before the plat is duly recorded with Tarrant County, unless the subdivision was created prior to the adoption of this article.
4. The following are allowed only if they conform to this Code:
 - a. the issuance of a development approval or certificate of occupancy for any plat, map, or plan that was created prior to subdivision approval under this Code, and
 - b. the issuance of a development approval or certificate of occupancy for any parcel or plat of land that was created by subdivision after the effective date of this Code, and
 - c. the excavation of land or construction of any public or private improvements.
5. A subdivision plat is not required for any of the following:
 - a. In accordance with Section 212.004(a) of the Texas Local Government Code, a division of land under this article does not include a division of land into parts greater than five acres where each part has access and no public improvement is being dedicated. This subsection applies only if adequate water, sewer, storm sewer, transportation facilities, and linear park facilities exist. The phrase “no public improvement is being dedicated” means that these subdivision regulations and the Comprehensive Plan do not require the dedication and/or construction of any linear park or public improvement upon any portion of the land to be divided.

³ The following is a new applicability statement to generally set forth and clarify what activities are subject to this Article, along with a cross reference to the subdivision procedures section. We have also inserted some common language for exemptions for your consideration.

- b. The public acquisition by purchase of strips of land for the widening or opening of streets.

6.1.4. PLATTING REQUIREMENTS ⁴

A. Division of Property

1. Every owner of any tract of land who divides the tract into two or more parts shall cause a plat to be made, which accurately describes and locates the entire tract by metes and bounds as required in this article.
2. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.
3. No plat may be recorded and no transfer of title to any part of a tract of land shall be made until a plat, accurately describing the property to be conveyed, is approved in accordance with these provisions and recorded.

B. Permits for Construction Activity or Public Improvements

1. Except as provided in Section 6.1.3 or for a plot or tract conveyed prior to May 29, 1952 and remaining in the same configuration, the City shall not issue permits for any construction activity or allow any public improvements for a development until a plat is approved and filed of record.
2. Upon written request from the developer, the Zoning Administrator, Directors of Water Utilities and/or Public Works and Transportation may allow the construction of public improvements prior to plat recording with accepted plans and 3-way contracts.
3. In order for the request to be granted, the developer must demonstrate that an inability to record the plat within a reasonable timeframe is the result of recording requirements that do not have a substantive impact upon the development of the land.
4. If the City allows the development of public improvements prior to plat recording, the City shall not accept those improvements until a plat is filed of record.
5. No building permit shall be issued nor public utility service provided for land that has only received approval as a conveyance plat.

6.1.5. GUIDING POLICIES FOR ADMINISTRATION OF THIS ARTICLE ⁵

Proposed plats or subdivisions that do not conform to the purposes listed above and the following policies and regulations shall be denied. In lieu of being denied, the City may approve the subdivision subject to the guiding policies in this section. These regulations shall be administered in accordance with the following policies.

⁴ Taken from Section 3.01.A and B of the current code.

⁵ The following is generally taken from Section 1.03 (Policies) of the current Subdivision Regulations, with new sections as noted below. Notably, we have relocated the provisions for adequate public facilities in the current Section 1.03.C-D for placement below into a new section. We recommend that the code user's attention be better drawn to these statements.

A. Conformity with Comprehensive Plan

Plats and proposed public improvements shall conform to the City's Comprehensive Plan and its constituent elements, including the Thoroughfare Development Plan, Parks Master Plan, Hike and Bike System Master Plan, and all other development-related ordinances of the City.

B. Conformity with Unified Development Code⁶

No subdivision shall be approved unless it complies with all applicable zoning, design, and development regulations set forth in this Code, including but not limited to:

1. The requirements of the zoning district in which the property is located (See Article 2, *Zoning Districts*);
2. The requirements relevant to specific uses (See Article 3, *Use Regulations*); and
3. Generally applicable development and design standards (See Article 4, *Dimensional Standards* and Article 5, *Design and Development Standards*).

C. Sites and Access for Comprehensive Plan Elements

Adequate sites and convenient access for schools, parks, playgrounds, and other community services indicated in the City's Comprehensive Plan, Thoroughfare Development Plan, Parks Master Plan, Hike and Bike System Master Plan, and all applicable ordinances shall be provided in accordance with the intent, policies, and provisions of this Code.

D. Developer Responsibility

The developer is responsible for the accuracy of all information furnished in the design of facilities as they pertain to both the proposed development and other properties affected by the proposed development. The City's concurrence in the design does not relieve the developer of this responsibility.

E. Effect of Development on General Welfare

The nature, shape, and location of land to be platted or developed shall enable it to be used without danger to health or increased risk of fire, floods, erosion, stormwater pollution, landslides, or other menaces to the general welfare.

6.1.6. INCORPORATION OF DESIGN MANUALS

The City's *Design Criteria Manual* is hereby incorporated by reference as if fully set forth in this Code.

⁶ The following is a new section that has been added per page 6 of the Diagnosis. The intent is to clarify that all subdivisions must comply with all of the standards set forth in other articles of the Unified Development Code.

6.2. ADEQUATE PUBLIC FACILITIES AND DEDICATION REQUIRED⁷**6.2.1. PROVISION OF ADEQUATE PUBLIC FACILITIES**

Each subdivision shall provide adequate public facilities. Adequate public facilities shall include adequate water, sanitary sewer, drainage, parks, and transportation facilities necessary to serve the proposed development, whether or not the facilities are to be located within the property being platted or offsite.

6.2.2. OVERVIEW OF CRITERIA FOR ADEQUATE PUBLIC FACILITIES

Public facilities are considered adequate if they meet the minimum level of service (LOS) established in the appropriate sections of this Code and the following standards:

A. Street Access

All platted lots shall have safe and reliable street access for daily use and emergency purposes. All platted lots shall have direct access to a paved public street, private street, or an approved access easement. (See Section 6.4, *Street and Right-of-Way Requirements*)

B. Water

All platted lots shall be connected to a public water system that provides water for health and emergency purposes. The water system shall be consistent with the Water Distribution System Model and Master Plan, Design Criteria Manual, and the Water and Sewer Chapter, as amended. (See Section 6.6, *Water and Sanitary Sewer Requirements*.)

C. Sanitary Sewer

All platted lots shall be connected to a public sanitary sewer collection and treatment system. On-site sanitary sewer treatment systems are not permitted, except for the pretreatment of industrial waste. The projected sanitary sewer discharge of a proposed development shall not exceed the capacity of the sanitary sewer system. The sanitary sewer system shall be consistent with the Wastewater System Model and Master Plan, Design Criteria Manual, and the Water and Sewer Chapter, as amended. (See Section 6.6, *Water and Sanitary Sewer Requirements*.)

D. Drainage and Stormwater Management

Drainage and stormwater facilities are adequate when (See Section 6.5, *Drainage and Environmental Standards*):

1. Stormwater runoff attributable to new development or redevelopment complies with the minimum standards of this Code and the *Design Criteria Manual*.
2. To the maximum extent practicable, Permanent Best Management Practices (BMPs), as described in the *Design Criteria Manual*, maintain the

⁷ We have recommended separating these provisions out from the current Section 1.03 C-D. No substantive changes are proposed, other than referencing the appropriate new section of code associated with the public facility.

predevelopment characteristics of any natural creek that ultimately receives stormwater runoff from the development.⁸

E. Parks and Recreation

Parks and recreation facilities are adequate when (See Section 6.7, *Linear Parks*):

1. Park fees are paid; and
2. Linear park dedication and participation agreements are executed for residential properties within, or adjacent to, the 100-year floodplain of the following creeks and rivers:
 - a. Bowman Branch
 - b. Fish Creek (South Branch)
 - c. Johnson Creek
 - d. Lynn Creek
 - e. Rush Creek
 - f. Sublett Creek
 - g. Trinity River
 - h. Village Creek

F. Electricity

All platted lots shall have access to a public utility that provides electricity for retail consumption.

G. Telecommunications

All platted lots shall have access to a public utility that provides telecommunications for retail consumption.

6.2.3. DEDICATION REQUIRED

A. Generally

Property necessary for the orderly development of streets, roadways, thoroughfares, utilities, parks, stormwater facilities, or other public purposes shall be dedicated to the City as required by this Code and in accordance with the Comprehensive Plan, the Thoroughfare Development Plan, the Parks Master Plan, and the Hike and Bike System Master Plan. Dedication of and acceptance by the City of the property is a condition of plat approval.

B. Proportionality Required

The dedication requirements for a specific plat shall be roughly proportional to the projected impact of the proposed development. Upon the request of the applicant, the decision-making authority shall make a determination that the required

⁸ This language is taken from Section 1.03.D.5 of the current Subdivision Regulations. There was some confusion about the terms "natural creek" and "permanent feature." We replaced "permanent features" with the terminology used in the Design Manual. Also, we changed the phrase "the natural creek" to "any natural creek" to clarify that this applies only if there is a creek on the property.

dedication is related in both nature and extent to the impact of the proposed development.

C. Underground Utilities

1. Lateral and service lines

All lateral and service lines serving residential and non-residential development shall be placed and maintained underground.

2. Feeder lines

Overhead feeder lines are not allowed unless they are located:

- a. Adjacent to a public or private street where overhead lines exist;
- b. Along the perimeter of a subdivision where overhead lines exist; or
- c. Along the perimeter of a subdivision that has existing underground feeder lines only if the proposed development provides the entire width of the utility easement necessary to accommodate the proposed utility.

3. Utility Company Responsibility

The utility company is responsible for developing administrative policies and cost reimbursement procedures to install and extend underground service. These policies shall permit the utility company to recover the cost differential between extending and installing overhead and underground service from the developer.

D. Property Owners' Association Responsibility

1. Property Owners' Association Required

Subdivisions developed with amenities or property held in common ownership, including but not limited to private streets, amenity lots, drainage features subject to a maintenance agreement, and perimeter fencing, shall have a mandatory property owners' association that includes all property served by the amenity or property.

- a. The association shall own and is responsible for the maintenance of the amenity or property.
- b. The association documents must establish a reserve fund to maintain the amenity, property or other improvements.
- c. The association documents shall be filed of record prior to recording the final plat. Lot deeds must convey membership in the association and provide for the payment of dues and assessments required by the association.
- d. A note shall be included on the final plat indicating that the property owners' association is responsible for the property or amenities.
- e. The association shall not be terminated. The City shall be notified if the property owners' association fails to exist.

2. Alternative Funding Mechanisms

If a property owners' association fails to collect reserve funds to maintain property such as private streets, access easements, privately-maintained drainage features, or pools, the City may assess property owners within the subdivision served by the amenity or facility the costs associated with addressing matters of public safety.

E. Platting Exemptions for Single Tracts Prior to Construction

Any owner of an unplatted single tract of land shall submit for approval and have filed of record a plat of the tract prior to the commencement of construction or issuance of a building permit. However, nothing in these regulations requires a plat to be approved and recorded as a prerequisite to construction under the following conditions:

1. The tract is zoned residential in accordance with Article 2, *Zoning Districts*, and the construction is for any of the following purposes, and the addition or alteration conforms with the Unified Development Code:⁹

- a.** Adding to or altering an existing lawfully conforming single-family building or structure;
- b.** Adding a fence on the tract; or
- c.** Adding an accessory building or structure to an existing lawfully conforming single-family use.

2. The tract is not zoned residential as noted above or is zoned residential but contains a permitted non-residential land use, the construction is for any of the following purposes, and the alteration conforms with the Unified Development Code:

- a.** Adding an accessory building to an existing lawfully conforming use on the same tract;
- b.** Adding a fence on the tract;
- c.** Remodeling or altering an existing commercial or industrial building;
- d.** Adding a wireless communications antenna to an existing utility transmission tower or existing telecommunications tower; or
- e.** Any improvement that does not create infrastructure impacts or more intensive development than the exceptions listed above.

⁹ Sec. 3.02.M of the current code lists the following: "A" Agricultural, "E" Estate, "R" or "R-1" or "R-2" Residential, "TH" Townhouse, or "D" Duplex here. We have replaced these districts with the following in accordance with the public review draft of Article 2, *Zoning Districts*. Please advise if we should exclude any residential districts from this list.

6.3. LOTS AND BLOCKS¹⁰**6.3.1. LOTS****A. Buildings to Be on a Lot**

Except as otherwise permitted by this Code, every building shall be located on a lot.

B. Frontage

All lots shall front on a public or private street or private access easement and shall have a minimum frontage width as indicated Article 4, *Dimensional Requirements*.

C. Lot Size¹¹

Platted or replatted lots must comply with the minimum lot size regulations of the zoning district in which the lot is located (see Article 4, *Dimensional Standards*). See Section 10.4.16.F for specific criteria related to replats.

D. Setbacks

Lot setbacks shall be determined by the applicable zoning district, not platted building lines.

6.3.2. BLOCKS**A. Lots to Be Contiguous within Blocks**

Lots shall be arranged in a contiguous pattern within blocks or abutting a cul-de-sac.

6.4. STREET AND RIGHT-OF-WAY REQUIREMENTS¹²**6.4.1. BASIC POLICY**

The following general requirements apply to all plats.

A. Streets and right-of-way shall conform to the Thoroughfare Development Plan, as amended, the *Design Criteria Manual*, and the standards in this Code.

B. An adequate off-site street and thoroughfare system shall be designed and constructed in order to:

1. Provide for streets of suitable location, width, or other improvements to accommodate existing traffic, traffic anticipated from the development, and traffic anticipated from other developments impacting the same roadways;
2. Afford satisfactory access to adjoining properties; and
3. Accommodate police, firefighting, sanitation, and street maintenance equipment.

¹⁰ We have suggested adding the following modest lot and block standards to enable the City to have some leverage in approving orderly arrangements of lots, how to address corner lots, and that all buildings must be located on a lot and have street frontage.

¹¹ Taken from Section 3.09.F of the current subdivision regulations, reworded for clarity.

¹² Per page 57 of the Diagnosis, this section has generally been carried forward from Article IV of the existing Subdivision Regulations with some suggested modifications as noted. The modifications generally come from the notes received from Community Development and Public Works staff who have been working to make modifications to this section that have not been implemented yet.

- C. The proposed streets of the development shall effectively relate to the present and future street system and to the development of the surrounding area in order to assure continuity of thoroughfares, coordination of intersections, the limitation of median breaks, and the promotion of livable neighborhoods.
 - 1. The plat shall provide for appropriate continuation or termination of any existing streets, whether constructed or dedicated, which extend to the limits of the proposed subdivision.
 - 2. Adequate provision of access to adjoining lands shall be made.¹³
- D. The developer shall design and construct adequate roadway facilities, whether on-site or off-site.
- E. The developer shall be responsible for all costs associated with meeting the requirements of this article.

6.4.2. ADEQUACY OF OFFSITE ROADWAY NETWORK REQUIRED

A. Adequacy Required

Prior to plat approval, the City shall determine whether the roadway network serving the development to be platted has adequate capacity to accommodate existing traffic, traffic reasonably anticipated from the development, and traffic reasonably anticipated from other developments approved or to be approved within a reasonable period. The standards for compliance with this requirement are set out in subsections B through D, below. The City's determination shall be based on information provided by the developer in the plat application and supporting studies, unless the study is waived.

B. Analysis of Adequacy

- 1. For any property submitted for platting that meets the criteria contained in Section 6.2.3.A, the developer shall provide, at the developer's expense, a traffic study that analyzes the adequacy of the roadway network to serve the development.
- 2. Adequate capacity of the roadway network shall be determined as described in the Traffic Study section in Chapter 3 of the *Design Criteria Manual*.

C. Determination of Adequacy

- 1. The roadway network shall be considered adequate if:
 - a. There is sufficient capacity on each existing link and intersection of the network; or
 - b. There is sufficient capacity on each proposed link and intersection of the network; and

¹³ We deleted the following language, because it discourages connectivity and is usually done by the applicant without a regulatory requirement: "In order to foster livable neighborhoods, local streets and minor collectors internal to a neighborhood shall be designed to discourage traffic from traveling directly through a neighborhood and shall discourage high speeds through neighborhoods."

- c. The roadway conditions are adequate for each existing link and intersection of the network.

D. Determination of Inadequacy

In the event that the traffic study shows a result of a level of service "D", "E", or "F", as defined in the Highway Capacity Manual, or the Community Development and Planning Department¹⁴ determines that the off-site roadway network serving the development to be platted is not adequate, the following shall be provided:

1. Proposed solutions to the transportation issues resulting from the proposed development;
2. The degree of local congestion;
3. The availability of alternate routes to service the increased traffic; and
4. The degree to which the increased congestion is attributable to the applicant's project.

After the information is reviewed, the City may:

5. Disapprove the plat;
6. Require that development of the property be phased to coordinate the timing of building permits with the provision of adequate capacity; or
7. Require the developer, in lieu of denial or phasing of the plat, to construct off-site and/or on-site improvements to City standards or as otherwise permitted by the Zoning Administrator to provide adequate capacity for the roadway network. Construction may be required to use standards in excess of the *Thoroughfare Development Plan* or typical City standards.

6.4.3. TRAFFIC STUDY REQUIREMENTS

A. Traffic Study Submittal

The traffic study shall be prepared in accordance with the Traffic Study section of Chapter 3 of the *Design Criteria Manual*.

B. Revisions to Traffic Study

Prior to forwarding any plat to the Commission, the traffic study shall be accepted by the City. The acceptance of the traffic study will be based on the completeness of the traffic study, the thoroughness of the impact evaluation, and the consistency of the study with the proposed access and development plan.

¹⁴ "Department of Public Works" has been changed to "Department of Public Works and Transportation" to reflect current terminology per the city's website. We typically draft administrative authorities for specific items to reference the title (e.g., City Engineer) or department rather than stating the "city". With the complexity of development codes and often times confusion as to who administers which provisions, we suggest being as specific as possible. Also, we suggest that staff not be given authority to determine that roads are not "adequate" without standards. Because the standards are already established here, we suggest that this authority simply be removed.

6.4.4. REQUIREMENT FOR ACCESS TO THE STREET NETWORK

A. Acquisition of Access Required

The developer shall acquire right-of-way and/or necessary easements and construct any offsite roadways and/or access ways necessary to connect the development with an adequate offsite roadway network.

B. Residential Access Limited¹⁵

1. Arterial Streets

No single-family, townhouse, or duplex residential development shall have direct access to an arterial street unless no other means of access is available. In cases where access is permitted, a private access easement adjacent to the thoroughfare is required. Any lot that has direct access to an arterial street is required to provide head-out egress.

2. Major Collectors

Single-family, duplex, and townhouse¹⁶ residential lots may have direct driveway access to major collectors if the following development standards are complied with:

- a. Additional lot dimension and setback requirements as outlined in Section 4.1.
- b. Driveway separation may be allowed only with a minimum of 240 feet separation with shared driveways.
- c. Head out egress shall be provided.

C. Private Access Easements

To the maximum extent practicable, private access easements shall be required between and/or across any lots fronting on arterial and major collector streets in order to minimize the total number of access points along those streets and to facilitate traffic flow between lots. The location and dimensions of the easement shall be in accordance with the *Design Criteria Manual*. A note shall be provided on the plat indicating the lots served by the private access easement.

D. Maintenance of Private Access Easement

Maintenance of any private access easement is the responsibility of the property owner or property owner's association, as applicable.¹⁷ When an easement is created by plat, a maintenance note as approved by the City shall be added to the plat acknowledging maintenance responsibility. When the easement is created by

¹⁵ There were two illustrations in Sec. 4.04.B of the current subdivision regulations in this location that do not match the text. They indicated a maximum of three lots off of an arterial street in what appeared to be a cul-de-sac bulb or dead end street, and a 250' minimum spacing requirement along private roads along arterials that is not entirely clear. Per staff's response, it does not appear these are regulations in effect so we have eliminated the illustrations.

¹⁶ We have suggested adding townhouse development to all references to single and duplex development to be consistent throughout this document.

¹⁷ We have suggested adding that it is the responsibility of the property owner's association to cover maintenance of private access easements. Staff's comments reflected a desire to include this language to clarify.

separate instrument, the maintenance responsibility shall be acknowledged with the separate instrument.

E. Access Prohibition Lines

Where a subdivision will abut or contain an existing or proposed arterial, major collector, or frontage road, certain segments of the streets may not be suitable for private or public access points to maintain safe and efficient traffic movement. In these instances, access prohibition lines may be required on the plat.

F. Prohibited Turning Movements

For the benefit of traffic safety and flow on arterial and major collector streets, access points may be required in order to prohibit certain types of turning movements. The plat shall include a notation of any restricted turning movements.

G. Signalization Required

Signalization of access points on arterial or collector roadways may be required in order to provide safe and efficient traffic flow. The developer shall be responsible for any design, right-of-way acquisition, utility relocation, and construction costs required for a traffic signal installation necessitated by a development, as determined by an approved Traffic Impact Analysis or the City Traffic Engineer. If the need for the signal has not occurred at the time of platting, or if at the time of site development the City determines that construction of the facilities is not feasible, the developer shall make a payment in lieu of construction equal to the developer's share of the design, right-of-way acquisition, utility relocation, and construction costs. Payment shall be made prior to recording the plat or issuance of a building permit, whichever occurs first.

H. Adequate Access

Each residential subdivision shall have at least two constructed points of public ingress and egress, except:

1. When 30 or fewer residential units are constructed with one point of street ingress and egress.
2. The Zoning Administrator may approve up to 40 units with one point of access when requested.¹⁸ In evaluating a request, the Zoning Administrator shall consider factors including the timing of construction of other public improvements that provide a second point of access, public safety, and convenience.
3. The City Council may grant a waiver to these regulations for more than 40 units with one point of access when unique topographic or infill circumstances exist.

¹⁸ We have added that this 40 units may be allowed with one access point, whereas the current Code does not specifically state this.

I. Rear Entry Access

The City may require the developer to provide for rear entry access to lots from a private access easement to benefit traffic safety in areas of higher residential density development.

6.4.5. STREET LAYOUT REQUIREMENTS

A. Intersections¹⁹

1. Intersection Offsets

- a. No street intersecting an arterial or collector street shall vary from a 90-degree angle of intersection by more than 10 degrees.
- b. The number of minor collector or local street offsets shall be minimized. However, when approved by the Zoning Administrator, a minimum centerline offset distance of 125 feet shall be maintained.
- c. There shall be a minimum of 600 feet between intersections of arterials or collector type streets.²⁰

- 2. Arterial streets shall be intersected only by collector streets or other arterial streets, unless the only means of ingress and egress to a subdivision is from the arterial street. In this event, the local street intersection shall be configured in accordance with Figure 6.1. All costs associated with the construction of this flare configuration shall be borne by the developer.

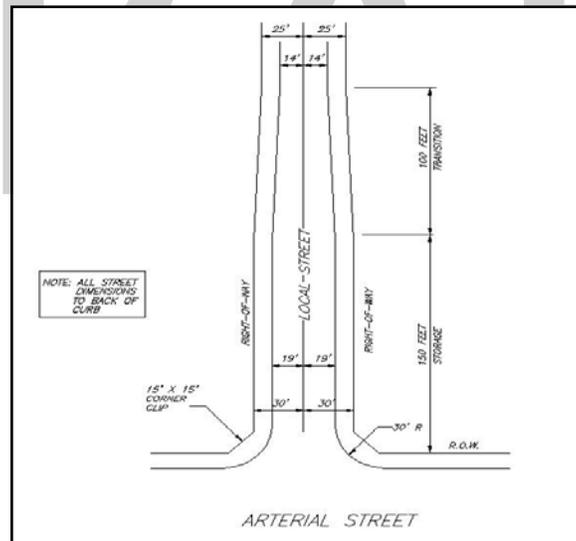


Figure 6.x Intersections of local and arterial streets.

- 3. Visibility triangles, as required by the *Design Criteria Manual*, shall be provided at the intersection of all public streets. In addition, visibility easements may be required where sight distance may be limited due to

¹⁹ Subsection 2 below is new, but simply cross references the applicable section from Article 5, *Design and Development Standards*. Originally, we had included some general language from Article IV.A of the Entertainment District, but this new section in Article 5 will have more detailed pedestrian circulation standards.

²⁰ This standard may be moved to the Thoroughfare Development Plan.

topography, roadway curvature, vegetation or other sight hindrance. The easement shall be dedicated by plat.

B. Residential Block Length

The following standards shall be followed in the design of residential blocks.

1. Block lengths and cul-de-sacs shall be appropriate to the density and type of development as follows:²¹
 - a. The maximum length of any block in a residential zone district shall be 600 feet, except as follows:
 - (i) In instances where it is impractical to design residential blocks at or less than 600 feet in length, mid-block pedestrian/bicyclist access shall be provided in the form of a public walkway that meets the standards of Section 6.4.6 and this section.
 - (ii) The mid-block access shall be a minimum of 30 feet in width and run the entire depth of the block and connect two streets or serve as a connection to a park, open space lot, school, trail, or recreation or amenity area for public use or for use by residents of the subdivision. (See Figure 6.4-B.) The access may be provided as an open space lot or easement.
 - b. If utilizing rural standards, the maximum block length shall be 1000-1200 feet with a maximum of 12 lots.

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²¹ Per page 58 of the Diagnosis, we recommend implementing lesser maximum block lengths to encourage a more pedestrian friendly urban design pattern. Multiple studies have shown that larger block lengths reduce the walkability of residential neighborhoods, which can have implications for the ability of residents to have an active lifestyle and make trips on foot and/or bicycle. A typical modern standard is a maximum 600 foot maximum block length, which the consulting team has suggested. We have also suggested where blocks are greater than 600 feet, mid-block pedestrian access is mandatory. The current standard is for a 1000-1200 foot maximum block length for streets over 28 feet in width, and a 600-800 foot maximum for streets less than 28 feet in width. Once we have feedback on this issue, we will coordinate this standard with Section 5.8.3.B, *Street Connectivity*.

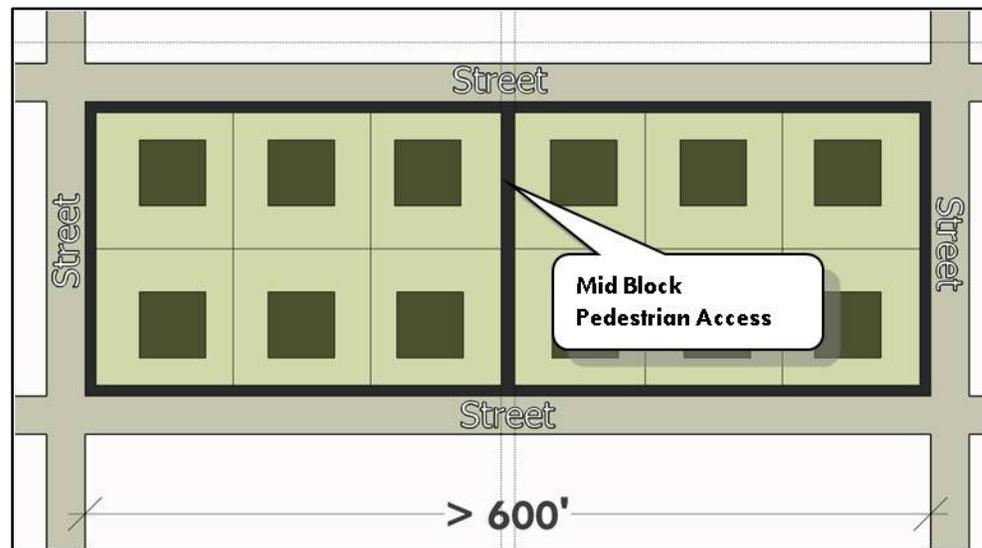


Figure 6.x Mid block pedestrian access. Where block lengths are at or greater than 600 feet in length, mid block pedestrian/bicyclist access is required.

2. Alternative Block Lengths

- a. The Zoning Administrator may approve alternate block lengths under the following conditions:
- (i) Proximity to a railway, expressway, waterway;
 - (ii) Topographic features, or
 - (iii) An infill development with no alternate access.
- b. When considering a request for alternative block lengths, the Zoning Administrator shall consider the following:
- (i) Alternative designs which would reduce block length;
 - (ii) The effect of long blocks on access, congestion, and delivery of municipal services; and
 - (iii) Means of mitigation, including but not limited to mid-block turnarounds, limitation on the number of lots to be created and served, temporary points of access, and additional fire protection measures.

C. Curvilinear Design Requirements

1. Curvilinear Requirements

Roadway layout may include curvilinear design. Local and minor collector streets may be designed with a minimum of 50 percent of the lots within the subdivision to have curved frontage. The roadways shall also conform to the following:

- a. Fit the road to natural topography,
- b. Avoid monotony of lot appearance,
- c. Reduce speeds through neighborhoods, and

- d. Discourage through-traffic intrusions by eliminating straight views from one block to the next.
- e. Local and minor collector streets that connect one major collector or arterial to another major collector or arterial are discouraged.

2. Alternatives to Curvilinear Requirements

In lieu of providing curvilinear streets, one or more of the traffic calming measures in Section 6.4.5.D may be incorporated into the design of the street to reduce speeds through neighborhoods and discourage through-traffic intrusions.

D. Traffic Calming Measures²²

Local and minor collector streets that connect one major collector or arterial to another major collector or arterial are discouraged. However, when site conditions require this configuration, the street shall incorporate one or more of the following design elements:

1. Circuitous Through-Streets

Through-streets should be designed so that it is not apparent from either end that the street connects to major streets.

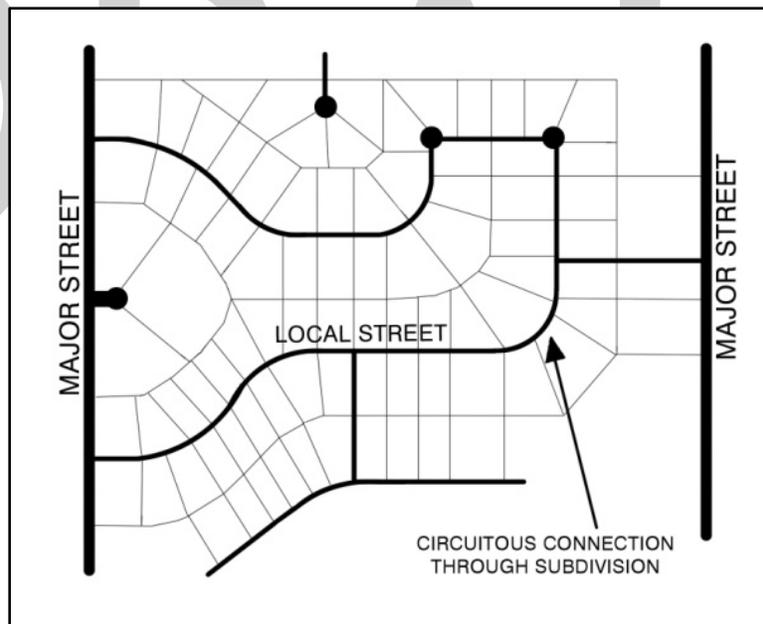


Figure 6.x Circuitous through-streets

2. Staggering

Through-streets should be staggered to give the illusion from a distance that a street no longer continues. Staggered streets shall be offset by a minimum of 125 feet from centerline to centerline.

²² These standards are subject to further revisions.

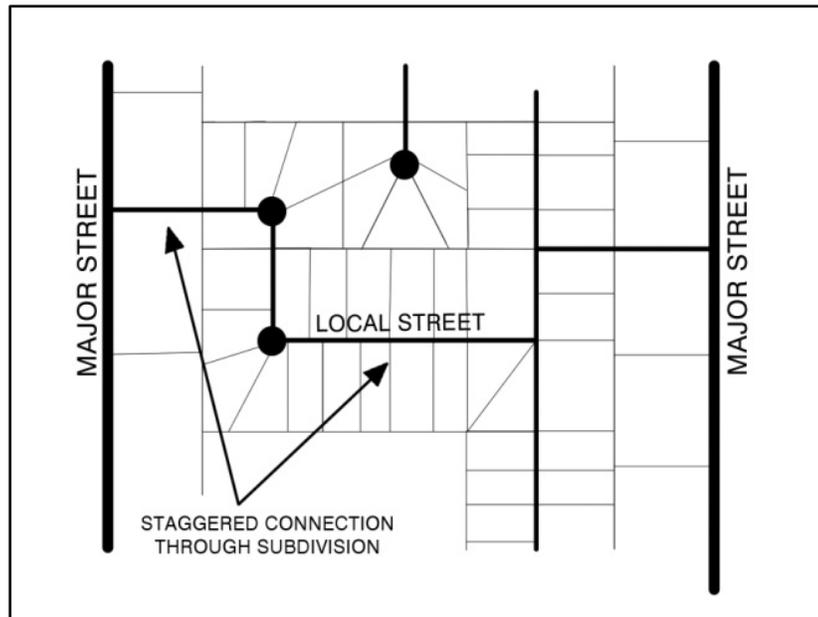


Figure 6.x Staggered streets.

3.

Traffic Circles

Raised circular islands should be placed in intersections to reduce speeds and discourage cut-through traffic. Traffic islands may be landscaped. Landscaping shall be maintained by a property owner's association and, if located in the public rights-of-way, shall be subject to the *Forestry Landscaping Master Plan Standards Manual*.

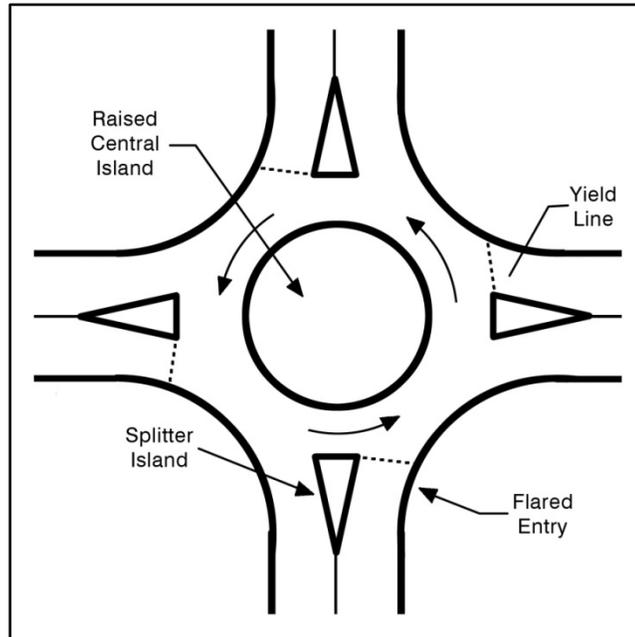


Figure 6.x Traffic circle.

4.

Loop Streets

Loop streets are encouraged in lieu of cul-de-sacs.

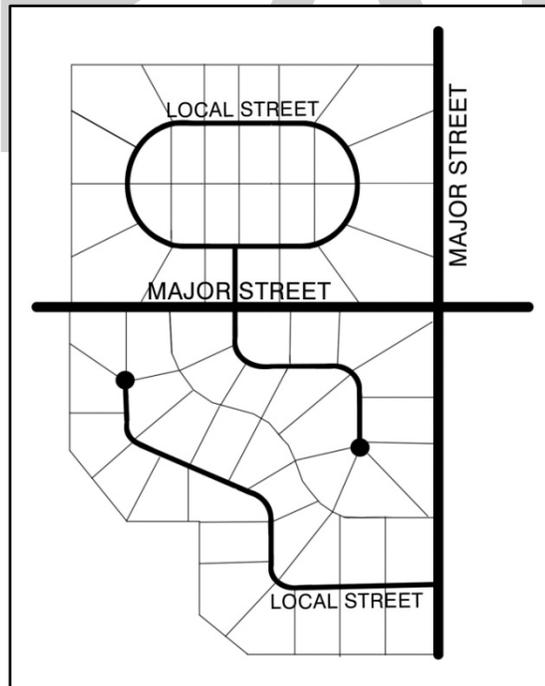


Figure 6.x Loop streets.

5. Narrowing Islands/Chokers

Mid-block chokers should be placed between intersections to reduce speed. The street width should be narrowed or reduced for a distance while still maintaining two-way traffic. No on-street parking will be allowed along the choker and transition areas.



Figure 6.x Chokers on a residential street.

6. Intersection Neckdowns

Chokers or narrower street widths at the intersection shall be encouraged to reduce speed. The reduced street width shall be adequate to maintain two-way traffic movement.



Figure 6.x Intersection neckdown.

7. Wide Centerline Median / Striping Narrow Lanes

Street width shall be narrowed by either striping the street centerline wider to give the illusion of a painted median or by striping an outside edge line paralleling the curb. No on-street parking will be allowed within this design.



Figure 6.x Wide centerline median striping.

E. Dead End Streets²³

Dead end streets are permitted only where a future extension or connection is anticipated or planned into adjacent property. If the dead end is greater than 150 feet measured from the property line, a turnaround facility will be required. The developer shall be responsible for acquiring the right-of-way or easement and constructing the turnaround. The turnaround will be considered temporary until the street is extended or a permanent cul-de-sac is

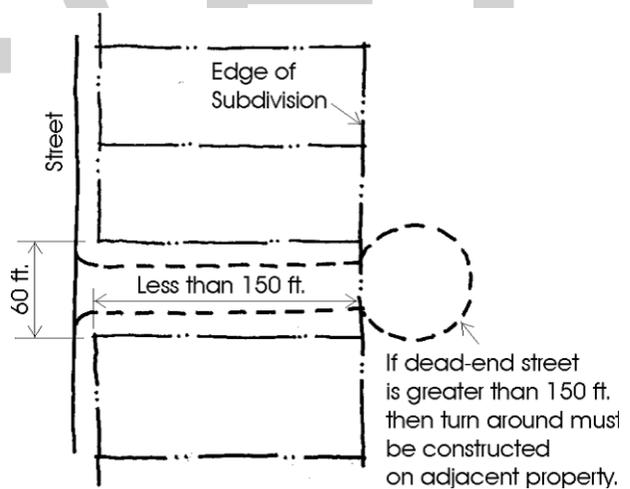


Figure 6.x Dead end streets and cul-de-sacs.

constructed. The turnaround may be constructed without curb and gutter but shall meet all other design criteria. The turnaround shall be constructed off-site, unless the developer is unable to obtain off-site right-of-way. The Zoning Administrator

²³ Per page 58 of the Diagnosis, we have added a provision here that where cul-de-sacs are constructed, there are maximum lengths of any street leading to the cul-de-sac and there must be direct pedestrian access through the cul-de-sac to ensure better connectivity. Additionally, we included some basic cul-de-sac standards in Section 5.8.3.B that were not anticipated in the Diagnosis. We will reconcile these standards once the City has completed their review of this section.

may approve the construction of the turnaround within the limits of the development.

1. Provisions shall be made for drainage at the ends of dead end streets.
2. When an existing dead end street with temporary turnaround, whether on- or off-site, is extended, the developer extending the street shall be responsible for removing the turnaround facilities, constructing the extension or cul-de-sac to the standards in these regulations and restoring the affected area.
3. If the developer chooses not to extend an existing dead end street, then that developer shall provide right-of-way and construct a permanent turnaround (cul-de-sac).²⁴

F. Pedestrian Circulation

Pedestrian circulation standards are set forth in Article 5, *Design and Development Standards*.

G. Rights-of-Way

Rights-of-way for major arterials, minor arterials, major collectors, and minor collectors are required as showing in Table 6.4-1 and the Thoroughfare Development Plan.

TABLE 6.4-1: Required Right of Way Widths	
Roadway Classification	Right-of-Way Width
Major Arterial	120 feet
Minor Arterial	90-100 feet ^[1]
Major Collector	70 feet
Minor Collector	60 feet

^[1] 100 feet of right-of-way is required only in specific instances. See the Thoroughfare Development Plan map for details.

H. Mid-block and Intersection Requirements

Mid-block and intersection rights-of-way and geometric design for streets are required as shown in the *Thoroughfare Development Plan* and *Design Criteria Manual*. Additional right-of-way shall be dedicated to facilitate access ramp and/or signal construction as follows:

1. 10' x 10' clip for local/local street intersections.
2. 80' radius for arterial/arterial intersections and arterial/departure side of major collector street intersections. See *Design Criteria Manual* for layout.
3. 15' x 15' clip for all other intersections.

²⁴ Subsections 5-6 below are suggested new language per page 58 of the Diagnosis. 600 feet is a common standard in instances with cul-de-sacs to encourage some levels of connectivity in subdivisions. Subsection 6 is a common standard that ensures some level of pedestrian connectivity.

I. Local Streets

1. Right-of-Way

For local streets, the right-of-way can vary depending on the standards utilized as shown in Table 6.4-2 below:

TABLE 6.4-2: Right of Way Widths and Local Streets	
Pavement Width	Right-of-Way Width
28 feet (curb & gutter)	50 feet
24 feet (curb & gutter)	46 feet
22 feet (curb & gutter)	44 feet
28 feet (rural design)	60 feet plus 10 feet drainage easement on each side

2. Rural Design

A rural design for a local street includes 28 feet of pavement with no curb and gutter. This standard shall only be used in residential developments with lots greater than one acre in size.

3. Flare at Intersection

Right-of-way for all local streets shall flare to 60 feet at intersections with any arterial street.

4. Hydrant Bulb-Outs

For the 24-foot or 22-foot local standards, hydrant bulb-outs shall be designed to accommodate fire apparatus. The right-of-way for the bulb-outs shall be dedicated on the plat.

J. Cul-de-sacs

1. A cul-de-sac shall have a 50-foot right-of-way radius at the closed end. The radius of the paved area of the turnaround shall be a minimum of 43 feet.

2. To the maximum extent practicable, cul-de-sacs shall provide direct

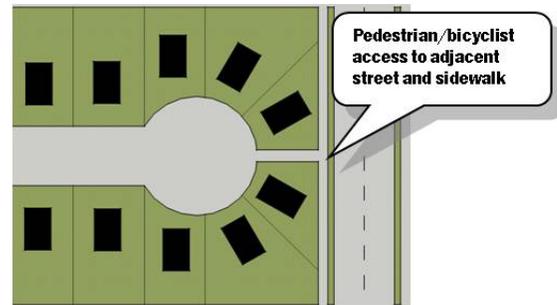


Figure 6.x Pedestrian access at end of a cul-de-sac.

pedestrian/bicyclist access to the closest street or pedestrian/bicyclist connection in accordance with Section 6.4.6 for public walkways.

K. Private Access Easements

The minimum width of a private access easement shall be 20 feet. The easement shall be increased to 24 feet when it functions as a required fire lane. For 24-foot and 22-foot local standards, private access easements are required to provide rear access to residential lots. For this use, the private access easement width may be reduced by the Zoning Administrator.

L. Auxiliary Lanes

Additional right-of-way will be required for auxiliary lanes and shall be designed in accordance with the *Design Criteria Manual*. The developer will be responsible for the design, right-of-way and easement acquisition, and the construction of the auxiliary lanes, including adjustments of utilities and sidewalks.

6.4.6. OTHER ACCESS WAYS**A. Sidewalks**²⁵**1. Sidewalks Required**

The developer shall install sidewalks on all public streets within and abutting the development. Sidewalks are not required for the local rural street standard where the lots are one acre or larger in area. A waiver of sidewalks may be granted by the Director of Public Works and Transportation if it is determined that construction is not feasible at time of development for engineering reasons or inappropriate due to the nature of the project.

2. Standards

Sidewalks shall be built in accordance with the *Design Criteria Manual*, the *Hike and Bike System Master Plan*, and Texas Accessibility Standards.

B. Walkways

The minimum width of an easement for a public walkway shall be 15 feet. Walkways are typically sidewalks constructed between lots, not adjacent to roadways. Walkways may be required to provide access to schools, parks, playgrounds, or nearby roads.

C. Bicycle Facilities

Bicycle facilities shall be designed and built in accordance with the *Hike and Bike System Master Plan*.

D. Easements

The developer may, at his own option, choose to provide additional private access easements for sidewalks, walkways, or bicycle facilities. Construction and maintenance of these private access easements will be the responsibility of the developer and/or subsequent owners.

E. Alleys

New public alleys are prohibited. Access that functions as an alley shall be dedicated as a private access easement in accordance with 6.4.6.C.

²⁵ Staff suggested removing the different standards for sidewalks between non-residential, multi-family, and single-family development in favor of this general statement referencing the Design Criteria Manual. This generally reflects current standards in Section 4.08, but one notable change is that it would eliminate the provision that sidewalks are not required for local rural streets or cul-de-sacs.

6.4.7. DEVELOPMENT REQUIREMENTS**A. State Roadways**

The developer may be required to construct curbs, gutters, and sidewalks to the City's requirements on developments abutting roadways designated as state highways, or on right-of-way or land owned by the State. The developer may petition for a determination by the Zoning Administrator that the construction is either not feasible at the time of development for engineering reasons or inappropriate due to the nature of the construction project. If it is determined the construction is not feasible or is inappropriate, funds shall be placed in escrow for the design and construction of the facilities. The escrow shall not be refundable.

B. Coordination with Planned Street Projects

Where a development will abut an existing street for which construction plans have been prepared for future improvements, the plans for the development shall be coordinated with the construction plans. If the developer requests an alteration to the construction plans, and the City agrees to the alteration, the developer shall pay to revise the plans as necessary and escrow any increased construction costs. The escrow will not be refundable.

C. Street Appurtenances with Construction

All public street construction shall include streetlights, street signs, signals, and pavement markings. The developer will be responsible for all costs associated with the design and construction or installation of these street appurtenances. Streetlights shall also be required on all perimeter public streets along the frontage of the development. Conduit for fiber optic cables may be required at signalized intersections and along roadways identified in the City's network fiber plan. All street appurtenances shall be designed and constructed in accordance with the *Design Criteria Manual*.

6.4.8. PAYMENT REQUIREMENTS**A. Payment May be Collected for Site Required Facilities**

Upon the developer's request to defer construction of required public improvements, a payment in lieu of construction may be collected for required improvements. The Director of Public Works and Transportation may agree to defer construction of required improvements and accept payment when construction of the required improvements is not feasible at the time of development. The payment amount shall be estimated based on the total estimated cost of design, utility relocation, and construction of the improvements unless otherwise specified in this section.

B. Easements Required

The developer shall provide the right-of-way/easements even if construction is determined not to be feasible and payment is accepted.

6.4.9. CONTRACT POLICIES AND PROCEDURES

Standard three-party contracts executed by the contractor, the developer, and the City are required for all public improvements. The contracts also include two-year maintenance

bonds, performance bond, payment bond, insurance, and other requirements and fees as detailed in the *Design Criteria Manual*.

6.4.10. OWNERSHIP AND MAINTENANCE

All public facilities constructed within dedicated public rights-of-way or public easements shall be and shall remain the property of the City and, after expiration of the maintenance bonds, shall be maintained by the City.

6.4.11. PRIVATE STREETS

A. Design and Construction Requirements

Private street widths, cross-sections, and design criteria shall comply with City standards and shall meet the minimum construction standards for public streets, including its appurtenances such as streetlights, street signs, and pavement markings. If the development will be gated, it shall comply with the gated entry guidelines in the *Design Criteria Manual*.

B. Streets Excluded

Streets shown on the Thoroughfare Development Plan shall not be used, maintained, or constructed as private streets. In addition, the Commission may deny the creation of any other private street if, in the Commission's judgment, the private street would have any of the following effects:

1. Negatively affect traffic circulation on public streets;
2. Impair access to property either on-site or off-site to the subdivision;
3. Impair access to or from public facilities including schools, parks and libraries; or
4. Delay the response time of emergency vehicles.

C. Separate Lot Required

Private streets shall be constructed within a separate lot owned by the property owners' association. This lot shall conform to the City's standards for public streets and rights-of-way. An easement covering the street lot shall be granted to the City providing unrestricted use and maintenance of the property for utilities. This right shall extend to all utility providers 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, inspection, and code enforcement. The easement shall permit the City to remove any vehicle or obstacle within the street lot that impairs emergency access.

D. Cost of Private Streets

The City shall not pay for any portion of the cost of constructing or maintaining a private street and its appurtenances.

E. Inspections

Inspections of private streets shall be performed by the City at the developer's cost or by a third party in accordance with requirements outlined in the *Design Criteria Manual*.

F. Maintenance

Developments with private streets shall have a mandatory property owners' association that includes all property served by private streets to ensure maintenance of the private street as outlined in Section 6.2.3.C.4.

G. Waiver of Services

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

H. Conversion of Private Streets to Public Streets

A request to convert private streets to public streets shall be considered in accordance with Section 9.4.20, *Converting Private Streets to Public Streets*.

6.4.12. STREET NAMES

The developer shall name streets in conformance with the following:

- A.** Proposed street names shall be substantially different in sound and spelling from existing street names in the City and the City's extraterritorial jurisdiction.
- B.** If a new street is a direct or logical extension of an existing street, the existing street name shall be used.
- C.** All proposed street names shall be approved by the City.
- D.** Street names shall be no more than 14 characters including spaces, excluding the suffix.

6.4.13. ALTERNATIVE LOCAL STREET STANDARDS

Alternative street designs may be allowed in accordance with the following table or the approval of the Zoning Administrator if an adequate level of service is still provided by the proposed design. There shall be no waivers from construction specifications.

Table 6.4-3: Local Street Standards

	28 ft	Rural (one acre lots) 28 ft	24 ft	22 ft
On-street Parking	Allowed Both Sides	None Allowed	Allowed on One Side Only	None Allowed
Alleys (Private Access Easements)	Allowed	Allowed	Required	Required

Table 6.4-3: Local Street Standards

	28 ft	Rural (one acre lots) 28 ft	24 ft	22 ft
Maximum Block Length	1,000 to 1,200 ft, maximum of 12 lots, or DOT approval		600 to 800 feet with no maximum number of lots per block	
Hydrant Bulb-out	Allowed	Allowed	Required	Required
Minimum Turning Radii	20 ft	20 ft	20 ft	20 ft
Mountable Curb and Gutter (shall have Parkway)	Allowed	Bar ditches and streets without curbs allowed in lieu of curb and gutter	Required	Required
Residential Fire Sprinklers	Allowed	Allowed	Allowed	Required: Fire Department may grant a waiver if other means of access, increased turning radii, and additional hydrants are provided.
Street Lights	Required	Allowed	Required	Required
R.O.W./Access Easements	50 ft	60 ft + 10 ft on each side for drainage easement	46 ft	44 ft
Sidewalks	Required: Minimum width of four feet required on both sides of street with minimum parkway width of five feet.	Allowed	Required: Minimum width of four feet required on both sides of street with minimum parkway width of five feet.	Required: Minimum width of four feet required on both sides of street with minimum parkway width of five feet.

6.5. DRAINAGE AND ENVIRONMENTAL STANDARDS ²⁶**6.5.1. DRAINAGE AND STORMWATER MANAGEMENT POLICIES****A. Adequate Facilities**

Where it is anticipated that runoff incident to the development of the subdivision will exceed the capacity of an existing downstream drainage feature and result in hazardous conditions (such as flood heights, velocity, flow over road, etc.), the Commission and/or City Council may deny approval of the plat if plans for mitigation have not been accepted by the City. Mitigation plans shall be provided that include, but are not limited to, all necessary onsite and off-site improvements including storage, storm sewer systems, channel modifications, driveway adjustments, and culvert improvements. The mitigation construction shall be completed prior to the issuance of building permits. The City may accept the phasing of development.

B. Developer Responsibility

The developer shall be responsible for all storm drainage flowing to, through, from and adjacent to the property. This responsibility includes the drainage directed to that property by prior or anticipated development as well as drainage naturally flowing through the property due to topography. The developer shall pay for all costs associated with the onsite and off-site drainage features and improvements to mitigate negative effects on water quality and quantity, and the dedication of necessary drainage easements.

C. Easements

Drainage easements shall be dedicated for public drainage features in accordance with requirements of Section 6.5.2. Drainage easements and features shall be included as a portion of buildable (habitable structure) lot(s) and not as a lot by itself unless specifically authorized by the Zoning Administrator or designee. If a drainage feature is approved on a separate lot, a mandatory property owner's association is required and subject to responsibilities outlined in Section 6.2.3.D.

Permanent public drainage features such as pipes, flumes, or concrete-lined channels that cross property lines, or are located in street rights-of-way or public drainage easements are considered public. Drainage features that do not meet these criteria or deemed otherwise by the City may be considered private and maintained by the property owner. Private drainage easements shall be dedicated for all private drainage features. Easements not dedicated by plat shall be dedicated by separate instrument.

D. Stormwater Quality

Designs for development shall manage stormwater in a manner that protects and/or improves stormwater quality by addressing the development's potential to cause erosion, pollution, siltation, and sedimentation in the MS4 and natural creeks. The goal is to maintain after development, to the maximum extent practicable, the

²⁶ Per page 57 of the Diagnosis, please review and inform the consulting team of any inconsistencies with the Design Manual that should be addressed in this process.

predevelopment characteristics of stormwater runoff from the development. It is the developer's responsibility to ensure that designs for the development meet the stormwater management requirements of the City Code.

E. Stormwater Runoff

Stormwater runoff shall be calculated anticipating a fully developed watershed. The comprehensive plan, existing land use, and zoning maps shall be used to determine fully developed conditions. The Zoning Administrator or designee reserves the right to review the determination of fully developed conditions and may require revisions.

F. Conveyance of Development Runoff

Where drainage features such as storm drainage systems, ditches, channels, and natural creeks are reasonably available to receive runoff, the runoff for the design frequency storm shall be collected onsite and conveyed in a storm sewer system to the existing feature.

G. Positive Overflow

Positive overflow means that flow greater than the design frequency storm will be conveyed by a secondary drainage feature without flooding structures. Streets are designed to carry a specified quantity of stormwater within the right-of-way according to the street classification. At sump locations or slope limitations where the stormwater will leave the right-of-way, a positive overflow path shall be provided. A drainage easement shall be dedicated between lots at or near the low point in the street to allow for positive overflow systems. The Zoning Administrator or designee may allow alternative designs.

H. Minimum Finish Floor Elevations

The City may require the developer's engineer to establish minimum finished floor elevations (MFF) to provide flood protection on certain lots contained within the subdivision. The MFFs shall be shown on the plat. These elevations shall incorporate the most current floodplain management criteria or other criteria as necessary to avoid damages. The minimum finish floor elevation shall be two feet above the fully developed 100-year water surface elevation where the MFF is associated with a natural creek or open channel. When the MFF is necessitated by situations other than a natural creek or open channel, the MFF shall be set by the developer's engineer and agreed upon by the City.

The following note or an amended version appropriate to the specific plat shall be added to any plat upon which the City requires the establishment of minimum finish floor elevations:

"The City of Arlington reserves the right to require minimum finish floor elevations on any lot contained within this addition. The minimum elevations shown are based on the most current information available at the time the plat is filed and may be subject to change. Additional lots, other than those shown, may also be subject to minimum finish floor criteria."

I. Off-Site Drainage

1. The developer is responsible for the evaluation of the discharge leaving the proposed development and its effect on downstream structures, features, and property, including but not limited to, flooding, stream channel stability, and water quality. The developer may be required to mitigate adverse impacts.
2. When any proposed development requires off-site grading or where stormwater runoff has been collected or concentrated, the runoff from the required design frequency shall not be permitted to drain onto adjacent property except in existing creeks, channels, storm sewers or streets unless a drainage easement is provided in accordance with the Design Criteria Manual.²⁷

6.5.2. DRAINAGE FEATURES

A. Stormwater Conveyance

The three types of runoff conveyance features are natural creeks, closed systems, and improved open channels. The *Design Criteria Manual* contains specific criteria regarding the design of the drainage features. Natural streams and channels are the preferred method of conveyance, and the objective of these regulations is to minimize modifications of natural streams and channels. Closed systems or constructed/modified open channels are permitted only when the Zoning Administrator or designee determines that they are appropriate based upon site constraints such as easements, utility infrastructure, etc., and hydraulic conditions.

1. Natural Creeks

Natural creeks shall be preserved unless it is determined by the Zoning Administrator or designee that it is not feasible to leave the creek in its natural state. In order to assist in this determination, the following are required:

a. Report

A hydrologic and hydraulic report is required to establish the 25- and 100-year water surface profiles. The requirements for the report are outlined in the *Design Criteria Manual*.

b. Easement

Easements shall be dedicated for all drainage features as outlined in the *Design Criteria Manual*. Additional easements may be required to provide access to the creek for maintenance.

c. Erosion Clear Zone (ECZ)

An ECZ shall apply to all development activity. No portion of any building, pavement surface, fence, wall, swimming pool, or other structure shall be located or constructed within the ECZ. The ECZ shall

²⁷ Per page 58 of the Diagnosis, Section 5.02 of the current Code (General Requirements) has been removed for placement into the new *Review Procedures* article. We also suggest that some of the submittal requirements from that section be placed in an administrative manual.

be shown, labeled, and described by metes and bounds on the plat or site plan when the ECZ lies outside the drainage easement. One of the following shall apply:

- (i) To establish the ECZ, a line shall be projected from the toe of the slope of the bank of the natural creek on a three horizontal to one vertical slope to the natural ground surface:
 - (1) If the resulting intersecting line is greater than 50 feet horizontally from the toe of the slope of the bank, the ECZ shall be located at the intersection point. This is illustrated in Figure 6.5-A: Erosion Clear Zones Deep Depth Creeks.

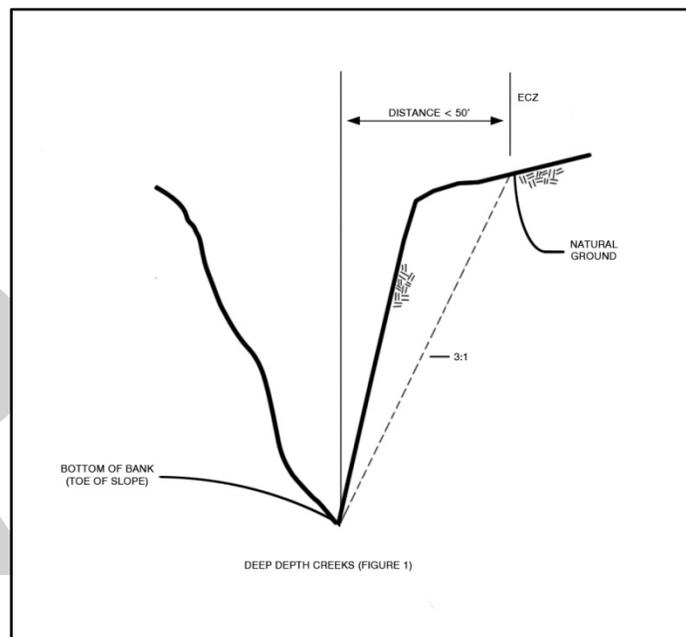


Figure 6.x Deep Depth Creek ECZ

- (2) If the resulting intersecting line is at least 40 feet, but less than 50 feet horizontally from the toe of the slope of the bank, additional footage shall be added to the requirements, so that a total of 50 feet measured horizontally from the toe of the slope of the bank is in the setback. This is illustrated in Figure 6.5-A: Erosion Clear Zones, Medium Depth Creeks.

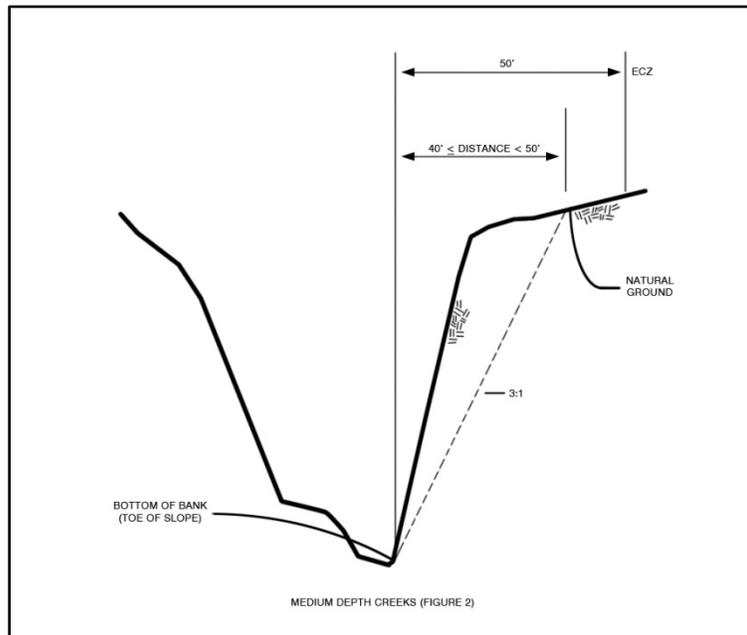


Figure 6.x Medium Depth Creek ECZ

- (3)** If the resulting intersecting line is less than 40 feet horizontally from the toe of the slope of the bank, an additional 10 feet shall be added to the requirements. This is illustrated in Figure 6.5-A: Erosion Clear Zones, Shallow Depth Creeks.

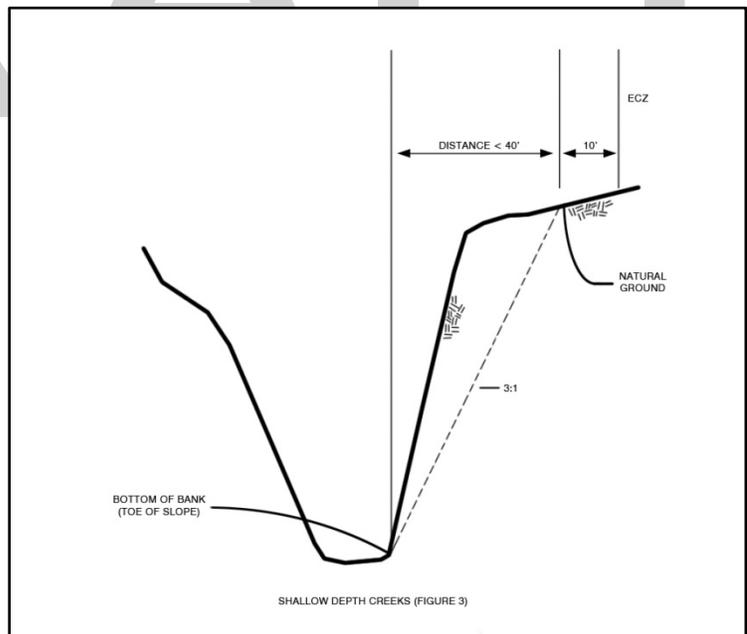


Figure 6.x Shallow Depth Creek ECZ

- (ii)** When an ECZ is established, the following note or an amended version approved by the Director of Public Works and Transportation shall be added to the plat or site plan:

“No buildings, fences, or other structures/improvements are allowed to be placed within the Erosion Clear Zone.”

- (iii) In lieu of an ECZ, the developer may submit a plan to stabilize and protect the banks of the creek. The plan shall be submitted to the City and the US Army Corps of Engineers Section 404 permit shall be accepted prior to recording the plat.

d. Creek Buffer Zone (CBZ)

A creek buffer zone is a riparian zone primarily for the preservation and encouragement of natural habitat and shall apply to any development activity. The following shall apply to creek buffer zones:

- (i) The limits of the creek buffer zone on each side of the creek shall be 25 feet, measured from the top of bank of the creek perpendicular away from the creek. Where the top of bank is not clearly defined, the CBZ will begin at the 2-year water surface elevation of the creek. When the creek buffer zone lies outside the drainage easement, it shall be shown, labeled, and described by metes and bounds on the plat.

- (ii) No buildings, swimming pools, or other structures shall be constructed within the CBZ. Only the following facilities may be allowed in the creek buffer zone:

- (1) Facilities that cross the creek, such as railroads, streets, bridges, and utilities.
- (2) Park amenities, such as trails, playgrounds, and benches.

- (iii) Overland flow shall be maintained as sheet flow within the creek buffer zone.

- (iv) When a CBZ is established, the following note or amended version as approved by the Director of Public Works and Transportation shall be added to the plat or site plan:

“No buildings, swimming pools, or other structures/improvements are allowed within the Creek Buffer Zone, except for facilities that cross the creek or for park amenities such as trails, playgrounds and benches, as long as they do not concentrate surface drainage.”

e. Erosion Protection

Where natural creeks connect to improved systems, permanent transitional materials shall be required. Additionally, in areas along the natural creek where excessive erosion may occur, grade control structures, drop structures, or other structures may be required to stabilize the channel and flowline.

f. Maintenance

The following shall apply to natural creeks.

- (i) The City is not responsible for any maintenance or cleaning of the natural creek.
- (ii) The property owner shall be responsible for maintenance and cleaning of the creek.
- (iii) The property owner shall acknowledge maintenance responsibility by means of a maintenance statement or by an agreement approved by the City to provide for any maintenance of the natural creek and its associated drainage easement.
- (iv) **Maintenance Statement.** When an easement is dedicated for a natural creek by plat, a maintenance note as approved by the City shall be placed on the plat acknowledging maintenance responsibility by the property owner. If the easement is created by separate instrument, a maintenance statement shall be included in the dedication instrument to provide for the continuing maintenance of the natural creek and associated easement by the property owner.
- (v) **Maintenance Agreement.** When an agreement is utilized, the agreement shall be executed prior to recording the plat. For properties that are already platted, the agreement shall be executed prior to the issuance of a building permit. The agreement shall be filed with the Tarrant County Clerk and be a covenant running with the land. Property owner will be responsible for all fees associated with filing the agreement with the Tarrant County Clerk.

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2.

Closed Systems

The closed system, when permitted, shall be connected to an existing system or extended until it reaches an open channel or natural creek. Alternative designs shall be approved by the Zoning Administrator or designee when it is determined that the proposed design is satisfactory and complies with the intent of the provisions of this article, and that the alternative is at least the equivalent of that prescribed by this article in quality, strength, effectiveness, durability and safety.

a. Easement

Drainage easements shall be dedicated as outlined in the *Design Criteria Manual*. Additional drainage easements may be required at specific locations for access to the system for maintenance.

b. Erosion Protection

Where closed systems connect to natural creeks or improved open channels, end sections and/or transitional materials are required for erosion protection.

c. Maintenance

The City will maintain only the public drainage improvements within the drainage easement. Any other improvements or maintenance, including

driveways or driveway culverts, shall be the responsibility of the property owner.

3. Constructed/Modified Open Channels

A request for a constructed/modified open channel shall be evaluated by the Zoning Administrator or designee and permitted when appropriate based on site constraints and hydraulic conditions. Constructed/modified open channels may incorporate the following: gabions, pre-cast concrete block, native stone, vegetation, bio-engineered systems, or equivalent erosion control devices. The following requirements shall be met:

a. Report

A hydrologic and hydraulic report is required to establish the 100-year water surface profiles. The requirements for the report are outlined in the *Design Criteria Manual*.

b. Easement

Drainage easements shall be dedicated as outlined in the *Design Criteria Manual*. Additional drainage easements may be required at specific locations for access to the system for maintenance.

c. Channel Buffer Zone

A channel buffer zone is a riparian zone primarily for the preservation and encouragement of natural habitat. It is required for constructed/modified open channels when constructed with porous materials or when the channel is vegetated. The channel buffer zone shall apply to all development activity.

(i) The limits of the channel buffer zone on each side of the channel shall be 10 feet, measured from the top of bank of the channel perpendicular away from the channel. When the channel buffer zone lies outside the drainage easement, it shall be shown, labeled, and described by metes and bounds on the plat and/or site plan.

(ii) Only the following facilities may be allowed in the channel buffer zone:

(1) Facilities that cross the creek, such as railroads, streets, bridges, and utilities.

(2) Park amenities, such as trails, playgrounds, and benches.

(iii) Overland flow should be maintained as sheet flow within the channel buffer zone.

(iv) When a channel buffer zone is established, the following note or amended version as approved by the Director of Public Works and Transportation shall be added to the plat or site plan:

“No buildings, swimming pools, or other structures/improvements are allowed within the Channel Buffer Zone, except for facilities that cross the channel or for park amenities

such as trails, playgrounds and benches, as long as they do not concentrate surface drainage.”

d. Erosion Prevention

A transition material is required when the channel connects to a natural creek or closed system. The transition downstream of outfalls shall be shaped and/or lined to the point that flow velocities from the outfall and the channel are non-erosive.

e. Maintenance

(i) The City will maintain only structurally improved public drainage improvements within the drainage easement.

(ii) Private improvements and channels constructed of other materials within the easement shall be maintained by the owner or property owner’s association. The property owner or association shall acknowledge maintenance responsibility by means of a maintenance statement or by an agreement approved by the City to provide for any maintenance of the open channel and its associated drainage easement.

(iii) Maintenance Statement. When an easement for a privately maintained stormwater facility is dedicated by plat, a maintenance note as approved by the City shall be placed on the plat and be a covenant running with the land. This statement shall be signed by the property owner. If the easement is created by separate instrument, a maintenance statement shall be included in the dedication instrument to provide for the continuing maintenance of the stormwater facility and its associated easement.

(iv) Maintenance Agreement. When an agreement is utilized, the agreement shall be executed prior to recording the plat. For properties that are already platted, the agreement shall be executed prior to the issuance of a building permit. The agreement shall be filed with the Tarrant County Clerk and be a covenant running with the land. Property owner will be responsible for all fees associated with filing the agreement with the Tarrant County Clerk.

B. Stormwater Mitigation

1. Downstream Structural (Habitable Buildings) Flooding

When downstream structural flooding is known or anticipated, or when the capacity of downstream drainage system is exceeded, the developer will be required to construct stormwater storage. The storage (detention or retention) shall be in accordance with the *Design Criteria Manual*.

2. Easements

The easement shall be sized in accordance with the *Design Criteria Manual*. Additional drainage easement may be required at specific locations for access to the stormwater facility for maintenance.

3. Maintenance

- a. The City will not maintain any portion of the stormwater storage facility.
- b. The property owner or property owner's association shall acknowledge the maintenance responsibility by means of a maintenance statement or by an agreement approved by the City to provide for any maintenance of the stormwater storage and its associated drainage easement. If the stormwater storage facility is located on a separate lot held in ownership by the property owner's association, responsibility shall be as outlined in Section 6.2.3.D.
- c. When an easement is dedicated by plat for the stormwater storage, a maintenance note as approved by the City shall be placed on the plat and be a covenant running with the land. This statement shall be signed by the property owner. If the easement is created by separate instrument, a maintenance statement shall be included in the dedication instrument to provide for the continuing maintenance of the stormwater storage and associated easement.
- d. Maintenance Agreement. When an agreement is utilized, the agreement shall be executed prior to recording the plat. For properties that are already platted, the agreement shall be executed prior to the issuance of a building permit. The agreement shall be filed with the Tarrant County Clerk and be a covenant running with the land. Property owner will be responsible for all fees associated with filing the agreement with the Tarrant County Clerk.

C. Temporary Drainage Features

Temporary drainage features, including but not limited to grade to drain features and ditches, may be allowed with the approval of the Director of Public Works and Transportation. The temporary drainage facilities shall be permanently improved with the development of the property in which the feature is located, unless otherwise approved by the Director of Public Works and Transportation.

D. Permanent Best Management Practices (BMPs) for Stormwater Quality

When a permanent BMP for stormwater quality is established, the following shall apply:

1. Easements

Easements shall be dedicated in accordance with the *Design Criteria Manual*.

2. Maintenance

- a. The City will not maintain any portion of the BMPs.
- b. The property owner or property owner's association shall be responsible for maintenance and cleaning of the BMPs.
- c. The property owner or property owner's association shall acknowledge the maintenance responsibility by means of a maintenance statement or by an agreement approved by the City to provide for any

maintenance of the BMPs and associated easements. If the BMP is maintained by the property owner’s association, responsibility shall be as outlined in Section 6.2.3.D.

- d. When an easement is dedicated by plat for the BMPs, a maintenance note as approved by the City shall be placed on the plat a maintenance note as approved by the City shall be placed on the plat and be a covenant running with the land. This statement shall be signed by the property owner. If the easement is created by separate instrument, a maintenance statement shall be included in the dedication instrument to provide for the continuing maintenance of the features and associated easement.
- e. Maintenance Agreement. When an agreement is utilized, the agreement shall be executed prior to recording the plat. For properties that are already platted, the agreement shall be executed prior to the issuance of a building permit. The agreement shall be filed with the Tarrant County Clerk and be a covenant running with the land. Property owner will be responsible for all fees associated with filing the agreement with the Tarrant County Clerk.

6.5.3. CONTRACT POLICIES AND PROCEDURES

Standard three-party contracts executed by the contractor, the developer, and the City are required for all public drainage construction. The contracts also include two-year maintenance bonds, performance bond, payment bond, insurance, and other requirements and fees as detailed in the *Design Criteria Manual*.

6.5.4. OWNERSHIP AND MAINTENANCE

All public facilities constructed within dedicated public rights-of-way or public easements shall be and shall remain the property of the City and, after expiration of the maintenance bonds, shall be maintained by the City.

6.6. WATER AND SANITARY SEWER REQUIREMENTS ²⁸

6.6.1. BASIC POLICY

A. Adequate Utility Systems Required

Subdivisions within the City of Arlington shall be provided with an approved water supply and distribution system and with an approved sewage collection and disposal system. An adequate water supply and distribution system and sanitary sewer system shall conform to the Water and Sewer Chapter of the City Code of Ordinances and the Design Criteria Manual, as amended. All systems must be consistent with the Master Plan for Water Distribution and Basin Sanitary Sewer Evaluation Studies.

²⁸ Similar to above sections, per page 59 of the Diagnosis, please advise of any inconsistencies between these standards and the design manual. The following is taken from Article VI of the current Subdivision Regulations.

6.7. LINEAR PARKS²⁹

6.7.1. PURPOSE AND INTENT

A. Purpose

The purpose of this section is to:

1. Assure that sufficient linear park land and facilities are provided to meet the recreational demands and needs of those residents of the City that are created as a result of new residential growth and development; and
2. To encourage measures for nonstructural flood control that will reduce the risk of flood damage for surrounding development.

B. Findings

It is the intent of these regulations to require that linear park land be provided in proportion to the needs for the park land created by new residential development in accordance with the Parks Master Plan during the plat approval process. Accordingly, the City makes the following findings:

1. Linear parks provide passive open space and recreational opportunities for City residents, such as bicycling, running, walking, and roller skating.
2. Linear parks protect natural systems, preserve remaining native tree stands and significant vegetation, and provide riparian habitat for wildlife, all of which are enjoyed by City residents.
3. Linear parks serve the purpose of providing critical flood zones for stormwater storage, erosion control, and water purification.
4. The obligation should initially be placed on the developer of the subdivision to provide linear parks proportional to the needs generated for park land by the proposed subdivision.
5. While it is the City's intent to acquire all of the 100-year floodplain contained within designated linear parks, the developer should not be required to contribute more than his fair share of land and improvements needed for linear parks; consequently, the City should acquire park land and participate in the costs of making improvements that exceed the developer's proportionate share.
6. It is reasonable to use linear park fees as a measure of the needs for linear park land and improvements generated by the subdivision and for purposes of apportioning the costs of land and improvements for linear park land between the developer and the City.

6.7.2. LINEAR PARK PLATTING REQUIREMENTS

- A. Except as expressly provided otherwise in this article, whenever a development includes land within a linear park, as indicated in Exhibit "C" of the Park

²⁹ This section has been carried forward from Article VII of the current Subdivision Regulations with no substantive revisions proposed per page 59 of the Diagnosis.

Development Fee Ordinance, the land shall be platted as a separate tract and shall be dedicated to the City to the extent required in this section. The plat also shall designate sufficient land immediately adjacent to the linear park for street access to the linear park. Prior to approval of any plat, or replat, the owner shall offer to dedicate, at a minimum, his proportional share of land to the City.

- B.** No plat application shall be accepted for review unless the requirements of this section are met. These requirements include, but are not limited to the following:
- 1.** The configuration of the linear park land and the street access shall be shown on the plat;
 - 2.** A proposed purchase agreement shall be attached when the owner anticipates selling any part or all of the linear park land to the City; and,
 - 3.** A proposed developer participation agreement shall be attached unless specifically waived in writing by the Director of Parks and Recreation.
 - 4.** Failure to designate linear park land or street access on the plat and execute agreements as required by this section shall be grounds for denial of the plat.
- C.** The Director of Parks and Recreation shall first determine the amount of linear park land required to satisfy the needs of the residents of the proposed subdivision, based upon the Park Improvements Plan and the Park Development Fee Ordinance. The amount of land to be dedicated by the developer shall initially be determined by dividing the amount of the maximum linear park fees due (Schedule 1) for the subdivision by the value of the linear park land (expressed as dollars per acre) established under Exhibit D of the Park Development Fee Ordinance. Separate valuations for floodway and the remainder of the land in the 100-year floodplain may be established. The Director of Parks and Recreation shall determine the location, suitability and the boundaries of the land required to be dedicated in accordance with the site criteria contained in section 6.7.4.
- D.** To the extent that the amount of the linear park land included within the subdivision exceeds the amount of land required to be dedicated under Section 6.7.2.C, the City in its sole discretion may acquire all or part of the excess land within the linear park tract using the procedure set forth in this section, or authorize the owner to continue the plat approval process excluding the excess land or part thereof from the linear park tract.
- E.** Whenever the amount of linear park land within the subdivision equals or exceeds the amount required to be dedicated under Section 6.7.2.C, the dedication of the land shall be deemed to offset all linear park fees due for the subdivision under the Park Development Fee Ordinance. If the amount of linear park land to be dedicated is less than that needed to serve the subdivision, the City shall offset the value of the land against linear park fees otherwise due for the subdivision pursuant to procedures set forth in the Park Development Fee Ordinance.
- F.** The City may, in its sole discretion, agree to purchase the amount of linear park land within the subdivision that is equal to or exceeds the amount required to be dedicated under Section 6.7.2.C in lieu of offsetting linear park fees due for the

subdivision. If the owner prefers to sell land to the City then a proposed purchase agreement shall be submitted with the plat application.

- G.** Any plat to be recorded shall show the location and dimension of all land to be dedicated and/or reserved as linear park land and include the following dedication statement:

The portion labeled on the plat as "Linear Park Land" is dedicated to the public use as a linear park in fee simple title to the City of Arlington, Texas. The Linear Park Land is to be used by the public for reasonable recreational activities consistent with the area as a residential subdivision, and may be improved and maintained by the City of Arlington, Texas as necessary to facilitate those purposes.

6.7.3. LINEAR PARK SITE CRITERIA

The suitability of land for linear park purposes shall be evaluated by the City through Section 10.4.9, Linear Park Platting and Acquisition, in accordance with the following criteria:

- A.** Linear park sites shall be of a suitable size, dimension, topography, and general character to meet the design criteria specified in the Parks Master Plan and in the Park Improvements Plan for linear park facilities.
- B.** In determining the suitability of the land for inclusion in a linear park under this section, the Director of Parks and Recreation shall take into account the relative sizes of the 100-year floodplain and the floodway within the area to be subdivided and the usability of the land to be dedicated.
- C.** Access to the linear park shall be available through a dedicated public street in accordance with criteria in Section 6.7.5.
- D.** Linear parks shall have a minimum width of 50 feet on each side of a river or creek channel, where feasible, measured from the top of the bank (and excluding the channel).
- E.** As a general rule, the location of street access to linear parks shall be located on the outside edge of the 100-year floodplain.
- F.** Any proposal to dedicate only a proportionate share of land identified as linear park land in the Parks Master Plan should be located adjacent to the street access for the linear park.

6.7.4. LINEAR PARK STREET ACCESS

- A.** The developer shall provide access to linear park land by dedicating a minimum of 50 feet of right-of-way for a street contiguous to the linear park tract. The intent of this provision is to ensure that street access is provided, at a minimum, to 50 percent of the length of the park, on both sides of the creek, unless an alternative proposal is approved pursuant to Section 6.7.5.D. If street access is already in place along the entire length of one side of the existing or proposed linear park area, additional street access is only required for 25 percent of the length of the opposing side, unless an alternative proposal is approved pursuant to Section 6.7.5.D. Unless otherwise required by the Department of Public Works and Transportation, the

street shall be designed as a single-loaded facility with a minimum paving width of 28 feet, in accordance with Section 6.4, Streets and Right-of-Way Requirements.

- B.** If the City already owns linear park land adjacent to the proposed subdivision, linear park street access shall be provided adjacent to the park land in the manner set forth in this section.
- C.** In order to facilitate access to linear parks, the City may require a perpetual unobstructed walkway or bikeway easements in accordance with the Parks Master Plan, the Park Improvements Plan for linear park facilities, and the requirements of Section 6.4, Streets and Right-of-Way Requirements.
- D.** The developer may propose an alternative design for access to the linear park tract. The alternative design may include reduction in the linear footage of street frontages, cul-de-sacs fronting on the linear park, and loop streets that provide public access fronting on the linear park. In considering the alternative subdivision design, the Director of Parks and Recreation's recommendations to the Commission or City Council shall take into account the topography and the nature of the linear park land, the extent to which adequate access already is provided to adjoining linear park land, and the extent to which the alternative subdivision design meets related standards in these regulations. In approving any alternative subdivision design, the street frontage along the linear park shall be maximized.
- E.** Storm drainage system criteria shall be as specified in Section 6.4. Drainage improvements shall be constructed to the flowline of the main drainage feature. Outfalls shall be designed and aligned to minimize bank erosion. Storm drainage plans and locations reviewed by the Department of Public Works and Transportation shall be coordinated with the Parks and Recreation Department and shall meet all requirements of the Subdivision Regulations.
- F.** All public utilities shall be underground in and along linear parks and along rear lot lines of property abutting linear parks. However, the Zoning Administrator may authorize the construction of above-ground utilities in those instances where the Zoning Administrator determines:

 - 1.** The benefit of underground utilities is outweighed by the harm or damage to the soils, topography, plant materials and natural habitat caused by the installation of underground utilities; and,
 - 2.** The installation of above-ground utilities does not create any hazards, detract from the appearance of adjacent linear park land, or otherwise conflict with the purpose and intent of the City's linear park system.
- G.** Water and sanitary sewer utility alignments shall be coordinated with the Parks and Recreation Department and designed to serve linear parks where necessary.

6.7.5. CITY PARTICIPATION

The City may participate in a maximum of 50 percent of the costs of linear park street access improvements and related costs for design, drainage, and inspection attributable to linear park land or linear park street access improvements within the subdivision or may enter into an agreement to reimburse the developer for the excess costs.

- A. Participation and reimbursement provisions shall be incorporated in a developer participation agreement as required in Section 6.7.6.
- B. The City's participation in excess costs pursuant to this section shall be in accordance with state law and contingent on approval by City Council and availability of funds.

6.7.6. DEVELOPER PARTICIPATION AGREEMENT

The City may enter into a developer participation agreement for linear park street access improvements consistent with the following requirements, which shall be incorporated into the agreement:

- A. Design and construction of roadways providing access to linear parks shall be in accordance with the City's standards, and policies governing procurement of professional services.
- B. All linear park improvements shall be constructed in accordance with plans and specifications approved by the Parks and Recreation Department.
- C. Prior to construction of any improvements, the owner shall deliver to the City departments responsible for accepting, approving, or supervising the improvements a performance bond, payment bond, and maintenance bond from the contractor performing the work in the sum of 100 percent of the cost to complete the improvements. These bonds shall be executed by a surety company acceptable to and approved by the City and authorized to do business in the State of Texas. The bonds shall be in a form acceptable to and approved by the City. In addition, if the bonds exceed the amount of \$100,000, they shall be issued by a surety that is qualified to assure obligations permitted or required under federal law, as indicated by publication of the surety's name in the current U.S. Treasury Department Circular 570.
- D. All improvements shall be expressly warranted and the maintenance bond shall insure that construction is in compliance with plans and specifications approved by the City Departments responsible for accepting, approving, or supervising the improvements, and is free from all defects. Any defects shall be remedied and repaired within 20 days of written notice from the City that the defect exists unless additional time is granted, in writing, to remedy the defect. The City shall be indemnified from all expenses and liability incurred by the City as a direct and proximate cause of any the defects for a period of up to two years after acceptance of the improvement.
- E. Before awarding construction contracts for linear park street access improvements, the total bid plus unit price bids shall be submitted to the Parks and Recreation Department or the City department(s) responsible for accepting, approving, or supervising the improvements. If, in the Zoning Administrator's sole opinion, the bid amounts exceed prices normally bid for the improvements, he may require the owner to seek additional bids.
- F. All construction contracts shall be submitted to the City departments responsible for accepting, approving, or supervising the improvements for approval. Once

approved by the department(s), a contract may not be amended or changed without prior written approval to the extent that the amendment or change impacts the improvement.

- G.** During the construction of the linear park street access improvements, the City shall have the right, but not the duty, to inspect the park improvements for compliance with the approved plans and specifications and the developer participation agreement or three-party contract.
- H.** The Parks and Recreation Department may require, at its option, that title insurance be provided at the owner's cost in an amount equal to the amount paid for the land and any improvements thereon, or other evidence of good title acceptable to the City Attorney or his designee, indicating that the City will be receiving good and indefeasible fee simple title free and clear of all liens, encumbrances and restrictions.
- I.** If the linear park street access improvements are in compliance with the approved plans and specifications and the developer participation agreement, the Director of Public Works and Transportation shall issue a letter of acceptance that shall evidence the City's acceptance of ownership and maintenance of the public improvements and the real property associated therewith. In no event shall the City be required to accept separate improvements at different times; however, nothing shall preclude the City from doing so if, in the reasonable opinion of the Zoning Administrator, it is beneficial and feasible for the City to do so. The City shall not release any funds for payment towards improvements, until the owner provides detailed documentation of the costs incurred, together with a written payment request, and the Zoning Administrator has finally accepted the improvements.
- J.** The City, its officers, agents, and employees shall be indemnified, defended, and held harmless from all suits, actions, or claims of any character, name and description brought for or on account of any injuries, including death or damages, received or sustained by any person or property on account of or arising out of the construction of a park improvement or defects existing within the warranty period; or on account of or arising out of the operations of the developer, its contractor, agents or employees or the contractor's subcontractors, agents or employees; or on account of any negligent act or omission of the developer, its contractor, agents or employees or the contractor's subcontractors, agents, or employees; and shall be required to pay any judgment with costs, which may be obtained against the City, its officers, agents, or employees growing out of the injury, including death or damages.

6.7.7. PROTECTION/RESTORATION OF PARK LAND

- A.** No person, firm, partnership, corporation, group, organization, or other entity of any type or nature specifically including, but not limited to, the owner of a proposed subdivision shall develop, improve or alter any floodway or the remainder of the land in the 100-year floodplain adjacent to or included within an existing or a proposed linear park site as specified in Exhibit "D" of the Park Development Fees Ordinance unless previously authorized by the Zoning Administrator in accordance with the "Flood Damage Prevention" chapter of the Code.

- B.** No person, firm, partnership, corporation, group, organization, or other entity of any type or nature specifically including, but not limited to, the owner of a proposed subdivision shall dump or deposit fill material in any floodway or in the remainder of the land in the 100-year floodplain adjacent to or included within an existing or a proposed linear park site as specified in Exhibit "D" of the Park Development Fees Ordinance unless previously authorized by the Zoning Administrator or designee in accordance with the "Flood Damage Prevention" chapter of the Code.
- C.** No person, firm, partnership, corporation, group, organization, or other entity of any type or nature specifically including, but not limited to, the owner of a proposed subdivision shall remove or disturb trees or significant vegetation in any floodway or in the remainder of the land in the 100-year floodplain adjacent to or included within an existing or a proposed linear park site as specified in Exhibit "D" of the Park Development Fees Ordinance unless approved pursuant to a restoration plan previously authorized and approved by the Zoning Administrator or designee, in accordance with the "Flood Damage Prevention" chapter of the Code.
- D.** Prior to development of any land adjacent to any proposed or dedicated linear park site as specified in Exhibit "D" of the Park Development Fees Ordinance, appropriate fencing shall be installed along the line of adjacency with the linear park site to prevent any disturbance to the linear park site during any period of development. The minimum standard for "appropriate fencing" shall be a six foot tall temporary chain link fence.
- E.** As an alternative to Paragraph D, the Zoning Administrator may enter into an agreement allowing the owner or applicant to post a cash bond or establish an escrow fund in lieu of installing appropriate fencing along the line of adjacency with the linear park site. Prior to entering into any the agreement, the Zoning Administrator shall determine that the risk of damage to the linear park site by the development is minimal and that the amount of any cash bond or escrow fund is sufficient to repair any reasonably foreseeable damage to the linear park site.
- 1.** The cash bond or escrow fund shall be in an amount determined by the Zoning Administrator as necessary to protect or restore the linear park site to its pre-construction condition. In no event shall the amount of the cash bond or escrow fund be less than ten percent of the total amount of the City's participation in any improvements benefiting the linear park site.
 - 2.** A letter of credit shall not be accepted to establish a cash bond or escrow fund. The applicant may, however, purchase a surety bond from a surety company acceptable to and approved by the City and authorized to do business in the State of Texas. The bonds shall be in a form acceptable to and approved by the City. In addition, if the bonds exceed the amount of \$100,000, they shall be issued by a surety that is qualified to assure obligations permitted or required under federal law, as indicated by publication of the surety's name in the current U.S. Treasury Department Circular 570.
 - 3.** The required cash bond or escrow fund may also be established by an agreement to withhold the monies required for the cash bond or escrow

fund from payments due under a Developer Participation Agreement. The withholding of the escrow fund moneys shall be in addition to any amount of retainage withheld under a Developer Participation Agreement.

4. In the absence of the protective fence and the establishment of a cash bond or escrow fund hereunder, the City shall be entitled to assert a claim against and withdraw or draw down the moneys from the cash bond or escrow fund as may be necessary to:
 - a. Clean up debris, waste, and other materials deposited, flowing, migrating, or blowing on to the linear park property from any other source, location or site; and/or
 - b. Repair any damage to and/or replace the soils, topography, plant materials, and natural habitat contained in, on, or about the linear park property.
5. Any funds collected from the cash bond or escrow fund may in the determination of the Zoning Administrator be held in a City account until it is deemed prudent to clean-up the property or repair and replace damaged soils, topography, plant materials, and natural habitat. While priority will be given to expending the collected funds on cleaning up the property and repairing or replacing soils, topography, plant materials and natural habitat on, in and about the damaged linear park property the funds may be used at other locations throughout the City.
6. In asserting a claim against and withdrawing or drawing down funds from the cash bond or escrow fund for clean-up, repairs and replacement the City shall have no obligation or responsibility to establish the identity of the person, party or entity responsible for damaging, injuring, littering or contaminating the linear park property. The applicant seeking relief from the fencing requirement pursuant to this provision shall be deemed to be strictly liable for all damage or injury to, and litter or contamination of the linear park property.
- F. Any person, firm, partnership, corporation, group, organization, or other entity of any type or nature specifically including, but not limited to, the owner of a proposed subdivision who develops, improves, alters, or fills a proposed linear park site, including any disturbance of natural vegetation, as specified in Exhibit "D" of the Park Development Fee Ordinance without prior written approval from the Zoning Administrator shall be subject to restoration requirements, clean-up costs, and/or damages.
- G. The Building Official, or an authorized representative, shall have the authority to issue a Stop Work Order or deny permits and inspections on any activity that is contrary to the provisions of this section.

6.7.8. PARK REQUIREMENT AS ADDITIONAL AND SUPPLEMENTAL REQUIREMENT

- A. The park dedication requirements established by this section are additional and supplemental to, and not in substitution of, any other requirements imposed by the

City on the development of land. The requirements are intended to be consistent with and to further the policies of the City's Comprehensive Plan, the Parks Master Plan, the Park Development Fee Ordinance, Subdivision Regulations, and all other City policies, ordinances, and resolutions by which the City seeks to promote orderly growth, protect against public harms and preserve natural resources.

- B.** This section does not obligate the City to accept or reject offers of dedication or agreements for construction and dedication of improvements for linear park access. These regulations do not prohibit voluntary contributions of park land by property owners.

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