



The City of Lago Vista

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

**AGENDA
CITY COUNCIL
SPECIAL CALLED MEETING
THURSDAY, FEBRUARY 4, 2016**

NOTICE IS HEREBY GIVEN that the Lago Vista City Council will hold a Special Called Meeting on Thursday, February 4, 2016, at 6:30 p.m. in the City Council Chambers at City Hall, 5803 Thunderbird, Lago Vista, Texas, as prescribed by V.T.C.A., Government Code Section §551.041, to consider the following agenda items. Items do not have to be taken in the same order as shown in the meeting notice.

CALL TO ORDER, CALL OF ROLL, PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

ACTION ITEMS

1. Consider and approve Resolution No.16-1638 for the City of Lago Vista to create a Veteran's Memorial Citizens Advisory Committee.
2. Consideration of Ordinance No. 16-02-04-01; Revision of the City of Lago Vista, Texas Ordinances, Article 9.1300, Sec. 9.1301 through Sec. 9.1307 that creates and defines the Library Advisory Board, and Article 9.1400, Sec. 9.1401 through 9.1415 that creates and defines the Library Department.
3. Consider and if Appropriate, Approve, the Award of a Bid for Construction of Two Shade Structures at the Upper Baseball Field Located at the City's Sports Complex.

WORK SESSION

4. Discussion concerning City Logo opportunities.
5. Discussion Concerning City of Lago Vista Debt and Future Years as Initiated by Mayor Pro Tem Smith.
6. Discussion of proposed changes to the City of Lago Vista Subdivision Ordinance, Chapter 10.

FUTURE MEETINGS

7. Consider schedule and items for future Council meetings.

EXECUTIVE SESSION

8. Convene into Executive Session pursuant to Sections 551.071 and 551.072 and/or 551.074, Texas Government Code and Section 1.05 Texas Disciplinary Rules of Professional Conduct regarding:
 - a. Consultation with legal counsel regarding real property and possible issues and questions related to acquisition, sale or lease.

ACTION ITEMS (action and/or a vote may be taken on the following agenda items):

9. Reconvene from Executive Session into open session to take action as deemed appropriate in City Council's discretion regarding:
 - a. Consultation with legal counsel regarding real property and possible issues and questions related to acquisition, sale or lease.

ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board located at all times in City Hall in said City at _____ on the 29th day of January, 2016.

Sandra Barton, City Secretary

THIS MEETING SHALL BE CONDUCTED PURSUANT TO THE TEXAS GOVERNMENT CODE SECTION 551.001 ET SEQ. AT ANY TIME DURING THE MEETING THE COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION ON ANY OF THE ABOVE POSTED AGENDA ITEMS IN ACCORDANCE WITH THE SECTIONS 551.071, 551.072, 551.073, 551.074, 551.075 OR 551.076.

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.

MEETING DATE: February 4, 2016

AGENDA ITEM: CALL TO ORDER, CALL OF ROLL, PLEDGE OF ALLEGIANCE

Comments:

ADJOURN:

Motion by: _____

Seconded by: _____

Content of Motion: _____

Vote: Raley _____ ; **Shoumaker** _____ ; **Tidwell** _____ ; **R. Smith** _____ ;

Mitchell _____ ; **S. Smith** _____ ; **Cox** _____

Motion Carried: Yes _____ ; **No** _____

MEETING DATE: February 4, 2016

AGENDA ITEM: PUBLIC COMMENTS

Comments:

Motion by: _____

Seconded by: _____

Content of Motion: _____

Vote: Raley _____ ; **Shoumaker** _____ , **Tidwell** _____ ; **R. Smith** _____ ;

Mitchell _____ ; **S. Smith** _____ ; **Cox** _____

Motion Carried: Yes _____ ; **No** _____



AGENDA ITEM

City of Lago Vista

To: **Mayor & City Council** **Council Meeting:** **February 4, 2016**

From: **Melissa Byrne Vossmer, City Manager**

Subject: **Consider and approve resolution No.16-1638 for the City of Lago Vista to create a Veteran's Memorial Citizens Advisory Committee.**

Request: **Business Item** **Legal Document:** **Other** **Legal Review:**

EXECUTIVE SUMMARY:

At the January 7, 2016 City Council meeting staff presented Council with a history of the Veteran's Park monument development up to January 2016. City Council instructed city staff to develop the attached Resolution developing a Veteran's Memorial Citizens Advisory Committee and to make recommendations to city council on items such as design and construction.

If approved city staff will begin soliciting applicants for Committee members by the following means: post on city's website, post on community board, contact local groups and request they notify their members, via the city's social media outlets and post a sign at in the park itself located at Dawn Drive and Thunderbird Street to name a few.

As this moves forward and becomes established Council will need to consider the designation of a Council Liaison as well.

Impact if Approved:

A Committee will be created consisting of citizens of City of Lago Vista to receive public input on the addition of a monument to honor Veterans at the current Veteran's Park. They will seek and recommend ways to gather funding from public and private partnerships and make recommendations to City Council regarding the proposed monument and improvements to the park.

Impact if Denied:

A Committee will not be created and staff will select a monument for Veterans Park.

Is Funding Required? **Yes** **No** **If Yes, Is it Budgeted?** **Yes** **No** **N/A**

Indicate Funding Source:

CIP FY2015-16 Adopted Budget \$20,000

Suggested Motion/Recommendation/Action

Motion to:

Motion to:

Motion to:

Known As:

Agenda Item Approved by City Manager

CITY OF LAGO VISTA, TEXAS

RESOLUTION 16-1638

A RESOLUTION BY THE CITY OF LAGO VISTA, TEXAS ESTABLISHING A VETERAN'S MEMORIAL ADVISORY COMMITTEE TO RESEARCH, GATHER AND PROVIDE PUBLIC INPUT CONCERNING A POSSIBLE VETERAN'S MEMORIAL FOR VETERAN'S PARK; PROVIDING NUMBER OF MEMBERS; PROVIDING TASKS FOR SUCH COMMITTEE; PROVIDING FOR A TEMPORARY TERM FOR MEMBERS OF SUCH COMMITTEE; PROVIDING OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City Council of The City of Lago Vista recognizes that through the years of the City's existence, many of its men and women have served honorably in the armed forces of this nation, and that many have made the ultimate sacrifice; and

WHEREAS, the City of Lago Vista intends to honor past, present and future Veterans of the Nation's Armed Forces with a permanent memorial located at the existing Veteran's Park located at the intersection of Dawn Drive and Thunderbird Street.

WHEREAS, the City Council believes it to be appropriate to have the maximum public involvement in the choice of design and construction of said Veteran's Memorial, and that a Veteran's Memorial Citizen's Advisory Committee would be the most effective manner to cause such public inclusion; and

WHEREAS, the Veteran's Memorial Citizen's Advisory Committee shall give a report of progress to the city council every 6 months:

WHEREAS, the Committee shall work with city staff and advise on the project construction:

WHEREAS, the City of Lago Vista desires to have the said Veteran's Memorial in place by Veteran's Day in November of 2017; and

WHEREAS, the City Council wishes the Veteran's Memorial Advisory Committee to hold a reasonable number of public hearings to maximize public input and, especially, to solicit the opinions and ideas of Veteran's in the City of Lago Vista.

NOW, THEREFORE, IT BE RESOLVED, that the City of Lago Vista City Council hereby creates a Veteran's Memorial Citizens Advisory Committee for the express purpose of:

1. Suggesting designs and type of construction of the Veteran's Memorial.

2. Determine criteria for design and work with staff to identify potential artists
3. Investigating sources of public and private funding;
4. Work with staff to establish funding opportunities.
5. Assist with the development of the Ceremony to present the monument to the Community.

BE IT FURTHER *RESOLVED*, that the Committee shall be constituted as follows:

1. There shall be seven members appointed by the Mayor and the City Council;
2. All members are to be residents or property owners in the City of Lago Vista;
3. Committee shall be dissolved at completion of project as decided by the City Council of Lago Vista.
4. At a minimum, there shall be at least 3 Veteran's appointed to committee.

BE IT FURTHER *RESOLVED*, that the Committee shall complete its work and be available to present its report to the City Council on or before November 3, 2016.

AND SO IT IS RESOLVED.

PASSED AND APPROVED this 4th day of February, 2016.

ATTEST:

City of Lago Vista, Texas

Sandra Barton, City Secretary

Dale Mitchell, Mayor



AGENDA ITEM

City of Lago Vista

To: **Mayor & City Council** **Council Meeting:** **February 4, 2016**

From: **Jan Steele, Library Director**

Subject: **Consideration of Ordinance No. 16-02-04-01; Revision of the City of Lago Vista, Texas Ordinances, Article 9.1300, Sec. 9.1301 through Sec. 9.1307 that creates and defines the Library Advisory Board, and Article 9.1400, Sec. 9.1401 through 9.1415 that creates and defines the Library Department.**

Request: **Other** **Legal Document:** **Ordinance** **Legal Review:**

EXECUTIVE SUMMARY:

See Attached Report Explaining the Recommended Amendments.

Upon reviewing current City Ordinances, the two articles and sections related to the Library Advisory Board and the Library Department were found to be outdated or in need of revision. The Library Advisory Board and the Library Director worked together to bring the Ordinances up to date. In the revision process, the Board removed and/or replaced language that was found to be redundant or outdated. Upon recommendation by previous City Managers and other Library Consultants, library policies have been removed from the ordinances.

It is requested that the Council review and approve the recommended revisions.

Impact if Approved:

The Ordinances that pertain to the Library Advisory Board and the Library Department will be current and more effective.

Impact if Denied:

Some of the ordinances will be outdated and inaccurate. If necessary, the Library Advisory Board will continue to review and revise, as necessary.

Is Funding Required? Yes No **If Yes, Is it Budgeted?** Yes No N/A

Indicate Funding Source:

N/A

Suggested Motion/Recommendation/Action

Motion to:

Motion to:

Motion to:

Known As:

Agenda Item Approved by City Manager

Lago Vista Public Library Report
By Jan Steele, Library Director

Date: January 25, 2016

Subject: Revision of City of Lago Vista, Texas Ordinances that refer to the Library Advisory Board and the Library Department (Article 9.1300 and Article 9.1400)

Comments:

Explanation for Revisions - Article 9.1300: Library Advisory Board

Sec. 9.1302: Creation and Purpose - The three statements appear to describe “duties” of the Board more than the “purpose”. The statements have been moved to Sec.9.1307 and incorporated into General Duties of the Board.

Sec. 9.1303: Membership and Appointment – Existing language has been replaced with a more definitive description of who may qualify for Board membership and voting privileges.

Sec. 9.1304: Terms of Office Members – Removed language regarding instructions for the Board’s first January 2002 meeting. The basic language of this section has not been changed; it has been listed in numerical order. The residence requirement for members has been moved back to Sec. 9.1303 Membership and Appointment. The revision addresses potential consequences for Board members that continually miss meetings.

Sec. 9.1305: Organization – Organization has been replaced by the title, Election and Duties of Officers. The revision brings the Board in line with ordinances of other city boards, commissions, and committees that are required to hold their first annual meetings in January. The definition of a quorum and the voting procedures were removed and designated as a separate section (Sec.9.1306). The chairperson’s duties to preside over meetings and authority to sign Board correspondence and documents are defined here. The Board Secretary is designated to keep a true and accurate record of what takes place at the meetings.

Sec. 9.1306: Responsibilities –Responsibilities of the Board are deleted here and incorporated into the section on General Duties (Sec. 9.1307). This section has been changed to “Quorum and Voting”.

Sec. 9.1307: General Duties: Incorporates some of the items removed from the Creation and Purpose (Sec. 9.1302) and Responsibilities (Sec. 9.1306) into a new revised list of general duties of the Board.

Explanation of Revision of Article 9.1400 Library Department

Sec. 9.1402: Director, Personnel and Facilities – Because of redundancy, existing language was removed and placed into Sec. 9.1403 and Sec. 9.1404, regarding the Library Director and Duties

of the Library Director, respectively. This section was renamed “Library Advisory Board and the Library Director” to define the relationship between the Board and the Library Director.

Sec. 9.1403: Duties of the Librarian – The list of duties has been moved to Sec. 9.1404. This section would now define the “Library Director and a more accurate description of the job title.

Sec. 9.1404: Receipt of Gifts has been renumbered as Sec. 9.1405 and replaced with “Duties of the Library Director”. The 15 item list is comprised of the duties currently mentioned in sec. 9.1403, eight new duties, and the responsibility of approving all exhibits in the library that has been moved from sec. 9.1409.

Sec. 9.1405: Purchase of Materials has been removed as a subject and listed as a duty of the Library Director. The list of materials that might be purchased is already included in the Library’s Collection Development Policy that was approved by the Board at its March 14, 2011 quarterly meeting. Sec. 9.1405 has been renamed “Receipt of Gifts”. Language from current sec. 9.1404 was moved to this section with the inclusion that monetary gifts that may be accepted on behalf of the library, also.

Sec. 9.1406: Reference and Information Services was removed from the ordinances.

Sec. 9.1407: Meeting Room Use was removed from the City Ordinances. The 2012-2013 library renovation and addition of the new meeting room made the existing Meeting Room Policy ineffective. The Board drafted a completely new Meeting Room Policy and approved a final revision of that policy at the Board’s March 11, 2013 quarterly meeting.

Sec. 9.1408: Smoking and Alcoholic Beverages - This section was removed. The Board thought that this item might better be addressed as a city-wide ordinance that includes other city buildings.

Sec. 9.1409: Exhibits was deleted; the defining language was moved to item number 15 under Duties of the Library Director (Sec. 9.1404).

Sec. 9.1410: Solicitation – This section was removed from the ordinance. The Board thought this item might be better addressed in a policy or as a city-wide ordinance. They did not want to prohibit LVISD students or members of the Boy Scouts or Girl Scouts from trying to raise funds from library staff.

Sec. 9.1411: Building Security was removed from the ordinance because it is considered to be a duty of the Library Director.

Sec. 9.1412: Interlibrary Loan was removed from the ordinance. The language that refers to the library’s membership in the Central Texas Library System is no longer accurate. The library has an Interlibrary Loan Policy in place that defines how the system works, who qualifies to use it, and the postage cost that is charged for returned items. At some point in time, the \$2.50 charge for returning interlibrary loans was removed from the City’s fee schedule.

Sec. 9.1413: Internet Use Policy – This policy is no longer in effect. After holding a public hearing in May 2015, the City Council approved a revised policy that meets the CIPA requirements that qualifies the library to receive federal E-Rate reimbursements. The new policy was named the Lago Vista Public Library Internet Use and Safety Policy.

Sec. 9.1414: Circulation Policy – This policy has been removed because it is outdated. The Board revised the Circulation Policy a number of years ago. At that time the fines for overdue books were changed from \$0.25 per day per item to \$0.10 per day, regardless of whether the book was for adults or children. There was a maximum fine of \$5 for any overdue item. Also, the Board removed the minimum age requirement to have an individual library card.

Sec. 9.1415: Library Hours – This item was removed from the ordinance. The hours that the library is open to the public has been changed several times since this section was written.

Lago Vista Public Library
Collection Development Policy

I. Purpose

The purpose of the Collection Development Policy is to guide the Lago Vista Public Library (LVPL) librarians in selecting and maintaining an outstanding, well-balanced collection of the best and most useful materials available to meet the needs of the community within the limits imposed by funding and space. Collection decisions will be made in light of the core purpose of the LVPL: to provide information, knowledge and enjoyment in response to the diverse interests of the community. It is a sanctuary open to all.

II. General Selection Policy

LVPL selects material in accordance with guidelines stated by the American Library Association in the *Library Bill of Rights* and *The Freedom to Read* statement. Authority and responsibility for selection of materials is delegated by the Library Advisory Board to the Library Director and the Director's designated staff.

The library's resources include, but are not limited to, books, periodicals, newspapers, pamphlets, documents, audio-visual multi-media discs, computer software and electronic databases.

The selection of materials is characterized by flexibility, open-mindedness, and responsiveness to the changing needs of the community. Materials are evaluated as complete works and not on the basis of a particular passage or passages. A work will not be excluded from the library's collection solely because it represents a particular aspect of life, because of frankness of expression, or because it is controversial.

All acquisitions, whether purchased or donated, are evaluated by the following standards. An item need not meet all of the criteria to be acceptable, nor will any single criterion be decisive.

- Present and potential relevance to community needs
- Suitability of subject, style and reading level for the intended audience
- Importance as a document of the times
- Appropriateness and effectiveness of medium to content
- Reputation and/or significance of author, publisher or producer
- Positive review in one or more appropriate professional journals
- Positive critics' and staff members' reviews
- Relationships to existing materials in the collection
- Constraints of budgets for materials
- Limited availability from other lending sources
- Insufficient materials available on the same subject
- Author or illustrator or performer is local
- Format is appropriate to library use and is not easily damaged
- Enhances a specific collection within the library
- Author or illustrator is already represented in the collection

- Literary and artistic merit
- Accuracy of content
- Popularity with library users
- Available space within the library

III. Gifts

LVPL accepts unrestricted, irrevocable gifts of books and other library materials. Gifts are accepted with the understanding that they will be considered for addition to the collection in accordance with the General Selection Policy (see above). If gifts do not meet these criteria, the library reserves the right to sell or otherwise dispose of gifts and donated materials through Friends of the Library book sales, Read and Exchange services, recycling or disposal services.

LVPL will not assign a value to donated gift materials. However, the library will make available to patrons a receipt for the number of books, boxes of books or materials, etc., which can be used for tax purposes.

Gifts of money are always welcomed and appreciated. Specific recommendations from the donor are honored as far as the suggestions enhance subject areas of need within the collection and are in accordance with the General Selection Policy. Such gifts are appropriately acknowledged.

IV. Collection Maintenance

As materials become worn, dated, damaged or lost, replacement will be determined by the Library Director or designated staff members who will determine whether:

- The item is still available and can be replaced
- Another item or format might better serve the same purpose
- There remains sufficient need to replace that item
- Updated, newer or revised materials are available to replace the item
- The item has historical value
- Another lending source could better provide that or a comparable item

V. Challenged Materials Procedure

The library does not exclude titles, other than by budgetary limitations, except for those that do not meet selection criteria. Because there is a wide variation of criteria used by parents in determining what is suitable for their children to read, the library holds that the parent or guardian assumes the final responsibility for what materials their children borrow from the library.

Patrons who feel that inappropriate items have been selected for the collection may ask that they be reconsidered by completing and signing a *Request for Reconsideration of Library Material* form. The Library Director will review the complaint, evaluate the original reason for the purchase, and consider the objection in terms of the Collection Development Policy. The Director may seek additional information pertinent to the subject in question from

outside consultants. At the earliest date possible, the Director will reply to the complainant in writing. The Director will keep the Library Advisory Board informed of all requests for reconsideration of library material and disposition of their requests.

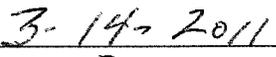
If patrons consider the resolution unsatisfactory, they may request a review by the Library Advisory Board. After hearing from the person(s) making the reconsideration request, the Board will review the position of the patrons and that of the Director. Based on information presented, the Board may vote to uphold or override the decision of the Director.

The Library Advisory Board reserves the right to amend this policy at any time.

Approved:



Don Brown, Chairman of the Library Advisory Board



Date

LAGO VISTA PUBLIC LIBRARY MEETING ROOM POLICY

The Lago Vista Public Library welcomes public use of its meeting room facilities in keeping with the Library's mission of providing quality materials and services that meet the informational, educational, recreational and cultural needs of the community.

This Meeting Room Policy establishes guidelines and procedures for use of the Library meeting room. The Library Director is responsible for implementing this policy and maintaining a calendar of events and reservations.

Use of the Library meeting room by any group signifies acceptance of the terms of this policy.

General Guidelines

1. The Lago Vista Public Library and the City of Lago Vista sponsored events will have precedence in the scheduling of the meeting room. The Library reserves the right to cancel or reschedule a reservation if the room is needed for a Library or City function.
2. The meeting room is designed to meet general informational, educational, cultural, and civic needs including activities such as discussion groups, panels, lectures, conferences, seminars, exhibits, displays, storytimes, puppet shows, the showing of public use films or videos, and activities of the Library.
3. The meeting room may not be used for social gatherings, such as showers, birthday parties, family reunions, weddings, religious services, political party functions, political campaigns, or any activities or functions that disrupt the normal function of the library due to sound, crowd size or other factors. Gambling for money in any form is not allowed.
4. The meeting room is closed on Sundays, official Lago Vista City holidays and other designated dates.
5. All events should be scheduled no earlier than 8:00 AM and conclude no later than 10:00 PM.
6. To be eligible to use the meeting room, any group or organization must be nonprofit, based in the Lago Vista/Point Venture area, and should include two or more individuals. The meeting room does not serve as a study area.
7. The meeting room may be booked by adults, persons eighteen years or older, only. If teenagers or children are to be present, an adult must be responsible, in charge of, and present during the entire meeting. Groups requesting the use of a meeting room must designate an authorized contact for the group who will insure that all policies are followed.
8. Scheduled meetings must be free and open to the public.
9. The meeting room is not available for businesses or for the profit of private individuals.

10. There may not be any admission charged, money raised or sales solicited. The exception to this policy will be events raising money for the Library itself.

11. Although groups may not charge an admission fee, they may charge enough to recoup actual costs of meals, handouts or supplies.

12. Use of the Library's meeting rooms does not constitute Library or the City of Lago Vista endorsement of viewpoints expressed by participants in the program. Advertisements or announcements implying such endorsements are not permitted. The library phone number may not be listed as a contact for meetings/events. Signage or literature concerning an event in the meeting room can only be posted or distributed in the Library with the Library Director's permission.

13. Library staff has the right to enter and remain in the meeting room at any time during a scheduled meeting.

Reservations

1. Reservation applications will be honored on a first-come, first serve basis. Reservation forms are available at the library or on the library's website www.lagovista.lib.tx.us .

2. Requests for use of the meeting room must be made in person. The reservation will not be considered firm until the Meeting Room Use Agreement has been signed by a member of the organization.

3. There are no long-term reservation agreements in the meeting room; a group may make two reservations at a time and at the beginning of the second reservation, reserve two additional activities.

4. One reservation form per meeting date must be completed – no single form for multiple meetings. Reservation forms are not required for Library or Library sponsored groups.

5. Reservations should take into account for set-up, clean-up and tear-down time required for the event to be held.

6. To provide fair access to the meeting room to all groups, an organization may use a meeting room only once each month. The Library and Library sponsored groups are exempt from this restriction.

7. Notice of cancellation should be made as soon as possible. After 30 minutes, a group may forfeit its reservation if it fails to appear as scheduled.

8. If a group fails to show for two meetings in a row and does not call to cancel, all future reservations may be forfeited until the group calls to reschedule.

9. Groups may not assign their reservations to other groups.

Care and Use of Facilities

As established by the fire marshal, the meeting room has the following capacity: **134** persons if using chairs only, **63** persons using tables and chairs, and **188** persons standing only. There are 100 stacking chairs available, 3 folding tables (48" x 23 ½"), and 8 folding tables (72" x 29 ¾"). Attendance at meetings will be limited to these capacities.

A large projection screen is available on the south wall. Any use of audio/visual or computer equipment will require advance set-up with Library staff, with the approval of the Library Director.

1. Groups using meeting rooms will be responsible for their own set-up and will be required to return the room to the condition in which they found it. It is not the responsibility of the Library staff to set up or take down furniture or clean up, except for Library meetings or events.
2. No nails, tacks, tape, staples, adhesives or holes of any kind are to be put in or on the walls. Nothing may be attached to the wall at all. However, a moveable easel and picture rails installed on meeting room walls may be used for proper hanging of pictures, art work, posters, etc. A pull-down screen is available for projecting presentations.
3. Furniture and equipment from the main area of the Library may not be brought into the meeting room. Neither may the meeting room furniture or equipment be removed.
4. Personal furniture or equipment may be brought in by a group with prior approval by the Library Director or staff. Arrangements for the use of any personal furniture or equipment should be made at time of reservation. Such personal items cannot be stored or left in the meeting room before or after use. The Library will not be responsible for materials, equipment, supplies or personal effects of those using the facility.
5. Alcoholic beverages, smoking, candles or other flammable, combustible or hazardous materials are not allowed in the Library or meeting room.
6. The meeting room has a simple kitchen. No cooking is allowed in the kitchen. With permission of the Library Director, light refreshments such as coffee, sodas or bottled drinks, pastries, cookies, or other finger food items, or sack lunches are allowed. Food and drink items with strong aroma are not allowed. Any stains made during use of the meeting room will result in cleaning charges. Paper goods, cups, napkins, condiments, etc., are not provided by the Library.
7. Ordinary cleaning supplies and trash bags will be available in the kitchen. All trash resulting from refreshments must be placed in tied bags and deposited in the green garbage cans outside in the back of the building.
8. Keep all exits unlocked at all times during an event. Open aisles must be maintained within the seating arrangement to provide clear access to exits.

9. All appliances, equipment and interior lights should be turned off prior to the group's leaving. Thermostats should be reset according to instructions from library staff. It is the responsibility of the group to lock and secure the meeting room according to instructions of the Library staff. This is particularly important if the meeting occurs after Library hours.

10. The Library Director or designee has the authority to end meetings and close the meeting room as deemed necessary to protect the health, safety and welfare of individuals and property, and to maintain proper use of the Library facilities.

11. At this time, no deposit requirement is necessary. However, the individual making the reservation, as well as the membership of the whole group, will be held responsible for any and all damages or losses that occur as a result of use of the meeting space and use of the attached kitchen or bathrooms.

12. Permission to use the meeting room may be withheld from groups failing to comply with the Meeting Room Policy and from any group that damages the room, walls, carpet, equipment, furnishings, etc.

13. Groups requesting exceptions to the policy must do so in writing to the Library Director with an explanation for the exception requested.

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.

Questions which are not covered in this policy should be addressed to Library staff, 512-267-3868.

Interlibrary Loan

Since no library is able to meet all the needs of its users, the Lago Vista Community Library participates in an interlibrary loan program that permits the library to borrow materials from other libraries for its patrons.

Any title not owned by the LVCL can be requested via interlibrary loan.

Interlibrary loan service is available to all cardholders of the Library in good standing with no outstanding fines or fees.

Patrons must have an updated valid LVCL card that is in good standing. Patrons with fines or overdue items may not request ILL materials until the fines are paid and/or materials are returned. The library reserves the right to refuse ILL services to any patron who damages other libraries' materials, has a history of overdue materials, or otherwise violates ILL policies, which might jeopardize the ability of LVCL to borrow materials from other libraries.

There is a \$2.50 charge on each item ordered to cover return postage.

Copies of magazine articles can be requested from other libraries. Patrons will be required to pay any photocopying charges assessed by the supplying library at the time copies are picked up.

Loan periods for materials borrowed from another library will be those of the lending library, not LVCL.

LVCL will loan any circulating print material published prior to the preceding six months to any library via interlibrary loan. A \$0.10 per black and white page and a \$0.20 per color page fee shall be assessed for photocopies to other library.

Lago Vista Internet Use & Safety Policy

To fulfill its mission of providing public access to information of all types in a wide range of formats the Lago Vista Public Library provides public access to the Internet. The Internet is a global network comprised of information, multimedia resources and social networks representing a variety of viewpoints and perspectives.

A. Access

1. The Library provides access to Internet resources equally to all library patrons and upholds and affirms the right of each individual to have access to constitutionally protected material in accordance with the American Library Association's *Library Bill of Rights*.
2. The Library Advisory Board voted on May 7, 2015, to bring the Lago Vista Public Library in compliance with the Children's Internet Protection Act. The policy statements and procedures in this policy were established to comply with the Children's Internet Protection Act.
3. Patrons are prohibited from using the Library's network for illegal activity, to access illegal or obscene materials or to display material that violates the provisions of section 43.24 of the Texas Penal Code: Sale, Distribution or Display of Harmful Material to Minors.
4. Library staff members are available to assist patrons of all ages with information literacy: to access information efficiently and effectively, evaluate information critically and competently and use information accurately and creatively.
5. Library computers and networks may not be used for any purpose that violates federal, state, or local laws. Prohibited use includes, but is not limited to, "hacking" or otherwise attempting unauthorized use of the Library, City or other networks; attempting to interfere with or disrupt other users; attempting to evade security measures; invading the privacy of other users; violating software license agreements; or sending harassing, threatening or libelous messages or material.
6. Library Administration reserves the right to establish rules governing Internet use and consequences for misuse that are consistent with this Library Board Policy.
7. Not all information found on the Internet is accurate, complete, up-to-date or otherwise acceptable to all individuals. The Library is not responsible for the content of the Internet, changes in content of the sources to which the Library home pages link or for the content of sources accessed through secondary links.

B. Security & Privacy

1. The Lago Vista Public Library will not release information on the use of specific Internet resources by members of the public except as required by law or as necessary for the proper operation of the Library.
2. The Library is not responsible for the privacy practices or security of any web sites accessed by patrons.

3. The Lago Vista Public Library and the City of Lago Vista accept no liability for any loss of privacy or data patrons may experience, or any damage or harm arising from such loss.
4. Patrons are prohibited from making any attempt to gain unauthorized access to restricted files or networks, or to damage or modify library owned computer equipment or software. Patrons may download or save items on their own computer or peripheral storage device.

C. Internet Filtering

1. Internet access on all Lago Vista Public Library computers and other devices, including laptops, is filtered. The Library's Wi-Fi network is also filtered.
 - a. Library Internet access, including the Wi-Fi network, is filtered for images and videos containing adult content that would generally be considered obscene or pornographic in nature in accordance with section 43.21 of the Texas Penal Code.
 - b. No Internet filter is 100% effective, meaning that some sites that should be blocked may not be, while other sites that should not be blocked by filters could be blocked.
 - c. Patrons who encounter sites that they believe should be blocked or who are unable to access sites that they believe should not be blocked may request a review of the site in question.
 - d. Library staff may review the site in question and make a determination regarding the request as soon as possible.
2. To address the special concerns raised by access to the Internet by minors, the Lago Vista Public Library established the following Children's Internet Safety policy:
 - a. The Library respects parents' and guardians' right and responsibility to guide their children by monitoring their own children's use of Library materials and resources, including the Internet, and for determining what is appropriate for their own children.
 - b. Children and teens under the age of 18 may use Library computers only if their parents or legal guardians have given written permission.
 - c. The Lago Vista Public Library's goal is for children to have safe online experiences and prevent their exposure to harmful or inappropriate material. Towards this goal, the Lago Vista Public Library has taken the following initiatives:
 - i. Filtering Internet access for images and videos containing adult content that would generally be considered obscene or pornographic in nature.
 - ii. Encouraging parents to monitor and supervise their own children's use of the Library's computers and networks.

- iii. Providing specially configured computers for young children.
- iv. Providing child-friendly search engines on the children's page.
- v. Providing links to sites that help children learn Internet safety.
- vi. Providing staff who are trained to help children and parents find appropriate sites.
- vii. Enforcement of this policy.
- d. The Library promotes the safety and security of minors who use email, chat rooms, and other forms of direct electronic communication by:
 - i. Encouraging parents to monitor and supervise their own children's use of the Library's computers and networks.
 - ii. Encouraging parents to discuss Internet safety with their children.
 - iii. Enforcing this policy, which prohibits anyone (including minors), from engaging in unlawful activities.
 - iv. Discouraging minors from engaging in "hacking" and other unlawful access to data and networks.
- e. The Library helps prevent unauthorized disclosure, use and dissemination of minors' personal identification information by:
 - i. Encouraging parents to monitor and supervise their own children's use of Library computers and networks.
 - ii. Enforcing its own policies relating to privacy and confidentiality, which detail the types of personal information the Library collects and the conditions under which it releases that information.
 - iii. Providing information about Internet safety, including cautions against minors disclosing personal information.

D. Public Internet Access with Library-Owned Equipment

- 1. Library Administration reserves the right to set limits on Internet use session(s) a patron may have per day with Library-owned equipment.
- 2. Use of Library computers is limited to 30 minutes if other users are waiting.
- 3. Library staff may designate and restrict use of computer equipment.
- 4. Users must check in at the circulation desk before using Library computers. Users must have up-to-date Library membership. Visitors may use Library computers after showing current, valid photo identification.
- 5. It is a privilege to use Library computers. Users may not disrupt or disturb other computer users around them.

E. Public Wireless Internet Access

- 1. The Lago Vista Public Library provides access to the Internet via a wireless network (Wi-Fi) for patrons to use with their own personal computing equipment and other mobile devices.
 - a. Wi-Fi access provided by the library is filtered for images and videos containing adult content that would generally be considered obscene or

pornographic in nature. Wi-Fi access is secured. Anti-virus, security and privacy protection are the responsibility of the patron.

- b. Patrons using Library provided Wi-Fi must comply with this Library Board Policy and with any additional rules published in conjunction with this policy.
- c. Patrons are responsible for having the proper hardware, software and network settings on their wireless device to connect to the Library provided Wi-Fi.
- d. The Library is not responsible for any theft, damage or misuse of patrons' computing devices or peripherals and other mobile devices while the devices are in use in the Library.

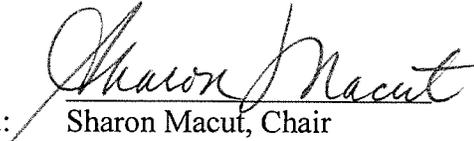
F. Compliance

1. Failure to comply with this Library Board Policy, or misuse of the Library's networks or computers, including patrons' personal laptops and other mobile devices connected to Lago Vista Public Library's Wi-Fi, may result in the loss of computer access privileges, potential loss of library privileges and possible criminal prosecution.
2. Any attempts to gain unauthorized access to restricted files or networks, to damage or modify Library owned computer equipment or software will result in the loss of computer access privileges, potential loss of Library privileges and possible criminal prosecution.

This policy was formerly known as the Internet Use Policy

Created: April 20, 1999

Revised: May 7, 2015

Approved: 
Sharon Macut, Chair
Library Advisory Board
May 7, 2015

ORDINANCE 16-02-04-01

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING ARTICLES 9.1300, LIBRARY ADVISORY BOARD, SECTIONS 9.1301 THROUGH 9.1307, AND ARTICLE 9.1400, LIBRARY DEPARTMENT, SECTIONS 9.1401 THROUGH 9.1415; TO CLARIFY THE TERMS, ELECTION AND DUTY OF OFFICERS, WHAT CONSTITUTES A QUORUM; UPDATE TITLE AND DUTIES OF LIBRARY DIRECTOR AND REMOVE PROVISIONS RELATED TO LIBRARY POLICIES WHICH WILL SUBSEQUENTLY BE APPROVED AND ADOPTED IN AN SEPARATE LIBRARY POLICY; PROVIDING OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.

Whereas, the City Council of Lago Vista, Texas (the "City") has established by ordinance a Library Department and a Library Advisory Board; and

Whereas, the City Council has reviewed the Ordinance establishing the Library Advisory Board and finds some of the provisions to be obsolete, redundant or unnecessary; other provisions should be clarified relating to terms, officers elections, duties, and terms and what constitutes a quorum; and

Whereas, the City Council has additionally reviewed the provisions related to employment matters including title and duties, as well as policies of the Library and believes such are more properly removed from the Ordinance and established by a separate policy document which can be reviewed and revised more easily.

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

SECTION 1. Findings. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

SECTION 2. Amendment of Article 9.1300, Library Advisory Board. Article 9.1300, Library Advisory Board of Chapter 9, Personnel, is repealed in its entirety and replaced as set forth in Exhibit "A," attached hereto and incorporated herein for all purposes.

SECTION 2. Amendment of Article 9.1400, Library Department. Article 9.1400, Library Department of Chapter 9, Personnel, is repealed in its entirety and replaced as set forth in Exhibit "B," attached hereto and incorporated herein for all purposes.

SECTION 3. Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

SECTION 4. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below.

SECTION 5. Open Meeting. It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't Code*.

PASSED AND APPROVED this _____ day of January, 2016.

ATTEST:

City of Lago Vista, Texas

Sandra Barton, City Secretary

Dale Mitchell, Mayor

EXHIBIT “A”

ARTICLE 9.1300 - LIBRARY ADVISORY BOARD

ARTICLE 9.1300 LIBRARY ADVISORY BOARD

Sec. 9.1301 General

This article shall be known, and may be cited, as the library advisory board regulations of the City of Lago Vista, Texas.

Sec. 9.1302 Creation and Purpose

~~A library advisory board is hereby created in order to accomplish the following purposes:~~

- ~~(1) To identify needs and to advise the city council of their short range and long range implications for the delivery of library services;~~
- ~~(2) To recommend achievable goals as a basis for long range planning and development programs of the municipal library; and~~
- ~~(3) To recommend plans, programs, policies and priorities that will aid the library in achieving its defined goals.~~

A library advisory board, hereinafter called "the board," is hereby created, subject to the jurisdiction of the city council. The board fulfills an important role by providing an avenue for public participation in planning library policies and services. An active board has the opportunity to be involved and influential in library development without having the responsibility for operational details.

Sec. 9.1303 Membership and Appointment

~~The library advisory board shall be composed of seven (7) qualified electors of the city, one of whom shall be nominated by the friends of the library. The city council will consider for appointment to the board only those persons who have demonstrated their interest in the library and their ability to prepare for and attend meetings of the library board. All members of the library advisory board shall serve without compensation.~~

- (1) Members of the board are appointed by the city council.
- (2) The board shall consist of seven members, all of whom shall reside in the corporate limits of the city.
- (3) One member shall be nominated by Friends of the Library Board.
- (4) The director of the public library and the city council liaison shall serve as ex-officio members of the board.
- (5) All members of the board shall serve without compensation.

Sec. 9.1304 Terms of Office Members

~~All members of the board shall reside in the corporate limits of the city, and except for the first members of such advisory board shall be appointed for two year terms, and until their successors are appointed and qualified. All members of the first advisory board shall be appointed to serve until the first regular city council meeting January, 2002 at which time they may or may not be reappointed to the board. Thereafter the term of three members shall expire in odd numbered years and the term of four members shall expire in even numbered years. The term of all members of the board shall be for a two year term; however, there shall be no limits on the~~

~~number of terms a person may serve on the board. If a membership vacancy exists, the term of office may be filled by a person appointed by the city council to fill the vacancy for the time remaining for that vacancy. Newly appointed members shall be installed at the first regular board meeting after their appointment.~~

~~(Ordinance 01-06-21-01 adopted 6/21/01)~~

- (1) The terms of office of members of the board are two years. The terms are staggered with three members being appointed in odd-numbered years, and four members being appointed in even-numbered years.
- (2) There shall be no limits on the number of terms a person may serve.
- (3) If a vacancy exists, it may be filled by a person appointed by the city council to complete the time remaining of that term.
- (4) Newly appointed members shall be installed at the first regular board meeting after their appointment.
- (5) Continued absence of any member from regular meetings of the committee shall, at the discretion of the city council, render any such member liable for immediate removal from the board.

Sec. 9.1305 ~~Organization~~ Election and Duties of Officers

~~(a) — Officers shall be elected annually from among the board's membership at its first meeting in the new calendar year, with it being the first agenda item, and at such other times as these offices may become vacant. In the absence of both the chair and vice chair, the board shall elect a chair pro tem. The board shall meet regularly and shall designate the time and place of its meetings.~~

~~(b) — A quorum shall consist of a chairperson and three (3) voting members present at a called regular or special meeting. A motion may be made by any member other than the chairperson or presiding officer. A motion to recommend the city council take an action or adopt a policy shall require four (4) favorable votes of the members present. The chairperson shall not have any veto authority.~~

~~(c) — The board shall keep a record of its proceedings consistent with the provision of this article and the requirements of state law.~~

~~(Ordinance 15-02-19-01 adopted 2/19/15)~~

- (1) The board will elect from its membership a chairperson, a vice- chairperson and secretary to serve twelve month terms annually.
- (2) The election shall be held at the January meeting and at such times as there are vacancies, with the election being the first agenda item.
- (3) The chairperson of the preceding year shall preside for the elections. The secretary from the preceding year shall record the results of the elections. After the elections, the newly elected officers shall assume their duties.
- (4) The chairperson will preside at all meetings of the library board and will sign, as authorized by the library board, correspondence and documents.
- (5) The vice-chairperson will perform the duties of the chairperson in the absence or inability of the chairperson.

- (6) In the absence of both the chairperson and the vice-chairperson, the board shall elect a chair pro-tem.
- (7) The secretary will keep a true and accurate record of all matters coming before the board.

Sec. 9.1306 ~~Responsibilities~~ Quorum and Voting

~~The library advisory board is hereby charged with the following responsibilities:~~

- ~~(1) The board shall serve in the capacity of a citizen's advisory committee to the city council regarding matters of library policy;~~
 - ~~(2) The board may promote the library's programs and services in the city and the surrounding community;~~
 - ~~(3) The board may not authorize any expenditures out of the city budget; hire, appoint or terminate staff; interfere in administrative or personnel affairs; nor create any other obligation on the part of the city.~~
- ~~(Ordinance 01-06-21-01 adopted 6/21/01)~~

A quorum shall consist of a chairperson and three (3) voting members present at a called regular or special meeting. A motion may be made by any member. A motion to recommend the city council take an action or adopt a policy shall require four (4) favorable votes of the members present. The chairperson shall not have any veto authority.

Sec. 9.1307 General Duties

The library board shall:

- (1) Act in an advisory capacity only. The board shall have no power to bind the city by contract or authorize any expenditures out of the city's budget; hire, appoint or terminate staff; interfere with administrative or personnel affairs; nor create any other obligation on the part of the city.
- (2) Recognize that the library director and library staff are professionals in the field of librarianship and respect their expertise.
- (3) Advise the city council for the continued development and improvement of the library.
- (4) Promote close communication between the city and all private citizens in order to secure the greatest degree of public benefit from library resources and services.
- (5) Advise in the formulation of reasonable policies governing the use of library facilities and resources based upon recommendations of the library director.

EXHIBIT “B”

ARTICLE 9.1400 - LIBRARY DEPARTMENT

ARTICLE 9.1400 LIBRARY DEPARTMENT

Sec. 9.1401 Establishment of Library Department

There is hereby established the library department of the City of Lago Vista.

Sec. 9.1402 ~~Director, Personnel and Facilities~~ Library Advisory Board and the Library Director

~~The library department shall be headed by a director appointed, supervised and removed by the city manager, and the department shall have such personnel, volunteers and contract providers as may be authorized in the annual budget of the city. The director may be full-time, part-time or volunteer as determined by the city.~~

The library board and the library director work as a team to achieve the highest quality library possible for their users. Although they work together for the same goals and objectives, each has separate responsibilities.

Sec. 9.1403 ~~Duties of the Librarian~~ Library Director

~~The director of the library department shall, subject to the direction, supervision and oversight of the city manager and within the funds appropriated, budgeted and available for such purposes:~~

- ~~(1) — Supervise and manage the development, improvement, operation and management of the city's public library, pursuant to plans approved by the city council;~~
- ~~(2) — Cause the library buildings, grounds, materials and equipment to be maintained;~~
- ~~(3) — Provide the day-to-day operations and management of the library;~~
- ~~(4) — Enforce the rules and regulations approved by the city council, for the use and operation of the library;~~
- ~~(5) — Facilitate communications and serve as a liaison between the library advisory board, the city manager and the city council;~~
- ~~(6) — Perform other duties and responsibilities as directed by the city manager; and~~
- ~~(7) — In consultation with the city manager, supervise and negotiate terms and recommend the approval of contracts and regulations for the use, development, improvement, operation, management and maintenance of the library and the assets thereof.~~

The library department shall be headed by a director appointed, supervised or removed by the city manager. The director may be full-time, part-time or volunteer as determined by the city.

The library director is responsible for the organization, planning, direction, and administration of library services and activities to provide quality library service. The director works with the advisory board, as well as with other groups to promote the library.

Sec. 9.1404 ~~Receipt of Gifts~~ Duties of the Library Director

~~The library, upon approval and at the discretion of the library director, may receive gifts in the form of books, materials, works of art or other material gifts that will enhance the role of the~~

~~library. Such gifts shall become property of the city upon acceptance of the gift by the library director. The library may accept cash donations only upon approval of the city council.~~

- (1) Supervising and managing the development, improvement and day-to-day operation of the library, as directed by the city manager.
- (2) Enforcing the rules, regulations and policies approved by the city council for use and operation of the library.
- (3) Facilitating communications and serving as a liaison between the library advisory board, the city manager and the city council.
- (4) In consultation with the city manager, supervising and negotiating terms and recommending the approval of contracts and regulations for the use, development, improvement, operation, management and maintenance of the library and the assets thereof.
- (5) Directing the care and maintenance of the library building, equipment and grounds.
- (6) Supervising the selection, training, and performance of library personnel and volunteers.
- (7) Preparing the annual budget proposal and overseeing the expenditures of the budget.
- (8) Preparing monthly and annual reports of library services and activities.
- (9) Attending meetings, workshops, seminars and conferences of organizations appropriate to the library and management fields.
- (10) Supervising the selection and processing of all library materials and equipment.
- (11) Meeting with the library advisory board at regularly scheduled meetings.
- (12) Helping prepare library advisory board meeting agendas with the chairperson.
- (13) Keeping the library advisory board informed of the activities, acquisitions, and budget and financing implications.
- (14) Performs other duties as assigned or as the situation dictates within the scope of this classification.
- (15) Approving all exhibits in the library.

Sec. 9.1405 ~~Purchase of Materials~~ Receipt of Gifts

~~The library director shall select the purchase of books, magazines, pamphlets, microfilms, video, compact discs, computer diskettes, office equipment, computer software, Internet services, and other materials or services for the library in accordance with the annual budget. In selecting materials for purchase, the librarian shall evaluate materials and consult reputable, unbiased, professionally prepared selection aids.~~

The library, upon approval and at the discretion of the library director, may receive gifts in the form of books, materials, works of art or other material and monetary gifts that will enhance the role of the library. Such gifts shall become property of the City of Lago Vista upon acceptance of the gift by the library director.

Sec. 9.1406 — ~~Reference and Information Services~~

- (a) — Information requested by the public will be subject to the Texas Open Records Act, as amended from time to time.
- (b) — Access to reference services shall be provided to the public without regard to race, color, creed, religious beliefs, national origin, gender, or disability.
- (c) — The library director shall have the authority to determine which reference materials may or may not be removed from the library.

Sec. 9.1407 — Meeting Room Use

- (a) — Library meeting rooms may be made available to the public provided such rooms are available at the time being requested. The library director may adjust and rearrange room schedules and assignments as needed.
- (b) — The library director, with the approval of the city manager, may revoke permission to use the meeting rooms for reasons other than race, color, creed, religious beliefs, national origin, gender or disability.
- (c) — Meeting rooms may only be used for purposes of related to civic, educational, cultural or of interest to the general public. The library may not be used as a place of religious worship or for commercial purposes. No groups using a meeting room may create a nuisance or disturbance to the normal library operations.
- (d) — Reservations will be granted on a first come, first served basis. Standing reservations may be made only upon approval of the library director.
- (e) — Groups of youth under eighteen (18) years of age must have an adult present at the meeting.
- (f) — All meetings must be open to the public.
- (g) — No admission fee will be charged for use of the meeting rooms.
- (h) — Meetings shall be held only within the hours that the library is open to the public. These meetings must be adjourned at least fifteen minutes before the library closes.
- (i) — Groups using the meeting rooms must leave the room in good, clean condition. Failure to leave the room in a good, clean condition shall be cause for revocation of permission to use the rooms.

Sec. 9.1408 — Smoking and Alcoholic Beverages

Smoking is not permitted in the library and no alcoholic beverages may be brought onto library property.

Sec. 9.1409 — Exhibits

The library director shall approve all exhibits in the library.

Sec. 9.1410 — Solicitation

- (a) — Soliciting is not permitted in the library. This includes selling for profit or nonprofit organizations, petitioning and political campaigning.

(b) — ~~Placing of a box, receptacle or canister which solicits donations for nonprofit organizations must have the approval of the library director. No commercial business or individual may place a box, receptacle or canister for donations in the library.~~

(c) — ~~Posting of information on the windows or bulletin boards of the library shall be confined to nonprofit or charitable organizations; governmental publications and notices; and material selected by the library director of a cultural, educational, recreational, and charitable nature that serves the needs and interest of the general public. The library director shall approve all materials posted at the library.~~

Sec. 9.1411 — Building Security

~~Only persons authorized by the library director may be allowed in the library during hours that the library is closed.~~

Sec. 9.1412 — Interlibrary Loan

~~The library, through its membership in the Central Texas Library System, participates in an interlibrary loan program that permits the library to borrow materials from other libraries for its patrons. A charge for each item requested shall be provided for the city's general fee ordinance. The fee must be paid prior to the requester receiving the material.~~

Sec. 9.1413 — Internet Use Policy

(a) — ~~The library offers free access to the Internet for research and browsing. Users of all ages should be aware that the internet contains materials that can be controversial, offensive, obscene, inaccurate or illegal.~~

(b) — ~~The library does not monitor and has no control over the information accessed through the Internet and cannot be held responsible for its content or accuracy. Parent or guardians of minor children must assume the responsibility for supervising their children's use of the internet.~~

(c) — ~~Internet access is provided on a first come, first serve basis. Use is limited to thirty (30) minutes if other users are waiting. Each user must log their time on the computer. Users must complete a patron card with name, address, phone number, and signature prior to using the computers.~~

(d) — ~~Computing resources may not be used for any illegal, unauthorized, unethical, or commercial purposes including, but are not limited to, the following:~~

(1) — ~~Damaging or destroying equipment, software, or data belonging to the library or to other users, including adding, altering, or deleting files on library workstation hard drives or other library computer equipment. (Texas Penal Code Chapter 33, Sections 33.01, 33.02, 33.03).~~

(2) — ~~Unauthorized copying of copyrighted material.~~

(3) — ~~Violating software license agreements.~~

(4) — ~~Violating computer system or network integrity, including attempts to bypass network security functions, obtain passwords, or alter the configuration of library workstations in any way. (Texas Penal Code Chapter 33, Sections 33.01, 33.02, 33.03)~~

~~(5) — Transmission of, including sending, receiving or displaying text or graphics, any material in violation of state or federal law is prohibited. Examples of such includes: obscene materials, threats to the life or property of another, and other similar materials which constitute a violation of the state or federal law. (Also see: Texas Penal Code Chapter 43, Sections 43.21, 43.22, 43.23).~~

~~(6) — Transmission of, including sending, receiving or displaying text or graphics which are deliberately and maliciously offensive, or knowingly and intentionally libelous or slanderous.~~

~~(7) — Harassing or disrupting others.~~

~~(8) — Unauthorized monitoring of electronic communications.~~

~~(9) — Violation of another user's privacy.~~

~~(10) — Intentional propagation of computer viruses.~~

~~(11) — Maintaining a commercial Web page.~~

Sec. 9.1414 — Circulation Policy

~~(a) — All borrowers of library materials must have a library card. Individuals under twelve (12) years of age must have a parent or legal guardian co-sign the library card.~~

~~(b) — Materials being borrowed may be retained by the borrower for a maximum of two (2) weeks. Materials may be renewed at the end of the two-week period unless there is a reservation on the material. The library director may approve borrowing materials for longer than two weeks for those persons who wish to take materials on a trip or for homebound persons.~~

~~(c) — Fines for overdue books will be at the rate of five cents (\$.05) per day for children's books and ten cents (\$.10) per day for adult titles. The maximum fine per book shall be three dollars and fifty cents (\$3.50).~~

~~(d) — Charges for lost materials shall be provided for in the city's general fee ordinance.~~

Sec. 9.1415 — Library Hours

~~The library shall be open to the public on Monday through Fridays from 1:00 p.m. until 5:00 p.m. and on Saturdays from 1:00 a.m. until 3:00 p.m. The library will be closed during all official city holidays.~~

~~(Ordinance 01-09-20-04 adopted 9/20/01)~~



AGENDA ITEM

City of Lago Vista

To: Mayor & City Council Council Meeting: February 4, 2016

From: Melissa Byrne Vossmer, City Manager

Subject: Consider and if Appropriate, Approve, the Award of a Bid for Construction of Two Shade Structures at the Upper Baseball Field Located at the City's Sports Complex

Request: Business Item Legal Document: Other Legal Review:

EXECUTIVE SUMMARY:

For several years, citizens who use the City's Sports Complex have requested the City install shade structures over the existing bleachers at the baseball field located at 8012 Bar K Rand known as the "Upper Baseball Field". Based on these requests and meetings last year, the project was included in the FY15/16 CIP and subsequently approved by Council.

The project was approved in the CIP in the amount of \$20,000 which was based on bids received several years ago. As Council knows, we have not moved forward with the financing of the FY15/16 CIP though it will be included on a Council agenda in March.

At the urging of Councilmembers Smith and Raley, City Staff moved forward to update the bid for the shade structures. The purpose of this was to move along a timeline that would have the shade structures constructed and in place prior to the hotter months.

City Staff located three companies and asked them to submit a bid for the services necessary for construction of the shade structures. The following is a summary of the bids received:

Contractor:	Fun Abounds	The Chism Company	Austin Custom Shades
Bid:	\$30,679.40	\$29,600	No Bid was received

It should be noted that Fun Abounds addresses drilling rock specifically in their base bid and the City will only be billed based on actual conditions. Whereas The Chism Company specifically excludes drilling of more than 4 inches. It is the City Engineers

belief that drilling will include substantially more than 4 inches and no cost was cited for rock drilling.

At first glance, it appears that the low bid was submitted by The Chism Company. But in a review of the documents submitted and the unknown amount of drilling that will be required or a price from The Chism Company, Staff is recommending the bid be awarded to Fun Abounds.

Impact if Approved:

Documents will be executed and the project moved forward as quickly as possible.

Impact if Denied:

The Staff will go back out for bids again for Council consideration at a later date.

Is Funding Required? Yes No If Yes, Is it Budgeted? Yes No N/A

Indicate Funding Source:

As noted herein, the approved FY15/16 CIP does include this project though at a cost of \$20,000. If Council elects to move forward, this project will be paid for out of reserves until financing can be sold and the City can be reimbursed from these bonds for the expenditures of construction of this project.

Suggested Motion/Recommendation/Action

Motion to:

Motion to:

Motion to:

Known As:

Consideration of Awarding a Bid for the Construction of Shade Structures at the Upper Ballfield in the City's Sports Complex.

Agenda Item Approved by City Manager

The Chism Company

5900 Balcones Drive #150
 Austin , Tx 78731
 Phone: (512) 440-0606
 Cell: (512) 426-4640

QUOTE

File NO: 16-122589

Attn: Laura Fowler	Date:
From: Bill Colby	Pages: 2
Project: City of Lago Vista- Baseball Park	CC:
Re: Hipped Mesh Shade Structures per Email 01-20-2016	

Purchaser: City of Lago Vista P.O. Box 4727 Lago Vista Tx. 78645
 Contact Name: Laura Fowler Phone: 512-527-3541 Contact PH#: Fax:
 Install: 8012 Bar K Ranch Rd. Lago Vista Tx.
 Email Address: lfowler@lago-vista.org Cell: 512-201-3998 Site Phone:

Product Description: MESH SHADE STRUCTURES

Costs: \$ 29,600.00 Per Email Request 01-28-2016

Excludes: Tax , Permits

Quote Valid For: 60 Days

Delivery: 30-45 DAYS FROM APPROVED SHOPS

We specifically include the following:

Cost: \$7,800.00	Desc: Fabric
Cost: \$8,000.00	Desc: Framework
Cost: \$5,800.00	Desc: Concrete Piers
Cost: \$1,500.00	Desc: Engineering
Cost: \$6,500.00	Desc: Installation Labor
Cost: \$0.00	Desc:
Cost: \$0.00	Desc:

Subtotal: \$29,600.00
 Sales Tax: \$0.00
 Total: \$29,600.00

FURNISH AND INSTALL TWO (2) MESH SHADE STRUCTURES- EACH IN A SIZE OF 18'X 36'-
 A TOTAL OF 72 LINEAR FEET- 1,296 SQ FT
 FRAMEWORK TO BE 3" ROUND TUBE- POWDER COATED- CUSTOMER TO SELECT COLOR.
 POSTS TO BE 4.5" ROUND COLUMNS- POWDER COATED- CUSTOMER TO SELECT COLOR.
 FABRIC TO BE POLYFAB MESH FABRIC- CUSTOMER TO SELECT COLOR.
 CANOPIES TO BE 10' IN FRONT AND 12' AT BACK.
 CANOPIES TO BE CENTERED OVER EXISTING BLEACHERS.

\$ QUOTATION TO INCLUDE FRAMEWORK, FABRIC, PIERS, COLUMNS, ENGINEERING, INSTALLATION LABOR,
 AND
 STANDARD INSURANCE.

\$ QUOTATION DOES NOT INCLUDE SALES TAX NOR BUILDING PERMITS.

*****NOTATION*** ALTERNATE QUOTE *****

PER VISIT WITH DAVE STEWART 01-28-2016- ALTERED DESIGN OF SHADE STRUCTURES OF \$ 17,716.00.

Confidentiality: This e-mail and any attachments or files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed.

The Chism Company Quote Scope

We specifically exclude the following:

Remarks: Bonds

Engineering, testing, sampling, design and insurance liabilities

Engineering Calculations

Demolition, removal of existing structure(s) or columns

Clearance of work area

Liquidated damages

Any material or services not specifically shown or noted above as being included

Relocation, repair removal of sprinklers, irrigation lines any obstructions above or below grade

Excavation through rock greater than four inches

Blocking

Permit submittal, permit fees, special inspections, site plan approval

Dirt removal

Soil tests

Concrete cutting

Concrete truck, bobcat access

Fencing

Prevailing Wages & Certified Payroll

Union wages

Curb repair

Landscaping or paver repairs or replacement

Electrical hook – up or trenching

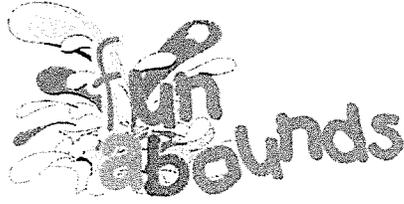
Night, early AM, and or weekend installation hours

Protection of equipment, merchandise within work area

Multiple mobilizations

Insurance Coverage and or limits beyond or in excess of standard coverage (attached)

OSHA certifications beyond 10 hour for supervisory personnel



Mike Giehl, Vice President of Sales
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 mike@fabplaygrounds.com
 512.636.8260

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 Sugar Land, TX. 77478
 855-226-8637 phone
 281-265-0043 Fax
 Leigh Walden, President
 lwalden@fabplaygrounds.com
 www.fabplaygrounds.com

Estimate	
Date	Estimate #
1/25/2016	2155

Brandon Wilburn, Sales
 Houston/Southeast Texas
 Brandon@fabplaygrounds.com
 832.808.2507

We are pleased to provide this estimate for	
City of Lago Vista P.O. Box 4727 Lago Vista, TX 78645	

Ship to:		
City of Lago Vista 5803 Thunderbird Street Lago Vista, TX 78645		
Rep	Terms	Project
MG	30% deposit requ...	

Item	Description	Qty	Rate	Total
SunPorts Shade Structure	BuyBoard 423-13 Bleacher Area Slanted Hip Shade 18' X 36' (Approx 10' entry height in the front and 13' entry height in back); Anchor Bolts are Included	2	8,226.00	16,452.00
Installation	Installation		8,400.00	8,400.00
Freight	Freight		800.00	800.00
Discount	Discount 5%		-822.60	-822.60
Drilling of Rock	Drilling of Rock (Will vary depending on rock conditions, we will provide exact bill for the drilling of rock, it may vary. However, we will provide documentation of cost incurred.)	2	1,800.00	3,600.00
Engineered Drawings	Engineered Drawings for Custom Slanted Hip Structure		2,250.00	2,250.00

Thank you for allowing us to submit this proposal.	Subtotal
PLEASE NOTE: Order will be placed upon receipt of signed quote or purchase order, color selections, and down payment. Thank you! We appreciate the opportunity to earn your business!	Sales Tax..
	Total

City of Houston WBE
 (Women's Business Enterprise)
 Certificate #12-12-11596

Signature

We are proud of a job well done and may spotlight your project on our
 website or FaceBook. If we do not have your permission to do so,
 please notify us. Thank you!



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Rep	Terms	Project
MG	30% deposit requ...	

Item	Description	Qty	Rate	Total
Note	Pricing is for the above listed equipment only, and does not include additional insured addendum, storage, security, or any applicable taxes, bonds, or permits. Orders canceled after 5 days will be subject to a restocking fee and freight charges as applicable. Price valid for 30 days.		0.00	0.00
Rock Clause	In the event, we run into excessive rock, we will partner with you as to how to best handle the situation. There may be an additional charge.		0.00	0.00
Finance Charge	Accounts not paid within 30 days of the date of the invoice are subject to a 1.5% finance charge.		0.00	0.00
Credit Cards	Payments made with credit cards (Visa and Mastercard only) will require an additional 3% service fee.		0.00	0.00

Thank you for allowing us to submit this proposal.	Subtotal \$30,679.40
PLEASE NOTE: Order will be placed upon receipt of signed quote or purchase order, color selections, and down payment. Thank you! We appreciate the opportunity to earn your business!	Sales Tax.. \$0.00
	Total \$30,679.40

City of Houston WBE
 (Women's Business Enterprise)
 Certificate #12-12-11596

Signature _____

We are proud of a job well done and may spotlight your project on our website or Facebook. If we do not have your permission to do so, please notify us. Thank you!



AGENDA ITEM

City of Lago Vista

To: **Mayor & City Council** **Council Meeting:** **February 4, 2016**

From: **David Harrell, AICP, Director & Melissa Byrne-Vossmer, City Manager**

Subject: **Discussion concerning City Logo opportunities.**

Request: **Business Item** **Legal Document:** **Other** **Legal Review:**

EXECUTIVE SUMMARY:

Since the City is going through a re-branding via completion of an Airport Action Plan, Comprehensive Plan, new website, and Buxton it was decided internally to review the City logo and wording. Typically this is completed through a branding study, however this can be expensive in regards to cost. Having the ability to use local talent and resources, we signed a contract with Kevin Jackson via Uplant LLC for this project.

The attachment represents their final rough draft redesign of the logo and wording. This logo reflects our Lake, natural space, blue skies, hills, and recreation versus just a reflection of the Lake with the current sailboat logo. Staff is seeking Council's input on this new logo and wording, this is not for consideration.

Keith Jackson will be here to give a presentation on the history of this item, including how staff reached the design as shown in the packet.



up*slant*

City of Lago Vista Logo Redesign

Where The City Is Now



City Logos

The City Of
Lago Vista

Website

Brand Analysis

Performed in-depth brand analysis of current logo and comparative logos.

- Local
- Similar
- Well-done

- Reviewed 19 separate comparative logos with a variety of city employees.

Performed Brand Analysis

 **Logo/Brand Analysis**

Client – City of Lago Vista

Logo	Review
Local – Examples that people traveling to Lago Vista would see and be aware of.	
	Very formal and traditional
	Nice newly redesigned logo. Need to be aware of similarities with Lago Vista color, design, etc.
	Good use of tagline/identity words. Design is not good or scalable
	Good design. However, still trying to figure out if that is a cedar tree branch.
	Amateurish. Bad font and iconographic not related at all.
	Good use of "hills". Font is terrible though.
	Good design. Little more "corporate" that it should be.



Logo	Review
Local – Not just design, but also type of town	
	Seeing that Lakeway and Lago are both seen as "Austin" lake towns, we need to avoid comparisons. Might want to avoid sailboats altogether.
	Nice logo. Like the use of both hills and the lake. Might be something we consider to represent hills and lake
	Another sailboat example.
	Another sailboat example. This one uses 3 word tagline. I like including tagline.
	Little more abstract sailboat.
	Technically not a city logo, but I included because it is local, similar, and includes hills/lake for reference.



Logo	Review
Well Done Examples – Just some modern examples.	
	Good use of 2 elements being the tree and water. Good layout.
	Very modern design for a non-modern town. However, love the aspect of using something from their name in the icon. The A can become their "Nike" swoosh and can be used as a stand along logo eventually. Only issue is balance. With the icon so large, the tagline is lost.
	Great colors and fonts.
	Clean, good colors, and simple
	Great icon that not only uses the H, but also puts an element into it.
	Technically a community logo, uses very modern colors and fonts. Also, like the unique placement of icon.



Initial Planning and Design

- Met to discuss initial goals and thoughts. Determined color options as well as direction of logo to be designed.
- Initial designs for new logo as well as taglines presented to city to review, discuss and determine next steps.
- 8 initial designs performed
- 8 initial taglines reviewed

New City Branding / Logo



Lago Vista™

Paradise in the Hill Country

Website Example

Lago Vista™
Paradise in the Hill Country

No Burn Ban | Lake Level | Stage 1 Restrictions | Elections

Open Government | Visit Lago Vista | News | Residents | Business | Local Government | Contact Us

LAGO VISTA

Live like you're on vacation

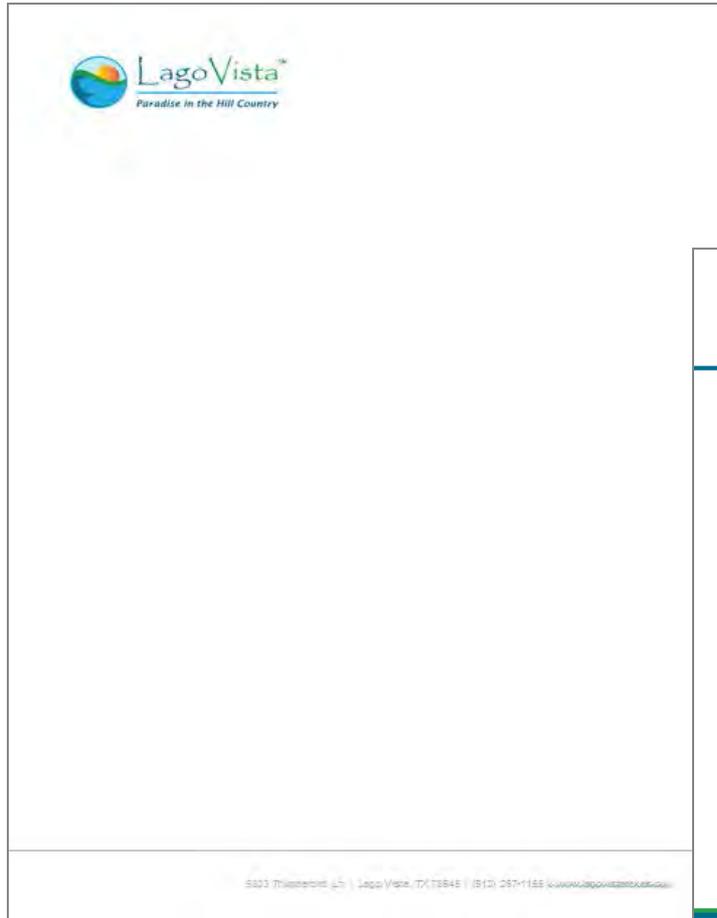
Comprehensive Plan Info Center
#LagoVista2030

News

Lago Vista is One of the Best Places to Raise a Family in Texas

Another publication confirms what most of us already know: Lago Vista is one

Materials Example



Latest News



Rusty Allen Airport Closure

January 20, 2016

Due to sealing and restriping of the runway, the Airport will be closed beginning at 7:00 AM on Monday, January 25 until 5:00 PM Thursday, January 28. We apologize for any inconvenience.

Comprehensive Plan Town Hall

January 20, 2016

A Town Hall Meeting will be held at the K-Oaks Clubhouse located at 7000 Bar K Ranch Rd on February 23, 2016 beginning at 7:00 PM, to review the rough draft of the 2030 Comprehensive Plan and the proposed recommendations.



AGENDA ITEM

City of Lago Vista

To: Mayor & City Council Council Meeting: February 4, 2016

From: Melissa Byrne Vossmer, City Manager

Subject: Discussion Concerning City of Lago Vista Debt and Future Years as Initiated by Mayor Pro Tem Smith

Request: Other Legal Document: Other Legal Review:

EXECUTIVE SUMMARY:

Mayor Pro Tem Smith has expressed a very deep concern about the City of Lago Vista debt and payment requirements in the coming years. To that end, he has developed the attached power point - Debt Discussion - as a means of bringing this to the Council to discuss and possible opportunities and recommendations.

As additional information, Staff has not brought forward to Council the debt necessary to fund the FY15/16 CIP. We have not done so as we are working to evaluate current and future debt, opportunities, assumptions and debt structures in a five-year picture. In addition, we are working to update the Water / Wastewater Rate Study which will take into account debt that was not included at the time the study was finalized.

Impact if Approved:

N/A

Impact if Denied:

N/A

Is Funding Required? Yes No **If Yes, Is it Budgeted?** Yes No N/A

Indicate Funding Source:

Debt payments are made from a variety of sources. In FY15/16 revenue from Impact Fees is included as a source of payment.

Suggested Motion/Recommendation/Action

Motion to:

Motion to:

Motion to:

Known As:

Discussion of City of Lago Vista Debt as initiated by Mayor Pro Tem Smith

Agenda Item Approved by City Manager



City of Lago Vista

Debt Discussion

Ron Smith

Council Member

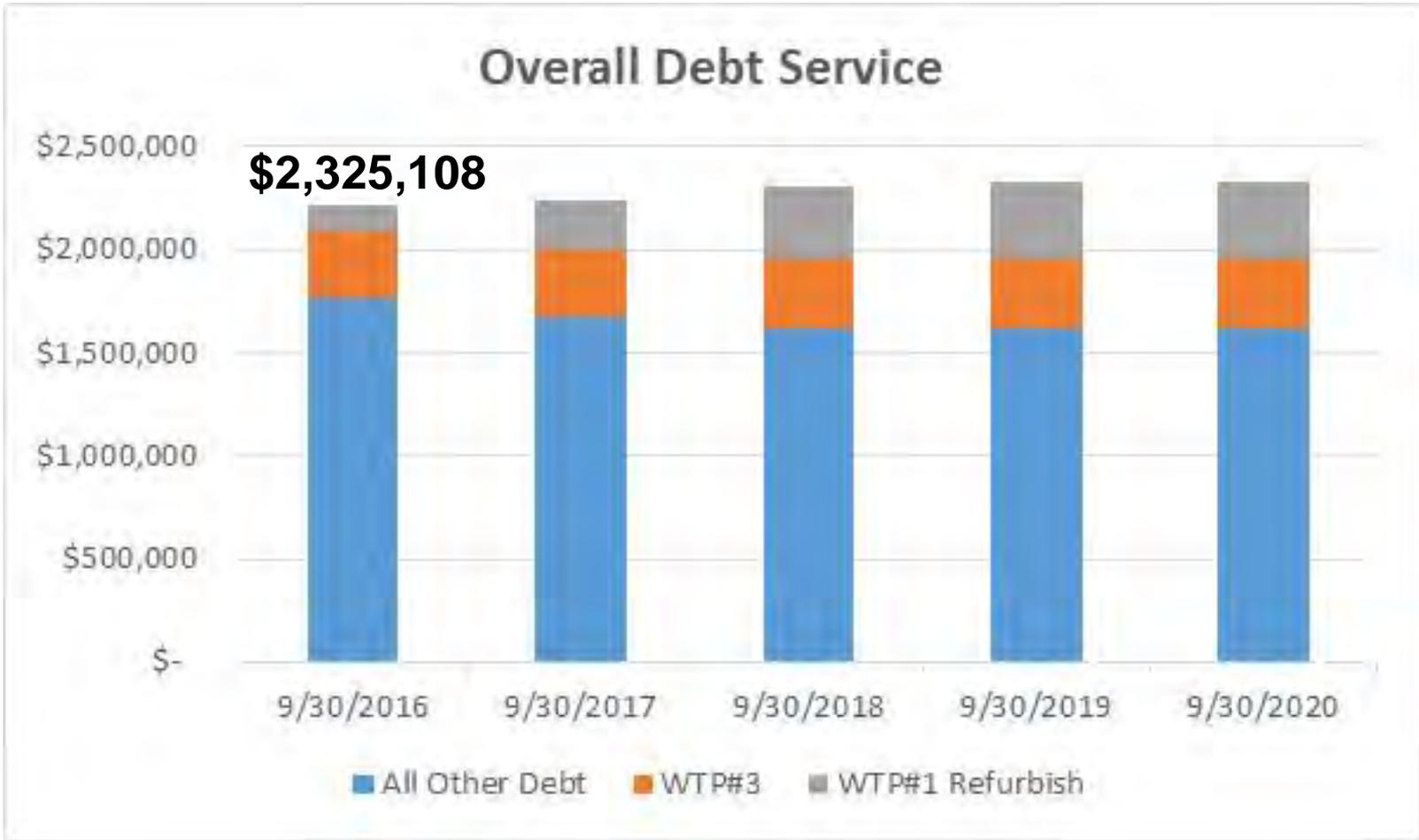
February 4, 2016

History and Council Meeting 09/10/2015

- *In late 2014 Council needed to determine method of debt payment for the new WTP#3 and WTP#1 refurbishment.*
- *Hired utility rate specialist; reported results 9 months later.*
 - Existing utility rates have never covered the cost of water production or distribution.
 - Rate calculation changed to volumetric from LUE.
 - Proposed new rates (28% increase) to get us to full cost recovery that included debt service.
- *Action Taken:*
 - At the 09/10/2015, council approved utility rate increase of 4-5% every year for next 5 years until full cost recovery is achieved. Difference to be paid from general revenue during interim.
 - Beginning Oct 1, 2016 increased water.
 - Beginning May 1, 2016 waste water (sewer) rates to increase.



Debt Service (Prior debt + WTP#3 + WTP#1)



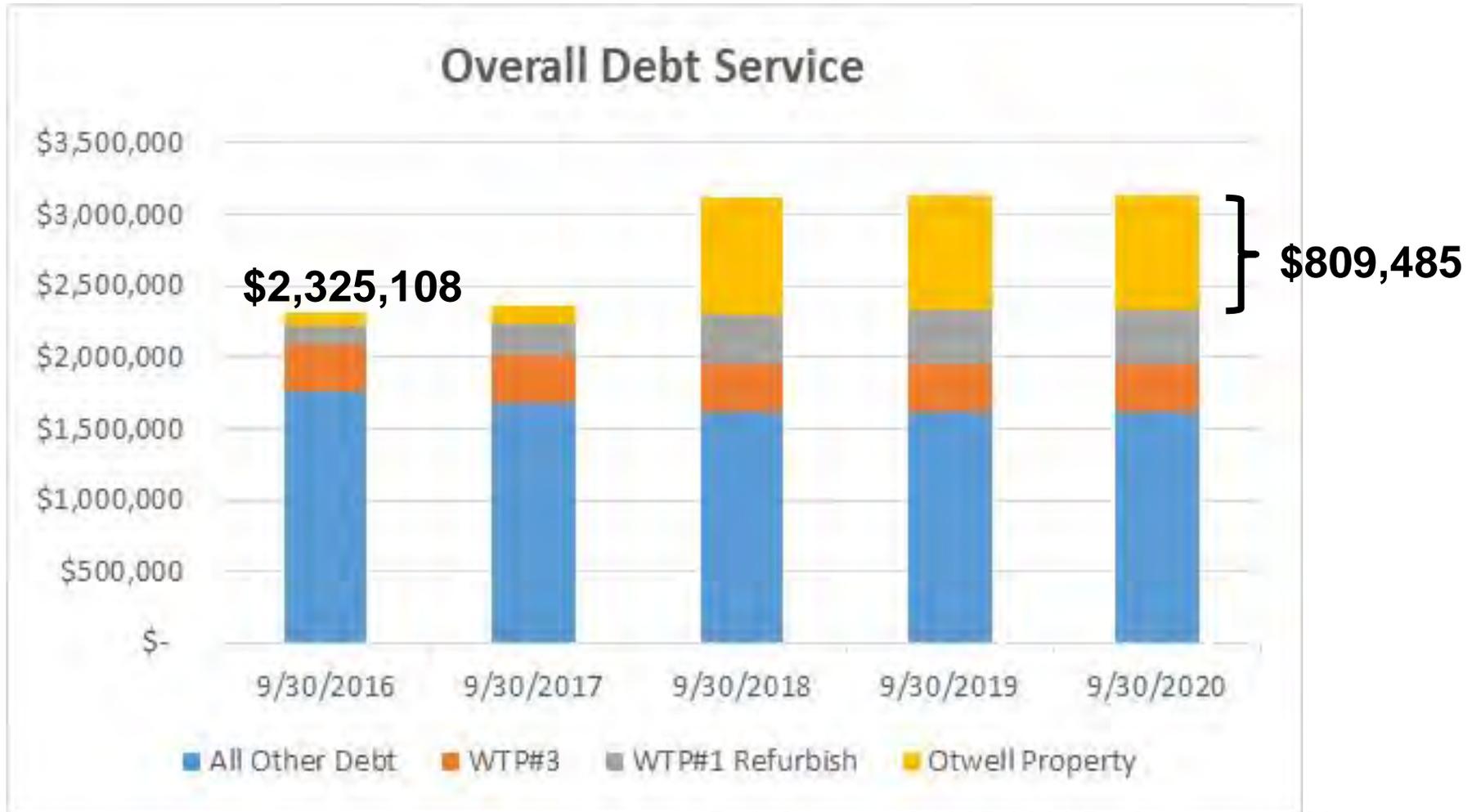
Ref: Approved 2015-2016 Budget, page 233

Council Meeting 09/10/2015

- *At 09/10/2015 Council Meeting (items taken out of order)*
 - Agenda Item #1: Public Hearing First & Final Otwell Property Financing with Tom Lawrence.
 - Agenda Item #2: ACTION ON First & Final Otwell Property Financing of \$3.738M (Total P+I is \$4.263M).
 - **NOTE: Otwell loan not in new utility rates.**



Debt Service (Prior debt/WTP3/WTP1)+Otwell



Problem: LVGC/HLGC costs are getting worse

Fiscal Year	Golf Courses	Actual	Cumulative
2009-2010	Surplus or (Deficit)	(\$201,230)	(\$201,230)
2010-2011	Surplus or (Deficit)	(\$291,868)	(\$493,098)
2011-2012	Surplus or (Deficit)	(\$194,372)	(\$687,470)
2012-2013	Surplus or (Deficit)	(\$250,321)	(\$937,791)
2013-2014	Surplus or (Deficit)	(\$325,036)	(\$1,262,827)
2014-2015	Surplus or (Deficit)	(\$423,391)	(\$1,686,218)
	Total	(\$1,686,218)	
2015-2016	Surplus or (Deficit)	(\$250,208)	

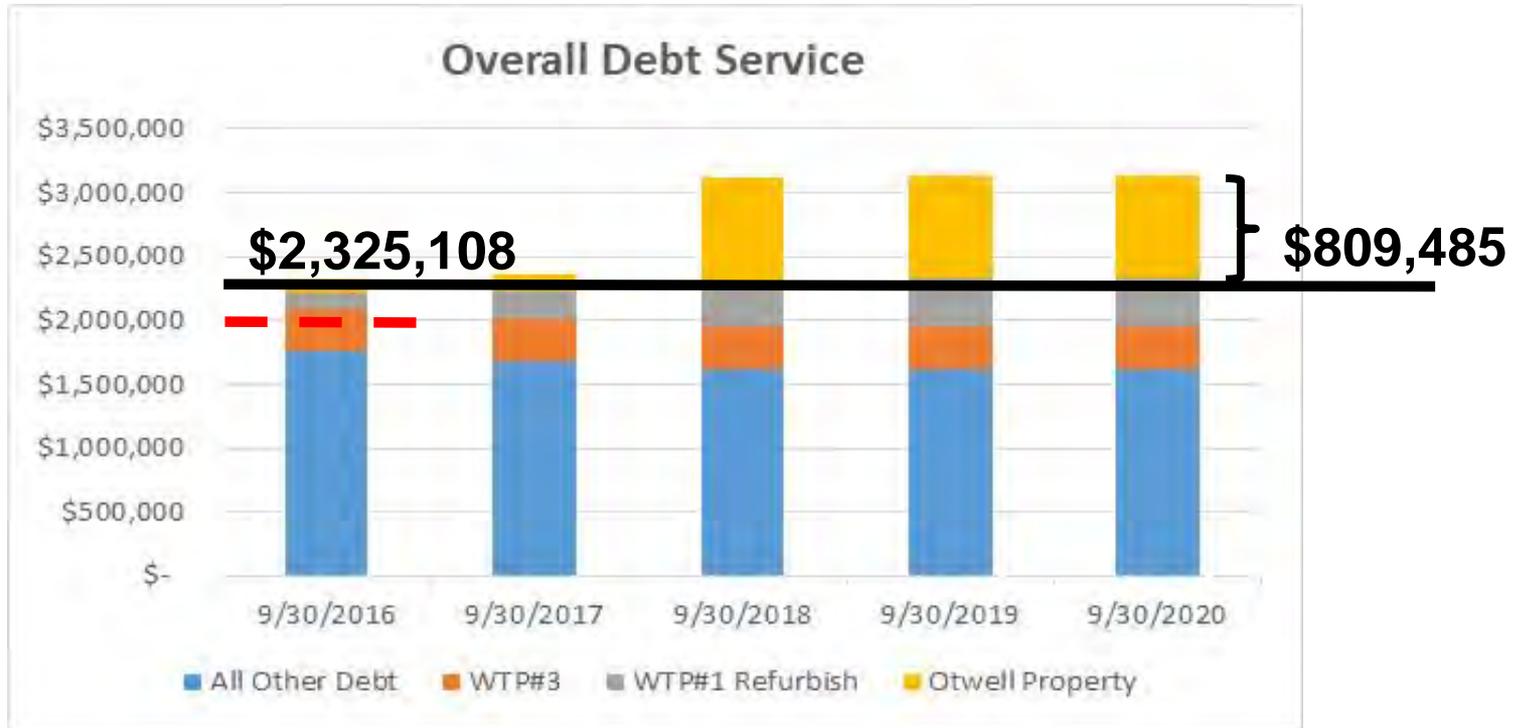
Note 1: Revenue does not include any "Transfer From General Fund" (2011 & 2012)

Note 2: Expenses does not include any "Depreciation or "Transfer to Debt Service"

Council Meeting 09/29/2015

- **Agenda Item #1A: Approved 2015-2016 Budget (Ordinance 2015-09-29-01. There is a \$340,000 transfer from Utilities to Golf.**

**(\$340,000)
+\$340,000
to HLGC**



Ref: Approved 2015-2016 Budget, page 2

Recommendations

- ***Transfer the \$340,000 back from HLGC to Utilities now.***
 - This will restore the funds back for debt service w/o Otwell.
 - HLGC revenue will drop from \$730,421 down to \$394,421.
 - HLGC never had and still does not generate enough revenue.
- ***Challenge new golf manager to run golf courses at \$1.2M.***
 - Continue to focus on revenues while reducing costs.

**If you do not like this recommendation,
then what is your recommendation?**



Questions?





AGENDA ITEM

City of Lago Vista

To: Mayor & City Council Council Meeting: February 4, 2016

From: David Harrell, AICP, Director

Subject: Discussion of proposed changes to Chapter 10 (Subdivision Ordinance).

Request: Business Item Legal Document: Other Legal Review:

EXECUTIVE SUMMARY:

Please see staff report.

This is a list of proposed changes the Planning & Zoning Commission recommended unanimous approval (5-0) of these changes at their December 10, 2015 hearing.

This is a bulk of proposed changes to the Subdivision Ordinance. Additional changes were received after the Planning & Zoning Commission recommendation and preparation of this packet. These additional changes will go before the Planning & Zoning in the future and will be incorporated into these proposed changes for a final Council consideration.

The date on the attached staff report is indicative of the date this report was written, there is no error in date.



Development Services Department

STAFF REPORT

Proposed Subdivision Ordinance Changes PZC Workshop

Date: December 5, 2015

Summary of Changes

These are changes that are proposed by staff to the subdivision code (Chapter 10). Below is a summary of the major changes to the Code requirements. Code changes such as grammatical correction are not included in this list. The purpose of these code changes is to modernize the Code, bring forward changes that were approved in subcommittee by the Planning & Zoning Commission, and provide legal clarifications that will protect the City.

Opening paragraph

Added “as amended from time to time” to clarify that the ordinance in the code includes amendments.

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.
- 3) Critical Water Quality Buffer Zone: Buffer was added because that is what is used in the ordinance.
- 4) A definition for “filing date” was added, to define “filing date” when used in connection with describing the requirement of the City to take action on a plat within 30 days of the filing date.
- 5) Subdivision: Edits were made to make the definition more consistent with state law (subdivisions of land greater than 5 acres are excluded from state law regulations) and to include combinations of land in the definition of definition.

Section 1.13

- 1) Modification to subsection D to better apply regulations to State law.
- 2) Modified code removing extension of water and sewer outside of City limits with extension only being able to be reviewed and potentially approved by the City in accordance with the utility code.

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 1.15

- 1) Added enforcement provisions for a maximum \$2,000 fine and/or ability to issue a stop work order and withhold development approval.

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.
- 3) Language added to provide that a Master Development Plan is required for land within a PDD.

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.
- 3) Language added to subsection A to address when Concept Plan is required (as opposed to Master Development Plan).
- 4) Language added to subsection G requiring action on an application within 30 days of the filing date, as required by State law.
- 5) Language added to subsection I addressing expiration of concept plan approvals and the underlying application.

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) Clarifies process for sufficiency review before City accepts application.
- 5) Removes placement of trees on Preliminary Plats.
- 6) Removes 30 day requirement formally from Code since applicants sign their timeframes away at time of application.
- 7) Removes Preliminary Plat two (2) year extensions.
- 8) Subsection F: Added language requiring action within 30 days of the application filing date, as required by state law.
- 9) Subsection J: Provided that application does not expire if there is an unexpired Final Plat on file with the City, or an approved Final Plat that has not expired.

Section 2.17

- 1) Removes ambiguous language concerning the final plat and master development plans.
- 2) In general, changes were made to this section because the proposed revised ordinance will require the developer to complete infrastructure before a final plat will be approved. (The current ordinance allows the developer to file fiscal surety - bonds, letters of credit, or cash in escrow - guaranteeing the construction of the improvements in lieu of completing the improvements before obtaining plat approval.)
- 3) Subsection D.2: Sets out a list of what is required before to be completed/submitted before the Commission may approve a final plat, which includes a letter from the City Engineer that the improvements are complete and have passed inspection.
- 4) Subsection G: Adds language to provide for expiration of a final plat approved with conditions if those conditions are not met within 6 months.

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.
- 9) Clarifies process for sufficiency review before City accepts application.
- 10) Removes waiving of 30 day requirement voluntarily concerning automatic approval.

Section 2.19

Takes number of returned signed copies from five to two.

Section 2.19.5

Subsection A: Added language stating that the Commission can proceed with certifying a final plat for recording if any conditions of approval have been met.

Added Subsection F, which provides that approval of final plat constitutes authorization to accept the improvements, and that recording of the plat constitutes acceptance of the improvements (because that is when the easements and dedications the City needs for the improvements will be conveyed).

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.
- 3) In Subsection F, language added that Construction plans do not expire if there is an unexpired final plat in place.

Section 2.21

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

Section 2.22

- 1) Removes the requirement if a replat has an exception it must be approved by 3/4th of Council if at least 20% of the lots or area within 200' object.
- 2) Clarifies process for sufficiency review before City accepts application.
- 3) Subsection B.2: The edit made here was to make the procedure consistent with state law.
- 4) Subsection D: Edit made to provide that Replat approval does not expire if the replat is recorded with the county, and that a replat approved with conditions expires within 6 months if the conditions are not met.

Section 2.23

- 1) Removes the wording that an engineer can prepare the amended plat.
- 2) Clarifies process for sufficiency review before City accepts application.
- 3) In section A.1., language added that action on the application must be taken within 30 days of the filing date, as required by state law. In subsection F, a shorter timeframe for expiration was suggested.

Section 2.24

- 1) Clarifies process for sufficiency review before City accepts application.
- 2) In section A.1., language added that action on the application must be taken within 30 days of the filing date, as required by state law. In subsection F, a shorter timeframe for expiration was suggested.

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. Allows sidewalks in commercial areas to be further from the roadway. Sets new standards for sidewalks in commercial/residential vertical mixed use developments. Sets new standards for parkways in residential, commercial, industrial, and mixed use developments.
- 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, as amended from time to time, 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 non-substantive 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,

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, aviation: 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 which is within the jurisdiction of the City by virtue of the Municipal Annexation Act, Chapter 42, Texas Local Government Code or which is subject to the City’s platting authority due to an agreement with another municipality.

Filing Date: means, with respect to applications for plats and plans, the date that applications for plans or plats are determined to be complete and are accepted for review by the City, or five (5) business days after submission of the plans or plats to the City, whichever comes first.

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 rough concept map of a proposed subdivision with sufficient accuracy to be used for the purpose of discussion, classification, and comment.~~ 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.

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.

Replanning: 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 greater than five (5) acres , or combinations of land in which at least one of the parcels to be combined is greater than 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. The term subdivision shall also include the combination of two or more tracts of land.

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. 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. 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.~~ 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, only to the extent allowed by Chapter 245, Texas Local Government Code, and only if such plat has not expired under the provisions of the preexisting Chapter 10. 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 (2) years of the approval shall be deemed to have expired.

E. Requirements for Permits. Unless an existing plat has obtained approval and recorded a final plat ~~or re-plat~~ or unless such plat has obtained a resolution, as described in Section D. above, and said exception is adopted and filed of record 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 resolution has been adopted and filed of record pursuant to Section D. or 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~~ only provide water or sewer service outside the corporate limits of the City, in accordance with Ch. 13, Art.13.700, Sec. 13.707.

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 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.

1.14. Exceptions-Subdivision Variance and Appeal.

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 ~~an exception to this chapter, or~~ 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.

B. Only the ~~city council~~ Commission shall have authority to approve ~~plats or master development plans with Subdivision Variances exceptions or approve exceptions and any appeal.~~

C. The Commission may ~~recommend and the council may~~ approve a Subdivision Variance ~~when an exception from these regulations when~~, in its opinion, undue hardship will result from requiring strict compliance. In considering, ~~recommending and granting an exception, either~~ the Commission may ~~recommend and/or the council may~~ prescribe such conditions that it deems necessary or desirable in the public interest.

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[:]

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;

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

3. That the granting of the ~~exception~~-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.

E. Such findings of the ~~council~~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 Variance~~exception~~ is granted.

F. Variances~~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.

G. Approved ~~exceptions~~-Variances shall be ~~stated~~placed within the notes on the final plat.

H. The Commission may ~~recommend and the council may~~ deny the ~~exception~~Variance, ~~grant the exception in whole or part,~~ and/or approve in whole or part with conditions.

I. Compliance with ~~Exception~~Variance. In any case where a final plat has not been approved or recorded but ~~an exception~~a Variance has been obtained, the Subdivision or Development must comply with all conditions and requirements of the ~~exception~~ 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.

J. Appeals. Any decision or determination by any City staff person may be appealed to the Commission ~~and the city council~~. 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 ~~general development plan~~ Subdivision Variance to the Council. The Council shall make the final determination concerning any appeal.

K. Final Plat and Exceptions. Approval of a preliminary plat ~~or master development plan~~ by the Commission or ~~council~~ the -Council upon appeal shall not constitute automatic approval of the final plat. ~~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.~~

L. Exception and Appeal Procedures.

1. If an appeal ~~or exception~~ is requested, the City shall have sixty (60) calendar days from the date of filing to act ~~on the plat~~.

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

~~3.— Requests for exceptions should be made with the filing of the plat. If a request for an exception is made after the date the plat is filed for consideration with the city, such exception shall constitute a reapplication for consideration of the plat and the application for plat consideration date shall be the date the exception is requested.~~

M. Subdivision Variance Process

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.

A. 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.

B. Any person who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars (\$2,000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

C. Administrative Action. The Administrator shall enforce this Ordinance by appropriate administrative action, including but not limited to the rejection of plans, maps, plats, and specifications not found to be in compliance with this Ordinance and good engineering practices, and the issuance of stop work orders.



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 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, variance, 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~~ required 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 and the Subdivision or Development is within a Planned Development District, 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. ~~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.~~

~~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.~~

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

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.]~~

ED. 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:

- 1. Lago Vista Comprehensive ~~Master~~ Plan;
- 2. Water master plan;
- 3. Wastewater master plan.

E. Process. ~~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.~~ 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. ~~The master development plan should not be recorded.~~

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.

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. 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.~~ Concept Plan

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

1. A Plan shall be required for all subdivisions of land that propose to subdivide the land into at least 20 lots, except for subdivisions eligible for the Minor Plats procedure or the Amending Plats procedure, Lot Consolidations, subdivisions that do not require Construction Plans, 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 Concept Plan has expired, as [set forth in subsection 2.15 \(I\) below](#).

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 exceeding 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 two hundred (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 on the 45th calendar day after the date the application is filed with the City if: (i) the applicant fails to provide documents or other information necessary to comply with requirements relating to the form and content of the application set forth in this Chapter; (ii) within ten (10) business days of the date the application is filed with the City, the City provides the applicant written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided; and (iii) the applicant fails to provide the specified documents or other information within the time provided in the notice.

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. The failure of either the Commission to act within thirty (30) days of the filing date, or the Council to act within thirty (30) days of action on the Concept Plan by the Commission shall be deemed approval of the plan by the respective body.
2. The Council within thirty (30) days of the date of approval of the Concept Plan by the Commission shall take action on the Concept Plan.
3. If applicable, zoning of the tract shall permit the uses proposed by the Concept Plan, or a zoning amendment necessary to permit the proposed uses shall be required prior to approval of the Concept Plan.
4. Approval of a Concept Plan constitutes acceptance of the general development and arrangement of lots indicated on the plan; the classification and arrangement of streets indicated; the proposed phasing plan; and the nature of utility service proposed. Subsequent zoning approvals cannot be guaranteed.
5. Concept Plan approval does not ensure approval of a Preliminary Plat failing to meet specific requirements of this Ordinance, and approval does not comprise any vesting of development rights or any assurance that permits of any kind will be issued.
6. 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 if the concept plan is not approved due to the applicant's failure to cause the application to comply with the applicable City regulations.

I. Approval Expiration.

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

J. Plan Variances

1. Plan Variances shall follow the requirements in Section 1.14 A-I of the this Ordinance 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. 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. 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. City staff shall review all Preliminary Plat submittals for completeness within ten (10) business days of the date the application is submitted. If in the judgment of City staff, the Preliminary Plat submittal fails to meet the minimal informational requirements as outlined above, it will not be accepted for review. A Preliminary Plat application shall expire on the 45th calendar day after the date the application is filed with the City if: (i) the applicant fails to provide documents or other information necessary to comply with requirements relating to the form and content of the application set forth in this Chapter; (ii) within ten (10) business days of the date the application is filed with the City, the City provides the applicant written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided; and (iii) the applicant fails to provide the specified documents or other information within the time provided in the notice.~~

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-:

~~Chairman~~Chair, Planning and Zoning Commission

Date

Secretary, Planning & Zoning Commission

Date

If the Council considers the preliminary plat during an appeal:

Mayor

Date

~~Administrator~~City Secretary

Date

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

56. Subdivision boundary line, indicated by heavy lines, and the computed acreage of the subdivision.

67. Date of preparation, scale of plat and north arrow.

78. A number to identify each lot or site and each block. Number of lots and blocks shall be in accordance with a systematic arrangement.

89. 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.

~~910. 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. Copy of approved Concept Plan, if applicable.~~

101. 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.

112. Physical features of property, including location of watercourses, ravines, bridges, culverts, present drainage structures and other features pertinent to the subdivision.

123. 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.

134. 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.

145. 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.

156. 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.

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

~~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.~~

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 after acceptance of the application by the City. A report shall be prepared and submitted to the ~~commission~~ Commission and applicant prior to the next regular meeting. 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.

F. Commission Review. ~~Unless waived in writing by the applicant,~~ Within thirty (30) calendar days after the preliminary plat is officially filed, the Commission shall approve or disapprove such preliminary plat or conditionally approve it with modifications. A conditional approval ~~may~~ include the requirements and specific changes the Commission determines necessary for the plat to comply with this Chapter, or the conditional approval ~~may~~ 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 ~~and waive reapplication and fees. This is called "statutory denial"~~.

G. Preliminary Plat Term. A preliminary plat for a subdivision shall expire two (2) years from the date of approval ~~unless the term is extended by the commission for good cause or 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 for up to two (2) years, but shall not be extended for a period longer than two (2) years~~.

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

~~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 and the corresponding application shall expire two (2) years after the date the City approves the Preliminary Plat unless an unexpired Final Plat is on file with the City or the Final Plat has been approved and that approval has not expired.~~

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

~~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.~~

2.18. Final Plat.

A. ~~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. 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. City staff shall review all Final Plat submittals for completeness within ten (10) business days of the date the application is submitted. If in the judgment of City staff, the Final Plat submittal fails to meet the minimal informational requirements as outlined above, it will not be accepted for review. A Final Plat application shall expire on the 45th day after the date the application is filed with the City if: (i) the applicant fails to provide documents or other information necessary to comply with requirements relating to the form and content of the application set forth in this Chapter; (ii) within ten (10) business days of the date the application is filed with the City, the City provides the applicant written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided; and (iii) the applicant fails to provide the specified documents or other information within the time provided in the notice.~~

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 the 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

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. ~~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.~~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. 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.~~Reserved.

~~o. Street names. The names of all streets shall be shown on the final plat. A separate letter from the regional agency responsible for approving new street names shall be provided with the final plat application.~~

~~3. Reserved.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 shall include the following site improvement data submitted on 24 x 36 inch paper and in digital form in five copies. 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. All details shall conform to City Standard Details unless otherwise approved by the city engineer. All engineering design on the plans shall conform to accepted industry standards for infrastructure construction.~~

~~(1) — Streets and Right of Way. Five (5) copies of plans and profiles of all streets, alleys, sidewalks, crosswalks, street lights, traffic signage, sign and monuments.~~

~~(2) — Sanitary Sewer.~~

~~(a) — On the proposed plat showing required contours and the location and dimensions of existing sanitary sewer lines.~~

~~(b) — Plans and profiles of proposed sanitary sewer lines, indicating depths, sizes and grades of lines.~~

~~(c) — 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.~~

~~(3) — Water.~~

~~(a) — The proposed plat showing the location and size of existing water lines and fire hydrants, if any.~~

~~(b) — Plans and profiles on all proposed water lines and fire hydrants, showing depths, sizes and grades of the lines.~~

~~(c) — 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.~~

~~(4) — Drainage.~~

~~(a) — On the proposed plat, overlaid on previously required topographic (mapped) information. All street widths and grades shall be indicated on the plat, and 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.~~

~~(b) — A general location map of the subdivision or development showing the entire watershed (a copy of the appropriate portion(s) of a U.S.G.S. quadrangle is satisfactory).~~

~~(c) — 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.~~

~~(d) — When a drainage channel or storm sewer is proposed, complete plans, profiles and specifications shall be submitted, showing complete construction details.~~

~~(e) — 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.~~

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

~~(g) All required water quality buffer areas shall be shown on construction plans and on final plats.~~

~~(h) Temporary and permanent erosion control plans.~~

~~(5) Cross section design. Typical cross section design based on soil testing shall be shown on the type and width of paving proposed for the streets. Curbs, gutters and drainage structures shall be in accordance with the then current design standards adopted by the city.~~

~~(6) Flood Prevention. See the "Floodplain Ordinance" for requirements related to flood damage prevention.~~

~~(7) Trees other than ashe juniper (cedar) that are 10 inches in diameter at 40 inches above the ground within proposed right-of-way and easements.~~

~~(8) Engineer's Estimate of Costs. A letter signed and sealed by a registered professional engineer depicting the estimated costs of construction of the project's component parts and the overall total cost.~~

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. ~~All proposed and existing deed restrictions.~~ 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.

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:

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:

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.

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 ~~appropriate members of the city Development Review Committee staff~~ for compliance with this and other applicable ordinances and policies. A report shall be prepared and submitted to the Commission prior to the ~~next regular~~ 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.

D. Commission.

~~1. Unless waived in writing by the applicant, the~~ Commission shall act on the final plat within thirty (30) calendar days of the filing date. If the plat is not ~~dis~~approved within thirty (30) calendar days of the filing date, ~~and the applicant has not waived review within 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) calendar 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) calendar days of the appeal.

2. A final plat shall not be approved if:

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

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

(c) A letter from the City Engineer stating that all improvements have been completed and passed inspection has not been received by the City.

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

(e) Notes describing any variances approved by the Commission have not been added to the plat.

(f) As-Built Drawings meeting the requirements of this Ordinance have not been provided.

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

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

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

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

E. Council Appeal. If an appeal is made or an exception requested, the Council shall act on the plat, appeal, or exception within thirty (30) calendar days of the appeal or request for exception, ~~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 final plat 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 and the corresponding application 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 if the Final Plat is not recorded with the County. The approval of the Final Plat with conditions and the corresponding application shall expire six (6) months after the date of the conditional approval unless the conditions of approval are met.

2.19 Procedures After Final Plat Approval.

A. Certificate of Approval. The final plat shall be approved for recording after approval by the ~~commission, council~~Commission, ~~or the administrator,~~ as stated in this Chapter. The ~~commission's, council's~~Commission's ~~or the administrator'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 Acceptance of Improvements and Related Processes

A. The applicant shall construct all improvements as required by this Ordinance and as shown in the subdivision construction plans to the approval of the City prior to receiving final plat approval.

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

~~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 credit or bond should have a provision which automatically extends the term of the letter of credit.~~

~~3.— Expiration. If improvements are to be built after recordation of the plat, the final plat shall be recorded within 180 days after approval by the commission or council and if not so recorded such plat approval shall expire. If the improvements are to be built prior to recording the plat, the term of the plat shall be five years or, as determined by the administrator, acceptable progress is being made to complete the improvements. The commission or the city council, after the five (5) year period and notice is given the subdivider or developer, may by resolution declare the final plat that is not recorded expired.~~

~~If improvements are not begun within two (2) years of approval of the plat and construction plans (whichever is later), the plat shall expire.~~

~~The commission or council may extend the term of a plat for a period of one (1) year prior to the expiration of a plat.~~

~~4.— Construction Plans. Construction plans, regardless of when filed or approved, must be approved by the city engineer and the city manager in writing before authority to proceed with construction of the improvements shown on the construction plans is given or building permits are issued.~~

~~5.— Inspection and Acceptance of Improvements. Before the city accepts the subdivision or development improvements or allows the improvements to be used all improvements shall be inspected and approved by the city staff and/or the city engineer in writing and the developer shall submit the following:~~

~~a. — “As-Built” Plans. Two complete sets of paper and a digital copy of construction plans marked “drawings of work as built”.~~

~~b. — A full guarantee of such improvements approved by the city attorney for one a term of one year; and~~

~~c. — Security for warranty of subdivision or development, payable to the city, for one year in the amount of ten (10) percent of the total construction cost in one of the following forms (acceptable to and approved by the city attorney);~~

~~1) — Cash deposit to the city.~~

~~2) — An irrevocable letter of credit approved by the city attorney issued by an FDIC insured bank located within the State of Texas, with reserves and financial resources acceptable to the city.~~

~~3) — A surety bond issued by a company licensed by the State Insurance Commission, having a Best’s Rating of “A” or better, acceptable and approved by the city attorney that will guarantee such funds to the city.~~

C. Inspection and Acceptance of Improvements. Before the City accepts the subdivision or development improvements or allows the improvements to be used all improvements shall be inspected and approved by the City:

1. “As-Built” Plans that comply with Section 2.19.5.D.

2. Security for warranty of the improvements that complies with Section 2.19.5.E

D. As-Built.

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

1. Two (2) copies of record drawings along with digital submittals submitted to the City, along with a statement prepared by a State 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. Letter of documentation from the appropriate State and Federal agencies that proposed vegetation removal has been mitigated concerning endangered species habit.

6. 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.

7. All As-Built plans, including electrical and other non-City utilities, will receive certification by a registered professional engineer licensed in this State.

E. Maintenance Bond Required.

1. Before the acceptance of the improvements and approval of the Final Plat, 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) calendar 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.

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

F. Acceptance of Improvements. Approval of a Final Plat shall be authorization to accept the improvements constructed pursuant to the construction plans for the Final Plat, provided that the requirements set forth in Section 2.19.5.A-E have been met. Final acceptance of the improvements shall be effective upon recording of the Final Plat.

5G. 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.

~~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.~~

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 approved or 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.

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. City staff shall review all Construction Plan submittals for completeness within ten (10) business days of the date the application is submitted. If in the judgment of City staff, the Construction Plan submittal fails to meet the minimal informational requirements as outlined above, it will not be accepted for review. A Construction Plan application shall expire on the 45th day after the date the application is filed with the City if: (i) the applicant fails to provide documents or other information necessary to comply with requirements relating to the form and content of the application set forth in this Chapter; (ii) within ten (10) business days of the date the application is filed with the City, the City provides the applicant written notice of the failure that specifies the necessary documents or

other information and the date the application will expire if the documents or other information is not provided; and (iii) the applicant fails to provide the specified documents or other information within the time provided in the notice.

3. 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 unless an unexpired Final Plat is on file with the City or the Final Plat is approved and that approval has not expired.

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 or recordation of a final plat or 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.

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.

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 ~~or council~~ and the recording of the approved instruments vacating such plat in the office of the county clerk of Travis County.

D. On the execution and recording of the vacating instrument, the vacated plat, or vacated portion thereof, 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 or council~~ 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.

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 Plat Vacation 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.

2.22 Replatting.

A. Replatting.

1. The replatting of any existing subdivision, or any part thereof, shall ~~meet~~ follow the procedural and approval 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 [the Local Government Code](#) shall govern to the extent of the conflict.

2. City staff shall review all Replat submittals for completeness within ten (10) business days of the date the application is submitted. If in the judgment of City staff, the Replat submittal fails to meet the minimal informational requirements as outlined above, it will not be accepted for review. A Replat application shall expire on the 45th calendar day after the date the application is filed with the City if: (i) the applicant fails to provide documents or other information necessary to comply with requirements relating to the form and content of the application set forth in this Chapter; (ii) within ten (10) business days of the date the application is filed with the City, the City provides the applicant written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided; and (iii) the applicant fails to provide the specified documents or other information within the time provided in the notice.

B. Replating 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.

2. Residential Replat. In addition to compliance with subsection B.1., notice of the public hearing in the manner set forth in Section B.3 is required if 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 ~~in which the municipality is located~~; and

b. By written notice, ~~with a copy of subsection B.4. attached~~, forwarded by the Ceity 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.

~~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.~~

~~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.~~

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.

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, if the Replat is not recorded with the County. The approval of a Replat with conditions and the corresponding application shall expire six (6) months after the date of the conditional approval unless the conditions of approval are met.

2.23. Amending Amending Plats.

A. General Procedure:

1. 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 shall take action on an Amending Plat within thirty (30) calendar days after the filing date. The Administrator, for any reason, may refer the amending plat to the Commission such that the Commission can take action on the Amending Plat. If the Administrator refers the amending plat or refuses to sign the plat it shall be referred to the Commission within thirty (30) calendar days of ~~application~~ filing date.

2. City staff shall review all Amending Plat submittals for completeness within ten (10) business days of the date the application is submitted. If in the judgment of City staff, the Amending Plat submittal fails to meet the minimal informational requirements as outlined above, it will not be accepted for review. An Amending Plat application shall expire on the 45th day after the date the application is filed with the City if: (i) the applicant fails to provide documents or other information necessary to comply with requirements relating to the form and content of the application set forth in this Chapter; (ii) within ten (10) business days of the date the application is filed with the City, the City provides the applicant written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided; and (iii) the applicant fails to provide the specified documents or other information within the time provided in the notice., unless this 30 day period is waived by the applicant.

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~~ Ceouncil 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 engineer if required~~, and bearing their seals shall be submitted to the ~~A~~administrator with a completed application and all required fees, for approval before recordation of the plat

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. 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. Application Expiration. The amending 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.~~

~~F. Approval Expiration. The approval of the Amended Plat and corresponding application shall expire six (6) months after the date the City approves the Amended Plat, if not recorded with the County.~~

2.24. ~~Staff Approval of Minor Plats. The Administrator may approve a minor plat ~~and an amending Plat~~, as defined herein, without consideration by the Commission. ~~The administrator may, for any reason, elect to present the plat to the commission.~~~~

~~A. City staff shall review all Amending Plat submittals for completeness within ten (10) business days of the date the application is submitted. If in the judgment of City staff, the Amending Plat submittal fails to meet the minimal informational requirements as outlined above, it will not be accepted for review. An Amending Plat application shall expire on the 45th calendar day after the date the application is filed with the City if: (i) the applicant fails to provide documents or other information~~

necessary to comply with requirements relating to the form and content of the application set forth in this Chapter; (ii) within ten (10) business days of the date the application is filed with the City, the City provides the applicant written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided; and (iii) the applicant fails to provide the specified documents or other information within the time provided in the notice.

B. The Administrator shall not approve ~~exceptions-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 so that the Commission may act on the Minor Plat within thirty (30) calendar days of ~~receipt of the application~~ the filing date. ~~unless the applicant waives this review time in writing.~~ The Administrator shall act on the Minor Plat within thirty (30) days after the filing date

C. Application Expiration. The applications 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.

D. Approval Expiration. The approval of a Minor Plat and corresponding application shall expire six (6) months after the date the City approves the Minor Plat, unless the Minor Plat is recorded.

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.

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:

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.

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.

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.

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.

2. Water Distribution System. To enhance the overall efficiency and service level for water distribution in rural subdivisions the ~~city~~-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.

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

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.

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.]~~

~~C~~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.

~~D~~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.

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 lots 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.

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:

(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 within 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.
- 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 ~~without an exception approved by the council.~~ 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.”
- 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.
- 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~~and/or the city manager~~, 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 ~~_with the final plat~~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.

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

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.

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."

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 ~~unless approved by the commission or council.~~

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 ~~preliminary plat and be shown on final plat~~ construction plans.

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.

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.

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.

[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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

~~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. 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;
- 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 City manager~~ Manager-Administrator 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.

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.

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 ~~or council~~ may grant ~~exceptions~~ a Subdivision Variance to any street standards to retain large trees, given a report from the City Engineer that such is safe.

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.

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 ~~either~~ dedicate land or convey to the City by general warranty deed, ~~a fee simple on condition subsequent estate in one (1) or~~

~~more lots.~~ 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.

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.

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. ~~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.~~

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.

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 ~~commission or council~~City may require that existing streets within a subdivision being platted be retrofit with cement curbs.

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. ~~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.

d. If it is determined that ROW dedication and/or pavement is not roughly proportionate to the subdivision's projected traffic, the ~~commission~~ 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.

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.

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. ~~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~~Street lights are ~~not~~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.

a. ~~Reserved 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.~~

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 platconstruction 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 platconstruction plans. An estimate approved by the electrical utility provider detailing the cost of energy for street lights shall be included.

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 final plat, construction plans and plats.

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.~~

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

17. Sidewalks.

a. Residential. 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 and may adjoin the raised curb. If there is no raised curb, the sidewalk shall be located in the ROW one (1) foot from the property line 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.

b. Commercial and industrial areas. Sidewalks shall conform to the ~~city~~ 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 at least one (1) foot inside the right-of-way (may not be attached to the curb, one (1) foot from the private property side of the ROW).~~

c. Residential & Commercial Mixed Use, Vertical. Sidewalks are required in subdivisions on both sides of any street. Sidewalks shall conform to the City construction standards and meet all requirements of the Americans with Disabilities Act and be at least six (6) feet wide.

d. Parkways-Walks. Parkways shall be excavated, or filled, as required to result in a three to one (3:1) grade. In residential, commercial, and industrial areas this shall be a minimum of six (6) feet in width from backside of curb to closest edge of sidewalk. In Residential & Commercial Mixed Use, Vertical these parkways are prohibited in the ROW. ~~or as detailed on approved construction plans.~~

18. Crosswalks. Crosswalk~~ways~~ ten (10) feet in width shall be dedicated as right-of-way and constructed where deemed necessary by the ~~commission or council~~ City to provide circulation or access to schools, playgrounds, parks, shopping centers, transportation and other community facilities. Crosswalk~~ways~~ 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.

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.

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. ~~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 Uniform Manual of 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.

23. Private streets.

a. Private streets shall meet the standards and specifications of public streets ~~unless otherwise approved as a planned development district or in a development agreement with the city.~~

b. Private streets and other private common areas shall be shown on the ~~final~~ 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 ~~final~~ plat and are subject to approval by the City Engineer, and the City Attorney, ~~and the commission~~. The approved covenants or restrictions shall be recorded with the ~~final~~ plat and copies of the recorded documents shall be provided the city with the recorded copies of the ~~final~~ plat. A plan including estimated

maintenance costs for their maintenance shall be submitted with construction plans for the subdivision.

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.

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

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) calendar days of completion of the City’s improvement. If the bill is not paid within sixty (60) calendar 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 a this notice, substantially similar to this paragraph.

24. Traffic Impact Analysis (TIA). A TIA shall be required of any development or subdivision which would generate ~~four-two~~ hundred (400200) or more average daily vehicle trips (ADT). The TIA shall be ~~submitted no later than application for preliminary plat approval~~ submitted at the time of construction plan approval, and shall be approved as part of the ~~preliminary plat~~ construction plans. The TIA shall be approved by the ~~administrator and the city City engineer~~ Engineer, ~~or the commission, if their decision is appealed to the commission, or the city council if the commission’s decision is appealed.~~ 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 AsBuilt.

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 ~~final plat~~ 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.

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, ~~unless specified otherwise by the Pedernales Electric Cooperative (PEC) document.~~ 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.

4.15. Clearing and Rough Cutting of Vegetation. No right-of-way clearing or rough cutting shall be permitted before ~~final plat recordation~~ 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.

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 ~~except by special use permit approved in accordance with the zoning ordinance, or if the site is in the ETJ, by development agreement approved by the city council.~~

4.17. Post-Construction Restoration Plan. An erosion and sedimentation plan shall be submitted with construction plans and shall describe proposed construction materiel 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 ~~the Texas Water Commission~~Texas Commission on Environmental Quality, 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.

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.

C. Water Wells. If the subdivision is to be served by ground water, the subdivider or developer shall provide with the ~~preliminary plat~~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.

D. Fire Hydrants.

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

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.

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.

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.

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 ~~one thousand and two hundred (1200)~~eight hundred (800) feet.

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.

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 City approved 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 CommissionCity 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 ~~commission or council~~City, but in no event shall a width in excess of one hundred twenty feet (120') be required.

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, ~~following recommendation of the administrator~~ and noise and traffic mitigation measures (i.e., fence, berm, wall) adjacent to the street are provided.

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.

~~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 ~~final~~ plat.

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 ~~acceptance of utilities and streets~~ As-Builts are submitted to the City.

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 ~~director of public works~~ City. The City Engineer ~~may 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. in accordance [with] the Manual of Uniform Traffic Control Devices. These signs shall be shown on ~~street~~ construction plans.

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 ~~administrator, the commission or the council, as applicable,~~ 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 ~~plat~~ plan shall constitute the city's permit to remove a protected tree.

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 ~~one-three (13)~~ (13) acre for up to every one hundred (100) new dwelling units or \$~~500800~~ 500800.00 per dwelling unit. Required public parkland will be shown on the ~~concept plan final and~~ concept plan final and plat at the time of City approval of the ~~final concept plan, Master Development Plan, and~~ final 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 City council~~ 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.

[5.11 Reserved]

5.12. Size of dedication. Development of ~~one-three (13)~~ (13) 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 ~~final~~ final 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.

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.

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.

[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:

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.

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.

~~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.~~

5.18. Land Treatment. Upon ~~preliminary~~ 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 manager~~City. The ~~city manager~~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 manager~~City shall provide a letter to the respective subdivider.

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 (5) years of completion of permitting for fifty (50) per cent [percent] of the subdivision's lots.

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.

MEETING DATE: February 4, 2016

AGENDA ITEM: Consider schedule and items for future Council meetings.

Comments:

Motion by: _____

Seconded by: _____

Content of Motion: _____

Vote: Raley _____; Shoumaker _____; Tidwell _____; R. Smith _____;

Mitchell _____; S. Smith _____; Cox _____

Motion Carried: Yes _____; No _____

MEETING DATE: February 4, 2016

AGENDA ITEM: *EXECUTIVE SESSION*

Comments:

1. Convene into Executive Session pursuant to Sections 551.071 and 551.072 and/or 551.074, Texas Government Code and Section 1.05 Texas Disciplinary Rules of Professional Conduct regarding:

Consultation with legal counsel regarding real property and possible issues and questions related to acquisition, sale or lease.

Motion by: _____

Seconded by: _____

Content of Motion: _____

Vote: Raley _____; **Shoumaker** _____; **Tidwell** _____; **R. Smith** _____;

Mitchell _____; **S. Smith** _____; **Cox** _____

Motion Carried: Yes _____; **No** _____

MEETING DATE: February 4, 2016

AGENDA ITEM: Reconvene from executive session into open session to take action as deemed appropriate in the City Council's discretion regarding;

Comments:

- a. Consultation with legal counsel regarding real property and possible issues and questions related to acquisition, sale or lease.

Motion by: _____

Seconded by: _____

Content of Motion: _____

Vote: Raley _____ ; **Shoumaker** _____ ; **Tidwell** _____ ; **R Smith** _____ ;

Mitchell _____ ; **S. Smith** _____ ; **Cox** _____

Motion Carried: Yes _____ ; **No** _____