P & Z MEETING DATE: December 5, 2019
DATE: November 22, 2019
TO: Planning and Zoning Commission
FROM: Molly J. Coryell, Planner

BACKGROUND:
This is a City-initiated request to consider amending the Comprehensive Subdivision Ordinance (CSO) text. The proposed amendments are primarily in response to Texas House Bill 3167 impacting plats. Additionally, the changes add conveyance plats and amend the requirements for approving sidewalk waivers. The majority of the proposed CSO amendments update processes, terms, descriptions, and dates, all considered minor changes.

FINANCIAL IMPLICATIONS:
There are no financial implications on the current and future operating budgets regarding this request.

STAFF RECOMMENDATION/ACTION DESIRED:
Staff recommends APPROVAL of amendments to the Comprehensive Subdivision Ordinance (CSO).

ATTACHMENTS:
Result Sheet
Staff analysis
A. STIPULATIONS AND RECOMMENDATIONS

Staff recommends approval of the following CSO amendments. New added text shown in underlined, removed text are struck through.

1. Article III. Procedures for Plat Approval

SECTION A. PROCEDURE

4. If a plat is approved through administrative action or by the Planning & Zoning Commission, the corrected and signed plat shall be submitted to the Planning Department with the appropriate number and format of electronic and paper copies as required by the Planning Department, for recording with the appropriate county clerk. The plat shall be filed before vertical construction begins on the property within twelve (12) months of the date of final approval by the Planning and Zoning Commission. Otherwise, the approval of the Planning & Zoning Commission becomes invalid. Planning & Zoning Commission approval becomes effective on the date the Planning & Zoning Commission takes final action on the plat.

2. Article IV. Administrative Plat, Article VI. Final Plat, Article VII. Replat, Art VIII. Miscellaneous Plats and Abandonments

SECTION B. GENERAL PROVISIONS.

3. VALIDITY:

An administrative plat shall be filed for record with the appropriate county clerk before vertical construction begins on the property within twelve (12) months from the date of approval. Any administrative plat not filed within such time shall be considered invalid. It shall be the applicant's responsibility to submit all required copies of the plat to the city of Carrollton in time to acquire city signatures and to file the plat before the twelve-month period expires. An administrative plat shall be filed for record with the appropriate county clerk in the same manner as required for a final plat.

Reapproval of an administrative plat by the Director of Urban Development may be applied for at any time after the approved plat becomes invalid. If the Director of Urban Development or his or her designee should deem changes necessary in the reapproval of an administrative plat in light of new or significant information or requirements, he or she shall so inform the subdivider. An administrative plat submitted for reapproval shall be prepared in accordance with, and comply with, the requirements of this ordinance, the Comprehensive Zoning Ordinance, Engineering Design Standards, and all other applicable requirements in effect at the time such application for reapproval is formally filed with the Urban Development Department.

(Ord. No. 1948, 10/19/93; Ord. No. 2573, 11/07/00)
3. **Article V. Preliminary Plat**

**SECTION B. GENERAL PROVISIONS**

3. **VALIDITY**

Approval of a preliminary plat is valid until a final plat is approved by the Planning & Zoning Commission, for twelve (12) months from the date of Planning & Zoning Commission approval. A final plat application must be formally filed with the Planning Department in the manner prescribed by Article III of this ordinance before the twelve-month period expires in order for the preliminary plat to remain valid. If a final plat is denied and the twelve-month period subsequently expires, a new preliminary plat must be approved before another final plat will be considered.

Reapproval of a preliminary plat by the Planning & Zoning Commission may be applied for at any time after the approved plat becomes invalid. If during the reapproval process the Planning & Zoning Commission should deem changes in a preliminary plat necessary in light of new or significant information or requirements, it shall so inform the subdivider. A preliminary plat submitted for reapproval shall be prepared in accordance with, and comply with, the requirements of this ordinance, the Comprehensive Zoning Ordinance, General Design Standards, and all other applicable requirements in effect at the time such application for reapproval is formally filed with the Planning Department.

4. **Article VI. Final Plat**

4. **CONTENT**

The final plat shall include the following items:

a. The final plat and accompanying data shall conform to the preliminary plat, if applicable, as approved by the Planning and Zoning Commission, incorporating any and all changes, additions, modifications, alterations, and corrections stipulated by the Planning and Zoning Commission.

b. The final plat shall contain all of the features required for preliminary plats in Article V of this ordinance and shall bear the seal of a registered Texas surveyor. Topographic contours, identification of physical features and wooded areas shall not be required on a final plat.

c. Engineering plans prepared by an engineer registered in the state of Texas shall be required when property is platted for the purpose of immediate development. Engineering plans shall include grading and drainage plans, water and sewer plans, and other plans as required by the City Manager or Designee. The engineering plans shall be approved by the City Manager or Designee prior to filing the plat with the appropriate county clerk. *(Ord. No. 2573, 11/07/00; Ord. No. 3271, 01/01/09)*

d. In addition to the various requirements for the preliminary plat, the final plat shall also include the following:
1. EXISTING FEATURES:

a. The exact location, dimension, name and description of all existing or recorded streets, alleys, reservations, easements or public rights-of-way within the subdivision, intersecting or contiguous with its boundary or forming such boundary, or located in close proximity to the site, with accurate dimensions, bearings or deflecting angles and radii, area and central angle, chord bearing and distance, tangent distance and length of all curves, where appropriate.

2. PROPOSED FEATURES:

a. The exact location, dimensions, description and names of all proposed streets, alleys, common areas, parks, public areas, playgrounds or other similar uses, reservations, easements or rights-of-way, blocks, lots and significant sites within the subdivision, with accurate dimensions, bearing or deflecting angles and radii, area and central angles, chord bearing and distance, tangent distance and length of all curves where appropriate.

b. The surveyor of record for the plat shall submit, with the initial Plat submittal, full calculations for the closure of the tract, showing the bearings and distances as shown on the Final Plat, the computed acreage and square footage for the site and closure information for the site. Closure tolerances shall be in accordance with state statutes, but in no case less than 1:25,000. These calculations shall be signed and sealed by the surveyor of record for the plat. 

(Ord. No. 3271, 01/01/09; Ord. No. 3301, 06/02/09)

3. All dimensions and bearings along the lines of each lot shall be shown. The curve data pertaining to block or lot boundary may be placed in a curve table at the base of the plat and prepared in the following manner:

<table>
<thead>
<tr>
<th>CURVE NUMBER</th>
<th>DELTA ANGLE</th>
<th>RADIUS FOR OUTER PROPERTY LINE</th>
<th>RADIUS FOR CENTER LINE</th>
<th>RADIUS FOR INNER PROPERTY LINE</th>
<th>TANGENT LENGTH</th>
<th>ARCH LENGTH</th>
<th>CHORD DISTANCE</th>
<th>CHORD BEARING</th>
</tr>
</thead>
</table>

4. The names of all adjoining subdivisions, the dimensions of all abutting lots, lot and block numbers and accurate reference ties to courses and distances of at least two (2) recognized land corners shall be shown. If adjacent property is not platted, note "NOT PLATTED" and the owner's name.

5. All approved street names shall be shown.

6. All abstract lines shall be shown and labeled.
7. The location and dimension of any easement, designated by use, adjoining or abutting the subdivision.

8. Description of the subdivision by metes and bounds shall be shown.

9. Point of beginning or commencement shall reference an original abstract or existing subdivision property corner. Primary control points or descriptions and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referenced.

10. The final plat shall show a title including the name of the subdivision, the names, addresses and phone numbers of the owner and engineer or surveyor, scale and location of the subdivision with reference to original land grant or survey, abstract number, and a north arrow depicting true or magnetic north, and noting whether true or magnetic north is used.

11. Show the one-hundred-year flood plain limits based on ultimate watershed development, as determined by the City Engineer, or note that such property is not within the flood plain limits, if applicable. Finished floor elevations of two (2) feet above the one-hundred-year flood plain elevation shall be shown on the plat, where applicable.

12. Location and description of monuments, which shall be placed at each corner of the boundary survey of the subdivision, shall be shown as described in Article XI, Sec. C. (Ord. No. 2772, 02/04/03)

13. Lot numbers and block numbers—letters shall be shown. Lots numbers shall be sequential and orderly within a designated block. Land subdivided in stages over time shall provide phase numbers or letters.

14. Address numbers shall be placed on the face of the plat, on the assigned lot, as assigned by the Fire Marshal, or his or her designee. (Ord. No. 3843, 12/05/17)

15. The square footage of all lots which are not rectangular shall be shown in a table.

16. Certificates of the owner, surveyor and utility companies, a dedication statement, city signature block and other standard notes shall be placed on the final plat in accordance with Figure 1 (As applicable). (Ord. No. 3271, 01/01/09)

17. Homeowners Agreement:

   When a subdivision contains common areas, drainage ways, screening walls or other facilities not located within the public right-of-way nor subject to city maintenance, or if landscaping, sidewalks, or other amenities are provided within the public right-of-way for which a license agreement is required by the city, a homeowners agreement, as evidenced by the covenants identifying the
association, shall be placed on the plat. Such homeowners agreement shall be approved as part of the preliminary plat process.

The City Attorney will review the homeowners agreement as to form.

The following six (6) statements shall appear on the face of the plat and in the homeowners agreement:

a. The owner of fee simple title to every individual lot of land within the subdivision must be a member of the homeowners association.

b. The homeowners association must have the authority to collect membership fees.

c. The homeowners association must be responsible for the maintenance of all common areas and screening walls. *(Ord. No. 3271, 01/01/09)*

d. The homeowners association must grant the city the right of access to common areas to abate any nuisances thereon, and attach a lien for the prorated cost of abatement upon each individual lot.

e. The homeowners association shall indemnify and hold the city harmless from any and all costs, expenses, suits, demands, liabilities, damages, or otherwise including attorney's fees and costs of suit, in connection with the city's maintenance of common areas.

f. The homeowners association shall enter into a license agreement with the city of Carrollton, where additional right-of-way has been dedicated for the purpose of providing landscaping, additional areas for sidewalks, walls, or other amenities, and shall be responsible for the installation and maintenance of all landscape areas that are in the public right-of-way. *(Ord. No. 2029, 10/18/94)*

18. Homeowners association note, if required by preliminary plat approval:

A homeowners association covenant has been approved by the city of Carrollton and recorded in ______ (volume and page) _______. Such homeowners association shall be responsible for the maintenance of all common areas and facilities and screening walls located in _______ (lot and block number of common area) _______, or public right-of-way where a license agreement with the city of Carrollton is required, or otherwise identified on the plat. *(Ord. No. 2029, 10/18/94)*

FIGURE 1

**STANDARD NOTES**

Selling off a portion of this addition by metes and bounds description, without a replat being approved by the city of Carrollton, is a violation of city ordinance and state law and is subject to fines and withholding of utilities and building permits. *(Ord. No. 3271, 01/01/09)*
GPS Coordinates are rectified to NAD 83 State Plane Coordinate System North Central Texas Zone 4202 (feet).

VISIBILITY NOTE

Intersection visibility triangles shall have the dimensions specified in Section 53.40 et seq. of the Carrollton Code of Ordinances.

CITY SIGNATURE BLOCK

On the _______ day of ___________________, 20_____, this plat was duly approved by the Planning and Zoning Commission of the City of Carrollton.

Signed: ____________________________  Attest: ____________________________

______________________________  ______________________________
Chairman  City Secretary
Planning and Zoning Commission

Signed: ____________________________
Director of Development Services
(or their designee)

SURVEYOR CERTIFICATE

STATE OF TEXAS

I, ____(Engineer/Surveyor's printed name)___. Registered Public Surveyor, hereby certify that I have prepared this plat from an actual on-the-ground survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the platting rules and regulations of the City of Carrollton, Texas.

(Ord. No. 3271, 01/01/09)

___________________________
Engineer/Surveyor's Signature
DEDICATION STATEMENT
(to be used in all instances)

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS;

THAT (OWNER’S NAME) ACTING HEREIN BY AND THROUGH ITS DULY AUTHORIZED OFFICERS, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS (SUBDIVISION NAME), AN ADDITION TO THE CITY OF CARROLLTON, TEXAS AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE PUBLIC USE FOREVER, THE STREETS, ALLEYS, AND PUBLIC USE AREAS SHOWN HEREON, AND DOES HEREBY DEDICATE THE EASEMENTS SHOWN ON THE PLAT FOR THE PURPOSES INDICATED TO THE PUBLIC USE FOREVER, SAID DEDICATIONS BEING FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES EXCEPT AS SHOWN HEREIN. NO BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS SHALL BE CONSTRUCTED OR PLACED UPON, OVER, OR ACROSS THE EASEMENTS ON SAID PLAT. UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO A PARTICULAR UTILITY OR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC’S AND CITY OF CARROLLTON’S USE THEREOF. THE CITY OF CARROLLTON AND ANY PUBLIC UTILITY SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PART OF ANY BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS WHICH IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF ITS RESPECTIVE SYSTEM ON ANY OF THESE EASEMENTS AND THE CITY OF CARROLLTON ON ANY PUBLIC UTILITY SHALL AT ALL TIMES HAVE THE RIGHT OF INGRESS AND EGRESS TO AND FROM AND UPON ANY OF SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEM WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE. (OWNER’S NAME) DOES HEREBY BIND ITSELF, ITS SUCCESSORS AND ASSIGNS TO FOREVER WARRANT AND DEFEND ALL AND SINGULAR THE ABOVE DESCRIBED STREETS, ALLEYS, EASEMENTS, AND RIGHTS UNTO THE PUBLIC AGAINST EVERY PERSON WHOMSOEVER LAWFULLY CLAIMING OR TO CLAIM THE SAME OR ANY PART THEREOF. THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS, AND RESOLUTIONS OF THE CITY OF CARROLLTON.

WITNESS MY HAND THIS _____ DAY OF ______________, 20____.

___________________________  ____________________________
Signature of Owner          Position in Corporation (if applicable)

____________________________  ____________________________
Name of Corporation (if applicable)  Lien Holder (if applicable)

If there is no lien holder, add the following statement:
To the best of my knowledge, there are no liens against this property.

___________________________
Signature of Owner
UTILITY CERTIFICATE

THIS PLAT CORRECTLY PRESENTS THE REQUIRED EASEMENTS FOR THIS DEVELOPMENT.

TXU ELECTRIC AND ATMOS GAS
____________________________________

COSERV ELECTRIC
____________________________________

ONCOR ELECTRIC
____________________________________

(Please refer to the “Plat Checklist” as supplied by the Planning Development for updated names of utility companies) (Ord. No. 2565, 10/03/00)

NOTARY CERTIFICATE

STATE OF _____________
COUNTY OF _____________

Before me, the undersigned authority, a Notary Public in and for the said County and State on this day personally appeared ____________________________, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

Given under my hand and seal of office, this _____ day of _____________________, 20___.

__________________________________
Notary Signature

Notary Stamp:

The following statement shall be included when detention is required:

Notice of Confidentiality rights: If you are a Natural Person, you may remove or strike any of the following information from this instrument before it is filed for record in the Public Records: Your Social Security Number or your Drivers’ License Number.
DETENTION AND DRAINAGE EASEMENT

THE STATE OF TEXAS §
COUNTY OF __________§
PRESENTS:
CITY OF
CARROLLTON §

This plat is hereby adopted by the Owners and approved by the City of Carrollton (Called "City") subject to the following conditions which shall be binding upon the Owners, their heirs, grantees, successors and assigns: The portion of block __________ , as shown on the plat is called "Drainage and Detention Easement." The Drainage and Detention Easement within the limits of this addition, will remain open at all times and will be maintained in a safe and sanitary condition by the owners of the lot or lots that are traversed by or adjacent to the Drainage and Detention Easement. The City will not be responsible for the maintenance and operation of said Easement or for any damage to private property or person that results from conditions in the Easement, or for the control of erosion. No obstruction to the natural flow of storm water run-off shall be permitted by construction of any type of building, fence or any other structure within the Drainage and Detention Easement, as hereinabove defined, unless approved by the City Engineer. Provided, however, it is understood that in the event it becomes necessary for the City to erect or consider erecting any type of drainage structure in order to improve the storm drainage that may be occasioned by drainage in or adjacent to the subdivision, then in such event, the City shall have the right to enter upon the Drainage and Detention Easement at any point, or points, to investigate, survey or to erect, construct and maintain any drainage facility deemed necessary for drainage purposes. Each property owner shall keep the Drainage and Detention Easement clean and free of debris, silt, and any substance which would result in unsanitary conditions or obstruct the flow of water, and the City shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions which may occur. Should the property owner not maintain the detention pond, the City may perform the work and assess the property for the cost of the work and if not paid attach a lien on all property in the subdivision. The natural drainage through the Drainage and Detention Easement is subject to storm water overflow and natural bank erosion to an extent which cannot be definitely defined. The City shall not be held liable for any damages of any nature resulting from the occurrence of these natural phenomena, or resulting from the failure of any structure or structures, within the Easement.”

(Ord. No. 3843, 12/05/17)
5. Article VII. Replat

**SECTION B. GENERAL PROVISIONS.**

4. CONTENT:

The replat shall be in accordance with the final plat requirements of Article VI of this ordinance, with the following additional requirements:

a. Exact name of previous plat, which shall be retained in the title of the replat identified;

b. Blocks, lots and portions thereof which are being replatted, shall be identified;

c. Volume and page number where the previous plat was recorded shall be identified;

d. Original plat information being deleted, abandoned, or changed by the replat, (lots and blocks, rights-of-way, etc.), shall be shown lightly sketched or dotted on the drawing with a note of explanation;

e. The word "replat" shall be shown in the title block. *(Ord. No. 2088, 07/18/95)*

f. A purpose statement detailing the reason for the replat.

**SECTION C. SPECIAL PROVISIONS**

1. A public hearing shall be conducted by the Planning and Zoning Commission on any residential replat or if the property was limited by an interim or permanent zoning classification to a residential use in the preceding five (5) years to not more than two (2) residential units per lot. *(Ord. No. 3271, 01/01/09)*

2. If any of the proposed area to be replatted was limited within the immediate preceding five (5) years by any interim or permanent zoning classification to a residential use for not more than two (2) residential units per lot, or if any lot in the immediate previous subdivision was limited by deed restriction to residential use for not more than two (2) residential units per lot, the following additional requirements for approval shall apply:

   a. A notice of the Planning and Zoning Commission public hearing shall be published in a newspaper of general circulation in the city at least fifteen (15) days prior to the public hearing.

   b. Written notice shall be forwarded by the city of Carrollton to the owners of lots that are in the original subdivision, and that are within 200 feet of the lots to be
replatted, as such ownership is indicated on the most recently approved municipal tax roll, or in the case of a subdivision within the extraterritorial jurisdiction the most recently approved county tax roll, within 200 feet of the property upon which the replat is requested. The written notice shall be delivered by depositing the notice, properly addressed and postage paid, in a post office or postal depository within the city. (Ord. No. 1948, 10/19/93; Ord. No. 2943, 11/02/04)

c. If the proposed replat requires a variance to the provisions of this ordinance and is protested, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the Planning and Zoning Commission. For a legal protest, written opposition duly signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet therefrom, but within the original subdivision, must be filed with the Planning and Zoning Commission prior to the close of the public hearing. (Ord. No. 1948, 10/19/93; Ord. No. 2943, 11/02/04)

Hearing notice shall be provided, as required by the State of Texas Local Government Code, Title 7, Regulation of Land Use, Chapter 212.015 Additional Requirements for Certain Replats, and as may be amended.

6. Article VIII. Miscellaneous Plats and Abandonments

SECTION B. AMENDING PLAT

3. VALIDITY:

An amending plat is valid from the date of City Manager or Designee approval, shall be filed for record with the appropriate county clerk within twelve (12) months from the date of approval by the municipality designee responsible for approving plats. Any amending plat not filed within such time shall be considered invalid. It shall be the applicant's responsibility to submit all required copies of the plat to the City of Carrollton in time to acquire city signatures and to file the plat before the twelve-month period expires. (Ord. No. 2573, 11/07/00; Ord. No. 3301, 06/02/09)

Reapproval of an amending plat by the municipality City Manager or designee responsible for approving plats may be applied for at any time after the amending plat becomes invalid. If the City Manager or designee should deem changes necessary in the reapproval of an amending plat in light of new or significant information or requirements, it shall so inform the subdivider. An amending plat submitted for reapproval shall be prepared in accordance with, and comply with, the requirements of this ordinance, the Comprehensive Zoning Ordinance, General Design Standards, and all other applicable requirements in effect at the time such application for reapproval is formally filed with the Planning Department.
4. CONTENT

a. An amending plat shall contain all information required for a final plat, as prescribed by Article VI of this ordinance, provided, however, that the signature block and signature of the chairman of the Planning and Zoning Commission shall not be required. The following signature block shall appear on the amending plat:

CITY SIGNATURE BLOCK

On the _______day of _______________, 20_____, this amending plat was approved by the City Manager, the Director of Development Services, or other City Manager Designee.

Signed: ____________________________  Attest: __________________________
Title: _____________________________  City Secretary

b. A purpose statement and cloud depiction indicating the amendment or change on the plat.

b-c. The amending plat shall be in accordance with the following additional requirements:

i. Shall contain a note identifying what element(s) of the plat is (are) being amended;
ii. Shall contain a graphic representation encircling the area of the plat being amended; and
iii. The words "Amending Plat" shall be shown in the title block.”

SECTION C. VACATION PLAT

3. VALIDITY:

Approval of a vacation plat is valid from the date of the Planning and Zoning Commission meeting where it received approval for twelve (12) months from the date of Planning and Zoning Commission approval. Any vacation plat not filed within such time shall be considered invalid. It shall be the applicant's responsibility to submit all required copies of the plat to the city of Carrollton in time to acquire city signatures and to file the plat before the twelve-month period expires. (Ord. No. 2573, 11/07/00)

Reapproval of a vacation plat by the Planning and Zoning Commission may be applied for at any time after the approved plat becomes invalid. If the Planning and Zoning Commission should deem changes necessary in the reapproval of a vacation plat in light of new or significant information or requirements, it shall so inform the
subdivider. A vacation plat submitted for reapproval shall be prepared in accordance with, and comply with, the requirements of this ordinance, the Comprehensive Zoning Ordinance, General Design Standards, and all other applicable requirements in effect at the time such application for reapproval is formally filed with the Planning Department.

SECTION D. ABANDONMENTS.

2. PROCEDURE:

Formal application for right-of-way abandonment shall be made in the manner prescribed by the Planning and Zoning Commission and shall be processed and considered in accordance with Article III of this ordinance. The City Council shall have the final authority to approve or deny an abandonment request. Applications shall be obtained from the Planning Department.

Approval of an abandonment is valid for six (6) months from the date of City Council approval. Reapproval of an abandonment by the City Council may be applied for at any time subsequent to the date such abandonment becomes invalid. If the City Council should deem changes necessary in the reapproval of an abandonment in light of new or significant information or requirements, it shall so inform the applicant.

SECTION E. CONVEYANCE PLATS

1. A conveyance plat is to subdivide land and to provide for recordation of same, for the purpose of conveying (i.e., selling) the property without developing it. A conveyance plat does not constitute approval for any type of development on the property.

2. A conveyance plat may be applied for under the following conditions:

   a. The conveyance plat is in lieu of a Final Plat to record the subdivision of property in the following instances:

      i. To record the remainder of a tract that is larger than five (5) acres, and that is created by the final platting of the property, provided that the remainder is not intended for immediate development.

      ii. To record the subdivision of property into parcels, five (5) acres or smaller in size, that are not intended for immediate development, provided all required public improvements exist to the City’s current standards 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 on-site improvements may be delayed if development of other tracts is not affected.
3. **PROCEDURE:**

Formal application for conveyance plat approval shall be made by the subdivider or his or her agent in the manner prescribed by the Planning and Zoning Commission, and shall be processed and considered in accordance with Article III of this ordinance.

4-4. **VALIDITY:**

Approval of a conveyance plat is valid from the date of the Planning and Zoning Commission meeting where it received approval.

5. **CONTENT:**

The conveyance plat shall be in accordance with the final plat requirements of Article VI of this ordinance, with the following additional requirements:

1. The words "Conveyance Plat" shall be shown in the title block.

8. Article X. Design

**SECTION G. SIDEWALKS.**

1. Sidewalks shall be required along any street upon which a lot abuts, regardless of whether such lot faces, abuts on the side, or backs up to such street, or is separated from such street by an alley, except as follows: The only exceptions to this requirement are:

   a. On local streets in a (FWY) Freeway District, (LI) Light Industrial District, (HI) Heavy Industrial District, or (IP) Industrial Park District;

   b. Along the IH 35E frontage roads outside of the Transit Center District; (Ord. No. 2573, 11/07/00; Ord. No. 3271, 01/01/09)

   c. On property that was a legal lot of record prior to April 2, 1962; and

   d. Within existing subdivisions accepted without sidewalks;

   e. Where approved by the City Manager or designee.

2. Residential Subdivisions.

   a. Sidewalks shall be constructed by the developer along all collector and arterial thoroughfares, as designated on the Transportation Plan, and along all
perimeter streets abutting the subdivision, regardless of whether such collector, arterial or perimeter thoroughfare abuts a lot, alley, or other space. Sidewalks shall be constructed along all collector and arterial thoroughfares and perimeter streets prior to the issuance of a letter of acceptance for the subdivision by the City Engineer. The developer is not responsible, however, for constructing a sidewalk along the frontage, as herein defined, of any residential lot.

b. The builder on a lot is responsible for the construction of all sidewalks along the frontage, as herein defined, of such residential lot, including where such lot fronts on a collector thoroughfare, and along that portion of the lot that sides or rears to a street other than a collector or arterial. Provided, however, that such sidewalk is not required on a lot until completion of building construction. Upon completion of building construction, sidewalks shall be provided in accordance with the provisions contained herein. Authorization for occupancy shall not be granted until this requirement has been met.

3. All New and Existing Non-residential Subdivisions.

Sidewalks shall be constructed along all streets, except as noted in Section G(1) above, prior to final acceptance of the subdivision by the City Manager or designee. Certificates of Occupancy shall not be issued, and final inspections shall not be approved until this requirement has been met. *(Ord. No. 3271, 01/01/09)*

4. Temporary Sidewalk Waiver:

The Planning and Zoning Commission may grant a temporary waiver of the sidewalk requirement where it finds that it is physically impractical to build a sidewalk as determined by the Planning and Zoning Commission.

a. The property abuts a collector or arterial thoroughfare, as designated on the Transportation Plan, and is zoned to the (LI, HI) Industrial District, (IP) Industrial Park District, (LC, HC, C/W) Commercial District, (FWY) Freeway District, or a Planned Development district for industrial or commercial uses; or

b. The property is generally being developed for warehousing or non-labor intensive manufacturing uses; or

c. It is physically impractical to build a sidewalk, as determined by the Planning and Zoning Commission; or

d. A substantial amount of property along the same side of the street as the request site, as determined by the Planning and Zoning Commission is developed without sidewalks.

5. The approval of the subdivision plat and issuance of any certificates of occupancy or building permits is contingent upon approval of a temporary waiver, or construction of required sidewalks. *If at any time the city determines that a sidewalk is needed along a street frontage, then the temporary waiver will be
revoked and the adjacent property owner shall construct a sidewalk along the entire length of street frontage, in accordance with the General Design Standards of the city of Carrollton. If the property owner does not construct the sidewalk, the city of Carrollton may finance construction of the sidewalk and place a lien on the property until such construction costs are paid back to the city. The cost applicable to a particular lot shall be determined by the square footage of sidewalk installed adjacent to such lot.

A note shall be added to any plat approved with a temporary sidewalk waiver informing prospective purchasers of any lot or block within a subdivision that all successors and assigns will bear such responsibility and that building permits or certificates of occupancy may be revoked if the terms of this ordinance or the temporary waiver are not complied with.

6. In situations where the city of Carrollton determines a sidewalk is necessary in a developed area, and where no sidewalk waiver has been granted, the conditions of paragraph G(5) shall apply.

7. A sidewalk shall be provided where deemed necessary by the Planning and Zoning Commission to provide circulation or access to schools, public parks and playgrounds, shopping centers, and transportation or community facilities, or to provide pedestrian circulation within the subdivision. Such sidewalk shall be provided by the developer, and built in accordance with the General Design Standards of the city of Carrollton.

9. Article XIII. Definitions.

FILED: The day the administrative review process is completed and the plan or plat is placed on the Planning and Zoning Commission agenda.

B. P&Z RECOMMENDATION from P&Z meeting: 12/05/19
Result: /Vote:

C. CC RECOMMENDATION from CC meeting: 01/14/20
Result: /Vote:
SUMMARY OF COMPREHENSIVE SUBDIVISION ORDINANCE AMENDMENTS

The purpose of the proposed text amendments is to:

1. Necessity to update the Comprehensive Subdivision Ordinance (CSO) text in conformance with State Law, specifically in relation to Texas House Bill 3167, which became effective September 1, 2019.
   a. State law requires a plat is valid indefinitely after approval by the Planning & Zoning Commission. The proposed CSO amendments remove the expiration of approved plats, consistent with state statutes.
   b. The new law requires local governments to review and hear plats within 30 days. The CSO already states that a plat is not considered filed until it is put on a Planning & Zoning Commission Agenda. All plats that are put on an agenda are heard within a 30-day time period. Therefore, we are in compliance with the 30-day requirement to review and bring plats to the Planning & Zoning Commission.
   c. State law provides notice requirements for replats for requested variances and for replats involving residential duplex or single family detached. The CSO will be updated to reference the Texas State Statutes.

2. Make minor changes in order to provide clarity of content required on plats:
   a. Language for approval of conveyance plats were added to help landowners have a platting process that is specific to the purpose of establishing a legal lot of record for the purpose of sale and not intended for immediate development.
   b. Correct the text requiring abandonment approvals through City Council.
   c. Add a definition for “filed” indicating a plat review process is complete and that the plan or plat is placed on a Planning and Zoning Commission agenda.
   d. Add a purpose statement for all plat types.
   e. Update plat notes and signature blocks.
   f. Amending plats will need to highlight the minor changes made on plats.
   g. Changes to the name of a utility company (Atmos) were made to remove the old name that is no longer relevant.
   h. A Designee of the Development Services Director may sign a plat should the Director be absent for an extended period to help improve efficiency of returning signed plats to applicants for filing.

3. Follow the purpose statement in Article I of our CSO by improving the quality of community services, enhancing community aesthetics, and to promote the public safety and welfare.
   a. The amendments made to the sidewalk requirements are in response to need for ADA accessibility, improved aesthetics of ROW, and create an opportunity to have sidewalk improvements made in Industrial areas.
   b. Although there is little pedestrian traffic in industrial areas overall, some industrial areas are beginning to have more retail uses which would increase pedestrian traffic.
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c. Staff can either have the developer build the sidewalks immediately during construction or have the sidewalk funds put in escrow in order to build sidewalks in that area at a later date.