

## ORDINANCE NO. 2004-O-36

### ARTICLE 33.300 SITE DEVELOPMENT REGULATIONS

#### DIVISION 1: GENERAL PROVISIONS

##### **Sec.33.301 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 Site Development Ordinance of the Village of Volente, Texas. The Village hereby extends the application of those provisions contained in this article to the extraterritorial jurisdiction of the Village of Volente that the Texas Local Government Code authorizes the Village to enforce in its extraterritorial jurisdiction, as that area may exist from time to time. This article shall be applicable to site development, 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 be adjusted by annexation or disannexation. The Village shall have all remedies and rights provided by Chapter 212 with regard to the control and approval of site development both within the Village and within its extraterritorial jurisdiction.

##### **Sec.33.302 Interpretation and Purpose**

- A. In the interpretation and application of the provisions of this article, it is the intention of the Village that the principles, standards and requirements provided for herein shall be minimum requirements for site development within the Village of Volente and its extraterritorial jurisdiction.
- B. The development 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 Village. Health, safety, economy, amenities, environmental sensitivity, and convenience are all factors which influence and determine a Village's quality of life and overall character. The Village's quality of life is of the public interest. Consequently, the development of land, as it affects the Village's quality of life, is an activity where regulation is a valid function of Village government. The regulations contained herein are intended to encourage the development of a quality Village environment by establishing standards for the provision of adequate light, air, open space, storm water drainage, transportation, public utilities and facilities, and other

needs necessary 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.

The procedures and standards for the development 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, this article, and the 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. Protect the public interest by imposing standards for the location, design, class and type of streets, sidewalks, utilities and essential public services;
4. Assist orderly, efficient and coordinated development within the Village limits and its extraterritorial jurisdiction;
5. Provide neighborhood conservation and prevent the development of slums and blight;
6. Provide that the cost of improvements to minimum standards which primarily benefit the tract of land being developed be borne by the owners or developers of the tract, and that the cost of improvements to minimum standards which primarily benefit the whole community be borne by the whole community as contained in this article;
7. Ensure the most efficient and beneficial provision of public facilities and services for each tract of land being developed;
8. 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;
9. 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 Village in order to preserve the integrity, stability and beauty of the community and the value of the land;

10. Preserve the natural beauty and topography of the Village, and ensure development that is appropriate with regard to these natural features;
  11. 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;
  12. Protect and provide for the public health, safety and general welfare of the Village;
  13. Provide for adequate light, air and privacy; secure safety from fire, flood and other danger;
  14. Protect the character and the social and economic stability of all parts of the Village, and encourage the orderly and beneficial development of all parts of the Village;
  15. Protect and conserve the value of land throughout the Village and the value of buildings and improvements upon the land;
  16. Guide public and private policy and action in providing adequate and efficient transportation systems, public utilities, and other public amenities and facilities; and
  17. Encourage the development of a stable, prospering economic environment.
- C. Minimum standards for development are contained in the Village's code of ordinances, in the Village's construction codes, 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. Site development 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.33.303 Application of this Article**

- A. The provisions of this article, including design standards and improvement requirements, shall, except as provided otherwise in this article, apply to the following forms of land development activity within the Village's limits and its extraterritorial jurisdiction:
1. The division of land in accordance with the subdivision ordinance of the Village;
  2. The combining of land in accordance with the subdivision ordinance of the Village;
  3. The dedication of right-of-way for public use;
  4. The dedication of improvements for public use;
  5. When a building permit is required;
  6. When a site development permit is required;
  7. When a NPS Pollution Control Permit is required;
  8. When public and private improvements are constructed;
  9. When land disturbing activities are performed.

**Sec.33.304 Exemptions**

- A. 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
- B. 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
- C. Improvements to existing cemeteries which comply with all state and local laws and regulations; or

**Sec.33.305 Interpretation; Conflict; Severability**

- A. Interpretation: In their interpretation and application, the provisions of the site development 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 site development regulations shall be constructed 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 circumstances, 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 these regulations or the application of theme to other persons or circumstances. The Village hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

#### **Sec.33.306 Saving Provision**

This article shall not be construed as abating any action now pending under, or by virtue of, prior existing site development 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 adoption 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.33.307 Variances**

- A. General: Where the Village 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, it may approve a variance from portions of these regulations 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 these regulations, and further provided that the Village 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 site development 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 these regulations is carried out;
  4. Unless similar variances are granted under the zoning and subdivision ordinances, the variance will not in any manner vary the provisions of the zoning ordinance or the subdivision ordinance. The variance will not be inconsistent with the comprehensive plan unless the Village Council provides written reasons in the variance why it has concluded to grant a variance that is inconsistent with the comprehensive plan.
  5. An alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein.
- B. Such findings of the Village, 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 Village 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 developed, it may approve a variance to such requirements, so as to prevent such excess.
- D. Conditions: In approving a variance, the Village may require such conditions as will, in its judgment, secure substantially the purposes described in Section 33.302 of this article.
- E. Procedures:
1. A petition for a variance shall be submitted in writing by the applicant before requests for site development approvals or permits are submitted for the consideration of the Village. 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 site plan review or during subdivision review which requires issuance of a variance from a provision in this article, the Village may approve a conditional variance from that provision in this article in

conjunction with site plan approval by the Village. A conditional variance from this article shall receive final approval along with site development approval provided that no new information or reasonable alternative plan exists which, at the determination of the Village, 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 Village 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, it 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 of development in the future.

#### **Sec.33.308 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 and which are directly attributable to a piece of property, shall be allowed to submit applications for site development approvals or permits 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 in form satisfactory to the Village 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 owing to the Village have been paid at the time of submission for any application for approval under this article.

#### **Sec.33.309 Right to Deny Hearing and Plat**

The Village may deny reviews and any approval of site development if the applicant does not submit the information and fees required by this article.

#### **Sec.33.310 Representations**

Representations made to the Village in applications for site development approvals become conditions upon which the approval is granted. Any deviation from such representations without the prior written approval of the Village is a violation of the site development approval or permit and constitutes grounds for revoking the approval or permit.

**Sec.33.311 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 site development application or during any public hearing or meeting of the Village. Such a violation shall constitute grounds for denial of the application for site development approval or permit.

**DIVISION 2: DEFINITIONS**

**Sec.33.312 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.

***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 subdivisions or development.

***Administrative Officers:*** Any officer of the Village referred to in this article by title, including but not limited to the Village administrator, 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.

***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 artic.

**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.

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

**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 on 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.

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

**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, property line, creek, or other specific environmental features.

**Commission:** The planning and zoning commission of the Village.

**Comprehensive Plan:** The comprehensive plan of the Village and adjoining areas as adopted by the Village, 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, commission, the Village council and others who are consulted.

**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.

**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.

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

***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 and Drawings:*** The maps or drawings showing the specific location and design of public improvements to be installed in accordance with the requirements of the Village as a condition of approval of the site development.

***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.

***Governing Body:*** The duly elected council of the Village.

***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.

***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.

**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 municipal facility as required by this or any other Village ordinance.

**Minor Subdivision:** This is the same as a “Minor 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.

**Nonpoint Source Pollution Control Ordinance:** Article 133.100 of the Code of Ordinance of the Village, as amended from time to time.

**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 over sizing 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.

**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.

**Overlength Street:** A street segment, or 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.

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

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

***Plat:*** The preliminary plat, final plat, development plat, amended plat or replat, as determined by the context.

***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.

***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” “Developer”):*** Any person or any agent thereof, that has sufficient proprietary interest in the land sought to be developed to commence and maintain proceedings to develop 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 Improvements:*** Facilities, infrastructures and other appurtenances, whether owned and maintained by the Village or other public 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 all required public walkways, street lights and street name signs.

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

***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.

**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 roadways for which it is designated.

**Street:** A right-of-way, whether public or private and homeowner 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 Right-of-Way:** The width of the right-of-way for any roadway as the shortest perpendicular distance between the lines which delineate the rights-of-way of the street.

**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 sizes, for the purpose, whether immediate or future, for sale, division of ownership, or building development. “Subdivision” includes 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.

**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 site development or shortly thereafter.

**Thoroughfares Plan:** The Village thoroughfare plan, as contained in the comprehensive plan.

**Village:** The Village of Volente, Texas.

**Village Administrator:** The person holding the position of Village administrator, as appointed by the council. For the purposes of this article the Village administrator may appoint, in writing, a designee to act on his or her behalf.

**Village Attorney:** The term “Village attorney” shall apply only to such attorney, or firm of attorneys, that has been specifically employed by the Village to assist in legal matters.

**Village Engineer:** The term “Village engineer” shall apply only to such licensed professional engineer, or firm of licensed consulting engineers, that has been specifically employed by the Village to assist in engineering-related matters.

**Village Planner:** The term “Village planner” shall apply only to such practicing, professional land planner, or firm of professional land planners, that has been specifically employed by the Village to assist in planning and zoning-related matters.

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

### **DIVISION 3: APPLICATIONS FOR PERMITS AND APPROVALS**

#### **Sec.33.313 General Provisions**

A. An applicant shall obtain approvals in the following order:

1. Concept plan (zoning changes);
  2. Zoning;
  3. Subdivision;
  4. Site plan;
  5. Site development permit and non-point source pollution control permit;
  6. Building permit.
- B. An applicant may concurrently file applications for the approvals listed in subsection (a) above if approved by the Village;
- C. Disapproval and Denial:
1. An application that is disapproved may be updated and resubmitted for review before the update deadline expires. A disapproved application that is not updated is denied when the update deadline expires. An application that does not comply with the Village's code of ordinances on the update deadline is denied.
  2. An application that is denied shall not be updated. A new application, with payment of fees for a new application, is required.
- D. Transfer of Permit or Approval: A permit or approval authorizing a particular use of land or a structure transfers with the ownership of the land or structure.
- E. Authority to File an Application: A record owner or the record owner's agent may file an application for a permit or approval required by this article. The Village may require an applicant to provide evidence of the applicant's authority to file an application.
- F. Application Requirements:
1. The Village may adopt rules establishing the requirements for an application required by this article.
  2. The Village may allow an applicant to omit required information from an application that the Village determines is not material to a decision on the application. An applicant who disagrees with a determination under this subsection may appeal the decision to the council.
  3. Applications for site development approvals and permits shall be submitted on any working day of the Village, at the Village office, during the business hours of the Village.

4. All updates required to obtain site development approvals and permits shall be submitted to the Village no later than one hundred eighty (180) days from the date of initial submittal of the complete application. A one hundred eighty (180) day extension may be granted by the Village, if the request is made by the applicant, in writing, prior to the deadline.
5. No site development approvals will be granted nor permits issued until the applicant has provided the Village with proof that a tract, lot or property is a legal tract or legal lot. If applicant is unable to prove legal tract or legal lot status, then applicant shall apply for subdivision approval in accordance with the Village's subdivision ordinance.
6. Revisions: Major revisions to an approved site development plan or permit shall be processed as a new application. Minor revisions to an approved site development plan or permit will require at least a fourteen (14) day Village review time.

**G. Sequence of Review:**

1. An application may not be placed on a commission or council agenda unless the Village staff and consultants have finished their review and a Village staff recommendation is available for commission or council consideration.
2. An applicant may request that the Village extend a deadline for submitting an update to an application by filing a written request and justification with the Village before the expiration of the deadline.
3. The Village may grant an extension request under this subsection if the Village determines that good cause exists for the extension. An extension period may not exceed the length of the original time period for submitting an update for the application.
4. If the time required for Village review of an application exceeds the review time provided by this article, the Village shall extend the deadline for submitting an update to an application for a time period equal to the number of days by which the actual time for review exceeds the review time provided by this article. The Village shall notify the applicant of the new deadline for submitting an updated application.

**Sec.33.314 Pre-Application Procedures**

- A. The applicant should avail himself or herself of the advice and assistance of the Village's administrative officers, and should consult early and informally with those officers before preparing an application for site development approvals or permits.

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

### **Sec.33.315 Concept Plan**

- A. **Applicability:** A concept plan, is a voluntary plan and is not required, except it is required to accompany an application for a conditional use permit in accordance with the Village's zoning ordinance. If a voluntary concept plan is filed, it is not an "original application for the first permit" for the purposes of Chapter 245 of the Texas Local Government Code. Village review of a concept plan may have benefits for both the Village and the applicant. The applicant may benefit in that he or she gains preliminary review and scrutiny, as well as input and suggestions, on the overall conceptual layout of the proposed development from the Village staff. The Village may benefit in that it becomes familiar with and involved in the project early in the development process, which is particularly important for large-scale developments and subdivisions. This allows the Village to plan for and closely coordinate the provision of public facilities and services, thereby potentially avoiding future problems such as undersized utility lines, inadequate roadway capacities, unanticipated shortfalls in public services, and fiscal inefficiencies resulting from lack of planning and coordination.

Submission of a concept plan may be particularly helpful in the following circumstances:

1. In conjunction with an application for a major subdivision plat for a property that is intended for development, particularly for large land parcels; or
  2. In conjunction with any project where a road is to be established or realigned.
- B. **Purpose:** The concept plan, as it pertains to this article, allows the commission and council to preview proposed major thoroughfare and collector street patterns; land use patterns and trends; environmental issues and constraints; conformance to the comprehensive plan, future land use plan, thoroughfare plan and other applicable plans of the Village; and, if the subject property is within the Village's corporate limits, the zoning ordinance; and the property's relationship to adjoining subdivisions or properties. Review of a concept plan could assist the Village in evaluating the possible impacts of the proposed development in terms of provision of essential public facilities and services, respecting and preserving important natural features and the environment, provision of open space and recreational opportunities, and protecting the general health, safety and welfare of the community.

- C. Extent of Area to be Included in a Concept Plan: When the overall development project is to be developed in phases, the concept plan area should include the entire property from which the phases are being subdivided and an approximate development schedule. When significant natural or man-made features, such as thoroughfares or creeks, make inclusion of the entire property in the concept plan unnecessary to adequately review the items listed in the preceding subsection (b), the concept plan may include a smaller area. Boundaries such as major thoroughfares, whether existing or proposed, creeks, political subdivisions, or other such natural or man-made features may be used to delineate the smaller study area.
- D. Process for filing a Concept Plan :
1. Applicant [or applicant's land planner, engineer, or surveyor attends a meeting with Village official(s)].
  2. Applicant submits a concept plan to the Village containing the information requested by the Village at the meeting.
  3. The concept plan is submitted to the Village no sooner than thirty (30) calendar days prior to the scheduled commission or council meeting at which the Applicant desires the concept plans to be considered
- E. Completeness of the Concept Plan: Concept plans which do not include all the information and materials requested by the Village will be considered incomplete and will not be scheduled for consideration on a commission or council agenda until the proper information is provided to the Village. For a concept plan to be considered complete, the following information must be included in the application:
1. Ten (10) copies of the application;
  2. Identification of Project, Developer and Landowner;
  3. Vicinity or location map;
  4. Boundary survey limits;
  5. Identification of adjacent properties and owners;
  6. Identification of zoning and proposed uses;
  7. Identification of tree preservation strategies;
  8. General layout of existing and proposed streets;
  9. General arrangement of proposed land uses and buildings;

10. Identification of phased development;
11. Written authorization for the agent of the landowner;
12. Fee payment, if any;
13. Tax plat, showing all properties within three hundred feet (300') of the tract or limits of development;
14. County Tax Office tax certificate;
15. Engineer's summary report;
16. Variances needed and their justification;
17. Any other information requested by the Village at the initial meeting with the Village officials.

F. Form and Content Requirements for Concept Plan Submission of a concept plan shall be preceded by a conference with the Village. The concept plan shall be prepared by a qualified civil engineer, land planner, architect or surveyor, at a scale no smaller than one inch equals two hundred feet (1" = 200') and on sheets twenty-four inches by thirty-six inches (24" x 36"), and, unless modified as a result of the conference with the Village, shall show the following:

1. A title block within the lower right hand corner of the concept plan with the proposed name of the project or subdivision, the name and address of the owner and the land planner, engineer architect or surveyor responsible for the design or survey, the scale of the drawing, both written and graphic scale, the date the drawing was prepared, total site acreage, and the location of the property according to the abstract and survey records of Travis County, Texas;
2. A vicinity or location map that shows the location of the proposed development within the Village and in relationship to existing roadways;
3. The boundary survey limits of the tract and scale distances with north clearly indicated;
4. Color renderings, minimum size 24" x 36", that illustrate building appearances from all sides. ;
5. The names of adjacent additions or subdivisions, or the names of the owners of record and recording information for adjacent parcels of unplatted land, including parcels on the other sides of roads and creeks. The concept plan shall include a depiction of all contiguous holdings of the property owners, the existing and proposed uses of the subject property, a general arrangement of future land uses,

including the approximate number of lots and any residential uses anticipated, and a generalized circulation plan for the subject property;

6. The existing zoning and existing and proposed uses on adjacent land; the location, width and names of all existing or platted streets or other public ways within or adjacent to the tract; any existing easements with recording information; existing buildings; railroad rights-of-ways; topography, including contours at two-foot intervals with existing drainage channels or creeks, including the 100-year flood plain, if applicable; any other important natural features, such as rock outcroppings, caves and wildlife habitats; all substantial natural vegetation; and adjacent political subdivisions, corporate limits, and school district boundaries;
7. Proposed strategies for tree preservation showing individual trees or tree masses that will be preserved, and the techniques that will be used to protect them during construction;
8. The layout and width, including right-of-way lines and curb lines, of existing and proposed thoroughfares, collector streets and intersections, and a general configuration of proposed streets, lots and blocks, including proposed median openings and left turn lanes on future divided roadways. Existing and planned driveways on the opposite side of divided roadways must also be shown for coordination and sharing of future median openings;
9. A general arrangement of land uses and buildings, including but not limited to proposed nonresidential and residential densities; building heights, square footages, massing, orientation, loading and service areas, recycling containers, compactors and dumpster enclosures, pedestrian walkways, and parking areas; any proposed sites for parks, schools, public facilities, public or private open space; flood plain and drainage ways; and other pertinent development related features; and
10. The phasing of development and an approximate time frame of the phased development.

G. Effect of Concept Plan: The concept plan shall be used only as an aid to show the anticipated layout of the proposed development, and to assess the adequacy of public facilities or services that will be needed to serve the proposed development. Any proposed use or development depicted on the concept plan shall not be deemed formal authorization or approval by the Village until a final site plan is approved for the development. If the applicant chooses to construct only the initial phase or phases of a multi-phase project designated in the concept plan, a new concept plan may be submitted for the subsequent phases, if the proposed development layout, character, or other conditions affecting the development substantially change from one phase to the next.

**Sec.33.316 Application for Site Plan Approval**

- A. Purpose: The purpose of final site plan approval is to ensure that a development project is in compliance with all applicable Village ordinances and guidelines, and with the comprehensive plan prior to commencement of construction.
- B. Applicability: Site plan review and approval shall be required for all nonresidential and residential site development except as provided in subsection (c) below. No building permit or site development permit or nonpoint source pollution control permit shall be issued for any site development until a site plan and all other required engineering or construction plans are first approved by the Village. No certificate of occupancy shall be issued until all construction and development conforms to the site plan and engineering or construction plans, as approved by the Village.
- C. Exemptions and Exceptions: Site plan application shall not be required for single-family detached residential developments that are not a part of a subdivision.
- D. Payment of all Indebtedness Attributable to Subject Property: No person who owes delinquent taxes, fees, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the Village, and which are directly attributable to a piece of property shall be allowed to submit an application for site plan approval until the taxes, fees, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner shall have been first fully paid, or until an arrangement in form satisfactory to the Village 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, debts and obligations have been paid.
- E. Extent of Area that Should be Included in a Site Plan: When the overall development project is to be developed in phases, the site plan area shall include only the portion of the overall property that is to be developed or constructed.
- F. Application Process for Site Plan Approval
  - 1. Applicant [or applicant's land planner, engineer, or surveyor attends a pre-application meeting with Village officials(s)].
  - 2. Applicant submits application with all checklists to the Village, and Village conducts an application submittal completeness review.
  - 3. Application is submitted to the Village no sooner than fifty-five (55) calendar days prior to the scheduled commission meeting at which the application is to be considered.

4. Village has ten (10) calendar days within which to determine completeness of the application. If application is complete, then Village establishes the "official submission date" as the tenth (10th) calendar day following initial receipt of the application. If application is incomplete, applicant resubmits application for Village completeness review.
5. Upon establishment of the "official submission date", the Village initiates technical review of the application and distributes the application to other appropriate entities for technical review.
6. Village schedules consideration of the application on the regular agenda of the commission that will be conducted within forty-five (45) calendar days after the "official submission date".
7. Applicant submits to the Village a corrected site plan application, in response to Village review comments, no later than seven (7) calendar days prior to the commission meeting.
8. Village conducts a second review of the application re-submittal, if required.
9. Commission reviews the site plan application and recommends to council one of the following:
  - a. Approval;
  - b. Approval subject to certain conditions; or
  - c. Disapproval.
10. If the commission recommends approval, or approval subject to certain conditions, then the council will consider the application and will, by affirmative vote by a majority of council members present and voting:
  - a. Approve;
  - b. Approve subject to certain conditions;
  - c. Disapprove; or
  - d. Remand back to commission for re-consideration.
11. If commission recommends disapproval, then the council will consider the application and will:
  - a. Approve, by affirmative vote by at least seventy-five percent (75%) of the council membership; or

- b. Approve subject to certain conditions, by affirmative vote by at least seventy-five percent (75%) of the council membership; or
  - c. Disapprove, by affirmative vote by a majority of council members present and voting; or
  - d. Remand back to the commission for re-consideration, by affirmative vote by a majority of council members present and voting.
12. The Village will calculate the site plan review fees. The site plan application shall not be considered administratively complete until the Village accepts the application review fee payment and issues a fee receipt to the applicant.

G Guidelines for Village Review and Approval of Application for Site Plan Approval:

In order for the site plan application to be recommended for approval by the commission and to be approved by the council, the following must be proven by the applicant to comply with the Village code of ordinances and with the comprehensive plan with respect to:

- 1. The impact of the proposed development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood;
- 2. The relationship of the development to adjacent uses in terms of harmonious design, façade treatment, setbacks, building materials, maintenance of property values, and any possible negative impacts;
- 3. The provision of a safe and efficient vehicular and pedestrian circulation system;
- 4. The design and location of off-street parking and loading facilities to ensure that all such spaces are accessible and are safely and conveniently arranged;
- 5. The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for fire fighting and emergency equipment to buildings;
- 6. The coordination of streets so as to arrange a convenient system consistent with the thoroughfare plan of the Village;
- 7. The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design;

8. Exterior lighting to ensure safe movement and for security purposes, arranged so as to minimize glare and reflection upon adjacent properties;
9. The locations, size, accessibility, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses;
10. Protection and conservation of soils from erosion by wind or water or from excavation or grading;
11. Protection and conservation of watercourses and areas subject to flooding;
12. The adequacy of water, drainage, sewerage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants;
13. Consistency with the comprehensive plan.

H Completeness of Application for Site Plan Approval: Site plan applications which do not include all required information and materials will be considered incomplete, will not be accepted for official submission by the Village, and will not be scheduled for consideration on a commission agenda until the proper information is provided to the Village. For an application to be considered complete, the following information must be included in the application:

1. Ten (10) copies of the application;
2. Identification of Project, Developer, Engineer, Planner, and Landowner;
3. Notarized signatures of the Landowner or his/her designated representative or agent;
4. Verification that all taxes and assessments on subject property have been paid;
5. Site plan drawings;
6. Site plan engineering report;
7. General layout of public improvements;
8. Landscaping and irrigation plans;
9. Building façade plans;
10. Non-point source pollution control plan;
11. Requested variances and their justifications;
12. Approved concept plan, if applicable;

13. Fee payment;
  14. Traffic impact analysis, if applicable;
  15. Any additional information requested by Village at the pre-application meeting.
- I. **Form and Content Requirements for Site Plan Application:** Submission of an application for site plan approval shall be preceded by a pre-application meeting with the Village. The site plan shall be prepared by a licensed civil engineer, land planner, architect or surveyor, at a scale no smaller than one inch equals one hundred feet (1" = 100') and on sheets twenty-four inches by thirty-six inches (24" x 36"), and it shall clearly show in detail how the site will be constructed, including paving, buildings, landscaped areas, utilities. The site plan submission shall be comprised of the items set forth below. All required items and information must be received by the Village in order for a site plan submission to be considered complete. Incomplete submissions will not be reviewed until all deficient items and information have been received. The requirements are:
1. An application form, in the format provided by the Village, with notarized signatures of the owner or his/her designated representative;
  2. Filing Fee will be paid by the applicant at the time the application is filed
  3. Verification that all tax assessments on the subject property have been paid;
  4. A. title block within the lower right hand corner of the site plan with the proposed name of the project or subdivision, the name and address of the owner and the land planner, engineer architect or surveyor responsible for the plan, the scale of the drawing, both written and graphic scale, the date the drawing was prepared, total site acreage, and the location of the property according to the abstract and survey records of Travis County, Texas;
  5. A current vicinity or location map that shows the location of the proposed development within the Village and in relationship to existing roadways;
  6. The boundary survey limits of the tract including metes and bounds, and each proposed lot, and scale distances with north clearly indicated;
  7. The names of adjacent additions or subdivisions, or the name of the owners of record and recording information for adjacent parcels of unplatted land, including parcels on the other sides of roads and creeks;
  8. The existing zoning and existing and proposed uses on adjacent land; the location, width and names of all existing or platted streets or other public ways within or adjacent to the tract; any existing easements, with recording information; existing buildings; railroad rights-of-way; topography with contours at two-foot intervals

with existing drainage channels or creeks, including the 100-year flood plain, if applicable; any other important natural features such as rock outcroppings, caves and wildlife habitats; and all substantial natural vegetation; water quality zones and existing manmade features;

9. Proposed strategies for tree preservation, showing individual trees or tree masses that will be preserved, and the techniques that will be used to protect them during construction;
10. The layout and width, including right-of-way lines and curb lines, of existing and proposed thoroughfares, collector streets and intersections, and specific configuration of proposed streets, lots and blocks, proposed driveways, showing driveway widths and distances between driveways, and proposed median openings and left turn lanes on future divided roadways. Existing and planned driveways on the opposite side of divided roadways must also be shown for coordination and sharing of future median openings;
11. General layout for the required public improvements, including water, wastewater, grading and storm drainage, streets, water quality, storm water detention, alleys, fire lanes and hydrants;
12. Specific locations and footprints of buildings, including but not limited to proposed nonresidential and residential densities; building heights, square footages which for multi-tenant or multi-purpose buildings must show square footage for each intended use, massing, orientation, loading and service areas, including proposed screening, recycling containers, compactors and dumpster enclosures, proposed screening, pedestrian walkways, and parking areas including parking ratio calculations; any proposed sites for parks, schools, public facilities, public or private open space; flood plains and drainageways; all proposed and existing utilities and easements; drainage structures; detention ponds with proposed aesthetic treatments; screening walls; fences; signage; fire lanes and fire hydrants; lighting; visibility easements; and other pertinent development related features;
13. Information sufficient to show compliance with the development standards of this article and use regulations contained in the zoning ordinance of the Village.
14. Building facade (elevation) plans showing elevations with any wall-mounted signage to be used:
15. Any additional information and materials, such as plans, maps, exhibits, legal description of property, information about proposed uses, and deemed necessary by the Village in order to ensure that the written request is understood and to demonstrate compliance with the comprehensive plan and the Village's code of ordinances.

16. Provision of the above items shall conform to the principles and standards of this article and the comprehensive plan. It is the applicant's responsibility to be familiar with, and to comply with these requirements.
- J. Effect of Site Plan Approval: Council approval of the site plan shall be considered authorization to proceed with applications for site development construction permits.
- K. Lapse of Site Plan Approval:
1. The council approval of a site plan shall be effective for a period of three hundred sixty five (365) calendar days beyond the date that the site plan was approved by the council.
  2. By 12:01 a.m. on the three hundred sixty sixth (366.th) day following council approval of the site plan, the applicant shall have submitted an administratively complete application for site development permit approval or for final plat approval, whichever occurs first. If applicant fails to submit an administratively complete application by the three hundred sixty sixth (366 th) day, the approved site plan shall be automatically deemed to have expired and shall become null and void.
  3. Prior to the lapse of approval of a site plan, the applicant may petition the council, in writing, to extend the site plan approval. Such petition shall be considered by the council at a public meeting before the council and an extension may be granted by the council at such meeting by the affirmative vote of a majority of the council members present and voting.
  4. If no petition for extension of site plan is submitted by applicant, the site plan shall be deemed to have expired and shall become null and void.
  5. In determining whether to grant a request for extension, the council shall take into account the reasons for the lapse, the ability of the property owner to comply with any conditions attached to the original approval and the extent to which the Village's development regulations would apply to the site plan at that point in time.
  6. The council shall either extend the site plan or deny the request, in which instance the originally approved site plan shall become null and void. The property owner shall thereafter submit a new application for site plan approval for review and consideration by the Village in accordance with this section.

**Sec.33.317 Application for Non-point Source Pollution Control Permit Approval**

Application for non-point source pollution control permit shall comply with the non-point source pollution control ordinance of the Village. The non-point source pollution control site plan shall be considered by the commission and council in conjunction with the project site plan.

**Sec. 33.318 Application for a Single Family Residential Project Site Development Permit.**

- A. Purpose: The purpose of the Single Family Residential Project Site Development Permit is to ensure that the site development construction will result in safe and efficient vehicular and pedestrian circulation, parking and loading, drainage and storm water management, and compliance with the Village's Site Development Regulations including non-point source pollution control and FEMA flood plain regulations.
- B. Applicability: A site development permit is required from the Village prior to beginning any demolition or construction work on the site. This Section applies only to Single Family Residential Projects, defined as the construction of one single family residential structure and all associated improvements on one legally platted lot.
- C. Payment of all indebtedness Attributable to Subject Property: No person who owes delinquent taxes, fees, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the Village entity and which are directly attributable to a piece of property shall be allowed to submit an application for site development permit until the taxes, fees, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner shall have been first fully paid, or until an arrangement in form satisfactory to the Village 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, debts and obligations owing to the Village have been paid. (See also
- D. Application Process for Site Development Permit Approval:
  - 1. Application shall be submitted concurrent with Building Permit Application.
  - 2. The Village will approve or disapprove the permit application based upon the permit application's compliance with the Village code of ordinances. The Village will issue the site development permit upon approval of the permit application.
  - 3. If the Village disapproves the permit application, the applicant may file a "Notice of Appeal" with the Village for council consideration in accordance with the Village code of ordinances.
- E. Completeness of the Application for Site Development Permit Approval: Site development permit applications which do not include all required information and materials will be considered incomplete, and will not be accepted for official submission by the Village until the proper information is provided the Village. For an application to be considered complete, the following information shall be included in the application:

1. Three (3) copies of the application, attachments and drawings as specified below;
2. Identification of Project, Developer, Engineer, Planner, and Landowner;
3. Verification that all taxes and assessments on subject property have been paid;
4. Site development permit drawings;
5. Site development permit engineering report;
6. Landscaping and irrigation plans;
7. Tax plat;
8. Requested variances and their justifications;
9. Fee payment;

F. Form and Content Requirements for Single Family Residential Project Site Development Permit Application:

1. Applicant shall submit the required number of sets of the complete engineering and construction plans for driveway approach, storm water management systems, water and sanitary sewer facilities, screening and retaining walls, landscaping and irrigation, and any other improvements and site development construction. The engineering plans shall also contain any plans necessary to show or document compliance with the Villages non point 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.
2. For the purposes of this article, complete sets of engineering and site development permit plans shall include the following information as well as any additional plans or sheets deemed necessary and requested by the Village:
  - a. Project Data Cover Sheet of Plans: Project street address; legal description (or reference by volume, page, square footage (or acres)); water source, wastewater disposal methodology; name and telephone number for owner or owner's agent; engineer, architect names and phone numbers. Standard notes as required by the Village; approval blocks for the Village and other applicable governmental entities;
  - b. Inspection Authorization: Authorization for Village to visit and inspect the property for which the application is being submitted;

- c. Base Information on each Sheet: Project address; north arrow; engineering scale (shall be 1"=10', 1"=20', 1"=30', or 1"=40'); seal and signature of the Engineer, Architect or Surveyor who prepared plans, and the date the plans were signed; blank space (approval space) in the lower right hand corner, at least 5"x3";
- d. Site Plan: Show dimensions and locations of existing and proposed buildings, patios, driveways, pools and other site improvements; finished floor elevations; limits of construction; locations of walls, fences, sidewalks, and all other land improvements; all drives; location of the 100-year flood plains, drainage features; on site sewage facility drain field if not on central wastewater collection systems; locations of all existing and proposed fire hydrants. Show in a table format tabulation of the total area of the site, total floor area, total impervious cover, percentage of site covered by impervious cover.
- e. Drainage Study: Include all calculations, measurements and studies necessary to show that the proposed storm water management program, when implemented and or constructed as designed, shall not cause increased inundation of adjacent property or roadway surface from runoff peak flow rates calculated for the two (2), ten (10), twenty-five (25) and one-hundred (100) year frequency storms. (See also 33.342 (b) (7)).
- f. Drainage and Grading Plan: The drainage and grading plan shall include delineation of the 100-year FEMA floodplain, or if applicable, a note that no 100-year floodplains exists on the site; existing storm sewer systems on site or adjacent streets; delineation of the centerlines of waterways, and the average water surface elevation of lakes, ponds and springs, existing site conditions with contours at one foot (1') intervals; developed conditions including drainage areas and proposed grading with one foot (1') contours; curbs, retaining walls, and other structures, indicating elevations at critical points; outflow points and control elevations; construction details for control devices, curbs, walls, channels, swales, etc.; direction of storm water flow from site, storm water drainage plans (swales, channels, ponds, pipes, culverts, etc.) including percent grade; clearly identify construction details to include sizing of pipes, inlets, weirs, outlets, control structures, etc. Include details, design information, calculations and general notes to clearly identify best management practices are utilized.
- g. Dam Safety Plan: As required for compliance with Texas Administrative Code, Title 30, Chapter 299.
- h. Erosion and Sedimentation Control and Tree Protection Plan: Show the location and type of all proposed temporary erosion control methods; show tree protection plan for all trees six inches (6") in caliper size and

larger within the construction area or that are to be removed. Note restoration plans for all disturbed areas. (See also 33.340).

- i. Water Quality Control Plan: Information required to indicate compliance with the Village's non-point source pollution control ordinance.
- j. Landscape Plan: Required for all projects excluding single family residential of one (1) acre or less. (See also 33.336).
- k. Slope and Topographic Map: Indicate on 1' interval topographic plan all areas within the limits of construction of slope greater than 15% or where fill in excess of four feet will be utilized. Include Engineer's report on foundation design, retaining wall design, and geo-technical analysis and requirements for assuring fill appropriateness and stability. (See also 33.338)
- l. Construction Notes: As requested.
- m. Special Notes: As requested.

#### **Sec.33.319 Application for Site Development Permit**

- A. Purpose: The purpose of the site development permit is to ensure that the site development construction will result in safe and efficient vehicular and pedestrian circulation, parking and loading, and adequate water supply, drainage and storm water management, sanitary facilities, and other utilities and services.
- B. Applicability: A site development permit is required from the Village prior to beginning any site development work in the Village or in its extraterritorial jurisdiction.
- C. Payment of all Indebtedness Attributable to Subject Property: No person who owes delinquent taxes, fees, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the Village entity and which are directly attributable to a piece of property shall be allowed to submit an application for site development permit until the taxes, fees, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner shall have been first fully paid, or until an arrangement in form satisfactory to the Village 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, debts and obligations owing to the Village have been paid.
- D. Application Process for Site Development Permit Approval:
  - 1. Applicant (or applicant's land planner, engineer, or surveyor) attends a pre-application meeting with Village official(s).

2. Applicant submits application to the Village, and Village conducts an application submittal completeness review.
3. Village deems completeness of application. If application is complete, then Village establishes the "official submission date." If application is incomplete, applicant resubmits application for Village completeness review.
4. Upon establishment of the "official submission date," the Village conducts a sixty (60) calendar day technical review of the application submittal and distributes the application to other appropriate entities for technical review.
5. Applicant must submit to the Village a corrected site development permit application submittal, in response to Village review comments, no later than thirty (30) days upon receipt of the Village's review comments.
6. Village will conduct a second review of the application re-submittal, if required within a thirty (30) calendar day review period from receipt of the re-submittal.
7. The Village will approve or disapprove the permit application, based upon the permit application's compliance with the Village code of ordinances. The Village will issue the site development permit upon approval of the permit application.
8. If the Village disapproves the permit application, the applicant may file a "Notice of Appeal" with the Village for council consideration in accordance with the Village code of ordinances.

E. Completeness of Application for Site Development Permit Approval: Site development permit applications which do not include all required information and materials will be considered incomplete, and will not be accepted for official submission by the Village until the proper information is provided to the Village. For an application to be considered complete, the following information shall be included in the application:

1. Ten (10) copies of the application;
2. Identification of Project, Developer, Engineer, Planner, and Landowner;
3. Notarized signatures of the Landowner or his/her designated representative or agent;
4. Verification that all taxes and assessments on subject property have been paid;
5. Site development permit drawings;
6. Site development permit engineering report;
7. Detailed construction layout of public improvements;

8. Landscaping and irrigation plans;
9. Tax plat;
10. Requested variances and their justifications;
11. Fee payment;
12. Engineer's summary report;
13. Approved site plan, if applicable;
14. Any additional information requested by Village at the pre-application meeting.

F. Form and Content Requirements for Site Development Permit Application:

1. Applicant shall submit the required number of sets of the complete engineering and construction plans 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 and site development construction. The engineering plans shall also contain any plans necessary to show or document compliance with the Villages 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 engineering plans.
2. For the purposes of this article, complete sets of engineering and site development permit plans shall include the following information as well as any additional plans or sheets deemed necessary and requested by the Village:
  - a. Project Data: Project name; project street address if determinable; project location if project address can not be defined; property description by subdivision reference or by brief legal description; deed reference or deed conveying property reference by volume, page, square footage (or acres); identification and areas (in square footage or acreage) of existing zoning and uses per tract; identification and areas (in square footage or acreage) of proposed uses per tract; lengths and sizes of existing stormwater lines, water distribution lines, and wastewater collection lines; watershed name per the City of Austin, Texas Environmental Criteria Manual; name of closest public access right-of-way; tax parcel numbers; type of landownership (i.e. sole, community property, trust, partnership or corporation); owner; agent, engineer, designer, landscape, architect signature, name, firm name, phone number, street address, contact person;
  - b. Certification: Property owner submittal certification;

- c. Inspection Authorization: Authorization for Village to visit and inspect the property for which the application is being submitted;
- d. Cover Sheet of Plans: Date of submittal; project title and street address or project location; property owner, address, telephone number (including same for planner, architect, landscape architect, engineer); name of watershed (per City of Austin watershed classifications); indication by note if any part of project is within a 100-year floodplain; legal description of property by lot, block and subdivision name, or if by metes bounds, if recorded, indicate the book and page number; site location map; date(s) of re-submittals; standard notes as required by the Village; approval blocks for the Village and other applicable governmental entities;
- e. Base Information on each Sheet: Project title; north arrow; engineering scale (shall be 1"=10', 1"=20', 1"=30', or 1"=40'; if the project is too large, 1"=50', with detail at 1"=20'); designer(s) company name, address and phone number; seal and signature of the engineer preparing plans, and the date the plans were signed by the engineer; blank space (approval space) in the lower right hand corner, at least 5"x3"; boundary lines with bearings and dimensions; Village limit line, when located in or within three hundred feet (300') of the site; street address; natural topography of the site and land located on and within on hundred feet (100') of the site, at two feet (2') contour elevation intervals with a maximum one hundred feet (100') horizontal interval distance between lines; existing and proposed streets, alleys, and private drives adjacent to and within property including median cuts, existing, dedicated rights-of-ways, proposed rights-of-ways, and all pavement widths; all existing and future easements; locations of all existing and proposed electric utility facilities on the site and adjacent rights-of-ways; exact locations, types and sizes of all utility lines, underground and overhead, existing and proposed; locations of any demolitions by dashed footprints;
- f. Site Plan: Boundaries of all zoning districts on and within three hundred feet (300') of the site; all existing adjacent land uses; locations of all existing buildings on and within fifty feet (50') of the site; finished floor elevations, existing and proposed; limits of construction, including access drives; tabulation of the total area of the site, total floor area ratio for each zoning district, total impervious cover for each zoning district, percentage of site covered by impervious cover, total building coverage ( in square footage and percentage) for each zoning district within the site; dimensions shown to the nearest one-half foot (1/2') of all existing and proposed buildings; locations of parking lots and vehicle use areas, landscape islands, peninsulas, and medians; locations of amenities, walls, fences, sidewalks, and all other land improvements; all roadways, drives, overpasses, bridges, culverts and decorative/pervious pavers labeled and identified as designed to support the loads imposed by heavy fire

department apparatus; locations, types and limits of existing site improvements to be retained; locations of 25-year and 100-year flood plains, storm sewers, and easements and centerline of existing watercourses, drainage features; drain field if not on central wastewater collection systems; locations of all existing and proposed fire hydrants, including all existing public fire hydrants located within five hundred feet (500') of the property boundaries; existing or proposed garbage pickup location(s) if commercial dumpsters are proposed; tabulation for each building of the proposed use and the square footage for each use within each structure on the site; number of stories; actual height (to the nearest one-half foot (1/2')); finished floor elevations, foundation type(s); total square footage for building and for each floor; type of restaurant, type of office, number of rooms for hotels or similar facilities, number of employees, and/or number of children for proposed school and day care services, if applicable; number of residential use types and sizes, if applicable; amenities, such as swimming pool, sports courts, patios, etc.; distances between buildings, building setbacks and front street, side street, interior and rear yards; dimensional ties from buildings to the site in two (2) different directions; all structural connections between buildings such as overhead walkways, landings, or roof attachments; widths of all unobstructed access roadways with appropriate finished grades, widths, lengths, turnarounds and turning radii; all frontage roads, intersections, entrance/exit ramps, and driveways abutting and adjacent to subject property within three hundred feet (300') of side property lines; TxDOT centerline stationing if intersection connection to a State right-of-way is proposed; all driveway dimensions and design specifications; dimensions of driveway widths, driveway curb return radii, and profiles of finished grades; proposed operation of driveways (i.e. one-way or two-way operation); physical barriers to vehicular access; on undivided roadways, show existing driveways on opposite side of street within on hundred twenty feet (120') of site driveways; physical obstructions (utility poles, trees, storm sewer inlets, entrance treatments, etc.) in right-of-way which could affect sidewalk/driveway locations and lines of sights; dimensions of vertical clearance within fire lanes, including tree limbs, for all driveways and internal circulation areas on site, where overhead clearance is restricted; all off-street parking; number of required and provided parking spaces including location, number and type (standard, compact, handicapped) of actual parking spaces; dimensions of parking stall depths and widths, stall angles, aisle widths, and widths of internal driveways; each parking space numbered; structural supports, turning radii, circulations, and ramp grades in parking garages; number and locations of compact spaces; handicapped parking spaces meeting State accessibility standards; accessible route of travel connecting all accessible elements and spaces on the site that can be negotiated by a person using a wheelchair and is usable by persons with other disabilities (indicated by dotted lines, a shading pattern or other identifiable legend); note on the plan indicating

that each compact parking space must be identified by a sign stating “small car only” and signs posted on site directing motorists to such spaces; off-street loading spaces, if required; location and type(s) of bicycle parking; queue spaces or queuing areas for drive-through uses; location and width of sidewalks; location and layout of pedestrian sidewalk ramps; location of sidewalk pedestrian ramps between the off-site parking and the public entrances of the use, if handicapped spaces are located off site; legal and practical walking distance between the nearest off-site parking space and the nearest public entrance of the use; signage at the off-site parking facility indicating the property or use which it serves and signage on the use site indicating location of the off-site parking; note indicating days and hours for the proposed use and the uses from which spaces are being leased;

- g. Drainage Plan: (In addition to the base information of subsection (E) above): drainage area map including contributing drainage areas to storm sewer and/or inlet tie-ons; drainage area maps for the off-site contributing areas passing through site; existing impervious cover, including buildings; surrounding information including structures, drainage release points, etc.; direction, location, and quantity of peak 25-year and 100-year flood flows from off-site in existing conditions; delineation of the fully developed 25-year and 100-year floodplains, or if applicable, a note that no 100-year floodplains exists on the site; existing storm sewer systems on site or adjacent streets; delineation of the centerlines of waterways, and the average water surface elevation of lakes, ponds and springs, with contours at two foot (2') intervals; developed drainage areas and proposed grading with two-feet (2') contours; curbs, retaining walls, and other structures, indicating elevations at critical points; outflow points and control elevations; construction details for control devices, curbs, walls, channels, swales, etc.; direction of flow from building roofs and outlet locations; direction of flow from gutters; pass through flow rates, if any; limits of ponding at overflow elevation and cubic feet of storage at the maximum storage elevation at overflow points and control elevation for overflow structure; action and direction of unrestricted flow from site, if any; storm drainage profiles and plans (swales, channels, pipes, culverts, etc.) including percent grade, HGL 25, Q25, Q100, V25, V100, depth of flow 25 and 100, and Manning's Roughness coefficients (n-values); hydrographs or hydrologic tabulations for proposed 25-year peak-flow rate; hydrologic summary of existing and proposed conditions in tabular form of the area of each drainage basin, time of concentration, distance of flow where the time of concentration is measured, slope of site where the time of concentration is measured, C25, and C100 values, required storage volumes for up to the 100-year storm; calculations and formulas for discharge or control structure (for 2-, 50, 10-,25-, 50- and 100-year storms), pipes, inlets, etc.; location and limits of filtration/sedimentation pond, details and design information and calculations; construction details

of any required structural walls, inlets, sedimentation/filtration and detention inlet and outlet controls, etc.; adequate dimensions, layout details, and general notes adjacent to all details;

- h. Dam Safety Plan: Information, drawings and reports required by the Texas Administrative Code, Title 30, Chapter 299.
- i. Erosion and Sedimentation Control and Tree Protection Plan: (In addition to the base information of subsection (E) above); on a topographic map with two feet (2') contour intervals, at a scale of 1"=50' or less; location and type of all proposed temporary erosion controls with existing topographic information; contributing drainage area information for all erosion controls; location and type of all pertinent erosion and sedimentation controls, permanent water quality controls and flood controls; existing and proposed grades; finished floor elevations; all proposed land disturbing activities; contractor staging areas and vehicular use areas; temporary and permanent spoils storage areas, including size, time of use, and ultimate restoration schedules; all waterways within the tract or which impact the tract; the location of the 2-, 25-, and 100-year floodplains and the areas of upstream drainage; location(s) of Critical Water Quality Zone; all proposed floodplain improvements; location(s) of all known underground storage tanks; location(s) of all Critical Environmental Features and their required setbacks; detailed sequence of construction schedule including which phases of construction will be done at which time, specific erosion/sedimentation controls and tree protection measures for each phase of the development; limit of construction line encompassing all areas to be disturbed, enclosing all areas of natural vegetation on the site which are to be left undisturbed; specific locations where special slope stabilization techniques are to be utilized and the extent of slope stabilization to take place and the technique used; restoration plans for all disturbed areas; standard erosion control notes; survey of all trees six inches (6") in caliper size and larger, represented by circles using the formula of one foot (1') of radius for every one inch (1") of trunk diameter, unbroken circles indicating trees which are to remain, dashed circles indicating trees proposed for removal; location of tree protection fencing; standard notes for trees and natural area protection;
- j. Water Quality Control Plan: (In addition to the base information of subsection (E) above): information required by the Village's non-point source pollution control ordinance; topographic map with two-foot (2') contour intervals, at a scale of 1"=100'; drainage area to each water quality control and size of drainage area; all proposed development on site; proposed site grading including arrows indicating the direction of flow, arrows indicating the direction of roof run-off, stormwater lines and inlets; method used to divert off-site stormwater around the site; location of existing and proposed water quality and detention basins; location of

discharge from water quality and detention basins; locations of maintenance access for drainage structures; drainage and water quality easements; location of all CWQZ, CEF and the 100-year floodplain; water quality calculations; calculations for two (2) year detention including pre-development stormwater run-off flow rates, developed stormwater run-off flow rates, discharge flow rates of ponds, volume required in detention basin, maximum water surface elevation for the two (2) year storm, detail on outflow device used for detention pond, detention pond detail with dimensions and elevations as needed for construction; plan view of each proposed water quality control, at scale of 1"=20', with dimensions, elevations, including the splitter, riser and gabion if applicable; proposed and existing grades; in plan view or cross section show slopes provided in sedimentation pool, water quality elevation, top of berm, bottom of pond elevation in receiving system or waterway; location for liner, if applicable; underdrain spacing and clean outs; landscape screening, maintenance access, maintenance staging area; splitter box detail with dimensions and hydraulic calculations; riser detail with orifice size, trash rack; gravel and filter fabric, pump intake, and calculations shown; gabion detail with top elevation specified, and gabion specifications, if applicable; filter sand details and specifications; liner specifications, if applicable; geotextile membrane specifications; reirrigations system details, specifications and calculations; fence specifications, if applicable; bollard and chain detail, if applicable.

- k. Landscape Plan: (In addition to the base information of subsection (E) above): location, diameter, type and crown size of all existing trees six inches (6") in diameter or larger on the site; any critical root zones of trees that extend on to the site; solid circle depicting critical root zones for trees to be proposed, dashed circle depicting critical root zone of trees to be removed (include all trees used in the tree credit calculation); landscape islands, peninsulas and medians; graphic delineation of the street yard; method of buffering; compatibility screening if to be accomplished with vegetation; method and location of protective barriers (i.e curbs, bollards, wheel stops, etc.); irrigation details and notes; specific location, species, size ( height and caliper) and quantities of new trees; specific location, species, container size and spacing of new shrubs, ground covers, and grasses; planting details and specifications for installation of new plant materials; landscape calculations; specific location, species, and size and caliper inches required of replacement trees (if required); seal and certification of a professional landscape architect or architect is required for all projects excluding single family residential of one (1) acre or less
  
- l. Slope and Topographic Map: Slope and topographic map drawn at the same scale as the erosion control and tree protection plan; depict slopes of 0 to 15%, 15 to 25%, 25 to 35%, and over 35%; delineate all development or improvements; calculations of land area in acres for each slope class

and each water quality zone within the development; location of proposed temporary and permanent spoil disposal sites; location of all septic drain fields and wastewater irrigation areas; downstream buffer zones;

- m. Street Drainage Layout: (In addition to the base information of subsection (E) above); drainage layout of project (at 1"=100' scale) with north arrow to top or right of sheet; limits of construction; location of all existing drainage structures this project may impact; existing contours at two foot (2') intervals; individual drainage areas upstream and drainage areas based on improvements and final grading (distinguish existing and developed drainage areas by heavy dashed lines for the existing); C25, I25, Tc and Q25 for each specific drainage area including both existing and developed conditions, unless both conditions are the same; arrows indicating direction of flow for streets and lots; summation of peak discharges at pertinent points (street intersections, inlets, passing inlets, headwalls, control outlet structures, etc.); all low and high points; all fill areas that would have an impact on drainage or require a variance; proposed drainage facilities, including valley gutters; all existing and proposed drainage easements, unless shown on Plan and Profile sheets; discharges leaving proposed streets onto surrounding property; existing and proposed 100-year floodplains for all waterways; tabulation of runoff calculations; tabulations of inlet design; tabulation of storm sewer design; clear limits of project;
- n. Street and Drainage Plan: (In addition to the base information of subsection (E) above): stationing south to north or west to east with street layout directly over the profile stationing; scale 1"=20', for sidewalk projects scale 1"=50' is acceptable; paving dimensions (face to face of curb); right-of-way dimensions; lot and block number, street addresses, and owners; minimum of two (2) benchmarks per project to include description, location and elevation, and tie to established benchmarks; street names within the rights-of-ways; existing and proposed rights-of-ways and easements; stationing at one-hundred foot (100') intervals; delineation of centerline every fifty feet (50') with "TIC" marks; match lines on plan sheets for construction of streets on other plan sheets; fifty feet (50') minimum proposed tie-in to existing streets; full intersections, providing dimensions and street names; stationing equations and deflection angles at centerline intersections of streets; permanent barricades, if required; asphalt or concrete valley gutters at intersections where appropriate; beginning and end of the project; limits of spill gutter by shading with beginning and ending stationing; all PC, PT, PCC and PRC stations and all radii; all fill and cut areas; horizontal curve data; drainage facilities within or intersecting right-of-way, indicating centerline stationing of inlets, label structure type and storm sewer lines; existing drainage facilities as dashed lines; drainage flow arrows, high and low points; drainage easement delineations and dimensions; storm drainage

facilities delineations, sizes and dimensions; all horizontal PI, PT, BEGIN and END stations and pipe and/or channel intersection equations; all inlets; storm sewer PI deflection angle in degrees; any storm sewer assignments off right-of-way or centerline; note 100-year overflow swales over pipe system (when used); open channels with a minimum flat bottom widths; all utility lines;

- o. Street and Drainage Profile: Legend and scale (vertical scale of 1"=2'); even stations on heavy vertical division lines; even stations in right and left margins; street profile for minimum of fifty feet (50') beyond end of project (including property lines, proposed future and/or existing street grades); proposed top curb (TC) profiles; identification and elevations of all PC, PT, PRC, PVC, PVI, or PVT stations; vertical curve data including curve length, PVI stations and elevations, tangent intercepts, tangents and tangent grades (show elevations every twenty-five feet (25') maximum along vertical curves); curb returns PC, MID, PT, PT, with tangents and grades past point of return; elevations every fifty feet (50') along street profiles; curb split, if applicable; stationing proceeding from low end and from left to right for channels or storm sewer lines, when possible; existing ground profile at proposed channel locations; top of bank left and right, and fill areas for channels; all stations and elevations of intersecting drainage lines, grade breaks, riprap drop sections, toe of splash pads, toe of slope, beginning of slope and riprap; HGL25 or depth (d25), HGL100, depth (D100) and headlosses (H) for each segment of channel; beginning and end of construction and stations for channels; flowline elevations every fifty feet (50'); TC elevations at inlets on storm sewer lines; grades of flow line, pipe sizes and materials; HGL25 and HGL100 and headlosses (H) when pipe is flowing full; depth (d25 and other (d100) when pipe is not flowing full; Q25, V25, Q100, V100 in tabular form with stationing clearly delineated; all riprap, headwalls, etc. at pipe end; existing and finished groundlines and fill areas at pipe centerline for storm sewer lines; legible professional engineer's seal, signature and date;
  
- p. Street and Drainage Construction Details: Standard construction details; details of box culvert, riprap, headwall, junction box, bridge and any other structures; details for channel and pipe riprap, headwalls and erosion and velocity control measure; bottom width, side slope, concrete trickle or pilot channel, height of channel lining, if used; maximum and minimum depth of channel, and station-to-station section of typical channels/swale section; typical cross-section of channel, and ponds; channel construction details; traffic and pedestrian guard railing details; details of 100-year overflow swales over pipe system; details of filtration and sedimentation ponds; legible professional engineer's seal, signature and date; pavement typical sections; sidewalk typical sections; handicapped ramp details; pavement saw cut details; driveway approach details; retaining wall details; concrete median details; traffic control device details;

- q. Telecommunication Tower Plan: Tower owner's name, address, and telephone number; property owner's name, address and telephone number; project name and verified address; drawing and location of sign visible from outside screening (in compliance with Federal Communications Commission requirements); 100-year floodplain delineation and information; height and type of tower; distance to the nearest residential use or zoning district; site location map; north arrow and drawing scale; property lines with dimensions and bearings; lease lines with dimensions and bearings; existing and proposed streets, alleys, and parking and drives adjacent to and within the property; all existing and future easements; all existing and proposed utilities on site; security fencing alignment and details; all existing and proposed structures on or near the site; total existing and proposed impervious cover for the entire property; dimensions of all proposed structures and their locations on the site; location of Critical Water Quality zone and Critical Environmental Features on or within one hundred fifty feet (150') of the site; locations of all existing trees of caliper size six inches (6") or larger within fifty feet (50') of the lease area and access easement; location of tree protection fencing; location, species, size, and quantity of trees and shrubs to be planted on site (including screening); location and type of temporary erosion controls; location and type of permanent erosion controls; barriers to protect landscaped areas from damage by vehicles; all proposed construction and site construction details; legible professional engineer's seal, signature and date;
  - r. Endangered Species Habitat Map;
  - s. Construction Notes;
  - t. Special Notes;
  - u. Construction Sequencing;
  - v. On-Site Water Supply Plan;
3. Supplement Engineering Report: For the purposes of this article, the site development permit application shall include the following elements in a supplemental engineering report:
- a. General Information: An introduction which states project acreage, watershed and classification (per City of Austin, Texas watershed classifications), description of proposed development, description of project phasing if phasing is proposed; explanation of and documentation for any special exception or waiver claimed; drainage area map showing the location of all waterways within the tract or which impact the tract; the

location of the 100-year floodplain; the area and acreage of upstream drainage; discussion of proposed and existing drainage patterns, proposed method of treating both quantity and quality of stormwater runoff; effect that the proposed project will have on the existing and future drainage systems in the area and on the natural and traditional character of the land and waterways; hydrological data, hydrographic data, HEC-2 runs, control outlet calculations, etc.; proposed extent of floodplain modification; identification and discussion of Critical Environmental Features within the project and known features within one hundred fifty feet (150') of the project; discussion of all proposed variances; requests for consideration of alternative or innovative water quality control which differs from the standards of the Village's non-point source pollution control ordinance and information to demonstrate that the proposed control provides an equivalent level of water quality; description and location of any known Underground Storage Tanks within the project boundary; irrevocable letter of credit or security for erosion and sedimentation controls; explanation of spoil disposal locations; discussion of existing and proposed drainage patterns with respect to erosion and sedimentation controls; discussion of proposed cut and/or fill greater than four feet (4'); discussion of proposed impervious cover types and their areas; widths to be used for construction limits and means to avoid environmental damage; points of origin and final destinations for water or wastewater mains;

b. Environmental Assessment Report:

- (i) Vegetative Element: Vegetative survey which shows approximate locations of and identifies all significant vegetation on the site; discussion explaining how the design of the site development permit plan preserves, to the greatest extent reasonable, any significant trees and vegetation on the site and provides maximum erosion control and overland flow benefits from the natural vegetation;
- (ii) Geologic Element: Description of all Critical Environmental Features, as defined in the Village's non-point source pollution control ordinance, with a reference to their topographic map which identifies their locations, and discussion of proposed means for protection of such areas; general description of topography, soils and geology of the site; discussion explaining how the proposed drainage patterns will protect the quality and quantity of recharge features; Geologic plans shall be prepared by or under the direct supervision of a professional geoscientist licensed in the State of Texas, as required by state law governing such professions and in accordance with this article. All geologic plans submitted for Village review shall be dated and shall bear the responsible

geoscientist's registration number, his or her designation of "professional geoscientist" or "P.G.", and the seal.

- (iii) Wastewater Elements: Environmental justifications for sewer line locations in the Critical Water Quality Zone; a description of the construction techniques and standards for proposed wastewater lines or structures within CWQZ; description of alternative wastewater disposal systems to be used within environmentally sensitive areas; description of any proposed on-site collection and treatment systems, treatment levels, and impacts on receiving watercourses; information on proposed on-site wastewater treatment levels and status of TCEQ permit; information on surface soils; calculations to demonstrate adequacy of wastewater irrigation system.
  
- c. Cultural Resource Report:
  
- d. Endangered Species Survey: Endangered species survey information as required by the City of Austin, Texas Environmental Criteria Manual (latest edition); dates of endangered species field surveys and estimated levels of effort; names and qualifications (e.g. resumes) of personnel performing surveys for endangered species; description of survey results including the estimated likelihood of occurrence of endangered species on the tract, especially for birds, if performed outside of the nesting season; reference to and discussion of the endangered species map; discussion of U.S. Fish and Wildlife Service concurrence of survey findings;
  
- e. Non-Point Source Pollution Control Strategies: Discussion of the methodology and water quality control strategy proposed to achieve the target pollutant load reduction; calculations illustrating the target pollutant loads expected for the proposed development with an accompanying explanation of how the figures are derived; calculations illustrating expected pollutant load reductions for the controls proposed with an accompanying explanation of how the figures are derived; special considerations approved by the Village for installation or maintenance of proposed water quality controls used to achieve the target pollutant load reductions; discussion of use of xeriscape landscaping; discussion of integrated pest and weed control management plans; discussion of fertilizer use reduction measures; discussion of spill containment measures for hydrocarbons; slope analysis;
  
- f. Fiscal Security Information: Opinion of probable construction cost for temporary erosion and sedimentation controls; opinion of probable construction cost for permanent non-point source pollution controls; opinion of probable costs for public improvements to be constructed after Village approval of the final plat;

- g. State and Federal Permits and Approvals: Copies of all state and federal permits and approvals required for site developments;
  - h. Transportation Calculations: Transportation elements' calculations as required by the City of Austin, Texas Transportation Criteria Manual (latest edition);
  - i. Utility Calculations: Utility element's calculations as required by the City of Austin, Texas Utility Criteria Manual (latest edition);
4. Applicant shall have the engineering and construction plans and supplemental engineering reports prepared by his or her own professional engineer(s), subject to approval by the Village. The Village shall review, or cause to be reviewed, the application for site development permit and if approved, shall mark it "Approved" and shall return one set to the applicant. If not approved, written review comments and objections shall be returned to the applicant for correction, whereupon applicant shall correct the application as requested and shall resubmit them back to the Village for re-review. Once the site development permit application is approved by the Village, applicant shall provide additional sets of the permit application to the Village, as specified by the Village, for use during construction. A full set of the Village-approved site development permit shall be available for inspection on the job site at all times.
  5. After Village approval of the site development permit application and following procurement of all applicable permits from other appropriate agencies, such as TxDOT, TCEQ, LCRA, or Travis County, the applicant shall cause a contractor to install or construct the site development improvements in accordance with the approved permit and the Village's standard specifications.
  6. Engineering and construction plans shall be prepared by or under the direct supervision of a professional engineer licensed in the State of Texas, as required by state law governing such professions and in accordance with this article. All engineering and construction plans submitted for Village review shall be dated and shall bear the responsible engineer's registration number, his or her designation of "professional engineer" or "P.E.", and the engineer's seal. Engineering plans shall be approved by the Village when such plans meet all of the requirements of this article.

**Sec. 33.320 Application for Building Permit Approval**

- A. Purpose: The purpose of the building permit is to ensure that all building of structures is in compliance with this article and with all applicable construction codes of the Village.

B. Applicability: Unless a construction code or this article exempts an activity from the building permitting process, building permit review and approval shall be required for all residential and non-residential building activities as follows:

1. Any activity regulated by the Building Code;
2. Any activity regulated by the Plumbing Code;
3. Any activity regulated by the Mechanical Code;
4. Any activity regulated by the Gas Code;
5. Any activity regulated by the Fire Code;
6. Any activity regulated by the Standard Housing Code;
7. Any activity regulated by the Standard Unsafe Building Code;
8. Any activity regulated by the Electrical Code;
9. Constructing, altering, or repairing a sidewalk, curb, gutter, or driveway approach on property under a person's control or in public right-of-way adjoining property under a person's control;
10. Making an addition, to an existing building or structure or to building service equipment;
11. Demolishing all or part of an existing structure where such demolition is part of the constructing, altering, or repairing of an existing building or structure for which building permit approval is required;
12. Remediating asbestos, lead, mold or other contaminations;
13. Relocating an existing building from one (1) site to another or along a public right-of-way;
14. Changing, restoring or, moving, an exterior architectural feature of a designated historic landmark;
15. Construction, remodeling or converting for use as a food products or food service establishment;
16. Erecting, constructing or structurally altering a swimming pool.

C. Exemptions and Exceptions: Building permit application shall not be required for the following building construction activities:

1. Making minor additions, alterations or repairs to existing building service equipment in accordance with the construction codes in effect at the time the equipment was originally installed;
  2. Using, maintaining or repairing building service equipment that was lawfully in existence at the time of adoption of the Village construction codes in accordance with the original design if the building service equipment does not create a hazard to life, health, or property;
  3. Using the type of materials used in the original construction of an existing building or structure to make a nonstructural alteration or repair if the alteration or repair does not adversely affect a structural member or the required fire resistance of a part of the building or structure, except a person shall comply with requirements for new installations when installing or replacing glass;
  4. Making minor additions, alterations, or repairs to existing buildings or structures that are lawfully in existence at the time of adoption of the Village construction codes, and that were originally constructed in compliance with construction codes in existence at the time the buildings or structures were constructed, and are not in unsafe or unsound conditions;
  5. Constructing new buildings or structures or making additions, alterations or repairs to existing buildings or structures that are owned by the state or federal government;
  6. Relocating buildings that are specifically designed and constructed to be portable;
  7. Relocating buildings that have a loaded height of not more than 12 feet and a loaded width of not more than 12 feet.
- D. Restrictions: No building permit shall be issued for a lot, building site, building or use unless the lot or building site has been officially recorded by a final plat approved by the council, and unless all public improvements, as required by this article for final plat approval, have been completed, except as may be permitted below:
1. A building “foundation/only” permit may be issued for a nonresidential or multi-family development provided that a preliminary plat has been recommended by the commission and been approved by the Village and provided that the site development permit has been approved by the Village. However, the building permit shall not be issued and building construction shall not be allowed to surpass the construction of fire protection improvements. In other words, the building shall not proceed above the slab level until all required fire lanes have been completed, and until all water lines serving fire hydrants, when present or proposed, have been completed, inspected and tested.

2. The Village may release some residential building permits for not more than ten percent (10%) of the lots within a new residential subdivision, provided that a preliminary plat has been recommended by the commission and approved by the council and the site development permit has been approved by the Village and provided that all public improvements have been completed for that portion of the development including, but not limited to, those required for fire and emergency protection, such as streets providing at least two (2) points of emergency access, alleys, water lines serving fire hydrants, and other similar, required public safety improvements.
3. Except as provided in subsection (c) above, a person shall comply with this article and with the Village's construction codes for new facilities when making an addition, or repair to a building or structure or to building service equipment.
4. A person shall not create a condition in an existing building or structure or in existing building service equipment that violates the Village's construction codes as a result of an addition or an alteration.
5. A person shall not create an unsafe condition in an existing building or structure or in existing building service equipment as a result of an addition or repair. An unsafe condition exists if an addition or alteration:
  - a. Causes the existing building or structure to become structurally unsafe;
  - b. Overloads or exceeds the capacity of building service equipment;
  - c. Results in inadequate egress or obstructs existing exits;
  - d. Creates a fire hazard;
  - e. Reduces fire resistance; or
  - f. Creates a health hazard or a condition dangerous to human life;

**E. Temporary Building Permit:**

1. The Village may issue a temporary building permit to authorize construction of a portion of a building, structure, or building service equipment before the building plans and specifications for the entire project have been submitted or approved if the applicant files information and detailed statements describing the activity to be performed and the Village determines that the activity complies with this article.
2. The applicant under a temporary building permit proceeds with construction at the applicant's risk. A temporary building permit shall not guarantee that a permit for

the entire building or structure will be approved. An applicant shall not acquire vested rights under a temporary building permit.

F. Asbestos Survey Required for Certain Activities:

1. In this section, “asbestos survey” means an inspection, by an individual licensed by the state to perform the inspection of a building or facility to determine the location, quantity, and condition of asbestos-containing material in the building by taking samples for analyses and by visual inspections;
2. The Village may not issue a permit to a person for the alteration or renovation of a building or structure unless an asbestos survey has been conducted of the areas of the building or structure affected by the proposed alteration or renovation. A person seeking a permit shall provide evidence of the survey to the Village;
3. This subsection (f) does not apply to:
  - a. A building owned by the state or federal government;
  - b. An industrial facility to which access is limited primarily to employees of the facility because of processes or functions that are hazardous to human safety or health;
  - c. A manufacturing facility or building that is limited to workers and invited guests under controlled conditions;
  - d. A building, or any portion of a building or a structure, that a professional engineer, a registered architect, or a Village or state government official determines to be structurally unsound and in danger of imminent collapse; or
  - e. a single-family dwelling.
4. A person who obtains a survey of a building in its entirety is not required to obtain additional surveys for subsequent alterations or renovations of the building or structure.
5. A person commits an offense if the person begins, conducts, or continues alteration or renovation operations without an asbestos survey required by this section. A culpable mental state is not required, and need not be proved, for an offense under this section. Each instance of a violation under this section is a separate offense. Each day that a violation continues is a separate offense.

G. Payment of all Indebtedness Attributable to Subject Property: No person who owes delinquent taxes, fees, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the Village and which are directly attributable to a

piece of property shall be allowed to submit an application for building permit until the taxes, fees, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner shall have been first fully paid, or until an arrangement in form satisfactory to the Village 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, debts and obligations owing to the Village have been paid.

H. Application Process for Building Permit Approval:

- 1 Applicant (or applicant's land planner, engineer, or surveyor) attends a pre-application meeting with Village official(s).
2. Applicant submits application to the Village, and Village conducts an application submittal completeness review.
3. Village deems completeness of application. If application is complete, then Village establishes the "official submission date." If application is incomplete, applicant resubmits application for Village completeness review.
4. Upon establishment of the "official submission date," the Village conducts a sixty (60) calendar day technical review of the application submittal and distributes the application to other appropriate entities for technical review.
5. Applicant must submit to the Village a corrected building permit application submittal, in response to Village review comments, no later than thirty (30) days upon receipt of the Village's review comments.
6. Village will conduct a second review of the application re-submittal, if required, within a thirty (30) calendar day review period.
7. The Village will approve or disapprove the permit application, based upon the permit application's compliance with the Village code of ordinances. The Village will issue the building permit upon approval of the permit application.
8. If the Village disapproves the building permit application, the applicant may file a "Notice of Appeal" in accordance with the Village code of ordinances.

I. Completeness of Application for Building Permit Approval: Building Permit applications which do not include all required information and materials will be considered incomplete, will not be accepted for official submission by the Village until the proper information is provided to the Village. For an application to be considered complete, the following information shall be included in the application:

1. Ten (10) copies of the application;
2. Identification of Project, Developer, Engineer, Architect, Landowner, and Builder;

3. Notarized signatures of the Landowner or his/her designated representative or agent;
4. Verification that all taxes and assessments owing to the Village on subject property have been paid;
5. Verification that utilities for the proposed building(s) are available;
6. Architectural, structural, civil, electrical, mechanical, plumbing, fire protection, landscaping, accessibility, lighting, utility, surface coatings, materials, engineering and construction drawings and other engineering and construction drawings as are required by the Village's construction codes;
7. Building permit report if required by the Village's construction codes;
8. Project registration confirmation as required by the Texas Department of Licensing and Regulation, Architectural Barriers;
9. Approved preliminary permit;
10. Approved final plat, if applicable;
11. Approved site plan, if applicable;
12. Approved site development permit, if applicable;
13. Asbestos survey, if applicable;
14. Any additional information requested by Village at the pre-application meeting.

J. Additional Information in Application for Residential Building Permit Approval: The following information shall be provided in the building permit report as part of the application for residential building permit approval:

1. Primary Project Data: Service address; tax parcel number; legal description of building lot; description of the proposed work as residence, duplex, garage (attached or detached), carport (attached or detached), pool; description of the proposed type of work as new, remodel, addition, or other; zoning; height of building; number of floors; cut or fill in excess of four feet (4'); street frontage; right-of-way access;
2. Valuations for Remodels Only: Estimated value of labor and materials for building, electrical, mechanical, plumbing, driveway and sidewalks, on-site sewage and/or water;

3. Data for New Construction or Additions Only: Lot size; total job valuation of labor and materials;
4. Valuations for Remodels and Additions: Total job valuation of labor and materials;
5. Owner and Builder Information: Owner and builder name, telephone (home, cell, work, pager, FAX), company name, contact name;
6. Building Coverage: Tabulation of existing and new/addition area of a lot covered by buildings or roofed areas, but not including incidental projecting eaves and similar features, or ground level paving, landscaping, or open recreational facilities, including first floor conditioned area, second floor conditioned area, basement, garage, carport, wood decks (counted at 100%), breezeways, covered patios, covered porches, balconies, swimming pools (pool surface area), other building or covered area(s);
7. Impervious Coverage: Tabulation of all building-related impervious cover including building cover, sidewalks, driveway, walkway, uncovered patios, uncovered wood decks, air conditioner pads, concrete decks, other identified cover as defined in the Village's non-point source pollution control ordinance.

K. Additional Information in Application for Multi-family and Non-residential Building Permit Approval: The following information shall be provided in the building permit report as part of the application for multi-family and non-residential building permit approval:

1. Primary Project Data: Identification if on former landfill site or within floodplain; service address; tax parcel number; legal description of building lot; subdivision name; dates of site plan approval and expiration; current and proposed use; description of the proposed work; building square footage (new and/or remodel) of the area within the surrounding exterior walls of a building or portion thereof exclusive of open courts and the floor area of a building; or portion thereof, not provided with surrounding exterior walls but under the horizontal projection of the roof or floor above; number of building floors; number of dwelling units or office units; number of parking spaces provided; use of hazardous materials; generation of hazardous waste materials; disturbance of asbestos; fire sprinklers; fire alarm system; existing underground storage tanks;
2. Valuations: Total job valuation of labor and materials;
3. Calculations: Lighting and thermal; electrical service load;
4. Construction Specifications.

L. Expiration and Extension of Building Permit:

1. A building permit expires if work authorized by the permit does not begin before the one hundred eighty first (181<sup>st</sup>) calendar day after the permit is issued. The Village may grant a single one hundred eighty (180) calendar day extension of the building permit if the applicant requests the extension in writing before the permit expires and demonstrates good cause for the extension.
2. A building permit expires if work authorized by the permit begins before the one hundred eighty one first (181<sup>st</sup>) day after the permit is issued but is abandoned or suspended for more than one hundred eighty (180) calendar days. The Village may grant a single one hundred eighty (180) calendar day extension of the building permit if the applicant requests the extension in writing before the permit expires and demonstrates good cause for the extension.
3. After a building permit expires, a person shall not perform work for which the permit is required.

#### **Sec.33.321 Application for Building Demolition Permit Approval**

- A. Purpose: The purpose of the building demolition permit is to ensure that all demolition of building structures is in compliance with this article and with all applicable construction codes of the Village.
- B. Applicability: Unless a construction code or this article exempts an activity from the building demolition permitting process, building demolition permit review and approval shall be required for all residential and non-residential building demolition activities as follows:
  1. Demolishing all or part of a structure;
  2. Demolishing a swimming pool.
- C. Exemptions and Exceptions: Building demolition permit application shall not be required for the following demolition activities:
  1. Demolishing all or part of a building or structure that will be reconstructed, altered or repaired in such a manner for which building permit approval is required.
- D. Restrictions:
  1. A person shall not create a condition in an existing building or structure or in existing building service equipment that violates the Village's construction codes as a result of demolition.

2. A person shall not create an unsafe condition in an existing building or structure or in existing building service equipment as a result of demolition. An unsafe condition exists if demolition:
  - a. Causes the existing building or structure to become structurally unsafe;
  - b. Overloads or exceeds the capacity of building service equipment;
  - c. Results in inadequate egress or obstructs existing exits;
  - d. Creates a fire hazard;
  - e. Reduces fire resistance; or
  - f. Creates a health hazard or a condition dangerous to human life.

E. Asbestos Survey Required for Certain Activities:

1. In this subsection, “asbestos survey” means an inspection, by an individual licensed by the state to perform the inspection of a building or facility to determine the location, quantity, and condition of asbestos-containing material in the building by taking samples for analyses and by visual inspections;
2. The Village may not issue a permit to a person for the demolition of a building or structure unless an asbestos survey has been conducted of the areas of the building or structure affected by the proposed alteration or renovation. A person seeking a permit shall provide evidence of the survey to the Village;
3. This subsection (e) does not apply to:
  - a. A building owned by the state or federal government;
  - b. An industrial facility to which access is limited primarily to employees of the facility because of processes or functions that are hazardous to human safety or health;
  - c. A manufacturing facility or building that is limited to workers and invited guests under controlled conditions;
  - d. A building, or any portion of a building or a structure, that a professional engineer, a registered architect, or a Village or state government official determines to be structurally unsound and in danger of imminent collapse; or
  - e. A single-family dwelling.

4. A person who obtains a survey of a building in its entirety is not required to obtain additional surveys for subsequent demolitions of the building or structure.
  5. A person commits an offense if the person begins, conducts, or continues demolition operations without an asbestos survey required by this section. A culpable mental state is not required, and need not be proved, for an offense under this section. Each instance of a violation under this section is a separate offense. Each day that a violation continues is a separate offense.
- F. Payment of all Indebtedness Attributable to Subject Property: No person who owes delinquent taxes, fees, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the Village and which are directly attributable to a piece of property shall be allowed to submit an application for demolition permit until the taxes, fees, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner shall have been first fully paid, or until an arrangement in form satisfactory to the Village 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, debts and obligations owing to the Village have been paid.
- G. Application Process for Building Demolition Permit Approval:
1. Applicant (or applicant's land planner, engineer, or surveyor) attends a pre-application meeting with Village official(s).
  2. Applicant submits application to the Village, and Village conducts an application submittal completeness review.
  3. Village deems completeness of application. If application is complete, then Village establishes the "official submission date." If application is incomplete, applicant resubmits application for Village completeness review.
  4. Upon establishment of the "official submission date," the Village conducts a thirty (30) calendar day technical review of the application submittal and distributes the application to other appropriate entities for technical review.
  5. Applicant must submit to the Village a corrected demolition permit application submittal, in response to Village review comments, no later than thirty (30) days upon receipt of the Village's review comments.
  6. Village will conduct a second review of the application re-submittal, if required, within a thirty (30) calendar day review period.
  7. The Village will approve or disapprove the permit application, based upon the permit application's compliance with the Village code of ordinances. The Village will issue the demolition permit upon approval of the permit application.

8. If the Village disapproves the demolition permit application, the applicant may file a “Notice of Appeal” in accordance with the Village code of ordinances.

H. Completeness of Application for Building Demolition Permit Approval: Demolition permit applications which do not include all required information and materials will be considered incomplete, will not be accepted for official submission by the Village until the proper information is provided to the Village. For an application to be considered complete, the following information shall be included in the application:

1. Ten (10) copies of the application;
2. Identification of Project, Developer, Engineer, Architect, Landowner, and Builder;
3. Notarized signatures of the Landowner or his/her designated representative or agent;
4. Verification that all taxes and assessments on subject property have been paid;
5. Site Plan: Street address; location of the structure on the lot; length and width dimensions of the structure; property owner’s name, address and telephone number; demolition contractor’s name, address, and telephone number;
6. Proof of ownership of the property or proof of permission from the owner of the property to secure a demolition permit on behalf of the owner;
7. Asbestos survey, if applicable;
8. Any additional information requested by Village at the pre-application survey;
9. Fee payment;

I. Expiration and Extension of Building Demolition Permit:

1. A demolition permit expires if work authorized by the permit does not begin before the one hundred eighty first (181<sup>st</sup>) calendar day after the permit is issued. The Village may grant a single one hundred eighty (180) calendar day extension of the demolition permit if the applicant requests the extension in writing before the permit expires and demonstrates good cause for the extension.
2. A demolition permit expires if work authorized by the permit begins before the one hundred eighty one first (181<sup>st</sup>) day after the permit is issued but is abandoned or suspended for more than one hundred eighty (180) calendar days. The Village may grant a single one hundred eighty (180) calendar day extension of the demolition permit if the applicant requests the extension in writing before the permit expires and demonstrates good cause for the extension.

3. After a demolition permit expires, a person shall not perform work for which the permit is required.

**Sec.33.322 Application for Building Relocation Permit Approval**

- A. Purpose: The purpose of the building relocation permit is to ensure that all relocations of buildings and structures is in compliance with this article and with all applicable construction codes of the Village.
- B. Applicability: Unless a construction code or this article exempts an activity from the building relocation permitting process, building relocation permit review and approval shall be required to move a residential or a non-residential building or structure regulated by this article from one (1) site to another or along a public right-of-way.
- C. Exemptions and Exceptions: Building relocation permit applications shall not be required to move a building or structure that:
  1. Is specifically designed and constructed to be portable;
  2. Has a loaded height of not more than fourteen feet (14') and a loaded width of not more than fourteen feet (14').
- D. Restrictions:
  1. Moving Contractor Required:
    - a. Except as provided in subsection (B) below, a building or structure shall be moved only by a moving contractor who is bonded and insured in accordance with Village rules.
    - b. A person other than a moving contractor may move a building or structure described in subsection (C) above. A person who moves a building or structure under this section shall comply with applicable provisions of this section.
  2. Identification of Mover: The name, address, and telephone number of the person or firm performing the move shall be permanently and prominently displayed:
    - a. On the vehicles, dollies, beams, and trailers used in the move; and
    - b. During the move, on the rear of the building or structure being moved.
  3. Posting Permit: Applicant shall post one (1) copy of the permit on a building or structure before the building or structure is moved. The permit shall remain on the building or structure throughout the move.

4. Moving Hours:

- a. Except as provided in subsection (B) below, a person shall move a building or portion of a building on a street within the Village only between the hours of 12:00 midnight and 6:30 a.m.
- b. The Village may provide written authorization for a person to move a building during hours other than between 12:00 midnight and 6:30 a.m., if the Village determines that the building or structure may be quickly and safely moved without public inconvenience because of the size of the building or structure, the loading method used, and the route to be used.

5. Escort Required:

- a. Except as provided in subsection (B) below, an applicant moving a building or structure along a public right-of-way in the Village shall be accompanied by an escort.
- b. Applicant may move a building or structure without an escort if the applicant obtains written authorization from the Village.
- c. Unless waived in writing by the electric utility provider, a person moving a building that exceeds 17 feet 6 inches in height when loaded shall be escorted by personnel from the electric utility provider.

6. Compliance with Construction Codes:

- a. A building or structure or building service equipment that is moved into or through the Village's jurisdiction shall comply with the construction code requirements for relocated buildings.
- b. A person shall not move a substandard or dangerous building into or through the Village's jurisdiction.

7. Building and Lot Maintenance:

- a. Applicant shall maintain the building to be moved and the site to which the building is moved in a clean and safe condition during repair and remodeling.
- b. Except as provided in subsection (C) below, applicant shall remove from the lot from which a building is removed, all above-grade protrusions, including tree stumps, placed or prefabricated concrete, and piers and beams from the foundation.
- c. Applicant may file a written request with the Village to retain concrete on a site from which a building is removed. The request shall be filed with

the Village not later than the fifteenth (15<sup>th</sup>) day after a building is removed and shall include a justification for the request. The Village shall provide a written determination to the applicant not later than the fourteenth (14<sup>th</sup>) day after receipt of a request.

- d. Applicant shall restore the lot from which a building is moved to a clean and raked condition not later than the fifteenth (15<sup>th</sup>) day after removal of a building.

8. Damage to Property:

- a. Applicant is responsible for damage to public or private property caused by the moving of a building under this section.
- b. Applicant shall restore damaged property to the condition that the property was in before the damage occurred.
- c. If applicant does not restore the damaged property as required by this section on or before the tenth (10<sup>th</sup>) day after receiving notice of the damage from the Village, the Village may make the necessary repairs. Applicant is responsible for costs incurred by the Village.

9. Cutting Trees: Applicant shall not cut or trim a tree or shrub located on or over:

- a. A public right-of-way or public land without written permission from the Village; or
- b. Private property without written permission of the owner or person in control of the property.

E. Payment of all Indebtedness Attributable to Subject Property: No person who owes delinquent taxes, fees, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the Village and which are directly attributable to a piece of property shall be allowed to submit an application for relocation permit until the taxes, fees, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner shall have been first fully paid, or until an arrangement in form satisfactory to the Village 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, debts and obligations owing to the Village have been paid.

F. Application Process for Building Relocation Permit Approval:

1. Applicant (or applicant's land planner, engineer, or surveyor) attends a pre-application meeting with Village official(s).

2. Applicant submits application to the Village, and Village conducts an application submittal completeness review.
3. Village deems completeness of application. If application is complete, then Village establishes the "official submission date." If application is incomplete, applicant resubmits application for Village completeness review.
4. Upon establishment of the "official submission date," the Village conducts a thirty (30) calendar day technical review of the application submittal and distributes the application to other appropriate entities for technical review.
5. Applicant must submit to the Village a corrected relocation permit application submittal, in response to Village review comments, no later than thirty (30) days upon receipt of the Village's review comments.
6. Village will conduct a second review of the application re-submittal, if required, within a thirty (30) calendar day review period.
7. The Village will approve or disapprove the permit application, based upon the permit application's compliance with the Village code of ordinances. The Village will issue the relocation permit upon approval of the permit application.
8. If the Village disapproves the relocation permit application, the applicant may file a "Notice of Appeal" in accordance with the Village code of ordinances.

G. Completeness of Application for Building Relocation Permit Approval: Relocation permit applications which do not include all required information and materials will be considered incomplete, will not be accepted for official submission by the Village until the proper information is provided to the Village. For an application to be considered complete, the following information shall be included in the application:

1. Ten (10) copies of the application;
2. The name, address, and telephone number of the owner of the building to be moved;
3. The current address of the building, legal description of the current location of the building, and current use of the building;
4. The proposed address of the building, legal description of the proposed location of the building, and proposed use of the building;
5. A tax certificate indicating that delinquent taxes are not due to the Village on the property from which the building is removed or the property to which the building is to be moved;

6. A floor plan of the building to be moved;
7. If the building is to be relocated within the Village's jurisdiction, a site plan of the proposed location showing all required setbacks and measurements;
8. Fee payment;

H. Expiration and Extension of Building Relocation Permit:

1. A relocation permit expires if work authorized by the permit does not begin before the one hundred eighty first (181<sup>st</sup>) calendar day after the permit is issued. The Village may grant a single one hundred eighty (180) calendar day extension of the relocation permit if the applicant requests the extension in writing before the permit expires and demonstrates good cause for the extension.
2. A relocation permit expires if work authorized by the permit begins before the one hundred eighty one first (181<sup>st</sup>) day after the permit is issued but is abandoned or suspended for more than one hundred eighty (180) calendar days. The Village may grant a single one hundred eighty (180) calendar day extension of the relocations permit if the applicant requests the extension in writing before the permit expires and demonstrates good cause for the extension.
3. After a relocation permit expires, a person shall not perform work for which the permit is required.

**Sec.33.323 Application for Tree Removal Permit Approval**

- A. Purpose: The purpose of the tree removal permit is to ensure that protected trees are saved to the greatest extent practicable and that trees are removed in accordance with this article.
- B. Applicability: Unless a construction code or this article exempts an activity from the tree removal permitting process, a person shall not directly or indirectly cut down, destroy, move, or effectively destroy through damaging, any protected tree situated on property within the Village's jurisdiction, without first obtaining a tree removal permit.
- C. Exemptions and Exceptions: A tree removal permit shall not be required under the following circumstances:
  1. Existing Residential Home: A tree removal permit shall not be required if the tree to be removed is on the property of a residential single-family home that is occupied on or before the effective date of this article.
  2. Dead Trees: A tree removal permit shall not be required if the tree is dead.

3. Public Safety: A tree removal permit shall not be required if a tree endangers the public health, welfare or safety, and immediate removal is required as determined in writing by the Village.
4. Utility Service Disruption: A tree removal permit shall not be required if a tree has disrupted a public utility service due to a tornado, storm, flood or other act of God. Removal shall be limited to the portion of the tree reasonably necessary to establish or maintain reliable utility service.
5. Landscape Nursery: All licensed plant or tree nurseries shall be exempt from the tree protection and replacement requirements and from the tree removal permit requirement only in relation to those trees planted and growing on the premises of said licensee which are so planted and growing for the sale or intended sale to the general public in the ordinary course of said licensee's business. This may also apply to a nursery established and so designated by a developer of a large project within the Village, where trees are intended for landscaping future phases of such larger project.

D. Restrictions:

1. Approval: A tree removal permit shall be issued only after it is determined that:
  - a. The tree constitutes a hazard to life or property which cannot be reasonably mitigated without removing the tree; or
  - b. The tree is dying, dead, or diseased to the point that restoration is not practical; or
  - c. All reasonable efforts have been made to avoid removing the tree for the development and removal cannot be avoided.
2. Disapproval: A tree removal permit shall not be approved if it is determined that:
  - a. Removal of the tree is not reasonably required in order to conduct anticipated activities; or
  - b. A reasonable accommodation can be made to preserve the tree.

- E. Payment of all Indebtedness Attributable to Subject Property: No person who owes delinquent taxes, fees, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the Village and which are directly attributable to a piece of property shall be allowed to submit an application for tree removal permit until the taxes, fees, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner shall have been first fully paid, or until an arrangement in form satisfactory to the Village 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, debts and obligations owing to the Village have been paid.

F. Application Process for Tree Removal Permit Approval:

1. Applicant (or applicant's land planner, engineer, or surveyor) attends a pre-application meeting with Village official(s).
2. Applicant submits application to the Village, and Village conducts an application submittal completeness review.
3. Village deems completeness of application. If application is complete, then Village establishes the "official submission date." If application is incomplete, applicant resubmits application for Village completeness review.
4. Upon establishment of the "official submission date," the Village conducts a thirty (30) calendar day technical review of the application submittal and distributes the application to other appropriate entities for technical review.
5. Applicant must submit to the Village a corrected tree removal permit application submittal, in response to Village review comments, no later than thirty (30) days upon receipt of the Village's review comments.
6. Village will conduct a second review of the application re-submittal, if required, within a thirty (30) calendar day review period.
7. The Village will approve or disapprove the permit application, based upon the permit application's compliance with the Village code of ordinances. The Village will issue the tree removal permit upon approval of the permit application.
8. If the Village disapproves the relocation permit application, the applicant may file a "Notice of Appeal" in accordance with the Village code of ordinances.

G. Completeness of Application for Building Tree Removal Permit Approval: Tree Removal permit applications which do not include all required information and materials will be considered incomplete, will not be accepted for official submission by the Village until the proper information is provided to the Village. For an application to be considered complete, the following information shall be included in the application:

1. Ten (10) copies of the application;
2. Identification of Project, Developer, Engineer, Architect, and Landowner;
3. Notarized signatures of the landowner or his/her designated representatives or agent;
4. Tax certificate indicating that delinquent taxes are not due to the Village on the property from which trees are removed;

5. Site Plan: Property line delineation; tree survey in accordance with Section 33.336 of this article; delineation of trees to be removed; tree protection details;
6. Fee payment.

H. Expiration and Extension of Building Tree Removal Permit:

1. A tree removal permit expires if work authorized by the permit does not begin before the one hundred eighty first (181<sup>st</sup>) calendar day after the permit is issued. The Village may grant a single one hundred eighty (180) calendar day extension of the tree removal permit if the applicant requests the extension in writing before the permit expires and demonstrates good cause for the extension.
2. A tree removal permit expires if work authorized by the permit begins before the one hundred eighty one first (181<sup>st</sup>) day after the permit is issued but is abandoned or suspended for more than one hundred eighty (180) calendar days. The Village may grant a single one hundred eighty (180) calendar day extension of the tree removal permit if the applicant requests the extension in writing before the permit expires and demonstrates good cause for the extension.
3. After a tree removal permit expires, a person shall not perform work for which the permit is required.

**Sec.33.324 Certificates of Occupancy and Compliance**

A. Certificates of occupancy shall be required for any of the following:

1. Occupancy and use of a building hereafter erected or structurally altered, including minor renovation or rehabilitation of residential structures;
2. Change in use of an existing building to a use of a different classification;
3. Change in the use of land to a use of a different classification;

No such use, or change of use, shall take place until a certificate of occupancy therefore shall have been issued by the Village.

- B. Procedure for New or Altered Buildings: Written application for a certificate of occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the building permit for such building. Said certificate shall be issued after the Village orders the building or structure inspected and finds no violations of the provisions of this article or other regulations which are enforced by the Village. Said certificate shall be issued by the Village after the erection or

alteration of such building or part thereof has been completed in conformity with the provisions of this article.

- C. Procedure for Vacant Land or a Change in Building Use: Written application for a certificate of occupancy or the use of vacant land, a change in the use of land, or a change in the use of a building, or for a change from a nonconforming use to a conforming use, shall be made to the Village. If the proposed use is a conforming use, defined in the Village's zoning ordinance, written application shall be made to the Village. If the proposed use is found to be in conformity with the provisions of this article, the certificate of occupancy shall be issued after the application for same has been made and all required inspections are completed and approved by the Village.
- D. Contents .Every certificate of occupancy shall contain the following: (1) building permit number; (2) the address of the building; (3) the name and address of the owner; (4) a description of that portion of the building for which the certificate is issued; (5) a statement that the described portion of the building has been inspected for compliance with the requirements of the Village's construction codes for the particular group and division of occupancy; (6) the name of the Village official; (7) use(s) allowed; (8) maximum number of occupants; and (9) issue date of certificate of occupancy.
- E. Posting: The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Village.
- F. No certificate of occupancy shall be issued for a building or the use of property unless all subdivision improvements have been completed and a final plat has been approved by the council and recorded with the Travis County Clerk. Notwithstanding the above, the Village may authorize the conditional occupancy of a structure provided that an agreement providing cash escrow, a letter of credit, or other sufficient surety is approved by the council for the completion of all remaining public improvements, and provided that the structure is safely habitable in accordance with the Village's construction codes.

**Sec. 33.325 [RESERVED]**

**Sec. 33.326 [RESERVED]**

#### **DIVISION 4: SITE DEVELOPMENT DESIGN STANDARDS**

**Sec. 33.327 Public Streets**

- A. The arrangement, character, extent, width, grade and location of all streets shall conform to the Village thoroughfare plan and shall be considered in their relation to existing and planned streets or driveways whether within the Village or within its ETJ, or within

adjacent municipal or county areas, to topographical conditions, to public safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. All streets shall be designed in accordance with this article and the City of Austin, Texas Transportation Criteria Manual (latest edition).

- B. Proposed streets shall provide a safe, convenient and functional system for vehicular and pedestrian circulation, shall be properly related to the thoroughfare plan and any amendments thereto, and shall be appropriate for the particular traffic characteristics of each proposed subdivision or development. All streets shall be open and unobstructed at all times. The layout of the street network shall, to the greatest extent possible, be sited and aligned along natural contour lines, and shall minimize the amount of cut and fill on slopes in order to minimize the amount of land area that is disturbed during construction, thereby helping to reduce storm water runoff and preserve natural, scenic characteristics of the land.
- C. Adequacy of Streets and Thoroughfares:
1. Responsibility for Adequacy of Streets and Thoroughfares: The applicant shall assure that site development is served by adequate streets and thoroughfares, and shall be responsible for the costs of rights-of-ways and street improvements, in accordance with the following policies and standards, and subject to the Village's cost participation policies on oversized facilities.
  2. General Adequacy Policy: Every subdivision and development shall be served by improved streets and thoroughfares adequate to accommodate the vehicular traffic to be generated by the development. Proposed streets shall provide a safe, convenient and functional system for traffic circulation; shall be properly related to the Village thoroughfare plan, road classification system, comprehensive plan and any amendments thereto; and shall be appropriate for the particular traffic characteristics of each development.
  3. Road Network: New subdivisions and developments shall be supported by a road network having adequate capacity, and safe and efficient traffic circulation. The adequacy of the road network for developments of fifty (50) or more dwelling units, or for developments generating five hundred (500) or more "one-way" trips per day, or for developments involving collector or arterial streets not appearing on the Village's adopted thoroughfare plan, shall be demonstrated by preparation and submission, prior to or along with the concept plan or preliminary plat application, of a traffic impact analysis prepared in accordance with subsection (f) below, which takes into consideration the need to accommodate traffic generated by the development, land to be developed in common ownership and other developed property. In the event that the property to be developed is intended as a phase in a larger development project, or constitutes a portion of the land to be ultimately developed, the Village may require a demonstration of adequacy pursuant to this section for additional phases or portions of the property as a condition of approval for the proposed concept plan or plat. In the event that the

applicant submits a traffic impact analysis for an entire phased development project, the Village may require an update of the study for later phases of the development. If the concept plan or plat is in conformance with the thoroughfare plan and if the concept plan or plat is for a development of less than fifty (50) dwelling units or for a development generating less than five hundred (500) “one-way” trips per day, then a traffic impact analysis is not required. A traffic impact analysis is required for zoning changes or zoning amendments in accordance with the Village’s zoning ordinance, regardless of the number of dwelling units or trips generated.

4. Approach Roads and Access: All subdivisions must have at least two (2) points of vehicular access, primarily for emergency vehicles, and must be connected to the Village’s improved thoroughfare and street system by one (1) or more approach roads of such dimensions and improved to such standards as are hereinafter set forth. Requirements for dedication of right-of-way and improvement of approach roads may be increased depending upon the density or intensity of the proposed development, if such need is demonstrated by traffic impact analysis.
  - a. “Two (2) points of vehicular access” shall be construed to mean that the subdivision development has at least two (2) roads accessing the subdivision or development from the Village’s improved thoroughfare system, and the subdivision has at least two (2) road entrances. The council may, at its discretion and upon a finding that such will not compromise public safety or impede emergency access, accept a single median-divided entrance from the Village’s improved thoroughfare system provided that the median extends into the subdivision or development for an unbroken length of at least two hundred feet (200’) to an intersecting internal street which provides at least two (2) routes to the interior of the subdivision or development. For example, the entrance street shall not be a dead-end or cul-de-sac, and it shall not create a “bottleneck” allowing only one emergency route into the interior of the subdivision.
  - b. The subdivision or development shall be designed to provide adequate emergency access for public safety vehicles. Each residential lot in the subdivision or development shall have a minimum frontage on a dedicated street as required by applicable zoning or fifty feet (50’), whichever is greater, unless other provisions have been authorized through site development approval.
5. Off-Site Improvements: Where traffic impact analysis demonstrates the need for such facilities, the applicant shall make such improvements to off-site collector and arterial streets and intersections as are necessary to mitigate traffic impacts generated by the development or related developments. The Village may participate in the costs of oversize improvements with the applicant as set out

herein, subject to the Village's cost participation policies on oversized improvements.

Notwithstanding anything to the contrary in this article, the applicant shall not be required to make a contribution to any capital improvements for which an impact fee may be charged under Chapter 395, Texas Local Government Code, unless and until the Village adopts an impact fee for such capital improvements.

6. Street Dedications:

- a. Dedication of Right-of-Way: The applicant shall provide all rights-of-ways required for existing or future streets, and for all required street improvements, including perimeter streets and approach roads as shown in the thoroughfare plan or other valid development plans approved by the Village. In the case of perimeter streets, one half (1/2) of the total required right-of-way width for such streets shall be provided. However, in some instances more than half of the required width shall be required when a one half (1/2) street is impractical or unsafe and depending upon the actual or proposed alignment of the street, such as in the case of a curved street, as may be required by the Village.
- b. Perimeter Streets: Where an existing half-street is adjacent to a new subdivision or addition, the other half of the street shall be dedicated, and an appropriate amount of the street shall be improved, by the developer of the subdivision or addition.
- c. Slope Easements: The dedication of easements, in addition to dedicated rights-of-way shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall be no steeper than three feet (3') horizontal run to one foot (1') vertical height, or a three-to-one (3:1) slope.

7. Intersection Improvements and Traffic Control Devices: Intersection improvements and traffic control devices shall be installed as warranted in accordance with the traffic impact analysis required by subsection (f) below. Design standards shall be in accordance with Village standards and the City of Austin, Texas Transportation Criteria Manual (latest edition).

8. Phased Development: Where a subdivision or development is proposed to occur in phases, the applicant, in conjunction with submission of the preliminary plat, shall provide a schedule of development. The schedule shall set forth the intended plan of development and 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 or development. The council shall determine whether the proposed streets and street improvements are adequate pursuant to standards herein established, and may require that a traffic impact analysis be submitted for

the entire project or such phases as the council determines to be necessary to adjudge whether the subdivision or development will be adequately served by streets and thoroughfares.

D Public Street Design Criteria: All public streets shall be designed in accordance with the City of Austin, Texas Transportation Criteria Manual (latest edition) and with the criteria so forth below, with the following criteria governing where there is a discrepancy with the City of Austin, Texas Transportation Criteria Manual:

1. Street Layout:

- a. Site development shall provide adequate streets for the proposed subdivision or development. The arrangement, character, extent, width, grade, and location of each street shall be considered in its relation to existing and planned streets, topographical conditions and public safety and convenience. Each street shall also be considered in its appropriate relationship to the proposed uses of land to be served by such street.
- b. Site development shall provide additional subdivision or development access to and from public streets as deemed necessary by the Village for reasons of health and public safety.

2. Relation to Adjoining Street System:

- a. The Village shall require the subdivision or development to provide additional right-of-way as determined necessary by the Village and to construct or improve that portion of existing or platted streets to the end of the property line, including all underground utilities, bordering, abutting, or within a proposed subdivision or development. (revised 3/15/05)
- b. Where necessary to the neighborhood pattern, existing streets in adjoining areas shall be continued and shall be constructed in accordance with the dimensional requirements and construction standards of this section.
- c. The Village may require the subdivision or development to construct or improve portions of existing or platted streets which do not border or abut the proposed subdivision or development but are impacted based on the findings of an applicable Traffic Impact Analysis. (revised 3/15/05)

3. Projection of Streets:

- a. Where adjoining areas are not subdivided or developed, the arrangement of streets in the subdivision or development shall make provision for the proper projection of streets into such unsubdivided or undeveloped areas.

- b. Where adjoining areas are subdivided or developed, the arrangement of streets in the subdivision or development shall make provision for the proper projection of streets into such previously subdivided or developed areas.
4. Street Intersections: Street intersections shall be as nearly at right angles as practicable, giving due regard to terrain and topography.
5. Cul-de-sacs:
- a. In general, cul-de-sacs shall not exceed one thousand two hundred feet (1,200') in length, and shall have a circular turnaround based on the following standards:
    - (i) For single-family use development, a paved turnaround of at least one hundred feet (100') in diameter and a right-of-way of one hundred thirty feet (130') in diameter.
    - (ii) For non-residential and multi-family use development, a paved turnaround of at least one hundred twenty feet (120') in diameter and a right-of-way of one hundred fifty feet (150') in diameter.
  - b. A cul-de-sac of length greater than one thousand two hundred feet (1,200') but in length not to exceed three thousand feet (3,000') may be constructed due to severe environmental and topographical constraints, if approved by the Village as a variance.
6. Eyebrows:
- a. "Eyebrow" corners are only allowed on a looped local street with maximum speed limit of twenty-five miles per hour (25 mph).
  - b. The speed limit through eyebrow corners shall be twenty miles per hour (20 mph) and shall be posted with standard speed limit signage.
  - c. The minimum centerline radius for the eyebrow shall be seventy-two feet (72 ft).
  - d. From the point of intersection of the centerlines of the street sections leading into the turn, the radius to the right-of-way shall be fifty-five feet (55 ft) and the radius to the edge of pavement shall be thirty-five feet (35 ft).
  - e. The return radius of the eyebrow shall be fifty-five feet (55 ft).

- f. The interior angle of the eyebrow shall be between eighty and one-hundred degrees (80° and 100°).
7. **Public Street Classifications:** Streets shall be classified and have pavement widths and rights-of-ways as follows:
- a. **Arterial:** A street between major activity centers carrying high volumes of through traffic with a minimum of five thousand (5,000) average daily trips.
    - (i) Minimum right-of-way of eighty (80') with four (4) paved lanes totaling fifty-two feet (52'); one and a half foot (1.5') concrete ribbon curb required outside of pavement width; no parking is allowed on this roadway section.
    - (ii) Alternate standard: Minimum right –of-way width of eighty feet (80') with two (2) paved lanes totaling fifty six feet (56') fact –to-face and standard six inches (6") curb and gutter, no parking is allowed on this roadway section.
    - (iii) A fifteen foot (15') wide center turning lane may be required the length of the entire roadway section or portions thereof as required by the Village. The Village shall base its decision on the results of applicable Traffic Impact Analyses, the number of driveways entering the roadway and other traffic considerations affecting the safety of the roadway.
  - b. **Commercial Collector:** A street that is the primary access to commercial developments. Classified as carrying low speed traffic with a minimum of one hundred (100) average daily trips.
    - (i) Minimum right-of –way of seventy feet (70') with two (2) lanes totaling twenty-eight feet (28'); one and a half foot (1.5') concrete ribbon curb required outside of pavement width; parking is allowed only on one (1) side of this roadway section.
    - (ii) Alternate standard; Minimum right –of-way width of seventy feet (70') with two (2) paved lanes totaling thirty-eight feet (38') face to face and standard six inches (6") curb and gutter; parking is allowed only on one (1) side of this roadway section.
    - (iii) A fifteen foot (15') wide center turning lane may be required the length of the entire roadway section or portions thereof as required by the Village.

- c. **Residential Collector:** A street between local streets and arterial or other collector streets. Classified as carrying low speed traffic with a minimum of five hundred (500) average daily trips.
  - (i) Minimum right –of-way of sixty feet (60’), with two (2) lanes totaling twenty- six feet (26’); one and a half foot (1.5’) concrete ribbon curb required outside of pavement width; parking is allowed only on one (1) side of this roadway section .
  - (ii) Alternate Standard: Minimum right-of –way width of 60 feet with two (2) paved lanes totaling thirty feet (30’) face to face and standard six inches (6”) curb and gutter; parking is allowed only on one (1) side of this roadway section.
  - (iii) A fifteen foot (15) wide center turning lane may be required the length of the entire roadway section or portions thereof as required by the Village.
- d. **Local:** A street that is the primary access from residential districts to collector streets without being continuous through several districts. Classified as a low volume, low speed street.
  - (i) Minimum of fifty feet (50’) of right –of-way, with two (2) lanes totaling twenty –four feet (24’); one and a half foot (1.5’) concrete ribbon curb required outside of pavement width; parking is allowed only on one (1) side of this roadway section.
  - (ii) Alternate Standard: Minimum right –of –way width of 50 feet with (2) paved lanes totaling twenty –seven feet (27’) face to face and standard six inches (6”) curb and gutter; parking is allowed only on one side of this roadway section.
  - (iii) For certain cul-de-sacs that only serve a small number of residences, a reduction in pavement width may be permitted by the Village subject to approval by the fire protection provider.

8. Street Names:

- a. Names of new streets must be acceptable to the Village and shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used.
- b. All proposed street names shall be approved by Austin 911 Addressing prior to Village approval.

9. Street Signs: Street signs shall be furnished and installed at the developer's expense at all intersections within or abutting the subdivision or development. Such signs shall be of a type approved by the Village.

10. Local Residential Street Pavement Standards: All dedicated streets within a new subdivision or development shall consist of a base material with an asphalt surface or reinforced concrete pavement. Street paving shall be designed for a twenty year (20 yr) design life in accordance with AASHTO design standards, but in no case shall the base material or the surface material have lesser characteristics or thicknesses as specified below:

a. Base:

(i) Flexible Base: The base material shall consist of crushed limestone and shall meet the following gradation requirements:

Retained on Two (2) Inch Sieve      0%  
Retained on No. 40 Sieve 60 to 85%

Material passing the No. 40 sieve shall meet the following requirements:

The liquid limit shall not exceed      40  
The plasticity index shall not exceed 12

The flexible base material shall be compacted to a minimum density of 98% standard proctor with a minimum compacted depth of eight inches (8"). Exceptions to the depth requirement may be made where the subgrade soil constants are such that the required stability may be met with a lesser depth; or

(ii) Stabilized Base: The stabilized base material shall be a compacted stabilized soil-cement base with a density of not less than ninety-eight percent (98%) standard proctor and a minimum depth of six inches (6") .

b. Surfaces:

(i) Asphaltic Surface Types: Completed base material shall be surfaced with hot mix asphaltic concrete pavement, or an approved equal, which shall be laid at the rate of 150 pounds per square yard, providing a minimum pavement of one and one-half inches (1.5") depth; When asphaltic surfaces are to be used they shall be of lowest VOC content available; or

- (ii) Reinforced Concrete: Reinforced concrete of six inches (6") depth, containing a minimum of five (5) sacks of cement per cubic yard and attaining a minimum compressive strength of three thousand pounds per square inch (3,000 psi) in twenty-eight (28) days with a minimum of #4 rebar at twelve inches (12") on center each way; or
  - (iii) Alternative Surfaces: Alternative street pavement strips at intersections (crosswalks) and selected utility facility locations may be submitted for consideration to the Village. Alternative pavement strips may consist of hand-laid paving blocks specifically designed for moderate-to-high speed traffic loadings and shall be segregated from adjoining pavement surfaces through the installation of a reinforced concrete ribbon.
  - c. Curbs and Gutters: Curbs and gutters are not allowable for water quality purposes unless authorized by the Village as a variance.
  - d. Design Standards: Design standards, unless specifically provided for herein, shall be standards that are found in the City of Austin, Texas Transportation Criteria Manual (latest edition).
11. Arrangement of Streets Not Shown on the Thoroughfare and Transportation Plan: For streets that are not shown on the Village thoroughfare plan, such as local residential streets, the arrangement of such streets within a subdivision or development shall:
- a. Provide for the continuation or appropriate projection of existing streets from or into surrounding areas;
  - b. Conform to a plan for the neighborhood approved or adopted by the council to meet a particular situation where topographical or other conditions make continuance or conformity to existing streets impractical;
  - c. Provide for future access, such as by stubbing streets for future extension, to adjacent vacant areas which will likely develop under a similar zoning classification or for a similar type of land use; and
  - d. Not conflict in any way with existing or proposed driveway openings.
12. Residential collector streets and minor residential streets shall be laid out such that their use by through traffic will be discouraged, such as via circuitous routes or multiple turns or offsets, but such that access is provided to adjacent subdivisions. Wherever the right-of-way width of a collector or residential street must transition to a greater or lesser width, such transition shall occur along the front, side or rear lot lines of adjacent lots and shall not occur within the street

intersection. In other words, the right-of-way width shall be the same on both sides of the street intersection.

13. Where a subdivision abuts or contains an existing or proposed arterial street, the council may require marginal access streets, reverse frontage lots, which back onto the arterial, deep lots with rear service alleys, or such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
14. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed by the Village under conditions approved by the council.
15. Intersecting, undivided streets with centerline offsets of less than one hundred and fifty feet (150') shall be avoided. Intersecting streets onto an existing or future divided roadway must be configured such that the centerline offset will accommodate the appropriate median opening and left-turn lanes, with required transition and stacking distances, onto each divided roadway.
16. Major thoroughfare intersections shall be at ninety degree (90°) angles and tangent to the intersecting street for at least fifty feet (50'). Other street intersections shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect at less than eighty degrees (80°).
17. Construction of half streets shall be prohibited, except when essential to the reasonable development of the subdivision or development in conforming with the other requirements of this article and the thoroughfare plan, and where the council makes a determination that there is no immediate benefit to be gained by constructing the full street section since no access from the street will be needed by the subdivision or development in question. The council may also find that it would be more practical, or cost effective, to delay construction of the other half of a street until when the adjoining property is developed.

If the applicant is responsible for one-half (1/2) of the street, then the applicant shall either construct the facility along with his or her development or shall provide escrow for the construction cost of his or her share of the facility unless the Village participates in the construction of the facility. Whenever a partial street has been previously platted along a common property line, the other portion of the street right-of-way shall be dedicated such that the right-of-way is increased to the street's ultimate planned width. Improvements shall be made to all on-site facilities as defined in this article.

18. The maximum length of any block or street segment shall be two thousand feet (2,000') and the minimum length of any block or street segment shall be five hundred feet (500'), as measured along the street centerline and between the point(s) of intersection with other through, not dead-end or cul-de-sac, streets.

19. The Village may approve variances for overlength streets or cul-de-sacs, whether temporary or permanent, upon considering the following:
  - a. Alternative designs which would reduce street or cul-de-sac length;
  - b. The effect of overlength streets upon access, congestion, delivery of municipal services, and upon convenience to residents of the subdivision or development in traveling to and from their homes; and
  - c. Means of mitigation, including but not limited to additional mid-block street connections, limitation on the number of lots to be served along an overlength street segment or cul-de-sac, temporary or permanent points of emergency access, and additional fire protection measures.
  
20. Except in unusual cases, no dead-end streets will be approved unless such dead-end streets are provided to connect with future streets on adjacent land. In the case of dead-end streets which will eventually be extended into the adjacent subdivision or development, no more than one lot per side can front onto the dead-end street stub unless a temporary turnaround bulb, with an off-site easement, is provided at the end. A temporary dead-end street shall not exceed six hundred feet (600') in length, and the temporary turnaround bulb must be constructed like a cul-de-sac, as provided in subsection (19) above. The Village may authorize the use of asphalt or other durable paving material than concrete for the arc, or "wing", portions of the temporary turnaround bulb in order to minimize the cost of removing those portions later on. A note shall be placed on the final plat clearly labeling any dead-end streets, if any, that will at some point be extended into the adjacent property, and signage shall be placed at the end of the constructed street stub, such as on the barricade, also stating that the street will be extended in the future. Any required temporary turnaround easements shall be shown on the final plat along with their appropriate recording information, if they are off-site or established by separate instrument.
  
21. New streets which extend existing streets shall bear the names of the existing streets, and shall be dedicated at equal or greater right-of-way widths than the existing streets.

### **Sec.33.328 Private Streets**

- A. Subdivisions or developments having private streets may be established only under the terms set forth in this section, and pursuant to any other ordinances or guidelines for private street developments as may be adopted for use by the Village either as part of this article or as separate ordinances or policies. All private streets shall be designed and constructed in accordance with the Village's standards for publicly dedicated streets. The

term “private street” shall be inclusive of alleys, if such are to be provided within the subdivision or development.

B. Private Street Eligibility Criteria: Private streets shall be permitted only within a subdivision or development satisfying each of the following criteria:

1. The streets to be restricted to private use are not intended for regional or local through traffic circulation;
2. The subdivision or development is located in an area that is surrounded on at least two (2) sides, meaning at least fifty percent (50%) of the perimeter, by natural barriers, such as creeks, flood plains, steep topological slopes, geologic formations or wildlife preserves, or by similar barriers created by man, such as a golf course or linear park. Non-qualifying barriers include screening walls, roadways, man-made drainage ditches or berms, utility easements and rights-of-ways;
3. The subdivision or development is not located adjacent to an existing or approved public street subdivision or development that can be reasonably connected, even though the street connection would require construction of a bridge or culvert. In that instance, the two subdivisions or developments shall be connected as public street subdivisions or developments unless the bridge or culvert would be so expensive as to be impractical or unfeasible;
4. A mandatory property owners or homeowners association, which includes all property to be served by the private streets, will be formed; and
5. The subdivision or development conforms to any other special guidelines for private street developments as may be approved separately by the council.

C. Private Streets: Certain Streets Excluded: Roads or streets that are shown on the Village thoroughfare plan, such as highways, major or minor thoroughfares or arterials, or collectors, shall not be used, maintained or constructed as private streets, and a private street subdivision shall not cross or interfere with an existing or future collector or arterial street. Also, the commission and council may deny the creation of any private street if, in their sole judgment, the private street would negatively affect traffic circulation on public streets, or if it would impair access to the subject or adjacent property; impair access to or from public facilities including schools or parks; or if it would cause possible delays in the response time of emergency vehicles.

D. Private Streets: Access Onto Public Thoroughfares: A private street subdivision or development shall provide a minimum of eighty feet (80’) of access frontage on a public collector or arterial street for entrances in order to accommodate a median-divided entrance with appropriate vehicle stacking, queuing and turnaround area. Primary access into a private street subdivision or development shall be from a major collector, which has a minimum right-of-way of eighty feet (80’), or from a larger roadway, as shown on

the Village thoroughfare plan. Restricted access entrances shall not be allowed from residential collector streets, minor residential or local streets, or from alleys or private driveways or parking lots. No more than two (2) gated street entrances may intersect a thoroughfare within any one (1) mile segment.

- E. Private Streets: Parks, Greenbelts and Wildlife Preserves Excluded: A private street subdivision or development shall not cross or interfere with public access to or enjoyment of an existing or future public pedestrian pathway, hike and bike trail, greenbelt, park or wildlife preserve as shown on the Village's parks and open space plan or as already dedicated for public use.
- F. Private Streets: Property Owners or Homeowners Association Required: Subdivisions or developments developed with private streets shall have a mandatory property owners association which includes all property and lots served by the private streets. The association shall own and be responsible for the maintenance of private streets and appurtenances. The association documents shall be reviewed and approved by the Village to ensure that they conform to these and other applicable Village rules and regulations. The documents shall be filed of record with the Travis County Clerk prior to final plat approval in order to ensure that there is an entity in place for long-term maintenance for private streets and appurtenances. The association may not be dissolved without the prior written consent of the council. No portion of the association documents pertaining to the maintenance of private streets and alleys, and assessments therefore, may be amended without the written consent of the council. The Village will not assist in enforcing deed restrictions.
- G. Private Streets: Private Street Lot: Private streets must be constructed within a separate lot owned by the property owners association. This lot must conform to the Village's standards for public street right-of-way. An easement covering the street lot shall be granted to the Village providing unrestricted access to and use of the property for any purpose deemed necessary by the Village. This right shall also extend to all utility providers operating within the Village and to other necessary governmental service providers, such as the U.S. Postal Service. The easement shall also permit the Village to remove any vehicle or obstacle within the street lot that may impair emergency access.
- H. Private Streets: Construction and Maintenance Cost: The Village shall not pay for any portion of the cost of constructing or maintaining a private street.
- I. Private Streets: Infrastructure and Utilities: Any public water, sewer and drainage facilities, street lights, and traffic control devices, such as traffic signs, placed within the private street lot shall be designed and constructed to Village standards. All private traffic control devices and regulatory signs shall conform to the "Texas Manual of Uniform Traffic Control Devices," as amended, and to Village standards. All Village regulations relating to infrastructure financing, developer cost participation, and capital cost recovery shall apply to developments with private streets, with the exception of those applying to street construction.

The metering for utilities such as water, gas and electricity shall be located on the individual lots to be served, not grouped together in a centralized location(s). “Gang-box” style metering stations shall not be permitted.

- J. Private Streets: Plans and Inspections: Development applications for subdivisions or developments with private streets must include the same plans and engineering information required for public streets and utilities. Village requirements pertaining to inspection and approval of improvements shall apply, and fees charged for these services shall also apply. The Village may periodically inspect private streets, and may require any repairs necessary to ensure efficient emergency access and to protect the public health, safety, convenience and welfare.
- K. Private Streets: Restricted Access: The entrances to all private streets shall be clearly marked with a sign, placed in a prominent and visible location, stating that the streets within the subdivision are private, and that they are not maintained by the Village. Guard houses, access control gates, and cross arms, if used, shall be constructed per subsection (I) below. All restricted access entrances must be manned twenty-four (24) hours every day, or they must provide a reliable, alternative means of ensuring Village and emergency access to the subdivision or development, preferably with an Opticom-type system for emergency access by the Village and other utility or public service providers, such as postal carriers and utility companies, with appropriate identification. The method to be used to ensure Village and emergency access into the subdivision or development shall be approved by the Village and by all applicable emergency services providers prior to Village approval of the site development construction. If the association fails to maintain reliable access as required herein, the Village may enter the subdivision or development and remove any gate or device which is a barrier to access at the sole expense of the association. The association documents shall contain provisions in conformity with this section which may not be amended without the written consent of the Village.
- L. Private Streets: Access Restricted Entrance Design Standards: Any private street which has an access control gate or cross arm must have a minimum uninterrupted pavement width of twenty-two feet (22') at the location of the gate or access control device, both ingress point and egress point, regardless of the type of device used. If an overhead, or lift-up, barrier is used, it must be a minimum of fourteen feet (14') in height above the road surface, and this clearance height shall be extended for a minimum distance of fifty feet (50') in front of and behind the location of the device. All gates and cross arms must be of a break-away design. A minimum vehicle stacking distance of one hundred feet (100') shall be provided from the right-of-way line of the public road from which the private street subdivision or development is accessed to the first vehicle stopping point, which is usually an access request keypad or telephone or a guard's window. Adequate distance shall be provided between the access request point(s) and the entry barrier, or gate, to accommodate a vehicle turnaround as described below.

A paved turnaround space shall be located in front of any restricted access entrance barrier, between the access request device and the barrier or gate, to allow vehicles that

are denied access to safely exit onto public streets without having to back up, particularly into the public street upon which the entrance is located. The design and geometry of such turnaround shall be of such pavement width and having such inside turning radius that it will accommodate smooth, single-motion U-turn movements by the following types of vehicles:

1. Larger Passenger vehicles, such as vans and pick-up trucks;
2. Passenger vehicles with short trailers up to twenty-four feet (24') in length, such as small flatbed, camping or box-type trailers; and
3. The types of service and utility trucks that typically visit or make deliveries to neighborhoods that are similar to the proposed private street subdivision or development, such as utility service vehicles, postal or UPS delivery trucks, and two to three-axle flatbed or box-type trucks used by contractors and moving companies.

The Village may require submission of additional drawings, plans or exhibits demonstrating that the proposed turnaround will work properly, and that vehicle turnaround movements will not compromise public safety on the entry roadway or on the adjacent public street(s).

- M. Private Streets: Waiver of Services: The subdivision final plat, property deeds and property owner's association documents shall note that certain Village or public services shall not be provided for private street subdivision or development. Among the services which the Village will not provide are: routine law enforcement patrols, enforcement of traffic and parking regulations, and preparation of accidental reports. Depending upon the characteristics of the development and upon access limitations posed by the design of entrances into the subdivision, other services, such as sanitation, also may not be provided.
- N. Private Streets: Petition to Convert to Public Streets: The property owners association documents shall allow the association to petition the Village to accept private streets and any associated property as public streets and right-of-way upon written notice to all association members and upon the favorable vote of a majority of the membership. However, in no event shall the Village be obligated to accept said streets as public. Should the Village elect to accept the streets as public, then the Village has the right to inspect the private streets and to assess the lot owners for the expense of needed repairs concurrent with the Village's acceptance of the streets. The Village shall be the sole judge of whether repairs are needed. The Village may also require, at the association's or the lot owners' expense, the removal of any guard houses, access control devices, landscaping or other aesthetic amenities located within the street lot or within any other common area. The association documents shall provide for the Village's right to such removal and assessment. Those portions of the association documents pertaining to the subject matter contained in this section shall not be amended without the written consent of council.

- O. Private Streets: Hold Harmless: On the final plat shall be language whereby the property owners association, as owner of the private streets and appurtenances, agrees to release, indemnify, defend and hold harmless the Village, any other governmental entity, and any public utility entity for damages to the private streets that may be occasioned by the reasonable use of the private streets by same, and for damages and injury, including death, arising from the condition of the private streets, out of any use of access gates or cross arms, or out of any use of the subdivision or development by the Village or governmental or utility entity. This plat language is available from the Village.

### **Sec.33.329 Escrow Policies and Procedures**

- A. Request for Escrow: Whenever this article requires a property owner to construct a street or thoroughfare, or other type of public improvement, the applicant may, if unusual circumstances exist, such as a timing issue due to pending roadway improvements by another agency such as TxDOT, that would present undue hardships or that would impede public infrastructure coordination or timing, petition the Village to construct the street or thoroughfare, at a later date, in exchange for deposit of escrow as established in this section. If more than one (1) street or thoroughfare must be constructed in order to meet adequacy requirements for roadways, as demonstrated by a traffic impact analysis, the Village may prioritize roadways for which escrow is to be accepted and require the deposit of all funds attributable to the development in escrow accounts for one (1) or more of such affected roadways. The council shall review the particular circumstances involved, and shall determine, at its sole discretion, whether or not provision of escrow deposits will be acceptable in lieu of the property owner's obligation to construct the street or thoroughfare with his or her development. A traffic impact analysis may be required to facilitate the council's deliberations on the matter.
- B. Escrow Deposit With the Village: Whenever the council agrees to accept escrow deposits in lieu of construction by the owner of the property under this section, the applicant shall deposit in escrow with the Village an amount equal to his or her share of the costs of design, construction, permits, reviews and approvals, inspections, any additional land acquisition, and an appropriate and realistic inflation factor to ensure that the actual "future dollar" costs will be covered when actual construction occurs in the future. Such amount shall be paid prior to release of site development construction approvals by the Village. The obligations and responsibilities of the applicant shall become those of the applicant's transferees, successors and assigns; and the liability therefore shall be joint and severable.
- C. Determination of Escrow Amount: The amount of the escrow shall be determined by using the maximum comparable "turnkey" bid price of construction of the improvements, including design, permits, reviews and approvals, inspections and any additional land acquisition that may be needed. Such determination of the escrow amount shall be made as of the time the escrow is due hereunder.

- D. Termination of Escrow: Escrows which have been placed with the Village under this section and which have been held for a period of ten (10) years from the date of such payment or agreement, in the event that the Village has not authorized the preparation of plans and specifications for construction of such roadway facilities for which the escrow was made, shall, upon written request, be returned to the applicant, with accrued interest. Such return does not remove any obligations of the applicant for construction of the required facilities if a building permit has not been issued on the subject lot or if a new building permit is applied for.
- E. Refund: If any street or highway for which escrow is deposited is constructed by a party other than the Village, or is reconstructed by another governmental authority at no cost to the Village, the escrowed funds and accrued interest shall be refunded to the applicant or applicant who originally paid the escrow amount after completion and acceptance of the public improvements. In the event that a portion of the cost is borne by the Village and the other portion of the cost by another party or governmental authority, the difference between the applicant's actual proportionate cost and the escrowed funds, including accrued interest, if any, shall be refunded after completion and acceptance of the improvements.
- F. Interest Limitation: If money is refunded within six (6) months of deposit, only the principal will be refunded. Monies returned after this date will be refunded with interest accrued, calculated at one percent (1%) less than the rate of actual earnings.

**Sec.33.330 Traffic Impact Analysis**

- A. Any proposed development project involving a significant change to a proposed roadway alignment from the that shown on the Village thoroughfare plan, or involving a development of fifty (50) or more dwelling units, or for developments generating five hundred (500) or more "one-way" trips per day, shall be preceded by submission and approval of a traffic impact analysis as specified in subsection (f) below. Failure to provide for such approval prior to submission of an application for site development approval, shall be grounds for denial of the application.
- B. Required Components of Traffic Impact Analysis: Whenever this article requires submission of a traffic impact analysis the following elements shall be included:
  - 1. General Site Description: The traffic impact analysis shall include a detailed description of the roadway network within one (1) mile of the site, a description of the proposed land uses, the anticipated stages of construction, and the anticipated completion date of the proposed land development. This description, which may be in the form of a map, shall include the following items: (A) all major intersections; (B) all proposed and existing ingress and egress locations; (C) all existing roadway widths and right-of-way; (D) all existing traffic signals and traffic-control devices; and (E) all existing and proposed public transportation services and facilities within a one (1) mile radius of the site.

2. Proposed Capital Improvements: The traffic impact analysis shall identify any changes to the roadway network within one (1) mile of the site that are proposed by any government agency or other developer. This description shall include the above items as well as any proposed construction project that would alter the width or alignment of roadways affected by the proposed development.
3. Roadway Impact Analysis:
  - a. Transportation Impacts:
    - (i) Trip Generation: The average weekday trip generation rates (trip ends), the average weekend trip generation rates, for uses other than residential or institutional, the highest average a.m. and p.m. hourly weekday trip generation rates, and the highest hourly weekend generation rates, for uses other than residential or institutional, for the proposed use shall be determined based upon the trip generation rates contained in the most recent edition of the Institute of Transportation Engineers, Trip Generation Manual; or shall be based upon data generated by actual field surveys of area uses compatible to the proposed use and approved by the Village.
    - (ii) Trip Distribution: The distribution of trips to arterial and collector roadways within the study area identified above shall be in conformity with accepted traffic engineering principles, taking into consideration the land use categories of the proposed development; the area from which the proposed development will attract traffic; competing developments, if applicable; the size of the proposed development; development phasing; surrounding existing and anticipated land uses, population and employment; existing and projected daily traffic volumes; and existing traffic conditions.
  - b. Adequacy Determination: The roadway network included within the traffic impact analysis shall be considered adequate to serve the proposed development if existing roadways identified as arterials and collectors can accommodate the existing service volume, and the service volume of the proposed development, and the service volume of approved but unbuilt developments holding valid, unexpired building permits at a level of service "C" or better as described in the comprehensive plan. In addition, the traffic generated by the proposed development shall not cause the level of service of existing service volume to be less than the existing levels of service.
4. Intersection Analysis:

- a. Level of Service Analysis: For intersections within the roadway traffic impact analysis area, a level of service analysis shall be performed for all arterial, arterial to collector, and collector to collector intersections, and for any other pertinent intersections identified by the Village. Also, level of service analyses shall be performed on all proposed site driveway locations for all nonresidential developments. The Village may waive analysis of minor intersections and site driveway locations within the one (1) mile radius. The level of service analysis shall be based upon the highest hourly average a.m. or p.m. peak weekday volume or highest average hourly peak weekend volume as determined from a two (2) day survey of weekday volumes and, where necessary, a one (1) day survey of weekend volumes. The level of service analysis shall take into consideration the lane geometry, traffic volume, percentage of right-hand turns, percentage of left-hand turns, percentage and typical size of trucks, intersection width, number of lanes, signal timing and progression, roadway grades, pedestrian and bicycle flows, school routes, number of accidents, and peak hour factor.
  - b. Adequacy Analysis: The intersections included within the traffic impact analysis shall be considered adequate to serve the proposed development if existing intersections can accommodate the existing service volume, the service volume of the proposed development, and the service volume of approved but unbuilt developments holding valid, unexpired building permits at level of service "C" or better. In addition, the traffic generated by the proposed development shall not cause the level of service of existing intersections to be less than the existing levels of service.
5. Effect of Adequacy Determination: If the adequacy determination for roadways and intersections indicates that the proposed development would cause a reduction in the level of service for any roadway or intersection within the study area identified herein that would cause the roadway to fall below the level of service required herein, the proposed development shall be denied unless the developer agrees to one of the following conditions:
- a. The deferral of building permits until the improvements necessary to upgrade the substandard facilities are constructed;
  - b. A reduction in the density or intensity of development;
  - c. The dedication or construction of facilities needed to achieve the level of service required herein; or
  - d. Any combination of techniques identified herein that would ensure that development will not occur unless the levels of service for all roadways and intersections within the traffic impact analysis study are adequate to accommodate the impacts of such developer.

**Sec.33.331 Alleys**

- A. Service alleys in nonresidential districts, if provided or constructed by the applicant, shall be a minimum right-of-way width of twenty-five feet (25') and a pavement of fifteen feet (15') unless they must serve as fire lanes, which requires a minimum pavement width of twenty-four feet (24'), as dedicated fire lane easements on the final plat.
  
- B. In the interest of reducing storm water runoff and resultant erosion, sedimentation and conveyance of nonpoint source pollutants, residential alleys shall be discouraged in the Village and its extraterritorial jurisdiction, and shall only be required in instances where a subdivision or development must connect into existing alleys for the purpose of providing continuity or convenience. If alleys are constructed or required, the following standards shall be met:
  - 1. In residential districts, alleys shall be parallel, or approximately parallel, to the frontage of the street. Alleys in residential districts shall provide a minimum of fifteen feet (15') of right-of-way and ten feet (10') of pavement.
  
- C. General Design Standards for Alleys:
  - 1. Alleys shall be paved in accordance with local street paving requirements of this article.
  
  - 2. Dead-end or "hammerhead" alleys shall not be allowed. Alleys must have adequate turnouts and street entrances such that vehicular traffic flow is continuous and efficient. Where a temporary dead-end alley situation is unavoidable, a temporary turnaround bulb or turnout onto a street, either of which will need a temporary easement for street or alley purposes, shall be provided as determined by the Village.
  
  - 3. Alleys shall not exceed a maximum length of two thousand feet (2,000'), as measured along the centerline of the alley and between intersections with other alleys or entrances onto streets at the right-of-way line of the street at the alley entrance. The council may approve variances for overlength alleys upon consideration of the following:
    - a. Alternative designs which would reduce alley length;
  
    - b. The effect of overlength alleys upon access, congestion, delivery of municipal services, and upon convenience to residents of the subdivision or development in accessing rear driveways and in driving around to the front of their homes; and
  
    - c. Means of mitigation, including but not limited to additional mid-block alley turnouts, limitation on the number of lots to be served along a single

alley segment, temporary points of access, and additional fire protection measures.

4. Alley intersections shall be perpendicular and at a ninety degree (90°) angle, and intersection pavement shall be of sufficient width and inside radius to accommodate waste collection and emergency vehicles. Intersections shall be three-way wherever possible, and four-way intersections shall be avoided. No alley intersection serving more than four (4) directions shall be allowed.

### **Sec.33.332 Easements**

- A. The minimum width for the public utility easements shall be fifteen feet (15'). The minimum width for Village drainage easements shall be as required by the Village engineer. The width of easements for other utility provisions, such as for gas, electric, telephone or cable TV, shall be as required by that particular entity. It shall be the applicant's responsibility to determine appropriate easement widths required by other utility companies. Wherever possible, easements shall be centered or along front or side lot lines rather than across the interior or rear of lots, particularly where no alleys will be provided behind the lots.
- B. Where a subdivision is traversed by a watercourse, drainageway or channel, there shall be provided a storm water easement or drainage right-of-way conforming substantially with such course and of such additional width as may be designated by the Village, subject to determination according to proper engineering considerations. The required width shall conform to the requirements set forth by the Federal Emergency Management Agency (FEMA). Parallel streets or parkways may be required adjacent to certain portions of creek or drainageways to provide maintenance access or access to recreation areas. Other utilities may be permitted within the drainage easement if approved by the Village.
- C. A lot's area shall be computed inclusive of all easements. However, there shall be a minimum buildable area, exclusive of required easements, buffer zones and setbacks for each lot. The minimum buildable area shall be an area one-half (1/2) of the required minimum lot size. If the Village disputes the buildable area of any lot, the applicant shall submit verification in writing that the buildable area is adequate for the type of housing product or nonresidential building proposed for that lot.
- D. Where alleys are not provided in a residential subdivision, a minimum ten foot (10') wide utility easement shall be provided along the front of all lots, adjacent to and flush with the street right-of-way line for the potential placement of utility facilities.
- E. For new development, all necessary on-site easements shall be established on the subdivision plat and not by separate instrument, and they shall be labeled for the specific purpose, and to the specific entity, for which they are being provided. Examples include, but are not limited to, the following: a water, sanitary sewer or drainage easement, which is dedicated to the LCRA for a water or sanitary sewer line and to the Village for a

drainage structure; an access easement, which is dedicated to the public for unrestricted access purposes; a fire lane easement, which is dedicated to the Village and its fire suppression and emergency medical service providers for access purposes; an electrical, gas or telephone easement, which is dedicated to the specific utility provider that requires the easement.

**Sec.33.333 Blocks**

- A. The length, width and shapes of blocks shall be determined with due regard to:
  - 1. Provision of adequate building sites suitable to the specific needs of the type of use contemplated;
  - 2. Zoning requirements as to lot sizes, setbacks and dimensions;
  - 3. Needs for convenient access, circulation, control and safety of street traffic and for pedestrians or bicyclists traveling to a public work or school site within the neighborhood or Village.
  
- B. Intersecting streets, which determine the lengths and widths of blocks, shall be provided at such intervals as to secure cross-traffic adequately, to provide adequate fire protection, and to conform to customary site development practices. Where no existing subdivision or topographical constraints control, the block lengths shall not exceed two thousand feet (2,000') in length and shall not be less than five hundred feet (500') in length; however, in cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased, through issuance of a variance by the council with plat or site plan approval, to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety.

**Sec.33.334 Walkways**

- A. Pedestrian concrete walkways (sidewalks) not less than four feet (4') wide may be required within a residential subdivision or development, on at least one side of residential and collector streets, and walkways not less than five feet (5') wide may be provided within all nonresidential developments and along all perimeter roadways, for both residential, and nonresidential subdivisions and developments. The commission shall recommend, and the council shall determine, if walkways are required at the time of preliminary plat approval. Walkways shall be constructed within the street right-of-way, one foot (1') away from the right-of-way line, and at least four feet (4') away from the street curb, and shall be installed prior to approval of the subdivision or development by the Village and prior to final plat approval, unless surety is provided, as required by this article. A Certificate of Occupancy will not be issued for any lot within the subdivision or development until the required walkways are in place. In certain instances, the council

may, at its sole discretion, approve placement of the walkway adjacent to the curb provided that such placement benefits the general public by allowing more space for landscaping, such as for street trees, screening shrubs, and decorative walls and fences, and provided that the width is increased to a minimum of five feet (5') of walkway pavement.

- B. The cost and provisions of any perimeter walkways, such as along major thoroughfares, may be escrowed as a part of a developers agreement, if approved by the council. The Village has the right, but not the obligation, to refuse escrow and to require paving of the walkways if, in its sole opinion, immediate provision of the walkways is necessary for safe pedestrian circulation or if it would otherwise protect the public health, safety or welfare.

### **Sec.33.335 Driveways in Public Right-of-Way**

A. Approval Required: Village approval must be obtained for driveway entrance installation.

B. Grade:

1. General:

- a. Driveways shall be designed at the flattest grade possible, necessitating, in some cases, switchback-type designs.
- b. In the construction of an access driveway or parking apron, an allowance shall be made for a street shoulder width of at least four feet (4') as a continuation of the street crown contour. For up-slope driveways where this is not practical, drainage grates will be installed across the width of the driveway and/or parking apron, preferably over the centerline of the culvert. These grates must be of sufficient size to collect and drain water runoff into the drainage ditch along such properties.
- c. Driveways located eight inches (8") or more above grade shall have curbs.
- d. Driveways located thirty inches (30") or more above grade shall have safety railing.

2. Residential: The maximum driveway grade for the portion of driveways constructed on public rights-of-way shall not exceed ten percent (10%) measured from the edge of the shoulder.

3. Non-residential and Multi-family: The maximum driveway grade for the portion of driveways constructed on public rights-of-way shall not exceed ten percent (10%).