

**ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF CARROLLTON AMENDING THE COMPREHENSIVE SUBDIVISION ORDINANCE (CSO), ORDINANCE NUMBER 1849, BY AMENDING THE TEXT OF VARIOUS SECTIONS OF THE SUBDIVISION ORDINANCE TO AMEND, ADD OR DELETE CONTENT AND TO IMPROVE THE GENERAL ORGANIZATION OF THE AMENDED SECTIONS. SECTIONS TO BE AMENDED INCLUDE ARTICLE II. ADMINISTRATION, SECTION A SUBDIVISION PLAT REQUIRED, TO AMEND PROVISIONS RELATED TO ALTERING OR ABANDONING CITY EASEMENTS THAT ARE SEPARATE INSTRUMENTS AND ALLOWING THE CITY MANAGER OR DESIGNEE TO APPROVE SUCH ALTERATIONS OR ABANDONMENTS IN LIEU OF CITY COUNCIL APPROVAL IN SPECIFIC CIRCUMSTANCES WHEREIN THE RIGHTS PROVIDED TO THE CITY IN SUCH EASEMENTS ARE NOT SUBSTANTIALLY MODIFIED OR DIMINISHED, AND TO MODIFY LANGUAGE FOR ALTERATION OR ABANDONMENT OF EASEMENTS DEDICATED BY PLAT; ARTICLE X. DESIGN STANDARDS, SECTION C. LOTS SUBSECTION 4., AND SECTION E. ALLEYS, SUBSECTION 1., TO REMOVE ALL REFERENCES TO THE (T) TRI-PLEX AND (F) FOUR-PLEX ZONING DISTRICTS AND TO ADD THE WORD “ZONING”; ARTICLE XI. CONSTRUCTION AND IMPROVEMENTS, SECTION J. EASEMENTS, TO AMEND PROVISIONS RELATED TO DEDICATION OF EASEMENTS TO ALLOW FOR WATER, SANITARY SEWER AND DRAINAGE EASEMENTS BY SEPARATE INSTRUMENT WHEN DETERMINED NECESSARY BY THE CITY MANAGER OR DESIGNEE; ARTICLE XII. VARIANCES AND WAIVERS, SECTION A. VARIANCES, TO REMOVE THE WORD “TEMPORARY” AS RELATED TO SIDEWALK WAIVERS; AND ARTICLE XIII. DEFINITIONS TO ADD A DEFINITION FOR CONVEYANCE PLAT; PROVIDING PENALTY, SAVINGS, SEVERABILITY, AND REPEALER CLAUSES; AND PROVIDING AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.**

**WHEREAS**, at its regular meeting held on the Seventh day of January 2021, the Planning and Zoning Commission considered and made recommendations on changes to the Comprehensive Subdivision Ordinance, of the City of Carrollton;

**WHEREAS**, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendments to the subdivision laws would provide for and would be in the best interest of the health, safety, morals, and general welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARROLLTON, TEXAS, THAT:**

**Section 1.**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

## Section 2.

Article II. Administration Section A. Subdivision Plat Required, Subsection 4, is hereby amended to update the provisions related to altering or abandoning city easements that are separate instruments and allowing the City Manager or designee to approve such alterations or abandonments in lieu of City Council in specific circumstances, and to modify language for alteration or abandonment of easements dedicated by plat, and to read as follows:

“4. An easement granting property rights to the city that has been established by a separate instrument 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 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.”

## Section 3.

Article X. Design Standards, Section C. Lots, Subsection 4. and Section E. Alleys, Subsection 1., are hereby amended to remove the zoning districts “(T) Tri-plex” and “(F) Four-plex” and to add the word “zoning” for provisions related to lots and alleys, and shall read as follows:

\*\*\*

“4. Lots in the (SF) Single-Family and (D) Duplex Zoning Districts shall not front upon a freeway frontage road or an arterial thoroughfare, as designated on the Transportation Plan.”

\*\*\*

“1. Alleys shall be required in the (SF) Single-Family and (D) Duplex 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.”

\*\*\*

#### Section 4.

Article XI. Construction and Improvements, Section J. Easements, is hereby amended to specify dedication of city utility easements by plat and add a provision to allow the City Manager or designee to determine dedication of such utility easement by separate instrument in lieu of by plat, and to read as follows:

“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. An easement dedicated by separate instrument may be provided in lieu of by plat, as determined by the City Manager or designee.”

## Section 5.

Article XII. Variances and Waivers, Section A. Variances, Subsection 2, is hereby amended to remove the word “temporary” from provisions related to sidewalk waivers, and shall read as follows:

“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 waiver of the sidewalk requirements may be granted by the Planning and Zoning Commission, provided such waiver is in accordance with the provisions of Section G of Article X. of this ordinance.”

## Section 6.

Article XIII. Definitions, is hereby amended to add a definition for Conveyance Plat to read as follows:

“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.”

## Section 7.

The Comprehensive Subdivision Ordinance is hereby amended to reflect the action taken herein.

## Section 8.

Any person, firm or corporation violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton City Code.

## Section 9.

Ordinance Number 1849, otherwise known as the Comprehensive Subdivision Ordinance, as amended, shall remain in full force and effect.

## Section 10.

The provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton Code of Ordinances.

Section 11.

To the extent of any prior ordinance of the City of Carrollton (or any provision, clause, phrase, sentence or paragraph contained therein) is in direct conflict with this ordinance, said conflicting ordinance, provision, clause, phrase, sentence or paragraph is hereby repealed.

Section 12.

This ordinance, after its adoption and publication, shall become and be effective April 1, 2021 and henceforth.

PASSED AND APPROVED this the Second day of March 2021.

CITY OF CARROLLTON

By: \_\_\_\_\_  
Kevin W. Falconer, Mayor

ATTEST:

\_\_\_\_\_  
Laurie Wilson  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Susan Keller  
Assistant City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Loren Shapiro, AICP  
Planning Manager