

AGENDA

CITY OF TAYLOR, TEXAS

PLANNING AND ZONING COMMISSION MEETING

City Hall Council Chambers
Taylor City Hall, 400 Porter Street

July 14, 2015 6:00 P.M.

CALL TO ORDER AND DECLARE A QUORUM

CITIZENS COMMUNICATION

CONSENT AGENDA

(The Consent Agenda includes non-controversial and routine items that the Board may act on with one single vote. The Chairman or a Board member may pull any item from the Consent Agenda in order to discuss and act upon it individually as part of the Regular agenda.)

1. Minutes from the regular meeting of June 9, 2015

REGULAR AGENDA – REVIEW/DISCUSS & CONSIDER/ACTION:

1. **ZC 15-03, Conduct Public Hearing** on a request made by Paul Zavala for a parcel of property located at 315 Dickey Street, Taylor Texas being a 0.14 acre tract out of the TAYLOR CITY OF, BLOCK 109, LOT 8 (W/PT), ACRES.14, from R1, Single Family, to D, Duplex Residential.
2. **ZC 15-03, Make Recommendation** on a request made by Paul Zavala for a parcel of property located at 315 Dickey Street, Taylor Texas being a 0.14 acre tract out of the TAYLOR CITY OF, BLOCK 109, LOT 8 (W/PT), ACRES.14, from R1, Single Family, to D, Duplex Residential.; Ordinance 2015-16.
3. Review Plat Variance Language

ADJOURN

Next Meeting Date: August 11, 2015

The Board may vote and/or act upon each of the items listed in this Agenda. The Board reserves the right to retire into executive session concerning any of the items listed on this Agenda, whenever it is considered necessary and legally justified under the Open Meetings Act. I certify that the notice of meeting was posted in the Taylor City Hall Lobby before 6:00 pm on **July 10, 2015** and remained posted for at least 72 continuous hours before the scheduled time of said meeting. I further certify that the following news media was notified of this meeting: Taylor Daily Press.

Posted By: Carrie Orts

Carrie Orts, Administrative Assistant Development Services

Date: 7.09.2015

MINUTES
CITY OF TAYLOR, TEXAS
400 Porter Street, Taylor Texas 76574
PLANNING AND ZONING COMMISSION MEETING
June 9, 2015 6:00 p.m.
City Council Chamber

PRESENT

Don McAlister
Eric Weiner
Karen Farley
Leland Stevens
Rick Selin

ABSENT

Donna Frazier
Jim Killough
Annette Maruska
Todd Osborn

OTHERS PRESENT

Laura Rouse-DeVore, Deputy Building Official
Carrie Orts, Admin to Development Services
Bob van Til, Director of Development Services

CALL TO ORDER AND DECLARE A QUORUM

The meeting was called to order and a quorum declared at 6:03 p.m.

CITIZEN COMMUNICATION

None

CONSENT AGENDA

(The Consent Agenda includes non-controversial and routine items that the Commission or Board may act on with one single vote. The Chairman or a Board member may pull any item from the Consent Agenda in order to discuss and act upon it individually as part of the Regular agenda.)

Review and approve minutes from May 12, 2015.

Motion made by Mrs. Farley to approve minutes from May 12, 2015 with correction to SUP 15-04. Second by Mr. Stevens. All voted Aye. Motion passed.

ZC 15-01, Conduct Public Hearing on a request made by Alan Teichelman for a parcel of property located at 1800 Old Granger Road, Taylor Texas being a 0.85 acre tract out of the Pharrass J. Survey, AW 495, from R1, Single Family, to B1, Local Business.

Mr. McAlister opened the hearing at 6:07 p.m. Mrs. Rouse-DeVore stated that Staff recommends sending a favorable recommendation to the City Council regarding this rezoning request. Mickey Miller was present to answer questions. Hearing closed 6:09 p.m.

ZC 15-01, Make Recommendation on a request made by Alan Teichelman for a parcel of property located at 1800 Old Granger Road, Taylor Texas being a 0.85 acre tract out of the Pharrass J. Survey, AW 495, from R1, Single Family, to B1, Local Business; Ordinance 2015-07.

Mr. Stevens made motion to recommend approval to City Council based on staff comments. Second by Mr. Weiner. All in favor. Motion passed.

SUP 15-05. Conduct Public Hearing on a request made by Yvonne Palmer for a parcel of property located at 203 Washburn/210 E 3rd Taylor, Texas for a specific use permit for a major automotive repair facility in the B1, Local Business Zoning district, owner being Sarah Jezek.

Mr. McAlister opened the hearing at 6:11 p.m. Mrs. Rouse-DeVore stated that Staff recommends sending a favorable recommendation to the City Council regarding the specific use permit. Mrs. Jezek was present to answer questions. Hearing closed at 6:19 p.m.

SUP 15-05. Make Recommendation on a request made by Yvonne Palmer for a parcel of property located at 203 Washburn/210 E 3rd Taylor, Texas for a specific use permit for major automotive repair facility in the B1, Local Business Zoning district, owner being Sarah Jezek. Ordinance 2015-08.

Mr. Stevens made a motion to send a favorable recommendation to the City Council for the Specific Use permit subject to revision in the wording in ordinance 2015-08 to include addition of tenant in recommendation so the SUP does not stay with the Owner in the event the tenant leaves. Second by Mrs. Farley. All in favor. Motion passed.

Adjourn

The meeting was adjourned at 6:20 p.m.

Bob van Til
Director of Planning & Development

Don McAlister
Planning & Zoning Commission Chairman

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Laura Rouse-DeVore
RE: 315 Dickey Street
DATE: July 8, 2015

Date of the Meeting

July 14, 2015

Location and Acres of the Property

315 Dickey Street 0.14 acres

Legal description

TAYLOR CITY OF, BLOCK 109, LOT 8 (W/PT), ACRES .14

Property Owner and Applicant

Paul Zavala, owner and applicant

Applicant's intentions for the property (development objective)

Duplex (Two (2) attached residential dwelling units in an existing structure on the property)

Existing Zoning

Single family residential, R1

Proposed Zoning

Duplex, D

Existing Conditions on the Property

The property currently has a single structure with a portion of the existing structure which is a residential dwelling unit and another portion of the existing structure which is a former store that the applicant would like to convert into a second residential dwelling unit.

Existing Thoroughfares and Traffic Volumes

Not applicable

Existing Conditions Surrounding the Property (land use/zoning)

North: Residential/ R1

South: Residential/ R1

East: Residential/ R1

West: Residential/ R1

Future Land Use Map

Single Family

The City's Thoroughfare Plan

Not applicable

Other Information

If the rezone petition is granted, the petitioner will still be required to get a remodel permit for the residential remodel/conversion and will be subject to plan review and all necessary and applicable inspections.

Recommendation

Staff recommends that the Planning and Zoning Commission send a favorable recommendation to the City Council regarding this rezoning request.

Please call me at 352-3675 ext. 24 or email me at laura.rouse-devore@ci.taylor.tx.us if you have any questions or concerns.

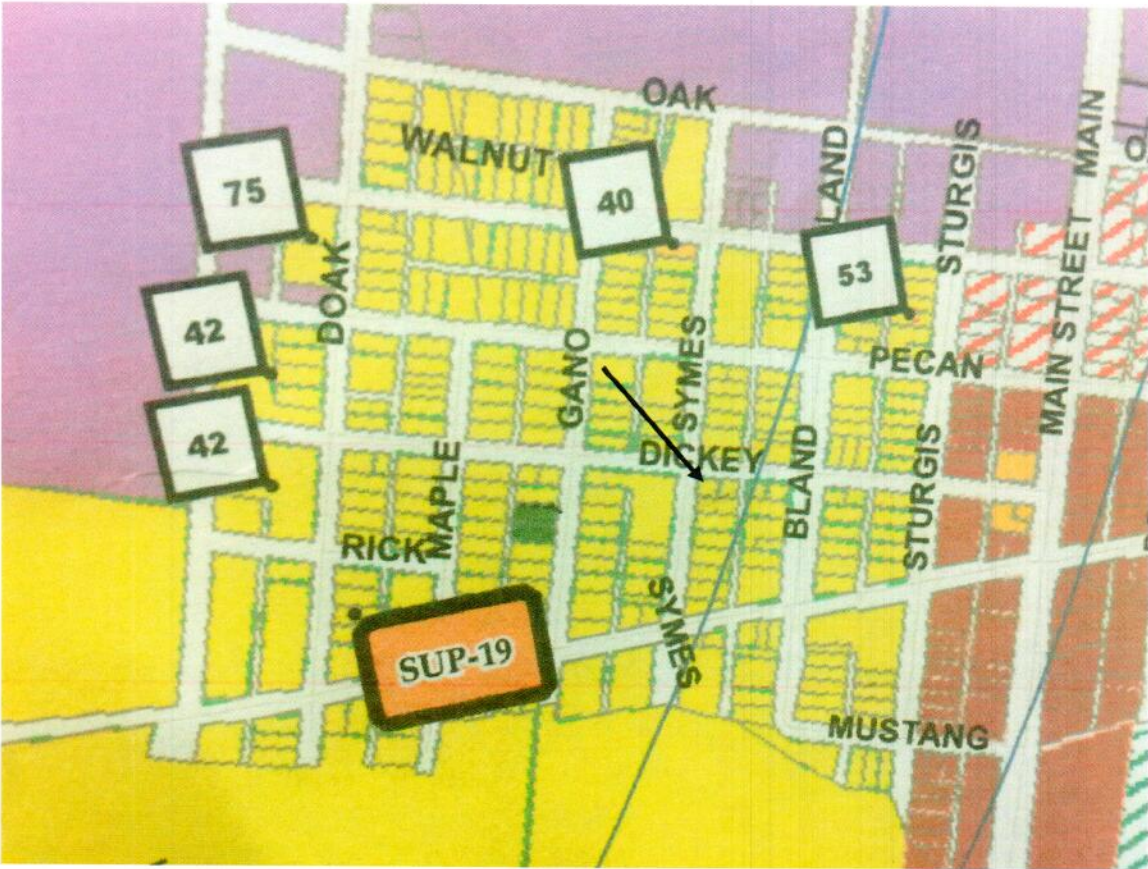
Attachments:

1. Aerial
2. Zoning map
3. Future land use map
4. Ordinance

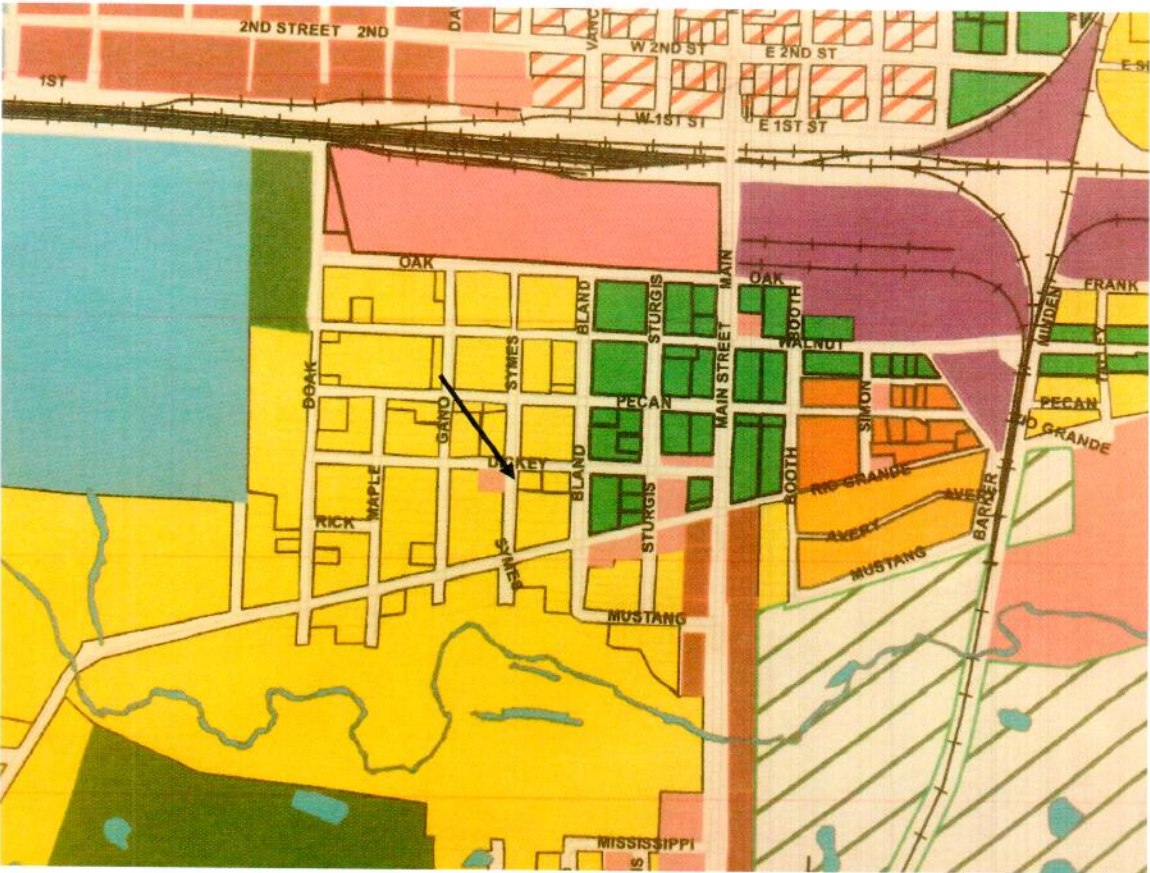
315 Dickey Street Aerial Image:



315 Dickey Street Zoning Map:



315 Dickey Street Future Land Use Map:



ORDINANCE NO. 2015-16

AN ORDINANCE OF THE CITY OF TAYLOR, TEXAS APPROVING THE REZONING A PARCEL OF PROPERTY LOCATED AT 315 DICKEY STREET, TAYLOR, TX. FROM SINGLE FAMILY RESIDENTIAL (R1) TO DUPLEX RESIDENTIAL (D).

WHEREAS, notices for the proposed rezoning were published in accordance with the Zoning Ordinance and the request referred to the Planning and Zoning Commission.

WHEREAS, Paul Zavala, property owner of 315 Dickey Street submitted a request to amend the zoning map of the City of Taylor from R1, Single Family Residential, to D, Duplex Residential, on property described as 0.14 acres out of the Taylor City of, Block 109, Lot 8 (W/PT), Acres .14.

WHEREAS, the Planning and Zoning Commission held a public hearing on July 14, 2015, and

WHEREAS, the Planning and Zoning Commission voted to recommend Approval of the rezoning request.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAYLOR:

1.0 That after a public hearing held on August 6, 2015 before the City Council of the City of Taylor for the purpose of considering an application submitted by Paul Zavala, property owner of 315 Dickey Street. also described as 0.14 acres out of the Taylor City of, Block 109, Lot 8 (W/PT), Acres .14, hereby approves and grants approval of the rezoning request from R1, Single family, to D, Duplex Residential.

2.0 All of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated by reference herein and expressly made a part here of, as if copied herein verbatim.

3.0 Should any section, paragraph, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part of the provisions thereof, other than the part so decided to be invalid or unconstitutional

4.0 In accordance with Article 8, of the City Charter, Ordinance No. 2015-16 was introduced before the City Council on the August 6, 2015.

PASSED, APPROVED, and ADOPTED on the _____ day of _____, 2015.

Jesse Ancira, Jr., Mayor

ATTEST:

Susan Brock, City Clerk

CERTIFICATE

THE STATE OF TEXAS

COUNTY OF WILLIAMSON

I, Susan L. Brock, being the current City Clerk of the City of Taylor, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 2015-16, passed and approved by the City Council of the City of Taylor, Texas, on the _____ day of _____, 2015, and such Ordinance was duly introduced, passed, approved and adopted at meetings open to the public and notices of the meetings, giving the dates, places, and subject matter thereof, were posted as prescribed by Government Code Section 551.043.

Witness my hand and seal of office this _____ day of _____, 2015.

Susan L. Brock
City Clerk

**CITY OF TAYLOR
ZONING CHANGE APPLICATION**

ZC / SUP - 15 - 03

Type of Request:

☒ Re-Zoning

☐ Specific Use Permit

☐ R-PD

☐ C-PD

Applicant Information:

Name: PAUL ZAVALA

Address: 610 STURGIS ST

Day Time Phone: 512 413 2804

Fax Number: NONE

Email: NONE

☒ Owner

☐ Owner's Representative

☐ Tenant

☐ Prospective Buyer

Signature: Paul Zavala

Property Owner Information

Name: Paul Zavala + Family

Corporation/Partnership/etc Name: _____

Address: 610 STURGIS ST

Phone #: 512 413 2804

Fax #: NONE

Email: NONE

Signature Paul Zavala

Property Owners Certification

Before me, the undersigned authority, on this day personally appeared Paul Zavala (Owner or agent name) known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that he or she executed the same for the purposes and consideration expressed and in the capacity herein stated.

Given under my hand and seal of office on this July day of 2 2015

Notary Public in and for the State of Texas.

My Commission expires: 8-17-2016

Seal



Zoning Change Information

Location or address: 315 Dickey

The property ☒ is ☐ is not platted Acres: lot at 315 Dickey

Legal description: _____

CITY OF TAYLOR ZONING CHANGE APPLICATION

ZC / SUP - 15 - 03

Zoning District	Existing Zoning	Requested Zoning
Rural/Agriculture (RA)		
Single Family (R1)	✓	
Single Family (R2)		
Single Family (R3)		
Manufactured Homes (M-H)		
Manufactured Home Overlay (Special use Permit)		
Multi Family (MF-1)		
Duplex (D)		✓
Local Business (B1)		
General Business (B2)		
Central Business (B3)		
Light Industrial (M1)		
Light Industrial (M2)		
Residential PD (R-PD)		
Commercial PD (C-PD)		

Indicate proposed use(s) Converting former grocery store into Duplex for 2-Families

Other information

Requires an amendment to the future land use plan Yes ☒ No ☐
 Requires an amendment to the thoroughfare plan Yes ☐ No ☒

Submittal Requirements:

1. Straight Zoning Change/SUP:
 - a) Completed application
 - b) Map of subject property with legal description (8.5" X 11")
 - c) Traffic impact analysis (or waiver request letter)
 - d) A site plan
2. Residential or Commercial Planned Development:
 - a) Completed application
 - b) 10 copies of the site plan (for initial staff review)
 - c) Traffic Impact analysis (or waiver request letter)

Applicant Acknowledgement:

I hereby affirm that I am the property owner of record, or if the applicant is an organization or business entity, I have been authorized to represent the owner, organization, or business in this application. I certify the preceding information is complete and accurate. I also understand the fee for processing this request is dependent on the type of request as listed below.

	1-10 Notices	11-20 Notices	21+ Notices
Specific Use Permit	\$250.00	\$250.00	\$250.00
Zoning Change	\$150.00	\$200.00	\$250.00
Planned Developments	\$500.00	\$500.00	\$500.00

I also understand that the fee is non-refundable. My signature indicates my awareness of the fee. Additionally, my signature below authorizes the City staff to proceed with the request.

Printed Name: _____ Signature: _____
 Date: _____

For Office Use:

Zoning Case Number: ZC 15-03
 Fee: 150.00 Receipt Number: 1079709 Date: 7/2/15 - R2
 Accepted by: [Signature] Date: July 2, 2015



Date: July 2, 2015

RE: Notice of Public Hearing for ZC 2015-03

Dear Property Owner:

You have received this notice because you own property within a 200-foot radius of property located at 315 Dickey Street, otherwise known as TAYLOR CITY OF, BLOCK 109, LOT 8(W/PT), ACRES .14. This property is owned by Paul Zavala. The owner or the owner's representative applied with the City to rezone this property from R-1 Single Family Residential to D Duplex Residential.

In accordance with State law, the city of Taylor is required to notify property owners who own property within a 200-foot radius of the property for which a zoning change or specific use permit (SUP) was requested. This notice serves as formal notice that the Planning and Zoning Commission will hold a public hearing for this request on:

**July 14, 2105
6:00 p.m.
City of Taylor Council Chambers
400 Porter St.
Taylor, Texas 76574**

The public hearing is intended to receive public comment on the proposed request. You are encouraged to attend the meeting to voice your support or opposition to the request. The Planning and Zoning Commission is an advisory board to the City Council. Following the Planning and Zoning Commission's public hearing, the Commission may make a recommendation to the City Council to deny, approve, or approve the request with stipulations. The City Council will also conduct a public hearing on this request. The City Council public hearing is tentatively scheduled for August 13, 2015. A formal notice of the City Council's public hearing on this request will be published in the newspaper at least 15 days prior to the public hearing.

For more information, please contact Laura Rouse-DeVore, Deputy Building Official, at 512-365-3863.

Attachment: Location Map

Javier Sanchez & Ruby Jiminez
407 E. Rio Grande St.
Taylor, TX 76574

Jorge Garcia & Maria D. Chaires
610 Symes St.
Taylor, TX 76574

Julie Alvarez
1201 Lexington Street
Taylor, TX 76574

Ramiro Villegas
605 E. 9th St.
Elgin, TX 78621

Abel Mora Coria
605 Gano St.
Taylor, TX 76574

Norma & Loenzo Lepe
305 Don Hill Ln.
Taylor, TX 76574

Godwin Enwerekowe
215 Fowzer St.
Taylor, TX 76574

Taylor Mt. Calvary Missionary Baptist
602 Symes St.
Taylor, TX 76574

Manuel & Hortencia Buentello
301 Dickey St.
Taylor, TX 76574

Sylvester Onyejiaka
1412 Joffa CT.
Round Rock, TX 78664

Paul Zavala
610 Sturgis St.
Taylor, TX 76574

Milton Gault
20802 Pacers Gait Ln.
Pflugerville, TX 78660

Salvador Marmolejo
P.O. Box 574
Taylor, TX 76574

Mary Estate Rodruguez
613 Symes
Taylor, TX 76574

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Laura Rouse-DeVore
Deputy Building Official
City of Taylor, TX

RE: Plat Variances and Exceptions

DATE: July 14, 2015

Discussion:

During the May 12, 2015 Planning and Zoning Commission meeting, criteria was presented for comments and feedback from Commission members. After taking the comments and feedback under consideration, staff is bringing forward the following language that could be crafted into an ordinance revision concerning Plat Variances:

- (A.) The director may except a parcel of land from the requirement to plat if the director determines that the following criteria apply:
 - (1.) The combination of two residential platted lots for the creation of a building lot or to create the opportunity to build over lot lines if the property has been previously platted; or
 - (2.) If the property contained a primary structure built on or before the effective date of this ordinance and the size of the lot does not change.
- (B.) An applicant shall demonstrate to the director that a parcel is excepted under this section from the requirement to plat. An applicant shall provide the director with the current deed to the property, an adequate legal description, and proof of ownership.
- (C.) If the director excepts a parcel from the requirement to plat, the director shall certify the parcel's exception in writing.
- (D.) An applicant may appeal the decision of the director in writing to the Planning and Zoning Commission. The decision of the Planning and Zoning Commission shall be final.

The next step is for staff to start the ordinance revision process if the Planning and Zoning Commission is satisfied with the language presented above. The Planning and Zoning Commission will also have a chance to review this language again and the accompanying ordinance during the public hearing portion of the ordinance revision process and will make a recommendation to the City Council regarding the revision and the newly drafted ordinance.

Recommendation:

If there is consensus among the Planning and Zoning Commission members, staff would like to move forward and initiate the ordinance revision process and draft an ordinance to bring back to you for review prior to the public hearing process.

Please call me at 352-3675 ext. 24 or email me at laura.rouse-devore@ci.taylor.tx.us if you have any questions or concerns.

Attachments:

1. May 12, 2015 Planning and Zoning Commission Memo re: "Plat Variance Policy Points"
2. March 4, 2014 Planning and Zoning Commission Memo re: Plat Variances and Exceptions Research and Examples

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Laura Rouse-DeVore
Deputy Building Official

RE: Plat Variance Exception Policy Points

DATE: May 12, 2015

Discussion:

In response to the Memo that you were provided for the March 4, 2015 Planning and Zoning Commission Meeting, Staff has developed some possible policy points that we would like the Commission to provide feedback on as we look to craft language for an ordinance revision concerning Plat Variances.

Staff is considering the addition of an Exemption from Platting Requirements for properties if the director determines they meet the following criteria:

- If the division of land results in parts greater than 5 acres each where no public improvement is dedicated and each part has access to a public street; or
- The combination of two residential platted lots for the creation of a more developable site or to create the opportunity to build over lot lines if the property has been previously platted; or
- If the property existed in its current configuration on or before the effective date of this ordinance.

Recommendation:

Staff recommends that the Commission engage in a discussion regarding these particular criteria and any other suggested criteria that the Commission would like Staff to research. Following tonight's discussion, Staff will conduct additional research and polish these policy points to bring back to you for further discussion at the June 9, 2015 meeting.

Please contact me at (512) 595-9759 or via email at laura.rouse-devore@taylor.tx.gov if you have any questions or concerns.

Attachments:

March 4, 2015 Memo regarding Plat Variances and Exceptions

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Laura Rouse-DeVore
Deputy Building Official
City of Taylor, TX

RE: Plat Variances and Exceptions

DATE: March 4, 2015

At the August 5, 2014 Planning and Zoning Commission meeting, an item appeared on the agenda seeking a Variance from the Platting Requirement in Taylor's Subdivision Ordinance pursuant to a provision found in Section 3.6 of Appendix C of Taylor's City Code of Ordinances. At that meeting, the Planning and Zoning Commission requested that staff look at other municipal ordinances as they relate to this provision to see if Taylor's ordinance is consistent with other surrounding local municipalities in content and procedure.

Since that time, City staff has looked at a number of subdivision ordinances from many of our surrounding cities and towns, including Austin, Round Rock, Hutto, Georgetown, Leander, Cedar Park, and Pflugerville. Out of these municipal subdivision ordinances, all of them include a provision for an "exception" or an "exemption" from the Platting requirements. Below is a brief synopsis identifying key points and provision from Staff's research of each of these municipal ordinances:

Austin: Austin's Subdivision Ordinance (Chapter 25-4, Article 1 Compliance) includes a provision that the Director can grant an Exception from Platting requirements based upon four specific scenarios (See A, B, C, D of Section 25-4-2 below from City of Austin's Code of Ordinances):

§ 25-4-2 EXCEPTION FROM PLATTING REQUIREMENTS.

- (A) The director may except a parcel of land from the requirement to plat if the director determines that the parcel existed in its current configuration before becoming subject to the City's jurisdiction over subdivision of land.
- (B) The director may except a parcel of land from the requirement to plat if the director determines that the parcel:
 - (1) contains a health or safety hazard associated with a private sewage facility or private water well or other conditions that adversely affect public health, safety or welfare;
 - (2) existed in its current configuration on August 8, 1992;
 - (3) was served by a private sewage facility or private water well on August 8, 1992;
 - (4) is located on an existing street; and
 - (5) complies with the requirements of this title for roadway frontage.

- (C) The director may except a parcel of land from the requirement to plat if the director determines that the parcel:
 - (1) is five acres or less;
 - (2) existed in its current configuration on August 31, 1987;
 - (3) was receiving utility service that was authorized under the rules of the utility provider on August 31, 1987;
 - (4) is located on an existing street; and
 - (5) complies with the requirements of this title for roadway frontage.
- (D) In the full-purpose limits of the city, the director may except a parcel of land from the requirement to plat if the director determines that the parcel:
 - (1) is five acres or less;
 - (2) existed in its current configuration on January 1, 1995;
 - (3) was receiving utility service that was authorized under the rules of the utility provider on January 1, 1995;
 - (4) is located on an existing street; and
 - (5) complies with the requirements of this title for roadway frontage.
- (E) An applicant shall demonstrate to the director that a parcel is excepted under this section from the requirement to plat. An applicant shall provide the director with the current deed to the property, an adequate legal description, and proof of ownership.
- (F) If the director excepts a parcel from the requirement to plat, the director shall certify the parcel's exception.
- (G) An approval to extend or change utility service to a parcel is not a certification under this section or an approval of a plat.

Round Rock: Round Rock's Subdivision Code (Chapter 36 in the Round Rock Code of Ordinances) includes a provision for Exceptions to the Platting Requirements. The Planning Director is given the authority to make the determination that a plat is not required based upon specific criteria (See Section 36-4 of Round Rock's Code of Ordinances below):

Sec. 36-4. - Exceptions.

A plat is required for any tract of land divided into two or more parts, as provided for in [section 36-3](#), except as provided in the Texas Local Government Code or for the following:

- (1) The division of land into parts greater than five acres each, each part having access to a public street, where no public improvement is dedicated;
- (2) The acquisition of land by the city, county or state for public facilities; or
- (3) The acquisition of land by a public utility for the purpose of providing or housing needed infrastructure in order to provide utility service to an immediate area.

(Code 1995, § 8.104)

Hutto: Hutto's Unified Development Code (UDC) includes a provision for Exceptions in Chapter 5 Subdivision Standards. The determination is made by Development Services staff as to whether the lot meets the specific criteria for an Exception as described in Section 10.502.1 of Chapter 5 Subdivision Standards (See below):

10.502 Applicability and exceptions

10.502.1 Exceptions

The provisions of this chapter do not apply to the following.

- Cemeteries complying with all state and local regulations.
- Division of land created by order of a court of competent jurisdiction.
- Division of an existing legal lot caused by acquisition by the city, county or state, when the acquisition is in the best interest of the public health, safety and welfare. Resulting parcels are considered legal lots for development purposes on acquisition.
- Division of land exempted from platting requirements by Texas Local Government Code Section 212.

10.502.2 Extraterritorial jurisdiction

The provisions of this section cannot be applied to land in the extraterritorial jurisdiction of the city in any way regulating:

- Use of any building or parcel for any lawful purpose;
- Bulk, density or number of buildings on a parcel;
- Intensity of development on a parcel; and
- Number of dwelling units that can be built on a parcel.

Georgetown: The City of Georgetown includes a provision in Section 3.22 Plat Waiver section of their Unified Development Code which offers a process for a Plat Waiver. The Plat Waiver is conditionally approved or disapproved by the Planning and Zoning Commission. See Section 3.22 Plat Waiver of Georgetown's Unified Development Code below:

Section 3.22 Plat Waiver

3.22.010 Applicability

A waiver of the subdivision standards of this Code, as allowed by this Section, may be considered concurrently with a Preliminary, Minor, or Final Plat to address unforeseen circumstances or other difficulties in developing a property under the specific provisions of this Code. A Plat Waiver application may be filed without a companion plat application in very limited circumstances, as determined by the Director. Justification for the Plat Waiver shall be submitted and demonstrated, following the provisions of Section 3.22.070. The Waiver(s) may be approved, conditionally approved or disapproved by the Planning and Zoning Commission. Any approved Waiver(s) shall be noted on the corresponding plat. A Waiver does not constitute nor equal a Variance, the provisions of which are detailed in Section 3.15 of this Code.

*****Staff Note:** (The code sections listed below refer to specific places in the ordinance text where Platting is a requirement of Development of a lot.)***

3.22.020 Eligible Provisions

The provisions of this Code that are considered eligible for a plat waiver are listed below. A request may be made for each specific provision in only these sections:

- A. Section 6.02.010
- B. Section 6.02.030
- C. Section 6.02.040
- D. Section 7.02.010
- E. Section 7.02.030
- F. Section 7.02.040

3.22.030 Initiation

Initiation of the Plat Waiver may be made upon submittal of a complete application by a property owner or their designated agent.

3.22.040 Application and Completeness Determination

The applicant shall submit all of the information required in the UDC Development Manual. The Director is responsible for determining the completeness of an application submitted, pursuant to Section 3.02.040.

3.22.050 Staff Review

- A. The Director shall review the application, considering applicable criteria for approval, and prepare a report to the Planning and Zoning Commission.
- B. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and state statute.
- C. The Director may assign staff to review the application and make a report to the Director.
- D. The Director's report may include a recommendation for final action.

3.22.060 Planning and Zoning Final Action

The Planning and Zoning Commission shall consider the Plat Waiver, Director's report, state law, and compliance with this Code, and take final action.

3.22.070 Approval Criteria

A Plat Waiver may be approved, conditionally approved, or disapproved. At least three of the following factors are required for approval:

- A. That the granting of the waiver will not be detrimental to the public health, safety or welfare or injurious to other property in the area or to the City in administering this Code.
- B. That the granting of the waiver would not substantially conflict with the Comprehensive Plan and the purposes of this Code.
- C. That the conditions that create the need for the waiver do not generally apply to other property in the vicinity.
- D. That application of a provision of this Code will render subdivision of the land impossible.

3.22.080 Expiration of Plat Waiver

The Plat Waiver(s) shall expire if the Preliminary, Administrative, or Final Plat expires, according to the timing specified in Section 3.08 of this Code. The Plat Waiver(s) shall have no authority beyond the recorded plat note(s).

Leander: Section 7 of the City of Leander's Subdivision Ordinance includes an Exemption provision qualifying certain properties as being exempt from the provisions of the Subdivision Ordinance. See Section 7 of Leander's Subdivision Ordinance below:

SECTION 7. EXEMPTIONS

(a) The provisions of this Ordinance shall not apply to:

- (1) Sales of land by metes and bounds in tracts of five (5) acres or more in area where each tract has access, no public improvement is being dedicated, and all remainder parcels are at least five acres or more in area, except as otherwise specifically provided in this Ordinance;
- (2) Cemeteries complying with all State and local laws and regulations;
- (3) Divisions of land created by order of a court of competent jurisdiction;
- (4) Any subdivision of land for which a Concept Plan, Preliminary Plan or Final Plat has been filed with the City on or before the effective date of this Ordinance, excluding any such plan or plat for which approval has expired or hereafter expires; or
- (5) The combination of two (2) platted lots for the creation of a more developable site and the Commission finds that:

- (i) The proposed use is the same as that for which the subdivision was platted by the subdivider; and
- (ii) No increase is anticipated in the estimated traffic generation or utility demands; and
- (iii) Offsite stormwater runoff is neither increased nor concentrated.

(6) The division of an existing legal lot, said division being caused by the City's, County's or State's acquisition of a part of said legal lot, when such acquisition is in the best interest of the health, safety and welfare of the public. Upon such acquisition, the resulting parcels shall be deemed to constitute legal lots for the purposes of developing under the requirements of this ordinance and other applicable City regulations.

(7) The acquisition of land by a public utility for the purpose of providing or housing needed infrastructure in order to provide utility service to an immediate area, or

(8) The conveyance of any land by the City, County or State to a private entity when such land is to be added to an existing legal lot or tract or when such land, by itself, meets the requirements of the Composite Zoning Ordinance and is provided public utilities, street frontage and adequate access.

(9) The provisions of this Ordinance shall not be construed, interpreted or applied to land located within the extraterritorial jurisdiction of the City in a manner to regulate:

- a. the use of any building or property for any lawful purpose;
- b. the bulk, density or number of buildings on a tract or parcel of land;
- c. the floor to area ratio of any building to be constructed on any lot; or
- d. the number of residential units that can be built on an acre of land.

Cedar Park: Cedar Park's Subdivision Regulations, which are found in Chapter 12 of the Cedar Park Code of Ordinances, the ordinance, in Section 12.02.002 makes a provision for Exemptions from the Platting Requirements subject to specific criteria outlined in the text of the ordinance:

Sec. 12.02.002 Exemptions

- (a) The provisions of this chapter shall not apply to:
- (1) Sales of land by metes and bounds into tracts of five (5) acres or more in area, except as otherwise specifically provided in this chapter;
 - (2) Cemeteries complying with all state and local laws and regulations;
 - (3) Divisions of land created by order of a court of competent jurisdiction;
 - (4) Acquisition of public right-of-way or public land by the state, county, or city.[:]
 - (5) Any subdivision of land for which a concept plan, preliminary plan or final plat has been filed with the city on or before the effective date of this chapter, excluding any such plan or plat for which approval has expired or hereafter expires; or
 - (6) The division of an existing legal lot, said division being caused by the city's acquisition of a part of said legal lot, when the council finds that the acquisition by the city is in the best interest of the public health, safety and welfare of the citizens of Cedar Park and/or its extraterritorial jurisdiction. Upon the council so finding, the resulting parcels shall be deemed to constitute legal lots for the purposes of developing under the requirements of this chapter and other applicable city regulations. In creating said division, the council is empowered to attach to the resulting parcels acquired by the city, and the remainder parcels not acquired by the city upon agreement with the owner, such conditions as it finds reasonable and necessary to offset any adverse effects resulting from the city's acquisition as a part of the original legal lot, in so far as any such condition is not contrary to the spirit and intent of this chapter.
- (b) The provisions of this chapter shall not be construed, interpreted or applied to land located within the extraterritorial jurisdiction of the city in a manner to regulate:
- (1) The use of any building or property for any lawful purpose;
 - (2) The bulk, density or number of buildings on a tract or parcel of land;
 - (3) The floor to area ratio of any building to be constructed on any lot; or
 - (4) The number of residential units that can be built on an acre of land.

Pflugerville: In Pflugerville's Unified Development Code (UDC), Section 15.1.4 Exemptions outlines the provisions under which a property would qualify for an exemption from the Platting requirement provision in the Code. (See Section 15.1.4 Exemptions, Subchapter 15 Subdivision from Pflugerville's UDC):

15.1.4 Exemptions

The following are exempt from the requirements of this chapter:

A. Any subdivision filed in the County plat records on or before March 8, 1973, except subdivisions which were in violation of regulations then in existence.

B. A subdivision recorded in the County plat records since March 8, 1973, which was approved by the City Council or another entity having jurisdiction.

C. A division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated as provided in Chapter 212.004 of the Texas Local Government Code. Where this provision is applicable, a note shall be added to the plat with reference to the exemption allowed by Chapter 212.004, as amended, with a signature line for the Planning Director. A copy of a recorded plat meeting this exemption shall be provided to the City of Pflugerville Planning Department.

D. Any subdivision exempted by state law including but not limited to provisions identified in Chapter 212 of the Texas Local Government Code.

Next Steps:

Staff wanted to provide this additional information to the Planning and Zoning Commissioners for additional consideration and review. Staff is completing our analysis of this information and it is our intention to work towards a possible ordinance development process that would revisit the current process and ordinance to make it more consistent with the process found in the codes of our surrounding municipalities. That being said, staff is looking to bring possible policy change points forward for further discussion and review by the Planning and Zoning Commission in May 2015.

Please call me at 352-3675 ext. 24 or email me at laura.rouse-devore@ci.taylor.tx.us if you have any questions or concerns.