

**DATE:** December 5, 2023  
**TO:** Honorable Mayor & City Council  
**FROM:** Planning & Zoning Commission  
**VIA:** Mike Bell, AICP, Development Review Manager acting as Secretary of the Planning & Zoning Commission  
Christina D. Day, AICP, Director of Planning  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of December 4, 2023

**AGENDA ITEM NO. 4 – SUBDIVISION ORDINANCE AMENDMENT 2023-004**  
**PETITIONER: CITY OF PLANO**

Request to amend Article I (General Provisions), Article III (Platting Procedures), Article VII (Replatting Procedures), and related sections of the Subdivision Ordinance to clarify the platting procedures for properties that receive zoning variances for minimum yards. Project #SOA2023-004.

**APPROVED:** 6-0

Speaker Card(s) Received:	Support: <u>0</u>	Oppose: <u>0</u>	Neutral: <u>0</u>
Petition Signatures Received:	Support: <u>0</u>	Oppose: <u>0</u>	Neutral: <u>0</u>
Other Responses:	Support: <u>0</u>	Oppose: <u>0</u>	Neutral: <u>0</u>

Commissioner Olley and Commissioner Tong were not in attendance.

**RESULTS:**

The Commission recommended the item for approval with the following stipulations (additions in blue text, deletions in red strikethrough text):

**Amend Section 1.5 (Jurisdiction) of Article I (General Provisions), such portions of section to read as follows:**

...

- h. Except as provided in Sections 3.6.c.5, ~~and~~ 4.5, **and 7.1.d.**, no building permit or certificate of occupancy shall be issued for any parcel or tract of land inside the city limits until such property has received final plat approval and is in substantial conformity with the provisions of these regulations, and no private improvements shall take place or be commenced except in conformity with these regulations.
- i. **For plats approved prior to [DATE OF ORDINANCE APPROVAL], if the Board of Adjustment grants a zoning variance to a minimum yard shown as a building setback line on a plat, the Building Official**

is authorized to issue a building permit or certificate of occupancy for development on the lot without requiring the removal of the platted building setback line consistent with the Board of Adjustment variance.

**Amend Subparagraph (g) of Paragraph 2 (General Application Requirements) of Subsection c (Application Procedure and Requirements) of Section 3.2 (Preliminary Plat) of Article III (Platting Procedures), such subparagraph to read in its entirety as follows:**

(g) Reserved ~~Building setback lines for residential properties.~~

**Amend Section 7.1 (Replatting of Land) of Article VII (Replatting Procedures), by adding a new subsection such additional subsection to read in its entirety as follows:**

- d. Pursuant to the authority granted to the city under Section 212.0045 of the Texas Local Government Code, no replatting is required to remove a building setback line from a recorded plat if the property owner has applied for and received a zoning variance to a minimum yard from the Board of Adjustment. The variance shall be recorded in the county land records by the applicant with proof of recording provided to the city prior to issuance of a building permit.

**That staff develop a form to provide to the applicant with filing instructions for the approved variance pursuant to new Subsection 7.1.d.**

To view the hearing, please click on the provided link:  
<https://planotx.new.swagit.com/videos/283409?ts=1142>

JR/kob

cc: Eric Hill, Assistant Director of Planning  
Mike Bell, Development Review Manager  
Christina Sebastian, Land Records Planning Manager

**AGENDA ITEM NO. 4**

**PUBLIC HEARING:** Subdivision Ordinance Amendment 2023-004

**PETITIONER:** City of Plano

**CASE PLANNER:** Jordan Rockerbie

**DESCRIPTION:** Request to amend Article I (General Provisions), Article III (Platting Procedures), Article VII (Replatting Procedures), and related sections of the Subdivision Ordinance to clarify the platting procedures for properties that receive zoning variances for minimum yards. Project #SOA2023-004.

**SUMMARY:**

The purpose of this request is to amend the Subdivision Ordinance to clarify platting procedures for properties that receive zoning variances for minimum yards. Currently, all residential plats are required to show building setback lines, which are typically identical to the minimum yard setbacks in the Zoning Ordinance. This results in duplication of work when a property owner seeks to vary a minimum front or side yard adjacent to a street, as they must replat the property to adjust the building line prior to receiving a zoning variance from the Board of Adjustment. The proposed amendments would clarify that a replat is not required. Staff recommends approval as noted in the recommendation section of this report.

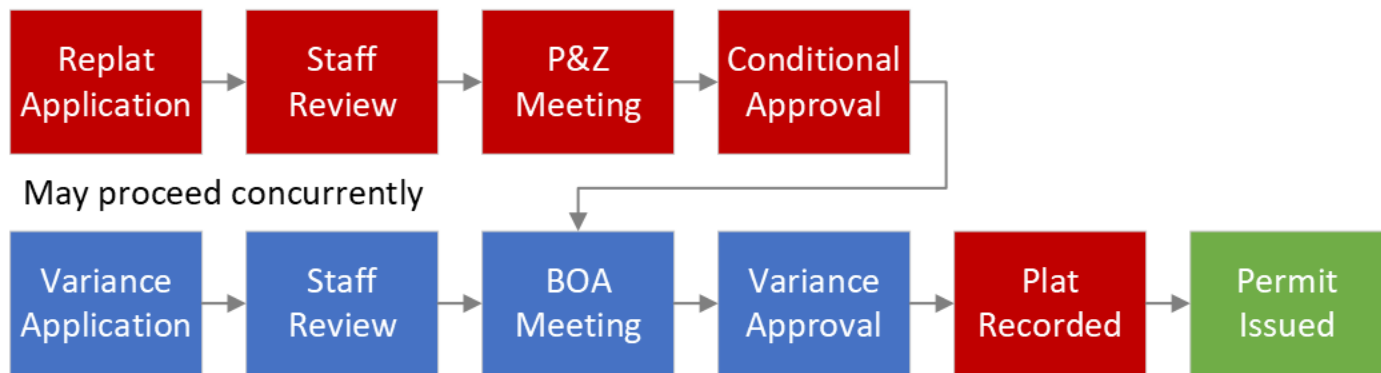
## STAFF PRELIMINARY REPORT - ANALYSIS

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On [October 16, 2023](#), the Planning & Zoning Commission called a public hearing to consider amendments to various sections of the Subdivision Ordinance pertaining to building setback lines on residential plats. The purpose of the amendments is to clarify the requirements for platted building lines and allow flexibility in issuing building permits for properties that receive zoning variances from the Board of Adjustment for minimum yards.

Currently, the Subdivision Ordinance requires that all residential lots (i.e., single-family or two-family) include platted building setback lines. Generally, these building setback lines are equivalent to the minimum required yards for the zoning district in the Zoning Ordinance, and only the setback lines adjacent to a street are shown.

This duplication of setback regulations causes an issue when a property owner requests and is granted a variance to the minimum front yard established by the Zoning Ordinance. Because the required setback is in both the Zoning Ordinance and on the plat, both need to be addressed in order to issue building permits under the regulations of the Subdivision Ordinance, as building permits must be issued in conformance with the final plat, including these building lines. This results in the property owner needing to submit a replat to the Planning & Zoning Commission for approval of the amended building setback line and petition the Board of Adjustment for approval of the zoning variance, and due to the requirements for zoning variances established in the Zoning Ordinance, the plat must be conditionally approved first, as shown in the following graphic.



Eliminating the replatting steps in this process – shown in red above – would simplify requests to vary minimum required yards, reducing applicant costs for plat preparation, application, and recording and reducing the time that both the applicant and staff must devote to the review and processing of these requests.

Under the proposed amendments, the Building Official would have the explicit authority to issue a building permit for new construction consistent with a zoning variance for a minimum yard granted by the Board of Adjustment without requiring a replat. The resulting process would remove the need to seek the Commission’s approval of a replat, making a successful petition to the Board of Adjustment the only requirement to receive a variance to the minimum required yard.

## STAFF PRELIMINARY REPORT - SUMMARY & RECOMMENDATION

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### SUMMARY:

The purpose of this request is to amend the Subdivision Ordinance to clarify platting procedures for properties that receive zoning variances for minimum yards. Currently, all residential plats are required to show building setback lines, which are typically identical to the minimum yard setbacks in the Zoning Ordinance. This results in duplication of work when a property owner seeks to vary a minimum yard, as they must replat the property to adjust the building setback line prior to receiving a zoning variance from the Board of Adjustment. The proposed amendments would clarify that a replat is not required.

### RECOMMENDATION:

Recommended that the Commission approve Subdivision Ordinance amendments as follows (additions in blue text, deletions in ~~red strikethrough text~~).

**Amend Section 1.5 (Jurisdiction) of Article I (General Provisions), such portions of section to read as follows:**

...

- h. Except as provided in Sections 3.6.c.5, ~~and~~ 4.5, ~~and~~ 7.1.d., no building permit or certificate of occupancy shall be issued for any parcel or tract of land inside the city limits until such property has received final plat approval and is in substantial conformity with the provisions of these regulations, and no private improvements shall take place or be commenced except in conformity with these regulations.
- i. For plats approved prior to [DATE OF ORDINANCE APPROVAL], if the Board of Adjustment grants a zoning variance to a minimum yard shown as a building setback line on a plat, the Building Official is authorized to issue a building permit or certificate of occupancy for development on the lot without requiring the removal of the platted building setback line consistent with the Board of Adjustment variance.

**Remove Subparagraph (g) of Paragraph 2 (General Application Requirements) of Subsection c (Application Procedure and Requirements) of Section 3.2 (Preliminary Plat) of Article III (Platting Procedures), and the remaining subparagraphs re-lettered:**

- (g) Reserved ~~Building setback lines for residential properties.~~

**Amend Section 7.1 (Replatting of Land) of Article VII (Replatting Procedures), by adding a new subsection such additional subsection to read in its entirety as follows:**

- d. Pursuant to the authority granted to the city under Section 212.0045 of the Texas Local Government Code, no replatting is required to remove a building setback line from a recorded plat if the property owner has applied for and received a zoning variance to a minimum yard from the Board of Adjustment.