

## Subdivision Ordinance Amendment 2023-003

An Ordinance of the City of Plano, Texas, amending the Introduction and Procedural Overview, Article I (General Provisions), Article II (Definitions), Article III (Platting Procedures), Article IV (Assurance for Completion and Maintenance of Improvements), Article V (Requirements for Public Improvements, Reservation and Design), and Article VII (Replatting Procedures) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as heretofore amended, related to House Bill 3699, including extension of certain plat approval authority to staff as permitted under the bill; 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 Zoning 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 26th day of February 2024, 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 its Subdivision Ordinance and 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 26th day of February 2024; 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.** The Introduction and Procedural Overview of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such portion of the Introduction and Procedural Overview to read as follows:

### **Introduction and Procedural Overview**

This is a summary for the convenience of the public to understand the basic process for subdivision. It does not supersede the actual regulations contained in Articles 1-7, below.

The Subdivision Ordinance of the City of Plano is designed to prepare land for development. A pre-application meeting is offered to review potential subdivision design before formal submittal. City of Plano engineering and planning staff will discuss stormwater impacts of the proposed development and opportunities to comply with stormwater quality and quantity goals of Plano's Texas Pollution Discharge Elimination System (TPDES) permit.

The process for gaining subdivision approval depends on the size and complexity of the subdivision. Minor subdivisions, which are subdivisions of four or fewer lots requiring no public improvements, may be approved by staff in a one-step process. Approval of major plats may involve from one to three steps depending on the nature of development. In addition, remainders of tracts being subdivided and parcels smaller than five acres but not proposed for improvement or development may in some instances be approved in a one-step process under the conveyance plat provisions of the ordinance. Some types of subdivisions are not regulated under this ordinance. No property may be developed without an approved plat. The general process of subdivision approval is described below.

1. Major Subdivision Approval Process - The approval process for a major subdivision typically begins with the preparation of a concept plan. This plan establishes a general schematic for the site development, primarily focusing on vehicular access and circulation. Concept plans may be used to separate large properties into parts for phasing site planning and development. A concept plan may be as simple as a plan defining the location of arterial or collector streets shown on the city's Thoroughfare Plan. However, a concept plan may also show the preliminary layout of local streets and lots. Approval of a concept plan showing the proposed street and lot layout is required prior to the submittal of a preliminary plat application for a residential subdivision. Concept plans may be used to define a phasing plan for the development of property. In this case, areas proposed for immediate development will be more detailed than future phases of the development. Concept plans for multi-phased projects may be amended and refined as subsequent phases are ready to proceed through the subdivision approval process.

The approval of a preliminary plat is the second step in processing a major subdivision. The preliminary plat must generally conform to the approved concept plan for the property. The preliminary plat is a detailed, fully dimensional plat and engineered plan for the subdivision. Following the approval of the preliminary plat by the Director of Planning and the release of the engineering plans by the Director of Engineering, the developer may begin construction of the site improvements. The preliminary plat may not be filed with the county clerk, nor may lots be sold with preliminary plat approval.

The final stage of the subdivision process is approval of the final plat. Once the improvements have been constructed, inspected, and approved for acceptance by the Director of Engineering, the final plat may be considered for approval. All corrections and alterations to the plat are made prior to approval, thus eliminating the reasons for most replats. If improvements have not been completed or if minor corrections are

needed, the developer and the city may enter into an improvement agreement specifying the work remaining and providing necessary surety for future performance. This agreement can be approved concurrent with a final plat, thereby allowing the plat to be filed and lots sold. If the developer elects to do so, he could enter into a development agreement with the city for all improvements. This would only be appropriate for small subdivisions, however.

2. Minor Subdivision Approval Process - The ordinance provides a one-step process for minor plats. A minor plat is defined as a subdivision of four or fewer lots not requiring any public improvements. Minor plats can be processed for either residential or nonresidential subdivisions. Minor plats can be approved by staff without any action by the Commission.
3. Conveyance Plats - The Subdivision Ordinance recognizes the need to subdivide and sell property without plans for its immediate development. In addition, a lot from a tract may be sold for development, leaving an unimproved remainder. A conveyance plat allows the recording of a subdivision without requiring the construction of public improvements. This alternative is an interim step in the subdivision process and may generally be used only where the parcels or lots being created are larger than five acres.

A conveyance plat is a boundary survey drawn as a plat. Easements, dedications, and reservations may be recorded on a conveyance plat. Engineering plans are not required to process a conveyance plat, unless the developer plans to construct limited improvements on the property. Engineering Inspection fees are not collected at the time of conveyance plat approval.

4. Review Time - Preliminary plats, final plats, replats, and conveyance plats will be acted on within 30 days of official submittal date. All plats not acted upon within this period will be considered approved.
5. Appeals - The action of staff concerning a plat may be appealed to the Commission. The action of the Commission regarding subdivision approval may be appealed to the Plano City Council.

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**Section II.** Section 1.4 (Authority) of Article I (General Provisions) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such section to read in its entirety as follows:

#### **1.4 Authority**

- a. These regulations are formulated under the powers granted by Chapter 212, Subchapters A and B of the Texas Local Government Code. The term "plat" as

used in Subchapter A and this ordinance shall also include within its definition the term "development plat" specified in Subchapter B, except where noted.

- b. In addition to its other responsibilities, the Commission of the City of Plano (hereinafter "Commission") is vested with the authority to review, approve, conditionally approve and disapprove applications for the platting or subdivision of land, including conveyance plats, preliminary plats, final plats, amended plats, preliminary replats, replats, and vacations of plats, subject to review by the Plano City Council (hereinafter "Council"). The Commission may grant variances from these regulations pursuant to the provisions of Section 1.11.
- c. The Director of Planning is vested with the authority, as permitted by law, to review, approve, conditionally approve, and disapprove applications for conveyance plats, preliminary plats, final plats, nonresidential preliminary replats, nonresidential replats, minor plats, and amended plats. The Director of Planning may, for any reason, elect to present a plat to the Commission for approval.

**Section III.** Subsection 1.5.e of Section 1.5 (Jurisdiction) of Article I (General Provisions) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such subsection to read in its entirety as follows:

- e. 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 or the Director of Planning in accordance with these regulations.

**Section IV.** Section 1.12 (Waivers from Development Exactions) of Article I (General Provisions) 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 the section to read as follows:

### **1.12 Waivers from Development Exactions**

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- a. Petition for Relief - A petition must set forth the reasons for the waiver request and must indicate the dedication and/or construction requirements for which relief is being requested. The property owner or applicant must submit a written petition for relief to the Planning Department:
  - 1. For petitions for relief of conditions known prior to consideration, the written petition must be submitted:
    - (a) Prior to the approval by the Director of Planning of a conveyance plat, preliminary plat, final plat, or site plan, or

(b) At least 10 days prior to the scheduled consideration by the Commission of a conveyance plat, preliminary plat, final plat, or site plan.

2. For relief from conditions of approval originated by the Commission at its meeting during its consideration of a conveyance plat, preliminary plat, final plat, or site plan, the written petition must be submitted no later than 10 days following the Commission's action. During the review of the petition, the approved plat or site plan, and any permits based on that document, will be suspended until the resolution of the petition for relief.

b. Consideration of Development Application - After receipt of a petition for relief, the Planning Department shall schedule consideration of the plat or site plan, within 30 days or within any time frame required by state law. The Commission shall approve the plat or site plan subject to future consideration of the applicant's petition for relief from a dedication or construction requirement, or disapprove the plat or site plan.

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i. Plat or Site Plan Modification - If a plat or site plan for which relief was granted is modified to increase the number of residential units or the intensity of nonresidential uses, the Director of Engineering may prepare a new study to validate the relief. The petitioner may file for relief, and the new application and study shall be submitted and processed according to the procedures outlined above.

**Section V.** 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 to add Subsection e (Approval Authority), amend definitions, and reletter accordingly as follows:

## **2.2 Words and Terms Defined**

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e. Approval Authority - The entity authorized to take action on a plat, including approval, conditional approval, disapproval, or other options that may be provided under this ordinance. Typically, either the Director of Planning or the Planning & Zoning Commission.

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aa. Development Regulations - The term used to collectively refer to the following city codes and ordinances, as amended:  
1. Zoning Ordinance;

2. Subdivision Ordinance;
3. Street Design Standards; and
4. Any other development-related code or ordinance that is referenced herein.

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- ii. Final Plat - The map of a subdivision or addition to be recorded after approval and any accompanying material and additional requirements as described in these regulations.

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- ccc. Preliminary Plat - The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision or addition to be submitted for approval.

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**Section VI.** Section 3.1 (General) of Article III (Platting Procedures) 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 the section to read as follows:

### **3.1 General**

- a. Classification of Subdivisions and Additions - Before any land is platted, the property owner shall apply for and secure approval of the proposed subdivision plat or addition plat in accordance with the following procedures, unless otherwise provided by these regulations. Subdivisions are classified as major or minor depending on the number of lots proposed and the extent of public improvements required.

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Except as otherwise permitted, approval of a preliminary plat is required prior to the construction of public improvements on or for the property. The preliminary plat and the associated engineering plans for the property may be amended during construction, with only major changes requiring reapproval by the Approval Authority.

Upon completion of the required public improvements, or the provision of a subdivision improvement agreement described under Article IV, the owner may submit a corrected final plat for the development. Lots may be sold and building permits obtained after approval of the plat by the Approval Authority and filing of the signed plat. The preliminary plat process may be omitted if the owner enters into a subdivision improvement agreement with the city and provides sufficient

surety for all proposed public improvements. If the preliminary plat process is omitted, engineering plans must be submitted in conjunction with the final plat.

- b. Official Submission Date for Items Requiring Commission and Staff Approval - The Planning Department shall publish at least 30 days prior to the beginning of each year a calendar of official submittal dates to facilitate compliance with the statutorily-required approval process. This calendar will generally specify two submittal dates for each calendar month, and must specify one submittal date for each calendar month. An application or plat is considered submitted on the first submittal date on or after the date that: 1) the fee is paid; 2) other requirements permitted by law are met; and 3) the applicant delivers the application or plat to the City of Plano Planning Department or deposits the application or plat with the United States Postal Service by certified mail addressed to the City of Plano Planning Department. The date on which the application is submitted shall constitute the filing date, after which the statutory period required for approval or disapproval of the plat shall commence to run.
- c. Approval Criteria - Applications for the approval of plats as defined by this ordinance shall be evaluated for compliance with these regulations and the requirements contained in the city's Development Regulations. The determination of infrastructure needs and capacity and the delineation of floodplain or other limitations on development will be done only during the review and approval of either a preliminary or a final plat complete with required engineering plans and studies. The approval of any plat other than a preliminary plat does not certify the availability or capacity of infrastructure or that the property is suitable for development.
- d. Statutory Compliance Procedure -
  1. The Approval Authority shall approve, conditionally approve, or disapprove the application. In the case of conditional approval or disapproval, the Approval Authority shall identify the requirements which must be satisfied in order to obtain approval of the application, with citation to the appropriate regulation or law. Approval, conditional approval, or disapproval must occur prior to the expiration of thirty (30) calendar days following the official submission date. If the Approval Authority fails to take the required action on an application within thirty (30) calendar days following the official submission date, the application shall be deemed approved.
  2. After conditional approval or disapproval, if the applicant resubmits the application, the Approval Authority has fifteen (15) calendar days following the official resubmission date to determine whether the resubmittal remedies all of the identified requirements as described above or if the resubmission is again conditionally approved or denied. If the resubmission is conditionally approved or denied, the Approval Authority shall identify the remaining requirements which must be satisfied in order to obtain approval of the

resubmittal with citation to the appropriate regulation or law. If the Approval Authority fails to take the required action on a resubmittal within fifteen (15) calendar days following the official resubmission date, the application shall be deemed approved.

3. The Approval Authority may extend the period of time for review of the application for a period up to thirty (30) days, but may only do so upon receipt of a written request of the applicant. The Approval Authority may suggest that the applicant withdraw a plat application that is not ready for approval to avoid denial. The applicant may resubmit a withdrawn application for a project with no additional fees if it is rescheduled within sixty (60) calendar days following the date of withdrawal.

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**Section VII.** Section 3.2 (Preliminary Plat) of Article III (Platting Procedures) 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 the section to read as follows:

### **3.2 Preliminary Plat**

- a. Purpose - The purpose of the preliminary plat is to allow the Approval Authority to evaluate the proposed plat for conformity with requirements and conditions identified at the time of concept plan, preliminary site plan, or conveyance plat approval and to evaluate construction plans for public improvements or to provide adequate security for construction of the same.
- b. Applicability - A preliminary plat is required for all major subdivisions prior to the construction of public improvements. If a preliminary plat is omitted, a final plat shall be required in conformance to Section 3.5. If a property has previously been platted, a preliminary replat may be used, following the procedures of a preliminary plat and those outlined in Section 7.1.
- c. Application Procedure and Requirements - On forms approved by the city, the applicant shall file for approval of a preliminary plat, which conforms substantially with the concept plan, preliminary site plan, or conveyance plat submitted by the applicant. The plat shall be prepared by or under the supervision of a registered public surveyor in the State of Texas and shall bear his seal, signature and date on each sheet. The payment of all applicable fees shall be required at the time of submission.
  1. Pre-Application Meeting - A pre-application meeting is offered to review potential subdivision design with the staff of the Planning and Engineering Departments before submittal. The purposes of the pre-application meeting are to review the proposed development with regard to stormwater



requirements (see Section 5.6.e) and goals of Plano's TPDES permit; to discuss the procedures for approval of the plat and the requirements as to general layout of streets and/or reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services; and to discuss application procedures and submittal requirements. Pre-application meeting notes will be provided to the applicant after the meeting.

2. General Application Requirements - Copies of the proposed preliminary plat shall be at a scale of 1" = 100' or larger and in a form substantially as follows:

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(m) Documents necessary for dedication of right-of-way

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3. Standards for Approval - No preliminary plat shall be approved by the Approval Authority unless the following standards have been met:

(a) The plat substantially conforms with the approved concept plan, preliminary site plan, or conveyance plat or other study as provided in Section 3.2.c.

(b) The construction plans have been reviewed by the Director of Engineering.

(c) Provision for installation and dedication of public improvements has been made.

(d) The plat conforms to applicable zoning and other regulations.

(e) The plat meets all other requirements of these regulations.

4. Timing of Public Improvements -

(a) All public improvements must be installed, offered for dedication, and ready for acceptance by the city prior to the signing of the final plat by the Director of Planning or Chair of the Commission, except the Director of Engineering may permit or require the deferral of the construction of public improvements if in their judgment, deferring the construction would not result in any harm to the public, or offer significant advantage in coordinating the site's development with adjacent properties and offsite public improvements. When deferments of construction of public improvements are permitted:

- i. Any required public improvement(s) approved for deferred construction must be provided for as required in Article IV prior to the approval of the final plat. (See Section 4.4).
    - ii. The Director of Engineering shall require that the applicant execute an improvement agreement and provide security for the agreement as provided in Section 4.1.b.
  - (b) This procedure shall also apply to the approval of a final plat if the preliminary plat is omitted.
  - (c) The applicant may appeal the decision of the Director of Engineering with regard to timing of public improvements by filing a Notice of Appeal in the office of the Director of Planning, no later than ten (10) calendar days after the date on which the Director of Engineering notifies the applicant of their decision. The Notice of Appeal shall set forth in clear and concise fashion the basis for the appeal. The Planning & Zoning Commission shall consider the appeal at a public meeting no later than forty-five (45) calendar days after the date on which the Notice of Appeal is filed. The Commission may affirm, modify, or reverse the decision of the Director of Engineering and may, where appropriate, remand the plat to the Director of Planning for further proceedings consistent with the Commission's decision.
5. Approval Procedure - After review of the preliminary plat, the report and recommendation of the Director of Engineering on the construction plans, and any exhibits submitted, the applicant shall be advised of any required changes and/or additions. The Director of Planning shall approve or disapprove the preliminary plat. One (1) copy of the proposed preliminary plat shall be returned to the owner with the date of approval, conditional approval or disapproval and the reasons therefore accompanying the plat. If the Director of Planning disapproves the proposed preliminary plat, the applicant may execute an appeal in the manner prescribed in Section 3.8.
6. Effect of Approval - Approval of a preliminary plat by the Director of Planning constitutes authorization for the Director of Engineering to release construction plans subject to their final approval and for the Director of Engineering to authorize for the property owner to commence grading of the site and construction of such public improvements as are required by the Director of Engineering. Approval of a preliminary plat also authorizes the property owner, upon fulfillment of all requirements and conditions of approval, to submit for approval an application for final plat approval. Upon release of the construction plans, the Director of Engineering may, upon request of the applicant, issue a certificate indicating the construction plans have been released and construction of the improvement is thereafter

authorized. Additional certificates may be issued by the Director of Engineering authorizing the construction of private utilities on a phased schedule. The certificate shall read as follows:

“The preliminary plat for (insert name of the subdivision or addition) as approved by the Director of Planning on (insert date of approval) is authorized for use with engineering plans for the construction of public improvements as approved by the Director of Engineering. A final plat shall be approved by the Director of Planning upon the completion of all public improvements or the provision of a subdivision improvement agreement under the terms of the Subdivision Ordinance and submission of a final plat in compliance with Section 3.5 of the Subdivision Ordinance of the City of Plano.”

Zoning regulations that affect exterior appearance of a single-family house or the landscaping of a single-family lot and that are adopted after approval of a preliminary plat for a single-family residential development, shall not apply for a period of two (2) years following the latter of the date of plat approval or the date of the acceptance of public improvements related to the plat.

7. Lapse of Preliminary Plat Approval - The approval of a preliminary plat shall be effective for a period of two (2) years following the date that the preliminary plat is approved by the Approval Authority, at the end of which time the applicant must have submitted and received approval for a final plat. If a final plat is not submitted and approved within two (2) years, the preliminary plat approval shall be null and void, and the applicant shall be required to submit a new plat for review subject to the then existing zoning restrictions and subdivision regulations. (See Section 3.4 concerning extensions and reinstatement of approval.)

d. Construction Plan Procedure and Requirements -

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2. Construction Plan Review Procedure - Copies of the construction plans, and the required number of copies of the plat shall be submitted to the Director of Engineering for final approval. The plans shall contain all necessary information for construction of the project, including screening walls, permanent BMPs, and other special features. All materials specified shall conform to the Engineering Construction Standards of the city. Each sheet of the plans shall contain a title block including space for the notation of revisions. This space is to be completed with each revision to the plan sheet and shall clearly note the nature of the revision and the date the revision was made. The Director of Engineering will release the plans for construction, after approval of the preliminary plat by the Approval Authority and payment of all inspection fees. Upon such release, each Contractor shall maintain one

set of plans, stamped with city release, on the project at all times during construction. This procedure shall also apply to approval of a final plat, if a preliminary plat is omitted. (Also see Sections 4.2 and 4.3)

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**Section VIII.** Section 3.3 (Amendments to Preliminary Plat) of Article III (Platting Procedures) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such section to read in its entirety as follows:

### **3.3 Amendments to Preliminary Plat**

- a. At any time following the approval of a preliminary plat, and before the lapse of such approval, a property owner may request an amendment. The rerouting of streets, addition, or deletion of alleys, or addition or deletion of more than ten (10) percent of the approved number of lots shall be considered a major amendment. The adjustment of street and alley alignments, lengths, and paving details, the addition or deletion of lots within ten (10) percent of the approved number, and the adjustment of lot lines shall be considered minor amendments.
- b. The Director of Planning may approve or disapprove minor amendments. Major amendments may be approved in accordance with the same requirements for the approval of a preliminary plat.
- c. Approval - The Approval Authority shall approve, conditionally approve, or disapprove any proposed amendment and may make any modifications in the terms and conditions of preliminary plat approval reasonably related to the proposed amendment.
- d. Retaining Previous Approval - If the applicant is unwilling to accept the proposed amendment under the terms and conditions required by the Approval Authority, the applicant may withdraw the proposed amendment or may appeal the action in accordance with Section 3.8.

**Section IX.** Section 3.5 (Final Subdivision Plat) of Article III (Platting Procedures) 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 the section to read as follows:

### **3.5 Final Subdivision Plat**

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- c. Application Procedure and Requirements - A final plat may be approved by the Director of Planning in accordance with Section 1.4.c. Final plats shall comply

to the preliminary plat where applicable. The application shall be accompanied by the following:

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3. Improvement agreement and security -

- (a) The improvement agreement shall include a provision that the property owner will comply with all the terms of the final plat approval as determined by the Commission.
- (b) The security shall be in a form satisfactory to the City Attorney and in the amount of the cost of the improvements as established by the Director of Engineering.

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- e. Approval Procedure - Minor or final plats may be approved by the Director of Planning or referred to the Commission in accordance with Section 1.4.c. In the event of disapproval, reasons for disapproval shall be stated. One (1) copy of the final subdivision plat shall be returned to the applicant with the date of approval, conditional approval, or disapproval noted on the final plat, and, if the final plat is disapproved, the reasons for disapproval accompanying the final plat.
- f. Appeals - If the Director of Planning disapproves the final plat, the applicant may appeal to the Commission in the manner prescribed in Section 3.8.
- g. Certificate of Compliance - Upon final approval of a final plat required by these regulations, the Director of Planning shall issue to the person applying for approval a certificate stating that the final plat has been approved by the Approval Authority. For purposes of this section, final approval shall not occur until all conditions of approval have been met.
- h. Signing and Recording of Final Plat -
  - 1. When an improvement agreement and security are required, the Approval Authority shall endorse approval on the final plat after the agreement and security have been approved by the Director of Engineering and City Attorney, and all the conditions pertaining to the final plat have been satisfied.
  - 2. When installation of public improvements is required prior to recordation of the final plat, the Approval Authority shall endorse approval on the final plat after all conditions of approval have been satisfied and all public improvements satisfactorily completed. There shall be written evidence that the required public improvements have been installed in a manner satisfactory to the city as shown by a certificate signed by the Director of

Engineering stating that the necessary dedication of public lands and installation of public improvements has been accomplished. (See Section 4.3)

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- j. Lapse of Final Plat Approval - The approval of a final plat shall be effective for a period of six (6) months following the date that the final plat is approved by the Approval Authority, at the end of which time the applicant must have recorded the final plat with the County Clerk. If the applicant has not met the requirements for recording of the final plat with the County Clerk within six (6) months, the final plat approval shall be null and void, and the applicant shall be required to submit a new plat for review subject to the then existing zoning restrictions and subdivision regulations. No Certificate of Occupancy or Change of Occupancy permit will be allowed for the property until the applicant has recorded the final plat with the County Clerk. (See Section 3.4 concerning extensions and reinstatement of approval.)

**Section X.** Section 3.6 (Conveyance Plats) of Article III (Platting Procedures) 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 section to read as follows:

### **3.6 Conveyance Plats**

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- c. Application Procedure and Requirements -
    - 1. Pre-Application Meeting - A pre-application meeting is offered to review potential subdivision design with the staff of the Planning and Engineering Departments before submittal. The purposes of the pre-application meeting are to review the proposed development with regard to stormwater requirements (see Section 5.6.e) and goals of Plano's TPDES permit; to discuss the procedures for approval of the plat and the requirements as to general layout of streets and/or reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services; and to discuss application procedures and submittal requirements. Pre-application meeting notes will be provided to the applicant after the meeting.
- ...
- 4. Approval Procedure - Conveyance plats shall be approved provided they comply with all appropriate ordinances and the Comprehensive Plan. The Director of Planning must approve, conditionally approve, or deny a

conveyance plat no later than thirty (30) calendar days following the official submission date. If denied, the Director of Planning shall provide a written explanation of the reason for denial. If the Director of Planning fails to approve or deny the application within thirty (30) calendar days following the official submission date, the conveyance plat shall be deemed approved.

5. Signing and Filing -

- (a) After the approval of the conveyance plat by the Approval Authority, and the correction of the conveyance plat if required, the property owner shall be responsible for filing the plat with the applicable County. The property owner may request a delay of filing the approved conveyance plat for up to six (6) months following the date of approval. Any conveyance plat which has not been filed with the County within six (6) months following the date of approval shall be void. Prior to filing with the County, the property owner may withdraw and void a conveyance plat. Any conveyance plat withdrawn and/or voided, must be later resubmitted as a new project under then-current regulations and procedures and reapproved by the Approval Authority and filed with the County. Prior to filing, the Approval Authority shall endorse approval of the conveyance plat. One (1) copy of the recorded conveyance plat shall be returned to the Director of Planning within seven (7) calendar days following its filing at the applicable county. Failure to record the conveyance plat and to submit a copy of the recorded plat to the Planning Department, within the respective time frames above, shall be deemed a violation pursuant to Section 1.13 of these regulations. The city shall have the right, but not the obligation, to cause an approved conveyance plat to be recorded with the applicable County.

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**Section XI.** Subsection 3.7.b of Section 3.7 (Development Plat) of Article III (Platting Procedures) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such subsection to read in its entirety as follows:

- b. A pre-application meeting is offered to review potential subdivision design with the staff of the Planning and Engineering Departments before submittal. The purposes of the pre-application meeting are to review the proposed development with regard to stormwater requirements (see Section 5.6.e) and goals of Plano's TPDES permit; to discuss the procedures for approval of the plat and the requirements as to general layout of streets and/or reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services; and to discuss application procedures and submittal requirements. Pre-application meeting notes will be provided to the applicant after the meeting.

**Section XII.** Section 3.8 (Appeals to Council) of Article III (Platting Procedures) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such section to read in its entirety as follows:

### **3.8 Appeals**

- a. Decisions of the Director - The applicant or two members of the Commission or Council may appeal to the Commission the decision of the Director of Planning to approve or deny any type of plat.
- b. Decisions of the Commission - The applicant, Director of Planning, or two members of Council may appeal to City Council the decision of the Commission to approve or deny any type of plat or variance.
- c. Procedures and Actions - A Notice of Appeal must be filed in the office of the Director of Planning, no later than ten (10) calendar days after the date on which the Approval Authority notifies the applicant of its decision. Such notification may take place by means of an oral ruling by the Commission or Council at a public meeting. Written notice of any appeal shall be sent to the property owner. The Notice of Appeal shall set forth in clear and concise fashion the basis for the appeal. The Commission or Council shall consider the appeal at a public meeting no later than forty-five (45) calendar days after the date on which the Notice of Appeal is filed. The Commission or Council may affirm, modify, or reverse the decision of the Director of Planning or Commission and may, where appropriate, remand the plat to the Director of Planning or Commission for further proceedings consistent with Commission or Council's decision.

**Section XIII.** 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 the section to read as follows:

### **4.1 Improvements and Subdivision Improvement Agreement**

- a. Completion of Improvements - Except as provided below, before any type of recordable plat is signed by the Chair of the Commission or Director of Planning, 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 Approval Authority, 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.

b. Improvement Agreement and Guarantee -

1. Agreement -

(a) The Director of Engineering 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.

...

2. Improvement Agreement Required for Oversize Reimbursement - The city shall require an improvement agreement pertaining to any public improvement for which the developer shall request reimbursement from the city for oversize costs as provided in Article V. The Director of Engineering shall authorize the approval of such agreement if it meets all applicable requirements of the city, and the city shall not withhold approval as a means of avoiding compensation due under the terms of this ordinance. The Director of Engineering is authorized to sign an improvement agreement on behalf of the city.

...

4. Letter of Credit - If the Director of Engineering authorizes the property owner to post a letter of credit as security for its promises contained in the improvement agreement, the letter of credit shall:

...

- c. Temporary Improvements - The property owner shall build and pay for all costs of temporary improvements required by the city and shall maintain those temporary improvements for the period specified by the Director of Engineering. Prior to construction of any temporary facility or improvement, the owner shall file with the city a separate improvement agreement and escrow, or, where authorized, a letter of credit, in an appropriate amount for temporary facilities, which agreement and escrow or letter of credit shall ensure that the temporary facilities will be properly constructed, maintained, and removed.

...

- f. Acceptance of Dedication Offers - Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by authorization of the Director of Engineering. The approval by the Approval Authority of any type of plat shall not in or of itself be deemed to constitute or imply the acceptance by the city of any street, easement, or park shown on the plat. The Approval Authority may require the plat to be endorsed with appropriate notes to this effect.

...

**Section XIV.** Paragraph c.1 of Subsection c (Conditions Prior to Authorization) of Section 4.2 (Construction Procedures) 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 paragraph to read in its entirety as follows:

1. The preliminary plat shall be approved by the Approval Authority.

**Section XV.** Subsection b (Certificate of Satisfactory Completion) of Section 4.3 (Inspection of Public Improvements) 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 portion of the subsection to read as follows:

- b. Certificate of Satisfactory Completion - The city will not accept dedication of required public improvements until the applicant's engineer or surveyor has certified to the Director of Engineering that all required public improvements have been completed through submission of detailed record drawings (also called "as-builts") of the property, indicating location, dimensions, materials, and other information required by the Commission, Director of Planning, or the Director of Engineering. The record drawings shall show the following:

...

**Section XVI.** Section 4.4 (Deferral of Required Improvements) 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 section to read in its entirety as follows:

#### **4.4 Deferral of Required Improvements**

- a. The Director of Engineering may, upon petition of the property owner and favorable recommendation of the Director of Planning, defer at the time of final approval of the plat, subject to appropriate conditions, the provision of any or all public improvements as, in their judgment, are not required in the interests of the public health, safety, and general welfare. (See Section 3.2.c.4)
- b. Whenever a petition to defer the construction of any public improvement required under these regulations is granted by the Director of Engineering, the property owner shall deposit in escrow his share of the costs (in accordance with Article VI of this ordinance) of the future public improvements with the city prior to signing of the final plat, or the property owner may execute a separate improvement agreement secured by a cash escrow or, where authorized, a letter of credit or other surety approved by the City Attorney guaranteeing completion of the deferred public improvements upon demand of the city.

**Section XVII.** Section 5.1 (General Requirements) 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 the section to read as follows:

#### **5.1 General Requirements**

- a. Plats Straddling Municipal Boundaries - Whenever access to the subdivision or development is required across land in another municipality, the city may request assurance from that municipality's attorney that access is legally established, and from its engineer that the access road is adequately improved, or that a bond has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal, county, or school district boundary lines.

...

- d. Character of the Land - Land that the Directors of Planning and Engineering find to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or development and/or its surrounding areas, shall not be subdivided or platted unless adequate methods are formulated by the owner and approved by the

Directors of Planning and Engineering, to solve the problems created by the unsuitable land conditions.

...

**Section XVIII.** Section 5.2 (Lot Design and Improvements) 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 the section to read as follows:

## **5.2 Lot Design and Improvements**

...

### **b. Typical Neighborhood Development -**

1. General - A residential plat shall be subject to all the requirements of these regulations, except those that clearly pertain only to nonresidential or mixed-use properties, as well as such additional development standards as may be required, and shall conform to the proposed land use and standards established in the Comprehensive Plan and Zoning Ordinance. Site plan approval and plat approval may proceed simultaneously at the discretion of the Director of Planning.
2. Design Principles - In addition to these regulations, which are appropriate to all platting, the applicant shall demonstrate to the satisfaction of the Approval Authority that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity.

...

### **c. Nonresidential and Traditional Multifamily Developments -**

1. General - A nonresidential or multifamily plat shall be subject to all the requirements of these regulations, except those that clearly pertain only to residential or mixed-use properties, as well as such additional development standards as may be required, and shall conform to the proposed land use and standards established in the Comprehensive Plan and Zoning Ordinance. Site plan approval and plat approval may proceed simultaneously at the discretion of the Director of Planning.

2. Design Principles - In addition to these regulations, which are appropriate to all platting, the applicant shall demonstrate to the satisfaction of the Approval Authority that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles shall be observed:

...

d. Mixed-Use Development -

1. General - A mixed-use development plat shall be subject to all the requirements of these regulations as well as such additional development standards as may be required, and shall conform to the proposed land use and standards established in the Comprehensive Plan and Zoning Ordinance. Where conflicts exist with neighborhood, nonresidential, and multifamily property requirements, the provisions of this section shall apply. Site plan approval and plat approval may proceed simultaneously at the discretion of the Director of Planning.

2. Design Principles - In addition to these regulations, which are appropriate to all platting, the applicant shall demonstrate to the satisfaction of the Approval Authority that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles shall be observed:

...

3. Frontage Standards -

...

- (c) Mews - Where appropriate based on the Thoroughfare Plan Map and Street Design Standards, mixed-use lots may front a mews street in subdivisions where the following conditions apply:

...

- iii. If the use of a mews makes it appear that a residential lot fronts onto a Type B or C street, as determined by the Director of Engineering, a fence or wall that meets City standards shall be installed between the front yard of the home and the public sidewalk along the street.

...

**Section XIX.** 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 the section to read as follows:

#### **5.4 Streets and Thoroughfares**

...

- b. Design Standards - In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, sanitation, and street-maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, an adequate street and thoroughfare system shall be designed in accordance with the standards set forth in these regulations, together with those contained in the city's Engineering Construction Standards. In the event of a conflict between these or other regulations and those contained in such documents, the more specific, and/or restrictive provisions shall be applied.

...

- e. Street Dedications and Reservations -

- 1. 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 Director of Planning, 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 Street Design Standards.

...

**Section XX.** Subsection c (Pedestrian Accesses) of Section 5.5 (Sidewalks and Bikeways) 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 subsection to read in its entirety as follows:

- c. Pedestrian Accesses - The Approval Authority may require, in order to facilitate pedestrian access from the streets to schools, parks, playgrounds, or other nearby streets, perpetual unobstructed easements at least fifteen (15) feet in width. Easements shall be indicated on the plat.

**Section XXI.** Section 5.6 (Drainage, Storm Sewers, and Permanent BMPs) 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 the section to read as follows:

### **5.6 Drainage, Storm Sewers, and Permanent BMPs**

...

- b. Design of Facilities -

...

- 3. Effect on Downstream Drainage Areas - The owner's engineer, subject to approval by the Director of Engineering, shall study the effect of each development's stormwater runoff on the existing underground drainage facilities immediately downstream of the development. Where it is determined that existing capacity is not available immediately downstream, the owner's engineer shall design a drainage system, detention facility, or parallel system to mitigate the deficiency. The Approval Authority may withhold approval of the plat until such mitigation has been provided. If oversize improvements are required, then the city shall participate in the cost as prescribed by these regulations.

...

- c. Creeks and Floodplains -

- 1. Floodplain Restrictions - The Director of Engineering shall, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, or where prohibited in the Flood Damage Prevention provisions in the city's Code of Ordinances (Chapter 16, Article VIII) prohibit development of any portion of the property which lies within the floodplain of

any stream or drainage course. These floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste or material, or stumps, except at the discretion of the Director of Engineering. Floodplains are also subject to the restrictions of the tree preservation requirements in the Zoning Ordinance.

...

**Section XXII.** Paragraph a.4 of Subsection a (General Requirements) of Section 5.7 (Park Access) 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 paragraph to read in its entirety as follows:

4. Where a nonresidential use must directly abut a park, the use must be separated by a screening wall or fence and landscaping. Access points to the park may be permitted by the Approval Authority if public benefit is established.

**Section XXIII.** Paragraph 2 (Preliminary Plat and Final Plat) of Subsection b (Procedure for Reserving Land) of Section 5.12 (Public Uses) of Article V (Requirements of 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 paragraph to read in its entirety as follows:

2. Preliminary Plat and Final Plat - All preliminary and final plats submitted for approval shall continue to reserve sites for public use as designated on approved land studies or concept plans. The city shall initiate acquisition of any area reserved for public use on a plat within one (1) year following the date of approval of the plat, unless the period is extended by the mutual agreement of the city and the developer. The reservation shall be made void if the city fails to initiate acquisition of the area reserved within this period and the area shall be free for development in accordance with these regulations.

**Section XXIV.** Section 7.1 (Replatting of Land) of Article VII (Replatting Procedures) 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 the section to read as follows:

## **7.1 Replatting of Land**

...

- b. Replatting Without Vacating Preceding Plat - A replat of a final plat or portion of a final plat may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:



1. Is signed and acknowledged by only the owners of the property being replatted;
2. Is properly approved; and
3. Does not attempt to amend or remove any covenants or restrictions previously incorporated in the final plat.

c. Additional Requirements for Certain Replats -

...

2. Final action on the replat may be taken only after a public hearing before the Commission on the matter at which parties in interest and citizens have an opportunity to be heard. Notice of the hearing shall be given before the fifteenth (15th) day before the date of the hearing by publication in an official newspaper or a newspaper of general circulation in the county and by written notice, with a copy of Section 7.1.c.3 attached, forwarded by the Commission to the owners, as indicated on the most recently approved ad valorem tax roll of the city, of property in the original subdivision within two hundred (200) feet of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the city.

...

**Section XXV.** Subsection 7.2.a of Section 7.2 (Amending Plats) of Article VII (Replating Procedures) 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 the subsection to read as follows:

- a. The Director of Planning may, upon petition of the property owner or developer, approve and issue an amending plat which is signed by the applicants only unless otherwise required to the contrary and which is for one (1) or more of the purposes set forth in this section, and such approval and issuance shall not require notice, hearing, or approval of other lot owners. This subsection shall apply only if the sole purpose of the amending plat is:

...

6. To correct any other type of scrivener or clerical error or omission as previously approved by the Approval Authority; such errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent recorded plats;

...

**Section XXVI.** Subsection e (Government Initiated Plat Vacation) of Section 7.3 (Plat Vacation) of Article VII (Replatting Procedures) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such portion of the subsection to read as follows:

e. Government Initiated Plat Vacation -

1. General Conditions - The Commission, on its motion, may vacate the plat of an approved subdivision or addition when:

- (a) No lots within the approved plat have been sold within five (5) years from the date that the plat was signed by the Director of Planning or Chair of the Commission;

...

**Section XXVII.** 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 XXVIII.** 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 XXIX.** 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 XXX.** 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 XXXI.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED** on the 26th day of February, 2024.

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John B. Muns, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY