

**Notice of City Council Workshop
AGENDA**

February 12, 2024 at 6:00 PM

NOTICE IS HEREBY GIVEN that a Meeting of the Montgomery City Council will be held on **Monday, February 12, 2024**, at **6:00 PM** at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas.

CALL TO ORDER

WORKSHOP ITEMS:

- 1.** Kendig Keast Collaborative – Informal Overview of Professional Planning Services/Q&A
- 2.** Informal Presentation and Discussion of Proposed 56-ac Residential Development on Lone Star Parkway
- 3.** Review and Discussion on the Capital Improvements Plan Projects and Certificates of Obligation Funding
- 4.** Review and Discussion on an Ordinance to Regulate Development Progress in the City

ADJOURNMENT

/s/ Nici Browe

Nici Browe, City Secretary. TRMC

I certify that the attached notice of meeting was posted on the bulletin board at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas, on February 7, 2024 at 12:00 p.m.

This facility is wheelchair accessible and accessible parking spaces are available. Please contact the City Secretary's office at 936-597-6434 for further information or for special accommodations.

Montgomery City Council
AGENDA REPORT

Workshop Date: February 12, 2024	Budgeted Amount: \$0
Department: Administration	Prepared By: G. Palmer

Subject
 Kendig Keast Collaborative – Informal Overview of Professional Planning Services/Q&A

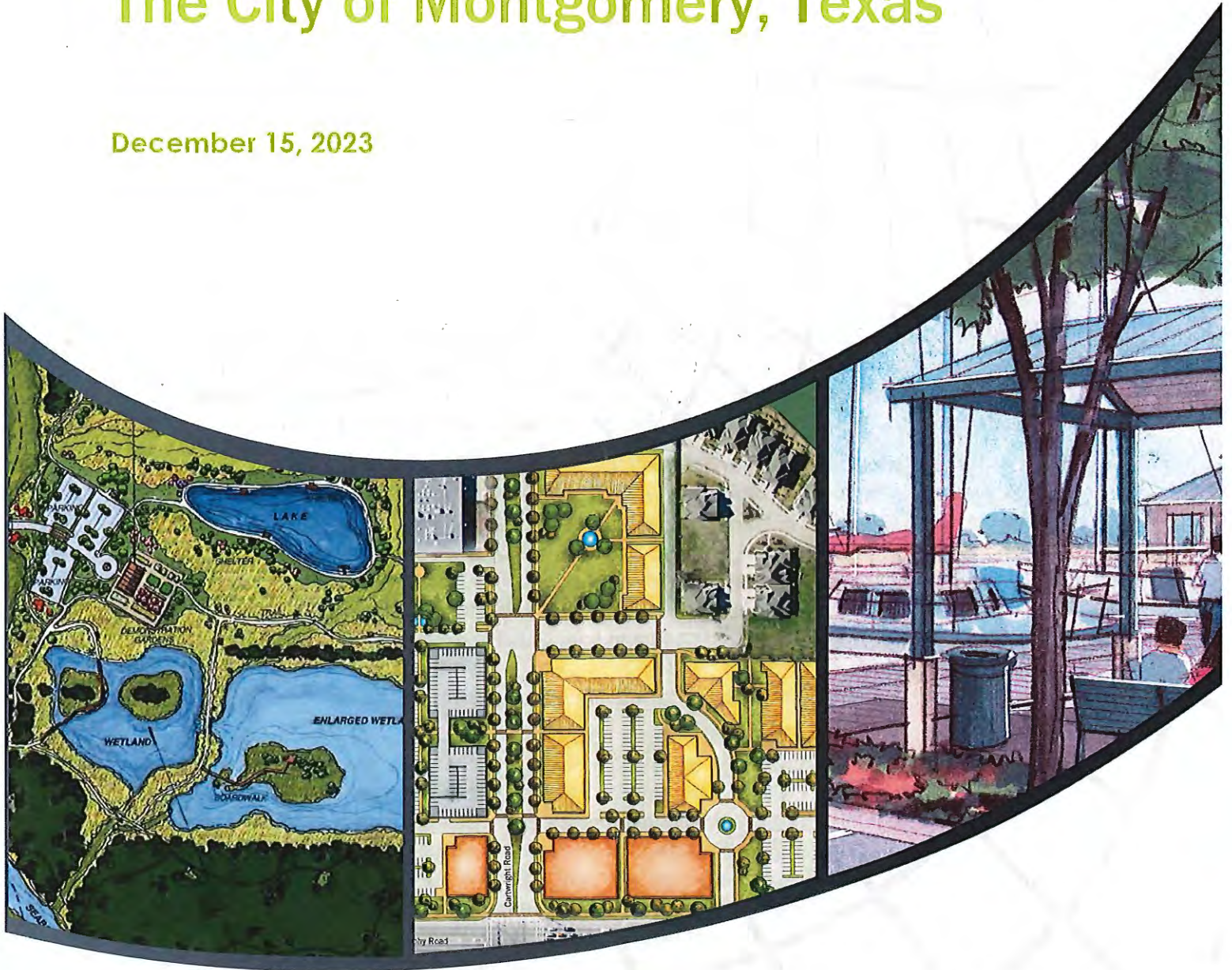
Recommendation
 N/A

Discussion
 Kendig Keast Collaborative was selected as the most qualified firm to work with us on our Zoning Ordinance Recodification Project, Small Area Master Plans, Future Land Use Plan and Gateway District Plans. We met with KKC and are developing a Scope of Work for the above projects and expect to have a contract to the Council at the end of February for consideration. I asked KKC to join us at our Workshop for introductions, review of their work with other cities, and have some time for light questions and answers about those services.

Approved By		
City Administrator	Gary Palmer	Date: February 5, 2024

Qualifications for General City Planning Projects for **The City of Montgomery, Texas**

December 15, 2023



Submitted by Kendig Keast Collaborative

Point of Contact:
Bret C. Keast, AICP
281.721.4102
bret@kendigkeast.com

Exclusive Partner of



KENDIG KEAST
COLLABORATIVE

towns and cities from coasts to plains



77 Sugar Creek Center Boulevard, Suite 600 | Sugar Land, TX 77478
(281) 721-4102

I. COVER LETTER

December 8, 2023

Gary Palmer, City Administrator
City Hall
101 Old Plantersville Road
Montgomery TX 77316

Re: RFP Response for General City Planning Projects

Gary:

On behalf of Kendig Keast Collaborative (KKC), I am pleased to respond to the City's RFP for general planning and zoning services. This project is highly significant to the community given its small-town environment, special sense of place and historic character and the pending growth trajectory. The work that results from these projects will largely determine:

- Where, when and how the city develops;
- How development is coordinated with the provision of adequate infrastructure;
- How open space is preserved in perpetuity and used in varying capacities;
- How the Comprehensive plan and Downtown Design Master Plan are implemented with forward-looking development regulations and design standards;
- What standards and processes are established to facilitate quality development along key corridors like SH 105, SM 149 and Lone Star Parkway and at key gateways and entry points; and,
- How Montgomery may achieve its intended future character and quality of life.

KKC is well-equipped to craft highly-tailored regulations designed to implement City plans while appreciating community values and understanding firsthand the preferences and priorities of leadership. The team assembled for this project has written and administered ordinances for multiple cities, providing the requisite expertise to prepare small area master plans, a future land use and character plan and new zoning ordinance (or unified development ordinance) that is workable and effective. We take great pride in drafting ordinances that exhibit a clear understanding of planning policy issues and context and provide direct linkages between plan strategies and the regulatory tools through which implementation can be ensured. In response to the evaluation criteria, I offer this summary of our qualifications:

- **Project Strategy** | As a part-time resident of Montgomery, my understanding is based on my own experience in the community. Over the last decade, I have watched the development of new single- and multi-family neighborhoods, infill housing along Shepperd and Caroline Streets, downtown buildings and businesses come and go, and nearly all development stretching along SH 105. Working in other general law communities, I am keenly aware of the many challenges when confronting a wave of pending development. This proposal outlines our thoughts on the plans and regulations

www.kendigkeast.com

needed to defend small town character, ensure fiscal and economic sustainability, and realize deliberate development outcomes.

- **Experience with Similar Projects** | KKC has written nearly all plans and ordinances for communities in the Houston area, along with others across Texas and throughout the U.S. Together with comprehensive and small area plans, we specialize in writing and facilitating the adoption of zoning and land development ordinances. Since 1982, we have managed more than 250 zoning projects.
- **Qualifications** | Our team includes certified planners and economic developer, an architect, urban designers, modelers and illustrators and communication designers. Together, we offer more than 200 years of planning and zoning practice. These disciplines and our depth of experience are consistent with the requested planning services. Lastly, the project manager and other staff have each worked as planners for city departments so we bring a hands-on understanding and approach to our work.
- **Capacity** | The timing of this project is good as we recently wrapped up zoning projects for Copperas Cove, Edinburg and Lubbock, Texas and Broken Arrow, Oklahoma and our other projects are well advanced. We have the available time to assume responsibility for this project and to make Montgomery a priority over the coming months.
- **References** | We have provided the contact persons for several local zoning projects. We view these individuals not only as clients but as personal friends, too. Many of our client communities have requested our services for subsequent work and most are ongoing users of the enCodePlus software as well. Our Professional Qualifications includes a list of **meritorious awards** our clients have received, which is testament to the quality of our work. A few of our recent clients have said;

"This is probably the first time I have ever worked with a code that actually generated compliments from developers and homeowners! We are very proud of the NDC." - Tom West, Economic Development Director, Covington, KY

"I wanted to reach out to you directly to thank you for all of your hard work on the Long Wharf zoning. When I found you, I never imagined that the process would be as difficult as it has been; I assumed (wrongly) that the City Plan Department would remain in charge of planning and zoning for the city, with ancillary input as needed. Thank you for your persistence and patience, and for your insistence on quality." - Anne Hartjen, PLA, ASLA, Assistant Director of Comprehensive Planning, City Plan City of New Haven

We offer the credentials and a proven approach for developing plans and ordinances that will yield positive, transformative results for Montgomery. We are excited for an opportunity to partner with the staff and leadership to achieve the community's objectives and ambitions. I will be the project contact [bret@kendigkeast.com, (281) 721-4102] for any questions.

Respectfully,



Bret C. Keast, AICP
 Owner and CEO, Kendig Keast Collaborative

2. FIRM BACKGROUND

Kendig Keast Collaborative (KKC)

Headquarters:	77 Sugar Creek Center Boulevard, Ste. 600
(Work Performed)	Sugar Land, TX 77478
Year Established:	1982 (41 Years in Business)
Type of Organization:	Corporation
Staff Size:	11 professionals + Business Manager
Primary Contact:	Bret C. Keast, AICP - CEO
Email:	bret@kendigkeast.com
Telephone:	(281) 721-4105

Kendig Keast Collaborative (KKC) represents the collaboration of **Bret C. Keast, AICP**, **Gary Mitchell, AICP**, and a select group of talented principals and associates. Our firm has earned a reputation for its innovation and repeated success in solving problems of varying complexities for small and large clients in a range of environments. Our practice emphasizes the pursuit of good land stewardship, as well as conserving resources, preserving and enhancing community character, safeguarding neighborhood integrity, and ensuring fiscal responsibility. Our proven approach is founded on the principle of performance, meaning development that is in context with its built and natural environments.

KKC's practice emphasizes good land stewardship, conserving resources, preserving and enhancing community character, safeguarding neighborhood integrity, and ensuring fiscal responsibility. Our proven approach is founded on the principle of performance, meaning development that is in context with its built and natural environments.

KKC continues to build on the foundation and body of work of Mr. Lane Kendig, our founder and a respected authority in the urban planning field. The firm was originally established in December 1982 as Lane Kendig, Inc. In 2002, Bret C. Keast, AICP, joined the practice as Vice President and Partner. The firm name was changed to Kendig Keast Collaborative in 2007 to reflect the transition to Bret's ownership. In 2009, Lane Kendig retired, although he remains a Strategic Advisor to the firm and its employees.

Bret remains as Owner and Chief Executive Officer, and together with KKC President Gary K. Mitchell, AICP, directs a small and highly qualified staff that provides professional services in the areas of comprehensive and strategic planning, zoning and other development regulations, economic development, growth management and resource protection, land planning, and various related specialties. KKC's unique approach and process is grounded in the encouragement of meaningful public participation, a clear understanding of planning issues and implementation options, and a direct linkage between plans and ordinances to ensure they are both politically feasible and able to be implemented. We are proud of our firm's reputation for providing clients with highly customized and responsive approaches to challenging community planning issues, resulting in innovative yet viable solutions.

Our Services

KKC principals and personnel allocate their time nearly equally between comprehensive community plans and development code work. We also complete other special plans and studies for local government clients, including socioeconomic analyses; downtown, corridor, neighborhood, and redevelopment plans; parks, recreation, and trails master plans; land use and development impact studies; growth management and annexation assessments; and publication design, illustrative rendering and GIS mapping projects.

Zoning and Land Development

KKC's implementation and regulatory practice includes evaluating, drafting, and amending consensus-based land development regulations. Through thorough analysis and close attention to community input, we tailor regulatory strategies to achieve specific desired outcomes and foster sensitive site design and creative development practices. This sometimes requires interim ordinances to ensure protection of community character or resources while permanent regulations are drafted. KKC also has developed model codes for specific purposes which are then adapted by a variety of jurisdictions. Our principals and senior staff have also drafted proposed zoning amendments on behalf of private-sector clients who seek to develop or redevelop property in progressive ways that are not permitted under existing zoning regulations in a particular community.

Of course, plan implementation is more than regulation. Our practice also includes such non-regulatory measures as creating frameworks for interlocal agreements, public-private partnerships, and transfer or purchase of development rights systems. KKC's core services with respect to development codes include the following:

- **Code Evaluations and Performance Assessments** to identify gaps and shortcomings in existing regulations and recommend new and enhanced provisions which ensure that the plan and code will work hand-in-hand.
- **Code Drafting** to assist jurisdictions in a comprehensive revision and reorganization of existing ordinances or, for other clients to craft first-time zoning ordinances and other regulatory measures. We meet each client where they are and we can be trusted to develop codes that will win public acceptance while still being effective and within the community's capacity to implement.
- **Code Amendments** to add entirely new components to existing ordinances and position the community for particular challenges and opportunities, such as housing variety and affordability, transit-oriented development potential, and protection of environmental assets.
- **Unification of Development Codes** to integrate and update various development-related regulatory standards and associated administrative procedures that are often scattered across the existing code of ordinances.

Scope of the Firm

KKC maintains an intentionally small firm so that we can provide exemplary service to our clients and ensure the direct involvement of firm principals on all projects. We also maintain a multi-disciplinary team, including specialists in urban planning, architecture, urban design and economics; GIS and spatial analysis; facilitation and engagement; modeling and illustration; and a certified economic developer. We also have graphic designers and communication design specialist on staff, who help us visually convey policies and standards for community planning, design and enhancement.

- **Zoning District Map** for the review, preparation, and revisions in the wake of a new or updated Comprehensive Plan, and to implement new regulatory strategies in targeted locations.
- **Facilitation of Code Drafting and Amendment Processes** to engage community leaders and stakeholders effectively and ensure that potential code amendments and enhancements are on target and likely to be accepted.
- **Guidance and Support** for various other aspects of implementation besides regulation, including annexation strategy, capital improvements planning, public financing vehicles, external grant opportunities, and inter-agency and public/private partnerships.
- **Commission, Board, and Administration Training** for elected and appointed officials and the staff who are responsible for development review, ordinance and zoning administration, and meeting facilitation.
- **Development Review** to assist local governments with their development applications through the usage of an Application Upload feature in coordination with KKC's sister company enCodePlus, LLC.

Code Illustration | Housing Types



Planning

Community planning is the foundation of KKC's consulting practice, along with development code work. Our principals and senior staff have led project teams and played substantial roles in the preparation of dozens of plans in more than 100 jurisdictions across the U.S. We offer significant experience with overall comprehensive plans, sub-area plans, corridor plans, as well as with typical plan elements, which are sometimes the focus of stand-alone projects and work products:

- **Comprehensive Planning** to establish clear goals and policies for the community's future growth and enhancement, leading to specific, attainable action strategies, with appropriate implementation guidance.
- **Land Use Planning** to accommodate projected population growth and economic development objectives and to address redevelopment needs, neighborhood integrity, and image and character concerns along key corridors.
- **Environmental Planning** to protect a range of resources (floodplains, wetlands, water bodies, forests and woodlands, prairies, steep slopes, unstable slopes or soils, threatened or endangered species habitats, wellhead protection areas, hurricane surge areas, and earthquake hazard areas) and reduce hazards to people and property, often by setting the stage for land use regulations or other implementation initiatives.
- **Strategic Planning** to assess current conditions and future trends, pinpoint specific opportunities and challenges, and establish a consensus for pursuing particular public investments and community enhancement efforts through a prioritized action agenda.

- **Parks, Recreation, and Trails Planning** to evaluate local acreage and facilities relative to national benchmarks, assess needs and prioritize improvements based on both technical standards and community input, and make jurisdictions eligible for various grant opportunities.

Master Planning and Urban Design Services

KKC has experience facilitating planning processes at all scales, from metropolitan and community-wide levels to downtowns, neighborhoods, corridors, and other special areas. It is at this enhanced level of detail that specific challenges and opportunities emerge, and unique planning and design solutions become necessary in order to spur the “3 Rs” – redevelopment, revitalization, and reinvestment.

At this level of planning, it is imperative to think three-dimensionally about the impacts of development. For example, within a neighborhood planning area, residents identify with the way a street feels – how wide it is, how far back and how tall the homes are, how old the trees are, etc. They can describe what a local shopping area looks like and how it is different from one across town. Similarly, they can express pride in their downtown and a specific identity for which they are proud.

Planning for these areas requires a keen understanding of land use, pedestrian and vehicular circulation, building and site design, (re)development feasibility, strategic implementation, and public policy and financing. Our staff has the skills necessary to create special area plans that identify policies, projects, and strategies that respond to local demographics, district functionality, and identity. The following are cornerstones of our special area planning approach:

- **Community Involvement** that brings together residents, property owners, businesses, realtors and brokers, investors, developers, community organizations (i.e., business improvement districts, neighborhood organizations, and not-for-profits, etc.), elected officials and staff, municipal agencies, and all ages and social groups. Facilitating open and inclusive dialogue is absolutely essential for preparing a vision and creating a realistic, market-supported action plan that reflects local values and priorities and ensures broad-based support for long-term implementation.
- **Master Planning** that establishes a framework for general land use, transportation, and design character. The role of the master plan is to provide context within which specific projects or targeted areas of investment can be assessed. In this way, block or site-specific recommendations provide greater benefit to the overall land use balance, functionality, and identity of an area. Aspects of a master plan may include land use sub-districts, key redevelopment areas, streetscape enhancement corridors, civic open space elements, or unique character districts, among others.

Conceptual Design | Site Development Plan



Dickinson, Texas

- **Urban Design and Visualization** that transforms the vision into a three-dimensional environment. In the end, the community identifies most closely with how development will “look and feel.” Our staff of planners and urban designers can demonstrate the end result of investment in the public realm, private development area, and open space. However, urban design is not simply drawing the ideal. Rather, it is a collective manifestation of the desired outcomes, market realities, and achievable regulatory scheme. KKC uses various technologies for design visualization to help communities understand the impacts of plans and projects. SketchUp, AutoCAD, and other graphics packages, together with hand renderings, simulate the built environment to spur dialogue regarding development alternatives, phasing, and specific aspects of community character.
- **Redevelopment Planning** to advance a vision towards market-based implementation. A vision sets the compass, but careful redevelopment planning creates the end product. KKC staff members specialize in helping communities achieve redevelopment by identifying resources, partnerships, and policies that remove barriers to successful outcomes. Whether private-public partnerships, incentives, or leveraging of the private market, we craft plans that draw a clear path between concept and realization.
- **Implementation** through projects, policies, and strategies. The success of a plan depends on three factors: (1) identifying catalytic projects that foster additional investment, (2) aligning development policies and regulations with the vision, and (3) creating strategies to strengthen synergy among financiers, elected officials, public agencies, and the community at large. Any single action often involves all three factors. We consistently craft implementation programs that balance these three elements to maximize the likelihood of long-term implementation.

Our Success and Reputation

Awards exemplify our commitment to quality results that exceed the expectations of our clients and merit recognition for their innovation, comprehensiveness, and successful outcomes.

- *Community of the Year, 2023*, to Borger, TX, by the Texas Chapter of APA for the Boomtown 2040 Comprehensive Plan; the Parks, Trails, and Recreation Master Plan; the Downtown Revitalization Plan; and the Unified Development Code, all projects led by KKC.
- *Public Outreach Award, 2023*, to Des Moines, IA by the Iowa Chapter of APA, for *ReflectDSM*, the Citywide Historic Preservation Plan led by KKC.
- *2023 Great American Main Street Award*, to Downtown Florence, SC, by Main Street America, for downtown revitalization efforts that include Downtown Plans by KKC.
- *Community of the Year, 2022*, to Fulshear, TX, by the Houston Section APA, for the Fulshear Comprehensive Plan, Major Thoroughfare Plan, and Coordinated Development Ordinance.
- *Outstanding Project, Program, or Tool, 2021*, to Covington, KY, by the Kentucky Chapter of APA for the Covington Neighborhood Development Code.
- *Outstanding Plan, 2020*, to Claremore, OK, by the Oklahoma Chapter of APA, for the Claremore Comprehensive Plan and Special Districts Plan.
- *Community of the Year, 2020*, to Dayton, TX, by Texas Chapter of APA, for the Dayton Comprehensive Plan, Downtown Revitalization Plan, Parks Master Plan, and Unified Development Code.
- *Planning Excellence Award, 2020*, to Brenham, TX, by the Texas Chapter of APA, for the Brenham Comprehensive Plan.

Our Code Drafting Experience (last three years in bold)

Aberdeen, South Dakota
 Altus, Oklahoma
 Amarillo, Texas
 Ascension Parish, LA
 Aspen, Colorado
 Bainbridge Township, Ohio
Baytown, Texas
 Beaufort County, South Carolina
 Bellaire, Texas
Black Mountain, North Carolina
Blythewood, South Carolina
Borger, Texas
 Bossier City-Parish, Louisiana
 Brevard County, Florida
Broken Arrow, OK
 Brownsville, Texas
 Buckingham Township, Pennsylvania
 Carbondale, Illinois
 Cedar Park, Texas
 Centennial, Colorado
 Charleston County, South Carolina
 Chattahoochee Hill Country, Georgia
 Chesterfield, Missouri
Chesterfield County, Virginia
 Chicago, Illinois
 Cincinnati, Ohio
 Clovis, New Mexico
 College Station, Texas
Commerce City, CO
Covington, KY
 Crystal Lake, Illinois
 Cuero, Texas
 DCA/DNR, Florida
 Davie, Florida
 Dayton, Texas
 Dickinson, Texas
 Durango, Colorado
Early, Texas
Edinburg, Texas
 El Campo, Texas
 El Lago, Texas
 Falmouth, Maine
 Farmington, New Mexico
 Flagstaff, Arizona
 Florence, South Carolina
 Frederick County, Maryland
 Fremont, Nebraska
Fulshear, Texas

Georgetown, Texas
 Glenpool, Oklahoma
 Granville County, North Carolina
 Greensboro, North Carolina
Greenville County, NC
 Groton, Connecticut
 Grundy County, Illinois
Harrisburg, NC
Harrisonburg, VA
 Hays, Kansas
 Highlands Commission, New Jersey
 Hillsborough County, Florida
Hitchcock, Texas
 Houston, Texas
Huntsville, Texas
 Indian Creek, Illinois
Iowa Colony, Texas
 Jacksonville, Florida
 Jefferson County, West Virginia
 Jersey Village, Texas
 Kerrville, Texas
Kings Mountain, NC
 La Plata County, Colorado
Lake Charles, Louisiana
 Lake County, Illinois
 Lake Villa, Illinois
 Lake Zurich, Illinois
 Langhorne Borough, Pennsylvania
 League City, Texas
 Lindenhurst, Illinois
Littleton, Colorado
Lubbock, Texas
 Machesney Park, Illinois
 Magnolia, Texas
 Manhattan, Kansas
Marshalltown, Iowa
 McAllen, Texas
 McComb, Mississippi
McCormick County, SC
 Meadows Place, Texas
 Michigan City, Indiana
 Middletown Township, Pennsylvania
 Milwaukee, Wisconsin
Monroe, Ohio
 Monroe County, Florida
 Morgan City, Louisiana
 Nassau Bay, Texas
 New Britain Township, Pennsylvania

New Haven, Connecticut
 Oakland, Iowa
Oklahoma City, Oklahoma
 Olathe, Kansas
 Oswego, Illinois
 Pennel Borough, Pennsylvania
 Pennridge Area, Pennsylvania
 Perkasie Borough, Pennsylvania
 Perkasie Planned Development, PA
 Pflugerville, Texas
 Pinelands Commission, New Jersey
 Pleasanton, Texas
 Polk County, Iowa
 Ponca City, Oklahoma
 Roswell, Georgia
 Quakertown Area, Pennsylvania
 Queen Anne's County, Maryland
 Redmond, Washington
 Richmond, Texas
 Riverwoods, Illinois
 Rosenberg, Texas
 Sarasota County, Florida
 Savannah and Chatham County, GA
 Seabrook, Texas
 Sellersville Planned Development, PA
 Shenandoah, Texas
 Sioux City, Iowa
 Sleepy Hollow, Illinois
 Slidell, Louisiana
 Springfield Township, Pennsylvania
 Stafford, Texas
 St. Croix County, Wisconsin
 St. Mary Parish, Louisiana
 Sugar Land, Texas
Sweetwater, Texas
 Tangipahoa Parish, Louisiana
 Topeka-Shawnee County, Kansas
 Town and Country, Missouri
 Tullytown Borough, Pennsylvania
 Upper Southampton Township, PA
 Valparaiso, Indiana
 Vinton, Texas
 West University Place, Texas
 Wharton, Texas
 Williams, California
Winter Park, Colorado
 Zachary, Louisiana

3. REFERENCES

Baytown, TX (in development)

Martin Scribner, Director of Planning & Development Services
 City of Baytown
 2401 Market St
 Baytown, TX 77520
 Phone: (281) 420-5394
 Email: Martin.Scribner@baytown.org

Dayton, TX (<https://online.encodeplus.com/regs/dayton-tx/>)

Theo Melancon, Former City Manager
 Current Dickinson City Manager
 4403 Highway 3
 Dickinson, TX 77539
 Phone: (281) 337-6204
 Email: tmelancon@ci.dickinson.tx.us

Dickinson, TX (in development)

Theo Melancon, City Manager
 City of Dickinson
 4403 Highway 3
 Dickinson, TX 77539
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 Email: tmelancon@ci.dickinson.tx.us

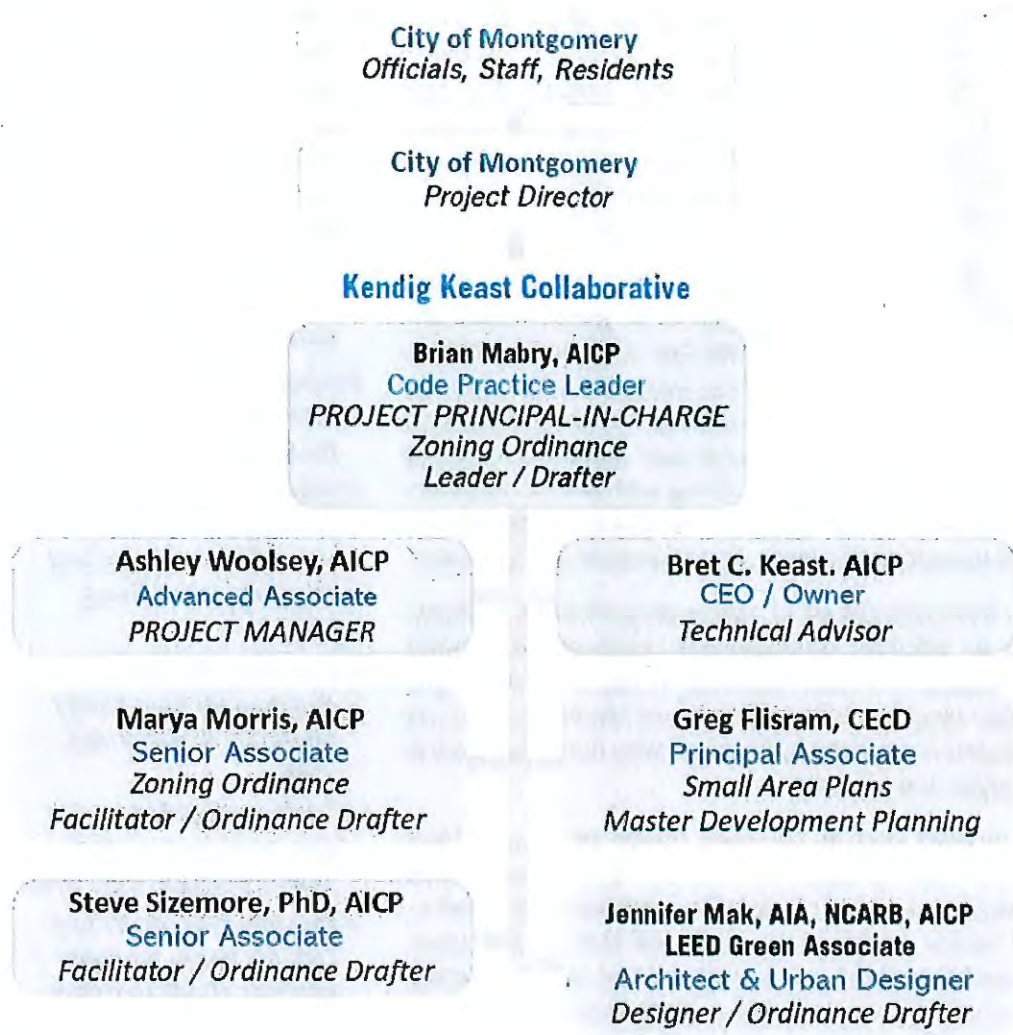
Fulshear, TX

Zach Goodlander, Assistant City Manager
 City of Fulshear
 6611 W Cross Creek Bend Lane
 Fulshear, TX 77441
 Phone: (281) 346-1796 ext. 1102
 Email: zgoodlander@fulsheartexas.gov

Richmond, TX (<https://online.encodeplus.com/regs/richmond-tx/>)

Terri Vela, City Manager
 City of Richmond, City Hall
 402 Morton Street
 Richmond, TX 77469
 Phone: (281) 342-5456
 Email: tvela@richmondtx.gov

4. PROJECT TEAM



Availability

All members of the project team would be available to initiate work on the project immediately following selection and authorization to proceed. Our workload is closely monitored thereby allowing us to accept new project assignments and to commit our availability.

Project Members

The team assembled for this project has the necessary knowledge, background, experience, drive, and availability to complete the Montgomery’s planning and zoning projects.

See full resumes of Key Team Members on the following pages.

Bret C. Keast, AICP, Owner and CEO Sugar Land, TX



Bret joined Lane Kendig, Inc. as a partner in 2003. With the formation of Kendig Keast Collaborative (KKC) in 2006, he succeeded Lane as president and became the sole shareholder of the firm. In 2015, Bret stepped aside as president, but retains ownership and the role of Chief Executive Officer.

Bret has experience in both the public and private sectors since 1989, having previously worked for a council of governments and metropolitan planning organization, suburban municipality, and an international multi-disciplinary firm. He has consulted small and large communities in both rural and urban settings, led interdisciplinary project teams, and has authored and managed comprehensive and general plans, small area master plans, zoning and land development codes, corridor and urban design studies; parks and recreation master plans, transit and transportation plans, and an array of special studies.

Bret is known by his clients and other consultant partners as a diligent manager. He is an effective communicator, especially with public facilitation, translating technical planning terms and innovative concepts into plain language for laypersons and citizen planners. He has been consistently recognized by his peers with numerous awards for outstanding plans and projects.

Bret has managed more than 40 complete master plans, in addition to a wide variety of other projects that contained plan components such as socioeconomic studies, growth management studies, downtown and livable center plans, park and trail master plans, corridor and special area plans, and transit and transportation plans. With a focus on creating "implementable" plans, Bret has developed more than 50 development ordinances ranging from unified codes to individual ordinances and development guidelines.

Related Experience

- Magnolia, TX Unified Development Code
- Richmond, TX Unified Development Code
- New Haven, CT Long Wharf Implementing Regulations
- Commerce City, CO Unified Land Development Code
- Leesburg, VA Zoning Ordinance Rewrite
- Oklahoma City, OK Unified Development Ordinance
- Chesterfield County, VA Zoning Ordinance
- Harrisburg, NC Unified Development Ordinance

Education

- Master of Urban Planning, concentration in Urban Design, University of Kansas
- B.S., Community and Regional Planning and Speech Communication, specialty in Architecture, Iowa State University

Professional Registrations

- American Institute of Certified Planners, #12256

Professional Affiliations

- American Planning Association (APA)

Publications

- *Community Character, Principles for Design and Planning*, Island Press, 2010.
- *A Practical Guide to Planning for Community Character*, Island Press, 2010.
- "Defining and Measuring Community Character", *Zoning Practice*, Dec. 2010.
- *Meeting Procedures and Liability Issues for Public Officials, Guide to Urban Planning in Texas Communities*, 1997.

Brian Mabry, AICP, Principal-in-Charge San Antonio, TX



Brian has made a career of drafting understandable, practical, and enforceable development regulations, providing his expertise to local governments seeking better zoning regulations since 2001. Having worked in both the private and public sectors, Brian knows the realities involved in the day-to-day administering of zoning regulations. He advocates for the simplification of regulations, the empowerment of Planning staff for making administrative approvals where appropriate, and hybrid codes that provide the familiarity of Euclidean zoning, the flexibility of performance zoning, and the design orientation of form-based codes. He strives to provide development regulations that respect the property rights of all and that create desirable community character.

Brian joined KKC as a Principal Associate in 2017 and was promoted to Code Practice Leader and opened the Louisville office in 2019. He continues the advancement of the firm's focus on crafting flexible, transparent, and attractive development regulations using the enCodePlus web-enabled platform. Brian has authored standalone code critiques, has been the Project Manager for numerous code projects and has significantly contributed to many others. Brian has spoken at planning conferences in Texas, Indiana, and Kentucky on vested rights, unified development code best practices, and public engagement techniques.

After grad school, Brian consulted at a nationally-known zoning consulting firm, critiquing, drafting, and illustrating development regulations for communities of varying levels of regulatory tolerance in Texas, Florida, and ten other states. There, he learned the importance of providing clear development regulations to clients and working with diverse groups of stakeholders in order to produce a workable set of regulations.

Related Experience

- Baytown, TX Land Development Code
- Broken Arrow, OK Zoning Ordinance Update
- Commerce City, CO Unified Land Development Code
- Copperas Cove, TX Zoning Ordinance
- Dayton, TX Unified Development Code
- Lubbock, TX Unified Development Code
- Copperas Cove, TX Zoning Ordinance

Education

- Master of Urban Planning, Texas A&M University, 2001
- Bachelor of Arts, Sociology and Theatre, Southwestern University, 1996

Professional Registrations

- American Institute of Certified Planners, #018662

Professional Affiliations

- American Planning Association (APA)

Presentations

- *Streamlining Your Residential Zoning Code*, Indiana Chapter Conference of the APA, March 2022.
- *Conserving the Covington Context*, Kentucky Chapter Conference of the APA, September 2021.
- *A Zoning Update in Amish Country*, Indiana Chapter Conference of the APA, October 2019.
- *Public Engagement Tools, Old and New*, Kentucky Chapter Conference of the APA, May 2017.
- *What to Expect When You're Expecting (A New Code)*, Indiana Chapter Conference of the APA, March 2014 and Kentucky Chapter Conference, May 2014.
- *Unified Development Code Roundtable*, Texas Chapter Conference of the APA, October 2006.

Ashley Woolsey, AICP, Advanced Associate Louisville, KY



Ashley brings to KKC practical experience from the public sector, specifically in roles administering zoning and subdivision regulations, conducting development reviews, and updating community zoning ordinances. She is an excellent communicator and brings her credentials in language arts to crafting easy-to-understand standards and regulations for a variety of projects including zoning ordinances, subdivision regulations, unified development codes, and planned development districts. Ashley is passionate about working with communities to create efficient, user-friendly development regulations that can be effectively administered by staff while achieving desired, high-quality outcomes. She was the primary author for the update to Freeport, TX's zoning ordinance and subdivision regulations and regularly manages and contributes significantly to other code projects. Along with drafting code, Ashley has also created supplemental development guidebooks for several communities.

Prior to her joining KKC in 2019, Ashley worked in the planning department for the City of Clarksville, IN, then subsequently for the City of Jeffersonville, IN as the Zoning Administrator. In these positions she processed and reviewed a variety of smaller development applications for accessory structures, sign permits, and special events. She also conducted reviews and wrote staff reports for more significant development applications (site development plans, variance requests, and subdivision plats), which she then presented to the Planning and Zoning Commission or the Board of Adjustment. In Clarksville, she coordinated bi-weekly technical review committee meetings with multiple department heads and applicants. In Jeffersonville, Ashley was the point of contact for applicants and outlined the development process during pre-conference meetings.

Related Experience

- Iowa Colony, TX Unified Development Code
- Sweetwater, TX Zoning and Land Use Ordinance Update
- Dickinson, TX Unified Development Code
- Freeport, TX Zoning and Subdivision Ordinances
- Lubbock, TX Unified Development Code
- Copperas Cove, TX Zoning Ordinance
- Huntsville, TX Development Districts

Education

- University of Louisville, 2017
- Bachelor of Arts, English and Political Science, Bellarmine University, 2013

Professional Registrations

- American Institute of Certified Planners

Professional Affiliations

- American Planning Association (APA)

Presentations

- *Streamlining Your Residential Zoning Code*, Indiana Chapter Conference of the APA, March 2022.

Marya Morris, FAICP, Principal Associate Chicago, IL



Marya is a planner, writer, and policy specialist who brings a great depth of knowledge of planning concepts and zoning practice. As a member of KKC's code practice team, she partners with our clients on comprehensive zoning and land development code revisions and strategic updates to existing codes and ordinances.

Marya spent the first part of her career in the research department of the American Planning Association where she oversaw research projects and led training initiatives on core topics and emerging practices in comprehensive planning, land use, zoning, and development controls. While at APA, it was Marya's responsibility to not just inform and train professional planners on current practices, but also to push the planning profession and allied groups into new realms by developing and disseminating forward-thinking approaches to planning, land use regulation, and the regional, local, and neighborhood processes of managing of growth and change. For example, her groundbreaking work that ushered in a new era of collaboration between planners and public health professionals to improve and protect the health of citizens.

Marya is the author of dozens of technical reports and articles and has trained planners on topics that include infill development, affordable housing strategies, state legislation governing local planning and zoning, integration of planning and public health, active community design, pedestrian and bicycle connectivity, design review, affordable housing, neighborhood conservation districts, coastal zone and floodplain management, planning staff reports, sign regulations, and transit-supportive land use regulations.

Related Experience

- Plano, TX Strategic Zoning Enhancements
- Tyler, TX Zoning Amendments
- Wauwatosa, WI Development Code Assessment
- Missoula, MT Zoning Rewrite
- Surprise, AZ Unified Development Code
- U.S. Virgin Islands Zoning Study
- Cape Coral, FL Zoning and Land Development Regulations
- Washoe County, NV Zoning Ordinance

Education

- Masters in Urban Planning and Policy, University of Illinois of Chicago
- Bachelor of Arts, Economics, University of Wisconsin
- Certificates in Horticulture and Landscape & Garden Design, Chicago Botanic Garden

Professional Registrations

- American Institute of Certified Planners

Professional Affiliations

- Fellow of the American Institute of Certified Planners (2017)
- American Planning Association (APA)

Selected Publications

- *Planning Home, Affordable housing action agenda.* 2019. <http://www.planning.org/home/action/>
- *Design review: Guiding better development* (with Mark Hinshaw). PAS Report #591. American Planning Association, 2018.
- *Coastal zone management for planners* (with Elizabeth Forster). PAS Report #581. American Planning Association. 2016.
- *Integrating Planning and Public Health: Tools and Strategies to Create Healthy Places*, APA PAS Report 539-540, 2007.
- *Planning Active Communities*, APA PAS Report 543, 2007.

Greg Flisram, CEcD, Principal Milwaukee, WI



Greg has a hybrid background in both physical planning and economic development and has developed a core specialty as a redevelopment planner. His versatility is shown in projects ranging from: comprehensive plans, corridor plans, redevelopment plans, urban design, community and economic development and historic preservation. His work experience also spans the public, private and non-profit sectors. One of Greg's special strengths is hands-on project implementation. He brings the perspective of someone who not only plans, but does. Greg has also published numerous articles in national publications such as Planning and Urban Land magazines.

Greg's work has ranged from the development of regional economic positioning initiatives; to district marketing and promotional strategies; to neighborhood and corridor plans; to the structuring of public-private partnerships. He has also managed numerous corridor economic repositioning/redevelopment projects, including major projects in metro Milwaukee, Madison, Kansas City, MO, Houston, TX, Pittsburgh, PA, and Lansing, MI. Greg is a highly effective redevelopment project manager with a knack for translating ideas into concrete actions. In addition to having managed numerous physical planning and urban design plans, his professional experience also includes a deep understanding of the mechanics of urban real estate development along with other major tools of (re)development including TIFs, revenue bonds, myriad forms of tax credits and numerous innovative P3 deal structures.

Greg is a former Executive Director of the Pittsburgh Urban Redevelopment Authority (URA). Previous to that, he served as Sr. Vice President for Redevelopment for the Economic Development Corporation of Kansas City, MO (EDCKC). In these roles, and as a consultant, he has been involved in many transformative, high-profile public-private development initiatives in diverse locations throughout the country.

Related Experience

- Hitchcock, TX Downtown Zoning District
- Dickinson, TX Downtown Redevelopment Plan
- Brenham, TX Neighborhood Development Concepts
- Baytown, TX Downtown Master Plan
- Hedwig Village, TX Commercial Design Guidelines

Education

- Master of Urban Planning, School of Architecture and Urban Planning, University of Wisconsin-Milwaukee
- Graduate Studies, Urban and Regional Planning and Design, College of Environmental Design, California State Polytechnic University-Pomona
- B.A. Economics, University of Wisconsin-Milwaukee

Professional Affiliations

- Member, Urban Land Institute (ULI)
- International Economic Development Council (IEDC) Certified Economic Developer (CEcD)

Selected Publications

- "Made in the City: Urban Manufacturing in the Digital Age". *Economic Development Journal*, 2019
- "Up From The Killing Floors: The Rebirth of KC's Former Stockyards District", *Planning Online*. 2016
- "Start Up Upstart". *Planning Magazine*, 2016
- "Water & Power": MKE's Elemental Economic Strategy", *Economic Development Journal*, 2014
- "Hotel Nimby". *Planning Magazine*, 2012
- "Hope For Housing". *Planning Magazine*. 2010
- "Still Modern After All These Years". *Metropolis.com*. 2010

Steve Sizemore, AICP, Senior Associate Louisville, KY



Steve joined KKC in 2019, following many years as a professional planner in the public sector. Steve's primary work characteristic is his devotion to promoting the concept that all plans and regulations should foster desirable community character while also serving to enhance healthy, resilient, and equitable outcomes for all citizens. He has demonstrated his dedication to these principles throughout his career in the private and public sector, education training, research, and teaching. Between 2007 and 2015 he served as adjunct faculty in the University of Louisville's Masters of Urban Planning program where he taught courses on planning history, planning theory, neighborhood planning, and helped leading studio courses.

In his public sector experience, Steve held roles focused on neighborhood and long-range planning, conservation planning, code writing, active transportation, affordable housing, and healthy city approaches. As a Senior Planner for Louisville (KY) Metro Government, he applied his skills of community engagement, project management, GIS and data analysis, and aligning best practices with the unique challenges of each plan's context. Steve also co-authored Louisville's conservation subdivision regulations where he performed extensive research, negotiated innovative solutions, and helped foster successful adoption. In other roles with Louisville Metro, he played a fundamental role on the leadership team in Move Louisville, the city's first multi-modal transportation plan in over 20 years. He also helped to advance the Louisville Loop project, a 100-mile shared-use path encircling Louisville. Steve guided the strategic direction and operational planning process to ensure the Louisville Loop's long-term resiliency.

Related Experience

- Baytown, TX Land Development Code
- Edinburg, TX Unified Development Code
- Los Fresnos, TX Unified Development Code
- Marshalltown, IA Zoning Ordinance
- Monroe, OH Planning and Zoning Code
- Nassau Bay, TX Unified Development Code
- Roswell, GA Unified Development Code Update
- Grants Pass, OR Zoning Access Standards

Education

- Doctor of Philosophy, Urban and Public Affairs, University of Louisville, 2019
- Master of Community Planning, University of Cincinnati, 2004
- Bachelor of Arts, Kinesiology, University of Kentucky, 1997

Professional Registrations

- American Institute of Certified Planners, #022374

Professional Affiliations

- American Planning Association (APA)
- Current Professional Development Officer, Kentucky Chapter of APA

Presentations

- "Hoosier Housing Roundtable", American Planning Association Indiana Chapter (APA-IN) Fall Conference, October 2021.
- "The Role of Engaged Universities in Promoting Positive Community Outcomes", Ohio Kentucky Indiana (OKI) Regional Planning Conference, October 2016.
- "Planning Communities of Opportunity: Why Two Key 2015 Federal Housing Decisions Matter", Kentucky Chapter of the American Planning Association (KAPA) Spring Conference, May 2016.

Jennifer Mak, AIA, NCARB, AICP, Architect and Senior Urban Designer Sugar Land, TX



Jennifer is a highly creative Architect and Planner with 14 years of experience in the public and private sectors. She has been involved in all project aspects from planning and urban design on small and large-scale projects through building construction administration in a variety of market types including healthcare, higher education, K-12, aviation, civic, office, transportation, mixed-use, hospitality and residential.

Jennifer is passionate about creating sustainable sites, environments and buildings as well as engaging the community (especially the underserved). She enjoys educating and interacting with stakeholders and transforming their needs and vision into reality while also taking into consideration the impacts that each decision may have on the users, community and the environment.

Jennifer works on urban design project components for a range of projects including zoning and land development codes, parks and recreation plans, historic preservation plans, and design guidelines for clients nationwide. She began her professional career at Llewelyn-Davies Sahní (LDS), an award-winning, Houston-based architectural, planning and urban design consulting firm. As a Project Manager with the firm, Jennifer worked on a variety of projects including urban design guidelines, framework plans, master plans, strategic plans and various architecture projects. In all planning and urban design projects, Jennifer worked closely with community members and stakeholders to determine the appropriate strategies to implement their vision. In the course of her projects, Jennifer has assisted in visioning exercises and design charrettes with a range of activities including identification of goals and facts; opportunities and constraints identification; developing concepts, site and building plan gaming; and visual preferencing activities.

Related Experience

- Dickinson, TX Unified Development Code
- Commerce City, CO Unified Land Development Code
- Leesburg, VA Zoning Ordinance Rewrite
- Bellaire, TX Comprehensive Plan Update
- Richmond, TX Comprehensive Plan Update

Education

- Bachelor of Architecture, University of Houston, 2008
- Bachelor of Science, Environmental Design, University of Houston, 2008

Professional Registrations

- Licensed Architect, Texas #30166, 2022
- NCARB Certificate, #104764, 2022
- American Institute of Certified Planners (AICP), #34922, 2023
- LEED Green Associate, #10611395, 2021

Professional Affiliations

- American Institute of Architects (AIA)
- American Planning Association (APA)

5. EXPERIENCE OF THE FIRM

The team assembled for Montgomery's planning and zoning services was chosen due to the blend of skills and disciplines that we believe are necessary. This team brings a depth of experience of well-seasoned zoning experts, including planners, architects, urban designers, preservationists, trained facilitators and consensus-builders, software designers and engineers, technical writers, and graphic and communication designers.

Expertise in Preparing Zoning and Land Development Codes

The key members of our team have each worked for county or municipal planning, design, and land development departments (e.g. Louisville Metro Planning and Design Services; Iowa Northland Regional Council of Governments; Olathe, KS; Elkhart County, IN; Temple, TX; Chattanooga, TN; and High-Country Council of Governments in Boone, NC to name a few), which included daily experience in writing, amending, and administering design guidelines and development ordinances. In addition, KKC's practice is divided evenly between comprehensive and small area planning, land use planning and urban design, and zoning and land development code drafting and on-call administration. In this way, our experience is not solely as code writers but rather, as plan makers, designers, redevelopers and implementers. In all, we have completed 250+ planning and development code projects, mostly for smaller and mid-sized cities and many on the fringes of major metropolitan areas.

There are a very few firms who have completed as many zoning ordinances as KKC. A majority of these codes are hybrids, including combinations of different tools necessary to address the specific issues or intended on-the-ground outcomes, and in some cases, based on the experience and administrative capacity of City staff.

Expertise in Land Use, Planning, and Urban Design

These areas of focus represent the core practices of our firm. Collectively, we bring a depth and array of experience in each of these areas. Of course, land use is central to ordinance writing in designing and structuring districts to reflect existing conditions, but also to transition or transform them to that envisioned by plan policies and the type, pattern, and character of development represented on the land use plan. We believe a key strength of KKC is that we also have experience in land use planning through comprehensive, neighborhood, small area, corridor, and environmental planning studies, as well as from our backgrounds and roles in mobility planning.

Similarly, urban design is a specialty through their project experience in place-making and formulating approaches, guidelines and standards to uphold or create a certain aesthetic for neighborhoods, districts, corridors, and other notable geographies. This too, is closely intertwined with the work we do as we craft policy and implementing regulations to capture the vision and objectives of our client communities. This may come in the form of historic preservation standards, building and site design standards, landscaping, buffering, lighting, and signage, or in the conceptual design of places through site planning and schematic or perspective illustrations.

Representative Projects

Some of our related project experience within and around the Houston Metropolitan Area is summarized on the following pages.

Comprehensive Plan and Implementation Services for Magnolia, Texas

Kendig Keast Collaborative (KKC) teamed up with the City of Magnolia in May 2012 to develop a new Comprehensive Plan – “Magnolia on the Move.” Located in one of the fastest-growing counties in Texas, this bedroom community of 1,500 residents benefits from nearby employment centers and mixed-use amenities in The Woodlands, Conroe and Tomball. The Comprehensive Plan provided a long-range growth plan for helping the City surpass the 5,000-resident milestone required to gain home-rule authority. The plan proposed various land use, annexation, growth management and implementation strategies for preserving Magnolia’s existing character and unique identity as it matures into a full-service community.



The plan development process raised longstanding issues – specifically, what regulatory tools were necessary for Magnolia to enhance its appearance and quality of life? KKC facilitated preliminary discussions of zoning, design guidelines and other proposed ordinance revisions that would help to protect the community’s “small town” values, which were threatened in the face of unplanned and unmanaged development patterns. Midway through the planning process, an exploratory committee was formed to consider the implications of a first-ever zoning ordinance, leading to adoption of interim regulations to set parameters for near-term development activity.



The City then retained KKC to proceed with development of a Unified Development Code (UDC) as an outgrowth to the concepts and principles set out in the comprehensive plan, including: increasing the range of housing options, maintaining and enhancing existing character, preserving open space, increasing landscaping, and protecting environmental resources.

The new UDC was adopted in 2015, after which the City kept KKC engaged through an ongoing on-call services contract to assist with UDC administration and review of pending subdivision, site development and zoning-related applications, coordinating with City officials, the City Attorney and other staff as needed.

Key Personnel: Bret C. Keast, AICP (Project Management and Code Drafting)

Unified Development Code for Richmond, Texas

The City of Richmond selected KKC in 2014 to prepare a Comprehensive Plan and a first-time zoning ordinance as the City prepared to transition to home-rule status. Richmond is located southwest of the Houston metropolitan area in the quickly-developing Fort Bend County, along the IH-69/US 59 corridor and the Brazos River. The city was relatively small with some 12,000 residents who continue to benefit from and desire to protect Richmond’s small-town character and historic downtown.

See Section 3. REFERENCES for client contact information.

The Plan focused on a series of strategic priorities, including use of annexation as a growth guidance tool to expand the tax base; leveraging public investments to enhance the community and promote growth; creating mixed-use activity centers as community destinations; rehabilitating and preserving neighborhoods and community assets, including natural areas; elevating the appearance, quality and compatibility of development; and strengthening Richmond's image in the region.

By the time of Plan adoption, it was agreed that Richmond should proceed with a full Unified Development Code (UDC) rather than just a zoning ordinance to facilitate implementation. Among other items, the UDC addressed conditionally permitted use regulations; open space requirements; landscaping, buffering, and screening; parking and loading requirements, and sign regulations. The new UDC was adopted in July 2015, after which the City retained KKC to assist with its administration.

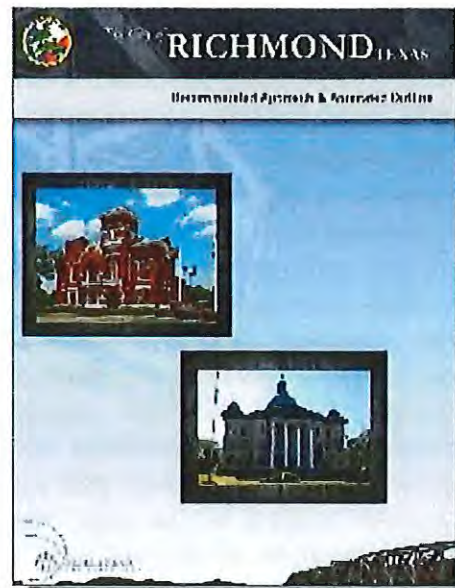
KKC's planning assistance continued with developing an award-winning Trail Master Plan, which was adopted in January 2015. In that year, Richmond garnered the higher profile it intended by receiving a Comprehensive Planning Award from the Texas Chapter of the American Planning Association. Next, KKC facilitated an update of the Development Corporation of Richmond's Strategic Plan, which was adopted in Spring 2017.

Key Personnel: Bret C. Keast, AICP (Project Management and Code Drafting)

Coordinated Development Ordinances for Fulshear, TX

The City of Fulshear, formerly a small, mostly rural community of fewer than 1,000 residents near the Brazos River, had long been in the path of the Houston metropolitan area's westward growth and soon emerged as one of the nation's fastest growing communities. Long-time property owners, as well as an increasingly affluent base of newer residents, had high expectations for maintaining Fulshear's small town character and ensuring quality development. The City selected KKC as its firm of choice in 2018, utilizing the Houston-Galveston Area Council (H-GAC) "PlanSource" pre-qualification program, with whom to contract directly for its first-ever Comprehensive Plan.

With growth continuing to surge (forecasted to 20,000 by 2025, and a projected build-out population of 100,000+), Fulshear's high-quality master planned developments are expected to yield over 10,000 housing units within 10-15 years and have triggered a commercial development wave as well. In need of assistance to deal with its many opportunities and challenges given limited staff and resources, the City executed an on-call services agreement with KKC for ongoing planning and implementation



URL

See the Richmond Development Services Code published online:
<http://online.encodeplus.com/regs/richmond-tx/>

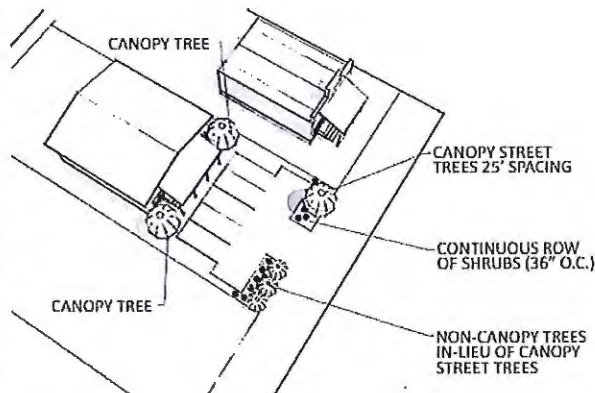
See Section 3. REFERENCES for client contact information.

AWARD WINNER!

Community of the Year, 2022
 from the Houston Section of the American Planning Association

support. Under this contract, the City Council turned its attention to transitioning its current scattered and uncoordinated development-related ordinances into a unified development code, on which KKC began work in 2018.

KKC conducted five hourlong focus group sessions, in which ViewPro's interactive online map-based Geographic Engagement Tool (GET) allowed participants to identify examples of development types to use as benchmarks. KKC also created an annotated outline to document the reorganization of code sections as the process moved along. KKC met regularly with an Ordinance Advisory Committee comprised of a dozen community members with professional or personal interest in the code, representing a broad spectrum of relevant local perspectives; and a Staff Technical Advisory Committee comprised of City Staff who were frequent user. KKC staff drafted the Coordinated Development Ordinance (CDO) in three modules. It was adopted in September 2020.



In recognition of the City's attentive efforts to manage relentless growth yet sustain the community's quality of life, which including the CDO, a Thoroughfare Plan, and a 2021 Plan Update all facilitated by KKC, the Houston section of the American Planning Association designated Fulshear the Community of the Year in 2022.

Key Personnel: Bret C. Keast, AICP (Project Management and Code Drafting)

Unified Development Code for Dayton, TX

In 2018, on the heels of assisting the City of Dayton with their Dayton Tomorrow 2035 Comprehensive Plan, the City of Dayton and the Dayton Community Development Corporation (DCDC) contracted with KKC to develop a Downtown Revitalization Plan and concurrently, a first-time Unified Development Code (UDC) that introduces zoning to this previously un-zoned community. The overall project goals were to organize the regulations into a simplified, logical, and coordinated code; to format it with user-friendly graphics and tables that depict land development concepts (setbacks, buffers, etc.); bring regulations up to contemporary standards (such as natural resource preservation and greater choice in housing type); streamline the development review process; and implement the policies and objectives of the Comprehensive Plan, Downtown Plan, and Park Master Plan.

See Section 3. REFERENCES for client contact information.

AWARD WINNER!

Community of the Year, 2020
from the Texas Chapter of the
American Planning Association

URL

See the Unified Development
Code published online:

<http://online.encodeplus.com/regs/dayton-tx/>

To begin the process of updating the City's development regulations and integrating them into a UDC, KKC facilitated a Kick-Off Meeting with elected and appointed officials, where KKC staff explained the essential elements of a UDC, reviewed the projected twelve-month schedule, and defined the roles

and responsibilities of those participating in the code development. The next step was a series of informal interview sessions with small groups of knowledgeable stakeholders to glean common themes and unique insights on development-related assets and challenges. Groups included realtors; large landowners and agricultural interests, engineers, surveyors, and architects; neighborhood and civic organizations and religious leaders and advocates; and business owners.



The input from City and DCDC staff, elected and appointed officials, and stakeholders was essential to crafting the Strategic Approach, which encapsulated best planning practices, KKC's observation and guidance, conformance with the Texas Local Government Code and federal law, and was infused with the policies and objectives laid forth in the Comprehensive Plan. After the Memorandum of Strategic Approach and the Annotated Outline were approved by the City, KKC drafted the UDC in modules, consolidated them into a Public Review Draft, and presented the UDC to the Planning and Zoning Commission and City Council, with adoption taking place in May 2019.

Key Personnel: Brian K. Mabry, AICP (Project Management and Code Drafting)

Planning and Unified Development Code for Dickinson, Texas

Dickinson is approximately 10.3 square miles with a population of about 22,000 residents and located in Galveston County. The City hired Kendig Keast Collaborative (KKC) with a subconsultant team including CDS Community Development Strategies and Carson Bise, in July 2022 to lead the effort to create a Unified Development Code (UDC) in coordination with other concurrent planning efforts being completed by other consultants.

KKC's effort also included a Parks, Trails, and Recreation Master Plan. After extensive outreach and stakeholder involvement, the KKC team inventoried the City's park sites and amenities, taking photographs and documenting the amenities, lighting, parking, landscaping, and existing uses. Top priorities uncovered included the acquisition of County parkland. KKC also developed a Connectivity Possibilities Map for the Master Plan showing numerous on- and off-street sidewalk, bikeway, trail and paddle trail opportunities across the community, along with potential regional connections beyond Dickinson. City Council adopted the Parks, Trails and Recreation Master Plan in July 2023.

In another effort, the KKC team analyzed the redevelopment potential of Baytown's central downtown area, to develop scenario plans for three key land assemblages. The project involved a

See Section 3. REFERENCES for client contact information.



detailed “blight” analysis; redevelopment scenario planning, modeling and design; and site-specific implementation program development. The work was completed at the end of 2022 and is currently being used to update and amend the city’s downtown TIF district and to market the sites to prospective developers.

The Unified Development Code project is ongoing. This work effort will be centered on consolidation of regulatory documents, procedural streamlining, modernization of out-of-date standards, accounting for alternative energy sources, sustainability, flood protection, and parking reform, and quality character of the built environment. The team performed an inventory of the existing patterns, types, scales, and character of development, and produced a Future Land Use and Character Plan as an interactive online map. Drafting the code iteratively in two modules, the KKC team has delivered them both to the City for review, and has received and is incorporating feedback into revisions. Simultaneously, the KKC team is generating customized graphics to illustrate development concepts and standards in the UDC. The KKC team will continue facilitated discussions of the draft code, and the final revised code will be combined into a public hearing draft. The code update is scheduled to be completed and presented for adoption in Spring of 2024.

Key Personnel: Brian Mabry, AICP (Project Management and Code Drafting); Ashley Woolsey, AICP (Code Drafting); Jennifer Mak, AIA, NCARB, AICP, LEED Green Associate (Project Management of Parks Plan, Development Standards); Greg Flisram, CECd (Economic Development and Development Standards)

Planning and Land Development Code for Baytown, Texas

With a population of over 80,000 residents, Baytown is one of the largest cities in the Houston area and is home to several large industrial facilities. Kendig Keast Collaborative (KKC) has been assisting with planning and regulatory updates to manage the City’s growth and ensure residents’ quality of life.

In 2020, KKC, along with engineering and economic forecasting subconsultant team members, facilitated an update of Baytown’s Comprehensive Plan. They first conducted a small area plan on a western thoroughfare connecting a mix of uses, including vacant and underutilized land, industry, and community facilities such as the Baytown Nature Center. Through a market assessment, the Bayway Drive Corridor Plan identified catalyst projects to draw new investment and visitors. The corridor’s underused right-of-way was re-envisioned through technical specifications for a new configuration that includes safe pedestrian and bicycle facilities. KKC completed the corridor plan in six months with adoption in February 2021.

Turning then to the full Comprehensive Plan and concurrent development of a Strategic Plan, the KKC team addressed challenges and opportunities presented by Baytown’s growth. This study examined strategies to achieve a better integration of the City’s unique waterfront, capitalizing upon a long-awaited mall redevelopment, and improving opportunities for residents to safely walk and bike within

See Section 3. REFERENCES for client contact information.



the City. KKC conducted successful engagement within the unique challenges posed by COVID-19, which emerged shortly after project kick-off. With diverse citizenry and a large daytime population of industrial workers, KKC's engagement sought to be highly inclusive, utilizing both virtual platforms and in-person methods to reach different population segments: a robust online survey, focus groups, an open house, and input from an advisory committee composed of local residents and businesses owners. The full Plan was successfully adopted in May 2022.

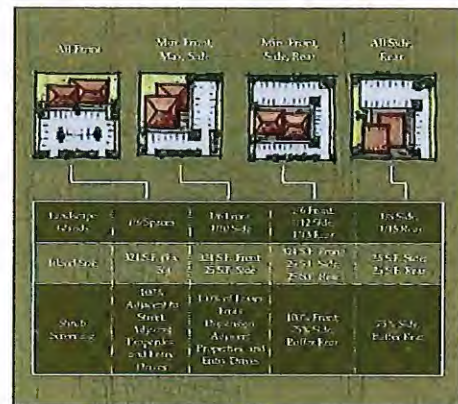
In August 2022, KKC was able to leverage the keen insight into the priorities of Baytown's residents and leadership gleaned from the work on the plans to begin assisting the City with an update to their Land Development Code. With a subconsultant team that included attorneys for legal review, KKC presented a development code framework and an annotated outline, initial steps which offered a constructive critique of the current code and proposed a strategic approach for assembling and drafting new regulations and gaining consensus along the course of production. The KKC team has presented two of three iteratively drafted code modules to a Staff Technical Committee and a Code Advisory Committee. Additionally, the KKC team is evaluating a couple of form-based districts (including Downtown) for transitioning land uses, building form and condition, street cross-sections, street furniture, natural features, and other conditions. KKC is facilitating discussions to align the desired design and aesthetics to create illustrative development plans and draft implementing form regulations for these districts. While the Unified Land Development Code (ULDC) update is still underway, a public hearing draft is on track to be completed in early 2024.

Key Personnel: Brian Mabry, AICP (Project Management and Code Drafting); Jennifer Mak, AIA, NCARB, AICP, LEED Green Associate (Development Standards); Greg Flisram, CEcD (Economic Development)

Commercial Corridor Study and Design Standards for Stafford, Texas

The City of Stafford has established a reputation in the Houston area as a business-friendly community. However, when Stafford's two major commercial corridors, US 90-A and FM 1092, began to exhibit the negative effects of visual clutter and gradual disinvestment, the community turned to Kendig Keast Collaborative (KKC) for improved design standards. The planned reconstruction of US 90-A through the City, including new landscaping and other aesthetic enhancements, also provided the impetus to "raise the bar" locally. In a coordinated effort between the City and the Greater Fort Bend Economic Development Council, the community charged KKC with crafting new standards that would build upon the unique features of Stafford and provide an attractive business environment.

KKC conducted an extensive analysis of existing conditions along the corridors with particular emphasis on the design details that dictate community character, including building location and orientation, height and scale, architectural details, parking and loading, outdoor and accessory uses, signage, and green space on sites. Interim regulations were drafted that temporarily



AWARD WINNER!
 Strategic Planning Award, 2009
 from the Houston Section of the
 American Planning Association

quantified and regulated these and other variables while the team coordinated with area leaders to arrive at a more permanent solution. Additionally, the team developed a three-dimensional computer model to assist in the community visioning effort and present “before-and-after” possibilities for the corridors. The study resulted in community-driven development regulations and design standards, including performance incentives, to further enhance the long-term appearance and economic vitality along Stafford’s key corridors.

Key Personnel: Bret C. Keast, AICP (Project Management and Code Drafting)

Comprehensive Zoning Ordinance and Study for Sugar Land, Texas

The City of Sugar Land Comprehensive Zoning Ordinance and Study was conducted to update and revise the City’s zoning ordinance and to incorporate necessary modifications and additions to the land use regulations as identified by the Planning and Zoning Commission and City Council. This revision ensured consistency with the recommendations and policies of the City’s Comprehensive Plan.

AWARD WINNER!

Outstanding Project Planning Award, 1998 from the Texas Chapter of the American Planning Association

The study work program included a workshop to identify critical zoning issues and the needs relating to the existing zoning ordinance; participation in regular and special meetings to present materials and recommendations and to receive public comment on the proposals; preparation of a draft proposed zoning ordinance for review and consideration by the Planning and Zoning Commission, City Council, and in public meetings; and digital preparation of a draft official zoning map to include proposed district boundaries and designations for newly annexed areas.

The revised draft of the proposed zoning ordinance included a land use classification matrix, tied to the Standard Industrial Classification (SIC) system, to identify appropriate zoning designations for each individual land use group. In addition, graphics were included throughout the text to provide visual definitions and descriptions of proposed regulations.

The City of Sugar Land received the 1998 Outstanding Project Planning Award from the Texas Chapter of the American Planning Association for this study. This project represents an award-winning project developed and managed by Bret C. Keast, Vice President, while with a former employer.

Key Personnel: Bret C. Keast, AICP (Project Management and Code Drafting)

6. PROJECT UNDERSTANDING AND APPROACH

Among the cities in Montgomery County, the City of Montgomery has succeeded in maintaining its small-town character due its quaint Downtown, historic neighborhoods, rural surroundings and neighborly sense of community realized by its resident gatherings. These qualities are highly valued by residents and leaders of the community. Among the related guiding principles in the Comprehensive Plan are:

- Improve the Historic downtown's vitality;
- Ensure quality new development that is balanced to provide a healthy community;
- Implement development standards to improve the quality of development; and,
- Implement design standards to provide quality residential development



Downtown Montgomery warrants unique zoning standards to retain its historic character.

On the Horizon

According to the Texas State Data Center, the City had a population of 624 persons in 2010. By 2020, the population had more than doubled to 1,376 persons, which reached 2,453 persons according to a January 1, 2023 Texas Demographic Center estimate. From 2020 to 2023, the City had a 25.9% population increase. According to all available sources, the pace of growth and change is expected to increase exponentially over the coming years. For instance, the Houston-Galveston Area Council (H-GAC) projects Montgomery County to grow from 620,443 persons in 2020 to 1,220,000 by 2045. As a percentage of County growth, the City's 2045 population may be around 6,415 persons. This would require roughly:

- ✓ 525 acres of new development
- ✓ 1,580 new households
- ✓ 1,000 owner-occupied units
- ✓ 578 renter-occupied units

Relative to today, these numbers will fill in much the undeveloped open space, generate more traffic, bring new and potentially larger businesses, increase the demand for facilities and infrastructure and generally, change the nature and scale of the community. These changes may reflect positively on the appearance, character and function of the city community with continuous planning and a set of standards that achieve deliberate development outcomes.

"I can't change the direction of the wind, but I can adjust my sails to always reach my destination." - Jimmy Dean

Opportunities

Tripling the population by 2045 will have significant impacts on the community and its businesses and residents. The City has a choice as to the pace of growth and change and the steps taken to channel it. Among the steps that may be taken to preserve character and quality of life include:

1. Determining the **suitability for and timing of development** and creating zoning districts and a map to sequence development commensurate with the availability of adequate water, wastewater, streets, parks and open space and other infrastructure.

2. Planning for long-term development by establishing a **growth and land use assumptions plan** so the City can plan accordingly and stake claim to its ultimate planning boundary and prevent the encroachment of other municipalities.
3. Deciding the **nature and character of future development** relative to lot areas and densities, mixture of housing types and uses, set asides for recreation and open space, street connectivity and continuity, and how one development transitions appropriately to the next.
4. Building **definitive standards for planned developments** so the character outcomes are pre-established rather than negotiating open-ended standards on a case-by-case basis.
5. Creating a **zoning district unique to downtown** so the building patterns and forms, (e.g., heights, setbacks, building/impervious/pervious cover, floor area ratio, etc.) continue to contribute to the historic character.
6. Considering **interim, near-term regulations** to manage the type and quality of development at key nodes and gateways before freestanding and strip commercial patterns set in (like the quickly emerging patterns along SH 105 between Buffalo Springs Drive and Lone Star Parkway).
7. Establishing standards to **protect environmental resources** including creeks, streams and water bodies; wetlands and riparian areas; forested lands, and other sensitive environs.
8. Developing a future land use plan that, as outlined in the comprehensive plan, "**provides clear direction on land use decisions**" so the plan provides sufficient directions to the Planning and Zoning Commission and City Council in recommending and deciding zoning applications.

Key Considerations

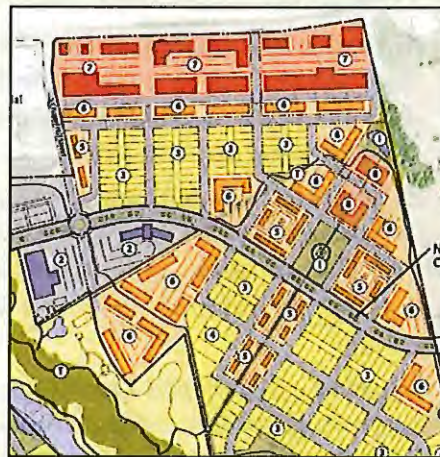
- **Community Character.** The character of Montgomery will be directly tied to the future land use plan and zoning districts. We propose to build a land use plan and zoning district structure that reflects the character rather than the use of development. In other words, single-family residential may take many different forms dependent upon the street and lot patterns, lot areas and widths, housing types and scale, the presence (or lack of) common open space, preservation of natural resources, etc. Therefore, in lieu of single- and multi-family residential districts, the nomenclature would establish the intended development character, which may be rural, suburban, semi-urban or urban. Certain standards are associated with each to ensure what's planned in what's built.
- **Community Design.** The City desires creation of design standards for certain areas of the community. Although the state legislature constrained the ability to require certain building materials with HB 2439, the use of character-based districts and both building and site standards provides ample regulation to realize quality development. There is a certain degree of standards expected city-wide, (e.g., landscaping, buffering, signage, etc.) and others to be designed in the context of their location and function, such as Downtown, gateway districts and corridors, and the master planned areas.
- **Historic Preservation.** Emphasizing the character of development in Montgomery means that historic structures and districts must be a key focus. In order to ensure historic landmarks and districts are preserved, historic structures receive appropriate design treatment, new structures



The substantially differing character of these neighborhoods warrant their own zoning districts.

within the historic district are compatible, and the City's historic preservation program operates smoothly, the historic preservation provisions of the Zoning Ordinance deserve careful review.

- **Contextual Standards.** The zoning map designates the locations of each zoning district. While additional regulations are warranted within each of the districts to more specifically detail the character and quality of development, the line separating one district from another is of great importance, too. Varying types, patterns and scales of development may impose different levels of impact on the adjoining uses. All development should be "good neighbors", meaning transition standards are needed to provide necessary compatibility.
- **Neighborhood Conservation.** The original town neighborhoods have a character that warrant preservation and protection. Generally, these areas need standards that enable sufficient flexibility to retain charm and value while also maintaining their uniqueness. While they too, are single-family residential, the lot areas and widths, numbers and types of buildings and their arrangements are not uniform as in contemporary developments. The standards created for these neighborhoods should reflect the traits that make them special.
- **Downtown.** The one-of-a-kind characteristics that make Downtown what it is must be embraced as new investment and reinvestment occurs. The Downtown Design Master Plan outlines multiple improvements to area streets and roadways, property access, intersection enhancements, gateway treatments, pedestrian spaces, and streetscapes, all of which would elevate function and appearance. All the planned improvements outside of the public right-of-way will require zoning standards to facilitate their development. A new zoning district will be proposed to codify these enhancements.
- **Open Space Preservation.** At this stage of development, good regulations may provide for connected greenways, trail linkages, and a well distributed system of parks, recreation areas and open spaces. These provisions may be integrated among the zoning and subdivision standards and may be done in a way that rewards development for set asides for neighborhood amenities and community open spaces.
- **Concurrency.** The City is already seeing increased development activity, which is expected to gain momentum in the near future. Too much development though, may strain fiscal resources and limit the ability to keep pace with adequate provision of public facilities and services. The zoning regulations may be tied to the City's capital planning and programming such that the amount and timing of development is commensurate with its capacity to serve.
- **Village Center(s).** The RFP asks for the development of small area master plans. These may take many forms and sizes. We envision creating conceptual development plans that may be used at different scales, from walkable neighborhood stores to mixed use commercial and village centers. When consensus is reached on the nature and character of these areas, we will write standards to facilitate their development.



Development Plan, Brenham, Texas

Project Objectives

The City has articulated its future desires and preferences through the Comprehensive Plan and Downtown Design Master Plan. The role of the planning and zoning services included in this project is to implement these plans. Therefore, we believe the approach for this process must adhere to the following tenets:

One size does not fit all. Montgomery is unique and has its own needs. Creating a set of effective regulations is a two-part process:

- First, the tool must fit the administrative capacity of the City and the capabilities of the private sector; and
- Second, the tool must be functional and directly solve problems. In short, “off the shelf” or “template” standards are ineffective in tackling the community’s unique issues. We help our clients identify issues and problems first, and then help them choose specific regulatory tools to solve them.

As simple as possible. As Albert Einstein once said, “Everything should be made as simple as possible, but not simpler.” To be effective, the zoning ordinance must be presented in plain terms, with illustrative graphics and straightforward procedures.

Achieve certainty and predictability. The zoning ordinance must answer the most common questions in a manner that is both flexible and certain, and that promotes the public’s interests in protecting character, abating nuisances, and protecting views, open spaces, and natural resources.

Community Engagement

It is our experience that the design and management of an outreach and education program is essential for the ultimate success of the project. This is particularly important for Montgomery given the adoption of the Comprehensive Plan and Downtown Design Master Plan the need to put them in motion. This warrants a deliberate engagement program – one that provides sufficient opportunity for both stakeholders and the general citizenry alike to be directly involved in the planning process.

With a central purpose of plan implementation in mind, and with a philosophy and approach centered upon engagement (in lieu of participation), we will build trust (and therefore “buy-in”) as follows:

- *Respecting the hard work that has already been done.* There will be great value and understanding gleaned from the input received and the resulting goals and initiatives outlined in the previous plans.
- *Establishing an understanding to build trust.* For residents or business owners concerned about change, we note that change comes with development, but it will be positive, if guided to be consistent with community values.
- *Listening carefully and respecting all views.* We believe residents have more common values than differences. We listen carefully to identify common values, and then build upon them to establish a high level of trust and collaboration.
- *Use the information gathered from the community.* Stakeholders must hear early, often, and consistently that their input is being heard, considered, and reflected in the work products.



Trust is earned from face-to-face interactions, establishing rapport and building relationships.

Zoning Ordinances are technical and not overly interesting for most residents. Besides, most may never have the occasion to encounter or use the ordinance. Therefore, the methods of outreach are more pointed to direct stakeholders. This being said, there are also purposeful opportunities to inform the general public and to solicit their feedback. The Scope of Work details the proposed engagement activities, which may include:

- **Staff Technical Team (STT)** made up of those involved in the intake and review of development applications, (e.g., Planning and Development and Public Works Departments).
- **Focus Group meetings** with six to eight participants concentrating on ordinance users, such as local builders, housing developers, and commercial and retail developers.
- **Stakeholder interviews** of individuals for fact-finding and education, including those who participated in the Comprehensive Plan and Downtown Design Master Plan projects and others who have interest in the regulations.
- **Speakers' Bureau** for presentations and Q & A with groups like the Montgomery Area Chamber of Commerce and others.
- **City website postings** to keep residents current with the process and aware of their opportunities to be involved. This is also where drafts of the zoning ordinance would be posted for public access, viewing, and commenting.
- **Open door meetings** meant as informal sessions for interested persons to ask questions, provide input, and keep up-to-date with the process.
- **Zoning Advisory Committee (ZAC)** including local engineers, regular development applicants, land and business owners, neighborhood representatives, representatives of the Board of Adjustment, Montgomery Economic Development Corporation, Transportation Advisory Committee, Planning and Zoning Commission, City Council, and others identified by staff or the Council.



Littleton, CO Speaker Series

Zoning Modernization

In all, KKC has helped more than 250 towns, cities and counties across 42 states adopt zoning and land development regulations. We bring national best practices experience in facilitating successful processes, navigating sometimes competing interests, and building a constituency of support to gain adoption. However, our ordinances are highly tailored to address local issues and are designed to be administered and enforced by current personnel. We adapt our ordinances to meet communities where they are and craft regulations that help to achieve desired outcomes without crossing the line in the degree of regulation.

Technology

KKC proposes to develop the zoning ordinance using a web-based platform that will facilitate collaboration with staff during the drafting phase and which may be published to the web upon adoption. We are a partner with Municode so we would coordinate directly with them to repeal and recodify the applicable chapters of the City's Code of Ordinances. We would also provide ongoing services to draft ordinance amendments and codify them.

Scope of Work

Effective ordinances meld the intimate knowledge of staff with the resources and experience of objective advisors, balanced by resident oversight and good leadership. The process must be participatory, transparent, and open-minded, while being practical and mindful of reality.

The KKC Project Team brings a mix of public and private sector experience in the planning and plan implementation fields. Put simply, we understand ordinance drafting and administration “from the trenches.” Our practice is set apart because we cut out trendy planning buzzwords and “group-think” to make sure that our regulations are derived from critical thinking regarding the project objectives and unique considerations of each client and location to ensure they are useful, effective, and durable.

UDO Contents

The City would like the Zoning Ordinance to be updated and rewritten to manage forthcoming development. Best practice is to assemble all development-related ordinances into a unified development code. There are many benefits to a UDC, including:

- ✓ Procedural consistency and a single source of standards;
- ✓ Simplified processes helping to ensure consistency among individual titles;
- ✓ More user-friendly regulations for the citizen and professional users, as well as the day-to-day administration of staff and appointed and elected officials;
- ✓ Consolidating the administration of several chapters into a single chapter to clearly spell out the roles and responsibilities of each public official and body;
- ✓ Permitting processes documented in a single location helping to identify crossovers in the zoning and subdivision approval processes; and,
- ✓ Ability to track the total development process from rezoning to site plan review, permit issuance and certificate of occupancy.

Should the City opt to proceed with a UDC, it may include:

- Chapter 42, Floods
- Chapter 66, Signs
- Chapter 78, Subdivisions
- Chapter 98, Zoning

Our proposed Scope of Work is as follows.

Task 1. Review and Analysis

1.1 Project Orientation. This subtask would initiate work with the staff of the Planning and Development Department and others involved in administering and enforcing the current development regulations. These individuals would serve as the Staff Technical Team (STT) who would collaborate with the KKC Project Team in our research and background zoning studies, field reconnaissance and ground truthing, policy analysis, and collection of data and mapping.

We would meet with the STT to:

- Establish the project logistics, methods, and timing of communications, schedule adherence, and the roles of the STT and KKC.
- Discuss the structure, membership, and roles of an Advisory Committee.
- Prepare a week-by-week project schedule detailing the dates of meetings and deliverables, staff review time, STT calls, and other project activities.
- Identify needed data and information, such as:
 - Five-year history of variance requests and decisions;
 - Five-year history of zoning cases; and
 - List of staff comments and changes noted to date.

Meeting(s): Staff teleconference

Deliverable(s): Project schedule

1.2 Field Reconnaissance. We would observe built conditions in the context of the existing zoning districts.

- Acquire and review all existing conditions data, case information, and GIS mapping.
- Attend a tour lead by City staff to learn about planned infrastructure improvements, proposed and pending developments, and areas noted for future projects.
- Visit development sites that represent good zoning outcomes and pending project sites for discussion of how the new regulations may achieve outcomes that are in line with community and Council expectations.
- Develop a photographic inventory to capture development types, forms, and patterns.

Meeting(s): Staff-led tour
Self-guided reconnaissance

Deliverable(s): None for this task



The Future Land Use Plan and Zoning Map will determine the intended future character of development.

Task 2. Public Outreach

2.1. Introductory Meetings. These meetings would initiate the kick-off of the planning process.

- Attend an STT meeting to hear about their experiences in administering and enforcing the current zoning, subdivision, flood and sign ordinances, solicit recommendations for needed improvements, and review the processes for application intake, review, commenting, problems encountered, and the timeline for each step for each application type.
- Meet with the Advisory Committee to confirm their review and meeting commitments and to present the Ordinance Audit (see Subtask 1.3).

- Facilitate a joint work session with the Planning and Zoning Commission, Board of Adjustment and City Council to discuss their use of the current regulations and to identify void or vague provisions, conflicts and inconsistencies, and limitations.

Meeting(s): STT meeting
Advisory Committee meeting
Planning and Zoning Commission, BOA and
City Council Work Session

Deliverable(s): PowerPoint presentation



Introductory meetings may take many forms – from receptions to workshops and formal presentations – all designed to maximize participation and input.

2.2. Focus Group Listening Sessions. These conversations are with groups that would have interest in the process and from whom insights would be valued.

- Coordinate with staff to identify groups of persons to participate in up to four, 50-minute listening sessions, including:
 - Neighborhood associations and leaders;
 - Civic groups and organizations (such as the Chamber Board of Directors);
 - Brokers and realtors; and
 - Others
- Take notes of issues and suggested solutions.

Meeting(s): 50-minute listening sessions (4)

Deliverable(s): None for this task

2.3. Stakeholder Interviews. Stakeholders are those who have a direct and oftentimes financial interest in the ordinances and their standards and procedures. These persons are involved at a more technical level in their review and interactions.

- Facilitate four, 50-minute interviews with key stakeholders, such as:
 - Landowners, developers and builders;
 - Engineers, architects and planners;
 - Business owners and operators;
 - Site selectors and investors;
 - City management; and
 - Two-person groups of City Council members.
- Make note of specific ordinance provisions cited for needing change along with recommended procedural improvements.

Meeting(s): Group interview sessions (4)

Deliverable(s): None for this task

Task 3. Small Area Master Planning

"Never leave that till tomorrow which you can do today." - Ben Franklin

This task is a relative priority given the pace of development. Before land in key areas is spoken for, it is advisable for this work to begin concurrent with Tasks 1 and 2. The purpose of this work is to develop illustrated master plans that establish a vision and may be used to write development and design standards that would be incorporated into the regulations.

3.1 Opportunity Analysis. Present candidate sites to City staff to determine where master plans are viable and warranted. The candidates will include study area boundaries and preliminary site assessments to justify their selection.

3.2 Conditions Assessment. The conditions analysis would include documentation of some of all of the following conditions depending upon the particular nature and characteristics of the selected sites:

- Street infrastructure within and immediately adjacent to the site, which may include:
 - Width of rights-of-way, alleys and any easements that may constrain improvements;
 - Number and width of drives, parking, and turn-lanes;
 - Locations and widths of sidewalks;
 - Widths of medians and parkways;
 - Number and locations of curb cuts;
 - Traffic count data;
 - Topographic and drainage/floodplain;
 - Street lighting and traffic control devices; and
 - Trees and landscaping within or adjacent to the right-of-way.
- An inventory of the built and natural environment, including:
 - Developed and undeveloped properties;
 - Occupied and vacant buildings;
 - Existing land uses;
 - Building types, heights and design characteristics;
 - Parking lots and driveways;
 - Publicly owned land, buildings and spaces; and
 - Natural resources and features.
- Current and expected external influences that affect or may affect the economic viability of the plan area, including:
 - Area development trends, market characteristics and conditions;
 - Projected transportation improvements and investment options;
 - Utility infrastructure network, capacity and flow patterns, together with the constraints and opportunities for the future land use and economic development of the plan area(s);
 - Development trends and economic driver institutions; and
 - Economic development and redevelopment opportunities.
- Prepare a constraints and opportunities graphic to identify conditions that may impede development, including physical barriers and design constraints such as capacity limitations, existing land uses and their arrangements, street alignments and typologies, and other discovered considerations.

3.3 Design Workshop. Facilitate a two to three-day design workshop to involve stakeholders in the conceptual planning process consisting of stakeholder meetings, sketch planning exercises and ideas creation. The result is a color-illustrated development plan.

3.4 Design Detailing. Build on the development plans to include more detailed sketches reflecting:

- Cross sections of different street profiles, building frontage types, pedestrian improvements and streetscape amenities.
- Block and lot proportions relative to walkability, traffic and pedestrian circulation and safety, property access, on- and off-street parking and loading, and building footprints and lot coverage.
- Building and use types relative to their scale and operational requirements, location and proximity to existing and planned or proposed land use typologies, parking and loading demands, access to public spaces and transit, stormwater management impacts/needs and compatibility with natural resources.
- Amenities that may be used in different contexts to fulfill objectives: aesthetics, screening, landscaping, use transitions, green infrastructure, stormwater management, parking, public art, recreation, etc.

3.5 3D Massing Models.

Develop a three-dimensional computer model for use, scale and massing analyses during the conceptual design process.

3.6 Video Simulation (OPTIONAL). Develop an interactive 3D fly-through model visually represent the preferred development scenario for one or more opportunity sites.



3D Fly-Through Simulation, Dayton, TX

Meeting(s): Design workshop
Commission and Council member visits

Deliverable(s): Two-dimensional illustrated development plan (one per area)
3D Video Simulation (Optional)

Task 4. Future Land Use and Character Plan

We propose to amend the Comprehensive Plan to develop a Future Land Use and Character Plan. This plan will visualize the types, patterns and intensities of future development within the City limits and throughout the ultimate (upon Home Rule status) planning area. Adherence to the Plan will be among the criteria for proposed zone changes, which will provide the Commission and Council substantive guidance in their decision-making.

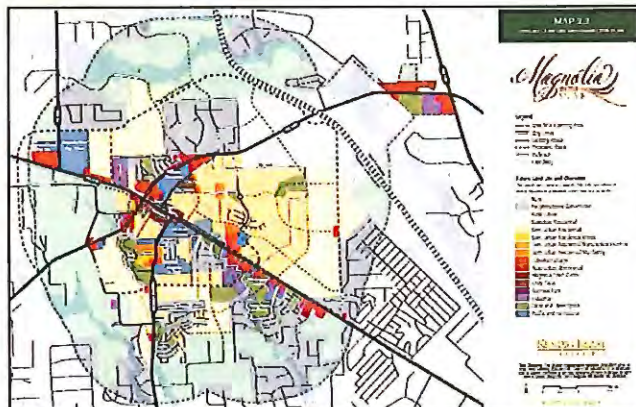
4.1. Existing Character Assessment. Utilize the inventory performed in Subtask 1.2 to outline the character of existing development as a basis for creating a land use plan that is unique to Montgomery.

4.2. Land Use Analyses. Assess the long-range development outlook and context for the community, including consideration of post-COVID land use trends and variations from traditional practice. Drawing from the results of the Comprehensive Plan and discussions with staff and other key contacts, planning considerations would include:

- Identification of areas available, most suitable, and preferred for new growth, accounting for flood hazard areas and other physical and environmental factors, the transportation network, and infrastructure and public service capacities and availability;
- Means to coordinate growth management and future land use and ensuring linkages to infrastructure and service capacities, land use balance, economic development needs, and rural/agricultural preservation and other resource conservation priorities;
- Orderly improvement of the transportation system to enhance safety and relieve congestion, considering facilities for automobiles and pedestrian/bicycle circulation.
- Overcoming barriers to local housing development to maintain the integrity of existing neighborhoods while setting appropriate standards for quality new residential areas.
- Strengthen the City's tax base and its "quality of place" appeal, including consideration of future growth and development patterns and associated upgrades to or extension of public infrastructure and services.
- A capacity outlook for the City's infrastructure and its timing based on projected growth activity.
- Enhancing the city-wide park, trail, and recreation system.
- Place-making, urban design, and image/appearance opportunities in terms of development quality along SH 105, FM 149 and Lone Start Parkway and at "gateway" locations and preservation of valued natural/cultural/historical amenities.

4.3. Future Land Use and Character Plan.

Informed by the land use analyses, develop a map that visually depicts the desired future development pattern, including provision for protected rural environs, conservation of existing neighborhoods, and provision for mixed-use neighborhood and town centers. The land use categories would correlate with the zoning districts and standards needed to realize them.



Future Land Use and Character Plan, Magnolia

4.4. Build Consensus.

Collaborate with the Planning and Zoning Commission and City Council and work closely with landowners, businesses, and residents to refine the land use plan such that it protects sensitive and valued resources, promotes compatibility, facilitates economic development, improves mobility, and contributes to quality of life.

Meeting(s): STT work sessions (3)
Open door meeting (1)

Task 5. Ordinance Drafting

5.1. Web-Based Platform. A cloud-based collaborative drafting and code publishing software would be used during the code drafting process and to deliver an electronic and interactive ordinance upon and adoption. The ordinance would be integrated within the Code of Ordinances. The online site will offer:

- Automated formatting and numbering to ease the drafting and editing process.
- Internal and external cross-referencing, which automatically updates all cross-references if an article or section is moved elsewhere within the development ordinances.
- The ability to cross-reference and hyperlink provisions of the Code of Ordinances.
- The ability to integrate in-line tables and graphics.
- Use of the commenting feature, which will allow staff to provide comments on individual articles of sections of the draft regulations, which will be organized and catalogued, along with the responses of KKC. The comment log may be exported or printed and distributed during the process and may also be integrated as a table in the document during the drafting process.
- Use of the online track-changes feature, which corresponds to the comments and responses and displays the resulting changes to the draft regulations.
- Password-protected access to the maintenance module for City staff to monitor the progress, as well as to insert technical comments or edits directly in the draft regulations.
- The ability to export to MS Word or Adobe PDF to produce draft and final deliverables. Upon adoption and delivery, the City will have license to use the software to author, draft, update, amend, change, or modify its regulations in-house, all within the online format.
- Upon completion of the project, the ordinance will be integrated with the City's Code of Ordinances. KKS will coordinate with Municode to repeal and replace the applicable chapters.

- Set up OPTIONAL premium features upon delivery of Module No. 2:
 - **AppTrak+**: Online permitting system for application submission, payment, plan review, tracking and issuing permits and approvals. Includes mapping and reporting capabilities. Requires Administrator Access.
 - **Development Calculators**: Customizable calculators for on-the-fly computing of quantifiable standards including, but not limited to:
 - Accessible or affordable housing units required by district and building type;
 - Acres of land or fee in-lieu of land dedication for parks, schools, etc.;
 - Bufferyard widths, screening types and plant types and quantities;
 - Number of dwelling units per acre and per development, as applicable;
 - Fee amounts for application filing and permitting;
 - Landscaping material types and quantities by location;
 - Total and shared parking space quantities for cars, trucks and bicycles;
 - Sign types, areas, heights and locations by district; and
 - Others per client request.
 - **Document Gallery**: Interactive web presentation of multiple public documents and archives organizing in a functional repository.
 - **eReader**: Optimized mobile and desktop document reading with navigation, printing, linking.
 - **GeoZone**: Esri-based GIS map application designed for planning and zoning queries, analyses, and display including, but not limited to:
 - *District Summary*: GIS display of applicable land uses and height, area and bulk standards for a zoning district or user-defined area.
 - *GeoComment*: Facilitate input, gauge sentiment or generate support for projects, plans and other initiatives.
 - *Land-Use Lookup*: GIS map of districts where specific land uses are permitted by-right or by condition or special exception.
 - *Mail Merge*: Send targeted alerts to property owners within a user-defined area.
 - *Parcel Summary*: Instant access to parcel details like ownership, land and building value and district standards.
 - *Smart Web URLs*: Automatically links zoning districts and parcels dynamically to reflect real-time updates on the interactive map.
 - **Land-Use Lookup**: Use query tool to identify the district(s) for which specific land uses are permitted by-right or by condition or special exception.
 - **Site Navigator**: Organizes plans, ordinances and other document types into understandable sections and categories. Also referred to as Plan Navigator and Zoning Navigator.
 - **SmartSearch**: Search wizard to report parcel attribute data, land use and zoning information for any parcel or address and by zoning district or land use.
 - **Subject Indexing**: Alphabetical list of words, terms and subjects mentioned in the text and indicating where in the document they are referred to.

5.2. Ordinance Modules. The zoning (or unified development) ordinance would be drafted and delivered for review and discussion in two modules.

- Review the current text to determine provisions that may be carried through as-is along with

those warranting modified or new text, tables or graphics to clearly articulate the regulations and standards.

- Perform research of related provisions in the Code of Ordinances to identify needed cross-referencing or provisions that warrant amendment or repeal and replacement.
- Review the newly drafted regulations for consistency with applicable statutes.
- Build tables and matrices to organize and improve the readability of standards and embed graphics to illustrate the application of the regulations.
- Prepare applicable definitions and acronyms.

Meeting(s): See Task 2

Deliverable(s): Two modules

5.3. Zoning Map Amendments. Any changes to existing or new zoning districts will want an update to the Official Zoning Map.

- Review the GIS map files acquired from the City to verify their currentness, accuracy and consistency with the Montgomery County Central Appraisal District. On an Additional Services basis, KKC can create an ArcGIS Online GIS Map, which may be integrated with the online ordinance.
- Provide updates to the district boundaries of any zone change ordinances adopted but not yet implemented on the map.
- Make notation of the district boundaries that will remain the same albeit a change in the nomenclature.
- Track changes of existing district boundaries where adjusted to accommodate new zoning districts.
- Prepare and deliver a draft revised zoning map for staff review.
- Seek approval of the zoning map subsequent to adoption of the ordinance.

Meeting(s): Staff meeting to review draft zoning map

Deliverable(s): Draft and final zoning map

5.4. STT teleconference *Presentations and Facilitated Discussions.* Meetings to review, discuss, and identify warranted changes are expected to include the following for each module:

- STT teleconference at the midpoint in drafting each module to discuss regulatory strategies, the relationships to existing standards and procedures, and other administrative matters.
- Attend an open-door public meeting to present and discuss each module with persons seeking information, answers to questions, or to provide their input.
- Meet with the Advisory Committee to:
 - Work through individual regulatory issues and possible solutions; and,
 - Present and discuss each module and the recommended edits or adjustments.
- Provide a midpoint briefing to the City Council to present a project status report covering the work completed to date, key issues and consensus points, and approval for the continuing direction of the project.

Meeting(s): STT teleconferences
 Open door public meetings (2)
 Advisory Committee meetings (2)
 City Council mid-point briefing (1)

Deliverable(s): PowerPoint presentations

5.5. Graphics and Illustrations. The ordinance would be illustrated to visually communicate and convey the meaning and application of certain terms and standards. All graphics would be uploaded to the cloud library, organized by chapter and section, and placed in the online document.

- Generate custom graphics, where needed, to illustrate the application of standards.
- Modify “stock” graphics for common provisions, e.g., measurements, lot and building dimensions, and definitions.
- Organize all graphics in a library file tree format for storing in the enCodePlus cloud platform.
- Link each graphic to the applicable section number and add a text label to meet Web Content Accessibility Guidelines (WCAG 2.0).



Our in-house modelers and illustrators produce graphics to help interpret the regulations.

Meeting(s): None for this task

Deliverable(s): Ordinance graphics

5.6. Public Hearings. A public hearing will be held with the Planning and Zoning Commission and City Council, during which the public may be heard and may enter their comments into the record.

- Present the Public Review Draft to the Planning and Zoning Commission prior to a public hearing, at which time the Commission may recommend changes. Upon completion, present the proposed Ordinance to the City Council together with the Commission’s recommended changes.
- Present the Public Hearing Draft, including the amendments recommended by the Planning and Zoning Commission, before a public hearing of the City Council.
- Make changes and corrections to the draft ordinance as directed by the City Council and publish the final adopted version of the Zoning (or Unified Development) Ordinance.

Meeting(s): Planning and Zoning Commission Public Hearing (1)
 City Council Public Hearing (add-alternate)

Deliverable(s): Public Hearing Draft (prior to Planning and Zoning Commission)
 Final adopted Ordinance (published online)
 PowerPoint presentation

Task 6. Implementation Assistance - OPTIONAL

6.1. Start-Up Period Assistance. KKC would provide gentle assistance to City staff during the first months following adoption of the Ordinance. The time associated with this task and any encumbered direct expenses may be on an hourly basis or determined through scope and budget amendments. This assistance may include:

- Cursory (or greater) review of select development applications;
- Participation via video-conferences with City staff to express our comments on reviewed applications and to respond to staff questions;
- Provision of verbal or written interpretations for application of the regulations to specific developments;
- Interactions with City staff and upon request, virtual meetings with applicants and the Planning and Zoning Commission and City Council; and
- Observe and advise on the City's administrative procedures.

Meetings: Video-conference(s)
 Interdepartmental project review meeting(s)
 Application meetings
 Commission and Council meetings

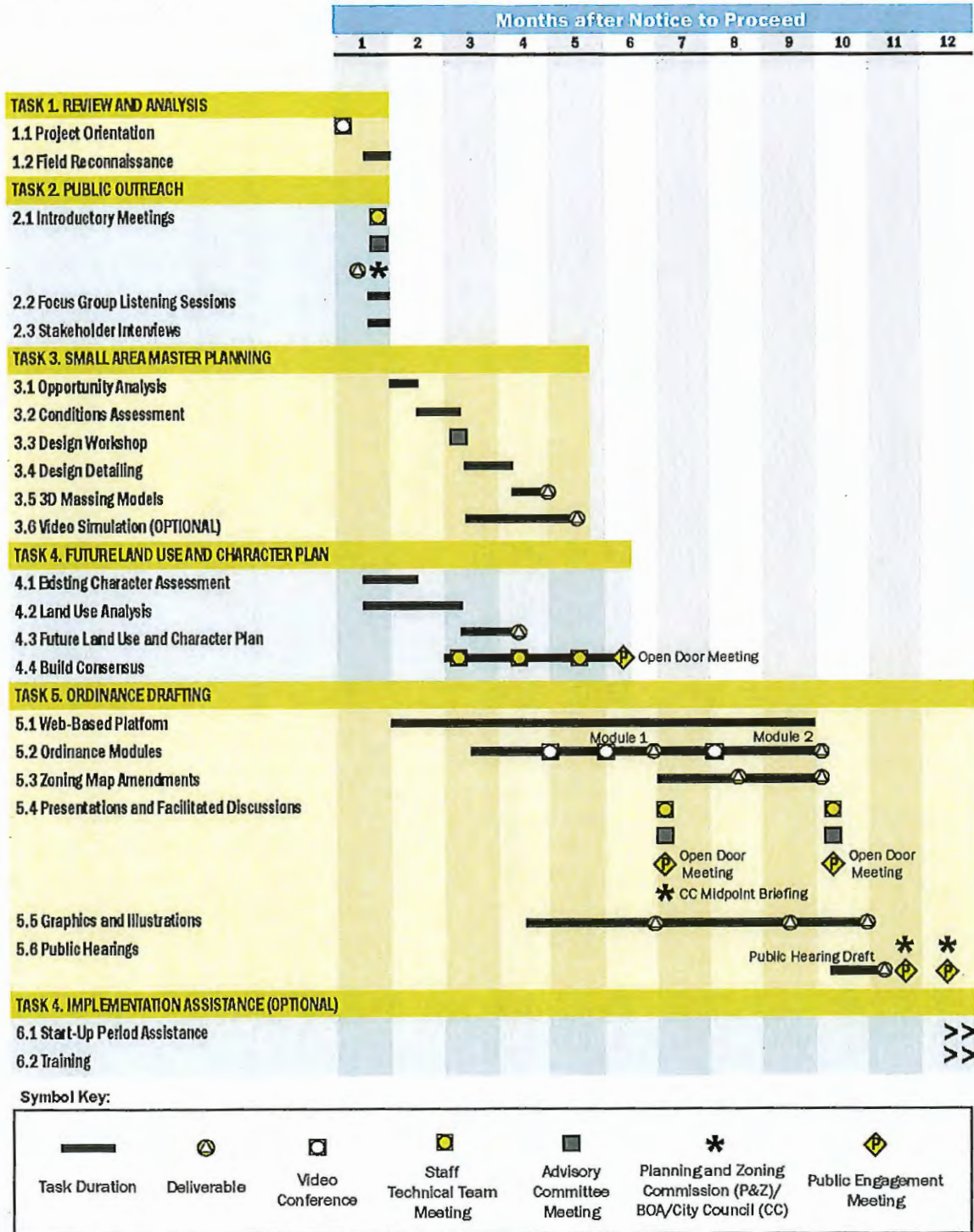
Deliverables: To be determined

6.2. Training. Formal training would supplement the informal interactions that would have transpired across the months of developing the zoning ordinance. Training would be customized for back-office functions including application intake, distribution, departmental review and comment, and reporting and applicant coordination, together with facilitated training sessions with the Planning and Zoning Commission and City Council. Time associated with this task would be on an hourly rate basis as the needs and level of effort vary widely. To prepare for such training, KKC would undertake some or all of the following tasks:

- Interview those responsible for application intake and front counter interactions to identify standard practices and discuss means to improve effectiveness and efficiencies.
- Observe inter- and intra-departmental review functions and meetings and issue a technical memorandum with recommended improvements.
- Review inter-departmental documentation, written correspondence with applicants, and reports for Commission or Council consideration, and issue a technical memorandum noting best practices and recommended changes.
- Arrange mock meetings with the Commission and Council to review the materials provided, methods of case review and comment/question documentation, staff presentation, Commission /Council discussion, hearing procedures, and criteria and issuance of decisions.
- Provide layperson guides to the zoning ordinance, which could be assembled into a booklet upon adoption.

PROPOSED SCHEDULE

This schedule represents preliminary milestones in the Zoning Ordinance project scope, which would be fully developed before execution of the contract. Upon selection, KKC would work with City staff to develop a final detailed project schedule that ensures steady progress and prompt results while assuring adequate time for meaningful review and comment.





Montgomery City Council
AGENDA REPORT

Workshop Date: February 12, 2024	Budgeted Amount: \$0
Department: Administration	Prepared By: G. Palmer

Subject
Review and Discussion on an Ordinance to Regulate Development Progress in the City

Recommendation
Discuss Elements of the Ordinance and Decide on Moving Forward for Formal City Council Consideration

Discussion
Texas Local Government Code Chapter 245 allows the City to pass regulations that cause an individual permit to expire no less than two years from application, and an entire project to expire no less than five years from application, if no progress is made toward completion. Having this Ordinance in place promulgates policy, manages expectations, and protects the City from lingering projects from the past that may not fit with current/future development.

Approved By		
City Administrator	Gary Palmer	Date: February 5, 2024

ORDINANCE NO. 2024 - _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING CHAPTER 78 "SUBDIVISIONS" OF ARTICLE II "ADMINISTRATION" TO ADD "SECTION 78-29. – VESTED RIGHTS" TO THE CITY CODE OF ORDINANCES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERANCE CLAUSE AND TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 245 of the Texas Local Government Code applies to the issuance of local permits; and

WHEREAS, Texas Local Government Code Section 245.002(e) prescribed how a regulatory agency may provide for the expiration of permit applications under certain circumstances; and

WHEREAS, Texas Local Government Code Section 245.002(e) prescribed how a regulatory agency may require compliance with technical requirements relating to the form and content of an application in effect at the time the application was filed; and

WHEREAS, Texas Local Government Code Section 245.005 authorizes regulatory agencies to enact an expiration date on a permit and a dormancy date to a project, subject to certain conditions; and

WHEREAS, the City Council of the City of Montgomery, Texas, deems the adoption of this Ordinance is in the interest of public health, safety, and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, THAT:

SECTION 1. The City Council adopts the findings and recitals above as true and correct.

SECTION 2. Article II "Administration" of Chapter 78 "Subdivisions" is hereby amended to add "Sec. 78-29. - Vested Rights." and to read as follows:

"Sec. 78-29. – Vested Rights.

(a.) *Recognition.*

(1) Law. Under state law, each application for permit or plat approval shall be processed pursuant to the regulations in effect at the time of the application unless the applicant has applied for and obtained a letter of recognition of vested rights for the permit or project for which the permit is sought.

(2) Purpose. The purpose of a vested rights recognition application is to determine the regulations by which an application for approval of a permit or plat is to be processed.

(3) Definitions. The following terms shall have the meanings hereinafter ascribed to them:

Chapter 245. Chapter 245 of the Texas Local Government Code, as may be amended.

Permit. Has the meaning set forth in Texas Local Government Code chapter 245, as may be amended.

Progress. Has the meaning set forth in Texas Local Government Code chapter 245, as may be amended.

Project. Has the meaning set forth in Texas Local Government Code chapter 245, as may be amended.

Vested right. The right of a person to develop a project that complies only with ordinances and other development regulations in effect on the date a plan for development or the first application for the project was filed with the City.

(4) Applicability. An owner of property, or the owner’s authorized agent, may submit an application for recognition of vested rights for the property:

- i. With an application for approval of a plat, zoning change, building permit or any other permit; or
- ii. To prevent expiration of a plat.

(5) Effect. If recognition of vested rights is issued in whole or in part, the city administrator or his/her designee shall issue a letter which shall specify the regulations which apply to an application and the application shall be processed in accordance with the regulations specified in the letter. If the application for recognition is to prevent expiration of an approved plat, the plat otherwise subject to expiration shall be extended as provided in the letter.

(6) Types of vested rights. A person may claim vested rights under common law, a federal or state statute, the state or federal constitution, or chapter 245. For vested rights claimed under chapter 245, the definition of “permit” in chapter 245 shall apply to applications submitted pursuant to this article.

(7) Exemptions. This article shall not apply to the types of ordinances or other governmental actions enumerated in Texas Local Government Code section 245.004 regardless of the effective date of the ordinance or the existence of vested rights for a project.

(8) Duration. This article and any letter of recognition issued hereunder shall not extend the time of validity for any permit or project. Any rights recognized by a letter issued pursuant to this article shall not extend beyond the expiration date prescribed by ordinance for the permit(s) submitted for recognition.

(b.) *Requirements for application.*

(1) Who may apply. A property owner or the owner's authorized agent may submit an application for recognition of vested rights with an application for approval of a plat or building permit, or at any time for a plat prior to its expiration date established by the subdivision ordinance.

(2) Fee. The applicant shall submit a completed application together with a permit application review fee in the amount of dollars (\$500) or such fee as subsequently determined by ordinance or resolution of the City Council, and three (3) copies of any documents on which the applicant is relying to establish vested rights.

(3) Form of application. The application shall state that the applicant has a vested right for some or all of the land for which the permit is sought under chapter 245 or another statute, or other state or federal law that requires the City to review and decide the application under regulations in effect prior to the effective date of the currently applicable regulations. The application shall include the following:

- i. The name, mailing address, phone number and fax number of the applicant;
- ii. The name, mailing address, phone number and fax number of the property owner, if different than the applicant;
- iii. Identification of the property for which the applicant claims a vested right, including a legal description of the exact boundaries of the property encompassed by the project;
- iv. A description of the project for which the application is submitted, how the project was commenced, and the date of commencement of the project;
- v. Layout of the site, including locations of buildings, streets, utilities and drainage facilities;
- vi. Identification of the original application for the first permit in the series of permits required for the project, as described in Local Government Code section 245.001(1) and section 245.002(a) and (b), as may be amended;
- vii. The date that the first permit in the series of permits required for the project was filed with the City;
- viii. Identification of the regulations which the applicant contends apply to the project and the specific parts of the project which are subject to vesting;
- ix. A copy of any prior recognition of vested rights by the City involving the same land; and
- x. If the applicant alleges that a plat subject to expiration under a City ordinance should not be terminated, a description of the events, including any plat or other development applications on file that should prevent termination.

(4) An application for recognition of vested rights shall not be considered to have been filed with the City until such time as the application is administratively complete. To be administratively complete, the application must meet the following requirements:

- i. Contain all materials and information required by this article; and
- ii. Be accompanied by a check payable to the City for the application review fee.

(5) No letter of recognition of vested rights shall be issued unless the applicant has demonstrated compliance with the following criteria, as applicable:

- i. For statutory vested rights:
 - A. The applicant filed an application for a permit as provided in Chapter 245 prior to adoption of the regulations against which vested rights are claimed; and
 - B. The regulations against which vested rights are claimed are not subject to an exemption as provided in Local Government Code section 245.004; and
 - C. The project has not become dormant as defined in Texas Local Government Code section 245.005; and/or
- ii. For recognition of vested rights under common law or the federal or state constitution, applicant is in compliance with any other factor which may be required to establish vested rights under the state or federal constitution.

(c.) Processing of application.

(1) Review and determination. The city administrator or his/her designee may require the submission of additional evidence relevant to support the applicant's claim for recognition. The City shall process the application and forward a copy of the application to the City attorney following acceptance. Upon review of the application and evidence, the city administrator or his/her designee shall make a determination as to whether the applicant is entitled, in whole or in part, to recognition of vested rights for a permit. If the evidence presented by the applicant establishes that the permit for which approval is sought is part of a project which is vested under chapter 245, the city administrator or his/her designee shall issue a letter of recognition of such rights. If the city administrator or his/her designee finds that the applicant is not entitled to recognition of vested rights, he shall notify the applicant of the basis for his findings.

(2) Substantial change. A substantial change to a project denies the City, and the public, of fair notice. Where the city administrator or his/her designee determines that the project for which the applicant seeks vested rights has undergone a substantial change since its inception, recognition of vested rights shall be denied.

Examples of substantial change include, but are not limited to, modifications of the following characteristics of a project:

- i. Gross surface area or acreage;
- ii. Gross floor area;
- iii. Gross number of buildings;
- iv. Density;
- v. Living unit equivalents;
- vi. Land use classification;
- vii. Impervious cover;
- viii. Drainage pattern or volumes;
- ix. Street layouts;
- x. Additional curb cuts or driveways; or
- xi. Orientation of buildings.

(d.) *Appeal.*

(1) Who may appeal. The applicant may appeal the decision on the application for vested rights determination to the City Council. An appeal under this section stays acceptance by filing of any related development applications.

(2) Process. The application for appeal shall be made in writing to the City secretary and shall state the basis for requesting the appeal. The appeal shall be made within ten (10) days of the date of the letter. The City secretary shall schedule a hearing before the City Council within thirty (30) days of the date the appeal is submitted.

(3) Appeal of council decision. A person dissatisfied with the decision of the City Council may appeal the decision to a court within the county in which the property is located. The person shall file the appeal with the court within thirty (30) days of the decision of the City Council. If no appeal is filed, the decision of the City Council shall be final.

(e.) *Expirations.*

(1) A permit issued by the City that is subject to chapter 245, but does not expressly contain an expiration date, shall expire by operation of law two years after issuance. This subsection shall not apply to permits pursuant to which progress has been made toward the completion of the project, as determined by Local Government Code section 245.005(c), as may be amended.

(2) A project subject to chapter 245 shall expire by operation of law five years after an application was filed for the first permit necessary for the project. This subsection shall not apply to permits for which progress has been made toward the completion of the project.

Secs. 78-30 – 78-60. - Reserved."

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect any of the remaining provisions of this Ordinance.

SECTION 4. All other ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this Ordinance on all ordinances or sections of the City Code not specifically amended or repealed shall remain in full force and effect.

SECTION 5. It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, of the Texas Government Code.

SECTION 6. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED AND APPROVED by the City Council of the City of Montgomery, Texas on the ___ day of _____, 2024.

CITY OF MONTGOMERY, TEXAS

Byron Sanford, Mayor

ATTEST:

Nicola Browe, City Secretary

APPROVED AS TO FORM:

Alan P. Petrov, City Attorney

LOCAL GOVERNMENT CODE

TITLE 7. REGULATION OF LAND USE, STRUCTURES, BUSINESSES, AND RELATED
ACTIVITIESSUBTITLE C. REGULATORY AUTHORITY APPLYING TO MORE THAN ONE TYPE OF LOCAL
GOVERNMENT

CHAPTER 245. ISSUANCE OF LOCAL PERMITS

Sec. 245.001. DEFINITIONS. In this chapter:

(1) "Permit" means a license, certificate, approval, registration, consent, permit, contract or other agreement for construction related to, or provision of, service from a water or wastewater utility owned, operated, or controlled by a regulatory agency, or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought.

(2) "Political subdivision" means a political subdivision of the state, including a county, a school district, or a municipality.

(3) "Project" means an endeavor over which a regulatory agency exerts its jurisdiction and for which one or more permits are required to initiate, continue, or complete the endeavor.

(4) "Regulatory agency" means the governing body of, or a bureau, department, division, board, commission, or other agency of, a political subdivision acting in its capacity of processing, approving, or issuing a permit.

Added by Acts 1999, 76th Leg., ch. 73, Sec. 2, eff. May 11, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 6 (S.B. 848), Sec. 1, eff. April 27, 2005.

Sec. 245.002. UNIFORMITY OF REQUIREMENTS. (a) Each regulatory agency shall consider the approval, disapproval, or conditional approval of an application for a permit solely on the basis of any orders, regulations, ordinances, rules, expiration dates, or other properly adopted requirements in effect at the time:

(1) the original application for the permit is filed for review for any purpose, including review for administrative completeness; or

(2) a plan for development of real property or plat application is filed with a regulatory agency.

(a-1) Rights to which a permit applicant is entitled under this chapter accrue on the filing of an original application or plan for development or plat application that gives the regulatory agency fair notice of the project and the nature of the permit sought. An application or plan is considered filed on the date the applicant delivers the application or plan to the regulatory agency or deposits the application or plan with the United States Postal Service by certified mail addressed to the regulatory agency. A certified mail receipt obtained by the applicant at the time of deposit is prima facie evidence of the date the application or plan was deposited with the United States Postal Service.

(b) If a series of permits is required for a project, the orders, regulations, ordinances, rules, expiration dates, or other properly adopted requirements in effect at the time the original application for the first permit in that series is filed shall be the sole basis for consideration of all subsequent permits required for the completion of the project. All permits required for the project are considered to be a single series of permits. Preliminary plans and related subdivision plats, site plans, and all other development permits for land covered by the preliminary plans or subdivision plats are considered collectively to be one series of permits for a project.

(c) After an application for a project is filed, a regulatory agency may not shorten the duration of any permit required for the project.

(d) Notwithstanding any provision of this chapter to the contrary, a permit holder may take advantage of recorded subdivision plat notes, recorded restrictive covenants required by a regulatory agency, or a change to the laws, rules, regulations, or ordinances of a regulatory agency that enhance or protect the project, including changes that lengthen the effective life of the permit after the date the application for the permit was made, without forfeiting any rights under this chapter.

(e) A regulatory agency may provide that a permit application expires on or after the 45th day after the date the application is filed if:

(1) the applicant fails to provide documents or other information necessary to comply with the agency's technical requirements relating to the form and content of the permit application;

(2) the agency provides to the applicant not later than the 10th business day after the date the application is filed written notice of the failure that specifies the necessary documents or other information and the

date the application will expire if the documents or other information is not provided; and

(3) the applicant fails to provide the specified documents or other information within the time provided in the notice.

(f) This chapter does not prohibit a regulatory agency from requiring compliance with technical requirements relating to the form and content of an application in effect at the time the application was filed even though the application is filed after the date an applicant accrues rights under Subsection (a-1).

(g) Notwithstanding Section 245.003, the change in law made to Subsection (a) and the addition of Subsections (a-1), (e), and (f) by S.B. No. 848, Acts of the 79th Legislature, Regular Session, 2005, apply only to a project commenced on or after the effective date of that Act.

Added by Acts 1999, 76th Leg., ch. 73, Sec. 2, eff. May 11, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 6 (S.B. 848), Sec. 2, eff. April 27, 2005.

Sec. 245.003. APPLICABILITY OF CHAPTER. This chapter applies only to a project in progress on or commenced after September 1, 1997. For purposes of this chapter a project was in progress on September 1, 1997, if:

(1) before September 1, 1997:

(A) a regulatory agency approved or issued one or more permits for the project; or

(B) an application for a permit for the project was filed with a regulatory agency; and

(2) on or after September 1, 1997, a regulatory agency enacts, enforces, or otherwise imposes:

(A) an order, regulation, ordinance, or rule that in effect retroactively changes the duration of a permit for the project;

(B) a deadline for obtaining a permit required to continue or complete the project that was not enforced or did not apply to the project before September 1, 1997; or

(C) any requirement for the project that was not applicable to or enforced on the project before September 1, 1997.

Added by Acts 1999, 76th Leg., ch. 73, Sec. 2, eff. May 11, 1999.

Sec. 245.004. EXEMPTIONS. This chapter does not apply to:

(1) a permit that is at least two years old, is issued for the construction of a building or structure intended for human occupancy or habitation, and is issued under laws, ordinances, procedures, rules, or regulations adopting only:

(A) uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; or

(B) local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons;

(2) municipal zoning regulations that do not affect landscaping or tree preservation, open space or park dedication, property classification, lot size, lot dimensions, lot coverage, or building size or that do not change development permitted by a restrictive covenant required by a municipality;

(3) regulations that specifically control only the use of land in a municipality that does not have zoning and that do not affect landscaping or tree preservation, open space or park dedication, lot size, lot dimensions, lot coverage, or building size;

(4) regulations for sexually oriented businesses;

(5) municipal or county ordinances, rules, regulations, or other requirements affecting colonias;

(6) fees imposed in conjunction with development permits;

(7) regulations for annexation that do not affect landscaping or tree preservation or open space or park dedication;

(8) regulations for utility connections;

(9) regulations to prevent imminent destruction of property or injury to persons from flooding that are effective only within a flood plain established by a federal flood control program and enacted to prevent the flooding of buildings intended for public occupancy;

(10) construction standards for public works located on public lands or easements; or

(11) regulations to prevent the imminent destruction of property or injury to persons if the regulations do not:

(A) affect landscaping or tree preservation, open space or park dedication, lot size, lot dimensions, lot coverage, building size, residential or commercial density, or the timing of a project; or

(B) change development permitted by a restrictive covenant required by a municipality.

Added by Acts 1999, 76th Leg., ch. 73, Sec. 2, eff. May 11, 1999. Amended by Acts 2003, 78th Leg., ch. 646, Sec. 1.

Amended by:

Acts 2005, 79th Leg., Ch. 31 (S.B. 574), Sec. 1, eff. September 1, 2005.

Sec. 245.005. DORMANT PROJECTS. (a) After the first anniversary of the effective date of this chapter, a regulatory agency may enact an ordinance, rule, or regulation that places an expiration date on a permit if as of the first anniversary of the effective date of this chapter: (i) the permit does not have an expiration date; and (ii) no progress has been made towards completion of the project. Any ordinance, rule, or regulation enacted pursuant to this subsection shall place an expiration date of no earlier than the fifth anniversary of the effective date of this chapter.

(b) A regulatory agency may enact an ordinance, rule, or regulation that places an expiration date of not less than two years on an individual permit if no progress has been made towards completion of the project. Notwithstanding any other provision of this chapter, any ordinance, rule, or regulation enacted pursuant to this section shall place an expiration date on a project of no earlier than the fifth anniversary of the date the first permit application was filed for the project if no progress has been made towards completion of the project. Nothing in this subsection shall be deemed to affect the timing of a permit issued solely under the authority of Chapter 366, Health and Safety Code, by the Texas Commission on Environmental Quality or its authorized agent.

(c) Progress towards completion of the project shall include any one of the following:

- (1) an application for a final plat or plan is submitted to a regulatory agency;
- (2) a good-faith attempt is made to file with a regulatory agency an application for a permit necessary to begin or continue towards completion of the project;
- (3) costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;
- (4) fiscal security is posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency; or
- (5) utility connection fees or impact fees for the project have been paid to a regulatory agency.

Added by Acts 1999, 76th Leg., ch. 73, Sec. 2, eff. May 11, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 31 (S.B. 574), Sec. 1, eff. September 1, 2005.

Sec. 245.006. ENFORCEMENT OF CHAPTER. (a) This chapter may be enforced only through mandamus or declaratory or injunctive relief.

(b) A political subdivision's immunity from suit is waived in regard to an action under this chapter.

(c) A court may award court costs and reasonable and necessary attorney's fees to the prevailing party in an action under this chapter.

Added by Acts 1999, 76th Leg., ch. 73, Sec. 2, eff. May 11, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 31 (S.B. 574), Sec. 1, eff. September 1, 2005.

Acts 2017, 85th Leg., R.S., Ch. 264 (H.B. 1704), Sec. 1, eff. May 29, 2017.

Sec. 245.007. CONSTRUCTION AND RENOVATION WORK ON COUNTY-OWNED BUILDINGS AND FACILITIES IN CERTAIN COUNTIES. (a) This section applies only to a building or facility that is owned by a county with a population of 3.3 million or more and is located within the boundaries of another political subdivision.

(b) A political subdivision may not require a county to notify the political subdivision or obtain a building permit for any new construction or any renovation of a building or facility owned by the county if the construction or renovation work is supervised and inspected by an engineer or architect licensed in this state.

(c) This section does not exempt a county from complying with the building standards of the political subdivision during the construction or renovation of the building or facility.

Added by Acts 2005, 79th Leg., Ch. 532 (H.B. 960), Sec. 1, eff. June 17, 2005.