

# **SUMMARY OF PROPOSED DEVELOPMENT REGULATIONS**

## **HAYS COUNTY, TEXAS**

The Hays County, Texas, Commissioners Court is proposing to amend certain existing development regulations and to adopt certain new development regulations (hereafter “Proposed Regulations”). The purpose of this document is to provide a summary and overview of the proposed amendments and new regulations.

### **Public Participation**

In 2006, the Commissioners Court initiated the process of updating the County’s development regulations. The Court appointed a steering committee to oversee the process, hired a consulting firm to prepare the updates. Working with the steering committee, the consulting firm worked with a committee of local stakeholders to make recommendations on the process. The recommendations from the stakeholders and the consulting firm were presented to the County Commissioners and County staff during a series of public workshop meetings. In June, 2008, the Commissioners Court authorized publication of the Proposed Regulations, containing the work product of the consulting firm, along with changes requested by the steering committee, stakeholders, Commissioners and County staff.

The Commissioners Court is making the text of the Proposed Regulations available for public review in advance of their consideration for adoption in order to solicit public comment on the Proposed Regulations. Copies of the Proposed Regulations are available during regular business hours for viewing and copying at the following locations (Standard charges may apply):

- The Hays County Courthouse, Office of the Special Counsel, 111 E. San Antonio Street, Suite 301, San Marcos, Texas 78666
- Hays County Precinct 2 Office, 111 North Front Street, Kyle, Texas 78640
- Hays County Precinct 3 Office, 950 Ranch Road 2325, Wimberley, Texas 78676
- Hays County Precinct 4 Office, 101 Old Fitzhugh Road, Dripping Springs, Texas 78620
- The Hays County Resource Protection and Transportation Planning Department, 1251 Civic Center Loop, San Marcos, Texas 78666

Copies of the Proposed Regulations are also available anytime for viewing and download (at no charge) from the Hays County internet website (<http://www.co.hays.tx.us/>).

The County will also host two informational public meetings, with an opportunity to receive public comment, on the Proposed Regulations. These meetings will take be held at the following locations and times:

- Monday, July 21, 2008, at 6:30 pm at the City of Kyle City Council Chambers
- Wednesday, July 23, 2008 at 6:30 pm at the Village of Wimberley Community Center

Written public comments may be submitted to the Office of the County Judge, 111 East San Antonio Street, Suite 300, San Marcos, Texas 78666. Comments may also be submitted through electronic mail to: [devregs.comments@co.hays.tx.us](mailto:devregs.comments@co.hays.tx.us). Public comment may also be submitted in writing or offered verbally at either of the public meetings. Written public comment must be submitted on or before 5:00 pm on Friday, August 22, 2008. After this deadline, the public may still provide comment on the Proposed Regulations, but that comment must be provided at the

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formal public hearing to be held by the Commissioners Court prior to action on the Proposed Regulations. This items is currently schedule for consideration at the regular September 10, 2008 Commissioners Court meeting. During that public hearing, the County Staff will present a written response to all public comments received prior to the August 22, 2008 deadline.

### **Existing Ordinances and Regulations Affected**

The Proposed Regulations will include revisions to a number of existing ordinances and regulations, including:

- An Ordinance Establishing Rules for Junkyards and Automotive Wrecking and Salvage Yards (Adopted June, 1988)
- The Hays County Subdivision and Development Regulations (Adopted June 1997, Amended June, 2003 and May, 2007)
- The Order Adopting Rules of Hays County, Texas for On-Site Sewage Facilities (Adopted August, 1997)
- The Hays County Flood Damage Prevention Ordinance (Adopted January, 1998)
- Hays County Infrastructure Regulations For Manufactured Home Rental Communities (Adopted October, 1999)
- Various Ordinances Regulation Utility Permits/Licenses for County Right-of-Way (Last Amended in 2003)

### **Administrative Structure**

The action proposed by the Commissioners Court will also incorporate the Proposed Regulations into a standard administrative code structure, using Chapters, Sub-Chapters and Sections. This format is currently used by a number of state and local government entities in Texas. The County intends to develop a uniform development code structure that consolidates and streamlines similar processes across several different programs. The following is a listing of the proposed Chapter Headings:

- Chapter 701 – Development Regulations in General
- Chapter 705 – Subdivision and Platting of Property
- Chapter 711 – Site Development Review and Permitting
- Chapter 715 – Water and Wastewater Availability
- Chapter 721 – Roadway Standards
- Chapter 725 – Storm Water Management Standards
- Chapter 731 – Construction and Acceptance of Maintenance for Public Infrastructure
- Chapter 735 – Flood Damage Prevention
- Chapter 741 – On-site Sewage Facilities
- Chapter 745 – Manufactured Home Rental Communities
- Chapter 751 – Use of County Properties or Facilities
- Chapter 755 – Land Use and Location Restrictions
- Chapter 761 – Economic Incentives for Development Activities
- Chapter 765 - Conservation Development
- Chapter 771 - Development Agreements

## **Summary of New and Revised Regulations**

### ***General Items***

The wording throughout the Chapters has been revised to make various editorial corrections, to use standardized, consistent terminology and to consolidate similar wording across regulatory programs, and to provide citations of the underlying legal authority.

### ***Administrative items (Chapter 701)***

The Proposed Regulations include new or revised regulations in the following general administrative areas in Chapter 701:

- Standardized administrative procedures and applications processing
- Clarification of overlapping jurisdiction within the extra-territorial jurisdiction of municipalities
- Effect of the Proposed Regulations on prior County approvals, pending applications, and previously unregulated activities
- Additional definitions to coordinate with other chapters
- Delegations of authority to County Staff
- Tax status and assessment and collection of fees
- General application procedures and application processing
- Variances and Administrative Approvals
- public notice and public involvement procedures
- Form and content of development authorizations issued by the County
- Filing of Record Documents
- Enforcement and Penalties
- Termination and Modification of Development Authorizations
- Coordination with the “911” addressing system

### ***Subdivisions (Chapter 705)***

The Proposed Regulations include new or revised regulations for subdivisions in Chapter 705:

- Approval required prior to furnishing utility service to subdivisions
- Clarifications to the exemption process to address financial severance subdivisions
- Application information to coordinate with other chapters
- Minimum Lot sizes
- Parkland/Open Space Dedication
- Plat expiration
- Public notice requirements for subdivisions

### ***Site Development Permits (Chapter 711)***

The Proposed Regulations include new or revised regulations for the various types of Site Development Permits issued by the County:

- Approval required prior to furnishing utility service to subdivisions

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- Application information to coordinate with other chapters
- Content and expiration

### **Water and Wastewater Availability (Chapter 715)**

The Proposed Regulations include new or revised regulations for water and wastewater availability in Chapter 715:

- Information to coordinate with other chapters
- Preparation and Content of Water and Wastewater Service Plan
- Coordination with the applicable Groundwater Conservation District for water availability demonstration utilizing groundwater
- Water availability demonstrations utilizing well water in a Priority Groundwater Management Area (PGMA)
- Water availability demonstrations utilizing Rainwater Harvesting

### **Roadway Standards (Chapter 721)**

The Proposed Regulations include new or revised regulations for roadways in Chapter 721:

- Information to coordinate with other chapters
- Roadway classifications
- Differences in the requirements for public versus private roadways
- Minimum right-of-way widths and building setback distances
- Minimum requirements for shared access driveways
- Coordination with the “911” addressing system
- Initial Speed Limits

### **Storm Water Management (Chapter 725)**

The Proposed Regulations include new or revised regulations for storm water management facilities in Chapter 725:

- Information to coordinate with other chapters
- Differences in the requirements for public versus private infrastructure
- Coordination with local water quality ordinances
- Incentives for Water Quality Protection Features

### **Construction Requirements for Public Infrastructure (Chapter 731)**

The Proposed Regulations include new or revised regulations for construction of public infrastructure facilities (roadways, storm water management facilities, utilities, etc) in Chapter 725:

- Information to coordinate with other chapters
- Differences in the requirements for public versus private infrastructure
- Documentation on the construction of infrastructure
- Financial assurance for construction

## **Flood Damage Prevention (Chapter 735)**

The Proposed Regulations include new or revised regulations for flood damage prevention in Chapter 735:

- Information to coordinate with other chapters
- Permit categories and exemptions
- Content and expiration of permits

## **On-Site Sewage Facilities (Chapter 741)**

The Proposed Regulations include new or revised regulations for on-site sewage facilities (OSSFs) in Chapter 741:

- Information to coordinate with other chapters
- Clarifications on categories and classifications of OSSFs
- Minimum lot sizes and planning requirements for Non-single family residential OSSFs
- Minimum requirements for multiple structures utilizing one OSSF
- Requirements for OSSFs on lots platted prior to the effective date of the Proposed Regulations
- Separation distance requirements for certain types of OSSFs
- Sanitary offsets from water wells
- Planning material submittal requirements
- Maintenance and design requirements for surface application systems
- Technical and operational requirements
- Prohibition on Homeowner Maintenance of OSSFs
- Alternative OSSFs
- Grandfathering and re-permitting

## **Manufactured Home Rental Communities (Chapter 745)**

The Proposed Regulations include new or revised regulations for manufactured home rental communities in Chapter 745:

- Information to coordinate with other chapters
- Exemptions and Registration
- Application information to coordinate with other chapters
- Public notice

## **Use of County Facilities (Chapter 751)**

The Proposed Regulations include new or revised regulations for the use of County property or facilities in Chapter 751:

- Definition of uses subject to the chapter
- Information to coordinate with other chapters
- Application information to coordinate with other chapters
- Public notice for certain uses

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- Protection of public safety and the environment

### **Land Use Restrictions (Chapter 755)**

The Proposed Regulations include new or revised regulations for restrictions on certain land uses in Chapter 755:

- Definition of regulated land uses, including:
  - Airport Hazard Areas
  - Automotive Wrecking, Salvage, Demolition Facilities and Junkyards
  - Flea Markets and Outdoor Retail Businesses
  - Gated Community Access Controls
- Definition of location restrictions, including:
  - Sexually Oriented Businesses
  - Minimum building setback from regulated roadways
- Information to coordinate with other chapters
- Application information to coordinate with other chapters
- Public notice for certain uses

### **Land Use Restrictions (Chapter 761)**

The Proposed Regulations include new or revised regulations for economic incentives for development activities in Chapter 761:

- Information to coordinate with other chapters
- Codification of procedures governing voluntary and incentive programs
- Application information to coordinate with other chapters

### **Conservation Developments (Chapter 765)**

The Proposed Regulations include new regulations for conservation developments in Chapter 765:

- Definitions for Conservation Development
- Information to coordinate with other chapters
- Application information to coordinate with other chapters
- Conservation Developments design and construction
- Resource and energy conservation for Conservation Developments
- Transferable Development Rights for use in conjunction with Conservation Developments

### **Development Agreements (Chapter 771)**

The Proposed Regulations include new regulations for the use of Development Agreements in Chapter 771:

- Information to coordinate with other chapters
- The Purpose and Intent of Development Agreements
- Application, approval and modification procedures
- Content of Development Agreements

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- Public notice for Development Agreements

### **Reference Documents (Chapter 799)**

The Proposed Regulations include a chapter (Chapter 799) referencing documents used in other chapters:

### **Questions or More Information**

If you need more information on the Proposed Regulations, you may contact the Hays County Resource Protection and Transportation Planning Department at (512) 393-2150.