

Importance of Planning

What you need to know about
Planning and Development Regulation

Ann C. Bagley, FAICP
Planning Official Development Officer
American Planning Association Texas Chapter

Mission, Texas

June 14, 2013

“If you don’t have a plan for where you are going, you might end up somewhere else”

--attributed to Casey Stengel

“If you want to predict the future, create it.”

-- Peter Drucker

“The will to win is nothing without the will to prepare.”

-- Runners World, April, 1991

“A vision without a plan, is a hallucination.”

-- Dallas Mayor Ron Kirk, November, 2000

Planning is Important

National Survey (APA)

Likely voters want:

- Professional planners in their community (81%)
- Adequate schools and educational facilities (76%)
- Availability of public services (74%)
- Create and protect parks and recreation areas (67%)
- Preserve farmland and open space (67%)
- Protect wetlands and other natural areas (65%)
- Create affordable housing options (64%)

Statewide Survey (TXAPA, 2002)

Likely voters want:

- Important to have community planning (85%)
- Protect open spaces, coastal areas and parkland (88%)
- Provide incentives for affordable housing (85%)
- Create transportation options like light rail, bus transit and bicycle trails (81%)
- Support right of local communities to make decisions for private property (81%)

Definition of Planning

Planning: a process that seeks to engage all members of a community to create more prosperous, convenient, equitable, healthy, and attractive places for present and future generations.

Major Types of Planning

- Physical Planning
- Rational Planning
- Comprehensive Planning
- Strategic Planning
- Capitol Improvements Planning

Physical Planning

Process of graphically designing the future development of the City. Modernism espoused that social ills could be mitigated through proper design.

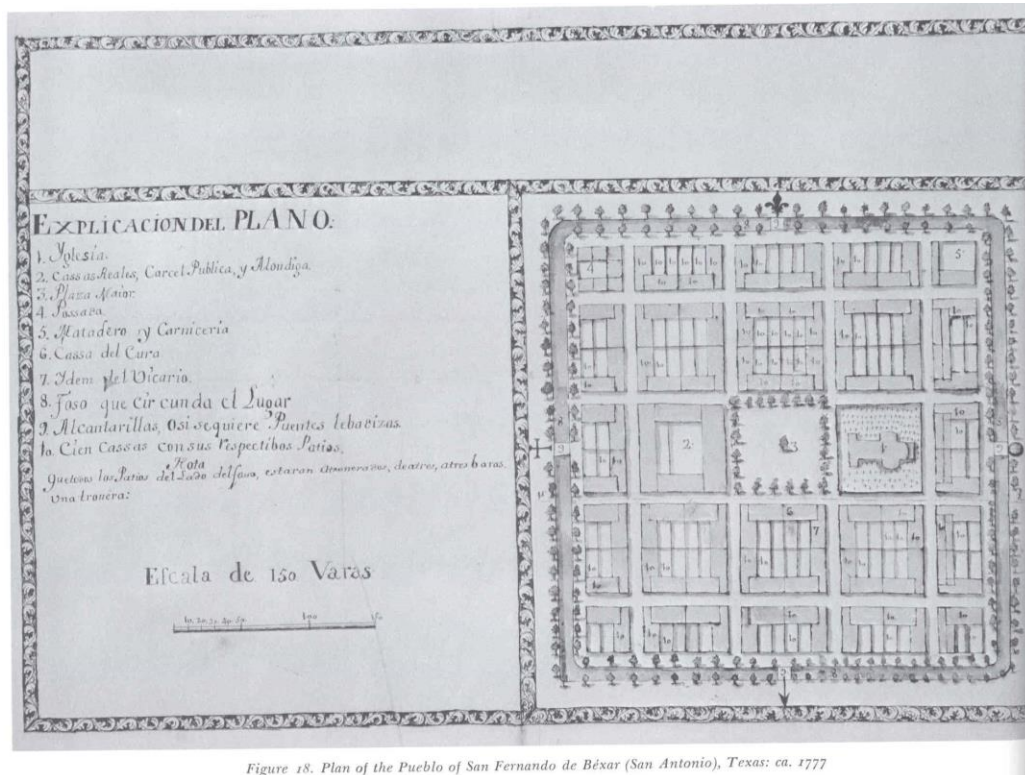


Figure 18. Plan of the Pueblo of San Fernando de Béxar (San Antonio), Texas: ca. 1777

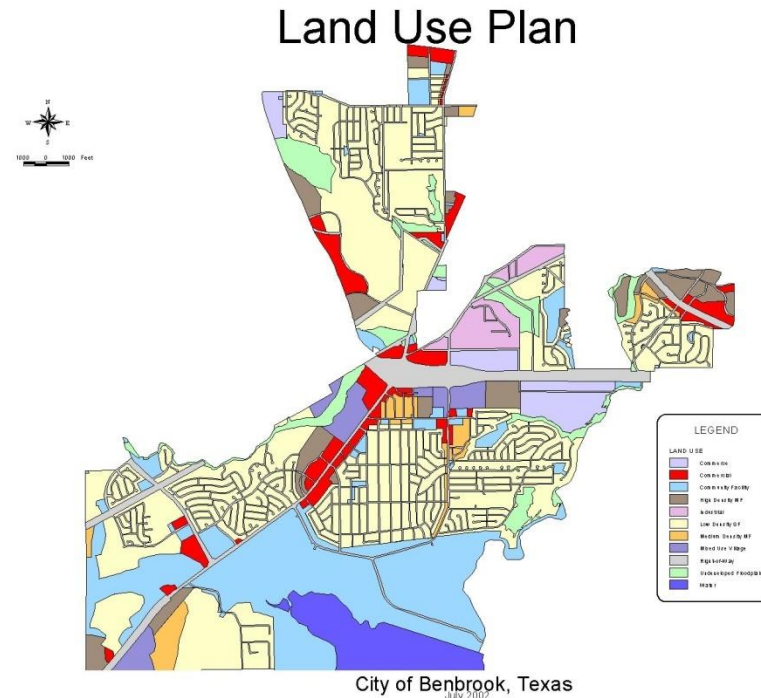
The Rational Planning Process

The Rational Planning Process is a decision-making process of evaluating alternatives.



Comprehensive Planning

Comprehensive Planning looks at more than just the physical design of the community, but also looks the interrelationship of land use, infrastructure, community facilities, and other community programs.



Strategic Planning

More focused short-term planning effort that identifies:

Mission of organization

Internal strengths and weaknesses

External opportunities and threats

Future possible scenarios over next three to five years

Specific goals and objectives to achieve mission.

Objectives should be “SMART”

Specific

Measurable

Attainable

Results-based

Time bound

Types of Planning Processes

Comprehensive Planning

- Long range, 10-20 years
- Comprehensive (geographical)
- Comprehensive (physical, economic, social)
- Value oriented
- A policy guide
- Designates future land use
- Implementation tools (regulations, funding)
- Continuous

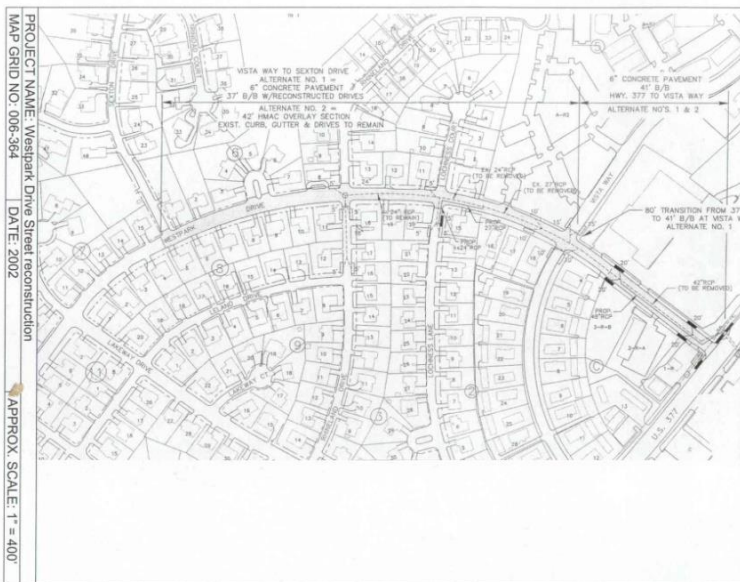
versus

Strategic Planning

- Short range, 1- 5 years
- Realistically targeted
- Market oriented
- Action oriented
- Identifies strengths, weakness opportunities, and threats
- Mission directed

Capital Improvements Planning

CIP is a plan for the investment of public funds in public infrastructure. It identifies construction projects (typically streets, drainage, water, sewer, parks, and public buildings) that will be built over the next one year, five years, 10 years and beyond. It also guides the budgeting of funds for capital expenses, debt service, and bonding capacity.



Importance of Public Participation

- Planning is a political process when you consider that politics is the “process by which **groups of people make decisions**”
- Opportunity for consensus building.
- Common techniques:
 - Surveys
 - Public meetings
 - Citizens advisory committees
 - Charrette/Workshop
 - Social Media Outreach

Brief History of Planning in Texas

- 1573 – First Law of the Indies for Spanish settlements
- 1785 – Northwest Ordinance establishes one-mile grid and sections
- 19th Century – Railroad townsites
- 1893 – Worlds Columbian Exposition promotes Modern Physical Planning
- 1911 – Dallas adopts Kessler Land Use Plan
- 1920s – Adoption of zoning and subdivision regulations
- 1956 – Interstate Highway System

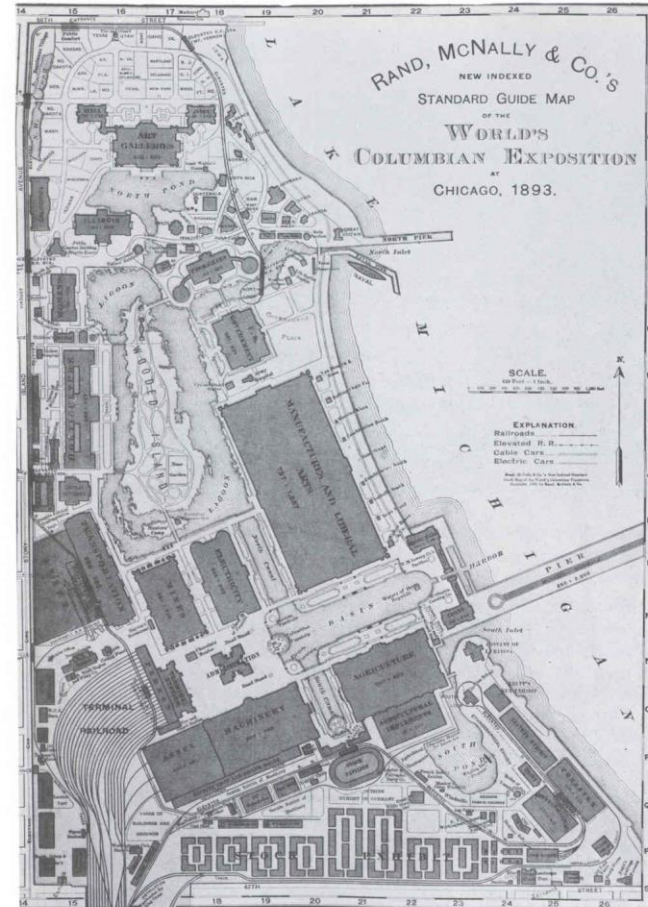


Figure 297. Plan of the World's Columbian Exposition in Chicago, Illinois: 1893

Planning versus Development Regulation

Planning is the vision of the future.

Development regulation is one of the tools used to achieve that future by directing private development.

Development regulations can include:

- zoning regulations

- subdivision regulations

- site planning regulations

- sexually-oriented business regulations

- sign regulations

- landscaping requirements

- architectural regulations

Legal Basis and Authority for Development Regulations

- Most authority provided by general police powers (protect health, safety and welfare) plus specific statutory authority.
- Zoning authority provided in Chapter 211, Texas Local Government Code
- Subdivision authority provided in Chapter 212. LGC
- Comprehensive planning authority in Chapter 213, LGC
- Differences between home rule cities and general law cities (Dillon's Rule)
- Authority within city limits versus authority within extraterritorial jurisdiction

Limits on Authority to Regulate Development

- **Legislative** (zoning) versus administrative (planning) acts
- Arbitrary and capricious decisions
- Ultra vires – regulating beyond your authority
- Takings – results from overregulation that denies all use of property
- Procedural due process (error in notice, denial of hearing, Open Meetings Act violations, conflict of interest)
- Vested Rights – Chapter 245 LGC – rules are vested at time of initial application for project
- Manufactured Housing
- Religious Institutions (RLUIPA of 2000)
- Group Homes

Planners (and by logical extension) planning commissioners are guardians of the future.

Mitchell Silver, AICP, PP, President, American Planning Association

Discussion and Questions

Contact Information
Ann C. Bagley, FAICP
Bagley Associates
8139 Barbaree Blvd
Dallas, Texas 75228
214.660.8577
abagley@swbell.net

Roles, Ethics and More

Responsibilities of Elected and Appointed Officials

Ann C. Bagley, FAICP
Planning Official Development Officer
American Planning Association Texas Chapter

Mission, Texas
June 14, 2013

Planning Process

The planning process exists to serve the public interest. While the public interest is a question of continuous debate, both in its general principles and in its case-by-case applications, it requires a conscientiously held view of the policies and actions that best serve the entire community.

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.

Those who practice planning need to adhere to a special set of ethical requirements that must guide all who aspire to professionalism.

Who are the Participants in the Planning Process

- City Council
- City Manager
- Planning and Zoning Commission
- Zoning Board of Adjustment
- Other Boards and Commissions
- Planning Staff-Current and Long Range
- Engineering
- Transportation
- Building Inspections and Permitting
- Code Compliance/Enforcement
- City Attorney
- City Secretary
- Public Works
- Parks and Recreation
- Public Safety (Police and Fire)
- Planning Consultants
- Utilities
(water, gas, electricity, telephone, cable)
- Representatives and Facilitators
- Developers and Builders
- Citizens/Property Owners
- Neighborhood Organizations
- State DOT
- School District
- Transit
- Post Office
- Arborist
- Neighboring Cities
- County
- The City as a Whole**

The Planning Commission

In Texas, a *Planning Commission* is:

- A group of citizens appointed by the legislative body that performs both required and discretionary functions in land use matters.*
- May also include zoning matters and be called ***Planning and Zoning Commission***.
- There many even be separate commissions for zoning and planning
- Generally a recommending body, except may have final approval of plats



(*Texas Local Government Code 211.007)

What is a Zoning Board of Adjustment?

In Texas, a *Zoning Board of Adjustment* is:

appointed by governing body, to make special exceptions to the terms of the zoning ordinance that are consistent with the general purpose and intent of the ordinance ordinance.*

May also be called the BOA, ZBOA

Please note that the Zoning Board of Adjustment is a quasi judicial board. This means that any appeal of its decision is to a district level court.

(*Texas Local Government Code 211.008)

Participants in the Process

Mayor and City Council - elected to make the rules; formulate policy, adopt of codes and ordinances; approve or deny zoning cases; point of contact for frustrated citizens.

City Manager - in charge of the day to day operations of the City. **Expectation:** that everyone will do their job

Planning Staff - from department head to receptionist they are professionals with education or on the job experienced in stating the rules, interpreting ambiguities and providing guidance to applicants and boards and commissions.

Participants continued

The staff of a **Building Inspection** department works to ensure compliance with established adopted construction standards and enforcing City codes. Reviews plans, perform inspections

Code Compliance or Enforcement check on and determine compliance with the rules and ordinances generally responsible for enforcing city ordinances related to Housing, Zoning, Signs, Litter, Illegal Dumping, Weeds, Parking and Animal Control violations, responds to citizen requests, conducts reactive and proactive inspections and special projects, and provides education on code enforcement. New name tries to suggest a kinder, gentler approach.

Participants continued

Engineering is responsible for reviewing subdivision plats and private and public development engineering plans, and overseeing the construction to ensure that the City's infrastructure is built to City codes and design standards and adheres to approved plans and contract documents. May be part of Planning or vice-versa. May include flood management

Public Works –responsible for engineering and implementation of projects

Transportation –oversees the street network

More....

City Attorney - states, interprets and provides guidance as to the federal, state and local statutes and local codes.
Generally there to keep you out of trouble.

City Secretary - official records keeper, posts agendas
commission paper work

Parks and Recreation - oversees parks etc.— may look at
parkland dedication requirement with plats

Public Safety - Police, Fire particularly for emergency access

Utilities (water, gas, electricity cable and telephone) for
service provision and easements and Post Office

Other government types players: Sanitation, TXDOT, Animal
Control,, School District, Transit System

And more....

Facilitators or “the Suits” - consultants that know the ropes as to how to get through the system. Lots of former city staff, attorneys, engineers and even surveyors.

Developers and Builders - often **they** initiate the processes for a particular project

Citizens/Property Owners want what they want, but do not always know how to go about it. Process should be logical, defined and transparent

Neighborhood and interested community groups involved directly or as affected bystanders

The good of the City as a whole.

Roles of the Planning Commission

- Develop and update the comprehensive plan
- Implement land use patterns
- Monitor current zoning ordinance
- Make recommendations on zoning changes
- Recommend approval of (or approve) subdivisions
- Make recommendations for annexation
- Interface with public on community values through public meetings, focus groups, and neighborhood organizations

The Commission

Creation of the Commission

- Usually by city charter or ordinance

Responsibilities and Purpose Established

Rules and Policies

- If not in the ordinance, these should establish a schedule for meeting dates, time, and place

Officers

Voting Procedures

Committees

Relationship to City Council

Code of Ethics/Ethical Principles

Understanding the Job

(applies to both elected and appointed officials)

Be familiar with your job responsibilities/expectations. Start with a

Review local sources

- City Charter
- Municipal Code of Ordinances
- Established policies and procedures
- Planning Commission by-laws or rules

Review enabling statutes in State law (*Texas Local Government Code*)
for planning and zoning for

- General Law cities
- Home Rule cities

Roles of the Planning Commission continued

- Recommend a Capital Improvements Program
- Coordinate with economic development activities
- Encourage and monitor the “visual image” through urban design
- Adopt an annual work program and prepare an annual report
- Use base data on population, land use, utilities, and topography in decision making

Duties of the Zoning Board of Adjustment

- 1)hear and decide special exceptions to the terms of a zoning ordinance when the ordinance requires the board to do so;
- 2)authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done; and
- 3) hear and decide other matters authorized by an ordinance adopted under this subchapter. *
- 4)hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this subchapter or an ordinance adopted under this subchapter;

(*Texas Local Government Code 211.009)

Working Effectively as a Commission or Board

- Use rules of procedure and operate accordingly
- Comply with Open Meeting requirements
- Conduct fair public hearings
- Hear the facts and assess their accuracy
- Balance obligations
- Consider concerns of all who testify
- Assess the request against the standards in the ordinance
- Render a decision



Traits for Successful Elected Officials, Planning Commissioners and Board Members

- Visionary
- Has a feel for the assets, problems and potentials of the city
- Can see the big picture without missing the details
- No conflicts of interest
- Impartial and objective
- Works toward the common good
- Places community interest first
- Comes to meetings prepared
- Appreciates dialogue and enjoys collaboration
- Practical, yet creative
- Consistent

Understanding the Job

Become familiar with your responsibilities/expectations both on and off the Commission

Orientation -- begin to grasp:

- Legal issues – open meetings act
- Basic elements of planning
- Comprehensive Planning
- Zoning Ordinance
- Subdivision Regulations
- Enabling statutes in state law for planning/zoning

Be familiar with your own responsibilities and expectations both on and off the commission

Review local sources

- Charter
- Code of Ordinances
- By-laws or rules of procedure

Understanding the Ethical Dimension

Ethics: the principles of conduct governing an individual or a group –
Merriam Webster

Ethical behavior is not always easy to achieve.

There are common standards for ethical conduct:

- Your city's Code of Ethics
- APA Statement of Ethical Principles and AICP Code of Ethics
 - Serve the public interest
 - Strive to achieve high standards of integrity and proficiency
- Your own moral compass

What Are the Standards for Ethical Conduct?

American Planning Association Statement of Ethical Principles
(for Participants in the Planning Process)

A. Serve the Public Interest:

- Recognize the rights of citizens to participate in planning decisions.
- Give citizens full, clear, and accurate information.
- Expand choice and opportunity for all persons.
- Assist in the clarification of community goals.
- Ensure that information available to decision makers is also available to the public.
- Pay special attention to the interrelatedness of decisions and the long-range consequences of present actions.

APA Statement of Ethical Principles (Continued)

- B. Strive to achieve high standards of integrity and proficiency:
- Exercise fair, independent, and honest judgment.
 - Publicly disclose any personal interests.
 - Define personal interest broadly.
 - Abstain from participation in a matter in which you have a personal interest and leave the chamber when the matter is being deliberated.
 - Seek (nor accept) gifts or favors.
 - Abstain from participating as an advisor or decision maker on any plan or project in which you have previously participated as an advocate.
 - Serve as advocate only when the objectives are legal and serve the public interest.

APA Statement of Ethical Principles (Continued)

- Not participate as an advocate on any plan or program in which you have previously served as an advisory or decision maker, except after full disclosure and in no circumstance earlier than one year following termination of the role as advisory or decision maker.
- Not use confidential information to further a personal interest.
- Not disclose confidential information.
- Not misrepresent facts or distort information.
- Not participate in any matter unless prepared.
- Respect the rights of all persons.

Local Ethics Ordinances

Prohibited conduct:

- Solicitation/acceptance of gifts
- Misuse of position
- Conflict of interest (generally financial)
- Ex parte communications (*any oral or written communication outside the record of the hearing with either proponents or opponents of a pending proceeding*)
- Serial meetings (attended by less than a quorum of members to discuss a public issue in private.

Disclosure:

- Forms and/or procedure provided by the City
- Does not have to be very detailed

What Constitutes a Conflict of Interest?

If you....

- Live in the notification area
- Have a close family member has interest (determined by your city)
- Have financial interest in real estate involved in case
- Have financial investments that exceed the local cap
- Work for someone that has financial involvement in the case
- Have oversight of client's accounts
- Sit on Board connected to the case

What to do? State that you have a COI, file necessary statement and LEAVE THE ROOM!

Conflict of Interest Sample Form



DISCLOSURE OF CONFLICT STATEMENT

This statement is filed in accordance with Chapter 12A of the Dallas City Code. Copies of the applicable code sections and additional copies of this form may be obtained from the City Secretary's office.
Please print or type all information. Attach additional pages if more space is needed.

Check One	Fill In Appropriate Information	
<input type="checkbox"/> Elected Official	Office Held	
<input type="checkbox"/> Appointed Official	Board or Commission/ Title	
<input type="checkbox"/> City Employee	Title/Department	

1. Name of Employee/Official: _____

I, _____, have a conflict as defined in Chapter 12A, Article II, of the Dallas City Code in the following matter:

Nature of Conflict:

As a result of this conflict, I will not take any official action in regard to the matter stated above.

Signature of Employee/Official Date

BEFORE ME, the undersigned authority, on this day personally appeared _____, who on oath stated that the above facts are within _____ personal knowledge and are true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME on this ___ day of _____, 20___, to certify which, witness my hand and seal.

<NOTARY SEAL>

Signature of officer administering oath Printed name of officer administering oath Title of officer administering oath

Other Considerations

- When there is a social event where a quorum may be present, it is generally OK as long as cases or issues are not discussed.
- Texas is a community property state, therefore spouses are considered as one in matters that may be a conflict of interest.
- Do not use position title to request special treatment by city employees or private interests.
- When rescuing—leave the room.

Beware of the Serial Meeting

Commissioner A meets with Commissioner B and discusses an item that is currently or is expected to be in front of the Commission. Commissioner B delivers the A+B consensus to Councilmember C who agrees and delivers it to Commissioner D. Commissioners A+B+C+D constituted a quorum, but they did not physically "meet" as a quorum in the same space or time. Still, they conducted an illegal serial meeting. They effectively met, deliberated, and arrived at a decision (euphemistically called a "consensus" by public officials who try to rationalize their violation of law) when public attendance was impossible.

NOTE: A serial meeting need not be a face-to-face meeting or even occur in real time. It can be a series of communications (direct communication, personal intermediaries such as staff members, or technological methods such as email or telephone calls), with each unique communication involving less than a quorum, but which taken as a whole involves a majority of the body's members. A serial meeting occurs when there are systematic communications on a particular matter involving a quorum of the body acquiring information, engaging in debate, discussion, lobbying, or any other aspect of the deliberative process.

What is Ex Parte?

A discussion where only one side is presented...

Example 1: A developer has a rezoning coming up before the planning commission or city council. She contacts the chair and ask if she could have a few minutes of their time to show the decision maker why she needs the site rezoned. The chair says, “sure come right over!”

Example 2: Staff person agrees to meet with neighborhood group concerning a rezoning and does not invite the developer to attend. (but planning staff does have the professional responsibility to meet with proponents and opponents IN their OFFICE; it is NOT the same as a recommending body or decision maker (Planning Commissioner or City Councilmember) meeting privately with proponents and opponents)

Scenario 1

Through the course of your duties you form a friendship with a local landowner who periodically calls with questions about planning and zoning. He invites you to eat lunch and he buys—is this okay?

You have not suggested that an actual application over which you have some control is pending.

If that were the case, the answer would be “no.” It is always best to keep such relationships at arms-length.

Take great care to not permit public or private perception of favored action.

If you meet, each should pay for the meal ordered.

Equally, care must be taken to not discuss matters that are better suited for staff or open meetings.

Scenario 2

Someone from church is asking you to provide help or guidance and even a favorable decision on a re-zoning case.

How can you help without violating pure objectivity?

It is completely appropriate to provide guidance to an applicant regarding the procedural and submittal requirements for an application. It is also appropriate to explain that you can't pre-judge or promise any favorable action. If the planner believes that his or her objectivity is compromised, then the decision on the application should be delegated to another, if possible.

Scenario 3

A fellow commissioner calls you to discuss a case and says he has talked to other commissioners. What do you say to him?

What is the problem with talking to him?

Ex parte?

Serial meeting?

What about emails? Text? Twitter? Facebook?

Scenario 4

You are an appointed official. Your business has been slow but is now taking off. You have to travel sometimes for your business and are missing meetings.

What should you do?

Scenario 5

A developer wants to develop a new single-family subdivision in an area currently zoned for industrial uses.

What would you need to know?

What steps would need to be taken to allow it?

Scenario 6

An older gentleman wants to build a carport in front of his house. Over the front building line. He is advised to go to the Board of Adjustment for either a special exception or a variance.

Which one is appropriate?

What is his justification?

Scenario 6

You are a surveyor and your company works in the community and surrounding cities. You prepared a plat that will be considered by the Commission?

What is your role?

What should be your actions?

Thank You
and now
Questions and Discussion

Other Sources of Information

Training and Resources for Planning Commissioners:

- City orientation and training for new Commissioners
- APA Texas Chapter
 - Regional and Local Workshops for Planning Commissioners
 - Annual Short Course for Elected and Appointed Officials
 - State Planning Conference
 - www.texasplanning.org
- American Planning Association – publications and conferences
 - *Planning Magazine*
 - National Planning Conference
 - *The Commissioner* quarterly newsletter
 - Ethics Toolkit – on website
 - www.planning.org
 - CD-ROM training packages
 - www.planningbooks.com
- Planning Commissioner’s Journal - online subscription
- Texas Municipal League

Contact Information

Ann C. Bagley, FAICP

Bagley Associates

Planning Official Development Officer, APA Texas

abagley@swbell.net

Karen Mitchell

Mitchell Planning Group, LLC

kmitchell@mitchellplanninggroup.com

The Comprehensive Plan

Ann C. Bagley, FAICP

Planning Official Development Officer

American Planning Association Texas Chapter

Mission, Texas

June 14, 2013

Based on A Guide to Urban Planning in Texas Communities of the Texas Chapter of American Planning Association.

What is a Comprehensive Plan?

A Comprehensive Plan is a long-range plan intended to guide the growth and development of a community for 20 to 30 years, if not for ultimate development. Plan elements generally include the physical characteristics of the city (e.g. land use, transportation and community facilities), support infrastructure (e.g. water, sewer, drainage, waste disposal, etc.), design (e.g. urban design, historic preservation, etc.), and social programs (housing, education, health care, senior citizens, etc.)

Comprehensive Planning

What is planning with a Comprehensive Plan?

- Guide to the decision-making process
- Means to a future
- Evaluation of alternatives
- Means of reaching consensus



"I want you to draw up plans for a city that can be built in a day."

Legal Authority for Comprehensive Plans in Texas

Standard City Planning Enabling Act (1926)

- Platting portion adopted by Texas,
- Zoning legislation in Texas in 1934
- Comprehensive Planning portion was not until 1997

Chapter 213 of the *Texas Local Government Code**

213.001. Purpose

The powers granted under this chapter are for the purpose of promoting sound development of municipalities and promoting public health, safety, and welfare.

213.002. Comprehensive Plan

- (a) The governing body of a municipality may adopt a comprehensive plan for the long-range development of the municipality. A municipality may define the content and design of a comprehensive plan.

*Chapter 213 replaced 219 in 2001

Chapter 213 (continued)

- (b) A comprehensive plan may:
 - (1) include but is not limited to provisions on land use, transportation, and public facilities;
 - (2) consist of a single plan or a coordinated set of plans organized by subject and geographic area; and
 - (3) be used to coordinate and guide the establishment of development regulations.
- (c) A municipality may define, in its charter or by ordinance, the relationship between a comprehensive plan and development regulations and may provide standards for determining the consistency required between a plan and development regulations.
- (d) Land use assumptions adopted in a manner that complies with Subchapter C, Chapter 395, may be incorporated in a comprehensive plan.

Chapter 213 (continued)

213.003. Adoption or Amendment of Comprehensive Plan

- (a) A comprehensive plan may be adopted or amended by ordinance following:
- (1) a hearing at which the public is given the opportunity to give testimony and present written evidence; and
 - (2) review by the municipality's planning commission or department, if one exists.
- (b) A municipality may establish, in its charter or by ordinance, procedures for adopting and amending a comprehensive plan.

213.004. Effect on Other Municipal Plans

This chapter does not limit the ability of a municipality to prepare other plans, policies, or strategies as required.

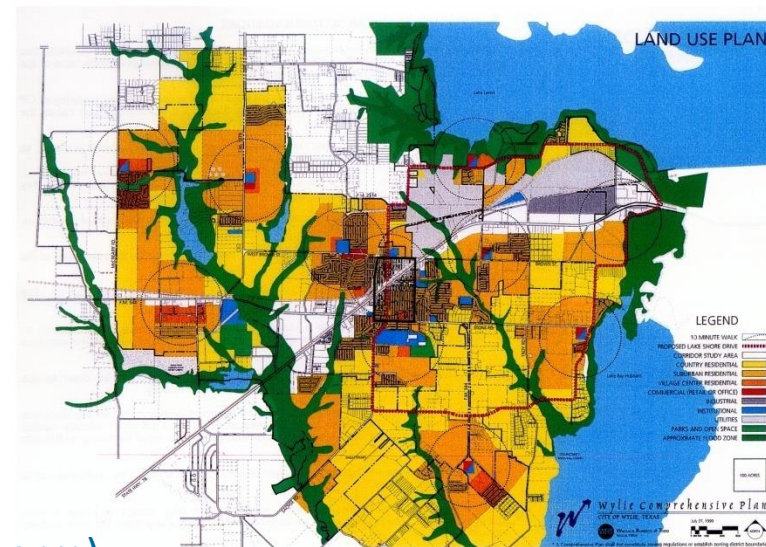
213.005. Notation on Map of Comprehensive Plan

A map of a comprehensive plan illustrating future land use shall contain the following clearly visible statement: "A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries."

Comprehensive Planning

Types of Plans

- Traditional map-based plans
- Functional plans
- Policy plans
- Strategic plans
- Integrated plans

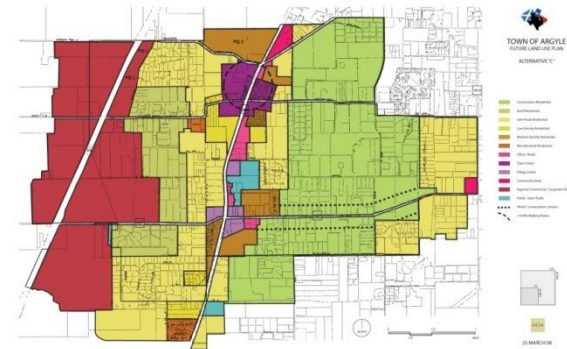


Planning perspectives

- Time Span (long-range vs. short term)
- Geographic extent (regional or citywide and/or neighborhood)
- Topical coverage (comprehensive vs. strategic)

A Comprehensive Plan is:

- Visionary;
- Focuses on physical development, taking into account socio-demographic characteristics;
- Long range (focus on 10-20 year horizon)
- Inclusive;
- General but sufficiently detail to develop goals, objectives and policies;
- Relate major physical development proposals to basic land use policies;
- In a form suitable for public review and understanding;
- Represent community consensus;
- Be updated every 5 years or so;
- Dynamic; and
- **Be a guide to every day decisions**



A Comprehensive Plan:

- States the community's values, goals and objectives;
- Is a policy guide for development;
- Provides an orderly basis for decision-making;
- Allows fiscally responsible decisions;
- Establishes policies for providing public facilities and services;
- Provides a series of action steps to achieve the community vision and goals.

Public Participation in Planning Process

To be effective, planning must be a part of the political process.

Techniques for citizen involvement:

Surveys/interviews

Workshops

Citizen advisory committees

Design charrettes/workshops

Public meetings

Public Hearings



McKinney City Times
a publication of the City of McKinney

VOTE May 15
See back for details

April-May 2004
mckinneytimes.org

Calendar of Events:

- April 9**
Board Commission (Senior App. Meet)
7:30 a.m.
Community Center
Information: 972-542-0242
- April 10**
City Council Meeting
7:30 a.m.
Community Center
Information: 972-542-0242
- April 12-18**
City Council - Public Meetings
Information: Call 972-542-7324 or check our website: www.mckinneytimes.org/announcements.html
- April 17**
Planning Neighborhoods for Area
June 1st
7:30-9:30
972-542-7385 or 972-542-7386
- April 18**
Risks and Resiliency Seminar 2004
Advanced Course Available
Information: 972-542-0242
- April 28-May 1**
City Meeting on Council District
Information: See back for details
- May 8**
McKinney 50th Week Faculty Program
City Council Meeting (4:30 p.m.)
Information: 972-542-0242
- May 15**
McKinney 50th Anniversary Day
7:30 a.m. - 7:30 p.m.
Information: See back for details
- May 29**
McKinney 50th Anniversary Center and Old Section Open for the Summer
Information: See back for details
- May 31**
Mayor and City Officers closed in observance of Memorial Day

McKinney Crime Rate Hits 10-year Low in 2003
Crime rate falls 18 percent, population increases 11 percent

10-Year McKinney Crime Rate Comparison

Year	Crime Rate per 1,000 Residents
1994	~10.5
1995	~10.0
1996	~9.5
1997	~9.0
1998	~8.5
1999	~8.0
2000	~7.5
2001	~7.0
2002	~6.5
2003	~6.0

Police attribute community-wide crime rate to a decrease in crime rate in 2003. The crime rate per 1,000 residents fell from 10.5 in 2002 to 6.0 in 2003, a 43 percent decrease. The city's population grew 11 percent in 2003.

Comprehensive Plan Nearing Completion
Planners and consultants plan for final Comp Plan adoption

After more than a year of community input and plan development, the work on other plans - namely McKinney's Comprehensive Plan is nearing completion. When finally adopted by the McKinney City Council, the plan will be one of the most important documents used by City staff and City officials.

The Comprehensive Plan, a multi-faceted document, provides guidance on decisions regarding land use and development, building future parks, linking public transportation, and more. The plan also provides the blueprint for the city's future.

The blueprint for the future is being developed by the Future Land Use Plan and the Land Use Policy Program. The Future Land Use Plan will be adopted by the City Council in the next few weeks. The Land Use Policy Program will be adopted by the City Council in the next few weeks.

McKinney residents can review the draft documents of the Comprehensive Plan by visiting www.mckinneytimes.org or by stopping by the City's Planning Department on Tuesdays, and on the following dates:

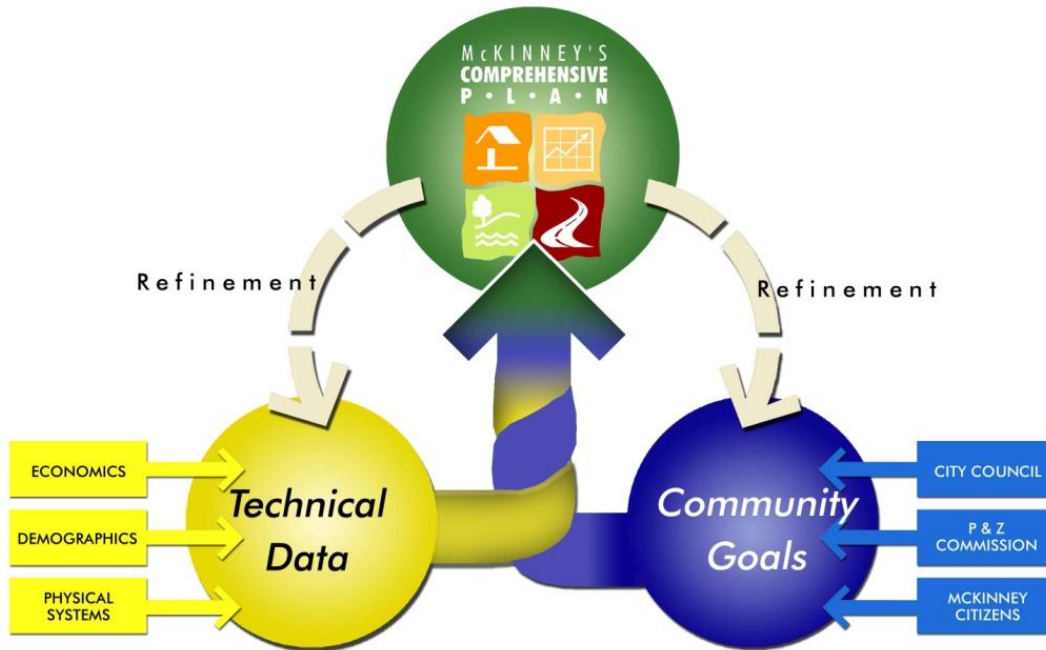
- Monday, May 17, 7:30 a.m. - 5:00 p.m.
- Monday, May 24, 7:30 a.m. - 5:00 p.m.
- Monday, May 31, 7:30 a.m. - 5:00 p.m.

For more information, contact Barry Walker, Senior Planner, at 972-542-0242 or barrywalker@mckinneytimes.org.

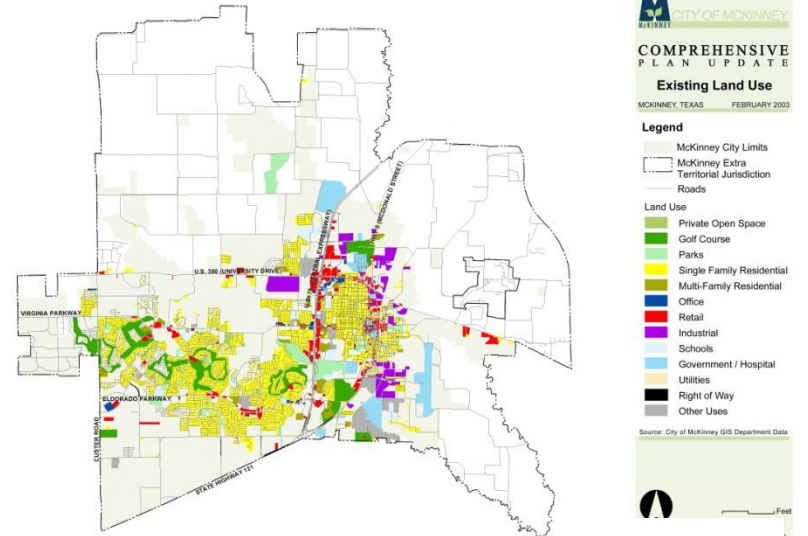
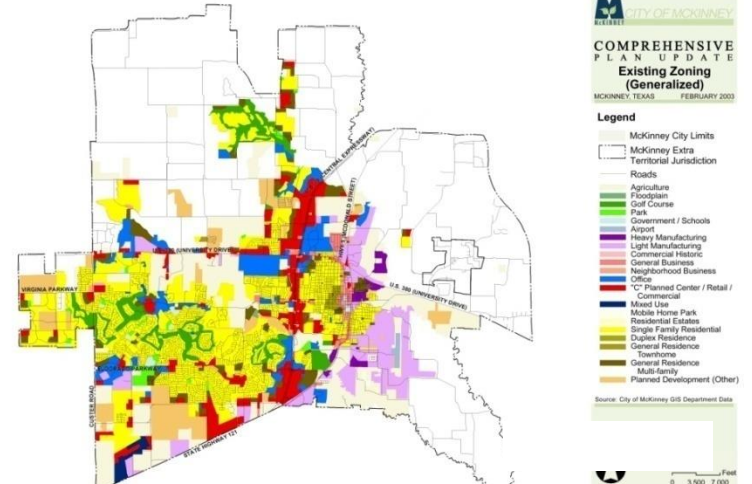
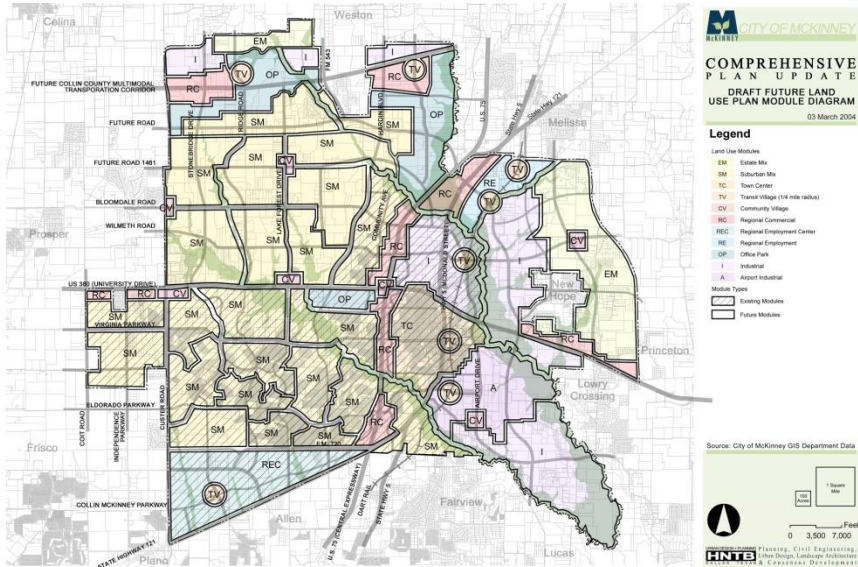
Plan-making Participants

COMPREHENSIVE PLANNING PROCESS

The Blending of Technical Data and Community Goals to Shape Tomorrow



Future Land Use versus Zoning



Reasons for Citizen Involvement

- ✓ Citizens have a right to participate in decisions that affect them.
- ✓ Provides citizens with opportunities to identify issues and express their goals, needs, concerns, and possible solutions.
- ✓ Enables governmental agencies to better respond to the needs and desires of the community.
- ✓ Builds trust, understanding, and open communication between local officials and the community.
- ✓ Generates a constituency of persons interested in seeing the plan implemented.
- ✓ Ensures the community's values are integrated into the plan's direction and recommended implementation plan.



Comprehensive Plan Preparation and Update

Who should be involved in plan preparation and amendments?

- Planning Commission
- Elected officials
- Other appointed officials
- City staff
- Consultants
- Neighborhood associations & interest groups
- Chamber of Commerce
- Supporters and detractors
- In short, everybody



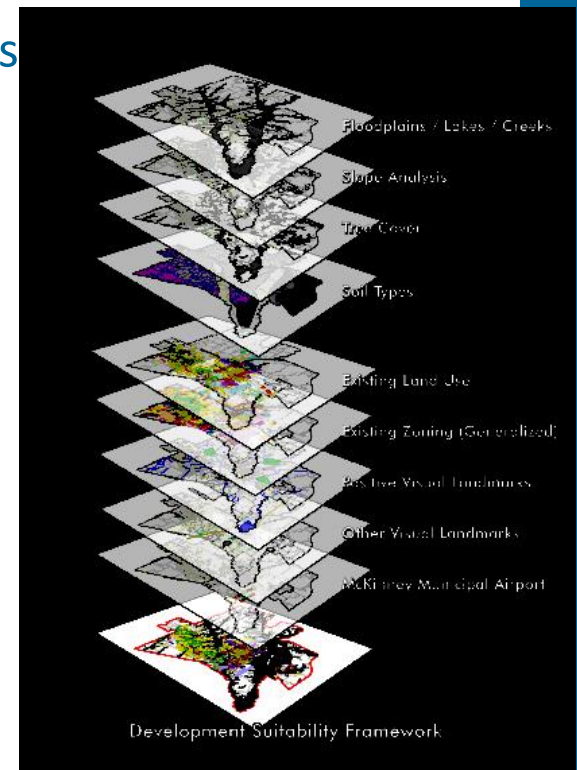
The Plan-Making Process

1. Evaluate Existing Conditions
 1. Current conditions and trends
 2. Population and Employment projections:
 3. Threats, opportunities and issues
 4. Alternative Scenarios
 5. Vision statement
2. Goals, objectives and policies
3. Land Use and Transportation Plan
 1. Determine broad areas for urban development, conservation, and rural preservation
 2. Determine land requirements for residential and commercial development



The Plan-Making Process (cont.)

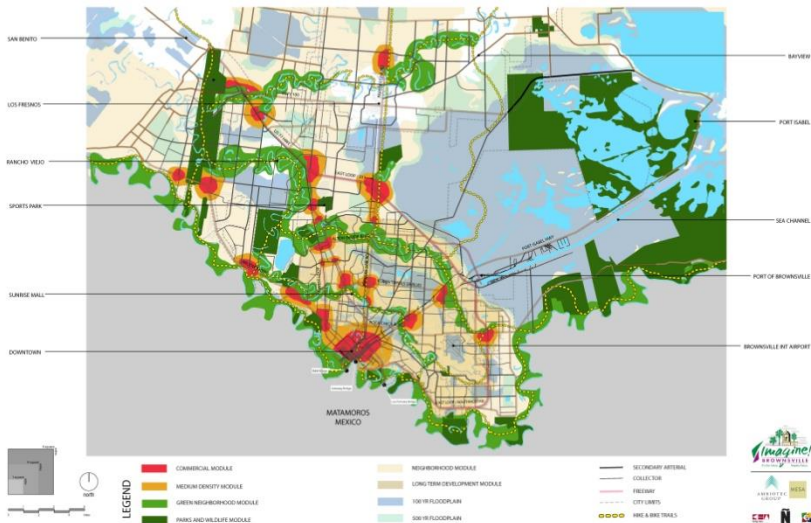
4. Develop spatial arrangements of future land uses
 - a. Determine location principles for manufacturing, distribution, office and service industries.
 - b. Determine location principles for residential neighborhoods
 - c. Determine location principles shopping and entertainment areas
 - d. Determine transportation needs
 - e. Determine community facility needs
5. Map suitable locations for each major land use
6. Estimate space requirements
7. Analyze holding capacity
8. Design future land use plan
9. Plan for infrastructure



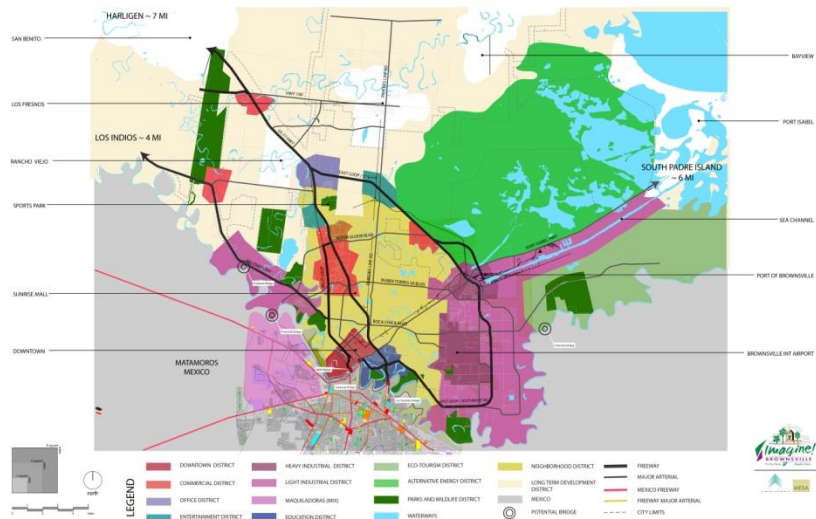
The Plan-Making Process (cont.)

Alternative Scenarios

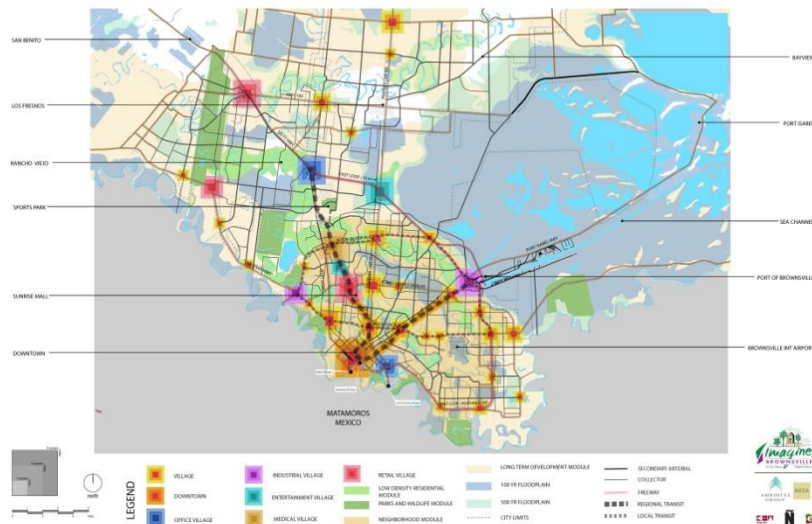
BROWNSVILLE COMPREHENSIVE PLAN *sub regional - environmental scenario*
MAY 2008



BROWNSVILLE COMPREHENSIVE PLAN *regional scenario*
MAY 2008



BROWNSVILLE COMPREHENSIVE PLAN *sub regional - village scenario*
MAY 2008



Establishing Goals and Objectives

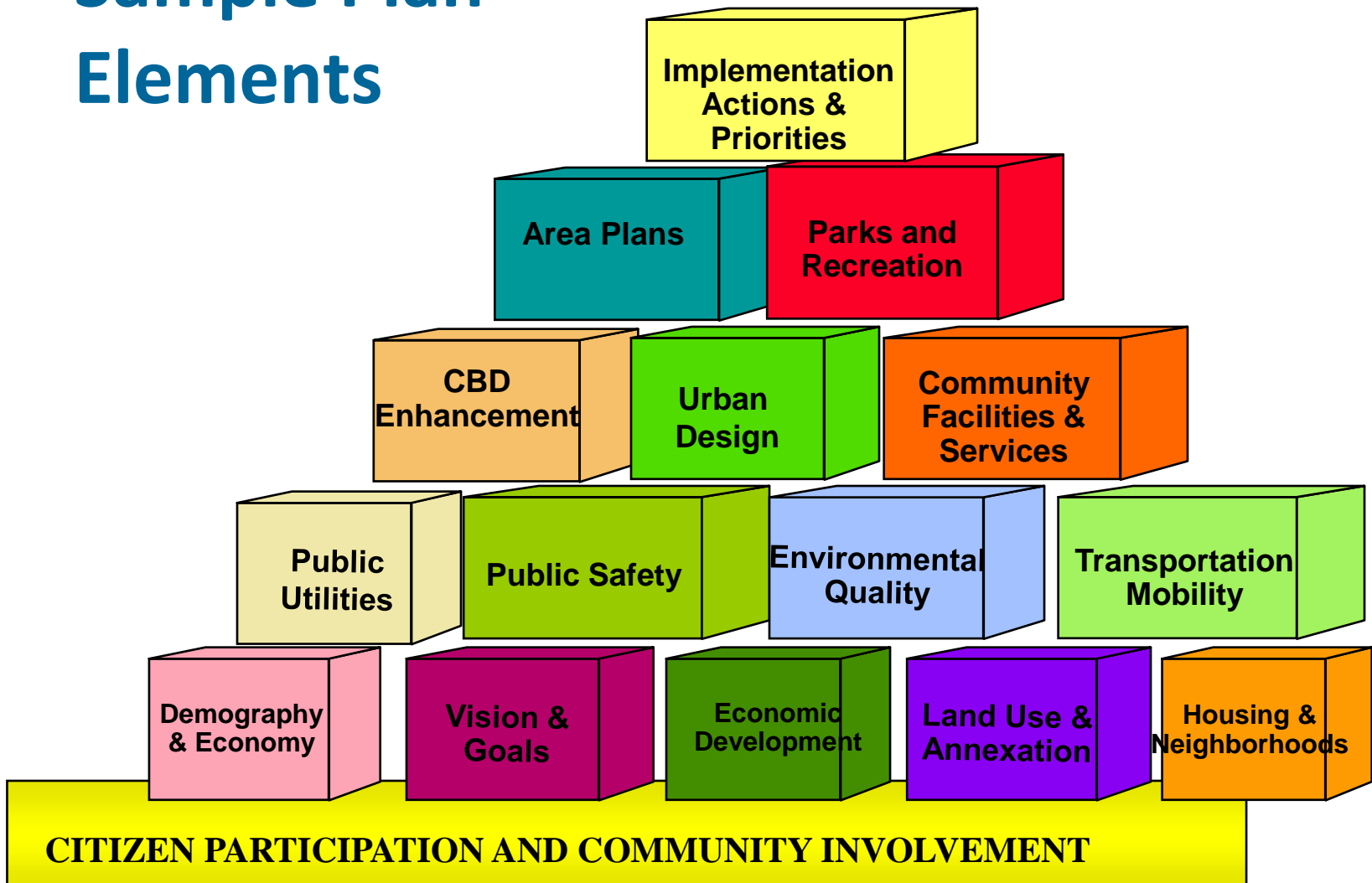
A **goal** is an ideal future condition to which the community aspires.

An **objective** is a tangible, measurable outcome leading to the achievement of the goal.

A **policy** is a statement of action or requirement necessary to achieve goals and objectives.

An **action** is a specific implantation item that assigns time and responsibility.

Sample Plan Elements



Comprehensive Plan Contents

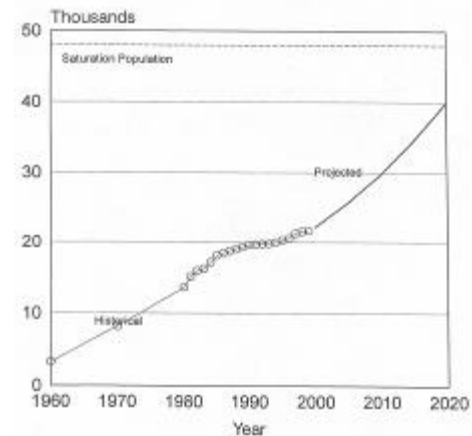
Historical background



Environmental and Social setting

- Environmental constraints
- Demographic and socioeconomic trends
- Vision of the Future

Population Projections
City of Benbrook



Comprehensive Plan Contents

CORPUS CHRISTI FUTURE LAND USE PLAN

INTRODUCTION

A future land use plan is a critical element of the City's Comprehensive Plan for creating orderly growth, economic development and for achieving the City's vision for the future. The future land use element provides a guide to citizens, community leaders and city staff by illustrating the City's intention for supporting future use of land and private property. The Zoning Ordinance, Planning Ordinance, Building Code and Coastal Ordinance are the primary tools used by the City to implement the Comprehensive Plan. The geographic scope of the Future Land Use element of the City's Comprehensive Plan includes all property located inside city limits and property located outside city limits within the City's jurisdiction (Comprehensive Plan (C.P.)).

STATE ENABLING AUTHORITY

Chapter 5219 of the Texas Local Government Code authorizes a municipality to create a Comprehensive Plan for the purpose of promoting sound development of municipalities and promoting public health, safety, and welfare. Chapter 5219 authorizes a municipality, without limitation, to address future land transportation, public facilities or other topics in the Comprehensive Plan. Before the governing body of a municipality may adopt a Comprehensive Plan, the City Planning Commission must be allowed to provide comments on the draft plan after a public hearing or other comment method is conducted.

Chapter 5219-05 also requires a notation on the map of the Land Use Element of the Comprehensive Plan, stating that a Comprehensive Plan shall not conflict or encroach into an existing zoning district boundaries.

GEOGRAPHIC JURISDICTION

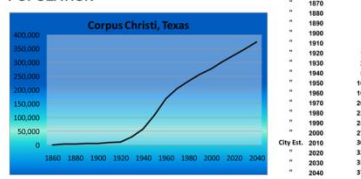
This is the City's official Future Land Use Plan for all areas in the City's corporate limits and its ETJ. The City's ETJ extends parallel with, and located five miles beyond the City's city limit line. State law allows a City to enact zoning, subdivision, building codes and other development regulations within the city limits. In the ETJ, a city may only enact its subdivision regulations.

ZONING AND PLATTING ORDINANCES

The City's Zoning Ordinance controls the use of public and private property inside the city limits. The future land use plan is the fundamental basis for zoning decisions. All zoning decisions should be consistent with the City's Comprehensive Plan.

The Planning Ordinance controls the subdivision of land inside city limits and its five-mile extrajurisdictional jurisdiction. Plating a piece of property will allow a property owner to subdivide a large tract into a multi-lot subdivision. The Planning Ordinance regulates the delivery of services to an individual piece of property by creating a neighborhood within property owner and the City's subdivision. Through the use of the Comprehensive Plan, especially the Future Land Use Plan and the Transportation Plan, the city can require dedication of land for improvements to adequately serve a subdivision. These improvements include parks, streets, drainage, and water and wastewater services.

POPULATION



CAPITAL IMPROVEMENT PROGRAM

The Capital Improvement Program is a list of improvement projects and financing strategies to provide public improvements over a specific time period. The Capital Improvement Program addresses the City's improvement plans over the next three to five year period. The Capital Improvement Program may also contain a long range list of capital improvements according to long-term trends to five year time periods where funding sources have not yet been identified. The Future Land Use Plan maps plays a critical role in the development of the Capital Improvement Program by indicating potential funding of land use so that infrastructure for water, sewer, stormwater and transportation can be planned accordingly.

DEMOGRAPHICS/FUTURE LAND USE PLANS FOR CORPUS CHRISTI

Comprehensive Plan for Corpus Christi by Harland Bartholomew and Associates. Adopted in 1955. The Harland Bartholomew Plan is considered Corpus Christi's first Comprehensive Plan. The plan encompassed the city and surrounding areas, and addressed future land use, transportation, public services and recreation.

City Charter—1986 Amendments, the Corpus Christi Comprehensive Plan is mandated by the City Charter. The Charter requires the City Council to . . . establish comprehensive planning as a continuous governmental function to

guide, regulate, and manage future development . . . and that . . . all city improvements, ordinances, and regulations shall be consistent with the Comprehensive Plan. . . . The Comprehensive Plan is comprised of various plan elements such as Policy Statements, Area Development Plans, Capital Improvement Programs, and Master Utility Plans. The comprehensive planning process is a means for citizens and community leaders to guide community development. The Comprehensive Plan, by definition, is general, long range, and broad in scope. Its purpose is to guide the City in policy formulation and in the implementation of strategies related to population, housing, environment, land use, transportation, and public services.

Planning Process. The City Charter gives the City Planning Commission the primary advisory role to the City on all matters related to the City's Comprehensive Plan. The Charter requires the Planning Commission to hold at least one public hearing prior to making a recommendation to City Council on Comprehensive Plan elements. The Charter also requires the City Council to conduct at least one public hearing prior to taking action to adopt a comprehensive plan element. Providing the public an opportunity to provide input on all comprehensive plan elements is the foundation for all comprehensive planning efforts.

Corpus Christi Policy Statements. Adopted by City Council July 21, 1987, the Policy Statements are the first Comprehensive Plan element adopted through the voting approval of the various City Charter mandating a Comprehensive Plan. The Corpus Christi Policy Statements provide the overall basis for city planning in Corpus Christi. The plan addresses policies for annexation, protection of the environment, economic development, land use, transportation, and public services.

Area Development Plans. Adoption of the Corpus Christi Policy Statements required the City to delegate on the City and its Extrajurisdictional jurisdiction into Area Development Plan study areas. Since the Policy Statements did not contain a land use plan, the Area Development Plans were necessary to create a future land use element. The purpose of the land use element would be to provide direction and guidance pertaining to zoning, planning and capital improvements decisions. The current status of each area development plan is:

The policies of these plans still apply except where they have been superseded by subsequent plans, including this updated Future Land Use Plan.

RELATIONSHIP OF LAND USE TO THE TRANSPORTATION SYSTEM

The transportation network must be designed to serve existing and future land use. The type, density, and location of land developments combined with the type of street available to serve the developments have a dramatic effect on traffic generation and performance of the transportation system. A key goal of the United Future Land Use Plan is to provide information necessary to adequately plan for the future transportation network of the city and surrounding region.

The transportation system provides a land access function and a traffic movement function. In order to provide a safe and efficient street network, it is important to recognize the dual function of moving traffic, safely, and at the same time providing access to individuals and services. Due to these opposing and sometimes conflicting functional characteristics, no single roadway type can safely or efficiently meet all travel needs. The United Transportation Plan is based on the principle that roadway types should be selected to be served by higher volume streets and lower land use intensities should be served by lower volume streets.

A system of street classifications in the Transportation Plan establishes the appropriate types of street to serve where land use intensity is high. It is important to recognize the dual function of moving traffic, safely, and at the same time providing access to individuals and services. The appropriate street type and its configuration impact on the quality of life within the community. For example, building wide straight streets through a neighborhood may make the neighborhood unattractive for residential uses due to the speed of traffic and traffic volumes. Building a narrow street next to a shopping center will result in traffic congestion. Conversely, building a street appropriate for the land uses it will serve can greatly enhance the quality of life in the community.

MASS TRANSIT - REGIONAL TRANSIT AUTHORITY
The City shall encourage the use of mass transit facilities. Planned Regional Transit Authority (RTA) facilities will be integrated into the City's street design requirements for capital improvements and into requirements for new public and

private developments. Examples of some of these facilities include additional right-of-way, bus stops, bus parks, bus public shelters, and related passenger amenities.

CORPUS CHRISTI POLICY STATEMENTS

The Corpus Christi Policy Statements provide a framework for development, setting community standards for the location, and interaction of residential, commercial, industrial and public uses. These policies are intended to be responsive to both the needs of the marketplace and the goals of the citizens of Corpus Christi. Some of the most significant land use policy statements are summarized below.

REZONING CONSISTENCY WITH THE COMPREHENSIVE PLAN
Rezoning should be consistent with the Comprehensive Plan. The City Council adopted area development plans will be used as a guide for zoning changes and subdivision development decisions. In addition, the area development plans will provide a legal foundation upon which the City Council and the Planning Commission should base their land development decisions. However, area development plans should be flexible and are subject to revisions if conditions have changed since approval of an area development plan and/or if the proposed changes are consistent with the adopted Comprehensive Policy Statements.

According to the City Charter, "all city improvements, ordinances, and regulations shall be consistent with the Comprehensive Plan." The comprehensive plan provides the rationale and justification for zoning, planning, and other land development decisions. Implementation of city ordinances consistent with the comprehensive plan will provide a legal foundation for such decisions, and promote the public health, safety, and welfare of the City.

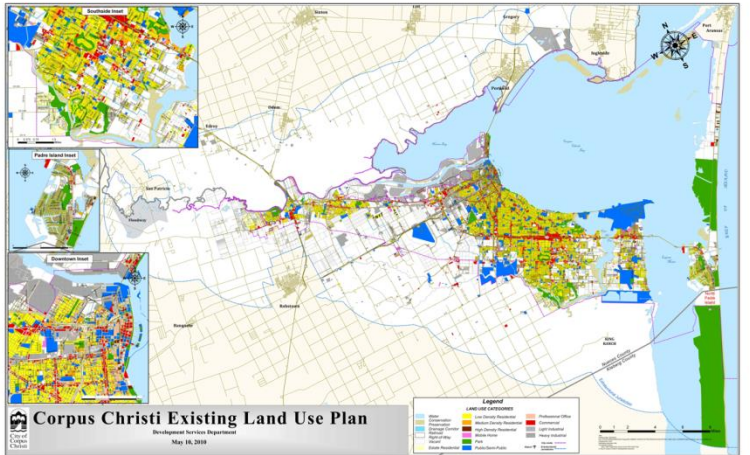
EFFICIENT DEVELOPMENT
New development should occur at a pattern which is cost efficient. The City should encourage new development where services can be provided economically and wherever possible, promote contiguous development. City ordinances should be revised periodically to insure they are consistent with this policy. Ordinances should also state the state of the art land planning techniques to make available various densities and funding techniques while maintaining an attractive living environment.

EXPANSION OF COMMERCIAL OR INDUSTRIAL USE INTO RESIDENTIAL AREAS

Expansion of commercial or industrial use into residential areas may be permitted only if the expansion maintains or improves the residential desirability of the impacted area. If an expansion of commercial and industrial use occurs, the relationship between adjacent residential and other land use types should be maintained or improved. Improvements should be made to vehicular access, design and location of buildings, parking areas, signs, and lighting. A buffer or open space should also be constructed between residential and more intensive land use types. However, this policy should not discourage the use of mix-use development in areas where commercial and residential uses are integrated harmoniously. Well-planned commercial and residential activities in the same or adjacent buildings may actually enhance the quality of an area by providing needed service activities and encourage pedestrian rather than vehicular movement.

DENSITY OF DEVELOPMENT
The density of development in an area should be directly related to the design capacity of the infrastructure. The master plans for water, drainage, streets, gas and wastewater are based on a projected density of industrial, commercial, institutional, and residential development. Problems occur when the actual density of development exceeds projected needs. Therefore, the projected densities utilized in making these plans need to be based on a thorough and realistic analysis of growth patterns and actual market trends, with a built in margin of error. Actual development should be monitored against these projections to avoid potential problem areas well in advance.

NATURAL ASSETS
Corpus Christi Bay, Laguna Madre, Padre Island, Mustang Island, Nueces Bay, Caye Del Oro and Oro Creek development should be considered in concert with affect on the entire city. These environmentally sensitive areas are important to the continued economic viability of the city and the tourist industry. Any development of these areas needs to be viewed in light the asset impact on the environment, on adjacent areas and on the aesthetics of the city as a whole.



ARTPORTS
Artistic surrounding existing sports, public, and military airports should be developed in a manner that is compatible with the operation of the airports.

ADJACENCY OF COMMERCIAL AND RESIDENTIAL USES
Commercial uses adjacent to existing or proposed residential areas should be buffered or use sensitive in design. Commercial development can be a great convenience adjacent to a residential neighborhood, providing goods, services, and employment. However, it must be taken in design of commercial property to make the site compatible with adjacent residential development. Traffic from commercial areas should be routed away from residential areas. In order to protect residential areas, open space, screening fences, and landscaping should be required and trees and shrubs uses should be prohibited unless other site development techniques are used to make the uses compatible.

HIGH DENSITY RESIDENTIAL DEVELOPMENT
High density residential development should be encouraged especially in the central area of the city. Well planned high-density residential development can be an efficient design for the provision of housing on land that would otherwise be developed as low-density residential. This type of development can be especially important in the central area of the city where land prices can be high and where efficient use of services is most critical. High density housing development in the central city will provide a population base that supports the commercial development of the central core. Incentives should be offered to promote this type of development.

High-density residential development (more than 22 units per acre) should be located with direct access to arterials. High-density apartment developments produce a high level of activity and heavy traffic movement. To prevent this traffic from spilling onto lower density residential streets, high-density apartments should be located with direct arterial access or along an arterial corridor designed specifically to collect the transportation traffic and distribute it directly to an arterial mainline passing through lower density residential areas.

MEDIUM-DENSITY RESIDENTIAL DEVELOPMENT
Medium-density residential development (8 to 22 units per acre) should be located in areas with convenient arterial street access. Traffic that is generated from apartment units causes problems if it is allowed to funnel through lower density residential areas. To avoid these problems, apartments should be located with direct access to an arterial or, along a collector that provides access to an arterial.

TRANSITIONS OF DEVELOPMENT
Appropriate transitions should exist between high-density and low density (less than 8 units per acre) residential dwellings. While high-density apartments and low-density single-family homes are both residential uses, the difference in the intensity of the uses may create conflicts if the transition is not smooth. Such design considerations as building height, screening fences or landscaping, building setbacks, parking layout, and a variety of other techniques shall be used to create an appropriate transition.

INFILL DEVELOPMENT
Infill development will be encouraged on vacant tracts within areas already benefiting from municipal infrastructure. Infill sites that require additional infrastructure should be encouraged where that infrastructure should be taken to improve the economic viability of development through incentives that attract private investments.

INCOMPATIBLE USES
Incompatible industrial and commercial land uses should not abut residential areas. Many of the activities allowed in the industrial and commercial districts are incompatible with residential areas. Whenever possible, such uses should be separated from residential areas. When these uses must abut residential areas, steps shall be taken to minimize conflicts, i.e., provision of open space, landscaping, screening fences, etc.

PLANNED UTILITY DEVELOPMENT
Planned utility development and other creative land planning techniques should be encouraged. Traditional land use regulations can sometimes discourage development on difficult sites or prevent innovative new designs. Cluster housing designs and planned utility developments allow flexibility for attractive, efficient design and can often reduce infrastructure installation and maintenance costs to the City. All ordinances governing planned utility developments should be reviewed periodically to insure that valid innovations in land planning are encouraged and the approval process is not a deterrent.

EXPANSION OF COMMERCIAL USES
Commercial use expansions into within residential areas may be permitted only if such expansion maintains or improves the residential desirability of the impacted neighborhood. Commercial development in residential areas may be allowed in situations where proponents of such change can demonstrate how rezoning changes will benefit the impacted neighborhood and the community. Commercial activities which generate large volumes of traffic should have direct access to an arterial without having to traverse low-density areas.

COMMERCIAL AND INDUSTRIAL USES
Commercial service areas designed to serve local neighborhoods should be conveniently located and in harmony with the surrounding neighborhood. Subtly-zoned land for both light and heavy industries should be provided. In recognition that not all industrial uses have the same location or service needs, industrially zoned land should be available in a variety of areas throughout the city. The quantity of available land should be abundant enough to keep land prices at a level that will not discourage new industries from locating in Corpus Christi.

FUTURE LAND USE PLAN AMENDMENT PROCESS

To maintain flexibility in the future land use plan, the public hearing allows amendments and adaptation. The amendment process is outlined in the City Charter (1987) and the City's adopted Policy Statements (1987) requiring a minimum of one public hearing by the Planning Commission prior to City Council approval of any amendment.

An extrajurisdictional development, which is not consistent with the Comprehensive Plan shall be defined as any area of greater density or intensity than that authorized by the Future Land Use Plan and which is not supported by an area development plan policy statements.

The Director of Development Services or Planning Director shall determine if a proposed development is inconsistent with the Comprehensive Plan and shall propose plan amendments approved by City Council prior to approval of development proposals in conflict with the plan.

Adopted by City Council Ordinance #028504 on March 9, 2010. H.U.D. Community Development Block Grant monies were used to fund the preparation of this plan. For more detailed information refer to <http://www.ci.corpuschristi.tx.us> under the heading of Comprehensive Planning / Master Plans.

CORPUS CHRISTI FUTURE LAND USE PLAN March 9, 2010 Development Services Department



Comprehensive Plan Contents

continued

Transportation

INTRODUCTION

A sufficient transportation network is vital to the orderly growth and development of a community. The transportation network significantly influences patterns of growth, investment, and the quality of the urban environment. The purpose of transportation is to move people and goods from one place to another in a safe and expeditious manner. Transportation provides the means for development within the transportation system, and urban space and financial resources are allocated to this purpose.

The design of land use development can be modified to improve the efficiency of a transportation system. Smart development is the way forward and more transit-friendly will give better access to more people with less reliance on the automobile. The City will encourage smart development that will be economically viable, socially responsible, and environmentally sound.

This Urban Transportation Plan addresses the history, analysis, and vision as set forth in the City of Corpus Christi and the City's Environmental Framework. The purpose of the Urban Transportation Plan is to address the urban environment, transportation and development of the City. In addition, the Plan also includes additional right-of-way for the numerous public utilities that are located along or over the City's road system. Development of the City's transportation system will be guided by the following goals:

1. To provide a comprehensive transportation system that is safe, efficient, and environmentally sound.

2. To provide a transportation system that is accessible to all citizens.

3. To provide a transportation system that is economically viable.

4. To provide a transportation system that is socially responsible.

5. To provide a transportation system that is environmentally sound.

6. To provide a transportation system that is aesthetically pleasing.

7. To provide a transportation system that is resilient to natural disasters.

8. To provide a transportation system that is flexible to future changes.

9. To provide a transportation system that is integrated with other City services.

10. To provide a transportation system that is consistent with the City's Comprehensive Plan and other City policies.

Comprehensive Plan establishes a long-term vision for the City and provides a framework for future development. The Comprehensive Plan is a living document that is updated periodically to reflect changes in the City's needs and circumstances. The Comprehensive Plan is the foundation for all other City policies and programs.

The Comprehensive Plan is a living document that is updated periodically to reflect changes in the City's needs and circumstances. The Comprehensive Plan is the foundation for all other City policies and programs.

STATE ENABLING AUTHORITY

Under Chapter 219 of the Texas Local Government Code, a Comprehensive Plan may be adopted by a local government. The Comprehensive Plan is a living document that is updated periodically to reflect changes in the City's needs and circumstances. The Comprehensive Plan is the foundation for all other City policies and programs.

AUTHORITY - CITY'S TRANSPORTATION PLAN

The City's Urban Transportation Plan is a living document that is updated periodically to reflect changes in the City's needs and circumstances. The Urban Transportation Plan is the foundation for all other City policies and programs.

GEOGRAPHIC JURISDICTION OF THE PLAN

The City's Urban Transportation Plan applies to all areas within the City's jurisdiction. The Urban Transportation Plan is the foundation for all other City policies and programs.

RELATIONSHIP TO THE METROPOLITAN PLANNING ORGANIZATION (MPO)

The City's Urban Transportation Plan is consistent with the Metropolitan Planning Organization's Comprehensive Plan. The Urban Transportation Plan is the foundation for all other City policies and programs.

THE LAND USE AND TRANSPORTATION SYSTEM

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

URBAN STREETS

Designation	Right of Way	Right of Way	Right of Way	Right of Way	Right of Way	Right of Way	Right of Way	Right of Way	Right of Way
1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1
1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2
1.3	1.3	1.3	1.3	1.3	1.3	1.3	1.3	1.3	1.3
1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4
1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
1.6	1.6	1.6	1.6	1.6	1.6	1.6	1.6	1.6	1.6
1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.7
1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8
1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9
1.10	1.10	1.10	1.10	1.10	1.10	1.10	1.10	1.10	1.10

TRANSPORTATION PLAN GOALS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

ARTICULARS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

TRANSITATION PLAN GOALS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

ARTICULARS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

TRANSITATION PLAN GOALS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

ARTICULARS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

TRANSITATION PLAN GOALS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

ARTICULARS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

TRANSITATION PLAN GOALS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

ARTICULARS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

TRANSITATION PLAN GOALS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

ARTICULARS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

TRANSITATION PLAN GOALS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

ARTICULARS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

TRANSITATION PLAN GOALS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

ARTICULARS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

TRANSITATION PLAN GOALS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

ARTICULARS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

TRANSITATION PLAN GOALS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

ARTICULARS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

TRANSITATION PLAN GOALS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

ARTICULARS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

TRANSITATION PLAN GOALS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

ARTICULARS

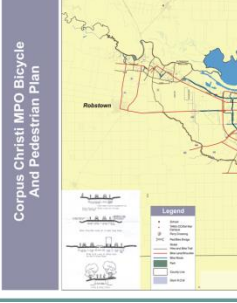
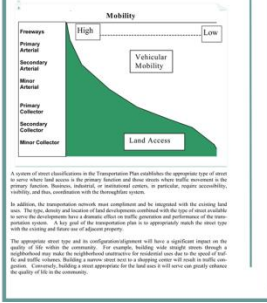
The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

TRANSITATION PLAN GOALS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

ARTICULARS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.



CENTRAL BUSINESS DISTRICT

The City and the Regional Transit Authority (RTA) intend to promote public transportation alternatives and walk and bike programs from suburban centers to the central business district. The City and the RTA intend to promote public transportation alternatives and walk and bike programs from suburban centers to the central business district.

TRANSITATION PLAN GOALS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

ARTICULARS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

TRANSITATION PLAN GOALS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

ARTICULARS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

TRANSITATION PLAN GOALS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

ARTICULARS

The Urban Transportation Plan is consistent with the City's Comprehensive Plan and other City policies. The Urban Transportation Plan is the foundation for all other City policies and programs.

May 24, 2005
Corpus Christi
Urban Transportation Plan

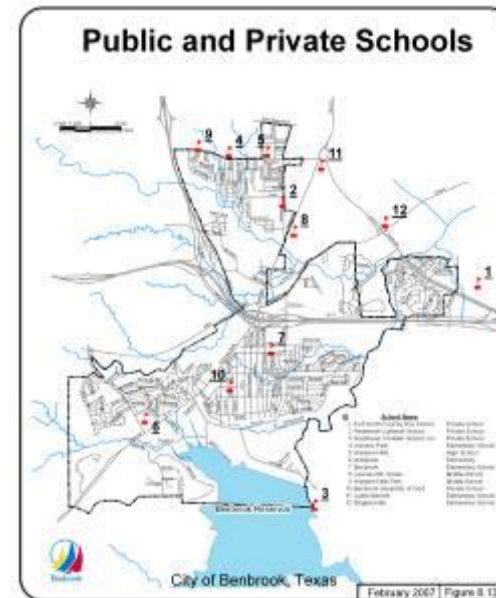
Corpus Christi
City of Corpus Christi

Comprehensive Plan Contents

Continued

Community Facilities

- Buildings (fire stations, libraries)
- Parks
- Schools



Comprehensive Plan Contents

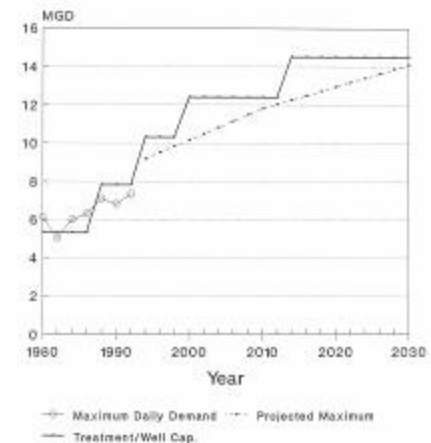
continued

Public Utilities

- Water
- Energy
- Communications



Water Supply/Demand Curve
Benbrook Water and Sewer Authority



Waste Management

- Solid waste
- Wastewater
- Hazardous waste

Comprehensive Plan Contents

continued

Public Safety

- Police
- Fire
- Emergency medical care
- Disaster response and preparedness



Economic Development

- Business retention
- Business recruitment
- Grow Revenue of City



Comprehensive Plan Contents

continued

Other Sections

- Historic preservation
- Housing, Health and Social services
- Urban Design and amenities
- Capital improvements
- Implementation and Monitoring*



Plan Implementation Tools

- Zoning Changes
- Subdivision Review
- Capital Improvements Program
- Area Plans
- Review consistency of decisions with Comprehensive Plan Goals,
- Annual Status Reports to Planning Commission
- Planning Commission Report to City Council
- Annual Plan Revisions
- 5-year Updates and Revisions
- 10-year Major Plan Updates

Using the Comprehensive Planning

- Basis of zoning and subdivision decisions
 - Conformance with State law (TLGC 211.004)
 - Change plan before changing zoning
 - Development review checklists
 - Growth management
 - Annexations
- Basis for Capital and Annual Budget Decisions
 - Impact fees
 - Park dedication exactions
- Basis for economic development decisions
- Basis for communication

Reviewing Comprehensive Plan Amendments

Administrative review

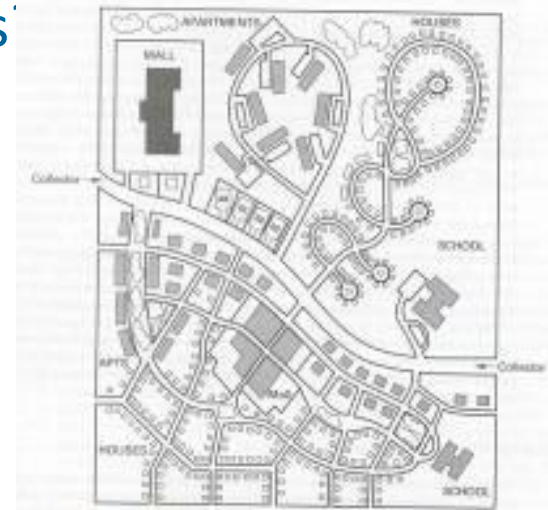
- Have they given you everything that you require to make decision
- Why?
- Require change?

Planning Review

- Look at the big picture
- Does the proposed change meet your planning goals?

Land Use and Thoroughfare Plan Amendments

- Is this the best ultimate land use for this area, rather than the existing Land Use Plan designation?
 - Be careful not to react to cyclical market demands. Change when change is the right thing to do in the long term.
- Are there any environmental constraints (e.g. floodplains, noise, landfill issues)
- Does the proposed road and/or land use make sense for that location? (land use conflicts, relationship to other uses, access, utility service, etc.)



Keeping the Peace

Citizens and various interest groups are not going to agree on everything

- NIMBYs
- BANANAs (build absolutely nothing anywhere near anything)
- Environmentalists
- Developers
- Business Owners



Keeping the Peace

Commissioners are ideal referees

- Disciplined & Objective
- Seen as broadly representative and attentive
- You have the public trust

When you lose sight of those values, the whole process comes in to question

Keeping the Peace

Be the lightning rod to draw out and clarify the positions for all sides

A Commission has more ability to be impartial and nonpartisan than politicians, by their very calling can never hope to achieve

Once all of the group positions are vetted, then the politicians upstairs can more safely and rationally make “statesmanlike” decisions.



Getting to EXCELLENT

- Keep and improve livability in face of change
- Provide clear guidance for day-to-day decisions
- Should avoid too much “pie in the sky”
- Clearly shows how to get there from here
- Deal with visual concerns three dimensionally



Getting to EXCELLENT

- Deal with how things will work as well as where they go
- Strategy for positive change in older areas
- Get a timing strategy
- Plan it in PLAIN language
- It should be clearly understood as a commitment



A Plan Unleashed

Now the hard work begins! Implementing and monitoring the plan can be rewarding, but also tedious. By taking careful steps, your Plan can be a success!



Lobby for good Planning! If you don't, who will?

Any Questions and/or Comments?

Capital Improvements Planning

CIP: An annual, multi-year schedule of proposed capital improvements.

Capital Improvement: Defined by minimum life expectancy and minimum cost.

- Usually long term and substantial
- Based on priorities and funding.
- Not merely a list of bond projects.
- Important tool for implementing the Comprehensive Plan.

The **CIP** is

- To assist local officials in making sound decisions about investment of public financial resources.
- To foster timely funding and construction of needed public facilities.
- To promote orderly development in accordance with the Comprehensive Plan.

Elements of the CIP

- Assessment of growth trends and impacts on public facilities.
- Identify capital projects needed to address deficiencies and support growth.
- Establish priorities among capital improvements.
- Assessment of financial resources.
- Match projects to available funding sources.

Possible Funding Sources

- General Obligation Bonds
- Revenue Bonds
- Enterprise Funds
- Development Impact Fees
- Public Improvement Districts
- Tax Increment Financing
- State and Federal Grants
- Private Funds

Relationship to Comprehensive Plan

The **CIP** can be a

- Companion to Comprehensive Plan
- Part of Comprehensive Plan
- Capital improvement needs can be identified based upon Comprehensive Plan

Relationship to Annual Budget

- 1st year of CIP is input to the annual budget.
- CIP is a moving multi-year identification of proposed projects and funding needs.
- CIP is updated each year for the next multi-year period.
- Financial projections for funding capacity are derived from analysis and forecasts based upon the annual budget and financial statements.

Thank you!
Questions?

Contact Information: abagley@swbell.net

The Zoning Ordinance

Its Fundamentals including Statutory and Judicial Authority

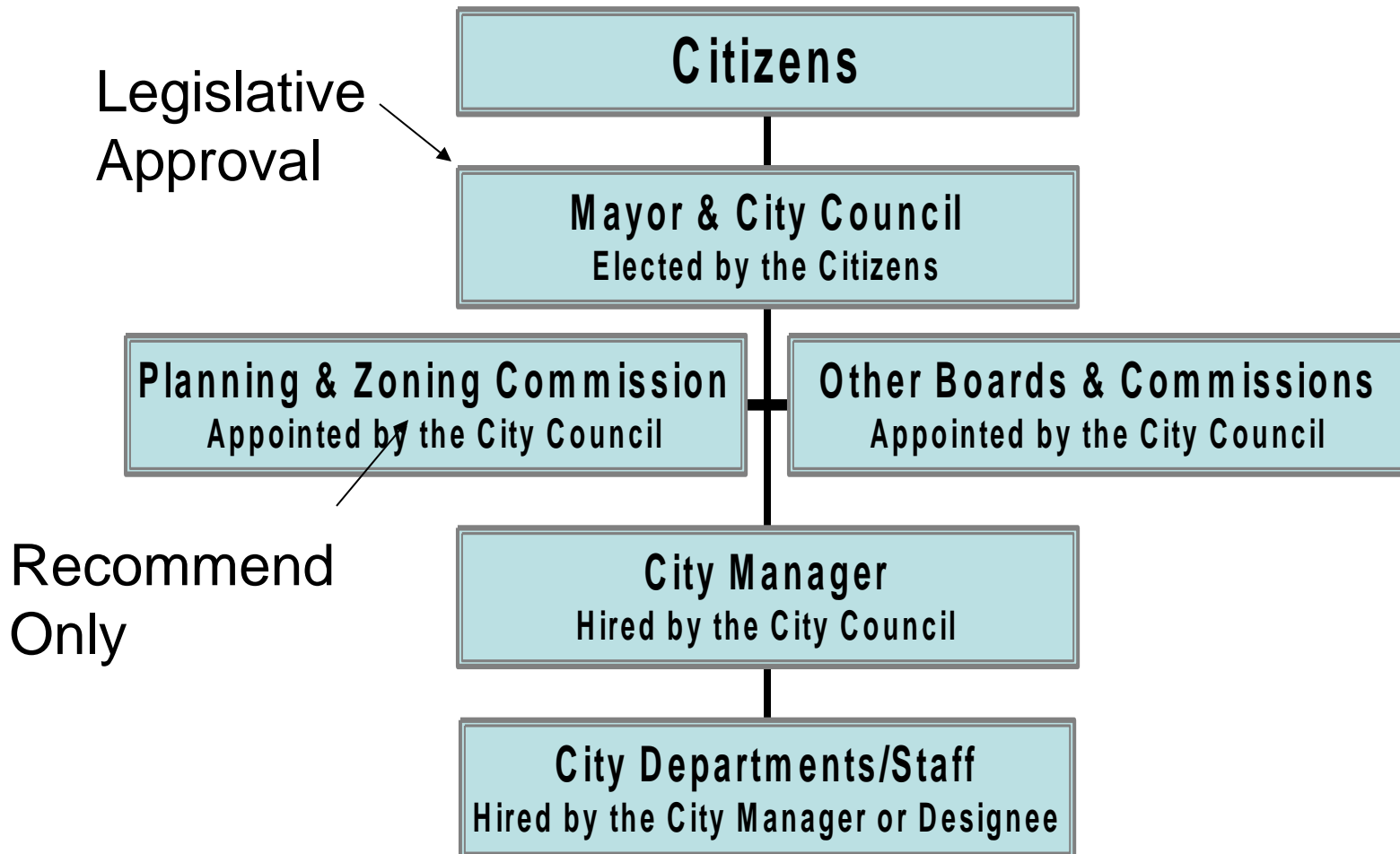
Ann C. Bagley, FAICP
Planning Official Development Officer
American Planning Association Texas Chapter

Mission, Texas
June 14, 2013

Definition of Zoning

“...the division of a jurisdiction into districts (zones) within which permissible uses are prescribed and restrictions on building height, bulk, layout and other requirements are defined.”

Participants in the Zoning Process



History Of Zoning – United States

- Nuisance laws for land use controls
- New York City (1916)
 - Light /air standards at street level
 - Separation of incompatible land uses
- Standard State Zoning Enabling Act (1922)
- Ambler Realty vs. Village of Euclid

History Of Zoning - Texas

- Adopted its version of Standard Zoning Enabling Act in 1927
- Gave zoning power to cities, but not counties
- Required zoning be in accordance with comprehensive plan
- Zoning must be for protection of health, safety and general welfare of public

Purpose Of Zoning

To regulate land uses in order to:

- Prevent incompatible adjacent land uses, undue density and traffic congestion;
- Restrict height and size/bulk of buildings; and,
- Provide setbacks to lesson fire hazard and promote aesthetic value

In doing so--zoning helps protect private property values

Texas Local Government Code

Section 211.004

- “Zoning regulations must be adopted in accordance with a comprehensive plan and must be designed to:
 - lessen congestion in the streets;
 - secure safety from fire, panic, and other dangers;
 - promote health and the general welfare;
 - provide adequate light and air;
 - prevent the overcrowding of land;
 - avoid undue concentration of population; or
 - facilitate the adequate provision of transportation, water, sewers, schools parks, and other public requirements.”

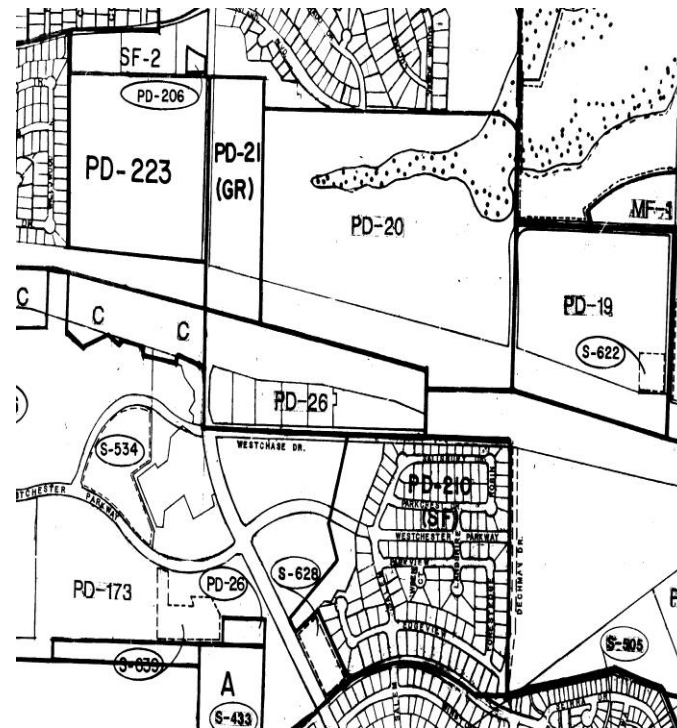
Comprehensive Plan

- Often overlooked or undervalued element of zoning administration
- Can make zoning decisions much easier for Commission
- Decisions based on sound comprehensive plan, created with strong community input, can be better supported

Zoning

A Tool to Enforce the Comprehensive Plan

- “adopted plan must serve as basis for zoning amendments” *Mayhew vs. Sunnyvale*
- “forbids actions that disregard long-range master plans” *Pharr vs. Tippit*



Components of Zoning

Zoning Text

Zoning Map

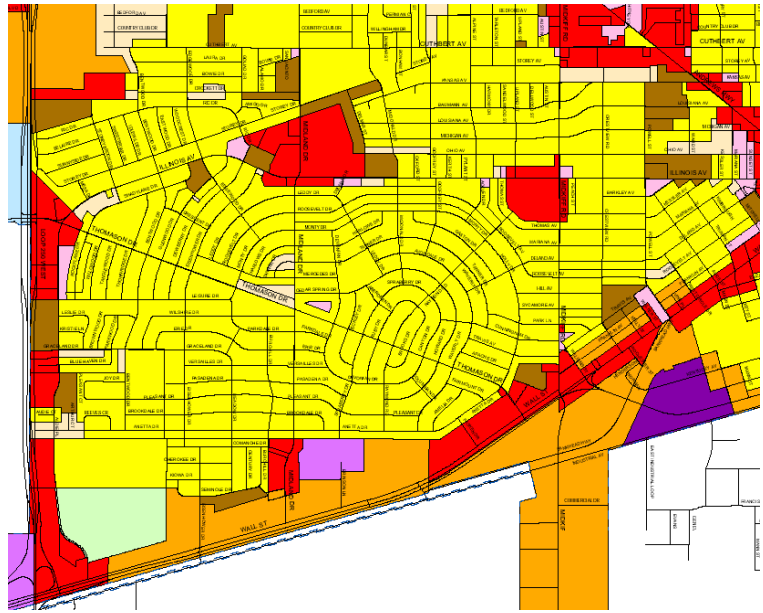
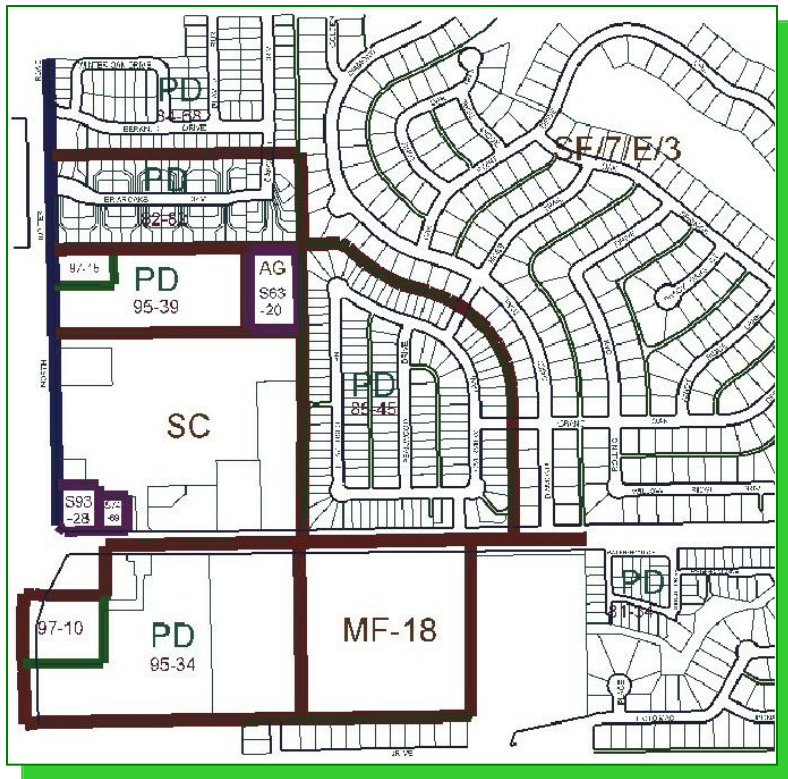
Zoning Text in the UDC

- Document adopted as ordinance by local governing body
- Lays out exact regulations zoning created to implement
- Should be written in language easy to understand by average citizen
- Document should be well organized and concise

Zoning Map

- Set of maps showing zoning district boundaries for entire city
- Usually a detailed city map overlaid with patterns, colors, district classification codes, or other type of district boundary designation to depict various zones which indicate what land uses are allowed and where
- Accessible for public view

Zoning Map



Elements Of Basic Zoning Ordinances

1. Definitions
2. Use Chart
3. Zoning District Requirements
4. Off Street Parking Requirements
5. Procedure for Amending the Zoning Ordinance and/or Map
6. Nonconforming Uses/Structures
7. Zoning Board of Adjustment
8. Other Requirements and

Definitions

- Good definitions make administration easier for staff and Commission
- Provide thorough and precise definitions of terms used in ordinance and land uses in use chart
- Will also keep your attorney happy and out of courtroom

Use Chart

- Can be a matrix showing uses allowed by right, by conditional permit or not at all w/in particular zoning district
- Some ordinances list permitted and conditional uses within each zoning district chapter along with development regulations

Use Chart

OFFICE AND RETAIL	Agriculture	Single-Family - 7	Duplex	Multi-Family - 12	Multi-Family - 18	Office	Health Services	Neighborhood Service	Shopping Center	General Business	Commercial - 1	Commercial - 2	Industrial - 1	Industrial - 2	Freeway	Planned Development	Parking Requirements
Bed and Breakfast	S															*	1 / room
Drug Store/Pharmacy							X	X	X	X	X	X			X	*	1 / 200 gfa
Financial Institutions						X		X	X	X	X	X	X		X	*	1 / 300 gfa
Grocery/Supermarket								X	X	X	X	X			X	*	1 / 200 gfa
Home Improvement									X	X	X	X	X		X	*	1 / 200 gfa
Hotel, Full Service						X							X		X		1.25 / room
Motel, Limited Service						S							S		S		1.25 / room
Landscape Nursery	S								X	X	X	X			S		1 / 200 gfa

Zoning District Requirements

- Establishes different zones applicable in community
- Establishes development standards for setbacks, lot coverage, height limitations, lot size and others in each district
- Confirms the permitted uses



Off-Street Parking Requirements

- Establishes number of off-street parking spaces required for each type of land use
- Generally expressed as ratio of spaces to square footage of building area
- Includes both residential and non-residential uses

Also provides dimensions for parking and maneuvering areas



Procedure for Amending Zoning Ordinance

- Clearly define procedure to amend zoning ordinance, including both zoning changes and text amendments
- Also define requirements for hearings, appeals, notice and fees

Nonconforming Uses/Structures

- Defines what constitutes nonconforming status
 - Does not meet the current zoning requirements for use or district requirements—may have been annexed or in place before current ordinance
 - “Grandfathered”
 - Is legal as long as continues as same
 - Example: a small neighborhood convenience store having parking spaces for 10 cars while current regulations require spaces for 25.

Nonconforming Uses/Structures

continued

- Specifies limitations on enlarging, expanding or changing nonconforming uses/structure
 - Generally cannot expanded
 - Use has to be in same category
 - Can change to a conforming use
- Identifies requirements for termination of nonconforming uses/structures
 - Cannot be rebuilt if over 50% is destroyed
 - Is closed for a period of time set by Ordinance usually around six months – verification by utility connections/bills
 - Is found by, initialed complaint, to be incompatible

Zoning Board of Adjustment

- Is quasi-judicial
- Required by Texas State Statutes 211.008-211.010
 - 5-9+ members/alternates
 - Must be heard by at least 75% of members
- Different Duties
 - Appeals Administrative Interpretation
 - Variances (hardship)
 - Special Exceptions (ordinances define)
 - Other duties as assigned
- Next step - if not satisfied -Court

Zoning Board of Adjustment

continued

- Appeals of Administrative Interpretation

A resident or staff can appeal a decision by a staff member or other party.

Example: The building official issued a permit of a house that had three kitchens in three separate structures as single family. The neighbors asked the BOA for ruling citing that it did not meet the requirement of the Zoning Ordinance for single family. The BOA granted the variance, but the city appealed that decision. The District Court upheld the single family definition. The extra kitchens were eliminated.

Zoning Board of Adjustment

continued

- A **Variance** (building lines, setbacks, height) may be granted if a literal enforcement of the provisions of the Zoning Ordinance would result in unnecessary hardship that would deprive the owner of any reasonable use of the land or building involved and would deprive the applicant of rights commonly enjoyed by other properties in the same district.
- The applicant demonstrates that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structure or buildings in the same district.
- No such thing as a use variance!
- **Example:** TxDOT widens the road several times resulting in a narrow, basically unbuildable lot that did not meet the requirements of the district.

Zoning Board of Adjustment

continued

- A **Special Exception** to the requirements of the Zoning Ordinance may be granted if the request is in accordance with the standards for exceptions that are written into the Ordinance. Exceptions may include:
 - Reduced parking (if can show that not needed—next to transit station, or ability to share parking)
 - Reduced landscaping (good reason that trees etc. cannot be planted or are not needed –next to open space)
 - Handicap accommodation
 - Carport in front if others are same in area
 - Fence height

The exceptions cannot infringe on the rights of other properties.

Example: School wants a taller fence in front yard setback. Ordinance would require no more than 4', 8' is requested.

Special Use Exception

A. Uses requiring a special use exception are identified in the permitted uses Section 4.3, Zoning Districts.

B. A special use exception shall be required for an accessory structure with a gross floor area greater than one-half the gross floor area of the principal structure. Standards in Article 4 may apply to such structure.

An application for a special use exception not listed in the relevant zoning district shall not be accepted.

3.12.2. Review Process

Concurrent Site Plan Submittal

Application for a special use exception shall occur in conjunction with the submittal of a site plan. The Board of Adjustment may not approve, approve with conditions or deny a special use exception application until after the site plan has been reviewed by the Technical Review Committee in accordance with the process established in Section 2.7.

B. Technical Review Committee

The Technical Review Committee shall review the application in accordance with the procedure established in Section 2.7 and, considering the review criteria in Subsection 3.12.3, make a recommendation to the Planning Commission. The Assistant City Manager of Development Services shall be responsible for making a recommendation in the event an agreement on a recommendation cannot be reached.

C. Board of Adjustment Final Action

1. Following notice in accordance with Subsection 3.1.7, the Board of Adjustment shall hold a public hearing and approve, approve with conditions or deny the special use exception.

2. The Board of Adjustment shall take final action on the special use exception within 45 days from the date the recommendation of the Technical Review Committee or Assistant City Manager of Development Services is made. In the event the Board of Adjustment shall fail to act within 45 days, the special use exception shall be deemed in all things denied.

Other Tools

- **Special Permit**
- **Overlay Districts (Historical,**
- **Planned Unit Developments**
- **Special Districts**

Special, Specific or Conditional Use Permit

Use Permit

- A. A special, specific, or conditional use permit provides a means for developing certain uses in a manner in which the use will be compatible with adjacent property and consistent with the character of the neighborhood yet may have extra requirements for uses or development.
- B. The grant of a special permit shall have no effect on the uses permitted as of right and shall not waive the regulations of the underlying zoning district.
- C. These uses are identified in the permitted uses sections of zoning districts.
- D. An application for a special permit may not be made unless the use is identified as a special use in the relevant zoning district.
- E. A special use permit is requested by the property owner and is essentially a rezoning which goes with the land
- F. There are cities in which there are zoning special uses and other permits using a similar name that are essentially licenses granted to the owner.

Overlay District

- Set of additional restrictions placed on top of an existing zone

Examples of Overlay Districts include:

- Historic Preservation,
 - Conservation or Neighborhood Stabilization
 - Airport Overlay,
 - Flood Hazard Areas,
 - Special Corridor Development
- Method to protect an area with unique characteristics, needs or special challenges

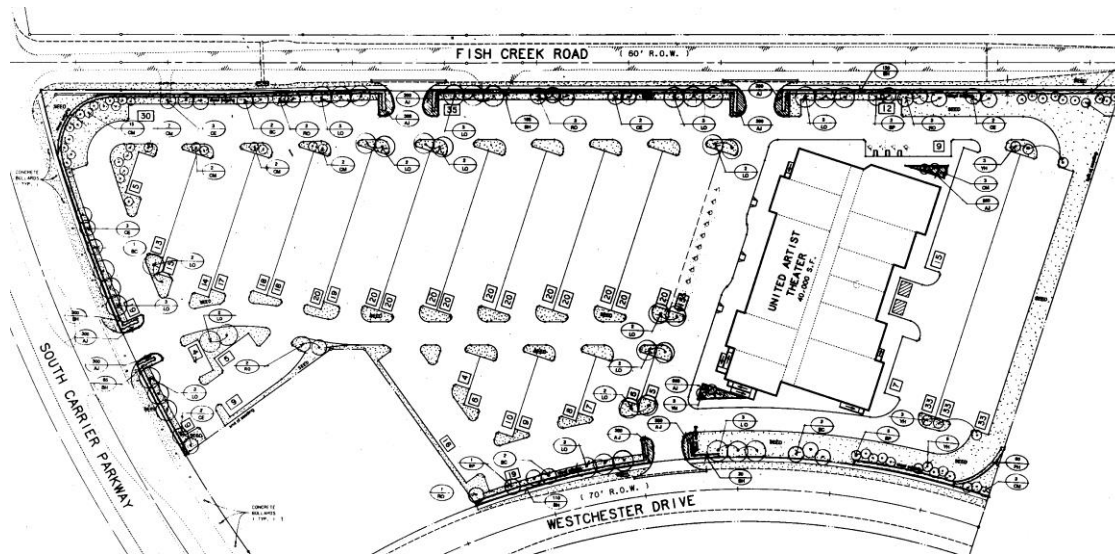
Planned Unit Developments

- A unique zoning tool that offers an alternative to more rigid regulations of standard zoning ordinance
- Promotes flexibility in design
- Allows diversification of uses, structures and open space
- Allows room for negotiation during review process that traditional zoning does not
- Is rezoning and requires public hearings

Should not be used just to get around the rules!

Planned Unit Developments

- Should be used for unique developments, not routinely
- Site (conceptual and development plans) attached to ordinance to be amended by public hearing process



Factors to Consider in Making Zoning Decisions

- Compliance with Comprehensive Plan
 - Is application consistent with Plan?
 - If not, have conditions changed or new information been offered to support change?
- What are the Surrounding Zoning and Land Uses?
- Infrastructure Impacts
 - Water, Sewer, drainage, roads
- Size and Location of Parcel
 - Is land large enough and in proper location for proposed use?

Factors To Consider In Making Zoning Decisions

continued

- Reasonable Use of Property - Does proposed change provide reasonable use of property?
- Zoning has great discretion – deny if applicant has not proven it is in the best interests of City to rezone

What Zoning Can Do...

- Determine appropriate use of land
- Set development density
- Create area regulations:
 - Height
 - Lot size and dimensions
 - Lot coverage
 - Setbacks
 - Landscaping

....And Can't Do

- Determine color of paint (except where called out)
- Determine subdivision design
- Determine race, occupation or income of residents
- Determine if owner occupied or rental
- Guarantee “quality” development

Potential Problems

- Spot zoning – rezoning of a particular parcel of land to a zoning classification which is significantly different from the adjoining properties (usually less restrictive)
- Takings issues – private property taken for public use without just compensation – could be zoning to a more restrictive use that is not owner initiated
- Exclusionary zoning – zoning measures that appear to impose unnecessary or unjustifiable costs or requirements facially or by execution excluding various groups of ‘undesirables.’

Frequently Asked Questions

- Who can request rezoning of property?
- What are notice requirements?
- What is the 20% Rule?
- Can area subject to zoning change be increased at public hearing? Decreased?
- Can area subject to zoning change be zoned to more intense use than advertised? Less intense?

Other Concerns

- In that you are a recommending body to the City Commission, you generally should not have Ex-Parte Contacts – Check with attorney
- Never commit to a decision before the hearing on the case
- Share any information learned at the hearing

Thank you
Any Questions?

Contact: abagley@swbell.net

Subdivision Regulations

Fundamentals including Statutory and Judicial Authority

Ann C. Bagley, FAICP
Planning Official Development Officer
American Planning Association Texas Chapter

Mission, Texas
June 14, 2013

Enabling Legislation

Texas Local Government Code

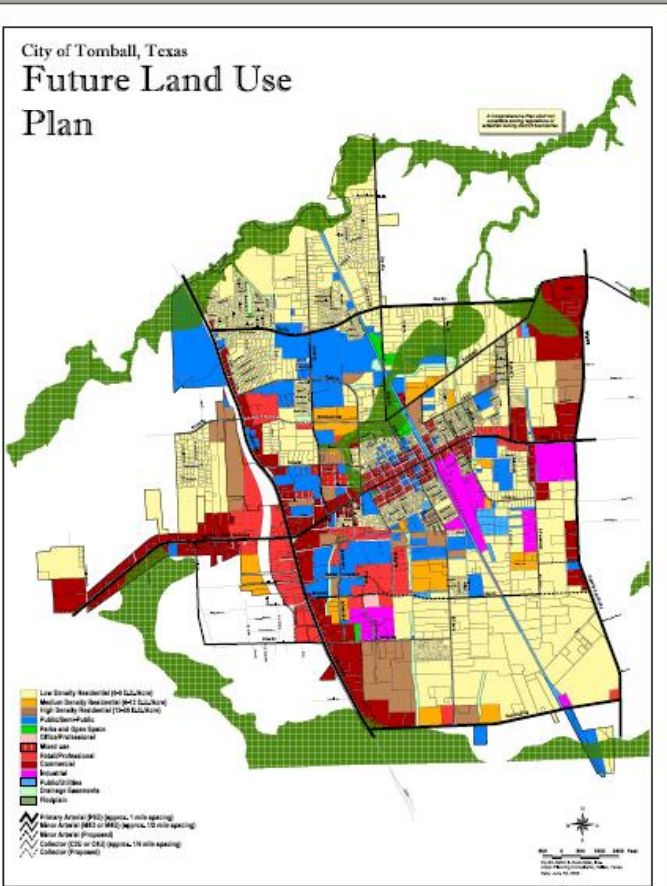
- Chapter 213 – Municipal Comprehensive Plans
- Chapter 211 – Municipal Zoning Authority
- Chapter 212 – Municipal Regulation of Subdivisions

Purpose of Subdivision Regulations

- Conversion of raw land into buildable lots
- Requirements for public improvements
- Standards for land development
- Procedures for submittal, review and approval of plats
- Shape future development
- Determine physical shape and function of community
- Lasting impact on community design



Relationship to Comprehensive Plan



- An important tool for comprehensive plan implementation
- Comprehensive plan provides legal and practical basis for subdivision regulations
- Consistency with plan avoids arbitrary or discriminatory regulations
- Plan coordinates subdivision layout with other community development

Purposes Served

- Creates a legal description
- Convenient and accurate plat recordation
- Orderly community development
- Adequate roads, utilities, drainage, open space, park and school sites
- External protection and conservation for surrounding areas
- Adequacy/capacity of public facilities



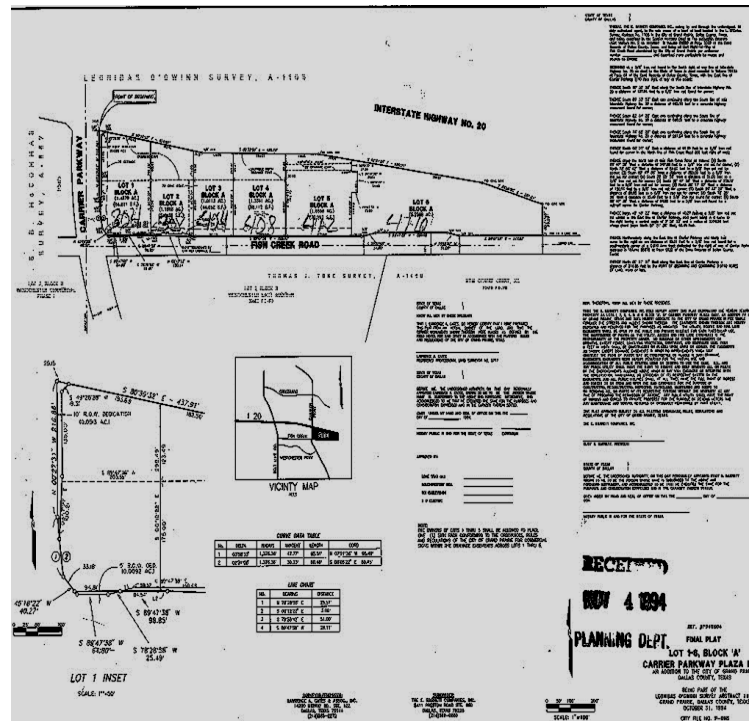
When is a Plat Required?

“The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract into two or more parts to lay out a subdivision of the tract ... must have a plat of the subdivision prepared.”

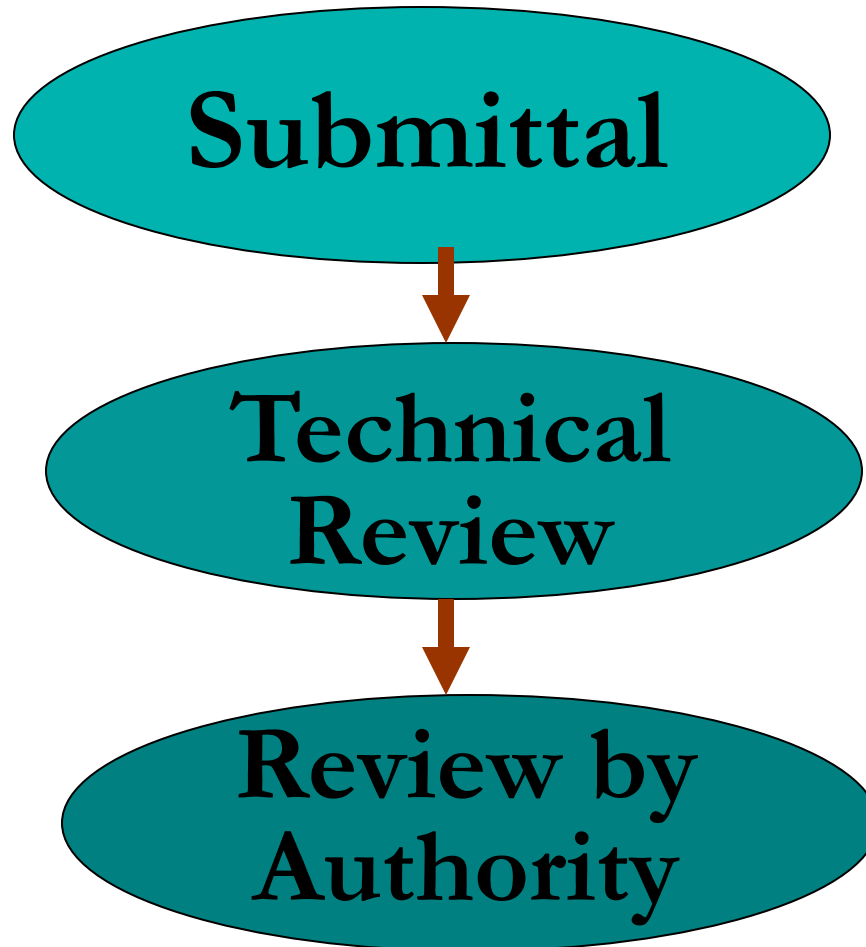
- *Section 212.004, Local Government Code*

Types of Plats

- Preliminary Plat (actually not required by statute)
- Final Plat
- Minor Plat (4 or less lots)
- Replat (Non-residential)
- Replat (Residential)
- Amending Plats
- Vacating Plat
- Administrative Plat



Approval Process



Approval Process - Submittal

- Pre-submittal Conference (recommended)
- Submittal Requirements - Statutory
 - Metes and bounds description
 - Land survey locating the subdivision
 - Dimensions of lots, streets, easements, public/common use areas
 - Acknowledgement of the owner
- City may specify more requirements

Approval Process - Technical Review

- Subdivision Plat Review Committee
 - City Departments
 - Engineering, City Services, Police, Fire, Economic Development, GIS, etc.
 - Utility Companies
- Committee meets to examine all code issues prior to consideration by approving authority



Approval Process: Review by Authority

- Approving authority is the City Council
 - May delegate approval to Planning Commission
 - May allow staff administrative approval of certain minor plats, replats, amending plats
- Must act on a plat within 30 days after it is filed, otherwise plat is considered approved
- Note that the term “considered filed” needs to be defined specifically– is it when the plat is submitted? Fees paid? Deemed complete?

When is a plat considered filed?

Generally:

- The application is complete when the requirements are met.
- City has 10 days to determine if plat application is complete
- If not then a letter must be sent to applicant who then 45 days to submit missing information
- Date Application is complete = file date
- Application/vesting ceases if missing information not corrected w/in 45 days

Standards for Approval

- Must approve plat if it conforms to:
 - The general plan of municipality;
 - The general plan for the extension of infrastructure;
 - The requirement to file a bond (if required);
 - All other technical requirements
- Limited flexibility in plat approval

Replatting

- Like a plat, the City must approve a replat that meets all ordinance requirements and
 - Residential replats require a public hearing with
 - Notice in newspaper & mailed to owners w/in original subdivision & w/in 200 ft (depends on your regs)
 - Notices generally at least 15 days prior to hearing
 - except if owners of 20% of land area notified protest in writing, then requires $\frac{3}{4}$ vote of the approving body to approve replat

Typical Components of a Subdivision Ordinance

- Plat Approval Procedures
- General layout of the Document
- Minimum Design Standards
- Conformance with zoning district regulations
- Required Public Improvements/Funding
- Dedication Requirements (or Fee in Lieu of Dedication)
- Right-of-way /Easement Requirements
- Plat Review Procedures and Fees
- Consistency with Comprehensive Plan
- Related Technical Documents

Subdivision Ordinance

Related Technical Documents

- Subdivision Ordinance specifically should refer to and require compliance
- Design Standards for Construction
 - Tables of design standards
 - Typical drawings of construction
 - Drainage Manual
- Application, forms, fee schedule

“Vesting” Statute - Plats

- Actually a “right to complete” statute
- Triggered by utility, permit or plat application (sometimes even concept plan)
- Have 2 years from permit date and 5 years once project is started
- If “no progress” then an expiration date is critical
 - Court cases held documents w/o expiration date may still be vested
 - Ordinance should have automatic expiration date

Development Exactions

HB 1835 (Rough Proportionality)

- Codifies Nollan/Dolan and Flower Mound Cases
 - If city requires developer to pay portion of infrastructure costs as condition of plat approval, developer's portion of cost must be “roughly proportionate” or consistent with only the impact of proposed development
 - As estimated by city's engineer

Components of a Plat

Title Block

- Proposed name of subdivision including phase, addition, or section
- Legal description of property
- Total acreage
- Number of lots, blocks and reserves
- Person or firm who prepared the plat, address
- Owner's name and address
- Date that the plat was prepared
- Zoning District
- Purpose of replat, if applicable

Plat Drawing

- Drawing orientation with north to the top of the drawing (or right if long and narrow)
- North arrow
- Scale (1"=100') numerical and graphic scale (or appropriate scale)
- Vicinity map in upper right corner showing the subdivision's relationship with adjacent well known streets, railroads, water courses, etc., oriented with north to the top of the drawing and in the same direction as the detailed subdivision drawing

Drawing continued

- Plat boundary in heavy lines with measured bearings and distances tied to survey corners or intersections
- abstract lines
- survey lines
- corporate boundaries, district boundaries
- existing or proposed highways and streets
- Location of existing buildings (buildings outlines to be removed prior to final plat submittal)
- Locations of recorded easements - dashed line with recording information
- Proposed new easements - dashed line
- Lines outside plat boundary should be dashed

Drawing continued

- location and size of all watercourses
- 100-year flood plain according to Federal Emergency Management Agency (FEMA) information
- name and location of all adjoining subdivisions, unplatted land and property owners,
- existing or proposed streets,
- alleys,
- railroads, easements, and
- features that may influence the layout of development within 200 feet of the boundary
- All zoning designations of the site and within 200 feet of the site, if applicable shall be clearly noted and complied with accordingly

Drawing continued

- Sites, if any to be reserved or dedicated for parks, playgrounds, schools, churches, or other public or semi-public uses
- Minimum building lines for plats shown either graphically or by note. All front building lines shall be shown graphically
- Centerline radius, existing and future right-of-way widths, and conformance to approved traffic affect analysis for all streets
- All proposed public utility easements shall be included as required for utility companies or the City
- Contours at one foot intervals
- Reference to U.S.C. &G.S. data
- Spot elevations if applicable

Lots

- Block(s) number within boundary of plat
- Lot number(s) on each lot Sequential
- Lot width and depth per zoning district
- Lot width on radial lots
- Reserve, tracts or parcel(s) identified by letter Sequential
- Lots and reserves with measured bearings and distances
(final)

Streets

- Check Major Street Plan for major thoroughfare and major collector. Alignments, dedications and future widenings.
- Check existing street ROW widths
- Check cul-de-sac radius - 50' R residential, 60'R commercial
- Check intersections spacing (*block length*) between streets. Check minimum spacing of intersections along a major thoroughfare
- When widening is required make sure that the dedication is measured with bearings and distances and square footage is provided. Include dedication to public statement on plat.

Streets continued

- If one ROW width transitions to another width, add note to plat.
- street intersection off-sets
- Maximum length of residential cul-de-sac
- Verify reverse curves
- Check the number of access points into the subdivision
- At all intersections a visibility triangle must be provided. Add visibility triangle note

Street Names

- Check street name for duplication and similarity
- Check 911 list
- Street names must end in suffix (Drive, Road, Lane, Street, Boulevard, etc.)
- Check for street name breaks where street names change

Even More....

Utility and Access Easements

- Public utility easements shall conform to design manual
- Other easements should the design requirements of the design manual

Fire Hydrants

- All hydrants are within 600' of each other. Do you know why?
- All building meet 200' hose lay from private street edge per design standards and Fire Department criteria

Contact Letters

- Water Districts
- County
- School Board
- Utility Companies
- Post Office

Final Plat

- Verify the exact location, grade, dimension, description, and name of all proposed streets, alleys, parks, other public areas, reservations, easements or other public rights-of-way, blocks, lots, and other sites or facilities within the subdivision, along with accurate dimensions, bearing or deflection angles and radial, area, central angles, degree of curvature, tangent distances, and length of all curves where appropriate
- Global Positioning System (GPS) coordinates are recommended where applicable.
- Location of all survey corners and permanent monuments

Final Plat continued

- Certification, dedication and acknowledgement blocks of the owner, engineer, surveyor, Planning Commission Chair and Mayor, lien holder, fully signed, executed and appropriately sealed
- A title page if the information is too large for a single sheet
- General Plat Notes as appropriate
- Corporations require two signatures, Limited Partnerships or Joint Ventures one
- Owner's signatures and lien holders notarized

At Last!

- Digital file
- Tax Certificates
- HOA/Deed Restrictions
- Fees
- As-Builts Constructions

Other Issues

- Extraterritorial Jurisdiction
 - Most Cities extend their Subdivision Regulations into the ETJ
- Gated Communities, Private Streets
 - Need to have specific requirements to handle eventual replacement
- Impact Fees/Pro-Rata Charges
 - Fees that cover effect of development on existing city services
- Park Dedication or Fees-in-lieu-of Land

Thank you!
Questions and Discussion?

Trending Now...

Ann C. Bagley, FAICP
Planning Official Development Officer
American Planning Association Texas Chapter

Mission, Texas
June 14, 2013

Sustainable Development continued

“**Sustainable development** is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It contains within it two key concepts:

- the concept of **needs**, in particular the essential needs of the world's poor, to which overriding priority should be given; and
- the idea of **limitations** imposed by the state of technology and social organization on the environment's ability to meet present and future needs.”

Sustainable Development continued

All definitions of sustainable development require that we see the world as a system--a system that connects space; and a system that connects time. The concept of sustainable development is often broken out into three constituent parts: environmental sustainability, economic sustainability and sociopolitical sustainability.

Smart Growth

Smart Growth is an urban planning and transportation theory that concentrates growth in compact walkable urban centers to avoid sprawl. It also advocates compact, transit-oriented, walkable, bicycle-friendly land use, including neighborhood schools, complete streets, and mixed-use development with a range of housing choice. There are 10 accepted principles that define Smart Growth:

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Strengthen and direct development towards existing communities
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective
10. Encourage community and stakeholder collaboration in development decisions

Complete Streets

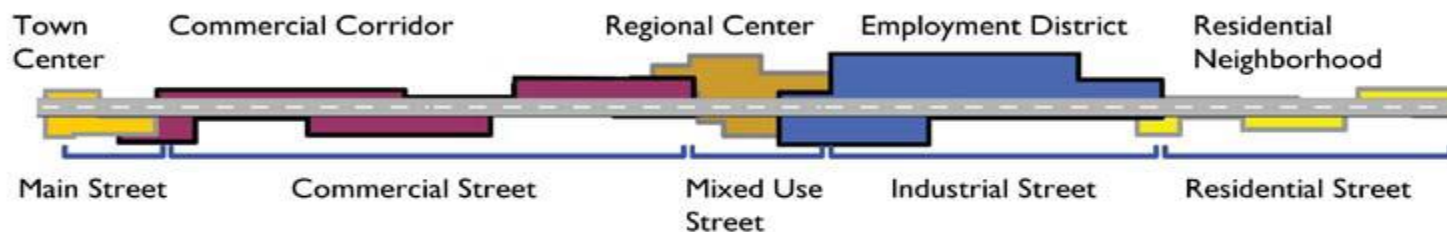
Complete Streets is a movement in communities to make urban roadways safe and convenient for all users. Roadways and intersections are required to serve the needs of motorists, bicyclists, transit users, and pedestrians, including those with disabilities. Complete Streets is policy driven to bring about institutional changes from standard roadway development practices that tend to be focused primarily on vehicular needs. The level of service for pedestrians, transit riders, and bicyclists are on par with automobile-oriented needs. Complete Streets can include most roadways in a community.

Source: *forwardDallas!*



Context Sensitive Design

Context Sensitive Design, sometimes referred to as Context Sensitive Solutions, incorporates collaborative planning and design practices to ensure that road improvements fit within the context of the surrounding environment and users. Stakeholder input is included throughout the process. Context Sensitive Design provides a flexible way to address all types of travel by including a team of professionals



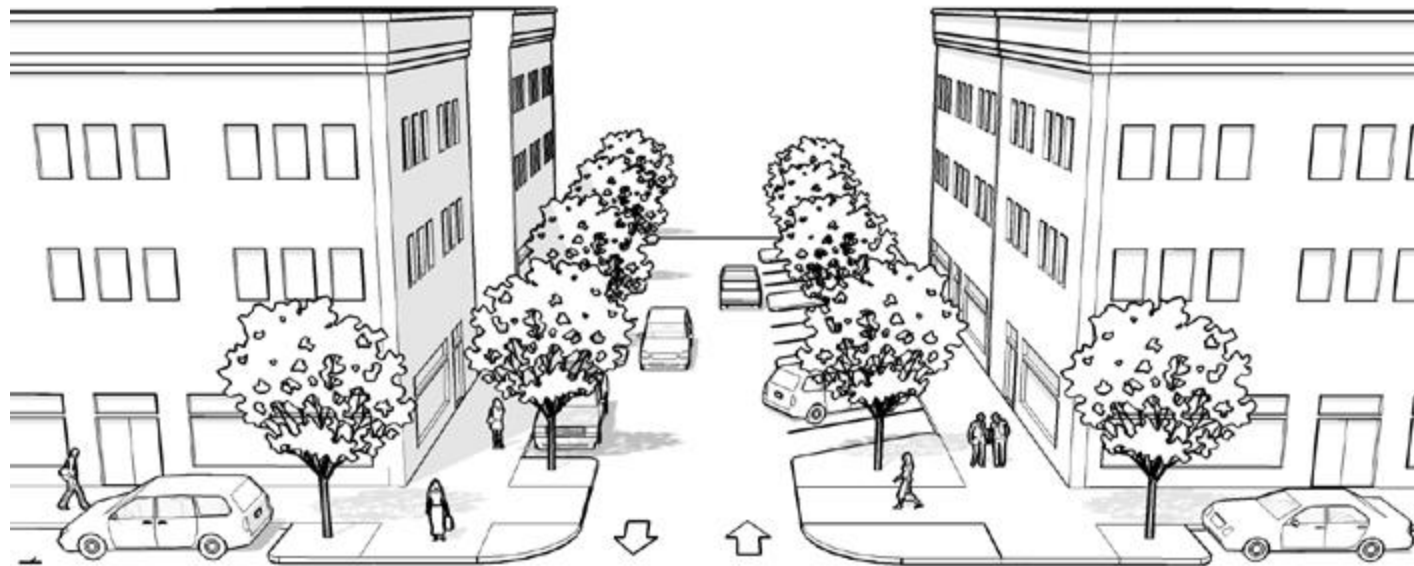
Green Streets

Besides moving traffic and linking locations, the impervious surface of roadways collects rain waters and diverts these waters to curbs and gutters that can quickly overwhelm local creeks and rivers. Urban roadways are part of a community's stormwater conveyance system that is considered a component of a community's 'gray infrastructure.' The 'gray infrastructure' includes stormwater sewers, wastewater sewers, and utility lines. Municipal roadway planning and design practices across the country are looking at implementing Green Streets design criteria as part of their green infrastructure to manage and reduce stormwater runoff and protect water resources from pollutants. Green Streets are primarily designed and built as a stormwater management system within a road's right-of-way that filter pollutants through vegetative bioretention treatments and enhance soil filtration. Green Streets also enhance the aesthetic qualities for adjacent properties by replacing the hardscape curbs and gutters with a softscape of street tree plantings, vegetated swales, landscaped bioretention features, and permeable paving materials. Green Streets help improve access for bicyclist and pedestrians and add to the overall pedestrian experience. These roadway designs are applicable to the design and construction of local alleys.

Source: *2 Points to White Rock East Area Plan*

Form Based Zoning

Form-Base Zoning is a new approach in which building form is regulated more heavily than use or density. It promotes a walkable urban environment by creating appealing pedestrian-friendly streetscapes amid a mix of land uses. Key characteristics are building placed close to the street (build to rather than setback, wide sidewalks, street trees and furniture, reduced parking due to proximity to transportation, upper floors with residential uses , ground floor built to commercial requirement, more windows on the street, façade treatments that reduce the appearance of a mass building.



Source: *Dallas Development Code Article XII*

Questions?

abagley@swbell.net

Other Issues

**Ann C. Bagley, FAICP
Planning Official Development Officer
American Planning Association Texas Chapter**

**Mission, Texas
June 14, 2013**

Annexation

What is Annexation?

Annexation is a process by which **a city extends its municipal services, regulations, voting privileges and taxing authority to a new territory** in a well thought out, responsible way. Cities can grow sensibly by balancing current responsibilities with the anticipation of new developments and increased tax base.

Annexation Continued

Why Annex?

Annexation is a means where by a city can allow and manage growth without creating hardships for existing neighborhoods. The following are some of reasons the City would choose to annex:

- To provide municipal services to developed and developing areas.
- To exercise regulatory authority necessary to protect public health, safety and general welfare as well as guide and assure orderly development.
- To ensure that residents and businesses outside the corporate limits share the tax and maintenance burdens for facilities, streets and utilities.
- To enable the city to regulate the subdivision and development of land in an expanded extraterritorial jurisdiction.

Annexation Continued

Authority to Annex

A home rule city, may (under *Texas Local Government Code Chapter 43*) annex property both through voluntary and involuntary means.

Voluntary annexation occurs when property owners petition the City to be included in the City's boundaries.

Involuntary, or unilateral annexation, occurs regardless of whether property owners and/or residents in the affected area give their consent.

A general law city would have to have approval of the State Legislature to annex.

More Annexation

General Requirements for Annexation

Section 43.021 of the *Texas Local Government Code* authorizes A home-rule city may annex to fix municipal boundaries; extend those boundaries; annex area adjacent to the municipality; and exchange area with other municipalities. Before an area can be annexed, there are several requirements that must be fulfilled including the following:

- Area to be annexed must be contiguous to the city's corporate limits.
- Strip annexations less than 1,000 feet in width are prohibited unless initiated by the owner of the land.
- A city cannot annex additional land from strips less than 1,000 feet in width or from areas that are in the ETJ only because of the previous annexation of strips less than 1,000 feet in width.
- Two public hearings on a proposed annexation are required. Notice must be published in a local newspaper at least eleven (11) days, but not more than twenty (20) days before the hearing(s).
- Cities are required to submit applications to the U.S. Department of Justice for pre-clearance at the earliest date permitted by federal law, and after receiving pre-clearance, must permit residents to vote in the next municipal annexation.

Even More Annexation

Though one reason for annexing land is to regulate land use under state law, there are certain limitations to this authority. A city cannot prohibit the continuation of a legal land use if the use was in existence on the date annexation proceedings were instituted (first reading of the annexation ordinance) or for approved land uses under a Chapter 212 *Texas Local Government Code* Development Agreement. A city cannot prohibit a landowner from beginning to use land if the use was planned 90 days before the effective date of the annexation and a complete application for any required government permit was submitted before the date annexation proceedings were instituted. However, a city can impose its own regulations relating to:

- Location of sexually oriented businesses;
- Colonias;
- Preventing imminent destruction of property or injury to persons;
- Public nuisances;
- Flood control;
- Storage and use of hazardous substances; and
- Sale and use of fireworks and the discharge of firearms.

If your City Decides to Annex

Land Area of Annexation

A city may annex up to ten percent (10%) of the amount of land area within its city limits each year up to a maximum amount of thirty percent (30%).

Services to be provided upon Annexation

Upon annexation, the City is required to provide essential services to the newly annexed area. These include water and wastewater treatment, police protection, fire protection, emergency medical services, solid waste collection, operation and maintenance of roads and streets, and street lighting, operation and maintenance of parks and playgrounds, and operation and maintenance of other publicly owned facilities and services. The services provided must be equivalent to those provided in a similar area of the City, however services after annexation cannot be less than prior to annexation

General Annexation Plans (3- and 10-Year)

While state law requires the adoption of a Three Year Annexation Plan for certain unilateral annexations, a city may adopt a general annexation plan that includes unilateral as well as voluntary or other annexations that need not be included in the statutory plan. Having such a plan allows the city to anticipate and direct growth and integrate service plans with its budget process and capital improvements plan to ensure that development happens in a logical manner.

Sexually Oriented Businesses

You have to allow them somewhere.

Allow in areas/zoning districts away from schools and residential uses

Ordinances have to be rather explicit.

There are planners that specialize in these types of ordinances.

Impact Fees

Cost associated with development. Who's going to pay?

Complicated—requires detailed analysis by planners and engineers

Commissions may be involved in developing Land Use Assumption, looking at current and future land uses

There are experts in the field

Other Concerns?

12 Steps To Keep Things Respectful and Peaceful

1. Use standard operating procedures for meetings.
 - *Robert's Rules of Order*
 - Commission's policies and procedures
2. Do your homework.
3. Listen to the presentations.
4. Don't be afraid to ask questions.
5. Rephrase the issue.
6. Have a chair that is adept conducting the meeting.

12 Steps continued

7. Anticipate security needs.
8. Choosing locations for contentious meetings.
9. Don't be bamboozled by the big boys.
10. What about meeting in advance with applicant or opposition.
11. Encourage full commission involvement.
12. Enjoy the opportunity to hear all the sides and issues.

Have a nice day!