



# P&Z Training

## City of Fair Oaks Ranch

Presented By:

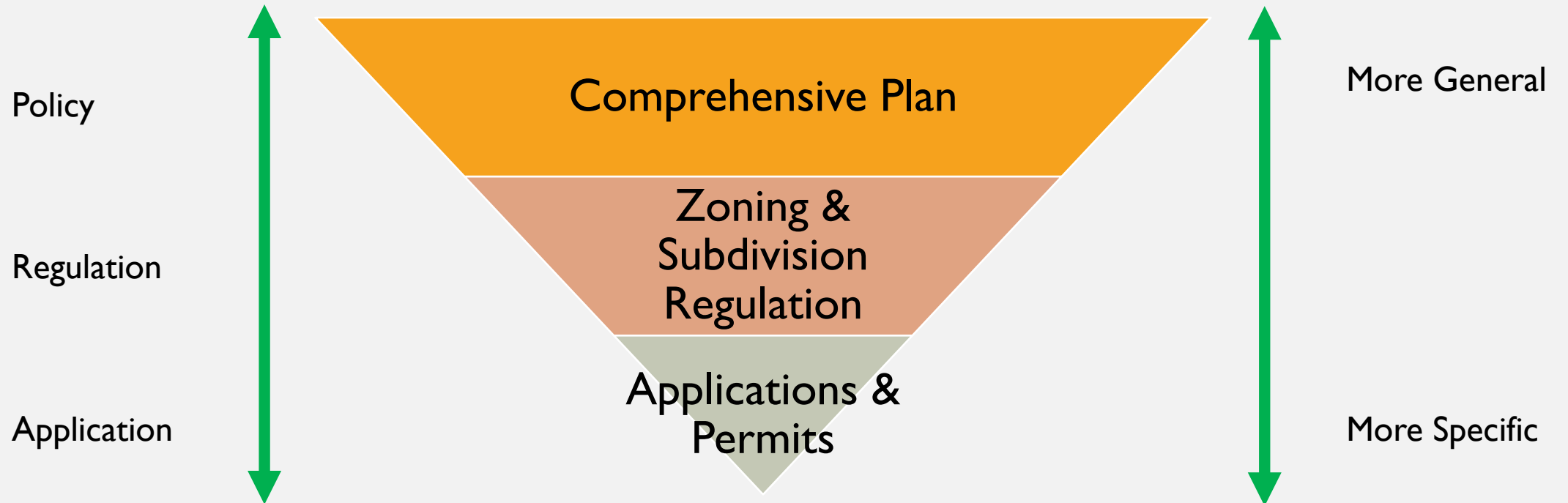
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# TOOLS OF THE TRADE

- Most of the city's development policies and regulations are contained in:
  - Comprehensive Plan
  - Subdivision Regulations
  - Zoning Regulations

# RELATIONSHIP OF POLICY, REGULATION, APPLICATION



# COMPREHENSIVE PLANS

- A Comprehensive Plan is a policy document that serves as a guide for decisions relating to the physical, social, and economic growth of the city.
- Comprehensive Plans come in all shapes and sizes and should be designed to meet the city's needs.
- If a city adopts a Comprehensive Plan, it must be followed when making zoning decisions. LGC § 211.004(a)





## COMMON ELEMENTS

- The BEST comprehensive plan is one that is used.
- Elements vary greatly but generally include:
  - Community vision
  - Goals and policies
  - Future land use
  - Transportation
  - Public facilities
  - Parks and recreation
  - Community enhancement
  - Growth
  - Plan implementation





## SUCCESSFUL COMPREHENSIVE PLANNING

- Represents the aggregation of the Community's input.
- Organized in a useable format and easy to understand
- Contains long range community vision but maintains flexibility for short and mid-range goals.
- Structured as to be easily updated incrementally.
- Implementation of the plan is feasible and actionable.

# WHAT IS ZONING AND WHY DO WE NEED IT?

- Zoning is the division of land into distinct districts and the regulation of certain uses and developments within those districts.
- It is the process to legally control the use that may be made of property and the physical configuration of development
- The power of a municipality to establish zones is a police power and the adoption or amendment of a zoning ordinance is a legislative function.

## WHAT IS THE PUBLIC PURPOSE?

Lessen congestion in the streets

Secure safety from fire, panic, dangers

Promote health & general welfare

Provide adequate light & air

Prevent overcrowding of land

Avoid undue concentration of population

Facilitate adequate provision of transportation, water, sewer, schools, parks, etc.



## COMMON REGULATED ELEMENTS

Height, number of stories, and size of buildings and other structures;

Percentage of a lot that may be occupied;

Size of yards, courts, and other open spaces;

Population density;

The location and use of buildings, other structures, and land for business, industrial, residential, etc.;

The bulk of buildings (if home rule)

Construction in areas of historical, cultural, or architectural importance;

# Zoning Applications

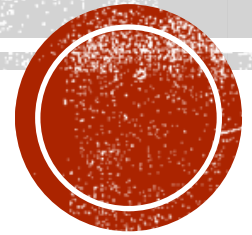
The following are types of zoning applications:

- Initial Zoning regulations & zoning regulation amendments
- Zone Change (rezoning)
- Conditional Use Permits / Specific Use Permits (CUP / SUP)
- Zoning Variances
- Appeals to Administration Determinations
- Special Exceptions
- Planned Development Districts (PDD / PUD)



Questions?

# **BASICS OF SUBDIVISION & PLATTING**



## What is a subdivision of land?

- The division of land into 2 or more parts

## What is a plat?

- A map representing a tract of land showing the boundaries and location of individual lots, public right-of-way, and easements
- Typically prepared by a surveyor and engineer
- Recorded with the County Clerk after approval

## SUBDIVISIONS AND PLATS







# WHAT PLATS DO...

- Create legal subdivisions and lots (LGC 212.004)\*
- Extension of required utilities
- Dedication of right-of-way and street improvements
- Dedication of public easements (i.e. utility easements)
- Dedication and improvement of public parkland



# WHEN ARE PLATS REQUIRED?

- Subdivide land into 2 or more parts (LGC 212.004)\*
- Modifications or changes to previously platted land, such as:
  - Reconfigurations of lots
  - Resubdivision of lots
  - Combining lots
  - Additions of land
- Prerequisite for building permits (local regulation)

\*A division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated, does not require a plat to subdivide.







# CITY LIMITS AND ETJ

- A city can regulate platting:
  - Within the City Limits
  - Within the ETJ
    - Requires an Interlocal Agreement with the County (LGC 242)



# TYPES OF SUBDIVISION PLATS

Preliminary/Final Plats

Administrative Plats

- Minor Plats (4 or fewer lots; no new utilities needed)
- Amending Plats (corrections, lot line adjustments, limited replats)

Replats (creating new lots, adding land)

Vacating Plats

Development Plats (if City has adopted LGC Ch. 212, subchapter B)





# STANDARDS FOR APPROVAL

- Plat approval is not discretionary. A plat **MUST** be approved if:
  - It conforms to the general plan of the municipality and its current and future streets, alleys, parks, playgrounds, and public utility facilities; **AND**
  - the extension of the municipality and its roads, streets, and public highways within the municipality taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities; **AND**
  - It conforms to the city's subdivision regulations.
- A plat is considered **APPROVED** by act of law unless it is denied within 30 days after the date the plat application is filed!





# CONDITIONAL APPROVAL & DENIAL

- Conditional approval and denial.

If the City conditionally approves or denies the final plat, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.

- Applicant response to conditional approval or denial.

After the conditional approval or denial of a plat, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. Action shall be taken by the City no later than the fifteenth (15th) calendar day after the date the response was submitted.

- City cannot place a deadline on resubmitting against conditional approval or denial.



# PLATTING REGULATIONS

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Primary areas that the plat approval process addresses are:

- Procedures for application and approval;
- Lot and block layout, subdivision design;
- Streets, roadways, and access;
- Water, sewer, drainage, electricity and other utilities; and
- Public dedications necessary to support the perpetual operation and maintenance of all of these.

Additional subdivision and platting regulations can include matters such as:

- Tree preservation and mitigation;
- Lighting regulations;
- Parkland dedication;
- Storm water detention;
- Water quality compliance; and
- Infrastructure design and acceptance requirements.







# ADDITIONAL ASSOCIATED PLATTING REGULATIONS

- In addition to platting specific regulations, most communities require plats to comply with additional adopted regulations and plans such as:
  - Zoning regulations
    - Lot sizes and dimensions
  - Comprehensive Plan
    - Master Throughfare Plan
    - Parks and Trails Plan
  - Floodplain regulations





# APPORTIONMENT OF MUNICIPAL INFRASTRUCTURE COSTS

(LGC § 212.904)

If a municipality requires as a condition of approval for a property development project that the developer bear a portion of the costs of municipal infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer who holds a license issued under Chapter 1001, Occupations Code, and is retained by the municipality.



# HELPFUL RECOMMENDATIONS

- ✓ Maintain and update the City's subdivision regulations
- ✓ Adopt a plat submittal (and resubmittal) calendar
- ✓ Adopt applications and technical item checklists to aid in preparation and review of technical exhibits
- ✓ Streamline approval processes







**QUESTIONS?**







# Planning & Zoning Commission

ROLES & RESPONSIBILITIES



A close-up photograph of an architectural floor plan. The drawing is on white paper with blue ink lines. It shows a complex layout of rooms and corridors. A yellow pencil is positioned vertically on the left side of the drawing. A wooden ruler is placed diagonally across the upper right portion. A green highlighter is visible at the bottom left. The drawing includes various labels such as 'CORRIDOR', 'MEN', 'WOMEN', and 'CONFERENCE'. Dimensions like '13'-7"', '18'-4"', and '5'-8"' are also present. The word 'MADE IN U.S.A.' is printed on the ruler. The overall scene suggests a professional architectural or engineering workspace.

# Planning

# PLANNING + ZONING COMMISSION = P&Z

- A planning commission may serve as the zoning commission, if no commission is appointed city council performs functions of zoning commission
- Zoning procedures must be followed or else zoning ordinances are void
- City Council establishes regulations and procedures for adopting and enforcing regulations and boundaries.
- Zoning Commission conducts land-use inventories, determines preliminary land-use goals and policies, formulates specific district regulations, and draws tentative district boundary lines.
- Zoning regulations must be uniform for each class or kind of building in a district but may vary from district to district.

# P&Z Duties (UDC)

The planning and zoning commission shall have the power and it shall be its duty:

- Members shall be familiar with the current ordinances, resolutions and policies of the City.
- The Commission's authority extends to and includes review and recommendation of the following:
  - i. General Development Plans and Concept Plans
  - ii. Preliminary & Final Plats (including Amending, Development, and Replats)
  - iv. Site Development Permits
  - v. Development Agreements
  - vii. Historic Building Designations
  - viii. Heritage Plans
  - x. Conservation Development Alternatives (CDA)
  - xi. Comprehensive Plan or Future Land Use Map Amendments
  - xii. Zoning Map Amendments (Rezoning), Special Use Permits, and Planned Unit Developments (PUDs)
  - xiii. Unified Development Code (Code) Text Amendments
  - xiv. Any other specific procedure or items that require Commission action as specified in this Code or as required by state or federal law.



# P&Z Duties (continued)

- The Commission serves as an Advisory Body to the City Council and will have no authority for final action.
- Per the UDC, An application or variance will not be recommended for review and approval until:
  - The application is complete, and the information contained within the application is sufficient and correct to allow adequate review and a decision on a recommendation by the appropriate review authority.
  - No plat will be recommended without a determination that the plat conforms to the following:
    - 1) The requirements of this Code and any applicable state law.
    - 2) The City's Comprehensive Plan and any other adopted plans as they relate to:
      - I. The City's current and future land use, streets, sidewalks, alleys, parks, playgrounds, and public utility facilities; and
      - II. The extension of the City or the extension, improvement, or widening of its roads, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities.
      - III. Any subdivision design and improvement standards adopted by the City pursuant to LGC §212.002 or §212.044, governing plats and subdivision of land within the City's jurisdiction to promote the health, safety, morals, or general welfare of the City and the safe, orderly, and healthful development of the City.
  - The tract of land subject to the application is adequately served by public improvements and infrastructure or will be adequately served upon completion of required improvements.



A wide-angle photograph of a city skyline at sunset. The sky is filled with soft, golden clouds, and the sun is low on the horizon, casting a warm glow over the buildings. In the foreground, a large, semi-transparent teal circle is overlaid on the left side of the image. The word "Zoning" is written in a white, serif font, centered within the teal circle. The city skyline features a variety of buildings, including a prominent skyscraper with a spire in the center and a tall building with a crane on the right. The overall scene conveys a sense of urban development and planning.

# Zoning



# Zoning Procedure Initial Zoning

- Regulations shall be adopted with reasonable consideration for the character of each district and its suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land in the municipality.
- A Preliminary Report is formulated based on the above determinations
- City Council holds public hearing on proposed regulations and district boundaries.
- City Council adopts zoning regulations and district boundaries.

# Zoning Procedure Amendments

## LCG §§ 211.006 & .007

### Two Potential Changes to a zoning ordinance

- Change in Classification (Use)
- Change in Regulation

Each require a separate process



# Zoning Classification Change Process

Public hearings are held to receive input from the public

## Zoning Commission

11 days before hearing, written notice to owners within 200 feet

Post agenda 72 hours prior to hearing

Recommendation and report created from P&Z

## City Council

Newspaper notice 16 days prior to hearing

Post agenda 72 hours prior to hearing

City Council receives Preliminary Report

City Council adopts zoning classification change



# Zoning Regulatory Change Process

Public hearings are held to receive input from the public

## Zoning Commission

11 days before hearing, written notice to affected properties and owners within 200 feet may be required\*

Post agenda 72 hours prior to hearing

Preliminary Report created from PH

## City Council

Newspaper notice 16 days prior to hearing

Post agenda 72 hours prior to hearing

City Council receives Preliminary Report

City Council adopts zoning classification change



# Zoning Amendments

## LCG §§ 211.006 & .007

A final report must be provided to the City Council before final action on a zoning classification change

Written protest by 20% of lots or area of land covered or within 200 feet requires a 3/4 vote of all members of the city council

Council requires  $\frac{3}{4}$  vote of all members to overrule a recommended denial by the Planning & Zoning Commission (UDC requirement and allowed per state law)

# Special Use Permits (SUP)

- Special use permits allow for discretionary City Council approval of uses with unique or widely varying operating characteristics or unusual site development features, subject to the terms and conditions set forth in the Code of Ordinances.
- Which land uses require SUPs is identified in the zoning regulations
- Notice is the same as for a zoning classification change
- Processing procedure is the same as a zoning classification change
- Conditions. City Council may require such modifications in the proposed use and attach such conditions to the conditional use permit as deemed necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of the ordinance.
- Examples of conditions and modifications may include but are not limited to:
  - limitation of building size or height
  - increased open space
  - additional landscaping, curbing, sidewalk, vehicular access and parking improvements
  - buffer yards, landscaping and screening



# What's the big deal with a comprehensive plan?

If a city adopts a comprehensive plan, it must be followed when making zoning decisions. LGC § 211.004(a)



# Zoning Pitfalls

## Exclusionary Zoning

- Where the intent or effect of zoning excludes certain people such as racial minorities, ethnic groups, lower income, etc.

## Contract Zoning

## Spot Zoning



Questions?



# P&Z vs. BOA vs. City Council

- P&Z
  - Appointed by City Council and serves at the pleasure of City Council
  - Recommending body for development related applications and tasks
- BOA
  - Appointed by City Council and may only be removed for cause
  - Quasi judicial body
  - Deals with issues on a parcel by parcel basis
- City Council
  - Elected by the community
  - Decision makers

## THE BIG MYTHS!

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More Regulation = Better Results

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Increased design standards creates “high quality development”

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City codes are the only thing regulating development

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If we allow this everyone will do it

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Our community will never change!



## DECISION MAKING:

- Be Respectful
  - Recognize the rights of citizens to participate in planning decisions and listen and consider their comments.
- Be Thoughtful
  - Always remember that every decision you make has an impact on someone.
- Be Compassionate
  - Every decision you make is important to someone.
- Be Realistic
  - Consider both the short term and long term impacts as well as the interconnectedness of the decision.
- Be Informed
  - Stay up to date on the city's comprehensive plan, policies, and regulations.
- Be Fair
  - Planning issues commonly involve a conflict of values and, often, there are large private interests at stake. These accentuate the necessity for the highest standards of fairness and honesty among all participants.



## THE CONTINUUM

- Almost every decision made regarding planning and zoning policies has people strongly in support and strongly opposed.
- Your job is to determine where the community as a whole should be on the regulatory spectrum and act appropriately.

Where should your community be?



## THOUGHT COOKIES FOR A HUNGRY BRAIN

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Development regulations should focus on those elements that are most important to your community. There is no need to regulate everything.

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Regulations promoting incremental development are good. Your community was (probably) not built overnight, but instead slowly developed and added onto over the years.

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Approach development holistically. Each regulation or individual development is only a small piece of the complex development puzzle.

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Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons.



**Questions?**