

STAFF ANALYSIS

Proposed Comprehensive Subdivision Ordinance Amendments

The recommended amendments:

1. Updates procedures regarding how easements are altered or abandoned, providing the ability of the City Manager or designee approve some types of modifications.
2. Update and removes references to older zoning districts that have since been eliminated.
3. Provides how easements for extension of city water, sanitary sewer and drainage facilities shall be dedicated.
4. Updates and corrects language for sidewalk waivers.
5. Adds a definition for conveyance plats.

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

1. Article II. Administration Section A. Subdivision Plat Required.

4. An easement granting property rights to the city that ~~which~~ has been established by a separate instrument ~~and does not appear on a recorded plat~~ shall, except as otherwise provided in this section, require approval by the City Council in order to be altered or abandoned.

An easement granting property rights to the city that has been established by a separate instrument may be approved by the City Manager or designee in order to be altered or abandoned only in the following instances:

- 1) when substantially similar property rights are provided simultaneously with such alteration or abandonment; or
- 2) when the city's property rights in the easement are not significantly modified, reduced, or limited in a manner to deny the city of the intent and purpose of the property rights granted by the original easement.

An easement ~~which appears on a recorded plat~~ dedicated by plat may be altered or abandoned by a replat, prepared in accordance with Article VII of this ordinance, or upon approval by the City Council.

There are two types of easement dedications. One is by separate instrument, recorded directly with the county and not by plat. The second, is dedicating easements by way of plat where such easement is provided on the filed plat.

The current Subdivision Ordinance requires City Council approval only of altered or abandoned easements established by separate instrument when it does not appear on a recorded plat.

It is common for city utilities or access and associated easements to be relocated, modified,

or abandoned when development or redevelopment occurs on private property. The Engineering and Building Inspection Departments' engineers review and coordinate the changes to city utilities for land development projects. Therefore, staff is recommending that an administrative review and approval may be allowed by the City Manager or designee in certain instances. This will allow a faster process, review, and action by specialists (city engineers) familiar with easements and location of utilities. In instances where an easement is dedicated by plat, the subdivision would need to be reviewed and approved by Planning & Zoning Commission.

2. Article X. Design Standards Section C. Lots. and Section E. Alleys.

Section C. Lots.

4. Lots in the (SF) Single-Family; and (D) Duplex, ~~(T) Tri-plex, and (F) Four-plex zoning~~ districts shall not front upon a freeway frontage road or an arterial thoroughfare, as designated on the Transportation Plan.

Section E. Alleys.

1. Alleys shall be required in the (SF) Single-Family; and (D) Duplex, ~~(T) Tri-plex and (F) Four-plex zoning~~ districts. The following requirements shall apply:
 - a. Alleys shall be parallel, or approximately parallel, to the frontage of all residential streets.
 - b. Alleys shall not intersect a freeway frontage road or streets that are designated as arterial thoroughfares or major collector streets on the Transportation Plan.
 - c. The minimum distance between an alley/street intersection and a street/street intersection shall be the width of at least one (1) lot. (Reference Figure 2.2, Appendix A)
 - d. Maximum alley length between access points to a street shall be six hundred (600) feet. A length of between six hundred (600) feet and one thousand (1,000) feet without access to a street may be approved by the Planning and Zoning Commission if it finds unusual conditions or limiting factors. In no case, however, shall an alley be in excess of one thousand (1,000) feet between access points to a street.
 - e. Where the deflection of an alley alignment exceeds thirty (30) degrees, a cutback of a minimum fifteen (15) feet, or of such greater distance to provide safe vehicular movement, shall be established on the inside property line. The pavement of the alley shall be cut back in the same manner.
 - f. Dead-end alleys shall be prohibited, except where determined by the Planning and Zoning Commission to be necessary. In such cases, adequate turn-around facilities, as determined by the Planning and Zoning Commission, shall be provided.
 - g. Alleys shall be dedicated at the time of plat approval by the Planning and Zoning Commission before they can become public alleys.

- h. Alleys shall be paved, and rights-of-way shall be provided, in accordance with the General Design Standards of the City of Carrollton.
- i. Public water, sanitary and storm sewers shall be placed within the street right-of-way, unless otherwise approved by the City Engineer at the time of final plat approval. All other public utilities shall be placed in the alley right-of-way or designated easements, unless otherwise approved by the City Engineer at the time of final plat approval. Where utilities are placed in alleys, such utilities shall be placed underground. Feeder and transmission lines may be placed above ground, where allowed by the applicable zoning district.

The amendments remove references to the (T) Tri-plex and (F) Four-plex zoning districts, as these zoning designations have been removed from the Zoning Ordinance.

3. Article XI. Construction and Improvements, Section J. Easements.

The developer of any site shall be responsible for providing the necessary easements for the extension of water, sanitary sewer and drainage facilities to adjacent properties as the property is platted **or by separate instrument**. (Ord. No. 2573, 11/07/00; Ord. No. 3271, 01/01/09) **An easement dedicated by separate instrument may be provided in lieu of by plat, as determined by the City Manager or Designee.**

Separate instruments for easements are difficult to research for property. Therefore, the text amendment proposed required easements dedicated by plat as a standard. However, there may be instances where a separate instrument for easements is appropriate instead of dedication by plat, based on the circumstances of the utilities or access and the associated easement.

4. Article XII. Variances and Waivers, Section A. Variances.

- 2. The Planning and Zoning Commission may authorize a waiver only to the following regulations of this ordinance:
 - a. Any provision of Section E(1)(a) through E(1)(f) of Article X. No variance to the provisions of Section E(2) shall be permitted.
 - b. A **temporary** waiver of the sidewalk requirements may be granted by the Planning and Zoning Commission, provided such **temporary** waiver is in accordance with the provisions of Section G of Article X of this ordinance.

In 2019 City Council approved amendments for sidewalk waivers. One change involved eliminating the word “temporary” from the waivers, as waivers are permanent. While Section G, of Article X for sidewalk waivers remains accurate and removed the term “temporary”, Article XII. Variances and Waivers, Section A., still has the words “temporary”. The amendment proposed would remove the word “temporary” from Article XII.

5. Article XIII. Definitions.

PLAT, CONVEYANCE: A plat of record filed with the appropriate county clerk after approval by the Planning and Zoning Commission for the purpose of sale or conveyance in its entirety or interests thereon defined. A conveyance plat shall not convey any rights to development or guarantee public utilities, public or private access or issuance of addressing and permits.

In 2019 conveyance plats were added to the Subdivision Ordinance. However, there is no definition of Conveyance Plat in the Subdivision Ordinance. The proposed amendment would add a definition.