

Kerrville Ordinance Updates

CRC Meeting #10

October 29, 2019





Meeting Overview

- Call to Order
- Meeting Overview
- Status Update – Miscellaneous Ordinances/Guidelines
- Status Update - Subdivision Ordinance
 - Subdivision 101
 - Preliminary Ordinance Outline
- Next Steps
- Adjourn

Status Update – Miscellaneous Ordinances and Guidelines

Status Update

Subdivision Ordinance



Draft Goals (From Stakeholder Interviews)

- **Resolve conflicts** between Subdivision Ordinance and other part of the City Code
 - Construction standards for public v. private streets
 - Parking within easements
 - Ambiguities and inconsistencies requiring staff interpretation
- **Reduce inherent challenges** in ordinance and standards
 - Evaluate the impact of topography on developers' ability to meet ordinance requirements
 - Develop a sidewalk strategy to address the requirement to build “sidewalks to nowhere” just to satisfy the ordinance
- **Strengthen regulations** regarding development in floodplain areas

Subdivision 101

Subdivision Ordinance



Subdivision 101

- Part of the development regulation process - platting
 - State law authorizes pursuant to health, safety, and public welfare
 - Different from Zoning – government authority significantly limited in reviewing a plat
 - Subdivision regulations govern the division of land into two or more parts. The regulations specify the standards for drawing and recording a plat, and requirements for public improvements necessary to make the property suitable for development.
 - Ministerial act
- Basis of regulations:
 - System for land registration
 - Legitimate government interest in “promoting healthy and orderly development” and protecting future lot owners



Subdivision 101

- Terms:
 - Subdivision (to subdivide, subdividing): the division of land
 - Platting (to plat) – Government process
 - Subdivision Plat (or Plat) – a government permit that depicts lots, blocks, streets, etc.
 - Planning Commission – appointed governmental body with plat approval authority; City’s Planning and Zoning Commission
 - Extraterritorial Jurisdiction (“ETJ”) - special area surrounding a city where city has power of annexation and limited regulatory authority; City’s platting authority is extended to ETJ (1 mile)
 - Preliminary Plat – initial submitted plat – less detailed
 - Final Plat – upon approval, ready for recording in property records; fully engineered; must meet state and City laws
 - Dedications – rights granted to cities for public streets (right of way), utilities, parks; in general, owners/developers construct improvements and as part of plat review, cities inspect and approve if specifications followed



Subdivision 101

- State law:
 - “The municipal authority . . . must approve a plat or replat . . . that satisfies all applicable regulations.” LGC §212.005
 - Cities must promptly approve plats within 30 days after filing is complete
- Platting is independent from and does not affect Zoning

Preliminary Ordinance Outline



Ordinance Outline

A. General Provisions:

Section 1. Purpose Statement: [Section IV-1.A]

Section 2. Authority and Jurisdiction

2.01 Authority [Section IV-1.C]

2.02 Extension of Regulations to ETJ [Section IV-1.C]

2.03 City-County Cooperation Agreement in ETJ
[reserved]

Section 3. Definitions [new]



Ordinance Outline

A. General Provisions cont:

Section 4. Platting Required [Section IV-1.B]

4.01 Duty to file plat

4.02 Exceptions

Section 5. Authority of Decision Makers [new]

5.01 City Engineer

5.02 Planning Director

5.03 Planning and Zoning Commission

5.04 City Council [variances; cf Section IV-4.G]



Ordinance Outline

A. General Provisions cont:

Section 6. Filing Fees [Section IV-1.E]

Section 7. Enforcement [Section IV-6]



Ordinance Outline

B. Platting Process:

Section 8. Stages of Platting and Application Tracks

8.01 Platting Sequence [cf Section IV.1.D]

a. Four stages [new – response to HB 3167]

(1) Sequence must be followed

(2) No simultaneous submittals

(3) Approval, conditional approval or disapproval

(4) Approval and conditional approval: proceed to next stage

(5) Disapproval: cannot proceed to next stage unless defects cured



Ordinance Outline

B. Platting Process cont:

b. Exceptions to sequence

- (1) Minor plats
- (2) Amending plats
- (3) Replats without vacation of plat

c. Stage 1: Adequate Facilities Plan [Section IV-2.A.1]

- (1) Purpose is to assure that subdivision can be served by public facilities: water, sewer, roads, drainage and parks
- (2) Always required for platting of large tracts
- (3) May be eliminated if applicant elects Track 2 procedures
- (4) Decided by commission



Ordinance Outline

B. Platting Process cont:

d. Stage 2: Preliminary Plat

(1) Decided by commission

e. Stage 3: Construction Plans

(1) Decided by city engineer

f. Stage 4: Final Plat

(1) Decided by commission



Ordinance Outline

B. Platting Process cont:

8.02 Application Procedures (General) [Section IV-2.A.2]

- a. Submittal time [new – response to HB 3167]
 - (1) Track 1 procedures: 28-30 days before regularly scheduled commission meeting]
 - (2) Track 2 procedures: any business day
- b. Incomplete applications will not be accepted [Section IV-2.A.2]
- c. Application form and content set forth for each stage



Ordinance Outline

B. Platting Process cont:

8.03 Application Tracks [new – response to HB 3167]

a. Track 1: 30-day “shot clock” [HB 3167]

- (1) Each stage of platting must be decided in 30 days or application is deemed approved
- (2) Conditions of approval or reasons for disapproval must be attached to decision with citations to authority in statutes or subdivision regulations
- (3) Applicant may submit response satisfying conditions or reasons for disapproval at any time
- (4) City must determine whether conditions or reasons are satisfied within 15 days; if not, disapproval, but decision-maker must state reasons; new application will be required; staff makes reply, but applicant may appeal staff decision to commission
- (5) City may not require or request waiver of time limits, but applicant may elect to extend time period for initial action to 60 days



Ordinance Outline

B. Platting Process cont:

b. Track 2: voluntary review [new response to HB 3167]

- (1) Applicant may elect to review application under relaxed procedures conducted with staff in order to perfect application; election must be made when application is originally submitted
- (2) Applicants may combine applications for stages 1-2 or stages 3-4
- (3) Process lasts 45-60 days
- (4) Staff will make decision whether applications need to be separately processed within 30 days; if so, commission review of adequate facilities plan will be scheduled on next regular commission meeting agenda
- (5) If applications can be processed simultaneously, commission review will be scheduled on next regular meeting agenda following conclusion of 45-60 day process
- (6) Track 2 processing does not waive Track 1 procedures: documentation for conditional approval or disapproval, response by applicant, reply time are same as for Track 1



Ordinance Outline

B. Platting Process cont:

Section 9. Platting Procedures – Adequate Facilities Plan
[new]

9.01 Purpose

9.02 Submittal Requirements

9.03 Standards

a. Water Service

b. Wastewater Service

c. Roads

d. Drainage

e. Parks and Open Space



Ordinance Outline

B. Platting Process cont:

9.04 Additional requirements for large subdivisions
[Sections IV-3.E, F]D

a. Phasing schedule

b. Remainder tracts

9.05 Commission Decision



Ordinance Outline

B. Platting Process cont:

Section 10. Platting Procedures – Preliminary Plat
[Section IV-2.A]

10.01 Purpose

10.02 Submittal Requirements

10.03 Standards

10.04 Commission Decision



Ordinance Outline

B. Platting Process cont:

Section 11. Platting Procedures – Construction Plans [Section IV-5]

- 11.01 Purpose
- 11.02 Submittal Requirements
- 11.03 Standards
- 11.04 Decision by City Engineer
- 11.05 Timing of Public Improvements
- 11.06 Improvement Agreements and Security for Completion [Section IV-4.D]



Ordinance Outline

B. Platting Process cont:

Section 12. Platting Procedures – Final Plat [Section IV-2.

12.01 Purpose

12.02 Submittal Requirements

12.03 Standards

12.04 Commission Decision

12.05 Recordation of Plat



Ordinance Outline

B. Platting Process cont:

Section 13. Platting Procedures – Minor Subdivisions
[Section IV-B.4.b]

Section 14. Platting Procedures – Re-Subdivision

14.01 With Vacation of Prior Plat [Section IV-C]

14.02 Without Vacation of Prior Plat [new]

Section 15. Amending Plat [new]



Ordinance Outline

B. Platting Process cont:

Section 16. Relief Procedures [new in part]

16.01 General Provisions

- a. Shot clock procedure does not apply
- b. Variances and waivers must be obtained prior to preliminary plat application

16.02 Appeal from staff reply on applicant's response to condition approval or disapproval

16.03 Variances [Section IV-2.G]

16.04 Waivers [Section IV-4.B]

16.05 Rough Proportionality Procedures and Appeal [Section IV.4.C]



Ordinance Outline

B. Platting Process cont:

Section 17. Construction Management [new]

17.01 Inspections

17.02 Acceptance of Improvements



Ordinance Outline

C. Subdivision Improvement and Design Standards

Section 18. Water Improvements [Section IV-4.A.1.e]

Section 19. Wastewater Improvements [Section IV.-4.A.1.f]

Section 20. Thoroughfare and Street Improvements [Sections IV-3.A IV-4.A.1.]

Section 21. Drainage Improvements and Flood Hazard Standards [Sections IV-3.D; IV-4.A.1.h]]

Section 22. Parks and Open Space Standards [Section IV-3.D]



Ordinance Outline

C. Subdivision Improvement and Design Standards cont:

Section 23. Subdivision Design Standards

23.01 Standard Specifications

23.02 Monuments [Section IV-4.A.1.a]

23.03 Blocks and Lots [Section IV-3.B]

23.04 Driveways, Fire Lanes and Access Easements

23.05 Sidewalks

23.06 Alleys

Section 24. Rural Subdivision Standards [Section IV-4.E]



Ordinance Outline

D. Forms [Section IV-7]



CRC Survey Overview

- A link to a SurveyMonkey survey was emailed to each of you on 10/25/19
- The survey is focused on key policy issues related to section C. - Subdivision Improvement and Design Standards
- The survey will be open until 11/1/19
- Your participation will be greatly appreciated

CRC Discussion/Direction

Subdivision Ordinance



Next Steps

- The Team will incorporate your comments this evening and from the survey into a draft Subdivision Ordinance
- CRC Meeting #11 – January 2020

Adjournment

Kerrville Ordinance Updates

CRC Meeting #10

October 29, 2019

