

CITY OF SMITHVILLE
SUBDIVISION ORDINANCE WORKSHOP

GENERAL OVERVIEW

City staff has requested the revision of the City of Smithville Subdivision Ordinance, currently codified as Exhibit A, Chapter 10, Code of Ordinances, City of Smithville, in its entirety in order to increase usefulness, update procedures to comply with current legislation, and adopt procedures that promote the health safety and welfare of the City. A summary of the proposed changes are as follows:

1. Changed numbering scheme to match the formatting of the rest of the Code of Ordinances
2. Reorganized for easier use.
 - Art. 10.01 – General
 - Art. 10.02 – Procedure
 - Art. 10.03 – Plans and Plats
 - Art. 10.04 – Subdivision Design
 - Art. 10.05 – Utilities
 - Art. 10.06 – Construction
 - Art. 10.07 – Studies (tree survey, TIA, etc.)
 - Art. 10.08 – Variances
3. Added additional plat types – development plats, conveyance plats, and replats/amendments.
4. Clarify terms and ensure consistency.
5. Add parkland dedication and tree preservation
6. Require traffic impact analysis to determine impact on traffic and optimal size and configuration of streets.

ANALYSIS AND PROPOSED REVISIONS

ART. 10.01 – GENERAL

- A. Purpose, applicability, etc.
- B. Moved definitions to the beginning.
- C. “City manager” means the city manager or designee.
- D. Change dates of P&Z and City Council such that it is less than 30 days between P&Z and City Council, but long enough for City Council to review.

ART. 10.02 – PROCEDURE

- A. Moved all procedural rules, beginning to end, to this Article.
- B. Adaptation to 2019 Legislation:
 - 1. Shot clock (30/15)
 - 2. Three actions – approve, approve with conditions, disapprove
 - 3. Response
- C. Pre-application conference (optional)
- D. Administrative Completeness Review (mandatory)
 - 1. By appointment only
 - 2. Initial submittals – 20-30 days prior to P&Z
 - 3. Responses – 10-15 days prior to P&Z or City Council
 - 4. Staff approval – as determined by city manager
- E. Permitted Actions
 - 1. Approval

2. Disapproval – give written reasons to applicant with citation to code. Recommend staff reports for all plats that will be denied stating reasons for denial. Order will refer to the report.
3. Approval with conditions – not recommended
 - a. TLGC § 212.009 vague – 30 days after approval
 - b. Exact same procedure for disapproval
4. City Council action – Plats approved by P&Z can be approved by default if City Council takes no action.

F. Bonding and Recordation

1. Timing – When do we want the developer to construct improvements – before or after recordation of final plat.
2. Current – Final plat may be approved with completed improvements or with a bond. Developer must record within 30 days of approval (per. Art. 2, § 10.1).
3. Options –
 - A. Current – completed improvements or bond.
 - B. Final plat may be approved, but City retains approved final plat, does not record until construction completed – bond only available with a variance.

G. Notice.

1. Current:
 - A. Published 15 days before P&Z
 - B. Mailed to owners within 200 feet 15 days before hearing
 - C. Published again 15 days before City Council

- D. Protest – 20% of owners of area or number of lots can protest. 3/4 of votes of City Council required to pass.
 - E. Generally follows the notice and protest procedures for replats of residential lots that require a variance.
2. Notice is not required under Ch. 212, Texas Local Government Code, except for certain replats of residential lots and subdivisions with golf courses.
 3. Recommendation – Revise notice requirements to suit City’s schedule and provide adequate notice. Remove protest procedure due to mandatory approval of conforming plats.

ART. 10.03 – PLANS AND PLATS

A. Types of plans/plats

1. Master Development Plan (Conceptual Plan) – required for phased developments
2. Preliminary plats – current procedure. After MDP (if any), before final.
3. Final plats – current procedure
4. Minor plat – current procedure
5. Development plat – New. Used to plat and obtain right of way, utility easements, etc. for tracts that don’t need to be subdivided before they are developed.
6. Conveyance plat – New. Optional. 5-acre minimum size. Allows subdivision for conveyance purposes only and for remainder tracts out of larger subdivisions. No development allowed until final/development plat,
7. Vacating plats – New. Replaces Replatting section. Statutory (TLGC § 212.014)
8. Replatting without vacating – Same. Statutory (TLGC §§ 212.0145; 212.015)
9. Amending plat – New. Mainly used to split lots (6 or fewer new lots) or combine lots (TLGC § 212.016).

B. Submittals required.

1. MDP – technical specifications (size, contents, phases); studies and surveys (traffic impact analysis, tree survey); utility certification; variances
2. Preliminary plat – technical specifications; studies and surveys; info to third parties (utilities, state regulators, etc.); variances; utility layout.
3. Final plat – technical specifications; final studies and surveys; approved variances; approval by utilities and regulators; bond or construction.
4. Development plat – per statute. Similar to final plats.
5. All others – similar to final plats
6. Submittal requirements can be very detailed, or very straightforward. If the current submittal requirements work, then we can keep them, editing for clarity and consistency.

ART. 10.04 – SUBDIVISION DESIGN

A. Blocks

1. Portion of the property to be subdivided that is bounded on all sides by existing or proposed streets, the property boundary of the property being subdivided, or a combination thereof.
2. Maximum block length – 600 feet. Block length is the distance from one corner of the block to another corner measured along the property line abutting a public right of way that is of the greatest dimension.
3. Minimum block width – 300 feet. Block width is the distance from one property corner to another property corner measured along the property line abutting the public right of way that is of the smallest dimension.

4. Configured to promote safety. Configuration to depend on TIA, surrounding streets. Maximums and minimums can be exceeded if warranted by the TIA and approved by the City Manager.

B. Streets

1. Provisions can be very detailed or very basic.
2. If current provisions are working, then no need for significant substantive revisions.

C. Parkland Dedication

1. New.
2. Generally, a set number of acres of park per acre of development or number of residential units (e.g. 1 acre of parkland per 133 residential units)
3. Allow a fee in lieu
4. May also include a parkland development fee

D. Tree preservation

1. Protect larger, desirable trees – oaks, etc.
2. Tree survey at beginning of project
3. Limit % of caliper inches removed per site (e.g. 60%), require mitigation (replanting or fee) for removed protected trees.

ART. 10.05 UTILITIES

- A. If existing provisions work, then no major revisions.

- B. Include a certification process for plats by City utilities.

ART. 10.06 CONSTRUCTION

- A. If existing provisions work, then no major revisions
- B. When can construction start?
 - 1. After preliminary plat with approved construction plans
 - 2. After final plat approval (possibly hold plat for recording)
- C. When must construction be completed?
 - 1. Before final plat approved
 - 2. After final plat, with bond (bond by variance?)
- D. Concern is developer selling lots without completing all improvements.

ART. 10.07 STUDIES

- A. Traffic Impact Analysis (New) – ensures that traffic service levels before development are same as service levels after development; determines best layout of streets and types of streets needed for anticipated traffic; establishes mitigation measures (widening existing streets, new traffic control devices, turn lanes, etc.
- B. Tree Survey (New) – determines number of protected trees; will need tree removal permit (developers only).
- C. Drainage Study – recommend establishing the standards that will be used (e.g. City's drainage manual, other standard).

10.08 VARIANCES

- A. Notice. Same as other plats – 15 day notice of P&Z by mail and publication, 15 day notice of city council by publication
- B. Criteria. A little confusing, recommend clarification.
- C. Variances from the subdivision code are creations of the ordinance, no procedure required under TLGC, Ch. 212 (except for replats of certain residential lots).