

DISCUSSION ON ORDINANCE AMENDING SUBDIVISION ORDINANCE

This is a process that started many months ago when it was recognized that the City's Subdivision Ordinance needed to be improved to become a better tool for regulating growth and to comply with State legislation passed in 2019 requiring plats be approved within 30 days. An associate of former Building Official Reeves, who worked for the City of Stephenville, informed Reeves that Stephenville had recently totally overhauled their subdivision Ordinance and recommended, rather than reinventing the wheel, the City of Glen Rose should use their ordinance as a template. Upon reviewing the Stephenville Ordinance, staff (former Building Official Reeves, Building Official Holder, and City Administrator Leamons) realized this was an enormous undertaking and decided to approach the task in a piecemeal fashion. Staff believed upgrading the Subdivision Ordinance's construction standards was the highest priority, so with the help of Engineer Chris Hay, revisions related to that topic were proposed, submitted to the P&Z, and then submitted to and approved by the City Council on June 14, 2022. A major component of the upgrade in construction standards was the adoption of the iSWM Criteria Manual for Site Development and Construction, Revised January 14, 2015, as developed by the North Central Texas Council of Governments (NCTCOG).

Staff then began working on the importing the Stephenville Ordinances plat and construction provisions. While working on these aspects of the Ordinance, City Attorney Lowry asked that the City adopt a variance procedure for the Subdivision Ordinance. Former Building Official Reeves and City Administrator Leamons presented the content now being presented to the Council for approval to the Planning and Zoning Commission (P&Z) at their August 18th Meeting. The P&Z recommended the changes be approved.

The Stephenville Ordinance is much more detailed than the Glen Rose Ordinance. The ordinance patterned on the Stephenville Ordinance being presented to you, minus the construction standards (which we've already addressed), is 94 pages long. Our current Ordinance excluding construction standards is 20 pages long.

One deficiency observed by staff concerning our current ordinance is the lack of deadlines and expiration dates. Under our current Ordinance, once something is started it can be dragged out indefinitely. Not so under the Ordinance being presented to you.

The Ordinance under consideration complies with the State's 30 day deadline for plat approval by creating a detailed submission process. The plat has to be deemed "administratively completed" before it is filed. Additionally, under the Ordinance, the P&Z will identify one meeting date each month when it will accept plat applications for consideration. The date of the meeting when a plat is accepted for review starts the 30 day clock ticking. Previously, TML legal staff had informed City staff that this is the strategy most cities are employing to satisfy the new legislative 30 day requirement while providing the City with enough time to properly process and review the plat application.

Texas Local Government Code 212.006(a) states that, "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.” The Ordinance being presented to you is based on the Stephenville model whereby the P&Z approves plats. As you know, under our current Ordinance, the P&Z reviews plats and makes a recommendation, but the City Council approves plats. Former Building Official Reeves Stephenville associate indicated having the P&Z approve plats worked well for them. That process saves time for staff (they only have to prepare for one meeting instead of two) and applicants (they only have to attend one meeting instead of two). This arrangement also provides the applicant with the ability to appeal to the City Council if the application is rejected by the P&Z. And, finally, it reduces the demands on Council Meeting time. When this portion of the Ordinance was discussed with the P&Z, they thought leaving the final authority with the P&Z as outlined in the above section of the Texas Local Government Code would be better than the City’s current two-step process.

Finally, the variance process requested by City Attorney Lowry is included in the Ordinance before you in Article 10.07; however, that process is identified as the granting of waivers rather than variances.