

STAFF REPORT



SUBJECT: Discussion of Subdivision Requirements within the City's Extra Territorial Jurisdiction (ETJ)
DEPARTMENT: Development Services – November 2, 2021
STAFF CONTACT: Steve Killen, Director

RECOMMENDATION:

On October 19, 2021, the Development Services Committee, by a vote of 3 to 1, recommended that the City Council revise the subdivision ordinance repealing the provision which makes Chapter 155 applicable to properties within the City's ETJ.

BACKGROUND:

In 2019, during the 86th Legislature, H.B. 347 became a reality and consequently, the city's ability to annex property in its ETJ was greatly reduced. Most annexations now require the property owner's request/consent.

Chapter 155, the Subdivision Ordinance, is applicable to any property being developed in the ETJ with exception to those properties that are in excess of five acres. These requirements, without the ability to annex, place significant burdens on potential developments due to the improvements that must occur.

Sec. 155.1.09. Extraterritorial jurisdiction (ETJ).

- A. *Subdivision Regulations Extend into the ETJ.* Subdivision Regulations as they now exist or may hereafter be amended, are hereby extended to all of the area lying within the extraterritorial jurisdiction of the City and the rules and regulations within said Subdivision Regulations governing Plats and Subdivision of land shall be applicable to such area within said extraterritorial jurisdiction from and after the date of final passage of this Subdivision Ordinance.
- B. *Subdividing.* No person shall subdivide or plat any tract of land into two or more parcels of land within the extraterritorial jurisdiction of the City except in conformity with the provisions of this Subdivision Ordinance.

FISCAL IMPACT SUMMARY:

The consideration of repealing the requirement of Chapter 155 affecting properties in the ETJ may result in increased development opportunities, although below the standards of those developments that occur within the city limits.

Please note, the repeal or revisions to the requirements of properties located in the ETJ may necessitate updating the interlocal agreement currently in place with the County.