SUBDIVISION ORDINANCE

CONCEPT PLAN

PRELIMINARY PLAT

CONSTRUCTION PLANS

FINAL PLAT

★

AMENDED FINAL PLAT

★

SHORT FORM FINAL PLAT

City of Leander

Updated 02/19/2015
Adopted 04/05/2007

ORDINANCE NO. 07-019-00

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING ORDINANCE 00025-00, AS AMENDED, IN ITS ENTIRETY; PROVIDING COMPREHENSIVE REGULATIONS, DEVELOPMENT AND CONSTRUCTION STANDARDS FOR THE SUBDIVISION OF LAND WITHIN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION; PROVIDING SEVERABILITY, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; PROVIDING PENALTIES; AND PROVIDING FOR RELATED MATTERS.

Whereas, the ordinances of the City regulating the development and subdivision of land within the City and its extraterritorial jurisdiction should be amended to better provide an attractive living environment and to protect the health, safety and welfare of the present and future residents of the City; and

Whereas, it is reasonable and necessary for the public health, safety, and welfare to provide for the development of park land and open space in the City when developments cause increased density within the City and its extraterritorial jurisdiction;

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

Section 1. Findings. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Subdivision Regulations Adopted. The City Council hereby adopts comprehensive regulations and standards for the platting of property and the development of subdivisions within the City and its extraterritorial jurisdiction to read as set forth in Exhibit "A" attached hereto entitled "Subdivision Ordinance", and incorporated in this ordinance as though fully transcribed herein for all purposes.

Section 3. Amendment of Ordinances. The Council hereby amends Ordinance Number 00-25-00 and each amending ordinance thereto, in their entirety; provided that such ordinances shall remain in force and effect as herein provided with respect to plats submitted prior to the effective date of this ordinance.

Section 4. Savings Clause. All rights and remedies of the City of Leander are expressly saved as to any and all violations of the provisions of any ordinances affecting platting and subdivision of property within the City and its extraterritorial jurisdiction which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may he prosecuted until final disposition by the courts.

Section 5. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 6. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting **at** which this ordinance is passed 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.

PASSED AND APPROVED on this the 5th day of April, 2007.

The City of Leander, Texas

John D. Cowman, Mayor

ATTEST:

Debbie Haile, City Secretary

Exhibit "A"

SUBDIVISION ORDINANCE

TABLE OF CONTENTS

	Page
ARTICLE I. GENERAL	**1**
Section 1. Definitions	1
Section 2. Purpose	8
Section 3. Authority	10
Section 4. Jurisdiction	11
Section 5. Policy	11
Section 6. Application.	12
Section 7. Exemptions	12
Section 8. Enforcement of Regulations	13
Sections 9. through 19. Reserved	14
ARTICLE II. PROCEDURE	**15**
Section 20. General Procedure	15
Section 21. Concept Plan	15
Section 22. Preliminary Plat	19
Section 23. Construction Plans	26
Section 24. Final Plat	32
Section 25. Amended Final Plat	39
Section 26. Short Form Final Plat	41
Section 27. Vacation of Undeveloped Subdivision	42
Section 28. Assurances for Completion of Improvements	43
Sections 29. through 39. Reserved	47
ARTICLE III. DESIGN STANDARDS FOR IMPROVEMENTS	**48**
Section 40. Generally	48
Section 41. Drainage Improvements	49
Section 42. Transportation Improvements	51
Section 43. Water Utility Improvements	53
Section 44. Wastewater Utility Improvements	54
Section 45. Blocks and Lots	55
Section 46. Easements	59
Section 47. Utility Lines	59
Section 48. Temporary Storage of Fill Material	60
Section 49. Riparian corridors	60
Section 50. Tree Preservation	61
Sections 51 through 59. Reserved	61
ARTICLE IV. IMPROVEMENTS	**62**
Section 60. General	62
Section 61. Park Land Dedication and Park Improvements	63
Sections 62. through 69. Reserved	69
ARTICLE V. ADMINISTRATION	**71**
Section 70. General	71
Section 71. Voluntary Annexation	72
Section 72. Variances	72
Section 73. Conditions for Issuing a Building Permit	73
Section 74. Fees	74
Section 75. Amendments	74
Section 76. Violations	74

Section 77. Enforcement _____ 74

ARTICLE I. GENERAL

SECTION 1. DEFINITIONS

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words, terms, and phrases that appear in this Ordinance and that are defined in the Composite Zoning Ordinance shall have the meanings ascribed to them in the Composite Zoning Ordinance, except where the context clearly indicates a different meaning. Words that are defined both in this Ordinance and the Composite Zoning Ordinance shall have the meaning ascribed to them in this Ordinance. Words used in the present tense include the future tense. Words used in the plural number include the singular, and words in the singular include the plural. The word "shall" is always mandatory. The word "herein" means in this Ordinance. The word "regulations" means the provisions of any applicable ordinance, rule, regulation or policy. The word “person" means any human being or legal entity and includes a corporation, a partnership, and an incorporated or unincorporated association. The words “used or occupied” as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

Access means a way of approaching or entering a property.

Adjacent means abutting and directly connected to or bordering.

Alley means a minor right-of-way, dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Applicant means a person applying for plan or plat approval under this Ordinance.

Approval means the final approval in a series of required actions. For instance, the approval date of an application requiring approval of the Commission and then the Council is the date of Council approval.

Arterial Street means a street designed to provide connections between municipalities or major highways. Such street may also be referred to a as a “major arterial street” or “major arterial roadway” in other sections of the Code of Ordinances.

As-Built-Plans means a set of certified construction plans specifying how the public improvements required for the subdivision were actually constructed.

Attendant Documents means either materials needed to address the specific requirements of this ordinance which are not shown on plats or plans, or any information which the applicant feels necessary to explain the submittal.

Block means a parcel of land, intended to be used for development purposes, which is entirely surrounded by public streets, highways, railroad right-of-way, public walks, parks or green strips, significant waterways, existing fully developed land or platted land not providing for street connections, or a combination thereof and as determined by the Director of Planning.

Block Perimeter Length means the additive length of the right-of-way lines or features that form the outside perimeter of the block. For purposes of making this measurement, the length of cul-de-sacs shall not be included in the perimeter calculation. A single block may continue through multiple subdivisions.

Bond means any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Council.

Building Setback Line means a line or lines designating the limit of the area of a lot where structures may be erected. The building lines generally provide the boundaries of the permissible building footprint on any given lot and no structure or building shall be erected between a building setback line and the corresponding lot line.

Building Permit means a permit issued by the City of Leander which is required prior to commencing construction, "finish-out", or reconstruction or modification of a structure.

Buffering technique means a barrier constructed of wood, masonry, vegetation, and/or other landscape material in such a manner that adjacent uses will be separated to such a degree that objectionable noise, heat, glare, visual clutter, dust, loss of privacy, air circulation, and other negative externalities shall be abated.

Caliper means the trunk diameter of a tree at four (4) feet above natural grade.

City means the City of Leander, Texas.

City Council or Council means the Leander City Council.

City Engineer means the City Engineer for the City or his/her designated representative.

City Limits means within the incorporated boundaries of the City.

City Manager means the chief administrative officer of the City of Leander, Texas or his/her designated representative.

City Staff means the officers, employees and agents of the City assigned and designated from time to time by the City Manager and/or Council to review and/or comment and report on development plans.

City Standard Details and Specifications means a library of City approved drawings and technical data representing typical drainage, transportation, erosion & sedimentation control, and utility appurtenances to be constructed for City acceptance.

Collector Street means a street which collects traffic from local streets and serves as the most direct route to an arterial street and meeting the standards of the Transportation Criteria Manual.

Commission means the Planning and Zoning Commission of the City of Leander.

Concept Plan means a generalized plan that meets the requirements of this Ordinance and that indicates the boundaries of a tract or tracts under common ownership, identifies the purpose of the proposed development and the proposed land use, general lot or parcel layout,

community use or public areas, and street alignments.
Construction Plans means the maps, drawings, plans and specifications indicating the proposed location and design of improvements to be installed as subdivision improvements.

Contiguous means adjacent property whose property lines are shared or are separated by only a street, alley, easement or right-of-way.

Council means the City Council of the City of Leander.

Corner Lot means a lot located at the intersection of and abutting on two (2) or more streets.

County means, with respect to land located in Williamson County, Williamson County, Texas; and, with respect to land located within Travis County, Travis County.

County Appraisal District means, with respect to land located in Williamson County, the Williamson County Appraisal District; and, with respect to land located within Travis County, the Travis County Appraisal District.

Cul-de-Sac means a minor street having one (1) end open to vehicular traffic and having one (1) closed end terminated by a permanent turnaround. The turnaround constitutes an intersection for the purpose of roadway design.

Dedication means the grant of an interest in property for public use.

Design Storm means a probable rainfall event the frequency of which is specified in periods of years and which is used to design drainage facilities and determine flood elevations.

Developer means the legal owner of land to be improved and/or subdivided or his/her/her authorized representative.

Development means a subdivision of land as defined herein or the construction or placement of any buildings, utilities, access, roads or other structures, excavation, mining, dredging, grading, filling, clearing or removing vegetation, and the deposit of refuse, waste or fill. Lawn and yard care, including mowing of tall weeds and grass, gardening, tree care and maintenance, removal of trees or other vegetation damaged by natural forces, and ranching and farming shall not constitute development. Utility, drainage, and street repair, and any construction maintenance and installation which does not require land disturbance or result in additional impervious cover shall also not constitute development.

Development Density means the number of dwelling units per acre.

Development Plan means a scaled drawing representing an area of land to be improved/developed and indicating the legal boundary of said property and the nature and extent of all existing and proposed improvements to said project.

Drainageway see Waterway.

Driveway means any vehicular driving surface connecting a drive approach.

Drainfield means private sewage facility disposal area, trench or bed utilized for final

wastewater disposal.

Driveway Approach means a paved surface connecting the street to a front lot line.

Dwelling Unit means a residential unit designed to accommodate one (1) household.

Easement means a grant by the property owner of the use of a strip of land for stated purposes.

Environment means the aggregate of social and physical conditions that influence the life of the individual and/or community.

Exceptional Topographic Conditions means any topographic area that may require roadways designed to Alternative Geometric Design Criteria, as defined in the Transportation Criteria Manual, including roadways with grades in excess of 8% and roadways intersecting with a point of vertical intersection with an algebraic difference in grade greater than 8% (see Art II. Section 21 (14)).

ETJ Limits means the limits of the City's extra-territorial jurisdiction as granted under Chapter 43, Local Government Code.

Filing Date means, with respect to plats and plans, the date that plans or plats are determined to be complete and are accepted for review by the City, or five business days after submission of the plans or plats to the City, whichever comes first.

Final Plat means a map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, alleys, public areas and other dimensions of land.

Fire Chief means the Fire Chief for the City or his/her designated representative.

Flood Plain means channel of a waterway and the adjacent land area subject to inundation during the design storm.

Frontage means the width of a lot or parcel abutting a public right-of-way measured at the property line.

Grade means the slope of a road, street, other public way or utility line specified in terms of percent (%); the topographic relief of a parcel of land; the average elevation at ground level of the buildable area of a lot or parcel of land.

Grading means any stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition.

Heritage Tree means a living tree that the City desires to preserve to the greatest extent possible. They are those trees identified in the preferred plant list maintained by the Planning Department or the Grow Green Guide that are greater than twenty-six (26) caliper inches. They do not include hackberry, mountain juniper, ash juniper, bois d'arc, cottonwood, chinaberry or sycamore or any other invasive species listed in the Grow Green Guide, except for an unusually large or significant specimen.

Impervious Cover means roads, parking areas, buildings, swimming pools, rooftop landscapes and other construction limiting the absorption of water by covering the natural land surface; this shall include, but not be limited to, all streets and pavement within the development.

Improvements means any street, alley, roadway, barricade, sidewalk, bikeway, pedestrian way, water line system, wastewater system, storm drainage network, public park land, landscaping, or other facility or portion thereof for which the local government may ultimately assume responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established.

Individual On-Site Wastewater System or Private Sewage Facility means all systems and methods used for the treatment of sewage, other than organized sewage treatment systems. Private sewage facilities are usually composed of the generating unit (the residence, institution, etc.), treatment unit, and the disposal unit (the drainfield that may be an absorption trench or bed, or an evapo-transpiration bed). A Private Sewage Facility includes a septic tank, seepage tile sewage treatment system or any other on-lot sewage treatment device approved and installed in accordance with all local, state and federal laws and regulations.

Interior Lot means a lot other than a corner lot.

Legal Lot means either a lot recorded in the official county plat records pursuant to and approved in compliance with public subdivision regulations in effect at the time of its creation, by a governmental entity which has, or entities which have, subdivision approval authority as enabled by the State of Texas; or a lot which is part of a subdivision recorded at the county having existed in its present configuration prior to a subdivision ordinance being in affect, or otherwise being exempt from such regulations. The City of Leander Subdivision Ordinance was in affect on 4-24-78. The Williamson County Subdivision Ordinance was in effect on 2-21-85. The Travis County Subdivision Ordinance was in effect on 9-1-83.

Legally Platted Lot a lot which is part of a subdivision approved by a governmental entity which has, or entities which have, subdivision approval authority as enabled by the State of Texas, and recorded in the official county plat records.

Letter of Credit means a letter from a bank or other reputable creditor acceptable to the City that guarantees to the City that upon failure of the subdivider to fulfill any improvement requirements that at the City's request, funds will be provided to the City to complete the specified improvements.

Local Street means a minor street designed for the sole purpose of providing access.

Lot means a subdivision of a block or other parcel intended as a unit for transfer of ownership, or for development, or for occupancy and/or use.

Master Plan means the overall development plan for the community which has been officially adopted to provide long-range development policies including all specified individual elements thereof among which are the plans for means land intensities; land subdivision; circulation; and community facilities, utilities and services.

Minor Street means a local street designed primarily for access to abutting residential properties. A minor street does not include a street designed for through traffic.

Multi-Family Development means the development of three or more residential dwellings units (attached or detached) on a single lot, tract or parcel of land.

Neighborhood means the area of the City characterized by residential land uses which is bounded by physical (such as river, major street, lack of access) and/or political features (such as voting districts, subdivision boundaries).

Neighborhood Park means a privately owned parcel of land, within a subdivision, dedicated solely for recreational uses and maintained by the residents of said subdivision.

Official County Records means, with respect to land located in Williamson County, the Official Records of Williamson County, Texas; and, with respect to land located within Travis County, the Official Records of Travis County, Texas.

Off-Site Improvements means any required improvement, which lies outside of the property being developed.

One Hundred (100) Year Flood Plain means that flood which has a probability of occurring once in a one hundred (100) year period or a one percent (1%) chance in any given year.

Park Fund means a special fund established by the City to retain monies paid by developers in accordance with the payment in-lieu of park land dedication provisions of these regulations and to be used for the purchase of park land or improvements in the vicinity of the subdivided property for which funds have been collected.

Planned Unit Development (PUD) means a zoning district containing customized zoning rules adopted by the Council and in compliance with the Composite Zoning Ordinance.

Preliminary Plat means a map of a proposed land subdivision showing the character and proposed layout of the property in sufficient detail to indicate the suitability of the proposed subdivision of land.

Reciprocal access refers to connectivity between contiguous non-residential or multi-family properties to allow for the connection of or access to drive lanes, fire lanes, driveways, or parking lots between such properties.

Riparian Corridor means any defined stream channel including the area up to the ordinary high water (or bankfull-flow line), as well as all riparian (streamside) vegetation in contiguous adjacent uplands. Riparian Corridors also includes the Secondary Trail Corridors identified in the City of Leander Parks, Recreation & Open Space Master Plan.

Riparian Corridor Setback means a line or lines designating the minimum distance the closest wall of a structure is required to be from a Riparian Corridor. Building projections (e.g. eaves, awnings, window boxes, and porch overhangs) may extend up to two feet into the Riparian Corridor Setback.

Significant Tree means a living tree that the City desires to preserve to the greatest extent possible. They are those trees identified in the preferred plant list maintained by the Planning

Department or the Grow Green Guide. They do not include hackberry, mountain juniper, ash juniper, bois d'arc, cottonwood, chinaberry or sycamore, except for an unusually large or significant specimen or any other invasive species listed in the Grow Green Guide.

State Health Department means the Texas State Department of Health.
Street means any public or private right-of-way which affords the primary means of vehicular access to abutting property.

Street Line means that line limiting the right-of-way of the street and being identical with the property line of persons owning property fronting on the streets.

Subdivider means any person, developer, firm, partnership, corporation or other entity, acting as a unit subdividing or proposing to subdivide land as herein defined.

Subdivision means the division or re-division of land into two (2) or more lots, tracts, sites or parcels for the purpose of development, laying out any addition to the City, or for laying out any subdivision or building lots, or any lot, street, alley, access easement, public utility easement, park or other portion intended for use by the public, or for the use of any owner, purchaser, occupant, person or entity.

Traffic Impact Analysis (TIA) means a study of the impacts of a development on the City's transportation system conducted by a registered professional engineer.

Transportation Criteria Manual means the City of Austin Transportation Criteria Manual as adopted and amended by this Ordinance.

Tree means any self-supporting woody plant species which normally grows to an overall minimum height of fifteen (15) feet.

Tree Survey means a scaled drawing accurately showing the location, caliper and Critical Root Zone of Significant Trees in relation to the property boundaries.

Variance means a grant of relief to a person from the requirements of this Ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Ordinance.

Watershed means area from which stormwater drains into a given basin, river or creek.

Waterway means any natural or man-made channel conducting storm water from a two (2) year storm event at a depth of eight (8) inches or more and at a rate of fifteen (15) cubic feet per second or more. Street pavement shall in no instance be considered a waterway.
Working Days means Monday through Friday exclusive of City recognized holidays.

Yard means an open area between any required building setback line and the property line not subject to public right-of-way.

SECTION 2. PURPOSE

(a) The purpose of this ordinance is to provide for orderly, safe and healthful development to promote the health, safety and general welfare of the community. From and after the

passage of this Ordinance, all plats and subdivisions of land within the corporate limits of the City, and all plats and subdivisions of land outside the corporate limits of the City that the Council may be petitioned to include within the corporate limits of the City by an extension of said corporate limits, and all tracts within the City's extraterritorial jurisdiction, shall conform to the following rules and regulations.

(b) The system of improvements for thoroughfares, water and wastewater services, other utilities, drainage, public facilities and community amenities determine in large measure the quality of life enjoyed by the residents of the community. Health, safety, economy, amenities, environmental sensitivity and convenience are all factors which influence and determine a community's quality of life and character. A community's quality of life is of public interest. Consequently, the development of land, as it affects a community's quality of life, is an activity whose regulation is a valid function of municipal government.

(c) The provisions contained herein are designed and intended to encourage the development of a quality urban environment by establishing standards for the provision of parks, open space, storm water drainage, transportation, public utilities and facilities, and other needs necessary for insuring the creation and continuance of a healthy, attractive, safe and efficient community that provides for the conservation, enhancement and protection of its human and natural resources. Through the application of this Ordinance, the interests of the public as well as those public and private parties, both present and future, having interest in property affected by these regulations are protected by the granting of certain rights and privileges.

(d) This Ordinance is designed and intended to achieve the following purposes, and shall be administered so as to:
   (1) Assist orderly, efficient and coordinated development within the City's jurisdiction.
   (2) Provide neighborhood conservation and prevent the development of slums and blight.
   (3) Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts.
   (4) Provide that the cost of improvements to minimum standards which primarily benefit the tract of land being developed be borne by the owner or developers of the tract, and that the cost of improvements to minimum standards which primarily benefit the whole community be borne by the whole community.
   (5) Provide the best possible design for each tract being subdivided.
   (6) Provide the most attractive relationship between the land as developed and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the proposed development, and to provide for the proper location and width of streets and building lines.
   (7) Prevent pollution of the air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard both surface and groundwater supplies; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land.
   (8) Preserve the natural beauty and topography of the municipality and ensure appropriate development with regard to these natural features.
   (9) As appropriate, reconcile any differences of interest among the developer, other property owners and the City.
   (10) Establish adequate and accurate records of land subdivision.

(11) Ensure that public or private facilities are available and will have a sufficient capacity to serve proposed subdivisions and developments within the City's jurisdiction.
(12) Standardize the procedure and requirements for developing property and submitting plans for review and approval.
(13) Protect and provide for the public health, safety and general welfare of the community.
(14) Provide a healthy environment for the present and future citizens; an environment designed to reasonably secure safety from fire, flood and other dangers; and to provide that land be subdivided in a manner to attain such goals and benefits for the community.
(15) Protect the character and the social and economic stability of all parts of the community and encourage the orderly and beneficial development of all parts of the community.
(16) Protect and conserve the value of land throughout the community and the value of buildings and improvements upon the land.
(17) Guide public and private policy and action in providing adequate and efficient transportation systems, public utilities, and other public amenities and facilities.
(18) Encourage the development of a stable, prospering economic environment.
(19) To provide for parkland, open spaces and park facilities within neighborhoods.

(e) Certain minimum standards for land use, construction and development within the City limits are contained in the City's Composite Zoning Ordinance, applicable building and plumbing codes, City Standard Details and Specifications, and this Ordinance. Subdivision design within both the City and its extraterritorial jurisdiction should be of a quality to carry out the purpose and spirit of the policies expressed in the Master Plan and in this Ordinance.
(f) The tree preservation standards adopted herein are reasonable and necessary to preserve trees as an important public resource enhancing the quality of life and the general welfare of the city and enhancing its unique character and physical, historical and aesthetic environment; to encourage the preservation of trees for the enjoyment of future generations; to encourage the preservation of trees to provide health benefits by the cleansing and cooling of the air and contributing to psychological wellness; to encourage the preservation of trees to provide environmental elements by adding value to property, and reduction of energy costs through passive solar design utilizing trees; to encourage the preservation of trees to provide environmental elements necessary to reduce the amount of pollutants entering streams and to provide elements crucial to establishment of the local ecosystem; to provide tree preservation requirements and incentives to exceed those requirements that encourage the maximum preservation of trees; and to promote and protect the health, safety and welfare of the public by creating an urban environment that is aesthetically pleasing and that promotes economic development through an enhanced quality of life.

SECTION 3. AUTHORITY

(a) This ordinance is adopted pursuant to the police powers of general law cities, and under authority of the Constitution and general laws of the State of Texas, including, but not limited to, *Chapt. 212, Tex. Loc. Gov't. Code*.
(b) In accordance with the City's police powers and authority, and as specifically authorized by *Chapt. 212, Tex. Loc. Gov't. Code*, and other applicable laws, the Commission, as a condition of subdivision plat or replat approval, shall require the owners and developers of

land who desire to subdivide, plat or replat land within the City or its extraterritorial jurisdiction, to provide for building setback lines, to dedicate streets, alleys, parks, easements or other public places or facilities of adequate width and size and to coordinate street layouts and street planning with the City's Master Plan, with other municipalities, and with county, state and federally designated highways, as they may deem best in the interest of the general public, in order to provide for the orderly development of the areas and to secure adequate provision for traffic, light, air, recreation, transportation, water, drainage, sewage and other facilities.

SECTION 4. JURISDICTION

Except as specifically provided otherwise herein, this Ordinance shall apply to all subdivisions and all related land development activities, as they are both defined herein, and all land, any part of which is located within the jurisdiction of the City. The jurisdiction of the City shall be defined as follows:

(a) The corporate limits of the City of Leander, Texas; and

(b) The extraterritorial jurisdiction of the City of Leander, Texas; and

(c) Any additional area outside (1) and (2) above as permitted by law and which has been approved by the Council.

SECTION 5. POLICY

In order to carry out the purposes hereinabove stated, it is hereby declared to be the policy of the City to consider the subdivision and/or development of land as subject to the control of the municipality, pursuant to the Master Plan, and as adopted or amended from time to time, for the orderly, planned, efficient and economical development of the City and its jurisdiction. This Section shall be administered such that:

(a) Land to be subdivided and/or developed shall be of such nature, shape and location that with proper and careful design and development it can be safely used for building purposes without danger to health or risk of fire, flood, erosion, landslide or other menace to the general welfare.

(b) A Final Plat shall not be approved until the necessary public utilities and facilities and other required improvements are accepted by the City or arrangements are made for their provision, including the filing of fiscal guarantee in accordance with the standards provided herein.

(c) Buildings, lots, blocks and streets shall be arranged so as to provide for an attractive and healthful environment and to facilitate fire protection, and provide ample access to buildings for emergency equipment.

(d) Land shall be subdivided and developed with due regard to topography and existing vegetation with the object being that the natural beauty of the land shall be preserved to the maximum extent possible.

(e) Existing features which would add value to development or to the City as a whole, such as scenic and special features, both natural and man-made, historic sites, and similar assets shall be preserved in the design of the subdivision whenever possible.

SECTION 6. APPLICATION.

(a) The provisions of this Ordinance, including design standards and improvement requirements, shall, except as specifically provided otherwise in this Ordinance, apply to all subdivisions of land within the jurisdiction of the City, including but not limited to the following forms of land subdivision and development activity:

(1) The division of land into two (2) or more tracts, lots, sites or parcels, any part of which shall contain less than five (5) acres in area when subdivided,

(2) The division of land into two (2) or more tracts, lots, sites or parcels, any part of which when subdivided shall contain five (5) acres or more in area and will require the dedication or conveyance of any access, public right-of-way, easement, or any public improvement;

(3) Land previously subdivided or platted into tracts, lots, sites or parcels, which subdivision was subject to, but not in accordance with, City or County Ordinances in effect at the time of such subdividing or platting;

(4) The combining of two (2) or more contiguous tracts, lots, sites or parcels for the purpose of creating one (1) or more legal lots and achieve a more developable site;

(5) The platting of any existing legal deed-divided un-platted lot, parcel, site or tract;

(6) The voluntary platting and recording of a subdivision plat dividing any land within the jurisdiction of the City into lots, parcels, sites or tracts, or

(7) Any plat having received approval from the Commission or the Council for which said approval has expired.

(8) The dedication of any street or alley through any tract of land, regardless of the area involved.

(9) The construction or proposed construction of a building or structure across a property line.

(b) There may be occasions when the Council deems it appropriate to allow a delay in the implementation of certain elements of this Ordinance. On those occasions, a development agreement shall be used in accordance with the City policy.

SECTION 7. EXEMPTIONS

(a) The provisions of this Ordinance shall not apply to:

(1) Sales of land by metes and bounds in tracts of five (5) acres or more in area where each tract has access, no public improvement is being dedicated, and all remainder parcels are at least five acres or more in area, except as otherwise specifically provided in this Ordinance;

(2) Cemeteries complying with all State and local laws and regulations;

(3) Divisions of land created by order of a court of competent jurisdiction;

(4) Any subdivision of land for which a Concept Plan, Preliminary Plan or Final Plat has been filed with the City on or before the effective date of this Ordinance, excluding any such plan or plat for which approval has expired or hereafter expires; or

(5) The combination of two (2) platted lots for the creation of a more developable site and the Commission finds that:

(i) The proposed use is the same as that for which the subdivision was platted by the subdivider; and
(ii) No increase is anticipated in the estimated traffic generation or utility demands; and
(iii) Offsite stormwater runoff is neither increased nor concentrated.

(6) The division of an existing legal lot, said division being caused by the City's, County's or State's acquisition of a part of said legal lot, when such acquisition is in the best interest of the health, safety and welfare of the public. Upon such acquisition, the resulting parcels shall be deemed to constitute legal lots for the purposes of developing under the requirements of this ordinance and other applicable City regulations.

(7) The acquisition of land by a public utility for the purpose of providing or housing needed infrastructure in order to provide utility service to an immediate area, or

(8) The conveyance of any land by the City, County or State to a private entity when such land is to be added to an existing legal lot or tract or when such land, by itself, meets the requirements of the Composite Zoning Ordinance and is provided public utilities, street frontage and adequate access.

(9) The provisions of this Ordinance shall not be construed, interpreted or applied to land located within the extraterritorial jurisdiction of the City in a manner to regulate:
a. the use of any building or property for any lawful purpose;
b. the bulk, density or number of buildings on a tract or parcel of land;
c. the floor to area ratio of any building to be constructed on any lot; or
d. the number of residential units that can be built on an acre of land.

SECTION 8. ENFORCEMENT OF REGULATIONS

(a) No subdivision of land within the City or its extraterritorial jurisdiction may be recorded until a Final Plat, accurately describing the property to be subdivided and platted, has been approved by the City in accordance with this Ordinance, signed and dated by the Chair of the Commission and/or other designated officers of the City, and filed in the Official County Records.

(b) No building permit, certificate of occupancy, plumbing permit, electrical permit, flood plain permit, utility tap or certificate of acceptance for required public improvements shall be issued by the City for or with respect to any land within the City limits; and no flood plain permit, utility tap or certificate of acceptance for required public improvements shall be issued by the City for or with respect to land within the ETJ Limits:

(1) For any parcel or plat of land which was developed after the effective date of, and not in conformity with, the provisions of this Ordinance; and/or

(2) Until,
(i) All improvements, as required by this Ordinance, have been constructed and accepted by the City of Leander, or
(ii) Assurances for the completion of improvements have been provided in accordance with this Ordinance.

(c) No excavation or clearing of land, or construction of any public or private improvements shall take place or commence until such time as the City Engineer approves the plans and specifications for such subdivision.

(d) The Developer is responsible for all authorized and unauthorized use of city utilities.

(e) This ordinance may be further enforced by injunction and other judicial proceedings, either at law or in equity; and, in lieu of or in addition to any other authorized enforcement or action taken, any person who violates any term or provision of this ordinance, with respect to any land or development within the City, by fine and penalties as provided herein.

SECTIONS 9. THROUGH 19. RESERVED

ARTICLE II. PROCEDURE

SECTION 20. GENERAL PROCEDURE

(a) Plans for the development of land within the scope of this Ordinance shall be drawn and submitted to the Commission and Council for their approval or disapproval, as provided herein.

(b) Notwithstanding any provision of this Ordinance to the contrary, a developer shall not commence construction activities within the City's jurisdiction, including clearing and/or rough grading, before first obtaining all the City approvals required by this Ordinance.

(c) Generally, the subdivision process is comprised of four (4) individual steps, including the Concept Plan, the Preliminary Plat, Construction Plans, and the Final Plat. Each step of the development process has established deadlines and expirations that must be met in order for the application and any approval(s) granted to remain valid, in effect and eligible to continue to the next step of, or to complete, the development process. Compliance with each such established deadline constitutes a separate required performance and approval.

SECTION 21. CONCEPT PLAN

(a) **Purpose.** The purpose of the Concept Plan is to demonstrate conformance with the Master Plan, compatibility of the proposed development with this and other applicable City ordinances, and the coordination of improvements within and among individually platted parcels, sections, or phases of a development, prior to the consideration of a Preliminary Plat.

(1) A Concept Plan shall be required for all subdivisions of land, except as otherwise provided for in this Ordinance for Short Form Final Plats.

(2) The Concept Plan shall include all adjacent and contiguous land, owned or controlled by the developer or the person, firm or corporation that sold the tract being developed.

(3) It shall not be necessary to submit a Concept Plan on any land more than once, unless the concept substantially or materially changes, or approval of the precedent Concept Plan has expired, as defined in this Ordinance.

(b) **Format.** It is recommended that a Concept Plan be drawn on twenty-four by thirty-six inch (24"x36") or twenty-two inch by thirty-four inch (22"x 34") sheet(s) at a scale of one (1) inch equals one (1) hundred feet (1"=100') or one (1) inch equals two (2) hundred feet (1"=200') with all dimensions measured accurately to the nearest foot.

(c) **Content.** The Concept Plan shall contain or have attached thereto:

(1) Name, address and phone numbers of the developer, record owner, and authorized agents (engineer, surveyor, land planner, etc.)

(2) Proposed name of the development; date revised and/or prepared; north indicator; scale.

(3) Location map. Use of the latest USGS 7.5 minute quadrangle map is recommended.

(4) A layout of the entire tract and its relationship to adjacent property, existing

development and recorded plats.

(5) The owner's name, deed or plat reference and property lines of property within two hundred (200) feet of the development boundaries, as determined by current tax rolls.

(6) Topographic contours at ten (10) foot intervals, or less, unless otherwise approved by the City Engineer.

(7) Proposed major categories of land use by acreage showing compatibility of land use with, or proposed variance from, the Master Plan.

(8) Proposed number of residential and non-residential lots, tracts or parcels together with the estimated

(i) number of LUEs required for each category of lots;

(ii) traffic volume to be generated by all proposed development and a Traffic Impact Analysis (or fee in lieu if approved by the City Engineer) if required by the Roadway Adequacy ordinance (e.g.. projected average daily trips exceed 2,000).

(9) Proposed and existing arterial and collector streets required by the Transportation Plan and additional such streets as necessary to serve the general area in accordance with the Transportation Criteria Manual.

(10) Location of sites for parks, schools and other public uses, and all areas of common ownership.

(11) Significant drainage features and structures including any regulatory one hundred (100) year flood plains.

(12) Significant existing features on, or within 200 feet of, the property, such as railroads, roads, buildings, utilities and drainage structures.

(13) Approximate boundaries, development density and anticipated timing of proposed phases of development.

(14) Identification of known exceptional topographical, cultural, historical, archaeological, hydrological and other physical conditions of the property to be developed, or existing within two hundred (200) feet of the property, which will require the establishment of reasonable design standards in excess of the established minimum standards or require a variance from those established minimum standards as defined in this Ordinance.

(15) Location of City limit lines and/or outer border of the City's extra-territorial jurisdiction, as depicted on the City's most recent base map, if either such line traverses the development or is contiguous to the development's boundary.

(16) A proposed phasing plan for the development of future sections.

(17) A park plan in conformance with this ordinance including all land proposed for dedication, all proposed park facilities, and calculations or other information indicating compliance with park requirements.

(18) Any information required by the most recent City concept plan application/checklist.

(d) **Procedure.** A Concept Plan shall be submitted to the City for approval by both the Commission and the Council.

(1) Legible prints, as indicated on the application form, shall be submitted to the City

along with the completed application forms, payment of all applicable fees, all information required by the most recent application/checklist and any attendant documents needed to supplement the information provided on the plan.

(2) City staff shall review all Concept Plan submittals for completeness within ten business days of the date the application is submitted. If in the judgment of City staff, the Concept Plan submittal substantially fails to meet the minimal informational requirements as outlined above, it will not be accepted for review. A Concept Plan application shall expire on the 45th day after the date the application is filed with the City if:

(i) the applicant fails to provide documents or other information necessary to comply with requirements relating to the form and content of the application set forth in this Chapter;

(ii) within ten (10) business days of the date the application is filed with the City, the City provides the applicant 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

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

(3) Prior to the Commission meeting at which the Concept Plan is to be heard, City staff shall review the plan for consistency with City codes, policies and plans.

(4) City staff shall prepare a report analyzing the Concept Plan submittal, as well as any comments received concerning the Concept Plan, and recommending action on the Concept Plan. This report shall be available at least four (4) business days prior to the Commission meeting.

(5) If the developer chooses to withdraw the Concept Plan, he/she may do so in writing delivered by noon of the third working day preceding the Commission meeting. A withdrawn Concept Plan may be resubmitted and appear on the next Commission agenda after repayment of the applicable fees.

(e) **Notification.** All owners of property (as determined by the most recent tax rolls from the County Appraisal District), any part of which is located within two hundred (200) feet of the perimeter of the land to be developed, shall be notified by mail.

(1) The developer shall post signs along contiguous rights-of-way at each corner of the development and at intervals that do not exceed three hundred (300) feet between said corners. Signs must be in accordance with the City Standard Details and Specifications. Signs must be posted at least 15 days before the first public hearing, but shall not be posted more than 30 days in advance of the first public hearing.

(2) The City shall mail public notification forms, postmarked no fewer than fifteen (15) days prior to the appropriate Commission hearing, to the owners of all property, any part of which is located within two hundred (200) feet of the perimeter of the property included within the Concept Plan.

(f) **Approval.** The Commission and Council, after holding public hearings in accordance with City ordinances and codes, shall take action on the Concept Plan.

(1) The failure of either the Commission to act within thirty (30) days of the filing date, or the Council to act within thirty (30) days of action on the Concept Plan by the Commission shall be deemed an approval of the plan by the respective body, except

as otherwise agreed to by the developer.

(2) The Council, within thirty (30) days of the date of approval of the Concept Plan by the Commission, shall take action on the Concept Plan.

(3) If applicable, zoning of the tract shall permit the uses proposed by the Concept Plan, or a zoning amendment necessary to permit the proposed uses shall be required prior to approval of the Concept Plan.

(4) Approval of a Concept Plan constitutes acceptance of the general development and arrangement of lots indicated on the plan; the classification and arrangement of streets indicated; the proposed phasing plan; and the nature of utility service proposed. Subsequent zoning approvals cannot be guaranteed.

(5) Concept Plan approval does not ensure approval of a Preliminary Plat failing to meet specific requirements of this Ordinance, and approval does not comprise any vesting of development rights or any assurance that permits of any kind will be issued.

(g) **Disapproval.** Upon disapproval of the Concept Plan, the developer has 120 days to address all of the requirements and resubmit corrections to the Concept Plan. If the revisions have not been submitted within 120 days the Concept Plan application will expire. Any new Concept Plan will be required to be re-submitted as a new application including re-paying all of the fees associated with this process**.** At the request of the applicant, the Commission may grant one 120 day extension to the application.

(h) **Application Expiration.**

(1) The Concept Plan application shall expire nine (9) months after the date that all initial staff review comments from all reviewing departments have been issued on the application if the concept plan is not approved due to the applicant's failure to cause the application to comply with applicable city regulations.

(2) The Planning Department may grant one six (6) month extension if the applicant can show substantial progress in obtaining approval of the concept plan. Substantial progress shall consist of, at a minimum, a resubmission of the concept plan and all relevant materials by the applicant that address all initial staff review comments from all reviewing departments**.**

(i) **Approval Expiration.** The approval of a Concept Plan shall expire two (2) years after the filing date unless

(1) a Preliminary Plat on all, or a portion of, the land is filed prior to such expiration date and such plan is approved within eight months after the Concept Plan expiration date, and, if necessary, additional Preliminary Plats are filed in not greater than two year intervals until all of the land within the Concept Plan is included within approved Preliminary Plats; provided that approval of all such Preliminary Plats are obtained within seven (7) years of the filing date of the Preliminary Plat; or

(2) an extension is granted by the Commission in accordance with this Ordinance; provided that in no event shall an extension be granted that exceeds seven (7) years after the filing date; or

(3) the development proceeds in accordance with an approved phasing plan. At such time as the development lags one (1) year behind the approved phasing plan, the approval shall expire if the developer does not, prior to the expiration date, submit

and obtain approval of a written request for the extension and continuance of the Concept Plan prior to expiration.

(j) **Extension.** The developer may apply for an extension, in writing, prior to the end of the initial two year period, stating reasons for needing the extension and demonstrating subsequent development activity in accordance with this Ordinance. Upon receipt of this written request, the Commission may, at its discretion, grant an additional one year extension if the Concept Plan remains consistent with the Master Plan and/or ordinances of the City.

(k) **Revision.** If a revision to a previously approved Concept Plan is required, all changes must be resubmitted to the Commission and Council for approval. All fees shall be repaid as if the Concept Plan was initially being submitted.

SECTION 22. PRELIMINARY PLAT

(a) **Purpose.** The Preliminary Plat provides detailed graphic information and associated text indicating property boundaries, easements, land use, streets, utilities, drainage, and other information required to evaluate proposed subdivisions of land. A Preliminary Plat shall be required for any subdivision of land, except as otherwise provided for in this Ordinance, subsequent to Concept Plan approval.

(b) **Format.** It is recommended that the Preliminary Plat be drawn on twenty-four by thirty-six inch (24"x36") or twenty-two inch by thirty-four inch (22"x 34") sheet(s) at a scale of one (1) inch equals one (1) hundred feet (1"=100') or one (1) inch equals two (2) hundred feet (1”=200’) with all dimensions measured accurately to the nearest foot.

(c) **Content.** The Preliminary Plat shall include a description of any off-site improvements required to accommodate the project. The Preliminary Plat shall contain or have attached thereto:

(1) General Information.

(i) Name, address and phone numbers of the developer, record owner, and authorized agents (engineer, land planner, etc.).

(ii) The proposed name of the subdivision, which shall not have the same spelling or be pronounced similarly to the name of any other subdivision located within the City or within the extraterritorial jurisdiction of the City, provided however that use of the same base names for different sections or phases is required when the units are contiguous with their namesakes and individually identified by a section or phase number.

(iii) The date, scale, and north indicator.

(iv) A location map showing the relation of the subdivision to streets and other prominent features in all directions for a radius of at least one (1) mile using a scale of one (1) inch equals two thousand feet (1" = 2,000'). The latest edition of the USGS 7.5 minute quadrangle map is recommended.

(v) The owner's name, deed or plat reference and property lines of property within two hundred (200) feet of the subdivision boundaries as determined by the most recent tax rolls.

(vi) A certification block signed and sealed by the project engineer.

(vii) The total acreage of the property to be subdivided and the subtotals by land use.

(2) Existing Conditions.

(i) The existing property lines, including bearings and distances, of the land being subdivided. Property lines shall be drawn sufficiently wide to provide easy identification.

(ii) The location of existing water courses, dry creek beds, wells, sinkholes and other similar topographic features.

(iii) Tree Protection Plan

a) A tree protection plan consisting of a tree survey prepared within five years preceding the application date with the street and lot layout superimposed at a scale of 1"=100' (or as appropriate) shall be prepared demonstrating that lot lines and street layouts have been designed and located and that lot width, depth and size flexibility (as permitted by the applicable zoning district if inside the City) has been utilized to the maximum extent necessary to retain the maximum number of significant trees reasonably practicable.

b) The applicant shall provide a tree preservation plan that identifies the surveyed trees and the mitigation of the protected trees that are proposed for removal. The tree protection plan is required to be approved by the Director of Planning prior to submission of a preliminary plat application. Up to fifty (50%) percent of Significant Trees between eight (8) and twenty-six (26) caliper inches may be removed without mitigation for single-family and two- family subdivisions.

c) Heritage Tree Removal Permit

1. Heritage Trees may be removed only with the approval of a Heritage Tree Removal Permit and after the required mitigation has been approved.
2. The Planning & Zoning Commission shall review all applications for Heritage Tree removal permits and make a recommendation for approval or denial to the City Council, which shall have final authority to issue the permit.
3. Approval of removal permits shall be based on the following:
   a. Tree size/number of trunks;
   b. Tree health and viability;
   c. Tree location;
   d. Other Significant and Heritage Trees to be preserved on site; and
   e. Whether all reasonable efforts have been made to design the project in a way to preserve Significant and Heritage Trees on site.

d) Significant Tree Removal Permit

1. The Director of Planning may issue a tree removal permit for the removal of Significant Trees to the owner of a property that is zoned or otherwise authorized and actively used for agricultural purposes if it is demonstrated that the tree removal is for a legitimate agricultural purpose. The tree mitigation requirements of this ordinance shall not apply to such permits. If the property is rezoned or otherwise converted to a non-agricultural use within three years of the issuance of the tree removal permit the owner of the property shall be required

to meet the tree mitigation requirements of this ordinance.

2. Removal of Significant Trees greater than eighteen (18) caliper inches requires the approval of the Planning & Zoning Commission or the approval of an alternative tree preservation plan as described in this ordinance for projects other than single-family or two-family.

e) Mitigation for the removal of a Heritage or Significant Tree

1. The removal of Heritage and Significant Trees shall require mitigation using the calculations and procedures defined below. Mitigation may be achieved through credit of existing trees on site, replacement trees planted on-site, or payment-in-lieu of replacement trees if approved by the Planning Director when on-site replacement is not possible or practical.
   a. Mitigation shall be required at a 1:1 caliper inch basis for significant trees between eight (8) and eighteen (18) caliper inches.
   b. Mitigation shall be required at a 2:1 caliper inch basis for significant trees greater than eighteen (18) caliper inches and less than twenty-six (26) caliper inches.
   c. Mitigation shall be required at a 3:1 caliper inch basis for Heritage Trees and a mitigation fee in the amount of $300.00 per caliper inch removed.
   d. If payment in lieu of replacement trees is approved by the Planning Director, the fee shall be equal to one hundred fifty dollars ($150) per caliper inch of replacement tree.

f) Replacement Trees

1. Replacement trees shall be a minimum of two (2) caliper inches and identified on the City of Leander preferred plant list or included in the Grow Green Guide for Native and Adaptive Landscape Plants published by the City of Austin Watershed Protection and Texas A&M AgriLife Extension, as amended from time to time. The tree protection plan is required to be approved by the Director of Planning prior to submission of a preliminary plat application.

(iv) Centerline of water courses, creeks, existing drainage structures and other pertinent data shall be shown.

(v) Areas subject to flooding shall be shown, delineating the regulatory one hundred (100) year floodplain, and any other floodplains identified in the City's Master Drainage Plan.

(vi) Topographic data indicating, at a minimum, two (2) foot contour intervals for slopes up to 10%, and five (5) foot contour intervals for slopes exceeding 10%. The contoured area shall extend outward from the property boundary for a distance of two hundred (200) feet.

(vii) The locations, sizes and descriptions of all existing utilities, including but not limited to wastewater lines, lift stations, wastewater and storm sewer manholes, water lines, water storage tanks, and wells within the subdivision, and/or adjacent thereto.

(viii) The location, dimensions, names and descriptions of all existing or recorded streets, alleys, reservations, railroads, easements or other public rights-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries, as determined from existing deed and plat records. The

existing right-of-way width of any boundary street to the proposed subdivision shall also be shown. A survey tie shall be shown at no less than three hundred (300) foot intervals for any boundary street or right-of-way, unless such right-of-way was previously platted, indicating the width of such existing boundary street or right-of-way to determine if any additional right-of-way is required to be dedicated based on the classification of such boundary street in accordance with the Transportation Criteria Manual, Transportation Plan or other right-of-way requirements. A survey tie shall also be shown to the centerline of any existing street intersecting a boundary street or median break on a boundary street within a distance of 1,000 feet of the subdivision boundary (or as determined appropriate by the City Engineer) to determine required alignments or off-sets for any proposed street or driveway intersections, the spacing of median breaks, intersections, etc.

(ix) The location of City limit lines and/or outer border of the City's extra-territorial jurisdiction, as depicted on the City's most recent base map, if either traverses the subdivision or is contiguous to the subdivision boundary.

(x) Existing zoning districts for the subject tract.

(3) Improvements.

(i) The location, size and description of any proposed drainage appurtenances, including storm sewers, detention ponds and other drainage structures proposed to be constructed on and off the site, and designed in accordance with the requirements of this Ordinance.

(ii) The developer shall include a copy of the complete application for flood plain map amendment or revision, as required by the Federal Emergency Management Agency (FEMA), if applicable.

(iii) The location, dimensions, names and descriptions of all proposed streets, alleys, parks, open spaces, blocks, lots, reservations, easements and rights-of-way; and areas within the subdivision indicating the connection to or continuation of other improvements in adjacent subdivisions.

(iv) Numbers to identify each lot and each block.

(v) The lengths of each proposed property line of all lots. The area of each non-rectangular lot shall be provided.

(vi) Preliminary street grades for roadways within areas with exceptional topographic conditions or that propose to use Alternative Geometric Design Criteria, as defined in the Transportation Criteria Manual.

(4) Support Documents.

(i) A drainage study, consisting of a Drainage Area Map with contours, location and capacities of existing and proposed drainage features, and calculations in accordance with this Ordinance and good engineering practices, shall be provided to ensure the property will be developed in accordance with City drainage policies.

(ii) Utility demand data, consistent with the proposed uses indicated on the Preliminary Plat, to determine the adequacy and the consistency of proposed utility improvements.

(iii) A letter of certification, when applicable, that the plat has been submitted to the County Health District for review (applicable to all projects proposing septic systems and/or containing any portion of the regulatory one hundred (100)

year floodplain outside of the City limits).

(iv) Copy of approved concept plan.

(v) Copy of deed showing current ownership.

(vi) Park proposal in compliance with approved Concept Plan.

(vii) Copy of the approved tree protection plan.

(5) Any additional information contained in the most recent City preliminary plat application/checklist.

(6) Accuracy of Data. The applicant shall be responsible for verifying the accuracy of all data submitted, including that which might be obtained from the City, excepting that data which can only be obtained from the City.

(d) **Procedure.** A Preliminary Plat for any proposed subdivision of land, shall be submitted to the City for Commission action after a tree protection plan is approved by the Director of Planning.

(1) Legible prints, as indicated on the application form, shall be submitted at least thirty (30) days prior to the regular meeting of the Commission at which the Preliminary Plat is to be heard, along with support documents identified above, all information required by the most recent application/checklist and the following:

(i) Completed and signed application forms and the payment of all applicable fees.

(ii) A summary letter stating briefly the type of street surfacing, drainage, water and wastewater facilities proposed, and declaring the intent to either dedicate park land or pay fees-in-lieu of said dedication if such dedication or fees apply.

(iii) A petition requesting annexation, if applicable.

(iv) A letter requesting any variances from the provisions of this Ordinance.

(v) Any attendant documents needed to supplement the information provided on the Preliminary Plat.

(2) For projects located within the City's extra-territorial jurisdiction, one (1) extra copy of the above referenced items must be provided with the application. The applicant shall be responsible for any additional information required by the County for Preliminary Plat approval.

(3) For projects located within the Lake Travis watershed, one (1) extra copy of the above referenced items must be provided to the Lower Colorado River Authority (LCRA) for compliance with the Lake Travis and Upper Highland Lakes Non-point Source Pollution Control Ordinance. The applicant shall be responsible for any additional information required by the LCRA for the necessary approvals.

(4) City staff shall review all Preliminary Plat submittals for completeness within ten business days of the date the application is submitted. If in the judgment of City staff, the Preliminary Plat submittal substantially fails to meet the minimal informational requirements as outlined above, it will not be accepted for review. A Preliminary Plat application shall expire on the 45th day after the date the application is filed with the City if:

(i) the applicant fails to provide documents or other information necessary to comply with requirements relating to the form and content of the application set forth in this Chapter;

(ii) within ten (10) business days of the date the application is filed with the City,

the City provides the applicant 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

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

(5) Prior to the Commission meeting at which the Preliminary Plat is presented, City staff shall review the plat for consistency with City ordinances, codes, policies and plans.

(6) City staff shall prepare a report analyzing the Preliminary Plat submittal, as well as any comments received concerning the Concept Plan, and recommending action on the Preliminary Plat. This report shall be available at least five (5) working days prior to the Commission meeting.

(7) City staff shall forward the Preliminary Plat to other jurisdictional agencies, including but not limited to, Williamson and/or Travis County (if in ETJ), LISD, CAMPO, Capital Metro, Fire Department and utility companies.

(e) **Notification.** Public notification for a Preliminary Plat shall not be required.

(f) **Approval.** The Commission shall act on the request for Preliminary Plat approval.

(1) The failure of the Commission to act within thirty (30) days of the Preliminary Plat filing date shall be deemed an approval of the plat, except as otherwise agreed to by the developer.

(2) Approval of the Preliminary Plat shall not constitute approval of the Final Plat, but shall constitute a vesting of the right to develop under City ordinances, codes and policies in effect on the date of the approval provided that neither the Preliminary Plat nor any subsequent plat or permit has been, or is allowed, to expire.

(3) The developer should be aware that specific approvals from other agencies may be required.

(4) A preliminary plat shall not be approved if it is not in conformance with the Composite Zoning Ordinance.

(g) **Disapproval.** Upon disapproval of the Preliminary Plan, the developer has 120 days to address all of the subdivision ordinance requirements and resubmit corrections to the Preliminary Plan. If the revisions have not been submitted within 120 days the application will be considered disapproved and the applicant shall resubmit a new preliminary plat application including payment of applicable fees. At the request of the applicant, the Commission may grant one 120 day extension to the application.

(h) **Application Expiration.**

(1) The Preliminary Plat application shall expire nine (9) months after the date that all initial staff review comments from all reviewing departments have been issued on the application if the preliminary plat is not approved due to the applicant's failure to cause the application to comply with applicable city regulations.

(2) The Planning Department may grant one six (6) month extension if the applicant can show substantial progress in obtaining approval of the preliminary plat. Substantial progress shall consist of, at a minimum, a resubmission of the preliminary plat and all relevant materials by the applicant that address all initial staff review comments from all reviewing departments.

(i) **Approval Expiration.** The approval of a Preliminary Plat shall expire two (2) years after the filing date unless:

(1) Corresponding Construction Plans and/or Final Plats on all, or a portion of, the land approved on the Preliminary Plat are filed, and, if necessary, additional Construction Plans and/or Final Plats are filed in not greater than two year intervals until all of the land within the Preliminary Plat has approved Construction Plans and Final Plats;

provided that approval of all such Construction Plans and Final Plats are obtained within seven (7) years of the filing date of the Preliminary Plat, or

(2) An extension is granted by the Commission in accordance with this Ordinance; provided that in no event shall an extension be granted that exceeds nine (9) years after the filing date.

(j) **Extension.** The developer may apply for an extension, in writing, prior to expiration, stating reasons for needing the extension and demonstrating pursuit of approvals for Construction Plans and/or Final Plat in accordance with this Ordinance. Upon receipt of this written request, the Commission may, at its discretion, grant up to a two (2) year extension, so long as the Preliminary Plat remains consistent with the Master Plan and/or ordinances of the City. The Commission may, at its discretion, also grant up to a two (2) year extension on the overall seven (7) year time stated in Section 22(i)(1) to nine (9) years for the preliminary plat.

(k) **Revision.** If a revision to a previously approved Preliminary Plat is required, then no application for a Final Plat shall be accepted until the revised Preliminary Plat has been submitted and approved by the Commission, unless the revision is determined to be a minor revision as provided herein. The application for revised Preliminary Plat approval shall be accompanied by a fee equal to the application fee for a Preliminary Plat, provided that an application that is determined to be a minor revision as provided herein shall be accompanied by the fee set forth in Section 22(k)(1). The approved Preliminary Plat shall be kept on file as public record in the offices of the City.

(1) Minor Revision. If, in the opinion of the Planning Director, a change to an approved Preliminary Plat is determined to be a minor revision, the applicant shall submit the minor revision to the Planning Department for administrative review and action. A public hearing is not required for a minor revision. The fee for an application for a minor revision to a Preliminary Plat shall be ten percent (10%) of the Preliminary Plat fee. The applicant shall submit a request for a minor revision to the Planning Department, which shall include a letter and a Minor Revision Preliminary Plat which both describe and show all revisions to the approved Preliminary Plat in accordance with the most recent application/checklist for a Minor Revision Preliminary Plat.

(2) For the purposes of this section, a revision to a previously approved Preliminary Plat shall be considered a minor revision if it complies with the following criteria:

(i) A minor revision may not:

a) Modify a waiver or variance or result in a new waiver or variance;

b) Reduce any conservation easement, common area, green space, or other open space or park improvements of the approved Preliminary Plat;

c) Have a negative impact on property outside the Preliminary Plat;

d) Require notice and a public hearing under Section 212.015, Tex. Local Gov't Code, as amended, or

e) Increase the number of dwelling units by more than 5%.

(ii) A minor revision may:

a) Change the street layout.

b) Increase the number of lots to the extent allowed herein.

c) Modify a subdivision to accommodate a change in use resulting from rezoning or land acquisition through eminent domain.

(3) The Planning Director may determine that other changes similar in scope and effect to those described above are minor revisions.

(4) The Planning Director's determination under this Section 22(k) may be appealed to the Commission. The appeal must be submitted in writing to the City Secretary within ten days of the Planning Director's determination and shall be accompanied by the fee set forth in Appendix A. The Commission shall consider the appeal at the next regularly scheduled meeting for which an agenda can be timely posted. In hearing the appeal, the Planning and Zoning Commission shall determine whether the Planning Director acted in accordance with this Section 22(k) and shall either uphold or overturn the Planning Director's determination. The applicant is not entitled to a waiver or modification of the application of Section 22(k) as relief upon appeal.

(i) **Responsibility.** Notwithstanding the approval of any Preliminary Plat by the City, the developer and the engineer that prepares and submits such plats shall be and remain responsible for the adequacy of the design and nothing in this Ordinance shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any plat submitted.

SECTION 23. CONSTRUCTION PLANS

(a) **Purpose.** Construction plans, based upon the approved Preliminary Plat, and consisting of detailed specifications and diagrams illustrating the location, design, and composition of all improvements identified in the Preliminary Plat phase and required by this Ordinance and other applicable City ordinances, codes and policies, shall be submitted to the City for approval. In addition, any project that necessitates the construction, reconstruction or modification of existing City infrastructure shall also be submitted to the City for approval. The plans shall be kept by the City as a permanent record of required improvements in order to:

(1) Provide better records that facilitate the operation and maintenance of, and any future modifications to existing City infrastructure.

(2) Provide data for evaluation of materials, methods of construction and design.

(3) Provide documentation of approved public improvements to ensure that all such improvements are built to City standards and specifications.

(4) No Final Plat shall be certified by the City, and no construction activities shall commence, until such time as Construction Plans completely describing the on-site and off-site improvements required by this Ordinance and other applicable City ordinances and codes, have been approved by the City Engineer.

(b) **Format.** Drawings shall be on twenty-two inch by thirty-four inch (22"x 34") sheets (unless otherwise approved by City staff) at generally accepted horizontal and vertical engineering scales. All full size sheets shall be formatted so that when printed on eleven inch by seventeen inch (11" x 17") paper the resulting sheet set scales at a generally accepted engineering scale.

(c) **Content.** Construction plans shall include all on and off-site improvements required to serve the proposed development as indicated on the approved Preliminary Plat and in compliance with applicable ordinances, codes, standards and policies of the City, and other applicable governmental entities. All Construction Plans shall be signed and sealed by a licensed professional engineer, licensed to practice in the State of Texas, and shall contain or have attached thereto:

(1) Cover Sheet.

(i) The appropriate project name, date, and the name, addresses and phone numbers of the developer, engineer and surveyor, etc.

(ii) A location map showing the relation of the subdivision to streets and other prominent features in all directions for a radius of at least one (1) mile using a scale of one inch equals two thousand feet (1" = 2,000'). The latest edition of the USGS 7.5 minute quadrangle map is recommended.

(2) Street and Roadway Systems:

(i) The horizontal layouts and alignments showing geometric data and other pertinent design details. The horizontal layout shall also show the direction of storm water flow and the location of manholes, inlets and special structures;

(ii) Vertical layouts and alignments showing existing and proposed center line, right and left right-of-way line elevations along each proposed roadway.

(iii) An analysis of vertical sight distance for proposed street intersections in accordance with the Transportation Criteria Manual.

(iv) Typical right-of-way cross sections showing pertinent design details and elevations as prescribed in the City Standard Details and Specifications;

(v) Typical paving sections showing right-of-way width, lane widths, median widths, shoulder widths, and pavement recommendations;

(vi) Attendant documents containing any additional information required to evaluate the proposed roadway improvements, including geotechnical information and traffic impact studies; and

(3) Drainage Improvements:

(i) Detailed design of all drainage facilities as indicated in the Preliminary Plat phase, including typical channel or paving section, storm sewers and other storm water control facilities.

(ii) Typical channel cross-sections, plan and profile drawings of every conduit/channel shall be shown.

(iii) Existing and proposed topographic conditions indicating one (1) foot contour intervals for slopes less than 5%, two (2) foot contour intervals for slopes between 5% and 10%, and five (5) foot contour intervals for slopes exceeding 10%, and referenced to a United States Geological Survey or Coastal and

Geodetic Survey bench mark or monument.

(iv) Attendant documents containing design computations in accordance with this Ordinance, and any additional information required to evaluate the proposed drainage improvements.

(v) A copy of the complete application for flood plain map amendment or revision, as required by the Federal Emergency Management Agency (FEMA), if applicable.

(4) Erosion and Sedimentation Controls:

(i) Proposed fill or other structure elevating techniques, levees, channel modifications and detention facilities.

(ii) Existing and proposed topographic conditions with vertical intervals not greater than one (1) foot referenced to a United States Geological Survey or Coastal and Geodetic Survey bench mark or monument.

(iii) The location, size, and character of all temporary and permanent erosion and sediment control facilities with specifications detailing all on-site erosion control measures which will be established and maintained during all periods of development and construction.

(iv) Contractor staging areas, vehicle access areas, temporary and permanent spoils storage areas.

(v) A plan for restoration for the mitigation of erosion in all areas disturbed during construction.

(5) Water Distribution Systems:

(i) The layout, size and specific location of the existing and proposed water mains, pump stations, storage tanks and other related structures sufficient to serve the proposed land uses and development as identified in the Preliminary Plat phase and in accordance with the City Standard Details and Specifications.

(ii) The existing and proposed location of fire hydrants, valves, meters and other fittings.

(iii) Design details showing the connection with the existing City water system.

(iv) The specific location and size of all water service connections for each individual lot.

(v) Attendant documents containing any additional information required to evaluate the proposed water distribution system.

(6) Wastewater Collection Systems:

(i) The layout, size and specific location of the existing and proposed wastewater lines, manholes, lift stations, and other related structures sufficient to serve the land uses and development as identified in the Preliminary Plat phase, in accordance with all current City standards, specifications, and criteria for construction of wastewater systems.

(ii) Plan and profile drawings for each line in public right-of-ways or public utility easements, showing existing ground level elevation at center line of pipe, pipe size and flow line elevation at all bends, drops, turns, and station numbers at fifty (50) foot intervals.

(iii) Design details for manholes and special structures. Flow line elevations shall be

shown at every point where the line enters or leaves the manholes.

(iv) Detailed design for lift stations, package plants or other special wastewater structures.

(v) Attendant documents containing any additional information required to evaluate the proposed wastewater system, and complete an application for State Health Department approval.

(7) Fill Material Storage. The location of the fill material pile, which must comply with Section 48 of this Ordinance.

(8) Street Lighting. The location, size, type and description of street lights according to City Standard Details and Specifications.

(9) Street Signs. The location, size, type and description of street signs according to City Standard Details and Specifications.

(10) Speed Limit Signs and Permanent Traffic Barricades. The location, size (where applicable), and type of speed limit signs and permanent traffic barricades according to City Standard Details and Specifications.

(11) Sidewalks. The location, size and type of sidewalks and pedestrian ramps according to City Standard Details and Specification.

(12) Improvements for Parks and other Public and Common Areas - as identified and/or approved on the Preliminary Plat.

(13) The location, size and description of all Significant Trees (to remain and to be removed), and Replacement Trees to meet the requirements of this Ordinance.

(14) Landscaping and Screening. The location, size and description of all landscaping and screening materials as required by the Composite Zoning Ordinance.

(15) Design Criteria. Final design criteria, reports, calculations, and all other related computations, if not previously submitted with the Preliminary Plat.

(16) Cost Estimates. A cost estimate of each required improvement, prepared, signed and sealed by a professional engineer licensed to practice in the State of Texas.

(d) **Procedure.** After all necessary approvals of the Preliminary Plat have been granted, Construction Plans, together with a completed application form and review fee, shall be submitted to the City Engineer for approval.

(1) Construction Plans may be submitted for review and approval simultaneously with a Final Plat, provided however that the Final Plat shall not be approved until the Construction Plans have been approved. If the Construction Plans and the Final Plat are to be reviewed simultaneously, a complete application for Construction Plans and a complete application for Final Plat must be submitted to the City simultaneously.

(2) City staff shall review all Construction Plan submittals for completeness at the time of application. If in the judgment of the City, the Construction Plan submittal substantially fails to meet the minimal informational requirements as outlined above, it will not be accepted for review.

(3) The City Engineer shall review the Construction Plans to insure compliance with this Ordinance, and other applicable City ordinances, codes, standards and specifications, and good engineering practices.

(4) For projects located within the City's extraterritorial jurisdiction, the Construction

Plans and attendant documents shall be provided to the County for review and approval unless an Interlocal agreement between the City and the County has been executed which specifies a different procedure. The applicant shall be responsible for any additional information required by the County for Construction Plan approval.

(5) For projects located within the Lake Travis watershed, the Construction Plans shall be provided to the Lower Colorado River Authority (LCRA) for compliance with the Lake Travis and Upper Highland Lakes Non-Point Source Pollution Control Ordinance. The applicant shall be responsible for any additional information required by the LCRA for the necessary approvals.

(e) **Approval.** Within thirty (30) days of the date on which all required information has been accepted for review, the City Engineer shall either approve or disapprove the Construction Plans.

(1) If the Construction Plans are disapproved, the City Engineer shall notify the applicant, in writing, of disapproval and indicate the requirements for bringing the Construction Plans into compliance.

(2) If Construction Plans are approved, then the City Engineer shall sign the cover sheet of the Construction Plans, returning one (1) signed copy to the applicant and retaining the other signed copy for City records.

(3) The developer should be aware that specific approvals from other agencies may be required.

(4) All improvements shown in the approved Construction Plans shall be constructed pursuant to and in compliance with the approved plans, except as otherwise specifically approved.

(f) **Application Expiration.**

(1) The Construction Plans application shall expire nine (9) months after the date that all initial staff review comments from all reviewing departments have been issued on the application if the construction plans are not approved due to the applicant's failure to cause the application to comply with applicable city regulations.

(2) The Planning Department may grant one six (6) month extension if the applicant can show substantial progress in obtaining approval of the construction plans. Substantial progress shall consist of, at a minimum, a resubmission of the construction plans and all relevant materials by the applicant that address all initial staff review comments from all reviewing departments.

(g) **Approval Expiration.** The approval of the Construction Plans shall expire two years after the date the City Engineer approves the Construction Plans unless an unexpired Final Plat is on file with the City or the Final Plat has been approved and that approval has not expired.

(h) **Revision.** Where it becomes necessary, due to unforeseen circumstances, for corrections to be made to Construction Plans for which approval has already been obtained, the City Engineer shall have the authority to approve such corrections when, in his/her opinion, such changes are warranted and also in conformance with City requirements. Approval of such changes agreed to between the developer and City Engineer shall be noted by initialing and dating by both parties on the two (2) original signed copies of the Construction Plans.

(i) **Responsibility.** Notwithstanding the approval of any Construction Plans by the Council, Commission or the City Engineer, the developer and the engineer that prepares and submits such plans and specifications shall be and remain responsible for the adequacy of the design of all such improvements; and nothing in this Ordinance shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any design, plans and specifications submitted.

SECTION 24. FINAL PLAT

(a) **Purpose.** The Final Plat provides detailed graphic information and associated text indicating property boundaries, easements, streets, utilities, drainage, and other information required for the maintenance of public records of the subdivision of land.

(1) A Final Plat shall be required for all subdivisions of land.

(2) The Final Plat shall conform to the approved Construction Plans and approved Preliminary Plat.

(b) **Format.** The Final Plat shall be drawn on eighteen inch by twenty-four inch (18"x24") mylar sheets at a scale of one (1) inch equals one hundred feet (1"=100') unless otherwise approved by City staff, with all dimensions labeled accurately to the nearest one tenth (1/10) of a foot. When more than one (1) sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at a scale of one (1) inch equals four hundred feet (1" = 400') shall be attached to the plat.

(c) **Content.** The Final Plat shall include all of the tract intended to be developed at one (1) time, and shall contain or have attached thereto:

(1) General Information.

(i) The proposed name of the subdivision, which shall not have the same spelling or be pronounced similarly to the name of any other subdivision located within the City or within the extra-territorial jurisdiction of the City; provided however, that use of the same base names for different sections or phases is required when the units are contiguous with their namesakes and individually identified by a section number.

(ii) The date, scale, north point, addresses of the owner of record, developer, registered public surveyor, and licensed professional engineer, if required. The engineer and surveyor shall affix their seals to the plat in conjunction with the signing of the certification requirements.

(iii) A location map showing the relation of the subdivision to major streets within the general vicinity of the subdivision. The latest edition of the USGS 7.5 minute quadrangle map is recommended.

(iv) Identification and location of proposed uses and reservations for all lots within the subdivision.

(v) The respective plat or deed references as determined by the most recent tax rolls for all property within two hundred (200) feet of the subdivision boundary.

(vi) Certification, signature and revision blocks as required by the City and County, including but not limited to the following:

a) Signature blocks for the surveyor, engineer, and property owner.

b) Certification from a licensed professional engineer and approval by the Texas Commission on Environmental Quality (TCEQ) (if applicable) that water satisfactory for human consumption is available in adequate supply at the time of submission, except that such certification is not required if the property will be served by the City water system.

c) Certification from the County Health District that a subdivision is located in an area which cannot reasonably be served by an organized wastewater collection system and that the use of on-site wastewater treatment facilities or other means of treatment has been approved by the County Health

District. Said certificate shall show the limitations, if any, of such approval.

d) Lot area, width and depth, public utility and drainage easements, and setbacks shall conform to the requirements as established for the designated land use as set forth in the Composite Zoning Ordinance.

(2) Existing Conditions.

(i) The existing property lines, including bearings and distances, of the land being subdivided. Property lines shall be drawn sufficiently wide to provide easy identification.

(ii) Areas delineating the regulatory one hundred (100) year floodplain, if applicable. This information must be certified by a licensed professional engineer.

(iii) The location, dimensions, names and descriptions of all existing and recorded streets, alleys, reservations, railroads, easements or other public rights-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries, as determined from current deed and plat records. The existing right-of-way width of any boundary street to the proposed subdivision shall also be shown. A survey tie shall be shown at no less than three hundred (300) foot intervals for any boundary street or right-of-way, unless such right-of-way was previously platted, indicating the widths of any such existing boundary street or right-of-way to determine if any additional right-of-way is required to be dedicated based on the classification of such boundary street in accordance with the Transportation Criteria Manual, Transportation Plan or other right-of-way requirements. A survey tie shall also be shown to the centerline of any existing street intersecting a boundary street or median break on a boundary street within a distance of 1,000 feet of the subdivision boundary (or as determined appropriate by the City Engineer) to determine required alignments or off-sets for any proposed street or driveway intersections, the spacing of median breaks, intersections, etc.

(iv) Location of City limit lines and/or outer border of the City's extra-territorial jurisdiction, as depicted on the City's most recent base map, if either such line traverses the subdivision or is contiguous to the subdivision boundary.

(3) Survey Control Information.

(i) True bearings and distances to the nearest established street lines, official monuments, or existing subdivision corner, which shall be accurately described on the plat and rotated to the state plane coordinate system. Using said system, X and Y coordinates shall be identified for four (4) property corners.

(ii) The description and location of all permanent monuments or benchmarks, standard monuments, survey control points and lot pins.

(iii) Suitable primary control points to which all dimensions, bearings and similar data shall be referenced. At least one (1) corner of the subdivision shall be located with respect to a corner of the original survey of which it is a part.

(iv) Sufficient data shall be shown on the plat for each lot to prove mathematical closure.

(v) AutoCAD or GIS digital file on a CD as follows: Any graphics files in electronic format shall be in ESRI shape file format or Autodesk native file format, using the Datum, Projection, and Units listed below. The zoom settings, views, pen

tables, and layers for each file shall be set to display the drawing as a complete plat sheet. Symbol files, font files, external reference files and other files required to correctly display the drawings shall be included in the same directory as the graphics files. A key of all CAD layers, with a description of the information on each layer, shall be provided to assist city staff in extracting the required information. For submittals in Shape file format, all metadata as listed above shall be included.

Datum: North American Datum 1983 (NAD 83)
Projection: Texas State Plane – Central Zone (4203)
Units: US Survey Feet

(4) Improvements.

(i) The location, bearings, distances, widths, purposes and approved names of proposed streets, alleys, easements and rights-of-way to be dedicated to public use.

(ii) Streets. Provide complete curve data (delta, arc length, radius, tangent, point of curve, point of reverse curve, point of tangent, long chord with bearing) between all lot corner pins.

(iii) Water Courses and Easements. Provide distances to be provided along the side lot lines from the right-of-way line or the high bank of a stream. Traverse line to be provided along the edge of all major waterways in a convenient location, preferably along a utility easement if paralleling the drainage easement or stream.

(iv) The property lines and number designations of all proposed lots and blocks, with complete bearings, distances and dimensions for front, rear and side lot lines. The surveyor shall certify that all lots meet the City's minimum requirements set forth herein.

(v) The use, property dimensions, names and boundary lines of all special reservations to be dedicated for public use, including sites for schools, churches, parks and open spaces; common ownership; or subsequent development.

(vi) A note is provided on the plat indicating that building setbacks shall be in accordance with the Composite Zoning Ordinance, and the location, dimensions, and descriptions of all required easements (shown graphically) within the subdivision, intersecting, or contiguous with its boundaries or forming such boundaries.

(vii) The proposed location of sidewalks for each street are indicated in a note on the plat.

(5) Support Documents. The following supporting documents must accompany the Final Plat:

(i) Developer shall include a copy of the approved application for flood plain map amendment or revision, as required by the Federal Emergency Management Agency (FEMA), if applicable.

(ii) If a subdivision is located in an area served by any utility other than the City, the developer shall furnish a letter from such utility certifying their approval of the location of the utility easements shown on the plat and indicating the

utility's intent to serve the property, except that said letters are not required if the easements conform to those approved on the Preliminary Plat.

(iii) If the construction of all improvements needed to serve the subdivision is not completed prior to approval of the Final Plat, then the developer shall provide financial assurance (surety) for the completion of the remainder of those improvements in accordance with this Ordinance.

(iv) Current original tax certificates for all property being subdivided, including LISD, City of Leander, ACC, and Williamson County.

(v) Documentation from Williamson or Travis County 911/Addressing stating that all of the street names on the Final Plat are not duplicated in other areas of the county.

(6) The applicant shall be responsible for verifying the accuracy of all data submitted.

(d) **Procedure.** After approval of the Preliminary Plat and Construction Plans for a proposed subdivision, a Final Plat for that subdivision shall be submitted to the City for Commission approval, and such approval shall be obtained, before recordation of the plat.

(1) A Final Plat may be submitted for review and approval simultaneously with Construction Plans, provided however that the Final Plat shall not be approved until the Construction Plans have been approved and all required improvements have been determined by the City Engineer to be complete or fiscal surety is posted for such improvements including any required park improvements. If the Final Plat and Construction Plans are to be reviewed simultaneously, a complete application for Final Plat and a complete application for Construction Plans must be submitted to the City simultaneously.

(2) Legible prints, as indicated on the application form, shall be submitted at least thirty (30) days prior to the regular meeting of the Commission at which the Final Plat is to be heard, along with all information included on the most recent Final Plat application/checklist and the following:

(i) Completed application forms and the payment of all applicable fees.

(ii) Any materials or documents required by the Commission and/or Council as a condition of Preliminary Plat approval.

(iii) A letter requesting any variances from the provisions of this Ordinance, if not previously approved as part of the Preliminary Plat, and posted pursuant to the requirements this Ordinance.

(iv) Two (2) copies of the deed restrictions or covenants, if such documents are to be used. These shall be filed for record in conjunction with the filing of the Final Plat.

(v) Certification from all applicable taxing authorities that all taxes due on the property have been paid.

(vi) Any attendant documents needed to supplement the information provided on the Final Plat.

(3) For projects located within the City's extra-territorial jurisdiction, one (1) extra copy of the above referenced items must be provided to the County for review and approval. The applicant shall be responsible for any additional information required by the County for Final Plat approval.

(4) For projects located within the Lake Travis watershed, one (1) extra copy of the above referenced items must be provided to the Lower Colorado River Authority (LCRA) for compliance with the Lake Travis and Upper Highland Lakes Non-point Source Pollution Control Ordinance. The applicant shall be responsible for any additional information required by the LCRA for the necessary approvals.

(5) City staff shall review all Final Plat submittals for completeness within ten business days of the date the application is submitted. If in the judgment of City staff, the Final Plat submittal substantially fails to meet the minimal informational requirements as outlined above, it will not be accepted for review. A Final Plat application shall expire on the 45th day after the date the application is filed with the City if:

(i) the applicant fails to provide documents or other information necessary to comply with requirements relating to the form and content of the application set forth in this Chapter;

(ii) within ten (10) business days of the date the application is filed with the City, the City provides the applicant 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

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

(6) Prior to the Commission meeting at which the Final Plat is presented, City staff shall review the plat for consistency with City codes, policies and plans.

(7) City staff shall prepare a report analyzing the Final Plat submittal, as well as any comments received concerning the Preliminary Plat, and recommending action on the Final Plat. This report shall be available at least five (5) working days prior to the Commission meeting.

(e) **Notification.** Public notification of Final Plats shall not be required.

(f) **Approval.** The Commission shall act on the request for Final Plat approval.

(1) The failure of the Commission to act within thirty (30) days of the Final Plat filing date shall be deemed an approval of the plat, except as otherwise agreed to by the developer.

(2) For Final Plats submitted simultaneously with Construction Plans, the failure of the Commission to act within thirty (30) days of the later of the filing date or the Construction Plan approval date shall be deemed an approval of the Final Plat, except as otherwise agreed to by the developer.

(3) A final plat shall not be approved if:

(i) The tract is not in conformance with the Composite Zoning Ordinance or the Subdivision Ordinance.

(ii) Fees in-lieu of park land dedication as required by this Ordinance, if applicable, have not been paid.

(iii) Written acceptance of all improvements required by this Ordinance by the City Engineer or, in lieu of acceptance, assurance of completion of said improvements pursuant to this Ordinance, has not been received by the City.

(iv) Applicable fees required by this Ordinance have not been paid.

(v) Notes describing any variances approved by the Commission have not been

added to the plat.

(vi) Three (3) copies of record drawings have not been submitted to and approved by the City Engineer, along with a statement prepared by a licensed professional engineer.

(vii) Diskette(s) containing computer generated drawings of all public improvements shown on the Construction Plans, and all lot lines shown on the Final Plat, have not been submitted to the City Engineer to update City record drawings.

(viii) Three (3) copies of Maintenance bonds meeting the requirements of this Ordinance have not been provided.

(ix) An affidavit of all bills paid and a release of liens have not been provided.

(x) Any and all other requirements identified in the Final Plat process have not been satisfied.

(4) The developer should be aware that specific approvals from other agencies may be required.

(g) **Application Expiration**.

(1) The Final Plat application shall expire nine (9) months after the date that all initial staff review comments from all reviewing departments have been issued on the application if the final plat is not approved due to the applicant's failure to cause the application to comply with applicable city regulations.

(2) The Planning Department may grant one six (6) month extension if the applicant can show substantial progress in obtaining approval of the final plat. Substantial progress shall consist of, at a minimum, a resubmission of the final plat and all relevant materials by the applicant that address all initial staff review comments from all reviewing departments.

(h) **Disapproval, Expiration and Extension.**

(1) In the event that an applicant requests city staff delay submitting a Final Plat to the Commission, the applicant must present the Final Plat application to the Commission within six (6) months of the date the delay is requested or the Final Plat application will expire. The Planning Department may grant one six (6) month extension if there are extenuating circumstances.

(2) Upon disapproval of the Final Plat by the Commission, the developer has 120 days to address all plat requirements and resubmit corrections to the Final Plat. If the revisions have not been submitted in 120 days the Final Plat application will expire and the applicant is required to resubmit a new final plat application including payment of applicable fees. At the request of the applicant, the Commission may grant one 120 day extension to the application.

(3) If the Commission approves the plat with conditions, the application will not expire until six months from the date of such action by the Commission. One additional six month extension may be granted by the Commission if the applicant can demonstrate substantial progress in compliance with conditions.

(4) The approval of the final plat by the Commission shall expire within one (1) year of the date of approval if the final plat is not recorded with the County.

(i) **Recordation.**

(1) Prior to the recordation of the Final Plat:

(i) The Final Plat shall have been approved by the Commission and signed by the appropriate City officials pursuant to the provisions of this Ordinance.

(ii) Copies of any agreements required providing for the proper and continuous operation, maintenance, and supervision of any facilities that are of common use or benefit which cannot be satisfactorily maintained, or which have been rejected for operation and/or maintenance, by an existing public agency shall be executed.

(2) City staff shall, upon determination that all provisions of this Ordinance have been satisfied, and all the above conditions have been met, obtain signatures certifying Final Plat approval by the Chairperson of the Commission, as attested to by the Commission Secretary.

(3) Once the original Final Plat has been certified by the Chairperson of the Commission, City staff shall notify the developer that the original, signed Final Plat is ready for reproduction.

(4) The developer shall make arrangements to order two (2) photographic mylar copies if the subdivision is located in one county, or three (3) photographic mylar copies if the subdivision is located in two counties, of the original, signed Final Plat, at the developer's expense, prior to recordation. The developer shall also make arrangements to have the Final Plat filed for recordation at the developer's expense in the Official County Records at the appropriate county offices.

(5) If the land area represented by the subdivision is located outside the corporate limits of the City on the date of its filing for recordation with the Official County Records, then it must be approved by the Commissioners Court of the County prior to recordation unless an agreement between the City and County stipulates differently. It shall be the responsibility of the developer to be familiar with the process, procedures, and requirements necessary to secure County approval. Such approval shall be evidenced by the signature of the statement of certification by the County Judge.

(6) After the plat is filed for recordation, the developer shall return one (1) photographic mylar copy of the original, signed Final Plat to the City Planning Department showing the applicable recording information. The City shall not issue final address plats or permits for lots within the subdivision until the Final Plat has been recorded, the developer has paid the county recordation fee, and the developer delivers the photographic mylars to the City.

(7) The City shall retain one (1) photographic mylar copy of the original signed Final Plat on file as public record.

(j) **Responsibility.** Notwithstanding the approval of any Final Plat by the Commission, the developer and the engineer that prepares and submits such plats shall be and remain responsible for the adequacy of the design and nothing in this Ordinance shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any plat submitted.

SECTION 25. AMENDED FINAL PLAT

(a) **Purpose.** An Amended Plat that meets all of the informational requirements set forth in this Ordinance may be approved and recorded by the City without vacation of the preceding plat, without a public hearing, and without approval of other lot owners within the platted subdivision provided that any persons with a vested interest affected by the plat amendment signs the plat and application; and that the purpose of the Amended Plat is:

(1) To correct an error in any course or distance shown on the preceding plat; or

(2) To add any course or distance that was omitted on the preceding plat; or

(3) To correct an error in the description of the real property shown on the preceding plat; or

(4) To indicate monuments set after death, disability, or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments; or

(5) To show the proper location or character of any monument which has been changed in location, character, or shown incorrectly on the preceding plat; or

(6) To correct any other type of scrivener or clerical error or omission as previously approved by the Commission and Council; such errors and omissions may include, but are not limited to: lot numbers, acreage, street names, and identification of adjacent recorded plats; or

(7) To correct an error in courses and distances of lot lines between two (2) adjacent lots where lot owners join in the application for an Amended Plat and neither lot is abolished, provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat; or

(8) To relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement; or

(9) To relocate one (1) or more lot lines between one (1) or more adjacent lots where the owner or owners of all such lots join in the application for the Amended Plat, provided that such amendment does not attempt to remove recorded covenants or restrictions, or Increase the number of lots.

(b) **Format.** The format of an Amended Plat shall be the same as the format for a Final Plat.

(c) **Content.** The content of an Amended Plat shall be the same as the content requirements for a Short Form Final Plat.

(d) **Procedure.**

(1) The Amended Plat may be submitted without re-approval of a Preliminary Plat or Construction Plans. The Amended Plat, prepared by a surveyor and engineer if required, and bearing their seals shall be submitted to the City for approval before recordation of the plat.

(2) Legible prints, as indicated on the application form shall be submitted to the City along with the following:

(i) Completed and signed application forms and the payment of all applicable fees.

(ii) Certification from all applicable taxing authorities that all taxes due on the property have been paid.

(iii) Any information required on the most recent application/checklist and attendant documents needed to supplement the information provided on the plat.

(iv) The City shall require the following note on the Amended Plat: This subdivision is subject to all general notes and restrictions appearing on the plat of _____ recorded at _____ of the Plat Records of _____ County, Texas.

(e) **Notification.** Public notification and public hearings shall not be required for an Amended Plat.

(f) **Approval.** The City Engineer shall approve any Amended Plat meeting the requirements of this Ordinance within thirty (30) days of receipt of a complete submittal. However, if in the City Engineer's determination, the Amended Plat does not satisfy this Ordinance, the City Engineer may require the plat to be processed in accordance with the Final Plat procedures of this Ordinance. An Amended Plat shall not be approved if it is not in conformance with the Composite Zoning Ordinance.

(g) **Expiration.**

(1) The Amended Final Plat application shall expire nine (9) months after the date that all initial staff review comments from all reviewing departments have been issued on the application if the amended final plat is not approved due to the applicant's failure to cause the application to comply with applicable city regulations.

(2) The Planning Department may grant one six (6) month extension if the applicant can show substantial progress in obtaining approval of the amended final plat. Substantial progress shall consist of, at a minimum, a resubmission of the amended final plat and all relevant materials by the applicant that address all initial staff review comments from all reviewing departments.

(3) Approval of an Amended Plat shall expire if said plat is not recorded in the plat records of the County within six (6) months of City approval if such delay is the result of any action or inaction by the applicant or their representative.

(h) **Recordation.** Recordation of an Amended Plat shall follow the same recordation provisions of a Final Plat.

(i) **Responsibility.** Notwithstanding the approval of any Amended Plat by the City Engineer, the developer and the engineer that prepares and submits such plats shall be and remain responsible for the adequacy of the design and nothing in this Ordinance shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any plat submitted.

SECTION 26. SHORT FORM FINAL PLAT

(a) **Purpose.** The provision of adequate data concerning land use, utility requirements, traffic impact, streets, easements and dedications is vital to ensure the continued health, safety and welfare of the City's residents. Recognizing that the significance of this data is reduced for the small scale projects that are most heavily impacted by the burden of producing this data, the City allows alternate procedures for simple re-subdivisions, lot splits, and the platting of existing development and of land proposed for site development where public improvements are not required.

(1) Applicants for subdivisions or re-subdivisions not requiring public improvements may follow the procedure set forth below provided that the subdivision meets all of the following criteria:

(i) The City shall certify that the proposed subdivision meets all the requirements of the Short Form Final Plat.

(ii) No new public street shall be necessary for each lot to access a public street.

(iii) No off-site improvements to the City's infrastructure are determined to be necessary by the City Engineer.

(iv) No drainage improvements are determined to be necessary by the City Engineer.

(v) No more than four (4) lots are involved.

(2) The Commission may require the standard Final Plat procedures outlined this Ordinance, if the City determines that the plat is inconsistent with any element of the Master Plan, or any established City ordinances, codes or policies.

(b) **Format.** The format of the Short Form Final Plat shall correspond with the format for Final Plats as required by this Ordinance.

(c) **Content.** The content of the Short Form Final Plat shall correspond with the content for Final Plats as required by this Ordinance, except that:

(1) Construction plans may not be required.

(2) The City may permit omission of any informational requirements that are determined by the City to place an excessive burden on the applicant, including, but not limited to contours, centerlines of existing watercourses, etc.

(3) The City shall require the following note on the Final Plat: This subdivision is subject to all general notes and restrictions appearing on the plat of _____, Lot(s) _____, recorded at Cabinet _____, Slide _____ of Plat Records of _____ County, Texas.

(d) **Procedure.** The procedure for review and approval of a Short Form Final Plat shall follow the procedure for Final Plats, except that:

(1) The Short Form Final Plat may be submitted without approval of a Concept Plan, Preliminary Plat or Construction Plans. The plat, prepared by a surveyor, and engineer if required, and bearing their seals shall be submitted to the Commission for approval before recordation of the plat.

(2) Legible prints, as indicated on the application form shall be submitted at least thirty (30) days prior to the regular meeting of the Commission along with all information

required by the most recent application/checklist and the following:

(i) Completed application forms and the payment of all required fees.

(ii) Two (2) copies of the deed restrictions or covenants, if such documents are to be used. These shall be filed for record in conjunction with the filing of the plat.

(iii) Certification from all applicable taxing authorities that all taxes due on the property have been paid.

(iv) Notification materials as required herein.

(v) A petition requesting annexation, if applicable.

(vi) Any attendant documents needed to supplement the information provided on the plat.

(3) For projects located within the City's extra-territorial jurisdiction, one (1) extra copy of the above referenced items must be provided to the County for review and approval. The applicant shall be responsible for any additional information required by the County for Short Form Final Plat approval.

(e) **Notification.** Notification procedures for a Short Form Final Plat are not required unless required by Texas Local Government Code for a re-plat.

(f) **Approval.** The approval process of a Short Form Final Plat shall be the same as the approval of a Final Plat. A short form final plat shall not be approved if it is not in conformance with the Composite Zoning Ordinance.

(g) **Expiration.** Application and approval expiration dates for Short form Final Plat shall be the same as the application and approval expiration dates for a Final Plat. Extensions may be granted as provided for Final Plats.

(h) **Revision.** The revision process of a Short Form Final Plat shall be the same as the revision process described for a Final Plat.

(i) **Recordation.** The recordation procedures of a Short Form Final Plat shall be the same as the procedures for a Final Plat.

(j) **Responsibility.** Notwithstanding the approval of any Short Form Final Plat by the Commission or City Engineer, the developer and the engineer that prepares and submits such plats shall be and remain responsible for the adequacy of the design and nothing in this Ordinance shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any plat submitted.

SECTION 27. VACATION OF UNDEVELOPED SUBDIVISION

(a) When no lots on a plat of subdivision have been sold, the developer may request the vacation of the plat prior to the time that the improvements covered by the guarantees are installed, and when such plat is vacated, all fiscal sureties shall be returned to the developer.

SECTION 28. ASSURANCES FOR COMPLETION OF IMPROVEMENTS

(a) **Purpose.** The provisions of this Ordinance, as set forth in this Section, are designed and intended to insure that, for all subdivisions of land within the jurisdiction of the City, all improvements as required herein are installed in a timely manner in order that:

(1) The City can provide for the orderly and economical extension of public facilities and services.

(2) All purchasers of property within the subdivision shall have a usable, buildable parcel of land.

(3) All required improvements are constructed in accordance with the City Standard Details and Specifications.

(b) **General Policy.** Prior to approval of a Final Plat by the Commission the applicant shall:

(1) Construct all improvements as required by this Ordinance, and provide a surety instrument guaranteeing their Maintenance as required herein; or

(2) Provide a surety instrument guaranteeing construction and maintenance of all improvements required by this Ordinance, and as provided for herein.

(c) **Completion of Improvements.** Prior to the signing of the approved Final Plat by the Chairman of the Commission and Mayor of the City of Leander, the developer shall:

(1) Complete all improvements required by this Ordinance in accordance with the approved Construction Plans and subject to the approval of the City Engineer and acceptance by the City, except as otherwise provided for in this Ordinance.

(2) Construct all sidewalks as shown on the approved Construction Plans and according to the City Standard Details and Specifications and the Composite Zoning Ordinance; including sidewalks not abutting a residential, commercial or industrial lot; sidewalks on arterial streets to which access is prohibited; sidewalks on double frontage lots on the side to which access is prohibited; and all sidewalks on safe school routes. Such sidewalks include, but are not limited to, sidewalks along street frontages of lots proposed for schools, park lots where no park improvements are proposed, detention lots, drainage lots, landscape lots, or similar lots; prior to subdivision acceptance. All other sidewalks shall be constructed and approved for each lot prior to issuance of a certificate of occupancy.

(d) **Alternative to Completing Improvements.** The City may waive the requirement that the developer complete all improvements required by this Ordinance prior to the approval of the approved Final Plat, contingent upon securing from the developer a guarantee (fiscal surety), as provided for by this Section, for completion of all required improvements, including the City's cost for collecting the guaranteed funds and administering the completion of improvements, in the event the developer defaults. Such guarantee shall take one (1) of the following forms:

(1) Performance Bond. The developer shall post a performance bond with the City, as set forth herein, in an amount equal to one hundred ten percent (110%) of the estimated construction costs for all remaining required improvements, using the standard City form.

(2) Escrow Account. The developer shall deposit cash, or other instrument readily convertible into cash at face value, either with the City, or in escrow with a bank or savings and loan institution. The use of any instrument other than cash shall be

subject to the approval of the City. The amount of the deposit shall equal one hundred ten percent (110%) of the estimated construction costs for all remaining required improvements. In the case of any escrow account, the developer shall file with the City an agreement between the financial institution and the developer guaranteeing the following:

(i) That the funds of said escrow account shall be held in trust until released by the City and may not be used or pledged by the developer as security in any other matter during that period.

(ii) That in the case of a failure on the part of the developer to complete said improvements, the financial institution shall immediately make the funds in said account available to the City for use in the completion of those improvements.

Such escrow account agreement shall be prepared using the standard City form.

(3) Letter of Credit. The developer shall provide a letter of credit from a bank or other reputable institution or individual. This letter shall be submitted to the City and shall certify the following:

(i) That the creditor does guarantee funds equal to one hundred ten percent (110%) of the estimated construction costs for all remaining required improvements.

(ii) That, in the case of failure on the part of the developer to complete the specified improvements within the required time period, the creditor shall pay to the City immediately, and without further action, such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter.

(iii) That this letter of credit may not be withdrawn, or reduced in amount, until approved by the City according to provisions of this Ordinance.

Such Letter of Credit shall be prepared using the standard City form.

(4) Cost Estimates. A licensed professional engineer licensed to practice in the State of Texas shall furnish estimates of the costs of all required improvements to the City Engineer who shall review the estimates in order to determine the adequacy of the guarantee instrument for insuring the construction of the required facilities.

(5) Surety Acceptance. The bank, financial institution, insurer, person or entity providing any letter of credit, bond or holding any escrow account, pursuant to this Ordinance, shall meet or exceed the minimum requirements established by City ordinance and shall be subject to approval by the City as provided in the ordinances of the City.

(6) Sufficiency. Such surety shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth in this Ordinance. All such surety instruments shall be both a payment and performance guarantee.

(7) If the project is located in the extraterritorial jurisdiction of the City, and is subject to the bonding requirements of the County for the construction of roadways, then that amount of money shall be reduced from the amount required to be posted with the City, provided that the instrument is transferable from the County to the City upon annexation.

(e) **Time Limit for Completing Improvements.** The period within which required

improvements must be completed shall be incorporated in the surety instrument and shall not in any event, without prior approval of the City, exceed one (1) year from date of Final Plat approval.

(1) The Commission may, upon application of the developer and upon proof of hardship, recommend to the Council extension of the completion date set forth in such bond or other instrument for a maximum period of one (1) additional year. Such hardship may include delays imposed due to City projects. An application for extension shall be accompanied by an updated estimate of construction costs prepared by a licensed professional engineer, licensed to practice in the State of Texas. A surety instrument for guaranteeing completion of remaining required improvements must be filed in an amount equal to one hundred ten percent (110%) of the updated estimate of construction costs as approved by the City Engineer.

(2) The Council may at any time during the period of such surety instrument accept a substitution of principal sureties upon recommendation of the Commission.

(f) **Failure to Complete Improvements.** Approval of Final Plats shall be deemed to have expired in subdivisions for which no assurances for completion have been posted or the improvements have not been completed within one (1) year of Final Plat approval, unless otherwise approved by the City. In those cases where a surety instrument has been required and improvements have not been completed within the terms of said surety instrument, the City may declare the developer and/or surety to be in default and require that all the improvements be installed.

(g) **Inspection and Acceptance of Improvements.** The City Engineer shall inspect all required improvements, to insure compliance with City requirements and the approved Construction Plans.

(1) When all required improvements have been satisfactorily completed, the City Engineer shall either

(i) accept, in writing, the improvements as having been satisfactorily completed, or

(ii) issue a punch list to the developer denoting items remaining to be completed.

(2) The City Engineer shall have ten (10) working days to complete this inspection upon notification by the developer.

(3) The City Engineer shall issue the report within ten (10) working days of the date of inspection.

(4) The City shall not accept dedications of required improvements, nor release or reduce a performance bond or other assurance, until such time it is determined that:

(i) All improvements have been satisfactorily completed.

(ii) Three (3) copies of record drawings have been submitted to and approved by the City Engineer, along with a statement prepared by a licensed professional engineer that all improvements have been installed and constructed in accordance with the submitted record drawings.

(iii) Copies of all inspection reports, shop drawings and certified test results of construction materials have been submitted to and approved by the City Engineer.

(iv) Digital files containing computed generated drawings of all public

improvements shown on the Construction Plans, and all lot lines shown on the Final Plat, have been submitted to the City Engineer to update City record drawings.

(v) Three (3) copies of Maintenance bonds meeting the requirements of this Ordinance have been provided.

(vi) An affidavit of all bills paid and a release of liens have been provided.

(vii) Any and all other requirements identified in the Final Plat process have been satisfied.

(viii) Digital file containing computer generated drawings of all public improvements shown on the Construction Plans, and all lot lines shown on the Final Plat, have been submitted to the City Engineer to update City record drawings.

(ix) A fiscal surety meeting the requirements of Section 48 (f), if required by that Section.

(h) **Reduction or Release of Improvement Surety Instrument.**

(1) A surety instrument may be reduced with the approval of the City Engineer, and the Treasurer/Director of Finance, upon actual construction of required improvements by a ratio that the improvement bears to the total public improvements required for the subdivision, as determined by the City Engineer.

(2) Before the City shall reduce said surety instrument, the developer shall provide a new surety instrument in an amount equal to one hundred ten percent (110%) of the estimated cost of the remaining required improvements, and such new surety instrument shall comply with this Ordinance.

(3) The substitution of a new surety instrument shall in no way change or modify the terms and conditions of the performance surety instrument or the obligation of the developer as specified in the performance surety instrument.

(4) In no event shall a surety instrument be reduced below ten percent (10%) of the principal amount of the original estimated total costs of improvements for which surety was given, prior to completion of all required improvements.

(5) The City shall not release a surety instrument unless and until all the conditions of this Ordinance have been met.

(i) **Maintenance Bond Required.**

(1) Before the release or partial release of any surety instrument guaranteeing the construction of required subdivision improvements, or the approval of the Final Plat where subdivision improvements were accepted prior to the approval , the developer shall furnish the City Engineer with a Maintenance bond or other surety to assure the quality of materials, workmanship, and maintenance of all required improvements including the City's costs for collecting the guaranteed funds and administering the correction and/or replacement of covered improvements.

(2) The Maintenance bond or other surety instrument:

(i) Shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution.

(ii) Shall clearly state both the developer and the City as joint obligees.

(iii) Shall cover all facilities requested for City acceptance, including water,

wastewater, street and drainage improvements.

(iv) Shall be in an amount equal to 10% of the cost of improvements for the first two calendar years. A statement of construction value or final pay estimate shall be provided to the City Engineer to support said warranty and Maintenance bond amounts.

(v) Shall require the Surety to notify the City at least fifteen (15) days prior to the end of the first full calendar year, and the lapse of Maintenance coverage at the end of the second full calendar year.

(3) In an instance where a Maintenance bond or other surety instrument has been posted and a defect or failure of any required improvement occurs within the period of coverage, the City may declare said bond or surety instrument to be in default and require that the improvements be repaired or replaced.

(4) Whenever a defect or failure of any required improvement occurs within the period of coverage and less than one (1) full year of coverage remains, the City shall require that a new Maintenance bond or surety instrument be posted for a period of one (1) full calendar year sufficient to cover the corrected defect or failure.

SECTIONS 29. THROUGH 39. RESERVED

ARTICLE III. DESIGN STANDARDS FOR IMPROVEMENTS

SECTION 40. GENERALLY

(a) **Additional Regulations.** In addition to the requirements established by this Ordinance, all development within the City limits shall be designed so as to comply with the intent and provisions of the Composite Zoning Ordinance, building and housing codes, Master Plan, regulations of the Texas Department of Transportation and the Texas Department of Health, and any other applicable law or regulation adopted by a unit of federal, state or local government; and all development within the extraterritorial jurisdiction of the City shall comply with this Ordinance and all other applicable laws and regulations adopted by a unit of federal, state or local government.

(b) **Standards in General.** The minimum design standards as contained herein shall provide the basic criteria for evaluating proposed development. The City may, however, establish reasonable design requirements in excess of these established minimum standards, or grant variances from those established minimum standards, where by reason of exceptional topographic, cultural, historic, archaeological, hydrologic, or other physical conditions of the property to be developed or of an adjacent tract, the strict adherence to these standards will result in an inappropriate subdivision design or cause unnecessary hardship.

(c) **Coordinated Design.** The quality of life and the community in the Leander urban area is dependent on the quality of design of the individual developments in which people live and work.. Good community design requires the coordination of the efforts of each developer of land within the urban area. It is intended that the urban area shall be designed as a group of integrated residential neighborhoods and appropriate commercial, industrial and public facilities. Therefore, the design of each development shall be prepared in accordance with the applicable principles established by the Master Plan for land use, circulation, community facilities and public utility services and in accordance with the following general principles:

(1) The neighborhood, as a planning unit, is intended as an area principally for residential use, and of a size that can be served by one (1) elementary school. Space for recreational, educational and shopping facilities to serve the residents of the neighborhood should be provided and designed as an integral part of each neighborhood. The size of lots and blocks should be designed to provide for adequate water and wastewater service, traffic circulation, light, air, open space, landscaping and off-street parking. The arrangement of lots and blocks and the street system should be designed to make the most advantageous use of topography and natural physical features. Tree masses and large individual trees should be preserved to the greatest extent possible. The system of sidewalks and roadways and the lot layout should be designed to take advantage of the visual qualities of the area.

(2) The components of the street system should in different degrees serve the separate purposes of access to property and safe, efficient movement of traffic. Land use types should be served by roadways whose capacity increases in proportion to the traffic generation of the land use. Design and location of points of access to property

should be appropriate to the volume and speed characteristics of traffic utilizing the intersection.

(3) An open space system throughout the urban area should provide a range of active and passive recreation opportunities. Park, open space and recreation facilities should be located with sensitivity to user population, natural features, traffic generation, and nearby land use.

(4) Land use arrangement and design should minimize the difference in intensity between adjacent uses in order to provide for the provision of water, wastewater and roadways sufficient to serve the proposed densities and provide for compatible neighboring developments. Step-down patterns of use surrounding major activity centers, combined with buffering techniques, should ensure that residential densities are compatible with each other, and that residential development is not adversely impacted by higher intensity uses.

(5) Public utilities and infrastructure should be provided within all subdivisions in order to ensure the health, safety and well-being of the public. Utility capacity should be sufficient to meet accepted standards of service to reasonably anticipated development. Where excess capacity in utility lines or facilities within a subdivision will further the efficient and desirable extension of utilities to adjacent property, equitable provision of such capacity is essential to the orderly growth of the urban area.

(6) Construction of water, wastewater, drainage, gas, electric, telephone and cable television utilities that require utility cuts of a public street shall be repaired pursuant to applicable City ordinances.

SECTION 41. DRAINAGE IMPROVEMENTS

(a) **Purpose**. The drainage improvement provisions contained herein are deemed necessary for the following reasons:

(1) Waterways and their associated watersheds within the City's territorial jurisdiction represent significant and irreplaceable recreational and aesthetic resources and contribute directly to the City's public health.

(2) The continued economic growth of the City is dependent on an adequate quality and quantity of stormwater runoff, a pleasing natural environment, recreational opportunities in close proximity to the City as well as the protection of people and property from the hazards of flooding.

(3) All watersheds within the City's jurisdiction, and especially those with abrupt topography, sparse vegetation, and thin and easily disturbed soil, are vulnerable to flooding due to unregulated development activities.

(4) All watersheds within the City's jurisdiction are undergoing development or are facing development pressure.

(5) If watersheds within the City's jurisdiction are not developed in a sensitive and innovative manner, their water resources, natural environment, and recreational characteristics may be irreparably damaged.

(6) The City should regulate all drainage within the City's jurisdiction for the public benefit and safety, including both the existing and future generations of citizens of the City, as well as for downstream users of the each waterway within the City's

territorial jurisdiction.

(b) **Policy.**

(1) All drainage improvements within the City's jurisdiction shall be designed in accordance with the City of Austin's Drainage Criteria Manual, as currently amended, save and except the following:

(i) Preface,

(ii) Paragraph 1.2.2.E

(iii) Paragraph 1.2.4.E.2, and 1.2.4.E.11;

(iv) Paragraph 1.2.7;

(v) Paragraph 1.4.0;

(vi) Paragraph 1.5.0.3, 1.5.0.4, 1.5.0.5, and 1.5.0.6;

(vii) Paragraph 8.2;

(viii) Appendix D,; and

(ix) all references to the City of Austin, including it's departments, boards or divisions shall be the same departments, boards or divisions within the City of Leander. Where such departments, boards or divisions do not exist within the City of Leander, such references shall be construed to mean the Commission, the City Engineer or other representative authorized by the Council to perform such functions on the City's behalf. (Ordinance No. 300-F-94)

(2) The Commission shall not recommend approval or approve any plat or plan which does not meet the minimum requirements of this Ordinance in making adequate provisions for control of the quantity of stormwater runoff to protect the public health, safety and property, and benefit the present and future owners of property within the development, other lands within the City and neighboring areas.

(3) It shall be the responsibility of the developer to design and construct a system for the collection and transport of all stormwater runoff flowing into, and generated within the development, in accordance with:

(i) The requirements of this Ordinance.

(ii) The City of Austin Drainage Criteria Manual, as currently amended, save and except as noted in this Ordinance.

(iii) Good engineering practices.

(iv) Approved engineering plans for construction.

(v) The regulations and principles of law established pursuant to the Texas Water Code.

(4) In general, drainage improvements shall be designed and constructed in a manner which promotes the development of a network of both natural and built drainageways throughout the community and so as to:

(i) Retain natural flood plains in a condition that minimizes interference with flood water conveyance, flood water storage, aquatic and terrestrial ecosystems, and ground and surface water.

(ii) Reduce exposure of people and property to the flood hazards and the nuisances associated with inadequate control of stormwater runoff.

(iii) Systematically reduce the existing level of flood damages.

(iv) Ensure that corrective works are consistent with the overall goals of the City.

(v) Minimize erosion and sedimentation problems and enhance water quality.

(vi) Protect environmental quality, social well-being and economic stability.

(vii) Plan for both the large flooding events and the smaller, more frequent flooding events by providing both major and minor drainage systems.

(viii) Minimize future operational and maintenance expenses.

(ix) Reduce exposure of public investment in utilities, streets and other public facilities (infrastructure).

(x) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the public.

(xi) Acquire and maintain a combination of recreational and open space systems utilizing flood plain lands.

SECTION 42. TRANSPORTATION IMPROVEMENTS

(a) **Purpose.** The planning for a thoroughfare system is essential for the continued efficient movement of people and goods, and the Master Plan shall serve as a guide for the location and scale of future collector and arterial streets. The precise alignment of thoroughfares included in the Plan may be varied to allow adjustments that increase the compatibility of the right-of-way with natural or man made features such as steep slopes, waterways, wildlife habitats, neighborhoods, historic structures or existing roadways.

(b) **Policy.**

(1) All transportation improvements including streets, trails, driveways, sidewalks, bikeways, traffic control, and parking areas within the City's jurisdiction shall be designed in accordance with the City of Leander Composite Zoning Ordinance, Transportation Plan, Comprehensive Plan and the City of Austin's Transportation Criteria Manual, as currently amended, save and except the following:

(i) all references to the Austin Metropolitan Area Transportation Plan shall be construed to mean the City of Leander's Comprehensive Plan and Transportation Plan;

(ii) Paragraph 1.3.1.G;

(iii) Table 1-7A;

(iv) all references to Austin zoning districts as they pertain to street classifications, trip generation, recommended pavement design, off-street parking requirements;

(v) Appendix F; and all references to the City of Austin, including its departments, boards or divisions shall be the same departments, boards or divisions within the City of Leander. Where such departments, boards or divisions do not exist within the City, such references shall be construed to mean the Commission, the City Engineer or other representative authorized by the Council to perform such functions on the City's behalf.

(2) Additional street and trail design standards shall be as follows:

(i) All streets and trails shall be planned to properly integrate with the existing and proposed system of local, collector and arterial streets and trails and shall conform to the Transportation Plan. Arterial streets shall be provided to the extent that such streets are roughly proportional to the projected impact of the proposed development. Prior to the consideration of an action on a subdivision plan or plat, staff shall prepare, and the City Engineer shall review and approve, an individualized determination providing a rough proportionality assessment and a determination of whether the required dedication(s), payment of fees or construction costs, and/or improvement of infrastructure set forth in the determination is roughly proportionate to the impact of the proposed subdivision. The determination shall include, but shall not necessarily be limited to, a comparison of the percentage of land within a subdivision to be dedicated for an arterial roadway with the percentage of land in the City and ETJ designated on the Transportation Plan as arterial roadways. The analysis shall include the entire tract of land contained within the initial subdivision application required by the City and shall include existing roadways outside of the land as deemed appropriate by the City Engineer. If the individualized determination demonstrates that the proposed street dedication is not roughly proportional to the impact of the proposed subdivision, the additional right-of-way needed to comply with the Transportation Plan that exceeds the limits of rough proportionality shall be shown as "Reserved Street ROW" on the face of the plat or plan.

(ii) Local streets shall be designed so as to calm traffic and discourage "cut through" traffic including the following:

a) Residential collector streets shall be preferred over neighborhood collector streets in proposed residential areas.

b) Straight sections of local streets and collector streets with single family or two family lots fronting on them shall not exceed one thousand three hundred (1,300) feet in length unless other traffic calming design is utilized as approved by the City or unless such design is approved by the City Engineer.

(iii) Streets and trails shall be extended to the boundary lines of the tract as necessary for eventual extension to the adjacent tract(s) to ensure that block lengths do not, in general, exceed the limits defined by this ordinance and to provide access to adjacent property.

(iv) Provisions shall be made for the appropriate extension of existing and proposed streets and trails. Streets and trails intended to be extended from an adjacent tract shall be extended.

(v) Street and trail right-of-way shall be dedicated with the plat, and the street and trail shall be constructed with the subdivision improvements for the plat, for the full length and/or width of the lots in the subdivision adjacent to such street and trail, unless otherwise approved by the City Engineer.

(c) **Street Lighting.** Street lighting shall be installed by the developer for all new streets within the jurisdiction of the City, and shall be designed and constructed in accordance with City Standard Details and Specifications.

(d) **Street Signage.** Street signs shall be installed by the developer at all intersections within

and immediately adjacent to a proposed development, and shall be designed and constructed in accordance with City Standard Details and Specifications.

(e) **Sidewalks.** Sidewalks shall be installed by the developer on both sides of all streets within and immediately adjacent to a proposed development, and shall be designed and constructed in accordance with City Standard Details and Specifications and the Composite Zoning Ordinance.

(f) **Maintenance of Private Streets.** The developer of any subdivision in which private streets are approved for construction shall establish a property or home owner's association, or similar entity, (the "POA") that will have a binding, continuing responsibility for the maintenance and operation of the private streets and shall establish adequate funding for such maintenance and operation. The POA's maintenance obligation shall be noted on the plat and in the restrictive covenants filed of record for the subdivision in a form that is acceptable to the City. The restrictive covenants shall provide for a monthly or annual assessment sufficient to fund the maintenance and operation of the private streets, shall give the City the authority to judicially enforce the covenants requiring adequate assessments to be made and collected and the streets to be maintained and repaired; and shall provide for the City to recover any attorney's fees and expenses incurred in judicial enforcement. Compliance with this section shall be a condition of final plat approval.

(g) **Private Streets; Required Easements.** The developer of any subdivision in which private streets are approved for construction shall grant the City a public safety easement and a public utility easement over the private streets in the subdivision in the form acceptable to the City, said public utility easement to include cable and telecommunications utilities. Compliance with this section shall be a condition of final plat approval.

(h) **Non-Residential or Multi-Family Lot Connections.** Development and platting of non-residential and multi-family properties shall provide for and allow reciprocal access for drive lanes, fire lanes, driveways, and parking lots between interior contiguous lots within a subdivision and lots adjacent to another subdivision or non-residential or multi-family property.

(i) **Subdivision Access.** All subdivisions greater than thirty (30) lots shall require a secondary access unless otherwise approved by the Fire Department. The secondary access shall be constructed in accordance with the current Fire Code and City Standard Details and Specifications.

SECTION 43. WATER UTILITY IMPROVEMENTS

(a) **Policy.** Developers shall be responsible for providing an approved public water supply system consistent with the Master Plan, this Ordinance and the rules and regulations of the entity providing or to provide water to the development.

(1) Where an approved public water supply or distribution main is within reasonable distance of the subdivision as determined by the Commission, but in no case less than one-half (1/2) mile away and connection to the system is both possible and permissible, the developer shall be required to bear the cost of connecting the development to such existing water supply. In some instances, the City may request that the main water connection be oversized or rerouted to suit future water system improvements in that area. In such cases, the City will reimburse the developer the costs of oversizing or rerouting such connections.

(2) The developer shall, consistent with all existing ordinances, make a pro-rata contribution to funding of needed storage facilities, treatment facilities, and specific distribution lines as determined necessary by the City. Under extraordinary circumstances, these provisions may be varied with the approval of the Council and Commission.

(b) **Design**

(1) The design and construction of a public water system shall

(i) Comply with regulations covering extension of public water systems adopted by the State of Texas.

(ii) Be of sufficient size to furnish adequate domestic water supply and fire protection services to all lots, and to conform with the Master Utility Plan for the City;

(iii) Be located where maintenance can be accomplished with the least interference with traffic, structures and other utilities;

(iv) Be designed in an effort to eliminate the need for booster pumps or other similar devices;

(v) Not propose water mains less than eight (8) inches in diameter unless otherwise approved by the City Engineer;

(vi) Be acceptable, without penalty, to the adopted City of Leander Fire Code. To that end, the fire flows shall meet the provisions set forth within the current Fire Code.

(vii) Fire hydrants shall be provided in accordance with the current City of Leander Fire Code for all buildings, or portions of buildings hereafter constructed.

a) All installed fire hydrants shall meet the requirements of the current City of Leander Fire Detail.

b) Fire flows shall be calculated with a twenty (20) pound residual pressure.

(viii) Include valves on each fire hydrant lead, at each intersection of two (2) or more mains, and valve spacing so that no more than 30 customers will be without water during a shutoff;

(ix) Be designed and constructed in accordance with City Standard Details and Specifications; and,

(x) Be designed and constructed to comply with all applicable rules, regulations and policies of the entity that will provide water service to the development.

(2) The design of private water systems shall include backflow prevention assemblies for domestic and fire protection systems that are directly or indirectly connected to the City's potable water distribution system.

SECTION 44. WASTEWATER UTILITY IMPROVEMENTS

(a) **Policy.** Developers shall be responsible for providing an approved wastewater system, consistent with the Master Plan, this Ordinance and the rules and regulations of the entity providing or to provide wastewater service to the development, throughout the development, such that all lots, parcels, or tracts of land will be capable of connecting to the wastewater system except as otherwise provided herein.

(1) Where an approved public wastewater collection main is within reasonable distance of the subdivision as determined by the Commission, but in no case less than one-half (1/2) mile away and connection to the system is both possible and

permissible, the developer shall be required to bear the cost of connecting his development to such existing wastewater system. In some instances, the City may request that the main wastewater connection be oversized or rerouted to suit future wastewater system improvements in that area. In such cases, the City will reimburse the developer the costs of oversizing or rerouting such connections.

(2) The developer shall, consistent with all existing ordinances, make a pro-rata contribution to funding of needed lift station facilities, treatment facilities, and specific collection lines as determined necessary by the City. Under extraordinary circumstances, these provisions may be varied with the approval of the Council and Commission.

(b) **Design.** The design and construction of wastewater collection systems, lift stations, inverted siphons and septic systems shall comply with regulations covering extension of public wastewater systems, and other applicable regulations, adopted by the Texas Natural Resources Conservation Commission and the Texas Department of Health. Under extraordinary circumstances, these provisions may be varied with the approval of the Council and Commission.

(1) All new public wastewater systems shall be designed and constructed to operate on a gravity flow basis by taking advantage of natural topographic conditions and thereby reducing the need for lift stations and force mains. Where topography requires an excessive number of lift stations, in the alternative, pressure wastewater systems may be approved by the City Engineer.

(2) Flow determinations should include generally accepted criteria for average daily flow, inflow and infiltration, peaking factors, minimum slopes and minimum flow velocities.

(3) The minimum size of any gravity flow public wastewater line will be eight (8) inches in diameter.

(4) Public wastewater lines shall be located where maintenance can be accomplished with the least interference with traffic, structures and other utilities. Minimum separation distance from water utilities shall be in accordance with the rules adopted by the Texas Natural Resource Conservation Commission.

(5) Manholes shall be located so as to facilitate inspection and maintenance, including intersections, horizontal alignment changes, vertical grade changes, change in pipe size or material, and force main discharge points.

(6) All wastewater appurtenances shall be designed and constructed in accordance with City Standard Details and Specifications.

(7) All wastewater systems shall be designed and constructed to comply with all applicable rules, regulations and policies of the entity that will provide wastewater service to the development.

SECTION 45. BLOCKS AND LOTS

Except as provided otherwise in this Section, the terms and provisions of the Composite Zoning Ordinance establishing the minimum lot area, width, setback line, side yard and rear yard requirements for each zoning or use category are incorporated herein by reference. Such regulations and standards shall be applied to property within the City limits based upon the zoning of the property and to property within the extraterritorial jurisdiction based on the closest applicable standard in the Composite Zoning Ordinance.

(a) **Blocks.**

(1) The length, width, and shape of blocks shall meet the following standards:

(i) Provide adequate building sites (lots) suitable to the special needs of the type of use designated on the plat;

(ii) Accommodate lots of the size and dimensions required by this Section and the Composite Zoning Ordinance;

(iii) Provide for convenient access, circulation, control, and safety of street traffic;

(iv) Minimize reductions in the capacity of adjacent streets in so far as possible by reducing the number of turning movement conflicts;

(v) Provide an appropriate response to the limitations and opportunities of topography. and

(vi) Increase the ability of building sites (lots) to receive or to be protected from solar gain as the season requires in order to improve utility efficiency and increase the livability of each lot.

(2) Except for SFR zoning districts, residential blocks shall not exceed a perimeter length of three thousand five hundred (3,500) feet, and residential blocks in SFR zoning districts shall not exceed a perimeter length of six thousand (6,000) feet except as otherwise provided for herein.

(3) Blocks along arterial streets and blocks containing or proposed to contain primarily commercial or industrial uses shall not exceed a perimeter length of five thousand five hundred (5,500) feet.

(4) The width of blocks shall be sufficient to accommodate two (2) tiers of lots with minimum depth as required by this Section. Exceptions to this width shall be permitted in blocks adjacent to arterial or collector streets identified on the Transportation Plan if a landscape lot is provided adjacent to the arterial or collector and screening is provided in compliance with screening requirements listed in Article VI, Section 8 of the Composite Zoning Ordinance, or in blocks adjacent to railroads, waterways, or other topographical features prohibiting a second lot tier.

(5) The Commission may, at the Preliminary Plat phase, require the dedication at the time of final plat of an easement or right-of-way not less than ten (10) feet wide bisecting the center of any block in excess of twenty seven hundred (2,700) feet in perimeter to accommodate utilities, drainage facilities, and/or pedestrian access to greenbelts or park areas.

(6) Blocks shall be identified on each plat by consecutive adjacent numbers or letters within each subdivision and portion thereof. Blocks forming a continuation of a previous subdivision block shall continue the block number or letter.

(7) City staff may administratively approve blocks not meeting the above criteria if unusual conditions are found such as steep slopes or other restrictive topography, floodplains, public land, railroad tracks, freeways, tollways, existing adjacent development or other similar features.

(b) **Lots.** All land area within the boundaries of the subdivision or re-subdivision except that area specifically dedicated as public right-of-way for any purpose shall be designated as a lot.

(1) The required lot area, width, depth, building setback line, front, side, street side and rear yard requirements for each lot as established in the Composite Zoning Ordinance are incorporated herein by reference for lots that do not have on-site utilities.

(i) Within the City limits such requirements and standards shall be based on the zoning of the property, and,

(ii) Within the extraterritorial jurisdiction, such requirements and standards shall be based on the closest applicable standard in the Composite Zoning Ordinance.

(2) The minimum lot size for all lots approved to be served by on-site utilities shall be as follows.

(i) Lots approved to be served by on-site sewage treatment systems and to be connected to a community water supply shall be a minimum of one acre in size and conform to the County or LCRA regulations based on percolation tests and soils analysis.

(ii) Lots approved to be served by on-site sewage treatment systems and on-site private water wells shall be a minimum of two acres in size and conform to the County or LCRA regulations based on percolation tests and soils analysis.

(3) Each lot shown on a plat shall be clearly designated by a number located within the boundaries of the lot. The boundaries of each lot shall be shown by bearing and distance in relation to the monuments found or established on the ground in conformance with this Ordinance.

(4) For developments within the corporate limits of the City, the proposed use for each lot shall be indicated on the plat, and in accordance with the City's Composite Zoning Ordinance, as currently amended.

(5) For developments outside the corporate limits of the City, but within the City's extra-territorial jurisdiction, the proposed use for each lot shall be indicated on the plat, and consistent with similar uses as defined in City's Composite Zoning Ordinance, as currently amended.

(6) All lots shall be, in general, rectangular, except when the street alignment is curved, in order to conform with other provisions of this Ordinance.

(7) No lot shall have a lot line intersection of less than forty-five (45) degrees unless the Planning and Zoning Commission determines there is no other reasonable alternative.

(8) All lots shall face and have contiguous frontage on a usable, dedicated public road right-of-way except lots that have been approved to front on a private street and maintained by a private association. The extent of this frontage (front line) shall conform to the minimum lot width requirements set forth in the City's Composite Zoning Ordinance. "Flag" lots shall, in general, not be authorized except where: the Commission finds that no other reasonable alternative exists; driveways are located no closer than permitted by the Transportation Criteria Manual; the minimum width of the flag lot is no less than twenty five (25) feet; the narrow portion of the lot is designated as an access easement to provide for common driveway access; no more than two "flag" lots are located side by side; and the Fire Chief has no objection to the lot layout. If approved, the narrow "flag pole" portion of the lot shall not be considered when calculating lot width, depth or area requirements, or in establishing setback requirements.

(9) Lot lines common to the street right-of-way line shall be the front line except for "flag" lots where the front line is the line nearest to the street right-of-way and closest to parallel with such right-of-way. Side lot lines shall project away from the

front line at approximately right angles to street lines and radial to curved street lines. The rear line shall be opposite and approximately parallel to the front line.

(i) The length and bearing of all lot lines shall be indicated on the plat; and

(ii) Wherever feasible, lots arranged such that the rear line of a lot or lots is also the side line of an adjacent lot shall be avoided.

(10) Double (reverse) Frontage Lots.

(i) Single family or two family residential lots shall not have double frontage, and

(ii) In residential subdivisions, all lots adjacent to an arterial street identified on the Transportation Plan shall comply with Article VI, Section 8 of the Composite Zoning Ordinance which requires these lots to also have frontage on a local street. Vehicular access to these lots shall be from the local street only. Non-residential lots with double frontage shall have off-set access points to inhibit cut-through traffic.

(11) Corner Lots.

(i) Lots having frontage on two (2) or more intersecting streets shall be classified as corner lots;

(ii) Corner lots adjacent to streets of unequal classification shall access the lower classification street only;

(iii) Corner residential lots shall be ten (10) feet wider than the average interior lot on the same block.

(12) Building Setback Lines.

(i) The building setback lines are not required to be shown on the plat, but if shown, shall conform to the City's Composite Zoning Ordinance, as currently amended, if located within the City corporate limits. For developments outside the corporate limits of the City, but within the City's extra-territorial jurisdiction, building setback lines, if shown, shall be consistent with similar uses as defined in the Composite Zoning Ordinance.

(ii) A note stating that "all building setback lines shall be in accordance with the City's current zoning ordinance" shall be indicated on the subdivision plat if such plat is located within the City corporate limits.

(13) Lot Access.

(i) A minimum of one (1) all-weather access area or driveway (either individually, or common to more than one lot) shall be provided connecting each lot to an existing or proposed dedicated public street. An exception may be made for lots within a Planned Unit Development which may have similar access to a private street. Each lot shall front upon a public street or, in the case of a Planned Unit Development, have access by way of access easement sufficient to meet the requirements of the Standard Fire Prevention Code.

(ii) All driveway approaches shall be constructed to conform with the provisions of this Ordinance, and the City Standard Details and Specifications.

(14) Lot Numbering.

(i) All lots are to be numbered consecutively within each block. Lot numbering may be cumulative throughout the subdivision if the numbering continues from block to block in a uniform manner that has been approved on an overall

preliminary plat.

(ii) Any lot(s) being re-subdivided shall be renumbered utilizing the original lot number, followed by a letter designation starting with A.

(15) Lot Easements. Public utility easements on side and rear lot lines shall be required as needed to accommodate public utility and drainage appurtenances, and as specified in this Ordinance.

(16) Lot Drainage. Lot drainage shall be in conformance with the requirements of this Ordinance.

SECTION 46. EASEMENTS

(a) All existing and proposed easements, safety lanes, and rights-of-way shall be clearly indicated on the plat or plan, as well as an indication to the use of each easement or right-of-way.

(b) No permanent structure may be placed in or over any easement or right-of-way except a structure whose use and location are necessary to the designated use of the right-of-way or easement or which otherwise will not affect the use, maintenance or repair of such easement.

(c) The width and alignment of all easements or rights-of-way to be dedicated shall be determined by the City Engineer, any applicable utility provider and the Commission, and approved by the Commission, and shall be accompanied by a notarized statement of dedication on the plat. Such easements shall, at a minimum, include a ten foot public utility easement dedicated immediately adjacent to all street rights-of-way.

(d) Easements shall be established and dedicated for all public utility and drainage appurtenances, including common access areas, and other public uses requiring dedication of property rights.

(e) In so far as practicable, easements shall not be centered on a property line, but shall be located entirely on one (1) side of a lot.

(f) The City Manager is authorized to sign approval and acceptance of easements granted outside of the subdivision platting process that have been reviewed and approved by the City Engineer and that are granted using a form substantially similar to the form approved by the City Attorney.

SECTION 47. UTILITY LINES

All utility lines and other lines required to service a subdivision and structures located within the subdivision (including but not limited to water, wastewater, gas, electric, cable, internet, and propane) are required to be underground. In unique or unusual circumstances, an applicant may request an exception to the requirements of this section by submitting a written request for an exception with the constructions plans for the portion of the subdivision in which an exception is requested. The City Engineer may grant an exception if an exception is required by applicable building codes or for public safety reasons. The City Engineer's decision may be appealed in writing to the Commission within ten days of the City Engineer's decision. The Commission's decision may be appealed to the City Council within ten days of the Commission's decision. The City Council's decision will be final.

SECTION 48. TEMPORARY STORAGE OF FILL MATERIAL

Fill material originating from the land that is the subject of a subdivision application may be temporarily stored on said land provided that the developer complies at all times with the following requirements:

(a) The fill material shall be stored at the location shown on the approved construction plans.

(b) The fill material shall consist of earthen material originating from the subdivision only, shall remain free from debris, and shall be suitable for use as fill material on the future phases of the subdivision. The fill material may not include any material from outside of the subdivision.

(c) Storage of the fill material shall comply with the Storm Water Pollution Prevention Plan and other sedimentation and erosion controls adopted by the Texas Commission on Environmental Quality.

(d) The fill material will be placed and stored in such manner so that it is stable, with the side slopes no steeper than a 3:1 (h:v) slope.

(e) The fill material will be located so as not to disturb any wetland areas that may exist in the subdivision, and will be placed in a manner and location so as not to adversely affect the natural course of drainage across the land or impede drainage from neighboring properties.

(f) Fiscal surety that complies with Section 28 of this Ordinance in an amount equal to 110% of the cost of removal of the fill material will be filed with the City prior to the acceptance of the subdivision that generates the fill material. The fiscal surety will be based on an estimate prepared by the engineer for the subdivision and approved by the City Engineer.

(g) The height of the fill material shall not exceed ten (10') feet.

(h) The location of the fill material must comply with the following setback requirements:

(1) 400' setback from major roadways as identified on the Roadway Plan;

(2) 100' setback from all other roadways platted at the time of the fill material pile approval; and

(3) 100' setback from residential structures.

(4) The setback requirements may be reduced by twenty-five (25%) percent if screening of the fill material is provided. Screening includes a six (6') foot privacy fence constructed of cedar with steel posts sunk in concrete. The smooth side of the fence shall face away from the fill material.

(i) Permission to store fill material in the subdivision will expire and terminate in the event that a preliminary plat, construction plans, or a final plat for any portion of the land expires, or at such time that the improvements for the last phase of the subdivision are accepted.

SECTION 49. RIPARIAN CORRIDORS

Riparian Corridor Setbacks shall be based on the following drainage criteria for all developments. These setback requirements do not include trails and related improvements. No structure shall be erected or installed within the Riparian Corridor Setback. The following Riparian Corridor Setbacks are established:

(a) Creeks or swales draining more than five (5) acres but less than forty (40) acres shall have a minimum Riparian Corridor Setback of twenty-five (25') feet from the centerline of the creek or swale.

(b) Creeks or swales draining more than forty (40) acres but less than one hundred twenty-eight (128) acres shall have a minimum Riparian Corridor Setback of seventy-five (75') feet from the centerline of the creek or swale.
(c) Creeks or swales draining more than one hundred twenty-eight (128) acres but less than six hundred forty (640) acres shall have a minimum Riparian Corridor Setback of one hundred (100') feet from the centerline of the creek or swale.
(d) A minimum one hundred (100') foot Riparian Corridor Setback is required off of the centerline of creeks identified on the City of Leander Parks, Recreation & Open Space Master Plan

SECTION 50. TREE PRESERVATION

No Significant Tree shall be removed until a tree protection plan has been approved by the Director of Planning in accordance with this Chapter. Significant Trees may be removed only in accordance with the approved tree protection plan, and trees must be protected during construction activities on the property in accordance with the approved tree protection plan.

SECTIONS 51 THROUGH 59. RESERVED

ARTICLE IV. IMPROVEMENTS

SECTION 60. GENERAL

All subdivision improvements shall be designed and installed in accordance with all applicable elements of the Master Plan and shall meet the minimum requirements established by this Ordinance and City Standard Details and Specifications.

(a) **Types of Improvements.** In the absence of any provision to the contrary, the developer shall provide the following improvements, as approved in the Construction Plans, in conformance with the standards, specifications and the requirements of this Ordinance.

(1) Drainage improvements, including storm sewer lines and inlets, channels, swales, detention facilities, and other related appurtenances.

(2) Transportation improvements, including streets, alleys, bridges, street lighting, street signage, and sidewalks.

(3) Water utilities including water distribution lines, fire hydrants, valves, and water storage facilities.

(4) Wastewater utilities including wastewater lines, manholes, and lift stations.

(5) Park land.

(6) Utility improvements for electric, telephone, gas and cable television services shall be installed in conformance with the terms and regulations of the provider of said utility and the ordinances and codes of the City.

(b) **Continuity of Improvements**. All improvements shall be designed and installed so as to provide for a logical system of utilities, drainage and streets and to create continuity of improvements for the development of adjacent properties. Water, wastewater, transportation and drainage improvements shall be extended to the perimeter of the development, except that the Commission is authorized to vary or modify the requirement for extending water, wastewater, transportation and drainage improvements to the perimeter of a subdivision in accordance with the procedural requirements contained in this Ordinance.

(c) **Plans for Improvements.** Plans for the improvements required by this Ordinance shall be prepared, reviewed and approved in accordance with the provisions set forth in this Ordinance.

(d) **Acceptance of Improvements.**

(1) During the course of installation and construction of the required improvements, the City Engineer or his/her designated representative shall make periodic inspections of the work to insure that all improvements comply with City requirements.

(2) Upon completion of all required improvements, the developer may seek acceptance of all public improvements by the City by following the procedures set forth in this Ordinance.

(e) **Maintenance of Improvements.** Where a subdivision contains drainage, transportation, water or wastewater improvements, parks and grounds held in common, or other physical

facilities necessary or desirable for the welfare of the area, or that are of common use or benefit which will not be, or cannot be, satisfactorily maintained by an existing public agency, provisions, acceptable to the Council, shall be made for such facilities. A copy of the agreements providing for the proper and continuous operation, maintenance and supervision of such facilities shall be presented to and approved by the Council, and approved as to form by the City Attorney, at the time of Final Platting and shall be filed of record with the plat thereof.

SECTION 61. PARK LAND DEDICATION AND PARK IMPROVEMENTS

Park Land Dedication and Park Improvements Required: A developer of any residential subdivision within the City's territorial jurisdiction or multi-family residential site development within the City limits, that adds any residential units to any subdivision or multi-family residential site development, shall prepare a park plan to provide for sufficient and suitable park land and park improvements for the purpose of public recreation in accordance with the following provisions:

(a) **Park Plan Approval Process:** A residential developer shall prepare a park plan in conformance with the requirements of this Section and obtain approvals from the Appropriate Reviewing Authorities as follows:

(1) If the developer does not propose multi-family development, and the developer is required to submit a subdivision application other than a Short Form Plat as required by this Ordinance, the developer is required to obtain approval of a park plan in compliance with this Section by the City Council in conjunction with consideration of the Concept Plan application.

(2) If the developer does not propose multi-family development, and the developer is required to submit a subdivision as required by this Ordinance that is permitted to be filed as a Short Form Plat application, the developer is required to obtain approval of a park plan in compliance with this Section by the Planning and Zoning Commission in conjunction with consideration of the Short Form Plat application. However, approval of any public park land dedication other than land identified on the *City Parks, Recreation & Open Space Master Plan* is required to be approved by the City Council.

(3) If the developer proposes multi-family development, the developer is required to obtain approval of a park plan in compliance with this Section by the Director of Parks and Recreation in conjunction with consideration of a Site Development Permit application. However, approval of any public park land dedication other than land identified on the *City Parks, Recreation & Open Space Master Plan* is required to be approved by the City Council.

(b) **Public Park Land Dedication or Payment of Fee In-Lieu Required**

(1) Formula for Calculating Area of Park Land: The acreage of park land to be contributed by a developer prior to Final Plat or Short Form Plat approval of any single family or two family residential subdivision, or prior to site development permit approval for multi-family residential development, shall be equal to three and one-half (3.50) acres for each additional one hundred (100) dwelling units projected to occupy the fully developed subdivision or development. A “dwelling unit”, when used in this section, shall mean each individual residence, including each individual

residential unit in a multi-family residential structure or manufactured home park, designed or intended for habitation by a single family.

(2) Standards for Dedication of Park Land: The land dedicated by a developer to meet the requirements of this section shall be suitable for public parks and recreation activities shall comply with the *City Parks, Recreation & Open Space Master Plan,* and shall comply with the following standards:

(i) The dedicated land shall form a single parcel or tract of land at least three (3) acres in size unless the Appropriate Reviewing Authorities determine that more than one tract or a smaller tract would be in the public interest.

(ii) The developer shall provide public access to park land by providing at least fifty percent (50%) of the perimeter boundary of the park with street frontage, or as determined to be satisfactory by the Appropriate Reviewing Authorities. At the time the land abutting the delineated areas is developed, the developer of such abutting land shall dedicate and construct streets along all abutting street frontage and shall provide water and wastewater utilities to the boundary of one (1) side of the delineated area to meet minimum requirements of this Ordinance.

(iii) The developer shall dedicate park land reasonably located near the geographic center of the development, or within an area identified on the *City Parks, Recreation & Open Space Master Plan,* and adaptable for use as a public park and recreation facility. However, the Appropriate Reviewing Authorities may require park land to be located at the edge of a development so that additional land may be added at such time as adjacent land is developed or acquired for public use in accordance with this ordinance. In addition, rare, unique, endangered, historic or other significant natural areas shall be given high priority for dedication pursuant to this ordinance. The Appropriate Reviewing Authorities may also require areas providing linkage to parks, schools or public places, or areas that preserve the natural character of the surrounding environment, be included in the park land dedication.

(iv) The developer shall restore and stabilize any disturbed soil and establish vegetative cover of a type determined appropriate for the terrain and by the Director of Parks and Recreation on park land.

(v) Land dedication of trail corridors identified on the *City Parks, Recreation & Open Space Master Plan* shall be a high priority. Developers are responsible for preserving the natural character of the trail corridor and dedicating the required right-of-way. Right-of-way dedication or easement size may vary due to site physical characteristics. If the land identified on the *City Parks, Recreation & Open Space Master Plan* exceeds the amount of land required for park land dedication by this section, the remainder of the land not required for dedication shall be shown as a reserve park lot to be purchased by the City, or, the Appropriate Reviewing Authorities may credit the required park improvements fee in an amount equal to the fee in-lieu value (see paragraph 3 below) of the remaining land if such land is dedicated and deeded to the City.

(vi) Land within the one hundred (100) year flood plain and land that has greater than 15% slope may constitute, in total, not more than fifty percent (50%) of the land dedication requirement. Lands within an inundation easement falling outside of the one hundred (100) year flood plain may constitute up to one hundred percent (100%) of the land dedication requirement if such land

remains undisturbed and in a pre-development condition, and if such land is not utilized for another public purpose. In addition, for every acre of land dedicated for park land within the one hundred (100) year flood plain, or having a slope greater than 15%, only one-half (1/2) acre of park land dedication credit shall be given. [Example: If ten acres of park land is required to be dedicated for park land, at least five acres of such park land must be outside the 100 year floodplain and comprised of slopes less than 15%. For the remaining five acres of park land required, the developer can achieve compliance by dedicating five additional acres outside the 100 year floodplain and comprised of slopes less than 15%, or ten additional acres inside the 100 year floodplain and/or comprised of slopes more than 15%, or some combination thereof.]

(vii) The developer shall dedicate all park land as a park lot on the applicable Final Plat or Short Form Plat. The developer shall deliver to the City a signed warranty deed transferring title to property dedicated as public park land to the City after City acceptance of park improvements and release of fiscal surety. If the developer fails to deliver the warranty deed in a timely manner, the City may withhold Final Plat approvals and/or the issuance of building permits. The developer shall provide park land free and clear of all mortgages and liens at the time of such dedication or conveyance. The developer shall have iron rods or pins set in accordance with the Final Plat or Short Form Plat. If a subdivision plat is not required based on the standards of this Ordinance, the developer shall have iron rods or pins set at corners identified on a recordable land survey completed by a land surveyor registered in the State of Texas.

(3) Payment of Fee In-Lieu of Park Land Dedication: In general, the Appropriate Reviewing Authorities shall favor the dedication of park land over the payment of a fee in-lieu of park land dedication for single family and two family subdivisions except for Short Form Plats and multi-family development unless such plat or multi-family development contains land identified as park land in the *City Parks, Recreation & Open Space Master Plan*. However, the Appropriate Reviewing Authority may require a developer to pay a fee in-lieu of park land dedication in accordance with the following:

(i) If the amount of park land required to be dedicated is less than three (3) acres, the Appropriate Reviewing Authority may require a fee in-lieu of land dedication.

(ii) Such fee shall be in the amount of $1,050 per dwelling unit.

(iii) The developer shall pay the in-lieu fee to the City prior to approval of the Final Plat, Short Form Plat, or, in the case of multi-family development, prior to site development permit approval.

(c) **Park Improvements**

(1) In addition to the required dedication of land or fees in-lieu of land dedication as set forth above, the developer shall also pay a park improvements fee to the City prior to approval of a Final Plat or Short Form Plat, or, in the case of multi-family development, prior to site development permit approval. Such park improvements fee shall be sufficient to provide for the development of amenities and improvements on the dedicated land to meet the standards for a neighborhood park to serve the

area in which the subdivision is located. The park improvements fee shall be calculated on the basis of $400 per dwelling unit.

(2) In lieu of payment of the park improvements fee, the Appropriate Reviewing Authorities may approve a plan from the developer to construct park improvements. If the park or any portion of the park is within areas shown in the *City Parks, Recreation & Open Space Master Plan* as land to meet strategic needs for future parks and/or trails, the developer may be required to construct trails or other park amenities in lieu of payment of the park improvements fee. This plan shall meet the following standards:

(i) All plans and specifications for the construction of such amenities and improvements shall be reviewed and approved by the City, and the developer shall meet *City Park & Facility Equipment Standards*.

(ii) Amenities and improvements shall include one (1) or more children's play areas, picnic areas, game court areas, turf play fields, swimming pools, recreational buildings, trails (sidewalks, walkways or bike trails), and landscaped sitting areas.

(iii) The value of amenities and improvements shall be greater than or equal to $400 per residential dwelling unit.

(iv) All park areas and playground equipment shall be in accordance with the U.S. Consumer Products Safety Commission - Publication 325, as currently amended and in accordance with current provisions of the Americans with Disabilities Act.

(v) These park improvements shall be completed to the satisfaction of the City Parks and Recreation Director prior to release of fiscal surety or, in the case of a multi-family development, prior to issuance of a certificate of completion or a certificate of occupancy for the project.

(vi) These park improvements shall be designed, reviewed and permitted in conjunction with a Site Development Permit application and/or subdivision construction plans as deemed appropriate by the City Parks and Recreation Director.

(d) **Privately Owned & Maintained Parks:** The Appropriate Reviewing Authorities may approve a plan from the developer to provide privately owned and maintained park land and park improvements meeting all requirements of this section in-lieu of public park land dedication and public park improvements. However the Appropriate Reviewing Authorities shall not approve a plan for privately owned park land and park improvements if such land is shown in the *City Parks, Recreation & Open Space Master Plan* as land to meet strategic needs for future parks and/or trails. In addition, such plan shall meet the following:

(1) Private ownership and perpetual maintenance of such areas and facilities shall be adequately provided for by recorded written agreement, conveyance, and/or restrictions.

(2) The use of such areas and facilities shall be restricted to park and recreational purposes by a recorded covenant, which runs with the land in favor of the future owners of property, and which cannot be defeated or eliminated without the consent of the Council.

(e) **Alternative Park Land Dedication and Park Improvements Plan:** The Appropriate Reviewing Authorities may approve a plan from the developer for an alternative park land dedication and park improvements plan meeting the following standards.

(1) If all other standards of this section are met, the amount of park land to be dedicated may, if approved by the Appropriate Reviewing Authorities, be reduced, if the reduced value of the land dedication is compensated by an equal or larger increase in the value of park improvements. However, in no case shall the amount of park land dedicated, whether private or public, be less than seventy five percent (75%) of the amount required by this section. The calculation to convert park land value to additional park improvements shall be determined based on how much fee in-lieu would be required to compensate for the park land deficiency and by adding this dollar amount to the required dollar value of park improvements.

Example: If twenty acres is required to be dedicated as park land, and the applicant proposes 16.5 acres there would be a park land deficiency of 3.5 acres. 3.5 acres is equivalent to 100 residential units worth of park land dedication and the fee in lieu of park land dedication is equivalent to $1,050 per unit. Therefore, the amount of park improvements could be increased by $105,000 (100 units times $1,050).

(2) If all other standards of this section are met, the amount of park improvements may, if approved by the Appropriate Reviewing Authorities, be reduced, if the reduced value of such improvements is compensated by an equal or greater increase in the value of park land to be dedicated. The calculation to convert park improvements value to additional park land shall be determined based on reducing the required park improvements dollar value by not more than the fee in-lieu dollar value of the additional park land to be dedicated.

Example: If $500,000 worth of park improvements is required, and the applicant proposes $395,000 worth of improvements, this would amount to a $105,000 deficiency in park land improvements. Dividing this number by the fee in lieu value of park land required per unit ($1,050) yields 100 units ($105,000/$1,050 = 100). The park land requirement for 100 units is 3.5 acres. Therefore, and additional 3.5 acres of land could be dedicated in lieu of $105,000 of improvements.

(f) **Park Fund Established:** The City hereby creates a separate fund to be entitled "Park Fund". Money, and the interest on such money, collected as a fee in-lieu of park land dedication, and park improvements fees, shall be held in said fund in trust to be used by the City solely and exclusively for the purpose of purchasing, improving, and/or renovating public park and recreational land and shall not be used for maintaining or operating public park facilities. Such fund shall be invested or held in an interest bearing account and all earnings and interest shall accrue to the Park Fund.

(g) **Subdivision Changes:** In the event a developer obtains Commission approval to deviate from the approved Preliminary Plat thereby increasing the number of dwelling units projected, or where the use of property is changed from a non-residential use to a residential use, the owner or developer shall be obligated to provide additional land or fees for the park land and amenities required for the additional dwellings in accordance with this section prior to the City approving the Final Plat for recordation.

(h) **Phasing Plan:** If a developer proposes a multi-phased residential subdivision or other residential development, the developer shall submit a proposed park phasing plan to indicate a plan for phasing park land dedication and/or park improvements to coincide with the development phasing. This park phasing plan shall be approved in conjunction with the park plan as provided by this section. A park phasing plan shall include provisions for compliance with the standards of this section for all phases of the development. A phasing plan may propose park land, park improvements and/or fee in-lieu in an early phase of development to fulfill requirements of a later phase of development, but in no case shall a phasing plan propose park land, park improvements and/or fee in-lieu in a later phase of development to fulfill requirements of an earlier phase of development unless the developer provides adequate fiscal surety with the earlier phase of development. Such fiscal surety shall be in a form that shall not expire unless specifically released by the City.

(i) **Fiscal Surety:** Except for multi-family development, prior to Final Plat or Short Form Plat approval, the developer shall provide fiscal surety for the completion of all park improvements that complies with this subsection and Sec. 28 of this Ordinance (to the extent Sec. 28 does not conflict with this subsection), and the fiscal shall be in a form acceptable to the Director of Parks and Recreation and the City Attorney. Unless otherwise approved, such fiscal shall be in the form of a letter of credit from a major lending institution, or cash held in escrow. Such fiscal surety shall be held by the City until either the City has accepted all public park improvements and title to the public park land, or the City has approved on final inspection all private park improvements. Such fiscal surety shall be in a form that shall not expire unless specifically released by the City.

PARK LAND DEDICATION AND PARK IMPROVEMENTS OPTION SUMMARY
(The Appropriate Reviewing Authorities shall determine which option is acceptable.)

OPTION ONE
Land Dedication: (3.50 acres per 100 dwelling units) + **Park Improvements Fee** ($400 per dwelling unit)

OPTION TWO
Land Dedication: (3.50 acres per 100 dwelling unit) + **Park Improvements** (A minimum of $400 per dwelling unit must be spent on park improvements that meet City specifications)

OPTION THREE
Fee-in-Lieu of Land Dedication: ($1,050 per dwelling unit) + **Park Improvements Fee** ($400 per dwelling unit)

OPTION FOUR
Privately Owned & Maintained Parks: Private park land and park improvements meeting the standards of this Section.

OPTION FIVE
Alternative Park Land Dedication and Park Improvements Plan: A customized plan that may include combinations of all other options.

SECTIONS 62. THROUGH 69. RESERVED

ARTICLE V. ADMINISTRATION

SECTION 70. GENERAL

For all development of land within the scope of this Ordinance, a plan of the development shall be prepared and submitted to the City for approval or disapproval, as provided for in this Ordinance.

(a) **City Responsibilities.** The City shall administer the provisions of this Ordinance and in furtherance of such authority, the City shall:

(1) Maintain permanent and current records with respect to this Ordinance, including amendments thereto.

(2) Receive and file all Concept Plans, Preliminary Plats, Construction Plans, and Final Plats together with applications therefore.

(3) Forward copies of the Preliminary Plat, Construction Plans, and Final Plat to the County, when the development is located within the City's extraterritorial jurisdiction.

(4) Review all Concept Plans, Preliminary Plats, Construction Plans, and Final Plats to determine whether such plats comply with this Ordinance.

(5) Forward plans and plats to the Commission as required by this Ordinance, together with its recommendations thereon.

(6) If required, forward plans and plats to the Council, together with the recommendations of the Commission and City staff.

(7) Make such other determinations and decisions as may be required of the City by this Ordinance, the Commission or the Council.

(b) **Interpretation of Provisions.** In the interpretation and application of the provisions of this Ordinance, the following regulations shall govern:

(1) In the City's interpretation and application, the provisions of this Ordinance shall be regarded as minimum requirements for the protection of the public health, safety, comfort, convenience, prosperity and welfare. This Ordinance shall be regarded as remedial and shall be liberally construed to further its underlying purposes.

(2) Whenever both a provision of this Ordinance and any other provision of this Ordinance, or any provision in any other law, ordinance, resolution, rule or regulation of any kind contains any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.

(3) Where there arises a question concerning the meaning or intent of a provision of this Ordinance, the City is hereby implored to render a written decision setting forth the exact manner in which said provision shall be interpreted and administered. In the event exception is taken by any interested party to such a decision the matter shall be appealed to the Commission, and, as appropriate, to the Council, whose decision shall be final.

(4) Any written decision shall be attached to and made a part of this Ordinance, until rescinded by amendment of this Ordinance as provided for herein.

(5) The terms, provisions and conditions of this Ordinance shall be interpreted and applied in a manner consistent with Chapter 212, Tex. Loc. Gov't. Code, and, particularly as to property within the extraterritorial jurisdiction of the City, Section 7(c).

(c) **Consistency with the Master Plan.** All subdivision plats and development plans shall conform to the Master Plan for the community and be consistent with all of the elements thereof. Where the proposed subdivision plat or development plan is at variance with one (1) or more of the elements of the Master Plan, the developer may petition the City for amendment to the particular element or elements of the Master Plan either prior to, or concurrent with, submitting a request for subdivision plat or development plan approval. Inconsistency with the provisions of the Master Plan shall be grounds for disapproval of the subdivision plat or development plan by the City.

(d) **Consistency with the Zoning Ordinance.** All development projects within the corporate limits of the City shall be in conformance with the Zoning Ordinance. Where the proposed subdivision plat or development plan requires a zoning classification or approval other than that currently applying to the property to be developed, the developer shall make appropriate application to secure the necessary zoning classification or approval such that the proposed development would comply with the Zoning Ordinance. Any subdivision plat or development plan for land within the City that does not have the proper zoning classification or approvals shall be denied by the City at or near the time of application.

SECTION 71. VOLUNTARY ANNEXATION

For projects located in the City's extraterritorial jurisdiction, and at the time of subdivision plat or development plan submittal, the developer should consider making a request for voluntary annexation to the City of Leander, Texas, for any subdivision or development which will impact the City and have effect on any of the following:

(1) City water and wastewater utilities.

(2) City services (including police, fire, sanitation, emergency services).

(3) City park and recreation facilities.

(4) City's drainage system.

(5) Other City facilities (including library, streets, hospital, etc.).

SECTION 72. VARIANCES

A variance to the provisions of this Ordinance shall be considered an exception to the regulations, rather than a right. Whenever a tract to be developed is of such unusual size or shape or is surrounded by development of such unusual conditions that the strict application of the requirements contained in this Ordinance would result in substantial hardship or inequity, the Commission may vary or modify, except as otherwise indicated, such requirement of design as provided for herein, but not of procedure or improvements, so that the developer may improve his/her property in a reasonable manner, but so that, at the same time, the public welfare and interests of the City are protected and the general intent and spirit of this Ordinance are preserved in accordance with the following provisions:

(a) **Jurisdiction.** When a written request for a variance from the design requirements of this

Ordinance is filed:

(1) the Commission may approve such written request for variances to the design standards and such variance(s), if granted, shall also be considered to be a modification of the zoning regulations, but not the zoning districts, applicable to the specified property within such development within the City limits; or

(2) if the request would constitute a major departure from the applicable provisions of this Ordinance for such features as: lot size, setback lines, etc., such variance request shall be considered by the Council in accordance with the Council's powers and procedures as set forth in the Zoning Ordinance, and the Council's decision shall be final; and

(3) after giving notice of such requested variances, the Commission may consider each such variance request during the course and process of considering the application for subdivision plat approval given or granted

(b) **Notification.** The notification procedures for variance requests shall be the same as the notification procedures described for a Concept Plan.

(c) **Approval.** In granting approval of a request for variance, the Commission and Council shall conclude that the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this Ordinance would result in unnecessary hardship, and so that the variance observes the spirit of this Ordinance and concludes that substantial justice is done. The Commission and Council shall meet these requirements by making findings that

(1) The public convenience and welfare will be substantially served;

(2) The appropriate use of surrounding property will not be substantially or permanently impaired or diminished;

(3) The applicant has not created the hardship from which relief is sought;

(4) The variance will not confer upon the applicant a special right or privilege not commonly shared or available to the owners of similar and surrounding property;

(5) The hardship from which relief is sought is not solely of an economic nature;

(6) The variance is not contrary to the public interest;

(7) Due to special conditions, the literal enforcement of the ordinance would result in an unnecessary hardship; and

(8) In granting the variance the spirit of the ordinance is observed and substantial justice is done.

SECTION 73. CONDITIONS FOR ISSUING A BUILDING PERMIT

No building permit shall be issued for any new structure or change, improvement or alteration of any existing structure, on any lot or tract of land and no municipal utility service will be furnished to such lot or tract which does not comply with the provisions of this Ordinance and all applicable elements of the Master Plan, except as herein exempted or upon the written application and approval of a variance.

SECTION 74. FEES

To defray the costs of administering this Ordinance, the applicant seeking plat approvals shall pay to the City, at the time of submittal, the prescribed fees as set forth in the current administrative fee schedule approved by the Council, and on file in the office of the City.

SECTION 75. AMENDMENTS

The Council may, from time to time, adopt, amend and make public rules and regulations for the administration of this Ordinance. This Ordinance may be enlarged or amended by the Council after public hearing, due notice of which shall be given as required by law.

SECTION 76. VIOLATIONS

Except as otherwise provided for in this Ordinance, it shall be unlawful for any person, firm or corporation to develop, improve or sell any lot, parcel, tract or block of land within the City's territorial jurisdiction for other than agricultural purposes, regardless of the size or shape of said lot, parcel, tract or block, unless such lot, parcel, tract or block of land conforms with this Ordinance.

SECTION 77. ENFORCEMENT

(a) Penalty. Any person who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars ($2000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

(b) Administrative Penalty. Any person who removes a Significant Tree greater than 8 inches in caliper prior to approval of a tree protection plan, or who removes a Significant Tree greater than 8 inches in caliper that is not authorized to be removed under an approved tree protection plan shall be charged and shall pay a fee of $150 per inch for each Significant Tree greater than 8 inches in caliper removed in violation of this ordinance. The City will rely on remaining evidence on site to determine if a violation of this ordinance has occurred. For enforcement purposes the City will consider that any stump remaining on the property which is eight inches or more in diameter measured at ground level or higher was a stump of a Significant Tree greater than 8 inches in caliper. Furthermore, any cut wood discovered on site will be considered evidence of a Significant Tree greater than 8 inches in caliper if the diameter of the cut wood is measured at eight inches or greater at any point on any piece of cut wood. A plat or construction plan application for property from which one or more Significant Trees have been removed in violation of this ordinance may not be approved until an administrative penalty owed under this subsection has been paid.

(c) Administrative Action. The City Engineer and/or the City Administrator shall enforce this Ordinance by appropriate administrative action, including but not limited to the rejection of plans, maps, plats and specifications not found to be in compliance with this Ordinance and good engineering practices, and the issuance of stop work orders.

(d) Court Proceedings. Upon the request of the Council the City Attorney or other authorized attorney shall file an action in the district courts to enjoin the violation or threatened

violation of this Ordinance, or to obtain declaratory judgment, and to seek and recover court costs and attorney fees, and/or to recover damages in an amount sufficient for the City to undertake any construction or other activity necessary to bring about compliance with a requirement regarding the property and established pursuant to this Ordinance.