



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		5/23/11		
Department:		Legal		
Department Head		Diane Wetherbee		
Agenda Coordinator (include phone #): Jason Stacy 7109				
CAPTION				
An Ordinance of the City of Plano, Texas, repealing Ordinance No 84-9-26 codified as Article II, Heliports; Helistops, to Chapter 5, Aviation, of the City of Plano Code of Ordinances and providing an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS: This item has no fiscal impact.				
STRATEGIC PLAN GOAL: Amending the City's Code of Ordinances relates to the City's goal of Partnering for Community Benefit.				
SUMMARY OF ITEM				
An Ordinance repealing Ordinance No. 84-9-26 codified as Article II, Heliports; Helistops, to Chapter 5, Aviation.				
List of Supporting Documents: Memorandum		Other Departments, Boards, Commissions or Agencies n/a		

MEMORANDUM

Date: May 13, 2011
To: City Council
Through: Diane Wetherbee, City Attorney
From: Rodney D. Patten
Assistant City Attorney III

SUBJECT: Chapter 5 of the Code of Ordinances

On April 13, 2011 an ordinance review committee consisting of Cynthia O'Banner of Property Standards, Selso Mata of Building Inspections, Phyllis Jarrell of Planning, and Fire Chief Hugo Esparza was created at the Legal Department's request. The purpose of the committee was to determine if Article II, Heliports; Helistops of Chapter 5 of the Code of Ordinances was within current regulatory standards. Key areas of concern addressed by the committee included zoning, permitting, third party enforcement, duplication of regulation, unnecessary review of third party insurance, and unclear enforcement authority. As a result of the committee's review, it was determined that Chapter 5 of the Code of Ordinances should be repealed in its entirety. This conclusion was determined to be in the best interest of the City due to the continued repetition of overlapping regulatory processes presented within the chapter.

Specifically, the committee determined that referenced zoning restrictions and/or requirements were no longer needed since all zoning matters are addressed by the Planning and Zoning Ordinance. In particular, section 3.106 of the Zoning Ordinance governs the distance requirements and location of where a heliport or helistop can be placed, the level of noise that is allowed to be emitted from each site, and specific structure requirements. The committee further determined that because the City Building Code does not specifically regulate heliports or helistops, any ancillary requirements regarding the operation of these sites would require each owner or operator to comply with Chapter 6 of the City Ordinance, as well as Chapter 8 which incorporates the International Fire Code. Chapter 11 of the International Fire Code regulates all aviation activities at heliport and helistop sites and requires each to be maintained in accordance

with the International Building Code. Moreover, the Federal Aviation Administration has oversight over development and for heliport and helistop facilities; therefore, the committee found it unnecessary to continue to duplicate requirements found in other sections of the Code of Ordinances or controlled by other regulatory agencies.

Lastly, the review committee determined that the requirement for all operators or owners of heliports or helistops to furnish the city with a certificate of insurance that fully protects the general public from any damage that might be caused by the operation and maintenance of a heliport or helistop should also be repealed. Any damage sustained to third parties or private property due to the negligent operation of a heliport would be a separate civil matter between the parties involved and City intervention would be inappropriate. Therefore, due to the duplication in regulations, permitting and enforcement authority the review committee recommends that Chapter 5 of the Code of Ordinances be repealed in its entirety.

An Ordinance of the City of Plano, Texas, repealing Ordinance No 84-9-26 codified as Article II, Heliports; Helistops, to Chapter 5, Aviation, of the City of Plano Code of Ordinances and providing an effective date.

WHEREAS, on September 24, 1984, the City Council of the City of Plano duly passed Ordinance No. 84-9-26 adopting regulations for heliports and helistops; and

WHEREAS, the City Council hereby recognizes there is existing regulatory authority of the Federal Aviation Administration regarding the safety of civil aviation including design and development of helistops and heliports; and

WHEREAS, the City Council also finds that existing regulations in the City of Plano Zoning and Code of Ordinances are sufficient to address the development of heliports and helistops at a local level; and

WHEREAS, because there is sufficient authority at the federal and state level governing heliports and helistops the City Council finds that Ordinance No. 84-9-26 should be repealed.

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

Section I. The City Council hereby repeals Ordinance 84-9-26 codified as Article II, Heliports; Helistops, to Chapter 5, Aviation of the City of Plano Code of Ordinances.

Section II. This Ordinance shall become effective upon its passage.

DULY PASSED AND APPROVED this the 23rd day of May, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY