

# PUBLIC HEARING/ Ordinance Text Amendment Chapter 107

# Background

- In 1976 the Town of Little Elm first adopted a Subdivision Ordinance and has been or amended several times since it was originally adopted.
- The most recent comprehensive change to the Subdivision Ordinance occurred in 2018.
- However, since 2018, there has not been a comprehensive update of the Subdivision Ordinance.
- The Subdivision Ordinance was partially updated in 2019.

# Proposal

- As a result of the 2023 legislative sessions, the legal counsel for the Town has proposed several text amendments to keep the Town compliant with new State Statutes. The engineering team has also proposed several changes to the Subdivision Appendix, specifically the Town's Stormwater and retaining wall sections based in part on new requirements but also creating clearer guidelines.
- The engineering team are also proposing several amendments to Chapter 107. The proposed changes are specific to the engineering standards details based on their experience with the current standards and developmental and technological shifts in construction science.
- Changes suggested by legal counsel have been noted in the red-lined version and the change log to easily differentiate what is a legal requirement versus other proposed changes.

# Legal Counsel Proposed Changes

- 107.02.03 “Director of Development Services”
  - Gives Development Services Director the ability to approve plats if there is not sufficient time for P&Z or Council Approval.
  - Recommended by Town Attorney. Should the Director deny a plat, it can be appealed to the Planning and Zoning Commission.

## **Sec. 107.02.03 Director of development services.**

(c) Additional Authority. In the event there is not sufficient time for the Planning and Zoning Commission and/or the Town Council to approve or deny any plat based upon the filing date of such plat, the Director of Development Services may approve or deny such plat, pursuant to Section 212.0065 of the Texas Local Government Code, as amended. The disapproval of any plat by the Director of Development Services may be appealed to the Planning and Zoning Commission and/or the City Council.

# Legal Counsel Proposed Changes

- 107.03.02 “Application Contents”
  - Clarifies that new state statutes allows the Director of Development Services to be allowed to only accept platting submittals on certain days in accordance to a schedule posted on the Town’s website.
  - This is how the Town has already been conducting businesses, but the edit to State Statute clarifies that establishing submittal dates is allowed.

# Legal Counsel Proposed Changes

- 107.03.02 “Application Contents”



## Sec. 107.03.02 Application contents.

- (a) *Application contents generally.* All applications shall be submitted on a form supplied by the development services staff with the required information and exhibits as stated on the application form. Incomplete applications shall not be accepted. Neither the submission or acceptance of an application, however, shall be considered a filing of a plat application for purposes of triggering the Town's statutorily mandated 30-days review period of plat applications. See 107.03.03 for determining the filing date for the 30-days review period.
- (1) *Application timing.*
- a. As authorized by Texas Local Government Code Section 212.0015, Development services staff shall establish submittal deadlines for all applications decided by the director of development services and by the commission. Such submittal schedule will be posted on the town website.
  - b. An application must be considered officially complete in accordance with section 107.03.03(c), determination of completeness, of this subdivision ordinance prior to being processed for review and consideration.

# Legal Counsel Proposed Changes

- 107.03.03 “Application submittal process, official filing date, request for thirty-day review period extension”
  - This clarifies that the date the applicant submits the plat, along with a completed application, and pays the fee is the day that shall be considered when starting the 30-day review period.

# Legal Counsel Proposed Changes

- 107.03.03 “Application submittal process, official filing date, request for thirty-day review period extension”

## Sec. 107.03.03 Application submittal process, official filing date, request for thirty-day review period extension.

- (a) *Initiation by owner.* An application required under this subdivision ordinance may be initiated only by the owner of the land subject to the application, or by the owner's duly authorized representative. If the applicant is a representative of the property owner, the application shall include a written and notarized statement from the property owner, such as a duly executed power of attorney, authorizing the representative to file the application on the owner's behalf.
- (b) *Applicability.* The procedures within this chapter shall apply to all applications that are required by the town and submitted in accordance with this subdivision ordinance.
- (c) *Official filing date.* The 30-day time period established by state law, and by this subdivision ordinance, for approving, approving with conditions, or disapproving with conditions, shall begin on the official filing date. The official filing date is defined as the date the applicant submits the plat, along with a completed plat application and the application fees and other requirements prescribed by Texas Local Government Code Section 212, which date shall also be considered the date when the application for a plat is determined to be administratively complete. An application is considered administratively complete and thus filed upon the occurrence of all of the following: (1) when all necessary forms, supplemental documents, and copies are submitted and accepted by staff; (2) when staff has determined that the application for a plat meet all requirements of applicable town ordinances so that it may be reviewed by the Planning and Zoning Commission; and (3) all fees associated with the application have been paid and the issuance of a fee receipt by staff has occurred; and ~~(4) the plat has been placed on a duly posted agenda for the Planning and Zoning Commission or, if applicable, the Town Council. No plat shall be considered to have been filed, for purposes of triggering the Town's statutorily mandated 30-days review period of plat applications, until the plat is placed on an agenda for the Planning and Zoning Commission or, if applicable, the Town Council.~~
- (d) *Request for extension 30-day review period.* Pursuant to Texas Local Government Code, § 212.009(b-2), upon application in writing by the applicant, the Planning and Zoning Commission or, if applicable, the Town Council may approve one or more extensions of right to 30-day action, each such extension not to exceed 30 additional days. The director of development services shall be the responsible official for accepting a request for an extension of the 30-day review period. ~~An applicant may request, in writing, to extend the 30-day review period for a period not to exceed 30 days. The Planning and Zoning Commission or, if applicable, the Town Council shall be required to approve the extension request for the request to be granted.~~
- (e) *Owners dedication language.* Refer to the plat checklist for the appropriate owner dedication language to include on the plat.



# Legal Counsel Proposed Changes

- 107.08.01 “General Subdivision Policies”
  - Added several clauses that will bring the Subdivision Policies into compliance with new State Statutes that pertain to Right of Way dedication.

# Legal Counsel Proposed Changes



- 107.08.01 “General Subdivision Policies”

- (1) *Adequate services for areas proposed for development.* Land proposed for development in the town and in the town's ETJ shall be served adequately by essential public facilities and services, including, but not limited to, water distribution, wastewater collection and treatment, roadways, pedestrian circulation, storm drainage conveyance, and park and recreational facilities. Land shall not be approved for platting or development until adequate public facilities necessary to serve the development exist or provisions have been made for the facilities, whether the facilities are to be located within the property being developed or offsite. All street and road dedication requirements for land within a subdivision shall comply with Texas Local Government Code Section 212.010(c).
- (3) *Property owner's responsibilities.* The property owner shall be responsible for, but not limited to, the following:
  - a. *Dedication and construction of improvements.* The property owner shall dedicate all rights-of-way and easements for, and shall construct and extend, all necessary on-site and off-site public improvements for water distribution, wastewater collection and treatment, streets, storm drainage conveyance, and other improvements that are necessary to adequately serve each phase of a proposed development at service levels that are consistent with the town's applicable master facilities plans and engineering design standards. All street and road dedication requirements for land within a subdivision shall comply with Texas Local Government Code Section 212.010(c).

# Legal Counsel Proposed Changes

- 107.08.03 “Streets and Alleys”
  - Added language that will bring the Subdivision Policies into compliance with new State Statutes that pertain to Right of Way dedication.

## Sec. 107.08.03 Streets and alleys.

### (a) *Streets basic policy.*

- (1) *Street improvements.* In platting a new development, the property owner shall provide additional right-of-way needed for existing or future streets as required by the engineering design standards and as shown on the thoroughfare plan (see table B, thoroughfare types and standards). All street and road dedication requirements for land within a subdivision shall comply with Texas Local Government Code Section 212.010(c).

# Legal Counsel Proposed Changes

- 107.12.02 “General Subdivision Policies”
  - Added language to the definition of “Official Filing Date” to further clarify what constitutes a submittal date based on new state statutes.

*Official filing date.* The filing date of a preliminary plat, replat or final plat shall be considered the date an applicant submits said plat, along with a completed application and applicable fees, and other requirements prescribed by or under Texas Local Government Code § 212.004, which shall also be considered the date an application is deemed complete by the responsible official in the manner prescribed by section 107.03.03(g), official filing date, of this subdivision ordinance.

# Engineering Changes

Presentation by Engineering Team

# Drainage Criteria Update

## TOWN OF LITTLE ELM, TEXAS

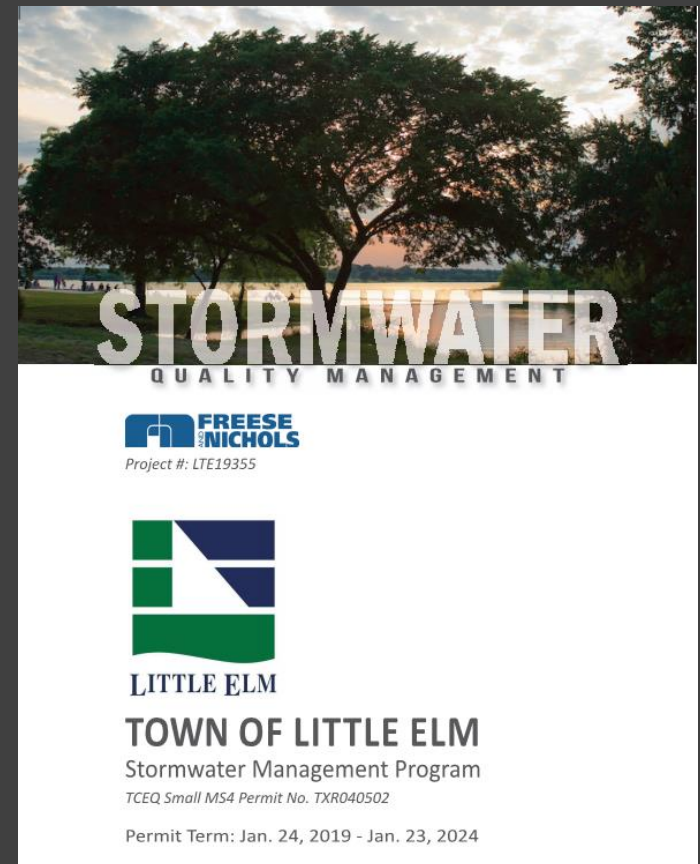
*Wesley Brandon, PE, Town Engineer*  
*Mitch Haug, PE, Civil Engineer*



- Phase II (Small) Municipal Separate Storm Sewer System (MS4) General Permit
- Authorizes discharges of stormwater from MS4s to surface waters in the state
- EPA/TCEQ program oversight
- Standards to protect water quality in Texas
- Unfunded federal mandate
- Permit renewed every 5 years (last renewed 2019)



1. Public Education, Outreach, and Involvement
2. Illicit Discharge Detection and Elimination
3. Construction Site Stormwater Runoff Control
4. Post-Construction Stormwater Management in New Development and Redevelopment
5. Pollution Prevention and Good Housekeeping for Municipal Operations

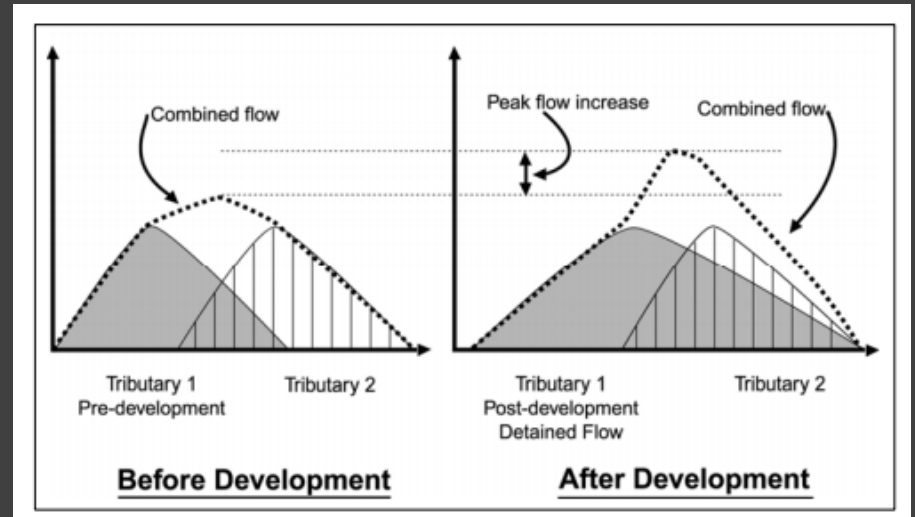




- Codifies Maintenance Requirements for Private Stormwater Facilities
  - Detention/Retention Ponds, etc.
- Update Flood Protection Standards
  - 2-ft freeboard for Finish Floor Elevations on FEMA insurable structures
- Update Subdivision Ordinance
  - Remove conflicting standards



- Consistency with Regional Approaches (iSWM)
  - Hydrologic Method Applications
  - Design for Multiple Storm Events
  - Downstream Assessment/ “No Adverse Impacts” Evaluation
  - Design Criteria for Pipes, Inlets, Culverts, etc.
- New & Better
  - Rainfall data
  - Reference information
- Enhanced Water Quality Protection



# What's New – Technical Standards

- Emphasis on Lake Lewisville
- Floatables
  - Debris Separators
  - Grate Inlets
- Water Quality Volume (WQv) Management
  - Capture & Treat first 1.5” of runoff
- Permanent Best Management Practices (BMPs)
  - Based on Site Size



- Vetted Set of Standards with Development Community
- Compliance with TCEQ Requirements
- Consistency with Regional Approach
  - Potential iSWM Certification
- Preserved or Improved Water Quality in Lake Lewisville and Tributary Water Bodies
- Enhanced Flood Protection Standards





# Retaining Wall Criteria

TOWN OF LITTLE ELM, TEXAS

*Wesley Brandon, PE, Town Engineer*  
*Mitch Haug, PE, Civil Engineer*



- Establish criteria for the design and construction of retaining walls.
- Requirements for engineered design and no-build zones for walls greater than 4' in height.
- HOAs responsible for maintenance of large retaining walls in new subdivisions.
- Prohibits timber retaining walls



## Retaining Wall Design Criteria

TOWN OF LITTLE ELM  
STANDARD DETAILS

# Standard Detail Update Town of Little Elm, Texas

**Wesley Brandon, PE, Town Engineer**  
**Mitch Haug, PE, Civil Engineer**



- Establish criteria for construction of public improvements.
- Last standard detail update was October 2017. More regular updates going forward.
- Changes reviewed with Engineering, Public Works, Fire, and other departments as needed.





- Revisions for clarity and removing conflicts between details and with other ordinances and state/federal ADA standards.
- Additional requirements for sewer manholes to inhibit corrosion
- Curb ramps to use replaceable mats instead of brick pavers for ADA detectable warning surface
- Added details for use of polypropylene storm sewer
- Added erosion control details

## Recommendation

At their regular meeting on December 21, 2023, the Planning and Zoning Commission heard the request and discussed the intent behind both the proposed legal changes and the staff proposed changes.

The Commission unanimously (6-0) **approved** the request with the condition that "his or her designee" be added in Sec. 107.02.03 in case the Director is absent.

- After the meeting, Staff confirmed that current language already allows for a designee and therefore no changes have been made to the proposal amendments.