

City of Dripping Springs

Post Office Box 384 511 Mercer Street
Dripping Springs, Texas 78620



Agenda Item Report from: Anjali Naini, City Planner

Agenda Wording: AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 28, ARTICLE 28.04: SITE DEVELOPMENT; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE & MEETING.

Address/Location: N/A

Applicant: City Staff – Planning Department

Owner: N/A

Hearing Dates: P&Z: July 24, 2018 & August 28, 2018 | City Council: August 14, 2018 & September 18, 2018

Requested Action: Amend Chapter 28, Article 28.04: Site Development

Sponsor: Mayor Pro Tem Bill Foulds

Staff Recommendation: Staff recommends the approval of the proposed Site Development Ordinance amendments.

City Council Recommendation: During the August 14, 2018 City Council meeting, this item was postponed and the City Council requested the following: 1) that the public is provided with more opportunity to comment on the proposed draft; 2) noticing requirements are reconsidered; 3) this item should be reconsidered by the Planning and Zoning Commission.

Since then, staff has been working to create a blog post on the City's website about the proposed draft, and also posted the draft for comment on the City's website and Facebook account. Additionally, staff made changes to the public notice requirements in the proposed draft.

Planning & Zoning Commission Recommendation: During their regular meeting on July 24, 2018, the Planning and Zoning Commission recommended approval of the proposed changes with the following recommendations:

1. Clean up language regarding Dripping Springs Independent School District submittals not need review;
2. Replace Board of Adjustment with subcommittee language; and
3. For all development administrative approvals – provide notices through signage, website and property owner letters within 300 feet, and not newspaper.

Staff has made these changes, with exception to #3 above (staff proposes to remove property owner letter requirement for site plans under administrative review, and proposes amending the property owner letter requirement for variances to only send letters to property owners

directly adjacent to the subject property).

Summary:

City Staff has identified a need to amend the City’s Site Development Ordinance. Site development includes horizontal improvements to the land prior to commencement of building construction, and includes site grading, parking and driveway paving, drainage improvements, and sedimentation control. The City reviews site development permit applications in both the city limits and the extraterritorial jurisdiction (ETJ). Due to limitations by State law, the City can only enforce certain aspects of the Site Development Ordinance in the ETJ. The City’s current Site Development Ordinance does not differentiate between the standards that can be enforced in the city limits versus the ETJ, which can lead to confusion.

The proposed amendments include administrative review and approval of variances; clarifications to application requirements and review criteria; addition of required signatories on the cover sheet; separate standards for projects in the city limits versus the ETJ; and various updates to standards and procedures.

Staff has requested changes to the property owner letters currently required for all site development applications. Currently, the City is required to send letters to property owners within 300’ of the property on which a site development permit has been applied. In many recent cases, even though the site development work affects a small area, notice is provided based on the entire legal lot on which the site development work will take place. This can end up requiring dozens of letters to be sent out for one application. The notices are very time-consuming for staff and can take up to a few days each month of staff time to send out these notices. Oftentimes, individuals receiving these letters provide comments or requests to site development plans that are beyond the City’s purview, such as land use regulation in the ETJ. Notices will still be required in the form of public notice signs placed on the subject property, and notice on the City’s website. Additionally, notice is provided in the newspaper for variances, plus staff is proposing sending letters only to properties immediately adjacent to the subject property.

Analysis:

The proposed amendments are below and discusses the main changes only. Minor clean-up changes are not included in the discussion below. When reviewing the draft ordinance, any additions are underlined, and any language proposed to be removed from the current ordinance is struck through. Explanations for the change are included in brackets.

Article 28.04: Site Development

Sec. 28.04.006 Definitions

...

~~Construction plan.~~ [no text] Detailed engineered drawings and accompanying text clearly describing public infrastructure improvements.

Site development review committee. A group consisting of the city administrator or designee, the city engineer, and the city planner.

Site plan. Detailed ~~line~~ engineered drawings and accompanying text clearly describing the site development improvements.

Small Project. Those being 3,500 sf in total cumulative area or less, or as determined by the City Engineer.

[Changes was made to provide clarification and also created new site development review committee for purposes of administrative review of site development variances.]

Sec. 28.04.008 Applicability

(a) Approval requirements.

...

(B) Concept plan review (if applicable);

...

(4) Although the concept plan and site plan review steps are listed as separate steps in the approval process herein, these two steps can be combined if the applicant so chooses by submission of a site plan. This step can be achieved through the submission of one unified plan. Per Sec. 28.04.013 (a), a concept plan may be required by the City Engineer if a project will be developed in phases, or unless otherwise determined by the City Engineer.

...

(b) Exemptions. Site plan review shall not be required for the following:

(9) Construction of a new public primary or secondary educational facility, or expansion thereof, located within the city's municipal boundaries (city limits and ETJ). This exception shall apply only if the Dripping Springs Independent School District submits plans and specifications to the city engineer for a courtesy review. ~~and the city engineer concludes the proposed construction and use of the facility will comply with all applicable requirements of this article.~~ DSISD is hereby requested to voluntarily comply with all site development rules and regulations promulgated by the city, to the extent reasonably possible. ~~necessary.~~ For purposes of City records, DSISD must submit a letter notifying the City that they are proceeding with any such improvements described herein.

...

(12) Construction projects by other governmental entities including the state, county, and federal agencies are exempt from the site development ordinance. For city record purposes, such governmental entities are required to submit project information to the city.

[Changes made to remove concept plan as a requirement unless required by City Engineer; and to waive site development permit requirements for governmental entities, but requiring them to provide project plans to the City as a courtesy.]

...

Sec. 28.04.009 Plan submission; notices

(a) Required submissions

...

(4) ~~Three (3)~~ Two (2) Copies of the site plan, on 22"x 34" 24" x 36" sheets, and drawn to a known engineering scale that is large enough to be clearly legible, and other required information, ~~the quantity of which shall be determined by the city administrator.~~

5) The plans shall include general layout for the required public improvements, including water, wastewater, grading and storm drainage, streets, water quality, alleys, fire lanes and hydrants, ~~the quantity of which shall be determined by the city administrator.~~

(6) Two (2) reduced copies (11" x 17") of the site plan or as requested by the city engineer administrator.

(7) Landscaping and irrigation plans, the quantity of which shall be determined by the city administrator, and requests for any variances from the city's landscaping ordinance as applicable. For site development permit applications within the City Limits, landscaping plans shall be submitted with the site development plan application. For site development permit applications in the ETJ and complying voluntarily with the City's landscaping ordinance shall submit landscaping plans with the site development plan application.

~~(8) Building facade (elevation) plans drawn to scale, the quantity of which shall be determined by the city administrator.~~

(8) Any additional information/materials, such as plans, maps, exhibits, legal description of property, and information about proposed uses, as deemed necessary by the city administrator, in order to ensure that the written request is understood.

~~(9) Sign plan and requests for any variances from the city's sign ordinance.~~

(10) Lighting (illumination) plan and requests for any variances from the city's lighting ordinance as applicable. For site development permit applications in the ETJ complying voluntarily with the city's outdoor lighting ordinance, lighting plans shall be submitted with the site development plan application. If any site development permit applications for projects in the ETJ are seeking any variances to the site development ordinance, compliance with the city's outdoor lighting ordinance is mandatory and lighting plans shall be submitted with site development permit application.

(12) Exterior design plan and explanation of how the project complies with the city's exterior design standards.

(13) A statement listing the utilities that will service the project as well as letters of service availability from the water and wastewater service providers.

(11) Any variances requested for development of the project.

(12) Any approved permits that are applicable to the site development application (i.e. driveway permit, TCEQ permit, utility provider permit, etc.)

...

(e) Notice of submittal. An applicant must provide written notification shall be provided in accordance with this subsection. Notice must be distributed no more than thirty (30) nor less than fifteen (15) days after a completed application has been submitted to the city. This notice shall be distributed as follows:

~~(1) Delivery to all property owners within three hundred feet (300') of the periphery of the land subject to the site development permit application~~

(1) Erection of weather-resistant signs on the property under application for the purposes of advertising said permit.

(A) The signs shall be provided by the city.

(B) Signs placed on the property involved must be within ten (10) feet of any property line paralleling any established or proposed street, and must be visible from that street.

(C) All required signs shall remain on the property until final disposition of the permit request is determined.

(2) Notice of the application shall be placed on the city website.

~~(e f)~~ Notice of hearing. An applicant must provide written notification in accordance with this subsection if the application is scheduled for a public hearing. Notice of the hearing must be

published in the city's official newspaper no more than thirty (30) nor less than fifteen (15) days before the first hearing at the P&Z. The notice shall be distributed as follows:

(1) Delivery of letters to all property owners immediately abutting the property boundary of the land subject to the site development permit application.

(2) Erection of weather-resistant signs on the property under application for the purposes of advertising said permit.

(A) The signs shall be provided by the city.

(B) Signs placed on the property involved must be within ten (10) feet of any property line paralleling any established or proposed street, and must be visible from that street.

(C) All required signs shall remain on the property until final disposition of the permit request is determined.

(3) Notice shall be placed on the city website.

[These proposed changes provide clarification for approval requirements and include additional applicable items that are needed by staff for site plan review, such as any previous approvals related to the project by TxDOT or other entities. Staff also updated submittal requirements in terms of number of plan sets and size based on needs. Staff would also like to require outdoor lighting compliance in the ETJ if an applicant is requesting a variance. One discussion is whether the variance must be related to lighting for the lighting ordinance to be mandatory. Staff also proposes to remove personal letter notification requirements for application submission, since site plans are administratively approved, and the Texas Local Government Code does not have public notice requirements for site plans. For site plans that will be considered by P&Z and city council, standard notification and public hearing procedures will apply.]

...

Sec. 28.04.010 Evaluation standards

(c) Concept plan or site plan review and evaluation by the city administrator for projects located in the city limits shall be performed with respect to the following:

(1) The plan's compliance with all provisions of the zoning ordinance, when applicable and other ordinances of the city.

(2) The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.

(3) The relationship of the development to adjacent uses in terms of harmonious design, ~~facade treatment~~, setbacks, ~~building materials~~, maintenance of property values, and any possible negative impacts.

(4) The provision of a safe and efficient vehicular and pedestrian circulation system.

(5) The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.

(6) The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.

(7) The coordination of streets so as to arrange a convenient system consistent with the transportation plan of the city.

(8) When applicable, the use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design. See Section 28.04.009(a)(7) for applicability.

- (9) When applicable, exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties. See Section 28.04.009(a)(9) for applicability.
- (10) The location, size, accessibility, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
- (11) Protection and conservation of soils from erosion by wind or water or from excavation or grading.
- (12) Protection and conservation of watercourses and areas subject to flooding.
- (13) The adequacy of water, drainage, sewer facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.
- (14) Consistency with the comprehensive plan.
- (d) Concept plan or site plan review and evaluation by the city administrator for projects located in the extraterritorial jurisdiction shall be performed with respect to the following:

- (1) The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.
- (2) The provision of a safe and efficient vehicular and pedestrian circulation system.
- (3) The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
- (4) The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.
- (5) The coordination of streets so as to arrange a convenient system consistent with the transportation plan of the city.
- (6) When applicable, the use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design. See Section 28.04.009(a)(7) for applicability.
- (7) When applicable, exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties. See Section 28.04.009(a)(9) for applicability.
- (8) The location, size, accessibility, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
- (9) Protection and conservation of soils from erosion by wind or water or from excavation or grading.
- (10) Protection and conservation of watercourses and areas subject to flooding.
- (11) The adequacy of water, drainage, sewer facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.
- (12) Consistency with the comprehensive plan.

[This section was amended to differentiate standards for concept plan submittals for projects located in the city limits and the ETJ. Standards not applicable for site development, such as building façade review, typically are required at the building permit stage in the development process.]

Sec. 28.04.011 Approval process; modifications

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~~(a) Informal consultation. The applicant(s) shall consult with the city administrator, the city engineer, and/or other designated administrative officers before preparing a concept plan or a site plan in order to save time and money and to avoid potential unnecessary delays.~~

(a) Pre-application conference. Prior to formal application for approval of any concept plan or site plan, the applicant(s) shall request and attend a pre-application conference with the city administrator, the city engineer, and any other pertinent city official(s) in order to become familiar with the city's development regulations and the development process. At the pre-application conference, the developer may be represented by its land planner, engineer, and surveyor.

(b) City staff review. Upon official submission of a complete application for concept plan or site plan approval, the city shall commence technical review of the development proposal by forwarding a copy of the application to development review team members, such as the city administrator, city engineer, and any other pertinent city official(s). Development review team members shall review the application and shall ascertain its compliance with these and other applicable city regulations. Following city staff review of the plan and supporting documents, and following discussions with the applicant on any revisions deemed advisable and the kind and extent of improvements to be installed, the applicant shall resubmit additional copies of the corrected plan to the city administrator within ~~sixty (60)~~ ninety (90) calendar days following the date on which the applicant received official notification of the completion of the review by the city administrator.

(c) Action by city administrator.

(1) The city administrator may:

(A) Deem the site plan approved;

(B) Deem the site plan denied; or

(C) Make an initial determination and refer the matter to the P&Z and council.

(2) If the city administrator approves the plan, no approval by the P&Z or city council is required. Any concept plan or site plan that includes property that is within the historic district may not be approved or denied by the city administrator; such a plan shall be reviewed by the city administrator and shall then be reviewed by the P&Z and the city council through the review process outlined herein. Plans that include variance requests, PDDs, or CUPs must be reviewed by the site development review committee. P&Z and council after initial determination by the administrator.

(3) The city administrator may approve applications for small projects, being those consisting of 3,500 square feet, cumulative. Applications reviewed under this subsection shall be exempt from all public notice requirements stated in section 28.04.009. At the city administrator's discretion, small projects may be referred to the P&Z and council for approval or denial. In making the decision to refer a small project application to the P&Z and council, the administrator may consider the following factors:

(A) Amount of impervious cover proposed;

(B) Proximity to nearby developed properties; and

(C) Anticipated impact of project on neighbors.

(d) Denial by city administrator or site development review committee. The city administrator's or site development review committee's denial of a plan shall then be reviewed by the P&Z and city council through the review process outlined herein. The plan that was denied shall be submitted to the city administrator no later than ~~seven (7)~~ fourteen (14) calendar days prior to the P&Z meeting. Copies of the plan resubmitted to the city less than

~~seven~~fourteen days prior to the meeting date shall not be accepted or forwarded to the P&Z. If the city administrator determines that the application is still incomplete or not correct, the plan application shall be subject to denial.

(e) Action by P&Z and city council.

(1) Without regard to the final action by the city administrator, the P&Z shall review an application upon receipt of written request from:

- (A) The mayor;
- (B) Two (2) city council members;
- (C) The P&Z chairman; and/or
- (D) Three (3) P&Z members.

All applications reviewed by the P&Z under this subsection shall then be referred to the city council for approval or denial.

(2) The city council shall consider an application for a site development permit that involves a variance, PDD, or CUP where the site development permit application has been denied by the site development review committee and the applicant has appealed, at a public meeting no later than thirty (30) calendar days after the ~~completed application~~ appeal was filed with the city administrator.

(3) All plan applications that were denied by the city administrator or the site development review committee, or that include property that is within the historic district shall be submitted to and reviewed by the P&Z, and if in conformance with the provisions of this article and all other applicable regulations and codes of the city, they shall then be considered for approval by the city council. It should be noted also that additional action with regard to permitting procedures applies within the historic district.

(4) The city administrator shall schedule consideration of the concept plan or site plan on the regular agenda of the P&Z, within thirty (30) days after the submission (where the city administrator has referred the site or concept plan to the P&Z pursuant to Section 28.04.011 (c)) or an appeal is received, or, in the case of an incomplete submission, after the submission is deemed complete. The P&Z shall review the concept plan or site plan and shall recommend approval, approval subject to certain conditions, or disapproval of the concept plan or site plan. If the P&Z recommends approval, with or without conditions, of the plan, then it will be forwarded to the city council for consideration. If the P&Z recommends disapproval of a plan application, the P&Z shall state such disapproval and the reasons thereof.

[The changes to this section include the establishment of a site development review committee consisting of the City Administrator, City Engineer, and City Planner, who will review site development variances. The resubmittal deadline for applicants to resubmit to address staff comments has been changed to 90 days as this is a more realistic timeframe based on previous experience. Appeal procedures have also been modified for consistency.]

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Sec. 28.04.012 Plan duration

(a) Generally. The approval of a concept plan or site plan shall be effective for two (2) years ~~the periods indicated in the chart below~~. If construction has not commenced within the effective period, ~~if this is not accomplished~~, then the approved plan shall be deemed to have expired and shall become null and void. ~~Plans expire if the applicant has not submitted [or] achieved the benchmark listed in the second column by the timeline listed in the third column.~~ ~~For concept plans, the benchmark is submitting to the city a completed application for the next~~

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required authorization. For site plans, the benchmark is the commencement of construction.

TABLE 1. DURATION OF CONCEPT PLANS AND SITE DEVELOPMENT PLANS

Approved plan	Progress Benchmark	Expires
Concept plan	Plat (subdivision ordinance)	One year
-	Site plan (article 28.04)	One year
-	Planned development (article 30.03)	Two years
-	Conditional use permit (zoning ordinance)	6 months
-	Development agreement (article 22.02)	One year
Site plan	Construction commences	2 years

(b) “Year” defined. A year shall mean a period of three hundred sixty-five (365) calendar days. A year ceases on 12:01 a.m. on the 365th day following city approval of the plan.

(c) Extensions.

(1) Authorized. Prior to the lapse of approval for a plan, the applicant may petition the city, in writing, to extend the plan approval. Such petition shall be considered by the city administrator for administrative approval. The decision made by the city administrator may be appealed by the applicant to the Board of Adjustment. at a public meeting before the P&Z and the city council, and an extension may be granted by the city council at such meeting. One (1) extension of one (1) year may in length may be granted, unless otherwise specified by ordinance. Two (2) extensions of six (6) months each in length may be granted, unless otherwise specified by ordinance. If no petition for extension of plan approval is submitted, then the plan shall be deemed to have expired and shall become null and void.

(2) Determination. In determining whether to grant a request for extension, the ~~city council~~ City Administrator shall take into account the reasons for the lapse, the ability of the property owner to comply with any conditions attached to the original approval, and the extent to which development regulations would apply to the plan at that point in time. The ~~City Administrator P&Z and city council~~ shall either extend the concept plan or site plan or deny the request, in which instance the originally approved plan shall be deemed null and void. However, the one two (1 2) aforementioned extensions shall not be unreasonably withheld without due cause. The property owner must thereafter submit a new plan application for approval, and shall conform to the regulations then in effect.

[This section has been a source of confusion as it includes expirations for other types of projects. This is being simplified by removing the table and stating when the site plan expires. Also, staff proposes to have just one extension of up to one year instead of the current two extensions of six months each. Staff also recommends having extensions be considered administratively instead of going through P&Z and city council.]

Sec. 28.04.013 Concept plan

(a) Applicability. The City Engineer may require a concept plan if an applicant is developing a project in phases, unless otherwise determined by the City Engineer. Submission and approval of a concept plan is required for development necessitating a site development permit, planned developments, and conditional use zoning requests. When required by the city, the concept

plan is the first step in the approval process for a development project. No development rights (if any) shall vest when a concept plan is voluntarily submitted by an applicant.

...

[This has been changed so that concept plan submittal is not mandatory but the City Engineer may request it. From staff experience, this is an unnecessary/repetitive step in the process and is usually not enforced.]

Sec. 28.04.014 Site plan requirements – city limits

[Minor amendments in this section to remove requirements not being enforced at this stage in the development process (building façade, lighting unless applicable, and landscaping unless applicable), and add new requirements deemed necessary. The section header was amended to specify this particular section pertains to city limits only.]

Sec. 28.04.015 Site plan requirements – ETJ

(a) Applicability and purpose. Submission of a site plan and city approval of a site development permit for a project located in the ETJ is required as stated above. The purpose of the site plan approval is to ensure that a development project is in compliance with all applicable city ordinances and guidelines prior to commencement of construction. Approval of the site plan, and engineering plans is required prior to site construction. Landscape and lighting plans shall be submitted if applicable.

(b) Area in site plan. When the overall development project is to be developed in phases, the site plan area shall include only the portion of the overall property that is to be developed or constructed.

(c) Submission requirements. Submission of an application for a site development permit approval shall be preceded by a pre-application conference with the city. The site plan shall be prepared at a scale no smaller than one inch equals one hundred feet (1" = 100') and on sheets twenty-two inches by thirty-four inches (22" x 34"), and it shall clearly show in detail how the site will be constructed such as paving, buildings, landscaped areas, and utilities. The site plan shall include but not be limited to the following:

(1) A title block within the lower right-hand corner of the site plan with the proposed name of the project or subdivision, the name and address of the owner and the land planner, engineer, architect or surveyor responsible for the plan, the scale of the drawing, both written and graphic scale, the date the drawing was prepared, total site acreage, and the location of the property according to the abstract and survey records of the county;

(2) A vicinity or location map that shows the location of the proposed development within the ETJ and in relationship to existing roadways;

(3) The most current plat or boundary survey limits of the tract and each proposed lot, and scale distances with north clearly indicated;

(4) The names of adjacent additions or subdivisions, or the name of the owners of record and recording information for adjacent parcels of unplatted land, including parcels on the other sides of roads and creeks;

(5) The location, width and names of all existing or platted streets or other public ways within or adjacent to the tract; any existing easements, with recording information; existing buildings; railroad rights-of-way; topography with contours at two-foot intervals with existing drainage

channels or creeks, including the 100-year floodplain, if applicable; any other important natural features such as rock outcroppings, caves and wildlife habitats; and all substantial natural vegetation;

(7) The layout and width, including right-of-way lines and curblines, of existing and proposed thoroughfares, collector streets and intersections, and specific configuration of proposed streets, lots and blocks, proposed driveways, showing driveway widths and distances between driveways, and proposed median openings and left turn lanes on future divided roadways. Existing and planned driveways on the opposite side of divided roadways must also be shown for coordination and sharing of future median openings;

(8) Specific locations and footprints of buildings, including but not limited to proposed nonresidential and residential densities; building heights; square footages, which for multi-tenant or multi-purpose buildings must show square footage for each intended use; massing, orientation, loading and service areas, including proposed screening, recycling containers, compactors and dumpster enclosures, including pedestrian walkways, and parking areas; any proposed sites for parks, schools, public facilities, public or private open space; floodplains and drainageways; all proposed and existing utilities and easements; drainage structures; retention/detention ponds with proposed aesthetic treatments; screening walls; fences; signage, if applicable; fire lanes and fire hydrants; lighting, if applicable; visibility easements; and other pertinent development-related features.

(9) complete erosion and sedimentation control plan as required by Section 24.04.016.

(d) Conformance to requirements. Provision of the above items shall conform to the principles and standards of this article and the comprehensive plan. To ensure the submission of adequate information, the city is hereby empowered to maintain and distribute a separate list of specific requirements for site plan review applications. Upon periodic review, the city administrator shall have the authority to update such requirements for site plan and development review application forms. It is the applicant's responsibility to be familiar with, and to comply with, these requirements.

(e) Effect of review. Approval of the site plan shall result in the issuance of a site development permit. The permit shall be considered authorization to proceed with construction of the site provided all other required city approvals are obtained, such as engineering plans, landscape plan, building facade plans, and building permits.

(f) Validity. The approved site plan shall be valid for a period of two (2) years from the date of approval.

[This entire new section has been added to create separate requirements for projects located in the ETJ. Staff is hoping this will help clarify what the City can and cannot enforce in the ETJ under state law. Some additional requirements are often added through development agreements and variance approvals.]

Sec. 28.04.016 Variances

(a) Presumption. There shall be a presumption against variances. However, if the applicant requests a variance in writing, the site development review committee ~~board of adjustment~~ may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance.

(b) Identification. All variances requested for a project must be identified during the site plan approval process.

- (c) Conditions. In granting a variance, the ~~site development review committee~~ board of adjustment shall prescribe upon the applicant only conditions that it deems necessary to or desirable in the public interest.
- (d) General criteria. In making the findings required below, the ~~site development review committee~~ board of adjustment shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed development, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.
- (e) Required findings. No variance shall be granted unless the ~~site development review committee~~ board of adjustment finds that all of the following provisions are met, and the burden shall be on the developer to show that the following provisions are met:
- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of this land;
 - (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
 - (3) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
 - (4) That the granting of the variance will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of this article.
- (f) Pecuniary hardship. Pecuniary hardship to the applicant, property owner or developer, standing alone, shall not be deemed sufficient to constitute undue hardship.
- (g) Restrictions. When the ~~site development review committee~~ board of adjustment determines that a variance is warranted, the variance permitted shall be the minimum departure from the terms of this article necessary to avoid such deprivation of privileges enjoyed by such other property to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences.
- (h) Adequate basis for variance. It shall be an adequate basis for granting a variance that doing so will enable the applicant to create additional open space, reduce impervious cover, preserve trees, maintain critical environmental features, ensure more wildlife preservation, or bring nonconforming structures (including signs) into compliance with current regulations. This section is designed to achieve a more favorable outcome for the general public than would be possible complying with the strict mandates of this article.
- (i) Variances for projects in ETJ. Should an applicant apply for any variances for site development applications for projects located in the ETJ, the project shall comply with the city's outdoor lighting ordinance.
- (j) Recommendation by site development review committee. The site development review committee shall take action on a proposed variance. At the recommendation of the site development committee, variances may be referred to the Planning and Zoning Commission for their consideration.
- (k) Appeals. The applicant may appeal the ~~city administrator~~ site development review committee's decision to the Planning and Zoning Commission. The Planning and Zoning Commission shall hold a public hearing for consideration of the appeal after completion public notice procedures described in Sec. 28.04.009.
- ~~(i) Recommendation by P&Z and city engineer. The board of adjustment shall seek the recommendation of the P&Z and the city engineer prior to taking any action on a proposed~~

variance.

~~(k) (j) Record. Such findings of the board of adjustment, together with the recommendation of the P&Z, and the specific facts upon which such findings are based, shall be incorporated into the official minutes of the board of adjustment meeting at which such variance is granted. Such findings of the site development review committee shall be kept on file at city hall in accordance with the city's record retention policies. Shall a decision be appealed to the P&Z, the finding shall be incorporated into the official minutes of the P&Z meeting at which the variance is considered. Variances may be granted only when in harmony with the general purpose and intent of this article so that the public health, safety, and welfare may be secured and substantial justice is done.~~

[This section has been revised to create new procedures for the consideration of variances. Currently, site development plans with variances must go through P&Z and City Council, which can slow down the process. Most variances are very technical in nature and reviewed carefully by the City Engineer. Staff proposes that the proposed Site Development Review Committee, consisting of the City Administrator, City Engineer, and City Planner instead be responsible for reviewing and granting/denying variances. However, if a variance is denied, an appeal may be brought to P&Z and City Council.]

Sec. 28.04.0212 Construction performance

(a) Review by city engineer.

(1) All plans and actual construction of improvements required under this article shall be ~~inspected~~ reviewed by the city engineer or a designated city representative.

(2) No plans or completed construction will be considered for approval or acceptance by the ~~City council~~ without certification from the applicant, including an engineer's concurrence letter from the engineer of record, that such plans and calculations and such construction are complete, and that they are in accordance with specifications and standards contained or referenced herein, and/or with plans previously approved for the subject site development permit.

(3) ~~The city engineer or a designated city representative shall~~ may make field inspections during the construction period. If requested by the city engineer, the design engineer of record shall provide all records of materials testing in accordance with standard civil engineering practice.

(4) If the city engineer rejects such construction, the city attorney shall, on direction of the council, proceed to enforce the guarantees provided in this article.

(5) ~~If requested by the city engineer, the design engineer of record shall submit written progress reports to the council during construction periods. These reports shall be made available for public review public [sic] upon submission to the city council.~~

(6) The final responsibility for adequacy and acceptability of all construction shall rest with the developer and his design engineer of record.

[Clarification to allow City Engineer to designate another staff member to review plans and construction; requirement added that the City Engineer may request records of material testing; and a change in requirements for requests of progress reports.]

...

Sec. 28.04.023 Required signature blocks

Site Development Ordinance Amendments
Staff Report

(a) Projects located in the city limits shall include the following language on the cover sheet:

Reviewed By:

City of Dripping Springs City Administrator Date

City Engineer Date

Emergency Services District # 6 Date

(b) Projects located in the ETJ shall include the following language on the cover sheet:
Reviewed by:

City of Dripping Springs City Administrator Date

City Engineer Date

Emergency Services District # 6 *(if applicable)* Date

[New section added for minimum required signature blocks. Applicants are required to provide letters verifying provision of utility services, so it is not necessary to have those entities also sign the plan.]

Public Notice: Notice of the proposed ordinance amendments was provided in the *Century-News* and the City website.

Public Comments: The City has not received any written comments as of August 8, 2018.

Documents Included in Packet: Draft Site Development Ordinance Amendments

Next Steps: If approved by City Council, the amendments will be codified in the City's Code of Ordinances.