

# Unified Development Code

## City of Plano

Module 2 Review Draft | December 31, 2025

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# Article 1. General Provisions

## Section 1.1. Establishment

### A. Unified Development Code

#### 1. Title

This Unified Development Code of the City of Plano, Texas will be known as, and may be cited and referred to as, the “UDC.”

#### 2. Establishment

This UDC is established in accordance with the Comprehensive Plan and Texas Local Government Code, Chapters 211 and 212.

#### 3. Purpose of Adoption

- A. Protecting the public health, safety, and general welfare of the community;
- B. Implementing the policies and goals of the Comprehensive Plan and other relevant, officially adopted plans of the city;
- C. Providing for orderly growth, land development, and redevelopment;
- D. Providing guidance in the redevelopment of properties;
- E. Providing adequate infrastructure capacity for roads, water, wastewater, and drainage and providing public services, such as parks, fire, and public safety that contribute to a higher quality of life for Plano residents;
- F. Promoting fiscal and environmental resiliency with sustainable practices for transportation, utility, and stormwater design;
- G. Promoting design standards to protect, preserve, and enhance the unique character of historic districts, and promoting quality development in the city; and
- H. Establishing review and approval procedures that are as expeditious, efficient, and cost-effective as possible, while at the same time ensuring careful and competent review.

#### 4. Jurisdiction

This UDC applies to all land within the corporate limits of the City.

### B. Design Standards and Other Technical Resources

#### 1. General Design Standards and Technical Manuals

The following design standards, specifications, and technical manual requirements, as amended, are references in this UDC and apply in addition to the base standards. Failure to comply may result in denial of permits.

- A. Development Handbook
- B. Downtown Heritage Resource District Design Standards
- C. Engineering Construction Standards
- D. Erosion and Sediment Control Manual
- E. Fire Code
- F. Flood Damage Prevention provisions in the city’s Code of Ordinances ([Chapter 16, Article VIII](#))
- G. Haggard Park Heritage Resource District Design Standards

Note: Design standards and documents under review; some documents may be abandoned or incorporated in new Community Design Plan. Lists will be updated in final version of UDC.

- H. Heritage Preservation Ordinance
- I. Integrated Stormwater Management (iSWM)
- J. North Central Texas Council of Governments (NCTCOG) Standard Specifications for Public Works Construction with City of Plano Special Provisions
- K. Right-of-Way Ordinance
- L. Spring Creek Walk Master Development Plan
- M. Standard Construction Details
- N. Standard Park and Trail Construction Details
- O. Stormwater Design Manual
- P. Stormwater Quality Requirements
- Q. Street Design Standards
- R. Texas Pollutant Discharge Elimination System (TPDES)
- S. Water and Wastewater Design Manual

**2. Additional Incorporated Design Standards**

The following design standards and specifications, as amended, are incorporated by reference into this UDC.

- A. Site Design Standards for Solid Waste Containers
- B. Design Standards for Multifamily and Mixed-use Residential Developments

**3. Engineering Construction Standards**

The following design standards and specifications, as amended, that are engineering-related are collectively known as the “Engineering Construction Standards”.

- A. Permits issued under the UDC may be withheld due to noncompliance with the following ordinances.
  - 1. Fire Code
  - 2. Flood Damage Prevention provisions in the city’s Code of Ordinances ([Chapter 16, Article VIII](#))
  - 3. Right-of-Way Ordinance
- B. The following design standards and specifications, as amended, are incorporated by reference into this UDC.
  - 1. Approved Materials List
  - 2. Erosion and Sediment Control Manual
  - 3. Irrigation Details
  - 4. Monumentation GPS Geodetic Control Survey & Monument Overview Map
  - 5. NCTCOG Standard Specifications for Public Works Construction with the City of Plano Special Provisions
  - 6. Parks Standard Products List
  - 7. Specifications for Tree Planting
  - 8. Standard Construction Details
  - 9. Standard Park and Trail Construction Details

- 10. Stormwater Design Manual
- 11. Stormwater Quality Requirements
- 12. Streambank Stabilization Manual for the Cities of Plano, Garland, McKinney, and Allen
- 13. Street Design Standards
- 14. SWPPP Forms
- 15. Technical Specifications for Automatic Irrigation Systems
- 16. Technical Specifications for Turfgrass Planting
- 17. Water and Wastewater Design Manual

**C. Compliance With UDC**

**1. Compliance Required**

All land, buildings, structures, or appurtenances thereon located within the City of Plano, Texas, which are hereafter occupied, used, erected, altered, or converted must be used, placed, and erected in conformance with the regulations prescribed for the zoning district in which such land or building is located except as hereinafter provided.

**2. Creation of Building Site**

No permit for the construction of a building or buildings upon any tract or plot will be issued unless the plot or tract is part of a plat of record, properly approved by the city, and recorded in the Plat Records of Collin County or Denton County, Texas.

**D. Interpretation, Conflict, and Severability**

**1. Interpretation**

In their interpretation and application, the provisions of this UDC must be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations must be construed broadly to promote the purposes for which they are adopted.

**2. Conflict with State or Federal Laws**

Plano acknowledges the legal doctrine of preemption. To ensure that doctrine is followed, when any portion of this ordinance or the city's Comprehensive Plan is specifically pre-empted by state or federal law, or when requiring adherence to the city's ordinances would lead to violation of state or federal law, city staff, in consultation with the City Attorney, may waive compliance with that portion of the ordinance.

**3. Conflict with Other Laws**

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in this UDC. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations, or other provision of law, the provision that is more restrictive or imposes higher standards will control.

**4. Questions of Interpretation**

**A. Authority**

The Director of Planning has the authority to determine the meaning and interpretation of any provision of this UDC.

**B. Official Interpretations**

If an official interpretation of a regulation or provision contained within this UDC is required, the following provisions will apply.

1. A request for an official interpretation of any section of this UDC must be in writing and filed with the Director of Planning.
  - A. Only the following persons may request an official interpretation from the director: A person aggrieved, any City executive, or an elected or appointed body of the City of Plano.
  - B. A bona fide request must include the full context of the situation leading to the request for interpretation and must explain how the person requesting is qualified to request the interpretation under this section.
2. The Director of Planning will issue an official interpretation within 30 calendar days of a bona fide written request, with fee paid, describing the analysis undertaken and reasons given for the interpretation consistent with other provisions and the intent of this UDC.
3. Any person aggrieved, any City executive, or an elected or appointed body of the City of Plano affected by an official interpretation of the Director of Planning may appeal the interpretation to the Planning & Zoning Commission within 30 days of receiving the official interpretation from the Director of Planning.
  - A. The Planning & Zoning Commission may uphold the official interpretation, provide an alternate interpretation, or table the appeal to allow for additional information.
  - B. Where an alternate interpretation is provided, it becomes the official interpretation
  - C. The decision of the Planning & Zoning Commission in the matter will be final.
4. While the law, facts, and circumstances on which the interpretation was based have not changed, the official interpretation stays in effect.

**E. Violations**

Unless otherwise expressly allowed by this UDC or state law, any violation of a provision contained in this UDC, including any of the following, are subject to the remedies and penalties provided for in this UDC.

1. To use land, buildings, or other structures in any way that is not consistent with the requirements of this UDC;
2. To erect or maintain a structure in any way not consistent with the requirements of this UDC;
3. To use a building, structure, or land; to use or install a sign; or undertake any other activity requiring one or more permits or approvals under this UDC without obtaining such required permits or approvals;
4. To use a building, structure, or land; to use or install a sign; or to undertake any other activity for which a permit or approval has been granted under this UDC or under previous standards of the City in any way inconsistent with such permit or approval or any conditions imposed on the permit or approval;
5. To violate the terms of any permit or approval granted under this UDC or under previous standards of the City or any condition imposed on the permit or approval;
6. To obscure, obstruct, or destroy any notice required to be posted under this UDC;
7. To violate any lawful order issued by any authorized public official;
8. To continue any violation after receipt of notice of a violation; or
9. To fail to install or maintain required landscaping or screening material.

**F. Transitional Provision**

The regulations in this UDC, insofar as they are substantially the same as previously existing regulations in the Plano Zoning Ordinance and Plano Subdivision Ordinance related to the same subject matter, will be construed as restatements and continuations thereof and not new enactments.

**G. Fees**

1. Fees and charges must be paid in accordance with [Chapter 16, Article II., of the Code of Ordinances](#).
2. The applicable fee or charge is required regardless of the action taken by a Commission, Council, Board, or official of the City, and whether the application, petition, or appeal is approved or denied by the final decision maker.
3. The Director of Planning may establish requirements and standards for the timing of the payment of a fee.

## Section 1.2. Approval Entities

### A. City Council

The standards governing the City Council are contained within [Part I, Article 3.](#), of the City Charter.

### B. Planning & Zoning Commission

The standards governing the Planning & Zoning Commission are contained within [Chapter 16, Article III.](#), of the Code of Ordinances.

### C. Board of Adjustment

The standards governing the Board of Adjustment are contained within [Chapter 16, Article V.](#), of the Code of Ordinances.

### D. Heritage Commission

The standards governing the Heritage Commission are contained within [Chapter 16, Article VI.](#), of the Code of Ordinances.

### E. City Staff

#### 1. Director of Planning

The Director of Planning has the powers and duties that are expressly identified in this UDC. Unless otherwise prohibited, any duties given to the Director of Planning or staff member within this UDC imply that the Director of Planning has the authority to delegate those duties to another member of city staff.

#### 2. Director of Engineering

The Director of Engineering has the powers and duties that are expressly identified in this UDC. Unless otherwise prohibited, any duties given to the Director of Engineering or staff member within this UDC imply that the Director of Engineering has the authority to delegate those duties to another member of city staff.

#### 3. Building Official

The Building Official has the powers and duties that are expressly identified in this UDC. Unless otherwise prohibited, any duties given to the Building Official or staff member within this UDC imply that the Building Official has the authority to delegate those duties to another member of city staff.

#### 4. Development Review Committee

The Development Review Committee (DRC) is a formal group of representatives employed by the city or its representatives empowered to act on behalf of their respective departments on development-related applications.

##### A. Composition

##### 1. Required Members

Membership of the DRC will consist of one representative from each of the Planning and Engineering departments (or their successor department(s)).

##### 2. Additional Members

Representatives from other city departments may have membership in the Development Review Committee, but are not required members.

##### 3. Department representatives will be the department Director or their designee.

##### 4. The chair of the Development Review Committee is the lead representative of the Planning department.

**B. Meetings**

The DRC will meet as needed to review development-related issues and applications.

**C. Authority**

The chair of the Development Review Committee has the following powers and duties:

1. Ensuring the efficient operation of Development Review Committee meetings;
2. Holding development assessment meetings;
3. Determining which development steps apply to a development proposal;
4. Publishing the submittal calendars for plans, plats, and zoning cases;
5. Establishing the number of minor amendments for active plans;
6. Establishing the number of substantially conforming amendments for approved plans; and
7. Any other powers or duties delegated by the Director of Planning or Director of Engineering.

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## Section 1.3. Universal Procedures

### A. Pre-Application Meetings

#### 1. Consultation Meeting

##### A. Purpose

1. The consultation meeting is exploratory, preliminary, and for discussion and information purposes only. This meeting may include review and feedback regarding broad, preliminary concepts for possible future development. City staff will provide information about city regulations and processes and evaluate in the broadest terms the viability of ideas presented. Although a permit may be sought for a project in the future, at the time the meeting is held the nature of any development permit that may be sought is undetermined.

#### 2. Development Assessment Meeting

##### A. Purpose

1. The development assessment meeting provides an opportunity for the applicant and city staff to discuss major development considerations such as utilities, roadways, traffic, drainage concerns, stormwater impacts, Comprehensive Plan conformance, specific neighborhood characteristics, and historical information. City of Plano engineering and planning staff will discuss the stormwater impacts of the proposed development and opportunities to achieve stormwater quality requirements and goals of the City of Plano's TPDES permit.
2. City staff comments provided in the development assessment meeting will be recorded in the official meeting notes.

##### B. Applicability

1. A development assessment meeting is required prior to submission of a development application or zoning petition, unless waived by the Director of Planning.
2. A new development assessment meeting is not required for successive applications in a sequence of approvals, e.g. concept plan, preliminary site plan, and site plan.
3. A new development assessment meeting is required if more than six months have passed since the previous meeting.

### B. Submission of Development Application

1. Applications for approval of plans and plats required by this UDC must be submitted to the City of Plano Planning department.
2. Projects are considered vested upon submission of a development application consistent with the procedures outlined in this section and Section 1.3.C.
3. The Development Review Committee Chair will publish a calendar of official submittal dates on or before December 1 prior to the beginning of each year.
  - A. This calendar will generally specify two submittal dates for each calendar month and must specify one submittal date for each calendar month, which will serve as the official submittal date.
4. An application is considered submitted on the first official submittal date on or after the date that:
  - A. The applicant delivers the application to the City of Plano Planning department or deposits the application with the United States Postal Service by certified mail addressed to the City of Plano Planning department; and
  - B. The applicable fees are paid; and

C. Other requirements imposed by law are met.

- 5. The date on which the application is submitted will constitute the filing date for the application.
- 6. The Director of Planning may establish procedures, forms, and standards with regard to the content, format, graphics and number of copies of information constituting a development application for clarity and consistency of operations. The published procedures, forms, and standards will have the force of ordinance as if fully incorporated herein.

**C. Plan and Plat Validity and Expiration**

**1. Generally**

- A. Any plan referenced in [Section 2.2](#) or any plat will be considered a "permit" as described in Texas Local Government Code Sec. 245.001.
- B. Any approved plan or plat, other than in [Section 1.3.C.1.C](#) below, will be deemed expired two years from the date on which the plan or plat was originally approved if no progress towards completion has been made.
- C. Any approved plat that requires recording in the county land records will be deemed expired six months from the date the plat was originally approved.

**2. Progress Benchmarks**

- A. The term "progress towards completion" is as defined within Texas Local Government Code Sec. 245.005.(c), and may be achieved by, among other things, an active building permit for works authorized by the approved plan or plat.
- B. It is the applicant's burden to provide evidence that a project has achieved progress towards completion.

**3. Expiration**

- A. If progress towards completion is not accomplished prior to the applicable expiration date, then the approved plan or plat will expire and will become null and void.
- B. For a project where no building permit is required, all site works must be completed prior to the expiry of the approved plan or plat.

**4. Extension and Reinstatement Procedure**

- A. Prior to the lapse of approval for a plan or plat, the property owner may petition the city (in writing) to extend the plan or plat approval.
- B. Within sixty days following the expiration date, the property owner may petition the city (in writing) to reinstate the plan or plat approval or provide evidence that the plan or plat has not expired due to progress towards completion.
- C. Such petition may be:
  - 1. Granted one time by the Director of Planning, where no changes to the plan or plat would result from the extension or reinstatement due to regulatory changes impacting the site, or
  - 2. Granted or denied by the Planning & Zoning Commission, where not approved by the Director of Planning.
- D. In determining whether to grant a request for extension or reinstatement, the Planning & Zoning Commission must take into account:
  - 1. The reasons for the lapse;
  - 2. The ability of the property owner to comply with any conditions attached to the original approval; and

3. The extent to which development regulations would apply to the plan or plat at that point in time.

- E. The Planning & Zoning Commission may extend or reinstate the approval subject to additional conditions based upon newly enacted regulations or such as are necessary to assure compliance with the original conditions of approval.
- F. The Planning & Zoning Commission or Director of Planning must specify a new expiration date equal to or less than the timeframe applicable to the original approval. The new expiration date is set from the original date of expiration.
- G. If no petition is submitted, then the plan or plat will be deemed to have expired and will become null and void. Any new request for plan approval will be deemed a new permit, and will be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this section. The new request will also be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.

**D. UDC Amendments**

**1. General**

- A. This UDC may be amended from time to time as provided herein.
- B. Amendments may be a Code Text Amendment or a Zoning Map Amendment.
  - 1. A Code Text Amendment is any change to the content of this UDC.
  - 2. A Zoning Map Amendment is any change to the zoning designation on a property within the corporate limits of the city, including amendments to the regulations of any overlay zoning district.
    - A. For additional requirements related to Zoning Map Amendments, see [Section 2.3.B Zoning Map Amendments \(Rezoning\)](#).

**2. Initiation**

- A. A Code Text Amendment may be initiated only by the Planning & Zoning Commission or the City Council.
- B. A request for the Planning & Zoning Commission or City Council to initiate a Code Text Amendment may be placed on the agenda of a regular meeting of the Planning & Zoning Commission or City Council by staff.

**3. Planning & Zoning Commission Public Hearing**

**A. Scheduling of Public Hearing**

Upon a majority vote of the Planning & Zoning Commission or City Council to initiate an amendment to the UDC, or receipt of a complete written petition for an amendment to the zoning map, Planning department staff will set a date for a public hearing before the Planning & Zoning Commission, consistent with applicable notice requirements.

**B. Withdrawal of a Petition before the Planning & Zoning Commission Public Hearing**

**1. Before Notice of the Public Hearing**

Before issuing notice of the public hearing, the petitioner may, by written notice, withdraw the petition.

**2. Following Notice of the Public Hearing**

Once public notice is given, the petitioner may withdraw the petition or request to table the petition only with the approval of the Planning & Zoning Commission.

**C. Notice Required for UDC Amendments**

1. When any amendment is proposed to this UDC, notice of the public hearing of the Planning & Zoning Commission must be given by publication in a newspaper of general circulation in the city of Plano.
2. The notice must state the time and place of the hearing and the nature of the subject to be considered, which time must not be earlier than 20 days from the date of publication.
3. Where applicable, notice must also be provided for the creation of nonconforming uses as provided in [Section 1.3.D.3.D.](#)

**D. Additional Required Notice for the Creation of Nonconforming Uses**

The City must provide written notice of each public hearing regarding any proposed adoption of or change to a zoning regulation or boundary under which a current conforming use of a property is a nonconforming use if the regulation or boundary is adopted or changed. The notice must:

1. Be mailed by United States mail to each owner of real or business personal property where the proposed nonconforming use is located as indicated by the most recently approved municipal tax roll and each occupant of the property not later than the 10th day before the hearing date;
2. Contain the time and place of the hearing; and
3. Include the following text in bold 14-point type or larger:

**“THE CITY OF PLANO IS HOLDING A HEARING THAT WILL DETERMINE WHETHER YOU MAY LOSE THE RIGHT TO CONTINUE USING YOUR PROPERTY FOR ITS CURRENT USE, PLEASE READ THIS NOTICE CAREFULLY.”**

**4. Planning & Zoning Commission Action**

- A.** The Planning & Zoning Commission must make a preliminary report and hold a public hearing on any petition for any amendment or change prior to making its recommendation and final report to the City Council.
- B.** After the public hearing, the Planning & Zoning Commission will take one of the following actions:
  1. Approve: The petition is recommended for approval as submitted.
  2. Approve with amendments and conditions: The petition is recommended for approval with modifications made to the original request.
  3. Table: The petition may be tabled to a future public hearing.
    - A.** The Commission may request further study and table the petition to a date certain within 90 days.
    - B.** The petitioner may request tabling. The Commission may choose to table indefinitely and require renoticing or table to a date certain within 90 days.
  4. Deny: The petition may be denied in its entirety, at which time the Planning & Zoning Commission should offer reasons for the denial.
- C.** Following action by the Planning & Zoning Commission, the City Secretary and the City Council will be notified of any final report and recommendation made by the Planning & Zoning Commission on the petition.
- D. Effect of Planning & Zoning Commission Action**
  1. If Approved

If the petition was approved, including approvals with amendments and conditions, the City Secretary will schedule a public hearing regarding the petition before the City Council, giving notice as required by this UDC and the State of Texas.

**2. If Denied**

- A.** If the petition was denied by the Planning & Zoning Commission, the petitioner may file a written request with the Planning Department staff within 30 days to schedule a public hearing before the City Council regarding the petition.
- B.** Upon receipt of the written request, the City Secretary will schedule a public hearing regarding the petition before the City Council, giving notice as required by this UDC and the State of Texas. Once such a request is filed, the action of the Commission regarding the question of prejudice will be totally vacated, and the City Council will determine the question as provided in [Section 1.3.D.6. City Council Action](#) below.

**E. Petitioner’s Response to Planning & Zoning Commission Action**

The petitioner may accept or may not accept the recommendation of the Planning & Zoning Commission.

**1. If the Petitioner Accepts the Recommendation**

If the petitioner accepts the recommendation of the Planning & Zoning Commission, subsequent public notice will be written based on the petition as approved.

**2. If the Petitioner Rejects the Recommendation**

If the petitioner does not accept the recommendation of the Planning & Zoning Commission, the petitioner may continue their original request, and subsequent public notice will be written based on the petition as originally submitted. Any part of the request not conforming to the Planning & Zoning Commission’s recommendations are presumed to have been denied by the Planning & Zoning Commission.

**5. City Council Public Hearing**

- A.** A public hearing will be held by the City Council before adopting any proposed amendment.
- B.** Notice of such hearing must be given by publication in a newspaper of general circulation in the city of Plano and the City’s website stating the time and place of such public hearing at least 15 days before the hearing.
- C.** Where applicable, notice must also be provided for the creation of nonconforming uses as provided in [Section 1.3.D.3.D.](#)

**6. City Council Action**

- A.** If a protest against the petition was filed, see [Section 2.3.B.5.C.](#)
- B.** After the public hearing, the City Council may:
  - 1.** Approve: The petition for an amendment consistent with the public notice provided is approved.
  - 2.** Approve with amendments and conditions: The petition is approved with modifications made to the original request as permitted by law.
  - 3.** Table: The petition may be tabled to a date certain, either:
    - A.** For further study up to 90 days at the request of the Council, or
    - B.** At the request of the petitioner.
  - 4.** Deny: The petition may be denied in whole or in part.
  - 5.** Refer: The petition may be remanded back to the Planning & Zoning Commission for further study.

## Article 2. Zoning Regulations

### Section 2.1. Zoning General Provisions

#### A. Purpose

These Zoning Regulations are established in accordance with Texas Local Government Code Chapter 211 for the purpose of promoting the public health, safety, morals, and the general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance and significance.

#### B. Applicability

The regulations of these Zoning Regulations apply to all land, structures, and uses within the City. These provisions govern the construction, alteration, relocation, enlargement, and use of buildings and structures; the development, improvement, and occupancy of land; and the placement and maintenance of site features including but not limited to fences, walls, landscaping, signage, and parking. No building, structure, land, or site feature may be constructed, developed, occupied, maintained, or altered except in compliance with the Zoning Regulations of this UDC and any conditions of approval adopted pursuant to it.

#### C. Authority

These Zoning Regulations are enacted pursuant to the authority granted to municipalities by the laws of the State of Texas, including but not limited to Chapter 211 of the Texas Local Government Code.

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## Section 2.2. Plan Review Procedures

### A. General

#### 1. Overview

- A. This section establishes a site plan review process for land development. The process involves a series of three plans (concept plan, preliminary site plan, and site plan), progressing from a general evaluation of a site and development concept to approval of a detailed plan for the site's development.
- B. The process generally includes the following steps of development:
  - 1. Concept plan: Initial, general site assessment, primarily addressing access and circulation. Allows phasing for large properties.
  - 2. Preliminary site plan: Detailed layout of buildings, parking, landscaping, screening, and improvements. Confirms the general layout prior to detailed engineering.
  - 3. Site plan: Final, detailed drawing of all structures, improvements, and utilities. Required prior to (or concurrently with) engineering plans and permits.

#### 2. Purpose

The purpose of this process is to:

- A. Ensure compliance with City-adopted development regulations and other applicable regulations for which the City has enforcement responsibility;
- B. Promote safe, efficient, and harmonious use of land through application of City-adopted design standards and guidelines;
- C. Promote stormwater quality planning into the site planning process;
- D. Protect and enhance the city's environmental and aesthetic quality;
- E. Ensure adequate public facilities to serve development;
- F. Provide an iterative development process that allows real estate investment to mitigate some risk through a phased design process;
- G. Prevent or mitigate adverse development impacts, including overcrowding and congestion; and
- H. Aid evaluation and coordination of land subdivision.

### B. Concept Plan

#### 1. Purpose

- A. A concept plan is the initial step in the site plan review process. This plan is a general site assessment and development concept. A concept plan defines a basic schematic design for development.
- B. The purpose of a concept plan is to:
  - 1. Evaluate development feasibility and site conditions, including vegetation, topography, drainage, surface, and subsurface factors affecting the site's development.
  - 2. Determine building placement, size, density, and intensity.
  - 3. Locate public streets and rights-of-way; determine points of ingress and egress between the development and public streets, including median breaks and turn lanes; and determine primary routes of vehicular circulation and parking areas internal to the development.

- 4. Delineate development phasing.
- 5. Other purposes related to the establishment of a Planned Development (PD) district. (See [Section 2.3.D](#))

**2. Applicability**

- A. An approved, valid concept plan is required for a Planned Development (PD) district (see [Section 2.3.D](#)), a phased development, or any development 100 acres or larger.
- B. For all other developments, a concept plan is optional prior to the consideration of a preliminary site plan and may be beneficial in establishing schematic design and phasing prior to more detailed site design.

**3. Application and Approval Process**

**A. General Application**

- 1. Area Included in the Concept Plan
  - A. All concept plans must include all contiguous property of common ownership.
  - B. Within a Planned Development (PD) district, the concept plan must also include all property contained within the PD.
  - C. Within a phased development, the concept plan must include all development phases.
- 2. The applicant must submit an application that includes the information included in the Concept Plan Checklist.

**B. Additional Requirements**

- 1. Unless otherwise excepted, the site review process and engineering plans and studies are required to evaluate the impacts of the proposed development on the public infrastructure system. Engineering plans and studies include:
  - A. Preliminary drainage plans;
  - B. Flood studies and preliminary floodplain reclamation plans;
  - C. Preliminary water and sewer plans;
  - D. Traffic studies;
  - E. Water and sewer capacity study; and
  - F. Other plans if deemed necessary for thorough review by the Director of Planning or Director of Engineering.
- 2. These plans and studies are considered documents to aid in the review of the site review process.

**C. Standards of Approval**

- 1. The Planning & Zoning Commission may approve, conditionally approve, table, or deny a concept plan based on compliance with this UDC, other applicable regulations, and required studies or approvals.
- 2. Such decision is considered administrative unless a Zoning Variance or other relief is requested.

**D. Effect**

- 1. Where a concept plan application is made, approval of a concept plan authorizes an applicant to apply for approval of a preliminary site plan subject to compliance with any condition attached to the approval of the concept plan.

2. As long as the concept plan remains valid, the location of streets, drives, median breaks, and curb cuts must remain fixed and any subsequently prepared plan for an adjacent property or property located on the opposite face of a public street abutting the site must coordinate its circulation system with the earlier approved, valid concept plan.
3. Except as authorized by this UDC, a concept plan may not be used to approve a modification to development regulations.
4. Where an approved plan conflicts with an adopted regulation and no authorized modification is expressly approved, the regulation applies.
5. Where approved, valid concept plans delineate areas as separate phases of development, each phase may be independently planned and developed, provided that it is in accordance with the concept plan and other applicable regulations.

**C. Preliminary Site Plan**

**1. Purpose**

- A. A preliminary site plan is the second step in the site plan approval process.
- B. The purpose of the preliminary site plan is to:
  1. Ensure compliance with applicable development regulations and previously approved, valid plans affecting development of the property.
  2. Determine the placement, configuration, coverage, size, and height of buildings.
  3. Determine the design of public street improvements and rights-of-way, and the design and location of drives, aisles, and parking.
  4. Determine location and preliminary design of open space, landscaping, walls, screens, and amenities.
  5. Determine the preliminary design of drainage facilities and utilities.

**2. Applicability**

- A. An approved, valid preliminary site plan is required for developments larger than five (5) acres, except for the development of agricultural buildings. For all other developments, a preliminary site plan is optional prior to the consideration of a site plan.

**3. Application and Approval Process**

**A. General Application**

1. Area included in the Preliminary Site Plan
  - A. The preliminary site plan must include all contiguous property of common ownership unless the site is an approved platted lot or permitted as a freestanding phase of development shown on an approved, valid concept plan.
  - B. Within a Planned Development (PD) district, the preliminary site plan must also include all property contained within the PD, except as permitted as a freestanding phase of development shown on an approved, valid concept plan.
2. The applicant must submit an application that includes the information included in the Preliminary Site Plan Checklist.

**B. Additional Requirements**

1. Unless otherwise excepted, the site review process and engineering plans and studies are required to evaluate the impacts of the proposed development on the public infrastructure system. Engineering plans and studies include:
  - A. Preliminary drainage plans;
  - B. Flood studies and preliminary floodplain reclamation plans;
  - C. Preliminary water and sewer plans;
  - D. Traffic studies;
  - E. Water and sewer capacity study; and
  - F. Other plans if deemed necessary for thorough review by the Director of Planning or Director of Engineering.
2. These plans and studies are considered documents to aid in the review of the site review process.

**C. Standards of Approval**

1. The Planning & Zoning Commission may approve, conditionally approve, table, or deny a preliminary site plan based on compliance with this UDC, other applicable regulations, required studies or approvals, and previously approved, valid plans for the property.
2. Such decision is considered administrative unless a Zoning Variance or other relief is requested.

**D. Effect**

1. Approval of a preliminary site plan authorizes an applicant to apply for site plan approval for development of the entire site or a portion thereof, provided that the site plan conforms to the preliminary site plan and any conditions attached to its approval.
2. As long as the preliminary site plan remains valid, the location of buildings, landscaped areas, open space, streets, drives, fire lanes, median breaks, curb cuts, and parking must remain fixed except to permit minor adjustments resulting from subsequent engineering improvements or to prevent a condition affecting public health or safety that was not known at the time of approval.
3. Except as authorized by this UDC, a preliminary site plan may not be used to approve a modification to development regulations.
4. Where an approved plan conflicts with an adopted regulation and no authorized modification is expressly approved, the regulation applies.

**D. Site Plan**

**1. Purpose**

- A. A site plan is the final step required in the site plan approval process. The site plan is a detailed plan of the public and private improvements to be constructed.
- B. The purpose of the plan is to:
  1. Ensure compliance with applicable development regulations and previously approved, valid plans affecting development of the property.
  2. Coordinate and document the design of public and private improvements to be constructed.
  3. Coordinate the subdivision of land, including the granting of easements, development agreements, and provision of surety.

**2. Applicability**

- A.** An approved, valid site plan is required prior to the consideration of any construction plan and permit for all development except as provided below.
  - 1. Development of agricultural buildings.
  - 2. Capital improvement projects for trail, sidewalk, or infrastructure improvements.
  - 3. Replacement of a regulated antenna, provided the replacement does not increase the height or expand the footprint of the structure.
- B.** Site plans and engineering plans may be submitted concurrently for review; however, engineering permits will not be approved until the associated site plan is approved. Revisions to the site plan may require corresponding revisions to the engineering or construction plans.

**3. Application and Approval Process**

**A. General Application**

1. Area Included in a Site Plan

- A.** The site plan must include all contiguous property of common ownership unless the site is an approved platted lot or permitted as a freestanding phase of development shown on an approved, valid concept or preliminary site plan.
- B.** Within a Planned Development (PD) district, the site plan must include all property contained within the PD, except as permitted as a freestanding phase of development shown on an approved, valid concept or preliminary site plan.

2. The applicant must submit an application that includes the information included in the Site Plan Checklist.

**B. Additional Requirements**

In addition to meeting the requirements for site plan approval, the following approvals may be necessary prior to authorization for development (if applicable to the project):

- 1. Preliminary or final plat or replat;
- 2. Engineering plans;
- 3. Stormwater quality plan;
- 4. Traffic study;
- 5. Landscape and irrigation plans;
- 6. Tree preservation and protection plan;
- 7. Facade plan;
- 8. Certificate of Appropriateness;
- 9. Certificate of Compliance; and
- 10. Other approvals as required by ordinance.

**C. Standards of Approval**

**1. Approval of a Site Plan Following an Approved Preliminary Site Plan**

- A.** Where application for site plan approval is made for development defined on an approved, valid preliminary site plan, the Director of Planning may approve, conditionally approve, or deny the application based upon the criteria in [Section 2.2.D.3.C.3](#) below.
- B.** The applicant may appeal the decision of the Director of Planning to the Planning & Zoning Commission by filing a Notice of Appeal within 10 days following the date the Director of Planning notifies the applicant of their action.

**2. Approval of a Site Plan Without an Approved Preliminary Site Plan or with a Major Amendment**

Where an application for site plan approval is made for development that is not defined on an approved, valid preliminary site plan, or where the proposed site plan constitutes a major amendment to an approved, valid preliminary site plan, the Planning & Zoning Commission may approve, conditionally approve, table, or deny the application based on the criteria below.

**3. Criteria for Approval**

- A.** The site plan approval authority will approve, conditionally approve, or deny a site plan based on compliance with this UDC, other applicable regulations, required studies or approvals, and previously approved, valid plans for the property.
- B.** Such decision is considered administrative unless discretionary relief is requested of the approval authority.

**D. Effect**

- 1.** Approval of a site plan is the City’s authorization to apply for approval of building permits and to receive approval of engineering plans.
- 2.** As long as the site plan remains valid, the City may not apply any additional requirements concerning building placement, streets, drives, parking, landscaping, or screening.
- 3.** Site plan approval is separate and distinct from other permits and approvals as may be required by the City and other regulatory agencies.
- 4.** Except as authorized by this UDC, a site plan may not be used to approve a modification to development regulations.
- 5.** Where an approved plan conflicts with an adopted regulation and no authorized modification is expressly approved, the regulation applies.

**E. Landscape Plan**

Note: Placeholder for content to be added during Module 4.

**F. Façade Plan**

Note: Placeholder for content to be added during Module 4.

**G. Active Plan Amendments**

Following the approval of a concept plan, preliminary site plan, or site plan and before the issuance of a Certificate of Occupancy, the property owner(s) may request an amendment. Amendments are classified as minor and major.

**1. Minor Amendments**

- A.** Minor amendments include corrections of distances and dimensions, adjustments of building configuration and placement, realignment of drives and aisles, layout of parking, adjustments to open space, landscaping, and screening, and changes to utilities and service locations that do not substantially change the original plan.
- B.** The Director of Planning may approve or disapprove a minor amendment. Disapproval may be appealed to the Planning & Zoning Commission.

**2. Major Amendments**

- A.** Major amendments include changes to previously approved stormwater conservation areas, increases in building height, and increasing building proximity to an adjacent offsite residential use. All other amendments not identified as a minor amendment are considered major amendments.
- B.** Major amendments will be considered by the Planning & Zoning Commission at a public meeting in accordance with the same procedures and requirements for the approval of the original plan.

**H. Post-Approval Modifications and Redevelopment**

**1. General Requirement**

After completion of improvements shown on an approved site plan and issuance of a Certificate of Occupancy, any additional development, site modifications, or redevelopment of the site is subject to review and approval through a Substantially Conforming Site Plan (SCSP), Revised Site Plan (RSP), or an Addendum Site Plan (ASP).

**2. Substantially Conforming Site Plans**

A Substantially Conforming Site Plan (SCSP) is a streamlined, administrative process for limited modifications to an approved site plan. These requests are reviewed and approved by the Director of Planning for compliance with applicable zoning and development standards and the procedures established in the SCSP Checklist. An approved SCSP replaces the previous site plan for the affected property.

**3. Revised Site Plans**

- A.** A Revised Site Plan (RSP) is required when proposed changes exceed the scope of a Substantially Conforming Site Plan (SCSP) or otherwise necessitate review by the Planning & Zoning Commission. RSPs are processed and considered in accordance with the requirements and procedures for a Site Plan (SP) in effect at the time of submittal.
- B.** An approved Preliminary Site Plan (PSP) is required prior to the submittal of a Revised Site Plan (RSP) if the proposed development meets the applicability requirements for a PSP in [Section 2.2.C.2](#).

**4. Addendum Site Plans**

An Addendum Site Plan (ASP) may be used when proposing changes that would typically require a Revised Site Plan (RSP) within a limited area on a site that is 10 acres or larger. These requests are reviewed and approved by the Planning & Zoning Commission for compliance with applicable zoning and development standards and the procedures established in the ASP Checklist. An approved ASP is added to the approved site plan for the affected property.

**5. Plans Adopted by Ordinance**

- A.** Plans adopted by ordinance may only be revised through the rezoning process as a Revised Site Plan (RSP), except for minor amendments as described below.
- B.** The Planning & Zoning Commission may approve minor amendments to plans adopted by ordinance provided the amendment does not authorize any of the following:
  - 1.** Substantially alter the arrangement of buildings, increase the number of buildings, or change the use of building space designated on the original plan.
  - 2.** Substantially alter the configuration of streets or lots.
  - 3.** Increase the height of buildings.
  - 4.** Substantially alter vehicular circulation or placement of parking areas.
  - 5.** Reduce or lessen the effectiveness of open space, landscaped buffers, and landscape edges.
  - 6.** Conflict with other regulations or conditions specified within the ordinance adopting the plan.

**I. Extension and Reinstatement**

Approval of a site plan may be extended or reinstated subject to the procedures in [Section 1.3.C.4.](#)

**J. Revocation**

**1. Grounds for Revocation**

The City Council or the Planning & Zoning Commission may revoke approval of a concept plan, preliminary site plan, or site plan if it determines that the conditions of the approval have not been met or if the plan contains, or is based upon, incorrect information which affects a significant health or safety interest.

**2. Expiration of Previously Approved Plans**

Any plan approved prior to March 13, 1986, on which no progress has been made toward completion of the project expired on May 11, 2004. All other plans expire according to the standards within [Section 1.3.C.](#)

**K. Appeals**

**1. Right to Appeal**

The decision of the Planning & Zoning Commission to approve or deny a concept plan, preliminary site plan, or site plan is final unless an appeal of the decision is made to the City Council. The applicant, Director of Planning, or two members of City Council may file an appeal.

**2. Filing a Notice of Appeal**

A Notice of Appeal must be filed in the office of the Director of Planning no later than 10 days after the Commission notifies the applicant of its decision, unless the appeal is associated with a zoning petition, in which case the deadline is same as the zoning petition appeal deadline. Notification of the Commission's decision may occur through oral ruling by the Commission at a public meeting.

**3. Contents of the Notice of Appeal**

The Notice of Appeal must set forth in clear and concise fashion the basis for the appeal.

**4. Notice to Property Owner**

The City must send written notice of an appeal to the property owner, unless the appeal is requested by the property owner.

**5. City Council Hearing and Action**

The City Council will consider the appeal at a public meeting no later than 45 days after the date on which the Notice of Appeal is filed. The City Council may affirm, modify, or reverse the decision of the Commission and may, where appropriate, remand the plan to the Commission for further proceedings consistent with City Council's decision.

**L. Relief from Development Exactions**

If an applicant seeks to challenge the nexus or proportionality of a mitigation required by adopted codes and ordinances, the applicant must follow the procedure to seek relief by the Waivers from Development Exactions procedure listed in Sec. XXXX (Subdivision Ordinance).

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## Section 2.3. Zoning Procedures

### A. Zoning Upon Annexation

#### 1. Initial Zoning Classification

All territory hereafter annexed to the City of Plano will be initially classified as the Agricultural (SAG) district. The procedure for establishing zoning for an annexed territory must conform to the procedure established by law for a change in zoning.

#### 2. Applicable Regulations

In an area classified upon annexation as the SAG district, the following will apply:

- A. All lots must meet the development regulations of this UDC.
- B. No person may erect, construct, proceed, or continue with the erection or construction of any building or structure, or add to any building or structure, or cause the same to be done in any newly annexed territory to the City of Plano without first applying for and obtaining a Building Permit or Certificate of Occupancy from the Building Official.
- C. No permit for the construction of a building or use of land will be issued by the Building Official other than a permit which will allow the construction of a building permitted in the SAG district, unless and until such territory has been classified in a zoning district other than the SAG district, by the City Council in the manner provided by law.

### B. Zoning Map Amendments (Rezoning)

#### 1. General

- A. The Zoning Map may be amended from time to time as provided herein.
- B. These requirements apply in addition to those established by [Section 1.3.D. UDC Amendments](#).

#### 2. Initiation

- A. A zoning map amendment (rezoning) may be initiated by:
  - 1. The Planning & Zoning Commission;
  - 2. The City Council; or
  - 3. The property owner of the land proposed for rezoning (the “petitioner”).

#### B. Petitioner-Initiated Zoning Map Amendments

A petitioner must submit a zoning petition that includes sufficient information relative to the amendment requested as determined in the pre-application meeting.

#### C. City-Initiated Zoning Map Amendments

A request to initiate a zoning map amendment may be placed on the agenda of a regular meeting of the Planning & Zoning Commission or City Council by staff.

#### 3. Additional Notice Required for Zoning Map Amendments

- A. Notice of a public hearing must, at a minimum, meet the requirements of the general laws of the State of Texas.

**B. Required Written Notice**

1. Except for proposed comprehensive zoning changes as allowed by Texas Local Government Code Section 211.0063, the following notice is required:
  - A. Before the 20th day before the hearing date, written notice of each public hearing before the Planning & Zoning Commission on a proposed change in a zoning classification must be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property on which the change in classification is proposed.
  - B. Required notices must be served by their deposit in the municipality, properly addressed with postage paid, in the United States mail.

**C. Courtesy Written Notice**

1. Except for proposed comprehensive zoning changes as allowed by Texas Local Government Code Section 211.0063, the following notice is required:
  - A. For properties located within 500 feet of a proposed change in a zoning classification, which do not receive a notice as required by [Section 2.3.B.3.B.1.A](#), a written courtesy notice will be sent to each owner of real property, as indicated by the most recently approved municipal tax roll, before the 20th day before the hearing.
  - B. Courtesy notices must be served by their deposit in the municipality, properly addressed with postage paid, in the United States mail.

**D. Required Posted Sign Notice**

Prior to the issuance of mailed notice of the public hearing:

1. Not later than the 28th day before the date of the Planning & Zoning Commission public hearing, the applicant must provide, maintain, and pay for zoning sign(s) in compliance with the requirements specified on the City's zoning petition form and Sec. 211.0073 of the Texas Local Government Code.
  - A. The petitioner must submit a signed and notarized affidavit, certifying that the required sign(s) is (are) posted on the subject property, to the Planning Department staff no later than the 28th day before the date of the Planning & Zoning Commission hearing, and that the sign will remain posted until the date of City Council's final determination on the proposed change.
2. Where the City initiates proceedings to consider a change in zoning on any specific property not owned and controlled by the City, per Texas Local Government Code Section 211.0073, the City must post the sign on the subject property, or, if for multiple properties, in the right-of-way.

**4. Protests of a Zoning Map Amendment Petition**

**A. Filing Deadline for Submittal of a Protest**

A written protest must be received by the Planning Department by noon of the business day prior to the City Council public hearing date. A protest sent through the mail must be received by the Planning Department by the same deadline.

**B. Effect of Protest Petitions on Council Vote**

If sufficient protest as defined below is submitted against a proposed zoning change, the change must receive the affirmative vote of the City Council as described in this section.

**1. Residential Zoning Changes**

These requirements apply to proposed map amendments where the proposed change would have the effect of allowing more residential development than the existing zoning regulation or district boundary

and has the effect of not allowing more commercial or industrial uses, other than those uses limited to the first floor of a residential development and not exceeding 35% of the overall development.

**A. Signature Threshold**

The protest must be written and signed by the owners of at least 60% of the aggregate area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area, or 20% of the aggregate area of the lots or land covered by the proposed change. The area of streets and alleys is included in this calculation, and unincorporated areas are excluded from this calculation.

**B. Council Vote**

1. When protested by the owners of 60% of the land immediately adjoining the area covered by the proposed change, the proposed change must receive the affirmative vote of the majority of all members of the City Council.
2. When protested by the owners of 20% of the land covered by the proposed change, the proposed change must receive the affirmative vote of at least three-fourths of all members of the City Council.

**2. Proposed Comprehensive Zoning Changes**

Changes proposed by the city that meet one or more of the following standards cannot be protested:

- A.** A change that would allow more residential development than the previous regulation and would apply uniformly to each parcel in the zoning district or districts; or
- B.** The adoption of a new zoning code or zoning map that would apply to the entire municipality; or
- C.** The adoption of a zoning overlay district that would have the effect of allowing more residential development than would be allowed without the overlay and that includes an area along a major roadway, highway, or transit corridor.

**3. All other Zoning Changes**

These requirements apply to other land-based zoning cases.

**A. Signature Threshold**

The protest must be written and signed by the owners of at least 20% of either the aggregate area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area, or the aggregate area of the lots or land covered by the proposed change. The area of streets and alleys is included in this calculation, and unincorporated areas are excluded from this calculation.

**B. Council Vote**

If the signature threshold is met as described above, the proposed change must receive the affirmative vote of at least three-fourths of all members of the City Council.

**C. Standing to Protest**

1. A protest of a proposed zoning change must be in writing and must be signed by the owner of the property in question or by a person authorized by power of attorney to act on behalf of the owner. For specific ownership types, the following must apply:

**A. Corporations**

The protest must be signed by the president or an attorney-in-fact authorized to sign on behalf of the corporation.

**B. General or Limited Partnerships**

The protest must be signed by a general partner or by an attorney-in-fact authorized to sign on behalf of the general or limited partnership.

**C. Jointly-Held or Community Property**

If the property is owned by two or more persons, the protest must be signed by a majority of the owners, or by a person authorized by power of attorney to sign the protest on behalf of a majority of the owners, except that in the case of community property, the city will presume the written protest of one spouse to be the protest of both.

**D. Condominiums**

1. Lots or land subject to a condominium declaration are presumed to be commonly owned in undivided interests by the owners of all condominium units and under the control of the governing body of the condominium.
2. For such lots or land to be included in calculating the lots or land area protesting a proposed rezoning, both of the following conditions must be met:
  - A. The written protest must state that the governing body of the condominium has authorized a written protest in accordance with its bylaws, and
  - B. The person signing the protest is authorized to act on behalf of the governing body of the condominium.
3. A written protest signed by the owner of an individual condominium unit will not be accepted unless the filing party produces legal documents governing the condominium which clearly establish the right of an individual owner to act with respect to their respective undivided interest in the common elements of the condominium.

**2. Presumption of Validity**

In all cases where a protest meets the requirements of this UDC, the City will presume the signatures on the protest are valid.

**D. Withdrawal of Protest**

A withdrawal of a protest must be in writing. If multiple protests and withdrawals are filed on behalf of the same owner, the instrument with the latest date and time of execution controls.

**5. Successive Applications**

- A. When either the Planning & Zoning Commission or the City Council denies a zoning petition, the denial may be issued with prejudice (blocking refiling) or without prejudice (allowing refiling).
  1. Without Prejudice

If a denial does not clearly state that it is with prejudice, it will be deemed without prejudice, meaning the petition may be refiled at any time.
  2. With Prejudice
    - A. If a denial is issued with prejudice, no petition may be filed for all or part of the subject tract for two years from the date of denial.
    - B. The Planning & Zoning Commission may waive the two-year waiting period if it determines that sufficient changes in circumstances regarding the property or the petition have occurred. The Planning & Zoning Commission's decision to grant or not grant a waiver of the two-year waiting period may be appealed to the City Council.

**B. Following Zoning Map Amendment Petition Approval**

1. If a zoning map amendment is approved by the City Council, no further petition may be considered for all or a part of the subject tract of land for a period of two years from the date of the City Council's action, unless the Planning & Zoning Commission determines that there are substantive reasons to permit the waiving of the two-year waiting period and the granting of a new hearing. The Planning & Zoning Commission's decision may be appealed to the City Council.
2. Substantive reasons for waiving the two-year period include, but are not limited to:
  - A. Correction of an error.
  - B. A change of conditions affecting the property that was not known at the time of zoning.
  - C. A change in public plans or policies as it affects the property.

**C. Presumption of Validity for Certain Changes to Zoning Regulations or District Boundaries**

A change to a zoning regulation or district boundary that has the effect of allowing more residential development than the previous regulation is conclusively presumed valid and to have occurred in accordance with all applicable statutes and ordinances if an action to annul or invalidate the change has not been filed before the 60th day after the effective date of the change.

**6. Expiration**

Any pending zoning petition will automatically expire if no progress has been made, such as the submittal of revisions to staff, for a period of one year.

**C. Community Design (CD) Districts**

**1. Purpose**

The purpose of Community Design (CD) districts is to allow for additional standards and conditions to execute a unique development exhibit that aligns with the Comprehensive Plan.

**2. Applicability**

Only the Neighborhood Residential Design (CNR), Mixed-Use Community Design (CMC), and Neighborhood Business Design (CNB) districts may be used as base districts for CDs.

**3. Supplemental Requirements**

**A.** The Planning & Zoning Commission and City Council may amend or supplement the base district regulations and related development regulations in this UDC to implement individual development exhibits; however, the following requirements cannot be modified:

1. In the Neighborhood Residential Design (CNR) district:
  - A. The Housing-Types Requirements in Section **XXXX**.
2. In the Mixed-Use Community Design (CMC) and Neighborhood Business Design (CNB) districts:
  - A. A minimum of three distinct uses must be provided; and
  - B. Nonresidential uses must be constructed within the first phase of development.

**B.** A CD district may not be used to:

1. Waive the requirement for a development exhibit or a governance association.
2. Require construction of public improvements or the dedication or reservation of land that is not of primary benefit to development within the district or necessary to mitigate an adverse impact attributable to development within the district, unless compensation is provided as required by law.

3. Secure agreements between owners of property within the district with third parties.
4. Assign responsibility to the City for the enforcement of private deed restrictions or covenants.
5. Waive or modify the requirements of ordinances other than this UDC, except as specifically authorized herein.

**C. Governance Association**

A Governance Association must be established in accordance with the following:

1. Applications for building permits for development within a CD district must not be accepted or approved until a suitable property owners' governance association is established.
2. The association must be responsible for maintaining all common property, improvements, and amenities within the district.
3. The association must have power sufficient to assess and collect dues and charges as required to perform its responsibilities. It may have additional powers to administer other programs, including but not limited to, security, promotion and marketing, and entertainment. A Municipal Management District or Public Improvement District created in conformance with the Texas Local Government Code may be created to satisfy this requirement.
4. A Reciprocal Easement Agreement (REA) allowing shared parking arrangements, public access to sidewalks, and to other amenities must be incorporated in the governance documents, but the REA may be deferred until a plan for common areas and amenities is submitted.

**4. Application and Approval Process**

**A. Development Exhibit**

1. A development exhibit is required as part of the rezoning petition process.
2. The exhibit must include all property within the district and must be approved before any concept plan, preliminary site plan, or site plan can be considered.
3. The development exhibit serves to:
  - A. Ensure compliance with applicable regulations and valid, previously approved plans.
  - B. Determine the placement, configuration, size, use, height, and coverage of buildings.
  - C. Specify the mix of land uses.
  - D. Design public and private street improvements, rights-of-way, drives, aisles, and parking.
  - E. Outline the location and design of open spaces, landscaping, walls, screens, and amenities.
  - F. Enumerate standards, conditions, performance, and implementation requirements not covered by base zoning.
  - G. Provide preliminary designs for drainage facilities, utilities, and stormwater quality areas.

**B. Application Required**

The applicant must submit a zoning petition as described in [Section 2.3.B.](#)

**C. Standards of Approval**

The Planning & Zoning Commission and City Council may approve, conditionally approve, table, or deny a CD district based on:

1. Conformance with the Comprehensive Plan.

2. Compliance with this UDC, other applicable regulations, required studies or approvals, and previously approved, valid plans for the property.
3. Compliance with previously approved, valid site-specific stormwater quality plan.
4. Compliance with the recommended mitigation of a traffic study as deemed acceptable by the Director of Engineering.
5. Impact on the site's natural resources and effect on adjacent area property and land use.
6. Safety and efficiency of vehicular and pedestrian circulation, traffic control, and congestion mitigation.
7. Safety and convenience of off-street parking and loading facilities.
8. Access for firefighting and emergency equipment to buildings.
9. Use of landscaping and screening to shield lights, noise, movement, or activities from adjacent properties and to complement the design and location of buildings and parking.
10. The location, size, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.

**D. Adoption**

1. Approval of a CD is considered a rezoning and must follow the regulations established in [Section 1.3.A](#).
2. The development exhibit must be adopted as part of the ordinance creating the CD district.
3. The boundary of each CD district must be defined on the Zoning Map and will be designated by the letters CD followed by a unique number and the code of the applicable base district (e.g., CD-000-CNR).

**E. Amendments to a CD's Adopted Development Exhibit**

Following the adoption of a CD's development exhibit, the property owner(s) may request an amendment. Amendments are classified as minor and major.

**1. Minor Amendments**

- A.** The Director of Planning may approve or disapprove a minor amendment to the development exhibit. Disapproval may be appealed to the Planning & Zoning Commission.
- B.** Minor amendments are limited to:
  1. Corrections of distances and dimensions,
  2. Relocation of a building within the same block or lot, provided the footprint, height, and massing are substantially consistent with the approved plan,
  3. Relocation of the same approved land uses within the development to adjacent blocks,
  4. Adjustment to the layout or exact location of landscaping, screening, open space, utilities, parking, or drive aisles,
  5. Minor adjustments to service areas or loading locations that do not increase visibility or impact to adjacent development, and
  6. Minor phasing amendments to add an adjacent nonresidential or vertically mixed-use building into the current phase.
- C.** No minor amendment may create a negative impact on adjacent development or reduce approved buffers, open space, or pedestrian connectivity.

**2. Major Amendments**

Except where otherwise prohibited by law, major amendments to the development exhibit may only be considered through the same process by which the CD was created. Major amendments to a CD's adopted development exhibit include but are not limited to:

- A.** Changes to land use categories, permitted use types, or intensity of development,
- B.** Increases in maximum building height or nonresidential floor area ratio,
- C.** Significant modifications to lot configuration, block structure, or the street network,
- D.** Elimination or reduction of required open space, landscaping, or buffering,
- E.** Relocation of nonresidential uses adjacent to residential areas in a manner that increases off-site impacts,
- F.** Changes to phasing that materially delay or alter the delivery of infrastructure, amenities, or mitigation measures relied upon in the original approval, and
- G.** Any other modification determined by the Director of Planning to substantially change the approved plan's concept, intensity, or compatibility.

**F. Effect**

**1. CD Zoning Designation**

Once action is taken by the City Council to approve a CD, the CD does not have an expiration date and may only be revised through the rezoning process.

- 2.** As long as the CD's development exhibit remains valid, the location of buildings, landscape areas, open space, streets, drives, fire lanes, median breaks, curb cuts, and parking must remain fixed except as permitted by minor adjustments resulting from subsequent engineering improvements or to prevent a condition affecting public health or safety that was not known at the time of approval.
- 3.** Where a CD's development exhibit conflicts with this UDC and no authorized modification is expressly approved, the UDC's regulation applies.

**D. Planned Development (PD) Districts**

**1. Purpose**

Planned Development districts are established for the following purposes:

- A.** To protect and provide for the public health, safety, and general welfare of the city.
- B.** To guide the future development of the city in accordance with the Comprehensive Plan.
- C.** To accommodate innovation by modifying regulations to better accomplish the City's development goals.
- D.** To mitigate developmental impacts, especially those related to the environment, traffic, public services and facilities, and adjacent and nearby land uses.
- E.** To protect and enhance the aesthetic and visual quality of development by creating architectural and cultural districts intended to provide for unique locations which are of architectural and cultural importance to the community.

**2. Applicability**

**A.** PD districts may be used, in accordance with [Section 2.3.D.2.C](#) and [Section 2.3.D.2.D](#), to modify and supplement the regulations contained within the following regulations:

- 1.** [Article 2. Zoning Regulations](#);

- 2. [Article 3. Subdivision Regulations](#); and
- 3. Street Design Standards.

**B. Criteria for Establishment**

- 1. PD districts must demonstrate a clear public benefit that advances the goals of the Comprehensive Plan and reflects innovation in design, land use, or community impact that exceeds the minimum requirements of the base zoning district.
- 2. No PD district may be established smaller than five acres unless a specific finding is made by the City Council that the establishment of the district is required to implement the Comprehensive Plan or a related study.
- 3. No PD district may be established when another zoning district or a specific use permit could adequately accommodate the proposed development.

**C. Permitted Areas of Regulation**

PD districts may be used to:

- 1. Define and condition land uses permitted within each district, including expanding or restricting uses permitted by right or by specific use permit within a base zoning district. PD districts may specify the location of land uses and define standards for operation and performance of land uses.
- 2. Specify development standards and actions required to protect the environment and to preserve natural features and vegetation within the district.
- 3. Define development standards pertaining to the size, height, bulk, coverage, placement, setback, configuration, and number of buildings; regulate the design and exterior appearance of buildings; define standards for lot size, dimensions, and street frontage; and specify the location, extent, and design standards for open space, landscaping, screening and buffers, appurtenances, signage, and amenities. PD districts may modify, delete, or add to those standards provided in a base zoning district. The standards may be more or less restrictive than those in a base zoning district.
- 4. Specify the location and design of streets, drives, parking, and pedestrian and bicycle facilities.
- 5. Modify the standards of the Street Design Standards and the Subdivision Regulations related to design of public and private facilities, but only where a specific finding is made by the City Council that the alternative standard does not decrease public safety, impair traffic movement, or result in a higher maintenance cost.
- 6. Specify the timing, sequencing, and phasing of development, including coordinating the type, location, and intensity of development permitted with the construction and availability of public facilities and services.
- 7. Provide for the construction of public improvements and facilities onsite or within public easements and rights-of-way abutting the site as required to serve and benefit development within the district or as may be required to mitigate impacts resulting from the development on other properties and uses outside of the district. Standards within [Article 3. Subdivision Regulations](#) pertaining to the design, performance, and cost participation for public improvements may be amended by a PD district.

**D. Prohibited Areas of Regulation**

A PD district cannot be used to:

- 1. Require construction of public improvements or the dedication or reservation of land that is not of primary benefit to development within the district or necessary to mitigate an adverse impact attributable to development within the district, unless compensation is provided as required by law.

2. Secure agreements between owners of property within the district with third parties.
3. Assign responsibility to the City for the enforcement of private deed restrictions or covenants.
4. Waive or modify requirements other than those in [Section 2.3.D.2.A](#) above.

**3. District Types**

A PD district may be created as an overlay district or as a freestanding district as described below:

**A. Overlay PD Districts**

1. An overlay PD district superimposes regulations onto a standard zoning district defined in [Section 2.5.C. Residential Zoning Districts](#) or [Section 2.5.D. Mixed-Use Zoning Districts](#). A PD overlay may modify, supplement, or delete the regulations of a standard zoning district (referred to as the base district).
2. Except as specified by the terms of the ordinance establishing a PD overlay, the regulations of the base district apply, and any subsequent general amendment to the base district apply.
3. A PD district established as an overlay district will be designated by letters PD followed by a unique number and the code of the applicable base district (e.g., PD-000-RDD).

**B. Freestanding PD Districts**

1. A freestanding PD district is a unique zoning classification. The zoning regulations affecting development within the district are limited to those specifically defined within the ordinance establishing the district (which may include other regulations by reference) and may only be changed by amending the district.
2. New freestanding PD districts are generally not supported. A freestanding PD district may only be established where the use of the overlay method cannot reasonably achieve the purposes of this UDC and the PD district is in accordance with the Comprehensive Plan.
3. A PD district established as a freestanding district will be designated by the letters FPD followed by a unique number and a code describing the general land use (e.g., FPD-000-MU).

**4. Application and Approval Process**

**A. Application Required**

The applicant must submit a zoning petition as described in [Section 2.3.B](#).

**B. Standard of Approval**

The approval, approval with conditions, or denial of PD districts is at the sole discretion of the City Council based on its judgment of the merit of the proposed district as related to the stated purposes in [Section 2.3.D.1](#).

**C. Site Review Process Required**

The site review process applies to the development of land for uses within any PD district as required in [Section 2.2](#).

**D. Initial Plan Review**

1. A concept plan, or other plan satisfying the site review process, is required as part of an application for establishing or amending a PD district.
2. Additional information, studies, and plans may be required by the Planning & Zoning Commission or the City Council to determine the merit of establishing a PD district and as required to develop regulations to be incorporated in the ordinance establishing or amending a PD district.

**E. Approval**

1. Approval of a PD is considered a rezoning and must follow the regulations established in [Section 1.3.A.](#)
2. Upon approval, the boundary of each PD district will be defined on the Zoning Map and identified as specified in [Section 2.3.D.3.](#)
3. Plans submitted in conjunction with establishing or amending a PD district may be approved by:
  - A. The Planning & Zoning Commission via separate administrative action pending approval of the ordinance establishing or amending a consistent PD district by City Council, or
  - B. City Council as part of the ordinance establishing or amending the PD district.

**F. Effect**

1. PD Zoning Designation

Once action is taken by the City Council to approve a PD, the PD does not have an expiration date and may only be revised through the rezoning process.
2. Plans Adopted by Ordinance
  - A. Plans adopted by ordinance have no expiration date and may only be revised following the procedures in [Section 2.2.H.5.](#)
  - B. Plans adopted by ordinance control development of the property, including the location of land use and development intensity.
3. Administratively Approved Plans
  - A. Plans that are approved by administrative action expire in accordance with the provisions of [Section 2.2.](#)
  - B. Where the plan has expired and no extension is approved, the property owners of the PD must receive approval of a new plan prior to applying for development permits.
  - C. Any new plan must conform to the regulations existing at the time of the development application.

**G. Administration**

1. Conflicting Regulation

Where regulations set forth within a PD district directly and specifically conflict with those of another ordinance, the regulations of the PD district prevail.
2. Multiple Ownership

Where the land within a PD is divided among multiple owners, all owners must authorize the submittal of petitions to amend the PD district or plans applying to the entire district. A single owner may request that the City initiate an amendment to the PD district in accordance with the provisions of [Section 2.3.B.2.](#)

**H. Partial Rezoning**

Owners of property within a PD district may request rezoning of the portion of the district they own to separate it from the remaining property within the PD district. In considering the request, the Planning & Zoning Commission and City Council will evaluate the effect of the rezoning on the remaining property and may require adjustments to the terms and conditions of the original PD resulting from a change in boundary.

**E. Specific Use Permits (SUPs)**

**1. Purpose**

The purpose of an SUP is to allow and regulate uses that are not permitted by right in a particular zoning district but that could provide a benefit to the community in specific cases. This is achieved by establishing appropriate development standards and safeguards during the review process to ensure the use is compatible and promotes the general welfare.

**2. Applicability**

The City Council, after a public hearing and proper notice to all parties affected and after recommendations by the Planning & Zoning Commission may authorize the issuance of specific use permits (SUPs) for the uses indicated by an “S” in the use tables of [Section 2.6.B. Use Chart](#).

**3. Application Procedure and Requirements**

- A.** The applicant must submit a zoning petition as described in [Section 2.3.B](#).
- B.** The Planning & Zoning Commission, in considering and determining its recommendations to the City Council on any request for an SUP, may require from the applicant plans, information, operating data, and expert evaluation concerning the location, function, and characteristics of any building or use proposed.
- C.** The City Council may, in the interest of the public welfare and to ensure compliance with this UDC, establish conditions of operation, location, arrangement, and type and manner of construction of any use for which a permit is authorized. The City Council may impose development standards and safeguards important to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view, traffic, or other undesirable or hazardous conditions.
- D.** SUPs are considered an overlay zoning district and are approved following the procedures of a zoning map amendment (rezoning). See [Section 1.3.A](#).
- E.** All SUPs approved in accordance with the provisions of this UDC must be referenced on the Zoning Map. An SUP will be designated by the letter S followed by a unique number (e.g., S-000).
- F.** Effect
  - 1.** SUP Zoning Designation

Once action is taken by the City Council to approve an SUP, the SUP does not have an expiration date and may only be revised through the rezoning process.
  - 2.** Plans Adopted by Ordinance

Plans adopted by ordinance have no expiration date and may only be revised following the procedures in [Section 2.2.H.4](#).
  - 3.** Administratively-Approved Plans
    - A.** Plans that are approved by administrative action expire in accordance with the provisions of [Section 2.2](#).
    - B.** Where the plan has expired and no extension is approved, the property owners of the SUP must receive approval of a new plan prior to applying for development permits.
    - C.** Any new plan must conform to the regulations existing at the time of application.

**F. Heritage District Procedures**

**1. Purpose**

This section establishes the procedures required for the establishment of a Heritage Resource Overlay District. See Sec. **XXXX** for the district's purpose statement.

**2. Applicability**

The provisions of this section apply to all properties designated, amended, or removed as heritage resources in accordance with the criteria established in [Section 16-110](#) of the City Code of Ordinances, as amended.

**3. Permitted Areas of Regulation**

In making the individual Heritage Landmark (H) or Heritage District (HD) designation, the Planning & Zoning Commission and City Council may allow additional permitted uses in the district or reduce, increase, or revise the height, yard, area, coverage, parking, and any other developmental standards contained within this UDC, if such action is determined to be necessary for the preservation or protection of the H- or HD-designated property.

**4. Procedure**

**A.** Procedures used by the Heritage Commission, Planning & Zoning Commission, and the City Council for the original designation, amendment, or removal of a heritage resource designation are located in [Section 16-111](#) of the City Code of Ordinances, as amended.

**B.** The applicant must submit a zoning petition as described in [Section 2.3.B](#).

**5. Certificate of Appropriateness Review**

**A.** No person or entity may carry out any construction, reconstruction, alteration, restoration, rehabilitation, stabilization, repair, site improvements, demolition, or relocation of any H- or HD-designated property that affects the exterior appearance of any structure without obtaining a Certificate of Appropriateness by the Heritage Commission or Heritage Preservation Officer, or other designee of the Director of Planning, as appropriate, for the types of work described in [Section 16-112](#) of the City Code of Ordinances, as amended.

**B.** No person or entity may carry out any construction, installation, or erection of a network node in or within 300 feet of an H- or HD-designated property without obtaining a Certificate of Appropriateness from the Heritage Preservation Officer, or other designee of the Director of Planning. The Heritage Preservation Officer or designee will review the application for such network node for consistency with the Small Cell Wireless Facility Network Node Design & Placement Guidelines, as well as other guidelines and standards that may be in place.

**C.** Certificate of Appropriateness review procedures, criteria, exemptions, and other associated requirements are located in [Article VI, Chapter 16](#), of the City Code of Ordinances, as amended.

**D.** Ownership of a property that has been modified in violation of the above requirements is also a violation of this code.

**G. Neighborhood Conservation Overlay District Procedures**

**1. Purpose**

This section establishes the procedures required for the establishment of a Neighborhood Conservation Overlay District (NC). See Sec. **XXXX** for the district's purpose statement.

**2. Applicability**

**A.** The provisions of this section apply to all properties designated as a Neighborhood Conservation Overlay District.

- B.** To qualify as a Neighborhood Conservation Overlay District, the area should generally meet all of the following criteria:
  - 1.** The proposed district contains a minimum of four contiguous properties within a block or proximate properties abutting either side of the same street.
  - 2.** At least 75 percent of the land area, excluding right-of-way, in the proposed district is developed with primary habitable structures at least 35 years or older.
  - 3.** The proposed district possesses one or more of the following distinctive architectural, physical, or visual characteristics that create a unified and recognizable setting, character, or association:
    - A.** Scale, size, type of construction, or unique building materials;
    - B.** Setbacks, lot layouts, street layouts, sidewalks, or alleys;
    - C.** Natural or streetscape characteristics, such as parks, greenbelts, creeks, or street landscaping;
    - D.** Abuts or links to designated heritage resources.
  - 4.** The boundaries and number of properties in the proposed district are adequate to protect the distinctive architectural, physical, or visual characteristics identified as key to the district's character in the associated neighborhood conservation plan (see [Section 2.3.G.4](#)). Gaps, holes, or other irregular shapes in the boundaries of a proposed district are discouraged.

**3. Types of Neighborhood Conservation Districts**

**A. Planning Model**

The planning model is intended to protect the scale, rhythm, streetscape, and general form and character of established neighborhoods by providing enhanced development standards customized to the unique characteristics of the district. Standards should include clear, measurable, and non-discretionary development regulations applied to new construction, additions, and exterior alterations only. Standards for specific architectural styles are not permitted.

**1. Enhanced Development Standards**

Examples of enhanced development standards that may be customized for the district include, but are not limited to, the following:

- A.** Area, yard, and bulk requirements;
- B.** Parking and loading;
- C.** Screening, fencing, and wall regulations;
- D.** Exterior wall construction standards;
- E.** Landscaping and tree preservation;
- F.** Building additions and accessory structures;
- G.** Roof profile; and
- H.** Driveway location and materials

**2. Review Required**

All new construction, additions, and exterior alterations regulated by a designated NC district requires issuance of a building permit.

**B. Architectural Model**

The architectural model is intended to protect architectural or historic style as well as overall scale, rhythm, streetscape, and general form and character of an established neighborhood.

**1. Enhanced Development Standards**

In addition to the enhanced development standards of the Planning Model, this model may regulate architectural style through the Certificate of Compliance review process.

**2. Review Required**

All new construction, additions, exterior alterations, or other ancillary site improvements regulated by an adopted neighborhood conservation plan (see [Section 2.3.G.4](#)) within a designated Neighborhood Conservation District requires a Certificate of Compliance from the City of Plano. Certificates of Compliance for new construction or additions must be submitted in association with, or in addition to, a required building permit. Certificates of Compliance must be submitted in the form prescribed by the Director of Planning.

**4. Neighborhood Conservation Plan**

Adoption of a Neighborhood Conservation Plan is required prior to, or concurrent with, designation of an NC district. The plan may be as general or as detailed as desired by the neighborhood, but must contain, at a minimum, the enhanced architectural and development standards unique to the district.

**A. Components**

Recommended components of a Neighborhood Conservation Plan include:

**1. Introduction**

This section should include items such as a description of the neighborhood initiative, timeline of events, and summary of the district.

**2. Neighborhood Profile**

This section should contain a brief history of the neighborhood, demographics, setting, existing conditions, map of the proposed district boundaries, a list of addresses within the district, and a survey and description of architectural styles and features located within the district.

**3. Goals and Objectives**

This section should describe the intent of creating the district, what features or characteristics are unique or significant to the district, and may include the neighborhood's goals and objectives related to land use, housing, community identity, traffic, or congestion.

**4. Design Standards**

This section should include the enhanced architectural and development standards that are unique to the district.

**5. Administration**

This section should describe what types of new construction, exterior alterations, additions, and ancillary improvements are subject to review/permitting and the process for approval. If there are any specific incentives, they should also be listed here.

**6. Appendices**

This section should include any information relevant to the creation of the plan, such as a list of events and neighborhood meetings held, a copy of the petition, inventory and basic survey information (age, style, lot size, setbacks, use, materials) for properties in the district, and glossary of terms.

**B. Effective Date**

An approved Neighborhood Conservation Plan becomes effective upon designation of the associated district.

**5. Restrictions**

**A. Uses**

Uses permitted within the district are only those uses allowed by the base zoning district.

**B. Routine Maintenance and Minor In-Kind Repair and Replacements**

A Neighborhood Conservation Overlay District may not regulate routine maintenance or minor in-kind repair or replacement, as defined by the Heritage Preservation Ordinance, of any exterior architectural feature of a structure located in an NC district.

**C. Demolitions**

A Neighborhood Conservation Overlay district may not regulate demolition of structures within the district.

**D. Emergency Repair**

If a property within a Neighborhood Conservation Overlay district is unexpectedly and involuntarily damaged and additional deterioration is likely to occur without immediate repair, the Director of Planning, or designee, may authorize the property owner, or agent on behalf of the property owner, to take temporary measures to stabilize and protect the structure. In such cases, the property owner, or agent on behalf of the property owner, must apply for a Certificate of Compliance, if required, within 10 calendar days of completion of the emergency corrective measures.

**E. Building Permit and Site Plan Approval**

Unless otherwise excepted by this article, a Certificate of Compliance must be approved prior to, or concurrent with, issuance of required building permits and site plan approvals. Issuance of any necessary permits and approval of any plans from the Building Inspections, Planning, Public Works, or Environmental Health and Sustainability departments are required with an approved Certificate of Compliance before work can commence.

**6. Procedure**

**A. Application Required**

1. The applicant must submit a zoning petition as described in [Section 2.3.B.](#)
2. Any person or corporation having a proprietary interest in any property within a proposed district may initiate proceedings to adopt a Neighborhood Conservation Plan or designate a Neighborhood Conservation Overlay district by submitting a written petition that includes the property owner signatures of at least 60 percent of either the land area or the total number of lots or tracts of land within the proposed district. Land area for the purposes of this calculation excludes public property, streets, alleys, and other public rights-of-way.
3. The associated Neighborhood Conservation Plan must be submitted as part of the zoning petition.

**B. Validation**

Upon receipt of a written petition, the Director of Planning will review the petition to confirm the required signatures have been provided and make a final determination as to which type of Neighborhood Conservation Overlay district applies. In all cases where a petition has been submitted pursuant to this section, the City will presume that the persons whose signature(s) appear on the petition are valid. The City may rely upon information posted on central appraisal district websites to determine ownership of property.

**C. Procedure**

**1. Planning Model**

Petitions for designation of a Neighborhood Conservation Overlay district following the Planning Model will proceed in the same manner as a petition for amendments to the Zoning Map (see [Section 2.4.A. Zoning Text or Map Amendments \(Rezoning\)](#)).

**2. Architectural Model**

Petitions for designation of a Neighborhood Conservation Overlay District following the Architectural Model will proceed in the same manner as a petition for amendments to the Zoning Map (see [Section 2.4.A. Zoning Text or Map Amendments \(Rezoning\)](#)), except that a public hearing and consideration by the Heritage Commission is required prior to consideration by the Planning & Zoning Commission. The Heritage Commission will review the proposed Neighborhood Conservation Overlay district to determine whether the proposed standards are compatible with the architectural character of the neighborhood and are sufficiently clear to allow administrative review. A written courtesy notice must be sent to all owners of real property within 500 feet of the proposed district at least 10 calendar days prior to the Heritage Commission meeting.

**D. Amendments/Removal**

The boundaries of the district or architectural and development standards may be amended or removed following the same procedures as initial designation. An adopted Neighborhood Conservation Plan becomes null and void upon removal of its associated Neighborhood Conservation Overlay district designation.

**7. Relationship to State Law**

Neighborhood Conservation Overlay districts are not local historic districts under [Texas Local Government Code Section 211.0165](#), as amended.

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## Section 2.4. Special Zoning Procedures

### A. Nonconformities

Note: Placeholder for content.

### B. Zoning Variances

#### 1. Purpose

The purpose of a Zoning Variance is to allow the Board of Adjustment to authorize deviations from [Article 2. Zoning Regulations](#) due to the presence of a hardship and other specific criteria.

#### 2. Applicability

- A. The Board of Adjustment may consider permitting a variance from the terms of this Article ([Article 2. Zoning Regulations](#)).
- B. Zoning Variances may only be used to waive or modify dimensional requirements, such as setbacks, building heights, or lot coverage. Zoning Variances cannot be used to modify permitted uses or use-based standards.
- C. Zoning Variances may not authorize any person a privilege in developing a parcel of land not permitted by this ordinance to other parcels of land in the same zoning district.
- D. Zoning Variances may only be considered if all administrative options have been exhausted.
- E. No appeal to the Board of Adjustment for the same variance on the same property is allowed prior to the expiration of two years from a previous ruling by the Board of Adjustment unless other property in the immediate vicinity has within the two-year period been rezoned or the physical conditions have changed.

#### 3. Application and Approval Process

##### A. Timing of the Request

A Zoning Variance must be requested concurrently with the site plan review or building permit review process, except where a plan or permit is not required.

##### B. Standard of Approval

The Board of Adjustment may permit such variance from the terms of this Article ([Article 2. Zoning Regulations](#)) if all of the following conditions are met:

- 1. Because of special conditions, including restricted area, shape, topography, or physical features that are peculiar to the subject parcel of land, a literal enforcement of this ordinance or its amendments would result in an unnecessary hardship; and
- 2. The variance will observe the spirit and intent of this ordinance, align with the public interest, and comport with substantial justice; and
- 3. The variance does not result in an unnecessary encumbrance on another parcel of land; and
- 4. The variance is not based solely on economic gain or loss except where the financial cost of compliance is greater than 50% of the appraised value of the structure as shown on the most recent appraisal roll; and

- 5. The variance does not grant relief to a self-created or personal hardship except to the extent that the self-created or personal hardship arises from factors or grounds that may be considered under [Section 2.4.B.3.C](#) below.

**C. Grounds for Unnecessary Hardship**

The Board may consider the following as exceptions to determine whether compliance with this UDC would result in unnecessary hardship:

- 1. Compliance would result in a loss to the lot on which the structure is located on at least 25% of the physical area on which development may occur.
- 2. Compliance would result in the structure not being in compliance with another requirement of this UDC, building code, or other requirement.
- 3. The City considers the structure to be a nonconforming structure.

**D. Procedure**

- 1. The applicant must submit a Zoning Variance application.
- 2. Before the 10th day before a public hearing, written notice of the hearing must be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property on which the Zoning Variance is requested. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail.
- 3. Following a public hearing, the Board of Adjustment may approve, approve with conditions specific to the property, or deny a Zoning Variance request.
- 4. Pursuant to Section 211.009.(c) of the Texas Local Government Code, the concurring vote of 75% of the appointed members of the Board of Adjustment is necessary to grant a Zoning Variance.

**E. Zoning Variance Appeals**

- 1. Decisions by the Board of Adjustment may be appealed within 10 days after the date the Board announces its decision either orally or in writing to the petitioner in accordance with Section 211.011 of the Texas Local Government Code.
- 2. If the court reverses or modifies the Board of Adjustment’s decision, the Board of Adjustment may elect to appeal that decision.

**C. Special Exceptions**

Note: Placeholder for content regarding Special Exceptions.

**D. Alternative Compliance**

Note: Placeholder for content regarding Alternative Compliance.

**E. Certificates of Occupancy**

**1. Purpose**

The purpose of the Certificate of Occupancy process is to ensure that all buildings and structures within the city are utilized in compliance with applicable regulations and codes to ensure that a property is suitable for the intended occupancy.

**2. Applicability**

Certificates of Occupancy are required, consistent with the Building Code. The provisions of this section do not apply to Detached House, Duplex, or Townhouse buildings or Agricultural Uses, except as required by the Building Code.

**3. Requirements**

**A. Zoning Use**

1. An applicant for a Certificate of Occupancy must fully disclose use of the building or parcel on the application for a Certificate of Occupancy.
2. All Certificates of Occupancy issued after the effective date of these regulations must indicate zoning use of the building or parcel.
3. After the effective date of these regulations, zoning uses listed on a Certificate of Occupancy must be allowed uses under the Zoning Regulations.
4. A Certificate of Occupancy can only be issued when a property has an approved site plan and approved final plat filed of record, with exceptions as specifically granted in [Section 2.4.E.3.C](#).
5. A Certificate of Occupancy can only be issued to a property where the associated use and any additional development, site modifications, or redevelopment are in conformance with the approved site plan as determined by the Director of Planning, with exceptions as specifically granted in [Section 2.4.E.3.C](#).

**B.** After March 26, 2018, all Land Occupancy Permits previously issued are hereby renamed Certificates of Occupancy and treated as Certificates of Occupancy for all intents and purposes.

**C. Exceptions**

A Certificate of Occupancy may be issued for a property without an approved site plan or approved final plat filed of record under the following exceptions. These exceptions do not exempt the property from other site plan or platting requirements in this UDC.

1. The requirement for a recorded plat may be waived for a property located in the Original Donation, Reed, or Portman Additions to the City of Plano.
2. The requirement for an approved site plan may be waived for a property where both of the following conditions are met:
  - A.** The property was lawfully developed before the requirement for a site plan was instituted; and
  - B.** There have been no substantial changes to the property since the requirement for a site plan was instituted. Substantial changes include, but are not limited to, expansion or addition of buildings, parking areas, or open storage.

**4. Application and Approval Process**

**A.** The Building Official may establish procedures for the application and approval of a Certificate of Occupancy consistent with the Building Code.

- B. Certain types of Certificates of Occupancy, specifically “clean and show” permits that do not authorize occupancy or operation of a use, may be issued by the Building Official without Planning Department review.

**5. Denial or Revocation of Certificates of Occupancy**

**A. Grounds for Denial**

The following constitutes sufficient grounds for denial of a Certificate of Occupancy:

1. Misrepresentation of information related to the proposed use in an application for a Certificate of Occupancy,
2. Omission of material information related to the proposed use in an application for a Certificate of Occupancy,
3. The proposed use is disallowed under [Article 2. Zoning Regulations](#) or other applicable laws, or
4. The applicant fails to provide adequate or complete information on the application.

**B. Grounds for Revocation**

A Certificate of Occupancy may be revoked consistent with the Building Code, including where it is determined that the building or structure or portion thereof is in violation of the provisions of this UDC.

**C. Revocation Process**

The process for revocation of a Certificate of Occupancy for failure to meet the requirements of this section is as follows:

**1. Notice of Revocation**

The Building Official must issue a written notice of intent to revoke a Certificate of Occupancy. The notice must set forth the grounds upon which the notice is issued, and inform the holder that the Certificate of Occupancy will be revoked at the end of 10 business days after service of such notice unless a formal decision is requested.

**2. Request for Formal Decision**

To request a formal decision, a written request must be filed with the Building Official within 10 days of receiving the Notice of Revocation. If no request for a formal decision is filed within the 10-day period, the Building Official’s decision to revoke the Certificate of Occupancy becomes final.

**3. Formal Decision**

A meeting must be scheduled before the Building Official not less than 10 business days nor more than 30 days after the date a timely written request for a formal decision was filed. At the meeting, the Certificate holder will be allowed an opportunity to respond to the allegations and present any mitigating evidence or reasons why the proposed revocation is improper. The Building Official must provide a decision within 20 business days of the date of the meeting.

**4. Appeal of Revocation**

If, after the meeting, the Building Official determines that the Certificate of Occupancy should be revoked, an appeal of the Building Official’s decision may be made to the Board of Adjustment in accordance with Chapter 211 of the Texas Local Government Code and [Section 2.4.F. Appeals of Zoning Decisions](#) by an Administrative Official.

**D. Offense**

It is an offense for any person, firm, association, or corporation with ownership, care, custody, or control over any portion of a building or parcel of land to allow such building or parcel to be used, occupied, or modified in any manner that does not comply with a current, valid Certificate of Occupancy, as required by the Building Code.

**F. Appeals of Zoning Decisions by an Administrative Official**

**1. Purpose**

The purpose of an appeal of a zoning decision by an administrative official is to allow the Board of Adjustment to hear and decide appeals where it is alleged there is error on any order, requirement, decision, or determination made by an administrative officer in the enforcement of [Article 2. Zoning Regulations](#). For purposes of this section, “administrative official” means the person within a city department having the final decision-making authority within the department relative to the enforcement issue.

**2. Applicability**

- A.** In exercising its powers, the Board of Adjustment may, in conformity with the provisions of Section 211.009(b) of the Texas Local Government Code, reverse or affirm, wholly or partly, or may modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the Board has the same authority as the administrative official, including the power to impose reasonable conditions to be complied with by the petitioner.
- B.** This section pertains only to administrative official decisions made regarding [Article 2. Zoning Regulations](#) and excludes appeals specifically heard elsewhere by provisions in this UDC.
- C.** Any of the following persons may appeal to the Board of Adjustment a decision made by an administrative official:
  - 1.** A person who:
    - A.** Filed the application that is the subject of the decision;
    - B.** Is the owner or representative of the owner of the property that is the subject of the decision; or
    - C.** Is aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision; or
  - 2.** Any officer, department, board, or bureau of the municipality affected by the decision.
- D.** The Board of Adjustment will determine whether a person has standing to appeal, if standing is challenged by the applicant, owner, an aggrieved person as described in [Section 2.4.F.2.C](#) above, or the city. The Board will base its determination of standing upon the criteria above. The matter of standing will be decided at the time of the hearing on the appeal.
- E.** Such appeal must be made not later than the 20th day after the order, requirement, decision or determination has been rendered by the administrative officer, by filing with the administrative officer and with the Board of Adjustment a Notice of Appeal on a form provided by the City. The administrative official must immediately forward to the Board of Adjustment all the documents constituting the record of the action that is appealed.
- F.** An appeal stays all proceedings of the action unless the administrative officer certifies to the Board of Adjustment that by reason of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property. In such case, proceedings are not stayed, unless a restraining order is granted by the Board of Adjustment or by a court of record on petition.

**3. Application and Approval Process**

**A. Procedure**

1. The applicant must submit an Administrative Appeal application.
2. The Board must give public notice of the hearing and due notice to the parties in interest.
3. A party may appear at the appeal hearing in person or by agent or attorney.
4. The Board must hear and decide the appeal at the next meeting for which notice can be provided and not later than the 60th day after the date the appeal is filed.
5. Each case must be heard by at least 75% of the members of the Board of Adjustment.
6. The concurring vote of 75% of the members of the Board of Adjustment is necessary to revise any order, requirement, decision, or determination of an administrative officer, or to decide in favor of the petitioner on any matter upon which it is required to pass under this ordinance or to approve any variance under this ordinance.

**B. Appeal of a Board of Adjustment Decision**

1. Decisions by the Board of Adjustment may be appealed within 10 days after the date the Board announces its decision either orally or in writing to the petitioner in accordance with Section 211.011 of the Texas Local Government Code.
2. If the court reverses or modifies the Board of Adjustment's decision, the Board of Adjustment may elect to appeal that decision.

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## **Section 2.5. Zoning Districts**

- A. Establishment of Zoning Districts and Map**
  
- B. Zoning District Boundaries**
  
- C. Residential Zoning Districts**
  
- D. Mixed-Use Zoning Districts**
  
- E. Community Design Districts**
  
- F. Special Zoning Districts**
  
- G. Overlay Zoning Districts**

Note: Placeholder for content from Module 1.

## **Section 2.6. Permitted Uses and Use-Based Standards**

- A. Uses Generally**
  
- B. Use Chart**
  
- C. Use-Based Standards**

Note: Placeholder for content from Module 1.

## **Section 2.7. Zoning Development Standards**

**A. Lot and Building Standards**

**B. Building Design Standards**

**C. Residential Adjacency Standards**

**D. Accessory Buildings**

Note: Placeholder for content from Module 4.

**E. Parking and Loading**

**F. Landscaping and Tree Preservation**

**G. Open Storage**

**H. Screening, Buffering, and Fencing**

**I. Signs**

**J. Performance Standards**

**K. Traffic Studies**

# Article 3. Subdivision Regulations

## Section 3.1. Subdivision General Provisions

### A. Purpose

As authorized by Texas Local Government Code Chapter 212, the subdivision regulations in this article have been established for the purpose of promoting the public health, safety, morals, and general welfare of the city. They have been designed to:

1. Establish reasonable standards of design and procedures for platting and replatting to coordinate layout and use of land; and
2. Ensure that adequate public facilities and services are available and will have sufficient capacity to serve the proposed subdivision or development.

### B. Applicability

#### 1. Generally

- A. These regulations apply to all subdivisions of land, development, redevelopment, and land disturbing activities located within the city.
- B. The city cannot extend utilities, provide access to public roads, or issue building permits for the development of any property which has not received final plat approval, except as otherwise provided by this UDC or as authorized under Sec. 212.0045 of the Texas Local Government Code.

#### 2. Exceptions

A. The types of subdivision listed below do not require approval by the City of Plano:

1. The division of land into two or more parts where all parts are larger than 5 acres and where no new building or improvement is proposed and no required public improvement is to be dedicated.
2. The creation of a remainder of a tract caused by the platting of a portion of the tract, provided the remainder is larger than 20 acres.
3. The division of a tract or parcel for purposes of creating a dedication plat.
4. The creation of a leasehold for agricultural use of the subject property, provided that the use does not involve the construction of a building(s) to be used as a residence or for any purpose not directly related to agricultural use of the land or crops or livestock raised thereon.
5. The division of property through inheritance, the probate of an estate, or by a court of law.
6. The creation of a leasehold for a space within a multi-occupant building or a commercial building site which does not abut a public street, or the division of property into such leaseholds do not require approval by the City of Plano, provided that:
  - A. The property is a part of an approved subdivision or addition and regulated in accordance with the site plan requirements of the city, and
  - B. Such plat has been amended as may be required to add easements or otherwise serve the leasehold.
  - C. For purposes of this [Section 3.1.B.2.A.6](#), a leasehold abuts a public street if:
    1. It is immediately adjacent to a public street; or
    2. It is so close to a public street that no usable property lies between the leasehold and the public street.

- B. A written request may be given to the Director of Planning for information concerning whether a plat is required under these regulations, in accordance with Sec. 212.0115, as amended, of the Texas Local Government Code.
- C. The exclusion of such activities from these regulations does not waive any jurisdiction the city now exercises or may exercise over such matters.
- D. Except as provided in [Section 3.1.B.2](#) above, no land may be subdivided or platted through the use of any legal description other than with reference to a plat approved by the Planning & Zoning Commission or the Director of Planning in accordance with these regulations.
- E. Except as provided in [Section 3.1.B.2](#) above, and for lots of record established prior to the effective date of this UDC, no land can be sold, leased, or transferred until the property owner has obtained approval of a final plat or conveyance plat from the Director of Planning, the Planning & Zoning Commission, or the City Council, as required by this UDC and recorded said plat with the county land records.
- F. The city must withhold all public improvements and utilities, including the maintenance of streets and the provision of sewage facilities and water service, from all tracts, lots, or additions, the platting of which has not been officially approved by the Director of Planning, the Planning & Zoning Commission, or the City Council and for which a certificate of compliance has not been issued pursuant to Sec. XXXX.
- G. Except as provided in Sec. XXXX, no building permit or certificate of occupancy will be issued for any parcel or tract of land inside the city limits until such property has received final plat approval and recordation and is in substantial conformity with the provisions of these regulations, and no private improvements can take place or be commenced except in conformity with these regulations.
- H. For plats approved prior to January 8, 2024, if the Board of Adjustment grants a zoning variance to a minimum yard shown as a building setback line on a plat, the Building Official is authorized to issue a building permit or certificate of occupancy for development on the lot without requiring the removal of the platted building setback line consistent with the Board of Adjustment variance.

**3. Process to Claim an Exception**

**A. Request for Determination**

Any person claiming an exception under these regulations, or under Sec. 212.0045 of the Texas Local Government Code, must comply with the following procedures:

- 1. The property owner or authorized representative must review the applicable exception criteria as provided in Sec. XXXX and confirm eligibility for an exception based on the nature of the proposed land division,
- 2. The property owner or authorized representative may submit a written request to the Director of Planning for a determination concerning whether a plat is required under these regulations, in accordance with Sec. 212.0115 of the TLGC, and
- 3. The property owner or authorized representative must produce a statement identifying the specific exception being claimed under Sec. 212.0045 of the TLGC.

**B. Determination by Director**

- 1. Upon receipt of a written request and required documentation, the Director of Planning must review the request and issue a written determination advising the applicant whether a plat is required.
- 2. If the Director of Planning determines that the proposed division qualifies as an exception, the city must record such determination in the official records of the Planning Department. Such determination will not be construed to waive any other applicable requirements of these regulations or other applicable ordinances, codes, or laws.

3. If the Director of Planning determines that the proposed division does not qualify for an exception, the applicant must be notified of the determination within 10 business days of the request and the property owner or authorized representative will be required to submit an application for plat approval in accordance with these regulations.

**C. Effect of Determination**

1. The granting of an exception to plat does not obligate the city to extend utilities, provide access to public roads, issue building permits, or otherwise provide city services to the property absent compliance with other applicable requirements as provided in this UDC or as required by state law.
2. Nothing in this section will waive or otherwise limit the jurisdiction or authority of the city to enforce these regulations or other applicable laws and ordinances.
3. The property owner must retain any written determination issued under this section as part of the permanent records associated with the property.

**C. Authority**

These regulations are formulated under the powers granted by Chapter 212, Subchapters A and B, of the Texas Local Government Code. The term "plat" as used in Subchapter A and this UDC must also include within its definition the term "development plat" specified in Subchapter B, except where noted.

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## **Section 3.2. Subdivision Plat Types and Procedures**

**A. Platting Generally**

**B. Preliminary Plats**

Note: Placeholder for content from Module 3.

**C. Final Plats**

**D. Replats**

**E. Amending Plats**

**F. Conveyance Plats**

**G. Issuance of Building Permits and Certificates of Occupancy**

**H. Plat Vacation**

**I. Right-of-Way Abandonment**

**J. Waiver of Right to 30-Day Action**

**K. Extension and Reinstatement Procedure**

**L. Subdivision Waiver**

**M. Subdivision Appeals**

## **Section 3.3. Public Improvements**

**A. Adequate Public Improvements Required**

**B. Improvements and Subdivision Improvement Agreement**

**C. Construction Procedures**

**Unified Development Code**

City of Plano

**Article 3. Subdivision Regulations**

Section 3.4. Subdivision Development Standards

**D. Inspection of Public Improvements**

**E. Deferral of Required Improvements**

**F. Participation Policies**

**G. Waivers from Development Exactions**

**Section 3.4. Subdivision Development Standards**

**A. Lot Design and Improvements**

**B. Streets, Bikeways, Sidewalks, and Driveways**

**C. Drainage**

**D. Water**

**E. Wastewater**

**F. Public and Private Utilities**

**G. Parks and Trails**

**H. Public Uses**

**I. Provision of Amenities or Permanent BMPs**

## **Article 4. Definitions**

### **Section 4.1. Usage and Interpretation**

Note: Placeholder for content from Modules 1 and 4.

### **Section 4.2. Terms Defined**

### **Section 4.3. Uses Defined**