

Subdivision Ordinance Amendment 2023-002

An Ordinance of the City of Plano, Texas, amending Article II (Definitions), Article IV (Assurance for Completion and Maintenance of Improvements), and Article V (Requirements for Public Improvements, Reservation and Design) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as heretofore amended, as a result of recent state legislative actions and to ensure compliance with state law; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Subdivision Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 28th day of August, 2023, for the purpose of considering a change in the Subdivision Ordinance; and

WHEREAS, the City Secretary of said City accordingly caused to be issued and published the notices required by laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Subdivision Ordinance, on the 28th day of August, 2023; and

WHEREAS, the City Council is of the opinion and finds that such change should be adopted, would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. Section 2.2 (Words and Terms Defined) of Article II (Definitions) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such new definitions to read as follows; and the remaining terms relettered:

gg. Existing Street - Any street for which right-of-way has been dedicated and the original construction, in whole or in part, has been completed and accepted by the Engineering Department, resulting in a functional transportation facility.

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jj. Future Street - Any street shown on the Thoroughfare Plan Map which is not in use at the time the plat to dedicate the right-of-way for the street is filed.

Section II. Part a (Completion of Improvements) of Section 4.1 (Improvements and Subdivision Improvement Agreement) of Article IV (Assurance for Completion and Maintenance of Improvements) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such part to read in its entirety as follows:

- a. Completion of Improvements - Except as provided below, before any type of recordable plat is signed by the Chairman of the Commission or Director, as applicable, all applicants shall be required to complete, in accordance with the city's decision and to the satisfaction of the Director of Engineering, all the required street, water, sanitary sewer, stormwater management, permanent BMPs, and other public improvements, as well as improvements on the individual residential lots of the subdivision or development as required in these regulations, specified in the final plat, and as approved by the Commission, and to dedicate those public improvements, with the exception of future streets, to the city. Applicants may voluntarily dedicate street right-of-way at the time of final plat when an improvement agreement is completed meeting the requirements of this section.

Section III. Part b (Improvement Agreement and Guarantee) of Section 4.1 (Improvements and Subdivision Improvement Agreement) of Article IV (Assurance for Completion and Maintenance of Improvements) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such portions of part to read as follows:

- b. Improvement Agreement and Guarantee -

1. Agreement -

(a) The Commission, upon recommendation of the Director of Planning, may:

- i. Waive the requirement that the applicant complete and dedicate all public improvements prior to approval of the final or other recordable plat, and may permit the property owner to enter into an improvement agreement by which the property owner covenants to complete all required public improvements no later than two (2) years following the date on which the plat is signed.
- ii. Require the property owner to complete and dedicate some required public improvements prior to approval of the plat and to enter into an improvement agreement for completion of the remainder of the required improvements during such two-year period.
- iii. Allow the property owner to enter into an improvement agreement for construction of future streets or alleys only if the property owner

determines that he or she is voluntarily dedicating the land for the future street or alley, and that the City is not requiring such dedication.

- (b) The improvement agreement shall contain such other terms and conditions as are agreed to by the property owner and the city. Nothing in this section shall nullify the city's obligation to participate in the construction of oversized facilities.

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Section IV. Part b (Design Standards) of Section 5.4 (Streets and Thoroughfares) of Article V (Requirements for Public Improvements, Reservation and Design) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such portions of part to read as follows:

b. Design Standards -

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18. Street Dedications and Reservations -

- (a) Dedication of Right-of-Way - The property owner shall provide all right-of-way required for existing streets, including perimeter streets, as shown in the Thoroughfare Plan Map or other valid development plans approved by the Commission or Council. The property owner shall provide all right-of-way required for future streets, including perimeter streets, as shown in the Thoroughfare Plan Map and the Community Investment Program. Additional right-of-way may be necessary to meet drainage, utility placement, visibility, or other requirements as required by the Director of Engineering. (See Section 3.6.c.3 for information on reservations and dedications with conveyance plats.) In the case of perimeter streets, half of the total required right-of-way for such streets shall be provided. However, in some instances more than half shall be required depending on the actual or proposed alignment of the street. A minimum parkway width of ten (10) feet shall be provided along existing constructed thoroughfares. In such cases, no additional right-of-way will be required, except at intersections or other locations when deemed necessary by the Director of Engineering. Standard right-of-way widths are as specifically set forth in the Thoroughfare Standards Rules & Regulations.
- (b) Perimeter Streets - Where an existing half-street is adjacent to a new subdivision or development, the other half of the street shall be dedicated and improved by the developer of the new development.
- (c) Slope Easements - The dedication of easements, in addition to dedicated rights-of-way shall be required whenever, due to topography, additional

width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three (3) feet horizontal to one (1) foot vertical.

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20. Improvement, Widening, and Realignment of Existing and Future Streets -

Where a subdivision or development borders a substandard street or when the Thoroughfare Plan Map indicates plans for realignment, widening or constructing a street that would require use of some of the land in the subdivision or development, the applicant shall be required to improve and dedicate those areas for widening or realignment of those streets, as follows:

- (a) When a proposed subdivision or development abuts or will abut both sides of a substandard street or a future street in the Community Investment Program, the owner shall be required to improve the substandard street or future street so that it will be a standard street, including sidewalks. The minimum street paving width shall be shown in Section 5.4.d of this article.
- (b) If the proposed subdivision or development is located along only one side of a substandard street or a future street in the Community Investment Program, the owner shall be required to improve his side of the substandard street or future street, including sidewalks, so that it will be a standard street. The minimum street paving width shall be as shown in Section 5.4.d of this article. The owner may, however, petition the city to construct the improvements herein required, subject, upon approval, to the city's escrow policies stated in Article VI of these regulations.
- (c) When an existing arterial street (Type C or greater) is to be extended through a property to intersect with another arterial street, the full six (6) lanes shall be constructed for a minimum distance of three hundred and fifty (350) feet from the point of intersection. From that point, the pavement width may be decreased to four (4) lanes, with provision of an appropriate transition in paving width. If property abutting only one (1) side of the thoroughfare extension is to be developed, then three (3) full lanes will be constructed, including left turn lane and transition. This provision will not require widening an existing intersection that already provides four (4) through lanes.

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Section V. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section VI. The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section VII. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VIII. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section IX. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED on the 28th day of August, 2023.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY