



**AGENDA
PLANNING & ZONING COMMISSION MEETING
CITY OF LEANDER, TEXAS**

Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
Thursday, May 23, 2024
Regular Meeting at 6:00 PM



**Place 1 – Donnie Mahan
Place 2 – John Cosgrove
Place 3 – Ron May
Place 4 – Deirdre Moss**

**Place 5 – James Oliver, Vice Chair
Place 6 – Laura Lantrip, Chair
Place 7 – Scott Calame
Staff Liaison – Robin Griffin**

The meeting will also be live-streamed at the following link: <https://www.leandertx.gov/video>.

REGULAR MEETING

1. Call to Order.
2. Roll Call.
3. Director's report to the Planning & Zoning Commission on action taken by City Council on the May 16, 2023 meeting.
4. Review of meeting protocol.
5. Public comments on items not listed in the agenda.

Public comments on items listed in the agenda will be heard at the time each item is discussed.

[All comments are limited to no more than 3 minutes (6 minutes if translation is needed) per individual.]

CONSENT AGENDA: ACTION

6. Approval of the minutes for meeting held on May 9, 2024.

PUBLIC HEARING: ACTION

7. Conduct a Public Hearing regarding Special Use Case Z-24-0111 to consider action on a Special Use Permit to allow for temporary buildings on one (1) parcel of land approximately 0.775 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R505808; and more commonly known as 449 San Gabriel Campus Drive, Leander, Williamson County, Texas.
 - Discuss and consider action regarding Zoning Case Z-24-0111 as described above.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Open Public Hearing

- d. Close Public Hearing
 - e. Discussion
 - f. Consider Action
8. Conduct a Public Hearing and consider action regarding Ordinance Case OR-24-0014 to amend sections of Article 10.02, Exhibit A, the Subdivision Ordinance to adopt updates to the approval process for subdivision applications, and to provide for related matters; Williamson & Travis Counties, Texas.
- Discuss and consider action regarding Ordinance Case OR-24-0014 as described above.
- a. Staff Presentation
 - b. Open Public Hearing
 - c. Close Public Hearing
 - d. Discussion
 - e. Consider Action

REGULAR AGENDA

9. Adjournment

CERTIFICATION

The City of Leander is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call the City Secretary at (512) 528-2743 for information. Hearing impaired or speech disabled persons equipped with telecommunication devices for the deaf may call (512) 528-2800. I certify that the above agenda for this meeting of the Planning and Zoning Commission of the City of Leander, Texas, was posted on the bulletin board at City Hall in Leander, Texas, on the 17th day of May, 2023 by 5:00 p.m. pursuant to Chapter 551 of the Texas Government Code.



Karina Castillo, AICP, Planning
Manager



EXECUTIVE SUMMARY
5/23/2024

AGENDA SUBJECT:

Approval of the minutes for meeting held on May 9, 2024.

BACKGROUND:

HISTORY/TIMELINE:

APPLICANT/AGENT:

RECOMMENDATION:

Staff recommends approval of the minutes

PRESENTER:

Attachments:

1. Att 1 Draft Planning & Zoning Commission Minutes 5-9-2024



**MINUTES
PLANNING & ZONING COMMISSION MEETING
CITY OF LEANDER, TEXAS**

Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
Thursday, May 9, 2024
Regular Meeting at 6:00 PM



**Place 1 – Donnie Mahan
Place 2 – John Cosgrove
Place 3 – Ron May
Place 4 – Deirdre Moss**

**Place 5 – James Oliver, Vice Chair
Place 6 – Laura Lantrip, Chair
Place 7 – Scott Calame
Staff Liaison – Robin Griffin**

REGULAR MEETING

1. Call to Order.
Meeting was called to order at 6:00 p.m.
2. Roll Call.
All commissioners were present.
3. Director's report to the Planning & Zoning Commission on action taken by City Council on the May 2, 2024 meeting.
4. Review of meeting protocol.
5. Public comments on items not listed in the agenda.

Public comments on items listed in the agenda will be heard at the time each item is discussed.

[All comments are limited to no more than 3 minutes (6 minutes if translation is needed) per individual.]

No one wished to speak.

CONSENT AGENDA: ACTION

Motion to approve Consent Agenda items 6 through 10

By: Board Member May

Seconded: Board Member Calame

Vote: 7 - 0 None

6. Approval of Subdivision Case PP-22-0003 regarding Greenlight Village Preliminary Plat on two (2) parcels of land approximately 14 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R031386 and R031387; generally located on the south side of Hero Way West, approximately 1,400 feet west of Broade Way, Leander, Williamson County, Texas.

7. Approval of Subdivision Case PP-23-0048 regarding Hwy 29 Commercial Subdivision Preliminary Plat on one (1) parcel of land approximately 50.64 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R032262; generally located south of SH 29, approximately 1,300 feet west of Ronald W. Reagan Boulevard, Leander, Williamson County, Texas.
8. Approval of Subdivision Case FP-23-0088 regarding Williams Tract Final Plat on four (4) parcels of land approximately 14.038 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R315744, R031687, R099947, R031690 ; generally located 430 feet to the north of the intersection of Waterfall Ave. and CR 279, Leander, Williamson County, Texas.
9. Approval of Subdivision Case FP-21-0006 regarding Rosenbusch Ranch Phase 3 Final Plat on one (1) parcel of land approximately 34.696 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R654110; generally located northwest of the intersection of Vista Ridge Drive and Alta Vista Drive, Leander, Williamson County, Texas.
10. Approval of the minutes for meeting held on April 25, 2024.

PUBLIC HEARING: ACTION

11. Conduct a Public Hearing and consider action regarding Subdivision Case FP-23-0055 to consider the replat of Lots 37, 38, and 39, Hidden Mesa Subdivision as Crystal Mesa Cove Two Final Plat on three (3) parcels of land approximately 10.339 acres $\pm$ in size, more particularly described by Travis Central Appraisal District Parcels 354047, 354048, and 354050; and generally located to the southwest of the intersection of on the west of High Lonesome and CR 290, Leander, Travis County, Texas.

- Discuss and consider action on Subdivision Case FP-23-0055 as described above.

No one spoke in favor or opposition of the request.

Motion to approve the Final Plat FP-23-0055

By: Board Member Cosgrove

Seconded: Board Member Moss

Vote: 7 - 0 None

12. Conduct a Public Hearing and consider action regarding Zoning Case Z-23-0065 to amend the current zoning of PEC PUD (Planned Unit Development) to change the zoning to GC-2-C (General Commercial) on one (1) parcel of land approximately 12.405 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R623019; and legally described as Lot 1, Block A, PEC Data Center, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case Z-23-0065 as described above.

No one spoke in favor or opposition of the request.

Motion to approve Zoning Case Z-23-0065

By: Board Member Oliver

Seconded: Board Member Calame

Vote: 7 - 0 None

13. Conduct a Public Hearing and consider action regarding Zoning Case Z-23-0091 to amend the current zoning of PEC PUD (Planned Unit Development) to adopt the North Creekside Commons Minor PUD (Planned Unit Development) with the base zoning of GC-2-A (General Commercial) on a portion of the original PUD, on two (2) parcels of land approximately 14.88 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031359 and R635253; and generally located 850 feet to the southeast of the intersection of RM 2243 and 183A Toll Road, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case Z-23-0091 as described above.

No one spoke in favor or opposition of the request.

Motion to approve Zoning Case Z-23-0091

By: Board Member Lantrip

Seconded: Board Member Mahan

Vote: 7 - 0 None

14. Conduct a Public Hearing and consider action regarding Ordinance Case OR-24-0019 to amend the Composite Zoning Ordinance to update definitions, add uses and create criteria for Vape Shops, Smoke Shops and Cosmetic Services, and to provide for related matters; Williamson & Travis Counties, Texas.

- Discuss and consider action regarding Ordinance Case OR-24-0019 as described above.

No one spoke in favor or opposition of the request.

Motion to approve Ordinance Case OR-24-0019 with the change to allow Vape Shops and Smoke Shops in the GC (General Commercial) use component, prohibiting in the LC (Local Commercial) use component - Discussion occurred.

By: Board Member Mahan

Seconded: Board Member Moss

Vote: 5 - 2 Board Member Cosgrove, Board Member Calame

REGULAR AGENDA

15. Discuss and consider action regarding Zoning Case Z-24-0112 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to adopt the Hero Ranch Minor PUD (Planned Unit Development) with the base zoning of GC-3-C (General Commercial) on four (4) parcels of land approximately 14.5 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031758, R098017, R473771, and R098019; and generally located approximately 475 feet to the west of the intersection of Hero Way and Ronald W. Reagan Boulevard on the northside of Hero Way, Leander, Williamson County, Texas.

Motion to approve Zoning Case Z-24-0112

By: Board Member May
Seconded: Board Member Mahan

Vote: 7 - 0 None

16. Discuss and consider action regarding Zoning Case Z-24-0113 to amend the current zoning of TOD/PUD-CD (Transit Oriented Development/ Planned Unit Development – Conventional Development Sector) to adopt the Historic Bryson Farmstead PUD (Planned Unit Development) with the base zoning of LC-2-A (Local Commercial) on two (2) parcels of land approximately six (6) acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R032212 and R500771; and generally located northeast of the intersection of 183A Toll Road and East San Gabriel Parkway, Leander, Williamson County, Texas.

Submitted via the website in opposition of the request: see attachment

Spoke in opposition of the request:
Laura Marques 724 Mallow Rd
Venkata Bharath Kumar Reddy Chamala 912 Mallow Rd
Joshua Raley 724 Mallow Rd

Motion to approve Zoning Case Z-24-0113 - Discussion occurred

By: Board Member Cosgrove
Seconded: Board Member Oliver

Vote: 3 - 4 Board Member May, Board Member Moss, Board Member Lantrip, Board Member Calame

Motion failed

Motion to approve Zoning Case Z-24-0113 with an update to the PUD notes to provide a limit of main stage concerts at a maximum of once per quarter.

By: Board Member Calame
Seconded: None

Motion failed due to lack of a second

17. Adjournment Adjourned at 7:27 p.m.

APPROVED

CHAIR

ATTEST:



EXECUTIVE SUMMARY
5/23/2024

AGENDA SUBJECT:

Conduct a Public Hearing regarding Special Use Case Z-24-0111 to consider action on a Special Use Permit to allow for temporary buildings on one (1) parcel of land approximately 0.775 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R505808; and more commonly known as 449 San Gabriel Campus Drive, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case Z-24-0111 as described above.

BACKGROUND:

This request is the first step in the zoning process.

HISTORY/TIMELINE:

09/22/2005 – Smart Code Adopted

APPLICANT/AGENT:

Leander Independent School District (Jimmy Disler) on behalf of Austin Community College District (Aziz Hussaini).

RECOMMENDATION:

Staff recommends approval of this request.

PRESENTER:

Karina Castillo, AICP, Planning Manager

Attachments:

1. Z-24-0111 Att 1 Planning Analysis - ACC Portables SUP
2. Z-24-0111 Att 2 Current Zoning - ACC Portables SUP
3. Z-24-0111 Att 3 FLU Map - ACC Portables SUP
4. Z-24-0111 Att 4 Public Notification - ACC Portables SUP
5. Z-24-0111 Att 5 Aerial Map - ACC Portables SUP
6. Z-24-0111 Att 6 Conceptual Site Plan- ACC Portables SUP
7. Z-24-0111 Att 7 Letter of Intent - ACC Portables SUP



PLANNING ANALYSIS

ZONING CASE Z-24-0111
ACC LISD ECHS PORTABLES SUP
449 SAN GABRIEL CAMPUS DRIVE

GENERAL INFORMATION

Owner/Agent: Leander Independent School District (Jimmy Disler) on behalf of Austin Community College District (Aziz Hussaini).

Current Zoning: T6 – Urban Core & Civic Building

Size and Location: The property is located at 449 San Gabriel Campus Drive, including approximately 0.775 acres.

Staff Contact: Karina Castillo, AICP, Planning Manager

APPLICANT REQUEST

The applicant has submitted a request for a Special Use Permit in order to allow for 18 temporary portable buildings for up to five years from the date of approval.

STAFF CONCLUSIONS

Y N

☒ ☐ Does the proposal warrant any other special considerations? *see below*

SPECIAL CONSIDERATIONS

Leander Independent School District (LISD) is continuing their partnership with Austin Community College (ACC) to operate the Early College High School at the ACC San Gabriel Campus. Due to an increase in student population, LISD is proposing to add 18 temporary portable buildings to the site for the next five years. ACC has plans to construct a permanent building in this area in their future expansions. Following the approval of this Special Use Permit, a site development plan must be approved which will include screening the buildings from view from public roads.

SITE INFORMATION:

ABUTTING ZONING AND LAND USE:

	ZONING	LAND USE
NORTH	T6 – Urban Core	Vacant
EAST	T6 – Urban Core	Parking (Austin Community College)
SOUTH	T6 – Urban Core	Austin Community College
WEST	T6 – Urban Core	Vacant

SURROUNDING AREA:

This property is located just north of the ACC San Gabriel Campus. Further north of this site is Northline which includes multifamily and townhomes.

PHYSICAL AND NATURAL FEATURES:

This property is vacant and undeveloped.

PROPERTY HISTORY:

This property annexed into the City of Leander on 08/08/2005.

PREVIOUS ZONING CASES:

The following zone cases were previously submitted for this property:

- The City of Leander adopted the SmartCode on 09/22/2005.

MAJOR CORRIDORS:

This property has access onto the ACC San Gabriel Campus through the private San Gabriel Campus Drive.

TRANSPORTATION PLAN REQUIREMENTS:

This property does not include any future roads as shown on the Transportation Plan.

SUBDIVISIONS:

No subdivision cases were previously submitted for this property:

EXISTING UTILITIES:

This property has access to utilities through the ACC development.

CURRENT LAND USES:

This property is currently vacant and undeveloped.

COMPREHENSIVE PLAN:**Applicable Future Land Use categories****LEANDER CENTRAL**

- The Leander Central future development category encompasses the City's future urban center, in close proximity to Leander Station. This area is envisioned to be a very walkable area which encourages a "sense of place" and should represent the most dense, urban form Leander will have. This is a highly activated area with first floor storefronts, employment, dense residential, and entertainment.

Land uses are less distinguishable and less regulated in the urban environment, where the focus is more on form than function. Important characteristics in the central location are building relationship with the street and pedestrian movement, signage, street design, and public gathering places.

This area is envisioned to be developed with an urban character, meaning development requires on-street or structured parking and an emphasis on pedestrian walkability. Vehicular circulation occurs along a grid-based network of complete streets with short blocks and focus on safety and efficient distribution of vehicles, bikes and pedestrians.

INTERGOVERNMENTAL/INTERDEPARTMENTAL REVIEW:

This proposal was reviewed by all applicable departments within the City of Leander. A plat will not be required for this project.

SCHEDULE:**DEVELOPMENT MEETING**

A development meeting was not held with Staff, but the applicant has been working closely with staff to coordinate the process of this project.

NOTIFICATION

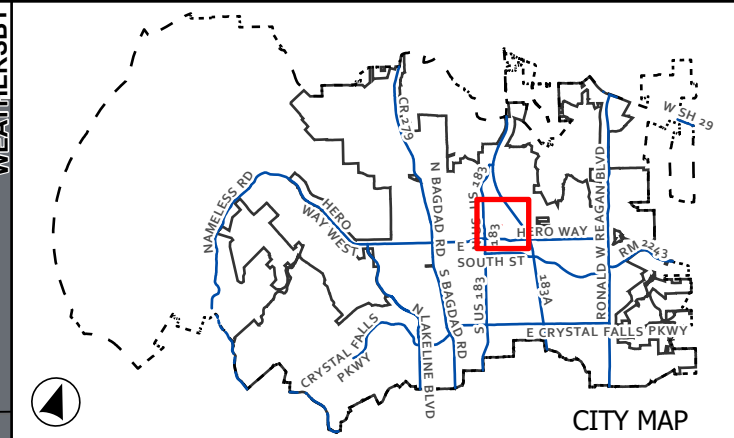
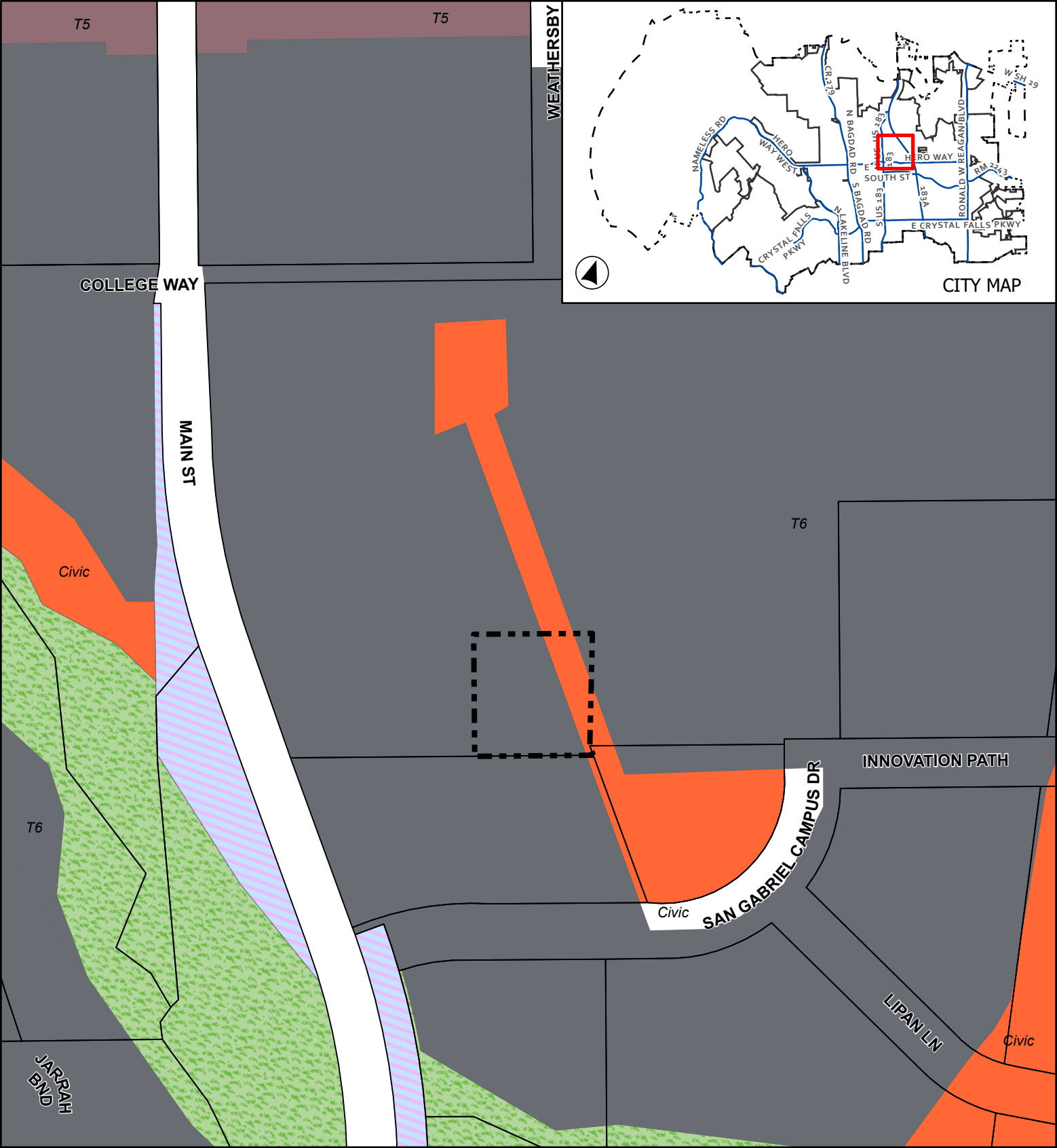
05/02/2024 - Public Notice on Hill Country News
 05/08/2024 - Mail Notification to Property Owners within 200'
 05/08/2024 - Public Hearing Signage Posted on Property
 05/23/2024 - Planning and Zoning Commission Public Hearing
 06/06/2024 - City Council Public Hearing & First Reading of the Ordinance
 06/20/2024 - City Council Second & Final Reading of the Ordinance

PUBLIC NOTIFICATION:

In addition to the notice mailed on behalf of the City to all property owners within 200', the agent is required to reach out to all property owners of property zoned as single-family or any properties used as single-family uses within 500' as per Article X, Section 3 (d) of the Composite Zoning Ordinance. Any Homeowner's Association located within 500' should also be contacted. Since there are not any residential properties located within 500' of the site, neighborhood outreach was not required for this case.

APPROVAL CRITERIA:

This proposal includes allowing a maximum of 18 temporary portable buildings for up to five years. The timeline aligns with the future construction of the permanent buildings for Austin Community College San Gabriel Campus. These temporary buildings shall be removed prior to that construction beginning. Staff recommends approval of this request.



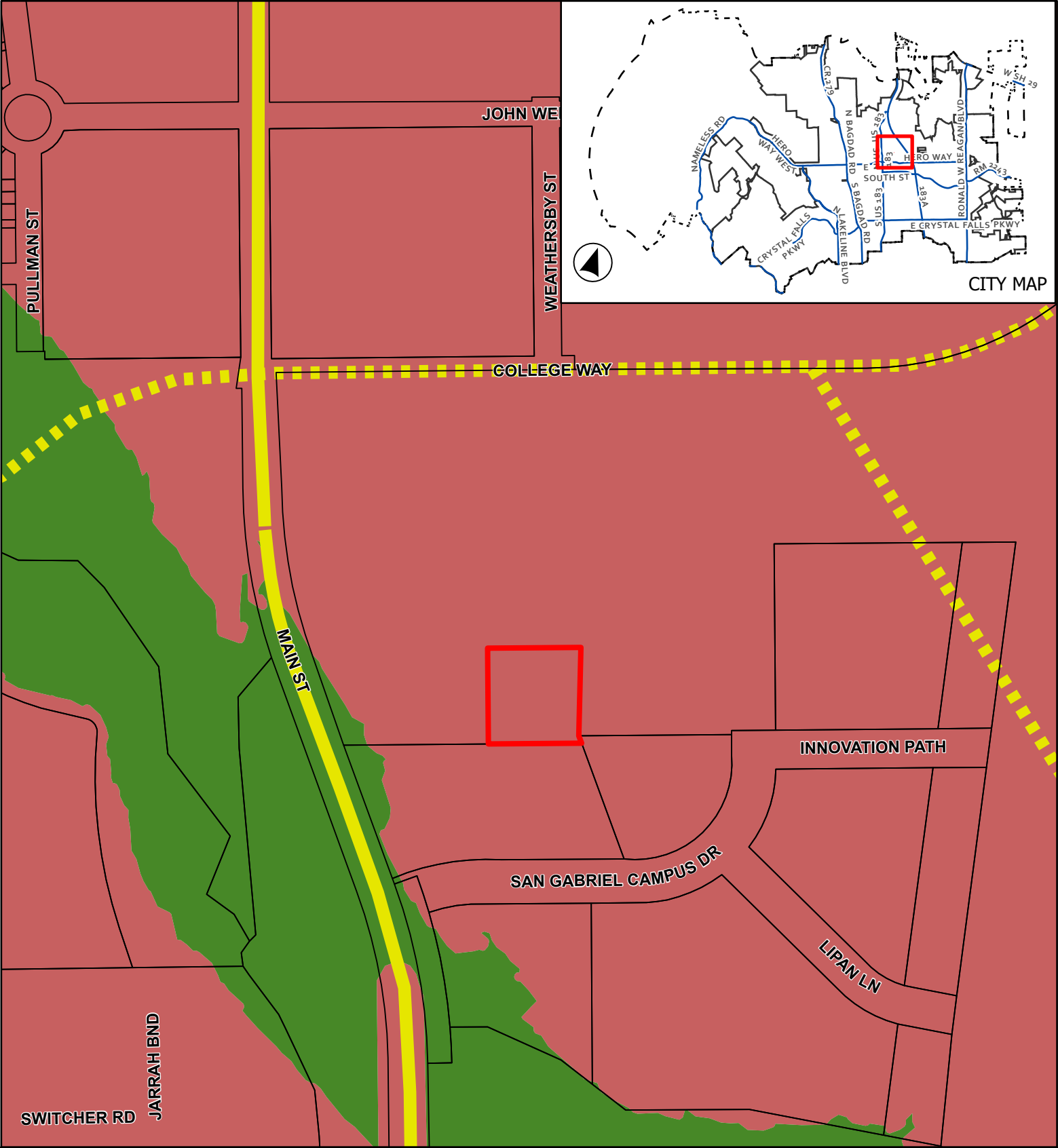
CASE: Z-24-0111 ATTACHMENT 2 ACC PORTABLES SUP

Current Zoning

This map has been produced by the City of Leander for informational purposes only. No warranty is made by the City regarding completeness or accuracy. This data should not be construed as a legal description or survey instrument. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.

- Leander City Limits
- Extra-Territorial Jurisdiction
- Subject Boundary
- OS - Open Space
- S2 - Station Sector
- Civic Building
- T5 - Urban Center
- T6 - Urban Core





CASE: Z-24-0111 ATTACHMENT 3 ACC PORTABLES SUP

Future Land Use Map



0 100 200

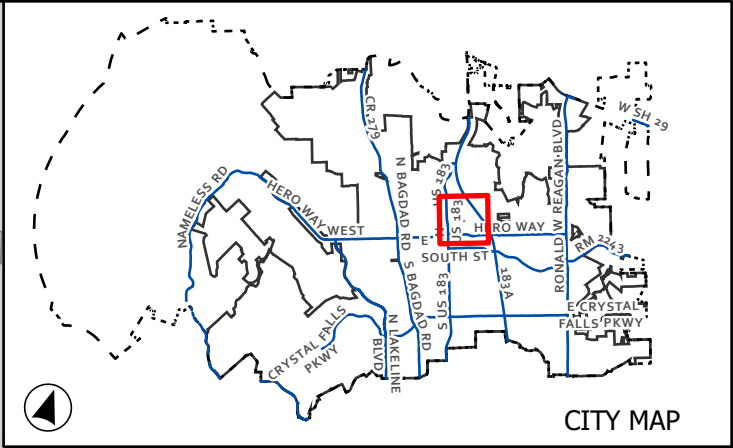
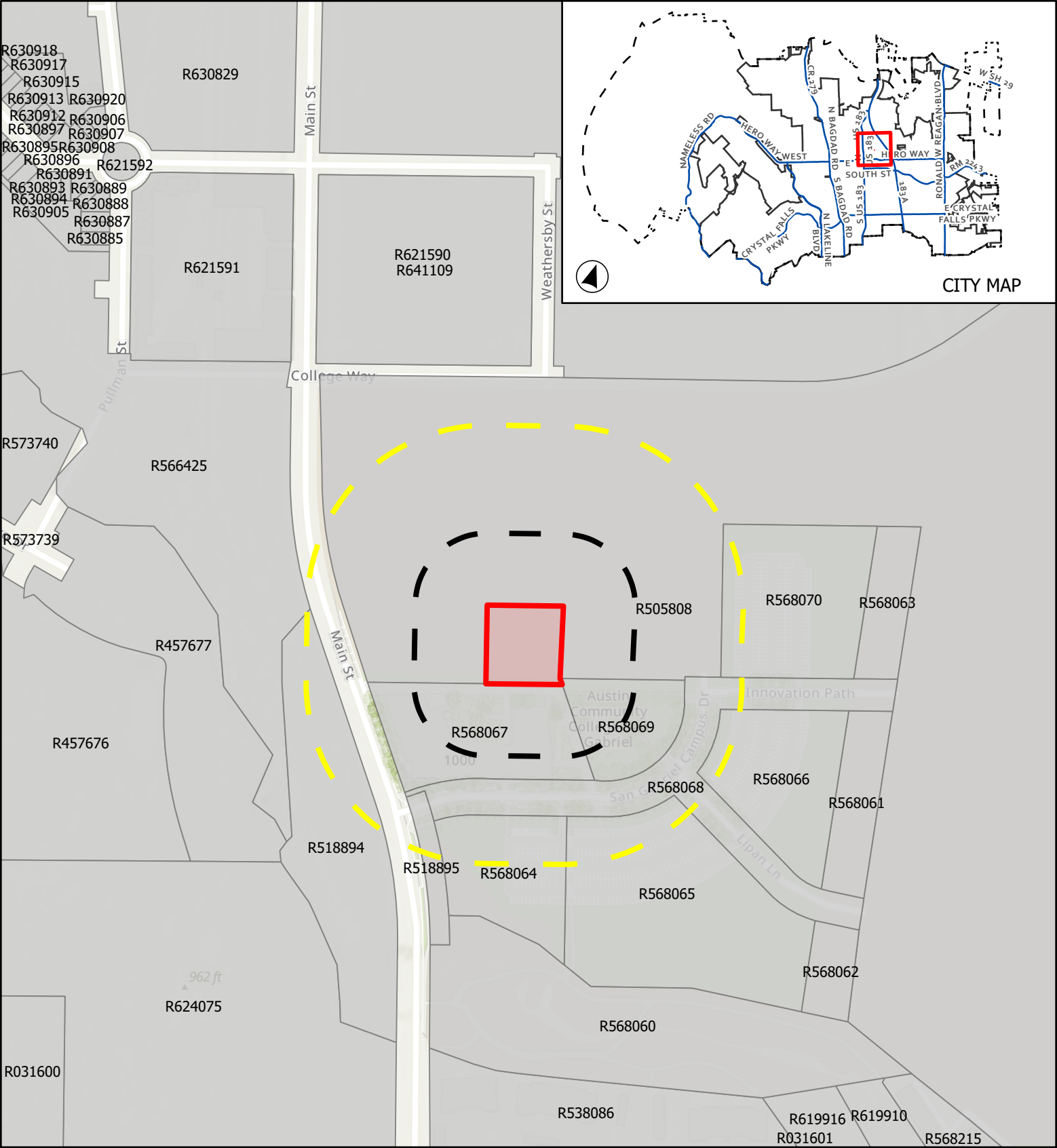
Feet

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- Leander City Limits
- ETJ Boundary
- Subject Boundary
- Leander Central

Thoroughfare Plan

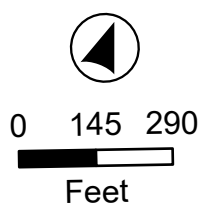
- Collector, Existing
- Collector, Proposed



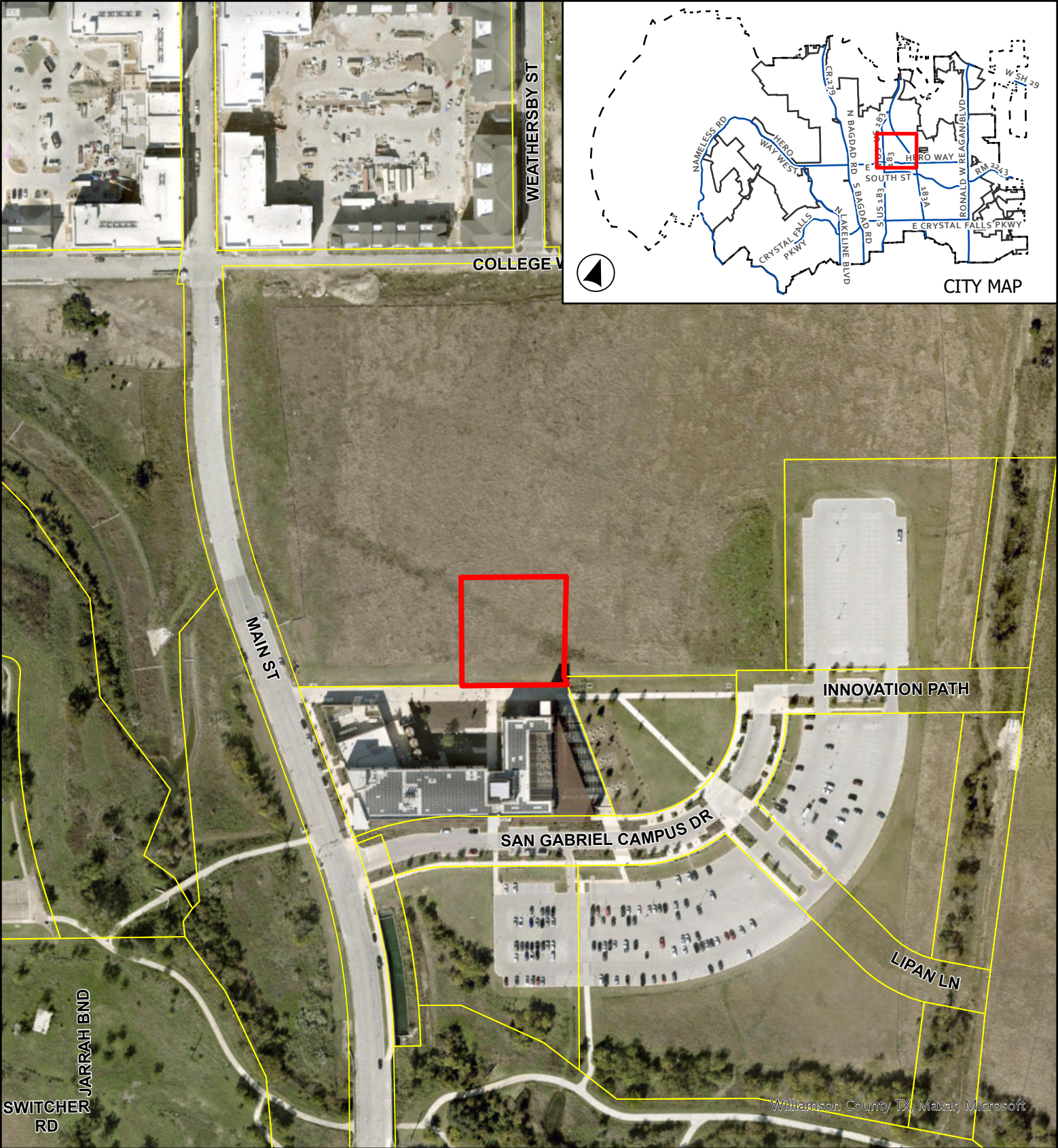
CASE: Z-24-0111 ATTACHMENT 4 ACC PORTABLES SUP

Public Notification

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- City Limits
- ETJ Boundary
- Subject Boundary
- Notification Buffer**
 - 200'
 - 500'



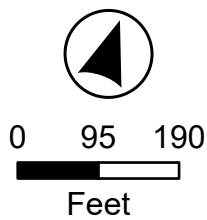
CASE: Z-24-0111

ATTACHMENT 5

ACC PORTABLES SUP

Aerial Map

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-  Leander City Limits
-  Subject Boundary

NOTE: This plan is conceptual and has not been reviewed for compliance with the Subdivision Ordinance, Composite Zoning Ordinance, or TOD Ordinance Requirements.

Expiration Date: 5 years from issuance.

A Maximum of 18 temporary buildings shall be allowed on site.

Temporary Buildings shall be screened from view from the public roads at all angles.

Proposed screening area marked in red.

497.75' from property line

212.0'

218.75'

226.3' from property line

Total temporary building dimension: 218.75' x 212.0'

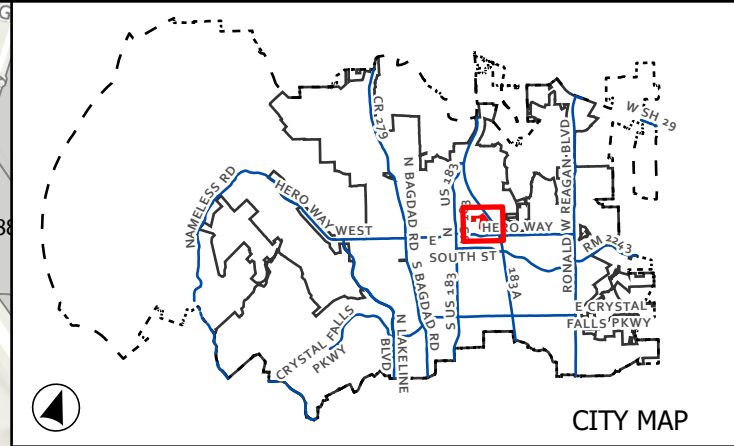
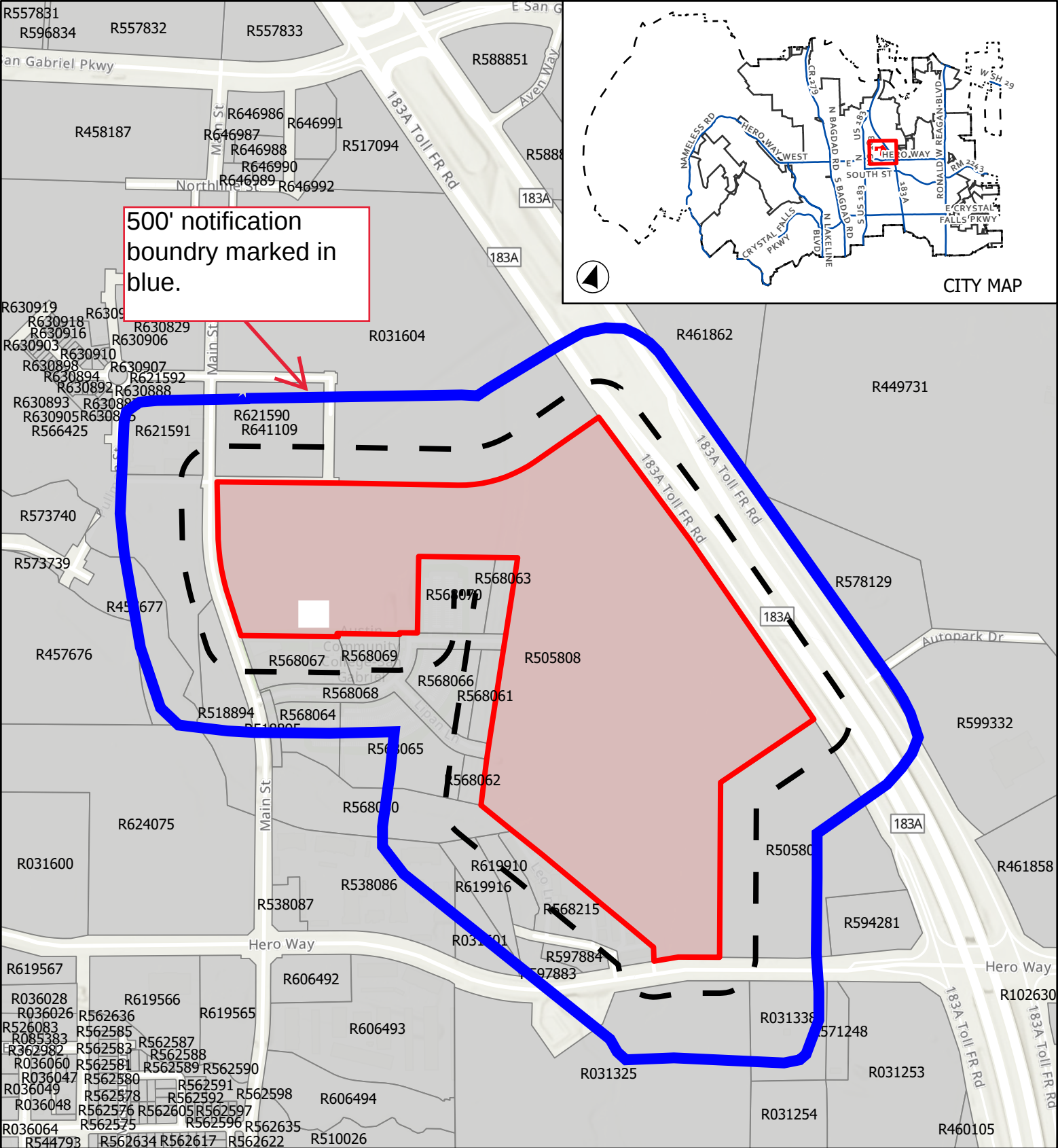
2019.27' from property line

Austin Community College: San Gabriel Campus

San Gabriel Campus Dr

Main St

College Wy



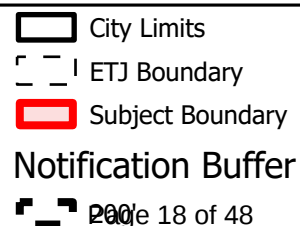
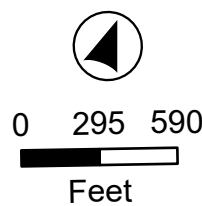
CASE: Z-24-0111

ATTACHMENT 2

ACC-LISD
ECHS PORTABLES

Public Notification

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Leander ISD

204 W. S. Street

Leander, TX 78646

February 13th, 2024

To Whom It May Concern:

The Special Use Permit for Leander ISD Early College High School will allow the continued operation and buildout of our campus.

Leander ISD Early College High School will have the capacity for 500 students grades 9-12th at full capacity, and allows in up to 125 freshmen each year during its application and enrollment cycle. The portables contained within the special use permit will allow for all Leander ISD ECHS operations to occur within, and in the event of an emergency in the main ACC building, will have the capacity to house all Leander ISD students.

Due to enrollment growth of both Leander ISD ECHS and ACC San Gabriel, Leander ISD will need to transition to portables for the 24-25 school year to allow space for college classes for both institutions per our startup plan. The portables placed at ACC San Gabriel are intended to provide temporary relief to the space needs in anticipation of a permanent structure which is slated within a future bond.

Leander ISD will begin its planning and design phase for the permanent Leander ISD building during the fall of 2024. The ACC San Gabriel campus has designated building 14000 on their master plan as the permanent location for Leander ISD Early College High School.

Sincerely,

Dr. Clay Carrier

Senior Director of Innovative Learning Programs

Principal of ECHS, NHHS and VLA

Leander ISD



leanderisd.org

204 W. South Street | P.O. Box 218
Leander, TX 78646

512-570-0000 | Fax: 512-570-0054



EXECUTIVE SUMMARY
5/23/2024

AGENDA SUBJECT:

Conduct a Public Hearing and consider action regarding Ordinance Case OR-24-0014 to amend sections of Article 10.02, Exhibit A, the Subdivision Ordinance to adopt updates to the approval process for subdivision applications, and to provide for related matters; Williamson & Travis Counties, Texas.

- Discuss and consider action regarding Ordinance Case OR-24-0014 as described above.

BACKGROUND:

This request is the first step in the ordinance process. The 88th Legislative Session included the adoption of House Bill 3699 which amended Local Government Code §212.001 (2) and (3) to allow for the administrative approval of certain plats. The update to this ordinance would change the procedure for concept plans, preliminary plats, final plats, and short form final plats to allow for the administrative approval as long as the application meets all statutory requirements without requesting variances, Significant and/or Heritage Tree Removal or requiring a public hearing.

HISTORY/TIMELINE:

09/01/2023 – HB 3699 went into effect

APPLICANT/AGENT:

City of Leander

RECOMMENDATION:

Staff recommends approval of the ordinance amendments.

PRESENTER:

Karina Castillo, AICP, Planning Manager

Attachments:

1. OR-24-0014 Att 1 Ordinance Redline
2. OR-24-0014 Att 2 Ordinance Clean

OR-23-0014 SUBDIVISION ORDINANCE – ADMINISTRATIVE APPROVAL

ARTICLE I. GENERAL

SECTION 1. DEFINITIONS

Filing Date means, with respect to Plans or Plats, the date that the Plan or Plat, along with the completed Application and application fees and other documents required by this Ordinance are submitted to the City -and that is a date set forth in the submittal schedule~~Plans or Plans are determined to be complete and are accepted for review by the City.~~

Municipal Reviewing Authority means the entity responsible for approving ~~Plats or Plans~~ governed by this Ordinance. Except as provided in Section 20(a), the Director of Planning~~The Planning and Zoning Commission~~ is responsible for approving Concept Plans, Preliminary Plats, Final Plats, Amended Final Plats, and Short Form Final Plats, and Minor Revision Preliminary Plats.~~The Commission is responsible for approving Plats that are not delegated to the Director of Planning for approval, The and the City Council are~~ responsible for approving Concept Plans that are not delegated to the Director of Planning for approval. ~~City Staff, as further specified in this ordinance, is responsible for approving Construction Plans, Minor Revision Preliminary Plats, and Amended Final Plats~~

The term “Municipal Authority” wherever it appears throughout the Ordinance will be amended to “Municipal Reviewing Authority”

Resubmittal Date means the date that a Resubmittal Application along with the completed Application and application fees and other documents required by this Ordinance are submitted to the City on a date set forth in the submittal schedule.

ARTICLE II. PROCEDURE

Section 20. -Delegation of Approval Responsibility; General Procedure.

- (a) Delegation of Approval Responsibility for Plats. The City Council, with the recommendation of the Commission, hereby delegates to the Director of Planning the ability to approve, approve with conditions, or disapprove a Plat, except for the following:
- (1) Plats for which a variance is requested;
 - (2) A replat that is not vacating the preceding plat and 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 any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot;

~~(1)(3)~~ (3) ~~A Significant or Heritage Tree(s) are~~is proposed to be removed in connection with the Plat; or

(4) The Director of Planning, for any reason, elects to present the Plat for approval to the ~~Municipal Commission and/or Council Authority.~~

~~(a)~~(b) ~~a~~Action on Plats and Plans. Plats ~~and Plans~~ for the development of land within the scope of this Ordinance shall be drawn and submitted to the Municipal Reviewing Authority for their approval, conditional approval, or disapproval, as provided herein. If an application is approved with conditions or disapproved, the Municipal Reviewing Authority shall provide or cause to be provided to the applicant a written statement for the conditions for approval or reasons for disapproval that clearly articulate each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the written statement shall include a citation to the law or ordinance that is the basis for the conditional approval or disapproval, as applicable. In the event that a Municipal Authority subject to quorum requirements fails to act due to lack of a quorum at the meeting at which an application is posted for action, then:

- (1) the application will be deemed approved if it meets the requirements of this Ordinance and applicable state law; or
- (2) the presiding officer of the Municipal Authority is authorized to disapprove an application that is recommended by City staff to be disapproved due to failure to comply with this Ordinance or applicable law.

**** [renumber remaining subsections accordingly and update internal references]****

(d) General Subdivision Process; Phasing.

- (1) Impact of the Phasing Plan on the Sequence of Preliminary Plat and Construction Plan Applications.
 - a. If an applicant applies for a Preliminary Plat for less than the entire property shown in the Concept Plan, the Preliminary Plat for each phase may not be reviewed concurrently, must be submitted in the order shown on the approved Phasing Plan, and review of the Preliminary Plat for a particular phase must be completed and scheduled for Commission approval ~~approved~~ before a subsequent phase may be submitted for review. In addition, the Preliminary Plat applications must contain the property shown in each phase of the approved Phasing Plan.

-
- (f) Application Forms. The Director of Planning shall prepare application forms which shall include a checklist of the required information and documents that are required to be submitted by applicants in order for an application to be accepted as complete for review and processing under this Ordinance. The Director of Planning shall update the application from time to time as required due to amendments to this Ordinance, state law, or applicable technical codes and manuals. The Commission shall review and approve the application forms and amendments prepared by the Director of Planning from time to time. The checklist and application forms shall be posted and maintained on the City's website within thirty (30) days of adoption or amendment.
-

- (j) Appeal of Disapproval by Director of Planning. An applicant may appeal the Director of Planning's disapproval of a Plat to the Municipal Reviewing Authority by submitting a written appeal to the Director of Planning within fifteen (15) days of the date of the disapproval.
- (k) Responsibility. Notwithstanding the approval of any Plans or Plats by the Council, Commission, Director of Planning, or City Engineer, the developer and the engineer that prepares and submits such plats shall be and remain responsible for the adequacy of the design and nothing in this Ordinance shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any Plat submitted.

**** [renumber remaining subsections accordingly]****

Section 20A. - Requests for Extension of Approval Deadline or Waivers of Procedures.

- (a) The applicant may request an extension of the thirty (30) day approval deadlines set forth in this Ordinance by requesting an extension on the application form. The extension request will be considered by the Municipal Authority responsible for approving the particular Plan or Plat application Commission. Approval of an extension request will extend the deadline for approval of a Plan or Plat by thirty (30) days.
-

Section 20C. – Standard Review Procedure.

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

- (b) The application shall be scheduled for consideration by the Commission-Municipal Reviewing Authority within thirty (30) days of the application Filing Date (or within the applicable extension period if an extension is granted), or within fifteen (15) days of the Resubmittal Date, as applicable. The application for Plats required to be approved by both the Commission and the Council shall be scheduled for consideration by the Council within thirty (30) days of the Commission's action on the application (or within the applicable extension period if an extension is granted), or within fifteen (15) days of Commission's action on a Resubmittal Application, as applicable.
- (c) City staff shall prepare a report analyzing the Concept PlanPlat submittal, as well as any comments received concerning the Concept PlanPlat, and recommending action on the Concept PlanPlat. If the recommended action is disapproval or conditional approval, the report shall include the reasons for disapproval or the conditions for approval, as applicable, and citations to the law or ordinance that is the basis for disapproval or the conditional approval. ~~This report shall be available at least four (4) business days prior to the Commission meeting.~~
- (d) If the ~~developer applicant~~ chooses to withdraw the Concept PlanApplication, he/she may do so in writing. For applications that require Commission or Council approval, the request must be delivered by noon of the third working day preceding the Commission applicable-meeting. A withdrawn Concept PlanPlat may be resubmitted ~~and appear on the next Commission agenda~~ after repayment of the applicable fees and required public notification.
- ~~(e) Approval. The Commission and Council, after holding public hearings in accordance with City ordinances and codes, shall take action on the Concept Plan.~~
- (e) The Commission-Municipal Reviewing Authority shall take action on the application within thirty (30) days of the Filing Date or within the time authorized by an extension granted pursuant to Section 20A. The failure of ~~either the Commission-Municipal Reviewing Authority to act within thirty (30) days of the Filing Date (or within sixty (60) days of the Filing Date where the time authorized by an extension has been granted pursuant to Section 20A), or the Council to act within thirty (30) days of action on the Concept Plan by the Commission (or within sixty (60) days where an extension has been granted)~~ shall be deemed an approval of the plan-Plat by the respective body CommissionMunicipal Reviewing Authority, except as otherwise agreed to by the applicant pursuant to Section 20A(b).
- (f) If Council approval is required for a Plat, tThe Council, within thirty (30) days of the date of action or required action on the Concept PlanPlat application by the Commission (or within ~~sixty the time authorized by (60) days of the date of action by the Commission where~~ an extension ~~has been granted pursuant to Section 20A~~), shall take action on the Concept PlanPlat application. The failure of the Council to act within thirty (30) days of the date of Commission action or required action (or within

the time authorized by an extension granted pursuant to Section 20A) shall be deemed an approval of the Plat by the Council, except as otherwise agreed to by the applicant pursuant to Section 20A(b).

- (g) The ~~Commission and Council~~ Municipal Reviewing Authority shall approve the ~~Concept Plan~~ Plat if it conforms with the requirements of this Code, the Comprehensive Plan, the Composite Zoning Ordinance, and the Texas Local Government Code and the applicant has obtained approval of a Phasing Plan, while taking into account access to and extension of the City water system, reuse water system (if applicable), wastewater system, and stormwater drainage facilities.

(h) Disapproval or Conditional Approval.

- (1) *Resubmittal Application.* After disapproval or conditional approval of ~~the Concept Plan~~ Plat, the applicant may submit a Resubmittal Application that addresses each condition of approval or remedies each reason for disapproval provided. The Resubmittal Application that has been accepted as complete shall be reviewed and processed in accordance with Section 21(d), this Ordinance.
- (2) *Action on Resubmittal Application.* The ~~Commission~~ Municipal Reviewing Authority shall take action on the Resubmittal Application within fifteen (15) days of Resubmittal Date. The Council, if Council action is required, within fifteen (15) days of the date of the Commission's action or required action on the ~~Concept Plan~~ Resubmittal A application ~~by the Commission,~~ shall take action on the ~~Concept Plan~~ Resubmittal A application. The failure of ~~either the Commission~~ Municipal Reviewing Authority to act within fifteen (15) days of the Resubmittal Date, or the Council to act within fifteen (15) days of Commission action or required on the Resubmittal Application ~~by the Commission~~ shall be deemed an approval of the ~~plan~~ Plat by the respective body, if the Resubmittal Application satisfies all conditions of a conditional approval or remedies all reasons for disapproval, except as otherwise requested by the applicant and approved by the Municipal Authority pursuant to Section 20A(b).

SECTION 21. – CONCEPT PLAN

- (d) Procedure. A Concept Plan shall be submitted to the City for approval by the Municipal Reviewing Authority. If the Concept Plan is not eligible to be approved by the Director of Planning under Section 20(a), both the Commission and the Council must approve the Concept Plan.

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

~~(3) — The application shall be scheduled for consideration by the Commission within thirty (30) days of the application Filing Date (or within the applicable extension period if an extension is granted), or within fifteen (15) days of the Resubmittal Date, as applicable. The application shall be scheduled for consideration by the Council within thirty (30) days of the Commission's action on the application (or within the applicable extension period if an extension is granted), or within fifteen (15) days of Commission's action on a Resubmittal Application, as applicable.~~

~~(4) — City staff shall prepare a report analyzing the Concept Plan submittal, as well as any comments received concerning the Concept Plan, and recommending action on the Concept Plan. If the recommended action is disapproval or conditional approval, the report shall include the reasons for disapproval or the conditions for approval, as applicable, and citations to the law or ordinance that is the basis for disapproval or the conditional approval. This report shall be available at least four (4) business days prior to the Commission meeting.~~

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

(e) *Notification.* The notification provisions of this subsection apply to replat applications that were limited by the following during the past five (5) years: interim or permanent zoning classification for a residential use not more than two (2) residential units per lot; or limited by deed restrictions to residential use for not more than two (2) residential units per lot. All owners of property (as determined by the most recent tax rolls from the County Appraisal District), any part of which is located within two hundred (200) feet of the perimeter of the land to be developed, shall be notified by mail.

- (1) The developer shall post signs along contiguous rights-of-way at each corner of the development and at intervals that do not exceed three hundred (300) feet between said corners. Signs must be in accordance with the City Standard Details and Specifications. Signs must be posted at least 15 days before the first public hearing, but shall not be posted more than 30 days in advance of the first public hearing.
- (2) The City shall mail public notification ~~forms~~letters, postmarked no fewer than fifteen (15) days prior to the appropriate Commission hearing, to the owners

of all property, any part of which is located within two hundred (200) feet of the perimeter of the property included within the Concept Plan.

- (f) Approval. The ~~Commission and Council~~Municipal Reviewing Authority, after holding any public hearings in accordance with City ordinances and codes, shall take action on the Concept Plan.

~~(1) The Commission shall take action on the application within thirty (30) days of the Filing Date. The failure of either the Commission to act within thirty (30) days of the Filing Date (or within sixty (60) days of the Filing Date where an extension has been granted), or the Council to act within thirty (30) days of action on the Concept Plan by the Commission (or within sixty (60) days where an extension has been granted) shall be deemed an approval of the plan by the respective body, except as otherwise agreed to by the applicant pursuant to Section 20A(b).~~

~~(2) The Council, within thirty (30) days of the date of action on the Concept Plan application by the Commission (or within sixty (60) days of the date of action by the Commission where an extension has been granted), shall take action on the Concept Plan application.~~

- (1) ~~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.
- (2) ~~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.
- (3) ~~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) — The Commission and Council shall approve the Concept Plan if it conforms with the requirements of this Code, the Comprehensive Plan, the Composite Zoning Ordinance, and the Texas Local Government Code and the applicant has obtained approval of a Phasing Plan, while taking into account access to and extension of the City water system, reuse water system (if applicable), wastewater system, and stormwater drainage facilities.~~

~~(g) — Disapproval or Conditional Approval.~~

~~(1) — Resubmittal Application. After disapproval or conditional approval of the Concept Plan, the applicant may submit a Resubmittal Application that addresses each condition of~~

~~approval or remedies each reason for disapproval provided. The Resubmittal Application that has been accepted as complete shall be reviewed and processed in accordance with Section 21(d).~~

~~(2) — *Action on Resubmittal Application.* The Commission shall take action on the Resubmittal Application within fifteen (15) days of Resubmittal Date. The Council, within fifteen (15) days of the date of action on the Concept Plan application by the Commission, shall take action on the Concept Plan application. The failure of either the Commission to act within fifteen (15) days of the Resubmittal Date, or the Council to act within fifteen (15) days of action on the Resubmittal Application by the Commission shall be deemed an approval of the plan by the respective body, if the Resubmittal Application satisfies all conditions of a conditional approval or remedies all reasons for disapproval, except as otherwise requested by the applicant and approved by the Municipal Authority pursuant to Section 20A(b).~~

**** [renumber remaining subsections accordingly and update internal references] *****

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

SECTION 22. PRELIMINARY PLAT

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

- (5) Support Documents.

- (i) A drainage study, consisting of a Drainage Area Map with contours, location and capacities of existing and proposed drainage features, and calculations in accordance with this Ordinance and good engineering practices, shall be provided to ensure the property will be developed in accordance with City drainage policies.
- (ii) Utility demand data, consistent with the proposed uses indicated on the Preliminary Plat, to determine the adequacy and the consistency of proposed utility improvements.
- (iii) A letter of certification, when applicable, that the Plat has been submitted to the County Health District for review (applicable to all projects proposing septic systems and/or containing any portion of the regulatory one hundred (100) year floodplain outside of the City limits).
- (iv) Copy of approved Concept Plan.
- (v) Copy of deed showing current ownership.
- (vi) Park proposal in compliance with approved Concept Plan.

~~(vii) Copy of the approved tree preservation plan.~~

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

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

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

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

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

~~(ii) within ten (10) business days of the date the application is filed with the City, the City provides the applicant written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided; and~~

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

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

~~(v) If required, The the application shall be scheduled for consideration by the Commission within thirty (30) days of the application Filing Date (or within the applicable extension period if an extension is granted), or within fifteen (15) days of the Resubmittal Date, as applicable.~~

~~(vi) City staff shall prepare a report analyzing the Preliminary Plat submittal, as well as any comments received concerning the Concept Plan, and recommending action on the Preliminary Plat. If the recommended action is disapproval or conditional approval, the report shall include the reasons for disapproval or the conditions for approval, as applicable, and citations to the law or ordinance that is the basis for~~

~~disapproval or the conditional approval. This report shall be available at least five (5) working days prior to the Commission meeting.~~

~~(5)~~(4) City staff shall forward the Preliminary Plat to other jurisdictional agencies, including but not limited to, Williamson and/or Travis County (if in ETJ), LISD, CAMPO, Capital Metro, Fire Department and utility companies.

(e) **Notification.** Public notification for a Preliminary Plat shall not be required unless a variance to the ordinance requirements is proposed.

(f) **Approval** A Preliminary Plat shall be submitted to the City for approval by the Municipal Reviewing Authority. If the Preliminary Plat is not eligible to be approved by the Director of Planning under Section 20(a), the Commission must approve the Preliminary Plat. The Commission shall act on the request for Preliminary Plat approval within thirty (30) days of the Filing Date, or within sixty (60) days of the Filing Date if the applicant's extension request has been grant

~~(1) (1) The failure of the Commission to act within thirty (30) days of the Preliminary Plat Filing Date (or within 60 days of the Filing Date when an extension has been granted) shall be deemed an approval of the plat, except as otherwise agreed to by the applicant pursuant to Section 20A(b).~~

~~(2)~~(1) 2 Approval of the Preliminary Plat shall not constitute approval of the Final Plat, but shall constitute a vesting of the right to develop under City ordinances, codes and policies in effect on the date of the approval provided that neither the Preliminary Plat nor any subsequent plat or permit has been, or is allowed, to expire.

~~(3)~~(2) The applicant should be aware that specific approvals from other agencies may be required.

~~(4)~~(3) 4 A Preliminary Plat shall not be approved if it is not in conformance with the Composite Zoning Ordinance.

~~(g) Disapproval or Conditional Approval.~~

~~(1) Resubmittal Application. After disapproval or conditional approval of the Preliminary Plat, the applicant may submit a Resubmittal Application that addresses each condition for approval or remedies each reason for disapproval provided. The Resubmittal Application that has been accepted as complete shall be reviewed and processed in accordance with Section 22(d).~~

~~(2) Action on Resubmittal Application. The Commission shall take action on the Resubmittal Application within fifteen (15) days of Resubmittal Date. The failure of the Commission to act within fifteen (15) days of the Resubmittal Date shall be deemed an approval of the plat by the Commission if the Resubmittal Application satisfies all conditions of a conditional approval or remedies all reasons for disapproval, except as otherwise requested by the applicant and approved by the Municipal Authority pursuant to Section 20A(b).~~

**** [renumber remaining subsections accordingly and update internal references] ****

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

SECTION 24. FINAL PLAT

- (d) **Procedure.** After approval of the Preliminary Plat and Construction Plans for a proposed subdivision, a Final Plat for that subdivision shall be submitted to the City for approval by the CommissionMunicipal Reviewing Authorityapproval, and such approval shall be obtained, before recordation of the Plat.
- (4) A Final Plat may be submitted for review and approval simultaneously with Construction Plans only if the applicant elects to seek approval under the Alternative Review Procedure set forth in Section 20B(a) of the Subdivision Ordinance at the time of submittal, provided however that the Final Plat shall not be approved until the Construction Plans have been approved and all required improvements have been determined by the City Engineer to be complete or fiscal surety is posted for such improvements including any required park improvements. If the Final Plat and Construction Plans are to be reviewed simultaneously, a complete application for Final Plat and a complete application for Construction Plans must be submitted to the City simultaneously and the Alternative Review Procedure described in Section 20B(a) will govern review, processing, and approval of the applications.
- (5) Legible prints, as indicated on the application form, shall be submitted ~~at least thirty (30) days prior to the regular meeting of the Commission at which the Final Plat is to be heard,~~ along with all information included on the most recent Final Plat application/checklist and the following pursuant to the Submittal Schedule:
 - a) Completed application forms and the payment of all applicable fees.
 - b) Any materials or documents required by the Commission and/or Council as a condition of Preliminary Plat approval.
 - c) A letter requesting any variances from the provisions of this Ordinance, if not previously approved as part of the Preliminary Plat, and posted pursuant to the

requirements this Ordinance.

- d) ~~Two (2) copies of~~ the deed restrictions or covenants, if such documents are to be used. These shall be filed for record in conjunction with the filing of the Final Plat.
 - e) Certification from all applicable taxing authorities that all taxes due on the property have been paid.
 - f) Any attendant documents needed to supplement the information provided on the Final Plat.
- (6) For projects located within the City's extra-territorial jurisdiction, ~~one (1) extra copy of the above referenced items must be provided to the County for review and approval.~~ the applicant shall be responsible for any additional information required by the County for Final Plat approval.
- (7) For projects located within the Lake Travis watershed, the applicant shall coordinate reviews with the ~~one (1) extra copy of the above referenced items must be provided to the~~ Lower Colorado River Authority (LCRA) for compliance with the Lake Travis and Upper Highland Lakes Non-point Source Pollution Control Ordinance. The applicant shall be responsible for any additional information required by the LCRA for the necessary approvals.
- ~~(8) City staff shall review all Final Plat submittals for completeness within ten business days of the date the application is submitted. If in the judgment of City staff, the Final Plat submittal substantially fails to meet the minimal informational requirements as outlined above, it will not be accepted for review. A Final Plat application shall expire on the 45th day after the date the application is filed with the City if:~~
- ~~a) 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;~~
 - ~~b) 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~~
 - ~~c) the applicant fails to provide the specified documents or other information within the time provided in the notice.~~
- ~~(6) Prior to the Commission meeting at which the Final Plat is presented, City staff shall review the plat for consistency with City codes, policies and plans if action by the Commission is required.~~
- ~~(7) The Commission meeting shall be scheduled within thirty (30) days of the application Filing Date, or within fifteen (15) days of the Resubmittal Date, as applicable.~~
- ~~(8) City staff shall prepare a report analyzing the Final Plat submittal, as well as any comments received concerning the Preliminary Plat, and recommending action on the Final Plat if action by the Commission is required. If the recommended action is disapproval or conditional approval, the report shall include the reasons for disapproval or the~~

~~conditions for approval, as applicable, and citations to the law or ordinance that is the basis for disapproval or the conditional approval. This report shall be available at least five (5) working days prior to the Commission meeting.~~

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

(f) **Approval.** A Final Plat shall be submitted to the City for approval by the Municipal Reviewing Authority. If the Final Plat is not eligible to be approved by the Director of Planning under Section 20(a), the Commission must approve the Final Plat.

**** [renumber remaining subsections accordingly and update internal section references]

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

- i. The tract is not in conformance with the Composite Zoning Ordinance or the Subdivision Ordinance.
- ii. Fees in-lieu of park-land dedication as required by this Ordinance, if applicable, have not been paid.
- iii. Written acceptance of all improvements required by this Ordinance by the City Engineer or, in lieu of acceptance, assurance of completion of said improvements pursuant to this Ordinance, has not been received by the City.
- iv. Applicable fees required by this Ordinance have not been paid.
- v. Notes describing any variances approved by the Commission have not been added to the plat.
- vi. ~~Three~~ Two (32) copies of record drawings have not been submitted to and approved by the City Engineer, along with a statement prepared by a licensed professional engineer.
- vii. ~~Diskette(s) containing e~~Computer generated drawings of all public improvements shown on the Construction Plans, and all lot lines shown on the Final Plat, have not been submitted to the City Engineer to update City record drawings.
- viii. ~~Three (3) copies of~~ Maintenance bonds meeting the requirements of this Ordinance have not been provided.
- ix. An affidavit of all bills paid and a release of liens have not been provided.
- x. Any and all other requirements required by this Ordinance or applicable law or identified in the Final Plat process have not been satisfied.

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

~~(f) **Resubmittal.**~~

~~(4) After disapproval or conditional approval of the Final Plat, the applicant may submit a Resubmittal Application that addresses each conditional approval or remedies each reason for disapproval provided. The Resubmittal Application that has been accepted as complete shall be reviewed and processed in accordance with Section 24(d).~~

~~(5) The Commission shall take action on the Resubmittal Application within fifteen (15) days of Resubmittal Date. The failure of the Commission to act within fifteen (15) days of the Resubmittal Date, shall be deemed an approval of the plat if the Resubmittal Application satisfies all conditions of a conditional approval or remedies all reasons for disapproval, except as otherwise requested by the applicant and approved by the Municipal Authority pursuant to Section 20A(b).~~

(g) Disapproval, Expiration and Extension.

- (1) In the event that an applicant requests city staff delay submitting a Final Plat to the ~~Commission~~Municipal Reviewing Authority in accordance with Section 20A(b), the applicant must present the Final Plat application to the ~~Commission~~Municipal Reviewing Authority within six (6) months of the date the delay is requested or the Final Plat application will expire. The Planning Department may grant one six (6) month extension if there are extenuating circumstances.
- (2) If the ~~Commission~~Municipal Reviewing Authority approves the plat with conditions, the application will not expire until six months from the date of such action by the ~~Commission~~Municipal Reviewing Authority. One additional six (6) month extension may be granted by the ~~Commission~~Municipal Reviewing Authority if the applicant can demonstrate substantial progress in compliance with conditions.
- (3) The approval of the final plat by the ~~Commission~~Municipal Reviewing Authority shall expire within one (1) year of the date of approval if the final plat is not recorded with the County.

(j) Recordation.

- (1) Prior to the recordation of the Final Plat:
 - (i) The Final Plat shall have been approved by the ~~City Staff or Commission~~Municipal Reviewing Authority and signed by the appropriate City officials pursuant to the provisions of this Ordinance.
 - (ii) Copies of any agreements required providing for the proper and continuous operation, maintenance, and supervision of any facilities that are of common use or benefit which cannot be satisfactorily maintained, or which have been rejected for operation and/or maintenance, by an existing public agency shall be executed.
- (2) City staff shall, upon determination that all provisions of this Ordinance have been satisfied, and all the above conditions have been met, obtain signatures certifying Final Plat approval by the ~~Chairperson of the Commission~~Municipal Reviewing Authority, as attested to by the Commission Secretary.
- (3) Once the original Final Plat has been certified by the ~~Chairperson of the Commission~~Municipal Reviewing Authority, City staff shall notify the developer that the original, signed Final Plat is ready to be recorded.
- (4) The City shall make arrangements to have the Final Plat filed for recordation at the developer's expense in the Official County Records at the appropriate county offices.
- (5) If the land area represented by the subdivision is located outside the corporate limits of the City on the date of its filing for recordation with the Official County Records, then it

must be approved by the Commissioners Court of the County prior to recordation unless an agreement between the City and County stipulates differently. It shall be the responsibility of the developer to be familiar with the process, procedures, and requirements necessary to secure County approval. Such approval shall be evidenced by the signature of the statement of certification by the County Judge.

- (6) After the Plat is filed for recordation, the City shall obtain official scanned copies of the recorded final plat. The City shall not issue final address Plats or permits for lots within the subdivision until the Final Plat has been recorded, the developer has paid the county recordation fee, and the scan of the recorded plat is received.
- (k) **Responsibility.** Notwithstanding the approval of any Final Plat by the ~~Commission~~Municipal Reviewing Authority, the developer and the engineer that prepares and submits such Plats shall be and remain responsible for the adequacy of the design and nothing in this Ordinance shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any Plat submitted.

SECTION 25. – AMENDED PLATS.

- (f) Approval. The ~~City Staff~~Director of Planning shall take action any Amended Plat meeting the requirements of this Ordinance within thirty (30) days the Filing Date (or within ~~sixty (60) days of the Filing Date~~the time frame set forth in ~~if an extension request has been approved under Section 20A~~). If the Amended Plat is disapproved, the City Staff shall notify the applicant, in writing by the thirtieth (30th) day following the Filing Date, of disapproval, state the reasons for disapproval, and cite to the law or ordinance that is the basis for disapproval. The failure of the Director of Planning ~~City Staff~~ to act within thirty (30) days of the Filing Date (or within the frame set forth in an approved extensions~~sixty (60) days of the Filing Date where an extension has been granted~~), shall be deemed an approval of the Amended Plat, except as otherwise agreed to by the applicant pursuant to Section 20A(b). If in the City Staff's determination, the Amended Plat does not qualify to be revised as an Amended Plat under this Ordinance or state law, the ~~City Staff~~Director of Planning shall disapprove the application in writing, state the specific reason for disapproval, cite to the law or ordinance that is the basis for disapproval, and may require the plat to be processed in accordance with the Final Plat procedures of this Ordinance. An Amended Plat shall not be approved if it is not in conformance with the Composite Zoning Ordinance.
- (g) Resubmittal.

- (1) After disapproval or conditional approval of the Amended Plat, the applicant may submit a Resubmittal Application that addresses each conditional approval or remedies each reason for disapproval provided. The Resubmittal Application that has been accepted as complete shall be reviewed and processed in accordance with Section 25(d).

- (2) The ~~City Staff~~Director of Planning shall take action on the Resubmittal Application within fifteen (15) days of Resubmittal Date. The failure of the ~~City Staff~~Director of Planning to act within fifteen (15) days of the Resubmittal Date shall be deemed an approval of the Amended Plat if the Resubmittal Application satisfies all conditions of a conditional approval or remedies all reasons for disapproval, except as otherwise requested by the applicant and approved by the Municipal Authority pursuant to [Section 20A\(b\)](#).

Section 26. -Short Form Final Plats

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

Section 72. - Variances

- (b) Notification. The notification procedures for variance requests shall be ~~the same as the notification procedures described for a Concept Plan as follows:~~
- (1) The developer shall post signs along contiguous rights-of-way at each corner of the development and at intervals that do not exceed three hundred (300) feet between said corners. Signs must be in accordance with the City Standard Details and Specifications. Signs must be posted at least ~~fifteen (15)~~ days before the first public hearing, but shall not be posted more than ~~thirty (30)~~ days in advance of the first public hearing.
 - (2) The City shall mail public notification letters, postmarked no fewer than fifteen (15) days prior to the public hearing, to the owners of all property, any part of which is located within two hundred (200) feet of the perimeter of the property included within the variance application.

OR-23-0014 SUBDIVISION ORDINANCE – ADMINISTRATIVE APPROVAL

ARTICLE I. GENERAL

SECTION 1. DEFINITIONS

Filing Date means, with respect to Plans or Plats, the date that the Plan or Plat, along with the completed Application and application fees and other documents required by this Ordinance are submitted to the City and that is a date set forth in the submittal schedule.

Municipal Reviewing Authority means the entity responsible for approving Plats governed by this Ordinance. Except as provided in Section 20(a), the Director of Planning is responsible for approving Concept Plans, Preliminary Plats, Final Plats, Amended Final Plats, Short Form Final Plats, and Minor Revision Preliminary Plats. The Commission is responsible for approving Plats that are not delegated to the Director of Planning for approval, and the City Council are responsible for approving Concept Plans that are not delegated to the Director of Planning for approval.

The term “Municipal Authority” wherever it appears throughout the Ordinance will be amended to “Municipal Reviewing Authority”

Resubmittal Date means the date that a Resubmittal Application along with the completed Application and application fees and other documents required by this Ordinance are submitted to the City on a date set forth in the submittal schedule.

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ARTICLE II. PROCEDURE

Section 20. Delegation of Approval Responsibility; General Procedure.

- (a) Delegation of Approval Responsibility for Plats. The City Council, with the recommendation of the Commission, hereby delegates to the Director of Planning the ability to approve, approve with conditions, or disapprove a Plat, except for the following:
 - (1) Plats for which a variance is requested;
 - (2) A replat that is not vacating the preceding plat and 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 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) A Significant or Heritage Tree(s) are proposed to be removed in connection with the Plat; or
- (4) The Director of Planning, for any reason, elects to present the Plat for approval to the Commission and/or Council.

(b) Action on Plats. Plats for the development of land within the scope of this Ordinance shall be drawn and submitted to the Municipal Reviewing Authority for their approval, conditional approval, or disapproval, as provided herein. If an application is approved with conditions or disapproved, the Municipal Reviewing Authority shall provide or cause to be provided to the applicant a written statement for the conditions for approval or reasons for disapproval that clearly articulate each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the written statement shall include a citation to the law or ordinance that is the basis for the conditional approval or disapproval, as applicable. In the event that a Municipal Authority subject to quorum requirements fails to act due to lack of a quorum at the meeting at which an application is posted for action, then:

- (1) the application will be deemed approved if it meets the requirements of this Ordinance and applicable state law; or
- (2) the presiding officer of the Municipal Authority is authorized to disapprove an application that is recommended by City staff to be disapproved due to failure to comply with this Ordinance or applicable law.

**** [renumber remaining subsections accordingly and update internal references]****

(d) **General Subdivision Process; Phasing.**

- (1) Impact of the Phasing Plan on the Sequence of Preliminary Plat and Construction Plan Applications.
 - a. If an applicant applies for a Preliminary Plat for less than the entire property shown in the Concept Plan, the Preliminary Plat for each phase may not be reviewed concurrently, must be submitted in the order shown on the approved Phasing Plan, and review of the Preliminary Plat for a particular phase must be completed and approved before a subsequent phase may be submitted for review. In addition, the Preliminary Plat applications must contain the property shown in each phase of the approved Phasing Plan.

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- (f) Application Forms. The Director of Planning shall prepare application forms which shall include a checklist of the required information and documents that are required to be submitted by applicants in order for an application to be accepted as complete for

review and processing under this Ordinance. The Director of Planning shall update the application from time to time as required due to amendments to this Ordinance, state law, or applicable technical codes and manuals. The Commission shall review and approve the application forms and amendments prepared by the Director of Planning from time to time. The checklist and application forms shall be posted and maintained on the City's website within thirty (30) days of adoption or amendment.

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- (j) Appeal of Disapproval by Director of Planning. An applicant may appeal the Director of Planning's disapproval of a Plat to the Municipal Reviewing Authority by submitting a written appeal to the Director of Planning within fifteen (15) days of the date of the disapproval.
 - (k) Responsibility. Notwithstanding the approval of any Plats by the Council, Commission, Director of Planning, or City Engineer, the developer and the engineer that prepares and submits such plats shall be and remain responsible for the adequacy of the design and nothing in this Ordinance shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any Plat submitted.

**** [renumber remaining subsections accordingly]****

Section 20A. - Requests for Extension of Approval Deadline or Waivers of Procedures.

- (a) The applicant may request an extension of the thirty (30) day approval deadlines set forth in this Ordinance by requesting an extension on the application form. The extension request will be considered by the Commission. Approval of an extension request will extend the deadline for approval of a Plan or Plat by thirty (30) days.

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Section 20C. – Standard Review Procedure.

- (a) City staff shall review the plan for consistency with City codes, policies and plans.
- (b) The application shall be scheduled for consideration by the Municipal Reviewing Authority within thirty (30) days of the application Filing Date (or within the applicable extension period if an extension is granted), or within fifteen (15) days of the Resubmittal Date, as applicable. The application for Plats required to be approved by both the Commission and the Council shall be scheduled for consideration by the Council within thirty (30) days of the Commission's action on the application (or within the applicable extension period if an extension is granted), or within fifteen (15) days of Commission's action on a Resubmittal Application, as applicable.

- (c) City staff shall prepare a report analyzing the Plat submittal, as well as any comments received concerning the Plat, and recommending action on the Plat. If the recommended action is disapproval or conditional approval, the report shall include the reasons for disapproval or the conditions for approval, as applicable, and citations to the law or ordinance that is the basis for disapproval or the conditional approval.
- (d) If the applicant chooses to withdraw the Application, he/she may do so in writing. For applications that require Commission or Council approval, the request must be delivered by noon of the third working day preceding the applicable meeting. A withdrawn Plat may be resubmitted after repayment of the applicable fees and required public notification.
- (e) The Municipal Reviewing Authority shall take action on the application within thirty (30) days of the Filing Date or within the time authorized by an extension granted pursuant to Section 20A. The failure of the Municipal Reviewing Authority to act within thirty (30) days of the Filing Date (or within the time authorized by an extension granted pursuant to Section 20A) shall be deemed an approval of the Plat by the Municipal Reviewing Authority, except as otherwise agreed to by the applicant pursuant to [Section 20A\(b\)](#).
- (f) If Council approval is required for a Plat, the Council, within thirty (30) days of the date of action or required action on the Plat application by the Commission (or within the time authorized by an extension granted pursuant to Section 20A), shall take action on the Plat application. The failure of the Council to act within thirty (30) days of the date of Commission action or required action (or within the time authorized by an extension granted pursuant to Section 20A) shall be deemed an approval of the Plat by the Council, except as otherwise agreed to by the applicant pursuant to [Section 20A\(b\)](#).
- (g) The Municipal Reviewing Authority shall approve the Plat if it conforms with the requirements of this Code, the Comprehensive Plan, the Composite Zoning Ordinance, and the Texas Local Government Code and the applicant has obtained approval of a Phasing Plan, while taking into account access to and extension of the City water system, reuse water system (if applicable), wastewater system, and stormwater drainage facilities.
- (h) Disapproval or Conditional Approval.
 - (1) *Resubmittal Application.* After disapproval or conditional approval of a Plat, the applicant may submit a Resubmittal Application that addresses each condition of approval or remedies each reason for disapproval provided. The Resubmittal

Application that has been accepted as complete shall be reviewed and processed in accordance with this Ordinance.

- (2) *Action on Resubmittal Application.* The Municipal Reviewing Authority shall take action on the Resubmittal Application within fifteen (15) days of Resubmittal Date. The Council, if Council action is required, within fifteen (15) days of the date of the Commission's action or required action on the Resubmittal Application, shall take action on the Resubmittal Application. The failure of Municipal Reviewing Authority to act within fifteen (15) days of the Resubmittal Date, or the Council to act within fifteen (15) days of Commission action or required on the Resubmittal Application shall be deemed an approval of the Plat by the respective body, if the Resubmittal Application satisfies all conditions of a conditional approval or remedies all reasons for disapproval, except as otherwise requested by the applicant and approved by the Municipal Authority pursuant to [Section 20A](#)(b).

SECTION 21. – CONCEPT PLAN

- (d) *Procedure.* A Concept Plan shall be submitted to the City for approval by the Municipal Reviewing Authority. If the Concept Plan is not eligible to be approved by the Director of Planning under Section 20(a), both the Commission and the Council must approve the Concept Plan.
- (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.
- (e) *Notification.* The notification provisions of this subsection apply to replat applications that were limited by the following during the past five (5) years: interim or permanent zoning classification for a residential use not more than two (2) residential units per lot; or limited by deed restrictions to residential use for not more than two (2) residential units per lot. All owners of property (as determined by the most recent tax rolls from the County Appraisal District), any part of which is located within two hundred (200) feet of the perimeter of the land to be developed, shall be notified by mail.
- (1) The developer shall post signs along contiguous rights-of-way at each corner of the development and at intervals that do not exceed three hundred (300) feet between said corners. Signs must be in accordance with the City Standard Details and Specifications. Signs must be posted at least 15 days before the first public hearing, but shall not be posted more than 30 days in advance of the first public hearing.

- (2) The City shall mail public notification letters, postmarked no fewer than fifteen (15) days prior to the appropriate Commission hearing, to the owners of all property, any part of which is located within two hundred (200) feet of the perimeter of the property included within the Concept Plan.
- (f) Approval. The Municipal Reviewing Authority, after holding any public hearings in accordance with City ordinances and codes, shall take action on the Concept Plan.
- (1) If applicable, zoning of the tract shall permit the uses proposed by the Concept Plan, or a zoning amendment necessary to permit the proposed uses shall be required prior to approval of the Concept Plan.
 - (2) Approval of a Concept Plan constitutes acceptance of the general development and arrangement of lots indicated on the plan; the classification and arrangement of streets indicated; the proposed phasing plan; and the nature of utility service proposed. Subsequent zoning approvals cannot be guaranteed.
 - (3) Concept Plan approval does not ensure approval of a Preliminary Plat failing to meet specific requirements of this Ordinance, and approval does not comprise any vesting of development rights or any assurance that permits of any kind will be issued.

**** [renumber remaining subsections accordingly and update internal references] *****

- (j) Revision. If a revision to a previously approved Concept Plan is required, all changes must be resubmitted to the Municipal Reviewing Authority for approval. All fees shall be repaid as if the Concept Plan was initially being submitted.

SECTION 22. PRELIMINARY PLAT

- (c) **Content.** The Preliminary Plat shall include a description of any off-site improvements required to accommodate the project. The Preliminary Plat shall contain or have attached thereto:
- (5) Support Documents.
 - (i) A drainage study, consisting of a Drainage Area Map with contours, location and capacities of existing and proposed drainage features, and calculations in accordance with this Ordinance and good engineering practices, shall be provided to ensure the property will be developed in accordance with City drainage policies.
 - (ii) Utility demand data, consistent with the proposed uses indicated on the Preliminary Plat, to determine the adequacy and the consistency of proposed utility improvements.
 - (iii) A letter of certification, when applicable, that the Plat has been submitted to the County Health District for review (applicable to all projects proposing septic systems

and/or containing any portion of the regulatory one hundred (100) year floodplain outside of the City limits).

- (iv) Copy of approved Concept Plan.
- (v) Copy of deed showing current ownership.
- (vi) Park proposal in compliance with approved Concept Plan.

(d) **Procedure.** A Preliminary Plat for any proposed subdivision of land, shall be submitted to the Municipal Reviewing Authority for action.

- (2) For projects located within the City's extra-territorial jurisdiction, the applicant shall be responsible for any additional information required by the County for Preliminary Plat approval.
- (3) For projects located within the Lake Travis watershed, the applicant shall coordinate reviews with the Lower Colorado River Authority (LCRA) for compliance with the Lake Travis and Upper Highland Lakes Non-point Source Pollution Control Ordinance. The applicant shall be responsible for any additional information required by the LCRA for the necessary approvals.
- (4) City staff shall forward the Preliminary Plat to other jurisdictional agencies, including but not limited to, Williamson and/or Travis County (if in ETJ), LISD, CAMPO, Capital Metro, Fire Department and utility companies.

(e) **Notification.** Public notification for a Preliminary Plat shall not be required unless a variance to the ordinance requirements is proposed.

(f) **Approval** A Preliminary Plat shall be submitted to the City for approval by the Municipal Reviewing Authority. If the Preliminary Plat is not eligible to be approved by the Director of Planning under Section 20(a), the Commission must approve the Preliminary Plat.

- (1) Approval of the Preliminary Plat shall not constitute approval of the Final Plat, but shall constitute a vesting of the right to develop under City ordinances, codes and policies in effect on the date of the approval provided that neither the Preliminary Plat nor any subsequent plat or permit has been, or is allowed, to expire.
- (2) The applicant should be aware that specific approvals from other agencies may be required.
- (3) A Preliminary Plat shall not be approved if it is not in conformance with the Composite Zoning Ordinance.

**** [renumber remaining subsections accordingly and update internal references] ****

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

SECTION 24. FINAL PLAT

- (d) **Procedure.** After approval of the Preliminary Plat and Construction Plans for a proposed subdivision, a Final Plat for that subdivision shall be submitted to the City for approval by the Municipal Reviewing Authority, and such approval shall be obtained, before recordation of the Plat.
- (4) A Final Plat may be submitted for review and approval simultaneously with Construction Plans only if the applicant elects to seek approval under the Alternative Review Procedure set forth in Section 20B(a) of the Subdivision Ordinance at the time of submittal, provided however that the Final Plat shall not be approved until the Construction Plans have been approved and all required improvements have been determined by the City Engineer to be complete or fiscal surety is posted for such improvements including any required park improvements. If the Final Plat and Construction Plans are to be reviewed simultaneously, a complete application for Final Plat and a complete application for Construction Plans must be submitted to the City simultaneously and the Alternative Review Procedure described in Section 20B(a) will govern review, processing, and approval of the applications.
- (5) Legible prints, as indicated on the application form, shall be submitted along with all information included on the most recent Final Plat application/checklist and the following pursuant to the Submittal Schedule:
 - a) Completed application forms and the payment of all applicable fees.
 - b) Any materials or documents required by the Commission and/or Council as a condition of Preliminary Plat approval.
 - c) A letter requesting any variances from the provisions of this Ordinance, if not previously approved as part of the Preliminary Plat, and posted pursuant to the requirements this Ordinance.
 - d) The deed restrictions or covenants, if such documents are to be used. These shall be filed for record in conjunction with the filing of the Final Plat.
 - e) Certification from all applicable taxing authorities that all taxes due on the property

have been paid.

- f) Any attendant documents needed to supplement the information provided on the Final Plat.
- (6) For projects located within the City's extra-territorial jurisdiction, the applicant shall be responsible for any additional information required by the County for Final Plat approval.
- (7) For projects located within the Lake Travis watershed, the applicant shall coordinate reviews with the Lower Colorado River Authority (LCRA) for compliance with the Lake Travis and Upper Highland Lakes Non-point Source Pollution Control Ordinance. The applicant shall be responsible for any additional information required by the LCRA for the necessary approvals.

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

(f) **Approval.** A Final Plat shall be submitted to the City for approval by the Municipal Reviewing Authority. If the Final Plat is not eligible to be approved by the Director of Planning under Section 20(a), the Commission must approve the Final Plat.

**** [renumber remaining subsections accordingly and update internal section references]

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

- i. The tract is not in conformance with the Composite Zoning Ordinance or the Subdivision Ordinance.
- ii. Fees in-lieu of parkland dedication as required by this Ordinance, if applicable, have not been paid.
- iii. Written acceptance of all improvements required by this Ordinance by the City Engineer or, in lieu of acceptance, assurance of completion of said improvements pursuant to this Ordinance, has not been received by the City.
- iv. Applicable fees required by this Ordinance have not been paid.
- v. Notes describing any variances approved by the Commission have not been added to the plat.
- vi. Two (2) copies of record drawings have not been submitted to and approved by the City Engineer, along with a statement prepared by a licensed professional engineer.
- vii. Computer generated drawings of all public improvements shown on the Construction Plans, and all lot lines shown on the Final Plat, have not been submitted to the City Engineer to update City record drawings.
- viii. Maintenance bonds meeting the requirements of this Ordinance have not been provided.
- ix. An affidavit of all bills paid and a release of liens have not been provided.
- x. Any and all other requirements required by this Ordinance or applicable law or identified in the Final Plat process have not been satisfied.

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

(g) Disapproval, Expiration and Extension.

- (1) In the event that an applicant requests city staff delay submitting a Final Plat to the Municipal Reviewing Authority in accordance with Section 20A(b), the applicant must present the Final Plat application to the Municipal Reviewing Authority within six (6) months of the date the delay is requested or the Final Plat application will expire. The Planning Department may grant one six (6) month extension if there are extenuating circumstances.
- (2) If the Municipal Reviewing Authority approves the plat with conditions, the application will not expire until six months from the date of such action by the Municipal Reviewing Authority. One additional six (6) month extension may be granted by the Municipal Reviewing Authority if the applicant can demonstrate substantial progress in compliance with conditions.
- (3) The approval of the final plat by the Municipal Reviewing Authority shall expire within one (1) year of the date of approval if the final plat is not recorded with the County.

(j) Recordation.

- (1) Prior to the recordation of the Final Plat:
 - (i) The Final Plat shall have been approved by the Municipal Reviewing Authority and signed by the appropriate City officials pursuant to the provisions of this Ordinance.
 - (ii) Copies of any agreements required providing for the proper and continuous operation, maintenance, and supervision of any facilities that are of common use or benefit which cannot be satisfactorily maintained, or which have been rejected for operation and/or maintenance, by an existing public agency shall be executed.
- (2) City staff shall, upon determination that all provisions of this Ordinance have been satisfied, and all the above conditions have been met, obtain signatures certifying Final Plat approval by the Municipal Reviewing Authority, as attested to by the Commission Secretary.
- (3) Once the original Final Plat has been certified by the Municipal Reviewing Authority, City staff shall notify the developer that the original, signed Final Plat is ready to be recorded.
- (4) The City shall make arrangements to have the Final Plat filed for recordation at the developer's expense in the Official County Records at the appropriate county offices.
- (5) If the land area represented by the subdivision is located outside the corporate limits of the City on the date of its filing for recordation with the Official County Records, then it must be approved by the Commissioners Court of the County prior to recordation unless an agreement between the City and County stipulates differently. It shall be the responsibility of the developer to be familiar with the process, procedures, and requirements necessary to secure County approval. Such approval shall be evidenced by the signature of the statement of certification by the County Judge.
- (6) After the Plat is filed for recordation, the City shall obtain official scanned copies of the recorded final plat. The City shall not issue final address Plats or permits for lots within

the subdivision until the Final Plat has been recorded, the developer has paid the county recordation fee, and the scan of the recorded plat is received.

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

SECTION 25. – AMENDED PLATS.

- (f) Approval. The Director of Planning shall take action any Amended Plat meeting the requirements of this Ordinance within thirty (30) days the Filing Date (or within the time frame set forth in an extension under Section 20A). If the Amended Plat is disapproved, the City Staff shall notify the applicant, in writing by the thirtieth (30th) day following the Filing Date, of disapproval, state the reasons for disapproval, and cite to the law or ordinance that is the basis for disapproval. The failure of the Director of Planning to act within thirty (30) days of the Filing Date (or within the frame set forth in an approved extension), shall be deemed an approval of the Amended Plat, except as otherwise agreed to by the applicant pursuant to [Section 20A\(b\)](#). If in the City Staff's determination, the Amended Plat does not qualify to be revised as an Amended Plat under this Ordinance or state law, the Director of Planning shall disapprove the application in writing, state the specific reason for disapproval, cite to the law or ordinance that is the basis for disapproval, and may require the plat to be processed in accordance with the Final Plat procedures of this Ordinance. An Amended Plat shall not be approved if it is not in conformance with the Composite Zoning Ordinance.
- (g) Resubmittal.

- (1) After disapproval or conditional approval of the Amended Plat, the applicant may submit a Resubmittal Application that addresses each conditional approval or remedies each reason for disapproval provided. The Resubmittal Application that has been accepted as complete shall be reviewed and processed in accordance with [Section 25\(d\)](#).
- (2) The Director of Planning shall take action on the Resubmittal Application within fifteen (15) days of Resubmittal Date. The failure of the Director of Planning to act within fifteen (15) days of the Resubmittal Date shall be deemed an approval of the Amended Plat if the Resubmittal Application satisfies all conditions of a conditional approval or remedies all reasons for disapproval, except as otherwise requested by the applicant and approved by the Municipal Authority pursuant to [Section 20A\(b\)](#).

Section 26. -Short Form Final Plats

Section 72. - Variances

- (b) Notification. The notification procedures for variance requests shall be as follows:
 - (1) The developer shall post signs along contiguous rights-of-way at each corner of the development and at intervals that do not exceed three hundred (300) feet between said corners. Signs must be in accordance with the City Standard Details and Specifications. Signs must be posted at least fifteen (15) days before the first public hearing, but shall not be posted more than thirty (30) days in advance of the first public hearing.
 - (2) The City shall mail public notification letters, postmarked no fewer than fifteen (15) days prior to the public hearing, to the owners of all property, any part of which is located within two hundred (200) feet of the perimeter of the property included within the variance application.