

DATE: May 3, 2016
TO: Honorable Mayor & City Council
FROM: John Muns, Chair, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of May 2, 2016

**AGENDA ITEM NO. 2 - PUBLIC HEARING - SUBDIVISION ORDINANCE
AMENDMENT 2016-001
APPLICANT: CITY OF PLANO**

Request to amend Section 3.1 (General) of Article III (Platting Procedures) of the Subdivision Ordinance to consider amendments pertaining to official submission dates. Tabled March 21, 2016.

APPROVED: 5-0 **DENIED:** _____ **TABLED:** _____

STIPULATIONS:

Recommended for approval as follows: (Proposed additions are indicated by underlined text; deletions are indicated by strikethrough text.)

Amend Section 3.1 (General) of Article III (Platting Procedures), portion b to read as follows:

- b. Official Submission Date for Items Requiring Planning & Zoning Commission and Staff Approval - For the purpose of these regulations, the date on which the application is first filed shall constitute the official submission date for the plat, after which the statutory period required for approval or disapproval of the plat shall commence to run. The Planning Department shall publish at least 30 days prior to the beginning of each year a calendar of official submittal dates. This calendar shall specify two submittal dates for each month. All applications delivered to the city on a date other than a scheduled date shall be ~~dated received~~ scheduled for consideration on the next official submittal date. An application or plat is considered filed on the date the applicant delivers the application or plat to the City of Plano Planning Department or deposits the application or plat with the United States Postal Service by certified mail addressed to the City of Plano Planning Department.

FOR CITY COUNCIL MEETING OF: May 23, 2016 (to View the agenda for this meeting, see www.plano.gov)

PUBLIC HEARING - ORDINANCE
ST/amf

xc: Wayne Snell, Permit Services Manager

CITY OF PLANO
PLANNING & ZONING COMMISSION

May 2, 2016

Agenda Item No. 2

Public Hearing: Subdivision Ordinance Amendment 2016-001

Applicant: City of Plano

DESCRIPTION:

Request to amend Section 3.1 (General) of Article III (Platting Procedures) of the Subdivision Ordinance to consider amendments pertaining to official submission dates. Tabled March 21, 2016.

REMARKS:

This item was tabled at the March 21, 2016 Planning & Zoning Commission meeting. It must be removed from the table for consideration.

At the January 19, 2016 Planning & Zoning Commission meeting, the Commission called a public hearing to consider amendments to official submission dates as noted in the Subdivision Ordinance. Recently, staff examined the city's requirements pertaining to submittals of development plats and plans for conformance with the Texas Local Government Code. Subsection 245.002 (Uniformity of Requirements) of Chapter 245 (Issuance of Local Permits) of the Code states that "an application or plan is considered filed on the date the applicant delivers the application to the regulatory agency, or deposits the application or plan with the United States Postal Service by certified mail addressed to the regulatory agency." Additionally, plats are required to be acted upon by staff or the Planning & Zoning Commission within 30-days of their filing, or they are automatically approved.

Section 3.1 (General) of Article III (Platting Procedures) of the Subdivision Ordinance states "applications delivered to the city on a date other than a scheduled date shall be dated received on the next official submittal date." Staff is concerned that this regulation is not in conformance with the Local Government Code requirement that submittals may be filed by mail. Although the Planning Department has never been challenged on this issue, staff believes these updates are important for conformance with the Texas Local Government Code and recommends the following changes to the Subdivision Ordinance.

RECOMMENDATION:

Recommended for approval as follows: (Proposed additions are indicated by underlined text; deletions are indicated by strikethrough text.)

Amend Section 3.1 (General) of Article III (Platting Procedures), portion b to read as follows:

- b. Official Submission Date for Items Requiring Planning & Zoning Commission and Staff Approval - For the purpose of these regulations, the date on which the application is first filed shall constitute the official submission date for the plat, after which the statutory period required for approval or disapproval of the plat shall commence to run. The Planning Department shall publish at least 30 days prior to the beginning of each year a calendar of official submittal dates. This calendar shall specify two submittal dates for each month. All applications delivered to the city on a date other than a scheduled date shall be ~~dated received~~ scheduled for consideration on the next official submittal date. An application or plat is considered filed on the date the applicant delivers the application or plat to the City of Plano Planning Department or deposits the application or plat with the United States Postal Service by certified mail addressed to the City of Plano Planning Department.

An Ordinance of the City of Plano, Texas, amending Section 3.1 (General) of Article III (Platting Procedures) and related sections of the Subdivision Ordinance of the City of Plano, as heretofore amended, pertaining to official submission dates, and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Subdivision Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 23rd day of May, 2016, for the purpose of amending Section 3.1 (General) of Article III (Platting Procedures) and related sections of the Subdivision Ordinance of the City of Plano, pertaining to official submission dates; and

WHEREAS, the City Secretary of Plano accordingly caused to be issued and published the notices required by laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of Plano, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Subdivision Ordinance of the City of Plano, pertaining to official submission dates, on the 23rd day of May, 2016; and

WHEREAS, the City Council is of the opinion and finds that such amendments to the City of Plano Subdivision Ordinance would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

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

Section I. Section 3.1 (General) of Article III (Platting Procedures) of the Subdivision Ordinance of the City of Plano, as the same has been heretofore amended pertaining to official submission dates, is hereby further amended to read as follows:

- b. Official Submission Date for Items Requiring Planning & Zoning Commission and Staff Approval - For the purpose of these regulations, the date on which the application is first filed shall constitute the official submission date for the plat, after which the statutory period required for approval or disapproval of the plat shall commence to run. The Planning Department shall publish at least 30 days prior to the beginning of each year a calendar of official submittal dates. This calendar shall specify two submittal dates for each month. All applications delivered to the city on a date other than a scheduled date shall be scheduled for consideration on the next official submittal date. An application or plat is

considered filed on the date the applicant delivers the application or plat to the City of Plano Planning Department or deposits the application or plat with the United States Postal Service by certified mail addressed to the City of Plano Planning Department.

Section II. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section III. The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section IV. Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section V. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section VI. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 23RD DAY OF MAY, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY