

# **Diagnostic Report**

## **Balch Springs Subdivision Ordinance**

**Prepared by  
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# Contents

**INTRODUCTION .....3**

**DIAGNOSTIC ISSUES .....4**

**General Topics ..... 4**

- 1. Content Update and Reorganization ..... 4
- 2. Style and User-friendliness ..... 6
- 3. Definitions Update, as Needed..... 6
- 4. Platting Procedures Review and Update ..... 7
- 5. Update All References to Other Documents ..... 7
- 6. Development Procedural Steps ..... 8
- 7. Adding Plat Types ..... 10
- 8. Provisions for Development Plat ..... 11
- 9. Filing and Submission Dates Clarification ..... 11
- 10. Approval Authority for Fundamental Applications..... 11
- 11. Construction Plan Inclusion ..... 12
- 12. Engineering Criteria Manual Reference Inclusion ..... 12

**Topics Related to Existing Ordinance Sections..... 13**

- 13. Article I, Section 70-1: Definitions..... 13
- 14. Article I, Section 70-2: Comprehensive Plan..... 13
- 15. Article I, Section 70-3: Enforcement..... 13
- 16. Article I, Section 70-4: Official Meter..... 13
- 17. Article II, Section 70-31: Fees and Charges for Preliminary Maps or Plats ..... 14
- 18. Article II, Section 70-32: Park Trust Fund ..... 14
- 19. Article III, Section 70-61: Platting Process Objectives ..... 14
- 20. Article III, Section 70-62: Laying Out of Subdivisions under Direction of City ..... 14
- 21. Article III, Section 70-63: Preliminary Plats..... 15
- 22. Article III, Section 70-64: Final or Record Plat ..... 16
- 23. Article III, Section 70-65: Withholding City Improvements until Plat Approved ..... 16
- 24. Article III, Section 70-66: Filing of Plat; Completion within Three Years..... 16
- 25. Article III, Section 70-67: Appeal of Denial of a Plat ..... 16
- 26. Article IV, Section 70-101: Developer's Bond for Street Maintenance ..... 17
- 27. Article IV, Section 70-102: Payment for Water and Sewer Lines and Street Improvements..... 17
- 28. Article IV, Section 70-103: Developer's Bond for Water and Sewer Improvements..... 17
- 29. Article IV, Section 70-104: As-built Plans ..... 17
- 30. Article IV, Section 70-105: Title to Water and Sewer Facilities ..... 18
- 31. Article IV, Section 70-106: Inspection Fee ..... 18
- 32. Article IV, Section 70-107: Video Inspection and Fee..... 18
- 33. Article V, Section 70-141: Survey Requirements..... 18
- 34. Article V, Section 70-142: Streets ..... 19
- 35. Article V, Section 70-143: Alleys ..... 19
- 36. Article V, Section 70-144: Street, Lighting and Water and Sewer Specifications..... 20
- 37. Article V, Section 70-145; Sewage Disposal Systems ..... 20
- 38. Article V, Section 70-146: Fire Protection..... 20
- 39. Article V, Section 70-147: Underground Utilities Required ..... 20
- 40. Article V, Section 70-171: Thoroughfare Plan Adopted ..... 21
- 41. Article V, Section 70-191 through Section 70-201: Storm Drainage ..... 21
- 42. Article VI, Section 70-202: Purpose and Policy ..... 21

City of Balch Springs Subdivision Ordinance Diagnostic Report

43. Article VI, Section 70-203 through Section 70-205: Public Facilities and Minimum Standards ..... 21

44. Article VI, Section 70-206: Improvement of Adjacent and Abutting Existing Streets and Utilities ..... 22

45. Article VI, Section 70-207: Timing of Dedication and Construction ..... 22

46. Article VI, Section 70-208: Proportionality Determination ..... 22

47. Article VI, Section 70-209: Definitions ..... 22

48. Article VI, Section 70-210 through Section 70-214: Rough Proportionality ..... 23

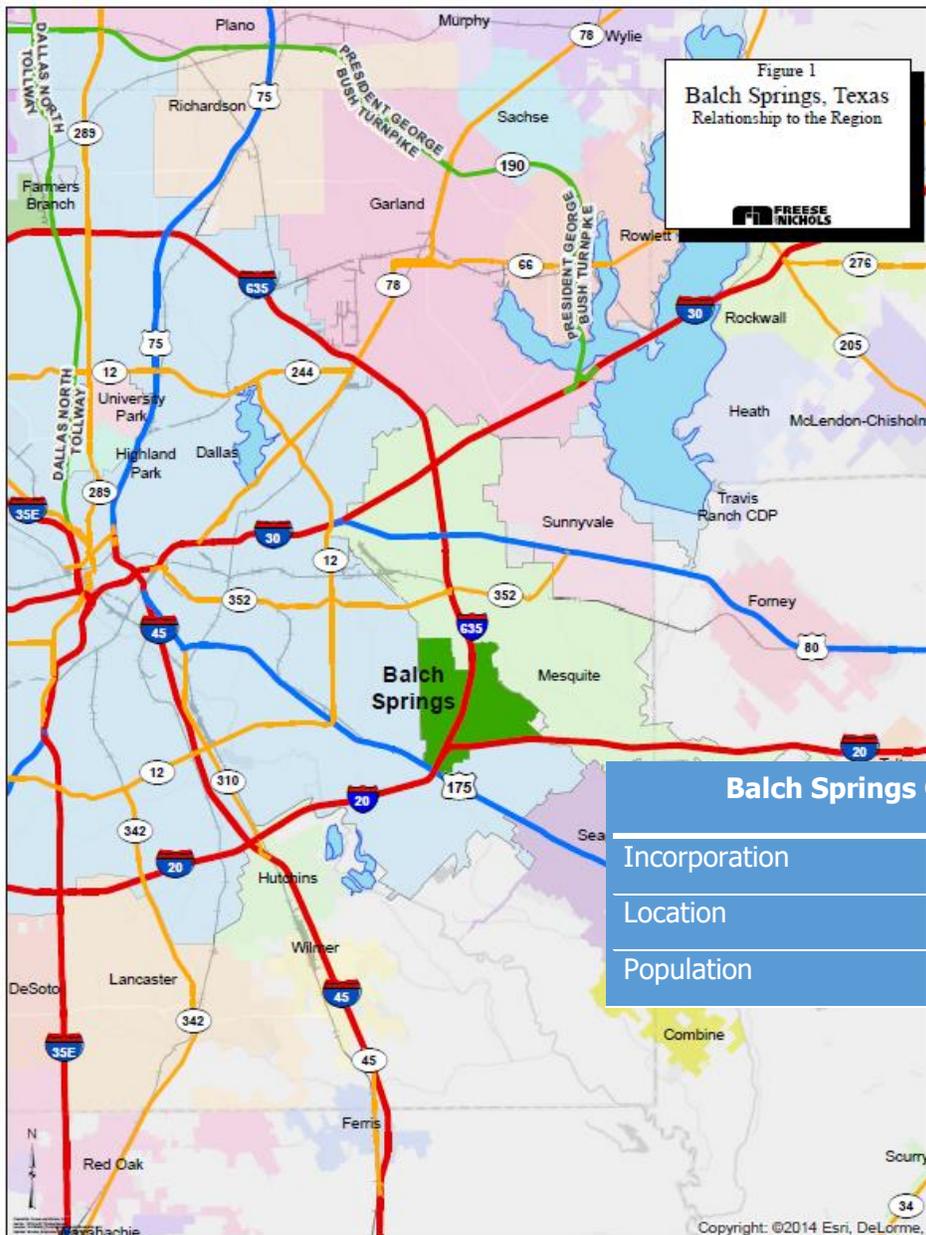
49. Article VI, Section 70-215: Appeal of City Council Decision ..... 23

50. Article VI, Section 70-216: Miscellaneous..... 23

**Introduction**

Balch Springs is located in southeast Dallas County, on the eastern side of the Dallas-Fort Worth Metroplex with convenient access to the region via Interstate 20 and Interstate 635. By roadway, the City is located approximately 15 miles from Dallas, 35 miles from Arlington, 40 miles from Dallas-Fort Worth International Airport and 48 miles from Fort Worth.

Balch Springs is within the North Central Texas Council of Governments (NCTCOG) planning region, which is the fourth most populous planning area and the fastest growing metropolitan region in the country. In an effort to update the Subdivision Ordinance of the City, this diagnostic study is being conducted in order to identify the core issues related to the Subdivision Ordinance.



Balch Springs Quick Facts	
Incorporation	1953
Location	Dallas County
Population	27,374*

\*Source: Community Demographic Profile, Balch Springs, Texas April 2018

## Diagnostic Issues

### General Topics

#### 1. Content Update and Reorganization

##### *Diagnostic Observation*

The existing ordinance describes different sections of the ordinance in a non-cohesive manner that is difficult to follow. Additionally, the existing ordinance does not include many important elements that are commonly included in a Subdivision Ordinance.

##### *Recommendation*

In order to better organize and include all the contents related to the Subdivision Ordinance, it is recommended that the proposed layout is used. All existing contents should be carefully evaluated and reorganized for placement within the proper sections. All the elements that are missing in the existing ordinance should be included.

##### Section 1: General Provisions

- 1.1 Title
- 1.2 Authority
- 1.3 Purpose
- 1.4 Applicability
- 1.5 Documents Comprising Subdivision Regulations
- 1.6 Compliance Required
- 1.7 Public Improvements Required

##### Section 2: Decision-Maker Authority

- 2.1 City Council
- 2.2 Planning and Zoning Commission
- 2.3 Planning Manager
- 2.4 City Engineer
- 2.5 Summary Table of Review and Approval Authority for Application

##### Section 3: Application Submittal and Processing Procedures

- 3.1 General Application Processes
- 3.2 Pre-Application Conference
- 3.3 Application Filing and Determination of Completeness
- 3.4 Processing, Action, Notification of Application Decision
- 3.5 Public Hearings Required for Replat and Plat Vacation Applications

##### Section 4: Plats and Platting Procedures

- 4.1 General Subdivision and Platting Procedures
- 4.2 Preliminary Plat
- 4.3 Final Plat

- 4.4 Replat (Including Minor Replat)
- 4.5 Amending Plat
- 4.6 Vacating an Existing Plat (Plat Vacation)

Section 5: Construction Plans

- 5.1 Construction Plans
- 5.2 Pre-construction Meeting
- 5.3 Construction Release
- 5.4 Timing of Public Improvements
- 5.5 Improvement Agreements
- 5.6 Inspection, Maintenance, and Acceptance of Public Improvements

Section 6: Subdivision Design Standards

- 6.1 Adequate Public Facilities
- 6.2 Conformance to Plans and Code
- 6.3 Access Management
- 6.4 Blocks
- 6.5 Easements and Dedications
- 6.6 Homeowners' Associations
- 6.7 Lot Design
- 6.8 Parks and Open Space Dedication
- 6.9 Parks and Open Space Design
- 6.10 Streets
- 6.11 Thoroughfare Screening
- 6.12 Sidewalks
- 6.13 Water and Wastewater Requirements
- 6.14 Drainage and Environmental Requirements

Section 7: Relief from Subdivision Design Standards

- 7.1 Petition for Subdivision Waiver
- 7.2 Subdivision Proportionality Appeal

Section 8: Definitions

## 2. Style and User-friendliness

### *Diagnostic Observation*

A typical user of the ordinance desires to quickly find information to answer questions he or she may have. It is commonly accepted that an ordinance for any community is scanned by readers and not intended to be read from cover to cover; therefore, it is important to design a document that meets the "scan-ability" desire of its readers. With the current format, the reader cannot scan through the document and quickly find information due to the lack of subheadings and organizational format.

### *Recommendation*

The format should be structured more like an outline with subheadings for each paragraph. The following steps should be taken in order to improve the ordinance format and provide readers greater control over understanding the ordinance:

- Improve numbering system and layout
- Incorporate the use of more subheadings to increase the ability to scan
- Utilize bullet points or illustrations when possible
- Use cross references and hyperlinks to simplify navigation

## 3. Definitions Update, as Needed

### *Diagnostic Observation*

The definitions section is key to having a successful document. If words and terms are clearly defined, then the implementation of the regulations is more easily managed. If definitions are too vague, conflicting, or not defined at all, then the City Staff, City Officials, and users have greater difficulty in understanding the requirements and whether the regulations apply in a given case. The Subdivision Ordinance has definitions listed in multiple sections, such as, Section 70-1, Section 70-192, Section 70-209, which may cause confusion and inconsistencies. Additionally, many common terms and uses are not defined in the ordinance. For example, terms like "subdivision waiver", "vested right", "surveyor" are terms that are important to include in the ordinance and should be defined clearly.

### *Recommendation*

All definitions in the Subdivision Ordinance should be evaluated and subsequently updated or removed, as needed. All definitions should be listed within **Section 8: Definitions** and cross-referenced throughout the document as needed.

#### 4. Platting Procedures Review and Update

##### *Diagnostic Observation*

Preliminary plats, final plats, and other standard procedures are important to the development process. These procedures are not clearly and concisely articulated in the existing Subdivision Ordinance. For example, it is important to establish applicability, exceptions, approval criteria and review procedure for each plat type, which is currently not adequately provided within the Subdivision Ordinance.

##### *Recommendation*

It is recommended that all procedures be reviewed and outlined to inform individuals of specific requirements. Also, the procedures should be well-outlined in the ordinance text to communicate the procedural requirements. The use of visuals, such as flow charts, should be included in the subdivision regulations to clarify procedures. Efforts should be made to shorten the time it takes to complete different procedures. It should be noted coordination among departments is critical to establish the best format for review and approval procedures.

#### 5. Update All References to Other Documents

##### *Diagnostic Observation*

The current Subdivision Ordinance includes several outdated references such as the Comprehensive Plan dated February 26, 2001, and the Thoroughfare Plan 2001.

##### *Recommendation*

Update all applicable references within the Subdivision Ordinance.



## 6. Development Procedural Steps

### *Diagnostic Observation*

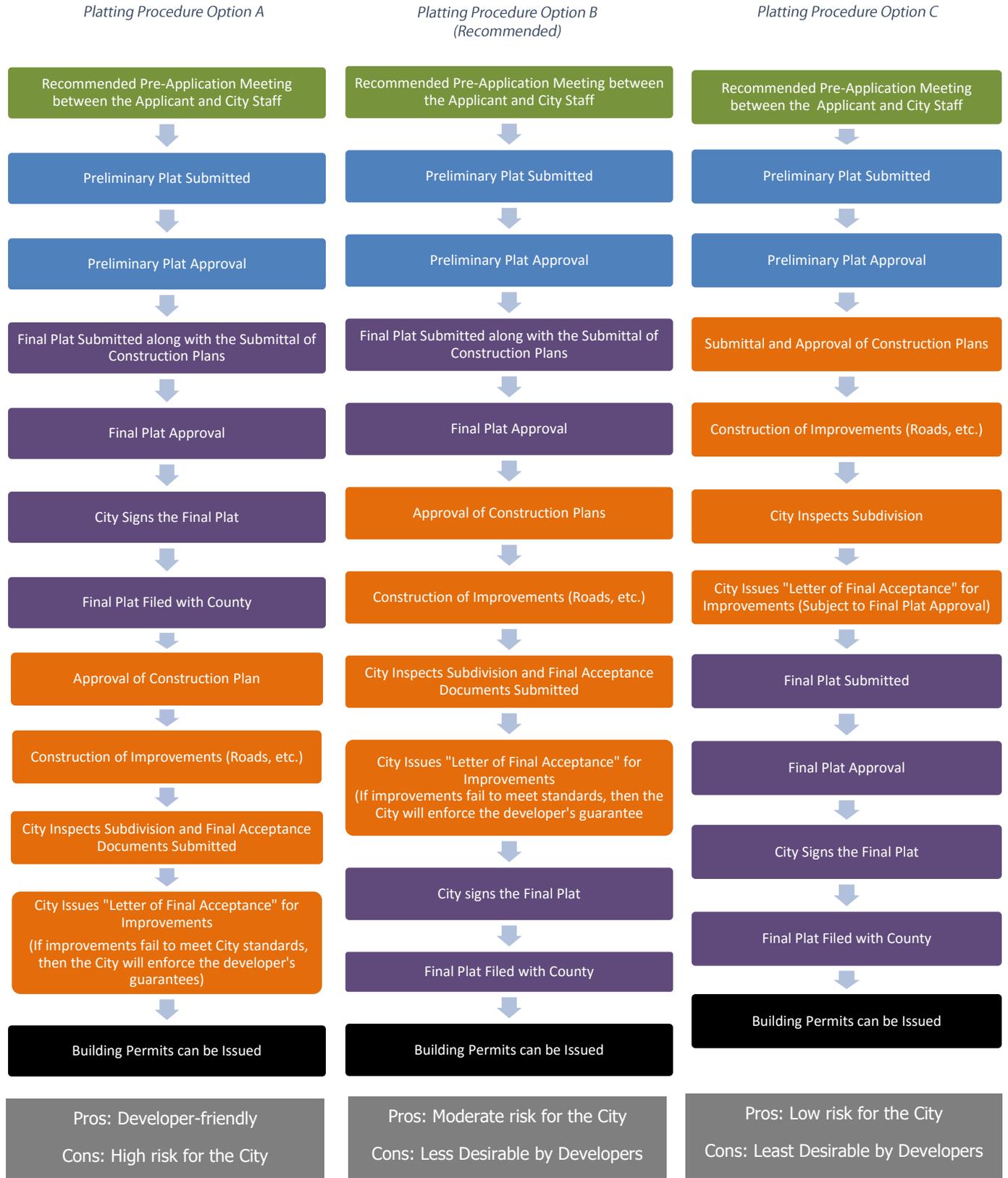
The development process is not clearly outlined in the Subdivision Ordinance, which creates confusion and uncertainties for the developers and hinders the development process.

### *Recommendation*

It is recommended that a flowchart be included to demonstrate the development process. There are a few common approaches that most cities adopt for the platting process. Three different approaches are outlined on the next page. Option A recommends approving and filing the final plat before the construction of improvements occur. This process is developer-friendly since lots can be sold before the construction takes place, however it poses a high risk to the City. Option B recommends approving the final plat before construction, modifying the plat after improvements occur to reflect any changes, and then filing with the County. With both Option A and Option B, the City would enforce a developer's guarantee if improvements fail to meet City standards. Option C recommends that final plat is approved and filed after construction of improvements is complete. Option C is considered to be the least developer-friendly but poses the lowest risk to the City among all three options. Option B is recommended to be the most desirable option to adopt. Several other sections of the Subdivision Ordinance should be modified based on the chosen procedure. (See Figures on the next page)



# City of Balch Springs Subdivision Ordinance Diagnostic Report



Additionally, the replat process should also be demonstrated clearly in the Subdivision Ordinance, with a flowchart.

*Replating Procedure*



## 7. Adding Plat Types

### *Diagnostic Observation*

The current ordinance only establishes detailed procedures for preliminary plats and final plats. It mentions replats in a few sections, however, it does not establish any specific procedures for replats. There are other plat types that are important for the development process such as:

- Minor Plats
- Amending Plats
- Vacating Plats

*Recommendation*

Include subsections outlining detailed procedures for Minor Plats, Amending Plats, Replats and Vacating Plats in **Section 4: Plats and Platting Procedures**.

8. Provisions for Development Plat

*Diagnostic Observation*

The current Subdivision Ordinance does not include the development plat provision from [TLGC Chapter 212 Subchapter B](#) (Development Plat) As per State Law, platting may be required for developing a property, even if the property is not being subdivided. Although the City currently practices requiring plats for all developments, it is not codified in the Subdivision Ordinance.

*Recommendation*

It is recommended that [TLGC Chapter 212 Subchapter B](#) be referenced in the Subdivision Ordinance to ensure the platting procedure is applied to all developments, even when the applicant is not subdividing the property.

9. Filing and Submission Dates Clarification

*Diagnostic Observation*

The current ordinance states that a preliminary plat is to be submitted 10 to 20 days prior to the P&Z meeting for consideration. It also states that a final plat is to be submitted at least five days prior to the P&Z meeting for consideration. However, the difference between "submitting" and filing" is not clarified in the ordinance.



*Recommendation*

It should be clarified that filing may not be official for the 30-day action requirement of [Texas Local Government Code Chapter 212](#) to apply until the plat consideration is placed on P&Z's agenda. On the other hand, vesting applies from the day the plat is submitted, even if it is not officially filed. The City should establish "Official Submission Dates" and "Official Vesting Dates" for the platting process. There should be a clear difference between the [Texas Local Government Code Chapter 245](#) vesting requirement ("Official Vesting Date") and [Texas Local Government Code Chapter 212](#) 30-day action requirement ("Official Submission Date"). A published calendar should be formulated to track filing and submission dates of plats.

10. Approval Authority for Fundamental Applications

*Diagnostic Observation*

The Subdivision Ordinance does not provide clear direction on the roles of decision-maker authorities, which might result in confusion, unnecessary delay in procedures and/or conflicts with state regulations. For example, the authorities of the Planning and Zoning Commission and City Council are described throughout the platting procedures in a non-cohesive and inconsistent manner. There is no section that provides a user with an overview of the roles for each body.

*Recommendation*

Introduce a subsection to discuss the authorities of decision-makers within the ordinance. Careful evaluation should be used to ensure that there is no conflict with the State requirements. Each authority's (Council, P&Z, or Staff) role in subdivision processes should be explained. It is recommended that a summary table shows the approval authorities for fundamental applications.

*Example of a Summary Table for Subdivision Approval Authorities (For Illustration Purposes Only)*

Table 2: Planning and Zoning Commission Responsibilities	
<a href="#">4.04.J.4.a</a>	Consider an <a href="#">Appeal of the Director of Development Services' Decision on a Preliminary Plat Extension</a>
<a href="#">4.04.F</a>	Approving a <a href="#">Preliminary Plat</a>
<a href="#">4.05.H</a>	Approving a <a href="#">Final Plat</a>
<a href="#">4.06.H.1.</a>	Approving a <a href="#">Deferral to the Commission of a Minor Plat Decision</a>
<a href="#">4.07.G</a>	Approving a <a href="#">Replat</a>

SAMPLE

11. Construction Plan Inclusion

*Diagnostic Observation*

Construction Plans are one of the fundamental elements within a platting process that is not currently included specifically within the Subdivision Ordinance.

*Recommendation*

A section for Construction Plans should be included as **Section 5: Construction Plans** of the proposed layout to establish construction standards and provide guidance on how and when the construction procedures should be conducted. All the existing requirements and procedures should be consolidated and incorporated within the Subdivision Ordinance.

12. Engineering Criteria Manual Reference Inclusion

*Diagnostic Observation*

The City is currently going through an update process for the Engineering Criteria Manual and intends to adopt the updated manual at the same time as the adoption of the updated Subdivision Ordinance. The updated manual will consist of the following sections:

- Water
- Wastewater
- Streets and Pavement
- Drainage

*Recommendation*

Include reference to the Engineering Criteria Manual in all appropriate sections of the Subdivision Ordinance.

## Topics Related to Existing Ordinance Sections

### 13. Article I, Section 70-1: Definitions

#### *Diagnostic Observation*

This section contains a small portion of definitions. Some of the terms are related to elements that are missing in the current Subdivision Ordinance. For example, the section provides a definition for “resubdivision and replatting” where no replat procedure is clearly outlined in the ordinance.

#### *Recommendation*

Move this section to **Section 8: Definitions** of the proposed outline and evaluate the definitions to ensure they are updated. Include illustrations as needed.

### 14. Article I, Section 70-2: Comprehensive Plan

#### *Diagnostic Observation*

This section establishes the City’s Comprehensive Plan as the guide for future development of the City.

#### *Recommendation*

Include the applicability of the Comprehensive Plan and any other relevant plans in Subsection **1.5 Documents Comprising Subdivision Regulations** of the proposed layout.

### 15. Article I, Section 70-3: Enforcement

#### *Diagnostic Observation*

This section outlines provisions for civil and criminal penalties for a violation of the ordinance. However, this section does not specify that criminal penalties may only be applied within the City limits, according to [Texas Local Government Code Section 212.003](#).

#### *Recommendation*

Evaluate the section to ensure its applicability. Cover contents of this section within Subsection **1.6 Compliance Required** of the proposed layout.

### 16. Article I, Section 70-4: Official Meter

#### *Diagnostic Observation*

This section establishes the terms “official meter” and “official subdivision meter”, although these terms are not used anywhere in the ordinance.

#### *Recommendation*

Remove this section from the Subdivision Ordinance.

### 17. Article II, Section 70-31: Fees and Charges for Preliminary Maps or Plats

#### *Diagnostic Observation*

This section refers to the general fee schedule on file in the office of the City Secretary. It outlines some procedures regarding the plat-related fees.

#### *Recommendation*

All fee-related procedures and standards should be outlined with a Fee Schedule. The Subdivision Ordinance should include a term and definition for "Fee Schedule" and use the reference in all applicable fee-related sections such as **Section 3: Application Submittal and Processing Procedures**.

### 18. Article II, Section 70-32: Park Trust Fund

#### *Diagnostic Observation*

This section should not be treated as an administrative element; the discussion related to park design and park funds are closely related to Subdivision Design. Additionally, the fee amounts are antiquated.

#### *Recommendation*

Cover the contents of this section in Subsection **6.8 Parks and Open Space Dedication** and Subsection **6.9 Parks and Open Space Design** of the proposed layout. Evaluate the fee amounts to incorporate the current trends. Establish the timeframe to expend the park fund to be ten years, which is common among many cities in Texas.

### 19. Article III, Section 70-61: Platting Process Objectives

#### *Diagnostic Observation*

This section outlines the fundamental objectives of subdivision platting.

#### *Recommendation*

Cover the contents of this section in Subsection **1.3 Purpose** of the proposed layout. Evaluate the purposes and update, if needed.

### 20. Article III, Section 70-62: Laying Out of Subdivisions under Direction of City

#### *Diagnostic Observation*

This section includes multiple elements that are unrelated to one another. For example:

- (a) outlines situations where the regulations of this ordinance apply and do not apply.
- (b) discusses the regulations regarding the procedure to submit a plat application and identifies Planning and Zoning Commission as the final decision-maker for any plat-related decision.

*Recommendation*

- Cover the provisions of (a) within Subsection **1.4 Applicability** of the proposed layout. Include all application procedure related items in **Section 3: Application Submittal and Processing Procedures** of the proposed layout.
- Authority for each decision-making process should be outlined in **Section 2: Decision-Maker Authority**. According to [Section 212.006 of the Texas Local Government Code](#), the municipal authority responsible for approving plats is the municipal planning commission. Continue enabling the Planning and Zoning Commission to be the authority to approve plats.

21. Article III, Section 70-63: Preliminary Plats

*Diagnostic Observation*

This section outlines the procedures for Preliminary Plats. Under the current procedures:

- The preliminary plat is submitted to and reviewed by the City Engineer, and no involvement of the planning team is outlined. However, the current practice in the City is to have the plat submitted to the Planning and Zoning Department.
- No provision for a pre-application meeting is included, although it is currently in practice.
- This section includes a requirement for a public hearing prior to approval, which is not typical for preliminary plats.
- The expiration timeframe is set to be 90 days.

*Recommendation*

Cover this section after adding all applicable regulations in Subsection **4.2 Preliminary Plat** of the proposed layout.

- Consider codifying the role of the Development Review Committee to review the preliminary plat. An alternative to that is to codify the current practice in the ordinance for clarification.
- An optional provision for pre-application meetings should be established within the ordinance. This option should be highly recommended for the applicants.
- According to [Texas Local Government Code Section 212.009](#), the municipal authority responsible for approving plats shall act on a plat within 30 days after the date the plat is filed. Include this 30-day clock within the section, using proper definitions for “official filing date” and “official submission date” for clarification.
- Continue the provision for a public hearing for preliminary plats, as the community is accustomed to this provision even though it is not required by State law.
- The expiration timeframe for preliminary plats should be modified to two years from 90 days, which is a standard timeframe used by many cities in Texas.

## 22. Article III, Section 70-64: Final or Record Plat

### *Diagnostic Observation*

This section does not include any review procedures or authority for the final plat. This section for final plats does not provide any regulation for many important elements such as procedures after final plat approval, effect of recordation, and expiration of an approved but not filed plat.

### *Recommendation*

Provide all applicable regulations regarding final plats in Subsection **4.3 Final Plat** of the proposed layout. Continue enabling the Planning and Zoning Commission to be the approval authority for final plats.

## 23. Article III, Section 70-65: Withholding City Improvements until Plat Approved

### *Diagnostic Observation*

This section does not provide clear direction on when construction or improvements would occur in relation to plat approval.

### *Recommendation*

The step-by-step procedure for platting should be outlined within Subsection **4.1 General Subdivision and Platting Procedures** of the proposed layout. Additionally, all details for construction plans should be included in **Section 5: Construction Plans**.

## 24. Article III, Section 70-66: Filing of Plat; Completion within Three Years

### *Diagnostic Observation*

This section establishes Option A from the **Development Procedural Steps** as the City's current procedure. It also establishes the timeframe to complete public improvements on an approved plat to be three years.

### *Recommendation*

As outlined in the **Development Procedural Steps**, all three options should be evaluated to adopt the most feasible procedure for Balch Springs. This section should be covered by **Section 5: Construction Plans**.

## 25. Article III, Section 70-67: Appeal of Denial of a Plat

### *Diagnostic Observation*

This section establishes a process for the applicant to submit an appeal to City Council for a denied preliminary plat, replat, or final plat. It allows City Council the authority to grant the appeal and approve a plat that has been denied by Planning and Zoning Commission as an option.

### *Recommendation*

According to Texas Local Government Code Section 212.006, the Planning and Zoning Commission is the authority for approving plats. It also establishes an optional provision of setting up the City Council as a second approval authority, in addition to the Planning and Zoning Commission. According to FNI planning team's interpretation, City Council may not be able to overturn a decision

made by the Planning and Zoning Commission as per State law. It is recommended that the City Attorney be consulted regarding this section to evaluate the applicability of this section.

**26. Article IV, Section 70-101: Developer's Bond for Street Maintenance**

*Diagnostic Observation*

This section specifies a maintenance bond requirement for all street improvements in an amount equal to the total cost of such street improvements and covering maintenance of such improvements for a period of one year.

*Recommendation*

Cover the contents in **Section 5: Construction Plans** of the proposed layout. Consider modifying the amount to be 10% to 15% of the total construction cost and the maintenance timeframe to be two-years, which are standards used by many cities in Texas.

**27. Article IV, Section 70-102: Payment for Water and Sewer Lines and Street Improvements**

*Diagnostic Observation*

This section outlines multiple fee amounts for water and sewer lines and street improvement.

*Recommendation*

Move the contents of this section to the recommended Fee Schedule and reference the Fee Schedule.

**28. Article IV, Section 70-103: Developer's Bond for Water and Sewer Improvements**

*Diagnostic Observation*

This section requires a maintenance bond for all water and sewer improvements, in an amount equal to the cost of such water and sewer improvements and covering maintenance of such improvements for a period of one year.

*Recommendation*

Cover the contents within **Section 5: Construction Plans** of the proposed layout. Consider modifying the amount to be 10% to 15% of the total construction cost and the maintenance timeframe to be two years, which are standards used by many cities in Texas.

**29. Article IV, Section 70-104: As-built Plans**

*Diagnostic Observation*

This section requires As-Built/Record Drawings to be submitted within 30-days after completion of each contract.

*Recommendation*

Cover the provisions of this section in **Section 5: Construction Plans** of the proposed layout and include provisions to ensure As-Built/Record Drawings are submitted prior to the acceptance of public improvements.

30. Article IV, Section 70-105: Title to Water and Sewer Facilities

*Diagnostic Observation*

This section outlines a provision for the City to receive the title to water and sanitary sewer facilities.

*Recommendation*

Remove this provision from the Subdivision Ordinance.

31. Article IV, Section 70-106: Inspection Fee

*Diagnostic Observation*

This section provides direction on inspection of improvements, the hours of inspection and fees associated with inspection.

*Recommendation*

Cover the contents of this section in Subsection **5.6 Inspection, Maintenance, and Acceptance of Public Improvements** of the proposed layout.

32. Article IV, Section 70-107: Video Inspection and Fee

*Diagnostic Observation*

This section provides direction on video inspection of improvements and fees associated with video inspection.

*Recommendation*

Cover the contents of this section in Subsection **5.6 Inspection, Maintenance, and Acceptance of Public Improvements** of the proposed layout.

33. Article V, Section 70-141: Survey Requirements

*Diagnostic Observation*

This section includes design standards for survey monuments.

*Recommendation*

Include a requirement for the survey monuments to be identified by a professional surveyor and to use appropriate references to NAD 83 and NAVD 88.

34. Article V, Section 70-142: Streets

*Diagnostic Observation*

This section provides guidelines on street design such as classifications, dimensions, locations, alignment, and street names. The section outlines street classifications as

- Residential
- Arterial
- Collector

However, the Comprehensive Plan provides a more detailed street classification including:

- Principal arterial
- Minor arterial
- Collector



The Thoroughfare Plan (2012) has another set of standards regarding streets. The standards in the Comprehensive Plan, Thoroughfare Plan, and the Subdivision Ordinance are inconsistent. This section also refers to additional standards in Chapter 66: Streets, Sidewalks, and Other Public Places. Additionally, the City currently has a procedure in place to waive the sidewalks requirements in relation to bar ditches.

*Recommendation*

Evaluate all applicable references regarding street design criteria and resolve the conflicting provisions. Cover the contents of this section in Subsection **6.10 Streets** in the proposed layout. Specify the dimensional standards in a table format and include illustrations for user-friendliness. Consider codifying the provision to waive the sidewalks requirements in relation to bar ditches.

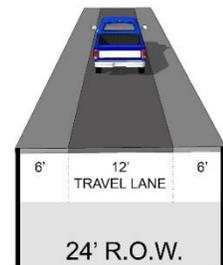
35. Article V, Section 70-143: Alleys

*Diagnostic Observation*

This section requires alleys to be constructed for all development. The section also outlines waiver procedures for alleys, to be approved by the Planning and Zoning Commission. Additionally, the zoning ordinance allows front-entry garages, which conflicts with the alley requirement to some extent.

*Recommendation*

Modify the alley provision to be optional.



### 36. Article V, Section 70-144: Street, Lighting and Water and Sewer Specifications

#### *Diagnostic Observation*

This section primarily describes engineering standards for drainage, pavement, sidewalks, water system, sewer system, location of utilities and streetlights.

#### *Recommendation*

Move this section to an applicable engineering design criteria manual maintained by the City.

### 37. Article V, Section 70-145; Sewage Disposal Systems

#### *Diagnostic Observation*

This provision outlines the sewage disposal connection requirement, which allows all types of sewage disposal systems within subdivisions in the City.

#### *Recommendation*

Evaluate this provision and consider adding a connection requirement to City facilities when located within 800'. Consider adding a waiver option for connection to City facilities for lots with topographical barriers. When not within 800' of the City facilities, On-Site Sanitary Facilities (OSSF) may be allowed, only upon compliance with Dallas County's OSSF requirements.

### 38. Article V, Section 70-146: Fire Protection

#### *Diagnostic Observation*

This section describes the standards for fire hydrants. Other fire protection-related standards such as width of fire lane are missing from this section. Additional regulations in Chapter 30: Fire Prevention and protection and Chapter 82: Utilities are also referenced within the section.

#### *Recommendation*

Evaluate this section for its appropriateness in the Subdivision Ordinance. If deemed appropriate, move this section to an engineering standards manual maintained by the City.

### 39. Article V, Section 70-147: Underground Utilities Required

#### *Diagnostic Observation*

This section describes the provisions for underground electrical, telephone and cable television utilities. It includes a variance provision. This section also includes several definitions and cross-references Chapter 82, Utilities.

#### *Recommendation*

Evaluate the effectiveness of this section in the Subdivision Ordinance. The term "variance" is typically used in zoning ordinance, whereas the term "subdivision waiver" is used in the Subdivision Ordinance for that purpose. If this section remains in the Subdivision Ordinance, move the variance discussion to **Section 7: Relief from Subdivision Design Standards**, modify the term from "variance" to "waiver", and move the definitions to **Section 8: Definitions**.

40. Article V, Section 70-171: Thoroughfare Plan Adopted

*Diagnostic Observation*

This section effectively adopts the Thoroughfare Plan (2001) as part of the Subdivision Ordinance.

*Recommendation*

Include the reference of the updated Thoroughfare Plan. Evaluate if it is appropriate to adopt the entire plan as an element of the Subdivision Ordinance, which may create inconsistencies. It is recommended that Subsection **6.10 Streets** and Subsection **6.12 Sidewalks** are developed after evaluating the standards from the current ordinance, the thoroughfare plan and the comprehensive plan. Consider removing Division 2 from the ordinance.

41. Article V, Section 70-191 through Section 70-201: Storm Drainage

*Diagnostic Observation*

This section is a compilation of engineering standards, definitions, and procedures for the storm drainage system. The design standards provided in this section are very detailed and may be more appropriate to be located separately or within an engineering criteria manual. Underground detention is currently prohibited.

*Recommendation*

Evaluate which portions of this section should be located within the Subdivision Ordinance and which sections should be moved to an engineering criteria manual. Add a provision to allow underground stormwater detention within the section that remains within the Subdivision Ordinance.

42. Article VI, Section 70-202: Purpose and Policy

*Diagnostic Observation*

This section includes purpose and policy statements for public facilities.

*Recommendation*

Cover all purpose-related contents in Subsection **1.3 Purpose** of the proposed layout.

43. Article VI, Section 70-203 through Section 70-205: Public Facilities and Minimum Standards

*Diagnostic Observation*

This section provides general requirements and standards regarding public facilities, such as the impacts of new development and maintaining the desired levels of public facilities and services.

*Recommendation*

Move the contents of these sections to **Section 5: Construction Plans** of the proposed layout.

44. Article VI, Section 70-206: Improvement of Adjacent and Abutting Existing Streets and Utilities

*Diagnostic Observation*

This section includes the discussion of proportionality regarding streets and utilities.

*Recommendation*

This section should be combined with Section 70-208, 70-210, and 70-211 and should be covered in **Section 7: Relief from Subdivision Design Standards**.

45. Article VI, Section 70-207: Timing of Dedication and Construction

*Diagnostic Observation*

This section discusses procedures for public improvements. It states that the first development application for a proposed subdivision shall demonstrate adequate public facilities and services for that subdivision. However, the first development application may vary from project to project. Additionally, this section mentions a developer's agreement whereas the ordinance does not establish any definition or procedure for developer's agreement in any other section.

*Recommendation*

Include the specific steps to demonstrate construction of adequate public facilities within **Section 5: Construction Plans** of the proposed layout. Define "developer's agreement" and "improvement agreement" clearly in the definitions section and describe the procedure regarding the agreements in Subsection **1.7 Public Improvements Required** and Subsection **5.5 Improvement Agreements**.

46. Article VI, Section 70-208: Proportionality Determination

*Diagnostic Observation*

This section outlines the criteria for proportionality determination. It is mentioned in the section that there may be situations when a preliminary plat may not be required.

*Recommendation*

Move this section to **Section 7: Relief from Subdivision Design Standards**. Specify when a preliminary plat may not be needed in **Section 4: Plats and Platting Procedures** of the proposed layout.

47. Article VI, Section 70-209: Definitions

*Diagnostic Observation*

This section contains several definitions related to the Subdivision Ordinance.

*Recommendation*

Move to **Section 8: Definitions**.

#### 48. Article VI, Section 70-210 through Section 70-214: Rough Proportionality

##### *Diagnostic Observation*

These sections outline how rough proportionality is determined and details regarding the appeal procedures, requirements and decision-making. This section also outlines that the Planning and Zoning Commission and the City Council may consider the City Engineer's report in granting a variance to the requirements of the Subdivision Ordinance, which is unrelated to the proportionality discussion.

##### *Recommendation*

- Evaluate these sections to ensure their applicability and move the sections to Subsection **7.2 Subdivision Proportionality Appeal**.
- Consider modifying the timeframe for resubmitting the application upon receiving the decision from 30 days to 60 days, which is a standard timeframe used by many cities in Texas.
- Modify the term from "variance" to "waiver" and move the discussion regarding granting a variance to the requirements of the Subdivision Ordinance to Subsection **7.1 Petition for Subdivision Waiver**.
- Consider introducing two different types of waivers, depending on the scale of deviation from the regulations – minor subdivision waivers and major subdivision waivers. A minor waiver may be granted for deviations that do not change the general intent of the Subdivision Ordinance (e.g. a waiver to the requirement that all side lot lines must be positioned at right angles). Major waivers should be required when a deviation in both the standards and intent of the Subdivision Ordinance is proposed (e.g. a waiver to the right-of-way width requirement).

#### 49. Article VI, Section 70-215: Appeal of City Council Decision

##### *Diagnostic Observation*

This section outlines the provision of appealing the City Council's decision regarding rough proportionality to County or District Court.

##### *Recommendation*

It is recommended that this section be removed from the ordinance since it falls under the applicant's due diligence.

#### 50. Article VI, Section 70-216: Miscellaneous

##### *Diagnostic Observation*

This section describes miscellaneous provisions regarding the Subdivision Ordinance, its applicability and amendments.

##### *Recommendation*

Cover the contents of this section within **Section 1: General Provision** of the proposed layout.