ORIGINAL

ORDINANCE NO. 2004-O-31

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, PROVIDING FOR THE PLATTING OF SUBDIVISIONS WITHIN THE VILLAGE AND ITS EXTRATERRITORIAL JURISDICTION; PROVIDING FOR STANDARDS FOR THE DEVELOPMENT AND USE OF LAND WITHIN SUBDIVISIONS; PROVIDING FOR REPLATTING, AMENDING PLATS AND VACATING PLATS FOR SUBDIVISIONS; PROVIDING DEFINITIONS, SEVERABILITY, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; PROVIDING PENALTIES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the Village of Volente desires to adopt subdivision regulations pursuant to the provisions of Chapter 212 of the Texas Local Government Code to promote the public health, safety, morals and general welfare of the citizens of the Village of Volente and to provide for the safe, orderly and healthful development of the Village of Volente;

WHEREAS, the provisions of this ordinance are consistent with the provisions of the comprehensive plan for the Village of Volente and are designed to achieve the purposes set forth in Chapter 212 of the Texas Local Government Code;

WHEREAS, the Village of Volente has complied with the notice and public hearing requirements of Chapter 212 of the Texas Local Government Code;

WHEREAS, the Village of Volente has established a Planning and Zoning Commission ("Commission") pursuant to Section 211.007 of the Texas Local Government Code and has received a recommended subdivision ordinance from the Commission;

WHEREAS, the Village of Volente desires to adopt the following regulations and standards for the platting and subdivision of land within the Village of Volente and its extraterritorial jurisdiction

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

ARTICLE 31.100 SUBDIVISION REGULATIONS

DIVISION 1: GENERAL PROVISIONS

Sec. 31.101 Authority; Extension to Extraterritorial Jurisdiction

(a) This article is adopted under the authority of the Constitution and laws of the State of Texas, including Chapter 212, Texas Local Government Code.

(b) The following rules and regulations are hereby adopted as the Subdivision Ordinance of the Village of Volente, Texas. The council hereby extends the application of this article to the extraterritorial jurisdiction of the Village of Volente, as that area may exist from time to time. This article shall be applicable to the filing of plats and the subdivision of land, as that term is defined herein and in Chapter 212 of the Texas Local Government Code, within the corporate limits of the Village of Volente and its extraterritorial jurisdiction as they may be from time to time adjusted by annexation or disannexation. The Village shall have all remedies and rights provided by said Chapter 212 with regard to the control and approval of subdivisions and plats both within the Village and within its extraterritorial jurisdiction.

Sec. 31.102 Interpretation and Purpose

(a) In the interpretation and application of the provisions of this article, it is the intention of the council that the principles, standards and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions within the Village of Volente and its extraterritorial jurisdiction.

(b) The subdivision of land is the first step in the process of development. The distribution and relationship of residential, nonresidential and agricultural uses throughout the community, along with the system of improvements for thoroughfares, utilities, public facilities and community amenities, determine, in large measure, the quality of life enjoyed by the residents of the community. Health, safety, economy, amenities, environmental sensitivity, and convenience are all factors that influence and determine a community's quality of life and overall character. A community's quality of life is of the public interest. Consequently, the subdivision of land, as it affects a community's quality of life, is an activity where regulation is a valid function of municipal government. The regulations contained herein are intended to encourage the development of a quality municipal environment for ensuring the creation and continuance of a healthy, attractive, safe and efficient community that provides for the conservation, enhancement and protection of its human and natural resources. Through the application of these regulations, the interests of the public, as well as those of public and private parties, both present and future, having interest in property affected by this article, are protected by the granting of certain rights and privileges. By establishing a fair and rational procedure for developing land, the requirements in this article further the possibility that land will be developed for its most beneficial use in accordance with existing social, economic and environmental conditions.

(c) The procedure and standards for the development, layout and design of subdivisions of land within the corporate limits and extraterritorial jurisdiction of the Village of Volente, Texas, are intended to:

(1) Promote the development and the utilization of land in a manner that assures an attractive and high quality community environment in accordance with the comprehensive plan and the applicable ordinances of the Village of Volente;

(2) Guide and assist property owners and applicants in the correct procedures to be followed, and to inform them of the standards which shall be required;

(3) Assist orderly, efficient and coordinated development within the Village limits and extraterritorial jurisdiction;

(4) Provide neighborhood conservation and prevent the development of slums and blight;

(5) Integrate the development of various tracts of land into the existing community, and coordinate the future development of adjoining tracts;

(6) Provide for compatible relationships between land uses and buildings; provide for the circulation of traffic throughout the Village, having particular regard to the avoidance of congestion in the streets and highways; provide for pedestrian circulation that is appropriate for the various uses of land and buildings; and provide the proper location and width of streets;

(7) Prevent pollution of the air, streams and bodies of water; assure the adequacy of drainage facilities; safeguard both surface and groundwater supplies, as well as natural resources and endangered or threatened plant and animal life; and encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability and beauty of the community and the value of the land;

(8) Preserve the natural beauty and topography of the Village, and ensure development that is appropriate with regard to these natural features;

(9) Establish adequate and accurate records of land subdivision;

(10) Ensure that public or private facilities are available and will have sufficient capacity to serve proposed and future subdivisions and developments within the Village and its extraterritorial jurisdiction;

(11) Protect and provide for the public health, safety and general welfare of the community;

(12) Provide for adequate light, air and privacy; secure safety from fire, flood and other danger; and prevent overcrowding of the land and undue congestion of population;

(13) Protect the character and the social and economic stability of all parts of the community, and encourage the orderly and beneficial development of all parts of the community;

(14) Protect and conserve the value of land throughout the community and the value of buildings and improvements upon the land, and minimize conflicts among the uses of land and buildings;

(15) Guide public and private policy and action in providing adequate and efficient transportation systems, public utilities, and other public amenities and facilities; and

(16) Encourage the development of a stable, prospering economic environment.

(d) Minimum standards for development are contained in the Village's construction codes, applicable articles of the code of ordinances, and in this article. However, the comprehensive plan and future land use plan express policies designed to achieve an optimum quality of development in the Village and its extraterritorial jurisdiction. If only the minimum standards are followed, as expressed by the various ordinances regulating land development, a standardization of development will occur. This will produce a monotonous municipal setting and physical environment within the community. Subdivision design shall be of a quality that will carry out the purpose and spirit of the policies expressed within the comprehensive plan and within this article, and shall be encouraged to exceed the minimum standards required herein.

Sec. 31.103 Application of Regulations

(a) No subdivision plat shall be recorded until a final plat, accurately describing the property to be conveyed, has been approved in accordance with this article and with other applicable Village regulations described in subsection (b) below. No building permit, certificate of occupancy, plumbing permit, electrical permit, flood plain permit, utility tap, or certificate of acceptance for required public improvements shall be issued by the Village for any parcel of land or plat until:

(1) A final plat has been approved in accordance with this article; and

(2) All improvements required by the Village's code of ordinances have been constructed and approved by the Village, or

(3) Assurances for completion of improvements have been provided in accordance with the Village's code of ordinances.

(b) Compliance with all Village ordinances pertaining to the subdivision of land and the comprehensive plan, shall be required prior to approval of any subdivision application governed by this article. It is the property owner's responsibility to be familiar with, and comply with, Village ordinances.

Sec. 31.104 Jurisdiction

(a) The provisions of this article shall apply to the following forms of land subdivision within the Village's limits and its extraterritorial jurisdiction:

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

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

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

(4) The combining of two (2) or more contiguous tracts, lots, sites or parcels for the purpose of creating one (1) or more legal lots in order to achieve a more developable site, except as otherwise provided herein;

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

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

(7) Any plat having received approval from the commission or the council for which said approval has expired; or,

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

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

Sec. 31.105 Exemptions

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

(1) Development of land legally platted and approved prior to the effective date of this article, except as otherwise provided for herein, and for which no re-subdivision is sought; or

(2) Development of land constituting a single tract, lot, site or parcel for which a legal deed of record describing the boundary of said tract, lot, site or parcel was filed of record in the Deed Records of Travis County, Texas, on or before the effective date of this article; or

(3) Sale, inheritance, or gift of land by metes and bounds of tracts upon which no improvements, subdivision or alteration is occurring; or

(4) Existing cemeteries complying with all state and local laws and regulations; or

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

(6) Sales of land by metes and bounds in tracts of five (5) acres or more in area and not requiring the dedication of any easements, land or roadways or the construction of public improvements for use by any purchaser or member of the public, except as otherwise specifically provided in this article; or

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

(A) The proposed use is the same as that for which the subdivision was platted by the subdivider; and

(B) No increase is anticipated in the estimated traffic generation or utility demands; and

(C) Offsite stormwater runoff is neither increased nor concentrated.

(b) The provisions of this article shall not apply to the division of an existing legal lot, said division being caused by the Village's acquisition of a part of said legal lot, when the council finds that the acquisition by the Village is in the best interest of the public health, safety and welfare of the citizens of Volente and/or its extra-territorial jurisdiction. Upon the council so finding, the resulting parcels shall be deemed to constitute legal lots for the purposes of developing under the requirements of this article and other applicable Village regulations. In creating said division, the council is empowered to attach to the resulting parcels acquired by the Village, and the remainder parcels not acquired by the Village upon agreement with the owner, such conditions as it finds reasonable and necessary to offset any adverse effects resulting from the Village's acquisition as a part of the original legal lot, in so far as any such condition is not contrary to the spirit and intent of this article.

(c) The provisions of this article shall not be construed, interpreted or applied to land located within the potential extraterritorial jurisdiction of the Village in a manner to regulate:

(1) the use of any building or property for any lawful purpose;

(2) the bulk, density or number of buildings on a tract or parcel of land;

(3) the floor to area ratio of any building to be constructed on any lot; or

(4) the number of residential units that can be built on an acre of land.

(d) Division of property into multiple smaller tracts with one (1) or more of the tracts being five (5) acres or less shall not qualify for an exemption.

Sec. 31.106 Pending Applications

All applications for subdivision approval, including plats, that are pending with the Village as complete applications on the effective date of this article and which have not lapsed shall be reviewed under the regulations in effect immediately preceding the effective date of this article.

Sec. 31.107 Interpretation; Conflict; Severability

(a) Interpretation: In their interpretation and application, the provisions of the regulations contained in this article shall be held to be the minimum requirements for the

promotion of the public health, safety and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

(b) Conflict With Other Laws: These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law except as provided in this article. To the extent that this article promulgates standards or imposes restrictions or duties which differ from those imposed by other Village ordinances, rules or regulations, the regulations contained within this article shall supersede such other provisions to the extent of any conflict or inconsistency.

(c) Severability: If any part or provision of this article, or the application of this article to any person or circumstance, is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered, and it shall not affect or impair the validity of the remainder of this article or the application of this article to other persons or circumstances. The council hereby declares that it would have enacted the remainder of this article even without any such part, provision, or application which is judged to be invalid.

Sec. 31.108 Saving Provision

This article shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, or as waiving any right of the Village under any section or provision existing at the time of the effective date of this article, or as vacating or annulling any rights obtained by any person by lawful action of the Village except as shall be expressly provided in this article.

Sec. 31.109 Variances

(a) General: Where the commission and the council finds that undue hardships will result from strict compliance with a certain provision(s) of this article, or where the purposes of these regulations may be served to a greater extent by an alternative proposal, the commission may recommend and the council may approve a variance from portions of this article so that substantial justice may be done and the public interest is secured, provided that the variance shall not have the effect of nullifying the intent and purpose of this article, and further provided that the commission shall not recommend and council shall not approve a variance unless it shall make findings based upon the evidence presented to it in each specific case that:

(1) Granting the variance will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the variance will not prevent the orderly subdivision of other property in the vicinity;

(2) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought, and are not applicable generally to other property;

(3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of this article is carried out;

(4) The variance will not in any manner vary the provisions of the zoning ordinance or comprehensive plan or any other adopted plan(s) of the Village;

(5) An alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein.

(b) Such findings of the commission and the council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which a variance is considered. A variance from any provision of this article may be granted only when in harmony with the general purpose and intent of this article so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the property owner or developer, standing alone, shall not be deemed to constitute undue hardship.

(c) Criteria for Variances From Development Exactions: Where the commission and the council finds that the imposition of any development exaction pursuant to these regulations exceeds reasonable benefit to the property owner, or is so excessive as to constitute confiscation of the tract to be platted, the commission may recommend and the council may approve a variance to such requirements, so as to prevent such excess.

(d) Conditions: In recommending and in approving a variance, the commission and the council may require such conditions as will, in its judgment, secure substantially the purposes described in Section 31.102 of this article.

(e) Procedures:

(1) A petition for a variance shall be submitted in writing by the applicant before the plat is submitted for the consideration of the commission. The petition shall state fully the grounds for the application, and all of the facts relied upon by the petitioner.

(2) Where a hardship is identified during concept plan review pursuant to the site development ordinance or during subdivision review pursuant to this article which requires issuance of a variance from a provision in this article, the commission may recommend and the council may approve a conditional variance from that provision in this article in conjunction with concept plan or plat approval by the council. A conditional variance from this article shall receive final approval along with a preliminary plat provided that the preliminary plat conforms to the concept plan, and that no new information or reasonable alternative plan exists which, at the determination of the commission and the council, voids the need for a variance. All variances shall have final approval or disapproval by the council.

(f) Criteria for Variances for Street Exactions: Where the commission and the council finds that the imposition of any dedication or construction requirement for streets pursuant to these regulations exceeds reasonable benefit to the property to be platted, the commission may recommend and the council may approve variances for such requirements so as to prevent such excess. In order to qualify for a variance under this section, the property owner shall demonstrate that the costs of right-of-way dedication and construction of non-local streets imposed pursuant to these regulations substantially exceeds the incremental costs of providing land and transportation improvements necessary to offset the additional traffic impacts generated by, or attributable to, the development upon the transportation network serving the property, including that which may be generated by or attributed to other phases to be platted in the future.

Sec. 31.110 Payment of All Indebtedness Attributable to a Specific Property

No person who owes delinquent taxes, delinquent paving assessments, delinquent fees, or any other delinquent debts or obligations to the Village or to the county or to any state or federal entity, and which are directly attributable to a piece of property, shall be allowed to record an approved plat or replat until the taxes, assessments, debts or obligations directly attributable to said property and owed by the property owner or previous owner thereof shall have been first fully discharged by payment, or until an arrangement of form satisfactory to the council has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that all taxes, assessments, debts or obligations have been paid at the time of submission for any application for approval under this article.

Sec. 31.111 Right to Deny Hearing and Plat

The Village may deny a hearing and any approval of a subdivision if the applicant does not submit the information and fees required by this article.

Sec. 31.112 Misrepresentation of Facts

It shall be a violation of this article for any person to knowingly or willfully misrepresent, or fail to include, any information required by this article in any subdivision application or during any public hearing or meeting of the commission or council. Such a violation shall constitute grounds for denial of the request for subdivision approval.

Sec. 31.113 Definitions

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number shall include the singular number, and vice versa; and words in the masculine gender shall include the feminine gender, and vice versa. Definitions not expressly prescribed herein are to be determined in accordance with customary usage in municipal planning and engineering practices. The word "shall" is always mandatory, while the word "may" is merely directory. The word "herein" means in this article. The word "regulations" means the provisions of any applicable ordinance, rule, regulation or policy. The word "person" means any human being or legal entity and includes a corporation, a partnership,

and an incorporated or unincorporated association. The words "used or occupied" as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

Access. A way of approaching or entering a property.

Addition. A lot, tract or parcel of land lying within the corporate boundaries or extraterritorial jurisdiction of the Village which is intended for the purpose of subdivision or development.

Adjacent. Abutting and directly connected to or bordering.

Administratively Complete. An application tendered to the Village with all of the appropriate fees, documents, data and information required in this article that has received an opinion from the Village that the application for subdivision approval complies with this article.

Administrative Officers. Any officer of the Village referred to in this article by title, including but not limited to the Village, Village attorney, Village secretary, building official and Village engineer shall be the person so retained in that position by the Village, or his or her duly authorized representative. This definition shall also include engineering, planning, legal and other consultants retained by the Village to supplement or support existing Village staff, as deemed appropriate by the Village.

Alley. A minor public right-of-way not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street. The length of an alley segment is to be measured from the right-of-way lines of the streets from which the alley is provided access, including any alley turnouts onto a street.

Amended or Amending Plat. A revised plat correcting errors or making minor changes to the original recorded final plat.

Amenity. An improvement to be dedicated to the public or to the common ownership of the lot owners of the subdivision and providing an aesthetic, recreational or other benefit, other than those prescribed by this article.

And. Where necessary to effectuate the intent of this article, or to prevent an ambiguity or mistake, the words "and" and "or" are interchangeable.

Applicant. A person who submits an application for an approval required by this article. The applicant shall be the owner of the property subject to this article acting in person or by and through its authorized representative. Documentation evidencing ownership of the property and the authority of the authorized agent shall be submitted as required by the Village.

Application. A written request for an approval required by this article.

Approval. The final approval in a series of required actions. For instance, the approval date of a plat requiring approval of the commission and then the council is the date of council approval.

Arterial Street or Thoroughfare. A principal traffic way more or less continuous across the Village or areas adjacent thereto and shall act as a principal connecting street with State Highways.

Base Flood. The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Block. A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, public walks, parks or green strips, rural land, drainage channels, or a combination thereof.

Block Length or Street Length. For a residential subdivision, that distance measured along the centerline of the street from the intersection centerpoint of one through street to the intersecting centerpoint of another street, or to the midpoint of a cul-de-sac. The through street referred to above shall not be a cul-de-sac, a dead-end street, or a looped street, but shall be a street which clearly has two points of ingress from two different directions.

Bond. Any form of a surety bond in an amount and form satisfactory to the Village.

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

Building Official. The inspector or administrative official charged with responsibility for issuing building permits and enforcing the zoning and subdivision ordinances and construction codes of the Village.

Building Permit. A permit issued by the Village which is required prior to commencing construction or reconstruction of any structure.

Building Setback Line. The line within a property defining the minimum horizontal distance between a building or other structure and the adjacent street right-of-way line, property line, creek, or other specific environmental feature.

Capital Improvements Program (CIP). The official proposed schedule, if any, of all future public projects listed together with cost estimates and the anticipated means of financing each project, as adopted by council.

Centerline. When referring to a waterway or drainage, the centerline of the waterway refers to existing topographically defined channels. If not readily discernible, the centerline shall be determined by (first) the low flow line, or (second) the center of the two (2) year flood plain.

Central Appraisal District. The Travis County Central Appraisal District.

City. The Village of Volente, Texas.

Collector Street. A street that collects traffic from local streets and serves as the most direct route to a major or minor arterial street and is intended as a connecting street between a residential district and thoroughfares, highways or business district.

Commission. The planning and zoning commission of the Village.

Comprehensive Plan. The comprehensive plan of the Village and adjoining areas as adopted by the council, including all its revisions. This Plan indicates the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks, water and wastewater facilities, and other public and private developments and improvements.

Concept Plan. A drawing of the overall conceptual layout of a proposed development, superimposed upon a topographic map which generally shows the anticipated plan of development, and which serves as a working base for noting and incorporating suggestions of the administrative officers, the aldermen, the council, and others who are consulted prior to preparation of the preliminary plat. A concept plan is also sometimes referred to as a "preliminary site plan" or a "land study."

Construction Plans. The maps, drawings, plans and specifications indicating the proposed location and design of improvements to be installed as part of a development.

Contiguous. Lots are contiguous when at least one boundary line or point of one lot touches a boundary line, or lines, or point of another lot.

Corner Lot. A lot located in the intersection of and abutting on two (2) or more streets.

Council. The governing body of the Village of Volente, Texas.

County. Travis County, Texas.

Crossfall. The transverse slope as related to a given longitudinal slope and measured by the rise to run ratio.

Crosswalk. A strip of land dedicated for public use and which is reserved across a lot or block for the purpose of providing pedestrian access to adjacent areas.

Cul-De-Sac. A street having only one outlet to another street, and terminated on the opposite end by a vehicular turnaround or bulb. The length of a cul-de-sac is to be measured from the intersection centerpoint of the adjoining through street to the midpoint of the cul-de-sac bulb.

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

Dedication. The grant of an interest in property for public use.

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

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

Developed Area. That portion of a lot, easement, or parcel upon which a building, structure, pavement or other improvements have been placed.

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

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

Double Frontage Lot. A lot which runs through a block from street to street and which abuts two (2) or more streets.

Drainageway. See: Waterway.

Drainfield. Private sewage facility, disposal area, trench or bed utilized for final wastewater disposal.

Drive Approach. A paved surface connecting the street to a front lot line.

Driveway. The surface connecting a drive approach with a parking space, parking lot, loading dock or garage.

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

Easement. An area for restricted use on private property upon which the Village or a public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs and other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within said easements. Public utilities shall, at all times, have the right of ingress and egress to and from and upon easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of their respective systems without the necessity at any time of procuring the permission of anyone.

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

Engineering Plans or Drawings. The engineering and construction plans, specifications and reports accompanying the application for site development permit and showing the

specific location and design of public improvements to be installed in the subdivision in accordance with the Village's site development ordinance.

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

Escrow. A deposit of cash with the Village in accordance with this article.

ETJ. The extraterritorial jurisdiction of the Village.

Final Plat (also "Record Plat" or "File Plat"). The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a surveyor or engineer, with the subdivision location referenced to a survey corner, and with all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references. The final plat of any lot, tract or parcel of land shall be recorded in the land records of Travis County, Texas. An amended plat is also a final plat.

Flag Lot: A lot which does not meet the minimum street frontage requirements, but is connected thereto by an access strip of less than the required minimum width.

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

Floodway. Channel of a waterway and the adjacent land areas that must be reserved in order to discharge the design storm without cumulatively increasing the water surface elevation.

Front Yard. A space extending the full width of the lot between any building set back line and the front lot line, and measured perpendicular to the building at the closest point to the front lot line.

Frontage; That side of a lot, parcel or tract of land abutting a street right-of-way and ordinarily regarded as the frontal orientation of the lot.

Governing Body. The duly elected council of the Village.

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

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

Improvements: Any street, alley, roadway, barricade, sidewalk, bikeway, pedestrian way, water line system, wastewater system, storm drainage network, public park land, landscaping, or responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established.

Improvement or Development Agreement. A contract entered into by the applicant and the Village, by which the applicant promises to complete the required public improvements within the subdivision or addition within a specified time period following final plat approval.

Individual On-Site Wastewater System or Septic System. All systems and methods used for the disposal of sewage, other than organized sewage disposal systems. Private sewage facilities are usually composed of three (3) units: the generating unit (the residence, institution, etc.), treatment unit, and the disposal unit (the drainfield that may be an absorption trench or bed, or an evapotranspiration bed). A Private Sewage Facility includes a septic tank, seepage tile sewage disposal system or any other on-lot sewage treatment device approved and installed in accordance with all local, state and federal laws and regulations.

Industrial. Non-residential use of any site involved in manufacturing and/or external storage of goods; any site generating significant negative externalities, such as noise, dust, glare, etc. and/or any site where hazardous materials are stored and/or generated.

Interior Lot; A lot other than a corner lot and, bounded by a street on only one (1) side.

Landscape Development. Trees, shrubs, ground cover, vines or grass installed in planting areas.

Land Study. This is the same as a "Concept Plan."

Land Planner. Persons, including surveyors or engineers, who possess and can demonstrate a valid proficiency in the planning of residential, nonresidential and other related developments, such proficiency often having been acquired by education in the field of landscape architecture or other specialized planning curriculum, or by actual experience and practice in the field of land planning, and who may be certified as a member of the American Institute of Certified Planners (AICP).

LCRA. The Lower Colorado River Authority.

Legal Lot. Either a lot recorded in the Official County Records pursuant to and in compliance with the subdivision regulations in effect at the time of its creation, or a tract of land having existed in its present configuration prior to October 1, 1927.

Legally Platted Lot. A lot which is part of a subdivision approved by the Village and recorded in the Official County Records.

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

Living Unit Equivalent or L.U.E. A unit of measure which represents the quantity of water utilized and wastewater generated on an average annual daily basis from a single-family,

detached residence of average size and occupancy and which is the standardized measure used for service units.

Local Health District. The Travis County Health District.

Local Street. A street designed for the sole purpose of providing access.

Lot (also Lot of Record). A divided or undivided tract or parcel of land having frontage on a public street, and which is, or which may in the future be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.

Major Plat. All plats not classified as minor plats, including but not limited to subdivisions of more than four (4) lots, or any plat that requires the construction of a new street, or portion thereof, or the extension of a public facility as required by this article or any Village ordinance.

Major Subdivision. This is the same as a "Major Plat."

Minor Plat. A subdivision resulting in four (4) or fewer lots, provided that the plat is for conveyance purposes only with no development or construction proposed, and provided that the plat does not create any new easements for public facilities nor the extension of any municipal facilities to serve any lot within the subdivision. Any property to be subdivided using a minor plat shall already be served by all required utilities and services.

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

Minor Subdivision. This is the same as a "Minor Plat."

Natural Channel. The topography of a waterway prior to construction, installation of improvements or any regrading.

Natural Drainage. A stormwater runoff conveyance system not altered by development.

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

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

Nonpoint Source Pollution Control Ordinance. Article 13.100 of the code of ordinances of the Village, as amended from time to time.

Official County Records. The Official Records of Travis County, Texas.

Off-Site Facilities or Improvements. Those facilities or improvements that are required to serve the site but that are not located within the boundaries of the plat, and are not

required to be constructed or improved immediately adjacent to the property to serve the development. These include oversizing for streets, sewer lines, water lines and storm drainage facilities, as well as the excess capacity of facilities such as water storage tanks and wastewater treatment plants available for new development.

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

On-Site Facilities or Improvements. The existing or proposed facilities or improvements constructed within the property boundaries of the plat, and the existing or proposed facilities required to be constructed or improved immediately adjacent to the property that are needed to serve the development. These include, but are not limited to, streets, alleys, water lines, sewer lines, storm drainage facilities, and curbs and gutters.

Or. Where necessary to effectuate the intent of this article, or to prevent an ambiguity or mistake, the words "and" and "or" are interchangeable.

Overland Drainage. Stormwater runoff which is not confined by any natural or man-made channel such as a creek, drainage ditch, storm sewer, or the like.

Overlength Street. A street segment, or a cul-de-sac or alley segment, which exceeds the maximum length allowed by this article, as measured along the centerline of the street from the intersection centerpoint of one through street, which shall not be a cul-de-sac or dead-end or looped street, to the intersecting centerpoint of another through street or, in the case of a cul-de-sac, to the midpoint of the cul-de-sac. For an alley segment, the measurement shall be to the right-of-way lines of the streets from which the alley is provided access, including any alley turnouts, or from the centerpoint of an intersection with another alley which connects to a street.

Parent Tract. Tract or lot as described by deed or plat, which includes one (1) or more lots that are being subdivided.

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

Pavement Width. The portion of a street that is available for vehicular traffic. Where curbs are used, it is the portion from the back of one curb to the back of the opposite curb.

Perimeter Street. Any existing or planned street which abuts the subdivision or addition to be platted.

Planning and Zoning Commission. The Village of Volente Planning and Zoning Commission.

Plat. A preliminary plat, final plat, amended plat or replat, as determined by the context.

Playscape. Any structure permanently anchored to the ground that is designed for recreational purposes. Sports courts such as basketball or tennis courts are not considered playscapes.

Preliminary Plat. The graphic expression of the proposed overall plan for subdividing, improving and developing a tract, showing in plan view the proposed street and lot layout, easements, dedications and other pertinent features, with such notations as are sufficient to substantially identify the general scope and detail of the proposed development. The preliminary plat is sometimes referred to as the "construction plat," since the engineering plans for public improvements are submitted along with it, and since it contributes toward authorization to proceed with construction of the subdivision and its associated public improvements, subject to approval and construction release by the Village.

Primary Structure. A structure in which the principal use of the lot is conducted. For example, for single family residential lots, the house is the primary structure.

Privacy Fence. An opaque fence or screen at least six (6) feet in height. A fence shall be considered opaque if it is made of opaque materials and constructed so that gaps in the fence do not exceed one-half (1/2) inch. Fences using boards placed on alternating sides of fence runners shall be considered opaque if the boards overlay at least one-half (1/2) inch.

Private Street. A private vehicular access way, including an alley, that is shared by and that serves two or more lots, which is not dedicated to the public, and which is not publicly maintained.

Property Owner (also known as "Applicant," "Subdivider" or "Developer"). Any person or any agent thereof, that has sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this article. The term "property owner" shall be restricted to include only the owner(s) or authorized agent(s) of such owner(s), of land sought to be subdivided.

Public. With respect to land and interests in land within the Village limits, the Village, and, with respect to land and interests in land within the ETJ limits, the general public.

Public Improvements. Facilities, infrastructure and other appurtenances, whether owned and maintained by the Village or by a utility provider or by a state or federal entity, or by the property owner, which serve a public purpose in providing a needed service or commodity, such as wastewater collection and treatment and water storage and distribution, and which protect the general health, safety, welfare and convenience of the Village's citizens, including efficiency in traffic circulation and access for emergency services. Required public improvements may include, but shall not be limited to, street and alley paving, including any necessary median openings and left turn lanes on major thoroughfares; water lines and pumping stations; sanitary sewer lines and lift stations; storm drainage structures and storm water management devices; water quality controls; screening and retaining walls; fire lane paving and fire hydrants; landscaping, where

such is used for required screening or other required landscaped area, and associated irrigation system; and any required public walkways, street lights and street name signs.

Public Use. Places of non-commercial public assembly or administrative functions where the primary activity is contained within a building(s), including but not limited to churches, schools and government buildings.

Rear Yard. A space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line.

Replatting or Replat. The re-subdivision of any part or all of a block or blocks of a previously platted subdivision, addition, lot or tract.

Required Yard. The open space between a lot line and the buildable area within which no structure shall be located except as provided for herein.

Residential or Minor Street. A street which is intended primarily to serve traffic with a neighborhood or limited residential district and which is used primarily for access to abutting properties.

Reserve Strip. A narrow strip of property usually separating a parcel of land from a roadway or utility line easement, that is characterized by limited depth which will not support development and which is intended to prevent access to the roadway or utility easement from adjacent property and which are prohibited by this article unless their control is given to the Village.

Reverse Frontage Lot. A double frontage lot which is to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

Right-of-Way. A parcel of land occupied, or intended to be occupied, by a street or alley. Where appropriate, "right-of-way" may include other facilities and utilities such as walkways; railroad crossings; electrical, communication, oil and gas facilities, water and sanitary and storm sewer facilities; and any other special use. The use of right-of-way shall also include parkways and medians outside of the paved portion of the street. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat to be separate and distinct from the lots or parcels adjoining such right-of-way, and shall not be included within the dimensions or areas of such lots or parcels.

Same Ownership. Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations in which a stock holder, partner, or associate or a member of his/her/her family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Secondary Structure. Any structure that is subordinate and incidental to the primary structure; and is subordinate in area, extent and purpose to the primary structure; and

contributes to the comfort, convenience or necessity of the occupants, business or industry in the primary structure, and is located on the same lot as the primary structure.

Setback or Building Line. A line or lines designating the interior limit of the area of a lot between said line and the corresponding line within which area structures may not be erected. The building lines generally provide the boundaries of the buildable area of any given lot.

Side Yard. A space extending from the front yard to the rear yard between the setback line and the side lot line measured perpendicular from the side lot line to the closest point of the setback line.

Site Development Permit Plans. See: Engineering Plans or Drawings.

Site Plan. The maps, drawings and reports accompanying an application for subdivision approval and showing, in general, the layouts of public improvements to be installed in the subdivision in accordance with the Village's site development ordinance.

Slope. The vertical change in grade divided by the horizontal distance over which that vertical change occurred. The slope is usually given as a percentage.

Standard Street. A street or road that meets or exceeds the minimum specifications in the Village's standard street specifications, and which is constructed to the ultimate configuration for the type of roadway it is designated for on the Village thoroughfare plan.

Street. A right-of-way, whether public or private and however designated, which provides vehicular access to adjacent land. Streets may be of the following categories:

(1) Major thoroughfares, also known as arterial streets or primary thoroughfares, which provide vehicular movement from one neighborhood to another or to distant points within the Village, and including freeways or highways leading to other communities.

(2) Collector streets, also known as feeder streets or secondary thoroughfares, which provide vehicular circulation within neighborhoods, and from local streets to major thoroughfares.

(3) Local residential streets, also known as minor thoroughfares or streets, which primarily provide direct vehicular access to abutting residential property.

(4) Private streets are streets which are owned and maintained by a homeowners association or property owners association, and which are not dedicated to the public.

Street Improvements. Any street or thoroughfare, together with all appurtenances required by Village regulations to be provided with such street or thoroughfare, and including but not limited to sidewalks, drainage facilities to be situated in the right-of-way for such street or thoroughfare, traffic control devices, street lights and street signs,

for which facilities the Village will ultimately assume the responsibility for maintenance and operation.

Street Length. This means the same as "Block Length."

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

Street Right-of-Way. The width of the right-of-way for any roadway is the shortest perpendicular distance between the lines which delineate the rights-of-way of the street.

Street Side Yard: The side yard of a corner lot abutting the street right-of-way.

Street Width: The shortest distance between the lines, which delineate the rights-of-way of a street.

Street Yard: A space extending across the length and/or width of a lot between the street right-of-way and the closest faces of the buildings on the lot.

Structure: Anything constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, telecommunications towers, sheds, parking lots that are the primary use of a parcel and permanent signs. Sidewalks and paving shall not be considered structures unless located within a public utility or drainage easement.

Structural Integrity. The ability of a structure to maintain stability against normal forces experienced by said structure.

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

Subdivision (also known as "Addition"). A division or re-division of any tract of land situated within the Village's corporate limits or its extraterritorial jurisdiction into two or more parts, lots or sites, for the purpose, whether immediate or future, of sale, division of ownership, or building development. "Subdivision" includes re-subdivisions of land or lots which are part of a previously recorded subdivision.

Submission Date. The date when all necessary forms, fees, information and copies have been submitted to the Village, previewed for completeness, and deemed as complete by action of issuance of a fee receipt by the Village.

Substandard Street. An existing street or road that does not meet the minimum specifications in the Village's standard street specifications, and which is not constructed to the ultimate configuration for the type of roadway for which it is designated on the Village thoroughfare plan.

Surveyor. A licensed land surveyor or a registered public surveyor, as authorized by state statutes to practice the profession of surveying.

TCEQ. The Texas Commission on Environmental Quality.

Temporary Improvements. Improvements built and maintained by the applicant that are needed to remedy a circumstance that is temporary in nature, such as a temporary drainage easement or erosion control device, that will be removed upon completion of the subdivision or shortly thereafter.

Thoroughfare Plan. The Village thoroughfare plan, as contained in the comprehensive plan.

Traffic Impact Analysis (TIA). A study of the impacts of a development on the Village's transportation and thoroughfare system.

Urbanization. The process of constructing public improvements required to support suburban or urban land use.

Variances. A grant of relief to a person from the requirements of this article when specific enforcement would result in unnecessary hardship. A variance, therefore, permits subdivision in a manner otherwise prohibited by this article.

Village. The Village of Volente, Texas.

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

Waterway. Any natural or man-made channel conducting storm water from a two (2) year storm event at a depth of eight (8) inches or more and at a rate of fifteen (15) cubic feet per second or more. Street pavement shall in no instance be considered a waterway.

Working Days. Monday through Friday exclusive of Village recognized holidays, during Village administrative office normal working hours.

Yard. The open area between building setback lines and lot lines.

Yard Depth. The shortest distance between a lot line and a yard line.

Yard Line. A line drawn parallel to a lot line at a distance therefrom equal to the depth of the required yard.

DIVISION 2: PROCEDURES

Sec. 31.114 Pre-Application Procedures

(a) The applicant should avail himself or herself of the advice and assistance of the Village, and should consult early and informally with the Village before preparing a concept plan, site plan or any plat in order to save time and money, and to avoid potential unnecessary delays.

(b) Prior to formal application for approval of any concept plan, site plan, or plat, the applicant shall request and shall attend a pre-application meeting with the appropriate Village official(s) in order to become familiar with the Village's development regulations and the subdivision process. At the pre-application conference, the applicant may be represented by his or her land planner, engineer or surveyor.

(c) Applicant shall schedule a pre-application meeting through the Village secretary, who shall coordinate the meeting with the appropriate Village staff. The pre-application meeting shall be scheduled within thirty (30) days of the request.

(d) At the pre-application meeting, the applicant shall discuss the proposed subdivision in sufficient detail. The Village shall inform applicant of any additional documents, studies, data, or reports that are to be included in the application and shall provide applicant with the forms and paperwork requirements of Section 31.115 of this article.

Sec. 31.115 Statutory Procedures

(a) Zoning Requirements: A property within the Village's corporate limits that is being proposed for subdivision must be properly zoned by the Village prior to submission of an application for approval of any subdivision. In addition, the proposed development layout or subdivision design shown on the proposed concept plan, site plan, and plat must be in conformance with all standards and requirements prescribed in the applicable code of ordinances of the Village.

(b) Noncompliance with the requirements of the zoning district in which the subject property is located, or lack of the proper zoning, shall constitute grounds for denial of the site plan, or plat. Proof of proper zoning shall consist of appropriate documentation, such as a copy of the ordinance establishing the zoning.

(c) Any site plan, or plat submitted for approval by the Village shall be in accordance with the Village's zoning ordinance, if the property is located within the Village's corporate limits, and, if the property is located within the Village's corporate limits or extraterritorial jurisdiction, it shall be in accordance with the Village's comprehensive plan, including all adopted water, sewer, storm drainage, future land use, park, recreation, open space and thoroughfare plans. All plats shall be prepared by a licensed civil engineer or a registered land surveyor.

(d) Classification of Subdivisions and Additions: Before any plat is filed for record with the county clerk, the property owner shall apply for and secure commission recommendation and council approval of the required subdivision in accordance with the following procedures, unless otherwise provided within this article.

(1) Minor subdivisions may be approved for residential or nonresidential properties. Minor plat recommendation by the commission and approval by the council requires the submission of a final plat drawing and other submission materials required by Section 31.222 of this article. Lots may be conveyed or sold only when the plat has been recommended by the commission and approved by the council and the plat has been filed with and recorded by the Travis County Clerk.

(2) Major subdivisions may be recommended and approved for residential or nonresidential properties. The procedure for approval of a major subdivision typically involves two steps: a preliminary plat with site plan and final plat. Sections 31.116 through 31.119 of this article provide the requirements for each.

Major plat approval shall be in accordance with Sections 31.117 through 31.119 of this article. Upon completion of the required public improvements, or upon submission and Village approval of the appropriate surety for public improvements, the applicant may submit the final plat for approval. All major subdivision plats must be recommended by the commission and approved by the council, pursuant to Sections 31.117 through 31.119 of this article. Lots may be sold only when the final plat has been recommended by the commission and approved by the council and the plat has been filed with and recorded the Travis County Clerk. If the land is required to be platted, no conveyance or sale of any portion or lot of the property may occur until after the final plat is recommended by the commission and approved by the council and filed with the Travis County Clerk.

(e) Submission Requirements for All Types of Subdivision Applications: In addition to the requirements outlined herein for each type of subdivision application, the Village shall maintain separate policies and procedures for the submission and processing of applications including, but not limited to, application forms, checklists, language blocks for plats, and other similar items. The forms and paperwork are available at the office of the Village. These policies and procedures may be amended from time to time, and it is the applicant's responsibility to be familiar with, and to comply with, the policies and procedures.

(f) Official Submission Date and Completeness of Application for All Types of Subdivisions:

(1) For the purpose of this article, the "official submission date" shall be the date upon which a complete application for approval of any type of subdivision, that contains all required elements mandated by the Texas Local Government Code, Section 112.004(b) and by this article, is first submitted to the Village, after which the statutory period required for approval or disapproval of the application for subdivision shall commence to run. No application shall be deemed officially submitted until the Village determines that the application is complete and a fee receipt is issued by the Village. Failure by the Village to make a determination of incompleteness within ten (10) calendar days following the date on which the application was first received by the Village, shall result in the application being deemed complete, and the "official submission date" shall become the tenth (10th) calendar day following initial receipt of the application by the Village.

(2) Subdivision applications which do not include all required information and materials, as outlined below and per other Village development review policies which may change from time to time, will be considered incomplete, shall not be accepted for official submission by the Village, and shall not be scheduled on a commission or council agenda until the proper information is provided to the Village.

(g) Submission Procedures and Village Review Process for All Types of Subdivisions:

(1) Submission Timing: An application for approval of any subdivision shall be submitted to the Village at least twenty-eight (28) calendar days, but no more than thirty (30) calendar days, unless the applicant waives the 30-day requirement for action on the application in writing, prior to the commission meeting at which it is to be considered.

(2) Submission Materials: The application shall include all applicable information and materials deemed appropriate by the Village.

(3) Village Review: Upon official submission of a complete application for subdivision approval, the Village shall commence technical review of the subdivision proposal by forwarding a copy of the application, plat, and site plan (if applicable) to development review team members. Subdivision review team members shall review the application and shall ascertain its compliance with these and other applicable Village regulations. Following Village review of the plat, site plan, and supporting documents, and following discussions with the applicant on any revisions deemed advisable and the kind and extent of improvements to be installed, the applicant shall resubmit additional copies of the corrected application to the Village no later than seven (7) calendar days prior to the commission meeting. Failure to resubmit corrected copies of the application back to the Village in time shall be cause for the Village to forward the plat application to the council as it was originally submitted rather than the corrected version of the application. If, upon re-submission of the corrected application to the Village, the Village determines that the application is still incomplete or is not correct, the application shall be subject to denial.

(4) Waiver. After the application has been scheduled on a commission agenda, the applicant may request, in writing, a waiver of the thirty (30) day approval requirement in order to allow more time to correct deficiencies, address concerns, or otherwise improve the application pursuant to the Village's regulations. After receipt of the request, the Village may delay action on the application beyond thirty (30) calendar days following the official submission date.

(5) Action by the Commission and Council - General: All subdivision applications shall be reviewed by the commission, and if in conformance with the provisions of this article and with all other applicable regulations of the Village, they shall be approved by the council.

(6) Action by the Commission:

(A) The commission shall review each subdivision application and shall recommend approval, approval subject to certain conditions, or denial of the subdivision application within thirty (30) calendar days of the official submission date. If the commission recommends disapproval of a subdivision application, the commission shall state such disapproval and the reasons therefore.

(B) Commission action on a subdivision application shall be by a majority vote of the commission members present and voting.

(7) Action by the Council:

(A) The council shall review each subdivision application, in conjunction with the commission's recommendation, and shall approve the application, approve the application subject to certain conditions, deny the application, or remand the application back to the commission for reconsideration if it believes that there is a compelling reason to do so, such as the introduction of significant new facts or testimony.

(B) The council shall take action on each subdivision application within thirty (30) calendar days of the commission action. Applicant may request, in writing, a waiver of the thirty (30) day approval period in accordance with subsection (g)(4) above.

(C) Council approval or approval subject to certain conditions of a subdivision application forwarded with a commission recommendation of approval or approval subject to certain conditions shall be by a majority vote of the council members present and voting.

(D) Council approval or approval subject to certain conditions of a subdivision application forwarded with a commission recommendation of denial shall be by vote of at least seventy-five percent (75%) of the entire council body.

(E) If the Council denies approval of a subdivision application, a new subdivision application cannot be submitted to the Commission until after one hundred eighty (180) calendar days of the Council's official denial date.

(8) Simultaneous Submission of Plats: In the event that an applicant submits preliminary and final plat applications simultaneously, as provided in Section 31.117(d) of this article, the Village shall schedule both plat applications for action by the commission within thirty (30) calendar days of the official submission date, unless the applicant has executed a written waiver of the 30-day review period for one or both plats. If the preliminary plat has not received approval prior to consideration of the final plat by the commission, then the commission shall deny the final plat application. The council shall take action on either one or both plat applications, as applicable, within thirty (30) calendar days of the commission's action. Procedures for commission and council actions on simultaneous submissions of plat applications shall comply with subsections (g)(6) and (g)(7) above.

(h) Proof of Land Ownership: The Village requires proof of land ownership prior to approval of any subdivision application involving real property. Along with the application submission, the applicant shall provide written verification, such as a notarized statement or a power of attorney or other evidence satisfactory to the Village, that he or she is the owner of record of the subject land parcel or parcels, or is the

property owner's authorized agent. The Village shall have the authority to determine the form and content of the document(s) the Village will require to prove ownership, such as one of the following:

(1) General warranty deed;

(2) Special warranty deed;

(3) Title policy; or

(4) Some other documentation that is acceptable to the council.

If ownership cannot be conclusively established prior to the meeting date on which the development application will be heard by the commission, the Village shall have the authority to deny the application. The applicant may resubmit a new development application, including the submission fees, for the property at any time following such denial.

(i) Lapse of Plat Approval: The approval of any type of plat shall be effective for a period provided herein. By 12:01 a.m. on the progress benchmark deadline day following council approval of the plat, the applicant must have completed a Village-required "progress benchmark" as set forth below. If this is not accomplished, then the approved plat shall be deemed to have expired and shall become null and void. The series of "progress benchmarks" for a project, pursuant to the provisions of this section, are as follows:

Approved Plat	Next "Progress Benchmark"
Preliminary Plat	Village approval of all site development construction permits within three hundred sixty-five (365) calendar days of council approval of the preliminary plat and site plan, and an application for approval of the final plat submitted to the Village within three hundred and sixty-five (365) calendar days of actual commencement of site development construction.
Final Plat	All final plat materials submitted to the Village for filing final plat with Travis County Clerk within thirty (30) calendar days of council approval of the final plat.

(j) Final Plat Recorded by Travis County Clerk: Final plat recorded by Travis County Clark shall be valid in perpetuity, unless amended or vacated in accordance with this article.

(k) Extension and Reinstatement Procedure:

(1) Prior to the lapse of approval of a preliminary plat for a subdivision, the applicant may petition the Village to extend the preliminary plat approval. Such petition shall be considered for recommendation by the commission and then for approval by the council, and an extension may be granted by the council at such meeting. If no petition for extension of a preliminary plat for a subdivision is submitted by the applicant prior to the expiration date, then the Village's approval of the preliminary plat shall be deemed to have expired and shall become null and void.

(2) In determining whether to recommend and grant a request for extension, the commission and the council shall take into account the reasons for lapse, the ability of the applicant to comply with any conditions attached to the original approval, and the extent to which newly adopted subdivision regulations would apply to the subdivision at that point in time. The council shall either extend the preliminary subdivision plat approval or deny the request, in which instance the originally approved preliminary plat shall be deemed to be null and void. The applicant must thereafter submit a new subdivision application for approval, and shall conform to the subdivision regulations then in effect.

(3) Commission and council consideration and action on a request for extension shall comply with the procedural requirements of subsections (g)(6) and (g)(7) above.

(4) The council may extend the approval subject to additional conditions based upon newly enacted Village regulations or state legislation, or such as are necessary to ensure compliance with the original conditions of approval and to protect the public health, safety and welfare. The council may also specify a shorter time for extension of the preliminary subdivision plat approval than the original approval period.

(l) Lapse of Approval of Site Plan: The approved site plan shall be valid for a period of three hundred and sixty-five (365) calendar days following approval by the Village. The council may, upon written request by the applicant, grant an extension of up to an additional three hundred and sixty-five (365) calendar days, after which the site plan shall be subject to re-approval by the Village if no application for site development permits has occurred.

Sec. 31.116 Procedures and Submission Requirements for Preliminary Plat Approval

(a) Following the pre-application conference described in Section 31.114 of this article regarding the overall general development strategy for the property, the applicant shall have prepared a preliminary plat application together with the site plan for the site development of the subdivision and all associated public improvements and other supplementary materials, as required by this article or by the Village's code of ordinances.

(b) A preliminary plat shall include all contiguous property under the ownership or control of the applicant. It may contain more than one phase which, if so, shall be clearly identified.

(c) The applicant may submit a final plat for review concurrently with the preliminary plat. In such case, the Village may schedule concurrent review of both plats, provided that all required information and other items are submitted for both plats, including full engineering plans and the appropriate assurances for the completion of all improvements, required by the Village's site development ordinances and by this article, and provided that adequate review can be achieved by the Village. If the Village, due to resources or other factors, cannot complete its review of both plats, and other associated materials, prior to the applicable commission and council meetings, then only the preliminary plat shall be considered for approval and the final plat shall be denied unless the thirty (30) day review requirement is waived in writing by the applicant.

(d) Approval of a preliminary plat by the council shall be deemed general approval of the street and lot layout shown on the preliminary plat, and to the preparation of the final or record plat. Approval for construction of the necessary streets, water lines, sewer lines, and other required improvements and utilities shall be authorized only through the Village's site development approval process. Except as provided for herein, approval of the preliminary plat shall constitute conditional approval of the final plat when all conditions of approval and when all procedural requirements set forth in this article have been met.

(e) Standards for Approval. No preliminary plat shall be recommended for approval by the commission or approved by the council unless the following standards have been met:

(1) The site plan of required public improvements and utilities have been submitted by the applicant for approval by the Village in accordance with the Village's site development ordinance, provided that, whether specifically stated or not, preliminary plat approval shall always be subject to any additions or alterations to the site plan as deemed necessary by the Village, as needed, to ensure the safe, efficient and proper construction of public improvements within the subdivision; and

(3) The plat conforms to applicable zoning and other regulations.

(f) No site development work shall begin on the proposed improvements in the proposed subdivision prior to approval of the preliminary plat and site plan by the council, nor prior to issuance of all appropriate site development permits by the Village. The applicant shall provide copies of letters from applicable local utility companies stating that each utility company has reviewed the preliminary plat and stating any requirements, including easements, they may have. This requirement may be deferred until the final plat is submitted if such deferral request is submitted to the Village in writing and approved by the Village prior to the commission meeting at which the preliminary plat will be considered. No excavation, grading, tree removal or site clearing activities shall occur prior to approval of the preliminary plat and the engineering plans.

(g) Information Required With Application for Preliminary Plat Approval: The proposed preliminary plat and associated site plan shall show the information set forth below.

(1) Administratively Complete Application for Preliminary Plat Approval. The following documents and information must be included in an application for preliminary plat approval for the Village to deem the application administratively complete.

(A) Ten (6) copies of complete application.

Each copy of the complete application must contain the following minimum information.

(B) Notarized signatures of the owner or owner's designated representative.
(C) Travis County tax certificate.
(D) Proof of land ownership.
(E) One (1) set of Preliminary Plat drawings at full size (18" x 24").
(F) Proof of proper zoning.
(G) Engineer's summary report, including Traffic Impact Analysis, if one is required by the Village's Code of Ordinances.
(H) One (1) set of Site Plan drawings.
(I) TxDOT letter of acknowledgement and approval of proposed access points, if the subdivision is directly accessed from a road which is subject to the jurisdiction of TxDOT.
(J) Utility providers letters of commitment to provide service.
(K) Listing of proposed street names with proof of submission of proposed street names to US Postal Service and the "911" for approval.
(L) Schedule of phased development, including information concerning the ultimate number of proposed residential family dwelling units.
(M) Proof of contractual agreement between property owner and any investor-owned utility provider that will provide utility service to the subdivision.
(N) Copy of any applicable executed Development Agreement with the Village.
(O) Proposal for providing dedicated park land.
(P) Listing of proposed variances and their justifications.
(Q) Request to post security in lieu of constructing certain public improvements.
(R) Fee payment.

(2) Information Shown on Preliminary Plat:

(A) A vicinity or location map that shows the location of the proposed preliminary plat within the Village or its ETJ and in relationship to existing roadways;

(B) Boundary lines, abstract or survey lines, corporate or other jurisdictional boundaries, existing or proposed highways and streets, including right-of-way widths, bearings and distances sufficient to locate

the exact area proposed for the subdivision, and all survey monuments identified and labeled; the length and bearing of all straight lines, radii, arc lengths, tangent lengths and central angles of all curves shall be indicated along the lines of each lot, and the curve and line data may be placed in a table format; accurate reference ties via courses and distances to at least one recognized abstract or survey corner or existing subdivision corner shall be shown;

(C) The name, location and recording information of all adjacent subdivisions, including those located on the other sides of roads or creeks, shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivision in sufficient detail to show accurately the existing streets, alleys, building setbacks, lot and block numbering, easements, and other features that may influence the layout of development of the proposed subdivision; adjacent unplatted land shall show property lines, the names of owners of record, and the recording information;

(D) The location, widths and names of all streets, alleys and easements, existing or proposed, within the subdivision limits and any connections to streets and alleys in adjacent subdivisions;

(E) In the proposed subdivision, the location of all existing property lines, existing lot and block numbers and date recorded, easements of record, with recording information;

(F) Proposed arrangement and square footage of lots, including lot and block numbers, and proposed use of same;

(G) A title block within the lower right hand corner of the plat, which shows the title or name under which the proposed subdivision is to be recorded, the name and address of the property owner and the name of the land planner, licensed professional engineer or registered public surveyor who prepared the plat or plans, the scale of the plat, the date the plat was prepared, and the location of the property according to the abstract or survey records of Travis County, Texas;

(H) Sites, if any, to be reserved or dedicated for parks, schools, playgrounds, other public uses or for private facilities or amenities;

(I) Scale, date, north arrow oriented to the top or left side of the sheet, and other pertinent informational data;

(J) Proposed phasing of the development and a proposed schedule of development; the dedication of rights-of-way for streets and street improvements, whether on-site or off-site, intended to serve each proposed phase of the subdivision;

(K) All preliminary plats shall be submitted in a legible format that complies with Travis County requirements for the filing of plats, and shall be drawn on a good grade blue line or black line paper;

(L) Proposed or existing zoning of the subject property and all adjacent properties;

(M) Minimum finished floor elevations of building foundations shall be shown for lots adjacent to a flood plain or within an area that may be susceptible to flooding;

(N) If the subdivision is not to be served immediately by a water utility, a note shall be placed on the plat prohibiting occupancy of any lot until water satisfactory for human consumption is available from a source on the land, a community source, or a public utility source in adequate and sufficient supply to serve each lot. Such note shall provide that the plans and specifications for a private water supply system must be submitted by a Texas licensed professional engineer and approved by the Texas Commission on Environmental Quality (TCEQ);

(O) If the subdivision is not to be served immediately by a sewage-collecting system connected to a community treatment plant or public sewer system, a note shall be placed on the plat prohibiting occupancy of any lot until an on-site waste disposal, such as a septic tank, system is installed in accordance with the Village's, LCRA's and the state's rules and regulations governing such systems, and until the Village has inspected and approved the installed system; and

(P) Certificates and other language shall be included on the plat, pursuant to the following sections.

(i) A statement that the subdivided area is legally owned by the applicant.

(ii) An accurate legal description by bearings and distances, including necessary curve and line data, accurate to the nearest one hundredth of a foot, for all boundary, block and lot lines, with descriptions correlated to a permanent survey monument.

(iii) A statement signed by the property owner and acknowledged before a Notary Public as to the authenticity of the signatures, saying that the property owner adopts the plat as shown, described and named, and that he or she does dedicate, in fee simple, to the public use forever the streets, alleys and easements shown on the plat. The property owner further reserves any easement areas shown for mutual use of all public utilities desiring to use the same. Any public utility shall have the right to remove and keep removed all or any part of any vegetative growth or other appurtenance for construction or maintenance, or

efficiency of its respective system in these easements and all or any part of, any growth or construction which in any way hinders or interferes with the right of ingress and egress to these easements for any necessary use without asking anyone's permission.

(iv) The registered public surveyor's certificate, with a place for his or her signature and notarization of his or her signature.

(v) A place for plat approval signature of the mayor or mayor pro tem of the council, a place for the Village secretary to attest such signature, and the approval dates by the commission and council.

(vi) Other certificates, languages and plat notes that the Village requires.

(3) Site Plan. Along with the preliminary plat application, and before review of the preliminary plat by the commission and approval of the preliminary plat by the council, the applicant shall submit the required number of sets of the complete site plan for streets, alleys, storm sewers and drainage structures, water and sanitary sewer facilities, screening and retaining walls, landscaping and irrigation, and any other required public improvements for the area covered by the preliminary plat. The site plan shall also contain any plans necessary to show or document compliance with the Village's nonpoint source pollution control ordinance, on-site sewage facility rules, and any other applicable codes and ordinances of the Village that are related to development of a land parcel. Cost estimates shall also be submitted with the site plan. Form and content of the site plan shall comply with the Village's site development ordinance.

(i) Site Development: After approval of the preliminary plat and the site plan by the council, and following procurement of all applicable permits and approvals.from other appropriate agencies, such as TxDOT, TCEQ, LCRA, Travis County, the U.S. Army Corps of Engineers, or the U.S. Fish and wildlife Service the applicant shall apply to the Village for site development permits to install or construct the public improvements in accordance with the approved plans and the Village's code of ordinances, and at the applicant's expense in accordance with the applicable code of ordinances of the Village.

(j) Effect of Approval: Approval of a preliminary plat and site plan authorizes the applicant, upon fulfillment of all requirements and conditions of approval and upon construction of all required improvements, or submission of the proper assurances for construction of same, as authorized by the Village's site development ordinance, to submit an application for final plat approval.

(k) Revisions to Approved Preliminary Plat. It is generally recognized that minor revisions to the preliminary plat will probably be needed before the final plat can be filed at the county. Such minor revisions as slight enlargement or shifting of easements or lot lines, addition of private or franchise utility easements, correction of bearings or distances, correction of minor labeling errors, addition of erroneously omitted

informational items and labels, may occur on the final plat without having to re-approve the preliminary plat. Major revisions, such as obvious reconfiguration of lot lines or easements, relocation of driveways or access easements or fire lanes, any modification to the perimeter or boundary of the property, and relocation or addition or deletion of any public improvement, including corresponding easement, shall necessitate re-submission and re-approval of the plat as a "revised preliminary plat." The procedures for such re-approval shall be the same as for a preliminary plat, and such re-approval may constitute a new project thus necessitating submission of a new application form, payment of new fees, and other requirements.

Sec. 31.117 Procedures and Submission Requirements for Final Plat Approval

(a) The final plat shall be in accordance with the preliminary plat, as approved by the council, and shall incorporate all applicable conditions, changes, directions and additions imposed by the commission and council upon the preliminary plat. The final plat shall not be recommended by the commission or be approved by the council until all utilities, infrastructure, and other required public improvements have been constructed according to the site development permit, as approved by the Village, unless provisions are made for the completion of the improvements in accordance with the Village's site development ordinance. The final plat shall not be submitted prior to approval of the preliminary plat, except as provided in Section 31.116(d) of this article.

(b) Final plat applications which do not include the required data, completed application form, submission fee, number of copies of the plat, record drawings, "Letter of Satisfactory Completion" of the public improvements from the Village, and other required information, including documentation that all required public improvements have been constructed and installed in accordance with Village standards, letters from utility companies verifying their easements, and submission of the proper assurances or escrow funds for the completion of the improvements, in accordance with the Village's site development ordinance, will be considered incomplete, shall not be accepted for submission by the Village, and shall not be scheduled on a commission agenda until the proper information is provided to the Village.

(c) Information Required on a Final Plat:

(1) Administratively Complete Application for Final Plat Approval: The following documents and information must be included in an application for final plat approval for the Village to deem the application administratively complete.

(A) Ten (10) copies of complete application.

Each copy of the complete application must contain the following minimum information.

(B) Notarized signatures of the owner or owner's authorized representative.

(C) Travis County tax certificate.
(D) Proof of land ownership.
(E) Plat drawings;
  (i) One (1) full size set of approved Preliminary Plat drawings (24" x 36").
  (ii) One (1) full size set of draft Final Plat drawings (24" x 36").
  (iii) One (1) half size set of draft Final Plat drawings (8 1/2" x 11").l
(F) Construction drawings ("As Built", or "Record drawings"):
  (i) One (1) full size set of approved drawings (24" x 36").
  (ii) One (1) full size set of approves sepias (24" x 36").
(G) Letter of Satisfactory Completion from the Village.
(H) Proof of Village acceptance of constructed public improvements to be dedicated to the Village.
(I) Proof of utility providers' approval of dedicated easements.
(J) Proof of filing or recording of any Property Owners Association or Home Owners Association documents.
(K) Letter of Commitment from each utility provider.
(L) Listing of proposed street names not approved with the Preliminary Plat, and proof of submission of proposed street names, not approved with the Preliminary Plat, to U.S. Postal Service and to "911" for approval.
(M) Evidence of contractual agreement between property owner and any investor-owned utility provider that will be providing utility service to the subdivision.
(N) Copy of executed Improvement Agreement.
(O) Copy of any applicable executed Development Agreement.
(P) Approved engineer's summary report.
(Q) One (1) full size set of approved site development permit plans if improvements have not been constructed (24" x 36").
(R) TxDOT letter of acknowledgement and approval of access points.
(S) Application for any required NPS Pollution Control Annual Operating Permit.
(T) Request to defer construction of public improvements until after approval of the Final Plat if not approved with Preliminary Plat approval, with associated security.
(U) Proof of Village approval to defer construction of public improvements until after approval of the Final Plat.
(V) Proof of Village approval of proposal to provide dedicated park land.
(W) Copy of Separate Instruments.
(X) Fee payment.

(2) All information that is required for a preliminary plat, except for submission of site plan, provided that such site plan was already submitted and approved with the preliminary plat; and except that physical features of or on the

land, such as topography, buildings, structures, water bodies and tree cover, shall not be shown on the final plat. In addition to these items, the final plat shall also provide a place for the County Clerk of Travis County to stamp the date and location where the plat will be filed ("Volume or Cabinet ____, Page or Slide ___") in the lower right-hand corner of the plat drawing.

(3) All aspects of the final plat shall conform to the standards of Travis County for plats with respect to clarity, sheet size, lettering size and reproducibility. It is the applicant's responsibility to be familiar with the county's standards for filing plats and to comply with same.

(3) Certificates, approval blocks, plat notes and other language shall comply with the Village's separate guidelines available at the office of the Village, as referenced in Section 31.115 (e) of this article.

(d) Standards for Approval: No final plat shall be reviewed by the commission or approved by the council unless the following standards have been met:

(1) The plat substantially conforms with the approved preliminary plat, site plan, and other studies and plans, as applicable;

(2) The construction and installation of required public improvements and Village utilities has been approved and the improvements have been accepted by the Village as conforming to the Village's regulations and design standards, or the proper assurances for construction of the improvements have been submitted and approved by the Village, as provided in the Village's site development ordinance; and

(3) The plat conforms to applicable zoning, subdivision and other development related regulations, including the nonpoint source pollution control ordinance, on-site sewage facility rules, if applicable, and any other applicable codes or ordinances of the Village that are related to development of a land parcel.

(e) When all of the improvements are found to be constructed and completed in accordance with the approved site development permits and with the Village's standards, and upon receipt by the Village of a maintenance bond or certificate of deposit, in accordance with the Village's site development ordinance from each contractor, three (3) sets of "AS BUILT" or "Record Drawing" plans and one (1) set of "As-Built" or "Record Drawing" sepias shall be submitted with a letter stating the contractor's compliance with this article. After such letter is received, the Village shall receive and accept for the Village the title, use and maintenance of the dedicated improvements according to the Village's site development ordinance. The final plat shall not be recommended by the commission or approved by the council prior to receipt of the above letter and other items, nor prior to acceptance or approval of the improvements by the Village.

(f) Timing of Public Improvements:

(1) The council may permit all or some of the public improvements to be installed, offered for dedication, or accepted by the Village after approval of the final plat by the Village if there exists a compelling reason that is consistent with the public health, safety or welfare to do so.

(2) The council may permit or require the deferral of the construction of public improvements if, in its judgment, deferring the construction would not result in any harm to the public or would offer significant advantage in coordinating the site's development with adjacent properties and off-site public improvements. The deferred construction of any required public improvement(s) must be recommended by the commission and approved by the council at the time of preliminary plat approval, and the necessary assurances for completion of the improvements, in accordance with the Village's site development ordinance, shall be a condition, of approval of the preliminary or final plat.

(3) If the council does not require that all public improvements be installed, offered for dedication, or accepted by the Village prior to approval of the final plat, the applicant shall provide assurances or security for the completion of the improvements, as provided in the Village's site development ordinance.

(g) Effect of Approval: Approval of a final plat authorizes the applicant, upon fulfillment of all requirements and conditions of approval and upon completion of construction of all required improvements, or submission of the proper assurances for construction of same as provided by the Village's site development ordinance, to submit to the Village the final copies, or mylars, of the plat for filing at Travis County. Lots may be sold only when the final plat has been approved by the council and the plat has been filed with and recorded by the Travis County Clerk. ***No conveyance or sale of any portion or lot of the property may occur until after the final plat is recommended by the commission and approved by the council and filed with and recorded by the Travis County Clerk.***

(h) Revisions to Approved Final Plat Prior to Filing at the County: Occasionally, minor revisions are needed before the final plat can be filed at the county. Such minor revisions as correction of bearings or distances, correction of minor labeling errors, addition of erroneously omitted informational items and labels, may occur on the record plat prior to filing it without the council having to re-approve the final plat. Major revisions, such as obvious corrections or reconfiguration of lot lines or easements, relocation of driveways or access easements or fire lanes, any modification to the perimeter or boundary of the property, and relocation or addition or deletion of any public improvement, including corresponding easement, shall necessitate re-submission and re-approval of the plat as a "revised final plat." The procedures for such re-approval shall be the same as for a final plat, and such re-approval may constitute a new project thus necessitating submission of a new application form, payment of new fees, and other requirements.

(i) Subsequent to final plat approval by the council, the applicant shall return copies of the final plat, as approved, with any other required documents and necessary fees attached thereto, to the Village within thirty (30) calendar days following approval, in

accordance with requirements established by the Village. All easements shall be included on the plat, including the recording information for those easements that are filed or recorded as separate instruments, as required by utility companies and the Village prior to filing the final plat, and a copy of letters from each applicable utility company shall be submitted to the Village stating that the plat contains the proper easements. All necessary filing materials, including mylars, reductions or blueline copies, as required by the County Clerk of Travis County, in addition to mylar copies and a computer disk containing the digital plat file(s) required by the Village, shall be returned to the Village with the required fees. If the required copies and materials are not returned to the Village within the specified 30-day time frame, the approval of the final plat shall be null and void unless an extension is granted by the council. The Village shall file the final plat at the office of the County Clerk of Travis County within thirty (30) calendar days following receipt of all filing materials, including filing fees. The Village shall, after the photographic mylar copies and the original Final Plat have been duly recorded in the Official County Records, return the original Final Plat to the applicant within five (5) working days by notifying the applicant that the original Final Plat is available at the Village office.

(j) The Village shall keep one (1) photographic mylar copy of the recorded Final Plat on file as public record.

Sec. 31.118 Replatting

(a) Replat Required. Unless otherwise expressly provided for herein, a property owner who proposes to replat any portion of an already approved final plat, other than to amend or vacate the plat, must first obtain approval for the replat under the same standards and by the same procedures prescribed for the final platting of land by this article. All improvements shall be constructed in accordance with the same requirements as for a preliminary or final plat, as provided herein. The council may waive or modify requirements for a preliminary replat under certain circumstances where the proposed replat does not involve a large land parcel or an existing structure or business on the subject property, and where the proposed plat revisions are relatively simple in nature.

(b) Replatting Without Vacating Preceding Plat. A replat of a final plat or portion of a final plat may be recorded and is controlling over the preceding plat without vacation of that preceding plat if the replat:

(1) Is signed and acknowledged by only the owners of the property being replatted; and

(2) Is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the council. No public hearing is required by the commission; and

(3) Does not attempt to amend or remove any covenants or restrictions previously incorporated in the preceding plat.

(c) Previous Requirements or Conditions of Approval Which Are Still Valid:

(1) In addition to compliance with subsection (b) above, a replat without vacation of the preceding plat must conform to the requirements of this section if:

(A) During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or

(B) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.

(2) Notice of the public hearing required under subsection (b) above shall be given on or before the fifteenth (15th) calendar day before the date of the hearing by publication in an official newspaper or a newspaper of general circulation in Travis County. Notice of the public hearing shall also be given by written notice, with a copy or description of any requested variances, sent to the property owners, as documented on the most recently approved ad valorem tax roll of the Village, of lots that are in the original subdivision and that are within two hundred feet (100') of the lot(s) to be replatted. In the case of a subdivision in the extraterritorial jurisdiction, the most recently approved county tax roll shall be used. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the Village.

(d) If the property owners of twenty percent (20%) or more of the total land area of lots to whom notice is required to be given under subsection (c) above file with the Village a written protest of the replatting before or at the public hearing, or if the replat requires a variance as defined in Section 31.109, then approval of the replat will require the affirmative vote of at least seventy-five percent (75%) of the council members present and voting. For a legal protest, written instruments signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending two hundred feet (100') from that area, but within the original subdivision, must be filed with the Village prior to the close of the public hearing. In computing the percentage of land area subject to the "20% rule" described above, the area of streets and alleys shall be included.

(e) Compliance with subsection (c) above is not required for approval of a replat or part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

(f) Any replat which adds or deletes lots must include the original subdivision and lot boundaries. If a replat is submitted for only a portion of a previously platted subdivision, the replat must reference the previous subdivision name and recording information, and must state on the replat the specific lots which have changed.

(g) If the previous plat is vacated as prescribed in Section 112.013 of the Texas Local Government Code, as amended, a public hearing is not required for a replat of the area vacated.

(h) The replat of the subdivision shall meet all the requirements for a final plat for a new subdivision that may be pertinent, as provided for herein.

(i) The title of the replat shall identify the document as a "Final Plat" of the"_____ Addition, Block ____, Lot(s) ____, Being a Replat of Block _____, Lot(s) _____ of the _____ Addition, an addition to the Village of Volente, Texas, as recorded in Volume/Cabinet _____, Page/Slide _____ of the Plat Records of Travis County, Texas".

(j) An application submittal for a replat shall be the same as for a final plat, and shall be accompanied by the required number of copies of the plat, a completed application form, the required submission fee, and a certificate showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property in accordance with Section 31.110.

(k) The replat shall be filed with the Travis County Clerk in the same manner as prescribed for a final plat, and approval of a replat shall expire if all filing materials are not submitted to the Village and if the replat is not filed with the Travis County Clerk within the time periods specified for a final plat.

Sec. 31.119 Amending Plats

(a) An amended plat shall meet all of the informational and procedural requirements set forth for a final plat, and shall be accompanied by the required number of copies of the plat, a completed application form, the required submission fee, and a certificate showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property in accordance with Section 31.119.

(b) The Village may approve an amending plat, which may be recorded and is controlling over the preceding plat without vacation of that preceding plat, if the amending plat is signed by the property owner and if the amending plat is for one or more of the purposes set forth in this Section. The procedures for amending plats shall apply if solely for one (1) or more of the following purposes:

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

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

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

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

(5) To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

(6) To correct any other type of scrivener or clerical error or omission previously approved by the municipal or county authority responsible for

approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;

(7) Correct an error in courses and distances of lot lines between two adjacent lots if:

(A) Both lot owners join in the application for amending the plat;

(B) Neither lot is abolished;

(C) The amendment does not attempt to remove recorded covenants or restrictions; and

(D) The amendment does not have a material adverse effect on the property rights of the owners in the plat;

(8) To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;

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

(A) The owners of all those lots join in the application for amending the plat;

(B) The amendment does not attempt to remove recorded covenants or restrictions; and

(C) The amendment does not increase the number of lots; or

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

(A) The changes do not affect applicable zoning and other regulations of the Village;

(B) The changes do not attempt to amend or remove any covenants or restrictions; and

(C) The area covered by the changes is located in an area that the council has approved, after a public hearing, as a residential improvement area; or

(11) To replat one (1) or more lots fronting on an existing street if:

(A) The owners of all those lots join in the application for amending the plat;

(B) The amendment does not attempt to remove recorded covenants or restrictions;

(C) The amendment does not increase the number of lots; and

(D) The amendment does not create or require the creation of a new street or make necessary the extension of public facilities.

(c) Notice, a public hearing, and the approval of other lot owners are not required for the Village approval and issuance of an amending plat.

(d) The amended plat shall be entitled and clearly state that it is an "amended plat." It shall also state the specific lots affected or changed as a result of the amended plat, and shall include the original subdivision plat boundary. All references to "final plat" or "replat" shall be removed.

(e) Other than noted in subsection (c) above, the procedure for approval of plat amendment(s) shall be the same as in Section 31.119 of this article.

(f) The amending plat shall be filed at the county in the same manner as prescribed for a final plat, and approval of an amending plat shall expire if all filing materials are not submitted to the Village secretary, and if the plat is not filed at the county within the time periods specified for a final plat.

Sec. 31.120 Plat Vacation

(a) By Property Owner: The property owner of the tract covered by a plat may vacate, upon review and recommendation by the commission and approval by the council, the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved by council and recorded in the manner prescribed for the original plat. Instrument language is available from the Village, upon request.

(b) By All Lot Owners: If some or all of the lots covered by the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.

(c) Criteria: The commission shall review and recommend and the council shall approve, the petition for vacation on such terms and conditions as are in accordance with Section 112.013 of the Texas Local Government Code, and as are reasonable to protect the public health, safety and welfare. As a condition of vacation of the plat, the council may direct the petitioners to prepare a revised final plat in accordance with this article such that the property does not become "unplatted."

(d) Effect of Action: On the execution and recording of the vacating instrument, the vacated plat shall have no effect. Regardless of the commission's and council's action on the petition, the property owner will have no right to a refund of any monies, fees or charges paid to the Village nor to the return of any property or consideration dedicated or delivered to the Village except as may have previously been agreed to by the commission and council.

Sec. 31.121 Minor Plats

(a) A minor plat for subdivisions or resubdivisions creating no more than four (4) new lots may follow the procedure set forth below provided that the subdivision meets all of the following criteria:

(1) No new public street shall be necessary for each lot to access a public street;

(2) Each of the lots is contiguous with at least one (1) of the other lots in the subdivision for a distance of at least fifty feet (50');

(3) No off-site improvements to the Village's infrastructure are determined to be necessary;

(4) No off-site drainage improvements are determined to be necessary, and

(5) No new easements are determined to be necessary to serve each lot and the plat shall show existing easements thereon.

(b) A minor plat shall meet all of the informational and procedural requirements set forth for a final plat, and shall be accompanied by the required number of copies of the plat, a completed application form, the required submission fee, and a certificate showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property in accordance with Section 31.110.

(c) Notice, a public hearing, and the approval of other lot owners are not required for the approval a minor plat. Approval of a minor plat shall be by the council.

(d) The minor plat shall be entitled and clearly state that it is a "minor plat."

(e) The minor plat shall be filed with the Travis County Clerk in the same manner as prescribed for a final plat, and approval of a minor plat shall expire if all filing materials are not submitted to the Village and if the plat is not filed with the Travis County Clerk within the time periods specified for a final plat.

DIVISION3: SUBDIVISION DESIGN STANDARDS

Sec. 31.122 General Plat Requirements:

(a) All requirements pertaining to lot size, yard size, dwelling size, lot coverage, height, parking, loading and screening shall comply with this article and with the applicable Village code of ordinances.

(b) Lots:

(1) All lots shall conform to the regulations as set forth in the Village's zoning ordinance.

(2) Corner lots in residential areas shall be at least ten feet (10') wider than inside lots so as to allow the required setback from both streets.

(3) Each lot shall face onto a public street or a private drive. Lots with street frontage at both front and rear shall be avoided, except when the lot backs onto a highway or major thoroughfare.

(4) Sidelines of lots shall be approximately at right angles to straight streets lines and radial to curved street lines.

(5) The minimum lot size within the Village extraterritorial jurisdiction shall be 43,560 square feet.

(6) Lots to be served by on-site septic systems shall have a minimum of one (1) acre per LUE and conform to the County and Texas Commission on Environmental Quality regulations based on percolation tests.

(7) Flag lots shall not be permitted. (added 3/15/05)

(8) At no point shall a lot be less then 75' in width. (added 3/15/05)

(c) Easements:

(1) Easements across lots on front or side lot lines shall be provided for utilities and shall be at least fifteen feet (15') wide.

(2) Where a subdivision is bounded by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such water course, or of such width to provide for any future anticipated construction, plus a minimum of ten feet (10') on each side.

(3) Easements shall comply with the Village's site development ordinance.

(d) Blocks:

(1) The lengths, widths, and shapes of blocks shall be determined with regard to the following items:

(A) Provision of adequate building sites suitable to the special needs of the type of use proposed;

(B) Zoning requirements as to lot sizes and dimensions;

(C) Needs for convenient access, circulation, control, and safety of traffic; and,

(C) Limitations of topography.

(2) Where no existing subdivision plat controls, the blocks shall not exceed one thousand two hundred feet (1,100') in length nor be less than five hundred feet (500') in length, except in certain instances where topographical features warrant special consideration. These limits shall be exceeded only upon specific

approval as a variance. Blocks longer than six hundred feet (600') shall be avoided in non-residential zoning districts.

(e) Survey Monuments and Lot Markers:

(1) Permanent Survey Reference Monuments: A concrete monument, six inches (6") in diameter and twenty-four inches (24") long, shall be placed on all boundary corners. A copper pin ¼-inch in diameter embedded at least three inches (3") in the monument shall be placed at the exact intersection point on the monument. The monuments shall be set at such an elevation that they will not be disturbed during construction, and the top of the monument shall be no less than twelve inches (12") below the finished grade of the development.

(2) Lot Markers: Lot markers shall be ½-inch reinforcing bar, eighteen inches (18") long, or approved equal, and shall be placed at all lot corners flush with the ground, or below ground, if necessary, in order to avoid being disturbed.

DIVISION4: FILING FEES & PLAT-SUBMISSON REQUIREMENTS

Sec. 31.224 Schedule of Fees and Re-Submission Requirements

(a) Fees and charges, as well as other submission requirements, for the submission of applications for the approval of any type of plat and for engineering review and inspection shall be as shown in Village's Fee Ordinance contained in the Village's Code of Ordinances and may be amended from time to time. It is the applicant's responsibility to obtain and comply with the Village's current fee schedule and submission requirements.

(b) Such fees and charges shall be imposed and collected on all applications for approval of any plat, regardless of the action taken by the council thereon. Such fees shall be collected for the purpose of defraying the costs of administrative, clerical, engineering, planning and inspection services necessary to properly review and investigate plats and subdivision construction.

(c) Should a development proposal or plat application lapse or expire, or should it be denied by the council, then that application ceases "pending" status and the project, and its corresponding series of development approvals and permits, shall be deemed to be ended, or "completed." Any re-application for any type of development approval for that property shall be considered commencement of a new project, and shall be accompanied by new application materials, including new submission fees, and shall conform to all applicable Village ordinances in effect at the time of submission of the new application.

(d) All required fees, unless specifically stated otherwise herein, shall be paid as required in other sections of this article. Inspection fees may be paid at the time the actual inspection is made of the project.

DIVISION 5: GENERAL PROVISIONS

Sec.31.225 Construction: The terms and provisions of this article shall not be construed in a manner to conflict with *Chapter 211 of the Texas Local Government Code* and if any

term or provision of this article shall appear to conflict with any term, provision or condition of *Chapter 211*, such article term or provision shall be read, interpreted and construed in a manner consistent with and not in conflict with such Chapter, and, if possible, in a manner to give effect to both. The standard and accepted rules of statutory construction shall govern in construing the terms and provisions of this article.

Sec.31.226 Amendment and Repeal: All ordinances or parts thereof conflicting or inconsistent with the provisions of this article as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this article and any other code or ordinance of the Village, the terms and provisions of this article shall govern.

Sec.31.227 Severability: If any provision of this article or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

Sec.31.228 Effective Date: This article shall take effect immediately from and after its passage and publication of its enacting ordinance in accordance with the provisions of *Chapter 52 of the Texas Local Government Code.*

Sec.31.229 Open Meetings: It is hereby officially found and determined that the meeting at which the enacting ordinance of this article is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551 of the Texas Government Code.*

Sec.31.230 Penalty: Any person who shall violate any of the provisions of this article, or shall fail to comply therewith, or with any of the requirements thereof, within the Village limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum provided for in Chapter 54 of the Texas Local Government Code. Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein. Any person who violates this article is subject to suit for injunctive relief as well as prosecution to seek penalties for the violations.

PASSED AND APPROVED on the 19th day of October 2004.

[redacted]

JAN YENAWINE, MAYOR OF THE VILLAGE OF VOLENTE

ATTEST:

[redacted]

JENNIFER ZOFELT, CITY SECRETARY