



# *The City of Lago Vista*

*To provide and maintain a healthy, safe, vibrant  
community, ensuring quality of life.*

**NOTICE OF A REGULAR MEETING  
PLANNING AND ZONING COMMISSION  
THURSDAY, October 01, 2015, 7:00 PM  
COUNCIL CHAMBERS  
CITY HALL- 5803 THUNDERBIRD ST.**

**NOTICE IS HEREBY GIVEN** that the Planning and Zoning Commission of the City of Lago Vista, Texas will hold a Regular Meeting in the Council Chambers, City Hall, 5803 Thunderbird St., on the above date and time for discussion and possible action to be taken on the following:

**PUBLIC COMMENTS FOR NON-HEARING RELATED ITEMS**

**CONSENT AGENDA**

All matters listed in Consent Agenda, are to be considered routine by the Commission and will be enacted by one motion. There will not be separate discussion on these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately as a business item.

1. Consider Approval Of The Following Minutes:
  - A. September 10, 2014 Planning & Zoning Commission Regular Meeting.
  - B. September 14, 2014 Planning & Zoning Commission and Comprehensive Plan Advisory Committee Joint Special Meeting.

**PUBLIC HEARINGS**

1. **ZON 1045** – Recommendation of the Planning & Zoning Commission of a PDD Modification to Ordinance 13-06-06-02 (Montechino PDD) to allow for a name change and modify maximum lot coverage in Area 4 (Garden Homes); add permitted Uses to Area 5 (Commercial Parcels) and allow restaurants to have outdoor areas and restricting entertainment and/or musical groups performing to requirements of the noise ordinance; add permitted Uses to Area 6 (Residential Community Center); add a permitted Use in Area 7 (Open Space); require improvements on specific sites in accordance with an approved Water Quality Master Plan.
  - A. Staff Presentation
  - B. Applicant Presentation
  - C. Open Public Hearing
  - D. Close Public Hearing
  - E. Discussion
  - F. Consider Recommendation on Item.

## **WORKSHOP**

1. Discussion of Code Changes to Chapter 10 (Subdivision Ordinance).

## **BUSINESS ITEMS**

## **FUTURE AGENDA ITEMS**

**IT IS HEREBY CERTIFIED** that the above Notice was posted on the Bulletin Board located in City Hall in said City at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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Sandra Barton, City Secretary

**THE CITY OF LAGO VISTA IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.**

MINUTES  
Thursday, September 10th, 2015 Regular Meeting  
Planning and Zoning Commission  
City of Lago Vista

Chair Tara Griffin called the meeting to order at 7:03 P.M. in the Council Chambers at the City Municipal Building, 5803 Thunderbird St., Lago Vista, Texas. Members present were Tara Griffin, Jim Moss, Gary Zaleski, Andy White, Richard Brown and Vernon Reher. Paul Smith was absent. Development Services Director David Harrell and Development Services Secretary Sherry McCurdy were also present.

**PUBLIC COMMENTS FOR NON-HEARING RELATED ITEMS.**

There were no comments from the public for Non-Hearing Related Items.

**CONSIDER THE MINUTES OF AUGUST 13, 2015**

On a motion by Gary Zaleski and seconded by Jim Moss, the Planning and Zoning Commission unanimously approved the minutes of August 13, 2015.

**PUBLIC HEARING**

- 1. ZON 1043 – Recommendation of the Planning & Zoning Commission of a Rezoning at 9211 Bar K Ranch Rd. (Bar K Estates, Plat 11, Lot 11331A) from RR-A (Restricted Single Family with Aircraft) to C-4 (Commercial-Airport).**

David Harrell gave a staff report from the material that had been previously provided to the Planning and Zoning Commission. The staff recommends approval of the rezoning request.

Applicant, Robert L. Wright, residing at 9211 Bar K Ranch Road, Lago Vista, Texas stated he believed the C-4 zoning is better use of the land.

The Public Hearing was opened at 7:10 PM.

The members of the Planning and Zoning Commission discussed grandfathering of what is at location currently, possible loss of non-conforming status, and neighboring 200 foot comments.

The Public Hearing was closed at 7:18 PM.

On a motion by Tara Griffin and seconded by Vernon Reher, the Planning & Zoning Commission voted unanimously to recommend to the City Council a rezoning at 9211 Bar K Ranch Rd. (Bar K Estates, Plat 11, Lot 11331A) from RR-A (Restricted Single Family with Aircraft) to C-4 (Commercial-Airport).

- 2. Permit # 2225 - Recommendation of the Planning & Zoning Commission of a Home Occupation at 21607 Sierra Trail. (Bar K Ranches Plat 8, Lot 8133) for a massage therapy business.**

David Harrell gave a staff report from the material had been previously provided to the Planning and Zoning Commission. The staff recommends approval of the home occupation request.

Applicant, Rachelle Peralta, residing at 21607 Sierra Trail Lago Vista, Texas distributed a packet to the Planning and Zoning Commission members. Her presentation was read verbatim

from the information in the provided packet.

The Public Hearing was opened at 7:30 PM.

Charles Walker residing at 6107 La Mesa, Lago Vista, Texas spoke in favor of the Home Occupation Permit.

Lydia Keelin residing at 20223 Travis Drive #7, Lago Vista, Texas spoke in favor of the Home Occupation Permit.

Members of the Planning and Zoning Commission, David Harrell and applicant discussed the location of the business inside the home, possibility of expanding business outside of the home, signage, hours of operation and comments received within 200 feet of the subject property.

Tara Griffin closed the Public Hearing at 7:40 P.M.

On a motion by Jim Moss and seconded by Tara Griffin, the Planning and Zoning Commission voted unanimously to recommend to the City Council approval of a Home Occupation at 21607 Sierra Trail (Bar K Ranches Plat 8, Lot 8133) for a massage therapy business.

**3. Permit # 2244 - Recommendation of the Planning & Zoning Commission of a Home Occupation at 3601 Hamilton (Highland Lake Estates, Section 11, Lot 11033) for a kayak rental business.**

David Harrell presented his staff report from the material had been previously provided to the Planning and Zoning Commission and stated staff recommends approval of the request.

Applicant, Roland Rodriguez, residing at 3601 Hamilton Avenue Lago Vista, Texas gave a presentation explaining storage, delivery of kayaks, time and hours of operation, how reservations are taken, and personal commitments in community service to the City of Lago Vista.

Tara Griffin opened the Public Hearing at 7:55 PM.

Kathy Naish residing at 3501 Hamilton Avenue Lago Vista, Texas spoke in favor of the Home Occupation Permit.

Yianne Polk, residing at 3603 Hamilton Avenue Lago Vista, Texas spoke in favor of the Home Occupation Permit.

Tara Griffin closed the Public Hearing at 7:59 PM.

Members of the Planning and Zoning Commission, Applicant and David Harrell discussed 200 foot comments, transportation and storage of kayaks, appearance of home, number of kayaks, commercial business in residential areas, code enforcement of home based businesses, outside storage, and signage.

On a motion by Jim Moss and seconded by Vernon Reher the Planning and Zoning Commission voted unanimously to recommend to the City Council approval of a Home Occupation at 3601 Hamilton (Highland Lake Estates, Section 11, Lot 11033) for a kayak rental business.

**BUSINESS ITEMS**

There was discussion involving the possible need for the City to put forth an educational effort to make people aware of city requirements.

**FUTURE AGENDA ITEMS**

There was a brief discussion regarding the report that Vernon is working on regarding past Future Agenda items, moving the date of the Planning and Zoning Commission Meetings, and attendance to the Texas Chapter American Planning Association held this year in Galveston.

On a motion by Vernon Reher and seconded by Tara Griffin, the Planning & Zoning Commission meeting adjourned at 8:38 PM.

\_\_\_\_\_  
Tara Griffin, Chair

\_\_\_\_\_  
Sherry McCurdy, Development Services Secretary

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing instrument was passed and approved this 1<sup>st</sup> day of October, 2015.

MINUTES  
Monday, September 14th, 2015 Special Joint Meeting  
Planning and Zoning Commission & Comprehensive Plan Advisory Committee (CPAC)  
City of Lago Vista

David Harrell called the meeting to order at 9:00 A.M. in the Library Conference Room at the City Library, 5803 Thunderbird St., Suite 40, Lago Vista, Texas. Members of the Planning & Zoning Commission present were Andy White, Richard Brown, and Vernon Reher. Paul Smith was absent. Members of the Comprehensive Plan Advisory Committee present were City Councilor Dale Mitchell, City Councilor Ron Smith, Lago Vista Independent School District Superintendent Darren Webb, City Development Services Director David Harrell, City Manager Melissa Byrne-Vossmer, Lago Vista Property Owners Association General Manager Vicki Wood, Lago Vista-Jonestown Chamber of Commerce President Keith Billington, local developer Doug Casey, and Senior Project Manager for Hines Corp. David Carroll. Rusty Allen Airport Property Owner Association Chair Don Barthlow was absent. Dual Planning & Zoning Commission and Comprehensive Plan Advisory Committee Members Tara Griffin, Jim Moss, and Gary Zaleski were present. City Planning Consultants Dan Sefko and Erica Craycraft-Bartlett from Freese & Nichols were also present.

**ELECTION OF CHAIR FOR JOINT MEETING**

On a motion by David Harrell and approved unanimously by the Planning & Zoning Commission and Comprehensive Plan Advisory Committee Members, Tara Griffin was elected Chair for the joint meeting.

**ELECTION OF SECRETARY FOR JOINT MEETING**

On a motion by Tara Griffin and approved unanimously by the Planning & Zoning Commission and Comprehensive Plan Advisory Committee Members, David Harrell was elected Secretary for the joint meeting.

**BUSINESS ITEM**

The Chair opened the item and turned the presentation over to Dan Sefko. There was a power-point agenda from Dan Sefko with slides concerning Introductions, Planning 101, Past City Planning Efforts, Processes and Roles, City Snapshot, Issues Identification and Guiding Principles, and Questions and Answers. Brief topic discussion included the history of Comprehensive Plans for the City, timeline for Comprehensive Plan update, discussion about engaging the public, community assets to be considered in the Plan, neighboring cities growth, resetting of CPAC times from Monday to Tuesday, additional Town Hall meetings, and aesthetics of the City.

Each member gave a list of issues that all should be aware and that effect the City, see below:

Vernon Reher stated sidewalks on major roadways/arteries to the schools and lack of a City park on the Lake; Vicki Wood stated inability to sell lots due to lack and condition of City infrastructure; Melissa Byrne Vossmer stated youth activities outside of schools, conditions of existing streets, and future annexation; Doug Casey stated lack of public access to the Lake/Park system, development of a hike/bike system that utilizes our drainage-ways, need for dark sky lighting, and City Parks plan; David Carroll stated clarification of the presented maps separating private and public park space; Dale Mitchell stated beautification of the community with the Master Plan and buy in on the revised Master Plan; Gary Zaleski stated the City's relationship with the Lower Colorado River Association (LCRA); Tara Griffin stated the City creating a desire to purchase lots through utility and infrastructure improvements and aesthetics at entryways; Keith Billington stated different owners and deed restrictions on City plats from National Resort Communities, high tension electrical wires that cut across residential plats, and lack of post-secondary educational opportunities; Jim Moss stated jurisdictional issues regarding parks/open space/water access and youth related issues which causes them to not return; David Harrell stated lack of housing diversity with single family versus multifamily and close examination of the environs surrounding the Airport due to the new Airport Action Plan in 2016. Richard Brown stated infrastructure issues; Andy White stated aging in place and having medical related and other related Uses to assist in this issue; Darren Webb stated recreation activities, lack of youth entertainment, and a need to find items to bring youth back to the City as adults; Ron Smith stated lack of light pollution/nature were the reasons for moving and fears we may lose those aspects of the City and mass of accessory buildings for storing lake related items;

Gary Zaleski left the meeting at 10:41 A.M.

The Chair adjourned the joint Planning and Zoning Commission & Comprehensive Plan Advisory Committee Meeting at 11:03 A.M.

\_\_\_\_\_  
Tara Griffin, Chair

\_\_\_\_\_  
David Harrell, Secretary

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_,  
the above and foregoing instrument was passed and approved this 1st day of October, 2015.



# Development Services Department

## STAFF REPORT

### Application for PDD Modification

### File Number: ZON 1045

**Date:** September 24, 2015

**Applicant:** Brian Atlas

**Representative:** SAME

**Hearing Dates:** Planning & Zoning Commission – October 1, 2015  
City Council – October 15, 2015

**Location:** Lots 1-26 and Lot B Marshalls Harbor

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#### **APPLICATION SUMMARY**

An Ordinance of the City of Lago Vista, Texas, amending the zoning ordinance number 01-01-18-01 which established the Marshalls Harbor Planned Development District as amended by Ordinance numbers 05-11-03-01; 07-11-15-01; 08-06-19-03; and 13-06-06-02 establishing the zoning requirements for the Montechino Planned Development District; making findings of fact and providing for related matters.

#### **TECHNICAL REVIEW**

The Development Services Department has reviewed this request and there are no outstanding comments/issues. In the case that the PDD Modification is approved, all site engineering, drainage and required infrastructure improvements will be reviewed pursuant to the established Development Review Process to ensure that the Development has met all applicable Federal, State and local regulations and permitting requirements. No permits authorizing Development shall be issued prior to compliance with all applicable regulations.

**See next page.**

## DEVELOPMENT REVIEW DEPARTMENT COMMENTS

The proposed changes to the MDP are shown in red underline and ~~red-strikethrough~~ to the original PDD Master Development Plan Text as shown below:

*Staff analysis is in Italics below*

### **Section IV. Identification of the Parcels within the PDD:**

- Area 1- Single Family Type 1 Lots (SF Type 1)
- Area 2- Single Family Type 2 Lots (SF Type 2)
- Area 3- Single Family Type 3 Lots (SF Type 3)
- Area 4- ~~Village-Cluster~~ Garden Homes
- Area 5- Commercial Lots
- Area 6- Residential Community Center Area
- Area 7- Open Space

*This is a minor change simply changing the name of the Area.*

**Section V. Zoning Requirements:** The zoning requirements established for the Property (hereinafter referred to as “Montechino PDD”) shall be those as established and adopted by Ordinance No. 98-04-27-03, as amended, except as specifically set forth below.

4. Zoning for Area 4 ~~Village-Cluster-Garden Homes~~
  - A. Construction of ~~multi-family~~ single family garden home residential units in Area 4 identified on the Montechino PDD Map Exhibit “A” attached hereto and incorporated herein by reference, identified as “Area 4 - ~~Village-Cluster/~~ Restaurant Garden Homes” shall comply with the zoning requirements and development standards for the R-0 Single-family Residential District, except as hereinafter modified.
  - B. Maximum building height: 35 feet above highest point on lot
  - C. Minimum living area square footage: 1,000 square feet
  - D. Building setbacks generally:
    - (i.) Minimum front yard setback: 10 feet
    - (ii.) Minimum rear yard setback: 0 feet
    - (iii.) Minimum any side yard setback: 5 feet each side or 10 feet one side in zero-lot line configuration.
    - (iv.) Minimum corner setback: 10 feet
    - (v.) Minimum garage setback: 20 feet.
  - E. Maximum Lot Coverage: ~~60%~~ 75%
  - F. Building exteriors must be a minimum of 80% masonry
  - G. The maximum total number of residential townhomes, condominiums and casitas in Area 4 shall not exceed 60 units.

*These changes simply changes the name of the Area, removal of multifamily reflects the existing development pattern of the new garden homes, maximum lot coverage increases development of each lot to reflect the style of the home.*

5. Zoning for the Commercial Parcel - Area 5
  - A. The parcel identified on the Montechino PDD Map Exhibit “A” attached hereto and incorporated herein by reference, identified as

“Area 5 - Commercial Lots”, shall be retail/office, commercial, hotel, restaurant, community center, and exhibition ground use and comply with the zoning requirements and development standards of the “C-1C” Commercial zoning category except as hereinafter modified:

- B. Building exteriors must be a minimum of 75% masonry.
- C. A temporary construction/sales trailer or temporary building shall be permitted in Area 5. This structure shall be permitted to exist at the site for a period no longer than 12 months. The City Manager shall approve the site plan for this structure.
- D. Minimum building setback from the Lohmans Ford Road ROW (after expansion of 15 feet per separate agreement between the developer and the city): 25 feet.
- E. Maximum building height: 35 feet as measured from the high point on the lot with provision for no more than six (6) tower or cupola architectural features which may extend to 45 feet vertically above the high point on the lot.
- F. Maximum Lot Coverage: 60 percent.
- G. Additional setbacks along the southern external boundaries of the subdivision property:
  - (i). Minimum undisturbed, vegetative buffer as measured from the property line: 20 feet.
  - (ii) Minimum building structure setback line as measured from the internal edge of the vegetative buffer: 30 feet.
- H. The restaurant will have an outdoor area. Entertainment and/or musical groups performing at the restaurant facility shall comply with the City of Lago Vista noise ordinance.

*These changes simply add more commercial uses to Area 5 which is at the boundaries of the PDD and add standards that restaurants can have outdoor areas with live music. Commercial uses already exist in this Area.*

6. Zoning for the Residential Community Center - Area 6

- A. The parcel identified on the Montechino PDD Map Exhibit “A” attached hereto and incorporated herein by reference, identified as “Area 6 - Residential Community Center Area”, shall comply with the zoning requirements and development standards of the “P-1A” Park, except as hereinafter modified.
- B. A pavilion, tennis courts, and a fire pit are permitted.
- C. Maximum Building Height: 35 feet above the highest point on the lot.

*These changes simply add more recreation uses to Area 6. Recreation uses already exist as use by right in this Area.*

7. Zoning for Open Space –Area 7

- A. The parcel identified on the Montechino PDD Map Exhibit “A” attached hereto and incorporated herein by reference, identified as “Area 7- Open Space”, shall comply with the zoning requirements and development standards for the “P2 Park” zoning category, except as hereinafter modified:

- B. This area may contain disc golf, lakes, waterfalls, dams/berms, trails/walkways, and benches.

*These changes simply add an additional recreation use to Area 7. Recreation uses already exist as use by right in this Area.*

29. Improvements required for conformance with Highland Lakes Watershed Ordinance for this development are set forth in the currently approved Water Quality Master Plan for the development.

*These changes will allow for the creation of a City approved Water Quality Master Plan for the developer that will limit destruction of existing flora and terrain to place water quality ponds. The future water quality plan will require the use of pavers for some driveways and private water cisterns.*

Separately, the MDP map will be amended in Area 4 to remove the word “Village Cluster” and replace with the word “Garden Homes”.

**FINDINGS OF FACT**

Based on a review of the proposed changes in relation to the surrounding parcels contiguous to Montechino and future development of parcels inside Montechino; Staff believes there is no significant detriment to the City or future development of the surrounding lots by allowing these changes to the PDD Master Development Plan text and map.

**ATTACHMENTS**

Additional information is provided through attached exhibits.

1. Applicant Request
2. Proposed Ordinance
3. Maps

Attachment 1  
Applicant Request



**Brian Atlas**  
President

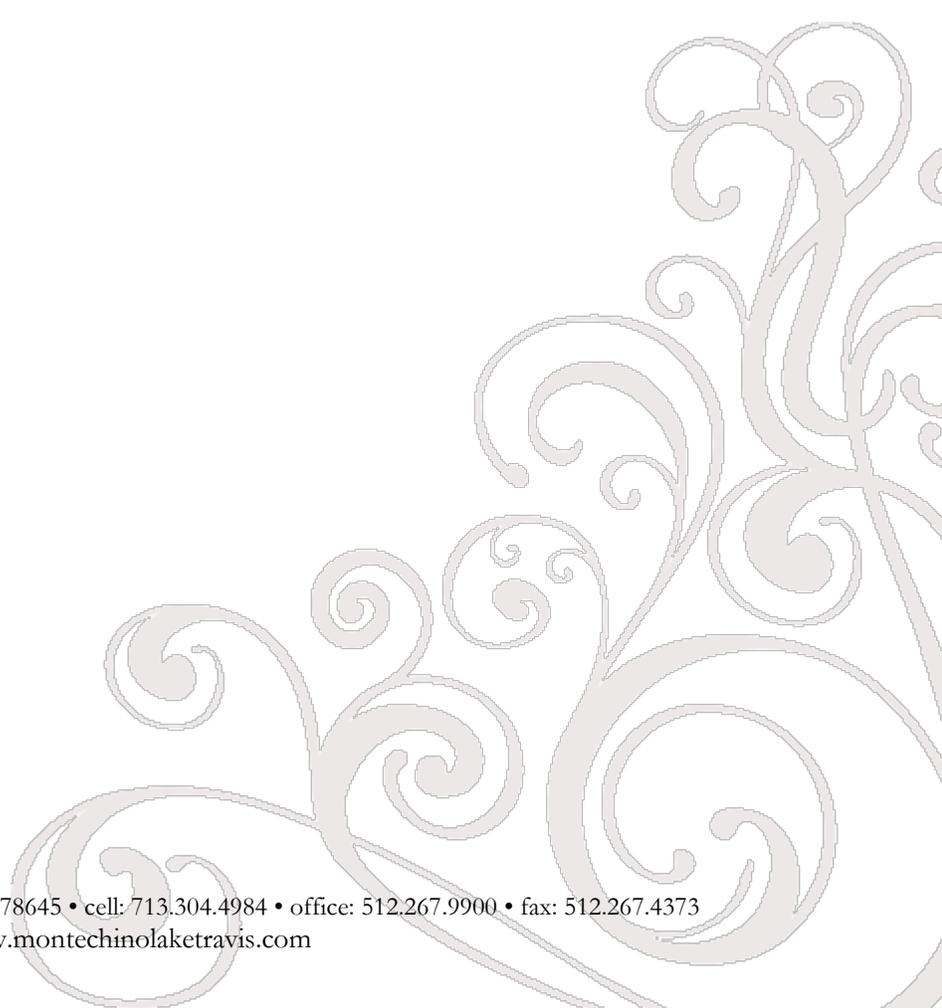
August 31, 2015  
City of Lago Vista  
Attn: David Harrell  
RE: PDD Amendments

David,

I am requesting that the city approve my revised PDD submitted to the City of Lago Vista. The PDD is attached with the revisions I am requesting. Your assistance in obtaining the approval will be appreciated.

Regards,

Brian Atlas  
Montechino



Attachment 2  
Proposed Ordinance

**CITY OF LAGO VISTA, TEXAS**

**ORDINANCE NO. 15-10-15-01**

**AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE ZONING ORDINANCE NO. 01-01-18-01 WHICH ESTABLISHED THE MARSHALL'S HARBOR PLANNED DEVELOPMENT DISTRICT ("PDD") AS AMENDED BY ORDINANCE NO'S. 05-11-03-01, 07-11-15-01, 08-06-19-03, AND 13-06-06-02 ESTABLISHING THE ZONING REQUIREMENTS FOR THE MONTECHINO PLANNED DEVELOPMENT DISTRICT; MAKING FINDINGS OF FACT AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, Montechino, LP, owner of the property known as Lots 1 through 26, Lots 67 through 74, Lots 34, 45, 48, 49AA, 49BB, 50, 52, 57, 60, 61, 68, 70-72 and Lot B, Marshall's Harbor Subdivision (the "Subdivision") according to the map or plat recorded in Document #200000248, Official Public Records of Travis County, Texas (the "Property") has requested certain amendments to the Marshall's Harbor PDD as it would affect Lots 1 through 26 and Lot B to accommodate the planned development on Lots 1-26 as the same may be replatted in the future; and

**WHEREAS**, after giving fifteen (15) days written notice to the owners of land within 200-feet of the Property, the Planning and Zoning Commission held a public hearing on the proposed re-zoning and forwarded its recommendations on the proposed amendment to the Montechino PDD Ordinance to the City Council; and

**WHEREAS**, after publishing notice to the public at least fifteen (15) days prior to the date of such hearing, the City Council at a public hearing has reviewed the requests and circumstances of the Property and finds that a substantial change in circumstances of the Property is sufficient to warrant a change in the zoning of the Property as provided below has transpired; and

**WHEREAS**, the City, by and through its legislative discretion has adopted and may amend a comprehensive plan for the City of Lago Vista, and having considered and reviewed such comprehensive plan, the City Council finds the PDD Modification approved herein is consistent with the comprehensive plan which shall not be interpreted as inconsistent with this rezone; and

**WHEREAS**, the City desires that development within its corporate limits occur in an orderly manner in order to protect the health, safety and welfare of its present and future citizens, protect property values and provide for the growth of the City's tax base; and

**WHEREAS**, the City desires to control the development standards for the Property and protect third party property owners in the city and/or abutting said Property, and to ensure the benefits of planned development and enhanced tax base that are achieved through the PDD Modification to the Property; and

**WHEREAS**, the City, entered into a Subdivision Construction Agreement dated November 30, 2006 which controls the construction within the Marshall's Harbor Subdivision, the terms of which still control development of the Property and the Parties agree to have such Agreement remain in full force and effect unless at a future date the Parties agree to new or amended development controls; and

**WHEREAS**, the City also approved a Settlement Agreement dated September 5, 2007 which also addresses various aspects of the plans and development within the Marshall's Harbor Subdivision, the terms of which also still control various aspects of development of the Property and the Parties agree to have such Settlement Agreement remain in full force and effect unless at a future date the Parties agree to new or amended development controls.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:**

**Section I. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The Commission, City Manager and City Council find that the PDD in this Ordinance satisfies the requirements of the City of Lago Vista Zoning Ordinance.

**Section II. Revocation and Replacement and Conflict.** Ordinance No.'s 05-11-03-01, 07-11-15-01, 08-06-19-03, and 13-06-06-02 are hereby revoked and replaced with this ordinance Provided that should any conflict appear between the requirements in the comprehensive zoning ordinance and the requirements for the individual lot set forth herein and as depicted on the map exhibits attached hereto as Exhibit "A", the requirements set forth herein shall control.

**Section III. Rezoned Property.** The Zoning Ordinance and the current Montechino Planned Development District ("PDD") are hereby amended by changing the zoning district to a revised PDD zoning designation subject to this ordinance (this "Ordinance") for the land described as:

All that certain real property included in and described on the map or plat of the Marshall's Harbor Subdivision according to the map or plat recorded in Document #200000248, Official Public Records of Travis County, Texas, described as LOTS 1-26 AND COMMERCIAL LOT B.,

**Section IV. Identification of the Parcels within the PDD:** The Property consists of the following parcels of land which are also depicted in Exhibit "A" attached hereto and incorporated herein for all purposes:

- Area 1- Single Family Type 1 Lots (SF Type 1)
- Area 2- Single Family Type 2 Lots (SF Type 2)
- Area 3- Single Family Type 3 Lots (SF Type 3)
- Area 4- Garden Homes
- Area 5- Commercial Lots
- Area 6- Residential Community Center Area
- Area 7- Open Space

**Section V. Zoning Requirements:** The zoning requirements established for the Property (hereinafter referred to as "Montechino PDD") shall be those as established and adopted by Ordinance No. 98-04-27-03, as amended, except as specifically set forth below.

1. Zoning for the Single Family Type 1 Lots
  - A. The residential lot areas identified on the Montechino PDD Map Exhibit "A" attached hereto and incorporated herein by reference, identified as "SF Type 1" lots shall comply with the zoning requirements and development standards for Single Family Zoning "R-1(G)", except as hereinafter modified.
  - B. Maximum Building Heights: 35 feet as measured from the highest point on the lot.
  - C. Minimum lot size: 8,000 square feet
  - D. Building setbacks generally:
    - (i). Minimum front yard setback: 25 feet
    - (ii). Minimum rear yard setback: 15 feet
    - (iii). Minimum any side yard setback: 5 feet each side. Minimum total side yard setback: 15 feet.
    - (iv). Minimum corner setback: 15 feet
  - E. Additional setbacks along the southern and eastern external boundaries of the subdivision property:
    - (i). Minimum undisturbed, vegetated buffer as measured from the property line: 20 feet
    - (ii). Minimum building structure setback line as measured from the internal edge of the vegetated buffer: 30 feet.
  - F. Building exteriors must be a minimum of 100 percent masonry.
  - G. Construction of residential units in the SF Type 1 area shall be permitted on slopes up to 35 percent.
  - H. Utility service connections constructed to serve residential lots accessed via joint use driveways shall have meters located at the public/private ROW.

2. Zoning for the Single Family Type 2 Lots
  - A. The residential lot areas identified on the Montechino PDD Map Exhibit “A” attached hereto and incorporated herein by reference, identified as “SF Type 2” lots shall comply with the zoning requirements and development standards for Single Family Zoning “R-1(G)”, except as hereinafter modified.
  - B. Maximum Building Heights: 35 feet as measured from the highest point on the lot
  - C. Minimum lot size: 8,400 square feet
  - D. Minimum living area: 2,000 square feet
  - E. Building setbacks generally:
    - (i). Minimum front yard setback: 25 feet
    - (ii). Minimum rear yard setback: 15 feet
    - (iii). Minimum any side yard setback: 5 feet each side. Minimum total side yard setback: 15 feet.
    - (iv). Minimum corner setback: 15 feet
  - F. Additional setbacks along the southern and eastern external boundaries of the subdivision:
    - (i). Minimum undisturbed, vegetated buffer as measured from the property line: 20 feet
    - (ii). Minimum building structure setback line as measured from the internal edge of the vegetated buffer: 30 feet.
  - G. Building exteriors must be a minimum of 100 percent masonry.
  - H. Construction of residential units in the SF Type 2 area shall be permitted on slopes up to 35 percent.
  
3. Zoning for the Single Family Type 3 Lots
  - A. The residential lot areas identified on the Montechino PDD Map Exhibit “A” attached hereto and incorporated herein by reference, identified as “SF Type 3” lots shall comply with the zoning requirements and development standards for Single Family Zoning “R-1(G)”, except as hereinafter modified.
  - B. Maximum Building Heights: 35 feet as measured from the highest point on the lot
  - C. Minimum lot size: 20,000 square feet
  - D. Minimum living area: 3,000 square feet
  - E. Required setbacks along the southern and eastern external boundaries of the subdivision:
    - (i). Minimum undisturbed, vegetated buffer as measured from the property line: 20 feet
    - (ii). Minimum building structure setback line as measured from the edge of the vegetated buffer or, if a road exists along the property boundary, from the internal edge of the road ROW: 30 feet
  - F. All structures on lots adjacent to Austin Blvd. shall have minimum building structure setbacks of 30 feet from the Austin Blvd. edge of pavement and 25 feet from the Austin Blvd. ROW line.
  - G. Lots located in the SF Type 3 category shall not have direct driveway access to Austin Blvd. Access to lots along Austin Blvd. shall occur from joint use driveways.
  - H. All residences accessed from joint access driveways shall have a minimum 20 foot building setback from the joint use driveway internal edge of pavement.
  - I. Building exteriors must be a minimum of 100 percent masonry.
  - J. Construction of residential units in the SF Type 3 area shall be permitted on slopes up to 35 percent.
  - K. Utility service connections constructed to serve residential lots accessed via joint use driveways shall have meters located at the public/private ROW.
  
4. Zoning for Area 4 Garden Homes
  - A. Construction of multi-family residential units in Area 4 identified on the Montechino PDD Map Exhibit “A” attached hereto and incorporated herein by reference, identified as “Area 4 - Village Cluster/ Restaurant” shall comply with the zoning requirements and development standards for the R-0 Single-family Residential District, except as hereinafter modified.
  - B. Maximum building height: 35 feet above highest point on lot
  - C. Minimum living area square footage: 1,000 square feet
  - D. Building setbacks generally:
    - (i). Minimum front yard setback: 10 feet

- (ii.) Minimum rear yard setback: 0 feet
  - (iii.) Minimum any side yard setback: 5 feet each side or 10 feet one side in zero-lot line configuration.
  - (iv.) Minimum corner setback: 10 feet
  - (v.) Minimum garage setback: 20 feet.
  - E. Maximum Lot Coverage: 75%
  - F. Building exteriors must be a minimum of 80% masonry
  - G. The maximum total number of residential townhomes, condominiums and casitas in Area 4 shall not exceed 60 units.
5. Zoning for the Commercial Parcel - Area 5
- A. The parcel identified on the Montechino PDD Map Exhibit “A” attached hereto and incorporated herein by reference, identified as “Area 5 - Commercial Lots”, shall be retail/office, commercial, hotel, restaurant, community center, and exhibition ground use and comply with the zoning requirements and development standards of the “C-1C” Commercial zoning category except as hereinafter modified:
  - B. Building exteriors must be a minimum of 75% masonry.
  - C. A temporary construction/sales trailer or temporary building shall be permitted in Area 5. This structure shall be permitted to exist at the site for a period no longer than 12 months. The City Manager shall approve the site plan for this structure.
  - D. Minimum building setback from the Lohmans Ford Road ROW (after expansion of 15 feet per separate agreement between the developer and the city): 25 feet.
  - E. Maximum building height: 35 feet as measured from the high point on the lot with provision for no more than six (6) tower or cupola architectural features which may extend to 45 feet vertically above the high point on the lot.
  - F. Maximum Lot Coverage: 60 percent.
  - G. Additional setbacks along the southern external boundaries of the subdivision property:
    - (i.) Minimum undisturbed, vegetative buffer as measured from the property line: 20 feet.
    - (ii.) Minimum building structure setback line as measured from the internal edge of the vegetative buffer: 30 feet.
  - H. The restaurant will have an outdoor area. Entertainment and/or musical groups performing at the restaurant facility shall comply with the City of Lago Vista noise ordinance.
6. Zoning for the Residential Community Center - Area 6
- A. The parcel identified on the Montechino PDD Map Exhibit “A” attached hereto and incorporated herein by reference, identified as “Area 6 - Residential Community Center Area”, shall comply with the zoning requirements and development standards of the “P-1A” Park, except as hereinafter modified.
  - B. A pavilion, tennis courts, and a fire pit are permitted.
  - C. Maximum Building Height: 35 feet above the highest point on the lot.
7. Zoning for Open Space –Area 7
- A. The parcel identified on the Montechino PDD Map Exhibit “A” attached hereto and incorporated herein by reference, identified as “Area 7- Open Space”, shall comply with the zoning requirements and development standards for the “P2 Park” zoning category, except as hereinafter modified:
  - B. This area may contain disc golf, lakes, waterfalls, dams/berms, trails/walkways, and benches.
8. The total number of living units shall not exceed two hundred sixty-two (262).
9. The lot frontage at the ROW line within the Single Family Type 1 area shall not be less than 20 feet. The lot frontage at the ROW line within the Single Family Type 2 and Type 3 areas shall not be less than 30 feet. Lots frontage for all lots with joint use driveways shall have a minimum of 30 feet when measured at the internal edge of the pavement of the joint use driveway.
10. Joint use driveway building setback. Building setback from the edge of the pavement of a joint use driveway shall be at least 20 feet.

11. The City of Lago Vista shall have a public safety and utility easement over all private streets and roadways and all easements and green belts dedicated for general community use by the Montechino Subdivision as currently platted or replatted in whole or in part.
12. Each developed lot within the PDD shall be served by the City of Lago Vista water and wastewater utility services after having been constructed by the Developer and accepted by the City of Lago Vista. Wastewater utilities located within this Subdivision are public utilities up to the point of connection to each lot's lot line. Water utilities are part of the public system up to the point of construction to a private service meter.
13. Water and wastewater service shall not be provided by the City to any lot or development within the jurisdictional area of this zoning ordinance unless and until the terms of such service have been approved by the City Council by development agreement or as part of final plat approval.
14. No sidewalks shall be required for any lots.
15. No street lights will be allowed until approved by the City (City Manager and City Council through subdivision and site development processes). Prior to installation of any street lights, the Developer shall submit lighting physical appearance documentation and technical specifications including brightness characteristics to the City Manager for review and approval.
16. Cut and/or fill slopes on the Property shall not exceed 4 feet in height without a variance. All cut and fill variances on the Property may be approved administratively by the City Staff and City Engineer provided the cut and fill slopes greater than 4 feet are appropriately sloped or terraced, or, through installation of retaining walls, are considered adequate to control erosion and sedimentation. All cut slopes shall be stable based upon geotechnical analyses provided to the City by a Professional Engineer. Site grading shall comply with accepted engineering practices and any other applicable federal, state, or regional regulations.
17. No oil drilling, extraction or removal of stone, gravel, caliche, minerals, earth or other natural material for commercial purposes shall be permitted.
18. No building or other structure other than a marina structure and boat docks and their necessary access and appurtenances may be constructed within the CWQZ.
19. Except for conditions specifically set forth in this ordinance, the Zoning Ordinance and other City ordinances, as amended from time to time, shall apply.
20. Off street parking for each single family dwelling in areas 1, 2 and 3 shall be provided by an enclosed garage capable of parking two (2) automobiles and having a minimum floor area of 400 square feet.
21. Private street rights-of-way (ROW) shall be a minimum of fifty feet (50') wide and have a minimum paved width of twenty four feet (24') with an eighteen inch (18") concrete ribbon curb on each side of the pavement. For any existing roadways which will be included within the subdivision and do not currently have ribbon curb, the Developer shall provide for at his own expense design and construction of ribbon curb.
22. All fences, walls, hedges and other similar structures shall comply with the fencing provisions of the City of Lago Vista fence ordinance except that chain link and barbed wire fences shall be prohibited. Upon review and approval by the City Manager, eight (8') foot fences constructed of iron, stucco, or stone may be allowed.
23. No boats or recreational vehicles may be parked on any residential lots within the Montechino PDD unless fully screened and not visible from the street.
24. The Property within the Montechino PDD shall be re-platted subject to compliance with City subdivision and development regulations except as modified herein. The 30 foot wide conservation

easement shown on recorded plats shall not be vacated. There shall be a 30 foot wide area along Austin Blvd. that shall not be built upon except for driveways and mail boxes. All trees in this area shall be protected except where there are driveways or private streets.

25. The Property, as a condition of approval of plats, must have a funded Home Owners Association obligated to maintain within the boundaries of the Property all open space, private roads and community amenities.
26. Prior to approval of a preliminary plat for any part of the PDD, the City shall approve a Traffic Impact Analysis (TIA), the extent of which shall be determined by the city engineer, that includes any improvement or cost sharing required of the developer to mitigate any adverse impact. All preliminary and final plats on Lohman's Ford or Austin shall show lot driveway and street intersection locations. All lots on Lohman's Ford shall be required to have interconnecting parking lots, unless a variance is granted by the City Council during site development permit review.
27. Within multi-family and commercial/office site development areas, no ash-juniper tree 14 inches in caliper or greater and no other tree 10 inches in caliper or greater as measured 40 inches above the ground shall be removed unless approved by City Council through the site development permitting process. Replacement of trees approved for removal shall occur on a caliper inch for caliper inch basis. Replacement tree species shall be from the City's approved replacement tree list in effect at the time of site development. Within single family residential areas, tree protection and replacement shall conform to the tree preservation and landscape standards in effect at the time of subdivision approval.
28. No building permit shall be issued prior to satisfying terms of separate agreement(s) between the Developer and the City of Lago Vista.
29. Improvements required for conformance with Highland Lakes Watershed Ordinance for this development are set forth in the currently approved Water Quality Master Plan for the development.

**Section VI. Special Exception and Variance.** To the extent any authorization or approval of this PDD is in conflict with the water quality requirements of any agreement entered into between the City of Lago Vista and any other city, such authorization or approval shall be deemed to have been granted by special exception and variance by a finding of public necessity through the duly adopted governing body of the City of Lago Vista.

**Section VII. Severability.** Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion of portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

**Section VIII. 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, Chapter 551, Tex. Gov't. Code.

**PASSED AND APPROVED** on this 15<sup>th</sup> day of October, 2015.

\_\_\_\_\_  
Randy Kruger, Mayor

ATTEST:

\_\_\_\_\_  
Sandra Barton, City Secretary



LOCATION MAP  
N.T.S.

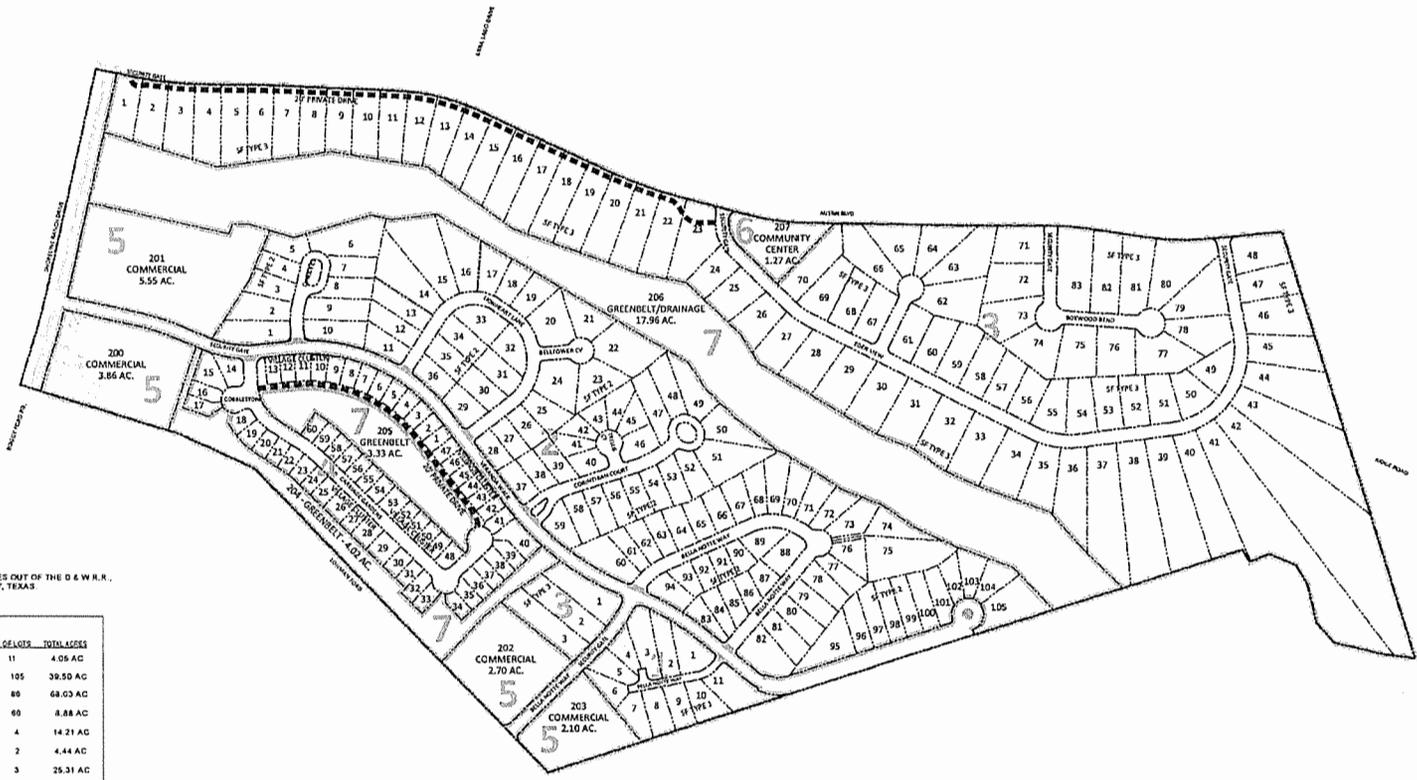
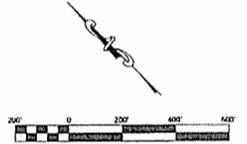
Exhibit A

# MONTECHINO

PLANNED DEVELOPMENT DISTRICT PLAN  
LAGO VISTA, TEXAS

PREPARED FOR:  
VILLA MONTECHINO, LP

VILLA MONTECHINO LP, 5001 MARSHALLS HARBOR DRIVE, LAGO VISTA, TEXAS 78645  
512-267-4373 PH, 877-288-7353 FAX, 713-304-4984 CELL



**LEGAL DESCRIPTION:**

THE SUBJECT TRACT IS APPROXIMATELY 183,500 ACRES OUT OF THE D & W H.R.,  
CO. SURVEY NO. 89, ABSTRACT 248, IN TRAVIS COUNTY, TEXAS

LOT SUMMARY				
LOT#S	MIN. SF.	NO. LOTS	TOTAL ACRES	
1	AREA 1 - RESIDENTIAL SF TYPE 1	8,000	11	4.05 AC
2	AREA 2 - RESIDENTIAL SF TYPE 2	8,400	105	38.50 AC
3	AREA 3 - RESIDENTIAL SF TYPE 3	20,000	88	68.03 AC
4	AREA 4 - VILLAGE CLUSTER	N/A	80	3.88 AC
5	AREA 5 - COMMERCIAL	N/A	4	14.21 AC
6	AREAS 6 - COMMUNITY	N/A	2	4.44 AC
7	AREAS 7 - GREENBELT	N/A	3	25.31 AC
	RIGHT-OF-WAY	N/A	-	19.08 AC



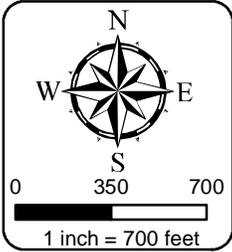
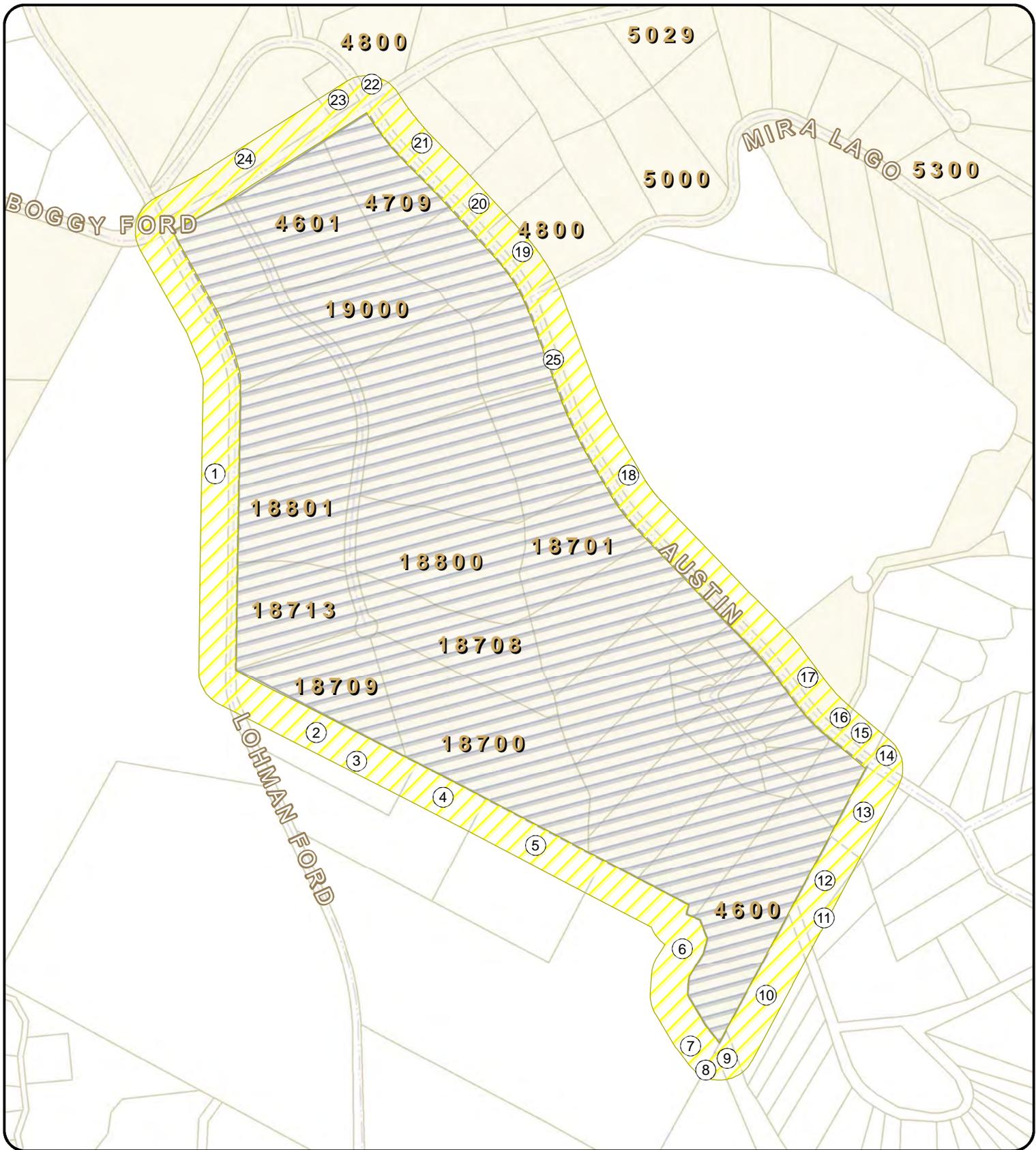
**B W M G R O U P**  
ARCHITECTURE | PLANNING | LANDSCAPE ARCHITECTURE | ENGINEERING

102 E. MARK SUITE 200 ROUND ROCK, TX 78681-1111 (512) 222-8121 F (512) 222-8120  
www.bwmg.com

All information furnished regarding this property is from sources deemed reliable. However, BWM Group has not made an independent investigation of these sources and no warranty or representation is made by BWM Group as to the accuracy thereof and same is submitted subject to error, omissions, and plan changes, or other conditions. This land plan is conceptual in nature and does not represent any regulatory approved land plan to be subject to change.

## Attachment 3

### Maps



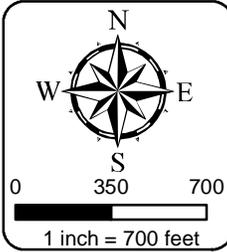
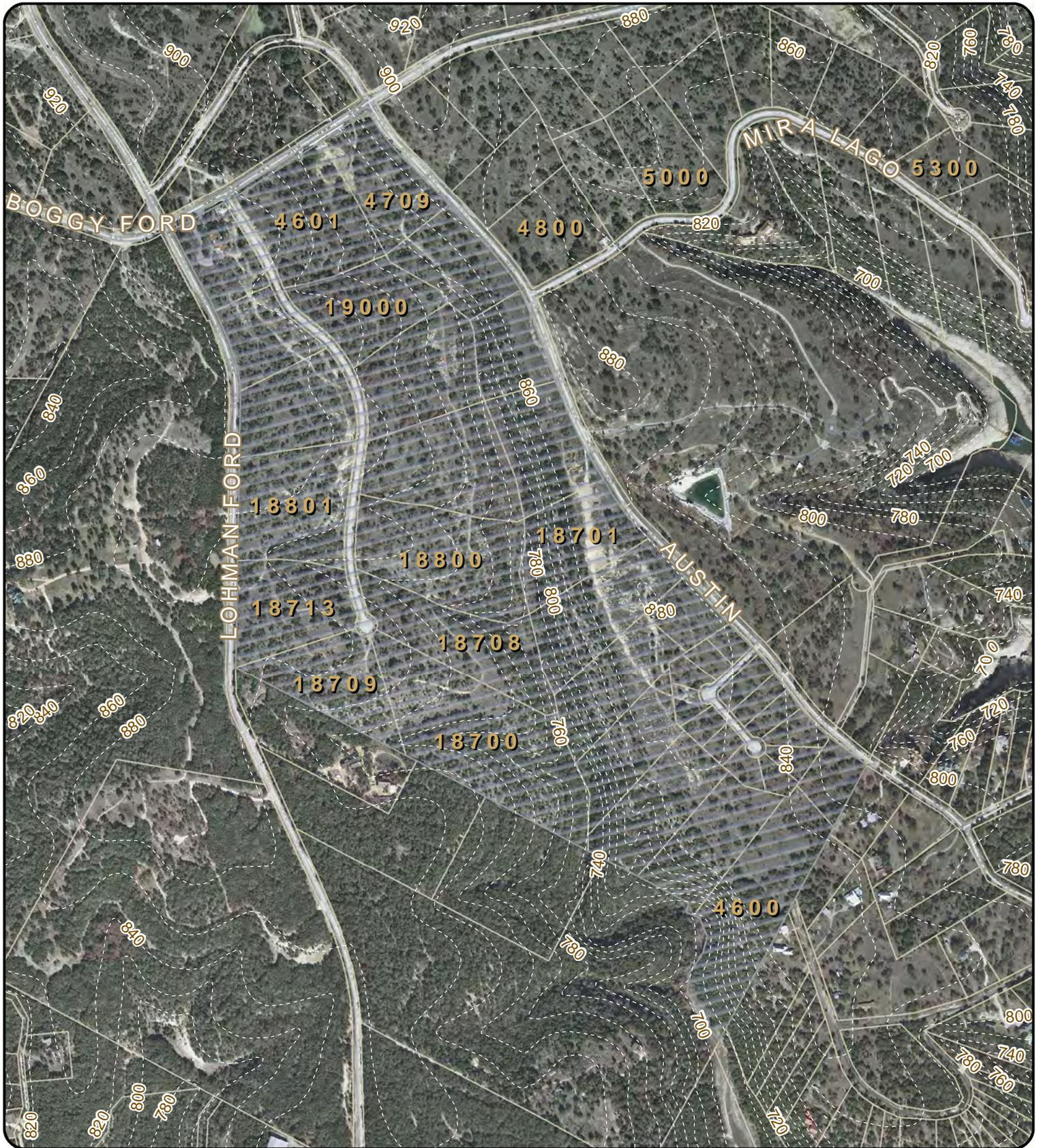
### Montechino Subdivision

Request Type:	<b>Amendment</b>	Project:	<b>ZON-1045</b>
Change Requested:	<b>PDD Modification</b>	Date:	<b>9/17/2015</b>
Map Purpose:	<b>200ft Buffer</b>	Drawn By:	<b>CM</b>

While every effort has been made to ensure the accuracy of this data, this map is to be used for reference purposes only. This data should not be construed as a survey instrument. No responsibility is assumed by the author for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.

#### Legend

-  Owner Parcels
-  Requestor

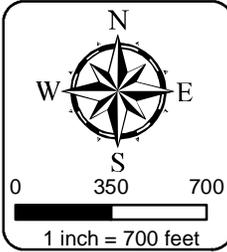
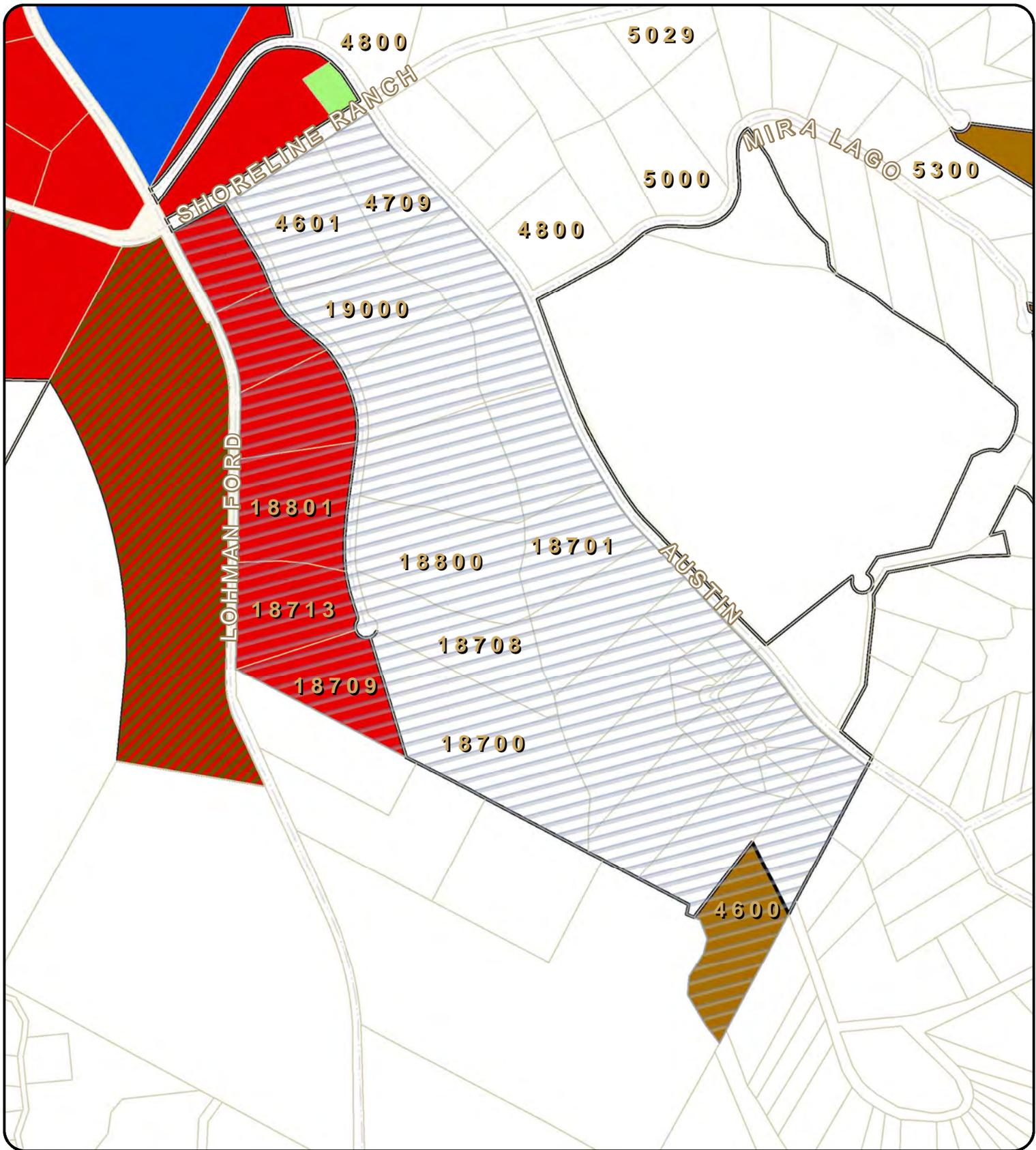


### Montechino Subdivision

Request Type:	<b>Amendment</b>	Project:	<b>ZON-1045</b>
Change Requested:	<b>PDD Modification</b>	Date:	<b>9/17/2015</b>
Map Purpose:	<b>Aerial &amp; Topo</b>	Drawn By:	<b>CM</b>

While every effort has been made to ensure the accuracy of this data, this map is to be used for reference purposes only. This data should not be construed as a survey instrument. No responsibility is assumed by the author for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.

- Legend**
- 20' Contours
  - Owner Parcels
  - Requestor



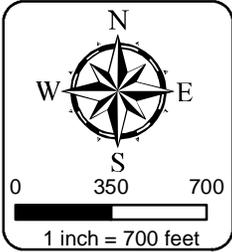
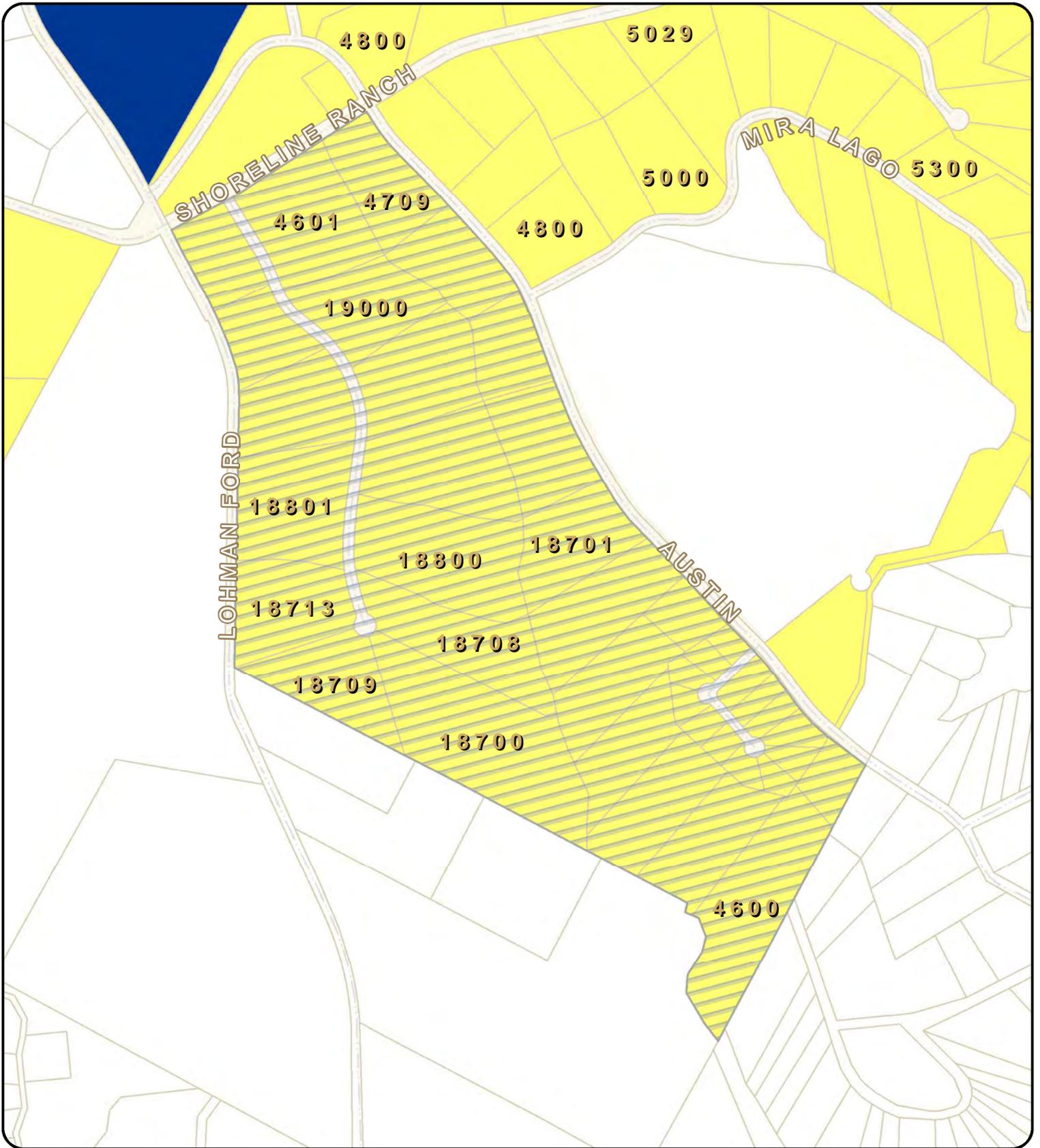
### Montechino Subdivision

Request Type:	<b>Amendment</b>	Project:	<b>ZON-1045</b>
Change Requested:	<b>PDD Modification</b>	Date:	<b>9/17/2015</b>
Map Purpose:	<b>Future Land Use</b>	Drawn By:	<b>CM</b>

While every effort has been made to ensure the accuracy of this data, this map is to be used for reference purposes only. This data should not be construed as a survey instrument. No responsibility is assumed by the author for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.

**Legend**

- Owner Parcels
- Requestor
- Future Land Use**
- Low Density Residential
- High Density Residential
- Commercial
- Parks
- Public/Semi Public



### Montechino Subdivision

Request Type:	<b>Amendment</b>	Project:	<b>ZON-1045</b>
Change Requested:	<b>PDD Modification</b>	Date:	<b>9/17/2015</b>
Map Purpose:	<b>Zoning</b>	Drawn By:	<b>CM</b>

While every effort has been made to ensure the accuracy of this data, this map is to be used for reference purposes only. This data should not be construed as a survey instrument. No responsibility is assumed by the author for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.

### Legend

-  Owner Parcels
-  Requestor
- Zoning Class**
-  PDD
-  U-1



# Development Services Department

## STAFF REPORT

### Proposed Subdivision Ordinance Changes PZC Workshop

**Date:** September 24, 2015

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#### **Summary of Changes**

These are changes that are proposed by staff to the subdivision code (Chapter 10). Below is a summary of the changes. Staff plans to bring this items forward for next month's meeting.

#### Section 1.12

- 1) Redefined concept plan to better address the Concept Plan portion of the application.
- 2) Created a definition for subdivision variance that allows deviations to the Subdivision Ordinance if unnecessary hardship has been proven.

#### Section 1.13

Removal of applicability of unrecorded subdivisions because it is no longer applicable due to the dates stated in that Section. Other changes in the Section are removed because they are tied back to the removal of Subsection D.

#### Section 1.14

- 1) Changes subdivision exceptions to subdivision variances and changes consideration from the City Council to the Planning & Zoning Commission.
- 2) Appeals a City staff member's interpretation, denial of plat, or denial of subdivision variance to the City Council.
- 3) Removal of Master Development Plan from language and requirement to file exception with final plat. The idea is to have an subdivision variance application separate from the Plat and have it preferably filed at the same time as the preliminary plat, replat, amended plat, or lot consolidation.
- 4) Sets up process for subdivision variance.

#### Section 2.14

- 1) Removes some contents and requirements associated with the Master Development Plan.
- 2) Removes Master Development Plan to be considered by the Commission at a separate meeting or together with the Plats.

### Section 2.15

- 1) Removes language of combined Master Development Plans and platting and replaces with the regulatory requirements of a Concept Plan.
- 2) Establishes the (Concept) Plan Variance and the processes to follow a subdivision variance.

### Section 2.16

- 1) Eliminates required timeframes to submit Preliminary Plats and replaces with language requiring an approved Concept Plan to be completed before consideration of the Preliminary Plat.
- 2) Modifies title block to add Development Services Secretary and removes Administrator and replaces with City Secretary on Preliminary Plats.
- 3) Removes developer requirement to submit Preliminary Plat to utility companies and removes topographical map requirements and replaces with providing the Concept Plan.
- 4) Removes placement of trees on Preliminary Plats.
- 5) Removes 30 day requirement formally from Code since applicants sign their timeframes away at time of application.
- 6) Removes Preliminary Plat two (2) year extensions.

### Section 2.17

Removes ambiguous language concerning the final plat and master development plans.

### Section 2.18

- 1) Removes timeframe requirement formally from Code since applicants sign their timeframes away at time of application.
- 2) Requires electronic drawings.
- 3) Removes proposed uses and removal of trees to be shown on final plat and requiring an applicant to provide a letter from City of Austin 911.
- 4) Removes totally Subdivision Construction Plan Requirements. (These are reestablished later as a greatly improved standalone Section).
- 5) Remove providing of proposed and current deed restrictions.
- 6) Establishes Assurances for Completion of Improvements which includes general policy, required completion of improvements before signing of final plat, or alternatives for completing improvements including performance bonds, escrow accounts, letter of credit, cost estimates, surety acceptance, sufficiency, time limits, and transfer/reducing bonding in the ETJ.
- 7) Addresses failure to complete improvements and inspection/approval of infrastructure in the construction plans, reduction or release of improvement surety instrument.
- 8) Requires As-Builts to be submitted to the City after approval of the construction plans and inspections have been passed by the City. This includes required

maintenance bond of a minimum 15% of the cost of improvements for the first two (2) calendar years.

#### Section 2.19

Takes number of returned signed copies from five to two.

#### Section 2.20

- 1) Reestablishment of required Construction Plans with revised and strengthened Codes over the old requirements establishing format, content (i.e. coversheet, street and roadway systems, street lighting plans, drainage improvements, erosion and sedimentation controls, water distribution systems, wastewater distribution systems, placement of fill, street signs, traffic barricades, sidewalks, parkland, trees, landscape and screening, design criteria, and total cost estimates approved by a licensed engineer).
- 2) When to submit construction plans during platting processes and includes application expiration, approval expiration, construction plan modifications, and responsibility of construction plans.

#### Section 2.21

Clarifies the Commission as the consideration authority with appeal to the Council.

#### Section 2.22

Removes the requirement if a replat has an exception it must be approved by 3/4<sup>th</sup> of Council if at least 20% of the lots or area within 200' object.

#### Section 2.23

Removes the wording that an engineer can prepare the amended plat.

#### Section 2.24

Removes the option of the Administrator to send the Plat to the Commission.

#### Section 4.10

- 1) Removes the exception from Council concerning development on slopes greater than 25%.
- 2) Requires construction plans be submitted after the preliminary plat versus during the final plat.

#### Section 4.11

- 1) Removes the exception granted by Commission or Council to allow wastewater lines from a set number of feet from a waterway.
- 2) Requires retaining walls to be shown on construction plans versus on plats.

- 3) Removal of old As-Built requirements in Code (New As-Built requirements are addressed in changes).

Section 4.12

- 1) Removal of fee simple requirements for projection of future roadways outside of subdivisions.
- 2) Removal of Commission or Council approval for longer cul-de-sacs than 600' and 1,000' for rural subdivisions.
- 3) City staff can approve continuation of cement curbs versus approval by Commission or Council in construction plans.
- 4) Removes prohibition of parking in ROW.
- 5) Allows City Engineer instead of Council to determine whether or not a dedicated ROW must be given in its entirety at that time.
- 6) Removes standards that state the applicant must notify City of Austin 911
- 7) Requires street lighting at the corner of any intersection with streets, intersection of a street and alley, intersection of alleys, at any designated crosswalks outside of an intersection, or the crossing of any trail or golf path. There will be adequate lighting to provide for safety to the satisfaction of the City Engineer.
- 8) Removes criteria for street lighting requirements (this is already addressed in the new code changes and moved to the Section concerning Construction Plans).
- 9) Requires lighting maintenance and fees to be included in construction plans versus in the plat.
- 10) Sidewalks are required to be installed on both sides of the street and all sides of a cul-de-sac, provides location standards, and compliance with ADA standards.
- 11) Requires usage of the Texas Chapter of the Manual for Uniform Traffic Control Devices for all street signs (adds needed clarification).
- 12) Requires parkways to be constructed to a 3:1 grade, with no exceptions.
- 13) Crosswalks to be as placed in accordance with City approval versus Commission or Council approval of the construction plans.
- 14) Fire emergency accesses are required to be paved versus exceptions granted to not being paved.
- 15) Removes the provision that private streets do not have to be built to public road standards if standards are within the PDD Ordinance.
- 16) Covenants and Restrictions concerning proper maintenance and collection of fees for private roadways to be approved by City and thereby removing City Council approval.
- 17) Prohibits gates on private streets which matches standards on public streets.
- 18) Traffic Impact Analysis reduced from 400 to 200 average daily trips. TIA to be submitted at the time of construction plans versus at the time of preliminary plat. TIA can only be approved by the City Engineer versus the City Administrator and City Engineer. Requires all TIA mandated improvements be shown on construction plans and As-Builts.

19) Location of all utility lines to be shown on construction plans versus plats.

Section 4.14

Removes requirements that electric lines can be placed above ground with PEC approval, all electric lines must be underground.

Section 4.15

No ROW clearing or rough cutting is allowed until construction plans are approved versus final plat recordation. Adds recommendation that applicant check for special regulatory requirements concerning removal of trees due to endangered species with the appropriate Federal and State agencies.

Section 4.16

Removes special use provision for allowing permanent spoils area in the City and by development agreement in the ETJ.

Section 4.18

Requires certification of available ground water for private water systems to be placed with Construction Plans versus plat.

Section 4.20

Maximum block lengths reduced from 1200' to 800'.

Section 4.21

- 1) Increase in lot depth can be required by the City Engineer versus the City Council when backing up to undesirable elements such as pipelines, railroads, and arterial roadways.
- 2) Removes Administrator recommendation on allowing double fronting lots or side lot lines contiguous to arterials and roadways.
- 3) Removal of subsequent platting requirements.

Section 4.22

Requires monuments to be in place at the time of As-Builts versus acceptance of utilities and streets.

Section 4.23

Requires traffic control signs to meet the most recent addition for the Texas Chapter of the Manual for Uniform Traffic Control Devices and City Specifications and providing clarity in cases of conflict to use City Specifications.

#### Section 4.24

The City may recall the relocation of a facility to save a protected tree versus the Commission or Council.

#### Section 5.10

- 1) Increases parkland contribution from 1 acre to 3 acres per every 100 new dwelling units.
- 2) Increases financial contribution from \$500 to \$800 per dwelling unit.
- 3) Required public parkland will be shown on concept plans, master development plans in addition to plats.
- 4) Requires land to be deeded to the City before As-Builts can be approved by the City.
- 5) Requires fee-in-lieu funds to be paid before plat can be recorded with the County.

#### Section 5.17

Require additional land be dedicated if lots are increasing in the replat or plat.

#### Section 5.19

Requires additional plans be reviewed along with the five year Capital Improvements Plan in regards to future locations of parks and expansion of park spaces.

## CHAPTER 10

# SUBDIVISION REGULATION

### ARTICLE 10.100 SUBDIVISION ORDINANCE ADOPTED\*

The comprehensive subdivision ordinance, Section 3 of Ordinance 09-05-21-02, adopted by the city on May 21, 2009, is included at the end of this chapter as exhibit A. Due to the nature of the subdivision ordinance and the technicalities involved in adopting or amending it, such ordinance is printed herein as enacted, with only nonsubstantive formatting and style changes.

Capitalization, punctuation and numbering of articles, sections and subsections have been retained as enacted. Subsequent amendments will be inserted in their proper place and denoted by a history note following the amended provisions. The absence of a history note indicates the material is unchanged from the original. Obviously misspelled words have been corrected without notation. Any other material added for purposes of clarification is enclosed in brackets.

### EXHIBIT A-PLAT AND SUBDIVISION REGULATIONS

#### Section 1. General.

##### 1.10. Authority.

This chapter is adopted under the authority of the Constitution and laws of the State of Texas, including particularly Chapter 212, Texas Local Government Code.

##### 1.11. Purpose.

The purpose of this chapter is to provide for the orderly, safe and healthful development of the area within the city and its extraterritorial jurisdiction; to secure adequate provisions for transportation, light, air, recreation, transportation, water, drainage, wastewater, and other facilities; and to promote the health, safety, and general welfare of the community.

##### 1.12. Definitions.

For the purpose of this ordinance, certain terms and words are hereby defined; terms not defined herein shall be construed in accordance with customary usage in municipal planning and engineering practices.

Abutting: Adjacent; joining at a boundary.

Administrator: The city manager or the person designated by the city manager to administer the regulations and provisions of this chapter.

Alley: A minor public right-of-way or private street which is used primarily for vehicular and service access to the back or sides of properties otherwise abutting on a street.

Allowable Density: The number of residential building units allowed per acre of land that is or would be developed for residential purposes.

Block: A unit of land bounded by streets or a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity to development.

Bluff: An abrupt vertical change in topography of more than forty (40) feet with an average slope steeper than four (4) feet of rise for one (1) foot of horizontal travel.

Building Setback Line: A line beyond which building foundations or any building extension other than roof overhang, uncovered porches, uncovered balconies, and uncovered steps must be set back from the property line.

Calendar Days: The number of days specified, unless the last day falls on Saturday, Sunday, or a legal holiday. In the latter case, the last day shall be the next working day.

City: The City of Lago Vista, Texas.

Commission: The Planning and Zoning Commission of the City.

Council: The City Council of the City of Lago Vista.

County: Travis County, Texas.

Crest of Bluff: A line on the ground parallel to and at the top of a bluff, beyond which the average slope is no steeper than one (1) foot of rise in two (2) feet of travel, for a horizontal distance of not less than forty (40) feet.

Critical Water Quality Zone (CWQZ): Protection zones for waterway corridors as defined in this chapter.

Crosswalk. A public right-of-way, between property lines, for pedestrian circulation.

Cul-de-Sac: A local street with only one street outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Dead-End Street: A street, other than a cul-de-sac, with only one outlet.

Developer: An individual, partnership, corporation, or governmental entity undertaking the subdivision, platting, or improvement of land and other activities covered by this chapter,

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including the preparation of a plat showing the layout of the land and the public improvements involved therein. The term “developer” is intended to include the term “subdivider” even though personnel in successive stages of the project may vary.

Development: Any manmade change in improved and unimproved real estate, including but not limited to buildings or other structures, mining dredging, filling, grading, paving, or excavation for the purpose of constructing permanent structures on the real estate.

Double Fronting Lot: A lot which fronts upon two (2) parallel streets, or which fronts upon two (2) streets which do not intersect at the boundaries of the lot.

Easement: A grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, corporation or another person or entity.

Easement, avigation: An air-rights easement which protects air lanes around airports.

Easement, drainage: An easement required for the installation of storm water sewers or drainage ditches, and/or required for the preservation or maintenance of a natural stream or water course or other drainage facility.

Engineer: A person authorized under the provisions of the Texas Engineering Registration Act to practice the profession of engineering.

Extraterritorial Jurisdiction (ETJ): That territory outside the corporate limits of the City of Lago Vista which is within the jurisdiction of the city by virtue of the Municipal Annexation Act, Chapter 42, Texas Local Government Code.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.

Flood protection elevation, regulatory. (See: Floodplain Ordinance).

Governing Body: The Council of the City of Lago Vista, Texas.

Homeowners' or Property Owners' Association: A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

Impervious Cover: Roads, parking areas, buildings, and other impermeable construction covering the natural land surface including but not limited to all streets, driveways, buildings and structures within a development.

Living Unit Equivalent (LUE): An LUE is the typical water or wastewater flow that would be produced by a single family. For nonresidential uses, flows based on design data should be calculated and converted to LUEs.

Lot: An undivided tract or parcel of land identified by a number or symbol and designated as a distinct and separate tract on a fully approved plat properly filed of record.

Lot area: The total area within the lot lines of the lot excluding any street rights-of-way.

Lot, corner: A lot or parcel of land abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

Lot depth: The distance measured from the front lot line to the rear lot line. Where the front and rear lot lines are not parallel, the lot depth should be measured by drawing lines from the front to the rear lot lines, at right angles to the front lot line every ten (10) feet, and averaging the length of these lines.

Lot Line: A line of record bounding a lot which divides one (1) lot from another lot or from a public or private street, right-of-way or any other public space.

Major plat: Any plat not classified as a minor or amending plat.

Master development plan: A graphic representation and narrative description of a large area of land intended for eventual development in phases. The plan may involve a single parcel or a number of contiguous parcels. It should show proposed land use, street classification, parks and open space, major public facility sites, floodplains and waterways, major drainage and utility improvements, and other features deemed necessary or appropriate by the administrator to depict critical on- and off-site relationships that coordinate the development with the community's overall plan and adjoining undertakings.

Minor plat: A proposed subdivision with four or fewer lots, with said lot or lots fronting on an existing street, and not requiring the creation of any new street or the extension of municipal facilities.

Mobile home: A structure constructed according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems.

Mobile home park. A site with required improvements and utilities for the long-term parking of mobile homes, which may include services and facilities for the residents.

Multi-Family: Any use of lots or tracts on which are built three or more dwelling units, within one building.

Neighborhood park: A park provided for a variety of outdoor recreational opportunities located within a residential subdivision or within a close proximity or convenient distance of the majority of residences to be served thereby so that the residential subdivision or subdivisions so located shall be the primary beneficiaries of these facilities.

100-Year and 25-Year Floodplains: Those levels under fully developed conditions above mean sea level to which it is anticipated water will rise in Lake Travis or watercourses during storms that will likely occur at least one time during a 100- or 25-year period.

Overland drainage: Stormwater runoff not confined by any natural or manmade channel such as a creek, drainage ditch, storm sewer, or the like.

Parkway: That portion of the right-of-way between the curb or edge of road pavement and the right-of-way line.

Person: Any individual, association, firm, corporation, governmental agency, political subdivision or other legal entity.

Plan, comprehensive: The comprehensive plan of the city and adjoining areas approved by the council, including all its revisions.

Plan, concept: ~~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.~~

**Deleted:** A rough concept map of a proposed subdivision with sufficient accuracy to be used for the purpose of discussion, classification, and comment

Plan or plat package: Includes all drawings, instruments, written specifications, reports, test results, covenants, and other similar items required in this ordinance.

Planned development or planned development district: A development provided for by the zoning ordinance of the city wherein certain yards, areas and related standards may be varied (or exceptions granted) and a variety of land uses associated on a tract, the plan of which is subject to approval by the commission and council.

Plat: A map representing a tract of land, showing the boundaries and location of individual properties and streets.

Plat drawing: A drawing or drawings depicting the proposed subdivision layout itself, along with associated certifications, dedications and related notations.

Plat, final: The final map of all or a portion of a subdivision which is presented to the proper review authority for final approval.

Plat, preliminary: A preliminary map indicating the proposed layout of a subdivision which is submitted to the review authority for consideration and preliminary approval.

Pre-design conference: A conference between a developer and the city staff, held prior to application for approval of a plat, for the purposes of exchanging information and identifying potential problems with a proposed development.

Private street: A street which is constructed owned and maintained by an individual, privately owned organization or a home owners' association.

Replating: The alteration of any part or all of any lot, block or tract of a previously platted subdivision.

Residential area: Any area within a subdivision plat which in whole or in part is platted for the development of dwelling units or residences, whether same [some] be single-family, multifamily, owner occupied or rental dwelling units and including townhouses, condominiums and apartments.

Resubdivision: Any change in a map of an approved and recorded plat that affects 1) any street layout on the map or area reserved thereon for public use or, 2) any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions or plats.

Shall, May: The word "shall" is always mandatory. The word "may" is merely discretionary.

Setback Distance: The minimum distance required between a structure and the front, side or rear boundary line of the parcel of land on which the structure is located.

Single-Family Residence: A detached building occupied or suitable for occupancy by one family as a residence, and having kitchen, bath and sanitary facilities and appropriate appurtenances.

Shoreline: The edge of the water during normal level or flow conditions. In the case of Lake Travis, it is the six hundred eighty-one (681) foot MSL contour. In the case of intermittent streams, it is the centerline of the waterway.

Soil Tests: Percolation tests, soil boring profiles, geologic tests and profiles, groundwater table tests, and any other tests which may be required by the County Health Department or the city.

Staff or city staff: The employees and the professionals providing services to the city authorized or permitted by the council to undertake any duty or to provide any review, work or service contemplated by the terms of this ordinance to be undertaken by city personnel.

Street: The entire width between the boundary lines of every way publicly or privately maintained when any part thereof is open to the use of the public or owners of a development for purposes of vehicular travel.

- A. A "major thoroughfare," "arterial street" or "expressway" primarily provides vehicular circulation to various sections of the city.

B. A “collector street” primarily provides circulation within neighborhoods, to carry traffic from local streets to arterial or major thoroughfare streets, or to carry traffic through or adjacent to commercial or industrial areas.

C. A “local street” is a street designed primarily for access to abutting residential property. A local street does not include roadways that carry through traffic, but will generally be intersected frequently by “collector streets.”

Street, width: That distance within street right-of-way (ROW).

Structure: Anything constructed or erected which requires location on or in the ground or attached to anything having a location on or in the ground that is of a permanent nature and such is a constructed or an erected object that is positioned on private property or in a street right-of-way of the city posing a danger or threat to the safety and/or welfare of the public.

Subdivider: Any person, or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. The term “subdivider” shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner, of land sought to be divided.

Subdivision: A division of any tract of land, situated within the corporate limits of the City of Lago Vista or within its extraterritorial jurisdiction, into two (2) or more parts for the purpose of laying out any addition to the city, or for laying out lots or building lots, or any lots, and streets, alleys, access easements, public utility easements, or parks or other portions intended for public use or the use of purchasers or owners of lots. Divisions of land in parcels of which all the parcels are at least five (5) acres or more shall not be included within this definition of “subdivision”, unless any such division includes the planning or development of a new public or private street or access easement, or public utility easement and all parts of the subdivision have at least 30 feet of frontage on a public street, and no public improvement is being dedicated.

Subdivision Variance (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.](#)

Surveyor: A licensed State Land Surveyor or a Registered Public Surveyor, as authorized by State statute to practice the profession of surveying.

Uplands Zone: All lands and waters that are not included within the Critical Water Quality Zone or the Water Quality Buffer Zone.

Utility Easement: An interest in land granted to the city, to the public generally, and/or to utilities, for installing or maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

Wastewater Disposal System: Any publicly or privately owned system for the collection, treatment, and disposal of sewage that is operated in accordance with the terms and conditions of

a valid waste discharge permit issued by the Texas Water Commission or appropriate regulatory agency.

Words and terms not expressly defined herein are to be construed in accordance with customary usage in municipal planning and engineering practices.

### 1.13. Application and Compliance.

A. This chapter shall govern the subdivision, resubdivision, platting, and development of land within the corporate limits and extraterritorial jurisdiction of the City of Lago Vista. This chapter shall also govern the combining of one or more lots into a single lot.

B. Prior to the subdivision or resubdivision of land in the city limits and the extraterritorial jurisdiction, or the development of unplatted property in the city limits, a plat shall be prepared and approved by the city in accordance with this chapter and developed in accordance with the Code of Ordinances.

C. No person shall create a subdivision, as herein defined, without complying with the provisions of this ordinance. All plats and subdivision of any land shall conform to state and federal laws and applicable city ordinances.

D. Reserved.

E. Requirements for Permits. Unless an existing plat has obtained approval and recorded a final plat no building, repair, plumbing, electrical, or site development permit shall be issued by the city for any structure on a lot, tract or parcel of land in the plat. Provided, however, in the case of the granting of an exception, such permit shall be issued in accordance with the specific requirements of the exception as set forth in the resolution.

F. Acceptance of Streets and Utilities. The City shall not repair, maintain, install or provide any streets or public utility services in any subdivision unless a final plat has been adopted and filed of record and the City has accepted the improvements and released any maintenance bonds in accordance with the requirements of this Chapter. Provided, however, in case an exception has been granted the repairs, maintenance, installation and provision of streets or public utility services shall be in accordance with the specific requirements of that exception as set forth in the resolution.

G. Utility Services.

1. The City shall not provide water or sewer service outside the corporate limits of the City of Lago Vista.

2. The City shall not sell or supply any water or wastewater services to or within any land platted after June 4, 2009 for which a final plat has not been

**Deleted:** Applicable To Existing Unrecorded Subdivisions. This chapter shall apply to any proposed subdivision submitted for approval prior to June 4, 2009 but which does not receive preliminary plat approval within six (6) months after June 4, 2009 and any subdivision that obtained preliminary plat approval before June 4, 2009 but that does not obtain final plat approval within one (1) year after the date of the preliminary plat approval. All subdivision plats submitted for approval prior to June 4, 2009 shall, except as provided in the preceding sentence, comply with the provisions of the preexisting Chapter 10, code of ordinances, as applicable. Provided further by resolution of the council, after recommendation by the commission, the time for obtaining final approval and recording the final plat of a subdivision may be extended an additional ninety (90) days upon demonstration of good cause by the owner or developer of the land being platted. Final plats approved by the city before June 4, 2009, but not recorded within two years of the approval shall be deemed to have expired.

**Deleted:** or unless such plat has obtained a resolution, as described in Section D. above, and said exception is adopted and filed of record,

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approved and filed of record unless a resolution has been adopted and filed of record pursuant to Section D, above. Provided, however, in case an exception has been granted, the city shall sell and supply water or wastewater services in accordance with the specific requirements of that exception as set forth in the resolution.

3. No water and/or wastewater connection shall be made by the City until the requirements as to the installation of water and wastewater mains have been complied with within the block facing the street on which the property is situated. This includes chlorination and satisfactory testing of lines serving the property for which a connection request is made.

**Deleted:** of Lago Vista

#### 1.14. Subdivision Variance and Appeal.

**Deleted:** Exceptions

A. It is the expressed intent of this Chapter that all sections and parts should be complied with except in those instances when the provisions of this section are applicable. It is further the intent of this Ordinance that the granting of a variance from the requirements hereof, shall not be a substitute for the amending of this Chapter or other parts of the Code of Ordinances.

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B. Only the Commission shall have authority to approve subdivision variances.

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C. The Commission may approve a subdivision variance when, in its opinion, undue hardship will result from requiring strict compliance. In considering, the Commission may prescribe such conditions that it deems necessary or desirable in the public interest.

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**Deleted:** exceptions or approve exceptions and any appeal

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D. In making the findings herein below required, the Commission shall take into account, at least, the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such exception upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No exception shall be granted unless the Commission finds[:]

**Deleted:** recommend and the council may

**Deleted:** an exception from these regulations when

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1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would have a substantial adverse impact on the applicant's reasonable use of his land;

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2. That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and

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3. That the granting of the variance will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this Chapter.

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E. Such findings of the Commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which such exception is granted.

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F. Exceptions may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety and welfare may be secured and substantial justice served.

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G. Approved variances shall be placed within the notes on the final plat.

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H. The Commission may deny the variance, and/or approve in whole or part with conditions.

**Deleted:** grant the exception in whole or part,

**Deleted:** Exception

I. Compliance with Variance. In any case where a final plat has not been approved or recorded but a variance has been obtained, the subdivision or development must comply with all conditions and requirements of the variance where these vary with this Chapter. In all other instances the subdivision or development shall comply with the requirements of this Chapter. Unless the subdivision or development fully complies with the conditions set forth in this section the city shall not issue the permits, repair, maintain, install or provide streets or public utility services to the subdivision or development.

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J. Appeals. Any decision or determination by any city staff person may be appealed to the Commission. Such appeal shall be made to the administrator in writing and may not be considered by the Commission earlier than ten (10) days after such appeal is filed with the City. An applicant may appeal the Commission's denial of a plat, a city staff persons' interpretation, or subdivision variance to the Council. The Council shall make the final determination concerning any appeal.

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K. Final Plat and Exceptions. Approval of a preliminary plat by the Commission or upon appeal the Council, shall not constitute automatic approval of the final plat.

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L. Exception and Appeal Procedures.

**Deleted:**

1. If an appeal is requested, the City shall have sixty (60) days from the date of filing to act.

**Deleted:** Exceptions may be addressed with master development plans and preliminary plats and may be preliminarily approved by the council with the plan or preliminary plat, however, final approval [...]

2. An appeal of a staff determination or Commission, denial of a plat, or subdivision variance must be made in writing within ten (10) days of the Commission's action. If application for appeal is not made within ten (10) days, Commission vote shall be deemed not overturned or in the case of plat denial, the plat shall be deemed denied.

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M. Subdivision Variance Process

**Deleted:** Requests for exceptions sho [...]

1. A subdivision variance must be approved by the Commission, or the Council on appeal, before any preliminary plat, amended plat, minor plat, lot consolidation, or re-plat can be approved by the City.

2. Application for a subdivision variance will be on a separate application from any platting application.

3. Subdivisions that are a part of an approved Concept Plan which has received a Variance for that portion of the proposed plat are exempt from this Section.

#### 1.15. Enforcement.

In addition to any and all administrative procedures and measures to insure compliance with this chapter, at the direction of the Council, the city attorney may institute appropriate action in a court of competent jurisdiction to enforce the provisions of this chapter, or the standards referred to herein, with respect to any violation thereof which occurs within any area subject to all or a part of the provisions of this Chapter.

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### **Section 2. Processing of Proposed Subdivisions and Development.**

2.10. Advice and Cooperation. Advice and cooperation in the preparing of plats will be reasonably given by the commission and appropriate members of the city staff.

#### 2.11. Fees.

A. Fees and charges shall be collected by the city in advance of the filing of any master plan, plat or replat application with the city for processing and consideration. No action by the, administrator, staff, the commission, or council shall be valid until such fees are paid.

B. A receipt must be obtained from the proper officer specifying that the fees provided for herein have been paid. The receipt shall be attached to the formal request for plat review and processing.

C. No filing fee shall be refunded because a preliminary plat, final plat, or any other plat or plan is later withdrawn or disapproved.

D. The amounts to be charged shall be established in the city's fee ordinance as adopted by the city council and adjusted from time to time as necessary to sustain efficient planning and development services and comply with laws and regulations.

2.12. Applications. Requests for approval of plats, exceptions and appeals must be filed with the city, in writing, on a form prescribed by the city. An application for plat approval shall not be deemed to be made until a complete application package has been filed with the city. The filing

date of an application for approval of a plat is the date on which the following items are filed with the city:

- A. Complete, signed application form;
- B. Copy of receipt for filing fees;
- C. All other certificates, plans, documents and instruments required by this chapter; and
- D. The number of copies of proposals as determined by the administrator, having the form and content specified in this chapter for the plat package.

2.13. Pre-design Conference. A pre-design conference is recommended for all applicants prior to the submittal of a plan or plat. Attendance at the pre-design conference should include the applicant, the applicant's designated engineer, other professionals as required by the applicant, the administrator and any other members of the city staff as may be appropriate

2.14. Subdivision as Unit of Larger Tract. Master Development Plan.

A. Generally. If the proposed subdivision constitutes a unit of a larger tract owned or controlled by the subdivider, which is intended to be subsequently subdivided as additional units of the same subdivision or development, the preliminary or final plat shall be accompanied by a master development plan of the entire area, showing the tentative proposed layout of streets, blocks, drainage, water, sewage, parks, schools and other improvements for such areas. If the remaining property is not intended for development such property shall be shown on the master development plan as vacant land.

B. Approval of Plat by Sections. An owner and/or developer, at his option, may obtain approval of a portion or a section of a subdivision, provided he meets all the requirements of this chapter with reference to such portion or section. In the event a subdivision and the final plat thereof is approved in sections, each final plat of each section is to carry the name of the entire subdivision, but is to be distinguished from each other section by a distinguishing letter, number or subtitle. Lot numbers shall run consecutively and names shall be consistent throughout the entire subdivision, even though such subdivision may be finally approved in sections.

C. Master Development Plan Package. The Master Development Plan, in paper and digital Format, as determined by the administrator, shall contain the following:

- 1. Maps and Narrative. Maps and associated narrative information that will adequately explain all substantial aspects of the proposed development as it exists at the preliminary design and concept stage.

**Deleted:** Contents of master development plan package, if presented, may include all or part of the items listed in this section[.] If the developer elects to submit a partial master development plan, the items presented will be reviewed by the commission, and, to the extent of the material submitted, the developer will be advised to the extent the commission observes any potential problems or adverse impacts of the proposed development.

2. Phased Development. If the development of a single tract or parcel of land is to occur in phases, the master development plan should show all phases of development, the sequence of the phasing, and indicating how development is proposed or anticipated to occur.

**Deleted:** Plans and map scale shall be such that they are legible on 24 x 26 inch paper and 11 X 17 inch reductions in a quantity determined by the administrator.¶

3. Facility Location. A proposed master development plan should indicate a coordinated development strategy. As applicable, the master development plan should show preliminary location and arrangements for:

- a. Streets. General widths and rights-of-way, access and frontage proposals, bridges and culverts.
- b. Water. Point(s) of connection, on- and off-site improvements.
- c. Wastewater. Point(s) of connection, on and off-site improvements.
- d. Utility and drainage easements, existing and proposed.
- e. Major drainage system elements: On- and off-site and required water quality buffers in accordance with the Highland Lakes Watershed Ordinance standards and this chapter.
- f. Flood hazard areas. The 1% chance flood plain as shown on the adopted flood insurance rate map.
- g. Existing and proposed land use and zoning.
- h. General lot layout and street frontage arrangements.
- i. Sites for schools, parks and other public facilities.
- j. Information related to access to existing public streets and for multifamily and commercial lots.
- k. Site topography depicting contours of at no less than ten (10) foot contour intervals
- l. Relationship to adjoining property boundaries.

[Editor's note--The subsection numbers as follows are exactly as numbered by the city.]

D. Public Plans. The master development plan should take into account current public plans for the elements covered above. The staff review will be guided by City policies, good engineering practices, and public plans, including:

**Deleted:** E

1. Lago Vista Comprehensive Master Plan;

2. Water master plan;
3. Wastewater master plan.

E. Process. ~~Preliminary and final plats should follow the approved master development plan. If there are changes or amendments to the master development plan, the applicant for plat approval shall also submit a new, amended master development plan for the entire tract first approved by the City. The amended master development plan should be approved prior to approval of a preliminary or final plat.~~

**Deleted:** Master development plans may be considered by the commission on a separate agenda or at the same meeting with a preliminary or final plat(s) or a zoning or rezoning.

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F. Master Development Plan and Zoning. If zoning changes are needed, the master development plan shall not be approved until after the zoning or rezoning is approved. A master development plan may be submitted for consideration at the same time as a zoning or rezoning for the property involved. The commission or council may approve a master development plan conditioned on approval of the proposed zoning change. If the rezoning is denied, the master development plan shall be deemed to have been denied.

**Deleted:** The master development plan should not be recorded.

G. Term. The term of a master development plan shall be five (5) years. The master development plan shall expire in five (5) years from the date of approval, unless a final plat is recorded within the area of the master development plan.

## 2.15. Concept Plan

A. Purpose. The purpose of the Concept Plan (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.

**Deleted:** Combined Master Development Plan, Preliminary and Final Plat. Application for consideration at the same meeting for a master development plan, preliminary plat and final plat may be made, or application and consideration of these may be made separately at the applicant's option

1. A Plan shall be required for all subdivisions of land, except for subdivisions that do not trigger Construction Plans, Minor Plats, Plat Amendments, Lot Consolidations, and any property zoned Planned Development District (PDD).

2. The 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 Plan on any land more than once, unless the concept changes, or approval of the precedent Concept Plan has expired, as defined in this Ordinance.

B. Format. The Plan is to be drawn on twenty-four by thirty-six inch (24" x 36") 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 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 five (5) 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 the Master Plan.

8. Proposed number of residential and nonresidential lots, tracts or parcels together with the estimated

(a) Number of LUEs required for each category of lots;

(b) Traffic volume to be generated by all proposed development and a Traffic Impact Analysis for projected average daily trips exceed 200.

9. Proposed and existing arterial and collector streets required by the Comprehensive Plan and additional such streets as necessary to serve the general area.

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 floodplains.

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.

15. Location of City limit lines and/or outer border of the City's extraterritorial 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 recommendation by the Commission and consideration by 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 upon application submittal. If in the judgment of City staff, the Concept Plan submittal fails to meet the minimal informational requirements as outlined above, it will not be accepted for review. A Concept Plan application shall expire thirty (30) calendar day after the date the application is filed with the City if 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.

E. Review. The Development Review Committee shall review the plan for consistency with the Comprehensive Plan, City codes, policies and plans and then release comments and concerns to the applicant. After comments and concerns from the Development Review Committee have been satisfied City staff shall prepare a

report analyzing the Plan submittal, and recommending action on the Concept Plan, including any conditions.

F. Notification. This shall occur in accordance with Chapter 14, Article 14.200, Section 13.40 of the City Code.

G. Consideration. The Commission and Council, after holding public hearings shall take action on the Concept Plan.

1. 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.

2. 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.

3. 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.

4. After a denial by the Council, a new application will need to be filed for any revisions or any new proposed plans.

H. Application Expiration.

The Plan application shall expire six (6) months after the date that all initial Development Review Committee comments have been issued on the application.

I. Approval Expiration.

The approval of a Plan shall expire two (2) years after approval by Council unless a plat on all, or a portion of, the land is filed prior to such expiration date and additional plats are filed in not greater than two (2) year intervals from approval of the previous plat until all of the land within the Plan is included within all applicable plats.

J. Plan Variances

1. Plan Variances shall follow the requirements in Section 1.14 A-I of the City Code except the Council will approve any plan variances and the word "subdivision" is hereby replaced with the word "plan".

2. Application for a plan variance will be on a separate application from any plan application.

2.16. Preliminary Plat.

A. Requirements. Concept Plans, in accordance with Section 2.15, must be approved by Council before any preliminary plans can be filed with the City unless otherwise exempted by the Section.

**Deleted: Filing deadline.** Preliminary plat packages and fees paid shall be officially filed with the city no later than 12:00 noon of the day occurring fifteen (15) working days prior to the commission meeting date. City holidays are not considered working days.

B. Package. The preliminary plat application and package to be submitted with the preliminary plat shall be on paper and in digital form as determined by the administrator and shall include the following in the number of copies as determined by the administrator.

1. Application. The form of the application shall be provided by the administrator.

2. Drawings. The preliminary plat drawing, prepared on 24 x 36 inch sheets and 11 x 17 inch reductions, of the proposed subdivision shall be submitted to the city with an application for subdivision plat processing.

a. Scale. The plat drawings(s) shall be drawn at a minimum scale of one hundred (100) feet to an inch or at a scale determined by the administrator that provides legible review by the commission.

b. When more than one sheet is necessary to accommodate the entire area of the plat plus other associated information, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.

c. Vicinity data. On the plat drawing sheet or index sheet there shall be a vicinity map to indicate the general location of the subdivision. The plat and vicinity map shall graphically indicate the physical relationship (distance) of the corner of the subdivision to a physical point, acceptable to the city engineer as a visible reference and datum marker, and to property ownership patterns in the vicinity.

C. Required Certificates. The following certificates shall be placed on the preliminary plat:

Approved: \_\_\_\_\_  
\_\_\_\_\_

**Deleted:**

Chairperson, Planning and Zoning Commission

Date

**Deleted: Chairman**

\_\_\_\_\_  
Secretary, Planning & Zoning Commission \_\_\_\_\_ Date

**Deleted:** . . . ¶

If the council considers the preliminary plat during an appeal:

\_\_\_\_\_  
Mayor \_\_\_\_\_ Date

\_\_\_\_\_  
City Secretary \_\_\_\_\_ Date

**Deleted:** Administrator

D. General. The plat drawing shall show or be accompanied by the following general information:

1. The names of the owner and/or subdivider/developer, the name of the registered public surveyor responsible for the survey, and the name of the registered professional engineer responsible for the design of the plat.
2. The proposed name of the subdivision (which must not be so similar to that of an existing subdivision as to cause confusion).
3. Names of contiguous subdivisions and the owners of contiguous parcels of unsubdivided land, together with a notation as to which contiguous properties are platted and the volume and page number of the recorded subdivision plat.
4. A draft of the dedicated instrument, which may include protective covenants, whereby the subdivider or developer proposes to regulate land use or development standards in the subdivision and fund common or private improvements through a property owner's association.
5. \_\_\_\_\_
6. Subdivision boundary line, indicated by heavy lines, and the computed acreage of the subdivision.
7. Date of preparation, scale of plat and north arrow.
8. A number to identify each lot or site and each block. Number of lots and blocks shall be in accordance with a systematic arrangement.
9. Location of city limit line and the outer border of the City's extraterritorial jurisdiction, if they traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary.

**Deleted:** A statement from the developer that the appropriate utility companies have been furnished copies of the proposed preliminary plat for their review.

10. Copy of approved Concept Plan, if applicable.
11. From the property line and within a distance of five hundred (500) feet:
  - a. Location of boundary and property lines;
  - b. Width and location of existing streets, alleys, rights-of-way, and easements. Streets, alleys and lots in adjacent subdivisions (at least for a distance of five hundred (500) feet)] shall be shown in dashed lines.
12. Physical features of property, including location of watercourses, ravines, bridges, culverts, present drainage structures and other features pertinent to the subdivision.
13. Existing utilities, watercourses, and flood elevations and boundaries:
  - a. Existing utilities within the subdivision including the size of sewer and water. Existing utilities outside the subdivision should be shown if they affect the proposed subdivision.
  - b. The exact location, dimensions, description and flow line of existing watercourses and drainage structures within the subdivision.
  - c. Regulatory flood elevations and boundaries of areas that would be inundated by a one (1) percent annual chance storm event, including floodways, using the official existing flood insurance rate map.
14. Proposed locations or sites of the following:
  - a. The exact location, dimensions, description and name of all proposed streets, alleys, parkland, including acreage, and other public areas, significant trees in the right-of-way reservations, easements or other rights-of-way, blocks, lots and other sites within the subdivision. Proposed streets shall not be shown over lands of adjacent owners unless written agreements permitting this are presented with the plat. The names of streets are to conform whenever possible to existing street names. In the case of branching streets, the lines of departure shall be indicated.
  - b. On-site and related off-site drainage system elements.
  - c. Water system elements, including on- and off-site improvements.
  - d. Wastewater system elements, including on- and off-site improvements.
  - e. Water quality buffer zones.

**Deleted:** Topographical information  
Topographical information [sic] shall include contour lines on a basis of five (5) vertical feet, in terrain with a slope of two (2) percent or more, and on a basis of two (2) vertical feet in terrain with a slope of less than two (2) percent. All elevations shall be referenced to the City of Lago Vista bench mark system. Two (2) foot contour information may be waived by the city engineer.

15. Information related to soil test analysis performed by a registered professional engineer, and/or a recognized geotechnical testing firm, if required by the City Engineer.

**Deleted:** city

16. Information related to traffic management and engineering analysis or a traffic impact analysis if required by the City Engineer or other ordinances, such as a rezoning ordinance as performed by a recognized traffic engineering firm.

**Deleted:** enginee

**Deleted:** city engineer

17. Letters of commitment from the appropriate utility, power, and communication companies that will serve the subdivision or development.

E. Staff Review. The preliminary plat shall be reviewed by appropriate members of the city staff for compliance with this and applicable ordinances and policies. A report shall be prepared and submitted to the Commission. The report shall provide the comments received as part of the review by the staff and any other concerned entities. Such report should include comments relative to the proposed subdivision's compliance with the comprehensive plan and other master plans and applicable codes.

**Deleted:** 18. Trees. The location of trees, except ashe juniper (cedar), with a trunk diameter of ten (10) inches or greater measured forty (40) inches above the ground that would be located within right-of-way or easements, showing which will be preserved and which would be removed. The protection of trees and wooded areas, in general, should be considered in the layout of streets, drainage improvements, utilities and lots.

F. Commission Review. The Commission shall approve or disapprove such preliminary plat or conditionally approve it with modifications. A conditional approval can include the requirements and specific changes the Commission determines necessary for the plat to comply with this Chapter, or the conditional approval can be specifically given by the Commission as an expression of approval of the layout submitted on the preliminary plat as a guide to the installation of streets, water, sewer and other required improvements and utilities and to the preparation of the final or recorded plat. The commission may deny the plat.

**Deleted:** commission

**Deleted:** and applicant prior to the next regular meeting

**Deleted:** Unless waived in writing by the applicant, within thirty (30) days after the preliminary plat is officially filed, the commission

**Deleted:** c

**Deleted:** commission

G. Preliminary Plat Term. A preliminary plat for a subdivision shall expire two (2) years from the date of approval unless a final plat has been recorded within the area of the preliminary plat. A new application and package must be filed to request approval for subdivision of land for which a preliminary plat has expired. A preliminary plat may not be extended after expiration.

**Deleted:** and waive reapplication and fees. This is called "statutory denial".

**Deleted:** unless the term is extended by the commission for good cause or

H. Amending, Vacating, Replats, and Minor Plats. Preliminary plats are not required for amending, minor plats, replats, and vacating plats.

**Deleted:** for up to two (2) years, but shall not be extended for a period longer than two (2) years

I. Application Expiration. The Preliminary Plat application shall expire six (6) 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.

J. Approval Expiration. The approval of the Preliminary Plat shall expire two (2) years after the date the City approves the Preliminary Plat.

2.17. Final Plat and Exceptions. Approval of a preliminary plat by the Commission or Council on appeal shall not constitute automatic approval of the final plat. 2.18. Final Plat.

A. Requirements. Preliminary Plats, in accordance with Section 2.16, must be approved by Commission before any final plats can be filed with the City unless otherwise exempted by the Section.

B. Package. The final plat application and package for any proposed final plat shall be submitted to the City on paper and in digital form as determined by the administrator and shall include the following in the number of copies determined by the administrator:

1. Application. The form of the application shall be provided by the administrator. The applicant will provide satisfactory proof of ownership of property to be subdivided or developed, or provide written proof of permission from owner to subdivide.

2. Final Plat Drawing. The final plat drawing of any proposed subdivision shall be submitted with an application for plat processing in a form acceptable for recording by Travis County and as follows:

a. Scale. The plat drawings(s) shall be drawn at a minimum scale of one hundred (100) feet to an inch or at a scale determined by the administrator that provides legible review by the city. Electronic drawings shall also be submitted. The administrator may require that reduced 11 x 17 inch copies of plats be submitted.

b. When more than one sheet is necessary to accommodate the entire area of the plat plus other associated information, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.

c. On the plat drawing sheet or index sheet there shall be a vicinity map to indicate the general location of the subdivision, a north arrow, scale, and symbol legend.

d. A boundary description of the property with bearings and distances referenced to known monument(s) showing pertinent data to establish accurate "ties" to established datum as determined by the city engineer.

e. The exact location, dimensions, name, and description of all existing or recorded and proposed streets, alleys, reservations, easements, or public right-of-way within and immediately adjacent or perimeter to the subdivision or development.

f. Name of the subdivision or plat, lot numbers, block numbers, and the square footage of all lots

**Deleted:** or master development plan

**Deleted:** commission

**Deleted:** council

**Deleted:** Exceptions may be addressed with master development plans and preliminary plats and may be preliminarily approved by the council with the plan or preliminary plat, however, final approval or conditional approval of any exception must be given with a final plat.¶

**Deleted: Filing deadline.** Final plat packages and fees paid shall be officially filed with the city no later than 12:00 noon of the day occurring fifteen (15) working days prior to the commission meeting date. Residential replat packages shall be officially filed no later than twenty-one (21) days prior to the commission public hearing. City holidays are not considered working days. The applicant may waive consideration by the commission within thirty (30) days on the application.

**Deleted:** city

g. Bearing and distances or curve data between all changes in direction of existing or proposed monuments, easements, right-of-way, lot lines, and the perimeter of the subdivision.

h. Where a lot is adjacent to a street or alley, building setback lines from the street or alley.

i. The names of owners and platted lots, shown with dashed lines, immediately adjacent and within five hundred (500) feet of the subdivision or development.

j. Reserved.

k. Number of Lots. The number of lots and estimated dwelling units by land use type to be generated by the proposed subdivision shall be shown.

l. Found and set monuments.

m. Except for lot consolidation amending plats, prior to recording, plats shall be sealed by a registered professional land surveyor.

n. Reserved.

o. Street names. The names of all streets shall be shown on the final plat.

3. Reserved.

4. Other.

a. Dedication Instruments. A draft of all proposed dedication instruments shall be displayed on supplementary sheets to the final plat drawing. Dedication by instrument other than shown on the final plat is discouraged.

b. Tax Receipts. Receipts showing that all City and County property taxes, then due, have been paid.

c. Restrictive Covenants. If there are recorded restrictions, there shall be a note on the final plat that the subdivision or development does not attempt to remove any covenants or restrictions.

d. Any other plans, data, maps or calculations deemed necessary by the administrator, the City Engineer or the Commission to determine compliance with this chapter.

**Deleted:** Proposed Uses. Designations of the proposed uses of land within the subdivision may be shown including the type of residential use, location of business or industrial sites, and sites for churches, schools, parks or other special uses.

**Deleted:** Trees. The exact location of trees, except ashe juniper (cedar), with a trunk diameter of 10 inches or greater measured forty (40) inches above the ground that would be located within right-of-way or easements, showing which will be preserved and which would be removed. The protection of trees and wooded areas, in general, should be considered in the layout of streets, drainage improvements, utilities and lots.

**Deleted:** A separate letter from the regional agency responsible for approving new street names shall be provided with the final plat application.

**Deleted:** Construction Plans. The final plat package for a subdivision must include the construction plans unless there are no public improvements or improvements to benefit owners of lot(s) in the subdivision or development as determined by the city engineer and shall be according to the following:¶  
a. Construction plans, regardless of when filed or approved, must be approved by the city engineer and the city manager or his designee before authority to proceed with construction of the improvements shown on the construction plans is given or building or site development permits are issued.¶  
b. All engineering or construction plans and engineering calculations shall bear the seal and signature of a Texas registered professional engineer.¶  
c. The construction and engineering plans for a subdivision or development ...

**Deleted:** (4) Drainage.¶  
(a) On the proposed plat, overlaid on previously required topographic (mapped) information. All street widths and grades shall be indicate ...

**Deleted:** city

**Deleted:** county

**Deleted:** All proposed and existing deed restrictions.

**Deleted:** city engineer

**Deleted:** commission

5. Certifications. The following certifications shall be considered as minimum phrasings to be placed on the final plat drawing(s). Plat drawings shall bear the signature of the person or officer making the acknowledgment to the Notary.

a. Owner Certification.

1) For a natural person acting in his/her own right:

STATE OF TEXAS

COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS, That I OWNER, owner of DEEDED ACREAGE, acres of land out the ORIGINAL SURVEY, Travis County, Texas as conveyed to me by deed dated \_\_\_\_\_, and recorded in Volume \_\_\_\_\_, Page \_\_\_\_\_, Travis County Deed Records, DO HEREBY SUBDIVIDE OR DEVELOP (Acreage) acres of land out of the Original Survey (Note: If the subdivision lies in more than one survey, determine the acreage in each survey and repeat for each original survey within the subdivision) to be known as the Subdivision Name, in accordance with the plat shown hereon, subject to any and all easements or restrictions heretofore granted, and do hereby dedicate to the public (or: "owners of the property shown hereon" for private streets) the use of the streets and easements shown hereon.

WITNESS MY HAND, this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_.

\_\_\_\_\_

(Owner's Name) Owner

Individual

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on [date] by [name or names of person or persons acknowledging].

\_\_\_\_\_

Seal (Signature of Notary)

Notary Public, State of Texas

My Commission expires:

2) For a corporation:

KNOW ALL MEN BY THESE PRESENTS, That I Corporation Name, a corporation organized and existing under the laws of the State of Texas, with its home address at Address, City, State, owner of Deeded Acreage acres of land out of the Original Survey, Travis County, Texas as conveyed to it by deed dated \_\_\_\_\_, and recorded in Volume \_\_, Page \_\_\_\_\_, Travis County Deed Records, DOES HEREBY SUBDIVIDE OR DEVELOP (Acreage) acres of land out of the Original Survey \_\_\_\_\_, (Note: If the subdivision lies in more than one survey, determine the acreage in each survey and repeat for each original survey within the subdivision) to be known as the Subdivision Name, in accordance with the plat shown hereon, subject to any and all easements or restrictions heretofore granted, and do hereby dedicate to the public (or owners of the property shown hereon for private streets) the use of the streets and easements shown hereon.

IN WITNESS WHEREOF the said Corporation Name has caused these presents to be executed by its Corporate Title, Name, thereunto duly authorized,

\_\_\_\_\_

(Owner's Name) Owner

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on [date] by [name of officer], [title] of [name of corporation acknowledging] a [state of incorporation] corporation, on behalf of said corporation.

\_\_\_\_\_ Seal (Signature of Notary)

Notary Public, State of Texas

3) Public officer, trustee, executor, administrator, guardian, etc:

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on [date] by [name of representative], [title] of [name of entity or person represented].

\_\_\_\_\_  
Seal            (Signature of Notary)

Notary Public, State of Texas

My Commission expires:

4) Partnership:

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the [date] by [name of acknowledging partner or partners], partner(s) on behalf of [name of partnership], a partnership.

\_\_\_\_\_  
Seal            (Signature of Notary)

Notary Public, State of Texas

My Commission expires:

b. Surveyor Certification:

STATE OF TEXAS

COUNTY OF

I, the undersigned, a registered professional land surveyor in the State of Texas, hereby certify, that this plat is true and correct, that it was prepared from an actual survey of the property made under my supervision on the ground, and that all necessary survey monuments are correctly set or found as shown thereon.

\_\_\_\_\_

Registered Professional Land Surveyor

If the plat is a lot consolidation, a new survey is not required and the plat may be prepared from public records and a surveyor is not required to prepare the plat. The statement may be as follows:

I, the undersigned, hereby certify that this plat is true and correct and that the data on this plat is prepared from public records, not from an actual survey of the property.

\_\_\_\_\_

Name and Title

c. Engineer Certification.

STATE OF TEXAS

COUNTY OF

I, the undersigned, a registered professional engineer in the State of Texas, hereby certify that proper engineering consideration has been given this plat.

\_\_\_\_\_

Seal                      Registered Professional Engineer

d. LCRA (Where on-site waste water system is proposed)).

I, the undersigned, a registered sanitarian in the State of Texas, hereby certify that this subdivision, and its wastewater system has been reviewed for compliance with applicable state and other regulations governing such systems and is hereby approved for installation as indicated.

Approved: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

6. Administrator or His/Her Designee Certification.

I, the undersigned, (title) of the City of Lago Vista, hereby certify that this subdivision plat conforms to all requirements of the City of Lago Vista...

“ and has been approved by the Planning and Zoning Commission or city council ”

or if staff may approve the plat "is approved."

Approved: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

7. Planning and Zoning Commission Certification.

This final plat has been submitted to and considered by the Planning and Zoning Commission of the City of Lago Vista, Texas, and is hereby approved.

Dated this \_\_\_\_ day of \_\_\_\_, 2\_\_.

\_\_\_\_\_  
Chairperson

If the council considers the plat due to appeal:

The Commission certification statement shall be removed and replaced with the following:

**Deleted:** commission

This final plat has been considered by the City Council of the City of Lago vista, Texas and is approved this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Mayor Date

8. Travis County Subdivision Regulations [ETJ]. Certifications as required under Travis County subdivision regulations.

9. Certification of the City Secretary. The following certificate shall be placed on the plat after it has been finally approved by the governing body:

**Deleted:** city

**Deleted:** secretary

I hereby certify that the above and foregoing plat of Addition to the City of Lago Vista, Texas was approved by the Planning and Zoning Commission (or the City Council as the case may be) of the City of Lago Vista on the \_\_\_\_ day of \_\_\_\_, 2\_\_. Said addition shall be subject to all the requirements of the subdivision ordinance of the City of Lago Vista, Texas.

**Deleted:** city

**Deleted:** council

Witness my hand this \_\_\_\_ day of \_\_\_\_, 2\_\_.

\_\_\_\_\_  
City Secretary

10. Owner Additional Certification. When avigation easements and/or releases are required pursuant to this ordinance, then the following certificate shall be required:

I, (we), the undersigned, owner(s) of the land shown on this plat, hereby acknowledge that certain avigation easement(s) and/or release(s) were made to the City of Lago Vista and run with the title to all subdivided parcels within this subdivision.

\_\_\_\_\_  
Owner(s)

C. Staff Review. The final plat shall be reviewed by the Development Review Committee, for compliance with this and other applicable ordinances and policies. A report shall be prepared and submitted to the Commission prior to the meeting at which the request will be reviewed stating the comments of the subdivision review, including comments received as part of the review of utility companies and other concerned entities. Such a report should include comments relative to the proposed subdivision's or development's compliance with the comprehensive plan and other master plans.

- Deleted: appropriate members of
- Deleted: city
- Deleted: staff
- Deleted: commission
- Deleted: next regular

D. Commission. Unless waived in writing by the applicant, the Commission shall act on the final plat within thirty (30) days of the filing date. If the plat is not disapproved within thirty (30) days of the filing date, and the applicant has not waived review within thirty (30) days of application, it shall be deemed to have been approved by the Commission. After the Commission has determined that the plat is in proper form, that the arrangement of the development proposed for the property being subdivided or developed is consistent with zoning regulations, if applicable, and that the subdivision complies with the provisions of this chapter, the code of ordinances, and other applicable ordinances and policies, it may approve the plat or approve the plat with conditions. The conditions may be such that the plat will be brought into compliance with this chapter by requiring certain corrections or additions, and that those corrections or additions need not be reviewed by the Commission. If the plat is not in accordance with this Chapter, the Commission shall deny the plat. The applicant may appeal such a denial or any condition imposed by the Commission to the City Council. Appeal must be made within ten (10) days of the commission's action. Appeal shall be deemed a new application and the date of appeal shall be deemed the new application date. If an appeal is made, the council shall act on the plat within thirty (30) days of the appeal.

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E. Council. If an appeal is made or an exception requested, the council shall act on the plat, appeal, or exception within thirty (30) days of the appeal or request for exception.

- Deleted: , unless such time frame is waived by the applicant in writing

F. Application Expiration. The Final Plat application shall expire six (6) 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.

G. Approval Expiration. The approval of the Final Plat shall expire two (2) years after the date the City approves the Construction Plans or the date of final plat approval by the City, whichever occurs first.

### 2.19 Procedures After Final Plat Approval.

A. Certificate of Approval. The final plat shall be approved for recording after approval by the Commission as stated in this Chapter. The Commission's approval of the final plat shall authorize the City to execute the certificate of approval on the final plat.

B. Recording. The applicant shall be responsible for the recording of the final plat at the Travis County Clerk's Office and providing the city with copies of the recorded plat. The applicant shall provide the City a check in the amount of \$500 which shall be held until the applicant returns to the City, two (2) paper copies and one digital copy of the recorded plat. If copies of the plat are not returned within one month of approving the plat, the City may cash the check.

C. Coordination with County. The approved final plat for any subdivision or development located outside the corporate limits of the City but within the extraterritorial jurisdiction shall also be submitted to the Commissioner's Court of Travis County for approval before recording unless by interlocal agreement between the City of Lago Vista and the Travis County Commissioner's Court, the Court or the city waives the right to review subdivision plats. After action by the Commissioners' court, a reproducible copy of the final plat shall be returned to the City bearing all appropriate signatures and seals. The Commission may approve a plat conditioned on approval by Travis County.

### 2.19.5 Improvements and Processes

A. Assurances for Completion of Improvements.

1. Construct all improvements as required by this Ordinance and as shown in the subdivision construction plans to the approval of the City, and

2. The City will have approved the As-Built for all the improvements.

B. Inspection and Approval of Improvements. The City shall inspect all required improvements, to insure compliance with City requirements and the approved Construction Plans. Reserved.

**Deleted:** commission,

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**Deleted:** , or the administrator,

**Deleted:** chapter

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**Deleted:** D. Construction of Improvements, Performance Guarantees, Final Plat Term and Building Permits.¶

1. The subdivider or developer may choose to build improvements before recording the plat or record the plat with guarantees as provided for herein. A subdivider or developer may choose to construct all improvements shown on approved construction plans prior to recording the plat. In this case, no performance guarantees of the improvements, other than for the cost to restore/revegetate are required.¶

2. Performance Guarantees. If a subdivider or developer chooses to record the plat and build improvements after recordation, prior to such final plat being recorded, the subdivider or developer shall obtain and provide to the administrator a performance and payment bond, a letter of credit or letters of credit or escrow account acceptable to the city attorney to secure that the required infrastructure and public improvements or improvements that benefit the owners of lots in the subdivision or development are completed. Such bond, letter of credit, or escrow shall be payable to the city in an amount equal to one hundred and ten (110) percent of the approved (by city engineer) estimated cost for constructing such infrastructure and improvements. In general, a letter of ...

**Deleted:** ¶

**Deleted:** 5. Inspection and Acceptance of Improvements. Before the city accepts ...

C. AsBuilts.

After approval of the construction plans and when all City inspections have been passed, the applicant shall submit an AsBuilt application to be approved by the City and comply with the following requirements:

1. Five (5) copies of record drawings along with digital submittals submitted to the City, 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.
2. Copies of all inspection reports, shop drawings and certified test results of construction materials have been submitted to and approved by the City Engineer.
3. 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.
4. An affidavit of all bills paid and a release of liens have been provided.
5. The City shall not accept dedications of required improvements until such time it is determined that all improvements have been satisfactorily completed via the AsBuilt application process.
6. Letter of documentation from the appropriate State and Federal agencies that proposed vegetation removal has been mitigated concerning endangered species habit.
7. Letter of approval from all other non-City related utility companies, certified by a company State licensed engineer, that all utility improvements have been built to specification and are currently active.
8. All As-Built plans, including electrical and other non-City utilities, will receive certification by a registered professional engineer licensed in this State.

D. 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 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:

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

b. Shall clearly state both the developer and the City as joint obliges.

c. Shall cover all facilities requested for City acceptance, including water, wastewater, street and drainage improvements.

d. Shall be in an amount equal to 15% of the cost of improvements for the first two (2) calendar years. A statement of construction value or final pay estimate shall be provided to the City to support said warranty and Maintenance bond amounts.

e. 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.

f. 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.

g. 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.

E. Building and Site Development Permits. The approved final plat must be recorded in the records of Travis County and all the required streets, drainage, utilities and other infrastructure and public improvements or improvements for the benefit of lot owners for the subdivision must be completed and accepted as built in compliance with all applicable City requirements, prior to any building permit, where the building is being built, being issued for any building within the subdivision or development or for any site development permit for any area than as shown on approved construction plans. The Administrator or his designee may authorize building or site development permit issuance where a plat has been recorded and part of the plat's improvements have been inspected and accepted that support the particular building or site being proposed and the entire subdivision or development's improvements have not been accepted.

**Deleted:** [Editor's note--The subsection numbers as follows are exactly as numbered by the city.]

**Deleted:** 5

**Deleted:** city

**Deleted:** city manager

## 2.20. Subdivision 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 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 or Re-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, Development Services Director, and the Public Works Director.

B. Format. Drawings shall be on twenty-four inch by thirty-six inch (24" x 36") sheets 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. All information shall also be submitted into a digital format. Plans shall be plotted to a minimum scale of fifty (50) feet to one (1) inch horizontal and five (5) feet to one (1) inch vertical, unless otherwise approved by the City Engineer.

C. Content. Construction plans shall include all on- and off-site improvements required to serve the proposed development 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.
  - a. The appropriate project name, date, and the name, addresses and phone numbers of the developer, engineer and surveyor, etc.

**Deleted: 6. Obligation by City for Maintenance.** Approval of the plat shall not impose any duty upon the city concerning the maintenance of improvements of any such dedicated parts until the director of public works or his or her authorized representative shall have signed a statement for the acceptance of same. Disapproval of a plat shall be deemed a refusal to accept the offered dedications shown thereon. Approval of the plat shall not impose any duty upon the city concerning the maintenance of improvements of any dedications indicated thereon until the city, after inspection and recommendation by the city engineer shall have approved same in writing to the city manager. The subdivider shall maintain all such improvements for a period of one (1) year following completion thereof. Provided, further, such one (1) year of required maintenance shall not begin until there is filed with the city a maintenance bond, executed by a surety company acceptable to the city attorney, in an amount equal to ten (10) percent of the cost of installation of such improvements, warranting that said improvements shall render satisfactory operation for such one (1) year period. Following the completion of the one (1) year period, the city shall conduct a re-inspection prior to accepting responsibility for maintenance of the improvements. The city manager may accept the improvements for the city and provide the developer an acceptance letter stating the improvements have been accepted for city maintenance.¶

**7. Release of Guarantees. Application of Guarantees.** Security and/or maintenance guarantees shall be released by the city when all requirements for approval have been met and improvements have been accepted. If it becomes apparent that the developer is not going to complete the construction of any or all of the required improvements in accordance with previously approved plans and/or any provision of the city code, the council shall enforce the specific performance of the guarantees and security posted by the developer to complete such construction or maintenance at no cost to the city. The council may also file appropriate legal proceedings against the developer and his/her security as set forth herein.¶

b. 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:

a. 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;

b. Vertical layouts and alignments showing existing and proposed centerline, right and left right-of-way line elevations along each proposed roadway.

c. An analysis of vertical sight distance for proposed street intersections.

d. Typical right-of-way cross-sections showing pertinent design details and elevations as prescribed in the City Standard Details and Specifications.

e. Typical paving sections showing right-of-way width, lane widths, median widths, shoulder widths, and pavement recommendations;

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

3. Street Lighting Plan:

a. Location and height of all street lights.

b. Schematics of the street lights.

c. The light type such as sodium vapor.

d. The operating control system such as photocell or time clock. Photoelectric cell is preferred.

e. A photometric plan showing the area lighted at .2 foot candles or more.

f. Ownership and maintenance of the lights.

g. An operation and maintenance program including an electric bill payment system.

4. Drainage Improvements:

a. Detailed design of all drainage facilities, including but not limited to, typical channel or paving section, storm sewers and other storm-water control facilities.

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

c. 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 benchmark or monument.

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

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

f. Runoff figures shall be indicated on the outlet and inlet side of all drainage ditches and storm sewers, and at all points in the street at changes of grade or where the water enters another street, storm sewer or drainage ditch. Drainage easements shall be shown.

g. Calculations showing the anticipated storm water flow, including watershed area, percent runoff, and time of concentration. When a drainage ditch or storm sewer is proposed, calculations shall be submitted showing basis for design.

h. When a drainage channel or storm sewer is proposed, complete plans, profiles and specifications shall be submitted, showing complete construction details.

i. When conditions upstream or downstream from a proposed channel or storm sewer do not permit maximum design flow, high water marks, based on 1% annual chance frequency, shall be indicated based on fully developed watershed conditions.

j. Where 1% chance, 25 year, or other frequency flood data is required, drainage calculations shall be based on completely developed watershed conditions.

k. All required water quality buffer areas shall be shown on construction plans.

l. Flood Prevention. See the "Floodplain Ordinance" for requirements related to flood damage prevention.

5. Erosion and Sedimentation Controls:

a. Proposed fill or other structure elevating techniques, levees, channel modifications and detention facilities.

b. 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.

c. 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.

d. Contractor staging areas, vehicle access areas, temporary and permanent spoils storage areas.

e. A plan for restoration for the mitigation of erosion in all areas disturbed during construction.

f. Provide a performance guarantee up to one hundred and fifteen percent (115%), with guarantee certified by a State licensed engineer, as approved by the City Engineer for all permanent re-vegetation, soil stabilization, and restoration within the City limits. In the ETJ, this can be waived by the City if similar code requirements and percentages are met and the County has approved the guarantee.

6. Water Distribution Systems:

a. 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.

b. The existing and proposed location of fire hydrants, valves, meters and other fittings.

c. Design details showing the connection with the existing City water system.

d. The specific location and size of all water service connections for each individual lot.

e. Attendant documents containing any additional information required to evaluate the proposed water distribution system.

f. Plans and profiles on all proposed water lines and fire hydrants, showing depths, sizes and grades of the lines.

g. When a separate water system would be other than the City's, plans, including fire hydrants, of the proposed system and a commitment letter from the owner of the separate system and the owner's approval of the plan and specifications.

7. Wastewater Collection Systems:

a. 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, in accordance with all current City standards, specifications, and criteria for construction of wastewater systems.

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

c. Design details for manholes and special structures. Flow line elevations shall be shown at every point where the line enters or leaves the manholes.

d. Detailed design for lift stations, package plants or other special wastewater structures.

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

f. When a separate sewer system or treatment plant is proposed, proposed plans and specifications and a commitment letter from the

owner of the separate system and the owner's approval of the plan and specifications.

8. Other:

a. The location of any fill material piles.

b. The location, size, type and description of streetlights according to City Standard Details and Specifications.

c. The location, size, type and description of street signs according to standards prescribed in the Texas Chapter of the Manual of Uniform Traffic Control Devices.

d. The location, size (where applicable), and type of speed limit signs and permanent traffic barricades according to City Standard Details and Specifications.

e. The location, size and type of sidewalks and pedestrian ramps according to City Standard Details and Specification.

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

g. 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. Including the exact location of trees, except ashe juniper (cedar), with a trunk diameter of 10 inches or greater measured forty (40) inches above the ground that would be located within right-of-way or easements, showing which will be preserved and which would be removed. The protection of trees and wooded areas, in general, should be considered in the layout of streets, drainage improvements, utilities and lots.

h. Landscaping and Screening. The location, size and description of all landscaping and screening materials as required by the zoning regulations

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

j. 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 or Re-Plat, Construction Plans, together with a completed application form and review fee, shall be submitted to the City for approval.

1. Construction Plans may be submitted for review and approved 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.

E. Application Expiration. The Construction Plans application shall expire six (6) 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.

F. Approval Expiration. The approval of the Construction Plans shall expire two (2) years after the date the City approves the Construction Plans.

G. Revision. Where it becomes necessary for corrections to be made to Construction Plans for which approval has already been obtained, the applicant shall be required to file for modifications to the construction plans with the City. This shall be on an application with approved fees and specifications as noted on the application.

H Responsibility. Notwithstanding the approval of any Construction Plans by the City, 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.

I. No City Obligation to Furnish Improvements. The approval of construction plans by the City does not in any manner obligate the City to finance or furnish any storm sewers, drainage structures, street, water or wastewater improvements or any other improvements within the approved subdivision, except under the provisions provided herein.

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#### 2.21. Vacating Plats and Instruments.

A. The owner(s) of a tract covered by a plat may vacate the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat; provided that the Commission or Council, on appeal may establish requirements as may be reasonable to protect the public interest and insure compliance with this chapter.

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B. If lots in a plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of the lots in the plat with approval obtained in the manner prescribed for the original plat.

C. No plat shall be vacated except upon the approval of the Commission and the recording of the approved instruments vacating such plat in the office of the county clerk of Travis County.

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D. On the execution and recording of the vacating instrument, the vacated plat has no effect; provided that when necessary to protect the public welfare or preserve the benefits or integrity of any street, utility, park or other public improvement plan that has moved forward in reliance on such plat, the Commission may require that any right-of-way or easement shown on such plat be dedicated to the city by separate instrument. Such dedication shall occur prior to recordation of the vacating plat or instrument.

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E. In the event of any conflict between the terms and provisions of this section and § 212.013, Tex. Loc. Gov't. Code, the terms and provisions of § 212.013 shall govern to the extent of such conflict.

F. Application Expiration. The Construction Plans application shall expire six (6) 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.

G. Approval Expiration. The approval of the Construction Plans shall expire two (2) years after the date the City approves the Construction Plans.

2.22 Replatting.

A. Replatting. The replatting of any existing subdivision, or any part thereof, shall meet the procedural requirements provided for herein for a new subdivision, except as provided in subsection (b) below. The subdivision standards imposed are those in effect at the time the application for replat is requested and, in the event of any conflict between this Section and §§ 212.014, 212.0145 and 212.015, Tex. Loc. Gov't. Code, the terms and provisions of such sections shall govern to the extent of the conflict.

B. Replatting Without Vacating.

1. A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

- a. Is signed and acknowledged by only the owners of the property being replatted;
- b. Is approved after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard by the Commission or Council; and
- c. Does not attempt to amend or remove any covenants or restrictions.

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2. Residential Replat. In addition to compliance with subsection B.1., a replat without vacation of the preceding plat must conform to the requirements of this section if:

- a. During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or
- b. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.

3. Notice of the hearing required under subsection B.1. shall be given before the fifteenth day before the date of the hearing by the commission by:

- a. Publication in an official newspaper or a newspaper of general circulation in the County; and

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b. By written notice attached, forwarded by the city to the owners of lots that are in the original subdivision and that are within two hundred (200) feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the municipality.

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C. Application Expiration. The Replat application shall expire six (6) 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.

**Deleted:** 4. If the proposed replat requires an exception and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths (3/4) of the members present of the council. For a legal protest, written instruments signed by the owners of at least twenty (20) percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending two hundred (200) feet from that area, but within the original subdivision, must be filed with the city, prior to the close of the commission's public hearing.¶

D. Approval Expiration. The approval of the Replat shall expire two (2) years after the date the City approves the Construction Plans or approves the re-plat, whichever comes first.  
Amending Plats.

5. In computing the percentage of land area under subsection B.4., the area of streets and alleys shall be included.¶

6. Compliance with subsections 4. and 5. is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex-family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

A. The administrator may approve but not disapprove an amending plat if the administrator finds the plat is in accordance with this chapter and no exception to these or any other regulations is created. The administrator, for any reason, may refer the amending plat to the commission. If the administrator refers the amending plat or refuses to sign the plat it shall be referred to the commission within thirty (30) days of application, unless this 30 day period is waived by the applicant.

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B. The amending plat may be recorded and is controlling over the preceding plat without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:

1. To correct an error in a course or distance shown on the preceding plat;
2. To add a course or distance that was omitted on the preceding plat;
3. To correct an error in a real property description shown on the preceding plat;
4. To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
5. To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

6. To correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;

7. To correct an error in courses and distances of lot lines between two (2) adjacent lots if:

- a. Both lot owners join in the application for amending the plat;
- b. Neither lot is abolished;
- c. The amendment does not attempt to remove recorded covenants or restrictions; and
- d. The amendment does not have a material adverse effect on the property rights of the other owners in the plat;

8. To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvements on a lot line or easement;

9. To relocate one (1) or more lot lines between one (1) or more adjacent lots if:

- a. The owners of all those lots join in the application for amending the plat;
- b. The amendment does not attempt to remove recorded covenants or restrictions; and
- c. The amendment does not increase the number of lots;

10. To make necessary changes to the preceding plat to create six (6) or fewer lots in the subdivision or part of the subdivision covered by the preceding plat if:

- a. The changes do not affect applicable zoning or other provisions of the code of ordinances; and
- b. The changes do not attempt to amend or remove any covenants or restrictions; and
- c. The area covered by the changes is located in an area that the city council has approved, after a public hearing, as a residential improvement area.

11. To replat one (1) or more lots fronting on an existing street if:
  - a. The owners of all those lots join in the application for amending the plat;
  - b. The amendment does not attempt to remove recorded covenants or restrictions;
  - c. The amendment does not increase the number of lots; and
  - d. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

C. Application for Amendment. The amending plat may be submitted without approval of a preliminary plat or construction plans. The plat, prepared by a surveyor, and bearing their seals shall be submitted to the administrator with a completed application and all required fees, for approval before recordation of the plat

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D. Required Notice. Notice, a hearing, and the approval of other lot owners are not required for the approval and recordation of an amending plat.

E. Statute. In the event of any conflict between the terms and provisions of this section and § 212.016, Tex. Loc. Gov't. Code, the terms and provisions of § 212.016 shall govern to the extent of such conflict.

F. Application Expiration. The Amended Plat application shall expire six (6) 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.

**Deleted:** Expiration. Approval of an amending plat shall expire if said plat is not recorded in the plat records of Travis County within twelve (12) months of the city's approval.

F. Approval Expiration. The approval of the Amended Plat shall expire two (2) years after the date the City approves the Amended Plat, if not recorded with the County.

2.24. Staff Approval of Plats. The administrator may approve a minor plat and an amending plat, as defined herein, without consideration by the Commission,

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A. The administrator shall not approve variances to this chapter nor deny a plat. The administrator shall refer any plat not in accordance with this Chapter to the Commission for its consideration within thirty (30) days of receipt of the application,

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B. Application Expiration. The applications shall expire six (6) months after the date that all initial staff review comments from all reviewing departments have been

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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.

C. Approval Expiration. The approvals shall expire two (2) years after the date the City approves the Construction Plans.

### **Section 3. Special Project Provisions.**

3.10. Innovative Site Design and Development. Opportunity is provided for innovative site design and development responses to new market demands. The use of improved techniques for land development is often difficult under traditional land use regulations. Proper private development of infill areas, as well as advantageous development of large areas of substantially vacant land may require a flexible approach to be available both to the city and to the landowner. Any such innovative site design shall be based upon an approved master development plan that is consistent with applicable city plans and services. The standards and specifications for required infrastructure and improvements shall be equal to or greater than the minimum standards and specifications adopted by the city. The standards and specifications for the development and improvement of the property shall be approved by separate ordinance of the city.

#### 3.11. Planned Developments.

A. Provisions for Approval. All planned development projects shall conform to the provisions and procedures set forth for conventional subdivisions in this ordinance; except as provided in a detailed development plan that must be submitted for review at the time of preliminary plat submittal and the project must be finally approved by ordinance. Such developments shall be otherwise submitted for approval in the same manner as any other plat.

B. Purposes. Planned Developments are intended to provide:

1. Opportunities for innovative projects and development with emphasis on quality, including but not limited to establishing a quality living and/or work environment;
2. Conservation of energy and natural resources.
3. A maximum choice of types of environment, dwelling and/or business units.
4. An integration of open space and recreation areas with residential and/or office, retail, commercial and/or industrial development.
5. A pattern of development which preserves unique environmental assets, trees and other outstanding natural features.

6. A creative approach to the use of land and its related physical development.

7. An efficient use of land requiring smaller networks of utilities and streets, thereby lowering development, maintenance and housing costs.

C. Master Development Plan. Planned Developments shall be required to be submitted and considered for approval based upon a master development plan establishing comprehensive and detailed plans for the development.

1. Within Corporate Limits. A planned development within the corporate limits of the city shall be submitted and considered in conjunction with the requirements of the zoning ordinances of the city and shall, prior to final approval, satisfy both the requirements of this ordinance and the zoning ordinances for planned development districts. The final approval of the zoning for a planned development district shall constitute the approval of such planned development pursuant to this chapter. The planned development must be zoned prior to approval of a final plat if the development is within the city limits.

2. Extraterritorial Jurisdiction. Upon the application of the owner(s), a planned development may be approved within the extraterritorial jurisdiction of the city, provided that the developer enters into a comprehensive, detailed written development agreement with the city that provides detailed and comprehensive standards for:

- a. The development of the property;
- b. The construction of all infrastructure, improvements and buildings within the development;
- c. The provision of utility and other public services;
- d. Funding the upkeep and maintenance of all private facilities;
- e. Cash payment to the city for its costs and expenses for providing water and wastewater services to the property;
- f. Restrictive covenants sufficient to control the population densities and to restrict the uses of the property in conformance with the subdivider's master plan and approved planned development;
- g. An agreement for the annexation of the property or the phased annexation of the property prior to its conveyance to the end user; and
- h. Such other provisions as the subdivider and the city may agree based upon all the applicable facts and circumstances.

D. General Infrastructure. The requirements, standards and specifications provided in this chapter, and/or incorporated herein by reference, with respect to utilities, parks and greenbelts, drainage and storm water management and all other improvements, infrastructure and amenities shall be applicable, except as specifically provided otherwise in the planned development district ordinance and/or the development agreement. When based upon sound engineering and construction practices, innovative techniques and combinations may be employed for the intended purpose of such combination exceeding the minimum standards required by this ordinance.

E. Streets. Private streets may not conflict with streets identified in the city's comprehensive plan. If a potential exists for a private street to become a public street, the pavement width (measured from back of curb to back of curb or edge of pavement to edge of pavement), dedicated right-of-way and/or easements created for the private street should be the same width as the right-of-way required for a local street.

F. Instruments of covenants. Instruments of covenants, governing the proposed planned developments to include maintenance and operation, will be reviewed by the city attorney and the administrator to insure there are no conflicts with city codes.

G. Exceptions. Unless exceptions to this chapter are approved explicitly in a PDD zoning ordinance, exceptions for planned developments shall be made in accordance with this chapter therefore they must be approved by the council after recommendation from the commission.

H. Exceed Minimum Requirements. This section shall apply to development proposals which vary the arrangement of landscaping, buildings, lots, open space, access, specifications, and/or relationships between uses required in these regulations and the zoning ordinance. A planned development shall not be used to obtain approval of gross densities, gross impervious coverage, lower specifications or standards, or land uses that are inconsistent with this chapter or the zoning ordinance; rather it is the intent of this section that a planned development will, in the aggregate, equal or exceed the minimum criteria and standards otherwise applicable to the development.

3.12. Manufactured Home Subdivision. All manufactured and mobile home subdivisions shall comply with this ordinance except where specifically superseded by the City's codes and ordinances dealing with manufactured and mobile home subdivisions.

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3.13. Private Facilities. When an applicant proposes that any part of a subdivision, planned development, or any other development of land, include any private park, street, amenity or improvement normally dedicated to the City, a property owner's association (or comparable mechanism) shall be created, whereby:

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A. Maintenance. Total responsibility for maintenance in perpetuity of such private improvements is borne by the association; and

B. Funding Program. A program is established whereby the association can accomplish the maintenance of private facilities.

3.14. Rural Subdivision Standards.

A. Purpose. The provisions of this Section are designed and intended to preserve the rural character of an area until such time as development of a more intensive urban nature is appropriate and can be supported by the necessary public facilities and services. These design standards modify, and/or reinforce other requirements found in these regulations. By qualifying other particular requirements of these regulations, these rural subdivision design standards insure minimum conditions for establishing a low density rural living environment while providing the necessary foundation upon which more intensive urban development can occur in the future.

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B. Applicability. The requirements contained in this section shall apply to all land within the jurisdictional limits of the City that is outside the utility service area of the City for water and/or wastewater services, where extension of water and wastewater facilities may not be feasible, and for which the provision of such services will be accommodated through the use of individual, privately owned systems. No land or property within the city's certificated service area shall be entitled to be developed pursuant to this section, except upon a waiver given by the Council after recommendation from the Commission. Such waiver by the Council shall be granted prior to approval of a preliminary plat. Further, except as specifically qualified in this section, all other standards, terms, conditions and provisions of this chapter shall apply to such rural subdivisions.

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C. Streets. All streets within rural subdivisions shall be designed and constructed in accordance with the requirements for rural streets set forth in the City's construction standards. The right-of-way required shall be the same as for all other subdivisions.

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D. Blocks. Blocks in rural subdivisions shall not exceed fifteen hundred (1,500) feet in length and shall adequately accommodate two (2) tiers of lots arranged back to back.

E. Lots. All lots in rural subdivisions shall:

1. Be greater than one (1) acre in area; and
2. Have a minimum width at the front property line of one hundred and thirty (130) feet and a length to depth ratio of one (1) foot for every four (4) feet; and
3. Be designed so that all access is provided from a local street or collector street and in no case shall access be permitted from a major thoroughfare or street; State Highway, farm to market road or ranch road; or numbered county roadway.

F. Easements and Dedications. In addition to all other right-of-way dedications and/or easements required by this ordinance, all rural subdivisions shall be required to dedicate not less than an additional ten (1) [sic] feet of right-of-way along that portion of all property abutting major thoroughfares; State highways, farm to market or ranch roads; or numbered county roads.

G. Utilities.

1. Wastewater Collection Systems. For all rural subdivisions where public wastewater utility services are not within one-quarter (1/4) mile, the city reserves the right to require the installation of improvements required for non-rural subdivisions in accordance with the provisions of these subdivision regulations, when the extension of public wastewater systems to within one-quarter (1/4) mile of any portion of the subdivision is scheduled in the City's Capital Improvements Program to occur within five (5) years from the date of preliminary plat approval. Such requirement may be made by the Council, after recommendation from Commission, and shall be made prior to approval of a preliminary plat.

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2. Water Distribution System. To enhance the overall efficiency and service level for water distribution in rural subdivisions the City will cooperate with existing non-municipal water utility providers in the City's extraterritorial jurisdiction. Through joint coordination and planning both the City and the non-municipal water utilities will work towards ensuring the availability throughout the jurisdiction of this ordinance of a water distribution system that satisfies the fire flow requirements.

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a. Rural subdivisions designed for other than single-family detached residential development shall satisfy the applicable State and City fire flow standards;

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b. All single-family detached residential rural subdivisions shall install water distribution system improvements meeting the design requirements of this chapter; and

(1) Where a public water system capable of providing required fire flows to the development is located within one-quarter (1/4) mile of any part of the subdivision then it shall be the responsibility of the developer to extend service and connect to the public utility in order to provide fire protection to the development; or

(2) Where no public water system capable of providing required fire flows to the development is located within one-quarter (1/4) mile of any part of the subdivision and the subdivider chooses not to extend service to provide fire flow, then required fire hydrant connections shall be made with valves capped to allow for future

installation of fire hydrants and the required number of fire hydrants or payment equal to the value of such hydrants as determined by the governing utility shall be delivered to the water utility within which jurisdiction the subdivision is located to enable the water utility to install the necessary fire hydrants upon the ability to furnish fire flows to the subdivision.

(3) For all rural subdivisions which are not to be served by a public water supply, the subdivider must show proof of a safe and adequate water supply.

H. Additional Provisions. In addition to any and all other provisions of this Chapter, prior to any re-subdivision of a rural subdivision that increases the number of lots in the subdivision being approved by the City, the level of improvements, urban services, and standards required by this Chapter for non-rural subdivisions shall be made available to and satisfied by the re-subdivided property.

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### 3.15. Airport Subdivision Standards.

Purpose. The provisions of this section are designed and intended to permit development of the airport environs while preserving the character of the area. These design standards modify, and/or reinforce other requirements found in these regulations.

A. Applicability. The requirements contained in this section shall apply to all land wholly contained within the Airport Zoning District and provide access to the subdivision only through a taxiway or access to hangar lots by a private or public street. Further, except as specifically qualified in this section, all other standards, terms, conditions and provisions of this ordinance shall apply to such airport subdivisions.

B. Lots. All lots in airport subdivisions shall:

1. Be greater than 2,900 square feet in area; and
2. Have a minimum width of forty-five (45) feet;
3. Be designed so that all aircraft have access to a taxiway;
4. Be designed so that a minimum amount of vehicular traffic (not including aircraft) has access to the taxiway and no vehicular traffic other than aircraft has access to the runway.

[**Editor's note**—The subsection numbers as follows are exactly as numbered by the city.]

D. Streets. No sidewalks, street lights, alleys, or traffic-control signs other than those required by the Federal Aviation Administration or the Texas Department of

Transportation shall be required. The commission may recommend and the council, at its discretion, may waive requirements for any or all hangar lots to have access to a public or private street if access is provided by a taxiway.

E. Utilities. The provision of utilities shall be the same as for rural subdivisions.

### 3.16. Special Planning Area. Property Located in the Former Austin ETJ.

A. All subdivisions located in the Special Planning Area, as defined in an interlocal agreement (the “agreement”) between the City of Lago Vista and the City of Austin shall also meet the following requirements and should there be a conflict between the following requirements and the standards and specifications in this chapter, the more restrictive requirement shall apply:

1. All single-family development will be set back at least seventy-five (75) feet from the 681-foot contour line above mean sea level, as established by the United States Geological Survey. All multifamily and condominium units and commercial buildings (excluding marinas) will be set back at least one hundred (100) feet from said 681-foot contour line. This setback line shall be shown on the plat.

2. Temporary erosion and sedimentation controls shall be implemented, designed, constructed and maintained according to the Highland Lakes Watershed Ordinance, Article [3.1100](#) of the Lago Vista Code of Ordinances.

3. Permanent water quality controls shall be implemented, designed, constructed, and maintained which equivalent are to or better than that required under the City of Austin Land Development Code or the Highland Lakes Watershed Ordinance, ~~dependent~~ on which standard provides the most water quality protection.

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4. Impervious cover shall be limited to twenty (20) percent of the total site area over the property for any lot developed with any retail, condominiums, apartments or office commercial uses; provided that Lago Vista may approve impervious cover up to twenty-five (25) percent of the total site area for those lots that are connected to Lago Vista’s centralized wastewater system. Total site area includes only those portions of a site that lie above the 681-foot contour line above mean sea level, as established by the United States Geological Survey in effect as of the date hereof. An applicant for preliminary or final plat shall provide with the plat application calculations showing these standards are met.

5. For single-family residential lots in the planning area, development shall be subject to the following requirements:

a. A minimum average lot size of one acre shall be maintained on all lot that are served by on-site septic systems.

b. Density of clustered lots served by on-site septic systems may not exceed one single-family unit per acre, provided that a minimum of forty (40) percent of the total site area is open space.

c. The City may approve density not to exceed 1.5 single-family units per acre for lots if the lots are connected to Lago Vista's centralized wastewater system, provided that a minimum of forty (40) percent of the total site area is open space. The open space area shall be delineated on the plat.

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d. The City may approve additional density not to exceed two (2) single-family units per acre for lots that are connected to a centralized wastewater system and for which a minimum of forty (40) percent of the total site area is open space according to the following requirements:

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(1) One additional single-family unit for every two acres of land dedicated by instrument acceptable to Lago Vista for irrigation of wastewater effluent;

(2) One additional single-family unit for each acre of land permanently preserved by instrument acceptable to Lago Vista as undeveloped open space; or

(3) One additional single-family unit for each living unit equivalent (LUE) of wastewater treatment capacity that is used to disconnect existing on-site septic systems in excess of that required to serve the development.

6. Development shall comply with the Highland Lakes Ordinance and the City of Austin regulations regarding the Lake Travis Critical Water Quality Zone (LTWQZ). Developers and homebuilders shall promote xeriscape landscaping and homeowner's education programs to reduce potential pollutant sources. The LTWQZ is defined as the area along and parallel to the shoreline of Lake Travis, coinciding with the 681.0 foot contour line. Within the LTWQZ development is prohibited, except that a boat dock, pier, wharf, or marina and necessary access and appurtenances are allowed. Within the LTWQZ, approval by Lago Vista or an agency designated by the Lago Vista City Council of chemicals used to treat building materials that will be submerged in water is required before a permit may be issued or a site plan approved. The LTWQZ shall be shown on the plat.

7. Cut and fill is limited to four (4) feet maximum, provided that cut and fill over four (4) feet shall be permitted if the cut/fill slope is terraced to control erosion and sedimentation.

8. Detention of the two (2) year storm for erosion control or, as an alternative, non-erosive conveyance of storm water to Lake Travis, will be provided as required under City of Austin Land Development Code Chapter 25-7 (drainage) and the City of Austin Drainage Criteria Manual.

9. A building envelope that encompasses the limits of building disturbances will be established and required for residential construction on any lot. This building envelope shall be shown on the plat.

10. All of the 100-year flood plain located with the Planning Area shall be dedicated to the City of Lago Vista as a drainage easement in accordance with the City of Lago Vista's development rules. This area shall assume fully developed watershed conditions. This drainage easement shall be shown on the plat.

B. The City of Lago Vista shall provide an annual status report to the Director of the City of Austin Watershed Protection and Development Review Department of the options used by developers to obtain additional density, which report shall include the following:

1. Developments that have connected to Lago Vista's wastewater system,
2. The number of septic systems that have been disconnected in the Special Planning Area;
3. The number of acres dedicated for irrigation of wastewater effluent; and
4. The number of acres permanently preserved for open space.

## Section 4. Standards and Specifications.

### 4.10. General.

A. Approval. No plat or construction plan shall be approved by the commission unless it conforms to the following standards and specifications except when an exception or special project/planned development is approved in accordance with this Chapter.

B. Provision for future subdivisions. If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow the opening of future streets and the extension of utilities.

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C. Reserve strips prohibited. There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use.

D. Development on slopes. No development shall be permitted on slopes exceeding twenty-five (25) percent. Such areas shall be shown on the final plat as a slope easement. The final plat shall have a note that states, "No development is permitted in a slope easement."

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E. Connecting Streets and Utilities. If a tract is subdivided, lots shall be arranged and provisions made with ROW or easements for the opening of future streets and the extension of utilities, as provided herein.

[Editor's note--The subsection numbers as follows are exactly as numbered by the city.]

E. Street Names and Addresses. Street addressing, street naming and related matters shall be consistent with connecting street names, avoid duplication, and shall be subject to the approval of the agency responsible for 9-1-1 dispatching and shall comply with such standards and regulations as are in effect from time to time.

F. Subdivision Construction Standards. All subdivisions shall comply with the City's typical construction standards in effect at the time of the application for plat approval. Construction detail standards for concrete, sanitary sewer, water lines and associated facilities shall be separately adopted from time to time by the Council acting by Resolution. Variations in these standards may be approved by the City Engineer and shall be based on field conditions and the professional judgment of the City Engineer.

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G. Conformity with Comprehensive Master Plan. The subdivision shall be consistent with the adopted Comprehensive Plan of the City, if any, and the parts thereof, as amended, from time to time.

[Editor's note--The subsection numbers as follows are exactly as numbered by the city.]

I. Adequate Facilities. No final plat shall be approved if there are inadequate facilities, as determined by the City Engineer, to serve the proposed development or subdivision. These facilities include but are not limited to on- and off-site water, waste water, drainage, street, power, and communication facilities. The construction plans for improvements to provide adequate facilities shall be part of the construction plans submitted after the preliminary plat. Adequate facility improvements may include but are not limited to the extension of off-site water and wastewater lines; construction of off-site water storage, off-site lift stations, off-site drainage easements and improvements, new streets, or widened streets.

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1. A determination about off-site adequate facilities and whether off-site facilities are needed should be made with the construction plans.

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2. The commission or council may approve a final plat if arrangements for adequate facilities other than as noted above have been approved by the City Council by development or utility construction agreement prior to approval of a final plat.

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#### 4.11. Water Quality and Drainage

##### 4.111 Water Quality Zones.

A. Critical Water Quality Buffer Zone. Critical Water Quality Buffer Zones (CWQBZ) are established along all drainageways, creeks and tributaries and at the shoreline of Lake Travis in accordance with the Highland Lakes Watershed Ordinance and [Article 3.1100](#) of the code of ordinances and the following:

1. Creeks or swales draining less than forty (40) acres but more than five (5) acres, excluding roadside swales, shall have a minimum buffer width of twenty-five (25) feet from the centerline of the creek, swale, or drainageway.
2. Creeks or swales draining less than one hundred and twenty-eight (128) acres but more than forty (40) acres shall have a minimum buffer width of seventy-five (75) feet from the centerline of the creek or swale.
3. Creeks or swales draining less than three hundred and twenty (320) acres but more than 128 acres shall have a minimum buffer width of 100 feet from the centerline of the creek or swale.
4. Creeks or swales draining less than six hundred and forty (640) acres but more than three hundred and twenty (320) acres shall have a minimum buffer width of two hundred (200) feet from the centerline of the creek or swale.
5. Creeks or swales draining six hundred and forty (640) acres or greater shall have a minimum buffer width of 300 feet from the centerline of the creek or swale.
6. For Lake Travis, the zone line shall be delineated parallel to the six hundred, eighty-one (681) foot MSL contour, seventy-five (75) feet horizontally inland for proposed detached single-family residential development and one hundred (100) feet for other residential or nonresidential development.
7. In no case shall the CWQBZ extend beyond the crest of a bluff, as defined herein.
8. As an alternative to determining CWQBZ's as above, the minimum width of the buffer zone shall be twenty-five (25) feet from outer edge of an area calculated to carry the one (1) percent annual chance flood assuming fully

development watershed conditions, based on hydrologic modeling approved by the City Engineer.

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9. In no case shall the CWQBZ be an area less than the one (1) percent chance flood area as shown on the adopted Flood Insurance Rate Map.

10. Critical water quality buffer zones shall be shown on preliminary and final plats. A note shall be added to the plat stating, "No development or clearing or grading shall take place in the water quality buffer zone except as allowed by the City watershed protection ordinances."

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B. Construction Activity in the CWBQZ. The CWQZ shall remain free of all construction activity, development, and alterations, except that the following may be permitted:

1. Waterways may be crossed by streets; provided, however, that, within a CWQBZ, with a watershed greater than six hundred and forty (640) acres, no street crossing shall be within two thousand (2000) feet of any other crossing of a street on the same waterway.

2. Utilities waterways crossings.

3. Wastewater trunk line and lateral line waterway crossings. In no case shall any wastewater line be located less than one hundred (100) feet from the shoreline of a major waterway or less than fifty (50) feet from the shoreline of an intermediate or minor waterway.

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4. Fences that do not obstruct flood flows as determined by the flood plain administrator.

5. Public and private parks and open space, with development in the parks and open space limited to trails and facilities (other than stables and corrals for animals) for hiking, jogging, non-motorized biking, and nature walks.

6. Boat docks, piers, wharves, or marinas, and necessary access and appurtenances along Lake Travis, as long as they conform to city and Lower Colorado River Authority regulations.

C. It is the intent that CWQBZ's be left in a natural state. Vegetation within the CWQBZ shall not be disturbed except for purposes consistent with development activity permitted by this Section, or for the cutting of brush considered a flood barrier unless the commission or council approves a landscape and restoration plan for the CWQBZ or there is an approved landscape and restoration plan for the CWQBZ that is part of a planned development district in which the plat is proposed. Revegetation and restoration of native species of plants into disturbed CWQBZ's is encouraged.

D. Design and development of subdivisions and development shall be in accordance with the Highland Lakes Watershed Ordinance Water Quality Technical Manual.

E. Required vegetated buffer strips shall be shown on the final plat as a drainage easement or vegetative buffer strip easement with a note on the plat that no disturbance or development in the buffer strip is allowed. Maintenance of buffer strips between lot lines shall be the responsibility of the lot owner. A note to this effect shall be shown on the final plat.

#### 4.112. Drainage.

##### A. General.

1. The subdivider or developer shall be responsible to control storm drainage flowing through or abutting his property.
2. Water quality basins and detention or retention facilities may be combined.
3. The use of streets and street rights-of-way as the central drainage network shall be avoided whenever practical.
4. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights (rights-of way or easements) must be secured and filed of record, or documented on the plat, and drawn on the construction plans.
5. Where new drainage improvements are required of a subdivision, the subdivider or developer shall be responsible for construction of all the required improvements at or before the time of construction of public improvements and streets, including the dedication of all necessary rights-of-way or easements necessary to accommodate the improvements. Where the developer proposes to subdivide only a portion of the property, drainage improvements for that portion shall be required; proper drainage of that portion may require drainage improvements outside the portion being subdivided.
6. The responsibility of the developer may extend to the provision of adequate off-site drainage facilities and improvements and easements to accommodate the full effects of the development of his property. If property rights or easements must be acquired to construct off-site facilities or properly convey storm water runoff, the subdivider shall acquire said property rights and construct the off-site improvements and facilities.
7. Runoff abatement improvements should be used to retain and absorb rainfall within the general vicinity of where it falls, or runoff should be slowed, detained, and filtered, and return any channeled or detained runoff to sheeted

overland flow over vegetated land. In the event that stormwater drainage channels or detention facilities outfall pipe(s) and/or culverts are required, such systems shall use approved control strategies to control sediment, erosion, and dissipate energy using spreaders or other energy dissipation measures, or multiple smaller outlets, and/or by locating discharges to maximize overland flow.

8. The storm drainage system shall be separate and independent of any sanitary sewer system and its use shall not interfere with the operation and maintenance of road networks or utility systems.

9. Any use of retaining walls or similar construction shall be indicated with the plans submitted with the construction plans.

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10. No subdivision or development shall be approved which would permit building within a regulatory floodway of any stream or water course. The commission or council may, when it deems necessary for the protection of the health, safety or welfare of the present and future population, prohibit the subdivision and/or development of any property which lies within a designated regulatory floodway of any stream or water course and require that they be floodway designated on the plat as a drainage easement.

11. Access in storm events. No lot or building site within a subdivision or development shall derive sole access to a public street across a drainageway unless such access shall be constructed to remain open under the 25-year frequency storm event.

12. Areas subject to inundation in a one (1) percent annual chance storm conditions shall be indicated and with the minimum floor elevation of each lot so affected on the preliminary plat submitted. The commission or council may, when it deems necessary for the protection of the health, safety or welfare of the present and future populations, place restrictions on the subdivision, regarding the design and use of areas within a drainage way or the calculated or regulatory one (1) percent chance flood plain. The Commission or Council shall not approve any subdivision or development of land within the floodplain of any stream or water course unless the applicant demonstrates that the subdivision or development and all development anticipated therein will comply with the requirements of this chapter and the city flood ordinance.

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13. All facilities shall be designed to intercept, detain and transport the projected run-off from the twenty-five (25) year frequency storm. Overflow and/or transport provisions shall be provided for the one (1) percent annual chance storm, assuming fully developed watershed conditions.

14. Projected runoff rates for the design of drainage facilities shall be based on the expected ultimate developed state of the upstream contributing area. Said

ultimate developed state shall be based on the maximum intensity allowable under existing zoning as applicable, the City's Comprehensive Plans, and approved plans within the contributing area.

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15. Design of major drainage ways through a subdivision and major structures such as box culverts or bridges across a major drainage channel shall be coordinated with the requirements of Travis County when any portion of the subdivision lies outside the city limits.

16. All sedimentation, filtration, detention and/or retention basins and related appurtenances that benefit more than one lot shall be situated within a drainage easement or drainage right-of-way.

17. Drainage facilities shall be designed to serve the entire subdivision. For all subdivisions, design of drainage facilities shall be completed with other required construction plans in order to ensure adequate drainage easements and other reservations on the plat.

18. The requirements set forth herein are not intended to be exhaustive and wherever it is necessary to make additional requirements in order to maximize the effectiveness of the drainage plan in question, such requirements shall be made by the Commission or Council. Exceptions to these requirements may be allowed pursuant to this chapter only when said exceptions will not result in drainage related problems sought to be prevented by these regulations.

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[Editor's note--The subsection numbers as follows are exactly as numbered by the city.]

18. Maintenance access. Access easements or drainage easements for maintenance access to major drainage easements and facilities other than those between lots, at least twenty (20) feet wide, shall be provided and shown on the final plat and construction plans, as determined by the City Engineer.

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#### B. Drainage Channels.

1. The limits of the land that would be inundated by a twenty-five (25) year and the one hundred (100) year storm event shall be determined for water courses draining fifty (50) or more acres. Calculations for storm events shall utilize generally recognized backwater computational methods and actual field channel and overbank configuration.

2. No importation of fill material, cutting or channel modifications shall be undertaken within the area of the one (1) percent annual chance storm floodplain without a flood plain permit issued by the City Floodplain Administrator. Such approval shall be based upon certified engineering data and calculations furnished by the applicant.

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3. All constructed or modified earthen channels and street-side “bar ditched” shall be designed utilizing a side slope of thirty-three (33) percent (3:1 slope), or flatter, to allow for future maintenance and promote adequate slope stability. As a minimum, all slopes shall be hydromulched, sodded, seeded or otherwise permanently stabilized prior to final inspection of the subdivision and acceptance by the City of the subdivisions improvements.

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4. If modification of natural channels is allowed, the City Engineer may require that either a trapezoidal section or a cement pilot section is necessary to insure channel/bank stability. Trapezoidal cross sections shall have side slopes no steeper than twenty-five (25) percent, except in areas of solid rock.

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5. The City Engineer may require additional cement, gabion, pavers, or like system slope stabilization that are higher than the trapezoidal section or pilot channel along the bank in curves where erosion of the channel or side slope would occur without the additional stabilization.

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C. Streets and Storm Sewer.

1. All street sections shall be in accordance with City standards. If standup curb is used the allowable design drainage capacity for storm water flow at the gutter shall be no deeper than three (3) inches above the top of the curb.

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2. Depth of flow in streets is to be controlled to allowable levels by modification of crossfall, gradient changes, or the use of curb inlets and/or curb drains, and storm sewer.

3. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

4. Water entering into the streets in excess of what gutters will carry at maximum flow, shall be diverted into storm sewers. Capacity of storm sewers and channels shall be calculated by Manning’s Formula or other methods approved by the City Engineer.

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D. Bridges and Culverts.

1. All bridge and culvert structures shall be designed to carry and/or contain the upstream runoff from a twenty-five (25) year storm.

2. Run-off from a one hundred (100) year storm assuming fully developed watershed conditions shall not top the road surface at bridge or culvert crossings for an arterial or thoroughfare crossing and shall not exceed a depth of six (6) inches on a local street crossing.

3. All bridge and culvert structures shall be designed such that the structural integrity of the roadway shall not be diminished by a twenty-five (25) or one hundred (100) year storm event.

E. Computations, Plans, Inspection, and Construction.

1. Plans and computations for proposed drainage facilities shall be certified with the seal of the design engineer, and submitted to the City Engineer for acceptance prior to approval of construction plans.

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2. Computations for all drainage related design shall be submitted with the plans for review. Data submitted shall include a drainage area map, a summary of methodology employed and resulting data, land use and runoff coefficient assumptions, and other pertinent hydrologic and hydraulic data.

3. The City shall make such inspections as are deemed necessary to assure proper installation. Neither the review nor approval of such plans nor the inspection of the completed work will create any liability on the part of the city.

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4. All drainage facilities and water quality facilities that serve more than one lot shall be constructed with other public improvements and improvements that benefit the owners of lots within the subdivision.

F. Design Criteria.

1. The design of all storm drainage facilities shall be in accordance with the provisions of the latest edition of the City of Austin Drainage Criteria Manual, as amended, save and except the following:

- a. Preface;
- b. Paragraphs 1.2.4.E.2 and 1.2.4.E.11;
- c. Paragraph 1.2.7;
- d. Paragraph 1.4.0;
- e. Paragraph 8.2;

**Deleted:** 5. Following construction, but prior to acceptance of improvements or issuance of a building permit, the design engineer shall furnish two sets and one digital copy "AS BUILT" plans for each project, bearing certification by a registered professional engineer.

f. Appendix D; and

g. 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 Lago Vista. Where such departments, boards or divisions do not exist within the City of Lago Vista, such references shall be construed to mean the City Engineer of Lago Vista or other representatives authorized by the Council or the City Manager to perform such functions for the City.

G. Detention or Retention.

1. The rate of runoff after construction shall be less than or equal to the site's runoff prior to construction. All development shall incorporate facilities to prevent any increase in the peak rate of runoff or channelizing or concentrating in any way runoff from a twenty-five (25) year frequency storm. The City Engineer may waive this requirement under one or more of the following circumstances:

a. Approved off-site storage is provided for the required regulation of peak flows and adequate conveyance of storm water flows from the site to the off-site storage facility is demonstrated.

b. Development of a one (1) or two (2) family residential structure on any legally platted lot creates no more impervious ground cover than thirty percent (30) percent [sic] of the gross lot surface area exclusive of any area within the one (1) percent annual chance flood plain.

c. Certified engineering data and calculations are presented which demonstrate the absence of adverse impact on all downstream conveyances and property between the downstream property line and the receiving major waterway.

d. Certified engineering data and calculations are presented which fully describe, explain and justify recommended alternative to detention.

e. The increase in runoff does not exceed ten (10) percent of the existing condition runoff up to a maximum increase of five (5) cubic feet per second, and said run-off does not affect adjoining property.

f. The property is adjacent to a major waterway, Lake Travis, a major creek or canyon and in the judgment of the city engineer, waiver of detention requirements will not result in an increase in the peak flood flow of the one-percent chance storm event assuming completely developed watershed conditions of the major waterway. Waiver of this requirement for any reason shall not relieve the owner of responsibility under civil law to adjacent and downstream property owners.

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2. Detention and water quality ponds or facilities shall be in a drainage easement or right-of-way, and will usually be in a separate lot from a lot that would have buildings on it. Generally, maintenance of a subdivision's detention and water quality facilities shall be the responsibility of the city, once completed and accepted by the city. If the subdivision has a gated entrance and private streets, all detention and water quality ponds shall be maintained by the property owner's association and their funding and maintenance shall be made part of the subdivision's covenants and restrictions. A plan including estimated maintenance costs for their maintenance shall be submitted with construction plans for the subdivision.

H. Erosion and Sedimentation Control.

1. The subdivider shall submit an erosion and sedimentation control plan to control erosion during construction which can impact adjacent public or private property. The accepted guide for preparing control plans is the Highland Lakes Watershed Ordinance Water Quality Management Technical Manual.

2. Permanent erosion control shall be established prior to final inspection of the subdivision. Temporary erosion control, such as silt fences, shall be removed prior to final inspection of the subdivision's improvements.

I. Flood Plain Development. Development in a regulatory flood plain shall require a separate permit from the flood plain administrator. In addition to the Floodplain Ordinance requirements, the following restrictions shall apply (in the event of a conflict, the higher standard will apply):

1. Development or alteration of the flood plain shall result in no increase in water surface elevation of the design storm of the waterway.

2. Development or alteration of the flood plain shall not create an erosive water velocity on or off the site. The mean velocity of stream flow at the downstream end of the site after development or alteration shall be no greater than the mean velocity of the stream flow under existing conditions.

3. Development or alteration of the flood plain may be permitted by equal conveyance on both sides of the natural channel.

4. Relocation or alteration of the natural channel shall not be permitted without an environmental assessment and approval and completion of a stream rehabilitation/native vegetation program. A landscape plan shall be required, and shall include plans for erosion control of cut and fill slopes, restoration of excavated areas and tree protection where possible, both in and below the fill area. Landscaping should incorporate natural materials (earth, stone, or wood) on cut or fill slopes whenever possible.

5. The toe of any fill shall parallel the natural channel to prevent an unbalancing of stream flow in the altered flood plain.

6. To insure maximum accessibility to the flood plain for maintenance and other purposes, and to lessen the probability of slope erosion during periods of high water, maximum slopes of filled area shall not exceed three (3) to one (1) (3:1) for fifty (50) percent of the length of the fill and six (6) to one (1) (6:1) for the remaining length of the fill. The slope of any excavated area not in rock shall not exceed four to one (4:1). Vertical walls, terracing and other slope treatments will be considered if no unbalancing of stream flow results.

7. Any alteration of the flood plain shall not cause any additional expense in current or projected capital improvements, nor should said alteration cause additional maintenance costs to be incurred by the city.

8. If the development is in the ETJ, Travis County may impose additional requirements.

#### 4.12. Streets and Sidewalks.

A. General. Streets, including pavement and shoulders, shall be constructed in accordance with the City of Austin Standard Specifications, unless otherwise specified in this chapter. Where City of Austin standards conflict with this chapter of the City of Lago Vista standard specifications or other Lago Vista ordinances, this Chapter and Lago Vista standard specifications shall apply.

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B. Street layout. The subdivider shall provide adequate streets. Proposed streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by such streets.

1. In particular, subdivision layout should provide for a minimum practical number of intersections with major arterials and those intersections should be with collector streets at intervals of not less than eight hundred (800) feet.

2. Trees. Streets should avoid clearing trees ten (10) inches in diameter or larger measured forty (40) inches above the ground, except ash-juniper (cedar trees), where practical. All such trees to be removed or to remain in the ROW shall be shown on construction plans for streets. Retaining large trees in the street ROW is permitted and encouraged where practical for traffic calming purposes. The Commission may grant a subdivision variance to any street standards to retain large trees, given a report from the City Engineer that such is safe.

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3. Relation to adjoining street system. Existing streets in adjoining areas shall be continued, and shall be at least as wide as such existing streets and in

alignment therewith. Practical down-sizing of streets may be permitted where obvious transition is from high to low traffic frequency.

4. Projection of streets.

a. Where adjoining areas are not subdivided the arrangement of streets in the subdivision shall make provision for the proper projection of the streets into such unsubdivided areas, unless otherwise provided by the City comprehensive plan.

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b. Subdivision plat design shall provide for the location of a reasonable number of street openings to adjoining properties. Such an opening shall occur at least every one thousand (1,000) feet or in alignment with existing or proposed subdivision streets along each boundary of the subdivision. An exception may be granted to this requirement if a natural or manmade barrier, such as a thoroughfare, prevents its implementation.

c. The developer shall convey or dedicate land to the appropriate public entity for the future projection of collector and larger streets into adjoining, unsubdivided areas. For the future projection of local streets, the developer shall dedicate land or convey to the City by general warranty deed. If the City, by Resolution of the Council, ever determines that the property will not be needed for street extension, the grantor (or successor) shall have the right to reenter and assume ownership of the property.

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5. Street jogs. Street jogs with center line offsets of less than one hundred fifty (150) feet shall be prohibited.

6. Street intersections.

a. Street intersections shall be at right angles whenever practicable, giving due regard to terrain and topography.

b. More than two (2) streets intersecting at one point shall not be permitted.

c. Major thoroughfare intersections shall have property line corner chords with a minimum tangent distance of thirty (30) feet.

d. Curb radii at intersections, including alley openings, shall be a minimum of twenty-five (25) feet, measured from face of curb or edge of pavement or shoulder, except in commercial or industrial developments where the radii shall be a minimum of thirty (30) feet .

7. Dead-end streets. Dead-end streets shall be prohibited except as short stubs to permit future expansion. Temporary turnaround easements of one hundred (100) feet in diameter right-of-way and eighty (80) foot diameter pavement may be used at the ends of roads which will be extended in future sections of the same subdivision, provided that such easements remain in effect until the road is extended and paved. The City Engineer may approve paving specifications less than standard in temporary turnaround easements.

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8. Cul-de-sacs. In general, cul-de-sacs shall not exceed six hundred (600) feet in length, and shall have a turnaround right-of-way (ROW) of not less than one hundred (100) feet in diameter and pavement (including “ribbon” or curb and gutter) of at least eighty (80) feet in diameter.

a. “Hammerhead” and “Y” turnarounds in accordance with the International Fire Code are also permitted.

b. Where cul-de-sacs serve predominantly multifamily or development with a density greater than twelve (12) units per acre, commercial and/or industrial development, pavement diameter shall be at least one hundred and twenty (120) feet and shall be at least one hundred and forty (140) feet of ROW.

**Deleted:** The commission or council may approve longer cul-de-sacs if “bubble” turnarounds with a pavement diameter of not less than 80 feet (including “ribbon” or curb and gutter) and one hundred (100) foot diameter ROW are provided at least every six hundred (600) feet. The commission or council may also allow cul-de-sac length in rural subdivisions where average daily traffic on the cul-de-sac will not exceed one thousand (1000) feet with turn around bubbles as noted above.

9. Curbs. All streets shall have a cement curb and gutter section or “ribbon” curb section in accordance with city standard specifications. Street width in the following paragraph includes the gutter portion of a curb and gutter section (pavement width is face of curb to face of curb) but do not include the “ribbon” curb portion. The ribbon curb section and gutter portion shall be at least twelve (12) inches wide. The City may require that existing streets within a subdivision being platted be retrofit with cement curbs.

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10. Minimum pavement widths, minimum rights-of-way (ROW), minimum curve radius to center line, minimum tangent between reverse curves, maximum sustained grades (and see paragraph 19), and the average daily traffic that dictates the width of street shall be according to the comprehensive plan and as follows.

**Deleted:** Parking in the ROW is prohibited

a. Major arterial streets.

1. ROW: 90 to 120 feet depending on median in ROW and how ROW drainage is designed.

2. Pavement width: 60 feet without a median with five 12 foot lanes (including a center turn lane) or 62 feet with four 12 foot lanes and a 14 foot median. Additional lanes may be required based on an approved traffic impact analysis (TIA).

3. Curve radius: 1000 feet.
  4. Reverse curve tangent: 250 feet.
  5. Sustained grade: Eight percent.
  6. Maximum average daily traffic: Greater than 20,000.
- b. Minor arterial streets.
1. ROW: 70 to 80 feet depending on how in ROW drainage is designed.
  2. Pavement width: 48 feet. Four 12 foot lanes.
  3. Curve radius: 600 feet.
  4. Reverse curve tangent: 200 feet.
  5. Sustained grade: Eight percent.
  6. Maximum average daily traffic: 10,000 to 20,000.
- c. Collector streets.
1. ROW: 60 to 70 feet depending on how ROW drainage is designed.
  2. Pavement width: 24 to 36 feet depending on estimated ADT. Two 12 foot lanes to two 12 foot lanes with continuous or partial center turn lane.
  3. Curve radius: 375 feet.
  4. Reverse curve tangent: 200 feet.
  5. Sustained grade: 12 percent.
  6. Maximum average daily traffic: 10,000.
- d. Local or residential streets.
1. ROW: 50 feet.
  2. Pavement width: 24 feet. Two 12 foot lanes. If raised curb and gutter is used, and in order to comply with the International Fire

Code, the width of pavement shall be 26 feet from face of curb to face of curb.

3. Curve radius: 275 feet.
4. Reverse curve tangent: 50 feet.
5. Sustained grade: 10 percent.
6. Maximum average daily traffic: 5,000.

e. TxDOT Roads or Highways: According to TxDOT.

f. Additional ROW and lane construction may be required at the intersections of arterials, collectors and TxDOT highways to accommodate turning movements.

g. Additional easements adjacent to the street ROW may be required for slopes, drainage, and/or utilities.

11. Pavement widths and rights-of-way of streets forming part of the subdivision (adjacent or going through) shall be as follows:

a. When the proposed subdivision is bounded by an existing or planned street, right-of-way dedication of 1/2 of the ROW, not to exceed seventy-five (75) feet, on the subdivision side of the street shall be required. If the street is not built, the developer shall construct at least two lanes or provide the City the cash for the cost of the construction of two lanes, as approved by the City Engineer.

b. If a planned road through the subdivision is wider than two lanes and the subdivision's traffic does not warrant construction based on the subdivision's projected average daily traffic (ADT), as approved by the city engineer, the subdivider shall dedicate all the ROW, but shall be required to pave at least two lanes or more dictated by the subdivision's ADT.

c. Where the proposed subdivision abuts upon an existing street or half-street that does not conform to standards in this section, the subdivider shall dedicate right-of-way sufficient to make the full right-of-way width conform to pavement standards above, and there shall be paved so much of such right-of-way as to make the full pavement width comply with these standards. Before any pavement is laid to widen existing pavement, the existing pavement shall be cut back two (2) feet to assure an adequate subbase and pavement joint.

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d. If it is determined that ROW dedication and/or pavement is not roughly proportionate to the subdivision's projected traffic, the City Engineer may not require the entire ROW or pavement to be given or constructed in order to have dedication and construction be roughly proportionate and may require additional building setback to accommodate future roads or highways be shown on the plat.

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12. Pavement standards. The City Engineer may require that the subdivider or developer submit pavement designs by a qualified soils testing and pavement design Registered Professional Engineer.

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13. Street Names. Names of new streets within the subdivision shall not have the same spelling as the name of any other street within the corporate limits of the city or its ETJ, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used.

**Deleted:** The developer or subdivider proposing new streets shall provide with the final plat application a document from the agency responsible for "911" street naming that the new street names in the subdivision are approved.

14. Street Lights. Street light are required at the corner of any intersection with streets, intersection of a street and alley, intersection of alleys, at any designated crosswalks outside of an intersection, or the crossing of any trail or golf path. There will be adequate lighting to provide for safety to the satisfaction of the City Engineer. If they are proposed they shall be installed in accordance with City specifications and the following at the time of street construction.

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a. Reserved.

b. Maintenance. Street lights shall not be owned or maintained by the City. If the street lights are to be maintained by and electrical bills paid by a property owner's association, mandatory fees shall be collected and made part of the property owner's association documents/covenants presented to the city with the construction plans. If the street lights are to be owned by an electric utility, the utility's approval of the street lighting plan and electrical bill payment system shall be presented with the construction plans. An estimate approved by the electrical utility provider detailing the cost of energy for street lights shall be included.

**Deleted:** Street Lighting Plan. A street lighting plan shall be submitted with construction plans for the development. The street lighting plan shall include:¶  
1) The location and height of all street lights.¶  
2) Pictures of the street lights.¶  
3) The light type such as sodium vapor.¶  
4) The operating control system., such as photocell or time clock. Photoelectric cell is preferred.¶  
5) A photometric plan showing the area to be lighted by (out to) .2 foot candles or more.¶  
6) Ownership and maintenance of the lights.¶  
7) An operation and maintenance program including an electric bill payment system.

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c. Height: Maximum height of a street light is eighteen (18) feet, except on arterial streets where the maximum height may be thirty (30) feet.

d. Mercury vapor lights are not permitted.

e. Full cut-off lenses are required unless street lighting is decorative.

f. Decorative lighting. Decorative lighting, such as fixtures using "post-top" luminaires, or luminaires other than "cobra head" type street lights, may be approved; however, the luminaire shall not emit a total luminous

flux greater than 1800 lumens. Decorative lighting in which the luminaire is not fully cut-off shall not be taller than eight feet.

g. Spacing. Except for decorative lighting, street lights may be no closer than 400 feet from another street light.

h. Location. Generally, street lights may be located at street intersections and in the “bubble” of a cul-de-sac if the cul-de-sac is at least four hundred (400) feet long.

i. Wiring to all street lights shall be underground.

j. All street lights shall be in right-of-way or easements shown on the construction plans and plats.

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15. Street Signs. Reflective street signs shall be installed at all intersections within or abutting the subdivision at the time of street construction. Such signs shall meet Travis County Standards of Construction of Streets and Drainage in Subdivisions for type and installation.

16. Alleys.

a. Width and Paving. The subdivider may install alleys of not less than twenty (20) feet in ROW and pavement. Where alleys intersect easements the alley and utility easement shall be at ten (10) feet wider as determined by the city engineer for a distance determined by the City Engineer.

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b. Dead-end Alleys. Dead-end alleys shall not be permitted in the City or ETJ.

17. Sidewalks.

a. Sidewalks are required in subdivisions on both sides of any street within one thousand (1000) feet of an existing or proposed school and will be required. Sidewalks in residential subdivisions are required to be installed and constructed on both sides of a street and all sides of a cul-de-sac. They shall be not less than four (4) feet in width. The sidewalk shall be located in the ROW, with the outer edge of the sidewalk at the ROW line. All sidewalks shall conform to the Americans with Disabilities Act (ADA) and City construction standards.

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b. Commercial and industrial areas. Sidewalks shall conform to the City construction standards and meet all requirements of the Americans with Disabilities Act and be at least five (5) feet wide. Such sidewalks shall be installed and constructed on both sides of the street and shall be located with the outer edge of the sidewalk at the ROW line.

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c. Parkways Walks. Parkways shall be excavated, or filled, as required to result in a three to one (3:1) grade

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18. Crosswalks. Crosswalks ten (10) feet in width shall be dedicated as right-of-way and constructed where deemed necessary by the City to provide circulation or access to schools, playgrounds, parks, shopping centers, transportation and other community facilities. Crosswalks shall be provided, when required by a development, with a concrete sidewalk six (6) feet wide constructed to city specifications and ramped at street intersections.

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19. Street Grades.

a. Streets other than local streets shall have a maximum grade of eight (8) percent unless the City Engineer shall concur that the natural topography requires steeper grades, in which case a twelve (12) percent grade may be used, if the site distance is adequate and there are no intersections at the top or bottom of the grade within the calculated stopping distance based upon the speed limit plus ten (10) miles per hours.

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b. All streets must have a minimum grade of at least five-tenths (0.5) of one percent.

c. Centerline grade changes with an algebraic difference of more than two (2) percent shall be connected with vertical curves of sufficient length to provide sight distance on major streets as required for forty-five (45) mile per hour traffic; and sight distance on minor streets and local residential streets as required for thirty (30) mile per hour traffic.

d. Whenever a cross slope is necessary or desirable from one curb to the opposite curb, such cross slopes shall not exceed twelve (12) inches in thirty (30) feet. Streets designed with super elevated curves shall conform to the standard highway design for such curves.

e. If an exception is approved, slopes greater than twelve (12) percent may require concrete paving and be subject to approval by the city engineer.

20. Fire/Emergency Access. Where there are thirty (30) or more residential lots or 30 residential units proposed in a subdivision or development, there shall be at least two entrances and exits and fire access at least twenty-four (24) feet wide into and out of the subdivision or development.

**Deleted:** These accessways need not be paved, if the subdivider or developer provides with the final plat application a letter from the servicing fire department or emergency service district that the type of access as shown on submitted construction plans is approved.

21. Access Management. On arterial streets, driveway and street intersection separation shall be at least two hundred and fifty (250) feet or as called for in an approved traffic impact analysis (TIA). Street intersections on a collector street shall be at least one hundred (100) feet apart.

22. Traffic-Control Devices. Traffic-control devices and signs warranted by the most recently approved edition of the Texas Chapter of the Manual for Uniform Traffic-Control Devices shall be required to be installed by the developer or subdivider at the time of street construction, as determined by the City Engineer. Such control devices shall be shown on construction plans.

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23. Private streets.

a. Private streets shall meet the standards and specifications of public streets.

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b. Private streets and other private common areas shall be shown on the plat as a separate lot. The final plat shall have an annotation showing areas that are private street(s) or other type of common area. Said lot or lots shall be conveyed to a property owner or homeowner's association for ownership and maintenance. Covenants or restrictions concerning proper and timely maintenance and mandatory collection of maintenance fees from property owners shall be submitted with the plat and are subject to approval by the City Engineer and the City Attorney. The approved covenants or restrictions shall be recorded with the plat and copies of the recorded documents shall be provided the city with the recorded copies of the plat. A plan including estimated maintenance costs for their maintenance shall be submitted with construction plans for the subdivision.

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c. Private streets shown as easements on separate lots are prohibited.

d. Gated streets.

(1) Public streets and private streets shall not be gated. If private streets are granted approval through a subdivision variance to be gated there shall be an adequate and safe turnaround, such as a cul-de-sac "bubble", provided on the public side of the gate as approved by the City Engineer. Public streets that are required to be extended into and through the subdivision shall not be gated.

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(2) A letter from the servicing fire department or emergency service district shall be provided with the plat application which approves a plan, which will be made part of the approved construction plans, for emergency vehicle access.

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e. Public and emergency vehicle access easements shall be required on the private street ROW.

f. If the association fails to maintain reliable access on a private street into or through the subdivision or development, and after notice to the

association, the City at the direction of the City Engineer, may enter the private street and remove any gate or barrier and repair or improve a private street in order to provide adequate access. The cost of such repair shall be billed to the association by the City within thirty (30) days of completion of the City's improvement. If the bill is not paid within sixty (60) days of mailing the bill or by other agreement between the City and the association, all the property in the subdivision shall have a lien placed against it by the City Attorney to cover the costs. The covenants and restrictions of a subdivision with private streets shall include this notice.

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24. Traffic Impact Analysis (TIA). A TIA shall be required of any development or subdivision which would generate two hundred (200) or more average daily vehicle trips (ADT). The TIA shall be submitted at the time of construction plan approval, and shall be approved as part of the construction plans. The TIA shall be approved by the City Engineer. All improvements dictated by the approved TIA shall be completed by the developer or subdivider with the construction of streets in the development or subdivision. It will be shown on the construction plans and with the AsBuilds.

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#### 4.13 Easements.

##### A. Power, Gas and Communication Utility Easements.

1. Each block shall have a utility easement, reserved for the use of all public and communication utility lines, conduits, and equipment, either at the rear or the front of all lots. The developer or subdivider shall provide the administrator and the city engineer a document from the power, gas, and communication company providing service to the development or subdivision that easements shown on the plat are adequate. The location of power, gas, or communication lines shall be shown on the construction plans.

B. Ten (10) foot wide public utility easements shall be provided along all public or private street ROW.

C. Drainage Easements. The width of drainage easements shall be determined in accordance with Section 4.11, but in no case shall be less than twenty (20) feet. "Split easements" along side or rear lot lines are permitted, but no easement on a lot shall be less than ten (10) feet as approved by the City Engineer.

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D. If easements are necessary in areas adjoining a proposed subdivision to provide drainage thereof, or to serve such subdivision with utilities, the subdivider shall obtain such easements.

E. Water and wastewater easements shall be provided in accordance with Section. 4.15 [Sections 4.18 and 4.19], herein.

4.14. Power and Communication Lines. All power and communication lines shall be underground. Those that pass under a street or alley shall be installed before the street or alley is paved or an approved raceway/conduit shall be provided to a point at least two (2) feet beyond the edge of the pavement. Electrical lines shall be installed in accordance with Pedernales Electric Cooperative Underground and Installation Specification.

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4.15. Clearing and Rough Cutting of Vegetation. No right-of-way clearing or rough cutting shall be permitted before construction plan approval. Limited clearing for soil testing and surveying may be allowed by the administrator. It is recommended that applicant check for special regulatory requirements concerning removal of trees due to endangered species with the appropriate Federal and State agencies.

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4.16. Cuts and Fills. No fill on any building site shall exceed a maximum of four (4) feet of depth. Areas designated as permanent on-site spoils disposal sites are not permitted.

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4.17. Post-Construction Restoration Plan. An erosion and sedimentation plan shall be submitted with construction plans and shall describe proposed construction material and equipment storage sites and measures for post-construction restoration, including revegetation and slope stabilization. The permanent erosion control system, including revegetation shall be completed prior to final inspection and acceptance of the subdivision. All subdivisions and developments shall provide performance guarantees for restoration.

#### 4.18. Water Systems.

A. Water Supply. All subdivisions shall be provided with water supply and distribution systems. In those proposed subdivisions not serviced by an existing water system, the subdivider or developer shall provide plans and specifications for a private or special district water supply approved by the State Department of Health, the Texas Water Commission, and Travis County, if applicable. These plans are subject to approval by the city engineer and shall be submitted with the subdivision construction plans. Water supply special districts, such as a municipal utility district, are subject to approval by the City Council and approval of a development agreement addressing the special district.

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B. Water Distribution. All distribution lines at least eight (8) inches in diameter. Water mains smaller than eight (8) inches may be constructed to serve blocks with no more than six (6) dwelling units or when taking into account the following:

1. The recommendation of the design engineer for the developer;
2. Peak demands for domestic and irrigation use of water;
3. Fire protection and hydrant coverage;
4. Growth and development possibilities for the area; and

5. Approval of the City Engineer.

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C. Water Wells. If the subdivision is to be served by ground water, the subdivider or developer shall provide with the construction plans, a certification in accordance with the Texas Administrative Code and in accordance with TCEQ rules a water availability report that certifies adequate groundwater is available for the subdivision.

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D. Fire Hydrants.

1. Standard fire hydrants, from a manufacturer approved by the City shall be installed as part of the water distribution system per specifications of the International Fire Code.

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2. Spacing. Minimum spacing along streets in single-family or duplex areas shall be 500 feet. and in predominantly multifamily or non-residential areas spacing shall be 300 feet.

3. Flushing valves may be used in lieu of fire hydrants at the end of cul-de-sacs so long as there are sufficient hydrants located at intersections to meet the spacing criteria specified in the City's fire code.

E. Design Criteria.

1. The standards in Title 30, Part 1, Chapter 290, Subchapter D, Texas Administrative Code shall be used in the design of water systems.

2. Storage and Pumping for Fire Flow. The minimum design criteria for storage and pumping capacities required for fire flows and for design of all water systems shall be in accordance with the latest requirements established by the Texas State Board of Insurance.

#### 4.19. Wastewater Systems.

A. Wastewater Treatment. All subdivisions shall be served with a sewage treatment and disposal system approved by the State Department of Health and the Texas Water Commission or LCRA, if applicable.

B. Irrigation. In the event a sewage and disposal system is approved that allows irrigation, no irrigation shall be allowed on slopes of greater than twenty (20) percent gradient or in the 100-year floodplain.

C. Sewer Systems. Connection with a sanitary sewer system shall be required except in rural subdivisions in which all lots are at least one acre in size and the requirements of the City and/or the Lower Colorado River Authority shall be satisfied.

D. Private Sewage Facilities (OSSF). Where septic tanks or on-site sanitary facilities are installed, the subdivider shall conduct percolation tests under the supervision of LCRA in order to determine soil conditions and soil suitability and provide with construction plans an LCRA permit for the use of on-site sanitary facilities. No subdivision of lots within the City, or within the extraterritorial jurisdiction of the City, which depends in whole or in part on septic tanks or a septic tank system shall be approved if adequate sewer service is available within one quarter (1/4) mile of the property line of the lot to be sewered or if the subdivision does not contain lots meeting the minimum lot size required by LCRA.

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E. Private and Special Districts. In those proposed subdivisions not serviced by the Lago Vista system, the subdivider or developer shall provide plans and specifications for a private or special district wastewater treatment approved by the State Department of Health, the Texas Water Commission, and Travis County, if applicable. These plans are subject to approval by the City Engineer and shall be submitted with the subdivision construction plans. Wastewater supply special districts, such as a municipal utility district, and private centralized wastewater systems are subject to approval by the City Council and approval of a development agreement addressing the special district or private facility.

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F. Design Criteria. The standards in Title 30, Part 1, Chapter 317, Texas Administrative Code shall be used in the design of wastewater systems and facilities.

G. Independent Utility Districts.

1. When a proposed subdivision is located within an area served by an existing independent utility district the subdivider shall furnish evidence that the utility district will provide service to the subdivision.

2. When a proposed subdivision is located within an area served by an existing investor-owned or private water supply and/or sewer service corporation system, including, among others, water supply and/or sewer service corporations organized under Art. 143a of the Texas Civil Statutes, the subdivider shall furnish evidence that the utility corporation will provide service to the subdivision. Specifications shall be in accordance with the Travis County standards for similar facilities and shall be approved by the Texas Department of Health. The city shall have the right to inspect all facilities of the water and/or sewer corporation at any time during construction of the subdivision, and shall give final approval of the utility corporation service. In addition, the City shall have the right to charge inspection fees for review of facilities, the cost of which is not covered by other appropriate charges.

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4.20. Blocks. Block widths shall generally allow for two (2) tiers of lots back-to-back, except where prevented by topographical conditions or size of property. Maximum block length shall be eight hundred (800) feet.

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4.21. Lots.

A. Area Requirements. Within the corporate limits of the City the required lot area, width, setback line, side yard and rear yard requirements shall conform to the zoning ordinance based on the zoning of the property. The minimum lot size in the city's extraterritorial jurisdiction shall be dependent upon the availability of central sewage disposal system service. Lots in the extraterritorial jurisdiction that are to be served by the central sewage system shall have a minimum of nine thousand six hundred (9,600) square feet. Lots to be served by septic systems shall have a minimum of one acre and conform to the Lower Colorado River Authority regulations based on soil classification and tests.

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B. Access. Each lot shall front upon a public street or, in the case of a private street, have access to a public way by access easement sufficient to meet the requirements of the International Fire Code, governing access to buildings by fire apparatus. Private streets shall have public safety access easements.

C. Side Lot Lines. Side lot lines shall be substantially at right angles to straight streets lines and radial to curved street lines.

D. Extra Depth and Width. Where a lot in a residential area backs up to a railroad right-of-way, a high pressure gasoline, oil or gas line, an industrial area, an arterial street, or other land use which has a depreciating effect on the residential use of property, and where no marginal access street or other street is provided, additional depth may be required by the City Engineer. In no case shall a residential lot depth in excess of one hundred seventy-five (175) feet be required. Where a residential lot sides to a railroad right-of-way, a high pressure gasoline, oil or gas line, an industrial area, an arterial street, or other land use which has a depreciating effect on the residential use of property, additional width shall be required by the City, but in no event shall a width in excess of one hundred twenty feet (120') be required.

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E. Lot Arrangement. Lots for one- or two-family residential use should not front on or be contiguous at a side lot line to arterial streets or highways. Lot arrangement in case of nonresidential uses is subject to the review and approval of the Commission or Council so that traffic congestion and movement problems are prevented whenever possible. Double fronting lots or lots with a side lot line contiguous to arterials or highways may be allowed and noise and traffic mitigation measures (i.e., fence, berm, wall) adjacent to the street are provided.

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F. Fences on double fronting lots. Fences on double fronting lots shall meet the front yard setback requirements in the zoning ordinance for each street that the lot fronts on.

**Deleted:** G. Subsequent Platting. At the option of the subdivider of a commercial or industrial subdivision, with the approval of the commission or council the subdivider may plat all streets, easements, and minimum building lines, and at a subsequent date, plat the blocks and lots as individual subdivision plats consistent with the initial platting of streets and utilities.¶

4.22. Monuments.

A. The surveyor responsible for the plat shall place permanent monuments in accordance with the standards of the State Board of Registration for Professional Land Surveyors.

B. The location of monuments shall be shown on the plat.

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C. All lot corners and street rights-of-way shall be set with a marker of a permanent nature such as an iron rod, pipe, etc.

D. All monuments shall be in place at the time of As-Builts.

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E. A minimum two (2) monuments must be set per phase of development.

4.23. Street and Traffic-Control Signs. The developer shall pay the cost of purchasing and installing all required street (name) signs and traffic-control signs for all streets, which signs shall be of the same type used throughout the city, as approved by the City. The City engineer will require traffic-control signs to meet the most recent addition of the Texas Chapter of the Manual of Uniform Traffic Control Devices (MUTCD) and City specifications and standards. In cases of conflict, the City specifications and standards shall prevail. These signs shall be shown on construction plans.

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4.24. Trees. The protection of trees and wooded areas, in general, should be considered in the layout of streets, drainage improvements, utilities and lots. The City may call for the relocation of any facility to save a protected tree. Construction plans shall show trees that would be removed. Tree removal shown on a construction plan shall constitute the city's permit to remove a protected tree.

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## Section 5. Parkland Dedication

5.10. Dedication of Park Land or Fee In-Lieu-of dedication. The developer for each residential subdivision in the City or the City's extraterritorial jurisdiction shall set aside and dedicate public parkland or make an in-lieu financial contribution to the City at the rate of three (3) acre for up to every one hundred (100) new dwelling units or \$800.00 per dwelling unit. Required public parkland will be shown on the concept plan and plat at the time of City approval of the concept plan, Master Development Plan, and plat of the portion of the land containing the designated public parkland. When the developer chooses to dedicate land that meets the design standards and is three (3) acres or more in size, the City shall be obligated to accept the land. The developer with approval of the City may use a combination of public parkland dedication and/or payment of fees in order to satisfy the provisions of this Chapter, except the City reserves the right to require the dedication of land for public park purposes in accordance with this Ordinance when one (1) or more acres of land would be required to satisfy the park land dedication requirements; or to require the payment of the fee per dwelling unit if the park will be less than three (3) acres.

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[5.11 Reserved]

5.12. Size of dedication. Development of three (3) acres for up to every 100 dwelling units. A developer may dedicate more land than would be required by this ordinance provided the additional land is also shown on the plat, master development plan, or concept plan. The property must be deeded over to the City before As-Builts can be approved by the City.

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5.13. Design Standards for Parkland. Any land dedicated to the city under this Ordinance must be suitable for park and recreation use and more than twenty (20) per cent [percent] of the area may not be located in the 100-year floodplain or any areas of unusual topography or slope which renders same unusable for recreational activities. Drainage areas may be accepted as a part of a park dedication if the channel is constructed in accordance with City engineering standards, and if no significant portion of the park is cut off from access by such channel. Each park must have at least fifty (50) feet of public street frontage.

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5.14. Park fund money accepted in lieu of land may be used only for acquisition of parks, or for park related expenditures, at the discretion of the City Council. All funds received in-lieu-of dedication of land shall be deposited in the city's park fund. Fee-in-lieu funds shall be paid before the final plat, replat, or minor plat can be recorded with the County.

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[5.15 Reserved]

5.16. Additional Requirements.

A. Any land dedicated to the City under this Ordinance must be suitable for park and recreational uses. The following characteristics of a proposed property are generally unsuitable and may be grounds for refusal of any preliminary plat:

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1. Any area totally located in the one (1) per cent [percent] annual chance floodplain.

2. Any areas of unusual topography or slope which renders same unusable for organized recreational activities.

B. Drainage areas may be accepted as a part of a park dedication if the channel is constructed in accordance with city engineering standards, and if no significant portion of the park is cut off from access by such channel.

C. Each park must have ready access to a public street.

Notwithstanding any of the above, the Council, at its discretion, may decide to acquire any lands not otherwise suitable for parkland, if the acquisition of such land would provide for the preservation of open space, environmentally critical areas, areas of unique geologic or cultural features, or protection from periodic flooding.

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5.17. Exceptions.

A. The foregoing shall not apply in the case of a replat or a plat, subdivision, or addition that has previously met park requirements and the number of lots is not increasing, or the redivision of existing single-family lots unless additional lots are added in which case park fees shall be paid for the additional lots being platted or additional land will be dedicated to the City.

B. Notwithstanding any of the other provisions of Section 15 [sic], it is not intended that any area be required to be dedicated for park purposes when the land embraced in the plat is an area designated as one (1) lot and which is zoned under the existing zoning ordinance for business or industrial purposes.

5.18. Land Treatment. Upon platting of the parkland from the subdivider to the City, the subdivider shall not cause or allow any fill material or construction debris to be placed on the land, or otherwise alter, damage or impair the land, water or vegetation on the park site, without written permission from the City. The City, with concurrence of the city's engineer, may allow the subdivider to place fill material and take other respective actions specified in this Section when such action would be beneficial to the parkland. In such cases, the City shall provide a letter to the respective subdivider.

**Deleted:** C. The commission or council may approve deferral of park fee payment until building permit issuance for multifamily units if the number of units can not be determined at the time of final plat approval.¶

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5.19. Improvements.

A. The City shall pay the costs of any utility extensions within park boundaries required to serve the park. Any agreements made by any person to dedicate to the public any park area or areas prior to June 4, 2009, shall not be construed as obligating or committing the city to pay any portion of the costs of curbing, gutters, storm sewers and paving of any streets that bound such park.

B. The City shall improve the dedicated park area in accordance with the approved city five year capital improvement plan or with any plans indicating the future locations of new park or extension of park space in the City. The City should attempt to improve the park within five years of completion of permitting for fifty (50) per cent [percent] of the subdivision's lots.

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 **Section 6. Miscellaneous**

6.10. Conflict. If any provision of this Chapter is in conflict with any other provision in this Chapter or any other provision in the code of ordinances, the most strict or restrictive provision shall apply. If a provision in this Chapter is not more restrictive but is different from any provision in this chapter or the code of ordinances, the administrator shall determine what provision should be followed.

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(Ordinance 09-05-21-02, sec. 3, adopted 5/21/09)