



CITY COUNCIL MEMORANDUM

FROM: The Office of the City Manager **DATE:** April 22, 2024
SUBJECT: TR23-03, Ordinance No. 3847, Public hearing to consider Ordinance 3847, a comprehensive amendment to Chapter 110, Subdivisions, of the North Richland Hills Code of Ordinances. The proposed amendment revises and updates the current subdivision regulations in their entirety and includes revisions to approval authority for plats, general platting and plat review procedures, addition of a minor plat process, procedures for waivers and modifications, and design criteria for subdivisions.

PRESENTER: Clayton Comstock, Managing Director of Development Services

SUMMARY:

The City of North Richland Hills is proposing a new Subdivision Ordinance, which would replace the current regulations in their entirety.

GENERAL DESCRIPTION:

The current version of NRH's subdivision regulations was adopted in May 1994 (Ordinance 1982). Over the past 30 years, the ordinance has been amended several times, ranging in scope from minor procedural and public infrastructure updates to the addition of rough proportionality standards and impact fees. This patchwork of changes has resulted in inconsistent terminology and a fragmented ordinance structure.

The past 30 years have also seen numerous revisions to state statutes that regulate subdivision platting and land development. Substantial revisions to how cities can process plats were made by the 2019 and 2023 state legislative sessions. These changes have resulted in inconsistencies between the city's subdivision regulations and state law.

In May 2023, North Richland Hills voters approved Proposition "I," a City Charter amendment that authorizes City Council to delegate the approval of plats in accordance with state law. The ability to delegate plat approval is provided by Chapter 212 of the Texas Local Government Code and would streamline plat approvals. Prior to the charter amendment, all plats regardless of type, size, or complexity required City Council approval.

Preparing the New Subdivision Ordinance

Immediately following the May 2023 City Charter election, City Council approved Resolution 2023-044 on May 17, 2023. This resolution directed city staff to initiate the amendment process to the subdivision regulations. Following that approval, work

sessions were conducted with Planning and Zoning Commission and City Council to present information about the current regulations and the practices of other cities, and to review and seek feedback on topics such as the delegation and assignment of plat approvals. Staff also conducted a virtual meeting with developers, engineers, and surveyors in August 2023 to receive initial industry input about the regulations prior to drafting the new ordinance.

A staff working group reviewed the subdivision regulations and noted proposed revisions to the plat approval process and other needed updates. This working group included the Director of Public Works, City Engineer, Director of Planning, Principal Planner, Assistant City Attorney, and other Development Services staff as needed.

Draft Ordinance

A complete draft of the proposed revisions to the subdivision regulations is attached for City Council's review. The proposed revision would replace the current regulations in their entirety. While most of the regulations and standards remain the same, the topics listed below are the key updates in the proposed revisions. Section and page numbers are provided for reference.

- Approval authority. As provided by state law, the delegation of approval for plats is modified. This is intended to streamline the approval of subdivision plats, as that is primarily a ministerial and administrative function of the city. Preliminary plats would require approval by the Planning and Zoning Commission and City Council. Final plats would require approval only by the Planning and Zoning Commission. All minor plats, replats, and amending plats could be approved by staff. (Section 110-74, pages 12-13)
- General platting procedures. The general procedures for obtaining approval of a subdivision plat are revised to reflect current city practices and the procedures required by state statutes. This section establishes a sequence covering zoning approval, platting, approval of public infrastructure plans, construction of public improvements, and recording of the plat. (Section 110-73, page 12)
- Plat review process. A new section has been added that outlines the general procedures for all plat reviews. This section requires that the City must review and take action on a plat application within thirty (30) days of submittal. It also requires that the Development Review Committee review all plats and provide a written statement of conditions for the conditional approval or reasons for disapproval of the plat. This section is consistent with procedures required by state law. (Section 110-76, page 13)
- Addition of a minor plat process. A new process is added for minor plats. This process would apply to plats where land is proposed to be subdivided into four or fewer lots, fronts on an existing street, and does not require the creation of any new street or extension of municipal facilities. (Section 110-151, pages 17-18)
- Waivers and modifications. The procedures for requesting waivers and modifications of subdivision standards are modified. It would allow the Planning and Zoning

Commission to consider and approve waivers or modifications where hardships or practical difficulties exist on specific property that may result from strict compliance with the regulations. If the Commission disapproves a request, the applicant may appeal the decision to the City Council. (Section 110-42, page 9)

- Design criteria. The standards for subdivision design are updated. Some standards that are already covered in the Public Works Design Manual were simplified or removed, such as cul-de-sac pavement dimensions and the use of drainage right-of-way. Standards are added to address flag lots, which could only be approved if specific property conditions exist. (Section 110-232, pages 24-27)
- Masonry screening walls. For new residential subdivisions or resubdivisions, the masonry screening wall requirement was revised to include C2U Major Collector roadways. The requirements for Major Arterial, Minor Arterial, and C4U Major Collector roadways remain in place. A new standard is added that requires a masonry screening wall on any existing perimeter street for a new residential subdivision that includes five (5) or more lots. This new standard would apply to any street regardless of its classification on the Transportation Plan. (Section 110-261, pages 31-32)
- Flag lots. The standards for flag lots were revised to state that plats proposing a flag lot configuration must be approved by both the Planning and Zoning Commission and City Council. The section provides policy guidance on where flag lots may be appropriate. The general standards for the flag lots state the width of the narrow or elongated part of the lot must be at least fifty (50) feet wide as measured from the street to where the lot widens into a building area. An applicant may also request a waiver, modification, or exception from the width standard to propose alternative designs as appropriate to the context of the location of the development. (Section 110-22(m), page 25)
- Flood plain features. A requirement was added to show any floodplain features affecting the property on a replat, minor plat, amending plat, and final plat. This requirement was added to associate with the City's participation in the flood insurance program and community rating system, which provides a permanent document that potential buyers would have as a resource that discloses flood plain information. Additionally, a requirement was added to show the finished floor elevation for any lot adjacent to the floodplain, drainage easements, or other locations as determined by the City Engineer. (Section 110-203, page 23)
- Building setback lines. Based on public input and Commission discussion, the requirement that front building setback lines should be shown on plats was removed, since building lines are regulated by the zoning ordinance and not by the subdivision regulations. For older plats that show building lines, Section 118-612 of the zoning ordinance provides guidance in the event of a conflict between the zoning requirement and plat. It states that if a subdivision plat requires a front yard setback that is greater or less than the zoning standard, then the setback shown on the plat prevails. (Section 110-201, page 20)

- Global positioning horizontal control. The regulations require that at least two corners of a subdivision must be tied to the NAD83 Texas State Plane Coordinates. This coordinate system is the current system adopted by the State of Texas. As there are new coordinate systems under development that may be adopted in the future, the text was revised to add a reference to include any future coordinate system adopted by the State. (Section 110-203(c), page 23)
- Organization of the regulations. Throughout the document, many sections of the regulations are modified for improved organization and readability. This includes reorganizing sections related to subdivision plat types to provide clear procedures for application submittal, review, and decision-making authority. All definitions in the code are consolidated into a single section and terminology updated as appropriate. Language is amended throughout the document to be more concise and provide more clarity, such as consistent use of names for city boards, commissions, and departments, and titles for reference documents such as the Transportation Plan and the Public Works Design Manual.

Planning and Zoning Commission Public Hearings

The Planning and Zoning Commission conducted two public hearings on March 21 and April 4, 2024. A third public hearing is scheduled for April 18, 2024. The attached draft ordinance incorporates the Commission’s recommended modifications, updates, and clarifications.

Public Input

A public comment period was open March 1 to April 3, 2024. The City received numerous comments and suggestions that were considered in the final draft. Many of the comments came from surveyors, engineers, and development professionals, and some were provided by residents in North Richland Hills. A complete list of the comments and questions and the related recommended actions and answers is attached, as well as a copy of all written correspondence received during the public comment period.

Project Timeline

Staff prepared the following timeline for a target approval date of April 22, 2024:

DATE (2024)	ACTION
March 1	Draft Subdivision Ordinance posted online for public review and comment. Development community invited to review. Version 1 Draft Version 1 Redline
March 7	Planning and Zoning Commission work session (Public Meeting) Presentation slides
March 21	Planning and Zoning Commission public hearing 1 of 3 Presentation slides Meeting Video
April 3	Public comment period on Draft Subdivision Ordinance closes
April 4	Planning and Zoning Commission public hearing 2 of 3 Presentation slides Meeting Video



DATE (2024)	ACTION
April 8	City Council work session (public meeting) Presentation slides
April 18	Planning and Zoning Commission public hearing 3 of 3 and final recommendation to City Council
April 22	City Council public hearing
July 1	Effective date of new subdivision regulations

The July 1, 2024, effective date would allow staff time to prepare submittal calendars and guideline documents for applications and publish the new ordinance in the official online Code of Ordinances. The date also occurs just before a new application submittal cycle, so that new plat applications could be processed under the updated regulations.

RECOMMENDATION:

Approve Ordinance 3847, Subdivision Regulations of the City of North Richland Hills, Texas.