



**Monday, June 24, 2024
Planning and Zoning Commission Meeting**

**Council Chambers
3815 Sachse Road, Building B
6:00 PM**

Planning and Zoning Commission meetings are streamed live online and available on-demand (<https://sachsetx.swagit.com/live>).

A. Regular Meeting

1. Call to Order: The Planning and Zoning Commission of the City of Sachse will hold a regular meeting on Monday, June 24, 2024, at 6:00 PM to consider the following items of business:
2. Invocation and Pledge of Allegiance to the U.S. and Texas Flags.
3. The public is invited to address the Board regarding any topic not already on the agenda. The time limit is 3 minutes per speaker. A Public Comment Card should be presented to the acting Secretary prior to the meeting. According to the Texas Open Meetings Act, the Board is prohibited from discussing any item not posted on the agenda but will take comments under advisement.
4. Consider approving the December 11, 2023, meeting minutes.
5. Conduct a public hearing to consider and act upon amendments to Chapter 8 Subdivisions, Chapter 11 Zoning, Section 11-3, and Exhibit 11A, Article 6, and Article 9 to amend platting procedures.
6. Adjournment.

I, the undersigned authority, do hereby certify that this notice of a public meeting was posted in accordance with the regulations of the Texas Open Meetings Act and was posted on the bulletin board, an accessible location at Sachse City Hall.

Leah K Granger, City Secretary

Posted: 06/20/2024 by 5 p.m. | Removed: _____

Accommodation requests for persons with disabilities should be made at least 48 hours prior to the meeting by contacting Logan Thatcher, ADA Coordinator, via phone at 972-495-1212, via email at lthatcher@cityofsachse.com, or by appointment at 3815 Sachse Road, Building B, Sachse, Texas 75048.

A. Regular Meeting

Subject: 4. Consider approving the December 11, 2023, meeting minutes.

Meeting June 24, 2024 - Planning and Zoning Commission Meeting

Access Public

Type Minutes, Action

Fiscal Impact None

Recommended Action Approve the minutes as presented.

Goals

BACKGROUND

Minutes from the December 11, 2023, Planning and Zoning Commission meeting.

POLICY CONSIDERATIONS

There are no policy considerations affiliated with this item.

RECOMMENDATION

Approve the minutes as presented.

File Attachments

1. Planning&ZoningCommission_Regular_Minutes_12.11.2023

**PLANNING AND ZONING COMMISSION OF THE CITY OF SACHSE
DECEMBER 11, 2023, MEETING MINUTES**

The Planning and Zoning Commission of the City of Sachse held a regular meeting on Monday, December 11, 2023, at 6:00 p.m. at Sachse City Hall, 3815-B Sachse Road. Members present were Vice Chairperson Scott Ohman; Commissioners Hadi Taqui, Travis Mondok, Brian Cox, and Butch Kemper.

Members absent: None

Vice Chairperson Ohman called the meeting to order at 6:10 p.m.

Invocation and Pledges of Allegiance to the US and Texas Flags.

Mr. Kemper led the invocation, and Mr. Mondok led the pledges.

Public Comment:

No public comment at this time.

Consider approval of the October 23, 2023, meeting minutes.

Mr. Mondok made the motion to approve the minutes as presented. Mr. Kemper seconded the motion, and it carried unanimously.

Consider and act on a final plat of the Apollo Addition, generally located south of the President George Bush Turnpike and more specifically located at the southwest corner of the intersection of the President George Bush Turnpike Frontage Road and Pleasant Valley Road, within Sachse city limits.

Mr. Feinhals presented the final plat for the Apollo Addition, and stated this is one commercial lot that covers approximately 12.043 acres. Staff recommended approval of the final plat.

Mr. Mondok made a motion to approve the final plat subject to all conditions stipulated by the Building Official and City Engineer. Mr. Betten seconded the motion, and it carried unanimously.

Consider and act on a Revised Preliminary Plat for the Trull Center addition, generally located at the southwest corner of Miles Road and Bunker Hill Road, within Sachse city limits.

Mr. Feinhals presented the revised preliminary plat for the Trull Center addition and stated this is to amend lot two of the approved Trull Center preliminary plat to incorporate an adjacent parcel that covers approximately 1.37 acres. Staff recommended approval of the preliminary plat.

Mr. Taqui made a motion to approve the preliminary plat subject to all conditions stipulated by the Building Official and City Engineer. Mr. Cox seconded the motion, and it carried unanimously.

Conduct a public hearing to consider and act on a request for the Martinez Salmon Addition of approximately 0.58 acres of land, being a replat of Lot 1, Block A Desantiago Addition, generally located at 3320 Salmon Street, City of Sachse, Dallas County, Texas, within Sachse city limits.

Mr. Feinhals presented a proposal to replat a portion of one residential lot and stated that this covers approximately 1.37 acres. Staff recommended approval of the proposed replat.

Mr. Betten made a motion to approve the residential replat subject to all conditions stipulated by the Building Official and City Engineer. Mr. Mondok seconded the motion, and it carried unanimously.

Conduct a public hearing to consider and act on amendments to Chapter 3, Article 1, Section 3-10 Signs and Chapter 11 Zoning Ordinance, Article 4, Section 8 to move and amend the sign ordinance of the City of Sachse.

Mr. Feinhals presented the proposal to act on amendments to Chapter 3, Article 1, Section 3-10 Signs and Chapter 11 Zoning Ordinance, Article 4, Section 8.

Mr. Kemper made a motion to approve the amendments to Chapter 3, Article 1, Section 3-10 Signs and Chapter 11 Zoning Ordinance, Article 4, Section 8. Mr. Taqui seconded the motion, and it carried unanimously.

Adjournment.

Vice Chairperson Ohman adjourned the meeting at 6:58 p.m.

APPROVE:

Scott Ohman, Vice Chairperson

ATTEST:

Butch Kemper, Secretary

A. Regular Meeting

Subject: 5. Conduct a public hearing to consider and act upon amendments to Chapter 8 Subdivisions, Chapter 11 Zoning, Section 11-3, and Exhibit 11A, Article 6, and Article 9 to amend platting procedures.

Meeting June 24, 2024 - Planning and Zoning Commission Meeting

Access Public

Type Public Hearing, Information, Discussion, Action

Fiscal Impact None

Recommended Action Approve the proposed subdivision and zoning ordinance revisions.

Goals

BACKGROUND

The maintenance of existing ordinances is considered routine in order to provide a healthy and functioning regulatory framework that meets the needs of the community. Staff is proposing the following updates to the Subdivision and Zoning ordinance:

- Change of approval authority for plats not requiring variance or exception;
- Refine wording to clarify the platting and variance process;
- Update notice policy for plats under local government code 212.015;
- Add language for an appeals process; and
- Increase expiration extensions for approved plats not recorded.

The ongoing maintenance of regulations and the streamlining of processes and provisions are identified as tasks in the City's 2017 Comprehensive Plan.

POLICY CONSIDERATIONS

Facilitating development within Sachse by enacting standards that align with state law and the vision established by the City's Comprehensive Plan.

Providing ongoing maintenance of City ordinances.

RECOMMENDATION

Approve the proposed subdivision and zoning ordinance revisions.

File Attachments

1. Presentation_Subdivision Ordinance Amendment P&Z
2. SACHSE Zoning Ordinance Amending Chapter 11 Zoning and Amending Exhibit A Zoning Ordinance Redline
3. SACHSE Zoning Ordinance Amending Chapter 11 Zoning and Amending Exhibit A Zoning Ordinance

Platting Procedures Amendment

Planning and Zoning Commission

June 24, 2024



Background

- The ongoing maintenance of regulations and the streamlining of processes and provisions are identified as tasks in the City's 2017 Comprehensive Plan.
- Proposed changes include amendments to the City's subdivision and zoning ordinances.

Proposed

Staff has identified, and is proposing the following updates:

- Change of approval authority for plats not requiring variance or exception;
- Refine wording to clarify the platting and variance process;
- Update notice policy for plats per Texas Local Government Code 212.015;
- Add language for an appeals process; and
- Increase expiration extensions for approved final plats

Approval Authority

Staff is proposing all plats not requesting a variance or exception be approved by City staff

- Plats are ministerial and required to be approved per State law
- Provides better customer service and streamlines process
- Allows staff to accept plats on days not within 30 days of a scheduled Planning and Zoning Commission meeting

House Bill 3699 adopted in 2023 allows City staff to be the approving authority for all plats



Formatting and Variance Process

Formatting

- Clean up of language and definitions for proposed update

Variance Process

- Clean up of language

212.015 Update

Update regulations to match new requirements of Texas Local Government Code 212.015 for certain replats

- Plats not requiring a variance or exception, the City of Sachse, not later than the 15th day after approval of the replat shall provide written notice of approval to each lot owner of the original subdivision that is within 200 feet of the lots being replatted according to the most recent tax roll



Appeals Process

In cases where staff denies a plat there are provisions to allow an applicant to appeal to the Planning and Zoning Commission

- Staff will prepare a report and submit to the Planning and Zoning Commission stating unresolved issues and the reasons for denial



Expiring Plats

Final plats expire two years from date of approval

- Extensions by staff not to exceed 12 months
- After 12 months, Planning and Zoning Commission is required to specify an extension for the plat
- If denied or no further extension is requested the plat is required to be resubmitted for approval

Next Steps

- The recommendation of the Planning & Zoning Commission will be considered by the City Council at their August 5, 2024, regular meeting.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 8 TITLED “SUBDIVISIONS”; BY AMENDING CHAPTER 11 TITLED “ZONING” BY AMENDING SECTION 11-3 TITLED “PLANNING AND ZONING COMMISSION”; AND BY AMENDING EXHIBIT 11A TITLED “ZONING ORDINANCE” BY AMENDING ARTICLE 6 TITLED “PERMITS AND CERTIFICATES” AND BY AMENDING ARTICLE 9 TITLED “UNPLATTED PROPERTY”; PROVIDING A CONFLICTS CLAUSE; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Sachse, Texas, in compliance with the laws of the State of Texas and the Ordinances of the City of Sachse, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all interested persons, the governing body, in the exercise of its legislative discretion, has concluded that the Comprehensive Zoning Ordinance should be amended as follows:

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

SECTION 1. That the City of Sachse Code of Ordinances is amended by amending Chapter 8 titled “Subdivisions”, to read as follows:

“Chapter 8

SUBDIVISIONS

...

§ 8-3. Intent and purpose.

...

AMEND D:

- D.** The procedure for approving a plat requires a preliminary plat and final plat. The requirement for a preliminary plat may be omitted with the approval of the city manager or their designee. Except as otherwise permitted, the approval of a preliminary plat by city staff ~~by the planning and zoning commission and city council~~ is required for the construction of public improvements on the property. The preliminary plat and the

associated engineering plans for the property may be amended during construction, with only major changes requiring re-approval by the city staff. ~~by the planning and zoning commission.~~ Upon completion of the required public improvements, or the provision of an improvement agreement, the owner may submit a corrected final plat for the subdivision. Lots may be sold and building permits obtained after approval of the final plat by the city staff ~~the planning and zoning commission~~, and the recording thereof.

...

§ 8-5. Definitions.

...

AMEND BY ADDING NEW DEFINITION FOR “PLAT, CONVEYANCE;” AMEND DEFINITIONS FOR “PLAT, FINAL” AND “PLAT, PRELIMINARY”

Plat, conveyance. A mechanism for land to be divided into lots or to dedicate public right-of-way, when such subdivision of the land is for conveyance (sale or inheritance) purposes only. This type of plat is appropriate when no immediate development is contemplated; when or if development does occur, then the land shall be properly platted in the form of a Final Plat (with or without approval of a Preliminary Plat, as applicable) prior to any type of development, construction activities, or further subdivision of the land.

Plat, final. The final plat of a proposed development submitted for approval by city staff ~~the planning and zoning commission~~ prepared in accordance with the provisions of this chapter and requested to be filed with the appropriate County Clerk of either Dallas County or Collin County.

...

Plat, preliminary. The initial plat or working draft map or plan of a proposed development submitted to city staff ~~the planning and zoning commission and the city council~~ for approval.

AMEND SECTION 8-7 BY RETITLING TO “VARIANCES” AND AMENDING PARAGRAPH A, AS FOLLOWS:

Sec. 8-7. ~~Waivers.~~ Variances.

- A. *Authorization.* The city council may authorize a ~~waiver~~ variance from these regulations when in its opinion undue hardship will result from requiring strict compliance. In granting the ~~waiver~~ variance, the city council shall prescribe only conditions that it deems necessary or desirable to the public interest and making the findings herein below required. The city council shall take into account the nature of the proposed use of land involved and existing uses of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such ~~waiver~~ variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No ~~waiver~~ variance will be granted unless the city council finds:

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of their land.

~~(4)(2)~~ That the ~~waiver~~ variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, that the granting of the ~~waiver~~ variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area.

~~(4)(3)~~ That the granting of the ~~waiver~~ variance will not have the effect of preventing the orderly Subdivision of other lands in the area in accordance with the provisions of this chapter. Such finding of the city council together with the specific facts on which such findings are based shall be incorporated under the official minutes of the city council meeting at which such ~~waiver~~ variance is granted. Variances ~~Waivers~~ may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the sub-divider, standing alone, shall not be deemed to constitute undue hardship.

...

§ 8-9. Preliminary platting procedures.

B. Generally.

- (1) The developer shall submit the required number of copies of the preliminary plat of the proposed subdivision ~~to with~~ the city ~~staff for submission to the planning and zoning commission~~ and include the required filing fees and tax certificates showing all taxes have been paid on the property being platted.
- (2) After the pre-development meeting, the developer shall file the required number of copies of the preliminary plat of the proposed subdivision ~~with the~~ to city ~~staff for submission to the planning and zoning commission~~, and include the required filing fees and tax certificates showing all taxes have been paid on the property being platted.
- (3) The following notice shall be stamped on the face of each preliminary plat: "Preliminary Plat - for inspection purposes only and in no way official or approved for record purposes."

- (4) Preliminary plats shall be distributed by city staff to city departments. The owner shall be provided an opportunity to attend a developer/city staff meeting for the purpose of notifying the developer of necessary corrections.
- (5) The development services department shall accumulate the comments of the city departments, and ~~conduct a developer/city staff meeting to~~ shall report the comments and requested corrections to the developer. The developer shall be allowed to make comment or make required corrections and submit the corrected preliminary plat to the development services department ~~for submission to the planning and zoning commission~~. The corrected preliminary plat shall be submitted within 30 days of the date the original preliminary plat was officially filed ~~and prior to the meeting of the planning and zoning commission at which such preliminary plat is scheduled for consideration~~. Upon timely receipt, the director of development services shall ~~submit~~ review the corrected preliminary plat ~~to the planning and zoning commission~~.
- (6) Should a preliminary plat be denied and appealed to the planning and zoning commission, a written report shall be prepared by city staff and submitted to the planning and zoning commission stating the review comments of the preliminary plat noting any unresolved issues and the reasons for denial.

ADD NEW (7)

- (7) An appeal may be taken to the planning and zoning commission following a denial of a preliminary plat. Such appeals shall be filed with city staff within thirty (30) days from the date of denial.
- (7) ~~The actions of the planning and zoning commission shall be noted on two copies of the preliminary plat. One copy shall be returned to the developer and the other retained in the files of the development services department.~~
- (8) Approval of a preliminary plat ~~by the planning and zoning commission and/or the city council~~ is not approval of the final plat but is an expression of approval of the layout shown subject to satisfaction of specified conditions. The preliminary plat serves as a guide in the preparation of a final plat.

...

E. Effect of approval. Approval of a preliminary plat by ~~the city the planning and zoning commission or city council~~ constitutes authorization for the property owner to submit engineering plans for review by the city engineer.

F. Changes or alterations to approved preliminary plat. No previously approved preliminary plat may be changed or altered, except to bring the plat in conformance with the conditions and

requirements stipulated by ~~city staff the planning and zoning commission and/or city council~~. Minor changes as outlined below shall be permitted at the discretion of the director of development services:

...

§ 8-10. Final platting procedures.

A. Generally.

- (1) After approval of the preliminary plat by ~~city staff the planning and zoning commission~~ and, upon substantial completion of the required public improvements and issuance of a substantial completion letter from the city engineer to the developer or the provision of an improvement agreement as allowed herein, the owner shall submit a final plat for the property for approval.

...

- (4) The development services department shall accumulate the comments of the city departments and ~~agencies and conduct a developer/city staff conference to~~ shall report the comments and requested corrections to the developer. The developer shall make comments or make the required corrections and submit the corrected final plat to the development services department ~~for submission to the planning and zoning commission~~.
- (5) The final plat shall be submitted to ~~the development services department the planning and zoning commission at the next available meeting~~ with any appropriate comments and recommendations. ~~by the development services department. City staff~~ The planning and zoning commission shall act on the final plat within 30 days after the official filing date. If no action is taken by ~~city staff the planning and zoning commission~~ within such period, the final plat shall be deemed approved. A certificate showing the filing date and failure to take action thereon within the 30-day period shall on request be issued by the ~~city staff~~ planning and zoning commission, which shall be sufficient in lieu of a written endorsement of approval. ~~The planning and zoning commission~~ City staff shall be the final approval authority for final plats. ~~The denial of approval of a final plat shall not be appealable to the city council.~~
- (6) ~~The planning and zoning commission~~ City staff shall consider the final plat, including all proposals by the owner with respect to the dedication of right-of-way for public use, the construction of utilities, streets, drainage and other improvements.

- (7) The approval of the final plat by city staff ~~may the planning and zoning commission~~ shall authorize the development services director ~~planning and zoning commission chairperson~~ to execute the certificate of approval on the final plat.

...

- (9) Final plats disapproved by city staff ~~may be appealed to the planning and zoning commission upon written request by the applicant. the planning and zoning commission shall be returned to the developer by the development services department.~~

- (10) In the event a final plat is approved by city staff ~~the planning and zoning commission~~ for a subdivision in phases, the final plat of each phase shall carry the same name throughout the entire subdivision, but bear a distinguishing letter, number or subtitle. Lot and block numbers shall run consecutively throughout the entire subdivision, even though such subdivision may be finally approved in phases.

ADD NEW (11) AND (12)

- (11) Should a final plat be denied and appealed to the planning and zoning commission, a written report shall be prepared by city staff and submitted to the planning and zoning commission stating the review comments of the final plat noting any unresolved issues and the reasons for denial.

- (12) An appeal may be taken to the planning and zoning commission following the denial of a final plat. Such appeals shall be filed with city staff within thirty (30) days from the date of denial.

...

D. Execution and recordation.

- (1) When an improvement agreement and security are required, the development services director ~~chairperson of the planning and zoning commission~~ shall endorse approval on the final plat after the improvement agreement and security have been approved by the city attorney and all the conditions pertaining to the final plat have been satisfied. A final plat for which an improvement agreement has been approved shall contain the following notation on the final plat:
“This Subdivision is subject to an Improvement Agreement pursuant to the City of Sachse, Texas Subdivision Ordinance. All or some of the public infrastructure were not constructed and accepted by the City of Sachse, Texas prior to approval of this Final Plat.”

- (2) When substantial completion of the public improvements is required prior to recordation of the Final Plat, the ~~development services director~~ ~~Chairperson of the Planning and Zoning Commission~~ shall endorse approval on the Final Plat after all conditions of approval have been satisfied and all public improvements are substantially completed as provided for a written substantial completion letter by the City Engineer. There shall be written evidence that the required public improvements have been substantially completed and have been completed in a manner satisfactory to the City as shown by a letter signed by the City Engineer stating that the necessary dedication of public lands and substantial completion of public improvements have been accomplished.
- (3) The property owner shall be responsible for filing the final plat with the appropriate county clerk. Simultaneously with the filing of the final plat, the property owner shall record such other agreements of dedication and legal documents as shall be required to be recorded by ~~the planning and zoning commission~~ and the city attorney. The final plat, bearing all required signatures, shall be recorded after final approval and within five working days of its receipt. One copy of the recorded final plat, with street addresses assigned, will be forwarded to the owner by the city staff.

...

E. Expiration of final plat approval.

- (1) If public improvements for a subdivision have not been constructed and accepted by the city and the corresponding final plat for said subdivision has not been filed in the appropriate county plat records within two years after the date of final plat approval by the ~~city planning and zoning commission~~, said final plat shall be null and void and shall conclusively be deemed to be withdrawn without further action by the city. This provision shall not apply to final plats approved by the city prior to the effective date of this section.
- (2) An approved, unexpired final plat may upon written request by the subdivider be extended once by the director of development services for a period not to exceed ~~90 days~~ 12 months. The planning and zoning commission upon written request, may extend approval once for a period not to exceed 12 months provided:

DO NOT AMEND

(2)(a) through (c).

§ 8-11. Vacating plats, replats and amending plats.

A. Vacating plats.

...

- (3) City, tThe planning and zoning commission and city council shall disapprove any vacating instrument which abridges or destroys public rights in any of the public uses, improvements, streets or alleys.

...

B. Re-platting without vacating preceding plat.

- (1) A re-plat of a subdivision or part of a subdivision may be recorded and is controlled over the preceding plat without vacation of that plat if the replat:
- (a) Is signed and acknowledged by only the owners of the property being replatted;
 - (b) Does not attempt to amend or remove any covenants or restrictions; and
 - (c) Is approved by the municipal authority responsible for approving plats unless a variance or exception is being requested, after a public hearing on the matter, by the planning and zoning commission.

...

C. Additional requirements for certain plats.

- (1) In addition to compliant with section 8-11.B., a replat without vacation of the preceding plat must conform to the requirements of this section if:

...

- (b) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

ADD A NEW (2); AMEND AND RENUMBER REMAINING SECTIONS:

- (2) If a proposed replat described by Subsection (1) requires a variance or exception, a public hearing must be held by the municipal planning commission or the governing body of the municipality.

- (3) Notice of the public hearing as required in section under section 8-11.C.(2) above 8-11.B. shall be given before the 15th day before the date of the public hearing by:

...

- (4) If the proposed re-plat requires a waiver, variance or exception and is protested in accordance with this subsection, the proposed re-plat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present at the meeting of the

planning and zoning commission. For a legal protest, written instruments signed by owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed re-plat and extending 200 feet from that area, but within the original subdivision, must be filed with the planning and zoning commission prior to the close of the public hearing

(5) In computing the percentage of land area under section 8-11.C.(34) above, the area of streets and alleys shall be included.

~~(6) Compliance with section 8-11.C.(3) and (4) is not required for approval of a replat of part of a preceding plat if the area to be re-platted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat. If a proposed replat described by section 8-11.C.(1) does not require a waiver, variance or exception, the municipality shall, not later than the 15th day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent municipality or county tax roll. This subsection does not apply to a proposed replat if the municipal planning commission or the governing body of the municipality holds a public hearing and gives notice of the hearing in the manner provided by Subsection (2).~~

ADD NEW (7):

(7) The notice of a replat approval required by section 8-11.C.(6) must include:

- (a) the zoning designation of the property after the replat; and
- (b) a telephone number and e-mail address an owner of a lot may use to contact the municipality about the replat.

AMEND TITLE:

D. Administrative approval of ~~certain~~ amending plats, minor plats and re-plats.

(1) The director of development services is authorized to approve the following:

- (a) Amending plats described by section 212.016 Texas Local Government Code;
- (b) Minor plats involving four or fewer lots fronting an existing street and not requiring the creation of any new street or extension of municipal facilities; and
- (c) A replat under sections 212.014, 212.0145, and 212.015 Tex. Loc. Gov't Code ~~that does not require the creation of any new street or the extension of municipal facilities.~~

- (2) The director of development services may for any reason elect to present an amending plat, minor ~~plat or~~ plat or re-plat meeting the requirements of section 8-11.D.(1) above to the planning and zoning commission for approval.
- (3) Any amending plat, minor plat or re-plat meeting the requirements of this section which the director of development services fails or refuses to approve shall be submitted to the planning and zoning commission for approval.

ADD (4) AND (5):

- (4) Should a plat be denied and appealed to the planning and zoning commission, a written report shall be prepared by city staff and submitted to the planning and zoning commission stating the review comments of the plat noting any unresolved issues and the reasons for denial.
- (5) An appeal may be taken to the planning and zoning commission following the denial of a plat. Such appeals shall be filed with city staff within thirty (30) days from the date of denial.

§ 8-12. Conveyance plats.

...

D. Certification. The conveyance plat shall contain a certification note on the plat face, as follows:

“This Conveyance Plat shall not convey any rights to Development or guarantee of public utilities, public or private access, or issuance of addressing and permits, without compliance with all Subdivision rules and regulations and the approval and recording of a Final Plat. A Conveyance Plat is filed for record in the appropriate County Clerk office upon administrative approval by the Director of ~~Community~~ Development Services.”

...

§ 8-14 Completion and maintenance of public improvements.

...

B. Improvement agreements.

- (1) Substantial completion of improvements. Except as provided below, before the final plat is approved by the ~~planning and zoning commission or the~~ director of development services, all applicants shall be required to make substantially complete, in accordance with the city’s direction and to the satisfaction of the city engineer, all street, sanitary and other public improvements, including lot improvements on the individual residential lots of the

subdivision as required in these regulations and specified in the final plat, and to dedicate those public improvements to the city. As used in this section, “lot improvements” refers to grading and installation of improvements required for proper drainage and prevention of soil erosion.

- (2) Agreement. The city ~~council, considering the recommendation of the planning and zoning commission,~~ may waive the requirement that the applicant complete and dedicate all public improvements prior to approval of the final plat, and may permit the owner to enter into an improvement agreement by which the owner covenants to complete all required public improvements no later than two years following the date on which the final plat is signed. The city council may also require the owner to complete and dedicate some required public improvements prior to approval of the final plat and to enter into an improvement agreement for completion of the remainder of the required improvements during such two-year period. The improvement agreement shall contain such other terms and conditions as are agreed to by the owner and the city.

...

- (5) Letter of credit reductions. If the ~~city planning and zoning commission~~ authorizes the owner to post a letter of credit as security for its promises contained in the improvement agreement, the letter of credit shall:

...

- (7) Temporary improvements. The owner shall build and pay for all costs of temporary improvements required by the planning and zoning commission and shall maintain those temporary improvements for the period specified by ~~city staff the planning and zoning commission~~. Prior to construction of any temporary improvement, the owner shall file with the city a separate improvement agreement and escrow, or where authorized, a letter of credit, in an appropriate amount for such temporary improvements, which improvement agreement and escrow or letter of credit shall ensure that the temporary improvements will be properly constructed, maintained, and removed.

...

- (10) Acceptance of dedication offers. Acceptance of formal offers of dedication of street, public areas, easements, and parks shall be by authorization of the city engineer. The approval by ~~city staff the planning and zoning commission~~ of a plat, whether preliminary or final, shall not in and of itself be deemed to constitute or imply the acceptance by the city of any street, easement, or park shown on plat. ~~The planning and zoning commission~~ City staff may require the plat to be endorsed with appropriate notes to this effect.

...

C. Construction procedures.

...

(3) Conditions prior to authorization. Prior to authorizing release of a construction permit, the city engineer shall be satisfied that the following conditions have been met:

(a) The preliminary plat shall be approved by the director of development services; planning and zoning commission;

...

D. Inspection of public improvements.

...

(2) Certificate of satisfactory completion. The city will not accept dedication of required public improvements until the applicant's engineer or surveyor has certified to the city engineer, through submission of record drawings, indicating location, dimensions, materials, and other information required by the director of development services planning and zoning commission or city engineer that all required public improvements have been completed. The record drawings shall also include a complete set of drawings of the paving, drainage, water, sanitary sewer or other public improvements, showing that the layout of the line and grade of all public improvements is in accordance with construction plans for the plat, and all changes made in the plans during construction and containing on each sheet a record drawing stamp bearing the signature of the engineer and the date. The engineer or surveyor shall also furnish a paper copy of the final plat and engineering plans along with digital copies of the plans in Portable Document Format ("PDF") and Computer Assisted Design Drawings ("CADD"), in such a format that is compatible with the city's CADD system. The developer shall provide a maintenance bond executed by a corporate surety duly authorized to do business in the State of Texas, payable to the city and approved by the city as to form, to guarantee the maintenance of the construction for a period of two years after its completion and acceptance by the city. In lieu of a maintenance bond the developer may submit either an irrevocable letter of credit payable to the city and approved by the city as to form, or a cash bond payable to the city and approved as to form. The amount of the maintenance bond, letter of credit or cash bond shall be at least ten percent of the full cost of the infrastructure in the subdivision, as determined by the construction costs. When such requirements have been met the city engineer shall thereafter accept the public improvements.

...

E. Deferral of required improvements.

(1) City staff ~~The planning and zoning commission~~ may upon petition of the owner defer at the time of final approval, subject to appropriate conditions, the provision of any or all public improvements are not required in the interests of the public health, safety and general welfare.

(2) Whenever a petition to defer the construction of any public improvement required under these regulations is granted by the ~~city planning and zoning commission~~, the owner shall deposit in escrow the developer's share of the costs of the future public improvements with the city prior to approval of the final plat, or the owner may execute a separate improvement agreement secured by a cash escrow or, where authorized, a letter of credit guaranteeing completion of the deferred public improvements upon demand of the city.

...

§ 8-15 General requirements and design standards.

...

(3) Sewer improvements.

...

(b) The developer shall furnish and install the complete sewage system, including the mains, manholes, cleanouts, ~~Y-branches and~~ service laterals for all lots, lift stations and appurtenances. The sewage system shall be designed and constructed in accordance with the master plan when available and in accordance with the standard specifications and standard construction details of the City of Sachse.

(c) In locations where sanitary sewers are not available and where there is no immediate prospect for installation of sanitary sewers, then septic tanks on-site sewage facilities (OSSF) -of approved type may be installed in conformity with the rules, regulations and ordinances of the City of Sachse pertaining to public health, provided however that in no case shall septic tanks be installed without ~~the express approval and inspection of the City of Sachse~~ meeting TCEQ requirements.

...

(5) Electric utilities to be underground.

(a) No subdivision plat or site plan filed with or submitted to the city shall be approved unless such plan or plat requires all electric utility lateral and service lines to be constructed underground. In special or unique circumstances or to avoid undue hardship, the city council may authorize ~~variances and~~ exceptions from this requirement and permit the construction and maintenance of overhead electric utility lateral or service lines and may approve any plat with such approved

~~variances or~~ exceptions. It is the intent of this section that no overhead electric utility lateral or service lines be constructed without an ~~variance or~~ exception having been obtained for the subdivision plat or site plan.

...

- (c) Anything in this ordinance to the contrary notwithstanding, temporary construction service may be provided by overhead electric lines and facilities without obtaining an ~~variance or~~ exception.

...

§ 8-17 Street extensions and pro rata charges.

...

E. Extensions for property subdivided or platted for development basis.

- (1) Generally. Where the extensions of the streets are required to serve property which has been subdivided~~d~~ or platted for development for resale, streets may be extended to the properties on the following basis and in accordance with minimum standards and procedures described in this section. It shall be unlawful to improve any previously unimproved lot, tract or plot of land or any part thereof which fronts a street or alley for which pro rata charges are applicable even if such lot, tract or plot was originally purchased before construction and assessment of pro rata was accomplished.

...:

AMEND (4) BY UNDERLINING TITLE ONLY:

- (4) Off-site extensions required to serve property development. Where street facilities are not available to a tract to be developed, the developer or contractor shall extend such facilities, his expense, to an existing street, as approved by the city engineer.

ADD NEW (5):

- (5) Reserved strips and tracts prohibited. A plat shall not provide reserved strips or tracts of land. In addition, the effect of the phasing of a plat, provision of common area, or other land or easement shall not unnecessarily restrict access to land, right-of-way, or easements dedicated or intended to be dedicated to the public by the subject plat or adjacent developments.

...

SECTION 2. That the City of Sachse Code of Ordinances is amended by amending Chapter 11 titled "Zoning Ordinance" by amending Section 11-3 titled "Planning and Zoning Commission", to read as follows:

“Chapter 11

ZONING

...

§ 11-3 Planning and zoning commission.

...

- B. Duties and powers. The planning and zoning commission shall generally have the following duties and powers:

...

- (6) To pass upon whether or not plats of land and proposed plats of land within the city or coming under the city’s jurisdiction should be accepted when responsible, and to formulate and furnish to the city council regulations governing the platting of additions which shall be for the guidance of the public in this regard.

...

- C. Rules and regulations. The following rules and regulations are hereby adopted by the city for the making of applications for zoning changes and for the handling of public hearings before the city planning and zoning commission and the city council:

...

- (8) In the event a protest against such ~~zoningproposed~~ change has been filed with the city secretary, duly signed by the owners of 20 percent or more either of the area included in the ~~such proposedzoning~~ change or of the land immediately adjoining the area covered by the proposed change and extending 200 feet from thate areawithin 1,000 feet of such area, such amendment shall not become effective except by a three-fourths vote of the governing body.

...”

SECTION 3. That the City of Sachse Code of Ordinances is amended by amending Chapter 11A titled “Zoning Ordinance” by amending Article 6 titled “Permits and Certificates” by amending Section 1; and by amending Article 9 titled “Unplatted Property” by amending Section 1 titled “Zoning Required” and Section 2 titled “Annexation Pending”, to read as follows:

**“EXHIBIT 11A
ZONING ORDINANCE**

...

“ARTICLE 6 PERMITS AND CERTIFICATES

§ 1

...

(1) The lot or tract where any building is to be constructed is part of a plat of record , properly approved by the ~~City of Sachse planning and zoning commission and/or city council~~, and filed in the plat records of the county

...

ARTICLE 9 UNPLATTED PROPERTY

§ 1 Zoning required.

1.1 The ~~city planning and zoning commission~~ shall not approve any plat of any subdivision within the city limits until the area covered by the proposed plat has been permanently zoned by the city council.

...”

SECTION 3. To the extent of any irreconcilable conflict with the provisions of this ordinance and other ordinances of the City of Sachse governing the use and development of the Property and which are not expressly amended by this ordinance, the provisions of this ordinance shall be controlling.

SECTION 4. That all provisions of the Ordinances of the City of Sachse, Texas, in conflict with the provisions of this Ordinance be and the same are hereby, repealed, and that all other provisions of the Ordinances of the City of Sachse not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part thereof decided to be unconstitutional, illegal, or invalid.

SECTION 6. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Ordinances of the City of Sachse, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. That any person, firm, or corporation violating any provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances, as amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand

Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. This ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED by the City Council of the City of Sachse, Texas on the _____ day of _____ 2024.

APPROVED:

Jeff Bickerstaff, Mayor

DULY ENROLLED:

Leah K. Granger, City Secretary

APPROVED AS TO FORM:

Joseph J. Gorfida, Jr.
City Attorney
(05-28-2024:4862-5179-0191, v. 1)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 8 TITLED “SUBDIVISIONS”; BY AMENDING CHAPTER 11 TITLED "ZONING" BY AMENDING SECTION 11-3 TITLED “PLANNING AND ZONING COMMISSION”; AND BY AMENDING EXHIBIT 11A TITLED “ZONING ORDINANCE” BY AMENDING ARTICLE 6 TITLED “PERMITS AND CERTIFICATES” AND BY AMENDING ARTICLE 9 TITLED “UNPLATTED PROPERTY”; PROVIDING A CONFLICTS CLAUSE; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Sachse, Texas, in compliance with the laws of the State of Texas and the Ordinances of the City of Sachse, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all interested persons, the governing body, in the exercise of its legislative discretion, has concluded that the Comprehensive Zoning Ordinance should be amended as follows:

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

SECTION 1. That the City of Sachse Code of Ordinances is amended by amending Chapter 8 titled “Subdivisions”, to read as follows:

“Chapter 8

SUBDIVISIONS

...

§ 8-3. Intent and purpose.

...

AMEND D:

- D.** The procedure for approving a plat requires a preliminary plat and final plat. The requirement for a preliminary plat may be omitted with the approval of the city manager or their designee. Except as otherwise permitted, the approval of a preliminary plat by city staff is required for the construction of public improvements on the property. The preliminary plat and the associated engineering plans for the property may be amended

during construction, with only major changes requiring re-approval by the city staff. Upon completion of the required public improvements, or the provision of an improvement agreement, the owner may submit a corrected final plat for the subdivision. Lots may be sold and building permits obtained after approval of the final plat by the city staff , and the recording thereof.

...

§ 8-5. Definitions.

...

AMEND BY ADDING NEW DEFINITION FOR “PLAT, CONVEYANCE;” AMEND DEFINITIONS FOR “PLAT, FINAL” AND “PLAT, PRELIMINARY”

Plat, conveyance. A mechanism for land to be divided into lots or to dedicate public right-of-way, when such subdivision of the land is for conveyance (sale or inheritance) purposes only. This type of plat is appropriate when no immediate development is contemplated; when or if development does occur, then the land shall be properly platted in the form of a Final Plat (with or without approval of a Preliminary Plat, as applicable) prior to any type of development, construction activities, or further subdivision of the land.

Plat, final. The final plat of a proposed development submitted for approval by city staff prepared in accordance with the provisions of this chapter and requested to be filed with the appropriate County Clerk of either Dallas County or Collin County.

...

Plat, preliminary. The initial plat or working draft map or plan of a proposed development submitted to city staff for approval.

AMEND SECTION 8-7 BY RETITLING TO “VARIANCES” AND AMENDING PARAGRAPH A, AS FOLLOWS:

Sec. 8-7. Variances.

- A. Authorization. The city council may authorize a variance from these regulations when in its opinion undue hardship will result from requiring strict compliance. In granting the variance, the city council shall prescribe only conditions that it deems necessary or desirable to the public interest and making the findings herein below required. The city council shall take into account the nature of the proposed use of land involved and existing uses of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance will be granted unless the city council finds:

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of their land.
- (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, that the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area.
- (3) That the granting of the variance will not have the effect of preventing the orderly Subdivision of other lands in the area in accordance with the provisions of this chapter. Such finding of the city council together with the specific facts on which such findings are based shall be incorporated under the official minutes of the city council meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the sub-divider, standing alone, shall not be deemed to constitute undue hardship.

...

§ 8-9. Preliminary platting procedures.

B. Generally.

- (1) The developer shall submit the required number of copies of the preliminary plat of the proposed subdivision to the city staff and include the required filing fees and tax certificates showing all taxes have been paid on the property being platted.
- (2) After the pre-development meeting, the developer shall file the required number of copies of the preliminary plat of the proposed subdivision to city staff, and include the required filing fees and tax certificates showing all taxes have been paid on the property being platted.
- (3) The following notice shall be stamped on the face of each preliminary plat: "Preliminary Plat - for inspection purposes only and in no way official or approved for record purposes."
- (4) Preliminary plats shall be distributed by city staff to city departments. The owner shall be provided an opportunity to attend a developer/city staff meeting for the purpose of notifying the developer of necessary corrections.

- (5) The development services department shall accumulate the comments of the city departments, and shall report the comments and requested corrections to the developer. The developer shall be allowed to make comment or make required corrections and submit the corrected preliminary plat to the development services department. The corrected preliminary plat shall be submitted within 30 days of the date the original preliminary plat was officially filed. Upon timely receipt, the director of development services shall review the corrected preliminary plat.
- (6) Should a preliminary plat be denied and appealed to the planning and zoning commission, a written report shall be prepared by city staff and submitted to the planning and zoning commission stating the review comments of the preliminary plat noting any unresolved issues and the reasons for denial.

ADD NEW (7)

- (7) An appeal may be taken to the planning and zoning commission following a denial of a preliminary plat. Such appeals shall be filed with city staff within thirty (30) days from the date of denial.
- (8) Approval of a preliminary plat is not approval of the final plat but is an expression of approval of the layout shown subject to satisfaction of specified conditions. The preliminary plat serves as a guide in the preparation of a final plat.

...

E. Effect of approval. Approval of a preliminary plat by the city constitutes authorization for the property owner to submit engineering plans for review by the city engineer.

F. Changes or alterations to approved preliminary plat. No previously approved preliminary plat may be changed or altered, except to bring the plat in conformance with the conditions and requirements stipulated by city staff. Minor changes as outlined below shall be permitted at the discretion of the director of development services:

...

§ 8-10. Final platting procedures.

A. Generally.

- (1) After approval of the preliminary plat by city staff and, upon substantial completion of the required public improvements and issuance of a substantial completion letter from the city engineer to the developer or the provision of an improvement

agreement as allowed herein, the owner shall submit a final plat for the property for approval.

...

- (4) The development services department shall accumulate the comments of the city departments and shall report the comments and requested corrections to the developer. The developer shall make comments or make the required corrections and submit the corrected final plat to the development services department.
- (5) The final plat shall be submitted to the development services department with any appropriate comments and recommendations. . City staff shall act on the final plat within 30 days after the official filing date. If no action is taken by city staff within such period, the final plat shall be deemed approved. A certificate showing the filing date and failure to take action thereon within the 30-day period shall on request be issued by the city staff, which shall be sufficient in lieu of a written endorsement of approval. City staff shall be the final approval authority for final plats.
- (6) City staff shall consider the final plat, including all proposals by the owner with respect to the dedication of right-of-way for public use, the construction of utilities, streets, drainage and other improvements.
- (7) The approval of the final plat by city staff shall authorize the development services director to execute the certificate of approval on the final plat.

...

- (9) Final plats disapproved by city staff may be appealed to the planning and zoning commission upon written request by the applicant. .
- (10) In the event a final plat is approved by city staff for a subdivision in phases, the final plat of each phase shall carry the same name throughout the entire subdivision, but bear a distinguishing letter, number or subtitle. Lot and block numbers shall run consecutively throughout the entire subdivision, even though such subdivision may be finally approved in phases.

ADD NEW (11) AND (12)

- (11) Should a final plat be denied and appealed to the planning and zoning commission, a written report shall be prepared by city staff and submitted to the planning and zoning commission stating the review comments of the final plat noting any unresolved issues and the reasons for denial.

- (12) An appeal may be taken to the planning and zoning commission following the denial of a final plat. Such appeals shall be filed with city staff within thirty (30) days from the date of denial.

...

D. Execution and recordation.

- (1) When an improvement agreement and security are required, the development services director shall endorse approval on the final plat after the improvement agreement and security have been approved by the city attorney and all the conditions pertaining to the final plat have been satisfied. A final plat for which an improvement agreement has been approved shall contain the following notation on the final plat:
“This Subdivision is subject to an Improvement Agreement pursuant to the City of Sachse, Texas Subdivision Ordinance. All or some of the public infrastructure were not constructed and accepted by the City of Sachse, Texas prior to approval of this Final Plat.”
- (2) When substantial completion of the public improvements is required prior to recordation of the Final Plat, the development services director shall endorse approval on the Final Plat after all conditions of approval have been satisfied and all public improvements are substantially completed as provided for a written substantial completion letter by the City Engineer. There shall be written evidence that the required public improvements have been substantially completed and have been completed in a manner satisfactory to the City as shown by a letter signed by the City Engineer stating that the necessary dedication of public lands and substantial completion of public improvements have been accomplished.
- (3) The property owner shall be responsible for filing the final plat with the appropriate county clerk. Simultaneously with the filing of the final plat, the property owner shall record such other agreements of dedication and legal documents as shall be required to be recorded by and the city attorney. The final plat, bearing all required signatures, shall be recorded after final approval and within five working days of its receipt. One copy of the recorded final plat, with street addresses assigned, will be forwarded to the owner by the city staff.

...

E. Expiration of final plat approval.

- (1) If public improvements for a subdivision have not been constructed and accepted by the city and the corresponding final plat for said subdivision has not been filed

in the appropriate county plat records within two years after the date of final plat approval by the city , said final plat shall be null and void and shall conclusively be deemed to be withdrawn without further action by the city. This provision shall not apply to final plats approved by the city prior to the effective date of this section.

- (2) An approved, unexpired final plat may upon written request by the subdivider be extended once by the director of development services for a period not to exceed 12 months. The planning and zoning commission upon written request, may extend approval once for a period not to exceed 12 months provided:

DO NOT AMEND

(2)(a) through (c).

§ 8-11. Vacating plats, replats and amending plats.

A. Vacating plats.

...

- (3) City, the planning and zoning commission and city council shall disapprove any vacating instrument which abridges or destroys public rights in any of the public uses, improvements, streets or alleys.

...

B. Re-platting without vacating preceding plat.

- (1) A re-plat of a subdivision or part of a subdivision may be recorded and is controlled over the preceding plat without vacation of that plat if the replat:
 - (a) Is signed and acknowledged by only the owners of the property being replatted;
 - (b) Does not attempt to amend or remove any covenants or restrictions; and
 - (c) Is approved by the municipal authority responsible for approving plats unless a variance or exception is being requested.

...

C. Additional requirements for certain plats.

- (1) In addition to compliant with section 8-11.B., a replat without vacation of the preceding plat must conform to the requirements of this section if:

...

- (b) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

ADD A NEW (2); AMEND AND RENUMBER REMAINING SECTIONS:

- (2) If a proposed replat described by Subsection (1) requires a variance or exception, a public hearing must be held by the municipal planning commission or the governing body of the municipality.
- (3) Notice of the public hearing as required in section under section 8-11.C.(2) above shall be given before the 15th day before the date of the public hearing by:

...

- (4) If the proposed re-plat requires a waiver, variance or exception and is protested in accordance with this subsection, the proposed re-plat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present at the meeting of the planning and zoning commission. For a legal protest, written instruments signed by owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed re-plat and extending 200 feet from that area, but within the original subdivision, must be filed with the planning and zoning commission prior to the close of the public hearing
- (5) In computing the percentage of land area under section 8-11.C.(4) above, the area of streets and alleys shall be included.
- (6) If a proposed replat described by section 8-11.C.(1) does not require a waiver, variance or exception, the municipality shall, not later than the 15th day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent municipality or county tax roll. This subsection does not apply to a proposed replat if the municipal planning commission or the governing body of the municipality holds a public hearing and gives notice of the hearing in the manner provided by Subsection (2).

ADD NEW (7):

- (7) The notice of a replat approval required by section 8-11.C.(6) must include:
 - (a) the zoning designation of the property after the replat; and
 - (b) a telephone number and e-mail address an owner of a lot may use to contact the municipality about the replat.

AMEND TITLE:

D. Administrative approval of amending plats, minor plats and re-plats.

- (1) The director of development services is authorized to approve the following:
 - (a) Amending plats described by section 212.016 Texas Local Government Code;
 - (b) Minor plats involving four or fewer lots fronting an existing street and not requiring the creation of any new street or extension of municipal facilities; and
 - (c) A replat under sections 212.014, 212.0145, and 212.015 Tex. Loc. Gov't Code.
- (2) The director of development services may for any reason elect to present an amending plat, minor plat or re-plat meeting the requirements of section 8-11.D.(1) above to the planning and zoning commission for approval.
- (3) Any amending plat, minor plat or re-plat meeting the requirements of this section which the director of development services fails or refuses to approve shall be submitted to the planning and zoning commission for approval.

ADD (4) AND (5):

- (4) Should a plat be denied and appealed to the planning and zoning commission, a written report shall be prepared by city staff and submitted to the planning and zoning commission stating the review comments of the plat noting any unresolved issues and the reasons for denial.
- (5) An appeal may be taken to the planning and zoning commission following the denial of a plat. Such appeals shall be filed with city staff within thirty (30) days from the date of denial.

§ 8-12. Conveyance plats.

...

D. Certification. The conveyance plat shall contain a certification note on the plat face, as follows:

“This Conveyance Plat shall not convey any rights to Development or guarantee of public utilities, public or private access, or issuance of addressing and permits, without compliance with all Subdivision rules and regulations and the approval and recording of a Final Plat. A Conveyance Plat is filed for record in the appropriate County Clerk office upon administrative approval by the Director of Development Services.”

...

§ 8-14 Completion and maintenance of public improvements.

...

B. Improvement agreements.

- (1) Substantial completion of improvements. Except as provided below, before the final plat is approved by the director of development services, all applicants shall be required to make substantially complete, in accordance with the city's direction and to the satisfaction of the city engineer, all street, sanitary and other public improvements, including lot improvements on the individual residential lots of the subdivision as required in these regulations and specified in the final plat, and to dedicate those public improvements to the city. As used in this section, "lot improvements" refers to grading and installation of improvements required for proper drainage and prevention of soil erosion.
- (2) Agreement. The city may waive the requirement that the applicant complete and dedicate all public improvements prior to approval of the final plat, and may permit the owner to enter into an improvement agreement by which the owner covenants to complete all required public improvements no later than two years following the date on which the final plat is signed. The city council may also require the owner to complete and dedicate some required public improvements prior to approval of the final plat and to enter into an improvement agreement for completion of the remainder of the required improvements during such two-year period. The improvement agreement shall contain such other terms and conditions as are agreed to by the owner and the city.

...

- (5) Letter of credit reductions. If the city authorizes the owner to post a letter of credit as security for its promises contained in the improvement agreement, the letter of credit shall:

...

- (7) Temporary improvements. The owner shall build and pay for all costs of temporary improvements required by the planning and zoning commission and shall maintain those temporary improvements for the period specified by city staff. Prior to construction of any temporary improvement, the owner shall file with the city a separate improvement agreement and escrow, or where authorized, a letter of credit, in an appropriate amount for such temporary improvements, which improvement agreement and escrow or letter of credit shall ensure that the temporary improvements will be properly constructed, maintained, and removed.

...

- (10) Acceptance of dedication offers. Acceptance of formal offers of dedication of street, public areas, easements, and parks shall be by authorization of the city engineer. The approval by city staff of a plat, whether preliminary or final, shall not in and of itself be deemed to constitute or imply the acceptance by the city of any street, easement, or park shown on plat. City staff may require the plat to be endorsed with appropriate notes to this effect.

...

C. Construction procedures.

...

- (3) Conditions prior to authorization. Prior to authorizing release of a construction permit, the city engineer shall be satisfied that the following conditions have been met:
- (a) The preliminary plat shall be approved by the director of development services; ;

...

D. Inspection of public improvements.

...

- (2) Certificate of satisfactory completion. The city will not accept dedication of required public improvements until the applicant's engineer or surveyor has certified to the city engineer, through submission of record drawings, indicating location, dimensions, materials, and other information required by the director of development services or city engineer that all required public improvements have been completed. The record drawings shall also include a complete set of drawings of the paving, drainage, water, sanitary sewer or other public improvements, showing that the layout of the line and grade of all public improvements is in accordance with construction plans for the plat, and all changes made in the plans during construction and containing on each sheet a record drawing stamp bearing the signature of the engineer and the date. The engineer or surveyor shall also furnish a paper copy of the final plat and engineering plans along with digital copies of the plans in Portable Document Format ("PDF") and Computer Assisted Design Drawings ("CADD"), in such a format that is compatible with the city's CADD system. The developer shall provide a maintenance bond executed by a corporate surety duly authorized to do business in the State of Texas, payable to the city and approved by the city as to form, to guarantee the maintenance of the construction for a period of two years after its completion and acceptance by the city. In lieu of a maintenance bond the developer may submit either an irrevocable letter of credit payable to the city and approved by the city as to form, or a cash bond payable to the city and approved as to form. The amount of the maintenance bond, letter of credit or cash bond shall be at least ten percent of the full cost of the infrastructure in the subdivision, as determined by the construction costs. When such

requirements have been met the city engineer shall thereafter accept the public improvements.

...

E. Deferral of required improvements.

- (1) City staff may upon petition of the owner defer at the time of final approval, subject to appropriate conditions, the provision of any or all public improvements are not required in the interests of the public health, safety and general welfare.
- (2) Whenever a petition to defer the construction of any public improvement required under these regulations is granted by the city, the owner shall deposit in escrow the developer's share of the costs of the future public improvements with the city prior to approval of the final plat, or the owner may execute a separate improvement agreement secured by a cash escrow or, where authorized, a letter of credit guaranteeing completion of the deferred public improvements upon demand of the city.

...

§ 8-15 General requirements and design standards.

...

(3) Sewer improvements.

...

- (b) The developer shall furnish and install the complete sewage system, including the mains, manholes, cleanouts, service laterals for all lots, lift stations and appurtenances. The sewage system shall be designed and constructed in accordance with the master plan when available and in accordance with the standard specifications and standard construction details of the City of Sachse.
- (c) In locations where sanitary sewers are not available and where there is no immediate prospect for installation of sanitary sewers, then on-site sewage facilities (OSSF) of approved type may be installed in conformity with the rules, regulations and ordinances of the City of Sachse pertaining to public health, provided however that in no case shall septic tanks be installed without meeting TCEQ requirements.

...

(5) Electric utilities to be underground.

- (a) No subdivision plat or site plan filed with or submitted to the city shall be approved unless such plan or plat requires all electric utility lateral and service lines to be constructed underground. In special or unique circumstances or to avoid undue hardship, the city council may authorize exceptions from this requirement and permit the construction and maintenance of overhead electric utility lateral or service lines and may approve any plat with such approved exceptions. It is the intent of this section that no overhead electric utility lateral or service lines be constructed without an exception having been obtained for the subdivision plat or site plan.

...

- (c) Anything in this ordinance to the contrary notwithstanding, temporary construction service may be provided by overhead electric lines and facilities without obtaining an exception.

...

§ 8-17 Street extensions and pro rata charges.

...

E. Extensions for property subdivided or platted for development basis.

- (1) Generally. Where the extensions of the streets are required to serve property which has been subdivided or platted for development for resale, streets may be extended to the properties on the following basis and in accordance with minimum standards and procedures described in this section. It shall be unlawful to improve any previously unimproved lot, tract or plot of land or any part thereof which fronts a street or alley for which pro rata charges are applicable even if such lot, tract or plot was originally purchased before construction and assessment of pro rata was accomplished.

...:

AMEND (4) BY UNDERLINING TITLE ONLY:

- (4) Off-site extensions required to serve property development. Where street facilities are not available to a tract to be developed, the developer or contractor shall extend such facilities, his expense, to an existing street, as approved by the city engineer.

ADD NEW (5):

- (5) Reserved strips and tracts prohibited. A plat shall not provide reserved strips or tracts of land. In addition, the effect of the phasing of a plat, provision of common area, or other land or easement shall not unnecessarily restrict access to land, right-of-way, or easements dedicated or intended to be dedicated to the public by the subject plat or adjacent developments.

...

SECTION 2. That the City of Sachse Code of Ordinances is amended by amending Chapter 11 titled “Zoning Ordinance” by amending Section 11-3 titled “Planning and Zoning Commission”, to read as follows:

“Chapter 11

ZONING

...

§ 11-3 Planning and zoning commission.

...

B. Duties and powers. The planning and zoning commission shall generally have the following duties and powers:

...

(6) To pass upon whether or not plats of land and proposed plats of land within the city or coming under the city’s jurisdiction should be accepted when responsible, and to formulate and furnish to the city council regulations governing the platting of additions which shall be for the guidance of the public in this regard.

...

C. Rules and regulations. The following rules and regulations are hereby adopted by the city for the making of applications for zoning changes and for the handling of public hearings before the city planning and zoning commission and the city council:

...

(8) In the event a protest against such zoning change has been filed with the city secretary, duly signed by the owners of 20 percent or more either of the area included in the zoning change or of the land immediately adjoining the area covered by the proposed change and extending 200 feet from that area, such amendment shall not become effective except by a three-fourths vote of the governing body.

...”

SECTION 3. That the City of Sachse Code of Ordinances is amended by amending Chapter 11A titled “Zoning Ordinance” by amending Article 6 titled “Permits and Certificates” by amending

Section 1; and by amending Article 9 titled “Unplatted Property” by amending Section 1 titled “Zoning Required” and Section 2 titled “Annexation Pending”, to read as follows:

**“EXHIBIT 11A
ZONING ORDINANCE**

...

**“ARTICLE 6
PERMITS AND CERTIFICATES**

§ 1

...

(1) The lot or tract where any building is to be constructed is part of a plat of record , properly approved by the City of Sachse, and filed in the plat records of the county

...

**ARTICLE 9
UNPLATTED PROPERTY**

§ 1 Zoning required.

1.1 The city shall not approve any plat of any subdivision within the city limits until the area covered by the proposed plat has been permanently zoned by the city council.

...”

SECTION 3. To the extent of any irreconcilable conflict with the provisions of this ordinance and other ordinances of the City of Sachse governing the use and development of the Property and which are not expressly amended by this ordinance, the provisions of this ordinance shall be controlling.

SECTION 4. That all provisions of the Ordinances of the City of Sachse, Texas, in conflict with the provisions of this Ordinance be and the same are hereby, repealed, and that all other provisions of the Ordinances of the City of Sachse not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part thereof decided to be unconstitutional, illegal, or invalid.

SECTION 6. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Ordinances of the City of Sachse, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. That any person, firm, or corporation violating any provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances, as amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. This ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED by the City Council of the City of Sachse, Texas on the _____ day of _____ 2024.

APPROVED:

Jeff Bickerstaff, Mayor

DULY ENROLLED:

Leah K. Granger, City Secretary

APPROVED AS TO FORM:

Joseph J. Gorfida, Jr.
City Attorney
(05-28-2024:4862-5179-0191, v. 1)