

# ADDISON, TEXAS



## UNIFIED DEVELOPMENT CODE PART 2: DEVELOPMENT STANDARDS

**CLARION**

SEPTEMBER 2020  
**PUBLIC DRAFT**

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# Article 1: General Provisions

[To be drafted in Part 3]

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# Article 2: Zoning Districts

[Submitted with Part 1]

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# Article 3: Use Regulations

[Submitted with Part 1]

### 4.6.12 Maintenance

- A. All improved parking surfaces shall be maintained in good and safe condition and be free of holes, cracks or other failures that may affect the use, safety, appearance or drainage of the surface or of the adjoining property.
- B. Driveways and improved parking surfaces shall be maintained in good and safe condition and be free of holes, cracks, spalling, or other failures that may affect the use, drainage from the property, drainage on adjoining property or the longevity of the material.<sup>71</sup>

## 4.7 Landscaping, Buffering, and Fences

### Commentary

This section is built on a consolidation of multiple landscaping sections from throughout the current ordinances, primarily Chapter 34 (Environment), Article VI: Landscaping Regulations; Chapter 18, Article X: Fences; and various landscaping-related provisions found in the current zoning district standards. Many specific edits are noted to introduce new flexibility, to clarify requirements, and to raise the bar for landscape design quality generally. Buffering and fencing standards are enhanced.

Generally, discussion is needed on the administration of this section. The current code places the authority for landscaping under the Director of Parks and Recreation. This draft continues that practice. However, it is common in many communities for the Development Services Director to have such authority.

Other outstanding discussion question: Should the airport be more explicitly exempted from any of these provisions?

### 4.7.1 Purpose<sup>72</sup>

The intent of this section is, through the preservation, protection, maintenance, and planting of trees and other plant materials, to:

- A. Provide visual buffering and enhance the visual appeal of the Town;
- B. Realize the environmental benefits of landscaping such as: storm water retention; recharging groundwater; retaining soil moisture; preventing erosion; providing bird and wildlife habitat; and mitigating air quality, water pollution, dust, noise, heat, and glare;
- C. Conserve water resources by using sustainable design and maintenance techniques and native and/or adapted plant species that are low water-use and regionally appropriate;
- D. Provide screening to minimize the visual impacts of some types of facilities, structures, and equipment;
- E. Establish an attractive streetscape that contributes to the character and appearance of the Town; and
- F. Improve the appearance of development to protect and enhance public and private investments and property values.

<sup>71</sup> From current Sec. 18-132.

<sup>72</sup> Combination of current 34-3, 34-201, and new suggested language.

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### 4.7.2 Applicability<sup>73</sup>

#### A. Generally

Unless otherwise exempted by paragraph (B) below, the standards of this section shall apply to all development that meets the applicability thresholds established in Section 4.2: *Applicability*, or any work that meets one or more of the following:

1. Increases the non-permeable lot coverage by more than 2,000 square feet; or
2. Building permit applications for exterior remodeling with a value equal to or greater than \$10,000.00 exclusive of maintenance and repair.

#### B. Exemptions

Properties containing only single-family and/or duplex uses where only one such structure is constructed are exempt from all parts of this section except for the following:

1. Subsection 4.7.6D: Tree Replacement and Protection: Application to Residential Districts, and
2. Section 4.7.8: Buffering.

#### C. Establishment and Modification of Planned Development Districts and Special Use Permits

The City Council shall, at a minimum, impose landscaping requirements that are reasonably consistent with the standards and purposes of this section as a part of any ordinance establishing or amending a planned development district, or amending a special use permit. All landscaping requirements imposed by the City Council shall be reflected in landscape and irrigation plans that comply in form and content with the requirements of Subsection 4.7.3.

#### D. Special Exceptions to Landscaping Requirements

The Board of Zoning Adjustments may grant a special exception to the landscaping requirements of this section upon making a special finding from the evidence presented that strict compliance with the requirements of this section will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the Town and its residents in accomplishing the objectives and purposes of this section. To be considered for special exception, the applicant shall submit a justification statement that describes which of the requirements set forth in this section will be met with modifications, which project conditions justify using alternatives, and how the proposed measures equal or exceed normal compliance.

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### 4.7.3 Landscape/Irrigation Plans<sup>74</sup>

#### A. Registration

The Town may require landscaping companies to register with the Development Services Department prior to submitting landscape/irrigation plans.<sup>75</sup>

#### B. Submittal<sup>76</sup>

Landscape/irrigation plans shall be submitted to the Director prior to site plan review, or as part of building permit applications if site plan review is not required.

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<sup>73</sup> Based on but updates current 34-203. The current code's applicability provisions appear to be more complex than necessary. They both identify specific districts within which the landscaping standards apply, and also types of projects. This proposed new section simply states that standards apply throughout the city (with some exceptions) and then states the types of projects that must demonstrate compliance with landscaping standards.

<sup>74</sup> Replaces and updates current 34-204. The current text treats the landscape and irrigation plans as separate documents, but it is unclear if that is necessary. This section proposes a consolidation for simplicity.

<sup>75</sup> We recommend these registrations follow a similar process to the other building contractor licenses/registrations currently required by the Town.

<sup>76</sup> Integrates parts of current 34-204 and 34-206.

**C. Contents<sup>78</sup>**

Landscape/irrigation plans required under this section shall be prepared to technical specifications established by the Director and shall at minimum contain the following information:

1. Date, scale, north arrow, and the names, addresses, and telephone numbers of both the property owner and the person preparing the plan;
2. Project name, street address, and lot and block description;
3. Location of walks, buildings, utilities, parking, drives and other site features.
4. Location of existing trees and landscaping.
5. Chart indicating required buffers, open space, frontage trees, parking lot trees, interior parking lot landscaping and other required landscaping elements.
6. Tree preservation and mitigation table that identifies the existing trees on site, the species and caliper inch of the tree, an indication of if the tree is to be preserved or removed, and how it will be mitigated, if necessary.
7. Location, height, and material of proposed screening and fencing (with berm to be delineated by one-foot contours);
8. Complete description of plant materials shown on the plan, including names (common and botanical name), locations, quantities, container or caliper sizes, heights, spread, and spacing. The location, size and species of all existing trees on the lot must be specifically indicated;
9. Complete description of landscaping and screening to be provided in or near off-street parking and loading areas, including information as to the amount (in square feet) of landscape area compared to gross site square feet. The Town right-of-way shall be included as part of the gross site landscaping;
10. Size, height, location, and material of proposed seating, lighting, planters, sculptures, decorative paving, and water features;
11. Cross-section drawing of berms and grading plan showing berm contours; and
12. Location of sprinkler heads, valves, double-check valve, water meter, automatic controller with rain and freeze sensors;

**D. Seal Required**

1. Landscape plans shall contain the seal of a landscape architect licensed in the State of Texas that such plans have been reviewed by such architect and satisfy all requirements of these landscape regulations.
2. Irrigation plans shall contain the certification and seal of an irrigator licensed by the Texas Commission on Environmental Quality that such plans were prepared by such irrigator and satisfy all requirements of these landscape regulations.

**E. Certificate of Occupancy<sup>79</sup>**

It shall be unlawful to issue an occupancy permit prior to the approval and complete installation of the landscape and irrigation plans. However, for a variety of reasons, it is not always possible to complete the landscape installation as quickly as desired or needed. In such cases, a time extension may be granted, and a temporary certificate of occupancy may be issued for variable periods from 15 to 45 days.

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<sup>78</sup> Some or all of this information could be relocated to a technical or administrative manual prepared by the Director (where it may be updated without code amendments), not in the actual code. Are these requirements still current? We already removed the following existing language in preparing this draft: "The plans shall have a scale of one-inch equals 30 feet or larger and be on a standard drawing sheet of a size no smaller than 24 inches by 36 inches, not to exceed 36 inches by 48 inches. A plan that cannot be drawn in its entirety on a 36-inch by 48-inch sheet shall be drawn with appropriate match lines on two or more sheets."

<sup>79</sup> Current 34-213.



**F. Evaluation of Landscape/Irrigation Plans<sup>80</sup>**

The Director of Parks and Recreation shall review each landscape/irrigation plan to determine whether it complies with the requirements of this section, including the landscape design standards in Section 4.7.5: *General Landscape Standards and Specifications*. The following considerations shall be used to evaluate proposed plans:

1. The landscape design should have proportion, balance, unity, variety of species, and a variety of color through the seasons.
2. Landscape designs should define spaces including entrance areas, pedestrian paths, vehicular avenues, parking areas, sitting areas, etc.
3. As an architectural feature, landscape designs should visually soften the mass of the buildings, parking areas, and other structures.
4. Native or adapted Texas Smartscape landscape materials should be selected.
5. Landscaping should reduce the reliance on irrigation, thus conserving the public water supply, and reduce the reliance on inorganic fertilizer and pesticides; thus reducing the amounts carried off by runoff to lakes and streams.

**4.7.4 Minimum Landscaping Required<sup>81</sup>**

**A. General<sup>82</sup>**

1. Trees and other plant material shall be provided according to this section.
2. Existing landscaping may be used to satisfy the landscaping requirements of this section, except that preservation of existing trees shall comply with paragraph 4.7.5B.4: *Credits for Tree Preservation*.
3. Artificial trees, shrubs, turf, or plants shall not be used to satisfy any of the requirements of this section.
4. Where fractional number results, the number of trees, shrubs, or perennials shall be rounded to the next highest whole number.

**B. Minimum Landscaped Area<sup>83</sup>**

In the districts listed in the following table, a minimum percentage of the gross site or lot shall be maintained as landscaped area meeting the standards of Subsection 4.7.5: *General Landscape Standards and Specifications*. All required screening, parking perimeter, and interior parking landscaping shall count toward this minimum landscaped area requirement. This shall include front, side, and rear landscaping abutting the building foundation.

District	Minimum Landscaped Area
A – Apartment	20%
R-3 Residential	
R-4 Residential	
R-5 Residential	
M-1 Mixed-use Neighborhood	
M-2 Mixed-Use Suburban Corridor	
M-3 Mixed-Use Urban Corridor	

<sup>80</sup> Builds on current 34-201.

<sup>81</sup> Based on current 34-207 with a new title and updates as noted. Some provisions from 207 relocated into the Landscaping Standards section.

<sup>82</sup> New.

<sup>83</sup> Districts updated to reflect the new lineup of districts introduced in Part 1.

District	Minimum Landscaped Area
CL Commercial Limited	
CG Commercial General	
Planned Development Districts (all)	
Special Use Permits (any district)	
M-4 Mixed-Use Center	10%
M-5 Mixed-Use Regional	
LI Light Industrial	
AA Addison Airport	

**C. Street Landscape Buffer<sup>84</sup>**

**1. Mixed-Use Districts**

The following standards apply in the mixed-use zoning districts:

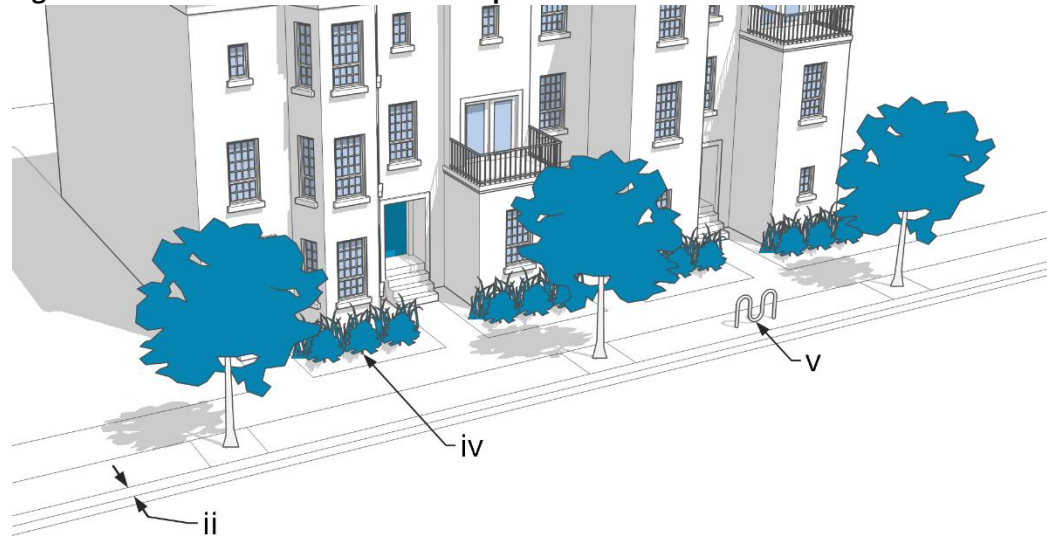
**a. Streetscape Standards**

- i. Streetscape standards are established in [appendix III, Belt Line District Engineering and Landscape Standards]<sup>85</sup>, for both residential and nonresidential ground-level frontages.
- ii. Where on-street parking is adjacent to landscaping, a 1.5-foot dismount strip shall be provided behind the curb to facilitate passengers exiting from parked cars.
- iii. Nonresidential ground-floor frontages shall not be required to provide additional landscaping beyond that required in the [Belt Line District Engineering and Landscape Standards].
- iv. Residential ground-floor frontages shall be required to landscape a minimum of five feet between the edge of sidewalk and the primary building facade, excluding access to sidewalks, stairs, stoops, porches and patios. This area may be landscaped with ground cover, low shrubs, ornamental trees and street trees. In addition, street tree wells may also be landscaped. Landscaping for this area is limited to ground cover and low shrubs.
- v. Any bicycle parking in the public right-of-way should be located within the band created by street trees and pedestrian streetlights, however, it must be placed in a manner that avoids conflicts with pedestrian and vehicular paths.

<sup>84</sup> The streetscape landscaping is one of the areas where the code should draw a distinction between more urban development patterns versus more suburban. This draft does that by carrying forward the UC and Belt Line standards for the mixed-use districts. There may be other opportunities to tailor landscaping for different districts.

<sup>85</sup> These standards are more detailed than is appropriate to include in the code. Discussion needed about how to merge the Belt Line and UC district manuals, especially the streetscape requirements, with other city technical standards.

Figure 4.12: Mixed-Use District Streetscape Standards



b. **Plant Material**

Front yards shall be landscaped except at building entries, seating areas, and adjacent to commercial uses, where the front yard may be paved. Plant materials shall consist of shade trees, ornamental trees, shrubs, evergreen ground covers, vines, and seasonal color.

c. **Street Trees<sup>86</sup>**

Street trees shall be provided in accordance with the following:

- i. Each street shall have street trees planted at uniform spacing of 50 feet on center, commencing 40 feet from the face of curb of intersecting streets.
- ii. Typically, street trees shall be planted two and one-half feet from back of curb, except on side streets, where trees shall be placed eight and one-half feet from back of curb.
- iii. Street trees shall be large shade tree species having a minimum caliper of three inches selected in accordance with the Town's landscape regulations.

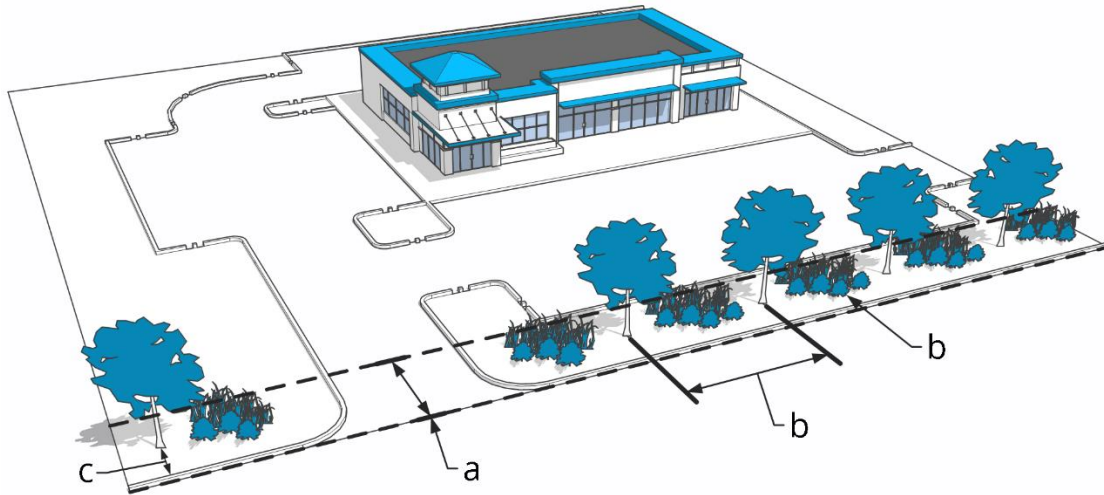
2. **All Other Districts**

In all other zoning districts except the mixed-use districts, a 20-foot wide landscape buffer strip, including sidewalks, shall be provided along the entire length of the portion of the perimeter of the lot where a public or private street exists, exclusive of driveways and access ways to points of ingress and egress to and from the lot. The property owner shall be responsible for landscaping, irrigation, and maintenance of any right-of-way area between the property line and the curb line.

- a. Town right-of-way shall be included in the 20-foot wide buffer and shall reduce the amount of required landscaping area of the lot by that amount (square foot for square foot). The property owner shall irrigate and maintain this area.
- b. The minimum requirement for street landscape buffers shall be one four-inch caliper shade tree for each 30 linear feet of frontage and evergreen shrubs planted three to three and one-half feet on center depending on the species selected. Plant material planted in the street landscape buffer strip can be massed together to create visual interest at key entry points or focal points.
- c. No tree may be planted closer than 36 inches to any paved surfaces.

<sup>86</sup> These are currently required for more urban areas – Addison Circle, Vitruvian, Addison Grove, and some areas of MXR.

Figure 4.13: Street Landscape Buffer Requirements



## D. Parking Area Landscaping

### 1. Screening from Adjacent Streets

- a. Screening shall be provided for all surface parking lots to screen the site from all adjacent streets. The screening shall extend along the entire street frontage of the surface parking lot, exclusive of driveways and access ways at points of ingress and egress to and from the site, and vision clearance areas.
- b. The surface parking lot screening shall be at least three and one-half feet higher than the finished elevation of the adjacent parking lot. The screening may be provided by using one of the following, unless the Director of Parks and Recreation approves an alternative screening plan capable of providing a solid appearance:
  - i. Evergreen shrubs planted three feet on center in a single row in a bed at least 42 inches wide;
  - ii. A berm at least three and one-half feet high with a slope not to exceed 33 percent. The minimum crown width must be three feet. Berms must be covered in live vegetation;
  - iii. A fence or wall constructed of materials compatible with the principle building. One-third of any fence or wall must be screened with plant material.

### 2. Perimeter Parking Lot Landscaping

- a. A perimeter parking lot landscape strip shall be provided around the site perimeter, with a minimum width based on the size of the site.
  - i. For sites 10,000 square feet or more, the perimeter strip shall be at least five feet wide and shall be planted with a minimum of one four-inch caliper shade tree for each 35 linear feet of perimeter and one shrub planted three to three and one-half feet on center.
  - ii. For a site smaller than 10,000 square feet, the perimeter strip shall be at least three feet wide and shall be planted with a minimum of one shrub planted three to three and a half feet on center.
- b. Required perimeter landscaping between adjacent parking lots does not preclude the need to provide vehicular access between lots.

3. **Interior Parking Lot Landscaping<sup>87</sup>**

- a. The required percentage of interior parking lot landscaping shall be determined based on the following sliding scale:

Total Parking Area	Interior Planting Area
7,000—49,999 sq. ft.	5 percent
50,000—149,000 sq. ft.	8 percent
150,000 sq. ft. and larger	10 percent

- b. To calculate the total parking area and the subsequent percentage of required interior lot planting, total the square footage of all areas within the lot's perimeter including:
  - i. Planting islands;
  - ii. Curbed areas;
  - iii. Comer lots;
  - iv. Parking spaces; and
  - v. All interior driveways and aisles except those with no parking spaces located on either side.
- c. Landscaped areas located outside the parking lot shall not be used to meet the interior planting requirement; however, building front, side, or rear landscaping abutting the building foundation may be credited toward the interior planting requirement.
- d. Curbs or wheel stops shall be provided to prevent cars from parking too close to trees or damaging shrubs and screens.
- e. All planting islands located parallel to and between parking spaces shall be at least nine feet wide to prevent cars from damaging trees and shrubs.
- f. Large shade trees shall be provided in each parking lot at a minimum average density of one shade tree for each 10 required parking spaces on the lot Acceptable tree species are listed in <Appendix A>.<sup>88</sup>
- g. No required parking space may be located further than 50 feet from the trunk of a shade tree, or farther than 75 feet from two or more shade trees.
- h. Parking spaces shall not exceed 10 spaces in a row without being interrupted by a landscaped island (nine-foot minimum width). Islands shall be planted with a minimum of one shade tree per every 10 cars.<sup>90</sup>
- i. No landscaping shall be required for the interior of structured parking facilities.

**4.7.5 General Landscape Standards and Specifications<sup>91</sup>**

**A. General Standards**

- 1. The best professional practices of the American Society of Landscape Architects, the International Society of Arboriculture, the American Nursery and Landscape Association and Texas Nursery and Landscape Association regarding planting installation, trimming, pruning, and fertilization shall apply to the landscape standards and specifications included in this subsection.
- 2. Nursery standards shall be based on the American Standard for Nursery Stock, ANSI Z60.1-2004.

<sup>87</sup> The Belt Line district has the following provision which does not require interior parking lot landscaping. We propose not carrying this provision forward: "Landscaping of the internal surface parking area shall not be required unless it is planned to serve as long term parking. In which case, such long-term surface parking areas shall meet the requirements of section VII, landscaping. For the purpose of this subsection, long term parking shall be determined by the director of development services and may include parking which has a likelihood of being in place for a period of ten years or more."

<sup>88</sup> Appendix A will eventually be formatted into a supplemental Engineering and Landscaping Manual outside of the UDC.

<sup>90</sup> This provision is from the UC district.

<sup>91</sup> Current 34-209 with additions noted.

3. Pruning standards shall be based on the International Society of Arboriculture Pruning Guidelines ANSI A300 - Pruning Guidelines.

**B. Tree and Plant Materials Specifications**

**1. Suggested Tree and Plant Lists**

The Town maintains a suggested list of trees and plants for replacements and that are suitable for new plantings in <Appendix A>.<sup>93</sup> Other species may be acceptable for new plantings; however, their suitability for the proposed planting area shall be approved by the Addison Parks Department.

**2. Minimum Tree Size Standards**

- a. Shade trees shall have a minimum caliper of four inches. Ornamental trees shall have a minimum caliper of two and one-half inches. Caliper measurements shall be taken six inches above grade for trees under four inches in diameter and 12 inches above grade for trees four inches in diameter and larger.
- b. Minimum branching height for all shade trees shall be six feet.
- c. Minimum size for newly planted shade trees shall be four inches in diameter, 14 to 16 feet in height. The maximum height shall not exceed 16 feet.
- d. Minimum size for Crape Myrtle shall be six to eight feet in height. Other ornamental flowering trees shall be eight to 10 feet in height.
- e. Minimum size for evergreen trees shall be eight to 10 feet in height.
- f. Tree heights shall be measured from the tops of root balls to the nominal tops of plants.
- g. Tree spread refers to nominal outer width of the tree, not to the outer leaf tips.

**3. Tree Quality**

- a. Trees shall be healthy, vigorous, full-branched, well-shaped with symmetrical crowns. Root balls shall be firm, neat, slightly tapered and well burlapped. Trees shall be free of physical damage such as scrapes, bark abrasions, split branches, mistletoe or other parasitic growth. The Town shall reject any trees delivered and/or planted not meeting the minimum size and shape standards set forth above.
- b. Red Oaks other than Shumard Oak (*Quercus shumardii*) or Texas Oak (*Quercus texana*) shall be rejected. The owner or contractor shall be responsible for providing certification that Red Oaks are true to variety.
- c. Bradford pears or other pear cultivars shall not receive credit toward the tree planting requirements; however, this shall not preclude their use as flowering accent trees.
- d. Ornamental trees shall be substituted for shade trees in cases where maturing shade trees would otherwise interfere with overhead utilities. Shade trees shall not be planted closer than 10 feet from either side of the outermost overhead utility obstruction.

**4. Credits for Tree Preservation<sup>94</sup>**

**a. Amount of Tree Preservation Credit**

- i. The number of trees preserved can be credited toward the total number of trees required for the development to meet the landscaping requirements of this section. Credit shall be applied on a one-for-one basis.
- ii. The Director shall determine whether or not credit shall be granted for existing trees.
- iii. Tree species that are not acceptable to receive credit under this standard are listed in <Appendix A>.<sup>96</sup>

**b. Procedure for Evaluating Existing Trees**

- i. Existing trees intended for preservation shall be evaluated by a licensed arborist prior to submitting and application for development, or prior to issuance of a grading or building permit. The arborist's written evaluation shall include an assessment of the likelihood of the

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<sup>93</sup> Appendix A will eventually be formatted into a supplemental Engineering and Landscaping Manual outside of the UDC.

<sup>94</sup> New.

<sup>96</sup> Appendix A will eventually be formatted into a supplemental Engineering and Landscaping Manual outside of the UDC.

survivability of the trees based on proximity to any grading activity on the site and recommendations for tree preservation during grading and construction activities.

- ii. Based on the licensed arborist's evaluation, the development may receive credit for existing trees provided that all of the following criteria are met:
- iii. The trees are each a minimum of four-inch caliper in size;
- iv. Any grading, digging, and/or site preparation activities shall not be permitted within the drip line of the trees intended for preservation; and
- v. Trees intended for preservation shall be shown on the landscape plan with caliper size and drip line noted.

**5. Shrubs**

- a. Plants shall conform to the measurements specified by the Town. The minimum size for shrub containers shall be five gallons. Substitution of three-gallon material meeting the height requirement of five-gallon shrubs is acceptable. Shrubs shall be full bodied, well-shaped and symmetrical.
- b. All shrub beds shall be edged using steel, concrete, masonry, or pre-cast concrete edging and all plant materials mulched with a two-inch layer of shredded hardwood mulch. Plastic edging shall not be acceptable.

**6. Ground Cover**

Ground cover spacing shall be eight inches on center maximum for four-inch pots and 16 inches on center maximum for one-gallon containers.

**7. Plant Material Substitutions<sup>97</sup>**

Due to seasonal planting concerns and a lack of plant availability, approved landscape plans may require minor revisions. Planting plans shall be accepted if there is no reduction in the quality of plant material or no significant change in size or location of plant materials, and if the new plants are of the same general category (i.e., shade, ornamental, or evergreen trees) and have the same general design characteristics (mature height, crown spread) as the materials being replaced. Proposed materials must also be compatible with the area to ensure healthy plant growth. If these criteria are not fulfilled, changes to approved plans must be resubmitted and reviewed anew.

**8. Conflict with Drainage & Utility Easements**

Trees shall not be placed within existing or proposed drainage or utility easements without proper mitigation as approved by the Director. The trunk of a tree shall not be planted within eight feet of an existing or proposed utility or drainage line when measured from the outside edge of the trunk to the outside edge of the line without approval from the Director.

**C. Irrigation System Design and Standards<sup>98</sup>**

1. All required minimum landscape areas (including street trees and planting within the public right-of-way) shall be provided with adequate, inconspicuous, and properly maintained automatic irrigation systems.
2. Irrigation systems shall be professionally designed by a licensed irrigator.
3. Irrigation systems shall be designed to prevent water from spraying on impervious surfaces adjacent to landscape areas, neighboring properties, and adjacent buildings; shall use drip irrigation where appropriate to minimize run-off from sprinklers; and shall incorporate moisture sensors to reduce water consumption.
4. Reclaimed water may be used for irrigation following TCEQ guidelines. If the system is not supplemented by a potable water system, the irrigation plans must include a water storage container. Plans must provide calculations that verify the system is sized to provide adequate irrigation

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<sup>97</sup> Current 34-205.

<sup>98</sup> Consolidates irrigation standards from current 34-204 and other sections.

throughout the year as established by the Texas Water Development Board in the Texas Manual on Rainwater Harvesting.

5. Backflow prevention devices shall be placed per the Town of Addison Public Works and Engineering Department's standards.
6. The Town encourages the use of water-conserving system design and materials including the use of drip irrigation and native plants.
7. Install separate valves for turf and non-turf areas to accommodate different water use requirements within the landscaped area.
8. Irrigation controllers shall be set to water between midnight and 5:00 a.m. This shall not apply to watering of newly planted turf or landscaping for a period of 90 days after installation.
9. All automatically controlled irrigation systems required to be installed shall include rain and freeze shut-off devices and sensors or other technology designed to inhibit or interrupt operation of the irrigation system during periods of rainfall or freezing temperatures. All properties subject to this section where a new certificate of occupancy is requested shall submit a letter from a licensed irrigator that the irrigation system complies with the provisions of this section and includes an operational sensor or other technology designed to inhibit or interrupt operation of the irrigation system during periods of freezing weather and rainfall. Repairs to existing automatic irrigation systems on all properties subject to this section that require replacement of an existing controller must include an operational sensor or other technology designed to inhibit or interrupt operation of the irrigation system during periods of freezing weather and rainfall.
10. Irrigation systems adjacent to any street, sidewalk, alley, highway, or parking lot shall not operate so as to cause damage to other property or to interfere with the free movement of any vehicle or pedestrian.

**D. Vision Clearance Area<sup>99</sup>**

The design and placement of landscaping materials shall be at the discretion of the owner or landscape architect; however, the landscaping shall not obstruct the view between access drives and dedicated streets, parking aisles, or access drives of parking lots as established in Subsection 4.5.6: *Vision Clearance*.

**E. Structures and Fixture Features Allowed in Landscaped Area**

1. The following structures and fixtures may be included in a required landscape or buffer area, in addition to the required landscaping:
  - a. Street furniture (e.g., benches);
  - b. Up to 25% hardscape (e.g., brick pavers, scored concrete); and
  - c. Structures to protect trees (e.g., tree grates and curbs).
2. In residential and mixed-use districts:<sup>101</sup>
  - a. Paving material in front yards and on sidewalks shall be concrete or natural materials such as brick and stone.
  - b. Asphalt and gravel as paving materials is prohibited.

**F. Sustainable Landscapes<sup>102</sup>**

The Town encourages sustainable landscaping. Sustainable landscapes are managed by using practices that preserve limited and costly natural resources, reduce waste generation, and help prevent air, water, and soil pollution. The goal is to minimize environmental impacts and maximize value received from dollars expended.

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<sup>99</sup> Current 34-207(c).

<sup>101</sup> From UC Residential and Belt Line.

<sup>102</sup> From existing purpose statements.



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### 4.7.6 Tree Replacement and Protection<sup>103</sup>

#### A. Maintain Existing Natural Landscape Character

1. The existing natural landscape character (especially native oaks, elms, and pecan trees) shall be preserved to the extent reasonable and feasible. In an area of the street frontage containing a stand of trees, the property owner shall use best good-faith efforts to preserve such trees.
2. Indiscriminate clearing or stripping of the natural vegetation on a lot or other property is prohibited.
3. In determining whether there is compliance with this subsection, the Director of Parks and Recreation shall consider topographical constraints on design, drainage, access and egress, utilities, and other factors reasonable related to the health, safety, and welfare of the public which necessitated disturbance of the existing natural landscape character; economic usefulness of the property without disturbance of its natural character; the nature and quality of the landscaping installed to replace it; and such other factors as may be relevant and proper.

#### B. Replacement Trees

1. Every property owner shall replace dead, removed, missing, improperly pruned, or damaged trees, by any act or omission, within 30 days after notification by the Town, unless the existing season, climate, or calendar dictates postponement of the tree replacement beyond the said period of 30 days as agreed to by the Town. In the event of such postponement, a property owner shall replace any such tree within the time period identified in the notification from the Town. This provision shall also apply to trees that have been severely damaged, or disfigured by improper pruning, including, but not limited to, lion-tailing or topping.
2. Any tree that was required to be installed pursuant to Section 4.7.4: *Minimum Landscaping Required*, and that is subsequently removed, topped, severely damaged, or disfigured by improper pruning methods without the prior written approval of the Town's Director of Parks and Recreation (as reflected in a tree permit issued pursuant to subsection ---) shall be replaced caliper inch for caliper inch. For example, if a 15-inch caliper tree is removed, it shall be replaced with a 15-inch caliper tree.
3. Acceptable types of replacement trees are designated in Section 4.7.5: *General Landscape Standards and Specifications*.
4. If the physical limitations of the subject property are such that all of the replacement trees cannot be properly placed on the subject property, the property owner shall locate any extra trees, with the approval of the Town, in the following locations: public rights-of-way, medians, or public park land. Such location of extra trees shall be performed at the discretion of the Town. The property owner may pay a one-time fee per site to the Town in lieu of tree replacements, as approved by the Director.

#### C. Tree Permit<sup>104</sup>

##### 1. Tree Permit Required

- a. No person shall prune, remove or transplant a tree listed in Section 4.7.4: *Minimum Landscaping Required*, without first obtaining from the Town a tree permit approved by the Director of Parks and Recreation. This section shall apply to shade trees four-inch caliper or larger, measured six inches from the soil surface, and two and one-half to three-inch caliper ornamental trees or larger measured six inches from the soil surface.
- b. For purposes of this subsection, "person" means the owner, tenant, and/or subtenant of, and/or any entity or individual with any interest in, the land on which a tree is located, and/or any contractor or subcontractor of any of them.
- c. A tree permit shall be obtained by a utility company before any trimming and/or removal of tree(s) by or for a utility company, except in the case of emergency repairs.

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<sup>103</sup> Current 34-208.

<sup>104</sup> Consider relocating to administration chapter in the consolidated draft code.

- d. Branches less than one-half inch in diameter and not more than five percent of the canopy can be removed without a permit.

**2. Application for Tree Permit**

Tree permits shall be obtained by making application to the Director of Parks and Recreation. An application shall include the consent of the owner of the land on which a tree which is the subject of the application is located. The application shall include a written document indicating the reasons for transplanting and/or removal (or trimming, in the case of a utility company) of a tree and a copy of a site plan or planting plan showing the tree(s) proposed for removal/transplanting (or trimmed, in the case of a utility company).

**3. Review of Application for Tree Permit**

Upon receipt of a proper application for a tree permit, the Director of Parks and Recreation shall review the application and may conduct field inspections of the site or development and/or refer the permit application to other departments for review and recommendations as deemed necessary and appropriate by the Director. Trees may not be removed or transplanted (or trimmed, in the case of a utility company) unless the Director of Parks and Recreation approves the tree permit.

**4. Approval Criteria<sup>105</sup>**

Consideration for the approval of a tree removal permit shall be based upon the following criteria:

- a. Whether the removal of the protected tree is permitted by this section;
- b. Whether or not a reasonable accommodation or alternative solution can be made to accomplish the desired activity without the removal of the protected tree;
- c. The effect of the removal of the protected tree on erosion, soil moisture, retention, flow of surface waters and drainage systems;
- d. The need for buffering of residential areas from the noise, glare, and the visual effects of nonresidential uses;
- e. Whether the removal of the protected tree affects the public health, safety, or welfare of the Town; and
- f. Whether the application demonstrates the attempt to preserve existing trees on the site.

**5. Expiration of Tree Permit**

An approved tree permit shall expire within six months of the date of the approval of the permit by the Director of Parks and Recreation.

**D. Application to Residential Districts**

For property in any zoning district containing only single-family and/or duplex uses, the provisions of this Section 4.7.6, apply only to trees listed in Section 4.7.4: *Minimum Landscaping Required*, located within the right-of-way adjacent to a street where only one such structure is constructed.

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## 4.7.7 Trees and Plant Materials on Public Property

**A. Trees on Public Property<sup>106</sup>**

The Director of Parks and Recreation shall have exclusive jurisdiction and supervision over all trees and plant materials planted or growing in public property. The Director shall have the authority and it shall be their duty to plant, trim, spray, treat, preserve and remove trees and plant materials in public property to ensure safety or preservation of the symmetry and beauty of such public property.

**B. Permit for Removal or Planting of Plant Materials on Public Property<sup>107</sup>**

No person shall trim, spray, treat, remove, or plant any plant materials in any public property or excavate, trench, grade, remove, or fill dirt upon public property which may endanger or affect trees or plant materials growing thereon without first obtaining a permit from the Director of Parks and Recreation

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<sup>105</sup> These are referred to as "guidelines" in the current ordinance.

<sup>106</sup> Current 34-35 reorganized.

<sup>107</sup> Current 34-36.

pursuant to this subsection. The Town shall issue a permit under this section when it is determined that the desired action is necessary, that the proposed methods are satisfactory and that the proposed plantings conform with this section and Town standards and practices.

**1. Trim, Spray, Treat, or Remove Plant Materials**

Any person desiring a permit to trim, spray, treat, or remove plant materials in any public property shall submit a written application that sets forth the following:

- a. The number, kind, and size of plant materials to be trimmed, sprayed, treated, preserved or removed;
- b. The kind of treatment to be administered;
- c. The kind and condition of the nearest plant material upon adjoining property; and
- d. Such other information as the director shall find reasonably necessary to a fair determination of whether a permit should be issued.

**2. Excavate, Trench, Grade, Remove, or Fill Dirt**

Any person desiring to excavate, trench, grade, remove, or fill dirt thereby endangering any plant material in a public property or area shall submit a written application setting forth the following:

- a. A diagram of the area showing the proposed work and location of plant materials;
- b. The number, location and variety of plant materials;
- c. A method of excavating, trenching, grading, removing or filling to be used; and
- d. Such other information as the Director shall find reasonably necessary to a fair determination of whether a permit should be issued.

**3. New Plant Materials**

Any person desiring a permit to plant any plant materials in any public property shall submit a written application setting forth the following:

- a. A diagram of the area showing pavement, streets, sidewalks, curbs and gutters, with a definite indicated scale;
- b. The number, location and variety of plant materials to be planted;
- c. The number, location and variety of plant materials already existing in the area;
- d. The method of planting, including the supplying of suitable soil;
- e. The method of water maintenance; and
- f. Such other information as the director shall find reasonably necessary to a fair determination of whether a permit should be issued.

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### 4.7.8 Buffering<sup>108</sup>

**A. Where Required**

To mitigate the impacts of significant differences in property use, size, or scale, landscaped buffers shall be provided along rear and side lot lines where a multifamily, mixed-use, or any non-residential land use abuts:

1. The R-1, R-2, R-3, R-4, or R-5 zoning district; or
2. Any property containing a single-family detached or duplex residential dwelling.

**B. Exemptions**

1. Rear and side lot buffers are not required between properties that are separated by a street or drainage way.
2. Areas with sidewalks, walkways, multi-use paths, vehicle access, or other improvements allowing access from one property to another are exempt from buffering requirements.

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<sup>108</sup> New. Currently the ordinance requires a six-foot fence when a property in the LR or C-2 district is adjacent to a residential use. Per the Assessment Report, this is an expanded and more flexible requirement to enhance the options for buffering.

3. Rear and side lot buffers are not required along any portion of the lot line covered by an access easement (e.g., vehicular connections, pedestrian walkways, etc.). In these cases, an equivalent amount of landscaping shall be installed on remaining portions of the side or rear lot lines, as applicable.

### C. Buffer Options

Required side and rear buffers shall conform to one or a combination of the following options:

1. A landscape buffer planted at a minimum rate of two evergreen trees and three shrubs per 250 square feet with spacing designed to minimize sound, light, and noise impacts on adjacent properties; or
2. A solid wall or fence no less than six feet in height, the side of the fence or wall facing the residential development shall be at least as finished in appearance as the side facing the non-residential use; or
3. The Director may approve alternative screening methods if the intent of this section is met.

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## 4.7.9 Screening

### A. Credits Toward Required Landscaping<sup>109</sup>

Any landscaping provided to meet screening standards will be credited towards the overall landscaping requirements enumerated in this section.

### B. Mechanical and Utility Equipment<sup>110</sup>

All mechanical and utility equipment, including but not limited to air-conditioning, heating and soft water tanks, television antennas, satellite dishes, security apparatus, and above ground electric and gas equipment shall be integrated into the building design, screened from public view, or enclosed in a suitable accessory structure, pursuant to the following standards:

#### 1. Location

- a. To the extent practicable, ground mounted mechanical and utility equipment shall be located out of view of public rights-of-way, customer entrances, and other public areas.
- b. Ground-mounted mechanical and utility equipment shall be located outside of vision clearance areas in order to avoid obscuring vision at intersections.

#### 2. Design

##### a. Materials

Materials used for screening purposes shall be wood or masonry. The use of split-face concrete block is prohibited.

##### b. Ground-Mounted Equipment

Ground-mounted mechanical and utility equipment located within view of customer entrances or public rights-of-way shall be integrated into the overall site design, the architectural design of the building, and screened from public view using one or a combination of the following:

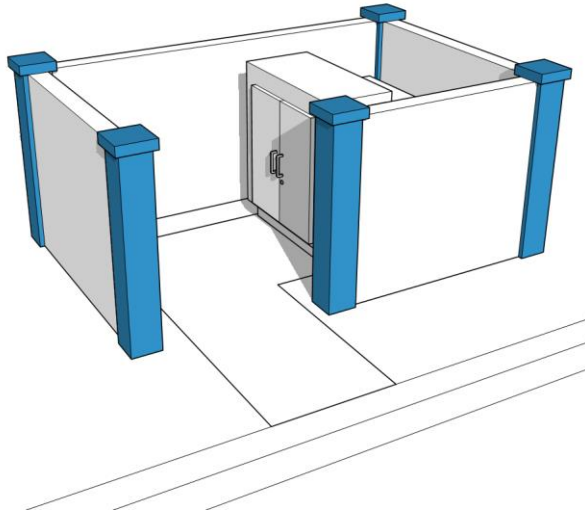
- i. Decorative wall, fence (at least 80 percent opaque), or enclosure that is constructed of materials that are compatible with the overall architectural design of the development and of a height that is not less than the height of the equipment to be screened; or

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<sup>109</sup> New.

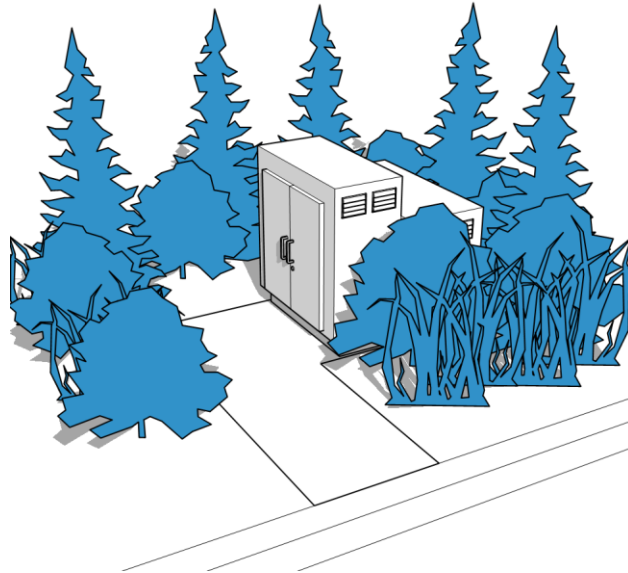
<sup>110</sup> New. Consolidates, expands, and makes generally applicable standards from the Belt Line, C-1, C-2, I-1, I-2, I-3, LR, MXR, and UC districts.

**Figure 4.14: Ground-Mounted Equipment Screening**



- ii. Landscaping that is of sufficient height at maturity and of opacity to effectively soften and screen the equipment, and that is integrated into the overall landscaping plan.

**Figure 4.15: Ground-Mounted Equipment Landscaping**



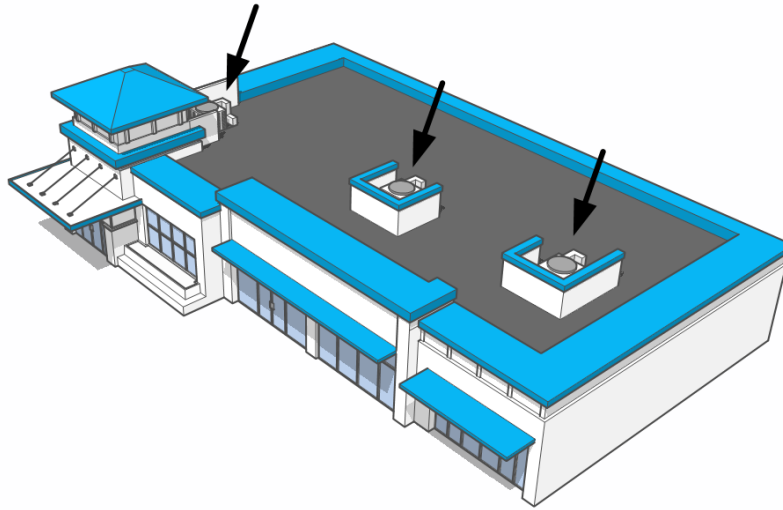
**c. Roof-Mounted Equipment**

Roof-mounted equipment shall be an integral part of the building's overall architectural design and shall be screened from view to the extent practicable from public rights-of-way, residential land uses, public parking areas, and/or adjacent properties using parapet walls or other means of screening. When reviewing the type and amount of screening, the Director shall consider the following:

- i. The proximity of the development to surrounding residential land uses and the visual impact that roof-mounted equipment may have upon those surrounding residential land uses.
- ii. The number and size of roof-mounted equipment. The greater the number and/or size, the more screening may be warranted.

- iii. Roof-mounted equipment shall be neutral earth-toned colors that have a matte finish and that are compatible with the primary building façade. In no case shall rooftop mechanical equipment be galvanized, shiny, white, off-white, or other light colors that can be observed from a distance.

**Figure 4.16: Roof-Mounted Equipment Screening**



### C. Refuse Containers<sup>111</sup>

All refuse and refuse containers shall be screened from all public rights-of-way. Such containers shall be placed on a designed reinforced concrete pad and approach. Screening walls must be of aesthetic material.

#### 1. Enclosures Required

Refuse containers shall be located within an enclosure.

#### 2. Location

Refuse container enclosures shall be located at the rear of the property to the extent practicable and shall be sited to allow for easy vehicular access such that access does not require backing movements onto public rights-of-way, with the exception of alleys.

#### 3. Design and Materials

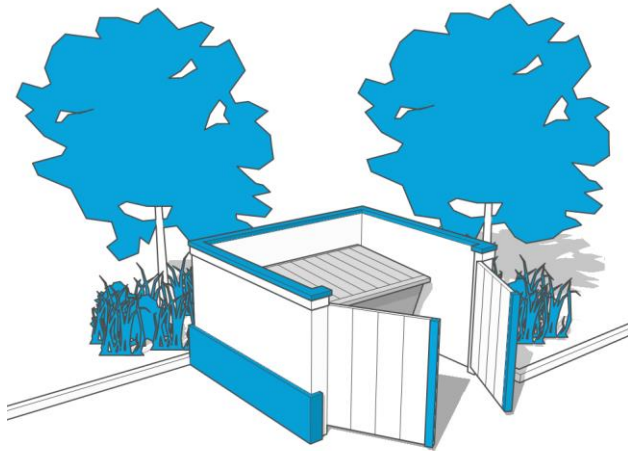
Refuse container enclosures shall be of sufficient height to screen containers but shall not exceed eight feet in height unless screening a refuse container taller than eight feet. Such enclosures shall be visually compatible with materials used on the primary building. In no case shall enclosures consist of chain link or corrugated metal.

#### 4. Landscaping

Landscaping shall be used to soften the appearance of the enclosure where such enclosure is located within a side yard or can be viewed from public rights-of-way.

<sup>111</sup> New. Consolidates and makes generally applicable standards from the Belt Line, C-1, C-2, I-1, I-2, I-3, LR, MXR, and UC districts.

Figure 4.17: Refuse Enclosure Landscaping



**D. Outdoor Storage Areas<sup>112</sup>**

Outdoor storage areas shall be screened from view of public rights-of-way and from adjacent residential land uses or districts using any one or a combination of fences, walls, berms, or landscaping that is at least six feet in height and provides a permanent, opaque, year-round screen.

**E. Off-Street Loading Spaces<sup>113</sup>**

All off-street loading spaces on a site shall be screened from all public and private streets adjacent to that site.

1. All screening shall be at least six feet in height measured from the horizontal plane passing through the nearest point of the off-street loading space and may be provided by using any one or combination of the following, subject to approval by the Director of Parks and Recreation:
  - a. Evergreen shrubs planted three feet on center, in a single row; or
  - b. Evergreen trees planted six feet on center, unless the Director of Parks and Recreation approves an alternative planting density as being capable of providing a solid appearance within one year; or
  - c. A fence, wall, or berm. Fences and walls shall not consist of corrugated metal, corrugated fiberglass, sheet metal, chain link or wire mesh.<sup>114</sup>
2. When screening for off-street loading spaces is provided by earthen berm or evergreen plant materials, the following regulations apply:
  - a. An earthen berm shall be planted with turf grass or ground cover recommended for local area use by the Director of Parks and Recreation. The slope of the berm shall not exceed 33 percent for lawn areas and shall have a minimum crown width of three feet.
  - b. Evergreen plant materials shall be recommended for local area use by the Director of Parks and Recreation. In addition, the plant materials:
    - i. Shall be located in a bed that is at least three feet wide; and
    - ii. Shall be placed a maximum of 36 inches on center in a single row over the entire length of the bed, unless the Director of Parks and Recreation approves an alternative planting density as being capable of providing a solid appearance within one year; and

<sup>112</sup> Makes generally applicable a standard from the MXR district.

<sup>113</sup> Current 34-207(b).

<sup>114</sup> Removed the following vague language: "or any material that in the Planning and Zoning Commission's opinion is an unsightly material."

- iii. Shall provide a six-foot high visual barrier of the required height within one year of their initial planting.

**F. Parking or Storage of Vehicle on Unimproved Surface<sup>115</sup>**

The parking or storage of any vehicle within a residential side yard or the residential rear yard of a corner lot, of a residential single-family, duplex, or townhouse lot or tract, upon any surface other than an improved parking surface, unless otherwise concealed from view from all public street rights-of-way by:

- 1. A solid, opaque, screening fence or wall at least six feet in height;
- 2. Vegetation consisting of a solid hedgerow of evergreen shrubs, or trees and shrubs, providing full screening from the ground to a minimum height of six feet;
- 3. Any combination of the above that effectively conceals the vehicle from view and accomplishes the required screening height; or
- 4. Any other form of compatible and appropriate screening as so determined by the building official.

**4.7.10 Fences<sup>116</sup>**

**A. Height and Location<sup>117</sup>**

**1. General Height Standards**

**a. Front Yard**

Walls and fences within a required front yard shall not exceed three feet in height.

**b. Side and Rear Yards**

Walls and fences along the interior side or rear lot lines shall not exceed eight feet in height provided, that the wall or fence does not extend into any required front yard.

**c. Corner Lots**

Walls and fences located between a primary structure and a public or private street shall not exceed six feet in height.

**2. Maximum Fence Height**

No person shall build, erect, construct, or maintain any fence within the Town limits at a height exceeding eight feet along any lot line (front, side, or rear).

**3. Alternative Fence Height Standards<sup>118</sup>**

**a. Walls and Fences up to Eight Feet in Height**

Walls and fences up to eight feet in height may be allowed if:

- i. They are temporary fences on construction sites erected for protection purposes during the period of construction only; or
- ii. They enclose loading, service, or refuse areas outside the front setback area; or
- iii. They enclose outdoor storage areas in non-residential zoning districts outside the front setback area.

**b. Special Use Permit Required**

- i. Fences and walls exceeding eight feet in height, as permitted in subsection a above, shall require special use permit approval.

<sup>115</sup> Current 78-179.

<sup>116</sup> Based on current Chapter 18, Article X. Edited for clarity and organization, with new material and edits noted. Graphics will be included in the updated code.

<sup>117</sup> New.

<sup>118</sup> New.



4. **Setback Requirements<sup>119</sup>**

No person shall build, erect, construct, maintain, or suffer or permit the building, erecting, constructing, or maintaining of any fence within the Town limits in such a manner that any portion of the fence extends nearer to the street on which the main dwelling, building, or structure faces than the required front yard setback line. This restriction does not apply to property owned by the Town of Addison.

5. **Walls and Fences in Easement Areas**

- a. Permanent walls and fences, except for standard wooden board fences, shall not be constructed within or across Town utility easements.
- b. Permanent walls and fences shall not be constructed within drainage easements in a way that obstructs the natural flow of water runoff.

**B. Fence Materials**

1. **Residential and Mixed-Use Districts<sup>120</sup>**

- a. Within residential and mixed-use districts, fences shall be constructed of new materials or products, such as wood planks and boards, masonry as defined by the building code, and wrought iron or ornamental iron.
- b. Used or secondhand materials shall not be used in the construction of any fence in a residential or mixed-use district.

2. **Prohibited Fence Materials<sup>121</sup>**

The following are prohibited as fence materials:

- a. Rope, string, or netting;
- b. Wire and wire products including, but not limited to, barbed wire, razor ribbon wire, chicken wire, wire fabric, and welded wire fabrics;
- c. Chain;
- d. Cut or broken glass;
- e. Paper;
- f. Corrugated metal panels;
- g. Plywood; and
- h. Other wood, metal, or plastic products that are designed specifically for uses other than fence construction.

**C. Fence Design**

1. **General Fence Design**

- a. Fences shall be of uniform construction throughout the fence. Once a pattern of materials and construction method is established, it shall be carried throughout the entire length of the fence section from corner post to corner post.
- b. No fence shall be erected that alters the natural or planned drainage on any residential lot.
- c. The exterior surface of all masonry fences, including concrete block materials, shall be free from projections, inequalities or unevenness of surface, ridges or hollows, and obstructions. The exterior surface of wood fences in residential areas shall be finished with a stain, pigment, paint, or other surface treatment or material that is consistent with other finishes existing on the principal structure existing on the property.
- d. All fence materials, construction, and workmanship shall comply with all requirements of the building code and all approved plans and specifications.

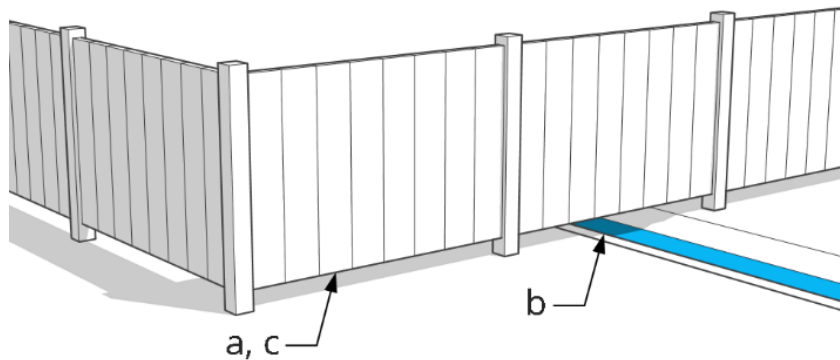
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<sup>119</sup> In the current code, this provision is limited to A (apartment dwelling district), R-1 (single-family dwelling district), MXR (mixed use residential district), LR (local retail district), C-1 (commercial-1 district), C-2 (commercial-2 district), I-3 (industrial-3 district), and PD (planned development district). The draft text makes it generally applicable.

<sup>120</sup> The current code distinguishes here between "residential uses" and "nonresidential uses." We have changed the references to districts and also included mixed-use districts in the residential category.

<sup>121</sup> This list of prohibited materials is carried forward but made generally applicable; currently it applies only to residential districts. We did not carry forward the allowance for barbed wire fences in nonresidential districts.

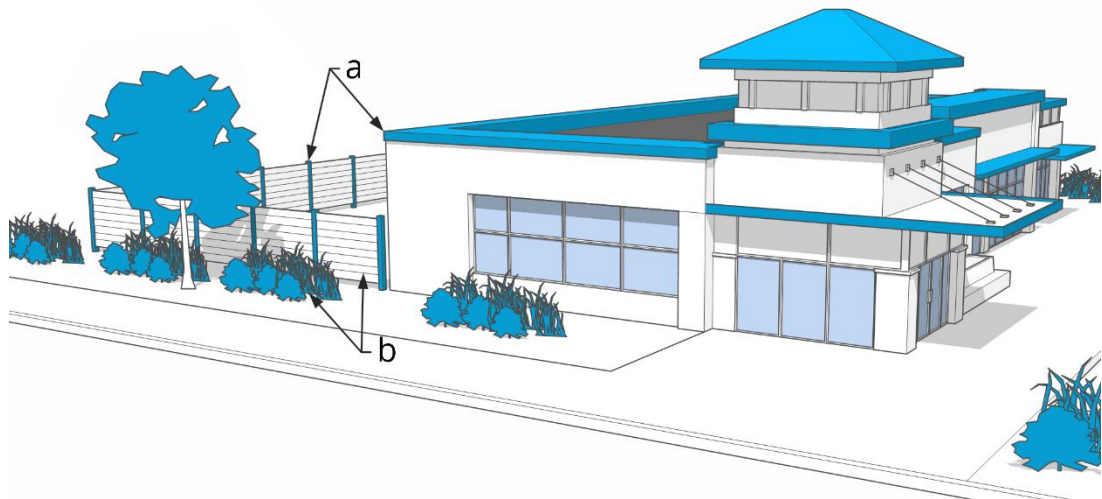
**Figure 4.18: General Fence Design**



**2. Compatible Design<sup>122</sup>**

- a. Walls and fences shall be designed as an integral part of a new development project and shall be architecturally compatible with principal buildings in terms of materials, colors, and design.
- b. Walls and fences shall be designed to be compatible with the total surrounding landscape and architectural character of the building.

**Figure 4.19: Compatible Design for Walls and Fences**



**3. Articulation and Alignment<sup>123</sup>**

Portions of walls or fences that face any public street right-of-way, public open space, or public trail shall incorporate the following features to break up the massing:

- a. If the wall or fence exceeds 20 feet in length, a landscape area a minimum of three feet in width shall be provided and planted with a minimum of four shrubs for each 20 linear feet of wall; and
- b. If the wall exceeds 40 feet in length, architectural features such as columns, vertical pilasters, changes in wall alignment, or terracing of walls shall be provided and planted with a minimum of four shrubs for each 20 linear feet of wall.

<sup>122</sup> New.

<sup>123</sup> New.

**D. Gates and Access**

**1. Generally**

It shall be unlawful for any person to erect, construct, or maintain any fence without providing a gate or other means of entrance and exit into and out of the area which the fence encloses, and it shall further be unlawful for any person to erect, construct, or maintain any fence along or near a rear property line that adjoins an alley or easement without providing and maintaining a reasonable means of access to such alley or easement.

**2. Emergency Personnel Access**

In order to allow ingress and egress for emergency personnel and equipment, there shall be at least one gate or opening with a minimum width of three feet in each fence that is adjacent to or running parallel to any public alley, drainage easement or utility easement, except this standard shall not apply to utility easements that the Town has allowed to be completely fenced in. Equipment providing emergency personnel access through such gate may be required.

**3. Electric Charge**

No fence erected on property zoned for residential use or used for residential use shall be electrically charged in any manner or form.

**E. Fences for Schools**

1. Notwithstanding other provisions of this section, the owner or operator of any school or kindergarten may erect upon school or kindergarten property a fence to protect any schoolyard or playground, provided that no fence shall be erected or maintained in such a position or manner as to cause danger to traffic by obstructing the view.

2. For the purpose of this section, the word "school" shall mean a public, private or denominational institution having for its purpose the instruction of children and having a curriculum equivalent to a public elementary or high school. The word "kindergarten" shall mean for little children of preschool age, in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.

**F. Inspection and Maintenance**

Upon completion of installation, the Building Official shall be called upon for inspection. A certificate of acceptance will then be issued or a rejection slip indicating the defects in fence. All fences constructed under the provisions of this section shall be maintained as to comply with the requirements of this section at all times.

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**4.7.11 Installation and Maintenance<sup>125</sup>**

**A. Applicability**

This Section 4.7.8 shall apply to all applications for building permits.

**B. Timing of Installation<sup>126</sup>**

The developer shall install all landscape improvements including operable irrigation systems prior to receiving a Certificate of Occupancy. This requirement may be modified by the Director if security is provided pursuant to subsection C below and the developer identifies an alternative timeframe for landscaping and/or irrigation system installation.

**C. Security<sup>127</sup>**

When a property owner seeks a Certificate of Occupancy, the Director of Parks and Recreation may, in their discretion, require a maintenance bond, letter of credit, personal undertaking, cash escrow, or other

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<sup>125</sup> All provisions in this section are from the current 34-210 unless noted. Removed enforcement and inspection provisions, which were general and will be replaced by the new general enforcement provisions to be drafted in module 3.

<sup>126</sup> New.

<sup>127</sup> From Sec. 34-212, modified to list what the security may cover.

security acceptable to the Director that guarantees and secures maintenance of newly installed landscape for a period not to exceed two years. The amount of security shall be based on itemized cost estimates of all landscaping and irrigation system improvements, as well as related labor costs. Itemizations shall be generated from a qualified landscape architect, irrigation system specialist, and/or a local or regional landscaping nursery or garden center.

**D. Landscape Inspections**

The installation of the approved landscape plan shall be inspected and approved by the Parks Department prior to issuance of a Certificate of Occupancy.

**E. Maintenance**

Every property owner and any tenants shall keep their landscaping in a well-maintained, safe, clean, and attractive condition at all times. Any plant that dies shall be replaced with another living plant, including trees, within 30 days after notification by the Town. Such maintenance includes, but is not limited to, the following:

1. Prompt removal of all litter, trash, refuse and waste;
2. Lawn mowing on a weekly basis during the growing season;
3. Shrub pruning according to accepted practices of landscape professionals to maintain plants in a healthy condition;
4. Tree pruning according to tree-pruning guidelines approved by an arborist registered with the Town after obtaining a tree pruning permit;
5. Pruning/thinning that removes no more than one fourth of the tree canopy annually;
6. Watering of landscaped areas on a regular basis to maintain good plant health;
7. Sprinkler run times set on controllers to water between midnight and 5:00 a.m.;
8. Keeping landscape lighting in working order;
9. Keeping lawn and garden areas alive, free of weeds, and attractive;
10. Cleaning of abutting waterways and landscaped areas lying between public right-of- way lines and the property unless such streets, waterways or landscaped areas are expressly designated to be maintained by applicable governmental authority; and
11. Proper placement and maintenance of metal edging.

**F. Discharge of Vegetation Waste**

The discharge, deposit, blowing or sweeping of grass, leaves, other vegetation, or litter debris into public or private streets or alleys or storm drains is prohibited. In connection with yard or landscape maintenance, lawn or grass clippings, leaves, other vegetation, and litter debris caused by or resulting from such maintenance shall be promptly removed from any public or private street or alley adjacent to the property being maintained and shall be disposed of in a manner to prevent the material from blowing or falling from a maintenance truck, trailer, or disposal container. Lawn clippings, leaves, other vegetation, and litter debris shall be removed from sidewalks, streets and street gutters, and alleys after mowing and edging is performed to prevent collection in the storm water system.

**G. No Obligation on Town<sup>129</sup>**

Nothing in this section shall be deemed to impose any obligation upon the Town or upon any of its officers or employees or to relieve the property owner from the duty to keep trees and other plant materials in a safe condition.

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<sup>129</sup> Current 34-33.

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# Article 5: Subdivision Standards

## Commentary

This article consolidates and updates the current subdivision standards as outlined in the Assessment and Annotated Outline. This article also reorganizes content to be more user-friendly, beginning with general provisions, followed by subdivision design standards (i.e., how to layout and design the subdivision), and then regulations for subdivision improvements (i.e., required infrastructure and utilities). Footnotes throughout identify proposed changes from current standards.

## 5.1 General Provisions

### Commentary:

This new section includes several new subsections to clarify the purpose, applicability, and administration of the subdivision standards. The current regulations lack a clear intent statement and do not explicitly identify when subdivision standards apply to development. Current sections related to the administration of the subdivision regulations have been relocated to this section.

### 5.1.1 Purpose<sup>173</sup>

This article establishes standards that regulate the subdivision of property in order to:

- A. Facilitate the orderly growth and harmonious development of the Town and to protect and promote public health, safety, and welfare;
- B. Provide lots and parcels of sufficient size and appropriate design for the purposes for which they are to be used;
- C. Protect the natural environment;
- D. Promote the use of good design, landscape architecture, and civil engineering to preserve and enhance natural features, watercourses, drainage ways, floodplains, native vegetation, and trees;
- E. Provide safe ingress and egress for vehicular and pedestrian traffic;
- F. Ensure safe and efficient traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions, adjoining streets, and public facilities;
- G. Provide adequate water supply, sewage disposal, storm drainage, and other utilities and facilities;
- H. Provide for adequate sites for schools, recreation areas, and other public purposes;
- I. Protect or enhance real property values;
- J. Facilitate the transfer of lands having accurate legal descriptions and to establish and assure the rights, duties and responsibilities of subdividers and developers with respect to land development;
- K. Ensure that the costs of providing the necessary rights-of-way, street improvements, utilities and public areas and facilities for new developments are borne fairly and equitably; and
- L. Encourage the clustering of dwellings and other structures to preserve open space, minimize adverse visual impacts, minimize public infrastructure costs, and prevent public safety hazards; and
- M. Provide a common ground of understanding and an equitable working relationship between public and private interests, so that both independent and mutual objectives can be achieved in the subdivision of land.

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<sup>173</sup> New.

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### 5.1.2 Applicability<sup>174</sup>

#### A. Regulatory Jurisdiction

##### 1. Generally

This article shall apply to all land and all developments within the corporate limits of the Town of Addison, except as otherwise provided for in this subchapter.

##### 2. Land Included

Except where otherwise specifically provided for in this article, all the provisions of this article shall apply to the following lands located within the corporate limits of the Town:

- a. Any tract of land which has not been recorded by plat in the plat records of Dallas County, Texas, and which is intended to be sold, leased, or otherwise subdivided from another tract of land or which is intended or proposed to be used for the purpose of development.
- b. Any tract of land which has been recorded as a lot or block by plat in the plat records of Dallas County, Texas; prior to and upon which no development has been constructed or placed prior to the effective date of this article.
- c. The division of any previously platted lot into two or more parts.
- d. The removal of one or more lot lines of any platted lot so as to permit the combining of two or more contiguous platted lots into one or more new lots.

#### B. Exemptions

1. Prior to the subdivision, re-subdivision, or development of any land within the Town, all plans, plats, and construction plans for public improvements shall first be approved in accordance with these regulations, except as provided in paragraph (2) below.
2. The following are exempt from the subdivision regulations of this article, but are subject to all other standards in this UDC:
  - a. The division of land into two or more parts, other than for purposes of development, if the smallest resulting parcels, tract or site is five acres or larger in size where each part has access and no public improvement is being dedicated.
  - b. Construction of additions or alterations to an existing building where no drainage, street, utility extension or improvement, additional parking or street access changes required to meet the standards of this article are necessary to support such building addition or alterations.
  - c. Construction of accessory structures or fences.
  - d. Dedication of easement or right-of-way by separate document recordable in the county records if approved by Town.
  - e. Cemeteries complying with all state and local laws and regulations.
  - f. Divisions of land created by order of a court of competent jurisdiction.
  - g. A change in ownership of a property through inheritance or the probate of an estate.

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### 5.1.3 Compliance and Enforcement

- A. It shall be unlawful for any person to begin, continue, or complete any development on any land within the corporate limits of the Town to which the provisions of this article apply, except in accordance with and upon compliance with the provisions of this article.
- B. Except as otherwise authorized by this article, the Town shall not issue a building permit or certificate of occupancy required by any article of the Town for any land located within the corporate limits to which this article applies, until and unless there is compliance with this article.
- C. The Town may refuse to authorize or make utility connections on the grounds set forth in TLGC, § 212.012, as amended.

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<sup>174</sup> New.

- D. No improvements shall be initiated until the approval of the Town has been given. Disapproval of a final plat by the Town shall be deemed a refusal by the Town to accept offered dedications shown thereon.
- E. Approval of a final plat shall not be deemed an acceptance of the proposed dedications and shall not impose any duty upon the Town concerning the maintenance or improvement of any such dedicated parts until the proper authorities of the Town have both given their written acceptance of the improvements and have actually appropriated the same by entry, use, or improvements.
- F. All subdivisions, as proposed or reflected in any plat, replat, amending plat, or otherwise, must conform to all applicable zoning regulations. A subdivision submission reflecting a condition not in conformity with applicable zoning regulations shall not be approved until any available relief from the board of adjustment has been finally obtained. If the property is not zoned as required for the proposed subdivision, permanent zoning shall be requested. Application for zoning includes completion of application forms, payment of required fees, and performance of other requirements of the zoning ordinance and the rules and regulations of the town, as the same may be, from time to time, passed or amended.<sup>175</sup>

### 5.1.4 Withholding Improvements<sup>176</sup>

It shall be the policy of the town to withhold all town improvements, including the maintenance of streets and the furnishing of sewage facilities and water service, from all additions, the platting of which has not been officially approved by the city council. No improvements should be initiated, nor contracts executed, until the approval of the city council has been given.

### 5.1.5 Annexation<sup>177</sup>

If the property is not within the corporate limits of the Town Addison and the owner desires that it be annexed so as to be qualified to receive town services, when available, and be afforded zoning protection, the owner must petition the Town for annexation through lawful annexation proceedings.

### 5.1.6 Platting Requirements<sup>178</sup>

#### A. Division of Property

1. No land may be subdivided or platted through the use of any legal description other than with reference to a plat approved pursuant to the procedures established in **Section ---<sup>179</sup>**, and in accordance with the standards in this UDC.
2. Excepting agricultural leases, no land described in this article shall be platted or sold, leased, transferred, or developed until the property owner has obtained approval of the applicable plat pursuant to the procedures established in **Section ---**, and in accordance with the standards in this UDC.
3. 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.
4. 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.

<sup>175</sup> Current Appendix B, Section VI.

<sup>176</sup> Current Appendix B, Section II.

<sup>177</sup> Current Appendix B, Section V.

<sup>178</sup> New.

<sup>179</sup> References highlighted in yellow will be updated in the Consolidated Draft.

**B. Permits for Construction Activity or Public Improvements**

The Town 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 and all public improvements have been accepted (if applicable) except as provided in Section 5.1.2: *Applicability*, or for the following:

**1. Model Homes**

A developer may construct no more than four model homes within a single-family, duplex, triplex, or fourplex development phase containing public improvements that have not yet been finally accepted, provided that:

- a. All off-site drainage or regional improvements have been installed, inspected and accepted;
- b. Each model home is inspected and found to meet all building, plumbing, and fire code requirements prior to being opened to observation by the public;
- c. The home will not be sold or occupied as a dwelling unit until all public improvements within that phase have been completed and accepted by the Town; and
- d. The applicant complies with Section 4.4: *Grading and Drainage*.

**2. Multifamily or Nonresidential Development**

Upon application and satisfaction of the following conditions, together with other UDC, Town Ordinance, and Criteria Manual requirements, otherwise applicable to full building permits, the Building Official may issue a building permit for multifamily or nonresidential development to allow for limited construction subject to the following:

- a. The applicant shall complete installation of all drainage and other regional improvements, including off-site improvements. This requirement may be satisfied by constructing temporary drainage improvements (such as detention ponds) that, in the opinion of the Director of Public Works and Engineering, are adequate to offset the decrease in permeable surface of the permitted phase of development and prevent harm to downstream properties, pending completion and acceptance of required permanent regional improvements for drainage.
- b. The applicant must enter into an agreement with the Town, in a form approved by the Town Attorney, which indemnifies and holds the Town harmless for any failure of the applicant, owner, or builder to obtain necessary access and drainage easements and permits, or to build needed offsite improvements.
- c. A building permit issued in this manner may be withdrawn upon failure to meet any imposed condition, as set forth in **Section --- (reference to enforcement section)**.
- d. The applicant shall install and demonstrate proper function of fire hydrants and all-weather access improvements for fire apparatus required by the Fire Code and the Addison Code of Ordinances, prior to any construction above slab.
- e. The applicant complies with Section 4.4: *Grading and Drainage*.

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**5.2 Subdivision Design Standards****Commentary:**

This section establishes the general standards for how subdivisions should be designed in Addison, including lot planning, access, block length, and block arrangement. This section also includes street design and construction standards, several of which are technical in nature and recommended to be relocated to a criteria manual outside of the UDC. Private street standards are also included in this section. New cluster subdivision regulations are introduced to allow alternate forms of development in exchange for permanently protected sensitive lands and/or common open space.

**5.2.1 General**

- A. Every subdivision shall comply with all other ordinances and regulations of the Town and the TLGC.



- B. Public infrastructure shall be constructed in accordance with this UDC, the Town of Addison Criteria Manuals or, if no standard or specification can be found, then the standard or specification used shall be subject to approval by the Director of Public Works and Engineering based on professional engineering practices.
- C. The applicant shall make all required improvements, at their expense, according to Town regulations, without reimbursement by the Town, except for certain reimbursable costs as provided in this UDC.

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### 5.2.2 Lot Planning<sup>181</sup>

#### A. General

The size, shape, and orientation of lots shall be appropriate to the location of the proposed subdivision and to the type of development contemplated. The following lot design standards shall apply to all subdivisions:

1. All lots created through the subdivision process shall be developable and conform to the minimum zoning, development, and floodplain standards provided in this UDC. No subdivision shall create lots that prohibit development due to configuration of the lots, steepness of terrain, location of watercourses or floodplain, natural physical conditions, or other existing conditions.
2. The minimum area and dimensions of all lots shall conform to the requirements of Article 2: *Zoning Districts*, and Article 4: *Development Standards*, relating to the zoning district in which the lot is located.
3. Side lot lines shall be at right angles or radial to street lines, except where other terrain makes such design impractical.
4. Double frontage lots may be allowed; however, driveways are only permitted on one frontage.
5. Flag lots and other irregularly shaped lots shall be avoided to the maximum extent practicable.
6. Corner lots may be required to be wider than interior lots to facilitate conformance with required setbacks.
7. The town, county, school district, or other taxing agency boundary shall not divide a lot except in conformance with this UDC.

#### B. Drainage

Lots shall be designed and located to provide positive drainage away from all buildings and shall comply with the standards in Section 4.4: *Grading and Drainage*.

#### C. Access

1. Each lot shall be provided with adequate access to an existing or proposed public street.
2. At least two points of vehicular access into the proposed subdivision shall be provided, where feasible, unless it can be shown to the satisfaction of the Director of Public Works and Engineering that legal, topographical, and/or engineering constraints preclude such access.

#### D. Common Area and Facilities

Such areas shall be noted on the plat and the association's covenants shall be filed with the county. Alternatively, other arrangements for permanent maintenance of these areas and facilities may be approved by the final decision-making body.

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<sup>181</sup> New.

### 5.2.3 Block Layout

#### A. Block Length<sup>182</sup>

Blocks shall not be less than 200 feet nor more than 600 feet in length. The Town may approve a longer block length when necessary to accommodate natural features such as steep slopes, environmentally sensitive lands, and pedestrian linkages.

#### B. Block Arrangement<sup>183</sup>

Blocks shall have sufficient width to provide for two tiers of lots of depth meeting the minimum requirements of this UDC, except where lots back onto a collector or greater classified street, natural feature, or subdivision boundary, or where lots face an approved cul-de-sac.

### 5.2.4 Street Design and Construction

#### A. General Requirements<sup>184</sup>

In general, streets shall conform to the following standards:

1. Streets shall be in line and consistent with existing streets in adjoining subdivisions.
2. Streets shall be named so as to provide continuity with existing streets.
3. Dead-end streets shall be avoided except where planned for future extension.
4. The subdivision shall be platted with appropriate regard for all topographical features lending themselves to treatment and layout of utilities.
5. Streets and alleys shall generally not exceed 1,200 feet in length.
6. Cul-de-sacs shall not exceed 600 feet in length, measured from the centerline of the street it intersects with to the center point of the cul-de-sac.
7. In platting the subdivision, the developer shall provide additional right-of-way required for existing or future streets as shown in the *Addison Master Transportation Plan* or other plan approved by the City Council.
8. When land is subdivided or developed in areas adjacent to existing town streets or county roads that are not improved to town standards, the developer shall include the improvements of these streets in the overall development of the area. Should the City Council determine that it is not feasible to develop said street at the time of development of the area, the developer shall put their pro rata share for the improvements of said street in escrow until such time as improvement is deemed necessary by the City Council.

#### B. Master Transportation Plan and Pavement Requirements

1. Streets and alleys shall be platted and constructed in accordance with the *Addison Master Transportation Plan* or other plans approved by the City Council. and shall conform to the requirements in <Appendix A>.<sup>186</sup>
2. **M-1, M-2, and M-4 Zoning Districts**  
All streets and blocks shall conform to the following provisions:

<sup>182</sup> Consolidates current block length standards from the MXR, UC-Residential, and Belt Line zoning districts and makes standard applicable generally town-wide. The current MXR standard does not include a minimum threshold. Did not carry forward language from Belt Line district allowing modifications through the major waiver procedure; the new minor modification tool may include allowances for minor deviations from this standard.

<sup>183</sup> Exceptions are new.

<sup>184</sup> Current Appendix B, Section XVI.

<sup>186</sup> Appendix A will eventually be formatted into a supplemental Engineering and Landscaping Manual outside of the UDC.

- a. Streets within the M-1 and M-4 zoning districts shall comply with the standards established in Ordinance 095-019, Appendix A: *Streetscape Cross Sections*, and made a part hereof by reference.<sup>187</sup>
- b. Streets within the M-2 zoning district shall comply with the standards established in Ordinance 006-024, Appendix II: *Street Types*, and made a part hereof by reference.<sup>188</sup>
- c. The types and pattern of all streets in the M-1, M-2, and M-4 zoning districts shall be in conformity with the *Addison Master Transportation Plan*. The location of streets on the *Addison Master Transportation Plan* is approximate. Precise location of streets shall be determined in conjunction with approval of the concept and development plans. Street patterns shall be based upon a small-scale grid system of interconnecting streets.<sup>189</sup>

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## 5.2.5 Private Street Regulations<sup>190</sup>

### A. General Requirements

1. A private street system shall comply with all design, construction, and other standards of the Town of Addison including, without limitation, this Article 5: *Subdivision Standards*, applicable to streets and alleys generally. Without limiting the foregoing, all references in this Article 5: *Subdivision Standards*, and other applicable regulations to "street," "public street," "right-of-way," "public right-of-way," or "alley" shall apply to a private street system.
2. A private street system shall provide access for emergency vehicles, public and private utility maintenance and service personnel, the U.S. Postal Service, and government employees in pursuit of their official duties.
3. The Town shall not pay for any portion of the cost of constructing, maintaining, repairing, or replacing a private street.
4. Each plat containing any private street shall contain the following wording on the face of the plat: "The streets have not been dedicated to the public, for public access, nor have been accepted by the Town of Addison, Texas as public improvements, and the streets shall be maintained by the property owners' or property owners' association within the subdivision, and the streets shall always be open to emergency vehicles, public and private utility maintenance and service personnel, the U.S. Postal Service, and governmental employees in the completion of their official duties."
5. Private streets leading into a private subdivision may not contain a gate or a controlled access mechanism at the entrance or exit of the private subdivision preventing free flow of traffic.
6. All building lines as required by zoning shall, in the case of private streets, be measured from the public utility and storm sewer easement.
7. Private streets and alleys shall be located in a "public utility and storm sewer easement." The width of the easement shall be the same as the required right-of-way for a public street, unless specifically approved at a lesser width by the City Council upon a recommendation by the Director of Public Works.

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<sup>190</sup> Current Appendix B, Section VII-A. All regulations of the approval of new private streets have been removed as the Town does not intend to approve new private streets. Only regulations affecting the maintenance of existing private streets remain. Additional deletions may be possible to further streamline this section.

<sup>190</sup> Current Appendix B, Section VII-A. All regulations of the approval of new private streets have been removed as the Town does not intend to approve new private streets. Only regulations affecting the maintenance of existing private streets remain. Additional deletions may be possible to further streamline this section.

<sup>190</sup> Current Appendix B, Section VII-A. All regulations of the approval of new private streets have been removed as the Town does not intend to approve new private streets. Only regulations affecting the maintenance of existing private streets remain. Additional deletions may be possible to further streamline this section.

<sup>190</sup> Current Appendix B, Section VII-A. All regulations of the approval of new private streets have been removed as the Town does not intend to approve new private streets. Only regulations affecting the maintenance of existing private streets remain. Additional deletions may be possible to further streamline this section.

**B. Easements**

1. Private street developments shall include any pre-existing easements unaffected by the platting process.
2. A private street and alley shall include and be subject to all public utility (including, without limitation, water and sanitary sewer) and storm sewer easements in favor of and reserved unto the Town of Addison, the width of which shall be the same as the entire width of the street or alley right-of-way.
3. A private street or alley shall include and be subject to all additional public utility easements required by any utility company (including, without limitation, any electric, telephone, gas, or cable television companies or providers) or public agency, as well as any easements existing at the time of the creation of the private street or alley.
4. There shall also be reserved other easements, including but not limited to easements for fire lanes, street lighting, government vehicle access, mail collection and delivery access, and utility meter reading access, as may be necessary or convenient.
5. Easements shall also provide the Town 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.
6. Easement shall permit the Town to remove any vehicle or obstacle within the street lot that impairs emergency access.
7. Private streets and alleys may be required to have fire lane markings as determined by the Town's Fire Marshal. For purposes hereof, "Fire Marshal" means the Fire Chief or the Fire Chief's designee.

**C. Hold Harmless Agreement**

In connection with the approval of a subdivision with private streets or alleys, the applicant shall provide, in form and content acceptable to the Town, an agreement to be recorded in the appropriate records of Dallas County, whereby the applicant or the property owners' association, as the case may be, as the owner of the private streets and alleys, agrees to release, defend, indemnify, and hold harmless the Town of Addison, its officials, officers, employees, and agents, and any other governmental entity and public utility, and their respective officials, officers, employees or agents, for any damage to the private street or alley occasioned by the use thereof by the Town, governmental entity, or public utility (or their respective officials, officers, employees, and agents), and for damages and injury (including death) arising from the condition of said private street or alley; and for damages and injury (including death) arising out of any use of the subdivision by the Town, government entity, or public utility (or their respective officials, officers, employees, and agents). Further, such language shall provide that all lot owners shall release and forever discharge the Town, governmental entities, and public utilities (and their respective officials, officers, employees, and agents) for such damages and injuries. The indemnifications contained in this subsection apply regardless of whether or not such damages and injury (including death) are caused by the negligent act or omission of the Town, governmental entity, or public utility, or their respective officials, officers, employees or agents.

**D. Conversion of Private Streets to Public Streets**

**1. Voluntary Conversion**

The Town may in its sole discretion, but is not obligated to, accept private streets and alleys for public ownership, access and maintenance. The procedure to convert private streets and alleys to public streets and alleys must conform to all of the following provisions and such other standards as the Town may determine:

- a. The property owners' association must submit a petition signed by at least 75 percent of its members (or a greater number of signatures if required by the property owners' association document).
- b. All of the infrastructure to be converted from private to public status must be in a condition that is acceptable to the Town, in the Town's sole discretion.

- c. All monies in the reserve fund must be delivered and paid to the Town.
- d. The subdivision plat covering the area which is the subject of the conversion must be submitted as a replat, and upon approval shall be re-filed to dedicate the streets, alleys, utility, storm sewer easements, and other appurtenances to the Town or other appropriate entity, as determined by the Town.
- e. The property owners' association documents must be modified and re-filed to remove requirements specific to private street subdivisions.

**2. Mandatory Conversion**

- a. The Town will notify the property owners' association of violations of the private street regulations, including the standards and provisions set forth in this section. Failure to bring the subdivision into compliance with the regulations may cause the Town to revoke, amend, or modify the PD District zoning for the area covered by the private streets and alleys, including, without limitation, an amendment to remove the allowance for private streets and alleys under the PD District zoning.
- b. If the PD District zoning is so amended, modified, or revoked, the Town may correct all remaining violations and unilaterally re-file the subdivision plat thereby dedicating the streets, alleys, and appurtenances to the public. All monies in the reserve fund will become the property of the Town and will be used to offset any costs associated with converting the private streets to public streets. In the event the balance is not sufficient to cover all expenses, the property owners' association and/or the property owners will be responsible for the amount of unpaid work, and the Town shall have the right, in addition to any other rights it has or may have to collect such amounts from the property owners' association and/or the property owners, to levy an assessment upon each lot on a pro rata basis for the cost of such work and to collect the same, and the Town shall further have any and all liens and lien rights granted to the property owners' association to enforce such assessments; and/or to avail itself of any other enforcement actions available to the Town pursuant to state or Town codes, ordinances, and regulations. Provisions to this effect shall be included in the property owners' association documents, all property deeds, and the final plat.

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**5.2.6 Alternatives to Subdivision Standards**

**A. Alternatives Generally**

Alternatives to the standards in this article shall be subject to approval by the City Engineer and Director prior to approval of the subdivision application pursuant to **Section ---: *Minor Modification***.<sup>192</sup>

**B. Cluster Subdivision**

**1. Purpose**

This subsection provides optional standards for cluster subdivision development to protect sensitive lands and common open space areas, and to implement the Addison Comprehensive Plan and/or adopted small area plans. A cluster subdivision is a residential or mixed-use subdivision in which some or all of the lots are allowed to be smaller (in area and width) than otherwise required for the underlying zoning district, in exchange for permanent protection of sensitive lands and/or common open space.

**2. Applicability**

- a. The cluster subdivision option is available in the residential, mixed-use, and planned development zoning districts.
- b. The minimum parcel size for a cluster subdivision shall be at least three acres.
- c. All other standards in the UDC shall apply to cluster subdivisions unless modified by this subsection.

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<sup>192</sup> This will require further discussion during the draft of the administration article. The minor modification tool would be new.

**C. Cluster Subdivision Standards<sup>193</sup>**

The standards for cluster subdivision lots are established below. The measurements and exceptions in **Section 2.9: Measurements and Exceptions**, shall also apply to cluster subdivision lots unless otherwise stated below.

Type of Standard	Requirement
<b>Project Site Standards</b>	
Parcel size, minimum	3 acres
<b>Individual Lot Standards</b>	
Lot area, minimum	15 percent reduction from underlying zoning district

**D. Identification and Maintenance of Protected Lands**

1. Protected lands shall be identified on the final subdivision plat with a notation that indicates that those lands shall not be used for future development.
2. Protected lands shall be marked in the field with appropriate permanent signage markers in order to distinguish these areas from private property.
3. Protected lands shall be permanently maintained and preserved as:
  - a. Open space lots with deed restrictions; or
  - b. Land dedicated to the Town; or
  - c. Protected through a conservation easement; or
  - d. Other means of permanent protection approved by the Town.
4. For any protected land not dedicated to the Town, the developer shall provide a permanent mechanism acceptable to the Town Attorney for the primary purpose of conservation, preservation, and management of protected lands.
5. There shall be no further subdivision of land in an area approved for cluster subdivision; however, dedication of easements for public purposes may be permitted.

**E. Use of Protected Lands**

1. Protected lands shall be left in an undisturbed natural state or landscaped pursuant to Section 4.7: *Landscaping, Buffering, and Fences*.
2. The protected lands shall be used for low-intensity recreation, buffers, or other passive park or open space purposes.
3. The use of protected lands may be further limited or controlled at the time of final approval where necessary to protect adjacent properties.

**F. Review and Approval of Cluster Subdivisions**

The review and approval of cluster subdivisions shall follow the procedures for preliminary and final plats in **Section ---**. The applicable procedure is dependent on the number of lots proposed in the cluster subdivision.

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## 5.3 Subdivision Improvements

**Commentary:**

This section includes standards for required subdivision improvements within public rights-of-way or recorded easements (i.e., storm sewer, sanitary sewer, water, street lighting, sidewalks, street trees). Updated parkland

<sup>193</sup> New standards replace references to alternate plans pursuant to a cluster plan in the MXR zoning district. This tool allows for the preservation of land by clustering development on a site.

dedication standards derived from the current MXR and UC zoning districts are also included, providing developers with a dedication or payment-in-lieu option for providing required open space.

### 5.3.1 General Standards<sup>194</sup>

- A. The developer shall furnish all easements and rights-of-way necessary for construction of electrical, gas, telephone service to the subdivision and all other public infrastructure identified in the standards.
- B. The developer shall be responsible for all damage to improvements caused during installation of utilities.
- C. The developer shall provide street signs for the subdivision. There shall be one sign for each three-way intersection and two signs for each four-way intersection. The signs will be ordered by the public works department and the developer billed a fixed fee for each sign. Such price shall include cost of the sign assembly, pole, and installation.
- D. All lots shall meet the following monumentation standards:<sup>195</sup>
  - 1. At all angle points, points of curve, and points of tangency on the perimeter of the platted boundary, a minimum three inch metallic cap disc must be affixed to a metal pipe or rod and stamped with the addition name and the registered professional land surveyor number of the surveyor of record, or the name of the surveying company.
  - 2. At all block corners, a minimum two-inch metallic cap must be affixed to a metal pipe or rod. The cap must be stamped with the block number and registered professional land surveyor number of the surveyor of record, or the name of the surveying company.
  - 3. At all lot corners, points of curve, and points of tangency of curves, a minimum 1/2-inch diameter metal pipe or rod is required with a cap stamped with the registered professional land surveyor number of the surveyor of record, or the name of the surveying company.
  - 4. All monuments installed must contain a cap or disc imprinted with the addition name, if required, and the registration number of the surveyor or the name of the engineering or surveying firm that prepared the plat. In locations where such monuments cannot be installed, alternate types of monuments may be installed with the prior approval of the chief city surveyor. A request for alternate monumentation must be made in writing by the surveyor of record, and must include the City Plan File Number and the reason for the alternate monumentation request.
  - 5. Any points of monumentation that can not be set at the designated place must be referenced with sufficient witness monumentation.
  - 6. If the monument is placed on the boundary of property being platted in which no areas are to be dedicated to the public, the following standards apply:
    - a. Monuments must be installed on the boundary of such property being platted at all corners, angle points, and points of curvature and tangency.
    - b. The size, shape, and substance of monuments found or installed on the perimeter of the platted boundary must be described on the drawing and in the owner's certificate of the submitted plat.
  - 7. If the monument is placement on and within the boundary of property being platted in which areas are to be dedicated to the public, the following standards apply:
    - a. Monuments must be installed on the boundary of such property being platted at all corners, angle points, and points of curvature and tangency, except those points falling within areas to be dedicated. In areas to be dedicated, all points on new right-of-way lines must be monumented. Monuments must be installed within the boundary of such property being platted at the following points:
      - i. All corners of parks, squares, or other portions intended for public use.
      - ii. All block corners.

<sup>194</sup> From current Appendix B, Section XVI.F.

<sup>195</sup> New.

- iii. On the right-of-way lines of all alleys and public and private streets at all points of intersections, angle points, and points of curvature and tangency.
- 8. Monuments must be installed on each lot line and boundary line where these lines are intersected by or tangent with a floodway management area, floodway easement, conservation easement area, or the escarpment zone.
- 9. Monuments for floodway management areas, floodway easements, and detention areas must be installed at all angle points and points of curvature or tangency.
- 10. Floodway management areas, detention areas, escarpment zones, and conservation easement areas must be monumented with a minimum 1/2-inch iron rod with a cap stamped with the registered professional land surveyor number of the surveyor of record, or the name of the surveying company.
- E. Where subdivisions are platted so that the rear yards of single-family residential lots are adjacent to a dedicated roadway or separated from a roadway by an alley or service road, the developer shall provide, as their sole expense, a six-foot reinforced concrete or masonry wall to be located on private property at the public right-of-way line for the purpose of screening the rear yards from the street. The wall shall be maintained by an HOA and/or individual property owners as specified in the subdivision agreement. The City Council may waive or modify, in exceptional cases, this requirement. Plans and specifications for the wall shall be approved by the Public Works Department. The wall shall conform to the requirements of the ordinance of the Town governing the sight distance for traffic safety and other Town ordinances.
- F. Where landscaping in public rights-of-way or other public property is required or planned, such work shall first be approved by the Public Works Department. Such approval is intended to assure that plant materials used in the work will not create maintenance problems or require excessive amounts of Town labor during future maintenance. The work shall also conform to the Town ordinance governing sight distance for traffic safety.
- G. Before any street is opened to traffic in the Town of Addison, all necessary pavement markings necessary to comply with the most recent edition of the *Manual on Uniform Traffic Control Devices for Streets and Highways* shall be completed. All work must first have the approval of the Public Works Department.
- H. Maintenance of any and all easements shall be the responsibility of owners of the properties traversed by or adjacent to such easements. The Town shall have the right, but not the obligation, to enter upon such properties to abate any nuisances thereon in accordance with Chapter 34, Article IV, with costs attendant to such abatement charged to such property owners, which costs shall become a lien against said property in favor of the Town pursuant to such article.

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### 5.3.2 Storm Sewers<sup>196</sup>

An adequate storm sewer system, consisting of inlets, pipes, and other underground drainage structures, shall be constructed to conform with current drainage requirements and current engineering design standards of the Town of Addison. The following policy shall govern the installation of all drainage facilities within the Town:

#### A. Residential Subdivisions or Additions

- 1. The developer shall pay the total cost of storm drainage systems where pipe 72 inches in diameter or less is installed.
- 2. In cases where the storm drain is larger than 72 inches in diameter, but not larger than 84 inches, 25 percent of the cost of providing the additional pipe larger than 72 inches but smaller than 84 inches will be borne by the Town and shall be reimbursed to the developer when the Town funds become available. The developer shall pay for the remaining 75 percent and the cost of constructing the pipe to 72 inches in diameter. The developer shall also bear the cost of all channel excavation, inlets, laterals, headwalls, manholes, junction structures, and all other items required to complete the system.

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<sup>196</sup> Current Appendix B, Section XVI.



3. In those cases where the runoff cannot be handled by a pipe 84 inches in diameter or smaller, the developer shall dedicate at their own expense a right-of-way of sufficient width to permit excavation and maintenance of an open channel of satisfactory depth and width. The developer shall complete all necessary excavation on the channel and shall sod or seed the channel to prevent erosion. If deemed necessary by the Public Works Department, the channel shall be lined with reinforced concrete to prevent erosion. The Town will pay for 25 percent of the cost of such lining and shall reimburse the developer for such costs when Town funds become available.
4. In street crossings (bridges or culverts) with an opening larger than that of a double 72-inch pipe culvert, the Town will participate to the extent of 25 percent of the cost of the structure as approved by the Director of Public Works, and shall reimburse the developer for such costs when Town funds become available.
5. Creeks may remain in open natural condition or excavated channels may be constructed provided they meet the criteria and standards set by the Town.
6. When a creek or excavated channel is allowed to remain open, or in its natural condition, it shall be dedicated to the Town through the use of the drainage and floodway easement form described in (update reference from current Appendix B, Section IX.P). The Planning and Zoning Commission may recommend waiving this dedication requirement only for the following exceptions:
  - a. Replats which were originally platted prior to the dedication requirement; or
  - b. Subdivisions of five lots or less.
7. The developer must provide sufficient access on each side of creeks and drainage ways for maintenance purposes. The location and size of the accessways shall be determined by the City Engineer and the Director of Public Works. The maximum width of the accessway shall be 15 feet. Permanent physical markers, the type and locations of which to be determined by the City Engineer, shall be placed along the boundaries of the accessway and private property. The requirements of paragraph (6) above.

**B. Commercial and Industrial Developments**

1. The developer shall pay the total construction cost of storm drainage systems where a double 72-inch diameter pipe or smaller pipe will carry the runoff.
2. In those cases where the runoff cannot be handled by a double 72-inch pipe or smaller, the developer shall dedicate, at their own expense, a right-of-way of sufficient width to permit excavation and maintenance of an open channel of satisfactory depth and width. The developer shall excavate the channel at their own expense and line the channel with reinforced concrete. The Town shall participate to the extent of 10 percent of the cost of such lining when Town funds become available.
3. In street crossings (bridges or culverts) with an opening larger than that of a double 72-inch pipe culvert, the Town will participate to the extent of 10 percent of the total construction cost of the structure as approved by the Director of Public Works and shall reimburse the developer for such costs when Town funds become available.
4. A creek may remain open in its natural condition, provided that the requirements of paragraphs 5.3.2A(5), (6), and (7) shall apply.

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**5.3.3 Sanitary Sewers**

Sanitary sewer facilities shall be provided to adequately service the subdivision and conform to the Town of Addison sewer system master plan and current engineering design standards.

- A.** Sewer pipe shall have a minimum internal diameter of eight inches. Construction and materials shall conform to the standard specifications of the Town of Addison.
- B.** Sewer services for each lot shall be carried to the property line.

- C. Should the subdivision or addition abut and use a sewer main of the Town, the developer shall pay to the Town of Addison a "pro rata" charge as prescribed by the pro rata ordinance of the Town for the use of the same.
- D. The developer shall construct all manholes, cleanouts, and other appurtenances as required on the plans.
- E. Should a lift station, either temporary or permanent, be necessary to provide a sanitary sewer service to the subdivision, the developer shall construct the station and all appurtenances, at their own expense. If and when the lift station is no longer needed, the installation will remain the property of the Town of Addison for disposal.

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### 5.3.4 Water

Water systems shall have a sufficient number of outlets and shall be of sufficient size to furnish adequate domestic water supply, to furnish fire protection to all lots, and to conform to the Town of Addison water system master plan and current engineering design standards.

- A. Water pipe shall be a minimum of eight-inch nominal internal diameter. Construction and material shall conform to the standard specifications of the Town of Addison.
- B. Water services for each lot shall be stubbed out with an angle stop to the location required as shown on the standard details. A meter box conforming to the requirements of the standard specifications shall be installed over the end of each service.
- C. Valves and fire hydrants shall be located at intervals of 300 feet.
- D. Should the subdivision or addition abut and use a water main of the Town, the developer shall pay to the Town of Addison a "pro rata" charge as prescribed by the pro rata ordinance of the Town for use of the same.

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### 5.3.5 Street Lighting

Street lighting shall be provided in accordance with the following:

- A. The developer shall pay for the number of streetlights required in the subdivision as determined by the Director of Public Works. After acceptance of the subdivision, service charges for electricity will be paid by the Town.
- B. Each street shall have streetlamps uniformly spaced between trees, located 2½ feet from back of curb.
- C. On boulevards, large streets, and side streets, locate streetlamps at intervals no greater than 250 feet.
- D. Unless otherwise approved by the Town of Addison, mounting height of streetlamps shall be between 10 feet and 12 feet.
- E. Unless otherwise approved by the Town of Addison, lamps shall be metal halide type.

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### 5.3.6 Sidewalks<sup>199</sup>

- A. Any owner or person in control of real estate fronting upon a public street which is improved with street paving and curbs and gutters shall not be issued a building permit for any construction when sidewalks have not been installed unless such owner, either as a part of the construction covered by the building permit or other separate arrangements satisfactory to the Director of Public Works and Engineering, constructs public sidewalks in accordance with the Master Transportation Plan and current engineering and design standards.
- B. The failure to so construct the required sidewalk shall constitute a violation of the Town's code of ordinances.

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<sup>199</sup> From current Chapter 70, Article I, Sec. 70-2.

- C. Sidewalk construction may be delayed until development of the lot, except across bridges or culverts. In these cases, the sidewalks shall be constructed with the other improvements to the subdivision.<sup>201</sup>
- D. The City Council may upon application of a property owner, affected by the provisions herein, waive the requirements for installation of sidewalks because of unusual circumstances or hardship.

### 5.3.7 Parkland Dedication<sup>203</sup>

#### A. General Requirements<sup>204</sup>

1. Whenever land is proposed for residential subdivision, the developer shall provide land or fee-in-lieu of land for park land demand generated by the proposed use.<sup>205</sup>
2. Dedicated park land may include public parks, greenbelts, school recreation facilities, open space, floodplain lands, national and state historical or natural features, and bikeways, trails, and pedestrian paths identified in the Addison Master Transportation Plan.
3. All park facilities shall conform to the design guidelines set forth in the Addison Parks, Recreation and Open Space Master Plan.<sup>206</sup>
4. Required park land shall be suitable for the development of active recreation areas, passive open areas, and when applicable, to preserve natural resources.

#### B. Amount of Land Required<sup>207</sup>

1. Eight acres for every 1,000 residents shall be dedicated for public use by the project applicant to be computed by estimating the number of dwelling units authorized for a proposed project, multiplied by a factor of one and one-half persons per dwelling unit.
2. Land proposed to be dedicated as park land shall be clearly shown on the preliminary plat or development plan and shall be marked accordingly.
3. Sufficient land for open space shall be provided in each phase of the development to assure that the recreational needs of district residents are satisfied, taking into consideration the nature of open space required to serve the district, and the amount of land previously provided, or to be provided, in conjunction with the phase of the development under consideration.
4. The Town shall, during the preliminary plat or development plan review process, determine whether the land proposed to be dedicated for park land is of a size, location, dimension, topography, and general character, as appropriate for park land use and whether such site is in conformance with the Addison Parks, Recreation and Open Space Master Plan and the Town's Comprehensive Plan.
5. Dedication requirements may be satisfied in part on land located in a planned development district abutting the proposed development, if such land is functionally tied to open space within the development.

#### C. Approval

1. Land to be dedicated for park land shall be approved initially by the Planning and Zoning Commission and then shall be submitted to the City Council for acceptance of the proposed dedication. No dedication shall be deemed approved without express action of the City Council in the form of a

<sup>201</sup> From current Appendix B, Section XVI.F(2).

<sup>203</sup> Did not carry forward linear greenbelt requirement from the current MXR standards. Updated all instances of "active recreation space" to be "park land" for clarity.

<sup>204</sup> New standards to better align with language in Addison Parks, Recreation, and Open Space Master Plan.

<sup>205</sup> **Policy Discussion:** Does the Town want to require park land dedication (and fee-in-lieu) for nonresidential development?

<sup>206</sup> The plan has four classifications of in the plan that differ by minimum size and facilities/amenities required.

<sup>207</sup> From current UC zoning district and MXR zoning district standards. Replaced UC standard (two acres per 1,000 residents) and MXR standard (four acres per 1,000 residents) to align with the recommendation in the Addison Parks, Recreation and Open Space Master Plan. The provision allowing the decrease in required park land dedication after it has been provided for 2,250 residents has been removed. **Policy Discussion:** What is the Town's desired level of service for park land?

written "acceptance of dedication." Failure of the City Council to execute an acceptance of dedication shall be deemed to be a refusal of the proposed dedication.

2. In its approval of the concept plan and development plan, the Town shall impose such conditions as deemed necessary to assure that the intent and purpose of this section is satisfied.
3. In its approval of a preliminary plat or development plan which proposes park land dedication, the Town shall impose such conditions as deemed necessary to assure that the intent and proposes of this subsection are satisfied.
4. If the City Council refuses to accept the dedication, the final development plan shall be returned to the developer for resubmission with (i) appropriate changes to indicate the use of the portion of the property originally proposed to be dedicated for active recreation space; and/or (ii) payment of the applicable in-lieu fee.

**D. Fee-in-Lieu of Dedication<sup>209</sup>**

**1. Applicability**

In lieu of dedicating park land for public use, a developer may pay a fee to be earmarked for the acquisition or development of park land within the Town.

**2. Fee-in-Lieu Calculation<sup>210</sup>**

- a. The amount of the fee shall be based upon the Parkland Fee Calculation Methodology established by resolution of the City Council, which may be amended from time to time.
- b. The applicable fee or land dedication shall be imposed by the Town at the time of preliminary plat approval for developments consisting entirely of single-family dwellings, or at the time of approval of the development plan for all other developments.

**3. Payment**

- a. The fee shall be collected at the time of final plat approval for developments consisting of single-family dwellings and at the time of building permit approval for all other developments. The required fee shall be paid in cash or by cashier's check or another instrument as may be approved by the Town Attorney. Payment shall be made to the Town Clerk, who shall provide a receipt therefor. Prior to accepting payment, the Town Clerk shall verify the amount due by referring to the condition of such payment imposed on the final development plan.
- b. All park land fee payments received pursuant to this subsection shall be used solely and exclusively for the acquisition of land for park land within which the development is located.<sup>211</sup>
- c. Fees collected shall be expended for park land as provided in this subsection within a reasonable period of time of collection, but in no event later than five years from the date of collection of such fees.
- d. Fees received pursuant to this provision shall be deposited in a segregated interest-bearing fund to be known as the park land trust fund. The use of such fees shall be restricted to financing park land directly, as herein provided, or for reimbursement to the Town for the advancement and/or expenditure of funds for the provision of such park land.
- e. The Town may, in its sole discretion, (a) supplement fees collected pursuant to this provision; (b) advance funds to the trust fund to enable early development of park land; or (c) expend funds for active recreation space and obtain reimbursement from fees collected in the trust fund.
- f. The Town Manager shall keep and maintain adequate financial records for the trust fund which shall: show the source of disbursement of all fees; account for all fees received; and ensure that the disbursement of fees from such trust fund shall be used exclusively for the purposes set forth herein.

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<sup>209</sup> Generally, carried forward from current MXR standards with changes as noted. **Policy Discussion:** Does the Town want to consider a fee-in-lieu of dedication when parkland dedication standards cannot be met? If so, how is that fee calculated?

<sup>210</sup> New standards with reference to the Parkland Fee Calculation Methodology. Since the fee will change periodically, the actual fee is not in the code.

<sup>211</sup> Prior language here specified that the land acquired must be "within the district" of the subject property. That language could be carried forward, or we could use a distance limitation (e.g., within one quarter mile).

- g. Interest earned by the trust fund shall be credited to the fund account and shall be used solely for and limited to the purposes specified for fees of the trust fund.
- h. A developer may apply for a refund of an in-lieu fee paid pursuant to this provision if the Town has failed to provide active recreation space pursuant to this article within five years of the date of collection of such fee.

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### **5.3.8 Park Development Fee**

**Commentary:**

This is generally a placeholder for further discussion. The staff are exploring the assessment of a park development fee, separate from and in addition to the parkland dedication requirement in the previous section. The purpose of this fee, as described in the new parks plan, would be to provide funding for the continued maintenance and development of existing park facilities. It would apply to both residential and nonresidential development. An impact fee study meeting the requirements of state law would be necessary to support the fee. Credits may be available against the required fee for new dedications of land under the prior section.

*Policy Discussion:* Does the Town want to require a park development fee to fund the construction of new parks and/or improvements to existing parks and recreation facilities to accommodate future development? If so, how should that fee calculated? Should the fee apply to new development or any time a building permit is pulled? Should a fee apply to nonresidential development?

**A. Applicability**

To help offset the financial impact of new residential development on maintaining existing park facilities, all new residential or mixed-use development within the City shall pay a park development fee as provided for in this section. This fee shall be residential subdivision in conjunction with the parkland dedications requirements set forth in Section 5.3.7, above.

**B. Park Development Fee Calculation<sup>213</sup>**

- 1. The amount of the fee shall be based upon the methodology established by resolution of the City Council, which may be amended from time to time.
- 2. The applicable fee shall be imposed at the time of building permit application.

**C. Payment**

- 1. The fee shall be collected prior to the issuance of building permits for the number of dwelling units designated in the application.
- 2. All park development fees received pursuant to this section shall be used solely and exclusively on park improvements located in park land that benefits the dwelling unit(s) paying the fee.
- 3. Fees collected shall be expended for park improvements as provided in this subsection within a reasonable period of time of collection, but in no event later than five years from the date of collection of such fees.

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<sup>213</sup> Note: An impact fee support study is necessary to determine the required development fees.