



Legislation Text

File #: 16-616, **Version:** 1

To: Mark Hafner, City Manager
From: Michele Berry, Senior Planner

Subject:

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 for 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)

Action Requested:

Conduct a public hearing and consider an ordinance amending the Unified Development Code processes for inspections of private street subdivision and the release of building permits for all subdivisions.

Background:

The Planning and Zoning Commission previously directed staff to look into performance bonds as a way to ensure proper timing of development. Based on the October 9, 2017 discussion staff was going to review internal policies that could be amended to better ensure developments proceed smoothly.

Staff held an internal audit of practices and identified causes of problems with a number of recent developments, from lack of city inspection during construction to developer non-compliance. As a result of this audit staff has identified a few places where the UDC could be strengthened:

1. Inspections of private subdivisions.
2. 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.

Inspections of Private Subdivisions:

During the construction process, engineering inspectors from the Public Works Department regularly visit sites and inspect improvements that will be accepted by the City as public infrastructure, once the construction is complete. They inspect water lines, sewer lines, street pavement, and compliance with the Storm Water Protection Plan (SWPP). In order to reduce the burden on their time, and

remove the City from the inspector role where subdivisions are planned to be private, staff proposes allowing the City to hire a third party inspection company and bill the developer for the inspections. The proposed language is below in strike-out/underline form with changes highlighted.

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.

Release of Residential Building Permits:

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, and sewer) are complete but before the private improvements (screening walls, landscaping, irrigation) are complete. While the code utilizes the term "may" thus giving the Building Official the ability to release or not, it has become common practice to release these permits.

There are two (2) concerns with this process. The first is that the Building Official has not been involved in the subdivision review or permitting to this point, and does not have the background information needed to know what is complete versus pending. The second concern is that the release of permits before all amenities are complete should be the exception rather than the rule.

The proposed solution is to transfer authority to release ten percent (10%) of the lots to the Community Development Department and to strengthen the language about when these permits may be released and under which circumstances. The proposed language looks at prior performance by the developer and gives the authority to request escrow funds if building permit release is requested prior to completion of private improvements. The proposed language is below in strike-out/underline form with changes highlighted.

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.

Citizen Input:

Amendments to the text of the Unified Development Code require a public hearing. Notice of this hearing was published in the Fort Worth Star Telegram on November 19, 2017.

Professional Opinion:

Based on the internal discussion of staff from Building Services, Public Works and Community Development, it is the opinion of staff to **support** this UDC Text Amendment to allow for the City to require third party inspections for private subdivisions and to tighten when residential building permits may be released.

Board Review:

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

Alternatives:

The City Council has the following options when considering a UDC text amendment:

- Recommend approval as proposed
- Recommend approval with minor modifications
- Tabling the agenda item to a specific date with clarification of intent and purpose
- Recommend denial