

Mayor and Council Communication

DATE: 09/21/21

M&C FILE NUMBER: M&C 21-0698

LOG NAME: 065030 SUBDIVISION ORDINANCE AMENDMENT

SUBJECT

(ALL) Adopt Ordinance Amending Chapter 31 of the Subdivision Ordinance to Authorize Delegation of Authority to Conditionally Approve Plats to the Development Services Department Director or the Director's Designee

RECOMMENDATION:

It is recommended that the City Council adopt the attached ordinance amending Chapter 31 of the Subdivision Ordinance to authorize delegation of the authority to conditionally approve plats to the Development Services Department Director or the Director's designee.

DISCUSSION:

Due to State Law changes effective September 1, 2019 plats must be approved, approved with conditions, or disapproved within 30 day and 15 day deadlines. (House Bill 3167, 86th Texas Legislature). Failure to comply with these deadlines results in the plats being approved by operation of law, even if the plats fail to comply with the Subdivision Ordinance or the City's design manuals.

The amendment of the Subdivision Ordinance will authorize the City Plan Commission to delegate the authority to conditionally approve plats to the Director of the Development Services Department or the Director's designee. Upon approval of the amendment to the Subdivision Ordinance by the City Council, a resolution will be submitted to the City Plan Commission to delegate the responsibility to the Director or Director's designee.

Conditional approval is required by the City Plan Commission for specific reasons. If a plat is contingent on a zoning change or Master Thoroughfare Plan amendment that requires City Council action, then the plat must go to City Plan Commission for conditional approval. Another common reason for conditional approval is when there is an outside agency approval or another process associated with platting that will extend beyond the 30-day shot clock. Plats that require waivers from the Subdivision Ordinance will still require City Plan Commission approval. Increasing the number of lots over 5% of the original plat approval, changing the land use, substantially changing the internal circulation or connectivity will also continue to require City Plan Commission approval.

Administratively approved plats may also have conditions where there are scrivener or clerical errors. These plats do not attempt to remove recorded covenants or restrictions. These approvals also do not have a material adverse effect on the adjacent properties. The plats must substantially conform to the Subdivision Ordinance.

Per City Council direction, preliminary plats that do not have waivers can be administratively approved.

The City Plan Commission voted to recommend approval of this amendment to the Subdivision Ordinance at the July 14, 2021 City Plan Commission meeting. The Development Advisory Committee also supports this amendment.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that approval of the recommendation will have no material effect on City funds.

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