

STAFF ANALYSIS

Proposed Comprehensive Subdivision Ordinance Amendments

The recommended amendments:

1. Updates procedures regarding when plats are complete and accepted, and allowing written requests for a 30-day extension in the review process, in accordance to state law.
2. Changes to when a plat is deemed complete, who can approve an Administrative Plat, who can sign a Preliminary Plat, clearer description for a location/vicinity map and title block, how an applicant can request a plat review extension, who can approve an Administrative Plat, and who is responsible for installing and maintaining screening and retaining walls.

New text is underlined and removed wording is ~~struck through~~. Explanation of amendments are in *italics*.

1. Article III. Procedures.

2. A plat application shall be considered formally filed with the City when ~~all required material has been submitted to the Planning Department, and the plat has been the Planning Department has checked and verified that the plat is complete and compliant with all requirements. If the plat is incomplete or does not comply with all requirements, it shall be deemed not to have been submitted or filed until any and all deficiencies are corrected. The City Manager or Designee shall provide to the applicant a written confirmation of their determination, which shall provide the official date of filing and specify the meeting of the Planning and Zoning Commission scheduled for review of the plat. The plat shall then~~ be placed on a printed Planning and Zoning Commission agenda, posted in conformance with all legal requirements. The Planning & Zoning Commission shall act on the plat within thirty (30) days after the plat is formally filed with the City or within thirty (30) days after referral by the City Manager or Designee as allowed by state law to the Planning & Zoning Commission, unless the applicant submits a written request for a thirty (30) day extension. If the applicant does not submit a written request for a thirty (30) day extension, the plat shall be considered approved if it is not disapproved by the Planning & Zoning Commission within such thirty (30) day period. (*Ord. No. 1948, 10/19/93; Ord. No. 3301, 06/02/09*)

The amendment provides written procedures for when a plat is deemed complete and allows an applicant to request a written 30-day extension instead of withdrawing an application due to incompleteness.

2. Article IV. Administrative Plat, Section B. General Provisions.

1. Authority:

Under Section 212.0065 of the Texas Local Government Code, authority is hereby delegated to the ~~Director of Planning City Manager or their or his or her~~ Designee to approve an Administrative Plat only where:

- a. The Administrative Plat includes four (4) or fewer lots; and
- b. The total area covered by the Administrative Plat does not exceed forty (40) acres; and
- c. Every lot created by the Administrative Plat has frontage on an existing paved street; and
- d. Every lot within the Administrative Plat is able to be established without the need for the creation of a new street or extension of municipal facilities; and
- e. The area covered by the Administrative Plat does not constitute a portion or a phase of an approved Preliminary Plat; and
- f. Each lot created by the Administrative Plat is in accordance with all requirements of the applicable zoning district, and with the requirements of this ordinance. The ~~Director of Planning~~ City Manager or their designee shall not have authority to grant any variance to the requirements of this ordinance; and
- g. Dedication of street or alley right-of-way, if applicable, occurs in accordance with the Transportation Plan and General Design Standards of the City of Carrollton.

2. PROCEDURE:

Formal application for Administrative Plat approval shall be made by the subdivider to the Planning Department in the manner prescribed by the Planning and Zoning Commission. An application for approval of an Administrative Plat will be placed on the Development Review Committee agenda, in accordance with established deadlines set for all development cases. ~~The Director of the Planning Department~~ City Manager or their or his or her Designee shall make the decision to approve or not to approve the Administrative Plat only after the Development Review Committee has reviewed the application, and within thirty (30) days of submittal of an application.

The ~~Director of the Planning Department~~ City Manager or their or his or her Designee may, for any reason, elect to present an Administrative Plat to the Planning and Zoning Commission for action. Any Administrative Plat which the Director of Planning Department refuses to approve shall be presented to the Planning and Zoning Commission, within thirty (30) days of such refusal, for action. Any Administrative Plat which is presented to the Planning and Zoning Commission shall be processed in accordance with the procedures set forth in Article III. of this ordinance.

The ~~Director of the Planning Department~~ City Manager or their designee shall have no authority to grant a waiver or variance to this ordinance in approving an Administrative Plat. Any request for a waiver or variance to this ordinance shall be considered by the Planning and Zoning Commission in accordance with Article XII. of this ordinance.

The change allows the City Manager's Designee to approve Administrative Plats.

3. **Article V. Preliminary Plat, Section B. General Provisions.**

4. Content:

q. The City signature block:

On the _____ day of _____, 20____, this Preliminary Plat was duly approved by the Planning & Zoning Commission of the City of Carrollton.

Signed: _____
Director of Development Services
or their Designee
(Ord. No. 3271, 01/01/09)

Signed: _____
Chairman
Planning and Zoning Commission

This change allows someone other than the director of development services authorization to sign a Preliminary Plat.

4. Article VI. Final Plat, Section B. General Provisions, 4. Content. D2. Proposed Features.

10. The 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.

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 their Designee.

17. Location/vicinity map. (Use a single line drawing. Do not use website maps.)

18. 17. Homeowners Agreement:

When a subdivision contains common areas, drainage ways, screening walls, retaining 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 or during the Final or Replat process.

c. The homeowners association must shall be responsible for the maintenance of all common areas, screening walls and retaining walls.

19. 18. Homeowners association note, if required by Preliminary, Final or Replat 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, including retaining 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

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
(Ord. No. 2088, 07/18/95)

This change allows a standard uniformity to a title block and the plat and removes unnecessary wording in the Dedication Statement.

20. The title block shall be located on the lower right or left corner and contain the following content and chronological order below:(see appendix):

CITY PROJECT CASE NUMBER

PLAT TYPE

SUBDIVISION NAME

BLOCK LETTER OR NUMBER, AND LOT NUMBERS

ACREAGE AND SQUARE FOOTAGE

TRACT DESIGNATION, SURVEY NAME AND ABSTRACT NUMBER

TOTAL NUMBER OF LOTS

CITY, COUNTY AND STATE

PREPARATION DATE AND REVISION DATES

5. Article VIII. Miscellaneous Plats And Abandonments, Section B. Amending Plat.

2. Procedure:

Formal application for Amending Plat approval shall be made by the subdivider to the Planning Department in the manner prescribed by the City. An application for approval of an Amending Plat will be placed on the Development Review Committee agenda, in accordance with established deadlines set for all development cases. The City Manager or their Designee responsible for approving plats shall make the decision to approve or not to approve the Amending Plat only after the Development Review Committee has reviewed

the application, and within thirty (30) days of submittal of an application. (*Ord. No. 3301, 06/02/09*)

The City Manager or **their** Designee responsible for approving plats may, for any reason, elect to present an Amending Plat to the Planning and Zoning Commission for action. The City Manager or **their** Designee shall not disapprove the Amending Plat and shall be required to refer any plat which the person refused to approve to the Planning and Zoning Commission within thirty (30) days after the plat is filed. Any Amending Plat which is presented to the Planning and Zoning Commission shall be processed in accordance with the procedures set forth in Article III. of this ordinance. (*Ord. No. 3301, 06/02/09*)

The City Manager or **their** Designee responsible for approving plats shall have no authority to grant a waiver or variance to this ordinance in approving an Amending Plat. Any request for a waiver or variance to this ordinance shall be considered by the Planning and Zoning Commission in accordance with Article XII. of this ordinance. (*Ord. No. 3301, 06/02/09*)

3. VALIDITY:

An Amending Plat is valid from the date of City Manager or **their** Designee approval. (*Ord. No. 3944, 01/14/20*)

This change allows someone in addition to the City Manager to approve Amending Plats.

6. Article XI. Construction and Improvements, Section F. Screening Walls.

The purpose of providing screening walls is to improve the appearance of subdivisions abutting public rights-of-way; preserve and promote the aesthetic appeal of surrounding neighborhoods; and provide a cohesive identity for each subdivision.

1. Lots Backing Upon a Freeway Frontage Road, Arterial Thoroughfare, or a Major or Residential Collector Street:

A screening wall shall be provided and maintained **by the homeowners or property owners association or private property owner** along the property line of any subdivision of single-family, mobile home or duplex lots where the rear of such lots abuts any freeway frontage road, or arterial thoroughfare, as such thoroughfare is identified on the Transportation Plan, or a major or residential collector street. This requirement shall also apply where such lots are separated from the freeway frontage road, arterial thoroughfare, or major or residential collector street by an alley. In such instance the screening wall shall be placed on the right-of-way line separating the alley, and freeway frontage road, arterial thoroughfare, or major or residential collector street.

The construction of such screening wall shall be the responsibility of the developer of the single-family, mobile home or duplex subdivision. Construction of the required screening wall shall occur subsequent to the final grading of the subdivision, but prior to formal acceptance of the subdivision by the city of Carrollton.

The provisions of this subsection shall also apply to mobile home parks. (*Ord. No. 1998, 07/05/94*)

2. Lots Siding Upon a Freeway Frontage Road or Arterial Thoroughfare:

Where a street within a single-family, mobile home or duplex subdivision must intersect a freeway frontage road or arterial thoroughfare, as identified on the Transportation Plan, in order to provide access into the subdivision, and where a single-family, mobile home or duplex lot sides to a freeway frontage road or arterial thoroughfare, a screening wall shall be provided by the developer and maintained by the homeowners association or private property owner along the side of the lot adjacent to such freeway frontage road or arterial thoroughfare where the screening wall would constitute a continuation of any existing or proposed screening wall.

Where two residential streets intersect with a freeway frontage road or arterial thoroughfare identified on the Transportation Plan, the Planning and Zoning Commission shall determine whether adequate distance exists between the residential streets such that the provision of a masonry screening wall would be reasonable and appropriate. In making its determination, the Planning and Zoning Commission shall take into consideration the requirements of Title V., Chapter 53, of the Carrollton Code of Ordinances, otherwise known as the Visibility Obstructions Ordinance, and the provision of corner clips, as may be deemed necessary by the Director of Transportation to afford the adequate provision of roadway and intersection design or signalization.

The provisions of this subsection shall apply where the sides of such lots are separated from the freeway frontage road or arterial thoroughfare by an alley. In such instance the screening wall shall be placed on the right-of-way line separating the alley and freeway frontage road or arterial thoroughfare.

The provisions of this subsection shall also apply to mobile home parks.

6. Maintenance:

All areas adjacent to any screening wall or fence, or areas adjacent to a public street or right-of-way, shall be maintained in a clean and orderly condition by the homeowners or property owners association or private property owner, free of debris and trash, in accordance with the applicable codes of the city of Carrollton.

The city of Carrollton shall maintain screening walls provided in accordance with subsections G(1), G(2), G(3), and G(4)(c) of this Section.

These changes expand the parties responsible for screening and retaining walls.