



Text File

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Status: Draft

In Control: Land Management

File Type: Agenda Item

Title

Consider and take action on an ordinance amending Chapter 125, Article I, Section 125-8 of the Code of Ordinances of the City of League City entitled "Vested Rights - General" (Director of Planning and Development)

Staff requests first and final reading on this item.

Planning and Zoning Commission recommended approval 6-0-0 on October 7, 2013.

Council postponed to January 14, 2014 8-0-0 on December 17, 2013.

Council postponed to January 28, 2014 8-0-0 on January 14, 2014.

Council postponed to February 11, 2014 8-0-0 on January 28, 2014.

..Background:

Approval of this item by City Council will clarify issues related to vested rights - the rights and protections granted a current or proposed project after it is presented to the City for approval. Proposed amendments are intended to align local law with state law, clarify areas left open to interpretation by state law, and set standards for expiration of vested rights to develop property in League City.

In accordance with Chapter 245 of the Local Government Code, any development project that is presented to the City for approval is automatically granted certain rights and protections. The law establishes the point at which a project is considered vested, items that are eligible to be vested (for example, land use, density, and lot configuration can be vested, but street and utility requirements cannot), and expiration of vested rights.

The proposed rewrite of Section 125-8 includes:

1. The types of applications that do and do not vest a project. For example, application for a preliminary plat for approval by the Planning and Zoning Commission carries vested rights while application for rezoning does not.
2. The process for managing incomplete applications as it relates to vested rights.
3. Rights granted to projects approved prior to approval of zoning in 1999. This includes the five "undocumented PUDs" that were designated as Planned Unit Development by the zoning map adopted in 1999, including subdivisions of South Shore Harbour, Bay Colony, The Wharf, Victory Lakes, and Magnolia Creek.
4. A clear and expedient method of establishing and maintaining vested rights through creation of a Fair Notice Form. State law is ambiguous regarding delivery of information to the City and the level of information necessary. At the same time, state law requires City staff to respond in a very limited amount of time to an application and with little opportunity for review. The Fair Notice Form is a digital solution that can be emailed to staff, at which time the application is immediately vested and staff receives the full review period accorded by state law.
5. Clear standards for expiration of projects, permits and applications. This includes Planned Unit Developments that have been allowed to become dormant by standards established by state law. A possible one-year extension that exceeds the requirements of state law has been included to further protect rights associated with a project.

On July 15, the Planning & Zoning Commission conducted a public hearing regarding the proposed changes to the Vested Rights section of the Zoning Ordinance. The Commission recommended approval at its October 7 meeting following incorporation of language that allows a developer or applicant a one-year extension on expiration requirements. Following approval by the Commission, staff made amendments to address issues that have arisen in relationship to projects approved prior to adoption of zoning, particularly those defined as PUDs in 1999. The recent amendments have not been returned to the Commission for consideration.

On January 10, a group of citizens recommended an additional series of changes to proposed amendments. A series of minor adjustments were made to the document to reflect some of the recommendations; however, the majority of language remained unchanged.

Origination:

Planning Department

Attachments:

1. Data Sheet
2. Adopted Section 125-8
3. Proposed Ordinance
4. Exhibit A
5. "Redline" version of regulation indicating changes made between P&Z and City Council meetings
6. Excerpt of July 15 Planning & Zoning Commission Meeting Minutes
7. Excerpt of October 7 Planning & Zoning Commission Meeting Minutes
8. FRDBI Comments on Draft Vested Rights Ordinance

FUNDING

{ } NOT APPLICABLE

{ } Funds are available from Account # _____

{ } Requires Budget Amendment to transfer from Account # _____ to

Account # _____