



# **Report of Annual Written Interpretations of UDC and Proposed UDC Text Amendments**

Planning Commission Presentation  
July 25, 2018



# Annual Written Interpretation Report

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- UDC Section 3.23.3.B: annual report of written interpretations of the UDC, to the Planning Commission, BOA, and City Council
- Based on the report, City Council authorizes UDC text amendments as appropriate





# Minor Plats

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*Before: Existing Platted Lots (with lot numbers):*

1	2	3	4	5	6	7	8
16	15	14	13	12	11	10	9



*After: Replatted, Combined Lots (with revised lot numbers):*

1R	3R	5R	7R
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# Minor Plats

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## 3.10.1. Applicability

Minor, amending or vacating plats may be approved by the Assistant City Manager of Development Services in accordance with this Section.

### A. Minor Plat

1. A minor plat is ~~any plat a replat~~ for the combining or consolidating of any number of existing, platted lots, if the replat results in four or fewer lots fronting on an existing street, does not increase the number of lots, and does not require ~~ing~~ the creation of any new street or the creation or extension of municipal facilities or improvements. (Ordinance 030832, 05/02/2016) (Ordinance XXXXXX \_\_\_/\_\_\_/201\_\_)
2. Any plat that requires a waiver from subdivision design and improvement standards of this UDC shall not be processed as a minor plat. (Ordinance 030832, 05/02/2016)



# Distance to Bar, Tavern or Pub

Differences in Text and Buffer Distances for Alcoholic Beverage Establishments, Comparing UDC, Municode, and State Statute					
UDC §5.2.7		Municipal Code §4-5		Texas Alcoholic Beverage Code §109.33	
"bar, tavern or pub" <i>"shall not be located" any closer than ....</i>		<i>"No person</i> may maintain a place of business that dispenses alcoholic beverages ... within 300 feet of any: ..."		"governing body <i>may</i> <sup>(1)</sup> enact regulations ... prohibiting the sale of alcoholic beverages by a dealer whose place of business is within ...."	
"place of worship":	1,000 ft.	"church"	300 ft.	"Church"	300 ft.
"elementary, middle, or high school"	1,000 ft.	"public or private school"	300 ft.	"public or private school"	300 ft., <b>or</b> , 1,000 ft., if request received by public school district or private school. <sup>(2)</sup>
"Day Care use"	300 ft.	"daycare center"	300 ft.		
<b>public hospital</b>	<b>not listed, no restriction</b>	"public hospital"	300 ft.	"public hospital"	300 ft.



# Distance to Bar, Tavern or Pub

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## **“5.2.7 Bar, Tavern or Pub**

A bar, tavern or pub shall be permitted in accordance with the use tables in Article 4 provided that the bar, tavern or pub shall not be located any closer than ~~1,000~~ **300** feet from a place of worship, or elementary, middle or high school, ~~and 300 feet from a Day Care use,~~ **or public hospital.**”

[remainder of Section 5.2.7 to remain]



# Sanitary Sewer Connection Agreement

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- Wastewater Waiver from Construction (8.2.7) and
  - Wastewater Exemption from Lot/Acreage Fees, or Refund of Fees (8.5.2.G)
  - shall only be granted on the condition that the land owner agrees:
    - to connect to City sewer at such time as a wastewater manhole is located at the frontage of the property, or a wastewater line extends along the frontage of the property;
    - to pay wastewater lot or acreage fees (whichever is greater) at the rate in effect at the time of connection if wastewater services are available within fifteen (15) years from the recording date of the plat; and
    - to pay tap fees and pro rata fees at the time of connection to City wastewater.
  - Such agreement shall run with the land and shall be enforceable against the current owner land owner and its successors, transferees, and assigns.
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# Eliminate 5.5% Interest Paid with Lot/Acreage Fee Refunds

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- Recommended by Audit Report of 4/9/2018 on Development Services Funding for Developer Agreements
  - “to review UDC provisions related to refunding lot/acreage fees, paying interest and interest rate.”
- Interest rate from 2013 to 2017 for the trust funds has been less than 1%



# Smoking Lounges

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Smoking Lounge: a business establishment that is dedicated, in whole or in part, to the smoking of tobacco products, electronic cigarettes, or other substances, including but not limited to establishments known variously as cigar lounges, hookah lounges, tobacco clubs, tobacco bars, etc.

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# Smoking Lounges

**Table 4.5.2 Permitted Uses (Commercial Zoning Districts)**

P = Permitted Use      L = Subject to Limitations   SUE = Special Use Exception SP = Special Permit [blank cell] = Not Permitted	CN-1	CN-2	ON	CR-1	CR-2	CR-3	CG-1	CG-2	CI	CBD	BP	Standards
<b>Commercial Uses</b>												
Commercial Parking Uses [5.1.4.A]	P	P	P	P	P	P	P	P	P	P	P	
Indoor Recreation Uses [5.1.4.B]	P	P	S	P	P	P	P	P	P	P	P	
Bar, tavern or pub				L	L	L	L	L	L	L	L	5.2.7
<u>Smoking Lounge</u>				<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	



# Smoking Lounges

## 5.1.4. Commercial Use Categories

### 5.1.4.B. Indoor Recreation

**Characteristics:** General commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting.

Principal Uses	Accessory Uses	Uses Not Included
Auditorium Bar, tavern or club Exposition building Indoor entertainment activities such as billiard halls, bowling alleys, pool halls, dance halls, indoor firing ranges, movie or other theaters, and skating rinks Membership club or lodge Natatorium <u>Smoking Lounge</u> Sexually oriented business	Associated offices Concessions Food preparation and dining areas Off-street parking Satellite dish antenna under 3.2 feet*	Aquarium (see Community Service) Art gallery (see Community Service) Athletic or health club (see Retail Sales and Service) Library (see Community Service) Museum (see Community Service) Senior centers (see Community Service) Youth club facilities (see Community Service)



# Staff Recommendation

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Staff recommends approval of the amendments.