



**MEETING MINUTES**

Date and Time: October 30, 2018, at 5:29pm

<b>MEMBERS PRESENT:</b>	<b>STAFF PRESENT:</b>
B J Davis	<b>Development Services:</b>
Michael Atkinson	Julie Fulgham, Director of Development Services
John Hyak	Rick Madrid, Assistant Director of Development Services
James Johnson	Alina Phillips, Planning Manager
Gail Hoad	John Johnston, Development Engineer
Mary Ann Wyatt	Lila Foster, Planning Technician
Brian Rokyta	<b>City Manager's Office</b>
Jill Trevino	Charmelle Garrett
Julia Welder	John Kaminski
	<b>City Attorney's Office:</b>
<b>Special Guest:</b>	Allison Lacey, Assistant City Attorney
Greg Spears	Thomas Gwosdz, City Attorney

**A: CALL TO ORDER**

Chair Wyatt called the September 20, 2018, regular meeting to order at 5:15pm.

A special meeting of the Planning Commission jointly with the Victoria City Council was called to order by Chair of the Planning Commission, Mary Anne Wyatt at 5:29 p.m. Tuesday, October 30, 2018, in the Council Chambers, 107 W. Juan Linn, Victoria, Texas.

**WORK SESSION**

**Joint Session with the Planning Commission to discuss the Unified Development Code. *City Staff.***

City Manager Garrett stated in April 2016 the City adopted the 2035 Comprehensive Plan and under the chapter for land use development was the need to adopt a unified development code (UDC). She read a portion of the UDC stating the need for a more user-friendly development regulation and entitle it the unified land and site development ordinance. City Manager Garrett stated that according to the Comprehensive Plan, the UDC would “achieve a better coordinated set of development related regulations, standards, and procedures.” She commented that Council appointed a UDC committee a few years ago and the committee began looking at the issue, but had a few setbacks, including a change in management of the Development Services Department. City Manager Garrett stated that UDC committee was behind were they wanted to be but were before the Council

and Planning Commission to get direction on what enabling legislation the City will use to develop the UDC. She added that the topic will be on the November 20<sup>th</sup> City Council meeting for a decision and the Planning Commission would further discuss the issue at the November 15<sup>th</sup> Planning Commission meeting. City Manager Garrett stated that the ultimate decision will come from the Council but added that it was important for the Planning commission to ask questions and make suggestions.

City Attorney Gwosdz stated that he was going to talk about the foundations of law that underlie the UDC. He commented that the Planning Commission and Council were being asked to consider if the City should adopt additional authority to allow for the enforcement of the development regulations that are currently on the books. City Attorney Gwosdz stated that the current City code was adopted in 1992 and sets forth where the authority to enforce City development regulations comes from, which was chapter 212 of the Local Government Code. He stated that because chapter 212 was chosen in the past as the chapter used to give the City the authority to regulate development, the City was limited to what chapter 212 of the Local Government Code allows. City Attorney Gwosdz explained that chapter 212 gives the City the authority to adopt rules governing plats and subdivisions of land, so the City was limited to subdivisions and plats of land. He further explained that there were two different types of plats listed in chapter 212, which include subdivision plats and development plats. City Attorney Gwosdz stated that subchapter B, governing development plats must be specifically adopted for development plats to apply within the City and the City has not adopted subchapter B. He also gave examples to illustrate how the subdivision and development plats work for enforcement. City Attorney Gwosdz also explained the City's use of site plans, which are not enforceable because site plans are not in chapter 212. He stated that when Development Services needs to enforce certain issues, they must rely on other enforcement authority, besides chapter 212 of the Local Government Code. City Attorney Gwosdz stated that if the City were to adopt subchapter B of chapter 212 to shore up the enforcement authority, development plat would be required to be prepared by a registered professional land surveyor which would be very costly to developers and would increase the amount of regulation. He stated that in response to the complexity of the City's plat-based system, Development Services had established a list of exceptions to ease the burden on citizens. City Attorney Gwosdz explained that replats are not enforced for each change in use and site plans do not require surveys. He added that the current process was more stream-lined than the State law would be if the City adopted subchapter B of chapter 212. City Attorney Gwosdz explained that the current City Code was valid and enforceable but could be subject to challenges in the court system because the code does not line up with State law.

City Attorney Gwosdz also explained that chapter 211 of the Local Government Code gave cities the authority to allow for the enforcement of the development regulations. He commented that he liked the chapter 211 because it gave cities direct regulatory authority and was not tied to a plat. City Attorney Gwosdz stated that the City of Victoria had not adopted chapter 211, but he and Director Fulgham were asking the Council and Planning Commission to consider the adoption of chapter 211 as the foundation of law for regulations that have already been adopted. He commented that chapter 211 was titled "Municipal Zoning Authority" and the community had not adopted zoning. City Attorney Gwosdz asked Director Fulgham to explain what zoning was to facilitate the discussion on chapter 211.

Director Fulgham explained that there were two parts to zoning. She stated that the first part of zoning was mapping that divides cities into different polygons that are labels with different land uses, such as residential and commercial. Director Fulgham commented that a zoning map can be very rigid and limiting to development. She added that the staff was not proposing adopting a zoning map. Director Fulgham stated that the Development Services Department did want to look at the bulk regulations. She commented that bulk regulations had already been adopted under the subdivision ordinance and by subdivision authority. Director Fulgham stated that when a City was regulating land use the City can adopt bulk regulations by subdivision authority and by zoning authority.

She commented that when the City has different bulk regulations for different land uses, then it was essentially a zoning function. Director Fulgham stated that in the planning world there was a shift away from zoning maps and more cities were only using the bulk regulations. She stated that the form-based zoning focuses on the form of the development, instead of the use of the development. Director Fulgham explained that bulk regulations were regulations that shape cities or developments, and gave examples of setbacks, parking requirements, minimum lot size, and lot width. She stated that bulk regulations are most effective when adopted under both the subdivision authority and the zoning authority. Director Fulgham explained the land use designations already adopted in the City code and stated that the uses can be located anywhere in the city so long as the form was met and the added that staff was not proposing any changes to the structure of land use designations. She gave examples of how the bulk regulations are applied to different land uses. Director Fulgham stated that when a brand-new development was being proposed, applying the ordinances to the new development were easy, but when applying the ordinances to infill or redevelopment, enforcing the ordinances can be difficult. She explained that if the City continues with only the authority listed in chapter 212, the changes in use will have to be tied to permits and development plats to continue to regulate the way the City currently regulates these types of changes. Director Fulgham stated that staff was asking for consideration to adopt chapter 211 for direct enforcement authority. She explained how the direct enforcement authority would allow the City to simplify the development process. Director Fulgham added that until a decision was made on how the City ordinances would get their regulating authority, a discussion of changes to the development ordinances could not happen. City Attorney Gwosdz added that the UDC could be drafted using either chapter 212 or chapter 211 as the derivative of authority, but the committee needed direction.

After discussion between members of the Planning Commission, the Council, and staff, the members of the governing authorities were asked to read through chapters 212 and chapters 211 in preparation of making a decision. City Manager Garrett stated that the Planning Commission would meet about the issue on November 15<sup>th</sup> and the Council would meet about the issue November 20<sup>th</sup>.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:28 p.m.

**APPROVED:** \_\_\_\_\_  
Mary Anne Wyatt, Chairperson  
Victoria Planning Commission

**APPROVED:** \_\_\_\_\_  
James Johnson, Secretary  
Victoria Planning Commission