

AN ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; AMENDING ARTICLE I, DEFINITIONS AND VARIOUS SECTIONS OF ARTICLE II; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the City of Killeen has declared the application and enforcement of the City's subdivision regulations to be necessary for the promotion of the orderly development of the city, public safety, health, convenience, comfort, prosperity and general welfare of the City; and,

WHEREAS, the City Council finds that revisions to the City's subdivision and development regulations are necessary to provide for mandatory preliminary plats in certain instances; and,

WHEREAS, the City Council finds that amending requirements of the platting process is in the best interest of the City and is further permitted by the Local Government Code, Chapter 212 et seq.; and,

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS:

SECTION I. That Chapter 26 is hereby amended to read as follows:

ARTICLE I. IN GENERAL

Sec. 26-2. Definitions

Common plan of development shall mean a construction activity that is completed in separate stages, separate phases, or in combination with other construction activities. A common plan of development (also known as a "common plan of development or sale") is identified by the documentation for the construction project that identifies the scope of the project, and may include plats, blueprints, marketing plans, contracts, building permits, a public notice or hearing, zoning requests, or other similar documentation and activities. A common plan of development

does not necessarily include all construction projects within the jurisdiction of a public entity (e.g.: a city or university). Construction of roads or buildings in different parts of the jurisdiction would be considered separate "common plans," with only the interconnected parts of a project being considered part of a "common plan" (e.g.: a building and its associated parking lot and driveways, airport runway and associated taxiways, a building complex, etc.). Where discrete construction projects occur within a larger common plan of development or sale, but are located ¼ mile or more apart, and the area between the projects is not being disturbed, each individual project can be treated as a separate plan of development or sale, provided that any interconnecting road, pipeline or utility project that is part of the same "common plan" is not included in the area to be disturbed.

~~-~~**Common ownership** shall mean owned by the same person or owned by persons within a parent-subsidary group, ~~or~~ brother-sister group, or a combination of those groups subject to the constructive ownership and attribution rules located in the Internal Revenue Code, I.R.C. § 1563(e).

Person shall mean any individual, firm, partnership, corporation, association, estate, trust or organization. It also includes the singular and plural.

Parent-subsidary group means a group of two or more organizations connected through a common parent who owns a controlling interest in the other organization(s).

Brother-sister group means a group of two or more organizations where the same 5 or fewer common owners own a controlling interest in each group and taking into account the ownership of each common owner only to the extent ownership is identical with respect to each organization, the common owners are in control of more than 50% of each organization.

Controlling interest shall mean the following:

In the case of a corporation, ownership of stock having at least 80% of the total combined voting power of all classes of stock entitled to vote of such corporation or at least 80% of the total value of shares of all classes of stock of such corporation.

In the case of a trust or estate, ownership of an actuarial interest of at least 80% of such trust or estate.

In the case of a partnership, ownership of at least 80% of the profits interest or capital interest of such partnership.

In the case of a sole proprietorship, ownership of the sole proprietorship.

ARTICLE II. PLATS*

DIVISION 1. GENERALLY

Sec. 26-23. Process for approval.

- (c) ~~—~~A meeting of the development review committee, consisting of members of the plat review committee and the local utility companies, shall be convened to discuss requirements to meet their needs. The plat applicant and/or his or her designated agent ~~shall be required to~~ may attend as part of the application process. ~~Failure to attend shall result in the plat being rescheduled for the next development review committee meeting.~~ The development review committee shall document its comments in writing and forward its report to the plat applicant and/or his or her designated agent for corrective action.
- (d) ~~—~~When the applicant has completed all corrective actions, the plat will be forwarded to the planning and development services department for continued processing. Plats submitted on or before the scheduled plat correction submission date, will be forwarded to the staff plat correction validation meeting. When plat corrections are validated, the plat application process shall be considered complete. The date of the staff plat correction validation meeting in which the plat corrections are validated, shall be designated to be the date the plat is filed with the city of Killeen. Those plats not eligible for administrative approval under the provisions of subsections 26-61 and 26-74 that are validated in the staff plat correction validation meeting will be scheduled for the next regular meeting of the planning and zoning commission. If the plat applicants do not agree with a requested correction comment, they may state their objection in writing and request that the plat be considered filed, and the plat will be considered filed and passed to the planning and zoning commission for action.
- ~~—~~(e) ~~—~~Within thirty (30) days of the date that a plat application is deemed filed, those plats meeting the requirements of sections 26-61 and 26-74 of this chapter shall be approved by the executive director of planning and development services or the city planner. In those instances where the plat applicants do not agree with a requested correction comment, they may state their objection in writing and request that the plat be considered filed, and the executive director of planning and development services or the city planner shall not disapprove the plat, but shall be required to forward the plat to the planning and zoning commission for action.

Sec. 26-24. Requirements for approval of application by planning and zoning commission.

- (a) ~~(a)~~ Within thirty (30) days of the date that the application is deemed filed, the planning and zoning commission shall approve a plat if it complies with the requirements of this chapter, the applicant is not in arrears in the payment of any debts owed the city required by this chapter on a previous plat, it conforms to the general plan of the city and its current and future streets, alleys, parks, playgrounds, and public utility facilities plans, and it conforms to the city's general plan for the extension of roads, streets, and public highways, taking into account access to and extension of sewer and water mains and instrumentalities of public utilities to include public drainage infrastructure.

Sec. 26-26. Recordation.

- (d) ~~All other plats shall be recorded with the county clerk upon the planning and zoning commission's approval of the final plat, and the applicant's submission of the required recording fee, and the applicant constructs all required infrastructure improvements and municipal infrastructure is accepted per Section 26-83. The applicant may elect to have the final plat recorded prior to acceptance of infrastructure by providing a guarantee of completion to the City in accordance with Section 26-84. If all conditions, fees, or improvements are not completed within two years of approval being released for construction, then the final plat approval shall expire unless an extension is applied for and granted, due to ongoing progress towards completion of the project by the Director of Planning or designee. The request for an extension shall be submitted at least thirty (30) days prior to the date the final plat expires.~~

DIVISION 2. PRELIMINARY PLATS

Sec. 26-41. - Form, contents and required documentation.

- (a) ~~Preliminary plats shall include the entire tract of land under common ownership or common plan of development.~~
- ~~(1) Where property is part of a common plan of development, not under common ownership, a preliminary plat shall be filed that incorporates existing, approved preliminary or final plat(s) within the common plan area.~~
- (ba) ~~Preliminary plats are optional for those submissions meeting the requirements of amending, minor and development plats. Those plat applicants may elect to proceed to the final platting requirements in Division 3 without filing a preliminary plat. Preliminary plats are mandatory for all other submissions.~~
- (cb) ~~Preliminary plats shall be filed with the planning and development services department. The planning and development services department shall stamp the The following notice words shall appear on the face of each preliminary plat: "Preliminary plat for inspection purposes only and in no way official or approved for record purposes and not approved for construction record."~~
- (de) ~~In the event When~~ a preliminary plat application is filed with the planning and development services department, it shall be accompanied by the following minimum documentation:

- (ed) ~~Preliminary plats must meet the following criteria and contain the following~~

information:

- (2) Boundary of the subject tract with computed acreage;
- (3) The location of All existing and/or proposed streets, and alleys, sidewalks and multi-use paths, with street names, right of way widths and relation to surrounding existing street patterns;
- (4) Location, size, and purpose of all existing easements and proposed municipal easements on or adjacent to the proposed subdivision;
- (5) Location, size, and purpose of any existing or proposed areas dedicated for public use within or adjacent to the proposed subdivision;
- (64) Approximate Conceptual location width and depth of all proposed lots lines with numbers or letters to identify each lot and blocks and illustration of conceptual lot lines. Northings and eastings are not required for conceptual lot lines;
- (75) Layout, in dotted dashed lines, of all existing adjacent lots to the property being platted showing lot size, lot and block numbers, name of existing subdivision or property owner if undeveloped property;
- (8) Location, size, and centerline of all existing and proposed utilities;
- (9) Preliminary Conceptual drainage information (i.e., detention pond location and approximate size, Creek Buffer Zone, draft storm water management site plan, drainage infrastructure, or other drainage storm water conveyance systems, and location of the following proposed storm water management site plan areas: riparian buffers, preserved natural areas, linear parks, open space areas, protected environmentally sensitive areas, conservation easements, and preserved tree canopy, if applicable);
- (106) FEMA designated 100-year floodplain special flood hazard boundaries, if applicable;
- (11) Topographic information, including contours at two-foot intervals and identification of source with date;
- (12) The location, approximate dimensions, and descriptions of existing watercourses and drainage structures infrastructure with-in and contiguous to the proposed subdivision;
- (13) Label or identify number of residential lots, and average lot size, and provide a typical detail for each size of proposed lot if applicable;

~~—(14) Proposed phasing, with demonstrated sufficiency and viability of public infrastructure —for each phase such that an undue burden is not placed on any particular phase. Phasing —shall occur in sequential order in such a way as to not create phases that are not —developable within compliance with other provisions of Code;:-~~

~~—(157) ___-Date, scale, north point, and small scale location map;~~

~~—(168) ___-Name and address of all property owners of the property being platted;~~

~~—(179) ___-Name and address of engineer and surveyor; and~~

~~—(184) ___-Signed statement of the engineer and/or surveyor who prepared the preliminary plat, _____ indicating the records or survey from which the property description of the boundary of _____ the proposed plat was developed; and-~~

~~(19) As-built drawing of existing structures, if applicable.~~

~~(f) —A preliminary plat will expire five (5) years after the first application was filed. Each final plat, which is a phase of an approved preliminary plat shall extend the expiration date of the preliminary plat an additional two (2) years from the date the final plat was approved by the Planning and Zoning Commission. Nothing herein shall reduce the initial five (5) year permit period.~~

~~(eg) ___-The engineeringAll plans items submitted under Section 26-5141(e) shall be in compliance with the city's currently adopted zoning, construction standards, infrastructure design and development standards manual, and drainage design manual, and master plans except as otherwise allowed by state law in place at the time of submission, and shall consist of the following:~~

~~(h) As built drawing of existing structures, if applicable.~~

~~—(1) Layout of all needed off-site utilities;~~

~~—(2) Water system layout, including size of line and fire hydrant location;~~

~~—(3) Sewer system layout, including size of line, location of manholes and cleanouts;~~

~~(4) Drainage plan which shows the overall analysis of the change of existing condition to fully developed condition, current topography, FEMA floodplain and floodway boundaries (if applicable), Creek Buffer Zone(s) (CBZ) in accordance with section 32-56 of this code of ordinances, and identify approximate location where water will exit the subdivision; and~~

~~—(5) As built drawings of existing structures, if applicable.~~

DIVISION 3. FINAL PLATS

Sec. 26-51. Form, contents, and required documentation.

(b) ~~In cases where a preliminary plat was previously approved, the final plat shall substantially conform to the approved preliminary plat; however, the final plat, at the option of the applicant, may constitute only that portion of the approved preliminary plat that the applicant proposes to develop and record at that time.~~

(c) ~~If the final plat requires the extension of public infrastructure, construction plans shall be approved released for construction before the plat can be deemed filed in accordance with Section 26-23 (d).~~

(d) ~~Final plats shall be filed with the planning and development services department and shall be accompanied by the following minimum documentation:~~

~~(3) Five (5) copies of engineering plans and one (1) digital (.pdf format) version of the same~~
~~;~~ *****

(e) ~~Final plats must meet the following criteria and contain the following information:~~

(f) ~~The engineering Construction plans shall be in compliance with the city's currently adopted zoning, construction standards, infrastructure design and development standards manual, and drainage design manual, and master plans in place at the time of submission except as otherwise allowed by state law and shall consist of the following:~~

- ~~(1) Street layout and grades;~~
- ~~(2) Water system layout, including size of line and fire hydrant location;~~
- ~~(3) Sewer system layout, including size and grade of lines, location of manholes and cleanouts, and lift station design;~~
- ~~(4) All drainage infrastructure designs, analysis of as-is and full development conditions, analysis of all storm water conveyance systems, FEMA floodplain and floodway boundaries (if applicable), Creek Buffer Zone(s) (CBZ) in accordance with section 32-56 of this code of ordinances, letter(s) of release from property owners affected by diversion of water (except for watercourse(s) designated on current city topography maps), drainage construction and maintenance agreements (if applicable); and,~~
- ~~(5) As-built drawings of existing structures, if applicable.~~

SECTION II: That should any action or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

SECTION III: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION IV: That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION V: That this ordinance shall be effective after its passage and publication according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 23rd day of April, 2019, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

ATTEST:

APPROVED:

Lucy C. Aldrich
CITY SECRETARY

Jose L. Segarra,
MAYOR

APPROVED AS TO FORM:

Kathryn H. Davis
CITY ATTORNEY