

**STAFF PROPOSED  
GUIDELINES FOR PERIMETER STREET IMPROVEMENTS**

**Executive Summary:**

These are guidelines for perimeter street improvement requirements for proposed developments under the new Roadway Impact Fee Ordinance. These guidelines are intended to be general in nature, and in the event that these guidelines conflict with provisions of the Roadway Impact Fee Ordinance No. 2016-189 (the “Ordinance”) or the Denton Development Code (“DDC”), the provisions in the DDC and Ordinance will prevail over these guidelines.

**Proposed Guidelines:**

The Roadway Impact Fee Ordinance No. 2016-189 became effective on July 5, 2016. The Ordinance authorizes staff to use its discretion to either (1) collect the roadway impact fee amount,<sup>1</sup> or (2) require perimeter street improvements for a development consistent with Subchapter 20 of the Denton Development Code.<sup>2</sup>

Below, for discussion and approval, are staff’s proposed guidelines to better define when perimeter street improvements will be required, with the cost of those improvements credited against the assessed road impact fee for the development.<sup>3</sup> Credits will only be provided up to the amount of the assessed fee.<sup>4</sup> The guidelines are as follows:

**1. Level of Service:**

For any proposed development that would generate enough traffic to reduce the Level of Service below LOS D<sup>5</sup> on an affected street, the development will be required to construct street capacity enhancements proportionate to the development’s impact. The Denton Development Code currently has a requirement for developments that generate 1,000 vehicle trips per day or 100 trips in a peak hour to submit a traffic study. Developments with this requirement will be required to evaluate the Level of Service for all affected streets to determine the development’s impact. If a development does not generate enough traffic to require a traffic study, then the existing traffic counts plus estimated trips from the current Trip Generation Manual will be used to determine the LOS impact. LOS is to be determined by the proposed development, with verification by the City Engineer.

**2. Safety:**

- a. For any proposed development that is adjacent to an affected perimeter street where the pavement width is less than 22 feet in width, the development will be required to widen the street to at least 25 feet in width (with a 2 in. minimum Type C asphaltic concrete overlay for asphalt pavements and without an overlay for concrete pavements) with appropriate transitions to the existing pavement; or

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<sup>1</sup> Some smaller developments are exempt from roadway impact fees. The exemption in Sec. 12.B of the roadway impact fee ordinance states, “[a] change in use that generates less than 10 times the number of Service Units attributable to the immediately preceding use is exempt from the payment of Impact Fees.” These developments will also be exempt from these perimeter street paving guidelines.

<sup>2</sup> If the development has 100 feet or less of frontage on the perimeter street, the development will not be required to improve the street. See DDC Sec. 35.20.2.L.4.

<sup>3</sup> The fee is assessed and “locked in” at the time of the final plat recordation. The fee will not change unless there is an increase in service units. The fee is collected at the time the building permit is pulled.

<sup>4</sup> Credits are given for facilities identified in the roadway impact fee Capital Improvements Plan, and for facilities (streets classified as a collector or above) that qualify to be included in the Mobility Plan, even if not currently depicted on the Mobility Plan map, where the City has entered into a Credit Agreement.

<sup>5</sup> If the LOS is already below D, the development must improve the LOS to at least level D.

- b. If the adjacent affected perimeter street has a pavement width that is less than 22 feet wide and has an Overall Condition Index (OCI) of below 40, and the street is not scheduled to be reconstructed by the City's current Capital Improvements Program, then the development will be required to reconstruct the entire 25-ft width of the perimeter street to current City standards, which includes curb and gutter, in the ultimate location with appropriate transitions to the existing pavement. If the development is located adjacent to an affected perimeter street that would, in the City Engineer's opinion and discretion, be sufficient with reconstruction of a 24-ft width with no curb and gutter, then the development may be allowed to pursue this alternative standard.



### 3. Adjacent Curb and Gutter Improvements:

For any proposed development that has an affected perimeter street which is improved to City standards with curb and gutter across from or immediately adjacent to the development, the development is required to construct the perimeter street improvements according to Subchapter 20 of the Denton Development Code by adding curb and gutter improvements and a maximum of 25-ft. width of additional pavement.

Example: Hercules Lane below is an example of adjacent and across improved streets.



The City Engineer may allow an alternate or interim pavement section (including pavement type, width and thickness), based on the anticipated schedule for reconstruction of a roadway section, differences between existing and future roadway elevations, and other design factors applicable to the Perimeter Street segment.

The City reserves the right to participate in the costs of improving the remainder of a perimeter street, if applicable, within its discretion, in accordance with the law, and in the event that adequate funding exists for such contribution.

### **Credits:**

Pursuant to Ordinance No. 2016-189, Section 14, The City may credit the contribution of land, improvements or funding for construction of any System Facility (collector street and above), required or agreed to by the City, toward the Roadway Impact Fees due for a development. Such credits are limited to the provisions of said Section 14 and the following guidelines:

#### **1. Right-of-Way**

Right-of-way will be credited, at the Denton County Appraisal District appraised value prior to the beginning of the development process for the property, for only the area of right-of-way provided beyond the current maintained right-of-way limits and excluding right-of-way required for any development site-related improvements.

#### **2. Street Construction**

Construction value will be credited at the total cost of the construction of the roadway and related appurtenances, based on competitive bids and less sidewalks and development site-related roadway or facility improvement, e.g., turn-lanes, acceleration/ deceleration lanes, etc. serving the development. The construction costs for the System Facilities must also be comparable to the costs of roadway improvements within the development and agreed on by the City Engineer. System Facilities may include perimeter or off-site roadway improvements.

Any Credits allowed against Roadway Impact Fees for a development are to be included in a Development Agreement between the developer and City, with identification of "... the basis for and the method for computing and the amount of the Credit due and any reduction in Credits attributable to consumption of road capacity for developed lots or tracts served by the Roadway Capital Improvements." City participation in the costs of Perimeter Street Paving improvements requires approval of a Development Agreement between the developer and City by the City Council.

An appeal to the City Council of City staff's determination of requirements for Perimeter Street Paving and related off-site roadway improvements and allowable Credits may be filed by a property owner or the permit applicant, in accordance with the Denton Development Code, Section 35.3.12.E.