

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ESTABLISHING PROCEDURES APPLICABLE TO SUBDIVISION OF LAND WITHIN THE CITY; AMENDING CHAPTER 156, OF THE CODE OF ORDINANCES OF THE CITY OF PFLUGERVILLE, TEXAS; REGARDING APPROVAL OF CONCEPTUAL PLANS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Pflugerville periodically amends its land development ordinances for the purpose of protecting the public health, safety and welfare; and in order to respond to changed circumstances, technological advances, and revisions to State and Federal requirements; and

WHEREAS, the City Council desires to provide certainty as to the regulations that will apply to development within the City's corporate limits and extraterritorial jurisdiction, and as to the submission and approval of conceptual plans;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS:

Section 1. Definitions.

Chapter 156, Section 156.016, Subsection (A)(31) of the City of Pflugerville, Texas Code of Ordinances is hereby amended to read as follows:

(31) **VALID CONCEPTUAL PLAN.** A conceptual plan approved by the City of Pflugerville or a conceptual plan that was accepted after July 27, 1999, and before February 11, 2003, by the City of Pflugerville and has not expired, or been withdrawn, superseded, or replaced.

Section 2. Definitions.

Chapter 156, Section 156.016, Subsection (C) of the City of Pflugerville, Texas Code of Ordinances is hereby amended to read as follows:

(C) Terms not defined herein must be construed in accordance with customary usage.

Section 3. Conceptual Plan.

Chapter 156, Section 156.112, of the City of Pflugerville, Texas Code of Ordinances is hereby amended to read as follows:

(A) The purpose of a conceptual plan shall be to establish the general layout and appearance of the subdivision as it relates to:

(1) Street layout.

- (2) Parkland.
- (3) Hike and bike trails.
- (4) Orientation to adjacent land.
- (5) Drainage ways.
- (6) Connectivity to adjacent land.
- (7) Other elements as determined by the City.

An approved alternative land use regulation plan shall serve as an approved conceptual plan.

(B) If required, a Subdivider must submit a conceptual plan to begin the Subdivision process. The conceptual plan must be reviewed by the Commission at a Public Hearing to be held not later than the date established on the schedule in the Subdivision Code Supplemental Schedule.

(C) Not later than 10 days before the scheduled meeting date, notice of the hearing must be made as follows:

(1) Signs, in the amount determined by the Director, placed on every Street right-of-way adjacent to the land under consideration.

(2) One half-page tabloid size newspaper advertisement in a newspaper of general circulation in the area, which includes the date of the Public Hearing, time of the Public Hearing, location, a general description of the area under consideration, and a map indicating the general area.

(3) Letters to all owners of land within 200 feet of the boundary of the proposed conceptual plan area which must include the date of the Public Hearing, time of the Public Hearing, location, a general description of the area under consideration, and a map indicating the general area.

(D) The Director must request a recommendation from the Parks and Recreation Commission within 7 days of receipt of an Application for a conceptual plan and notify the Parks and Recreation Commission of the Planning and Zoning Commission's required action date.

(E) Approval of the conceptual plan by the Commission, establishing the general layout of the subdivision, does not indicate approval of any variances that may be required to achieve the general layout.

(F) Not later than 7 days following submittal of an incomplete Application for a conceptual plan, the Director will notify the Subdivider in writing that the Application is incomplete and will indicate the delinquent items.

(G) Following submittal of a complete Application for a conceptual plan, the Commission must either approve or disapprove the conceptual plan not later than thirty (30) days following the date of the Public Hearing.

(H) If the conceptual plan is disapproved by the Commission, the Subdivider may continue the Subdivision process by submitting a revised conceptual plan within thirty (30) days of disapproval.

(I) If the conceptual plan is approved by the Commission, the Subdivider must comply with all conditions of approval if any and submit a revised conceptual plan to the Director addressing all conditions as well as any additional information required by the Commission within 14 days of the date of the Commission's approval. Failure to provide all required materials by the prescribed date invalidates the approval of the conceptual plan and the Subdivider may submit a revised conceptual plan within thirty (30) days of invalidation.

(J) *Life of a Conceptual Plan.*

(1) A conceptual plan which was reviewed by the Commission will be valid for six months from the date the Commission reviewed the plan. A valid conceptual plan for which a complete application for a preliminary plan on all or part of the conceptual plan area is submitted shall remain valid as long as the preliminary plan remains valid.

(2) Conceptual plans approved by a governmental entity other than the City while outside of the City's jurisdiction are invalidated on the date when they become subject to the City's jurisdiction.

(3) Extensions to the six month period are not permitted.

Section 4. Conceptual Plan.

Chapter 156, Section 156.313, of the City of Pflugerville, Texas Code of Ordinances is hereby amended to read as follows:

(A) The words "Conceptual Plan Only - Not for Recordation" on the first sheet of the plan.

(B) The name of the proposed Subdivision in a conspicuous location.

(C) The name and address of the current owner of the land.

(D) The name and address of the Subdivider.

(E) A north arrow.

(F) An indication of the scale used on the plan.

(G) The date of preparation of the plan.

(H) A revision block noting the date of each revision to the plan since it was first submitted.

(I) The approximate location of the boundaries of the plan.

(J) The Legal Description of the entire conceptual plan area.

(K) The total acreage of the conceptual plan area, the proposed total number of Lots, the acreage dedicated to each proposed land use, and the number of Lots for each proposed land use.

(L) The approximate location of all proposed Streets within the Subdivision.

(M) The approximate location and boundaries of each area of differing land use or density.

(N) The approximate location of all proposed lot lines.

(O) The approximate location of all Streets, hike and bike trails, property boundary, or lot lines within 500 feet of the conceptual plan boundary.

(P) The approximate location of the 100 and 25 year flood plains, and the center line(s) of any existing or proposed channel(s) with an indication of any modifications of the channel(s) proposed.

(Q) Contour lines as shown on the USGS topographic maps in ten foot intervals.

(R) Proposed fill areas.

(S) All areas proposed for dedication as Park Land.

(T) The Park Land calculation as specified in the Subdivision Code Supplemental Schedule.

(U) The location of any existing zoning district boundaries and proposed zoning district boundaries if located or proposed to be located in the city limits.

(V) Proposed phase boundaries with the proposed sequencing of the phases labeled.

(W) The location of Conservation Areas as designated in the Comprehensive Master Plan.

(X) A vicinity map indicating the location of the project in relation to familiar landmarks.

(Y) An indication of the water and wastewater utility providers who are anticipated to serve the conceptual plan area.

(Z) The approximate location of all proposed hike and bike trails.

(AA) Typical sidewalk locations.

(BB) Typical street light detail.

(CC) Proposed subdivision entry features and any landscaping proposed on areas other than the residential or commercial lots.

Section 5. Preliminary Plan.

Chapter 156, Section 156.314, Subsection (A), of the City of Pflugerville, Texas Code of Ordinances is hereby amended to read as follows:

(A) The preliminary plan of a proposed Subdivision must substantially conform to the applicable approved conceptual plan, the Comprehensive Master Plan, and City codes and ordinances. The preliminary plan may include only a portion of the area of the conceptual plan. Upon the determination of the Director, a revised preliminary plan may include only the information necessary to indicate the revision(s).

Section 6. Construction Plans.

Chapter 156, Section 156.315, Subsection (P), of the City of Pflugerville, Texas Code of Ordinances is hereby added as follows:

(P) Any additional requirement established with the approval of the conceptual plan.

Section 7. Final Plat.

Chapter 156, Section 156.316, Subsection (X), of the City of Pflugerville, Texas Code of Ordinances is hereby added as follows:

(X) Any additional requirement established with the approval of the conceptual plan or the preliminary plan.

Section 8. Applicability.

Chapter 156, Section 156.411, Subsection (D), of the City of Pflugerville, Texas Code of Ordinances is hereby added as follows:

(D) Standards established by the approval of the conceptual plan or the preliminary plan that are more restrictive than the standards specified here or in the Design Standards or Construction Standards Manuals, or when no standard is established, shall apply to the Subdivision

Section 9. Miscellaneous.

The provisions of this Ordinance supersede any conflicting provisions of the City Code. The provisions of this Ordinance do not create any vested rights or property rights in any applicant. This Ordinance does not extend a deadline for, or the expiration date of, an application or approval established by the City's Code of Ordinances.

Section 10. Effective Date.

This Ordinance will take effect upon its passage by three affirmative votes on first reading; provided that this Ordinance will be posted and adopted at a subsequent meeting in accordance with the provisions of Section 3.15(d) of the City Charter.

Section 11. Severability.

If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

PASSED AND APPROVED this ____ day of _____, 2003.

CITY OF PFLUGERVILLE, TEXAS

By: _____
G. Scott Winton, Mayor

ATTEST:

Karen Thompson, City Secretary