

## **DISCUSSION ON AMENDMENTS TO THE SUBDIVISION ORDINANCE**

The City's Subdivision Ordinance stands in need of revision to bring it into compliance with State law and to make it a more effective tool for controlling growth within the City. On September 1, 2019, HB 3167 went into effect. That bill addressed the plat approval timelines and processes used by Texas municipalities. It created a hard and fast deadline of 30 days for plat approvals. Recently, the City of Stephenville adopted a subdivision ordinance designed to comply with the requirements of HB 3167. Thirty days isn't very much time for the plat approval process, so several cities have created a process whereby the 30 day clock doesn't start ticking until the application has been deemed "administratively complete." Also, those cities have adopted an annual calendar of monthly dates when plat applications will be accepted. Through these two strategies, cities have been able to develop processes which comply with the 30 day approval deadline, but still allow cities to do their due diligence in reviewing and approving plats. Rather than trying to reinvent the wheel, Building Official Reeves, Public Works Director Holder, and City Administrator Leamons began reviewing the Stephenville Ordinance with an eye to using it as the template for a new Glen Rose Subdivision Ordinance.

Early in that process, it was decided it would be too much to adopt the Stephenville Ordinance all at once, but instead, that it should be adopted one or two pieces at a time. First, we adopted the Ordinance's utility standards and its "Criteria Manual" (iSWM Criteria Manual for Site Development and Construction, Revised January 14, 2015, developed by the North Central Texas Council of Governments), as this strengthened the weakest portion of the Glen Rose Ordinance.

Now, we would like to adopt the the application submittal, processing and procedures section of the Stephenville Ordinance. This portion of the Ordinance covers the requirements established by HB 3167. The Stephenville Ordinance is substantially different from the Glen Rose Ordinance in that the Planning and Zoning Commission is give final authority on approving preliminary and final plats. As you know, in Glen Rose, the City Council has final authority. A professional acquaintance of Building Official Reeves who works for the City of Glen Rose says that their process works very well. It provides relief both to developers, so that they don't have to attend two meetings, and to staff, in that they don't have to prepare for two meetings and don't have to send out notices for two public hearings.

Under the City of Stephenville's system, the City Council's role is to appoint the P&Z (which it does here as well), to adopt and amend the Subdivision Ordinance with the rules and processes to achieve the City Council's objectives (which it does here as well), and to hear appeals from the rulings of the Planning and Zoning Commission. With the City of Glen Rose's current system, there isn't anyone to appeal to since both the Planning and Zoning Commission and City Council

are involved in the original approval process. Finally, under the Stephenville system, the City Council must approve any major waivers from the requirements of their Subdivision Ordinance.

Regarding the plat approval process, State Law (Texas Local Government Code Sect. 212.006) reads as follows:

*AUTHORITY RESPONSIBLE FOR APPROVAL GENERALLY. (a) The municipal authority responsible for approving plats under this subchapter is the municipal planning commission or, if the municipality has no planning commission, the governing body of the municipality. The governing body by ordinance may require the approval of the governing body in addition to that of the municipal planning commission.*

As you can see, through special action City Councils are allowed to involve themselves in the approval process, but the default method is for a City's Planning Commission, alone, to handle that responsibility.

Another piece of the Stephenville Ordinance under consideration is its definitions, since many of them are related to the application submittal, processing, and procedures section now under consideration for adoption. The Glen Rose and Stephenville definitions have been compared and some of the Glen Rose definitions have been imported into Stephenville's list of definitions.

The application submittal, processing, and procedures, and definitions sections of the Stephenville Ordinance were all that were being planned for consideration and adoption, as that is a fairly substantial undertaking; however, City Attorney Lowry asked that the City adopt a variance procedure for the Subdivision Ordinance to provide authority for the variances that the City has been approving. So, also included for your consideration is the "Waivers" section of the Stephenville Ordinance.

The Stephenville Ordinance allows for minor and major waivers, with the minor waivers being approved administratively by the City Administrator (with input from staff) and the major waivers being approved by action of both the Planning and Zoning Commission and the City Council. The Ordinance also has a process whereby a developer can request a waiver if the developer believes a disproportionate burden is being placed upon his development. This waiver request is processed by the City Administrator, then submitted to the Planning and Zoning Commission and to the City Council. Finally, the Ordinance also established a process whereby a developer can petition for "vested rights," which if recognized would allow the developer's project to be processed under a previous version of the City's Subdivision Ordinance. This process was created to conform to the requirements of State law and also involves administrative staff and the Planning and Zoning Commission and/or the City Council.

A copy of those portions of the City of Glen Rose Subdivision that would be repealed and replaced if the portions of the City of Stephenville Ordinance are adopted have been included for your review and consideration.