

Proposed Amendments to Subdivision Regulations

City Council Economic Development
and Housing Committee

October 16, 2006



Purpose of the Amendments

- Provide for administrative approval of certain minor plats
- Amend and clarify provisions for the platting of building lines
- Bring the City's infrastructure cost apportionment standards in line with recently adopted state legislation



Administrative Approval of Certain Plats

- State law, the Local Government Code, allows for administrative approval of certain plats.
- Staff surveyed other cities in the State and the vast majority of cities allow administrative approval of certain plats
- The Subdivision Review Committee and Zoning Ordinance Advisory Committee meetings held three combined meetings to discuss the proposed amendments.



Administrative Approval of Certain Plats

- The proposed amendments allow administrative approval as provided for under state law only under limited conditions.
 - An amending plat to correct errors or omissions
 - An amending plat that is not in a residential district which:
 - ◆ eliminates an unintentional encroachment on a lot line or easement
 - ◆ relocates one or more lot lines but does not increase or decrease the number of lots.
 - ◆ replats one or more lots fronting on an existing street if it does not increase or decrease the number of lots and does not create or require the creation of a new street or make necessary the extension of municipal facilities



Platting of Building Lines

- The proposed amendments:
 - Require a $\frac{3}{4}$ vote to relocate or remove a platted building line, provided a building line does not reduce the setback required by zoning regulations or ordinance
 - Only allow new buildings lines to be platted that:
 - ◆ establish a minimum front yard setback greater than the current zoning setback requirements,
 - ◆ building lines for lots that border a natural creek channel; and
 - ◆ building lines established by ordinance
 - For review purposes, require that all existing platted building lines on adjacent properties be shown on the preliminary plat to ensure adequate review of existing conditions



Apportionment of Infrastructure Costs

Background

- In the 79th legislative session, House Bill No. 1835 was passed which requires municipalities to make an apportionment determination when requiring a developer to bear a portion of municipal infrastructure costs through dedications, payment of fees, or payment of construction costs.
- The Development Code currently requires an apportionment determination for dedications.
- The amendments include a more detailed process for apportionment determination for payment of fees or construction costs as well as an appeal process that complies with state law.



Apportionment of Infrastructure Costs Background

- Held four combined Subdivision Review Committee and Zoning Ordinance Advisory Committee meetings.
- Staff met with developers individually, and in one general meeting, to receive input.



Apportionment of Infrastructure Costs

Texas LGC § 212.904 "Apportionment of Municipal Infrastructure"

- If a city requires dedications, fees, or construction costs (exactions) as a condition of approval of a project, the developer's portion of the costs may not exceed the amount required for improvements that are roughly proportionate to the proposed development as approved by a city-retained P.E.
- The developer may appeal to city council and then to the court.
 - If developer prevails on appeal, entitled to costs and attorney's fees.
 - City may not require waiver of appeal.



Apportionment of Infrastructure Costs

Current Code Requirements

- The owner of the property to be platted must provide an easement or fee simple dedication of all property needed for the construction of streets, thoroughfares, alleys, sidewalks, storm drainage facilities, floodways, water mains, wastewater mains and other utilities, and any other property necessary to serve the plat and to implement the requirements of Article VIII.
- No dedication may be imposed unless:
 - the dedication is related to the impact of the proposed development;
 - is roughly proportional to the needs created by the proposed development; and
 - provides a benefit to the development.



Apportionment of Infrastructure Costs Proposed Amendments

- (a) Exactions must be related and proportionate.
 - (1) No exactions may be imposed unless the exactions are:
 - (A) related to the needs created by the property development project; and
 - (B) roughly proportionate to the impact of the property development project.
 - (2) No precise mathematical calculation is required, but the city must make some sort of individualized determination that the required exaction is related both in nature and extent to the impact of the property development.



Apportionment of Infrastructure Costs Proposed Amendments

- (b) Developer report If the director determines that a developer report is necessary, the developer shall submit a report prepared by a professional engineer licensed to practice in Texas to the director containing an **analysis of existing municipal infrastructure**, including streets capacity and condition, alleys, street lighting, street signals, water service, wastewater service, fire hydrants, storm water drainage system, solid waste collection, and sanitary sewer; an analysis of the need for municipal infrastructure additions or improvements; and any other information related to the property development project that the director deems necessary.
- (c) Waiver The director may waive the developer report if:
- (1) The developer will bear the total cost of the exactions, such as infrastructure improvement necessitated solely by, and internal to, the property development project; or
 - (2) The developer has volunteered to pay a greater proportion of the costs of the exactions; or
 - (3) The director determines that the developer report is unnecessary.



Apportionment of Infrastructure Costs

Proposed Amendments

(d) Apportionment determination

(1) Within 30 days after submission of the developer report, the director shall notify the developer that the report is complete or notify the developer in writing of any deficiencies in the report and of any additional documentation required.

(2) A professional engineer licensed to practice in Texas and retained by the city shall evaluate the developer report and make the apportionment determination.

(3) The director shall notify the developer of the apportionment determination within 60 days after deeming the developer report complete, prior to approval of any related zoning district classification or boundary change, prior to final release of any related plat, or prior to execution of any related private development contract, whichever is earliest.

(e) Appeal process

- No waiver of appeal as condition of approval for development project
- Appeal to CPC
- Appeal from CPC to CC
 - ◆ Fee for appeal to city council: \$600.
- Appeal to district court.



Recommendation

- Zoning Ordinance Advisory Committee recommended approval
- Subdivision Review Committee recommended approval
- City Plan Commission approval (Building Line amendments pending final approval)
- Staff recommendation - approval



Next Step

City Council Public Hearing
on November 8, 2006

