

Item H-2

PUBLIC HEARING: Consider an ordinance approving amendments to the City of Keller Unified Development Code, adopted by Ordinance No 1746, dated July 7, 2015 to amend the process for residential building permits by amending Article 4, Development Procedures and Requirements for Application Submittals, Section 4.13 - Single-Family Residential Construction Process and by amending Article 5, Subdivision Design and Improvement Requirements, Section 5.10 - Residential Subdivisions Thoroughfare Screening and Landscaping and, to amend requirements private street developments, by amending Article 5, Subdivision Design and Improvement Requirements, Section 5.04 Private Street Developments, providing a conflicting ordinance clause; authorizing publication; and establishing an effective date. City of Keller, applicant. (UDC-17-0031)

Item H-2 Background

- Staff held an internal audit of practices and identified causes of problems with a number of recent developments. As a result of this audit staff has identified a few places where the UDC could be tighten:
 - **Inspections of private subdivisions.**
 - **Release of residential building permits before amenities are completed.**
- In addition to these code amendments, staff will take a more aggressive approach to enforcement of regulations currently codified.

Item H-2

Inspections of private subdivisions.

- Introduce Third Party inspectors.
 1. Reduce the burden on staff time, and
 2. Remove the City from the inspector role where subdivisions are planned to be private.

Item H-2

Code Amendment:

Developments proposed with private streets must submit to the City the same plans and engineering information required to construct public streets and utilities. ~~Requirements pertaining to inspection and approval of improvements prior to final plat approval and acceptance of the subdivision shall be the same as public streets. The City shall inspect or hire a firm of the City's choosing to inspect, at the developer's expense, all private streets, pavement, utilities, and private infrastructure. The inspections shall confirm compliance with the civil engineered plans and City's design and construction standards. The City may periodically inspect private streets and require repairs necessary to insure safe emergency access.~~ Safe emergency access shall be required at all times. All standard requirements and fees will be applicable.

Item H-2

Release of residential building permits before amenities are completed.

- **Modify conditions regarding permit release.**
 1. Currently, the code authorizes the Building Official to release up to ten percent (10%) of the building permits for residential lots after the public improvements (streets, drainage, water, sewer) are complete but before the private improvements (screening walls, landscaping, irrigation) are complete
 2. The proposed solution is to transfer authority to release ten percent (10%) of the lots to the Community Development Department
 3. To strengthen the language about when these permits may be released and under which circumstances.

Item H-2

Code Amendment:

- As a general rule, the subdivision must be fully completed and accepted before any building permit is issued. An exception may be granted if all infrastructure improvements (i.e. water, sanitary sewer, drainage, paving, street lights, regulatory signs, perimeter sidewalks, public trail construction, and detention ponds) except for the screening wall, landscaping, irrigation system, and private amenities (pool, clubhouse, trail, etc.) approved as part of a PD are ready for final acceptance. In such a situation, the developer may request a final inspection from the Public Works Department for the infrastructure improvements. The Director of Public Works or designee may issue a letter of acceptance on the infrastructure improvements and notify the Community Development Department of the acceptance. ~~The Building Official~~ Community Development Department may then authorize the release of up to ten percent (10%) of the building permits within the subdivision upon receipt of the letter of acceptance. If the Community Development Department releases ten percent (10%) of the permits, the Community Development Department may consider prior performance or require escrow funds up to the amount required to complete the screening walls, landscaping, irrigation and other amenities. The Community Development Department will release the remaining ninety percent (90%) of the building permits when the screening wall, landscaping, irrigation system, and all other amenities are completed and installed in accordance with the reviewed and released landscaping and screening wall plans and/or site plans.

Item H-2

The Planning and Zoning Commission voted 7-0 to recommend approval at their November 13, 2017 regular meeting.

Item H-2

The City Council has the following options when considering an amendment to the text of the UDC:

- Approve as presented
- Approve with modifications
- Table the item with clarification of intent and purpose
- Deny



Questions?

Trina Zais

817-743-4009

Excellence • Integrity • Service • Creativity • Communication