

# ALLEN LAND DEVELOPMENT CODE

## ARTICLE VIII SUBDIVISION REGULATIONS

### Section 8.01. Purpose.

- To protect and provide for the public health, safety, and general welfare of the community.
- To guide the future growth and development of the City, in accordance with the Comprehensive Plan.
- To guide public and private development in order to provide adequate and efficient transportation, water, sewage, and other public and private requirements and facilities.
- To establish reasonable standards of design and procedures for subdivision and resubdivision and to further the orderly layout and use of land.
- To ensure safety from fire, flood and other danger, and to prevent overcrowding of the land and undue congestion of population.
- To provide for the circulation of traffic and pedestrians required for the beneficial use of land and buildings and to avoid congestion throughout the city.
- To ensure that adequate public facilities and services are available and will have sufficient capacity to serve the proposed subdivision or addition and that the community will be required to bear no more than its fair share of the cost of providing facilities and services.
- To prevent the pollution of streams and ponds; to ensure the adequacy of drainage facilities; to safeguard the water table and to encourage the wise use and management of natural resources and enhance the stability and beauty of the community and the value of the land.
- To provide for open spaces through the most efficient design and layout of the land.
- To remedy the problems associated with inappropriately platted lands, including the premature subdivision, incomplete subdivision and scattered subdivision.

### Section 8.02. General Provisions.

#### Section 8.02.1. Jurisdiction.

These subdivision regulations, design standards, and improvement requirements for land development are adopted under the authority of the provisions of the Constitution and laws of the State of Texas and Charter of the City. The rules and regulations shall apply to all subdivisions of land within the corporate boundaries and extraterritorial jurisdiction of the City and to all land that the City may annex.

1. Pursuant to the authority granted in Chapter 212 of the Texas Local Government Code, the Planning and Zoning Commission shall exercise the power and authority to administer standards established by this Code and to review, approve, or disapprove plats and development plans for subdivision of land and for any development within the corporate limits of the City and the unincorporated areas lying within the extraterritorial jurisdiction which show lots, blocks, or sites with or without new streets or highways or any lot improvement activities as defined by the ordinance.
2. Any person wishing to divide land inside the City or within the City's extraterritorial jurisdiction shall submit to the Commission a plan of the subdivision which shall conform to the requirements set forth in these regulations. A division of land under this section does not include a division of land into parts greater than five (5) acres where each part has access and no public improvement is being dedicated.

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3. No subdivision plat shall be filed or recorded and no lot in a subdivision inside of the City or within the city's extraterritorial jurisdiction shall be improved or sold until the final plat shall have been approved by the Commission.
4. The City shall not accept streets or public rights-of-way, nor provide city services, including but not limited to the furnishing of sewage facilities and water service, and solid waste collection unless or until a final plat conforming to the requirements of this article has been approved and filed for record in the map records of Collin County, Texas.
5. Prior to the issuance of any building permit, the property for which the permit is being issued shall have been platted and all required public improvements accepted by the City, or shall exist as an official lot or tract of record.
6. Except as provided above, no land may be subdivided or platted through the use of any legal description other than with reference to a plat approved by the Commission in accordance with these regulations.
7. Except as provided above and lots of record established prior to the effective date of this Code, no land shall be sold, leased or transferred until the property owner has obtained approval of a final plat from the Director of Planning or the Commission as required under these regulations.
8. The city shall withhold all public improvements and utilities, including the maintenance of streets and the provision of sewage facilities and water service from all tracts, lots and additions, the platting of which has not been officially approved by the Director of Planning or the Commission and for which a Certificate of Compliance has not been issued.
9. The Planning and Zoning Commission may recommend variances from the regulations in this Article to the City Council upon written request from the owner stating the grounds for such variance. Where the City Council finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may recommend approval of a variance to these subdivision regulations, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided that the City Council shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
  - a. The conditions upon which the request for a variance is based are unique to the property and are not applicable generally to other properties; or
  - b. A tract has peculiar physical surroundings, severe topographical conditions, or unique environmental qualities worthy of protection; or
  - c. Where a literal application of the regulations of this Article will result in a hardship to the owner because of the shape, size or topography of the applicable lot or tract of land; and the hardship is not self-imposed, financial or the result of frustrated development plans; and
  - d. The variance will not have an adverse effect on the intent of these provisions or the Comprehensive Plan.”

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### Section 8.03. Plat Regulations.

#### Section 8.03.1. In General.

1. Review Steps. The preparation, submittal, review, and approval of all subdivision plats shall proceed through the following steps:
  - General Development Plan
  - Preliminary Plat
  - Final Plat
2. Official Submission Date. For the purpose of these regulations, the date on which a completed application is first filed shall constitute the official submission date for the plat, after which the statutory period required for approval or disapproval of the plat shall commence to run. The Planning and Development Department shall publish at least thirty days prior to the beginning of each year a calendar of official submittal dates. This calendar shall specify two submittal dates for each month. All applications delivered to the city on a date other than a scheduled date shall be dated received on the next official submittal date.
3. Approval Criteria. Applications for plat approval shall be evaluated for compliance with these regulations and the requirements contained in the city's adopted design standards, and with any other criteria, policies, rules and plans which are referenced elsewhere in these regulations.
4. Statutory Compliance procedure. The Director of Planning shall place any plat application on a scheduled meeting of the Commission prior to the expiration of thirty (30) days following the official submission date. At the meeting, the Commission shall approve or disapprove the application, or identify any requirements which must be satisfied prior to approval of the application. If the Commission fails to approve or disapprove (disapproval includes the identification of requirements to be satisfied prior to approval) an application within thirty (30) days of the official submission date, the application shall be deemed approved. However, if any requirements remain to be satisfied prior to plat approval, the application for plat approval shall be disapproved for purposes of statutory compliance only. Unless the Commission unconditionally disapproves the plat application within such period, the city will continue to process the application. The Commission may not table the consideration of any plat. The applicant may elect to withdraw the application at any time prior to the action of the Commission and may resubmit the project with no additional fees if the project is resubmitted within sixty days. Any resubmission will be treated as an original application.

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#### Section 8.03.2. General Development Plan.

1. Purpose. The purpose of a General Development Plan is to review and approve a general plan for the development of property, including the layout of streets, lots, open space, sites for public facilities and utilities.
2. Applicability. A General Development Plan shall be required as a condition precedent to approval of any application for a plat, except where the Director of Planning determines that:
  - a. The subdivision will result in no more than one new street and sufficient information exists to begin preparation of the preliminary plat, or
  - b. A concept plan, preliminary site plan or final site plan for the property provides sufficient information for the preparation of a preliminary plat.

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3. The General Development Plan shall include:
    - a. A proposed layout drawn to a scale of 1" = 200' or larger.
    - b. True north shall be clearly indicated and located to the top and left of the study.
    - c. Arrangement and connection of streets with adjacent properties.
    - d. The names of adjacent additions or subdivisions or the name of record of owners adjoining parcels of unplatted land.
    - e. General location and size of school sites, park and recreation areas, and other public areas.
    - f. Location of proposed shopping centers, multifamily residential, and other land uses.
    - g. Proposals for water, sewer, and drainage systems in relation to master plans where they exist for these facilities.
    - h. Proposals for services furnished by private utility companies.
    - i. Summary of uses by type, number, and acreage.
    - j. Identification of any flood prone areas and general proposals for such areas.
    - k. Identification of any tree cover containing 6 or more trees with a caliper of 6 inches or more that is outside the floodplain that may be disturbed by proposed streets or alleys in order to reduce the destruction of trees.
    - l. The General Development Plan shall be accompanied by a tree survey signed and sealed by a certified arborist or registered landscape architect, which will include the following:
      - 1) Legal Description
      - 2) Date of Preparation
      - 3) North Arrow
      - 4) Name, address and phone number of owner
      - 5) Name, address and phone number of preparer
      - 6) Caliper of all trees 6 inches or larger, and any tree for which tree preservation credits will be requested.
      - 7) Location and common name of species
      - 8) Identification of all trees to be removed
      - 9) Identification of caliper, common name of species, and location of trees that are to be used as replacement trees
      - 10) Identification of caliper, common name of species, and location of existing trees that are to be used for credits
      - 11) Fee submitted in lieu of replacement
      - 12) Zoning of Property
      - 13) Documentation of agricultural tax status if exemption is requested. The Tree Survey must be presented as an overlay to the General Development Plan in order to demonstrate the impact of the street and alley system on the existing tree cover. Any credit policies established by agreement or contract prior to the adoption of this ordinance shall remain in force and effect.
- If there are no trees located on the site or in a fence row adjacent to the site, the

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property owner or his authorized agent shall submit a sworn affidavit attesting to the fact. A tree survey will not be required for property within open space or floodplain areas to be dedicated to the city or within any conservation easement.

- m. Tree Loss Mitigation Plan that identifies species, location, and schedule for planting replacement trees.
  - n. A Concept Plan submitted for the purpose of securing zoning approvals may be accepted as a General Development Plan if it meets the requirements of this section.
  - o. The plan shall include existing driveways within 200 feet of the site.
  - p. The plan shall include existing or proposed median openings within 500 feet of the site.
  - q. Hike and bike trails.
4. Standards for Approval.

No General Development Plan shall be approved by the Commission unless it conforms to the Comprehensive Plan and development regulations of the city.

### 5. Acceptance of General Development Plan:

- a. The Planning & Zoning Commission shall review the General Development Plan for consistency with the *Comprehensive Plan*, the *Thoroughfare Plan*, zoning regulations and other requirements of this Code. The Commission may permit the development to be platted in phases, provided each phase satisfies the requirements of this Code. The Commission may also impose conditions such as temporary street and alley connections or temporary cul-de-sacs to assure orderly development.
- b. The Commission shall approve, conditionally approve or disapprove a General Development Plan. The approval of a General Development Plan constitutes authorization by the city for the property owner to submit application for a preliminary plat, subject to compliance with any conditions attached to the approval of the General Development Plan.

### 6. Lapse of Approval.

The approval of any phase or phases of a General Development Plan shall automatically expire unless such phase or phases have been submitted and approved by the Commission as a preliminary plat within eighteen months.

### 7. Extension or reinstatement of Approval.

Applicant may request one extension of approval provided such application is filed not less than sixty days prior to expiration. Any extension shall not extend beyond six (6) months from the time that the General Development Plan would otherwise have expired. The request for extension shall be filed with the Department of Planning & Development and presented to the Commission at the next regular meeting. The application for extension shall include an explanation for the reasons for the delay. The Commission shall consider reasons for the delay, the effect of any new regulations on the proposed development plan, and the ability of the property owner to comply with the original conditions in determining whether to approve the extension. The Commission's disapproval of an extension for a General Development Plan shall be final.

## Section 8.03.3. Preliminary Plat.

### 1. Zoning.

The subdivision shall be designed to conform to the requirements of the specific zoning district within which it is located. Any change in zoning required in relation to the preliminary plat shall have been adopted by the City Council prior to consideration of the preliminary plat by the Commission.

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### 2. Preliminary Plat Submission

- a. The preliminary plat shall include the following information
  - i. Application signed by the owner of the property or his authorized representative
  - ii. Nine (9) copies of a preliminary plat showing the general features of the proposed development drawn at a scale of one (1) inch equals one hundred (100) feet or larger and indicating the following:
  - iii. The outline of the tract that is proposed to be subdivided, with boundary dimensions.
  - iv. The proposed plan of subdivision, showing streets, blocks, lots, alleys, easements (including landscape easements), building lines, parks, existing and proposed sewers, water mains, culverts, or other underground structures with pipe sizes, grades, and locations indicated.
  - v. The preliminary plat shall cover the entire tract intended to be developed whether in total or by sections.
  - vi. The names of subdivisions; lot patterns; location, widths, and names of existing or planned streets and intersections, driveways, median openings (within 500 feet), and any blocks, lots, alleys, easements, building lines, water courses, floodplain, or other natural features, with principal dimensions; and any other significant information on all sides for a distance of not less than two hundred (200) feet.
  - vii. The names of proposed streets.
    - (a) Only cul-de-sac streets that are the stem of a T-intersection shall be entitled with the suffix "Court."
    - (b) All through streets shall have a suffix such as "Street", "Drive", "Lane", or "Way." All suffixes shall have abbreviations limited to not more than four (4) letters.
    - (c) New streets shall be named so as to provide continuity of name with existing or stubbed out streets and to prevent conflict with identical or similar names in other parts of the city or within the same zip code.
    - (d) Street names are subject to the approval of the city. The city may require the name of a street to change in some locations to avoid confusion in addressing.
    - (e) Street names, not including directional information or suffix, shall not be longer than thirteen (13) characters, including spaces.
    - (f) The use of the words North, South, East, and West shall be consistent with the city's block numbering system.

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- viii. The location of the nearest existing sewers, water and gas mains, and other public utilities, if any.
- ix. A proposed plan for drainage, to include approximate delineation of the ultimate 100-year storm event. The proposed drainage plan shall include a topographical map in sufficient detail showing all abutting drainage areas either contributing to the storm water flows within the proposed subdivisions or receiving storm water flows from the proposed subdivision; preliminary plans for drainage improvements within the proposed subdivision.
- x. The name of the proposed subdivision, north point, scale, date, acreage, and number of lots.

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- xi. The name and address of the owner or owners and the signature, seal, date, telephone number and address of the registered professional engineer or registered professional land surveyor who has prepared the preliminary plat.
- xii. A location map of the proposed subdivision at a scale of 1 inch to 2,000 feet showing existing and proposed major features covering an area of at least one mile in all directions from the proposed subdivision.
- xiii. The contours at not more than two-foot (2'0") intervals.
- xiv. The proposed plan of improvements and utilities to be constructed in the subdivision, prepared by a registered professional engineer, shall be shown with indication of street widths and utility line sizes. The accurate location of any existing utilities within the subdivision shall be shown on the Preliminary Plat.
- xv. Building setback lines.
- xvi. The location of any existing or proposed school site or other public facility.
- xvii. A preliminary street illumination plan.
- xviii. Copies of all deed restrictions, restrictive covenants, homeowner's association requirements, Planned Development regulations, Specific Use Permit requirements, or any other limitation or requirement governing the use of the property.
- xix. Trails and trail crossings of creeks, tributaries and ravines

b. Filing fees. No application shall be accepted without payment of all fees.

### 3. Preliminary Plat Review.

Upon receipt of the preliminary plat, the city staff shall review the preliminary plat for compliance with public objectives, giving special attention to design principles and standards; to streets identified in the *Thoroughfare Plan*, and the *Comprehensive Plan*, the *Consolidated Alternative Transportation and Recreational Trail Plan*, and for the adequacy of neighborhood circulation; to existing and proposed zoning and land use of the tract and adjacent tracts; and to sites required for schools, parks, and other public facilities.

### 4. Standards for Approval.

No preliminary plat shall be approved unless the following standards have been met:

- a. The plat conforms with the approved General Development Plan, if required;
- b. Provision has been made for the installation and dedication of public improvements;
- c. The plat conforms to applicable zoning and other regulations; and
- d. The plat meets all other requirements of this Code.

### 5. Preliminary Plat Approval.

The Commission shall approve, approve with conditions, or disapprove the preliminary plat within thirty (30) days after the plat is filed. The approval with conditions of a Preliminary Plat by the Commission does not constitute approval until the conditions have been satisfied.

Failure to comply with the conditions required by the preliminary plat shall constitute disapproval of the Preliminary Plat.

### 6. Expiration of Approval.

Commission approval of a preliminary plat expires twelve (12) months from the date of Commission action unless a Final Plat is submitted and approved for the property or any phase identified in the

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General Development Plan, within such period. If within the twelve (12) month period no application is made for Final Plat consideration, the Preliminary Plat shall become void and a new preliminary plat shall be submitted. The preliminary plat shall be subject to the development regulations in existence at the time of the new submittal. The developer may request and the Planning & Zoning Commission, at its discretion, may grant an extension of time not to exceed sixty (60) days, provided that an application for extension is filed not less than fifteen days prior to the expiration of the preliminary plat.

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### Section 8.03.4. Final Plat.

#### 1. Final Plat Application.

The final plat shall be filed with the Planning Department in accordance with the published schedule of submittal dates, but in no event less than twenty-one (21) days prior to the meeting of the Commission at which the plat is to be considered. The final plat submittal shall include

- a. Application form signed by the existing owner or his authorized representative.
- b. Documents establishing the Mandatory Homeowner's Association, and any proposed deed restrictions, declarations, covenants, conditions or restrictions.
- c. Final plat copies that shall be clearly legible.
- d. The original plat shall be drawn to a scale of one inch equals one hundred feet (1" = 100') or larger in ink on bluelines or other acceptable permanent material, with all figures and letters legible with four or more control points tied to the State Plane Coordinate System, North Central Texas, Zone 5351, Datum NAD83.
- e. The submission shall include:
  - 9 - 24"x36" blue or black line
  - 17 - 11"x17" reductions
- f. Payment of Fees

#### 2. Required information:

The final plat shall contain the following information in addition to information provided on the preliminary plat

- a. The name or names of the owner and developer.
- b. The name and address of the Registered Professional Land Surveyor who prepared the survey.
- c. The name of the proposed subdivision and any adjacent subdivisions.
- d. The systematic assignment of numbers to lots and letters to blocks;
- e. The total number of lots and blocks, and the total number of acres included in the subdivision shall be included in the title block.
- f. All necessary dimensions, including linear, angular and curvilinear, and other surveying information necessary to reproduce the plat on the ground with the linear and curvilinear dimensions shown in feet and decimals of a foot.
- g. The angular dimensions shall be shown by true bearings. The length of all straight lines, deflection angles, radii, tangents, and central angle of curves shall be shown. All curve information shall be shown for the centerline of the street. Dimensions shall be shown from all

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angle points and points of curve of lot lines. All lots on curves shall be shown with the curve length dimensions based on arc definitions.

- h. All survey monuments shall be shown on a plat.
- i. All deed restrictions that are to be filed with the plat.
- j. An accurate outline description, and area to the nearest hundredth of an acre, of all parcels of land which is offered for dedication or reserved for public use, or reserved in the deeds for the use of all property owners in the proposed subdivision, or reservations for other uses, together with the purpose and conditions or limitations of such reservations and/or dedications, if any.
- k. Any reservation for future public school sites or rights-of-way dedication shall be platted in accordance with the approved preliminary plat.
- l. Original Tax Certificates from each taxing entity, signed by the City Tax Assessor, stating that all taxes and assessments then due and payable on the land contained within the subdivision have been paid.
- m. A table of lot sizes for all single-family residential plats on a separate document.
- n. A notarized certification by a Registered Professional Land Surveyor, licensed by the State of Texas, placed on the plat as follows:

*“Surveyor’s Certificate*

*THAT I, \_\_\_\_\_, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon shall be properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Allen, Texas.*

\_\_\_\_\_(SEAL)

\_\_\_\_\_, Notary “

- o. A notarized certification by the owner(s) of record placed on the plat as follows:

**“KNOW ALL MEN BY THESE PRESENTS:**

*That \_\_\_\_\_, through the undersigned authority, does hereby adopt this plat designating the described property as “\_\_\_\_\_”, an addition to the City of Allen, Texas, and does hereby dedicate to the public use forever the street and alleys thereon; and does hereby dedicate the easement strips shown on the plat for mutual use and accommodation of all public utilities desiring to use, or using same. No buildings, fences, trees, shrubs or other improvements shall be constructed or placed upon, over or across the easement strips on said plat. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements, or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective system on any of these easement strips, and any public utility shall at all times have the right of ingress and egress to and from and upon any of said easement strips for the purpose of construction, reconstruction, inspecting, patrolling, maintaining and adding to or removing all or part of its respective system without the necessity at any time of procuring the permission of anyone.*

*This plat is approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Allen, Texas.*

*Witness my hand this \_\_\_ day of \_\_\_\_\_, 20\_\_\_*

\_\_\_\_\_

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*Owner*

\_\_\_\_\_

*Notary Public*

The following certificates shall be placed on the final plat:

*“Approved*

*Attest*

\_\_\_\_\_

\_\_\_\_\_

*Chairperson*

*Secretary*

*Planning & Zoning Commission*

*Planning & Zoning Commission*

\_\_\_\_\_

\_\_\_\_\_

*Date*

*Date*

*Executed Pro-forma*

\_\_\_\_\_

\_\_\_\_\_

*Mayor*

*Date*

*“The undersigned, the City Secretary of the City of Allen, Texas, hereby certifies that the foregoing Final Plat of the \_\_\_\_\_ Subdivision or Addition to the City of Allen was submitted to the Planning and Zoning Commission and approved by it on the \_\_ day of \_\_\_\_\_, 20\_\_\_\_.*

*City Secretary, City of Allen*

q. Final Plat Review.

The final plat shall be submitted to the Planning Department for review of completeness and conformity to the approved preliminary plat. Utility easements, access, and fire lanes shall be approved by the City Engineer and Fire Marshal prior to submittal.

3. Standards for Approval.

No final plat shall be approved unless the following standards have been met:

- a. The plat substantially conforms with the approved preliminary plat;
- b. Final engineering drawings for all public improvements and all utility and access easements and all fire lanes have been approved by the City Engineer.
- c. All fire lanes have been approved by the Fire Marshal.
- d. Adequate provision has been made for adequate public improvements;
- e. The plat conforms to applicable zoning and other regulations; and
- f. The plat meets all other requirements of this Code.

4. Final Plat Approval.

The Commission shall approve or disapprove the final plat within thirty (30) days

5. Expiration of Approval.

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Within ninety (90) days of Commission approval, the Planning Department shall file the final plat with Collin County Map Records. Should the developer fail to pay all applicable development and/or construction fees within the ninety (90) day period, then the final plat shall be rendered void. The Commission may approve an extension of time for the recordation of a final plat not to exceed sixty (60) days, provided a request for extension of time is made prior to the expiration of the final plat.

### **Section 8.03.5. Combination Plat Approval.**

The owner may submit a combination plat if

- 1 the tract is to be subdivided into no more than three (3) lots;
2. no change of street locations would be required; and,
3. All the requirements for the preliminary and final plat are satisfied.

### **Section 8.03.6. Replat Procedure Without Vacating Preceding Plat.**

1. A replat of a subdivision or a part of a subdivision without vacation of the preceding plat must:
  - a. Be signed and acknowledged by only the owners of the property being replatted;
  - b. Be approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard by the Planning and Zoning Commission; and
  - c. Must not attempt to amend or remove any covenants or restrictions existing on the property to be replatted.
2. A replat without vacation of the preceding plat must conform to the requirements of this section if:
  - a. During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or
  - b. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.
3. If the conditions described in 2.a. or 2.b. above exist, then the following is required:
  - a. Notice of the hearing shall be given 15 days before the day of the hearing by:
    - i. Publication in the City's officially designated newspaper; and
    - ii. By written notice, with a copy of the specific language contained in the following subsection (b) attached thereto, forwarded by the Commission to the owners of property in the original subdivision located within 200 feet of the property upon which the replat is requested, as such owners are indicated on the most recently approved municipal tax roll or, in the case of a subdivision within the extraterritorial jurisdiction of the City of Allen, the most recently approved county tax roll. The written notice may be delivered by depositing the notice, properly addressed with the postage prepaid, in a post office or postal depository within the municipal boundaries of the City of Allen.
  - b. If the proposed replat requires a variance and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members of the Commission present and voting. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the

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Commission prior to the close of the public hearing.

- c. In computing the percentage of land area under subsection 3.b. above, the area of streets and alleys shall be included.
- d. Compliance with subsections 3.b. and 3.c. is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

### Section 8.04. Permits Required.

#### 1. Clearing and Grading Permit.

A Clearing and Grading Permit shall be required prior to the clearing, grading, filling, or dredging of property within the City or its extraterritorial jurisdiction only after approval of the preliminary plat and Tree Removal Permit, subject to the following conditions:

- a. All grading completed prior to the final plat is at the risk of the developer/applicant and is subject to change based on the approval of the final plat by the City of Allen Planning and Zoning Commission.
- b. No utility work can take place under a grading permit.
- c. All work must be in conformance with the approved tree removal permit, tree protection plan and tree mitigation plan.
- d. All erosion control and tree protection devices must be in place and properly maintained.
- e. The placement of fill shall be in strict conformance to the plans and specifications approved for the project.
- f. The City Engineer has reviewed the construction plans and released them for grading only.
- g. No construction activity shall take place in the 100 year floodplain.
- h. A cash bond in an amount to be determined by the City Engineer to reseed and restore the land in the event that development fails to proceed within 180 days.

#### 2. Development Permit.

A Development Permit will allow for the construction of public streets, utilities, drainage, or other improvements. All plans accompanying permits for any work within a floodplain shall be certified by a registered professional engineer and signed by the City Engineer. The development permit may be issued by the City Engineer only after approval of the final plat.

#### 3. Tree Removal Permit

Trees shall not be removed prior to the issuance of a Tree Removal Permit approved in accordance with the provisions of this Code.

#### 4. Permit Fees.

No Clearing and Grading, Development or Tree Removal permit shall be issued until fees specified in Appendix B – Fees and Charges, have been paid.

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### Section 8.05. Subdivision Standards.

1. Construction Plans.
  - a. Construction plan and profile sheets for all public improvements shall be reviewed prior to construction and approval of the final plat. Construction plans and profiles shall be drawn on sheets measuring twenty-four (24) by thirty-six (36) inches and shall include:
    - i. North Arrow
    - ii. Scale
    - iii. Date
    - iv. A minimum of two benchmark descriptions to sea level datum shall be included with the plans. Each sheet shall show the seal and signature of the registered professional engineer licensed by the State of Texas who prepared the plans and shall include the following:
      - (a) A plan and profile of each street with top of curb grades shown. Scale shall be 1 inch = 50 feet horizontally, and appropriate vertical scale.
      - (b) The cross-section of proposed streets, alleys, and sidewalks, showing the width and type of pavement, base and subgrade, and location within the right-of-way. City standards shall not be shown on the construction plans.
      - (c) A layout plan for hike and bike trails, showing trail alignment, grading and creek crossings, bridges and/or culverts.
      - (d) A plan and profile of proposed sanitary sewers, with grades and pipe sizes indicated and showing locations of manholes, cleanouts, and other appurtenances, and a cross section of embedment.
      - (e) Erosion Control Plan to be provided to include Federal, State and City requirements for Best Management Practices.
      - (f) A plan of the proposed water distribution system showing pipe sizes and location of valves, fire hydrants, fittings, and other appurtenances, with a section showing embedment.
      - (g) A plan to scale of all areas contributing storm water runoff or drainage within and surrounding the proposed subdivision. Such plan shall indicate size of areas, storm frequency and duration data, amounts of runoff, points of concentration, and other data necessary to adequately design drainage facilities for the area.
      - (h) A plan and profile of proposed storm sewers, showing hydraulic data, pipe grades and sizes, manholes, inlets, pipe connections, culverts, outlet structures, bridges, and other structures.
      - (i) Profile views of individual improvements shall have no more than two improvements on one sheet unless specifically approved by the City Engineer. The engineer of record is responsible for the accuracy, completeness, and conformance to city standards.
      - (j) The purpose of the City review is to assure conformance to city policies and standards. However, the City review is limited to facts as presented on submitted plans. The City takes no project engineering responsibility. The engineer of record

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certifying the plans is responsible for the accuracy and completeness of the documents submitted for review and actual construction.

- (k) The City reserves the right to require plan corrections when actual conditions in the field are found to be contrary to or omitted from the previously submitted plan.
- (l) The cover sheet of the construction plans will include a statement that says "All construction shall conform to the North Central Texas Council of Governments Standard Specifications as amended by the City of Allen."

Ord. No. 2293-6-04

- b. All construction plans shall be signed by the City Engineer if they have been approved for construction.

### Section 8.05.1. Street Design Standards.

#### 1. Street Alignment.

- a. The street alignments shall conform generally to the *Comprehensive Plan* and the *Thoroughfare Plan*, adopted by the City Council as it may be amended from time to time, and Sections 8.05.2 *Thoroughfare Design Standards*.
- b. The alignment of local streets and street patterns shall be approved by the Planning & Zoning Commission using the following guidelines:
  - i. Streets shall be stubbed out as necessary to provide connections between adjacent neighborhoods and to ensure access to schools and community facilities, however, street patterns shall be designed to minimize cut-through traffic;
  - ii. Street dimensions shall be adequate to serve proposed land uses without creating traffic congestion during peak periods;
  - iii. Traffic calming strategies should be considered adjacent to schools and traffic intensive activities which affect neighboring residential areas;
  - iv. Street patterns may be varied to meet the land use and development objectives outlined in the *Comprehensive Plan*;
- c. Single-loaded streets shall be required adjacent to public greenbelts and city parks;
- d. The Planning & Zoning Commission may require alignments which minimize tree loss;
- e. Residential subdivisions with more than twenty-four (24) lots shall have two or more points of access.
- f. Additional collectors may also be required where access to 125 or more residential lots is proposed.
- g. All intersections shall be designed to allow a minimum stopping sight distance of 200 feet for streets, alleys, and driveways.

h

Ord. No. 2425-7-05

#### 2. Street right-of-way.

Abutting property owners shall dedicate street right-of-way adequate to provide access to their development and sufficient additional right-of-way along collectors and arterials to meet the requirements of the *Thoroughfare Plan*.

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### 3. Street Alignment.

The maximum deflection in alignment permitted without use of curve shall be five degrees (5°).

### 4. Reverse Curves.

Reverse curves on arterials and collectors shall be separated by a minimum tangent of one hundred (100) feet.

### 5. Street Intersections.

- a. Except where existing conditions will not permit, all streets shall intersect at a ninety degree (90°) angle. Variations of more than ten degrees (10°) on residential or local streets and more than five degrees (5°) on collectors and arterials must have the approval of the Planning & Zoning Commission.
- b. Acute angle intersections approved by the City Engineer shall have a curb line radius of not less than twenty-five (25) feet.
- c. Each new street intersecting with or extending to meet an existing street shall be tied to the existing street on centerline with dimensions and bearings to show relationship.

### 6. Partial or Half-streets. Partial or half-streets are prohibited.

### 7. Driveway Cuts.

- a. Driveway cuts or entrances to single-family or two-family uses shall not be allowed along arterials, unless a siding street, or an alley with approved screening, is provided outside the pavement of the arterial.
- b. Driveway cuts shall be located so as to provide spacing between curb radius return of at least ten (10) feet for single-family and two-family uses and at least twenty (20) feet for all other uses.
- c. No property shall have more than two (2) driveway cuts onto any facing street. No residential driveway cut shall be located closer than twenty (20) feet from an intersection between residential or local streets with 33 feet of pavement or less. No non-residential driveway cuts shall be located closer than 200 feet from the intersection or in the free right turn lane or storage unless approved by the City Engineer. Driveway locations are measured from the ends of the curb radius returns.
- d. No curb cut shall be permitted for any property with garage access from a rear alley.
- e. All driveway cuts requiring curb removal shall be full depth saw-cut.
- f. Curb removal and driveway construction within any public right-of way shall require the written approval of the City Engineer.
- g. Storm Inlet Structures shall have a minimum of 10-foot clearance from the end of driveway radius.

Ord. No. 2293-6-04

### 8. Cul-de-sacs and Dead-end Streets:

- a. The maximum length of a cul-de-sac or dead-end street with a permanent turn-around shall be 600 feet, except the length of cul-de-sacs may exceed 600 feet provided that the Fire Marshal has determined that emergency access is available to all units to be served by the cul-de-sac. In no case shall a cul-de-sac length exceed 1,000 feet, except those permitted for estate lot subdivisions.

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- b. Turn-arounds are to have a minimum right-of-way width of 100 feet, and a minimum pavement width of 80 feet, for single family and two-family uses, and a minimum right-of-way width of 120 feet and a minimum pavement width of 100 feet for all other uses.
- c. Temporary dead-end streets shall be approved by the City Engineer.
- d. The minimum slope for cul-de-sacs and eyebrows will be .075% with a valley gutter to facilitate the drainage.

Ord. No. 2293-6-04

### 9. Street Names.

- a. New streets shall be named so as to provide continuity of name with existing streets and to prevent conflict with identical or similar names in other parts of the City.
- b. New street names shall not duplicate street names in the same zip code.
- c. The City may require the name of a street to change in some locations to avoid confusion in addressing.

### 10. Private Streets Guidelines.

Private Streets shall be prohibited except in Planned Development zoning districts approved by the City Council.

#### a. Qualifying Criteria.

- (1) The area may not impede the current or future development of an arterial.
- (2) Area may not disrupt an existing or proposed City of Allen public pedestrian pathway, hike and bike trail or park.
- (3) Area must have direct access to an undivided collector (C2U) with a minimum 60' right-of-way.

#### b. General Requirements.

- (1) The private street system must comply with the design standards of the *Allen Land Development Code*. All references in the *Allen Land Development Code* to "public right-of-way" shall apply to private street lots.
- (2) The private street system must 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.

#### c. Specific Requirements.

- (1) Each private street development plat 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 City as public improvements, and the streets shall be maintained by the homeowner 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."

The type of gate or controlled access mechanism is subject to the approval of the City of Allen Fire Marshal.

- (2) All Private Street Permits will be adhered to in conjunction with the approval of the final plat. All building lines as required by zoning shall, in the case of private streets, be measured from the public utility and storm sewer easement.

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- (3) 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.
  - (4) Easements – private street developments shall provide the following easements:
    - (a) “public utility and storm sewer” easements containing private streets and public utilities.
    - (b) Additional public utility easements required by public agencies.
    - (c) Pre-existing easements unaffected by the platting process.
    - (d) Such private service easements, including but not limited to, utilities, fire lanes, street lighting, government vehicle access, mail collection and delivery access, and utility meter reading access, as may be necessary or convenient.
  - (5) Access – all private street developments shall be required to have a minimum of one point of access to a public street with a right-of-way width of at least 60 feet.
  - (6) Site Plan – for each private street development, a site plan shall be submitted to the City Council, and the following shall be submitted:
    - (a) illustration of fencing, the guard house or security station (if any) and entry way, and the location of any other items within the private street development;
    - (b) illustration of items outside the private street development such as, but not limited to, entrance area, entry turnaround, barriers, perimeter walls, exterior landscaping, and other elements as required by City staff.
- c. Conversion of public streets to private streets.
- For existing developments to become private:
- (1) The homeowner association must submit a petition signed by at least 70% of its members (or a greater number of signatures if required by the articles of incorporation of the homeowner association).
  - (2) An applicant must purchase installed infrastructure and right-of-way from the City of Allen, and establish a Reserve Fund in accordance with Section d. of this policy.
- d. Homeowner Association.
- (1) Homeowner Association required: subdivisions with private streets must have a homeowner association.
  - (2) Reserve Fund: the homeowner association documents must establish a Reserve Fund for the maintenance of private streets and other improvements such as common greenbelts, security station structures and equipment, and other significant homeowner association infrastructure. This Reserve Fund shall not be co-mingled with any other homeowner association fund. The balance of the fund shall be equal to the total replacement cost of the private streets and other improvements divided by the average life expectancy of those improvements times the age of the improvements.
- The homeowner association shall be an annual review performed by a certified public accounting firm verifying the amount in the Reserve Fund. The replacement cost will be updated each year to current costs. A copy of this review shall be provided to the City of Allen.
- If the Private Street Permit is revoked or the private streets converted to public streets, the Reserve Fund shall become the property of the City of Allen.
- (3) Membership Requirements: Every owner of a lot within the private street development

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must be a member of the homeowner association.

- (4) Required Disclosures: The homeowner association documents shall address, but shall not be limited to, the following four paragraphs:
  - (a) The homeowner association documents must indicate that the streets within the development are private, owned and maintained by the homeowner association, and that the City of Allen has no obligation to maintain or reconstruct the private streets.
  - (b) The homeowner association documents shall include a statement indicating that the City of Allen may, but is not obligated to, inspect private streets and require repairs necessary to insure that the same are maintained to City standards.
  - (c) The homeowner association may not be dissolved without the prior written consent of the City of Allen. Nor may they stop collection of fees without this consent.
  - (d) The section called Mandatory Conversion of these regulations shall be included in the homeowner association documents, to increase the opportunity for awareness of mandatory conversion of private streets to public streets.
  - (e) Assessment for Repairs – Assignment of homeowner association lien rights: The homeowner association declaration shall provide that should the homeowner association fail to carry out its duties as specified in these regulations, the City or its lawful agents shall have the right and ability, after due notice to the homeowner association, to perform the responsibilities of the homeowner association if the homeowner association fails to do so in compliance with any of the provisions of these regulations or of any applicable city codes, regulations or agreements with the City and to assess the homeowner association or the lot owners for all costs incurred by the City in performing said responsibilities if the homeowner association fails to do so, and the City shall further have any and all liens and lien rights granted to the homeowner association to enforce the assessments required by the declaration; and/or to avail itself of any other enforcement actions available to the City pursuant to state or city codes and regulations.

No portion of the homeowner association documents pertaining to the maintenance of the private streets may be amended without the written consent of the City of Allen.

- (f) Services Not Provided: The homeowner association documents shall note that certain City of Allen services shall not be provided on private streets. Among the services which will not be provided include: routine police patrols, enforcement of traffic and parking ordinances, and preparation of accident reports. Depending on the characteristics of the proposed development other services may not be provided.
  - (g) Access Required: The homeowner association documents shall contain a provision that requires access to emergency vehicles utility personnel, the U.S. Postal Service, and governmental employees in completion of their official duties.
- e. Conversion of private streets to public streets.
- (1) Voluntary Conversion: The City of Allen may, but is not obligated to, accept private streets for public access and maintenance. The procedure must conform to all of the following provisions:
    - (a) The homeowner association must submit a petition signed by at least 70% of its members (or a greater number of signatures if required by the articles of incorporation of the homeowner association).
    - (b) All of the infrastructure must be in a condition that is acceptable to the City of Allen.

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- (c) All security stations and other structures not consistent with a public street development must be removed.
  - (d) All monies in the Reserve Fund must be delivered to the City of Allen.
  - (e) The subdivision plat shall be submitted as a replat and upon approval shall be re-filed to dedicate the public utility and storm sewer easement to the public.
  - (f) The homeowner association documents must be modified and re-filed to remove requirements specific to private street subdivisions.
- (2) Mandatory Conversion: The City of Allen will notify the homeowner association of violations of the private street regulations. Failure to bring the subdivision into compliance with the regulations may cause the City of Allen to revoke the Private Street Permit for the private streets.

If the Private Street Permit is revoked, the City of Allen may correct all remaining violations, remove the security stations and unilaterally re-file the subdivision plat thereby dedicating the streets to the public. All monies in the Reserve Fund will become the property of the City of Allen 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 homeowner association and/or the home owners will be responsible for the amount of unpaid work.

### f. Design Standards.

The design and construction of the infrastructure within a private street subdivision shall conform to the same rules, regulations, standards, and specifications established for public subdivisions. The City Council is hereby authorized to promulgate rules, regulations, standards, and specifications for the design and construction of improvements unique to a private street subdivision. No such rules, regulations, standards or specifications shall conflict with this or any other ordinances of the City of Allen.

#### (1) Structures:

- (a) Project perimeter fences at project entry access points, entry monuments, and security stations, may be erected within the public utility and storm sewer easement(s), provided they do not impede the installation, maintenance, repair, or replacement of public utilities and storm sewers within the easement.
- (b) Where security stations are a part of a larger, multipurpose structure, only that portion of the structure, which functions as a security station, may encroach the building line adjacent to the private street.

### g. Maintenance.

- (1) The homeowner association shall be responsible for periodic inspection and maintenance of all infrastructure except utilities (water, sanitary sewer, storm sewer, gas, cable, telephone, and electric lines).
- (2) The City of Allen has no obligation to inspect or maintain a private street, but the City must approve repair plans, and inspection fees will apply on the repair work.
- (3) In the event that the homeowner association fails to make repairs required by the City of Allen, the City shall have the right, but not the obligation to cause the repairs to be completed and collect the cost of the same from the homeowner association for said work.
- (4) If the homeowner association fails to maintain access as required in this policy, the City of Allen may enter the subdivision and remove any gate or device, which is a barrier to access, at the sole expense of the homeowner association.

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### h. Miscellaneous.

All references to ordinances shall also refer to all amendments to, substitutions or codifications thereof.

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### 11. Estate Subdivisions. In zoning districts R-1.5 and R-1 the following standards apply:

- a. Cul-de-sacs length may be up to 1,200 feet with approval from the Fire Marshal.
- b. Right-of-way for streets with underground storm sewers may be reduced to 50 feet with a pavement width of 24 feet.
- c. Right-of-way where no underground storm drainage system is provided shall be seventy feet (70'-0"). Paving width shall be 24 feet (24'-0") with two foot (2'-0") shoulders.
- d. Sidewalks are only required on one side of the street, and may be located within a pedestrian easement on private property where no underground storm sewers are provided.
- e. Alleys are not permitted.

### 12. Neo-traditional Subdivisions.

In the CBD-Central Business District and in other planned development designated by City Council, a pavement width of 27 feet with curbs is allowed within a 50 foot right-of-way.

### 13. Traffic calming strategies.

The Planning & Zoning Commission may approve the following as traffic calming devices:

- a. modified intersection design to facilitate pedestrian movements;
- b. chicanes, chokers, diverters, traffic circles, etc.
- c. integral curb/sidewalk construction
- d. pedestrian access easements outside the public right-of-way

### 14. Responsibility for paving of internal and adjacent roadways.

- a. Developer shall be responsible for construction of all internal and adjacent roadways and infrastructure in accordance with the City of Allen Thoroughfare Design Standards, incorporated herein and made a part hereof for all purposes.
- b. Developer shall be responsible for the escrow of funds for median landscaping, irrigation, and street lighting consistent with City standards. If development occurs on only one side of the arterial, then only ½ of these costs shall be escrowed.
- c. The City may require Developer to enter into a facilities agreement for the escrow of funds in lieu of construction. This agreement shall be a legally binding agreement between the City and the developer that identifies the responsibilities of both parties. Such facilities agreements may also provide for pro rata payments, escrow deposits, park land dedications, or payments for other facilities or infrastructure. The Developer shall hold the City harmless against any claim against the Developer's Subdivision or any actions taken therein.
- d. Developer construction of streets and roadways for which impact fees are assessed as specified in Article XI of this Code, shall receive credit for those fees.

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**Section 8.05.2 – Thoroughfare Design Standards**

STREETS*	Arterial <sup>9</sup>					Collector			Local				
	P8D	P6D	M6D	M4D	M4U	C4U	C2Uc	C2Ur	R2U	R2U7	R2U5	Neo	
Number of Through Lanes	8	6	6	4	4	4	2	2	2	2	2	2	
Through Lane Width (ft)	12	12	12	12	12	11/12	20	18	15	12	12	18.5	
Number of Left Turn Lanes <sup>1</sup>	2	2	2	1	1	1	1	1				1	
Left Turn Lane Width (ft)	11	11	11	11	12	12	11	11				11	
Left Turn Lane Storage (ft) <sup>2</sup>	250	250	250	250	150	150	150	150				100	
Left Turn Lane Transition (ft)	150	150	150	150	100	100	100	100				80	
Right Turn Lane Storage (Decel/Accel <sup>3</sup> ) (ft) <sup>4</sup>	225	225	225	225	150	150	100	100					
Right Turn Lane Transition (Decel/Accel <sup>3</sup> ) (ft)	150	150	150	150	100	100	75	75					
Median Width (ft)	28	28	28	17									
Parkway Width (ft)	Intersection	9	9	9	11.5	10	10	10	10	23	12	10	
Paving Section Width (ft) (f-f)		140	116	116	81	60	60	55	52	30	24	34	
Minimum Right of Way Width (ft)		164	140	140	110	80	80	75	72	50	70	54	
Minimum Median Width (ft)		6	6	6	6								
Median Width (ft)	Mid Block	27	27	17	17								
Parkway Width (ft)		13.5	10.5	15.5	12.5	11	13	12.5	12	10	23	12	11.5
Paving Section Width (ft) (f-f)		96	72	72	48	48	44	40	36	30	24	24	27
Minimum Right of Way Width (ft)		150	120	120	90	70	70	65	60	50	70	50	50
Minimum Stopping Sight Distance (ft) <sup>10</sup>	475	475	475	400	325	325	200	200	200	200	200	200	
Minimum Driveway Spacing (ft) <sup>5</sup>	330	330	250	220	220	100	100	44	20	44	44	20	
Minimum Median Opening Spacing (ft) <sup>6</sup>	900	900	660	660									
Hourly Service Volumes <sup>7</sup> (Per Lane)	725	800	700	700	625	550	375	500	325	500	325	325	
Hourly Service Volumes <sup>7</sup> (Per	5,800	4,800	4,200	2,800	2,500	2,200	600	825	600	825	600	600	
Daily Service Volume <sup>7</sup>	55,500	46,000	40,200	26,800	24,000	21,000	5,000	7,900	5,000	7,900	5,000	5,000	
Design Speed (MPH)	50	50	50	45	40	40	35	35	30	30	30	30	
Maximum Grade (%)	5	5	5	5	5	8	8	8	8	8	8	8	
Minimum Horizontal Curvature Centerline Radius (ft)	1,000	1,000	1,000	1,000	600	600	450	450	100	100	100	100	
Minimum Vertical Clearance (ft)	17	17	17	16	16	16	16	16	16	16	16	16	
Minimum Vertical Curve (ft)	1,440	1,440	1,440	1,440	960	800	120	120					

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OTHER*	Alley		Fire Lane		Driveway	
	Com	Res	FL30	FL24	Com	Res
Number of Through Lanes	1	1	2	2	2	1
Through Lane Width (ft)	16	12	15	12	15	10
Paving Section Width (ft) (f-f)	16	12	30	24	30	10
Minimum Right of Way Width (ft)	20	16			50	30
Parkway Width (ft)	2	2			10	10
Paving Section Width (ft) (f-f)	16	12	30	24	30	10
Minimum Stopping Sight Distance (ft)	200	200			200	100
Minimum Driveway Spacing (ft)	44	20				
Minimum Vertical Clearance (ft)	16	16	16	16		

Minimum Radius At Intersections Between*:	Arterial	Collector	Local	Alley	Fire Ln	Driveway	
						Com	Res
Arterial <sup>8</sup>	40	40	40	****	30	30	****
Collector <sup>8</sup>	40	30	30	****	30	30	10
Local <sup>8</sup>	40	30	25	24	30	20	10
Alley	****	****	24	40	30	30	10
Fire Lane	30	30	30	30	30	30	****
Drive Commercial	30	30	20	30	30	20	****
Drive Residential	****	10	10	5	****	****	****

\* Data in these tables are to be considered guidelines. The data may be modified for specific and unique situations as outlined in a traffic study approved by the City Engineer.

- 1 -- Duel left Turn lanes are required at arterial-to-arterial intersections.
- 2 -- Left turn storage from arterial-to-arterial may be reduced traffic study approved by the City Engineer.
- 3 -- Acceleration lane may be required by the City Engineer.
- 4 -- City Engineer approval needed for driveways within the right turn lane storage area.
- 5 -- Driveway spacing is measured between curb returns
- 6 -- Median opening spacing is measured nose to nose. City Engineer may allow a 25% reduction in spacing. Hooded median openings may be approved by the City Engineer at 400-foot spacing to any opening. City Engineer approval needed for any median opening.
- 7 -- Hourly service volumes are at level of service (LOS) "E". Design LOS is "C"
- 8 -- 40-foot radii between streets will be increased to 70-foot radii if channelization is provided.
- 9 -- Design criteria for medians and turn bays will be governed by TxDOT standards on US 75 and SH 121 frontage roads, FM 2551, FM 1378, FM 2786, and SH 5.
- 10 -- These distances assume level terrain.
- \*\*\*\* -- City Engineer approval required

- P8D -- Eight lane principal divided arterial
- P6D -- Six lane principal divided arterial
- M6D -- Six lane minor divided arterial
- M4D -- Four lane minor divided arterial
- M4U -- Four lane minor undivided arterial
- C4U -- Four lane undivided collector
- C2Uc -- Two lane undivided commercial collector
- C2Ur -- Two lane undivided residential collector
- R2U -- Two lane undivided residential local with 30-foot paving section
- R2U7 -- Two lane undivided residential local (24' pav sec & 70' ROW)
- R2U5 -- Two lane undivided residential local (24' pav sec & 50' ROW)
- Neo -- Neo-traditional as defined in Section 8.05.1.12 on page 8.20
- Com -- Commercial
- Res -- Residential
- FL30 -- 30-foot fire lane
- FL24 -- 24-foot fire lane

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Section 8.05.3 – Thoroughfare Design Standards Chart– (eliminated)

### Section 8.05.4. Design Detail Variances.

1. The City Engineer may approve variances to the median opening standards if:
  - a. A physical impossibility prevents use of the median opening at its required location; or
  - b. Reasonable access to zoned non-residential property is otherwise denied as a result of regulatory requirements; and
  - c. Based on sound engineering practice, the applicant can demonstrate that safety, based on the proper design and speed of the roadway, is not compromised; and
  - d. Roadway capacity and Level of Service (LOS) is not compromised.
2. Variances to Section 8.05.2 Thoroughfare Design Standards shall be limited as follows:
  - a. At the intersection of any two arterials classified as P8D, P6D, M6D or M4D, the variance shall not exceed twenty-five percent (25%).
  - b. Mid-block variances on streets of any classification shall not exceed twenty-five percent (25%).
  - c. The City Engineer may require “hooded” median openings, directional islands, the addition or elimination of dedicated turn lanes, increase in storage length, left turn prohibitions or other reasonable restrictions.
  - d. The City Engineer may make adjustments to any traffic-related requirements based on traffic studies.
  - e. Unless extended by the City Engineer for a period not to exceed twelve (12) months, the approval of any variance shall expire unless the variance is constructed within twenty-four (24) months after the date of approval.

### Section 8.05.5. Sidewalk and Trail Standards.

#### 1. Sidewalk Construction.

Sidewalks shall be constructed on both sides of all streets in accordance with the Standard Construction Details-Paving of the City and in conformance with the requirements of the Americans with Disabilities Act. Sidewalks or hike and bike trails may be required in other areas where necessary. Sidewalk construction in residential subdivisions may be delayed until house construction is complete except as necessary to connect areas not adjacent to lots, adjacent to open space, or to link bridges and culverts. Otherwise sidewalk shall be constructed with other improvements to the subdivision or addition. Sidewalks adjacent to screening walls shall be constructed adjacent to a concrete mow strip located between such screening wall and sidewalk. Rerouting or elimination of sidewalks for safety reasons, the avoidance of poles, landscaping, or other obstacles, shall be subject to the approval of the City.

#### 2. Pedestrian access.

The Commission may require pedestrian access to schools, parks, playgrounds, or other nearby streets with perpetual, unobstructed easements at least 15 feet in width. Easements shall be indicated on the plat.

#### 3. Hike and bike trails.

- a. Trails shall be constructed in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards by the developer along both sides of all major creeks and tributaries unless waived by the Planning & Zoning Commission upon the

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recommendation of the Director of Parks & Recreation.

- b. Sidewalks and Hike and Bike trails shall be required at the time of development. Sidewalks adjacent to residential streets interior to a subdivision may be delayed and built with residential structures provided a 25% cash escrow bond is submitted. All sidewalks must be completed within two years of the acceptance of the development by the City.
- c. All sidewalks and hike and bike trails shall comply fully with the Texas Accessibility Standards of the Architectural Barriers Act, administered by the Texas Department of Licensing and Regulation.

### Section 8.05.6. Alleys.

#### 1. Commercial and Industrial Areas

Service alleys shall be provided in commercial and industrial areas. The minimum width of the alley right-of-way shall be 20 feet and the minimum pavement width shall be 16 feet.

#### 2. Residential Areas.

The minimum alley right-of-way shall be 16 feet and the minimum pavement width shall be 12 feet.

#### 3. Alley Length and Design.

- a. Alleys shall not be greater than 1,200 feet in length. Except as approved by the Planning & Zoning Commission, alleys shall access a local street.
- b. Dead-end alleys shall be prohibited.
- c. When alleys are parallel and adjacent to arterials, an additional 10-foot easement shall be required. Irrigation and maintenance for the easement shall be provided by a homeowners owners association is provided.

### Section 8.05.7. Median cuts.

Non-residential lots adjacent to a median divided street shall have access to a median opening. Direct access should be provided where possible. If direct access is not available, then a common access easement shall be required.

### Section 8.05.8. Fire Lanes.

1. Fire lanes shall be required for all non-residential property where any portion of the structure(s) or proposed structure(s) is more than 150 feet from a public street.
2. Fire lane easements shall be a minimum of 24 feet in width with a 30-foot inside turning radius, or 30 feet in width with a 10-foot radius; shall have a height clearance of 14 feet; and shall be within 150 feet of all exterior walls unless adequately protected pursuant to the adopted fire codes and approved by the Fire Marshal. At the intersection of a fire lane and a street, the radius shall be 30 feet.
3. Fire lanes shall be maintained by the property owner; shall be marked with signs and pavement or curb markings pursuant to the adopted fire codes.
4. Fire lanes shall remain unobstructed at all times.

Supp. No. 1 (1939-5-01)

### Section 8.06. Lot Design.

#### 1. Lot arrangement.

All lots shall have frontage on a dedicated public street or public way. Driveway access shall be

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provided to buildings on the lots from an improved street, alley, or public way.

- a. Corner Lots.
  - i. The lot lines at the intersection of two local streets shall run along the hypotenuse of the triangle measured fifteen feet (15'-0") from the intersection adjacent to the street along the front and side of the lot.
  - ii. The lot lines at the intersection of a local street and a collector or arterial shall run along the hypotenuse of the triangle measured twenty-five feet (25'-0") from the intersection adjacent to the street along the front and side of the lot.
  - iii. No corner lot shall be located at right angles to an adjacent interior lot.
  - iv. The side building setback line of any lot located across the street from any front yard shall be equal to that of the front yard.
  - v. A 5-foot by 5-foot corner clip at all alley and street intersections shall be provided.
- b. Lot Dimensions:
  - i. Lot dimensions shall comply with the minimum standards of the zoning regulations. The width of a lot shall be measured at the building setback line. No lot shall have less than thirty feet (30'-0") of frontage on a public street or way.
  - ii. Flag lots are prohibited. Reverse flag lots providing access to alleys or amenities located to the rear of the property are permitted.
  - iii. In general, side lot lines shall be at right angles to street lines or radial to curving street lines.
  - iv. Where the minimum building setbacks required by zoning regulations vary within a single block, the building setback line of the least restrictive district shall be increased to align with that of the more restrictive zoning district.
  - v. Lots with side yards abutting a collector or arterial shall have a side yard of not less than 25 feet. This applies to corner lots and lots located on cul-de-sacs abutting collectors or arterials.
- c. Double Frontage Residential Lots:
  - i. Double frontage and reverse frontage lots shall be avoided except where necessary to separate residential development from arterial roadway or to overcome specific disadvantages of topography and orientation.
  - ii. Lots backing to major arterials require an additional fifteen feet of minimum lot depth from those established by zoning regulations.
  - iii. When lots back to arterials, a screening device shall be installed on the lot(s) limiting visibility between the arterial and the adjoining lots. Screening materials and design shall be approved by the Commission.
- d. No building, except buildings designed and constructed as two-family dwellings or one-family attached dwellings, shall be constructed on or across existing lot lines. Where buildings are designed and constructed on or across lot lines, the building shall be located so that the common wall separating the individual living units are located on and along the common lot lines of the adjoining lots.

Ord. No. 2425-5-05

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### Section 8.07. Blocks.

#### 1. Block Length.

Blocks shall not exceed 1,600 feet except as provided in the zoning regulations for estate lots, unless the Planning & Zoning Commission determines that, based on unique characteristics associated with the land such as creeks, woods, or parks, a variance is justified.

#### 2. Block Numbering.

Blocks shall be identified in sequential alphabetical order.

### Section 8.08. Water Utilities Standards.

#### 1. Adequate Water Facilities.

- a. Water systems serving the subdivision or addition shall connect with the City's water supply and distribution system and shall be looped unless alternative fire protection measures are approved by the Fire Marshal.
- b. Design, materials and construction shall be in accordance with the City of Allen Standard Construction Details-Water and Sewer and 30 TEXAS ADMINISTRATIVE CODE §290.44 –Water Distribution.

#### 2. Fire Hydrants.

- a. Fire hydrants and valves shall be required for all subdivisions and additions and meet the requirements of the Fire Marshal. in accordance with the Water and Standard Construction Details-Water and Sanitary Sewer and the adopted fire codes.
- b. All underground utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements, shall be installed before any final paving of a street shown on the subdivision plat.
- c. Reflective fire hydrant spotters shall be installed in all streets at a point adjacent to fire hydrants. At corner locations, spotters shall be installed in both streets.

### Section 8.09. Wastewater Utility Standards.

Wastewater facilities serving the subdivision or addition shall connect to the City's wastewater system, and shall conform to the Standard Construction Details-Water and Sanitary Sewer and 30 TEXAS ADMINISTRATIVE CODE Chapter 317 for wastewater collection.

### Section 8.10. Extensions of Water & Wastewater Mains.

1. When oversized water and wastewater mains are required by the system, the City will participate in the cost of line extension on a prorata basis
2. Extensions of water and wastewater mains required to serve new subdivisions and other developments:
  - a. Required extensions - all development shall be required to extend across the full width of the subdivision in such an alignment that it can be extended to the next property in accordance with the master water and sewer plans for the City.
  - b. Properties already served by water and sewer shall not be required to install additional facilities unless:
    - i. the current lines are not of adequate capacity to serve the proposed development; in which case the developer will be required to install adequate facilities; or
    - ii. the current lines are not of adequate capacity to serve the zoning of a property that has been rezoned to a more intense use since the time of the original utility installation.

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### 3. Utility Easement Requirements

- a. The property owner shall be required to furnish all easements and rights-of-way designed to serve the development. Where reasonable, utilities shall be located within streets or alley rights-of-way, or other utility corridors identified by the City Engineer. All existing and proposed easements shall be shown on the preliminary plat.
- b. Municipal easements for water, sanitary and storm sewer shall be a minimum of:
  - 10 feet in width for lines measuring eight inches (8") in diameter or less.
  - 15 feet in width for lines measuring more than eight inches (8") and less than or equal to twelve inches (12") in diameter.
  - 20 feet in width for lines exceeding twelve inches (12") in diameter.

Wider easements may be required by the Community Services Director, depending on the depth and size of mains, and the existence of other utilities within the same easement.

### 4. Underground Utilities –

- a. All new residential utility installations, including but not limited to electrical, gas, television, and telephone/telecommunication shall be placed underground
- b. All new non-residential utility installations, including but not limited to electrical, gas, television, and telephone/telecommunication shall be placed underground where service is provided adjacent to public street or right-of-way. Where electrical service is provided from an alley or rear easement not located adjacent to a public street, primary electrical service may be provided overhead along the property line. Primary and secondary electrical service routed on the site shall be placed underground.
- c. All new construction within the public street rights-of-way shall be located underground. Where a street is scheduled for reconstruction, new development may be required to provide an escrow of the difference between overhead and underground service.
- d. Nothing herein shall prevent temporary service during construction from being located overhead.
- e. New development shall assume responsibility for all expense related to the underground placement of utilities.
- f. All communication and electrical support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installation shall be pedestal or pad mounted or placed underground.
- g. All service drops must be underground and equipment shall be pad mounted and properly screened.
- h. Electrical transmission lines 59 Kilovolts or more may be located overhead on galvanized steel and/or concrete structures
- i. A five (5) foot easement, in addition to the right-of-way (ROW) dedication, shall be provided in the front of all lots that are not served by alleys for the installation of dry utilities (electric, gas, phone, cable, etc.).

Supp. No. 1 (1939-5-01)

Supp. No. 2 (1984-9-01)

Supp. No. 3 (2112-11-02)

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Ord. No. 2137-1-03

Ord. No. 2339-9-04

**5. Pro Rata Reimbursement**

- a. Upon application and payment of applicable fees and charges, the water and sewer department will permit connection to existing water and sewer lines in the City. If a person, corporation, property owner, developer or other entity (collectively referred to in this section as the “developer”) has oversized or constructed an off-site water or sewer main or line to which the applicant desires to connect, a pro rata line charge, as set forth in the fee schedule of this Code, shall be made against each lot or tract of land that fronts or abuts such main or line in order to recover lot or tract fees to be placed in trust for the purpose of reimbursement of the developer.
- b. The City Manager, or designee, on behalf of the City may enter into a pro rata agreement with an individual, corporation, property owner, developer or other legal entity that has oversized and/or constructed an extension of an off-site water and/or sewer main or line to reimburse, such person or entity, the cost of such oversize or extension from pro rata charges collected by the City and placed in trust for such developer. The developer shall be reimbursed such costs solely from the collection of pro rata charges. The term or length of reimbursement of a developer under a pro rata agreement shall begin on the date of final acceptance of the facilities by the City, and shall continue for a period not to exceed ten (10) years. Any sums of money collected as a pro rata charge shall be credited to the Water and Sewer Fund of the City for reimbursement to the developer on the submission of an invoice to the City.

Ord. No. 2151-3-03

**Section 8.11. Street Lights.**

- 1. Street lights are required at all intersections, in cul-de-sacs, major street curves, and developers shall furnish satisfactory easements for the installation of services to street lights, normally 10-feet in width.
- 2. Illumination standards shall conform to the following requirements:

Street Type, Paving Width (in feet)	Light Source	Nominal Lamp Size (in Watts)	Average Illumination Intensity in Foot-Candles	Spacing (in feet)	Mounting Height (in feet)	Pole Style Configuration
Local Residential 27-31 Ft.	MV	175	0.4 to 0.6	200 to 350	28	Existing utility, Steel or Fiberglass pole
	HPS	100	0.4 to 0.6	250 to 350	16-26	
	HPS	150	0.4 to 0.6	200 to 300	26	
Residential Collector	MV	175	0.4 to 0.6	150 to 350	32	Existing utility, Steel or Fiberglass pole
	HPS	150	0.4 to 0.6	200 to 300	32	

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36 to 40	HPS	200	0.4 to 0.6	250 to 300	32	
Non-Residential Collector 44 Undivided	HPS	150	0.6	180 to 220	32	Existing utility, or Steel pole
	HPS	200	0.6	200 to 240	32	
Minor Arterial 2 – 24 Lanes w/ 14 Ft. Median	HPS	150	0.6 TO 0.9	220 to 280	32	Twin Luminaries on Single Steel pole in median
	HPS	200	0.6 TO 0.9	240 to 280	32	
Principal Arterial 2-36 Ft. Lanes w/ 14 Ft. Median	HPS	150	1.0	175 to 200	32	Twin Luminaries on Single Steel pole in median
	HPS	200	1.0	190 to 230	32	
	HPS	250	1.0	230 to 280	40	

3. Street illumination in new subdivisions shall be approved by the City Engineer and reviewed by the Allen Police Department.
4. Minimum pole standards shall be square, straight steel painted dark bronze with an anchor base except as may be otherwise approved by the Commission.
5. Luminaire type shall be standard rectangular metal with High Pressure Sodium Lamps. All service shall be underground.
6. Developers will pay 100% of the costs of street light installations and the first two years of estimated power usage before acceptance of the subdivision. The amount to be escrowed shall be determined by the following formula: the monthly charge per light fixture as determined by the appropriate power company (M) times 24 months (24) times the number of fixtures in the subdivision (F).

**Section 8.12. Landscape Irrigation Systems.**

A fully automatic irrigation or sprinkler system of a type and design approved by the City shall be provided within all completed street medians or other landscaped areas. Connections under the street and between median cuts shall be provided to all unfinished medians for future development of the irrigation system. Irrigation system plans and their approval shall be accomplished in accordance with Section 7.05.5 of the ALDC and be consistent with the City of Allen Water Conservation Ordinance.

Ord. No. 2338-9-04

**Section 8.13. Drainage Requirements.**

1. General Requirements - All storm sewer systems shall conform to the City's Standard Construction Details-Storm Drainage.
2. All storm drainage facilities in the City of Allen shall be designed in accordance with the City of Allen Design Manual for Storm Drainage Facilities based on ultimate watershed development for the 100-year frequency design storm and all facilities shall accommodate runoff from the entire drainage area, whether inside or outside the subdivision or addition.
3. If any portion of the property contains a drainage course, lies within 100 feet from the top of a high

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bank, or contains Federal Emergency Management Agency (FEMA) floodplain, then the drainage basin area shall be determined. If that area is 160 acres or more, then the 100-year floodplain shall be established. All floodplain calculations shall be approved by the Floodplain Administrator. The floodplain shall be delineated on the plat and shall be dedicated to the City of Allen, at the city's option.

4. The floodplain shall be staked using materials specified by the City Engineer at 200 foot intervals at the cross-section of the floodplain study. Stakes shall remain in place until the construction in the subdivision is completed.
5. In other cases, where a subdivision or addition is traversed by a watercourse, drainage way, channel, or stream, a storm water or drainage easement conforming substantially to the line of such watercourse shall be provided and shall be of sufficient width to be adequate for a 100 year design storm frequency flow.
6. All properties located in the 100-year floodplain shall be maintained in a natural state. Any deviations or modifications to the natural state shall require review and approval of the Commission.
7. Drainage
  - a. Lots shall be graded to provide a minimum slope of 1% to drain storm and irrigation water to the public right-of-way in addition to the requirements of Section 3.01.
  - b. Unobstructed swales of minimum 3-foot width and 1% slope for a total of 6 feet with two lots combined will be provided on side lot lines for lots with alleys and on rear lot lines where alleys are not provided. Maintenance of the swales is to be performed by the property owner.
  - c. Other design configurations that will provide equivalent drainage must be approved by the City Engineer or Chief Building Official.

Ord. No. 2293-6-04
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8. Maintenance Easements.
  - a. The property owner must provide a fifteen-foot easement on each side of and parallel to creeks or drainage ways for maintenance purposes. The access easement shall be above the base flood elevation and accessible to vehicles and equipment.
  - b. Access Easements must also be provided at 1,200 foot intervals along streets or alleys. The location and size of the access easement shall be determined by the City Engineer. The minimum width of the access easement shall be fifteen feet (15'-0").
  - c. Permanent monuments, the type and location of which are to be determined by the City Engineer, shall be placed along the boundaries of the access easement and private property. Access easements shall be included in the dedication noted on the plat.
9. Accommodation of Upstream Drainage Areas.

A drainage structure shall accommodate runoff from its entire upstream drainage area, whether inside or outside the subdivision or addition.
10. Effect on Downstream Drainage Areas.

If adequate capacity is not available immediately downstream a drainage system, a detention facility, or parallel system to mitigate the deficiency shall be required. The Commission shall withhold approval of the plat until such mitigation has been provided.
11. Stormwater Detention Facilities.

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The City may assume maintenance responsibilities for stormwater detention facilities if title to facility passes to the City. Easements are required to ensure access for maintenance purposes.

Supp. No. 2 (1984-9-01)

### Section 8.14. Monuments & Markers.

#### 1. Markers.

Lot markers shall be a ½ inch reinforcing bar, 18 inches long, or approved equal, and shall be placed at all corners flush with the ground or below ground if necessary in order to avoid being disturbed.

#### 2. Monuments.

Monuments shall be set at any angle point in the perimeter boundary of the subdivision. Monuments shall be a concrete post 4 inches in diameter and 3 feet in length or other such type of monument as may be approved by the City Engineer. Monuments must contain either a steel rod or a magnet. The precise point of intersection shall be indented on top of the monument. The top of the monument shall not be located greater than 6 inches below the surface.

#### 3. Benchmarks.

A benchmark will be established on a boundary corner of the subdivision and within the subdivision at a ratio of 1 for every 100 acres. Such bench marks shall be established to a NAD83, State Plane Coordinate, North Central Texas, Zone 5351 datum. The benchmark shall be established upon a permanent structure, or may be set as a monument, and shall be readily accessible and identifiable on the ground as well as on the subdivision plat.

### Section 8.15-8.19 Reserved.

### Section 8.20 Mandatory Homeowners' Association.

1. Applicability – Any subdivision creating an area or amenity to be owned in common by the owners of lots within the subdivision shall require the establishment of a property owners association prior to the approval of the final plat. When a subdivision contains streets, sewers, sewage treatment facilities, water supply systems, drainage systems or structures, parks, landscaping systems or landscape elements or features (including fountains and statues), landscape irrigation systems, screening walls, living screens, buffering systems, subdivision entryway features (including monuments or other signage), or other physical facilities or grounds held in common and necessary or desirable for the welfare of the area or subdivision, or that are of common use or benefit and that are not or cannot be satisfactorily maintained by the City or another public agency, the City may require the establishment and creation of a mandatory homeowner's association to assume and be responsible for the continuous and perpetual operation, maintenance and supervision of such facilities, structures, improvements, systems areas or grounds.
2. Responsibilities – Such mandatory homeowner's associations shall be responsible for the continuous and perpetual operation, maintenance and/or supervision of landscape systems, features or element located in parkways, common areas, between screening walls or living screens and adjacent curbs or street pavement edges, adjacent to drainage ways or drainage structures, or at subdivision entryways. Subdivision entryway treatments or features shall not be allowed unless a mandatory homeowner's association as required herein is established and created. The City shall be responsible for all median maintenance and all paving maintenance

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(except for private streets or roads) and the repair of landscape systems, features or elements damaged by City initiated utility work in dedicated easements. Other damage occurring during utility repairs will be the responsibility of the appropriate utility company.

3. Purpose. A homeowner's association shall be established and created to assume and be responsible for the continuous and perpetual operation, maintenance and supervision of landscape systems, features or elements located in parkways, common areas between screening walls or living screens and adjacent curbs or street pavement edges, adjacent to drainage ways or drainage structures or at subdivision entryways, open space common areas or properties including but not limited to: landscape features and irrigation systems, subdivision entryway features and monuments, private amenity center, playgrounds, pavilions, ponds, detention ponds, off-street parking for the private amenity center, swimming pool, exercise trail, private neighborhood park and related amenities.
4. Dedications to Homeowners' Association – All open space and common properties or areas, facilities, structures, improvements systems, or other property that are to be operated, maintained and/or supervised by the Homeowners Association shall be dedicated by easement or deeded in fee simple ownership interest to the Homeowners Association after construction and installation as applicable by the Owner and shall be clearly identified on the record final plat of the property.
5. Approval. A copy of the agreements, covenants and restrictions establishing and creating the homeowner's association must be approved by the City Attorney prior to the approval of the final plat of the subdivision and must be filed of record with said record plat in the Map and Plat Records of the County. The record final plat shall clearly identify all facilities, structures, improvements systems, areas or grounds that are to be operated, maintained and/or supervised by the homeowner's association.
6. Contents of Homeowners' Association Agreements. At a minimum, the agreements, covenants and restrictions establishing and creating the homeowner's association required herein shall contain and/or provide for the following:
  - a. Definitions of terms contained therein;
  - b. Provisions acceptable to the City for the establishment and organization of the mandatory homeowners association and the adoption of by-laws for said homeowners association, including provisions requiring that the owner(s) of any lot or lots within the applicable subdivision and any successive purchase(s) shall automatically and mandatorily become a member of the homeowners association;
  - c. The initial term of the agreement, covenants and restrictions establishing and creating the homeowners association shall be for a twenty-five (25) year period and shall automatically renew for successive ten (10) year periods, and the homeowner's association may not be dissolved without the prior written consent of the City;
  - d. Provisions acceptable to the City to ensure the continuous and perpetual use, operation, maintenance and/or supervision of all facilities, structures, improvements, systems, open space or common areas that are responsibility of the homeowner's association and to establish a reserve fund for such purposes;
  - e. Provisions prohibiting the amendment of any portion of the homeowner's association's agreements, covenants or restrictions pertaining to the use, operation, maintenance and/or supervision of any facilities, structures, improvements, systems, area or grounds that are the responsibility of the homeowner's association without the prior written consent of the City;
  - f. The right and ability of the City or its lawful agents, after due notice to the homeowners association, to remove any landscape systems, features or elements that cease to be maintained by the homeowner's association; to perform the responsibilities of the homeowners

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association and its board of directors if the homeowners association fails to do so in compliance with any provisions of the agreements, covenants or restrictions of the homeowners association or of any applicable City codes or regulations; to assess the homeowners association for all costs incurred by the City in performing said responsibilities if the homeowners association fails to do so; and/or to avail itself of any other enforcement actions available to the City pursuant to State law or City codes or regulations; and

- g. Provisions indemnifying and holding the City harmless from any and all costs, expenses, suits, demands, liabilities or damages including attorney's fees and costs of suit, incurred or resulting from the City's removal of any landscape systems, features or elements that cease to be maintained by the homeowners association or from the City's performance of the aforementioned operation, maintenance or supervision responsibilities of the homeowners association due to the homeowners association's failure to perform said responsibilities.
7. Notice to Purchasers- Builders are required to post notice in a prominent place in all model homes, sales offices and on all open space areas larger than 20,000 square feet stating that a property association has been established and membership is mandatory for all property owners. The notice shall state at a minimum that the builder shall provide any person upon their request the association documents and a five (5) year projection of dues, income and association expenses.
8. Maintenance Reserve Fund – Prior to the transfer of the association to the lot owners, the developer must provide a reserve fund equivalent to two months' dues based on full association membership.
9. Property Association Activation – Concurrent with the transfer of the association, the developer must transfer to the association control over all utilities related to property and amenities to be owned by the association. The developer must also disclose to the association the total cost to date related to the operation and maintenance of common property and amenities.

### **Section 8.21-8.24 Reserved**

### **Section 8.25 Escrow Policies and Procedures.**

1. Deposit with City – Whenever the City agrees to accept escrow deposits in lieu of construction by the owner of the property under these regulations, the property owner or developer shall deposit an amount equal to his share of the costs of design and construction in escrow with the City. Such amount shall be paid prior to release of construction plans by the City Engineer. In lieu of such payment at such time, the City may permit the property owner to contract with the City and shall agree in such contract that no building permit shall be issued for any lot included within said plat, or increment thereof, until the full amount of the escrow is paid, or a pro rata part thereof for the full increment if developed incrementally. The obligations and responsibilities of the property owner shall become those of property owner's transferees, successors and assigns; and the liability therefor shall be joint and several.
2. Determination of Escrow Amount – The amount of the escrow shall be determined by using the average of the comparable bids awarded by the City in the preceding six (6) months or, if none exist, then in the preceding year or, if none exists current market value of construction as determined by an estimate by the City Engineer. Such determination shall be made as of the time the escrow is due here under.
3. Termination of Escrow – Escrows which have been placed within the City under this section which have been held for a period of ten (10) years from the date of such preparation of plans and specifications for construction of such roadway facilities for which the escrow was made, shall upon written request be returned to the property owner, with accrued interest. Such return does not remove any obligations of the owner for construction of the required facilities if a building permit has not been issued on the subject lot or if a new building permit is applied for.

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4. Refund – If any street or highway for which escrow is deposited for, is constructed, or is reconstructed by another governmental authority at no cost to the City, the escrowed funds and accrued interest shall be refunded to the property owner or developer after completion and acceptance of the public improvements. In the event that a portion of the cost is borne by the City and the other portion of the cost by another governmental authority, the difference between the owner's actual proportionate cost and the escrowed funds, including accrued interest, if any, shall be refunded after completion and acceptance of the improvements.

### **Section 8.26. Payment of Fees, Charges and Assessments.**

As a condition of Plat approval, the Developer shall pay all fees, charges, and assessments, as may be imposed or required under this Code or other ordinances or regulations of the City.