

CITY OF PLANO SUBDIVISION ORDINANCE

Introduction and Procedural Overview

The Subdivision Ordinance of the City of Plano is designed to prepare land for development. Prior to submission of applications, a pre-application meeting is required. The purpose of the meeting is to review potential subdivision design before formal submittal. City of Plano engineering and planning staff will discuss storm water impacts of the proposed development and opportunities to achieve storm water 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. These exempt subdivisions include divisions of property where no part being created is smaller than 20 acres, certain forms of lease holds, divisions created through inheritance, and divisions created by the action of a court of law. However, no property may be developed without an approved plat. The general process of subdivision approval is described below. This description does not substitute for the actual regulations contained in Articles 1-7.

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 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 with 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 Planning & Zoning Commission and the release of the engineering plans by the City Engineer, the developer may begin construction of the subdivision 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 City Engineer, the final plat may be presented to the Planning & Zoning Commission 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 Planning & Zoning 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. Development fees are not collected at the time of conveyance plat approval.

4. Review Time - Preliminary plats, final plats and conveyance plats will be acted on within 30 days of filing. All plats not acted upon within this time frame will be considered approved. Minor plats may be processed in a shorter period, since they only require staff approval. All other approvals require the action of the Planning & Zoning Commission.

5. Appeals - The action of staff concerning a minor plat may be appealed to the Planning & Zoning Commission. The action of the Planning & Zoning Commission regarding subdivision approval may be appealed to the Plano City Council.

SUBDIVISION PROCESS

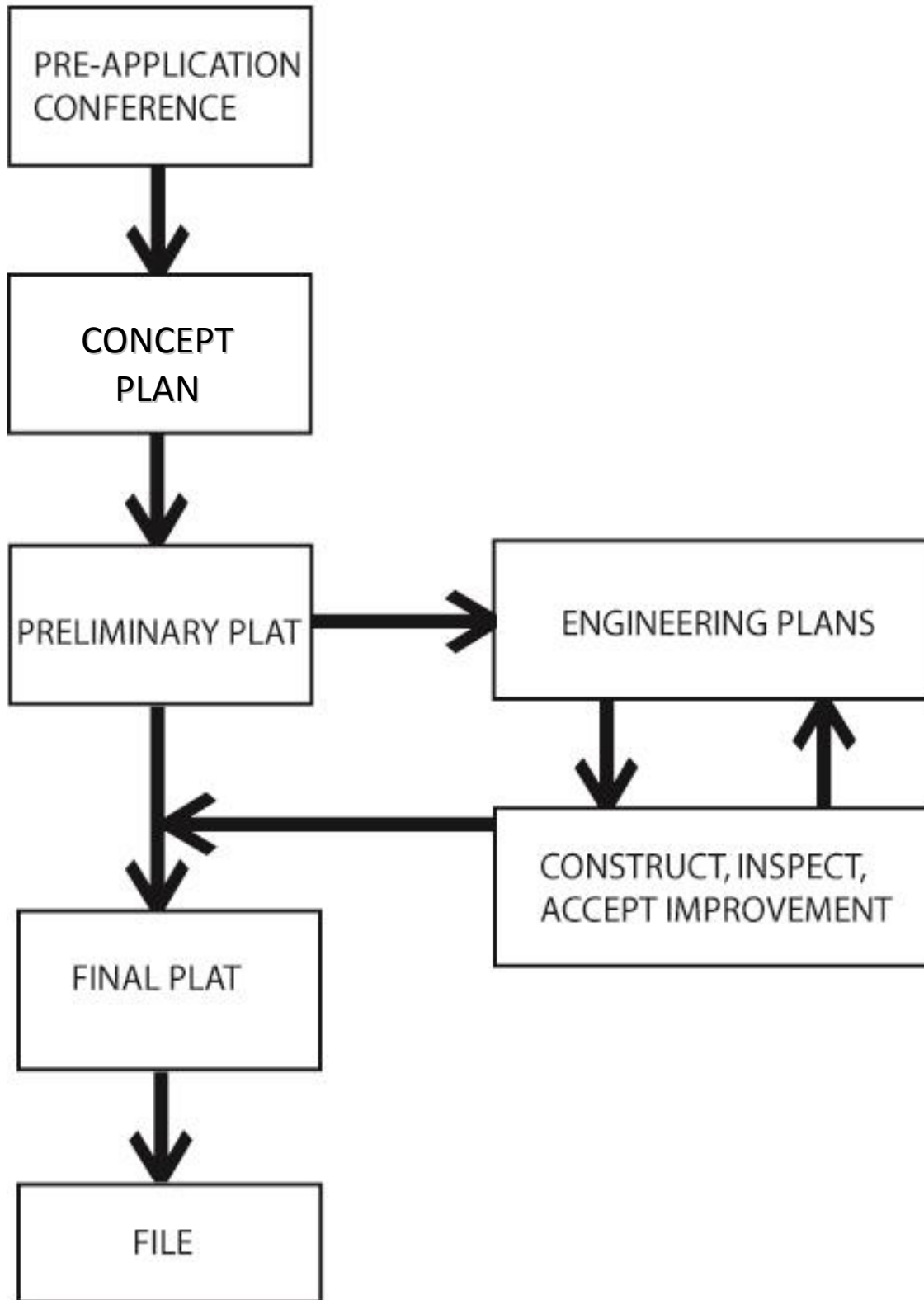


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ARTICLE I. GENERAL PROVISIONS

1.1 Title

These regulations shall be officially known, cited and referred to as the Subdivision Regulations of the City of Plano (hereinafter "these regulations").

1.2 Policy

- a. The subdivision or platting of land and the subsequent development of the land is subject to the control of the city pursuant to the Comprehensive Plan for the orderly, planned, efficient, and economical development of the city.
- b. Land to be subdivided or platted shall be of a character that can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be developed until adequate public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and streets.
- c. Proposed public improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan and the capital improvements program of the city. These regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinances, the Comprehensive Plan and the capital improvements program of the city.
- d. Land that has been platted prior to the effective date of this ordinance shall, whenever possible, be brought within the scope of these regulations to further the purposes identified in Section 1.3.

1.3 Purposes

These regulations are adopted for the following purposes:

- a. To protect and provide for the public health, safety, and general welfare of the city.
- b. To guide the future growth and development of the city in accordance with the Comprehensive Plan.
- c. To ensure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- d. To guide public and private development in order to provide adequate and efficient transportation, water, sewerage, drainage, and other public requirements and facilities.

- e. To provide for the circulation of traffic and pedestrians required for the beneficial use of land and buildings and to avoid congestion throughout the city.
- f. To establish reasonable standards of design and procedures for platting and replatting to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of platted land.
- g. To ensure that adequate public facilities and services are available and will have sufficient capacity to serve the proposed subdivision or addition and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services.
- h. To prevent the pollution of streams and ponds; to ensure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources, and enhance the stability and beauty of the community and the value of the land.
- i. To provide for open spaces through the most efficient design and layout of the land.
- j. To remedy the problems associated with inappropriately platted lands, including premature subdivision, incomplete subdivision and scattered subdivision.

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 Planning & Zoning 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 land studies, conveyance plats, preliminary plats, final plats, amended plats, replats, and vacations of plats, subject to review by the 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 to approve minor plats. The Director of Planning may, for any reason, elect to present a minor plat to the Planning & Zoning Commission for approval. The Director of Planning may

not disapprove a minor plat and shall refer any minor plat refused for approval to the Planning & Zoning Commission within 30 days of the official date of application.

1.5 Jurisdiction

- a. These regulations apply to all subdivisions of land, located within the corporate limits of the city and within the city's extraterritorial jurisdiction, as provided by law and to all additions of land within the corporate limits of the city, except as expressly stated herein.
- b. The following types of subdivision do not require approval by the City of Plano; however, the city shall not extend utilities, provide access to public roads or issue building permits for the development of any property which has not received final plat approval, except as otherwise provided by this ordinance.
 1. The division of land into two or more parts where all parts are larger than 5 acres and where no new building or improvement is proposed and no required public improvement is to be dedicated.
 2. The creation of a remainder of a tract caused by the platting of a portion of the tract provided the remainder is larger than 20 acres.
 3. The division of a tract or parcel for purposes of creating a dedication plat;
 4. The creation of a leasehold for a space within a multi-occupant building or a commercial building site which does not abut a public street, or the division of property into such leaseholds, provided that the property is a part of an approved subdivision or addition and regulated in accordance with the site plan requirements of the city, and such plat has been amended as may be required to add easements or otherwise serve the leasehold. For purposes of this section, a leasehold abuts a public street if it is immediately adjacent to a public street or if it is so close to a public street that no usable property lies between the leasehold and the public street.
 5. The creation of a leasehold for agricultural use of the subject property, provided that the use does not involve the construction of a building(s) to be used as a residence or for any purpose not directly related to agricultural use of the land or crops or livestock raised thereon.
 6. The division of property through inheritance, the probate of an estate, or by a court of law.
- c. A written request may be directed to the Commission for information concerning whether a plat is required under these regulations, in accordance with Section 212.0115, as amended, of the Texas Local Government Code.

- d. The exclusion of such activities from these regulations does not waive any jurisdiction the city now exercises or may exercise over such matters.
- 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 in accordance with these regulations.
- f. Except as provided above and lots of record established prior to the effective date of this ordinance, no land shall be sold, leased, or transferred until the property owner has obtained approval of a final plat, or conveyance plat from the Director of Planning, the Commission or the Council as required by these regulations.
- g. The city shall withhold all public improvements and utilities, including the maintenance of streets and the provision of sewage facilities and water service, from all tracts, lots or additions, the platting of which has not been officially approved by the Director of Planning, the Commission, or City Council and for which a certificate of compliance has not been issued pursuant to Section 3.6(g).
- h. Except as provided in Sections 3.7 (c)(5) and 4.5, 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 subdivision regulations, and no private improvements shall take place or be commenced except in conformity with these regulations.

1.6 Applicable Law

All applications for plat approval, including final plats, pending on the effective date of these regulations and which have not lapsed shall be reviewed under regulations in effect immediately preceding the date of adoption of these regulations.

1.7 Interpretation, Conflict and Severability

- a. Interpretation - In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.
- b. Conflict with Other Laws - These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law except as provided in these regulations. Where any provision

of these regulations imposes restrictions different from those imposed by any other provision of these regulations, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

- c. Severability - If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

1.8 Saving Provision

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the city under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the city except as shall be expressly provided for in these regulations.

1.9 Superseding Regulations

Upon the adoption of these regulations according to law, all Subdivision Regulations of the City of Plano previously in effect are hereby superseded, except as provided in Section 1.6.

1.10 Amendments

For the purpose of protecting the public health, safety and general welfare, the Commission or Council may from time to time propose amendments to these regulations which shall then be approved or disapproved by the Council at a public meeting.

1.11 Variances

- a. General - Where the Commission finds that unreasonable hardships or difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured; provided that the variance shall not have the effect of nullifying the intent and

purpose of these regulations; and further provided the Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;
 2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
 3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
 4. The variance will not in any manner vary the provisions of the Zoning Ordinance or Comprehensive Plan, except that those documents may be amended in the manner prescribed by law.
- b. Conditions - In approving variances, the Commission may require such conditions as will, in its judgment, secure substantially the purposes described in Section 1.3.
- c. Procedures - A petition for a variance shall be submitted in writing by the property owner at the time when the conveyance plat, preliminary plat or final plat is filed for the consideration of the Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

1.12 Waivers from Development Exactions

The property owner or applicant for preliminary plat approval may file a petition for relief from a dedication or construction requirement that is applied or imposed as a condition of approval of a conveyance plat, preliminary plat, or final plat. Waiver requests shall be considered in accordance with the following procedures:

- a. Petition for Relief - The property owner or applicant must submit a written petition for relief to the Planning Department at least 10 days prior to the Planning & Zoning Commission's consideration of a conveyance plat, preliminary plat, or final plat. The petition shall set forth the reasons for the waiver request and must indicate the dedication and/or construction requirements for which relief is being requested. An applicant may also submit a petition for relief from conditions of plat approval added by the Commission in

its consideration of a conveyance plat, preliminary plat, or final plat. This petition must be submitted no later than 10 days following the Commission's action.

- b. Consideration of Plat - After receipt of a petition for relief, the Planning Department shall schedule consideration of the plat only, within the 30 day time frame required by state law. The Planning & Zoning Commission shall approve the plat subject to future consideration of the applicant's petition for relief from a dedication or construction requirement, or disapprove the plat.
- c. Study Requirements – The city shall provide a study in support of the dedication or construction requirements. The petitioner may provide a study in support of the waiver request for their petition for relief. The city's study shall include the following information:
 1. Total capacity of the city's public infrastructure system or improvements to be dedicated to the city to be utilized by the proposed subdivision, employing standard measures of capacity and equivalency tables that relate the type of development proposed to the quantity of system capacity. In no case shall the calculation of the capacity used by a proposed commercial or multifamily development be based on development intensities less than the mid-point of intensity allowed by the particular zoning for the property. If the proposed subdivision is to be developed in phases, such information shall be provided for the entire development, including any phases already developed.
 2. Total capacity to be supplied to the city's public infrastructure system by the proposed dedication of an interest in land or construction of capital improvements. If the development application is part of a phased development, the information shall include any capacity supplied by prior dedications or construction of capital improvements.
 3. Comparison of the capacity of the city's public facilities system to be consumed by the proposed subdivision with the capacity to be supplied by the proposed dedication of an interest in land or construction of capital improvements. In making this comparison, the impacts on the city's public facilities system from the entire development shall be considered.
 4. The effect of any city participation in the costs of oversizing the capital improvements to be constructed in accordance with the city's requirements.

- d. Processing of Petition - The City Engineer shall evaluate the petition and any supporting study provided by petitioner and make a recommendation to the Planning & Zoning Commission based upon the city's study, any submitted petitioner's study and his own analysis. The City Engineer may utilize any reasonable methodology and information in evaluating the information.

- e. Consideration of Petition for Relief - The petition for relief will be considered by the Planning & Zoning Commission no later than 30 days after receipt of an applicant's petition for relief.. Based upon the application, the city's study, any submitted petitioner's study and the City's Engineer's report, the Commission shall determine whether the application of the regulations for dedication or public improvements is roughly proportional to the nature and impact created by the development. The Planning & Zoning Commission shall take one of the following actions in considering the petition for relief:
 - 1. Deny the petition for relief, and impose the standard or condition requiring dedication or construction of capital improvements in accordance with the regulations contained within this ordinance.
 - 2. Grant the petition for relief, and waive in whole or in part any dedication or construction requirement necessary to meet the criteria for approval.
 - 3. Accept alternative designs for the public infrastructure system or improvements to be dedicated to the city.
 - 4. Delay the imposition of the requirement until a future phase of development. If a delay is granted, the future phase of development must be clearly defined.
 - 5. Reduce the applicant's cost of the dedication or construction requirement.

- f. Criteria for Approval - The Planning & Zoning Commission shall determine whether the application of the regulations requiring dedication of an interest in land for public improvements or construction of capital improvements is roughly proportional to the nature and extent of the impacts created by the proposed development on such water, wastewater, roadway, or drainage system, and reasonably benefits the development. The Commission shall take into account the evidence submitted by the city, the petitioner and the City Engineer's report and recommendation.

- g. Appeals - The decision of the Planning & Zoning Commission on a petition for relief may be appealed in accordance with Article III, Section 3.9 of this ordinance. An appeal constitutes authorization for the plat to also be placed on the City Council's agenda for consideration and action. After hearing any testimony and reviewing the evidence, the City Council shall make a

determination within 30 days following the final submission of any testimony or evidence of the developer in accordance with Section 212.904 of the Texas Local Government Code.

- h. Lapse of Plat Approval - If relief is granted to the petitioner, it shall remain in effect for the time period specified in Article III for each type of plat, and shall end upon expiration of the plat. Plat approvals may be extended as provided in Article III.
- i. Plat Modification - If a plat for which relief was granted is modified to increase the number of residential units or the intensity of nonresidential uses, the City Engineer 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 in Sections 1-5 above.

1.13 Enforcement, Violations and Penalties

a. Violations

1. It shall be unlawful for any owner or agent of any owner to subdivide or plat any land into lots, blocks, and streets or to sell property therein and thereby which has not been platted or subdivided in accordance with the Subdivision Ordinance.
2. It shall be unlawful for any person to violate any term or provision of the Subdivision Ordinance.

b. Penalties - Any person, firm, or corporation violating any of the provisions or terms of the Subdivision Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, be subject to a fine not to exceed \$2000 for each offense. Each and every day such violation shall continue shall be deemed to constitute a separate offense.

c. Civil Enforcement - Appropriate civil actions and proceedings may be maintained in law or in equity to prevent unlawful construction, to recover damages, to impose additional penalties, to restrain, correct, or abate a violation of these regulations, whether such violation occurs with respect to lands within the corporate boundaries of the city or within the city's extraterritorial jurisdiction. These remedies shall be in addition to the penalties described above.

ARTICLE II. DEFINITIONS

2.1 Usage

- a. For the purpose of these regulations, certain numbers, abbreviations, terms, and words shall be used, interpreted and defined as set forth in this Article.
- b. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular.

2.2 Words and Terms Defined

- a. Addition - One lot, tract or parcel of land lying within the corporate boundaries of the city which is intended for the purpose of development.
- b. Amended Plat - A revised plat correcting errors or making minor changes to the original recorded final plat.
- c. Amenity - An improvement to be dedicated to the public or the common ownership of the lot owners of the subdivision and providing an aesthetic, recreational or other benefit, other than those prescribed by this ordinance.
- d. Base Flood - The flood having a one percent chance of being equaled or exceeded in any given year. The base flood shall be determined by using a fully developed watershed and the city's Drainage Design Manual criteria for a 100 year storm.
- e. Block - A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways, or boundary lines of municipalities.
- f. Bond - Any form of a surety bond in an amount and form satisfactory to the city.
- g. Capital Improvements Program - The official proposed schedule of all future public projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project, as adopted by City Council.
- h. City - The City of Plano, Texas.
- i. City Engineer - The official with responsibility to review and release plans for construction projects, or his designee.
- j. Commission - The Planning & Zoning Commission for the City of Plano.

- k. Comprehensive Plan - A plan for development of the city prepared and adopted by the Council, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.
- l. Concept Plan – A plan establishing a general schematic for 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.
- m. Construction Plan - The maps or drawings accompanying a plat and showing the specific location and design of public improvements to be installed in the subdivision or addition in accordance with the requirements of the Commission as a condition of the approval of the plat.
- n. Contiguous - Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.
- o. Conveyance Plat - An interim plat recording the subdivision of property or defining a remainder of property created by the approval of a final plat for a portion of property, where approval of final development plans is not sought.
- p. Council - The City Council of the City of Plano, Texas.
- q. County - Either Denton County, Texas, or Collin County, Texas, depending on whether a proposed subdivision or addition, or part thereof is located in such County.
- r. Dedication Plat - A plat prepared for the purpose of dedicating land or easements for rights-of-way to the city.
- s. Developer - The person, business, corporation or association responsible for the development of the subdivision or addition. In most contexts the terms Developer and Property Owner are used interchangeably in these regulations.
- t. Development - Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, paving, drainage or utilities, but not agricultural activities.
- u. Development Exaction - Any dedication of land or easements for, construction of, or contribution toward construction of a public improvement required as a condition of plat approval by the city under these regulations.
- v. Director - The Director of the Planning Department of the City of Plano, or his/her designee.

- w. Drainage Way - All land areas needed to allow passage of the Base Flood, including sufficient access above the Base Flood elevation along each side of and parallel to the natural or excavated channel.
- x. Easement - An interest in the real property of another which is the dominant estate and is a right to use such real property for the purposes specified therein.
- y. Escrow - A deposit of cash with the city in accordance with city policies.
- z. Final Plat - The map of a subdivision or addition to be recorded after approval by the Commission and any accompanying material and additional requirements as described in these regulations.
- aa. Floodplain - Any land area susceptible to being inundated by water from the base flood.
- bb. Improvement Agreement - A contract entered into by the developer and the city by which the developer promises to complete the required public improvements within the subdivision or addition within a specified time period following final plat approval.
- cc. Lot - A tract, plot or portion of a subdivision, addition or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or possession or for building development.
- dd. Lot of Record - A lot created prior to February 1, 1961, which is the date of first enactment of subdivision regulations for the City of Plano.
- ee. Major Plat - All plats not classified as minor plats, including but not limited to subdivisions of more than four (4) lots, or any plat requiring creation of any new street or extension of the city's facilities.
- ff. Minor Plat - A subdivision resulting in four or fewer lots and not requiring the creation of any new street or the extension of municipal facilities.
- gg. Municipal Facility - An improvement owned and maintained by the city.
- hh. Offsite Improvement - Any public improvement located outside the physical boundaries of the subdivision or addition to be platted.
- ii. Perimeter Street - Any existing or planned street which abuts the subdivision or addition to be platted.
- jj. Plat - The plan or map for the subdivision or addition to be filed for record in the County where such subdivision or addition is located.

- kk. Platting - The act of preparing for approval and processing, pursuant to these regulations, the plan or map for the subdivision or addition to be filed for record in the County where such subdivision or addition is located.
- ll. 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 to the Commission for approval.
- mm. Private Streets & Alleys - A private vehicular access way shared by and serving two or more lots, which is not dedicated to the public and is not publicly maintained. Private streets and alleys may be established only under the terms of this article. The term private street shall be inclusive of alleys.
- nn. Property Owner - Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land comprising the subdivision or addition, or any representative or agent thereto, who has express written authority to act on behalf of such owner.
- oo. Public Improvement - Any drainage way, roadway, parkway, sidewalk, utility, pedestrian way, off-street parking area, lot improvement, open space, or other facility for which the city or other governmental entity will ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.
- pp. Public Way - An officially approved, privately maintained drive, constructed to city street standards, open to unrestricted and irrevocable public access, serving two or more lots with a minimum of 100 feet of frontage as their primary means of access.
- qq. Remainder - The residual land left after platting of a portion of a tract. Platting of a residual may in some instances be required under the provisions of this ordinance.
- rr. Replatting - Any change in a map of an approved or recorded plat, except as permitted as an amended plat, that affects any street layout on the map or area reserved or dedicated thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions or additions. Replatting includes the combination of lots into a single lot for purposes of development.
- ss. Resubdivision - The replatting of a subdivision plat.

- tt. Right-of-Way - A parcel of land occupied or intended to be occupied by a street or alley. Where appropriate right-of-way may include other facilities and utilities, such as sidewalks, railroad crossings, electrical, communication, oil or gas, water or sanitary or storm sewer facilities, or for any other special use. The use of right-of-way shall also include parkways and medians outside of pavement. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.
- uu. Storm Water Controls - Storm water control is a storm water conservation area or other nonstructural or structural control per Section 3.1700 (Storm Water Management) of the Zoning Ordinance.
- vv. Security - The letter of credit or cash escrow provided by the applicant to secure its promises in the improvement agreement.
- ww. Subdivider - Any person who (1) having an interest in land causes it, directly or indirectly, to be divided into a subdivision or platted as an addition or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision or addition, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or addition or any interest, lot, parcel site, unit or plat in a subdivision or addition, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.
- xx. Subdivision - The division of any tract or parcel of land into two or more lots for the purpose, whether immediate or future, of offer, sale, or lease or for the purpose of development. Subdivision includes the division or development of residentially and nonresidentially zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument. Subdivision also includes resubdivision. Subdivision also refers to the land to be so divided, as the context may indicate. Certain types of subdivision do not require approval by the City of Plano under the terms of Section 1.5 (b) of these regulations.
- yy. Substandard Street - An existing street, or highway that does not meet the minimum specifications in the Thoroughfare Standards Ordinance and city Construction Standards and Specifications, or if a State Highway or FM Highway does not meet the minimum Standard Specifications of the State Department of Highways and Public Transportation and is not constructed to the ultimate extent for the type of roadway it is designated for in the major thoroughfare plan. A standard street is a street or highway that meets or exceeds said standard specifications and major thoroughfare plan.

zz. Temporary Improvement - Improvements built and maintained by an owner during construction of the development of the subdivision or addition and prior to release of the performance bond or improvements required for the short term use of the property.

ARTICLE III. PLATTING PROCEDURES

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.
1. Minor subdivisions shall create no more than four lots and do not require the creation of a new street or the extension of municipal facilities. Minor subdivisions may be approved for residential and nonresidential properties. Conveyance plats may be approved under the procedure for minor subdivisions provided that they establish no more than four lots and do not create a new street or extend municipal facilities. Minor plat approval requires the submission of a final plat as described under Section 3.6, or the submission of a conveyance plat as described under Section 3.7. The Director of Planning may approve minor plats or refer them to the Planning & Zoning Commission for their action.
 2. Major subdivisions involve the creation of new streets, the extension of municipal facilities or the creation of more than four lots. Major subdivisions may be approved for residential and nonresidential properties. Conveyance plats are considered major subdivisions if they create more than four lots or involve the creation of new streets or the extension of municipal facilities. The procedure for approving a major plat typically requires two steps: preliminary plat and final plat. A concept plan or preliminary site plan that contains sufficient information to provide for the proper coordination of the development may be required.

Except as otherwise permitted, the Planning & Zoning Commission's approval of a preliminary plat is required prior to the construction of public improvements to 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 Planning & Zoning Commission.

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 subdivision. Lots may be sold and building permits obtained after approval of the plat by the Planning & Zoning Commission, 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 Planning & Zoning Commission and Staff Approval - For the purpose of these regulations, the date on which the application is first filed shall constitute the official submission date for the plat, after which the statutory period required for approval or disapproval of the plat shall commence to run. The Planning Department shall publish at least 30 days prior to the beginning of each year a calendar of official submittal dates. This calendar shall specify two submittal dates for each month. All applications delivered to the city on a date other than a scheduled date shall be scheduled for consideration on the next official submittal date. An application or plat is considered filed on the date 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.
- c. Approval Criteria - Applications for the approval of studies and plats as defined by this ordinance shall be evaluated for compliance with these regulations and the requirements contained in the city's standard specifications manual and other such design manuals that are incorporated herein by reference. 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 final plat complete with required engineering plans and studies. The approval of any study or 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 - The Director shall place the application on a scheduled meeting of the Commission prior to the expiration of thirty (30) days following the official submission date. The Commission shall approve or disapprove the application, or identify requirements which must be satisfied prior to approval of the application, at the meeting. If the Commission fails to approve or disapprove (disapproval includes the identification of requirements to be satisfied prior to approval) an application within thirty (30) days of the official submission date, the application shall be deemed approved. However, the identification of requirements by the Commission, (at a scheduled meeting of the Commission prior to thirty (30) days following the official submission date) which remain to be satisfied prior to plat approval, shall constitute disapproval of the application for purposes of statutory compliance only. Unless the Commission unconditionally disapproves the plat application within such period, the city shall continue to process the application for compliance with these regulations. The Commission may not table a preliminary plat, final plat, and conveyance plat, but may request the applicant to withdraw.

These items must be withdrawn by the applicant if the applicant is not ready to proceed. The applicant may resubmit the project with no additional fees if it is rescheduled within sixty (60) days of the date of withdrawal. The Commission shall consider the application within thirty (30) days.

- e. Fees, Application Forms, and Procedures - City Council shall establish a schedule of fees as required to recoup costs related to the administration of this ordinance. The Director may establish procedures, forms and standards with regard to the content, format and number of copies of information constituting an application for a preliminary plat, conveyance plat, replat, vacation of plat or final plat.
- f. Extraterritorial Jurisdiction - Land in the city's extraterritorial jurisdiction is subject to platting, as provided by law, except that the Planning & Zoning Commission may rule that platting is not required in some instances. The approval of a plat for land within the extraterritorial jurisdiction does not constitute approval of land use. Properties incorporated subsequent to platting are subject to the city's zoning authority.

3.2 Preliminary Plat

- a. Purpose - The purpose of the preliminary plat is to allow the Commission and/or the City Council 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, except as permitted under Section 3.2(b). If a preliminary plat is omitted, a final plat shall be required in conformance to Section 3.6.
- 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 Conference - Before preparing the preliminary plat, the applicant shall schedule an appointment and meet with the staff of the Planning and Engineering Departments. The purposes of the pre-application conference are to review the proposed development with regard to storm water quality and quantity 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.

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

- (a) The boundary lines with accurate distances and bearings and the exact location and width of all existing or recorded streets intersecting the boundary of the tract.
- (b) True bearings and distances to the nearest established street lines, which shall be accurately described on the plat.
- (c) Specific tree survey and tree preservation information.
- (d) The exact layout including:
 - i. Proposed street names - Street names must be submitted to the Planning Department for approval in accordance with the city's guidelines for the naming of streets. Surnames or names of corporations may not be used as street names. The Planning Department will maintain an index of street names which will contain these guidelines. Street names and subdivision names are fixed at the time of approval of the preliminary plat. A fee, in accordance with the Code of Ordinance, will be charged to change street names and subdivision names after approval of the preliminary plat.
 - ii. The length of all arcs, radii, internal angles, points of curvature, length, and bearings of the tangents.
 - iii. All easements for rights-of-way provided for public services or utilities and any limitations of the easements.
 - iv. All lot numbers and lines with accurate dimensions in feet and hundredths of feet and with bearings and angles to street and alley lines.
 - v. The location of the centerline of creeks or drainage ways should be tied with accurate dimensions in feet and hundredths of feet with bearings and angles. No unplatted remainder will be allowed between property boundaries and centerlines of creeks.

- (e) The accurate location, material, and size of all monuments approved by the City Engineer. Horizontal and vertical control data shall be established for a minimum of two (2) corners of the subdivision or addition. One inch iron rods shall be set at all block corners, angle points, points of corners, and points of tangents. One-half inch iron rods shall be set at all other lot corners.
 - (f) The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and of all property that may be reserved by deed covenant for the common use of the property owners in the subdivision or addition.
 - (g) Building setback lines for residential properties.
 - (h) Special restrictions including, but not limited to, drainage and floodway, fire lanes, and screening.
 - (i) Proposed name of the subdivision or addition.
 - (j) Name and address of the property owner.
 - (k) North point, scale, and date.
 - (l) Boundary survey closure and area calculations.
 - (m) Additional documents necessary for dedication or conveyance of easements or rights-of-way, as required by the city. The city may, in some instances, require the conveyance of fee simple title for certain rights-of-way.
 - (n) Entry easements to allow city inspectors to enter the property being platted for the purpose of inspecting the construction of the public improvements.
3. Standards for Approval - No preliminary plat shall be approved by the Commission or by the Council 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(b).
 - (b) The construction plans have been reviewed by the City Engineer.
 - (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) The Commission may require that all public improvements be installed, offered for dedication, and ready for acceptance by the city prior to the signing of the final plat by the Chairman of the Commission.

The Commission may permit or require the deferral of the construction of public improvements if in its 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. 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)

(b) If the Commission does not require that all public improvements be installed, offered for dedication and accepted by the city prior to signing of the final plat by the Chairman, it shall require that the applicant execute an improvement agreement and provide security for the agreement as provided in Section 4.1(b).

(c) This procedure shall also apply to the approval of a final plat if the preliminary plat is omitted.

5. Approval Procedure - After review of the preliminary plat, the report and recommendations of the Director concerning the preliminary plat and the application, the report and recommendation of the City Engineer on the construction plans, and any exhibits submitted at a public meeting, the applicant shall be advised of any required changes and/or additions. The Commission 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 Commission disapproves the proposed preliminary plat, the applicant may execute an appeal in the manner prescribed in Section 3.9.

6. Effect of Approval - Approval of a preliminary plat by the Commission constitutes authorization for the City Engineer to release construction plans subject to his final approval and for the City Engineer to authorize for the property owner to commence grading of the site and construction of such public improvements as are required by the Commission. 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 City Engineer 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 City Engineer 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 City of Plano Planning & Zoning Commission on (insert date of approval) is authorized for use with engineering plans for the construction of public improvements as approved by the City Engineer. A final plat shall be approved by the Planning & Zoning Commission 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 3.6 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 years from 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 from the date that the preliminary plat is approved by the Commission or the Council, 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 3.5 concerning extensions and reinstatement of approval.)

d. Construction Plan Procedure and Requirements -

1. General Application Requirement - Construction plans shall be prepared by or under the supervision of a professional engineer or architect registered in the State of Texas as required by state law governing such professions. Plans submitted for review by the city shall be dated and bear the responsible engineer's or architect's name, serial number and the designation of "engineer," "professional engineer," or "P.E." or "architect" and an appropriate stamp or statement near the engineer's or architect's identification, stating that the documents are for preliminary review and are not intended for construction. Final plans acceptable to the city shall bear the seal and signature of the engineer or architect and the date signed on

all sheets of the plans. Public works construction in streets, alleys or easements which will be maintained by the city shall be designed by a professional engineer registered in the State of Texas.

2. Construction Plan Review Procedure - Copies of the construction plans, and the required number of copies of the plat shall be submitted to the City Engineer for final approval. The plans shall contain all necessary information for construction of the project, including screening walls and other special features. All materials specified shall conform to the Standard Specifications and Standard Details 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 City Engineer will release the plans for construction, after approval of the preliminary plat by the Commission 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)
3. Failure to Commence Construction - If construction has not commenced within one (1) year after approval of the plans, resubmittal of plans may be required by the City Engineer for meeting current standards and engineering requirements. "Construction" shall mean installation of city maintained public improvements.

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 10% 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 10% of the approved number and the adjustment of lot lines shall be considered minor amendments.
- b. The Director may approve or disapprove a minor amendment. Disapproval may be appealed to the Commission under the terms of Section 3.1. Major amendments may be approved by the Commission at a public meeting in accordance with the same requirements for the approval of a preliminary plat.
- c. Approval - The Commission shall approve, conditionally approve or disapprove any proposed major 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 Commission, the applicant may withdraw the proposed major amendment or appeal the action of the Commission to the City Council in accordance with Section 3.8.

3.4 Extension and Reinstatement Procedure

- a. Sixty days prior to or following the lapse of approval for a preliminary plat, conveyance plat, or final plat as provided in these regulations, the property owner may petition the Commission to extend or reinstate the approval. Such petition shall be considered at a public meeting of the Commission.
- b. In determining whether to grant such requests, the Commission shall take into account the reasons for the lapse, the ability of the property owner to comply with any conditions attached to the original approval and the extent to which newly adopted subdivision regulations shall apply to the plat or study. The Commission shall extend or reinstate the plat or study, or deny the request, in which instance the property owner must submit a new application for approval.
- c. The Commission may extend or reinstate the approval subject to additional conditions based upon newly enacted regulations or such as are necessary to assure compliance with the original conditions of approval. The Commission may also specify a shorter time for lapse of the extended or reinstated plat or study than is applicable to original approvals.
- d. The approval of a preliminary plat or the approval of a final plat for a portion or phase of a preliminary plat, shall not automatically affect the expiration of approval of the preliminary plat as it pertains to the balance of the property. Extensions and reinstatement of a preliminary plat, conveyance plat, or final plat may be approved under the provisions of this section.

3.5 Final Subdivision Plat

- a. Purpose - The purpose of a final plat is to record the subdivision of property including the accurate description of blocks, rights-of-way, easements, building lines and street names.
- b. Applicability - A final plat shall be required for subdivisions of property and the recording of single lots in accordance with Section 1.5.
- c. Application Procedure and Requirements - A final plat for minor subdivisions may be approved by the Director. A final plat for a major subdivision shall require approval by the Planning & Zoning Commission. Final plats shall comply to the preliminary plat where applicable. The application shall be accompanied by the following:

1. Copies of the proposed final plat bearing all information specified in Section 3.3(c)1. and the following language:

"Notice: Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law and is subject to fines and withholding of utilities and building permits."
 2. Formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements, in a form approved by the City Attorney. The plat shall be marked with a notation indicating the formal offers of dedication.
 3. The improvement agreement and security, if required, in a form satisfactory to the City Attorney and in an amount established by the Commission upon recommendation of the City Engineer and shall include a provision that the property owner shall comply with all the terms of the final plat approval as determined by the Commission.
 4. A recording fee in an amount as set by the County Clerk.
 5. As-built construction plans, where applicable.
 6. Accurate ties to the abstract and survey corners as required by Texas Surveying law and the amount of acreage in each abstract shown.
 7. Certification by a Registered Public Surveyor to the effect that the plat represents a survey made by him and that all the monuments shown thereon actually exist, and that their location, size, and material description are correctly shown, and that the survey correctly shows the location of all visible easements and rights-of-way and all rights-of-way, easements and other matters of record affecting the property being platted.
- d. Standards for Approval - No final plat shall be approved by the Director, the Commission or the Council unless the following standards have been met:
1. The plat substantially conforms to the preliminary plat.
 2. Required public improvements have been constructed and are ready to be accepted, and/or an improvement agreement has been accepted by the city providing for the subsequent completion of improvements.
 3. The plat conforms to applicable zoning and other regulations.
 4. Provision has been made for adequate public facilities under the terms of this ordinance.

5. The plat meets all other requirements of this ordinance.
- e. Approval Procedure - After review of the final plat, the Director shall place the final plat for consideration on the agenda of a public meeting of the Commission. Minor plats may be approved by the Director or referred to the Commission in accordance with Section 1.4(b). In the event of disapproval, reasons for disapproval shall be stated. One 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 Commission disapproves the final plat, the applicant may appeal to the Council in the manner prescribed in Section 3.8.
- g. Certificate of Compliance - Upon final approval of a final plat required by these regulations, the Commission shall issue to the person applying for approval a certificate stating that the final plat has been approved by the Commission and/or the City Council. 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 Chairman of the Commission, or the Mayor, if approval has been granted by the Council, and the Director or City Engineer shall endorse approval on the final plat after the agreement and security have been approved by the Commission, 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 Chairman of the Commission or the Mayor, if the plat has been approved by the Council, and Director or City Engineer 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 City Engineer stating that the necessary dedication of public lands and installation of public improvements has been accomplished. (See Section 4.3)
 3. It shall be the responsibility of the City Engineer to file the final plat with the County Clerk. Simultaneously with the filing of the final plat, the City Engineer shall record such other agreements of dedication and legal documents as shall be required to be recorded by the City Attorney. The final plat, bearing all required signatures, shall be recorded after final

approval and within ten working days of its receipt. One (1) copy of the recorded final plat, with street addresses assigned, will be forwarded to the property owner by the City Engineer.

- i. Effect of Approval - Approval of a final plat shall certify compliance with the regulations of the City of Plano pertaining to the subdivision of land. An approved and signed final plat may be filed with the County as a record of the subdivision of land and may be used to reference lots and interests in property thereon defined for the purpose of conveyance and development as allowed by these regulations.
- j. Lapse of Final Plat Approval - The approval of a final plat shall be effective for a period of six (6) months from the date that the final plat is approved by the Planning & Zoning Commission or the City Council, at the end of which time the applicant must have met the requirements for recording of 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 met the requirements for filing of the final plat with the County Clerk. (See Section 3.5 concerning extensions and reinstatement of approval.)

3.6 Conveyance Plats

- a. Purpose - A conveyance plat may be used solely for the purpose of subdividing land and the recording of same, or recording a single existing lot or parcel created by other means. A conveyance plat may be used to convey the property or interests therein; however, a conveyance plat does not constitute approval for development of the property and is not intended for immediate development. A conveyance plat is an interim step in the subdivision and development of land.
- b. Applicability - Conveyance plats may be used in lieu of a final plat to record the subdivision of property in the following instances:
 - 1. To record the remainder of a tract larger than five acres created by the final platting of a portion of the property provided that the remainder is not intended for immediate development.
 - 2. To record the subdivision of property into parcels five acres or smaller in size that are not intended for immediate development, and where all public improvements exist prior to approval and minimum frontage requirements

are met. All public rights-of-way must be dedicated and all abutting streets and utilities must be installed and accepted by the city. Installation of onsite improvements may be delayed if development of other tracts is not affected.

c. Application Procedure and Requirements -

1. Pre-Application Conference - Before preparing the conveyance plat, the applicant shall schedule an appointment and meet with the staff of the Planning and Engineering Departments. The purposes of the pre-application conference are to review the proposed development with regard to storm water quality and quantity 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.
2. Application Requirements - The property owner shall submit an application, together with other supporting documents and fees, to the Director by an official submittal date. A conveyance plat and associated documents shall include all information listed below:
 - (a) The boundary lines with accurate distances and bearings and the exact location and width of all existing or recorded streets intersecting the boundary of the tract.
 - (b) True bearings and distances to the nearest established street lines or official monuments, which shall be accurately described on the plat; municipal, township, county, or section lines accurately tied to the lines of the subdivision or addition by distances and bearings.
 - (c) The location of the subdivision or addition with reference to the abstract and survey records of the County.
 - (d) The exact layout including:
 - i. Street names (if known or proposed).
 - ii. The length of all arcs, radii, internal angles, points of curvature, length, and bearings of the tangents.
 - iii. Easements and rights-of-way (see Section 3.7(c)(2) specifying their provision by dedication or reservation.

- iv. All lot numbers and lines with accurate dimensions in feet and hundredths of feet and with bearings and angles to street and alley lines.
- (e) The accurate location, material, and approximate size of all monuments and corners, as provided in § 3.3(c)(1)(e).
- (f) The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon.
- (g) Proposed name of the subdivision or addition.
- (h) Name and address of the property owner.
- (i) North point, scale, and date.
- (j) Certification by a Registered Public Surveyor to the effect that the plat represents a survey made by him and that all the monuments shown thereon actually exist, and their location, size, and material description are correctly shown.
- (k) Additional certificates to properly dedicate easements or rights-of-way as may be necessary.
- (l) Boundary survey closure and area calculations.
- (m) Construction plans shall not be required except where street, utility and drainage improvements are proposed by the owner. Construction plans, easements, and dedications as appropriate shall be submitted concurrent with the conveyance plat or any subsequent replat. The construction plans, if any, shall be prepared by or under the supervision of a professional engineer registered in the State of Texas and shall bear his seal on each sheet.
- (n) A certificate of ownership and dedication of all street and alley rights-of-way to public use forever, signed and acknowledged before a Notary Public by the owner and lien holder of the land along with complete and accurate description of the land subdivided and the streets dedicated, where applicable, except as provided in Section 3.7(c)(2)b.
- (o) All conveyance plats must be titled "Conveyance Plat" and carry the following wording:

"A conveyance plat is a record of property approved by the city for the purpose of sale or conveyance in its entirety or interests thereon defined. No building permit shall be issued nor permanent public utility

service provided until a final plat is approved, filed of record and public improvements accepted in accordance with the provisions of the Subdivision Ordinance of the City of Plano. Selling a portion of this property by metes and bounds, except as shown on an approved, filed and accepted conveyance plat, final plat or replat is a violation of the city Ordinance and State Law."

3. Standard for Approval -

- (a) Access - All tracts, parcels, lots or sites created by a conveyance plat shall have frontage and access to an existing or proposed public street defined on the Major Thoroughfare Plan or an existing standard street meeting city construction standards and accessing the existing city street system.
 - (b) Reservation of Rights-of-Way - Conveyance plats must provide for the reservation of future rights-of-way of planned roadways. Right-of-way reservation acknowledges the future obligation to dedicate right-of-way for public thoroughfares and streets specified on the city's Major Thoroughfare Plan or approved concept plan. Reservation of right-of-way does not grant any right or interest in the property to the city or other entity. The final alignment may be adjusted upon final platting in order to meet engineering design standards.
 - (c) Dedication of Rights-of-Way - Dedication of right-of-way shall be required where a conveyance plat is used to record the remainder of a tract created by the final platting of a portion of the property. The required right-of-way dedication shall be limited to that which is necessary to provide access to the property proposed for final plat approval and to complete turn lanes, intersections and transitions in road pavement width resulting from development of the property proposed for final plat approval.
4. Approval Procedure - A conveyance plat meeting all requirements of the city shall be placed on the consent agenda of the Commission. Conveyance plats shall be approved provided they comply with all appropriate ordinances and the Comprehensive Plan. The Commission must approve, conditionally approve or deny a conveyance plat no later than 30 days from the date of application. If denied, the Commission shall provide a written explanation of the reason for denial. If the Commission fails to approve or deny the application within 30 days of the official submission date, the conveyance plat shall be deemed approved. A conveyance plat qualifying as a minor plat shall be reviewed and acted upon by the Director of Planning in accordance with Section 3.1(c).

5. Signing and Filing -

- (a) After the approval of the conveyance plat by the Commission, and the correction of the conveyance plat as required by the Commission, the property owner or his engineer shall submit filing fees and the required number of copies for filing to the City Engineer for filing with the County. Having submitted all copies and fees, the owner may request a delay of filing for up to six months from the date of approval. Any conveyance plat which has not been filed with the County within six months of 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 resubmitted under current regulations and procedures and reapproved by the Commission and filed with the County. Prior to filing, the Chairman of the Commission or the Director shall endorse approval of the conveyance plat. One (1) copy of the recorded conveyance plat will be forwarded to the property owner by the City Engineer.
- (b) No final plat processed and approved in association with a conveyance plat shall be filed without the concurrent filing of the associated approved conveyance plat.

6. Effect -

- (a) Conveyance plat approval and acceptance by the city does not relieve the owner from obligations, including fees, required by other sections of this or other ordinances of the city pertaining to the improvement of the property or extension of services as required to make the property suitable for development.
- (b) Neither reservation nor dedication of right-of-way shall relieve the property owner from obligations for street construction or assessments associated with public street improvement programs. Easements for access, utilities and drainage may be recorded on conveyance plats.
- (c) Final Platting Requirements
 - i. No building permits shall be issued nor permanent utility service provided for land which has only received approval as a conveyance plat. Notwithstanding the above, the Director may authorize temporary building permits, temporary occupancy permits, and temporary utility service.
 - ii. A conveyance plat may be superseded by a preliminary plat or final plat in total or in part through compliance with the procedures and requirements of this ordinance.

3.7 Development Plat

- a. This section applies to the platting and development of any single parcel greater than five acres or the subdivision and development of any property into parts, each part being greater than five acres. The term "development" means the new construction or the enlargement of any exterior dimension of any building, structure, or improvement. The term "improvement" shall include the construction of a utility, road, parking, or drainage system. The term shall also apply to the grading of land or clearance of trees, except as may be permitted for valid agricultural use of the property.
- b. Before preparing the development plat, the applicant shall schedule an appointment and meet with the staff of the Planning and Engineering Departments. The purposes of the pre-application conference are to review the proposed development with regard to storm water quality and quantity 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.
- c. A development plat must be prepared by a registered professional land surveyor as a boundary survey showing:
 1. Each existing or proposed building, structure or improvement or proposed modification of the external configuration of the building, structure or improvement;
 2. Each easement and right-of-way within or abutting the boundary of the surveyed property; and
 3. The dimensions of each street, sidewalk, alley, square, park, or other part of property intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, sidewalk, alley, square, park, or other part; and
 4. Any additional information as required by this ordinance to apply for the approval of a plat
- d. The requirements and standards for design, reservation, construction, completion, maintenance, cost participation and escrow for public improvements applying to the approval of a plat shall also apply to a development plat.

- e. Development plats shall be processed under the same procedures and are subject to the same fees as apply to a plat.
- f. A development plat shall be approved if it conforms to the following standards:
 - 1. The general plans, rules, and ordinances of the city concerning its current and future streets, sidewalks, alleys, parks, playgrounds, and public utility facilities; and
 - 2. The general plans, rules, and ordinances for the extension of the city or the extension, improvement, or widening of its roads, streets, and public highways within the municipality and in its extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities.
- g. New development may not begin on the property until the development plat is filed with and approved by the city. Approved development plats and other agreements of dedication and legal documents as required shall be recorded with the County Clerk by the City Engineer.
- h. With the written request of the developer, the city shall accept the submittal of a plat authorized by Chapter 212, Subchapter A of the Texas Local Government Code in lieu of a development plat. The procedures and standards for plat application and approval contained within this ordinance shall apply.

3.8 Appeals to Council

The applicant, Director, or two members of City Council may appeal the decision of the Commission with regard to a preliminary plat, final plat, replat, conveyance plat or variance by filing a Notice of Appeal in the office of the Director, no later than ten (10) days after the date on which the Commission notifies the applicant of its decision. Such notification may take place by means of an oral ruling by the Commission 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 Council shall consider the appeal at a public meeting no later than 45 days after the date on which the Notice of Appeal is filed. The Council may affirm, modify, or reverse the decision of the Commission and may, where appropriate, remand the plat, or variance request to the Commission for further proceedings consistent with Council's decision.

3.9 Dormant Projects

- a. The following items will expire as of May 11, 2004:
 1. Any plat or land study approved prior to February 12, 1990 on which no progress has been made toward completion of the project.
 2. All final plats which have not been filed of record with the county approved between February 12, 1990 and the effective date of this ordinance amendment (September 8, 2003).
- b. All other plats and land studies expire according to the standards for lapse of approval as set out within the Subdivision Ordinance.

ARTICLE IV. ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

4.1 Improvements and Subdivision Improvement Agreement

- a. Completion of Improvements - Except as provided below, before the final plat is signed by the Chairman of the Commission or Director, all applicants shall be required to complete, in accordance with the city's decision and to the satisfaction of the City Engineer, all the street, sanitary, and other public improvements, as well as lot improvements on the individual residential lots of the subdivision or addition as required in these regulations, specified in the final plat, and as approved by the Commission, and to dedicate those public improvements to the city. As used in this Section, "lot improvements" refers to grading and installation of improvements required for proper drainage and prevention of soil erosion.

- b. Improvement Agreement and Guarantee -
 1. Agreement - The Commission, upon recommendation of the Director, may waive the requirement that the applicant complete and dedicate all public improvements prior to approval of the final 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 final plat is signed. The Commission may also require the property owner to complete and dedicate some required public improvements prior to approval of the final plat and to enter into an improvement agreement for completion of the remainder of the required improvements during such two-year period. 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 oversize facilities.

 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 Planning & Zoning Commission shall authorize the approval of such agreement as meeting the 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 City Engineer is authorized to sign an improvement agreement on behalf of the city.

 3. Security - Whenever the city permits a property owner to enter into an improvement agreement, it shall require the owner to provide sufficient security, covering the completion of the public improvements. The security

shall be in the form of cash escrow or, where authorized by the city, a letter of credit, or other security acceptable to the City Attorney, as security for the promises contained in the improvement agreement. In addition to all other security, for completion of those public improvements where the city participates in the cost, the owner shall provide a performance bond from the contractor, with the city as a co-obligee. Security shall be in an amount equal to one hundred percent (100%) of the estimated cost of completion of the required public improvements and lot improvements. The issuer of any surety bond and letter of credit shall be subject to the approval of the City Attorney.

4. Letter of Credit - If the Commission 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:
 - (a) Be irrevocable.
 - (b) Be for a term sufficient to cover the completion, maintenance and warranty periods but in no event less than two (2) years.
 - (c) Require only that the city present the issuer with a sight draft and a certificate signed by an authorized representative of the city certifying to the city's right to draw funds under the letter of credit.
5. As portions of the public improvements are completed in accordance with the Standard Specifications and the engineering plans, the Developer may make application to the City Engineer or his designee to reduce the amount of the original letter of credit. If the City Engineer or his designee is satisfied that such portion of the improvements has been completed in accordance with city standards, he may (but is not required to) cause the amount of the letter of credit to be reduced by such amount that he deems appropriate, so that the remaining amount of the letter of credit adequately insures the completion of the remaining public improvements.
6. Upon the dedication of and acceptance by the city of all required public improvements, the city shall authorize a reduction in the security to 10% of the original amount of the security if the property owner is not in breach of the improvement agreement. The remaining security shall be security for the owner's covenant to maintain the required public improvements and the warrant that the improvements are free from defect for one year thereafter. If the required security for maintenance and warranty is provided by the contractors or by others, the city will release the entire amount of the developer security: as provided in Section 6.5.

- c. Temporary Improvements - The property owner shall build and pay for all costs of temporary improvements required by the Commission and shall maintain those temporary improvements for the period specified by the Commission. 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.
- d. Government Units - Governmental units to which these contract and security provisions apply may file, in lieu of the contract and security, a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Article.
- e. Failure to Complete Improvements - For plats for which no improvement agreement has been executed and no security has been posted, if the public improvements are not completed within the period specified by the city, the preliminary plat approval shall be deemed to have expired. In those cases where an improvement agreement has been executed and security has been posted and required public improvements have not been installed within the terms of the agreement, the city may:
 - 1. Declare the agreement to be in default and require that all the public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;
 - 2. Suspend final plat approval until the public improvements are completed and record a document to that effect for the purpose of public notice;
 - 3. Obtain funds under the security and complete the public improvements itself or through a third party;
 - 4. Assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision or addition for which public improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete the public improvements on the tract;
 - 5. Exercise any other rights available under the law.
- f. Acceptance of Dedication Offers - Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by authorization of the City Engineer. The approval by the Commission of a plat, whether conveyance, preliminary or final shall not in of itself be deemed to constitute or

imply the acceptance by the city of any street, easement, or park shown on plat. The Commission may require the plat to be endorsed with appropriate notes to this effect.

- g. Maintenance and Guarantee of Public Improvements - The owner shall maintain all required public improvements for a period of one (1) year following the acceptance by the city and shall provide a warranty that all public improvements will be free from defect for a period of one (1) year following such acceptance by the city.

4.2 Construction Procedures

- a. A permit is required from the Engineering Department prior to beginning any work in the city which affects erosion control, vegetation or tree removal, or a floodplain.
- b. Preconstruction Conference - The City Engineer may require that all contractors participating in the construction meet for a preconstruction conference to discuss the project prior to release of a grading permit and before any filling or removal of vegetation and trees larger than eight inch caliper.
- c. Conditions Prior to Authorization - Prior to authorizing release of a grading permit, the City Engineer shall be satisfied that the following conditions have been met:
 - 1. The preliminary plat shall be approved by the Commission.
 - 2. All required contract documents shall be completed and filed with the City Engineer.
 - 3. All necessary offsite easements or dedications required for city maintained facilities and not shown on the final plat must be conveyed solely to the city, with proper signatures affixed. The original of the documents, and filing fees as determined by the Engineering Department, shall be returned to the Engineering Department prior to approval and release of the engineering plans.
 - 4. All contractors participating in the construction shall be presented with a set of approved plans bearing the stamp of release of the Engineering Department. These plans shall remain on the job site at all times.
 - 5. A complete list of the contractors, their representatives on the site, and telephone numbers where a responsible party may be reached at all times must be submitted to the City Engineer.

6. All applicable fees must be paid to the city.

4.3 Inspection of Public Improvements

- a. General Procedure - Construction inspection shall be supervised by the City Engineer. Construction shall be in accordance with the approved Plans, Standard Specifications and Standard Details of the City of Plano. Any change in design required during construction should be made by the Engineer whose seal and signature are shown on the plans. Another engineer may make revisions to the original engineering plans if so authorized by the owner of the plans and if those revisions are noted on the plans or documents. All revisions shall be approved by the City Engineer. If the City Engineer finds upon inspection that any of the required public improvements have not been constructed in accordance with the city's construction standards and specifications, the property owner shall be responsible for completing and/or correcting the public improvements.
- 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 City Engineer that all required public improvements have been completed through submission of a detailed "as-builts" of the property, indicating location, dimensions, materials, and other information required by the Commission or City Engineer. The "as-builts" shall show the following:
 1. All public improvements and any other improvements as shown on the approved engineering plans, including plat, site plan, paving, drainage, water, sanitary sewer, screening wall, landscape, and irrigation;
 2. Layout of the line and grade of all public improvements is in accordance with approved engineering plans for the plat;
 3. All changes made in the approved engineering plans during construction; and
 4. An "as-built stamp" on each sheet of the approved engineering plans bearing the signature of the Engineer and the date.

The applicant shall submit one set of "as-builts" in 24" x 36" black-line drawing format to the Engineering Inspector for review and approval. Upon approval, the applicant shall obtain the verified black-line drawings from the Engineering Inspector, and shall have the drawings processed in the following quantities and formats:

- (a) One set of original, 35mm silver negative, microfilmed aperture cards of the final "as-built" utility drawings only. Each card shall be 3 1/4" x 7 1/2", with the project name, description of the sheet and page number typed at the top of each aperture card; and
- (b) CD-ROM disk containing scanned images of 24" x 36" final "as-built" black-line drawings (with "as-built stamps" bearing the signature of the Engineer and the date.) The drawings shall be scanned 1 to 1 as Group 4 TIF files at a minimum resolution of 200 dots per inch and a maximum resolution of 400 dots per inch. The TIF files shall be legible and shall include any post processing that may be required to enhance image quality (e.g., de-specking, de-shading, de-skewing, etc.) Each file shall be named in numeric order.

The applicant shall submit all final "as-builts" products (black-line drawings, microfilm and CD-ROM disk) to the Engineering Inspector. City staff will review the "as-built" products and shall accept them upon verification of their quality.

Acceptance of the development shall mean that the developer has transferred all rights to all the public improvements to the city for use and maintenance. The City Engineer may, at his decision, accept dedication of a portion of the required public improvements, if the remaining public improvements are not required for health and safety reasons and the owner has posted a performance bond, letter of credit or cash bond in the amount of 100% of the estimated cost of those remaining improvements for a length of time to be determined by the City Engineer. If the remaining public improvements are greater than \$10,000 and are not completed within the determined length of time, the city will impose a ten (10) percent penalty of the performance bond, letter of credit, or cash bond. The obligation to complete the improvements remains with the developer and all future building permits or certificates of occupancy will be withheld until the improvements are complete. If the remaining public improvements are less than \$10,000, the developer shall pay the actual dollar amount. The length of time may be extended due to inclement weather or unforeseen delays by mutual agreement between the developer and city.

Upon acceptance of the required public improvements, the City Engineer shall submit a certificate to the developer stating that all required public improvements have been satisfactorily completed.

4.4 Deferral of Required Improvements

- a. The Commission may, upon petition of the property owner and favorable recommendation of the Director and City Engineer, defer at the time of final approval, subject to appropriate conditions, the provision of any or all public improvements as, in its judgment, are not required in the interests of the public health, safety, and general welfare. (See Section 3.3 (c)(3).)
- b. Whenever a petition to defer the construction of any public improvement required under these regulations is granted by the Commission, 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 guaranteeing completion of the deferred public improvements upon demand of the city.

4.5 Issuance of Building Permits and Certificates of Occupancy

- a. No building permit shall be issued for a lot or building site unless the lot or site has been officially recorded by a final plat approved by the City of Plano and all public improvements as required for final plat approval have been completed, except as permitted below.
 1. Building permits may be issued for nonresidential and multi family (apartments) development provided that a preliminary plat is approved by the city and construction plans have been released by the City Engineer. Building construction will not be allowed to surpass the construction of fire protection improvements.
 2. The City Engineer may authorize residential building permits for a portion of a subdivision, provided that a preliminary plat has been approved and all public improvements have been completed for that portion of the development, including but not limited to those required for fire and emergency protection. Notwithstanding, no lot may be sold or title conveyed until a final plat approved by the city has been recorded.
 3. No certificate of occupancy shall be issued for a building permit or the use of a property unless all subdivision improvements have been completed and a final plat approved by the city has been recorded. Notwithstanding the above, the Director or City Engineer may authorize the occupancy of a structure provided that an agreement providing cash escrow, a letter of credit, or other sufficient surety is approved by the city for the completion of all remaining public improvements. The certificate of occupancy may be revoked if the final plat approval and filing process is not completed.

ARTICLE V. REQUIREMENTS FOR PUBLIC IMPROVEMENTS, RESERVATION AND DESIGN

5.1 General Requirements

- a. Plats Straddling Municipal Boundaries - Whenever access to the subdivision or addition is required across land in another municipality, the Commission 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.
- b. Character of the Land - Land that the Commission finds 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 addition and/or its surrounding areas, shall not be subdivided or platted unless adequate methods are formulated by the owner and approved by the Commission, upon recommendation of the City Engineer, to solve the problems created by the unsuitable land conditions.
- c. Adequate Public Facilities Policy - The land proposed for subdivision must be adequately served by essential public facilities and services. These services include street access, water, waste water disposal, and offsite drainage. No plat or replat may be approved unless it conforms to this policy and its standards. This policy may be further defined and supplemented by other ordinances adopted by the City of Plano. This policy does not apply to the approval of conveyance plats.
 1. Street Access - All platted lots must have safe and reliable street access for daily use and emergency purposes.
 - (a) All platted lots must have direct access to an improved public street, private street, or an approved public way, and connected by improved public streets to an improved public thoroughfare.
 - (b) Except for lots which are provided access from an approved cul-de-sac, all subdivisions must have two means of access or approach. Where development phasing or constraints of the land prevent the provision of a second, separate means of access, the city may accept a temporary street connection, or a median divided street or entry to satisfy this requirement.

2. Water - All platted lots must be connected to a public water system which is capable of providing water for health and emergency purposes.
 - (a) Except for lots along an approved cul-de-sac, all lots must be provided service connections from a looped water main providing water flow from two directions or sources.
 - (b) Water service must be sufficient to meet the fire flow requirements of the proposed development, except where a suitable alternative means of fire protection is approved by the City Fire Chief.
 - (c) The city may accept development phasing, development restrictions, and/or the construction of improvements to maintain adequate fire protection.
 3. Waste Water - All platted lots must be served by an approved means of waste water collection and treatment.
 - (a) Onsite waste water treatment systems will not be permitted, except for the pretreatment of industrial waste.
 - (b) The projected waste water discharge of a proposed development shall not exceed the capacity of the waste water system.
 - (c) The city may accept the phasing of development and/or improvements to the systems so as to maintain adequate waste water capacity.
 4. Drainage - Increased stormwater runoff attributable to new development must not exceed the capacity of the downstream drainage system or adversely affect adjoining property. Where the projected runoff would exceed capacity, the city may accept the phasing of development, the use of control methods such as retention or detention, and or the construction of offsite drainage improvements as means of mitigation.
- d. Alternative Public Facilities Design - Alternative public facilities design intended to improve storm water quality and/or intended to decrease storm water quantity will be considered if submitted as part of a site-specific storm water management plan. Alternative facilities design shall be subject to approval by the City Engineer.
 - e. Subdivision or Addition Name - The proposed name of the subdivision or addition shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or addition in the area covered by these regulations and shall, where possible correspond to named subdivisions or additions in the immediate vicinity. The Commission shall have final authority to approve the name of the subdivision or addition.

f. Corner and Reference Markers -

1. All lot corners shall be located and marked with one half (1/2) inch reinforcing bar, eighteen (18) inches in length, and shall be placed flush with the ground or counter sunk, if necessary, in order to avoid being disturbed.
2. Iron rods, one inch in diameter and eighteen (18) inches long, shall be placed on all boundary corners, block corners, curve points, and angle points in public rights-of-way. Monuments shall be located as required by the City Engineer and shall be located along all drainage/floodway boundaries at all curve points, angle points and at least one monument at lot corners. One monument may serve two lots if located at a common corner.

5.2 Lot Design and Improvements

- a. Lot Arrangement - The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Ordinance, Building Code and other applicable ordinances, laws and regulations. Driveway access shall be provided to buildings on the lots from an approved street, alley or public way.
- b. Lot Dimensions - Lot dimensions shall comply with the minimum standards of the Zoning Ordinance. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking, landscaping, and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance.
- c. Double Frontage Residential Lots - Double frontage and reversed frontage lots shall be avoided except where necessary to separate residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.
- d. Blocks -
 1. Blocks shall generally have sufficient width to provide for two (2) tiers of lots of appropriate depths.

2. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed twelve hundred (1,200) feet.

e. Nonresidential Plats -

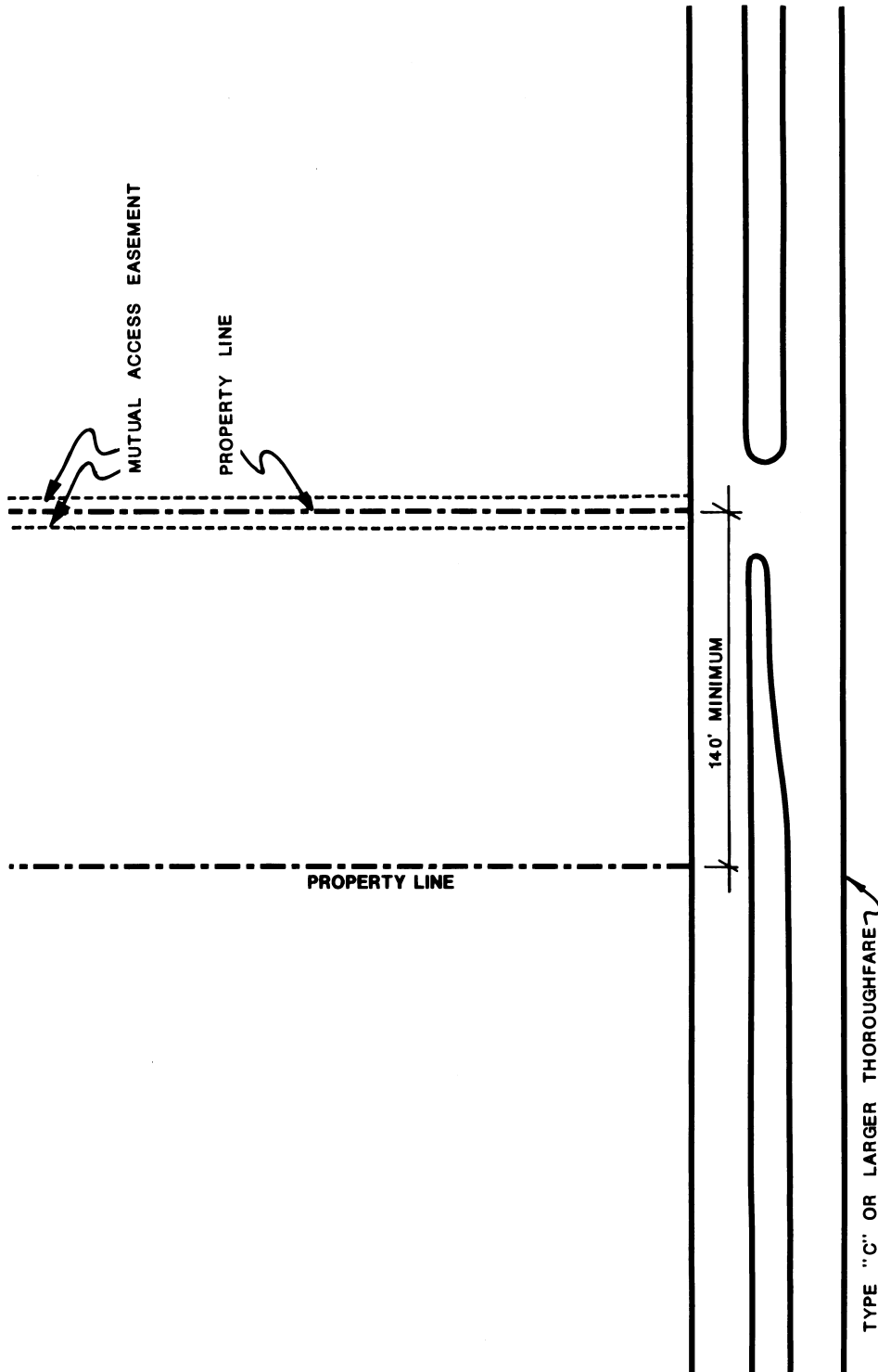
1. General - A nonresidential plat shall be subject to all the requirements of these regulations, except those that clearly pertain only to residential properties, as well as such additional standards as may be required by the Commission, and shall conform to the proposed land use and standards established in the Comprehensive Plan and Zoning Ordinance. Site plan approval and plat approval may proceed simultaneously at the discretion of the Commission.
2. Design Principles - In addition to these regulations, which are appropriate to all platting, the applicant shall demonstrate to the satisfaction of the Commission 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:
 - (a) Proposed nonresidential parcels shall be suitable in area and dimensions to the types of nonresidential development anticipated.
 - (b) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
 - (c) Residential areas shall be protected from potential nuisance from a proposed nonresidential plat.
 - (d) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or future residential areas.
3. Frontage and Access Standards - All nonresidential lots established following the effective date of this ordinance shall meet the following frontage and access criteria:
 - (a) Frontage – Corner lots must have a minimum continuous frontage of 175 feet on all abutting streets. Except as provided below, all non-corner lots must have a minimum continuous frontage along abutting public streets based on the street’s classification. Where a lot abuts a Type C (or higher) street, the minimum frontage is 150 feet. Where a lot abuts a Type D (or lower) street, the minimum frontage shall be 100 feet. Where a non-corner lot abuts two or more streets, the minimum

frontage requirement shall apply to only one street face. The minimum frontage of any non-corner lot greater than two acres may be reduced to 24 feet provided that the lot has one direct access to a public street.

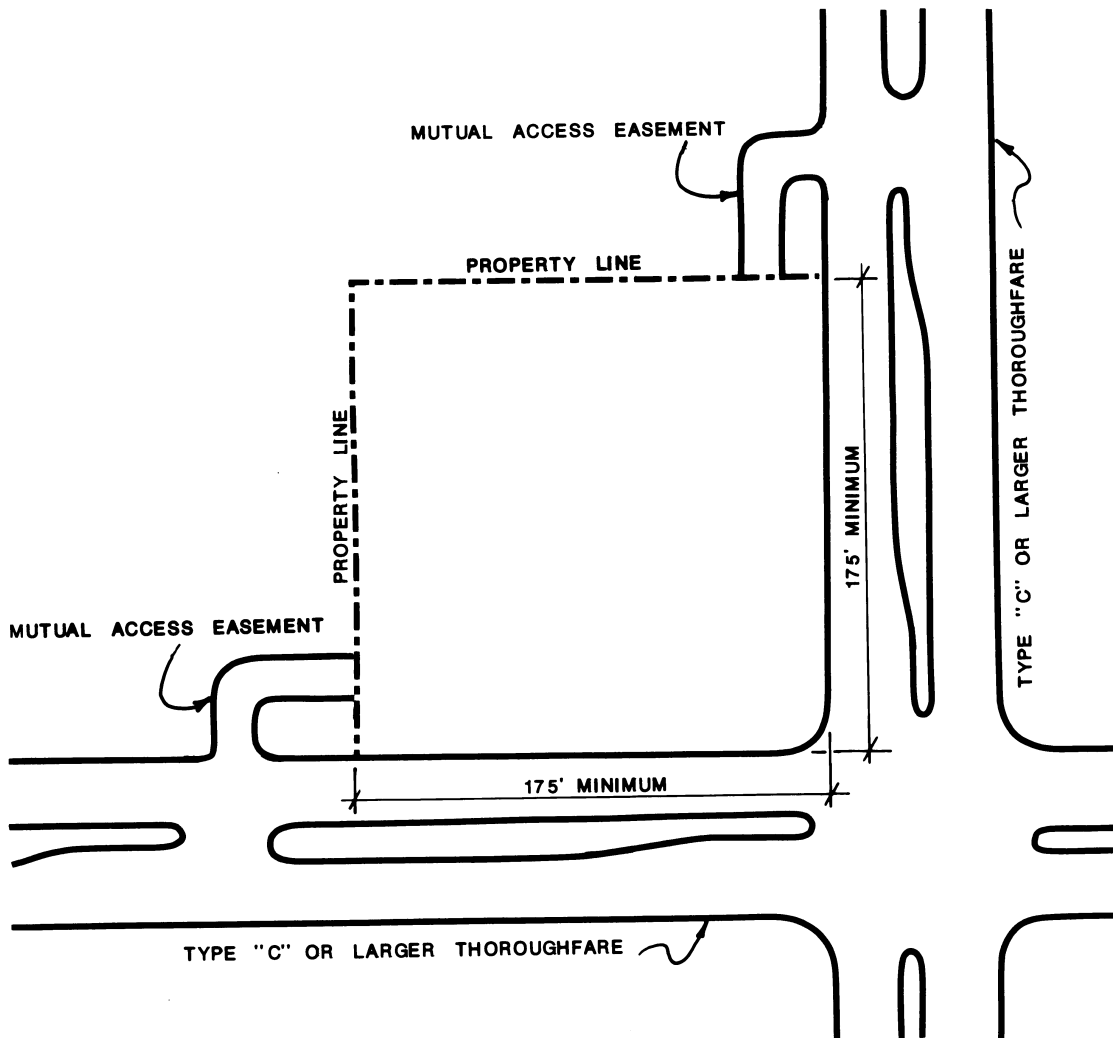
Access to Public Street – Except as provided herein, all nonresidential lots shall have a minimum of two points of access to public streets. One point of access must be directly from the lot to a public street. The other point of access may be secured through use of easements. Where a nonresidential lot abuts a Type B, C, or D thoroughfare, it must have access to a median opening. Notwithstanding, the Commission may approve a lot having only one point of access if it determines that a second point of access cannot be obtained and traffic safety and fire protection are sufficient.

A plat may not be approved if it results in a remainder of unplatted property that cannot be platted under the terms of this ordinance.

- (b) Curb Cuts - All nonresidential lots shall have, at a minimum, direct access to one curb cut per street front, except where prohibited by the Thoroughfare Standards Ordinance.
- (c) When adjacent to a median divided street, all lots shall have access to a median opening. Direct access should be provided where possible. If direct access is not available, a corner lot shall have indirect access through a shared access easement between it and adjacent properties. All off-corner lots shall have direct access, or indirect access by platting a minimum of one half of the intersecting drive as a shared access easement.



MEDIAN ACCESS AND FRONTAGE REQUIREMENTS FOR OFF-CORNER LOTS



MEDIAN ACCESS AND FRONTAGE REQUIREMENTS FOR CORNER LOTS

4. Frontage Exception - Nonresidential lots may be platted to a public way instead of a dedicated street upon approval by the Director under the following conditions:

- (a) Within a regional mall development requiring an internal circulation system;
- (b) For a public utility facility which precedes street extensions;
- (c) Within a commercial development greater than 20 acres having an internal private street meeting construction standards and specifications of public streets and where mutual access is insured by easement or other legal instrument.
- (d) Where access to a public street will be removed by construction of an overpass or other required facility.

A public way must be constructed to minimum fire lane standards. Access and/or utilities must be provided within the required frontage on a dedicated street or public way.

- f. Soil Preservation and Final Grading - Top soil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover on the lots and parkways. Permanent erosion control measures, such as grassed parkways, shall be provided throughout the development prior to final acceptance of the improvements. All areas disturbed during the construction process must be revegetated.
- g. Lot Grading and Drainage - Drainage for lots shall be designed in accordance with the city's Erosion and Sedimentation Standards Ordinance. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots. The land shall be platted with appropriate regard for all topographical and drainage features. A grading plan shall be provided with contours at an interval of two feet or less. Except where approved by the Director or City Engineer, all single-family residential lots less than 20,000 square feet in size must be graded to meet the elevation of adjoining property. The center of a single-family or duplex residential lot shall not be higher than three feet above the top of the street curb. Multifamily and nonresidential lots shall be graded to match elevations at adjoining properties to provide good access and to minimize the use of retaining walls. Cuts or fills which do not allow grades to match elevations at adjoining properties will not be permitted, unless authorized by the Director or City Engineer when deemed necessary for engineering conditions.

- h. Debris and Waste - No cut trees, timber, debris, large rocks or stones, junk, rubbish or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of final acceptance by the City Engineer, and removal of those items and materials shall be required prior to such acceptance. No items and materials as herein described shall be left or deposited in any area of the subdivision or addition at the time of expiration of any improvement agreement or acceptance of dedication of public improvements, whichever is sooner. However, dirt or topsoil may be stockpiled on a property with approval of the City Engineer.
- i. Improvement Agreement and Security to Include Lot Improvements for Residential Subdivisions - The applicant shall enter into a improvement agreement secured by suitable surety to guarantee completion of all lot improvement requirements including, but not limited to, soil preservation, removal of debris and waste, and all other lot improvements required by the City Engineer. Whether or not a building permit or certificate of occupancy has been issued, the city may enforce the provisions of the improvement agreement where the provisions of this section or any other applicable law, ordinance, or regulation have not been met.

5.3 Thoroughfare Screening

Where subdivisions or additions are platted so that the rear yards of residential lots are adjacent to a dedicated roadway or separated from a roadway by an alley or service road, the owner shall provide screening at his sole expense. The Planning & Zoning Commission may waive or modify, in exceptional cases, this requirement. A screening plan, including elevations and materials, shall be submitted with the preliminary plat. All forms of screening shall conform to the requirements of the ordinances of the city governing the sight distance for traffic safety and other city ordinances. Screening shall conform to alternative design requirements and specifications approved by the city as contained within the Thoroughfare Screening Ordinance. Additional right-of-way or easements may be required for wider columns and more elaborate screening walls. All screening walls installed prior to city acceptance of public improvements will be charged maintenance and inspection fees.

5.4 Streets and Thoroughfares

- a. Adequacy of Streets and Thoroughfares - All streets and alleys shall be designed and platted in conformance with the Major Thoroughfare Plan, the Thoroughfare Standards Ordinance, the Adequate Public Facilities Policies, and other valid development plans approved pursuant to these regulations. Access to all lots must be suitably improved or secured by provisions contained in these regulations.

b. Design Standards -

1. General - 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 Thoroughfare Standards Ordinance and the Standard Specifications for Public Works Construction. The Thoroughfare Standards Ordinance, the Standard Specifications for Public Works Construction, and the Standard Construction Details are incorporated herein by reference. 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. Paving and other improvements are subject to the participation policies stated in Article VI of these regulations.
2. Street Paving and Improvements - After sewer and water utilities have been installed by the owner, the owner shall construct roadways to the widths prescribed in these regulations. Adequate provision shall be made for culverts, drains, and bridges. All street pavement, drainage improvements and structures, turnarounds, and sidewalks shall conform to all construction standards and specifications contained or referenced in these regulations and shall be incorporated into the construction plans required for plat approval. Specific design standards are incorporated in the Thoroughfare Standards Ordinance and Standard Specifications for Public Works Construction.
3. Alleys - Alleys shall be constructed a minimum of 10 feet in width within a minimum 15-foot right-of-way. Wider alleys, when required for drainage, screening walls, or other purposes, shall be constructed in rights-of-way approved by the City Engineer. Alley turnouts shall be a minimum of 12 feet in width at the street right-of-way line or the width of the alley, whichever is greater. Paving in alleys adjacent to masonry screening walls shall be constructed a minimum of 12.5 feet in width and shall abut the screening wall. Alleys for other than residential uses shall be dedicated and paved a minimum of 20 feet in width. The owner shall construct the full width of the alley at his own cost.
4. Median Openings - Median openings, median pavers and left-turn lanes, including channelizing buttons, constructed to serve dedicated streets or private drives, shall be installed and paved to city standards by the developer. Existing trees in the median, if affected by median improvements, must be relocated or replaced. If the trees cannot be

relocated or replaced in the median, then the developer shall pay a fee to the city in accordance with Section 16-19 of the Code of Ordinances to replace the tree in public right-of-way or on public park land.

5. Acceleration and Deceleration Lanes - Acceleration or deceleration lanes shall be installed by the owner when required by the Thoroughfare Standards Ordinance and constructed to the same standards as the adjoining street in accordance with the Standard Construction Details.
6. Other street or alley sections may be used if approved by the City Council.
7. Future Connections - Street extensions may be required to link subdivisions as the neighborhood develops. Temporary cul-de-sacs shall be installed by the developer when required by phasing.
8. Gradient - Streets and alleys shall be designed with a minimum gradient of 0.5% and a maximum gradient of 5.0% unless otherwise approved by the City Engineer.
9. Intersections - The intersections of streets, alleys and officially approved places shall be laid out and constructed in accordance with the specifications in the Thoroughfare Standards Ordinance.
10. Traffic Buttons - The owner shall be responsible for the installation of traffic buttons which are necessary for the safe transition or channelization of traffic. When required by the City Engineer, such as on Type D or wider thoroughfares, the owner shall install traffic buttons for lane dividers. The costs of these lane divider buttons shall be reimbursed by the city in accordance with the city's reimbursement policy. All traffic buttons shall be installed per city standards.
11. Reserve Strips - The creation of reserve strips shall not be permitted in such a manner as to deny access from adjacent property to any street, alley or officially approved place.
12. Grading and Improvement Plan - Streets shall be graded and improved in conformance with the city's construction standards and specifications and shall be approved as to design and specifications by the City Engineer, in accordance with the construction plans required to be submitted prior to final plat approval.
13. Topography and Arrangement -
 - (a) Streets shall be related appropriately to the topography. Local streets shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain building sites when possible

at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.

- (b) All streets shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way as established on the city's Thoroughfare Plan. However, Type F collector streets not shown on the plan may be required to meet traffic requirements of proposed development. Type F and G streets shall be designed to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
- (c) Proposed streets shall be extended to the boundary lines of the tract to be platted, unless prevented by topography or other physical conditions, or unless in the opinion of the Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision or addition with the existing layout or the most advantageous future development of adjacent tracts.

14. Continuation of Streets and Cul-de-sacs -

- (a) Continuation of Streets - The arrangement of streets shall provide for the continuation of principal streets between adjacent properties.
- (b) If the adjacent property is undeveloped and the street must temporarily be a dead-end street the right-of-way shall be extended to the property line.
- (c) Where existing alleys are used, alley turnouts shall be provided to new subdivisions.
- (d) Cul-de-sacs - For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be prohibited. However, the Commission may require the reservation or dedication of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with city construction standards and specifications.
- (e) Temporary Dead-End Streets - The city may require the construction of temporary dead-end streets in order to provide for the future connection of subdivisions and to ensure reasonable access and avoid excessive street length.

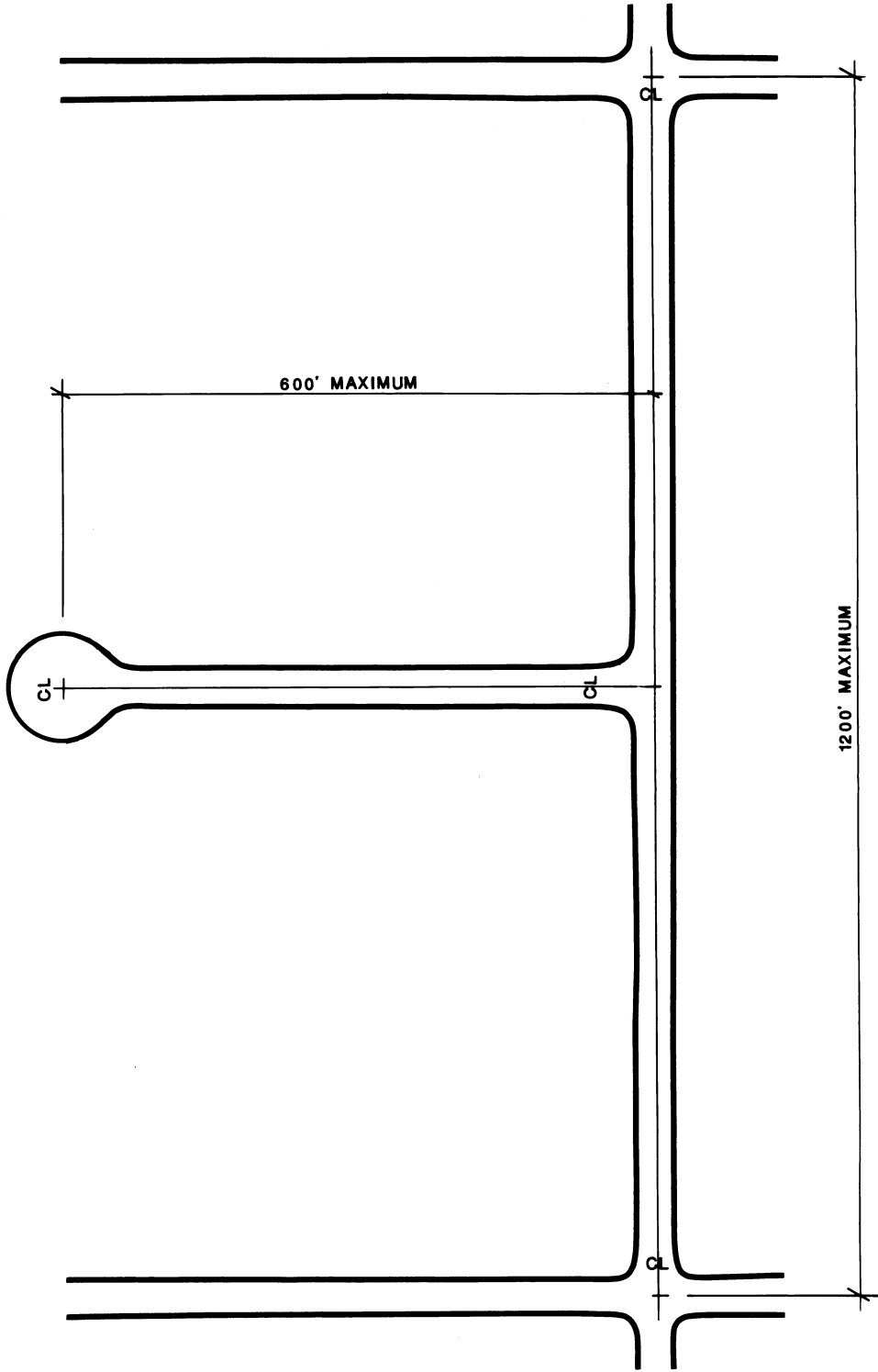
15. Street and Alley Length -

- (a) Streets and alleys shall not exceed 1200 feet in length between intersections (outlets).
- (b) No cul-de-sac unless otherwise authorized shall exceed 600 feet in length, which is to be measured from the centerline of the street with which it intersects to the center point of the cul-de-sac.
- (c) Street and alley lengths longer than those specified in this section shall require approval of a variance. In reviewing a variance, the Commission shall consider the following:
 - i. Alternative designs which would reduce street or alley length;
 - ii. The effect of overlength streets or alleys on access, congestion and delivery of municipal services; and
 - iii. Means of mitigation, including but not limited to increased street width, mid-block turnarounds, limitation on the number of lots to be created and served, temporary points of access, and additional fire protection measures.

16. Street Names and Signs -

- (a) Street names must be submitted to the Planning Department for approval in accordance with the city's guidelines for the naming of streets. Surnames or names of corporations may not be used as street names. The Planning Department will maintain an index of street names which will contain these guidelines. Street names and subdivision names are fixed at the time of approval of the preliminary plat. A fee, in accordance with the Code of Ordinances, will be charged to change street names and subdivision names after approval of the preliminary plat.
- (b) The property owner shall provide payment for street name signs for the development. The price of each street name installation shall include cost of the sign assembly, pole, and installation. Payment by the property owner will be due prior to approval of the engineering plans by the City Engineer.
- (c) Street name signs shall be installed in accordance with the city's guidelines before issuance of building permit for any structure on the streets approved.

17. Street Lights - Installation of street lights shall be in accordance with design and specification standards of the city. The developer shall be responsible for the cost of such street lighting installation and for the power costs for a length of time as specified in the city's street lighting ordinance. The developer shall install conduit for street lights and traffic signals in divided thoroughfares as directed by the City Engineer.



BLOCK LENGTH REQUIREMENTS

c. Street Dedications and Reservations -

1. Dedication of Right-of-Way - The property owner shall provide all right-of-way required for existing or future streets, including perimeter streets, as shown in the Thoroughfare Plan or other valid development plans approved by the Planning & Zoning Commission or City Council. Additional right-of-way may be necessary to meet drainage, utility placement, visibility, or other requirements as required by the City Engineer. (See Section 3.7(c)(2) 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 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 City Engineer. Standard right-of-way widths are as specifically set forth in the Thoroughfare Standards Ordinance.
 2. Perimeter Streets - Where an existing half-street is adjacent to a new subdivision or addition, the other half of the street shall be dedicated and improved by the developer of the addition.
 3. 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 feet horizontal to one foot vertical.
- d. Street Construction - The owner shall construct all streets or thoroughfares to city standards in rights-of-way as required by the Thoroughfare Plan, subject to participation policies stated in Article VI of these regulations. Streets (including sidewalks) which dead-end at power lines, railroad, or similar rights-of-way, and are intended for future extension shall be constructed in the full right-of-way as required by the Thoroughfare Plan for half the distance across such right-of-way for each side. Widths shown below are back to back of curbs and required on both sides of divided streets, Type A through D. Developers of property abutting only one side of a street are responsible for the minimum paving widths shown below. The minimum paving widths for the various types of streets shall be as follows:

<u>Type Street</u>	<u>Minimum Paving Width</u>	<u>Right-of-Way</u>
A	25 feet	80 feet
B+	25 feet	70 feet
B	25 feet	65 feet
C	25 feet	55 feet
D	25 feet	46 feet
E	23 feet	35 feet
F	23 feet	35 feet
G	27 feet	50 feet
Retail, Commercial, Industrial, Schools, Parks, Apartment, or similar uses	37 feet	60 feet

e. Improvement, Widening and Realignment of Existing and Proposed Streets - Where a subdivision or addition borders a substandard street or when the Thoroughfare Plan indicates plans for realignment, widening or constructing a street that would require use of some of the land in the subdivision or addition, the applicant shall be required to improve and dedicate those areas for widening or realignment of those streets, as follows:

1. When a proposed subdivision or addition abuts or will abut both sides of a substandard street or a proposed street in the major thoroughfare plan, the owner shall be required to improve the substandard street or proposed 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.
2. If the proposed subdivision or addition is located along only one side of a substandard street or a proposed street in the major thoroughfare plan, the owner shall be required to improve his side of the substandard street or proposed 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.
3. When an arterial street (Type C or greater) is to be extended through a property to intersect with another arterial street, the full six lanes shall be constructed for a minimum distance of 350 feet from the point of intersection. From that point the pavement width may be decreased to four lanes, with provision of an appropriate transition in paving width. If property abutting only one side of the proposed thoroughfare is to be developed, then three full lanes will be constructed, including left turn lane and transition. This provision will not require widening an existing intersection that already provides four through lanes.

- f. Access from Residential Subdivisions or Additions - Residential lots must have a minimum frontage of 24 feet on a dedicated street for single-family-detached, two-family or patio home uses or a minimum frontage of 15 feet for single-family-attached uses, except where varied through approval of a planned development district. Where subdivisions or additions are platted so that the front yards of single-family residential lots are adjacent to a dedicated roadway, the owner shall provide at his sole expense one of the following types of treatment:
1. For thoroughfares designated Type A, B+, C, or D (in the Comprehensive Plan), no residential lot shall have direct access to the thoroughfare unless a service road is provided adjacent to the thoroughfare.
 2. For thoroughfares designated Type E, lots may have direct driveway access to the street provided that the following development standards are complied with:
 - (a) A minimum lot width of 100 feet;
 - (b) A minimum front yard setback of 50 feet; and
 - (c) A circular driveway shall be provided with a minimum of six off-street paved parking spaces.
 3. For streets designated Type F or G, lots may have direct access to the street if other requirements of the Thoroughfare Standards Ordinance are met.
- g. Private Streets and Alleys - Subdivisions may be developed with private streets and alleys instead of public streets and alleys if the development complies with the requirements of this section and the subdivision has received a specific use permit for a private street development. The term private street shall be inclusive of alleys. Variances to these requirements shall not be permitted.
1. Design and Construction Standards - Private streets shall conform to the same standards regulating the design and construction of public streets. These standards shall include, but are not limited to the following:
 - (a) Transportation Element of the Comprehensive Plan;
 - (b) Thoroughfare Standards Ordinance;
 - (c) Engineering Design Guidelines and Construction Standards and Details; and

(d) Street Naming and Addressing Policy.

2. Streets Excluded - Streets shown on the Thoroughfare Plan of the Transportation Element of the Comprehensive Plan shall not be used, maintained or constructed as private streets. Also, the Planning & Zoning Commission may deny the creation of any other private street if in the Commission's judgment the private street would negatively affect traffic circulation on public streets or impair access to property either onsite or offsite to the subdivision, impair access to or from public facilities including schools, parks and libraries, or delay the response time of emergency vehicles.
3. Property Owners Associations Required - Subdivisions developed with private streets and alleys must have a mandatory property owners association which includes all property served by private streets. The association shall own and be responsible for the maintenance of private streets and appurtenances. The association documents must establish a reserve fund for the maintenance of streets and other improvements. The association documents shall be reviewed and approved by the City Attorney to ensure that they conform to this and other applicable city ordinances. The documents shall be filed of record prior to the approval of the final plat. Lot deeds must convey membership in the association and provide for the payment of dues and assessments required by the association. The association may not be dissolved without the prior written consent of the city. No portion of the association documents pertaining to the maintenance of the private streets and alleys and assessments therefore may be amended without the written consent of the city.
4. Private Street Lot - Private streets and alleys must be constructed within a separate lot owned by the property owners association. This lot must conform to the city's standards for public street and alley right-of-way. An easement covering the street lot shall be granted to the city providing unrestricted use of the property for utilities and the maintenance of same. This right shall extend to all utility providers including telecable companies, operating within the city. The easement shall also provide the city with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, inspection and code enforcement. The easement shall permit the city to remove any vehicle or obstacle within the street lot that impairs emergency access.
5. Construction and Maintenance Cost - The city shall not pay for any portion of the cost of constructing or maintaining a private street.

6. City Utilities - Water, sewer and drainage facilities and street lights and signs placed within the private street and alley lot shall be installed to city standards and dedicated to the city prior to approval of the final plat. All city regulations relating to infrastructure financing, developer cost participation and capital cost recovery shall apply to developments with private streets with the exception of those applying to street construction.
7. Plans and Inspections - Developments proposed with private streets must submit to the city the same plans and engineering information required to construct public streets and utilities. Requirements pertaining to inspection and approval of improvements prior to final plat approval shall apply. Fees charged for these services shall also apply. The city may periodically inspect private streets and require repairs necessary to insure emergency access.
8. Access Restrictions - The entrances to all private streets must be marked with a sign stating that it is a private street. Guard houses, access control gates and cross arms may be constructed. All restricted access entrances must be manned 24 hours every day, or provide an alternative means of ensuring access to the subdivision by the city and other utility service providers with appropriate identification. If the association fails to maintain reliable access as required to provide city services, the city may enter the subdivision and remove any gate or device which is a barrier to access at the sole expense of the association. The association documents shall contain provisions in conformity with this paragraph which may not be amended without the written consent of the city.
9. Access Restricted Entrance Design Standards - Any private street which has an access control gate or cross arm must have a minimum uninterrupted pavement width of 22 feet at the location of the access control device. If an overhead barrier is used, it must be a minimum of 14 feet in height above the road surface. All gates and cross arms must be of a break-away design. A turn-around space must be located in front of any restricted access entrance to allow vehicles denied access to safely exit onto public streets. On lots adjacent to entry gates, fences may exceed 40 inches in height, up to a maximum of eight feet within the front yard setback. Such fences must be constructed of wrought iron with brick columns. No solid fencing panels will be allowed.
10. Waiver of Services - The subdivision final plat, property deeds and property owner association documents shall note that certain city services shall not be provided on private streets. Among the services which will not be provided are: routine police patrols, enforcement of traffic and parking ordinances and preparation of accident reports. All private traffic regulatory

signs shall conform to the Texas Manual of Uniform Traffic Control Devices. Depending on the characteristics of the proposed development other services may not be provided.

11. Petition to Convert to Public Streets - The Property Association documents shall allow the association to request the city accept private streets and alleys and the associated property as public streets and right-of-way upon written notice to all association members and the favorable vote of 51% of the membership. However, in no event shall the city be obligated to accept said streets and alleys as public. Should the city elect to accept the streets and alleys as public, the city may inspect the private streets and assess the lot owners for the expense of needed repairs concurrent with the city's acceptance of the streets and alleys. The city will be the sole judge of whether repairs are needed. The city may also require, at the association's expense, the removal of guard houses, access control devices, landscaping or other aesthetic amenities located within the street lot. The association documents shall provide for the city's right to such assessment. Those portions of the association documents pertaining to the subject matter contained in this paragraph shall not be amended without the written consent of the city.

12. Hold Harmless - On the subdivision final plat shall be language whereby the Property Owners Association, as owner of the private streets and appurtenances, agrees to release, indemnify, defend and hold harmless the city, any governmental entity and public utility for damages to the private street occasioned by the reasonable use of the private street by the city, governmental entity or public utility; for damages and injury (including death) arising from the condition of said private street; for damages and injury (including death) arising out of the use by the city, governmental entity or public utility of any restricted access gate or entrance; and for damages and injury (including death) arising out of any use of the subdivision by the city, government entity or public utility. Further, such language shall provide that all lot owners shall release the city, governmental entities and public utilities for such damages and injuries. The indemnifications contained in this paragraph 12 apply regardless of whether or not such damages and injury (including death) are caused by the negligent act or omission of the city, governmental entity or public utility, or their representative officers, employees or agents.

5.5 Sidewalks and Bikeways

- a. Sidewalks - Sidewalks shall be constructed in accordance with the Thoroughfare Standards Ordinance of the City of Plano for all lots adjoining dedicated streets, along major thoroughfares where lots do not adjoin the street, along power line easements and in other areas where pedestrian walkways are necessary. Sidewalk construction may be delayed until

development of lots, but in locations not adjacent to lots and across bridges and culverts, the sidewalk shall be constructed with the other improvements to the subdivision or addition. Sidewalks adjacent to screening walls shall generally be placed against the screening walls to the subdivision or addition. Routing to clear poles, trees or other obstacles shall be subject to approval by the Engineering Department.

- b. Pedestrian Accesses - The Commission 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.
- c. Bikeways - Hike and bike sidewalks, designed and located according to city standards, shall be constructed along streets designated for hike and bike trails. Such sidewalks shall be built by the owner at the time of site development, or, the owner may petition for the city to construct such facilities, subject to escrow policies stated in Article VI of these regulations.

5.6 Drainage, Storm Sewers, and Storm Water Controls

- a. General Requirements - All plats shall conform to the city's Adequate Public Facilities Policies for drainage facilities.
- b. Design of Facilities -
 - 1. Standards - Design of storm sewer systems shall be in accordance with the Storm Drainage Design Manual. All nonresidential development shall incorporate floatables exclusion methods for trash and debris at inlets and other drainage collection devices. Materials and construction shall conform to the Standard Specifications and Standard Construction Details of the city. Plans shall be submitted with the plat.
 - 2. Accommodation of Upstream Drainage Areas - A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision or addition. The owner's engineer shall initially determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance, subject to approval by the City Engineer.
 - 3. Effect on Downstream Drainage Areas - The owner's engineer, subject to approval by the City Engineer, shall study the effect of each addition's storm runoff on the existing underground drainage facilities immediately downstream of the addition. 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 Commission may withhold approval of the plat until such mitigation has been provided. If oversized improvements are required, then the city shall participate in the cost as prescribed by this Ordinance.

4. Location - In general, drainage shall be provided in an underground system constructed in streets, alleys, or in easements. If approved by the City Engineer, the owner may provide, at his own expense, a drainage easement of sufficient width to permit excavation and maintenance of an open channel of satisfactory depth and width. The owner shall complete all necessary excavation on the channel and shall sod or seed the channel to prevent erosion. Unless the excavation channel bottom is Austin Chalk, limestone, or other similar acceptable rock, a reinforced concrete pilot channel of sufficient width may be required by the City Engineer to prevent erosion and/or for access purposes.
5. Construction of Underground Facilities - An owner may choose to install drainage facilities underground to save land space, where normally an open channel would be approved by the city, subject to approval by the City Engineer and subject to participation policies stated in Article VI of these regulations.
6. Detention Facilities - Lakes, detention ponds, and retention ponds may be constructed in all areas provided they are approved by the City Engineer. The city may assume maintenance responsibilities for this type of facility only if title to the facility passes to the city, if approved by the Council; however, easements shall be provided to ensure protection of these areas for maintenance purposes.
7. Storm Water Management Facilities - If proposed as part of site-specific storm water management plan per Section 3.1700 (Storm Water Management) of the Zoning Ordinance, structural and/or nonstructural storm water control devices may be constructed. Structural and/or nonstructural storm water control devices shall conform to the standards and specifications of the North Central Council of Government Integrated Storm Water Management manual. Structural and/or nonstructural storm water controls are subject to approval by the City Engineer.
8. Alternate Facilities - Other innovative drainage concepts will be considered if approved by the City Engineer. Any city costs must be approved by the City Council.

c. Creeks and Floodplains -

1. Floodplain Restrictions - The Commission 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 Floodplain Ordinance, 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 Commission. Floodplains are also subject to the restrictions of the tree preservation requirements in the Zoning Ordinance.
2. Creek Restrictions - Major creeks shall remain in open natural condition; smaller creeks or drainage ways may be channelized provided they meet the criteria of the Storm Drainage Design Manual. When a creek or excavated channel is to remain open, or in its natural condition, it shall meet one of the following requirements:
 - (a) For single-family residential lots, dedication of the creek or drainage way to the city, or to an approved homeowner association (HOA) pursuant to Subsection (c). No portion of a "drainage and floodway easement" shall be contained in a single-family residential lot. A drainage and floodway easement shall be dedicated as a single lot to the city or an HOA. The Commission may waive this dedication requirement only for the following exceptions:
 - i. Replats which were originally platted prior to the dedication requirement.
 - ii. Subdivisions of five (5) lots or less.
 - (b) Creeks and drainage ways may be retained as a part of a nonresidential lot, and it shall be the property owner's responsibility to maintain this area, except as otherwise provided. A maintenance easement shall be granted to the city and shall grant the right but not the obligation to maintain and construct drainage facilities if the creek or drainage way is not being properly maintained. A lien may be filed against the property in favor of the city to secure payment of any expenses incurred by the city for maintenance.
 - (c) Creek or drainage ways may be owned and maintained by an approved maintenance entity, other than individual residential lot owners provided the maintenance area is set forth by easement. A maintenance entity may include homeowners associations, apartment complexes, or similar uses. The maintenance entity's by-laws and covenants filed of record, if

any, shall provide for ongoing maintenance. The easement shall authorize a lien against individual abutting lots in favor of the city to secure the payment to the city for any expenses incurred by the city in the event of default.

- (d) Nonresidential properties may create an entity to maintain creeks or drainage ways, provided the maintenance area is set forth by easement and the entity's by-laws, filed of record, provide for on-going maintenance. Such easements shall authorize a lien against individual abutting properties in favor of the city to secure payment for any expenses incurred if the maintenance entity is not properly maintaining the creek or drainage way. Adequate floodway easements and drainage easements shall be required that give the city the right but not the obligation to maintain and construct drainage facilities if, in the city's sole opinion, the maintenance entity is not properly maintaining the creek or drainage way.
- (e) Where the city has designated a floodway or floodplain as part of the city park system, one of the following shall be provided:
 - i. Parallel streets fronting along the park.
 - ii. Cul-de-sacs which provide public access fronting on the park.
 - iii. Loop streets which provide public access fronting on the park.

In all cases, the city shall approve the proposed street alignment fronting on city parks.

d. Dedication of Drainage Easements -

1. General Requirements - When a subdivision or addition is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water or drainage easement conforming substantially to the line of such watercourse, and of such width and construction as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
2. Maintenance and Access Easements - The property owner must provide sufficient access on each side of and parallel to creeks or drainage ways for maintenance purposes. The access shall be above the base flood elevation and accessible to vehicles and equipment. Access must also be provided at a maximum 1,200 foot spacing along streets or alleys. The location and size of the maintenance and access easement shall be determined by the City Engineer. Minimum width shall be 10 feet and the

maximum width of the access easement shall be fifteen (15) feet. Permanent monuments, the type and locations of which to be determined by the City Engineer, shall be placed along the boundaries of the maintenance and access easement and private property. This maintenance and access easement shall be included in the dedication requirements of this section and included in the drainage and floodway easement width.

3. Drainage Easements -

(a) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual, unobstructed easements at least ten (10) to fifteen (15) feet in width, depending on slopes, for drainage facilities shall be provided across property outside the street lines and with satisfactory access to the street. Easements shall be indicated on the plat. Drainage easements shall extend from the street to a natural watercourse or to other drainage facilities.

(b) When a proposed drainage system will carry water across private land outside the subdivision or addition, appropriate drainage easements must be secured.

e. Storm Water Controls

1. General Requirements - Per Section 3.1700 (Storm Water Management) of the Zoning Ordinance, a subdivision may propose storm water conservation areas or other nonstructural or structural storm water controls.
2. Storm Water Quality Easements - Storm water quality easements shall be provided for all storm water controls. The storm water quality easement shall encompass the area of the storm water conservation area and/or other nonstructural or structural control and shall encompass any maintenance and/or access easements necessary as determined by the City Engineer to construct, maintain, and inspect the storm water controls. The storm water quality easement shall give the city the right, but not the obligation, to inspect and maintain the storm water controls if, in the city's sole opinion, the proper maintenance is not being performed by the maintenance entity.
3. Ownership and Maintenance - For single-family, patio home, and/or single-family attached subdivisions, storm water controls shall be owned and maintained by a maintenance entity such as a homeowners association. For all other development, storm water controls may be owned and maintained by the property owner or a maintenance entity such as property owners association. The bylaws and covenants of any maintenance entity

that owns and maintains storm water controls shall provide for the ongoing maintenance of the storm water controls per Section 5.13 (Provision of Amenities and/or Storm Water Controls).

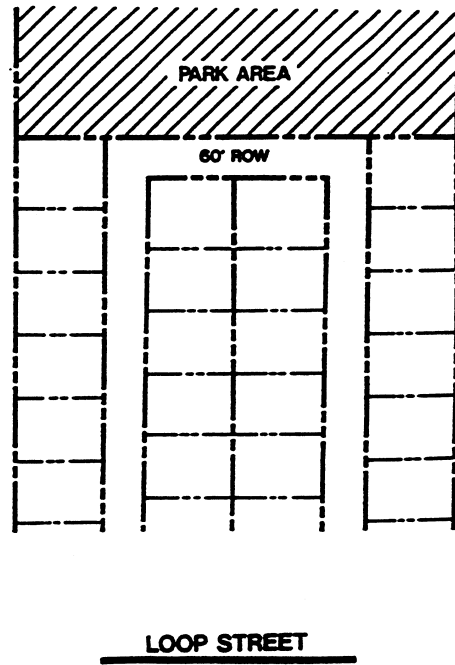
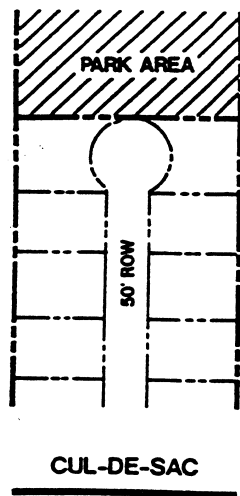
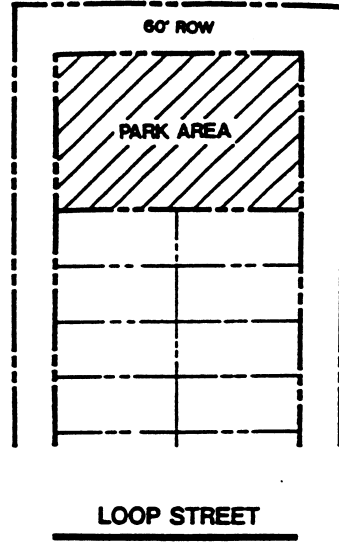
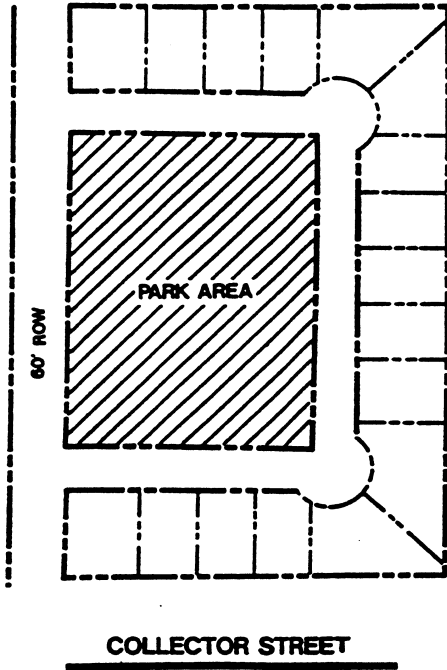
- f. Grading - Site, street or development grading shall conform to the specifications in the city's Erosion and Sedimentation Control Ordinance.

5.7 Park Access

- a. General Requirements - Parks should be easy to access and open to public view so as to benefit area development, enhance the visual character of the city, protect public safety and minimize conflict with adjacent land uses. The following guidelines should be used in designing parks and adjacent development:
 - 1. Where physically feasible, parks should be bounded by streets or by other public uses (e.g., school, library, recreation center).
 - 2. Where residential lots must directly abut a park, lots should be oriented so as to side and not back to the park. In this instance, cul de sac and looped streets should be used to access the lots and park (see illustrations). Residential lots should back to a park only when the site's physical character (e.g., shape, topography, drainage) does not reasonably permit an alternative design or the layout of the subdivision complements the use of the park (e.g., lots backing to a golf course).
 - 3. A proposed subdivision adjacent to a park may not be designed to restrict reasonable access to the park from other area subdivisions. Street connections to existing or future adjoining subdivisions may be required to provide reasonable access to parks.
 - 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 Planning & Zoning Commission if public benefit is established.
 - 5. Alleys may abut a park, but they should not be designed to encourage their use as a means of vehicular, bike or pedestrian travel to the park.
- b. Streets abutting a park shall be built in accordance with the thoroughfare plan and the standards of this ordinance; however, the city may require any residential street built adjacent to a park to be constructed to collector width to ensure access and prevent traffic congestion.
 - 1. When park land is acquired, the city shall reserve sufficient land to provide 50% of the right-of-way for abutting streets.

2. The cost of constructing residential streets (pavement width 27 feet) and alleys abutting a park shall be responsibility of the developer. The city shall reimburse the developer 50% of the cost of construction of the portion of any street collector width or greater abutting a park.
3. In all cases, the city shall approve the proposed street alignment fronting on city parks. Developers shall also provide street access to all creeks or drainage ways which are maintained by a homeowner association or dedicated as a drainage and floodway easement to the city.

PARK ACCESS



5.8 Sewage Facilities

- a. Adequate Sewage Facilities - Sanitary sewer facilities serving the subdivision or addition shall connect with the city's sanitary sewer system, and shall conform to the city's Adequate Public Facilities Policies for sewage treatment and collection. Sewers shall be installed to serve each lot and to grades and sizes according to specifications herein identified or referenced.
- b. Design and Construction Requirements - Design of sanitary sewers shall be in accordance with the city's Manual for Design of Water and Sewer Lines. Materials and construction shall conform to the Standard Specifications and Standard Construction Details of the City of Plano. The sanitary sewer system shall conform to the city's sewer studies for the various drainage basins.
- c. Sewage Locations - Sanitary sewers shall be located within street or alley rights-of-way unless topography dictates otherwise. When located in easements on private property, access shall be provided to all manholes. A manhole shall be provided at each street or alley crossing. End lines shall be extended to provide access from street or alley right-of-way when possible.

5.9 Water Facilities

- a. Adequate Water Facilities - Water systems serving the subdivision or addition shall connect with the city's water supply and distribution system, and shall conform to the city's Adequate Public Facilities Policies for water supply, treatment and distribution. Water facilities shall be installed to adequately serve each lot and to grades and sized according to specifications herein contained or referenced.
- b. Design and Construction Requirements - Design of water systems shall be in accordance with the Manual for Design of Water and Sewer Lines. Materials and construction shall conform to the Standard Specifications and Standard Construction Details of the City of Plano. The water system shall be in accordance with the city's Master Water Plan.
- c. Fire Hydrants - Fire hydrants and valves shall be required for all subdivisions and additions and shall be located to satisfy the requirements of the Fire Department. Fire hydrants shall be located in accordance with the Manual for Design of Water and Sewer Lines and shall be approved by the applicable fire protection unit. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements shall be installed before any final paving of a street shown on the subdivision plat. Reflective fire hydrant buttons shall be installed in all streets at a point adjacent to fire hydrants. The buttons shall conform to Engineering Department specifications. At corner locations, spotters shall be installed in both streets.

5.10 Public and Private Utilities

a. Easements -

1. The property owner shall be required to furnish all easements and rights-of-way required to serve the development. Where reasonable, utilities should be located within streets or alley rights-of-way. Notwithstanding the above developers may offer easements outside of street and alley rights-of-way. All utility facilities existing and proposed throughout the property shall be shown on the preliminary plat.
2. Easements shall be provided for both municipal and private utilities and must be recorded on the final plat or replat. Municipal easements for water and sanitary sewer shall be a minimum of ten feet in width. Storm sewer easements shall be a minimum of fifteen feet in width. All municipal easements may be wider as determined by the City Engineer depending on the depth and the size of the utility. Private utility easements must be sized by the utility company. Proper coordination shall be established between the property owner and the applicable utility companies for the establishment of utility easements on adjoining properties.
3. When topographical or other conditions are such as to make impractical the inclusion of utilities within the rear of residential lot lines, perpetual unobstructed easements at least ten (10) feet in width shall be provided along selected side lot lines for satisfactory access to the street or rear lot lines. Easements shall be indicated on the plat.
4. Water, sewer or drainage easements shall not straddle lots unless approved by the City Engineer.

b. Damage - The contractor and owner shall be responsible for all damage to existing public improvements caused during construction of new public improvements.

c. Underground Utilities - All utilities, including electrical distribution and communication, shall be installed underground along Type D, E, F, and G thoroughfares and alleys, unless otherwise approved by the City Engineer. Temporary electrical service may be installed above ground adjacent to unplatted property along Type D and E thoroughfares. However, these lines must be placed underground as adjacent property develops. Electrical and/or communication utility lines shall be installed underground in compliance with utility service regulations. Electrical utility service to nonresidential properties from overhead distribution lines shall be placed underground from the right-of-way to the point of service. Developers are encouraged to install all utilities underground on each property.

5.11 Neighborhood and Linear Parks

- a. Park Reservation and Dedication - Land for neighborhood and linear parks shall be reserved and dedicated in accordance with the locations specified on the Park Master Plan. Concept plans and preliminary site plans shall be reviewed to determine if land dedications shall be required for neighborhood and linear parks. If land is to be dedicated, the city shall specify the proposed land requirements and the developer shall accommodate the dedication or offer to dedicate an alternative site which reasonably meets the same needs of the city. The Planning & Zoning Commission shall make the final determination of site location and configuration reserved for future dedication on the approved concept plan and preliminary site plan. Prior to, or concurrent with, the approval of a preliminary plat, the developer and city shall execute an improvement agreement and reimbursement contract as specified in Section 5.11(e). Specified neighborhood and linear park sites and improvements shall be dedicated to the city upon approval of the final plat and completion and acceptance of the improvements.
- b. Site Criteria - Neighborhood and linear park sites shall be of a suitable size, dimension, topography, and general character to meet the design criteria specified in the comprehensive plan.
- c. Minimum Park Improvements - Unless waived by the Planning & Zoning Commission, neighborhood and linear parks shall be improved by the developer prior to acceptance by the city. The minimum park improvements shall include:
 1. Grading and clearance of unwanted vegetation;
 2. Installation of drainage and stream erosion controls;
 3. Establishment of turf and planting of trees;
 4. Installation of perimeter streets and street lights;
 5. Provision of water and sewer service; and
 6. When required, the installation of hike and bike trails, as follows:
 - (a) Hike and bike trail pavement shall be a minimum of 10 feet in width and constructed in accordance with the Standard Construction Details.
 - (b) The maximum grade allowed for trails is 5%, with the cross-slope not to exceed 1/4 inch per foot, and not less than 1/8 inch per foot.

- (c) Except at intersections, hike and bike trails shall not be placed closer than three (3) feet to a street.
 - (d) The slope of land adjacent to a hike and bike trail shall not exceed 3:1, except where the City Engineer finds no reasonable alternative to a greater slope.
 - (e) Railings may be required at the developer's expense if the adjoining grade of and or obstructions along the trail present safety concerns.
 - (f) A minimum of three (3) feet of level, unobstructed turf area is required on both sides of the trail except where the City Engineer finds no reasonable alternative exists.
 - (g) An engineering plan for the hike and bike trail, including topography, drainage structures, adjacent streets, floodplain location and other information related to the trail design must be submitted and approved by the city prior to release for construction.
 - (h) Barricades and fencing must be maintained during the construction process.
- d. Additional Improvements - The developer may request permission to construct additional park improvements. The Planning & Zoning Commission may approve additional improvements if the proposed improvements are consistent the design criteria and objectives of the Park Master Plan. Additional improvements shall be denied where the Commission determines that the proposed improvements are inconsistent with the Park Master Plan, would impose an unreasonable maintenance responsibility on the city, or are judged to be premature based on service demand.
- e. Improvement Plan and Development Agreement - No improvement shall be made of a proposed park site unless an improvement plan is approved by the city. The plan shall illustrate all proposed improvements and estimate the cost of each improvement (including unit costs where appropriate). Prior to improving the site, the developer and the city must execute subdivision improvement agreement and reimbursement contract defining the work to be performed, construction schedules, improvement costs, performance surety, and the amount to be reimbursed and the timing of such reimbursement. The Parks and Recreation Board of the City of Plano shall review and recommend to the Planning & Zoning Commission the approval, conditional approval, or denial of each park improvement plan.

- f. Completion of Land Dedication and Improvements - Park land shall be dedicated to the city concurrent with the approval and filing of a final plat or replat. All improvements specified in the park improvement plan and development agreement must be completed prior to approval of the final plat, except where future performance is secured by a subdivision improvement agreement as specified in Article IV.
- g. Cost Reimbursement - The city shall reimburse the developer for land and improvement costs for qualified park land dedication and improvements under the terms set forth in the Plano Park Fee Ordinance, Section 1.11 Reimbursement of Developer Contributions.
- h. The city may accept or reject voluntary dedications of land and improvements for public park purposes which are not shown on the Master Park Plan; however, acceptance of such dedications shall not qualify for cost reimbursement.

5.12 Public Uses

- a. Reservation of Land - Preliminary plats and final plats shall reserve land for future public use as designated in the Comprehensive Plan and associated plans for future public facilities and utilities. These uses include, but are not limited to: parks (see Section 5.11), libraries, police and fire stations, pump stations, water storage tanks, and lift stations. Land reserved shall be of a suitable size, dimension, topography, and character for the designated purpose.
- b. Procedure for Reserving Land - All preliminary plats and final plats shall provide for the necessary reservation of land for future public use as follows:
 - 1. Concept Plan/Preliminary Site Plan - All concept plans and preliminary site plans shall be reviewed to determine if land reservations are required as specified in Section 5.10 (a). If land is to be reserved, the city shall provide the developer a description of the land to be reserved and any other requirements of the reservation. The city shall specify the proposed use of the land and estimate the time needed to complete the acquisition. The developer shall accommodate the reservation as specified, or may offer to reserve an alternative site(s) which reasonably meets the same needs of the city. Should an alternative be proposed by the developer, the Commission shall determine if the alternative shall be approved. Land shown as to be reserved on an approved concept plan and/or preliminary site plan indicates the city's intent to acquire the area reserved at a future time. However, the city is not obligated to acquire land reserved on a concept plan or preliminary site plan and may void the reservation at any time.

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. Boundaries of land reserved for public use may be adjusted subject to the approval of the Commission. The city shall initiate acquisition of any area reserved for public use on a preliminary or final plat within twelve months of the date of approval of the preliminary or final 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.

5.13 Provision of Amenities and/or Storm Water Controls

- a. Where amenities and/or storm water controls are proposed as a part of a subdivision or addition and are owned and maintained by property owners in common or through an association of property owners, or where the amenities are to be dedicated to the city and are to be maintained publicly or privately through agreement with the city, the city may require the following:
 1. Plans and illustrations of the proposed amenities and/or storm water controls;
 2. Cost estimates of construction, maintenance and operating expenses;
 3. Association documents, deed restrictions, contracts and agreements pertaining to the amenities and/or storm water controls; and
 4. Provision of surety as required for maintenance and other expenses related to the amenities and/or storm water controls.
- b. The design of amenities shall conform to the city's guidelines for residential amenities as adopted by the City Council. The design of the storm water controls shall conform to the standards and specifications of the North Central Texas Council of Government Integrated Storm Water Management manual.
- c. All amenities to be placed on land dedicated to the city, or involving the potential use of public funds for maintenance and operation shall require City Council approval prior to approval of the final plat. The City Council may deny any such amenity at its sole discretion.
- d. All such amenities and/or storm water controls must be completed and in place prior to the City Engineer making an acceptance of the public improvements and prior to final release of Certificate of Occupancy and occupying of residential structures.

- e. Any subdivision creating an area or amenity and/or storm water controls to be owned in common by the owners of lots within the subdivision shall require the establishment of a property owners association prior to the approval of the final plat.
- f. Documents establishing the property owners association shall be submitted to the city for review by the City Attorney for conformance with this and other applicable ordinances prior to approval of a preliminary plat. The documents shall specify:
 - 1. That membership in the association is mandatory for all owners of property within the subdivision;
 - 2. All association responsibilities and property interests.
 - 3. By-laws related to the governance of the association.
 - 4. Covenants for maintenance assessments which run with the land;
 - 5. Responsibility for liability insurance and local taxes;
 - 6. Authority for the association to secure funds from its members sufficient to meet its responsibilities. This authority shall include the ability to collect dues, to increase dues, charge special assessments and place liens against property for failing to pay dues and assessments;
 - 7. Other city requirements as applicable.
- g. Notice to Purchasers - Builders are required to post notice in a prominent place in all model homes, sales offices and on all open space areas larger than 20,000 square feet stating that a property association has been established and membership is mandatory for all property owners. The notice shall state at a minimum that the builder shall provide any person upon their request the association documents and a five year projection of dues income and association expenses.
- h. Maintenance Reserve Fund - Prior to the transfer of the association to the lot owners, the developer must provide a reserve fund equivalent to two months' dues based on full association membership.
- i. Property Association Activation - Concurrent with the transfer of the association the developer must transfer to the association control over all utilities related to property and amenities and/or storm water controls to be owned by the association. The developer must also disclose to the association the total cost to date related to the operation and maintenance of common property and amenities and/or storm water controls.

5.14 The Following Design Standards and Specifications are Incorporated by Reference into this Ordinance:

Water & Sewer Design Manual
Standard Construction Details
Standard Specifications for Public Works Construction
 with City of Plano Special Provisions
Thoroughfare Standards Ordinance
Flood Damage Prevention Ordinance
Erosion Control Ordinance
Storm Drainage Design Manual

ARTICLE VI. PARTICIPATION AND ESCROW POLICIES

6.1 Participation Policies

- a. City's Share of Improvement Costs - The city shall participate in the costs of public improvements which are not for the primary benefit of the development and which have been oversized to serve developments other than for which the plat has been submitted for approval, only to the extent and according to the standards stated in this article and pursuant to the procedures herein set forth and only if an Improvement Agreement is entered into between the city and owner as provided in these regulations which conforms to the requirements of Article 2368a Section 2c, Vernon's Annotated Civil Statutes, as amended, and as later codified in the local government code.
- b. Owner's Responsibility -
 1. The property owner shall be responsible for the entire costs of designing and installing all public improvements which primarily serve the subdivision or addition. Facilities required by these regulations, unless listed in Section 6.2, shall be considered as primarily serving the subdivision or addition unless otherwise determined by the city.
 2. The property owner shall also be responsible for its share of the costs of oversized or offsite public improvements needed to assure adequacy of public facilities and services for the addition or subdivision, subject to participation and escrow policies contained in this article.
 3. The property owner shall be responsible for extending streets, water, sewer or drainage facilities offsite to his property as required by the Commission and/or required to ensure adequacy of public facilities.
 4. Should the subdivision or addition abut an existing water or sanitary sewer line installed by someone other than the city, the owner shall pay to the city a "Developers Liability" charge to be refunded to the original installer of the line, as prescribed in the Pro-Rata Ordinance of the city.
 5. Should a lift station, either temporary or permanent, be necessary to provide a sanitary sewer service to the subdivision or addition, the property owner shall construct the station and all appurtenances, at his own expense. If and when the lift station is no longer needed, the installation will, unless other provisions are made, remain the property of the City of Plano for reuse or disposal. A "Developers Liability" charge for such lift stations and appurtenances may be established as prescribed in the Pro-Rata Ordinance of the city.

6.2 Facilities Eligible for City Participation

The city shall participate in the costs of installing public improvements according to the following schedule:

- a. The city shall reimburse the property owner or developer for 100% of the following costs:
 1. Costs of paving streets and thoroughfares for the portion of the width of pavement exceeding thirty-seven (37) feet for internal streets and eighteen and one-half (18.5) feet (per side) for divided thoroughfares. Costs include those for pavement, lime stabilization and excavation to a depth equal to the distance from the top of the curb to the top of stabilized subgrade for that width of street paving wider than thirty-seven (37) feet or eighteen and one-half (18.5) feet on each side in the case of a divided thoroughfare.
 2. Paving costs for streets and thoroughfares for that portion of the required paving thickness exceeding eight (8) inches, except where thicker pavement is required by the Texas Department of Transportation (TxDOT) and the Dallas Area Rapid Transit (DART).
 3. The costs of left-turn lanes and median openings on Type "D" or wider thoroughfares intersecting Type "D" or wider thoroughfares.
 4. Costs of that portion of grade-separated intersections which require paving in excess of thirty-seven (37) feet in width (18.5 feet per side).
 5. Costs of installing conduit and pullboxes for street lights and traffic signals along Type D or wider thoroughfares.
 6. A portion of the costs of all water or sanitary sewer pipelines larger than twelve (12) inches, subject to the provisions of the city's pro rata ordinance. City participation shall be based upon the difference in cost between a standard twelve (12) inch diameter pipeline and the size pipeline actually installed, including embedment, manholes, special fittings and other appurtenances necessary for complete sanitary sewer pipeline installation.
- b. The city shall reimburse the property owner or developer twenty-five percent (25%) of the following costs:
 1. Street crossings (bridges or culverts), for residential developments, with an opening larger than that of a double seventy-two (72) inch pipe culvert. The cost of the structure shall be based on a standard, basic culvert or bridge including headwall or rip-rap, if required by the City Engineer, for erosion control.

2. That portion of storm sewers, for residential developments, exceeding seventy-two (72) inches in diameter. The Commission shall have the option of limiting the city's participation for a developer's request for extensive underground storm sewer systems to the cost of pilot channel participation, as would be required if the developer were to provide for an open channel drainage system.
 3. The costs of constructing a pilot channel lining, for residential developments, if approved by the City Engineer pursuant to Section 5.6.
 4. Costs of constructing railroad crossings and signals, which are charged by the Railroad Company. The remaining seventy-five percent (75%) of the costs shall be borne equally by the owners of the four quadrants of the intersection of the street and the railroad.
- c. The city shall reimburse the property owner or developer ten percent (10%) of the following costs:
1. Street crossings (bridges or culverts), for nonresidential developments, with an opening larger than that of a double seventy-two (72) inch pipe culvert. The cost of the structure shall be based on a standard, basic culvert or bridge including headwall or rip-rap, if needed, for erosion control.
 2. That portion of storm sewers, for nonresidential developments, exceeding double seventy-two (72) inches in diameter. The Commission shall have the option of limiting the city's participation for a developer's request for extensive underground storm sewer systems to the cost of pilot channel participation, as would be required if the developer were to provide for an open channel drainage system.
 3. The costs of constructing a pilot channel lining, for nonresidential developments, if approved by the City Engineer pursuant to Section 5.6.

6.3 Limitation and Exceptions

Notwithstanding Section 6.2, the city shall not participate in the following costs:

- a. Those portions of the costs of any public improvements not expressly described in Section 6.2.
- b. Costs of clearing and grubbing for streets and thoroughfares.
- c. Costs of constructing streets built wider than called for in the Thoroughfare Plan.

- d. Costs of lights, decorative finishes or other similar expenses, unless required by the City Engineer.
- e. Costs of pipe or box culvert, headwalls, regardless of size, or the costs of retention/detention ponds or slope protection, except rip-rap under a bridge.
- f. Costs of detours, pavement transitions and cross-overs.
- g. Costs of relocating or adjusting private utility company facilities.
- h. When reimbursing the property owner or developer pursuant to this Article, the City of Plano shall pay a maximum of 6% of the city's participation cost for engineering fees, which includes surveying, construction staking and supervision, and the city shall not be responsible for any other incidental expenses or costs.
- i. Costs of underground box culverts not required by City of Plano.

6.4 Procedures for City Participation

- a. Definitions - For purpose of Article VI, the following terms shall have the following meanings:
 - 1. Contiguity - The term "contiguous" shall mean that the reimbursable improvements are within the boundaries of, or abutting the perimeter of, a developed subdivision or addition.
 - 2. Developed Subdivision or Addition - Property for which a final plat has been filed for record in the county in which the property is located, and the public improvements required by the city have been installed by the property owner and have been accepted by the city.
- b. Application for Participation - In order to initiate a reimbursement request, the owner must establish a front foot oversize cost for the reimbursable public improvements. Requests for reimbursement to the owner of cost of oversize paving, drainage, water and sanitary sewer mains shall include the owner's name and mailing address. The request must include as-built drawings showing the reimbursable items, a copy of the contractor's bid for construction, final payment with quantities and unit costs, oversize calculations for all reimbursement items, and a project location map.
- c. Precondition to Processing Request - Participation requests will be processed after the public improvements are accepted by the city. Reimbursement requests for onsite oversizing will be processed in the order of their receipt and subject to City Council approval as appropriate. Requests exceeding funds available shall be scheduled for payment as a part of the next year's capital

improvements program, subject to available funding. However, all oversized participation shall be refunded no later than five years following the date of final acceptance of the public infrastructure improvements. In the case of offsite public improvements, participation will be processed after a development is accepted which contains or abuts the offsite improvements. All participation will be made in accordance with Paragraph (d) of this section.

- d. City Engineer Determination - The City Engineer shall determine the city's participation in the cost of public improvements, in accordance with the criteria in Section 6.1 through 6.3. Payments shall be allocated to a development on a front foot basis and shall be made as follows:
 1. As property is platted and developed adjacent to the offsite public infrastructure improvements, the city will reimburse oversized costs for that portion contiguous to the property. Oversized costs will be reimbursed to the initial developer after final acceptance by the city of the public improvements. Oversized reimbursement will not be made with filing of a conveyance plat.
 2. Reimbursement funds for the city's share of the public infrastructure improvements will be as scheduled in the Annual Capital Improvements Program. However, all oversized participation shall be refunded no later than five years following the date of final acceptance of the public infrastructure improvements.
- e. Funding - The city will annually prepare a capital improvement program, a component of which will generally identify funds for payment of oversized participation. Funds will be designated individually from the appropriate source for both street and drainage and water and wastewater projects. Requests in excess of available funding will be deferred for future allocations.

6.5 Escrow Policies and Procedures

- a. Deposit with City - Whenever the city agrees to accept escrow deposits in lieu of construction by the owner of the property under these regulations, the property owner or developer shall deposit an amount equal to his share of the costs of design and construction in escrow with the city. Such amount shall be paid prior to release of construction plans by the City Engineer. In lieu of such payment at such time, the city may permit the property owner to contract with the city and shall agree in such contract that no building permit shall be issued for any lot included within said plat, or increment thereof, until the full amount of the escrow is paid, or a pro rata part thereof for the full increment if developed incrementally. The obligations and responsibilities of the property owner shall become those of property owner's transferees, successors and assigns; and the liability therefore shall be joint and several.

- b. Determination of Escrow Amount - The amount of the escrow shall be determined by using the average of the comparable bids awarded by the city in the preceding six (6) months or, if none exist, then in the preceding year or, if none exists current market value of construction as determined by an estimate by the City Engineer. Such determination shall be made as of the time the escrow is due here under.
- c. Termination of Escrow - Escrows which have been placed with the city under this section which have been held for a period of ten (10) years from the date of such payment or agreement, in the event that the city has not authorized the preparation of plans and specifications for construction of such roadway facilities for which the escrow was made, shall upon written request be returned to the property owner, with accrued interest. Such return does not remove any obligations of the owner for construction of the required facilities if a building permit has not been issued on the subject lot or if a new building permit is applied for.
- d. Refund - If any street or highway for which escrow is deposited for, is constructed, or is reconstructed by another governmental authority at no cost to the city, the escrowed funds and accrued interest shall be refunded to the property owner or developer after completion and acceptance of the public improvements. In the event that a portion of the cost is borne by the city and the other portion of the cost by another governmental authority, the difference between the owner's actual proportionate cost and the escrowed funds, including accrued interest, if any, shall be refunded after completion and acceptance of the improvements.
- e. Interest Limitation - If money is refunded within six months of deposit, only the principal will be refunded. Monies returned after this date will be refunded with interest accrued, calculated at 1% less than the rate of actual earnings.

6.6 Payment of Fees, Charges and Assessments

As a condition of plat approval, the property owner shall pay all fees, charges and assessments required to assure adequacy of public facilities to the subdivision or addition, as may be imposed under these or other regulations of the city.

ARTICLE VII. REPLATTING PROCEDURES

7.1 Replatting of Land

- a. Replat Required - Unless otherwise expressly provided for herein, a property owner who proposes to replat any portion of an already approved final plat, other than to amend or vacate the plat, must first obtain approval for the replat under the same standards and by the same procedures prescribed for the platting of land by these regulations.
- 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 approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the Commission 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 -
 1. In addition to compliance with Subsection (b), a replat without vacation of the preceding plat must conform to the requirements of this section if:
 - (a) During the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
 - (b) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.
 - (c) Compliance with this Subsection (c) is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.
 2. Notice of the hearing required under Subsection (b) shall be given before the 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 Subsection (c) 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 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.

3. If the proposed replat requires a variance, and the owners of 20 percent or more of the area of lots to whom notice is required to be given under Subsection (b) file with the Commission a written protest of the replatting before or at the hearing, approval of the replat will require the affirmative vote of three-fourths of the Commission members present. In computing percentages of ownership, each lot is considered equal to all other lots regardless of size or number of owners, and the owners of each lot are entitled to cast only one vote per lot. The area of streets and alleys shall be included in computing the percentage of land area.
4. Any replat which adds or deletes lots must include the original lot boundaries.

7.2 Amending Plats

- a. The Director of Planning, or his/her designee, 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 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: (Ordinance # 96-1-31)
 1. To correct an error in any course or distance shown on the prior plat;
 2. To add any course or distance that was omitted on the prior plat;
 3. To correct an error in the description of the real property shown on the prior plat;
 4. To indicate monuments set after death, disability, or retirement from practice of the surveyor charged with responsibilities for setting monuments;
 5. To show the proper location or character of any monument which has been changed in location or character or which originally was shown at the wrong location or incorrectly as to its character on the prior plat;

6. To correct any other type of scrivener or clerical error or omission as previously approved by the city Planning & Zoning Commission or City Council; such errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent recorded plats;
 7. To correct an error in courses and distances of lot lines between two adjacent lots where both lot owners join in the application for plat amendment and neither lot is abolished, provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat;
 8. To relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement;
 9. To relocate one or more lot lines between one or more adjacent lots where the owner or owners of all such lots join in the application for the plat amendment, provided that such amendment does not:
 - (a) Attempt to remove recorded covenants or restrictions; or
 - (b) Increase the number of lots.
 10. To make necessary changes to the prior plat to create six or fewer lots in the subdivision or addition or a part of the subdivision or addition covered by the prior plat if:
 - (a) The changes do not affect applicable zoning and other regulations of the city;
 - (b) The changes do not attempt to amend or remove any covenants or restrictions; and
 - (c) The area covered by the changes is located in an area that the Commission has approved, after a public hearing, as a residential improvement area.
- b. Procedures - Amending plats shall be processed using procedures for conveyance plats set forth in Article III of these regulations.

7.3 Plat Vacation

- a. By Property Owner - The property owner of the tract covered by a plat may vacate, upon the approval of the Commission, the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.
- b. By All Lot Owners - If lots in the plat have been sold, the plat may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.
- c. Criteria - The Commission shall approve the petition for vacation on such terms and conditions as are reasonable to protect public health, safety and welfare. As a condition of vacation of the plat, the Commission may direct the petitioners to prepare a revised final plat in accordance with these regulations.
- d. Effect of Action - On the execution and recording of the vacating instrument, the vacated plat shall have no effect. Regardless of the Commission's action on the petition, the property owner or developer will have no right to a refund of any monies, fees or charges paid to the city nor to the return of any property or consideration dedicated or delivered to the city except as may have previously been agreed to by the Commission.
- 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 Chairman of the Commission;
 - (b) The property owner has breached an improvement agreement and the city is unable to obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by the property owner or its successor;
 - (c) The plat has been of record for more than five (5) years and the Commission determines that the further sale of lots within the subdivision or addition presents a threat to public health, safety and welfare, except that the vacation shall apply only to lots owned by the property owner or its successors.

2. Procedure - Upon any motion of the Commission to vacate the plat of any previously approved subdivision or addition, in whole or in part, the Commission shall publish notice in a newspaper of general circulation in the county and provide personal notice to all property owners within the subdivision or addition and shall also provide notice to the City Council. The notice shall state the time and place for a public hearing on the motion to vacate the subdivision or addition plat. The Commission shall approve the vacation only if the criteria in Section 7.3(d) are satisfied.
3. Record of Notice - If the Commission adopts a resolution vacating a plat in whole, it shall record a copy of the resolution in the County Clerk's Office. If the Commission adopts a resolution vacating a plat in part, it shall cause a revised final plat to be recorded which shows that portion of the original plat that has been vacated and that portion that has not been vacated.

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