

M E M O R A N D U M

DATE: March 30, 2006
TO: Planning & Zoning Commission
FROM: Tom Elgin, Development Review Manager 
RE: Proposed Ordinance Changes Relating to Agenda Item #8: Subdivision Ordinance Amendments

Due to the volume of pages changed within the Subdivision Ordinance as part of this agenda item, the proposed amendments have been provided under separate cover rather than in the packet for the April 3, 2006 meeting. The changes have been marked by striking-through proposed deletions and underlining proposed additions to the text with a double line. Please note that a single underline is a part of the standard formatting of the Subdivision Ordinance and does not denote a proposed change.

We have included all subsections of the ordinance with proposed changes. If you have questions about any of the proposed revisions, please do not hesitate to contact me.

By including the ordinance separately, we allow the online packet to remain a reasonable size for viewing and download by the public. The correspondence is also provided as a separate file online for public view.

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 land study. A land study may be as simple as a plan defining the location of arterial or collector streets shown on the city's thoroughfare plan. However, a land study may also show the preliminary layout of local streets and lots. Approval of a land study showing the proposed street and lot layout is required prior to the submittal of a preliminary plat for a residential subdivision. Land studies 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. Land studies 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 land study 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 non-residential 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 - Land studies, preliminary plats, final plats and conveyance plats will be acted on within 30 days of filing. All land studies and 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

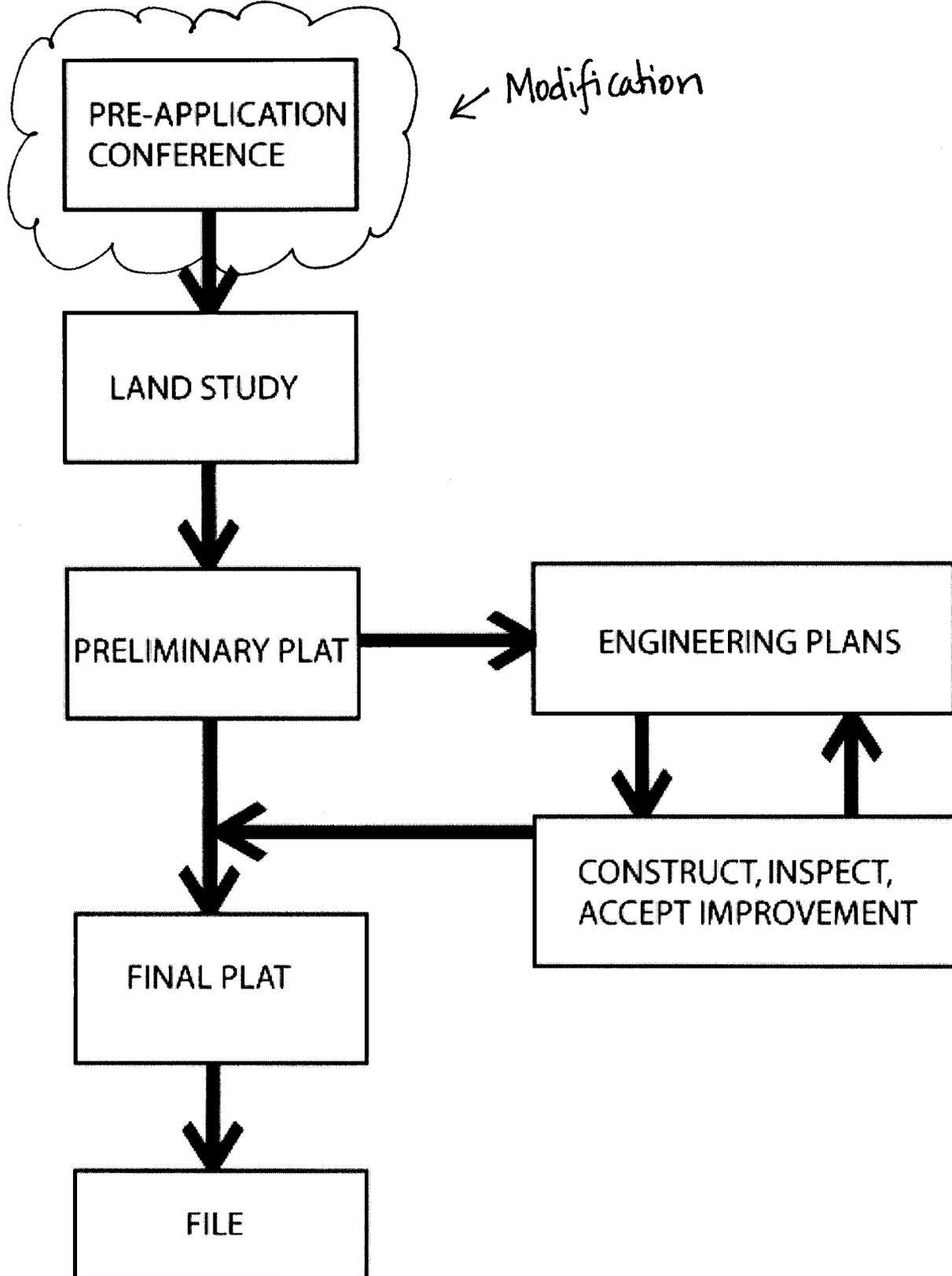


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THOROUGHFARE SCREENING ORDINANCE

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. 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.
- m. Contiguous - Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.
- n. 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.
- o. Council - The City Council of the City of Plano, Texas.
- p. 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.
- q. Dedication Plat - A plat prepared for the purpose of dedicating land or easements for rights-of-way to the city.
- r. 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.
- s. 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.
- t. 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.
- u. Director - The Director of the Planning Department of the City of Plano, or his/her designee.
- v. 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.
- w. 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.

- x. Escrow - A deposit of cash with the city in accordance with city policies.
- y. 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.
- z. Floodplain - Any land area susceptible to being inundated by water from the base flood.
- aa. 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.
- bb. Land Study - A sketch preparatory to the preliminary plat or final plat, to enable the property owner to save time and expense in reaching general agreement with the Commission as to the form of the plat and the objectives of these regulations.
- 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. Off-Site 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 non-structural or structural control per Section 3.1700 (Storm Water Management) of the Zoning Ordinance.

uuvv. Security - The letter of credit or cash escrow provided by the applicant to secure its promises in the improvement agreement.

www. 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.

wwwx. 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 non-residentially 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.

xyy. 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.

yyzz. 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.

- 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 land study, 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 land study or 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 Land Study

- a. Purpose - The purpose of the land study is to review and approve a general plan for the development of property including the layout of streets, lots, open space, sites for public facilities and utilities.
- b. Applicability - A land study shall be required as a condition precedent to approval of any application for a major plat, except where the Director of Planning determines:
 - 1. The subdivision will result in no more than one new street and sufficient information exists to begin preparation of a preliminary plat, or
 - 2. A concept plan, preliminary site plan or final site plan for the property provides sufficient information for the preparation of a preliminary plat.
- c. Phasing of Development - The Commission may permit a land study for a major plat to be divided into two or more phases, as indicated on the land study, provided each phase satisfies the requirements of this ordinance. In considering phasing of a land study, the Commission may approve certain conditions as it deems necessary to assure the orderly development of the platted land. Such conditions may include but are not limited to temporary street and alley extensions, temporary cul-de-sacs, and off-site utility extensions.
- d. Application Procedure and Requirements -
 - 1. Pre-application Conference - Before preparing the land study, 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 review Director 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 Requirements - Prior to platting of the land and after meeting with the Director, the property owner shall file an application for approval of a land study with the Commission. The application and study shall meet the following minimum requirements:
 - (a) The application shall include all contiguous holdings of the property owner with an indication of the portion which is proposed to be developed or offered, sold or leased, accompanied by an affidavit of ownership, which includes an address and telephone number of an agent who shall be authorized to receive all notices required by these regulations.
 - (b) The study shall be drawn to scale of 1" = 200' or larger.
 - (c) The lower right hand corner of the study shall contain a title block clearly showing the proposed name of the subdivision or addition, the name and address of the Owner and the Engineer or Surveyor responsible for the designer survey, the scale of the drawing, the date the drawing was prepared, and the location of the tract according to the abstract and survey records of Collin County or Denton County, Texas.
 - (d) The study shall clearly show the limits of the tract and scale distances. True north shall be clearly indicated and shall be to the top or left of the study.
 - (e) The study shall show the names of adjacent subdivisions or additions or the name of record owners of adjoining parcels of unplatted land.
 - (f) The study shall contain the existing zoning on adjoining land, the location, width, and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights-of-way, and topography with existing drainage channels or creeks, and other important features such as tree groupings, vegetation, political subdivisions or corporate limits and school district boundaries.
 - (g) The study shall show the layout, names and width of proposed thoroughfares, collector streets, and intersections, and shall show a general configuration of proposed streets and alleys.
 - (h) The study shall show a general arrangement of land uses, including but not limited to park and school sites, municipal facilities, private open space, floodplains and drainage ways, phasing plan, and proposed non-residential and residential uses and densities.

3. Additional Requirements Prerequisite to Preliminary Plat Approval - Except as permitted under Section 3.2(b), prior to the submittal of a preliminary plat, the applicant shall submit for approval a land study, at a scale of 1" = 100' or larger, depicting all information required by Subsection 3.2(d)(2), and the following additional items:
 - (a) The layout, names, and width of proposed streets, alleys, and easements.
 - (b) Layout, numbers, and approximate dimensions of proposed lots and all building lines.
 - (c) The location of proposed screening walls and/or other forms of screening shall be clearly indicated.
 - (d) Existing contours of the tract in intervals of two feet or less, referred to sea level datum.
 - (e) Existing sewers, water mains, culverts, or other underground structures within the tract and immediately adjacent thereto with pipe sizes and locations included.
 - (f) Proposed water, sanitary sewer and storm sewer pipe lines with culverts, bridges, and other appurtenances or structures shown.
 - (g) Storm water retention or detention basins as required.
 - (h) Erosion mitigation of lots or roads next to creeks and drainage ways according to the Streambank Stabilization Manual, available from the Engineering Department.
 - (i) General tree survey information.
4. Standards for Approval - No land study shall be approved by the Commission for a plat which is intended for development unless it conforms to the Comprehensive Plan and the development ordinances of the city.
5. Approval Procedure - After review of the land study, the report and recommendations of the Director and the exhibits submitted at a scheduled meeting, the Commission shall approve, conditionally approve or disapprove the land study. One (1) copy of the proposed land study shall be returned to the owner with the date of approval or disapproval and the reasons therefore accompanying the copy. If the Commission disapproves the proposed land study, the applicant may execute an appeal in the manner prescribed in Section 3.8.

6. Effect of Approval - Approval of the land study in conformance to Sections 3.2(d)(3) and 3.2(d)(5) by the Commission constitutes authorization by the city for the property owner to submit application for approval of a preliminary plat subject to compliance with any conditions attached to approval of the land study. 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. 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.
7. Lapse of Land Study Approval - The approval of any phase or phases of a land study, which is intended for development, shall automatically expire unless such phase or phases have been submitted and approved by the Commission as a preliminary plat within two (2) years of the date of approval of such land study. (See Section 3.5 concerning reinstatement of lapsed plans.)

3.3 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 land study 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 land study or alternate plan as permitted under Section 3.2(b) 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 land study, 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 review Director 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.

42. 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.

23. 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 land study 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.

34. 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 off-site 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.

45. Approval Procedure - After review of the preliminary plat, the report and recommendations of the Director concerning the land study 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.

56. 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."

67. 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 land study 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

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.)

3.7 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 on-site improvements may be delayed if development of other tracts is not affected.
- c. Application Procedure and Requirements -
 1. Pre-Application Conference - Before preparing the land study, 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 review Director 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."

23. 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 land study. 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.

34. 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).

45. 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.

56. 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.

3.8 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 land study, 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 review Director 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.

b.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
- ed. 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.
- de. Development plats shall be processed under the same procedures and are subject to the same fees as apply to a plat.
- ef. 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.
- fg. 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.
- gh. 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.

3.9 Appeals to Council

The applicant, Director, or two members of City Council may appeal the decision of the Commission with regard to a land study, 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.

- 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 oversize 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 non-structural storm water control devices may be constructed. Structural and/or non-structural 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 non-structural storm water controls are subject to approval by the City Engineer.
 78. 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 non-residential 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) Non-residential 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 non-structural 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 non-structural 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).

ef. 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).

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