



PLANNING AND ZONING COMMISSION MEMORANDUM

FROM: The Office of the City Manager **DATE:** March 7, 2019
SUBJECT: TR 2019-02 Public hearing to consider amendments to Article II Administration and Article III Site Plans of the North Richland Hills Zoning Ordinance regarding the expiration and withdrawal of applications.
PRESENTER: Clayton Comstock, Planning Director

SUMMARY:

Revisions are proposed to the zoning ordinance related to Article II Administration and Article III Site Plans. The revisions would add language to address expired applications related to zoning changes, special use permits, site plans, and the Zoning Board of Adjustment.

GENERAL DESCRIPTION:

Development and building codes typically include expiration dates for applications. These provisions exist to ensure that applications actively progress through the development process in a timely manner.

The North Richland Hills building codes and subdivision regulations include standards for the expiration of applications for building permits and subdivision plats. However, the zoning ordinance does not include standards related to inactive applications or an expiration period for the applications. In order to ensure consistency in procedures between the codes, a revision to the zoning ordinance is proposed to add language to address expired applications related to zoning changes, special use permits, site plans, and the Zoning Board of Adjustment.

The proposed text amendments to the zoning ordinance are below. The language in Article II, Section 118-180 is modified from the original text. The language in Article II, Division 7 and Article III, Section 118-243 is new text to be added to the zoning ordinance.

ARTICLE II - ADMINISTRATION

DIVISION 5. – AMENDMENTS

Sec. 118-180. – Withdrawal.

Any proposal or application may be withdrawn in accordance with Division 7, Application Expiration.

DIVISION 7. – APPLICATION EXPIRATION



Sec. 118-204. – Generally.

This section applies to any application required by Article II, Administration. The intent of this section is to extinguish applications that become stale due to inaction by the applicant.

Sec 118-205. – Expiration of inactive applications.

- (a) *Time limit.* All applications required by Chapter 118 Article II, Administration shall be reviewed by the Development Review Committee (DRC). When the DRC requires an action by an applicant or action is otherwise required by the City for processing an application, e.g., revisions are requested after administrative review, the application shall become stale 180 days after the date the action was required by the City or requested by the DRC if:
 - (1) The applicant fails to take action to correct deficiencies identified by DRC; or
 - (2) The applicant fails to respond to a request from the DRC; or
 - (3) The applicant otherwise fails to comply with requirements imposed by the City; or
 - (4) The applicant fails to request an extension of time pursuant to Sec. 118-207 of this section.
- (b) *Refund.* Applicants whose inactive applications become stale and expire will receive a refund of fifty percent (50%) of the application fee.
- (c) *Stale application.* For the purposes of this section, an application is considered stale if the applicant does not respond to requests by the DRC, fails to take action to correct deficiencies identified by the DRC, or fails to take other action as required by the City after 180 days following the request for action from the DRC or other action as required by the City. A stale application shall become null and void and shall automatically expire on the 181st day of inaction by the applicant.

Sec 118-206. – Effect of expiration.

Applications that become stale shall expire automatically, become null and void, and shall not require any further notice or activity by the City. The city enforcement officer will treat as a new submittal any application for a property associated with an expired application, subject to the requirements in effect at the time of the most recent filing.

Sec 118-207. – Extension of time.

The city enforcement officer may grant one extension, for good cause shown, for a period not to exceed 30 days. The application automatically expires after the extension period if no actions are taken on the application.

ARTICLE III – SITE PLANS

Sec 118-243. – Expiration of inactive applications.

Inactive applications will be processed according to the procedures established in Article II, Division 7 - Application expiration.

CITY COUNCIL: The City Council will consider this request at the March 25, 2019, meeting following a recommendation by the Planning and Zoning Commission.

RECOMMENDATION:

Approve TR 2019-02.