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 posses 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.

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

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 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 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 flooplain; 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 (181st) 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 (181st) 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 entity 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 (181st) 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 (181st) 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 (15th) 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 (14th) 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 (15th) 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 (10th) 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 (181st) 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 (181st) 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 (181st) 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 (181st) 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. Not withstanding 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 (l) 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. <u>General Design Standards for Alleys</u>:

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%).

C. Sight Distance Consideration: Adequate sight distance shall be provided in accordance with the City of Austin, Texas Transportation Criteria Manual (latest edition). If sight distance is inadequate at the location of the proposed driveways, only one (1) driveway shall be permitted at a site that provides the safest access to the public right-of-way.

D. Design and Standards: Design and layout details for driveways shall comply with the City of Austin, Texas Transportation Criteria Manual.

E. Residential Driveways:

1. Location: No driveway shall be constructed within one hundred fifty feet (150') of a signalized intersection or within the curb return of a street intersection or within the radius of the edge of pavement or traveled street at an intersection on a curve.

2. Width:

   a. Driveway pavement width on the public right-of-way for single-family residences shall be a minimum of twelve feet (12') with a maximum of thirty feet (30'). Fifteen feet (15') is recommended.

   b. Joint-use driveways shall have a minimum driveway pavement width of twenty-four feet (24') with a maximum of thirty feet (30').

3. Curb Return Radii: Driveway pavement radii shall be a minimum of five feet (5').

4. Turnarounds: Driveway turnarounds shall have a minimum area of twelve feet (12') by twelve feet (12').

5. Number of Driveways: Only one (1) driveway is permitted per residence. Circular driveways with two (2) points of access must have the approval of the Village as a variance.

6. Joint-use Drives:

   a. Joint-use driveways are encouraged and may be approved provided a permanent access easement has been granted to each property owner to use the portion of driveway on the adjacent lot.

   b. Joint-use driveways shall be a minimum width of fifteen feet (15').

   c. Joint-use drives serving three (3) or more residences shall provide a turnaround for fire apparatus acceptable to the Village and to the fire department.

F. Non-residential and Multi-family Driveways:

1. Location:

a. No driveway shall be constructed within one hundred feet (150') of a signalized intersection or within the curb return of a street intersection or within the radius of the edge pavement or traveled street at an intersection on a curve.

b. A minimum spacing between closest paving of driveways of one hundred forty feet (140') is required. A minimum spacing of two hundred feet (200') is required on F.M. 2769 and on Lime Creek Road.

c. A minimum of seventy feet (70') from driveway edge to side of property measured at the front line is required unless a joint use drive is used.

d. All proposed driveways directly accessing F.M. 2769 shall be reviewed by TxDOT and shall have a TxDOT permit before plan approval.

2. Width:

a. Two-way driveway pavement width on the public right-of-way shall be a minimum of thirty feet (30') and a maximum of forty-five feet (45').

b. One-way driveway pavement width on the public right-of-way shall be a minimum of twenty feet (20').

3. Curb Return Radii:

a. Curb return radii for all driveways shall be a minimum of twenty-five feet (25').

b. Curb return radii for all driveways onto F.M. 2769 and Lime Creek road shall be a minimum of thirty feet (30').

4. Throat Lengths:

a. Throat lengths for all driveways shall be a minimum of twenty feet (20').

b. Throat lengths for all driveways onto F.M. 2769 and Lime Creek Road shall be a minimum of fifty feet (50').

5. Joint-use Drives:

a. Joint-use driveways are encouraged and may be required, provided a permanent access easement has been granted to each property owner to use the portion of the driveway on the adjacent lot.

b. For those properties with less than two hundred feet (200') of adjacent right-of-way to F.M. 2769 and Lime Creek Road, a common driveway shall be constructed along the common property lines of two lots.

6. Number of Driveways: For driveway access to any public road or street, a maximum of two (2) driveways will be permitted.

7. Alignment: Driveways from arterials and residential or commercial collectors shall either line up with or be offset from opposing driveways no less than eighty feet (80') from pavement edge to pavement edge.

Sec.33.336 Non-residential and Multi-family Drive Aisles

A. Grade: Maximum grade shall not exceed fifteen percent (15%) inside the property line.

B. Design Standards:

1. Non-residential and multi-family drive aisles, except for condominiums, inside the property lines shall be designed according to one of the following standards:

a. Asphaltic Surface Types: Hot mix asphaltic concrete pavement, or an approved equal, laid at the rate of one hundred fifty pounds per square yard (150psy), providing a pavement of one and one-half inches (1.5") depth with a minimum of eight inches (8") compacted flexible base; where asphaltic surfaces are used they shall be of lowest VOC content available; or

b. 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 (3000psi) in twenty-eight (28) days with a minimum of # 4 rebar at twelve inches (12") on center each way.

c. Alternative Decorative Surfaces: Alternative decorative pavement strips may be submitted for consideration by the Village. Alternative decorative pavement strips may consist of hand-laid paving blocks specifically designed for moderate-to-high speed traffic loadings and for emergency vehicle and equipment loadings and shall be segregated from adjoining pavement surfaces through the installation of a reinforced concrete ribbon.

2. Condominium drive aisles shall be reinforced concrete. Alternative decorative surfaces, as described above, may be permitted by the Village.

3. Fire apparatus access lanes shall be designed and maintained to support the imposed loads of fire apparatus (80,000 lbs. gross vehicle weight) and shall be provided with a surface so as to provide all-weather driving capabilities.

C. Width:

1. Two-way pavement width inside the property line shall be a minimum of twenty-six feet (26').

2. One-way pavement width shall be a minimum of fifteen feet (15') unless the drive is designated as a fire access lane requiring a minimum width of twenty-six feet (26').

D. Connecting Drive Aisles: Connecting drive aisles between adjacent properties are encouraged and in some cases may be required by the Village as a condition of approval.

E. Fire Apparatus Turnarounds: Dead-end fire apparatus access lanes in excess of one hundred fifty feet (150') in length shall be provided with approved provisions for the turning around of fire apparatus. The turning radius and configuration of the turnaround shall be approved by the fire department.

F. Fire Access:

1. General Requirements:

a. Fire apparatus access lanes shall be provided for every facility, building or portion of a building when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than one hundred fifty feet (150') from fire apparatus access as measured by an approval route around the exterior of the building.

b. More than one (1) fire apparatus lane shall be provided when it is determined by the fire department that access by a single road might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

c. Dead-end fire apparatus access lanes in excess of one hundred fifty feet (150') in length shall be provided with approved provisions for the turning around of fire apparatus. The turning radii and configuration shall be approved by the fire department.

d. Fire apparatus access lanes shall be clearly identified, properly marked and maintained to prevent obstruction by parking or any other obstruction.

e. All fire lanes shall be designated as tow-away zones. The designation of fire lanes does not make the Village responsible for the maintenance of the fire lanes on private property. The owner of the property continues to be responsible for the maintenance of the area. The official record of the designation and location of the fire lanes will be kept in the office of the fire department.

f. Fire apparatus access lanes between aisles of parking or under porte-cocheres not providing direct access to fire apparatus need not be designated as fire lanes.

g. When fire lanes cannot be installed due to building location on property, topography, waterways, non-negotiable grades or other similar conditions, the fire department is authorized to require additional fire protection.

h. When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life saving or firefighting purposes, the fire department is authorized to require a key box to be installed in an accessible location. The key box shall be of a type approved by the fire department and shall contain keys to gain necessary access as required by the fire department.

i. Existing improved sites shall be reviewed by the fire department and compliance with this subsection shall be met to the greatest extent possible.

j. All standards and requirements of the Travis County Emergency Services District No. 14 shall be met.

k. Developers shall obtain design criteria and plan approvals from the fire department and Travis County Emergency Services District No. 14.

2. Specifications:

a. Fire apparatus access lanes shall have an unobstructed width of not less than twenty-six feet (26') and an unobstructed vertical clearance of not less than fifteen feet (15'). Vertical clearances or widths shall be increased when, in the opinion of the fire department, vertical clearances or widths are not adequate to provide fire apparatus access.

b. Fire apparatus access lanes shall have a surface grade no steeper than fifteen percent (15%).

c. Fire access lanes shall have a minimum twenty-five foot (25') inside and fifty foot (50') outside corner radius.

d. The fire department will give notice of the designation to the owner of the property, directing the owner to cause, at the expense of the owner, markings to be painted on any areas designated as a fire lane. The markings must be red with white stenciling reading "FIRE LANE/TOW AWAY ZONE" in lettering at least three inches (3") in height. The stenciling shall be at intervals of thirty-five feet (35') or less. In addition, the owner shall cause signs to be posted at both ends of a fire lane and at intervals of fifty feet (50') or less. Alternative marking of fire lanes may be approved by the Fire Chief provided fire lanes are clearly identified at both ends and at intervals not to exceed thirty-five feet (35').

e. Fire apparatus access lanes shall be designed and maintained to support the imposed loads of fire apparatus (80,000 lbs. gross vehicle weight) and shall be provided with a surface so as to provide all-weather driving capabilities.

Sec.33.337 Off-Street Parking and Loading Requirements

A. Purpose: Off-street parking and loading shall be provided to secure safety from fire, panic, and other dangers; to lessen congestion on public streets; to facilitate the adequate provision of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land. Minimum design standards for off-street parking and loading shall as set forth in the following provisions.

B. Single-family Residential Uses - Special Off-Street Parking Provisions:

1. Required off-street parking shall be provided on the same site as the use it is to serve.

2. All required vehicle parking shall be on a suitably paved parking surface. All driveways and approaches to parking spaces shall be similarly paved.

3. Parking shall not be located in the street right-of-way, unless specifically approved by the Village as a variance.

C. Multi-family and Non-residential Uses Special Off-Street Parking Provisions:

1. To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties and in accordance with the standards established in Sec. 33.345 of this article.

2. For safety and fire-fighting purposes, unhindered access to adjacent nonresidential parking areas shall be provided in accordance with Sec. 33.345 of this article.

3. All off-street parking, maneuvering, loading and storage areas, except fire lanes, shall be paved in accordance with the following requirements:

   a. Asphaltic Surface Types: Hot mix asphaltic concrete pavement, or an approved equal, laid at the rate of one hundred fifty pounds per square yard (150psy), providing a pavement of one and one-half inches (1.5") depth with a minimum of eight inches (8") compacted flexible base. Where asphaltic surfaces are used they shall be of the lowest VOC content available; or

   b. Reinforced Concrete: Reinforced concrete of six inches (6") depth, containing a minimum of five (5) sacks of cement per cubic yard and shall attain a minimum compressive strength of three thousand pounds per square inch (3000psi) in twenty-eight (28) days with a minimum of # 4 rebar at twelve inches (12") on center each way.

   c. Alternative Decorative Surfaces: Alternative decorative pavement strips may be submitted for consideration to the Village. Alternative decorative pavement strips may consist of hand-laid paving blocks specifically designed for moderate-to-high speed traffic loadings and for emergency vehicle and equipment loading and shall be segregated from adjoining pavement surfaces through the installation of a reinforced concrete ribbon.

4. Condominium parking areas shall be reinforced concrete. Alternative decorative surfaces, as described above, may be permitted by the Village.

5. Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.

6. Each off-street surface parking space and maneuvering aisle shall be in accordance with the following criteria:

   a.

Type of Parking	Angle of Parking	Width	Depth	Maneuvering Aisle
Standard	45	9'	20'	26'
Standard	60	9'	20'	20' (one way)
Standard	90	9'	18.5'	26'
Standard	Parallel	10'	22'	26'
Accessible	90	12'	18.5'	26'
Loading	90	12'	35'	26'
Compact	90	8'	18'	26'

   b. Parking lots shall have a minimum fifteen foot (15') radius on all interior corners.

c. Parking rows shall not exceed twelve (12) parking spaces without being interrupted by a landscape island.

d. An accessible space shall have a five foot (5') walkway beside it, unless it is designated as a van accessible space, in which case it shall have an eight foot (8') walkway beside it.

7. Connecting drive aisles and/or sidewalks between adjacent properties are encouraged and in some cases may be required by the Village as a condition of approval.

8. Compact parking spaces are allowed only after the minimum standard parking requirements are met.

9. All parking and loading spaces, and vehicle sales areas on private property shall have a vehicle stopping device, such as a curb or wheel stop, installed so as to prevent parking of motor vehicles in any required landscaped areas, to prevent vehicles from hitting buildings, to protect public or private utility structures or facilities, and to prevent parked vehicles from overwhelming a public right-of-way line, public sidewalk, or adjacent private property. An extra-wide walkway on private property may be permitted so as to allow encroachment of vehicle overhang while maintaining an unobstructed four-foot (4') minimum walkway width. The requirement shall apply only where spaces are adjacent to the walks, right-of-way in any case. For new construction only, all vehicle maneuvering shall take place on-site. No public right-of-way shall be used for backing or maneuvering into or from a parking space, or for circulation within the parking lot.

10. The perimeter of all parking lots and driveways shall be provided with ribbon concrete curbs or other means to control traffic.

11. Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies, and shall be appropriately screened, as required by Sec. 33.336 of this article.

12. Parking space(s) for persons with disabilities and other associated provisions shall be provided according to Village construction codes, State laws, and requirements of the Americans with Disabilities Act (ADA). Parking spaces for persons with disabilities shall be as close as possible to the entryway of the appropriate structure, and shall be appropriately and clearly marked.

13. Designated parking and loading areas shall not be used for the repair, storage, dismantling or servicing, except for normal maintenance of a private vehicle, of vehicles or equipment, or for the storage of materials or supplies, or for any other

use in conflict with the designated parking and loading areas, including advertising or open storage of raw materials.

14. To ensure that all requirements set forth in this section are carried forward, it will be the responsibility of the owner of the parking area to adequately maintain the facility. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses. At no time after initial approval of the parking area layout can changes be made in the location and number of provided spaces without approval of the Village.

15. All parking structures shall conform to the construction and design standards of the zoning district in which they are located.

16. The number of required off street parking spaces for all uses shall be in compliance with subsection (f) below.

17. The council shall have the authority to approve a greater or lesser parking requirement if a parking needs analysis, prepared by a qualified traffic engineer, demonstrates that a greater or lesser requirement would be appropriate.

D. Off-Street Loading; All Districts and Uses:

1. All retail use and similar nonresidential uses shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street. Each site shall provide a designated on-site maneuvering area for trucks. Such off-street loading space may be adjacent to, but not on any portion of, a public alley or private service drive or it may consist of a truck berth within the structure. Such off-street loading space or truck berth shall consist of a minimum area of twelve feet by forty-five feet (12' x 45').

2. For each retail or wholesale mercantile business or use, each industrial use, and each warehouse use, the number of loading spaces required shall be in compliance with the following schedule:

Gross Floor Area (Square Feet)	Min. Number of Loading Spaces
3,001 to 5,000	1
5,001 to 25,000	2
25,001 to 60,000	3
60,001 to 120,000	4
More than 120,000	4 plus 1 per each additional 100,000 s.f.

3. For each church, auditorium, convention hall, exhibition hall, hotel, motel, office building, hospital, sanitarium, sports arena and any other use similar to those

herein listed, the number of loading spaces required shall be in compliance with the following schedule:

Gross Floor Area (Square Feet)	Min. Number of Loading Spaces
5,001 to 25,000	1
25,001 to 50,000	2
50,001 to 100,000	3
More than 100,000	3 plus 1 per each additional 100,000 s.f.

4. For nonresidential uses, loading docks or service or delivery entrances shall not be constructed facing any public street, and shall not be visible from any public street.

5. For nonresidential uses, loading docks for any establishment that is adjacent to a residential use or district shall be a setback from the adjacent residential use or district boundary. In addition, such loading docks shall be designed and constructed so as to enclose or screen the loading operation on three (3) sides, in order to reduce the effects of the noise of the operation on adjacent residences.

6. For nonresidential uses, the hours any establishment within the Village shall receive goods shall be within the hours of operation of the zoning district within which the establishment is located.

7. Kindergartens, elementary schools, day schools, and similar child training and care establishments shall provide one (1) paved off-street pedestrian loading and unloading space for an automobile on a through, circular drive for each ten (10) students cared for, excluding child care in a residence. An additional lane shall also be required to allow pass by or through traffic to move while automobiles waiting or parked to pick up children occupy loading and unloading areas.

E. Parking Access from a Public Street; All Districts and Uses:

1. Consideration shall be given to providing entrance and exit drives which extend into the site to provide adequate queuing of vehicles on the site.

2. In all districts, except single-family zoning districts, building plans shall provide for entrance and exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets as approved by the Village.

   a. If projected volumes of traffic entering or leaving a development are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of-way and paving in the form of deceleration lane or turn lane may be required of a developer in order to reduce such interference.

b. The determination of additional right-of-way or paving requirements shall be made at the time the final site plan is submitted for approval.

3. Vehicular access to non-residential uses shall not be permitted from alleys serving residential areas, and shall not be configured as head-in parking spaces which are accessed directly from the street.

4. Parking space configuration, location, arrangement, size and circulation in all districts shall be constructed according to the City of Austin, Texas Transportation Criteria Manual (latest edition).

F. Parking Requirements Based Upon Use: Reserved

Sec.33.338 Landscape Requirements

A. Purpose: Landscaping is accepted as adding value to property, as enhancing the natural aesthetic beauty of the Village, and is in the interest of the general welfare of the Village. The provision of landscaped areas also serves to increase the amount of a property that is devoted to pervious surface area which, in turn, helps to reduce the amount of impervious surface area, storm water runoff, and consequent non-point pollution in local waterways. Therefore, landscaping is hereafter required of all new development.

B. Definitions: For the purpose of this section, the following terms have the following meanings:

Buffering and Screening: The use of plant material, other than mere grass on flat terrain, or the use of plant material along with berms, walls, decorative fences, and other decorative elements to obstruct the view from the street, of vehicular use areas, of mechanical and fuel storage equipment, of outside storage areas, of services, delivery or loading areas, and of areas for refuse collection; to promote compatibility between residential and nonresidential developments; and to provide privacy.

***Caliper*:** The diameter of the trunk of a tree, as measured four and a half feet (4 1/2') above the ground, measured from the soil line at the base of a tree.

***Cover Area*:** That area which falls within the drip-line of any tree.

***Cutting*:** The detachment or separation of any limb, branch, or root from a protected tree. Cutting shall also include pruning activities such as trimming, shaping, thinning, and selective pruning of trees.

Damage: Any action undertaken which causes immediate or long-term injury, death, or disfigurement to a required or protected trees. This includes, but is not limited to, cutting, poisoning, by application of or exposure to harmful chemical, over-watering, water deprivation, relocation or transplanting a required or protected tree, as well as trenching, excavating, backfilling or paving within the protected zone of a required protected tree.

Deadwood: Limbs, branches or a portion of a tree that contains no green leaves during a period of the year when they should be present.

Developed Property: Property upon which a building, structure, pavement, or other improvements have been placed.

Development: All land development and site disturbance activities, including the construction of building, roads, paved storage areas, and parking lots. "Development" also includes any land-disturbing construction activities or human-made change of the land surface, including clearing of vegetative cover, excavating, filling and grading, mining and dredging, Care and maintenance of lawns, gardens, and trees; minimal clearing, up to ten feet (10') wide, for surveying and testing; and agricultural activities are excluded from this definition.

Drip-Line: A vertical line extending from the outermost portion of a tree's natural unpruned canopy to the ground.

Encroachments: Any intrusion or human activity into the protected zone of a required or protected tree including, but is not limited to, pruning, grading, excavating, backfilling, poisoning by application of or exposure to harmful chemicals, trenching, parking of vehicles or other heavy equipment, storage of materials or equipment, or the construction of structures or other improvements.

Landscaped Area: The area within the boundaries of a lot and, where applicable, the adjoining street right-of-way, which is predominantly pervious surface area that is dedicated to plant material, including, but not limited to grass, trees, shrubs, flowers, vines and other groundcover, native plant materials, planters, brick, stone, natural forms, water forms, aggregate and other landscape features, but not including the use of smooth or exposed aggregate concrete or asphalt; provided, however, that the use of brick, stone, aggregate or other inorganic materials shall not exceed twenty percent (20%) of the required landscape area.

Landscape Plan: A plan conforming to the requirements of this section of this article.

Park: All publicly maintained areas designated as a park or greenbelt or open space.

Person: Any natural person, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, limited liability company,

two (2) or more natural persons having a joint or common interest, or any other legal or commercial entity.

Pervious: The ability of a substance to allow the passage of water.

Planting Strip: That part of a public street or highway, not covered by sidewalk or other paving, lying between the property line of adjoining property and that portion of the street or highway used or intended to be used for vehicular traffic.

Protected Tree: Any hardwood tree of a six inch (6") caliper trunk or greater, as measured four and half feet (4 1/2') above the natural ground, or an otherwise designated specimen tree. At the discretion of the Village certain native, rare and unusual trees may also be designated as "protected" regardless of size. For the purpose of determining protected tree status, multi-trunk trees shall be considered as one (1) tree, with the caliper of each trunk added together to equal an equivalent total caliper.

Protected Zone: A specifically defined area totally encompassing a required or protected tree within which work and other activities are strictly controlled. When depicted on a map showing an aerial view, the outermost edge of the protected zone will appear an irregular shaped circle that follows the contour of the drip-line of the tree. Using the drip-line as a point of reference, the protected zone shall commence at a point five feet (5') outside the drip-line and extended inward to the trunk of the tree. In no case shall the protected zone be less than fifteen feet (15') from the trunk of the tree.

Public: The term "public," when used as a modifier for such words as building, park, right-of-way, and similar words, shall mean "open to the general public".

Public Places: All grounds other than parks which are open to the general public.

Public Trees: Any trees that exist on publicly owned or controlled property within public right-of-way.

Routine Maintenance: Actions needed for continued good health and growth of a tree including, but not limited to, removal of deadwood, disease and insect control spraying, fertilization and root stimulation when appropriate, aeration, mulching to maintain soil moisture, and watering, particularly immediately before and after the construction activities and during drought conditions.

Site Development Permit: Official authorization issued by the Village allowing land disturbing activities.

Specimen Tree or Specimen Tree Stand: Any tree or group of trees which has been determined to be of high aesthetic value, including but not limited to oaks, elms, pear madrones, unusual cedars of a caliper of at least twelve inches (12"), and other native trees listed in this section, because of its species, size, age, historic value, or other definable criteria as so designated by the Village.

***Street Yard*:** The area of a lot which lies between the public street right-of-way or private street access easement and the actual front wall line of the building, as such building wall line extends from the outward corners of the building, parallel to the street, until such imaginary extension of such building wall line intersects the side property lines. In determining the actual building wall of the building for the purposes of this section, steps and unenclosed porches shall be excluded, but such building wall line shall follow and include the irregular indentation of the building. A front building wall is a building wall facing a street.

1. On corner lots, the street yard shall consist of all the area of such lot between all abutting street right-of-way or access easement lines and the front of the building in the manner provided above.

2. When there are multiple buildings on a lot, the street yard shall consist of all the area of the lot between the street right-of-way or easement and an imaginary line beginning at one side of the property, running parallel to the street, connecting to the foremost corner of the building wall fronting the street and nearest such side property line, then following and connecting the frontmost wall of all the buildings fronting on the street, and then extending to the other side of the property line, running parallel to the street. If the building has a rounded front, the front building wall corners shall be the points closest to the side boundaries. For the purposes of this section, isolated buildings less than three hundred square feet (300 sf) shall not be considered in delineating the street yard.

3. Notwithstanding all of the foregoing, on land used only for parking purposes or only as a commercial or private parking lot, the street yard shall consist of the area between the street right-of-way or easement and the rear property line.

***Tree*:** Any self-supporting woody perennial plant which has a trunk diameter of three inches (3") or more when measured at a point four and half feet (41/2') above the ground level or adjacent finished grade within its drip line, whichever is higher, and which normally attains an overall height of at least ten feet (10') at maturity, measured from ground level or from adjacent finished grade within its drip line, whichever is higher, having a mature canopy greater than fifteen feet (15') in diameter, usually, but not always, with one (1) main stem or trunk and many branches.

***Undeveloped Property*:** Property upon which no building, structure, pavement or other improvements have been placed.

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

***Yard Area*:** An open space on the same lot with a building, the space being unoccupied and unobstructed from the ground upward, with the exception of trees and other natural vegetation.

C. <u>Application of This Section</u>:

1. Except as otherwise provided, the landscaping requirements of this section shall apply to all land located in the Village.

   a. On non-residential developments, such landscaping requirements shall become applicable as to each individual lot at the time an application for site plan approval on such lot is made. Site plan approvals shall not be granted prior to the Village approval of the Landscape Plan, as required by this section.

   b. New construction on residential lots shall be subject to the landscaping requirements of this section.

2. Each lot within a common development which includes more than one (1) lot, and each phase of a phased project, shall comply with the requirements of this section.

3. Any non-residential or multi-family site that has any portion of the site redeveloped shall be subject to the landscaping requirements of this section.

4. The requirements of this section shall not apply to the following:

   a. Building permits for the substantial restoration of a building constructed prior to the adoption of this article, issued within a period of twelve (12) months after the building has been damaged by fire, explosions, flood, tornado, riot, act of the public enemy, or accident of any kind, provided that the building footprint is not enlarged by over twenty-five percent (25%) of the previously existing gross floor area.

   b. Building permits issued or site plans approved prior to the effective date of this article.

5. The provisions of this section shall be subordinate to any other governing provisions pertaining to traffic and pedestrian safety.

D. General Landscape Requirements for New Nonresidential and Residential Development:

1. The provisions of this section apply to all new nonresidential and residential development within the Village.

2. Preservation of Existing Landscape: The existing natural landscape character, especially native oaks, elms, madrone, pear and pecan trees, shall be preserved to the maximum extent reasonable and feasible. For example, in an area of the street yard containing a stand of trees, the developer and the builder shall use best good faith efforts to preserve such trees. Celtis Occidentlis (Hackberry) and Juniperus Virginiana and Juniperus Ashei (Common Cedar) with a caliper of less than twelve inches (12") are excluded from this provision, except for those located

within the first twenty-five feet (25') from the street rights-of-ways or street easements as specified below. Indiscriminate clearing or stripping of natural vegetation on a lot is prohibited. Any part of a site not used for buildings, parking, driveways, walkways, utilities and approved storage areas shall be retained in a natural state, or reclaimed to its natural state, to the greatest extent feasible, or attractively landscaped in a manner that adds aesthetic value to the development.

3. Protected and Specimen Trees: The removal of any tree with a caliper of six inches (6") or larger, or of any specimen tree, must be specifically requested by the applicant and approved in writing by the Village prior to any action being taken to remove the tree or to damage or disturb the tree in any way. Removal of such trees without this approval is expressly prohibited.

4. Required Maintenance and Replacement of Dead Plantings: The landowner shall be responsible for:

   a. The regular routine maintenance, as defined in this section, of all required landscape and protected trees to maintain a vigorous, healthy, and growing conditions, free from disease, pests, litter, and other undesirable elements;

   b. The repair or replacement of required landscape structures, including walls and fences, to a structurally sound condition in design compatible with and complementary to the surroundings;

   c. Dead plant materials within required plantings, as per the approved landscape plan, shall be replaced within one (1) year after they die;

   d. Any replacement plants must be of the same size and species as shown on the approved landscaped plan, or they must, in terms of quality, size and species, equal or exceed the requirements of this section. Such plant replacements shall not be considered an amendment to the approved plan unless the landscape design is to be significantly altered.

5. Xeriscape Landscaping Preferred: All landscaping, trees, shrubs, and ground cover should be of a type that minimizes water consumption, unless the overall project has an effluent water disposal requirement. The appearance of landscaped areas should be informal, with clustering preferred over rigid row plantings

E. Landscape Requirements for Nonresidential and Multi-family Residential Development:

1. The provisions of this section apply to all new nonresidential and multi-family residential developments within the Village.

2. Buffer along F.M. 2769 and Lime Creek Road: Except for the clearing necessary to provide utilities, sidewalks, or access, no clearing of trees shall be permitted

within fifty feet (50') of the right-of-way lines of F.M. 2769 and Lime Creek Road.

3. Landscaped Buffer Strips required between residential and nonresidential uses: All lots, or parts of lots, which contain nonresidential use and whose side or rear lot lines are adjacent to a single-family residential district or use and not separated by a public street or roadway, shall be screened from such single-family residential district or use by a landscaped buffer strip consisting of a suitable fence or plant material at least six feet (6') in height, as shall be approved by the council along such side or rear lot lines thereof. Where a screening wall or fence is used, such fence shall be constructed of wood or masonry materials to provide a solid visual barrier as approved by the council and shall be placed entirely upon the lot wherein the nonresidential use is located. Maintenance responsibility of such fence or wall shall be borne by the nonresidential property owner.

4. Landscape Buffer Strips – Height of Planting: The required height of landscape buffer screens shall be measured from the elevation of the adjacent area to be screened. In cases where the elevation of the planting location is lower than the elevation of the edge of the adjacent area to be screened, the required height of the screen or planting shall be increased in an amount equal to such difference in elevation up to total height of eight feet (8'). In cases where the elevation of the planting location is higher than that at the edge of the adjacent area, the required height of the screen shall be six feet (6'). This is to ensure screening of taller buildings, to lessen the possibility that people or vehicles will go over the screen onto adjoining residential property, and to help preserve the privacy of adjacent residential uses.

5. Landscape Buffer and Screening Strips – Width: Vegetated buffer and screening strips required under this section shall be at least five feet (5') in width at all points, and shall be graded and furnished with appropriate ground cover and other vegetation and structures as approved by the council. Landscaped buffer strips shall be maintained and kept clean of all debris, rubbish, foreign materials and weeds.

6. Landscaped Buffer and Screening Strips – Plantings Generally: Within buffer and screening areas using landscaped strips designated to be six feet (6') in height or taller, a solid and continuous landscape screen shall be planted and maintained. Such landscaping shall consist of massed evergreen and deciduous trees and shrubs of such species and sex as to produce a predominantly opaque screen of at least six feet (6') in height and within three (3) years, or three (3) growing seasons, of initial planting, and such that the screening materials continually restrict a clear view beyond such buffer strip.

7. Buffering and Screening of equipment and storage areas required: All mechanical equipment, fuel storage, materials storage, ground-mounted satellite dishes and antennae, service or delivery areas and solid waste container areas shall be

buffered and screened from the street by an appropriate vegetative screen or fence, except to the extent needed to provide access or to provide free circulation of air.

8. Substitution of fence or wall for plantings: In required buffer or screening areas where a natural vegetative strip is deemed impracticable or inappropriate, a suitable screening wall or fence may be substituted, as recommended by the commission and as approved by the council.

9. Fences: Fences and fence supporting structure shall be well constructed, durable, maintained in good condition, and promptly removed, if not required, or replaced when it becomes dilapidated or unsightly. Fencing, walls and screens shall comply with Section 33.337 of this article.

10. In approving fences and walls, the Village shall be guided by the proposed structure's appropriateness to the character of the neighborhood, and by the rights of the adjacent landowners to views and prevailing breezes. Fences must be muted in color to prevent visual domination of the landscape or structure which it contains.

11. Landscaping of Street Yards: On all nonresidential and residential land to which this section applies at least twenty percent (20%) of the street yard shall be landscaped. No vegetation or landscaping within the right-of-way and no trees in the right-of-way shall be counted toward the satisfaction of the street yard requirements.

12. Trees: All newly planted trees shall be planted in a pervious area of at least one hundred sixty-two square feet (162 sf) in size, and no curb or pavement shall be located within five feet (5') of the trunk of any tree. Within the street yard outside the boundaries of the vehicle use areas, at least one (1) tree of at least a three inch (3") caliper, either existing or planted, shall be included or replaced as necessary to maintain the following minimum ratios:

    a. In street yards up to 10,000 square feet: One (1) tree for each one thousand square feet (1,000 sf), or fraction thereof, of street yard.

    b. In street yards between 10,000 and 110,000 square feet: One (1) tree for each two thousand five hundred square feet (2,5000 sf), or fraction thereof, of street yard area over ten thousand square feet (10,000 sf) is added to the requirements of ten (10) trees as stipulated in subsection (A) above.

    c. Plantings of trees within the street yard will count toward the tree replacement requirements of subsection (21) below.

13 Buffering and Screening: All parking and drainage, including non-earthen stormwater collection, retention and detention ponds, areas adjacent to roadways, all off-street loading areas and off-street parking areas containing three (3) or more parking spaces shall have effective buffering and screening from the street view and from adjacent single-family residential uses. Landscaped buffers and screens or landscaped berms of at least three feet (3') in height shall be appropriate for buffering and screening of parking and drainage areas. Vegetation selected for the three-foot (3') height buffer and screen shall be evergreen plant species, and they shall be spaced and massed so as to provide a solid buffer and screen within two (2) years, or two (2) growing seasons, from the planting date. Buffer and screening and highway planting should include a variety of plant species with low maintenance requirements, selected from the plant materials required in subsection (j) below. A combination of shrub and tree plantings is preferred; but in any case, a minimum of one (1) tree of a minimum three inch (3") caliper and a minimum eight feet (8') in height, and three (3) shrubs of a minimum five (5) gallon size, are required for each thirty feet (30') of street frontage. Groundcover should be planted on landscaped berms with appropriate plant container size and spacing that will provide full coverage within one (1) year of installation in order to prevent erosion. Berms shall be designated to transition to existing grades, and shall not exceed a slope of 3:1. A slope greater than this is generally difficult to mow and maintain.

14 Buffering and Screening of Earthen Ponds: Ponds that are primarily constructed of earthen material may be exempt from the strict application of the screening requirements of subsection (13) above, at the discretion of the Village depending on the location of the pond and the aesthetic impact it will have an neighboring single-family residential use property.

15 Required Landscaping in Vehicular Use Areas: Within all vehicular use areas and parking areas, a minimum of fifteen percent (15%) of the gross square footage of such vehicular use areas shall be devoted to landscaped islands, peninsulas and medians. Vehicular use areas and parking areas include the area within the parking lot boundaries, as determined by extending the curb lines of these areas around the outside perimeter of the areas. Sidewalks and designated loading or unloading areas for service vehicles shall not be considered as vehicular use areas. All off-street parking areas that provide up to twelve (12) parking spaces shall have at least one (1) tree planted and maintained within the boundaries of the parking area. All off-street parking areas that provide for twelve (12) or more parking spaces, shall have trees planted and maintained within the boundaries of the parking area including within islands, peninsulas, and medians, at a ratio of at least one (1) tree with a three inch (3") caliper trunk or greater for each twelve (12) parking spaces, or fraction thereof, in soil plots of at least one hundred sixty-two square feet (162 sf). For parking lots with twenty (20) or more spaces, at least fifty percent (50%) of the required parking area landscaping shall be installed in islands separating adjacent parking spaces, in peninsulas to individual

parking spaces, and in medians separating parking aisles. At least one (1) tree shall be located within each landscaped island.

The applicant may petition the Village to cluster the islands, peninsulas, and/or medians into larger islands, peninsulas, or medians, as a variance. The purpose of this variance petition is to save a cluster of trees or to provide greater landscape features within the parking area, excluding any required buffer or setback area. The commission will not recommend and the council will not grant the variance if the total landscape area within the parking area is less than fifteen percent (15%).

16. Landscaped Islands, Peninsulas, and Medians:

a. The number and size, subject to the per-tree pervious soil requirement above, and shape of required islands, peninsulas, and medians within all vehicle areas shall be at the discretion of the landowner and in accordance with governing provisions pertaining to visibility, traffic, and pedestrian safety. However, no parking space shall be located further than fifty feet (50') from a tree trunk in a pervious landscaped island, peninsula, or median. All islands, peninsulas, and medians required in the vehicle use areas stated above, shall be more or less evenly distributed throughout such parking areas, respectively; however, the distribution and location of landscaped islands, peninsulas and medians may, subject to council approval, be adjusted to accommodate existing trees or other natural features so long as the total area requirement for landscaped islands peninsulas, and medians for the respective parking areas above, is satisfied. Canopy trees to create shade over paved surfaces shall be provided.

b. Landscaped islands shall comply with the following criteria:

(i) There shall be at least one (1) landscaped island for each twelve (12) parking spaces, but in no case shall there be less than one (1) landscaped island for parking areas with three (3) or more parking spaces;

(ii) There shall be one (1) landscaped island at each end of a parking space row;

(iii) Each landscaped island shall have a minimum of one (1) tree located in the island, along with other landscape plantings;

(iv) Landscaped islands shall have a minimum width of nine feet (9') and a minimum depth of eighteen feet (18').

c. Parking space rows shall be separated from each other by the aisle or by a landscaped median of at least five feet (5') in width. Trees shall not be

planted within the median unless the median is at least twelve feet (12') in width and no paving or impervious cover is within five feet (5') of the trunk of the tree.

d. Trees within islands, peninsulas, and medians of vehicle use areas located within the street yard shall not count toward fulfilling the street-yard tree requirements of subsection (12) above.

e. Except for landscaping of rights-of-ways, all landscaping which is required in landscaped areas and which is adjacent to pavements shall be protected with concrete ribbon curbs or equivalent, visually attractive barriers such as wheel stops, stone or masonry bumpers, or railroad ties.

f. Plantings of trees within landscaped islands, peninsulas, and medians will count toward the tree replacement requirements of subsection (21) below.

17 Plantings Within Rights-of-Ways and Easements: It shall be fully understood and agreed that any landscaping over dedicated utility or drainage easements or rights-of-ways may require removal and replacement at the owner's expense should such easements be required by any authorized utility company, or should they be required to provide adequate drainage capacity.

In order to utilize the right-of-way or easements as provided above, said right-of-way or easement shall be subject to the following requirements:

a. All landscaping within the Village's rights-of-ways shall require the approval of the Village.

b. The Village or any other jurisdictional governmental body may at any time require such landscaping to be removed, and the Village shall not be held responsible or liable for any cost or damages due to such removals. If such landscaping is required to be removed, it shall be replaced elsewhere within the remaining street yard within ninety (90) days or in the next planting season.

c. All such landscaping shall be in compliance with all governing provisions pertaining to visibility, traffic, and pedestrian safety.

d. No planter or other permanent structure may be placed within the right-of-way or within drainage or utility easements.

e. The owner of the lot shall be responsible for maintaining any landscaping located within the right-of-way adjacent to his or her property, and within any drainage or utility easements located on his or her property.

f. In the event that any other governmental entity owns or controls the public right-of-way at the particular location in question, permission for installation of the landscaping must be obtained from the entity involved.

g. No vegetation, except lawn grass, or rocks larger than six inches (6") shall be permitted within the rights-of-ways within eight feet (8') of the street pavement or curb.

h. Vegetation proposed for county or state rights-of-ways must receive approvals from the rights-of-way owners.

i. Vegetation within rights-of-ways shall be irrigated; however, no irrigation lines shall be installed in any right-of-way unless approved by the Village as a variance.

In addition to enforcing the penalty provision of this article, the Village may remove from the street rights-of-ways, any growths and materials prohibited by this section and, in so doing, the Village, its officers, agents and employees shall not be liable to the owners thereof. Any expose incurred by the Village for such removals will be charged to the property owner.

18. Visibility, Traffic and Pedestrian Safety: Landscaping, including plant materials, berms and walls, shall not obstruct the view of vehicles between the street and access drives or parking aisles near the street yard entries and exits, nor shall any landscaping which creates an obstruction of view be located in the radius of any curb return. All plant materials within critical visibility areas and within required sight triangles shall be less than thirty inches (30") in height or shall be single-trunk trees that have a clear trunk height of at least nine feet (9') above the ground in order to ensure good visibility for all types of vehicles.

19. Landscape Irrigation: All required landscaping areas with multi-family residential and non-residential uses shall be 100% irrigated by one of the following methods, or a combination of methods:

a. An automatic underground irrigation system; or

b. A drip irrigation.

All irrigation systems shall be designed and sealed in accordance with the Texas Licensed Irrigators Act by a qualified licensed irrigator, registered landscape architect or licensed professional engineer.

No irrigation shall be required for undisturbed natural areas or undisturbed existing trees except as required by the Village's non-point source pollution control ordinance.

20. Water Features and Ponds: Manmade water features, such as fountains and ponds, that incorporate the use of natural rock or earth fills, are encouraged, and should be designed as an integral part of the overall landscape design concept. These features are especially desirable in courtyards, patio areas, and natural low-lying areas. It is encouraged that stormwater detention and retention areas be designed to freeform shapes to blend with the natural landscape, and the use of natural rocks and boulders with spillways of natural rock is encouraged to create visual appeal.

21. Replacement Trees:

a. Protected trees that are removed shall be replaced with trees required in subsection (j) below.

b. A sufficient number of trees shall be planted to equal, in total caliper, the diameter of each tree removed.

c. Replacement trees shall have a minimum of three inches (3") caliper, measured four and one-half feet (4.5') from natural grade. Container-grown trees are preferred to balled and burlap field grown trees.

d. Replacement trees shall be located on the subject site, unless approved by the Village as a variance.

e. Replacement trees shall not be planted in the following locations unless approved by the Village as a variance:

(i) Where the mature canopy of the tree will interfere with overhead utility lines.

(ii) Where the mature root zone of the tree will interfere with underground utility lines.

(iii) Within ten feet (10') of a fire hydrant.

(iv) Within five feet (5') of paving or a curb.

(v) Where at least fifty percent (50%) of the mature root zone of the tree will be covered by impervious cover.

(vi) Where at least fifty percent (50%) of the mature root zone will undergo cut or will undergo fill.

(vii) Within the public right-of-way.

f. Landscape Plan-Nonresidential and Multi-family Residential Development:

(i) This subsection applies to all new nonresidential and multi-family residential developments within the Village.

(ii) When an application is made for a site plan approval or site development permit approval, a landscaping plan shall also be submitted for any development where the landscaping requirements of this section are applicable. The Landscape Plan shall be at the same scale as the site plan, with the enlarged details, as needed, to show detailed planting areas, containing the information listed in subsections (A) through (M) below, and shall be submitted to the commission for recommendation and approval by the council.

(a) The legal description of the property;

(b) The date, scale (to be a known engineering scale), north point, title or name of the development, and the name and address and phone number of the owner;

(c) The name, address and phone number of the company or individual who prepared the Landscape Plan;

(d) The location of existing boundary lines and dimensions of the tract;

(e) A topographical map with two feet (2') contours, referenced to mean sea level datum, showing building footprints, streets, driveways, utility and drainage easements, parking areas, drainage and utility structures, and other site improvements drawn to scale.

(f) The approximate center line of existing water courses and designated floodplains; the approximate locations of significant drainage features; and the location and size of existing and proposed streets and alleys, existing and proposed easements on or adjacent to the lot, and existing and proposed sidewalks adjacent to the street.

(g) The location, caliper size, and species of existing trees within the limits of construction, within the street yard, and within public rights-of-ways and street easements adjacent to the lot(s), having trunks three inches (3") caliper or larger and the corresponding sizes of their crowns. All

specimen trees with a caliper of twelve inches (12") or larger must be drawn such that they are easily visible to the plan observer.

(h) The location, size, and type of proposed landscaping in proposed landscaping areas; and the location and size, by square footage, of proposed landscaped areas.

(i) Landscape calculations to verify compliance with this section.

(j) Nominal planting details and specifications, including specified plant and trees species, container size, initial planted height, plant spacing and caliper size, as appropriate for each type of plant material, for the installation of the proposed landscape.

(k) Location of and construction details for the protective barrier the applicant plans to use to protect existing trees which are proposed to be retained; from damage during construction.

(l) The proposed irrigation system.

(m) Integrated landscape and pest management plan.

(n) Certification:

(1) Lot or combined lots less than one (1) acre in area: Certification by an architect, landscape architect, or licensed nurseryman, that the landscape plans satisfy the requirements of this section.

(2) Lot or combined lots more than one (1) acre in area: Certification by a landscape architect that the landscape plans satisfy the requirements of the section.

(3) If a project is developed in phases, required landscaping and screening must be completed in sequence with development plans and shown as such on a landscape plan.

F. Protection of Trees – Residential and Nonresidential Development:

1. This section applies to all new residential and nonresidential development within the Village.

2. All protected trees next to an excavation site or to a construction site for any building, structure, or street work, shall be guarded with a good substantial fence, frame, or box not less than four feet (4') high and surrounding the entire protected zone of the tree(s). The barriers shall be approved by the Village and shall be in place before any site clearance or other site-distributing act commences. Any barrier with lesser dimensions than those specified above shall be subject to approval by the Village. All building material, dirt, excavation or fill materials, chemicals, construction vehicles or equipment, debris, and other materials shall be kept outside the barrier. Barriers shall remain in place until the final building and landscape site inspections are satisfactorily completed for the issuance of the certificate of occupancy.

3. No person shall excavate any ditches, tunnels, or trenches, place any paving material, or place any drive within the protected zone of any protected tree without first obtaining a written permit from the Village.

4. Unless specifically authorized by the Village, no person shall intentionally damage, cut, carve, transplant, or remove any protected tree or shrub; attach any rope, wire, nails, advertising posters, or other contrivance to any protected tree or shrub; allow any gaseous, liquid or solid substance which is harmful to such plants to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any protected tree or shrub.

5. It shall be the duty of any person or persons owning or occupying real property bordering on any street upon which property there may be trees, to prune such trees in such manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct the view from any street or alley intersection. The minimum clearance of any overhanging portion thereof shall be ten feet (10') over sidewalks and fourteen feet (14') over all streets, except truck thoroughfares which shall require a clearance of sixteen feet (16').

6. It shall be the duty of any person of persons owning, occupying or controlling real property upon which tree trimming or removal occurs to advise all landscape contractors, tree services, arborists and others who remove or trim trees of the need for proper disinfection of all cutting tools and the required painting of all tree cuts on oak trees with a proper sealant immediately after cutting or pruning to prevent the spread of oak wilt and to ensure such sealing of cuts.

7. The removal of an existing tree(s) from a development site must be in accordance with this article and all other applicable ordinances of the Village.

Prior to the removal of any protected or specimen tree, as defined within this section, the property owner must first submit a letter to the Village that describes in detail which tree(s) will be removed, how the removal will be performed, including what machinery and equipment will be needed, and the date and time whereupon the anticipated removal will occur. The letter must also include a notarized statement by the owner that the tree(s) to be removed is (are) either not a protected or specimen tree(s), as defined within this section, or that its (their) removal will be in complete conformance with the provisions of this section. The letter must be submitted at least one (1) week in advance for the removal operation.

G. Maintenance: The owner, tenant and their agent, if any, shall be jointly and severably responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not be limited to, mowing of grass six inches (6") or higher, edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials which die shall be replaced with plant material of similar variety and size, within ninety (90) days. Trees with a caliper in excess of four inches (4") may be replaced with trees of similar species having caliper sizes of no less than three inches (3") as long as the aggregate caliper size of the replacement trees are equal to or greater than the aggregate caliper size of the tree(s) replaced. A time extension may be granted by the Village, if substantial evidence is presented to indicate abnormal circumstances beyond the control of the landowner.

H. Integrated Landscape and Pest Management Plan – Nonresidential and Multi-Family Development: The use of herbicides, pesticides and fertilizers shall comply with the approved integrated landscape and pest management plan.

I. Plantings:

1. General:

a. Container grown trees are recommended over balled and burlap field grown trees.

b. Plantings procedures shall comply with the American Nurserymen & Association standards.

c. Turf and landscape areas shall have a minimum of four inches (4") of topsoil.

d. A minimum of three inches (3") of organic mulch shall be added to landscaped areas after planting. Non-porous material, such as sheet plastic, shall not be placed under the mulch.

e. The use of native plant species is recommended.

f. The use of low water and drought tolerant plant species is recommended.

g. Approved Plantings List: Only those plant species listed on the Lady Bird Johnson Wildflower Center "Native Plant Information Network", latest update, shall be used in landscaping in the Village. The approved plantings list is available at the Village's administrative office.

Sec.33.339 Fencing, Walls and Screening Requirements

A. Purpose: Fencing, walls and screening are required to encourage the most appropriate use of land while conserving and protecting the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this section in accordance with the following standards.

B. Screening of Nonresidential and Multi-Family Uses:

1. In the event that multi-family or non-residential uses side or back upon a single-family district or use, a solid masonry or wood screening wall of not less than six feet (6'), nor more than eight feet (8'), in height shall be erected in conjunction with landscaping elements on the property line separating these districts or uses. The purpose of the screening wall or fence is to provide a visual and protective barrier between the properties.

a. The owner of the multi-family or non-residential use property shall be responsible for and shall build and maintain the required wall on the property line dividing the property from the single-family residential district or uses. This construction requirement applies only when multi-family or non-residential use is adjacent to residential use.

b. When screening is required between nonresidential and residential uses, it shall be the responsibility of the nonresidential use to construct and maintain the screening wall.

c. Any screening wall or fence required under the provisions of this article or other Village ordinances shall be constructed of wood, masonry, reinforced concrete, or other similar suitable permanent materials which do not contain openings. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.

d. Alternative equivalent screening may be approved by council through the site plan approval process.

2. In nonresidential and multi-family districts and uses, no fence or wall shall be erected in any front yard or side yard which is adjacent to a public street unless the fence or wall is required to screen the development from an adjacent residential area, particularly if the residence has, or could have, a back yard fence that would be exposed to view from the street if the required screening wall were not extended out to the street right-of-way line. If required to screen a residential area, the screening fence or wall shall be extended out to the street right-of-way line by the developer of the nonresidential or multi-family development, and the fence or wall shall be finished on both sides in a manner and color that is compatible to the exterior finish materials used on the nonresidential or multi-family buildings. Screening fences or walls shall be placed such that they do not impede visibility for vehicles entering or exiting the nonresidential or multi-family development.

3. Open storage of materials, commodities or equipment shall be screened with a minimum six-foot (6') fence or wall, and shall not be visible from the street or from adjacent property.

4. In districts permitting open storage, screening shall be required only for those areas used for open storage. A six-foot (6') screening fence or wall shall be provided and maintained at the property line adjacent to the area to be screened by one or a combination of the following methods:

   a. Solid masonry consisting of rock, stone, or other material that is equivalent, visually and qualitatively;

   b. Wrought iron in conjunction with solid landscape screening;

   c. Wood or wood vinyl in conjunction with solid landscape screening; and

   d. Alternate equivalent screening may be approved by council through the site plan approval process.

   No outside storage may exceed the height of the fence. Outside storage exceeding eight feet (8') shall require approval of the council as a variance.

5. Refuse storage areas which are not within a screened rear service area and which are visible from a public right-of-way or street easement for all nonresidential and multi-family uses shall be visually screened by a minimum six-foot (6') solid masonry wall on at least three (3) sides. The fourth side, which is to be used for garbage pickup service, may provide an optional gate to secure the refuse storage area. Council through the site plan approval process may approve alternate equivalent screening methods. Each refuse facility shall be located so as to

facilitate pickup by refuse collection agencies. Adequate reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading.

6. Plans and specifications for screening and fencing around ground-mounted utility structures, including transformers and natural gas regulating stations, shall be approved in writing by the affected utility company, and shall be submitted, along with an approval letter from the utility company, to the Village for review and approval prior to construction of said screening or fencing.

7. Chain link fences shall be vinyl coated and colored black or green.

C. Fences in Single-Family Residential Areas:

1. Any fence or wall located to the rear of the minimum required front yard line shall not exceed eight feet (8') in height.

2. Any fence or wall that faces a street shall be constructed of wood, ornamental iron, stone, concrete, stucco or brick façade. Wire fencing is permitted behind the foregoing materials. A fence that was in existence on or prior to the effective date of this article may be restored to its original condition, may be repaired, and may be extended by twenty-five percent (25%) of its length as measured on or before the effective date of this article.

3. Gates designed for vehicular access shall be set back from the property line a minimum of twenty-five feet (25').

4. Fences around swimming pools shall comply with the Standard Swimming Pool Code and the Village's codes or ordinances pertaining to it.

5. Special purpose fencing, such as fencing around tennis courts, is permitted. If a chain link fence is used it shall be vinyl coated and colored black or dark green.

D. All mechanical and utility equipment, whether ground- or roof-mounted, shall meet all applicable front, side and rear setback requirements of the applicable zoning district, shall be of a neutral color, and shall be screened from view of any street or adjacent property up to and including a "line-of-sight" height of five feet (5') above the street right-of-way line or street easement line and all other boundary lines of the subject property. Roof-mounted equipment shall be located as close to the center of the building as reasonably possible, and shall be screened by a parapet wall of the same color and finish as the building facade or by some other architectural feature that is complementary to the design of the building facade. A dense, opaque evergreen landscaped screen shall screen ground-mounted equipment. A six-foot (6') tall solid masonry wall may be used in lieu of the landscaped screen provided that the exterior finish materials are neutral in color and are compatible with the color and finish of the building on the premises. Plans and specifications for screening and fencing around ground-mounted utility structures,

including transformers and natural gas regulating stations, shall be approved in writing by the affected utility company, and shall be submitted, along with an approval letter from the utility company, to the Village for review and approval prior to construction of said screening or fencing.

Sec. 33.340 Slope Limits

A. No construction or land disturbing activities shall be permitted on natural grades with slopes of twenty-five percent (25%) or steeper.

B. No roadways or driveways shall be constructed on natural grades with slopes steeper than fifteen percent (15%) except where necessary to provide primary access to areas of flatter slopes, constituting a minimum of two (2) contiguous acres or building sites for at least five (5) residential units.

C. All finish or final grading on slopes three to one (3:1) and steeper shall be stabilized by techniques approved by the Village.

D. Erosion control matting shall be installed on all disturbed areas with a finished grade of four to one (4:1) or steeper.

E. Site development plans for those sites having natural grades with slopes steeper than fifteen percent (15%) slopes shall include a slope map drawn at the same scale as the topographic map, depicting slopes of 0-15%, 15-25%, 25-35%, and over 35%. Slopes maybe calculated based on contour intervals not to exceed four feet (4'). The slope map shall include a tabulation of the site area per each slope category.

Sec. 33.341 Cut and Fill

A. Land Balancing:

1. All cut and fill land balancing shall be limited to a maximum of five feet (5'), except as modified in subsection (c) below.

2. Retaining walls shall not exceed one foot (1') above the material being retained within the front setbacks.

3. Retaining walls over five feet (5') in height shall be detailed in the site development plan. Deferred submittals for retaining walls over five feet (5') are not allowed.

B. Detention and Water Quality Ponds:

1. There are no cut or fill limitations for the construction of water quality basins and stormwater detention ponds.

2. Developer shall provide to the Village proof of compliance with state dam safety regulations for all "dams" as defined and as regulated in the Texas Administrative Code, Title 30; Chapter 299.

C. Streets and Rights-of-Ways: All cut and fill for the construction of streets and rights-of-ways shall be limited to ten feet (10').

D. Spoils Disposal:

1. No fill shall be placed on any lot prior to the issuance of a site development permit and/or a non-point source pollution control permit.

2. Temporary spoils on sites identified on construction drawings and approved by the Village shall be removed prior to the issuance of a certificate of acceptance for the associated construction project.

3. Prior to removal of spoils from a site, the developer shall notify the Village as to the destination of the spoils.

Sec. 33.342 Erosion and Sedimentation Controls

A. All site developments and land disturbing activities shall install erosion and sedimentation controls to control silting and erosion.

B. A general description of the erosion and sediment control plan shall be submitted with all requests for permits and approvals for site development.

C. Implementation of erosion and sediment control and restoration measures shall be in accordance with the Village's non-point source pollution control ordinance and with the City of Austin, Texas Environmental Criteria Manual, (latest edition).

D. Erosion control matting shall be installed on all disturbed areas with a finished grade of four to one (4:1) or steeper.

E. All areas disturbed by construction shall be re-vegetated.

Sec. 33.343 Non-Residential and Multi-Family Land Clearing

The clearing of land within the Village shall conform to the following criteria:

A. No right-of-way clearing, rough cutting or site clearing whatsoever shall be allowed without first obtaining Village approval through the site development and non-point source pollution control permitting and approval processes.

B. No clearing or rough cutting shall be permitted until the construction of temporary erosion and sedimentation controls are in place.

C. Vegetation within the critical water quality zone may not be disturbed except for purposes consistent with the NPS pollution control permit.

D. Unless approved phasing allows, the length of time between land clearing of rights-of-way and final surfacing of streets shall not exceed twelve (12) months. If an applicant does not meet this deadline, the Village will notify the applicant in writing that the Village may complete the streets or re-vegetate the disturbed area at the applicant's expense unless the applicant does so within sixty (60) days after the date on the notice.

Sec. 33.344 Drainage

A. Application: The Village drainage regulations shall govern the planning and design of storm drainage facilities within the Village and within all areas subject to its extraterritorial jurisdiction. Definitions, formulae, criteria, procedures and data shall comply with the City of Austin, Texas Drainage Criteria Manual (latest edition). In order to receive a variance to any of the criteria in this section, the applicant must receive approval from the council.

B. General:

1. In this section, any reference to storm water runoff shall mean that runoff is calculated to exist under fully developed conditions with no upstream detention, even if upstream detention exists.

2. All drainage facilities including streets, inlets, storm sewers, and drainage facilities shall be designed to intercept and transport runoff from a 25-year frequency storm.

3. In addition to subsection (1) above, the drainage system shall be designed to convey to off site locations those flows greater than a 25-year frequency up to and including a 100-year frequency storm within defined rights-of-ways or drainage easements.

4. Peak flows shall not be increased at any location off the subject site for the two (2), ten (10), twenty-five (25), or one-hundred (100) year storm frequencies.

5. Regulation of peak flows to allowable levels as determined by the provisions of this section shall be achieved by storm water storage on-site or off-site. Storm

water detention shall comply with the City of Austin, Texas Drainage Criteria Manual (latest edition).

6. For those developments which are immediately adjacent to and discharge directly into Lake Travis, on-site detention is not required. The landowner shall however realize that if any unforeseen condition requires some measure of protection, it will be his or her responsibility to identify such and make provisions within his or her design.

7. Stormwater Detention Waiver Eligibility: A single-family residential development project is eligible for a waiver of stormwater management requirements for detention if the applicant can demonstrate that each individual single-family residential lot is greater than one (1) acre in area and impervious cover does not exceed twenty percent (20%). Developments of this nature are encouraged to utilize an open roadway section to limit the use of storm sewers to promote water quality enhancement in roadside swales.

   Applicant should however realize that if an unforeseen condition (outfall erosion, etc) requires some measure of protection, it would be applicant's responsibility to identify such and make provisions within its drainage management. Discharge points shall include energy dissipation controls to mitigate increases in energy as a result of the development. Sheet flow shall be achieved prior to discharge from the development unless intervened by an existing channel or creek.

8. Street Drainage:

   a. No lowering of the standard height of street crown shall be allowed for the purposes of obtaining additional hydraulic capacity.

   b. For non-curbed streets all flows shall be contained within paralleling roadside ditches.

9. Drainage System:

   a. All drainage system components within public rights-of-ways or drainage easements shall be manufactured and installed in compliance with the City of Austin, Texas Standard Specifications (latest edition). This provision applies only to those drainage systems that are to become an integral part of the public storm sewer system, and excludes any private internal site systems.

   b. Construction plans for proposed reinforced concrete box culverts; bridges and related structures may be adaptations of the Texas Department of Transportation (TX DOT) Standards.

c. For bridges and culverts in residential streets, runoff from the 100-year frequency flow shall not produce a headwater elevation at the roadway greater than either twelve inches (12") above the roadway crown elevation or any top of upstream curb elevation, whichever is lower.

d. For bridges and culverts in streets other than a residential street, runoff from the 100-year frequency storm shall not produce a headwater elevation at the roadway greater than six inches (6") above the roadway crown elevation or six inches (6") above any top of upstream curb elevation, whichever is lower.

e. For drainage facilities (including headwalls, open channels, storm sewers, area inlets, detention retention and water quality controls and their appurtenances) located within drainage easements, excluding roadway culverts and bridges, the means for access and maintenance shall comply with the following requirements:

(i) Barrier-type fences, such as chain link, solid woods, masonry, stone or wrought iron, at least six feet (6') high are required to prevent access to detention, retention and water quality facilities that have interior slopes steeper than 3H:1V and are located within five hundred feet (500') of a residential structure. Steel fence posts shall be set in a minimum of eighteen inches (18") deep with a twelve inches (12") minimum diameter concrete footing.

(ii) The landscaping requirements of Section 33.336 of this article apply for all detention, retention and water quality facilities.

(iii) A twelve-foot (12') wide maintenance access strip is required around the perimeter of detention, retention, and water quality facilities. This maintenance access strip shall not have a post construction slope steeper than fifteen percent (15%). In addition, detention, retention, and water quality facilities shall not be located within fifty feet (50') of a residential structure, and shall have a permanent maintenance equipment maintenance ramp. This distance for the maintenance access strip and fifty foot (50') residential setback shall be measured from the edge of any portion of the facility such as the toe of facility embankment, end of concrete apron/rock rip rap, or top of structural wall.

(iv) Discharge from storm sewer outfalls shall not cause channel, bluff, or stream bank erosion. Applicant must show acceptable non-erosive conveyance to the creek flow line and a stable headwall.

(v) Free standing structural walls/facilities located on or adjacent to a residential lot shall not be greater than six feet (6') in height.

(vi) Drainage or drainage access easements on side lot lines, shall be located adjacent to a property line and not centered on a property line.

(vii) Access/drainage easements and access drives are required for detentions, retention, and water quality facilities. Access drives shall be a minimum twelve feet (12') wide and not exceed fifteen percent (15%) grade. A turning radius not less than fifty feet (50') is required for all horizontal alignments. Grade changes shall not exceed twelve percent (12%) for vertical alignments.

The access drive shall include a means for equipment to turn around when located more than two hundred feet (200') from a public roadway. Access drives shall be cleared, graded and stabilized with stones.

(viii) Access drives are required for area inlets and headwalls when access is proposed between family lots or when access from any other location exceed twenty percent (20%) grade. Access drives shall be a minimum of twelve feet (12') wide and not exceed twenty percent (20%) grade. Access drives shall be cleared, graded and stabilized with stones.

(ix) In all cases, trees shall be preserved according to the requirements of Section 33.336 of this article.

(x) No development, including existing conditions, shall allow stormwater to pond and become stagnant. Maximum draw down time for detention ponds shall not exceed twenty-four (24) hours. This section does not apply to environmental features or facilities.

10. Computations: Computations to support all drainage designs shall be submitted to the Village for review. The computations shall be in such form as to allow for timely and consistent review and also to be made a part of the permanent Village record for future reference. A professional engineer registered in the State of Texas shall certify all computations submitted.

11. Flood Plain Delineations:

a. Village of Volente:

(i) In all cases where floodplain delineation is required, its determination shall be based on the projected full development of all properties contributing to the point of consideration. It is the responsibility of applicant's design engineer to determine, based

on the most accurate information available, the fully developed drainage area.

(ii) Applicant may elect to utilize a flood plain delineation previously approved by the Village, assuming the same is still applicable under present requirements and criteria. In so doing applicant does not remove himself or herself from the responsibility for the report's accuracy.

(iii) For purposes of this section, a drainage area of sixty-four (64) acres or greater is required within a contributing watershed to create a "flood plain". For areas of flow with less than sixty-four (64) acres of contributing area, no flood plain shall be defined; however, with regards to the drainage criteria contained in this section any concentrated flow necessitates the dedication of a drainage easement.

b. Federal Emergency Management Agency: If land development activities are proposed which will result in existing condition flood hazard boundary delineations different from those depicted on the current Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA), the applicant for site development approval shall provide to the Village all information, calculations and maps as needed to satisfy all current FEMA FIRM revision procedures. This will be in addition to other information required in this section.

If an encroachment to the FEMA floodplain is proposed which will result in increases to the 100-year base flood elevation, the applicant must obtain a Conditional Letter of Map Revision (CLOMR) from FEMA prior to a development permit being issued for the project. For all other proposed modifications to the FEMA floodplain, the applicant shall apply to FEMA for a CLOMR or a Conditional Letter of Map Amendment (CLOMA) using FEMA's most current map revision submittal requirements prior to a development permit being issued for the project. FEMA's acknowledgment letter from the regional office will serve as proof of application. The CLOMR or CLO.MA must be obtained from FEMA prior to the Village's final letter of acceptance for site development

The applications that will require a CLOMR or CLOMA include those in which: (i) a physical modification to the floodplain is proposed, (ii) development is proposed within an unstudied "A" Zone as defined on the FIRM, and/or (iii) the applicant disagrees with the information provided on the FIRM and wishes to have this information changed.

Submissions to FEMA for revisions to effective Flood Insurance Studies (FIS) by individual and community requesters will require the signing of

application/certification forms and the payment of fees. These forms will provide FEMA with assurance that all pertinent data relating to the revisions is included in the submittal. They will also assure that: (i) the data and methodology are based on current conditions, (ii) qualified professionals have assembled data and performed all necessary computations, and (iii) all individuals and organizations impacted by proposed changes are aware of the changes and will have an opportunity to comment on them.

A request for a revision to the effective FIS information (FIRM, FBFN, and/or FIS report) is usually a request that FEMA replace the effective floodplain boundaries, flood profiles, floodway boundaries, etc., with those determined by the requester. Before FEMA will replace the effective FIS information with the revised, the requester must: (i) provide all of the data used in determining the revised floodplain boundaries, flood profiles, floodway boundaries, etc, (ii) provide all data necessary to demonstrate that the physical modifications to the floodplain have been adequately designed to withstand the impacts of the 100-year flood event and will be adequately maintained, and (iii) demonstrate that the revised information (e.g., hydrologic and hydraulic analyses and the resulting floodplain and floodway boundaries) are consistent with the effective FIS information.

12. Definitions: All terms and abbreviations used in this section are presented in the "Glossary" of the City of Austin, Texas Drainage Criteria Manual (latest edition).

C. Responsibilities of Landowner or Developer:

1. The owner or developer of property to be developed is responsible for the conveyance of all stormwater flowing through the property, including stormwater that:

   a. Is directed to the property by other developed property; or

   b. Naturally flows through the property because of the topography.

2. Future upstream development shall be accounted for as determined under this section.

3. If the construction or improvement of a storm drainage facility is required along a property line that is common to more than one (1) property owner, the owner proposing to develop the property is, at the time the property is developed, responsible for each required facility on either side of the common property line.

4. The responsibility of the owner proposing to develop the property includes the responsibility to dedicate or obtain the dedication of any right-of-way or easement

necessary to accommodate the required construction or improvement of the storm drainage facility.

5. If an owner of property proposes to develop only a portion of that property, a stormwater drainage facility to serve that portion of the property proposed for immediate development or use is required, unless the Village determines that construction or improvement of a drainage facility outside that portion of the property to be developed is essential to the development or use of the property to be developed.

6. The owner or developer shall provide adequate off-site drainage improvements to accommodate the full effects of the development.

7. Dedications of Easements and Rights-Of-Ways:

   a. The owner of real property proposing to be developed shall dedicate for the public use an easement or right-of-way for a drainage facility, open or enclosed, and stormwater flow to the limits of the 100-year flood.

   b. An easement or right-of-way required by subsection (A) above shall be:

      (i) A minimum of twenty-five feet (25') in width for an open drainage system; or

      (ii) A minimum of fifteen feet (15') in width for an enclosed drainage system.

   c. The owner of the property shall dedicate any additional easement or right-of-way that is necessary to allow continuous access for the operation, maintenance, or rehabilitation of a drainage facility.

   d. A part of a lot or tract of land that is located in an easement or right-of-way required by this section shall be included as part of the area of the lot or tract of land in the calculation of density or impervious cover.

8. The record owner of a detention basin or appurtenance that receives stormwater runoff from a commercial or multifamily development shall maintain the basin or appurtenance in accordance with the maintenance standards in the City of Austin, Texas Drainage Criteria Manual (latest edition).

D. Restrictions:

1. Unless authorized by the Village through the site development permitting and approval processes, a person may not place, or cause to be placed, an obstruction in any waterway.

2. The person in control of real property traversed by a waterway shall keep the waterway free from an obstruction that is not authorized by a site development permit or approval.

3. A pool of standing water in a waterway that is caused by an unauthorized obstruction in the waterway is declared to be a nuisance.

4. A final plat, subdivision construction plan, or site plan will not be approved unless:

   a. The proposed plat, construction plan, or site plan provides a sufficient waterway for the design flood, as required by this section;

   b. Each proposed improvement is sufficiently strong to resist:

      (i) External pressure caused by earth or building; and

      (ii) Internal pressure or abrasion caused by water or debris;

      (iii) The proposed grades will not permit water to gather in a pool that may become stagnant;

      (iv) Temporary and permanent measures to control erosion are sufficient to minimize silting of the waterway;

      (v) The proposed development will not result in additional identifiable adverse flooding on other property, and to the greatest extent feasible, preserves the natural and traditional character of the land and the waterway, and includes on-site control of the two-year peak flow, as required by this section and for pollution control in accordance with the Village's non-point source pollution control ordinance.

5. A proposed development may provide off-site control of the two-year peak flow, if the off-site control will not cause:

   a. An adverse water quality impact from increased in-stream peak flow; or

   b. Stream bank erosion.

6. The Village will not accept any application or plan for a proposed alteration or improvement of a bed or bank of a waterway unless the application or plan is accompanied by a certificate bearing the seal of a Texas professional engineer certifying that:

   a. The hydraulic and structural design is adequate; and

b. The proposed alteration or improvement complies with the ordinances of the Village and the laws of this state.

7. If a plat or subdivision site development plan requires the completion or partial completion of a drainage improvement before a building may be constructed on a lot, a building permit will not be issued for the lot until the drainage improvement is constructed to the satisfaction of the Village.

8. A site development permit will be approved only if the applicant provides fiscal security for:

   a. Installing and maintaining erosion and sedimentation controls throughout construction on the site;

   b. Re-vegetating the site;

   c. Performing on-site and off-site cleanup; and

   d. Remedying any erosion damage that results from development authorized by the site plan.

9. Site development will not be approved if a proposed building or parking area encroaches on the 100-year flood plain.

10. The Village may grant a variance to subsection (9) above if:

    a. The finished floor elevation of a proposed building is at least two feet (2') above the 100-year floodplain;

    b. Normal access to a proposed building is by direct connection with an area above the regulatory flood datum;

    c. A proposed building complies with structural flood damage prevention requirements of the Village's construction codes;

    d. The development compensates for the floodplain volume displaced by the development;

    e. The variance is required by unique site conditions; and

    f. Development permitted by the variance does not result in additional adverse flooding of other property.

11. Site development with a proposed building or parking area that encroaches on the 100-year floodplain may be approved if the encroachment is:

a. A parking area that is smaller than five thousand square feet (5,000sf) or an unoccupied structure that has an area of less than one thousand square feet (1,000sf) and the proposed development:

(i) Will not have an adverse impact on the 100-year floodplain or surrounding properties; and

(ii) Otherwise complies with the requirements of this section;

E. Drainage Design Standards:

1. The design of a drainage facility or improvement shall comply with:

a. The City of Austin, Texas Drainage Criteria Manual (latest edition); and

b. Of the Village's non-point source pollution control ordinance

2. Storm Runoff: Storm runoff determinations shall be performed in accordance with the City of Austin, Texas Drainage Criteria Manual (latest edition) and in accordance with state dam safety regulations in the Texas Administrative Code, Title 30, Chapter 299 for watersheds of "dams".

3. Street Flow: Flow of water through intersections, valley gutter flow, spread of water, and ponding shall be determined in accordance with the City of Austin, Texas Drainage Criteria Manual (latest edition).

4. Inlets: Hydraulic designs of storm water inlets shall comply with the City of Austin, Texas Drainage criteria Manual (latest edition) , except slotted drain inlet may be used only if approved by the Village as a variance.

5. Storm Drains: Storm drains shall be designed in accordance with the City of Austin, Texas Drainage Criteria Manual (latest edition). All storm drainpipes within public right-of-way or to be dedicated to the public shall be reinforced concrete pipe.

6. Open Channels: Open channels shall be designed in accordance with the City of Austin, Texas Drainage Criteria Manual (latest edition), subject to the following additional requirements:

a. Non-structural channel bank and channel bottom stabilization methods shall be used unless the Village as a variance approves structural stabilization methods.

b. Natural drainage channels shall be preserved whenever possible. Open surface drainage through grass-lined swales shall be preferred over the use of enclosed sewers, streets and street rights-of-way as the central drainage

network. Drainage into or across sinkholes, faults and other areas of rapid groundwater recharge shall be avoided whenever practicable.

c. Channel cross-sections shall be trapezoidal in configuration.

d. Side slopes of channels shall be no steeper than four (4) horizontal to one (1) vertical except for curves and transitions where slope stabilization acceptable to the Village may be allowed.

e. All constructed and altered drainage channels shall be stabilized and vegetated immediately after final grading and have synthetic erosion control matting for channels installed.

f. Freeboard shall be three inches (3") above the 100-year flood water surface level.

7. Culverts, Bridges: Culverts and bridges shall be designed in accordance with the City of Austin, Texas Drainage Criteria Manual (latest edition). TxDOT standard culvert and bridge details may be used.

8. Detention: Stormwater management ponds shall be designed in accordance with the City of Austin, Texas Drainage Criteria Manual (latest edition) and in accordance with state dam safety criteria in the Texas Administrative Code, Title 30, Chapter 299 for "dams", subject to the following additional requirements:

a. All stormwater management ponds shall be on-site ponds and shall be combined with non-point source pollution control facilities to minimize site disturbance.

b. The water quality volume within non-point source pollution control ponds may be counted toward storm water detention volume requirements at the discretion of applicant's engineer.

Sec.33.345 WATER AND WASTEWATER UTILITY SERVICE.

A. General Provisions.

1. Applicability: This section applies to the jurisdiction of the Village unless stated otherwise in this article.

2. Service Area of Water and Wastewater Utility: The service area of the Village water and wastewater utility is coterminous with the incorporated boundary lines of the Village. The Village may not provide water or wastewater service outside the service area of the water and wastewater utility unless the council by ordinance waives the prohibition.

3. Regulation of a Wastewater Treatment Plant by the Village Health Authority: In accordance with Sections 26.173 and 26.177 of the Texas Water Code, the Village health authority:

   a. May inventory, monitor, and periodically inspect and test the discharge from a wastewater treatment plant; and

   b. Shall impose on the owner of a plant an annual fee for inspecting and sampling the discharge.

B. Water Districts:

1. General Provisions:

   a. Applicability: This section applies to:

      (i) The creation of a water district in the jurisdictional boundaries of the Village;

      (ii) The request by an existing water district to annex or include Village territory in a water district;

      (iii) An amendment to a water district consent document or an agreement with a water district; and

      (iv) A water district bond issuance.

   b. Definitions: In this section:

      (i) ***Land Use Plan:*** means a map showing proposed and existing land uses in a water district.

      (ii) ***Municipal Utility District:*** means a water district created and operating under the authority of Section 59,Article XVI, Texas Constitution, and Chapters 49, 50 and 54, Texas Water Code.

      (iii) ***Petition:*** means the written request to the Village for consent to the creation of or annexation to a water district required by the Texas Water Code and any document required by Village ordinances.

      (iv) ***Water District:*** means a district or authority, including a municipal utility district and a water control and improvement district, that is created under Section 52, Article III, Texas Constitution, or Section 59, Article XVI, Texas Constitution, and Title 4, Texas Water Code.

c. Minimum Land Requirements; Economic Viability:

(i) A water district shall not contain less than 100 acres of territory.

(ii) A water district shall contain an amount of territory sufficient to assure the economic viability of the water district.

(iii) An applicant seeking consent to the creation of a water district or to include Village territory in an existing water district shall submit information to the Village to demonstrate the economic viability of the proposed or extension of the existing water district.

2. Creation of Water District Inside Village:

a. A water district may be created inside the municipal limits of the Village only if:

(i) The written consent of the council is obtained by the assenting vote of at least seventy-five percent (75%) of the council membership;

(ii) Creation of the water district complies with this article.

b. Territory located inside the jurisdictional boundary of the Village may be included in a proposed water district only if:

(i) All areas of the territory is one thousand feet (1,000') or less from a major arterial thoroughfare as defined in the comprehensive plan; and

(ii) the area of the territory does not exceed (5%) of the total amount of territory in the proposed water district.

3. Procedure for Creation:

a. Review of a Petition: The Village shall review a petition filed with the Village for the council's consent to:

(i) The creation of a water district; or

(ii) The annexation of Village territory into a water district.
The review by the Village of the petition shall comply with this section.

b. Pre-application Review:

(i) A person who intends to file a petition for the creation of a water district shall discuss the proposed water district in a pre-application review with the Village before the petition is filed.

(ii) To request a pre-application review, a person shall notify the Village of the person's intent to file a petition in writing at least thirty (30) days before the date the person files the petition with the Village.

c. Petition Filed; Notice of Petition:

(i) A petition for the creation of a water district shall be filed with the Village.

(ii) The Village shall give notice under of a petition filed under this section.

(iii) On the filing of a request for the consent of the Village to the creation of a municipal utility district, the Village shall designate the proposed district as a Village service district or a non-Village service district.

d. Review of Petition by Village: Village shall:

(i) Review the petition;

(ii) Prepare a report on the petition;

(iii) Include appropriate recommendations in the report.

(iv) The Village shall send a copy of each report to council, the Village secretary, and the Village attorney;

(v) The copy of the compilation sent to the Village secretary is available for public inspection.

e. Public Hearing before Council: The council shall set and hold a public hearing on the petition before the expiration of the period established by state law. A public hearing shall be held during a regularly scheduled council meeting.

f. Initial Action by Council: After the conclusion of the public hearing and before the expiration of the period state law establishes for review of the petition, the council by resolution may:

(i) Deny consent to the creation of the water district; or

(ii) Grant initial consent to creation of the water district, specifying each condition necessary for final consent. If the council grants initial consent to the creation of a water district, the council shall instruct the Village attorney to prepare the documents required for final consent by the council, including a consent ordinance and required agreements. The Village attorney shall draft the required documents, and before the time the council is scheduled to grant final consent, send a copy of the documents to the council, Village secretary, and person who filed the petition.

g. Council Action on Annexation Petition: The council shall act on a petition for consent to the annexation of Village territory by a water district before the ninety first (91st) day after the date the petition is filed, except as may be otherwise required by state law.

h. Site Development Approval: The council will not approve site development in a water district that does not comply with a resolution or ordinance adopted in connection with the consent by the Village to the creation of the water district or an agreement entered into in connection with the consent of the Village to the creation of the water district.

i. Construction of Article:

(i) To the extent of conflict between this section and another regulation of this article, the other article regulation prevails.

(ii) This section does not exempt any development located in the territory of a water district or undertaken on behalf of a water district from any applicable provision of this article or from the Village's code of ordinances.

4. Conditions and Restrictions on Consent to Creation of Water District:

a. General Provisions:

(i) The council may impose a condition or restriction on a water district in connection with the consent of the Village to the creation of a water district in accordance with this section and applicable state law.

(ii) A condition or restriction imposed in connection with the consent of the Village to the creation of a water district shall be included in a resolution, agreement, or ordinance that pertains to the water district.

b. Conditions and Restrictions Generally:

(i) This section applies to each water district.

(ii) The plans and specifications for a facility to be financed or constructed by or on behalf of a water district shall be approved by the Village before construction begins. Fees may be charged for the review and approval of the plans and specifications. The facility shall be constructed in accordance with the approved plans and specifications.

(iii) The Village may inspect the construction of a facility financed or constructed by or on behalf of a water district as determined necessary by the Village to ensure compliance with the approved plans and specifications and any applicable requirement. The Village may charge a fee for an inspection.

(iv) A water district shall prepare and file with the Village a certified copy of each annual audit of the water district, and an annual report describing the status of construction by or on behalf of the water district.

(v) A water district shall not provide any service outside the boundary of the water district without the approval of the council.

(vi) A water district shall not annex territory to or exclude territory from the water district without the approval of the council.

(vii) All territory and each easement for a water district facility shall be dedicated to the public, the water district, and each successor of the water district.

c. Conditions and Restrictions Applicable to a Village Service Water District.

(i) This section applies to a Village service water district.

(ii) If a water district receives or will receive water or wastewater service from the Village, the water district shall adopt and enforce as a water district rule all Village rules with respect to water conservation, water regulations, wastewater regulations, plumbing regulations, and non-point source pollution control regulations.

(iii) A Village service district shall not support or encourage any attempt to incorporate a municipality in the district, or any attempt by a municipality other than the Village to annex territory in the district.

(iv) A Village service water district shall concurrently submit to the Village a certified copy of each document the water district submits to the Texas Commission on Environmental Quality or any successor agency of the state.

d. Bond-Related Provisions: The following provisions shall be included in a water district consent agreement.

(i) A water district shall pledge the revenue and ad valorem taxes of the water district to the payment of the principal of and interest on all bonds issued by the district.

(ii) A bond shall be issued by a water district only for a purpose authorized by state law.

(iii) A bond issued by a water district for one purpose shall not be used for another purpose.

(iv) The Village, to insure the economic vitality of a water district and to the extent authorized by the laws of this state, may limit the amount of bonds the water district may issue.

(v) To insure compliance by a water district with each applicable condition or restriction imposed in connection with the consent of the Village to the creation of the water district, the council is entitled to approve the issuance or sale of a water district bond before the water district issues a bid invitation for the bond. If the water district is not in compliance with each applicable condition, the council may not approve the issuance or sale of the bond; and the water district shall not issue or sell the bond.

(vi) Each bond issued by a water district must include a call provision that permits the water district to redeem the bond at par.

(vii) A water district shall not spend the proceeds of a bond or incur any indebtedness for the purpose of providing service to territory outside the boundary of the water district without the prior approval of the council.

(viii) The net effective interest rate of a bond issued by a water district shall not exceed one hundred two percent (102%) of the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one (1) month period preceding the date that notice of sale is given. In consenting to the creation of a water district, the Village may impose an additional condition or restriction on the terms, provisions, or sale of a bond

or note of the water district. A condition or restriction imposed under this subsection may not cause the bond or note to be unmarketable. The Village shall require that a position on the water district board be held by a Village council member or his/her designated representative.

e. Utility Rates in a Municipal Utility District:

(i) The consent of the Village to the creation of a municipal utility district shall be conditioned on a contract between the Village and the municipal utility district. The contract shall include adequate detail as required by the laws of this state; and provide that at the time the Village annexes the territory of the municipal utility district, water and wastewater rates established for property in the municipal utility district shall be sufficient to fully compensate the Village for assuming the indebtedness of the municipal utility district after the municipal utility district is dissolved.

(ii) A water or wastewater rate established under a contract required by subsection (i) above shall be based on the water or wastewater rate established for other customers in the boundary of the Village and shall include a component based on the monthly debt retirement payment assumed by the Village. A water or wastewater rate may be recalculated as provided in the contract.

(iii) A water or wastewater rate established under a contract required by subsection (i) above shall remain in effect until the bonded indebtedness of the water district is fully retired, and the Village is fully compensated, regardless of whether a bond of the water district is called.

(iv) The written consent of the Village to the creation of a municipal utility district shall specify the date by which at least ninety percent (90%) of the water, wastewater, drainage, and road improvements for which bonds of the municipal utility district are issued shall be installed or completed.

f. Annexation by Village of Water District Territory:

(i) The consent of the Village to the creation of a water district may include a provision relating to the timing and conditions of annexation by the Village, for full or limited purposes, of the territory in the water district.

(ii) The consent of the Village to the creation of a municipal utility district may provide that the Village and the municipal utility

district shall enter into an allocation agreement relating to annexation by the Village of the territory in the municipal utility district. An allocation agreement entered into under this subsection must be in compliance with the applicable law of this state, and may include a term or condition that is determined by the Village to be necessary.

(iii) On annexation of the territory in a water district, the Village may:

(a) permit the water district to continue to exist in accordance with the laws of the state;

(b) dissolve the water district in accordance with the laws of the state; or

(c) permit the water district to continue to exist in accordance with an allocation agreement entered into in compliance with the laws of the state.

5. Out-of-District Service:

a. Applications Not Covered By This Subsection (7):

(i) This subsection does not apply to an application requesting that a water district provide water or wastewater utility service to a site outside of the boundaries of the water district if the site proposed to be served by the water district:

(a) is located in the service area of the Village's water and wastewater utility;

(b) is separated geographically from Village water or wastewater facilities by the water district; and

(c) can be served by a facility financed by contract bonds, and located in or immediately adjacent to the water district.

(ii) A person requesting service described in subsection (i) above shall apply under subsection Sec. 3.343 (B)

b. Application for Out-Of-District Service: An application requesting that a water district provide water or wastewater utility service to a site outside of the boundary of the water district shall be filed with the Village by the person receiving the service. An application filed under this division includes each document required by Village rules.

c. Notice of Application: On receipt of an application filed under this section, the Village shall notify the council, Village secretary and presiding officer of the commission.

d. Village Review; Council Actions:

(i) The Village will review the application filed under this subsection and will send its recommendation on the application to the council not later than the sixtieth (60th) day after the date the application is filed with the Village.

(ii) The council shall act on an application filed under this section not later than the date of the second (2nd) regular meeting of the council that is to be held after the date that the council receives the final recommendations required by subsection (i) above.

e. Emergency Out-Of-District Service:

(i) To prevent or alleviate a danger to the public health and safety, the council may approve a request that a water district provide water or wastewater utility service to a site outside of the boundary of the water district.

(ii) The council shall review a request made under subsection (i) above during the first regular meeting of the council that is held after the Village receives the request.

6. Amendment to a Consent Document or an Agreement With a Water District:

a. Application for Amendment of Agreement: An application to amend a consent document or an agreement between a water district and the Village shall be filed by a party to the document or agreement or a successor in interest to that party. An application filed under this subsection includes each document required by Village rules.

b. Notice of Application: On receipt of an application filed under this subsection, the Village will notify the council, Village secretary, and presiding officer of the commission.

c. Village Review; Council Action:

(i) The Village will review an application filed under this subsection and shall send its recommendation on the application to the council not later than the sixtieth (60th) day after the date the application is filed with the Village.

(ii) The council shall act on an application filed under this subsection not later than the date of the second (2nd) regular meeting of the council that is to be held after the date that the council receives the final recommendations required by subsection (i) above.

7. Water District Bond Issuance:

a. Applicability: This subsection applies to a water district created with the consent of the Village after the effective date of this article.

b. Village Approval Required: A water district shall not issue a bond unless the council approves the issuance of the bond.

c. Application for Approval of a District Bond: A water district that proposes to issue bonds shall file an application for approval of the issuance with the Village. An application filed under this subsection shall include all documents required by the Village.

d. Notice of Application: On receipt of an application for approval of a district bond, the Village shall notify the council, the Village secretary, and the presiding officer of the commission of the application and shall provide the same with one (1) copy of the application.

e. Village Review: The Village shall complete its review of the application not later than the forty-fifth (45th) day after the date the complete application is filed.

f. Village Review; Release of Official Statement:

(i) The Village shall review the preliminary and final official statements of the water district that include the Village's financial statements and audited opinion.

(ii) Until the Village completes the required review, an official statement described in subsection (i) above may not be disclosed to a person, other than:

(a) an officer of the Village authorized by the council; or

(b) a consultant who is assisting the water district to structure the issuance of a water district bond.

g. Action on Application by Council: The council shall act on an application filed under this section not later than the date of the second (2nd) regular meeting of the council held after the date the council receives the recommendations of the Village.

h. Non-Village Public Utilities: Reserved

C. Private Sewage Facilities:

1. Regulation of On-Site Sewage Facilities:

a. Applicability: This subsection (j) applies to a structure that discharges sewage into an on-site sewage facility within the jurisdictional boundaries of the Village.

b. Definitions: Words and phrases in this subsection (j) have the same meaning they have in Chapter 366 of the Texas Health and Safety Code and in Chapter 285 of Title 30 of the Texas Administrative Code.

c. Adoption of State Law, Rules, and Design Criteria: This subsection (j) adopts and incorporates by reference:

(i) Chapter 366 of the Texas Health and Safety Code;

(ii) Chapter 285 of Title 30 of the Texas Administrative Code;

(iii) the Design Criteria for On-Site Sewage Facilities promulgated by the Texas Commission on Environmental Quality; and

(iv) the Lower Colorado River Authority's on-site sewage system regulations.

d. Authority: A Village official or employee with a duty under Chapter 366 of the Texas Health and Safety Code or Chapter 285 of Title 30 of the Texas Administrative Code is authorized to perform that duty.

e. Relinquishment of Regulatory Authority: The Village shall comply with Section 285.10(d) of Title 30 of the Texas Administrative Code before it ceases to regulate on-site sewage facilities within its jurisdiction.

f. Payment of Fees: A person shall pay a fee assessed under this subsection (j) to the Village.

g. Appeal: A person aggrieved by an action or decision of the Village may appeal the action or decision to the council.

h. Penalties: This section adopts and incorporates applicable state law penalty provisions related to on-site sewage facilities, including those prescribed by:

(i) Chapter 341 and Chapter 366 of the Texas Health and Safety Code;

(ii) Chapter 26 of the Texas Water Code; and

(iii) Chapter 285 of Title 30 of the Texas Administrative Code.

2. Liquid Waste Haulers:

a. Definitions: In this subsection (j):

(i) GENERATOR has the meaning prescribed by subsection (l) below.

(ii) GREASE TRAP has the meaning prescribed by subsection (l) below.

(iii) GRIT TRAP has the meaning prescribed by subsection (l) below.

(iv) HAULED LIQUID WASTE means a liquid waste, not defined as a hazardous waste by the United States Environmental Protection Agency, which is prohibited from discharge into:

(a) a sanitary sewer under subsection (l) below; or

(b) a storm sewer or watercourse under the Village's non-point source pollution control ordinance.

(v) OPERATOR means a person who operates a state-approved waste treatment system, waste reduction system, waste recovery system, or waste disposal site for septic tank waste and hauled liquid waste.

(vi) LIQUID WASTE HAULER means a person who removes, transports, and discharges all or part of the contents of a septic tank, chemical toilet, grease trap, grit trap, holding tank, wastewater treatment plant, or other holding or treatment system for hauled liquid waste to a waste treatment system, waste reduction system, waste recovery system, or waste disposal site.

(vii) VEHICLE means a motor vehicle, trailer, equipment, or device specially designed and constructed to transport hauled liquid waste on a public street.

b. Use of Permitted Liquid Waste Hauler Required: A person who produces hauled liquid waste commits an offense if the person fails to have the waste removed or transported by a liquid waste hauler holding a permit

under this subsection (j) for both the hauler's vehicle and the type of waste produced.

c. Use of Approved Site For Disposal Required:

(i) A liquid waste hauler may not discharge hauled liquid waste at a facility not authorized by the Village or the state to store, process, treat, or dispose of the waste.

(ii) A liquid waste hauler must dispose of, or allow the disposal of hauled liquid waste only at a site approved by the Village or the state.

(iii) The Village may require that a liquid waste hauler provide a signed, written statement from an operator:

(a) identifying the rule, permit, or other document issued by the regulating state agency that permits an operator's facility to receive a specific hauled liquid waste; and

(b) the operator's agreement to receive the liquid waste hauler's hauled liquid waste.

d. Mixing of Incompatible Wastes Prohibited:

(i) A liquid waste hauler must designate, permit, and use a separate vehicle exclusively for the collection and transport of waste that contains petroleum or other chemical residues that may not be accepted by an operator, including waste from a grit trap or holding tank for waste other than sewage.

(ii) A liquid waste hauler may not knowingly accept and transport a hazardous waste as defined by the United States Environmental Protection Agency in a vehicle used to collect and transport hauled liquid waste under this subsection (j).

e. Vehicle Requirements and Inspection:

(i) A liquid waste hauler must obtain a Village permit for each vehicle used to haul liquid waste.

(ii) A vehicle or other equipment used to transport hauled liquid waste must be:

(a) constructed, operated, and maintained to prevent:

(1) the loss of hauled liquid waste; or

(2) the creation of an unsanitary or unsafe condition;

(b) licensed and inspected annually under Title 7 of the Texas Transportation Code;

(c) identified with the registration number required by state regulation;

(d) marked on both sides of the vehicle in letters and numbers not less than three inches (3") high with:

(1) the vehicle's Village permit number;

(2) the name of the permit holder; and

(3) if applicable, the waste type code designated by the Village;

(e) equipped with a valve drip cap to minimize leakage;

(f) equipped with a sight glass or tube and other measuring device that permits visual inspection of the hauled liquid waste contained in the vehicle; and

(g) equipped with a devise to measure each load of hauled liquid waste received from a generator.

(iii) A vehicle that consists of a tractor and a trailer shall have the marking required by subsection d above displayed on the trailer.

(iv) The health authority may inspect a vehicle at any time during regular business hours.

f. Discharge or Spill: If a discharge or spill occurs during collection or transport of hauled liquid waste, a liquid waste hauler must take appropriate action to protect public health and the environment. No later than twenty-four (24) hours after a discharge or spill, the liquid waste hauler shall notify local law enforcement authorities of the discharge or spill and take any action required or approved by a federal, state or local official with jurisdiction.

g. Offense and Penalty:

(i) A person who violates a provision of this subsection (j) commits an offense. Each day that a violation occurs is a separate offense.

(ii) An offense under this subsection (j) is a Class C misdemeanor.

h. Manifest Required:

(i) A liquid waste hauler shall posses a manifest book approved by the Village containing form manifests with not less than four (4) copies of each document.

(ii) A liquid waste hauler shall complete a manifest for each load of hauled liquid waste.

(iii) A manifest under this subsection (j) shall include a printed space to record:

(a) The name of the liquid waste hauler;

(b) The liquid waste hauler's Village permit number;

(c) The liquid waste hauler's vehicle license plate number;

(d) The date waste was received from a generator;

(e) The name, address, and telephone number of the generator;

(f) the type and quantity of hauled liquid waste to be transported;

(g) The generator's signed acknowledgment that the type and quantity of hauled liquid waste is correctly documented based on the generator's knowledge;

(h) The operator's name and address;

(i) The date the operator received the hauled liquid waste from the liquid waste hauler; and

(j) The operator's signed acknowledgment accepting the hauled liquid waste.

i. Delivery and Maintenance of Manifests:

(i) The liquid waste hauler shall give a copy of a manifest to the generator and the operator after the person has signed the ticket.

(ii) The liquid waste hauler shall keep a copy of each manifest.

(iii) A generator, liquid waste hauler, and operator shall retain a copy of each manifest in a file available for inspection by the Village during regular business hours, for not less than three (3) years from the date the ticket was completed.

(iv) A liquid waste hauler shall maintain the completed original of each manifest in the manifest book.

j. False Information and Transfer Prohibited:

(i) A person commits an offense if the person falsifies the date a liquid waste hauler or operator accepts hauled liquid waste.

(ii) A generator commits an offense if the generator knowingly falsifies information about the type and quantity of hauled liquid waste to be transported.

(iii) A liquid waste hauler commits an offense if the liquid waste hauler transfers, causes, or allows the transfer of a manifest or manifest book to a person other than the health authority or an employee of the liquid waste hauler.

k. Regulations Authorized: The Village may adopt regulations relating to the manifest requirements of this subsection (j).

l. Permit Required: A person shall obtain a liquid waste hauler's permit under this subsection (j) before the person operates a vehicle to transport hauled liquid waste, or causes, allows, or permits a vehicle owned by the person to transport hauled liquid waste within the jurisdiction boundaries of the Village.

m. Permit Application:

(i) An applicant for a liquid waste hauler's permit shall file an application with the Village on the form provided by the Village and pay an application fee.

(ii) The Village shall provide an applicant with a copy of this subsection (j).

(iii) An application under this subsection (j) shall include evidence acceptable to the Village that:

(a) Each vehicle is covered by insurance as prescribed by the Village;

(b) The applicant or if the applicant is a business entity, a partner or corporate officer in the business entity, has not been convicted of a violation directly related to this subsection (j) and

(c) each vehicle to be used to transport hauled liquid waste complies with the requirements prescribed in subsection (E) above.

(iv) A permittee shall file with the Village a list of the name and Texas driver's license number of each vehicle operator. A permittee shall send the Village an updated list of authorized drivers in writing no later than the thirtieth (30th) day after a change in personnel occurs.

(v) A permit issued under this subsection (j) is nontransferable.

n. Determination on Application:

(i) The Village may not grant a permit under this subsection (j) unless the applicant has complied with the requirements of subsection (M) above. In making a determination relating to an offense under section subsection (M) above, the health authority may consider the factors prescribed in Section 53.022 (Factors in Determining Whether Conviction Relates to Occupation) of the Texas Occupations Code.

(ii) The Village shall make a determination on an application for a permit under this subsection (j) on or before the thirtieth (30th) day after the date the application was filed.

(iii) If the Village rejects an application, the Village shall send the applicant a written explanation of the basis of the rejection by certified or registered mail to the mailing address provided on the application.

o. Permit Fees, Exceptions:

(i) Except as provided in subsection (ii) below, a person shall pay the vehicle permit fee established by separate ordinance.

(ii) This subsection (O) does not apply to a vehicle operated by the Village, a governmental entity, or a public school system.

(iii) The Village may assess an additional fee for re-inspection of a vehicle.

(iv) The council shall set the fees authorized under this subsection (j) by separate ordinance.

p. Insurance Required:

(i) The owner or operator of a permitted vehicle shall file with the Village authority a commercial automobile insurance policy insuring the public against bodily injury and property damage issued by an insurance company licensed to do business in Texas for each permitted vehicle with a minimum:

(a) Combined single limit of $500,000; or

(b) Split limit of $250,000 for each person, $500,000 for each occurrence, and $100,000 property damage.

(ii) An insurance policy under this subsection (P) must include a notice of cancellation clause stating that the policy may not be cancelled or amended before the thirtieth (30th) day after the Village received written notice of cancellation, amendment, or non-renewal.

(iii) The Village may not issue a permit for a vehicle until the owner or operator has provided proof of insurance under this subsection (P).

q. Term and Renewal: A permit issued under this subsection (j) shall expire one (1) year from date of issuance and must be renewed annually.

r. Permit Revocation:

(i) If a permittee fails to comply with this subsection (j) or applicable state law, the Village may revoke a permit issued under this subsection (j) for a period of one (1) year.

(ii) The Village shall provide a liquid waste hauler written notice of a hearing on revocation of the hauler's permit on or before the tenth (10th) day before the hearing. A notice under this subsection (R) shall include the basis of the proposed action. The Village may promulgate procedural rules for a hearing under this subsection (R).

(iii) Following a hearing, the Village shall provide the liquid waste hauler with its decision in writing, including the reasons for a revocation.

(iv) A permittee whose permit has been revoked may not reapply for a permit for one (1) year after the date of the revocation.

s. Appeal: An applicant or permittee whose application is denied or permit is revoked by the Village under the provisions of this subsection (R) may appeal the Village's decision to the council.

D. Solid Waste: **[reserved]**

E. Utility Service Regulations: **[reserved]**

F. Wastewater Regulations:

1. General Provisions:

a. Policy and Purpose: The Village shall comply with applicable state and federal regulation relating to the disposal of wastewater containing industrial waste or other prohibited waste within its jurisdictional boundaries.

b. Rulemaking: The Village may promulgate regulations and procedures to implement and interpret this subsection (m) in accordance with applicable state and federal law, including 40 CFR Part 403. Rules and procedures adopted under this subsection (m) may regulate.

(i) The quantity, quality, and means of disposal of wastewater containing industrial waste or other prohibited waste;

(ii) Geographic, topographic, and construction factors;

(iii) Available treatment methods;

(iv) Beneficial uses of water; and

(v) Other factors the director believes are necessary to protect the POTW and sanitary sewer.

c. Interlocal Agreement.: The Village may negotiate agreements for interlocal or multi-jurisdictional implementation and enforcement of this subsection (m). The council must approve any interlocal agreement entered into on behalf of the Village.

2. Definitions:

a. Except as provided in subsection (B) below, words and phrases in this subsection (m) have the same meaning they have in Title 40 CFR.

b. In this subsection (m):

(i) ***ACT:*** means the Federal Water Pollution Control Act, also known as the Clean Water Act, Title 33 of the United States Code, Section 1251 et seq.

(ii) ***Approval Authority:*** means the Regional Administrator of the EPA or the director in a national pollutant discharge elimination system delegated state with an approved state pretreatment program.

(iii) ***Approved Methods***: means the methods for pollutant sampling and analysis set by Part 136 of Title 40 CFR or procedures approved by the EPA.

(iv) ***Authorized Representative:*** means the person who may act on behalf of a person discharging wastewater to the POTW. If the user is a corporation, the authorized representative must be:

(a) the officer of the corporation in charge of a principal business function, or another person who performs similar policy or decision-making functions; or

(b) the properly authorized manager of one (1) or more manufacturing, production, or operation facilities with more than 250 employees or gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars).

(v) ***Best Management Practice***: means a schedule of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce the amount of pollution discharged to the POTW, including:

(a) A treatment requirement;

(b) An operating procedure; and

(c) A practice to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(vi) ***Biochemical Oxygen Demand:*** means the quantity of oxygen consumed in the biochemical oxidation of organic matter as determined by standard laboratory procedures for five (5) days at

twenty degrees (20°c) Centigrade and expressed as a concentration in milligrams per liter.

(vii) ***Bypass:*** means the intentional diversion of a waste stream that contains prohibited waste from a wastewater treatment system to the POTW.

(viii) ***Categorical Pretreatment Standard:*** means a regulation containing pollutant discharge limits adopted by EPA under Act Sections 1317(b) and (c) in Title 40 CFR, Parts 405-471.

(ix) ***CFR:*** means the Code of Federal Regulations.

(x) ***Chemical Oxygen Demand:*** means the oxygen equivalent of the organic matter content of a sample susceptible to oxidation by a strong chemical oxidant as determined by standard laboratory procedures and expressed as a concentration in milligrams per liter.

(xi) ***Color:*** means the optical density at the visual wavelength of maximum absorption, relative to distilled water in which one hundred percent (100%) transmittance is equivalent to 0.0 optical density.

(xii) ***Comminuted Garbage:*** means garbage that has been shredded into particles less than one-half inch (1/2") in diameter that are carried freely under normal flow conditions in a sanitary sewer.

(xiii) ***Composite Sample:*** means a sample that results from a combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

(xiv) ***Cooling Water:*** means the water discharged from a system of condensation, including air conditioning, cooling, and refrigeration systems.

(xv) ***Daily Average Limit:*** means a discharge limit based on the average of sample analysis results taken from an industrial waste source during an operating day.

(xvi) ***Daily Maximum Limit:*** means the maximum discharge limit for any sample obtained during a day using approved methods for both sampling and analysis.

(xvii) ***Discharge or Indirect Discharge:*** means the introduction of a pollutant to the POTW from a non-domestic source regulated under Act Sections 1317 (b), (c), or (d).

(xviii) ***Drainage Water:*** means storm water; surface water; ground water; roof run-off water; drainage from downspouts; water from yard drains; water from fountains and ponds; water from lawn sprays, rainwater leaders, and areaways; overflows from cisterns and water tanks; swimming pool water; and swimming pool filter backwash water.

(xix) ***Excess Wastewater:*** means more than 250 gallons per inch diameter of pipe per mile of pipe per day of:

(a) Potable or non-potable water from a dripping or leaking pipe, valve, or plumbing fixture; or

(b) Seep water, rainwater, or storm water entering sewer lateral lines on private property through a crack, pipe joint, opening or other defect in the lateral line.

(xx) ***EPA:*** means the United States Environmental Protection Agency.

(xxi) ***Existing Source:*** means a source of discharge constructed or in operation prior to EPA publication of a proposed categorical pretreatment standard applicable to the source if the standard is later promulgated under Act Section 1317.

(xxii) ***Extra Strength Wastewater:*** means wastewater having a suspended solids, chemical oxygen demand, or biochemical oxygen demand more than that found in normal waste but otherwise acceptable for discharge to the POTW in accordance with the requirements of this section.

(xxiii) ***Garbage:*** means solid waste from domestic or commercial preparation, cooking, dispensing, or manufacturing of food or from the handling, storage and sale of produce.

(xxiv) ***Generator:*** means a person who causes, creates, generates, stores, or otherwise produces liquid waste, excluding a person storing liquid waste in a mobile tank or fixed storage tank for temporary storage.

(xxv) ***Grab Sample:*** means a single sample taken from a waste stream without regard to the flow in the waste stream over a period not to exceed fifteen (15) minutes.

(xxvi) ***Grease Trap:*** means a receptacle, structure, or mechanical device used by a generator to intercept, collect, separate, and restrict the passage of fat, oil, grease, organic, inorganic, liquid, semi-liquid,

semi-solid, or solid waste from wastewater prior to discharge to the POTW.

(xxvii) ***Grease Trap Waste:*** means fat, oil, grease organic, inorganic, liquid, semi-liquid, semi-solid, or solid waste collected by and removed from a grease trap.

(xxviii) ***Grit Trap:*** means a receptacle, structure, or mechanical device used by a generator to intercept, collect, separate, and restrict the passage of petroleum-based oil and grease waste, and inorganic or other solids or semi-solids from wastewater prior to discharge to the POTW.

(xxix) ***Grit Trap Waste:*** means petroleum-based oil and grease waste, and inorganic or other solids and semi-solids collected by and removed from a grit trap.

(xxx) ***Ground Water:*** means subsurface and subsoil water; artesian well water; water from groundwater remediation sites; and subsurface leachates captured from municipal landfills.

(xxxi) ***Hold-Haul Tank:*** means a storage tank installed to hold industrial waste that must be hauled to a disposal site and not discharged to the POTW.

(xxxii) ***Industrial Waste:*** means liquid waste and a waterborne liquid, gaseous, or solid substance, excluding sewage discharged from sanitary conveniences that is not commingled with wastewater containing industrial waste, discharged or disposed of from an industrial, manufacturing, trade or commercial establishment, including a nonprofit organization, governmental agency or business activity.

(xxxiii) ***Instantaneous Maximum Allowable Limit:*** means the maximum concentration or loading of an allowable pollutant, determined from the analysis of a discrete or composite sample collected independent of the industrial flow rate and the duration of a sampling event.

(xxxiv) ***Interference:*** means a discharge that, alone or in conjunction with a discharge from another source, both:

(a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal; and

(b) Causes a violation of the NPDES or TPDES permits, including an increase in the magnitude or duration of a violation, or prevents sewage sludge use or disposal in compliance with the most stringent applicable federal, state, or local regulation.

(xxxv) **Medical Waste:** means isolation waste, an infectious agent, human blood and blood by-products, pathological waste, sharps, a body part, contaminated bedding, surgical waste, potentially contaminated laboratory waste or dialysis waste.

(xxxvi)***Monthly Average Limit:*** means a discharge limit based on the average of sample analysis results taken during a calendar month using approved methods for both sampling and analysis.

(xxxvii)***Municipal User:*** means a political subdivision or municipal corporation that discharges wastewater to the POTW, excluding the Village.

(xxxviii) ***Multiple User Facility***: means a building or group of buildings occupied by more than one (1) person who discharges into the POTW.

(xxxix)***NPDES:*** means the National Pollutant Discharge Elimination System for issuing, modifying, revoking, reissuing, terminating, monitoring, enforcing permits, imposing and enforcing pretreatment requirements under Act Sections 1317, 1342, and 1345 including an approved program under 40 CFR 122.

(xl) ***New Source:*** means a building, structure, facility or installation that is or may be discharging pollutants, constructed after the publication of a proposed pretreatment standard under Act Section 1317 (c) applicable to the source if the standard is later promulgated, provided that:

(a) The building, structure, facility or installation is constructed at a site at which no other source is located;

(b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the site, based on the extent the new facility is integrated with the existing plant,

and is engaged in the same general type of activity as the existing source.

(xli) ***Non-Contact Cooling Water:*** means water used for cooling that does not come into contact with a raw material, intermediate product, waste product, or finished product.

(xlii) ***Normal Wastewater:*** means wastewater that, after analysis, contains:

(a) A concentration of biochemical oxygen demand in the waste not exceeding 200 milligrams per liter average over a 24 hour period or not contributing biochemical oxygen demand at a rate exceeding 1,668 pounds of biochemical oxygen demand per million gallons of wastewater daily;

(b) A concentration of suspended solids in the waste not exceeding 200 milligrams per liter average over a 24 hour period or not contributing suspended solids at a rate exceeding 1,668 pounds of suspended solids per million gallons of wastewater daily; or

(c) A concentration of chemical oxygen demand in the waste not exceeding 450 milligrams per liter average over a 24 hour period or not contributing chemical oxygen demand at a rate exceeding 3,735 pounds of chemical oxygen demand per million gallons of wastewater daily.

(xliii) ***Other Waste***: means a solid or viscous substance including ash, cinder, sand, concrete, mud, straw, shavings, metal, glass, rags, feathers, tar, asphalt, plastic, rubber, rubber products, wood, whole non-human blood, paunch manure, hair and flesh, entrails, lime slurry, lime residue, carbide waste, slops, chemical residue, paint residue, asbestos, bulk solids, grass clippings, or tree trimmings.

(xliv) ***Owner or Occupant:*** means a person who owns real property or pays or is legally responsible for payment of water or wastewater charges made against real property connected to the public water distribution system or the wastewater collection system

(xlv) ***Pass Through:*** means a discharge that exits the POTW into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of the NPDES or TPDES permits, including an increase in the magnitude or duration of a violation.

(xlvi) ***Permit:*** means a wastewater discharge permit issued by the director authorizing the discharge of wastewater to the POTW under this chapter.

(xlvii) ***pH:*** means a measure of the acidity or alkalinity of a solution expressed in standard units.

(xlviii) ***Pollutant:*** means a substance that alters the physical, thermal, chemical, radiological or biological quality or properties of water or that contaminates water to the extent that the water is rendered harmful to public health, safety or welfare, including: dredged soil; solid waste; incinerator residue; filter backwash; sewage; garbage; sewage sludge; munitions; medical wastes; chemical wastes; biological materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar dirt; municipal, agricultural and industrial waste; and certain characteristics of wastewater (including pH, temperature, suspended solids, turbidity, color, biochemical oxygen demand, chemical oxygen demand, toxicity or odor).

(xlix) ***Pollution Prevention:*** means the reduction of waste generation at a source including a practice that:

(a) Reduces the amount of a hazardous substance, pollutant, or contaminant entering a waste stream or released into the environment before recycling, treatment, or disposal; or

(b) Reduces a hazard to public health and the environment associated with the release of a hazardous substance, pollutant, or contaminant.

(l) ***POTW:*** means a public treatment works, including:

(a) A device or system used in the storage, treatment, recycling, or reclamation of municipal sewage or liquid industrial wastes; and

(b) Equipment, sewer lines or pipes conveying wastewater to a POTW treatment plant; and

(c) Real property.

(li) ***Pretreatment:*** means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater before discharge or introduction of a pollutant into the POTW, by physical, chemical, or biological

process, process change, or permitted method, excluding dilution unless a pretreatment standard specifically allows dilution.

(lii) ***Pretreatment Requirements:*** means a substantive or procedural requirement related to pretreatment of wastewater discharged to the POTW other than a pretreatment standard.

(liii) ***Pretreatment Standard:*** means a prohibited discharge standard, categorical pretreatment standard, or local limit.

(liv) ***Prohibited Waste:*** means a waste prohibited from discharge to the POTW except in accordance with this subsection (m).

(lv) ***RCRA:*** means the federal Resource Conservation and Recovery Act, Title 42 of the United States Code, Section 6922, et seq., and its implementing regulations.

(lvi) ***Receiving Waters:*** means the waterway into which a public wastewater treatment plant discharges the treated effluent.

(lvii) ***Sanitary Sewer:*** means a pipe or conduit owned, controlled, or subject to the jurisdiction of the Village, designed to collect and transport wastewater.

(lviii) ***Septic Tank Waste:*** means sewage from holding tanks including vessels, chemical toilets, campers, trailers, and septic tanks.

(lix) ***Severe Property Damage:*** means substantial physical damage to property, damage to a treatment facility that renders the facility inoperable or substantial and permanent loss of natural resources not reasonably expected to occur in the absence of bypass, but not economic loss caused by delays in production.

(lx) ***Sewage:*** means human excreta and gray water.

(lxi) ***Sewer System:*** means the property necessary to operate the sanitary sewer utility, including land, wastewater lines and appurtenances, pumping stations, treatment works, wastewater treatment plants, and general property.

(lxii) ***Significant Industrial User:*** means a person subject to a categorical pretreatment standard, or a person that:

(a) Discharges an average of 25,000 gallons or more daily of process wastewater to the POTW, excluding sanitary

wastewater, non-contact cooling and boiler blow down wastewater;

(b) Contributes a process waste stream that makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of a POTW treatment plant; or

(c) Is designated a significant industrial user by the Village based on the user's potential for adversely affecting the POTW's operation or for violating a pretreatment standard or requirement.

(lxiii) ***Slug Discharge:*** means a discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

(lxiv) ***Standard Industrial Classification:*** means a standard industrial classification under the Standard Industrial Classification Manual issued by the Office of Management and Budget.

(lxv) ***Storm Sewer:*** means a sewer owned, controlled, or subject to the jurisdiction of the Village designed to carry storm and surface water, street wash and drainage water.

(lxvi) ***Storm Waster***: means a flow occurring during or following a form of natural precipitation and resulting from the precipitation, including snowmelt.

(lxvii)***Suspended Solids***: means the total suspended matter that floats on the surface of or is suspended in water, wastewater, or other liquid that is removable by laboratory filtering and expressed in milligrams per liter.

(lxviii)***TCEQ*** means the Texas Commission on Environmental Quality.

(lxix) ***Total Toxic Organics:*** means the limit applied to the sum of the concentration of toxic organics listed in 40 CFR Part 122, Appendix D, Table II.

(lxx) ***TPDES:*** means the Texas Pollutant Discharge Elimination System program with authority to issue, modify, revoke, terminate, reissue, and enforce permits and pretreatment standards.

(lxxi) ***Treatment Plant Upset:*** means an inhibition, impairment, or disruption of a wastewater treatment plant, its treatment processes

or operations, or its sludge processing, use or disposal that causes or significantly contributes to:

(a) a violation of the NPDES or TPDES permits, including an increase in the magnitude or duration of a violation;

(b) a disruption of sewage sludge use or disposal by the treatment plant;

(c) a decrease in the quality of the effluent being discharged from the treatment plant; or

(d) a decrease in the performance of the treatment plant processes or operations.

(lxxii) ***User Or Industrial User:*** means a person who contributes, causes, or allows an indirect discharge of a pollutant.

(lxxiii) ***Waste:*** means one (1) or more pollutants.

(lxxiv) ***Wastewater:*** means treated or untreated liquids and waterborne waste, drainage water and sewage from a residential dwelling, commercial building, industrial and manufacturing facility, or institution that is discharged to the POTW.

(lxxv) ***Wastewater Treatment Plant:*** means that portion of the POTW designed to provide treatment of wastewater.

3. Prohibited Discharges:

a. General Prohibition Against Discharge: A person shall not discharge pollutants to the POTW that cause:

(i) A treatment plant upset;

(ii) Pass through or contribute to pollution of the POTW's receiving waters;

(iii) Interference with the operation of the POTW;

(iv) The POTW to be in violation of the NPDES permit or TPDES permit;

(v) Damage to the POTW;

(vi) A hazard to property, public health, or safety;

(vii) The ambient air quality of the POTW to exceed standards established by federal, state or local law;

(viii) A violation of a permit issued under this subsection (m);

(ix) The concentration of pollutants in the POTW or in the POTW's sludge to exceed allowable limits; or

(x) A flow rate or quantity that exceeds the carrying capacity of the collection system.

b. Specifically Prohibited Pollutants: Except as authorized by this subsection (m), a person shall not discharge to the POTW the following:

(i) Other waste, as defined in this subsection (m);

(ii) A flammable or explosive liquid, solid, or gas, and similar substance that could create a fire or explosive hazard in the collection system or the POTW, including a waste stream with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade), tested in accordance with 40 CFR 261.21;

(iii) A pollutant regulated under a categorical pretreatment standard promulgated by EPA in a concentration or amount exceeding allowable limits;

(iv) A substance causing heat in the POTW at a temperature of 120 degrees Fahrenheit (48.9 degrees Centigrade) or higher, or at a temperature that inhibits biological activity in the POTW if the discharge causes interference, or an increase in the temperature of the influent to a treatment plant to 104 degrees Fahrenheit (40 degrees Centigrade) or higher;

(v) Garbage other than comminuted garbage;

(vi) Wastewater containing a noxious or malodorous liquid, gas, solid, or substance that, independently or interactively creates a public nuisance, or hazard to public health and safety, or prevents entry into the sanitary sewer for maintenance or repair;

(vii) A pollutant that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity or concentration that creates a danger to public health or safety;

(viii) An acid, alkali, or substance with a pH value lower than 6.0 or higher than 11.5 standard units, or that corrodes or damages the POTW;

(ix) Petroleum oil, non-biodegradable cutting oil, or a product of mineral oil origin in an amount that causes interference or pass through;

(x) Waste containing a prohibited pollutant trucked or hauled from its point of origin, except as approved by the Village;

(xi) Waste removed from a pretreatment facility or private sewage facility, except at discharge points designated by the Village;

(xii) Phenol or a similar substance in concentrations that produce odor or taste in the POTW's receiving waters, if the receiving waters are used as drinking water;

(xiii) Wastewater containing radioactive materials in concentrations greater than allowed by current regulations of the Texas Department of Health or other agency of competent jurisdiction;

(xiv) A solid or viscous pollutant in a quantity or concentration that could obstruct the flow in the POTW or result in a sanitary sewer overflow or interference;

(xv) A pollutant or oxygen demanding pollutant discharged at a flow rate or concentration that could interfere with the POTW, or is not treatable;

(xvi) A pollutant, dye water, vegetable tanning solution, whole blood, or a substance that causes untreatable color in the POTW effluent;

(xvii) medical wastes, except as authorized by permit;

(xviii) Sludge, screenings or other residues from the pretreatment of industrial waste or other prohibited waste, except as authorized by the Village;

(xix) Wastewater containing pollutants that cause the POTW effluent to fail a toxicity test;

(xx) Waste containing detergent, a surface-active agent, or a substance that could cause excessive foaming in the POTW or its effluent;

(xxi) Wastewater causing a single meter reading of more than ten percent (10%) of the lower explosive limit on an explosion hazard meter;

(xxii) Antifreeze or a coolant solution used in a vehicle or motorized equipment;

(xxiii) An enzyme, chemical, or other agent that allows fat, oil, grease or a solid to pass through a pretreatment facility;

(xxiv) Drainage water;

(xxv) Ground water; and

(xxvi) Drainage water or ground water contaminated by a prohibited pollutant, except as specifically authorized in this subsection (m).

c. Limit on Discharge of Fat, Oil or Grease:

(i) Except as authorized by this subsection (m), a person shall not discharge fat, oil, grease, or similar material to the POTW in excess of an instantaneous maximum allowable limit of 200 milligrams per liter.

(ii) If necessary to protect the POTW or sanitary sewer, the Village may issue a permit, order, or rule that assigns the limits on discharge of fat, oil, grease, or a similar substance as:

(a) Instantaneous maximum allowable limits;

(b) Daily average limits;

(c) Daily maximum limits;

(d) Monthly average limits; or

(e) Limits of other sampling duration or averaging period.

d. Discharge of Contaminated Drainage or Ground Water: A person shall not discharge drainage or ground water contaminated by a prohibited pollutant unless:

(i) The person discharging the contaminated drainage or ground water:

(a) Applies for and receives a discharge permit; and

(b) Pretreats the drainage or ground water in compliance with this subsection (m) and with the Village's non-point source pollution control ordinance; and

(ii) The Village:

(a) Assesses the characteristics, volume and concentrations of pollutant;

(b) Determines that discharge to the POTW is an appropriate disposal method;

(c) Determines that the discharge will not harm the POTW, or public health or property; and

(d) Issues a discharge permit under this subsection (m).

e. Dilution Prohibited: Except as otherwise provided in this subsection (m), a person shall not increase the use of process water or otherwise dilute a discharge to achieve compliance with a discharge limitation or pretreatment standard.

f. Improper Processing or Storage of Prohibited Waste:

(i) A person shall not process or store prohibited waste in a manner that causes a discharge to the POTW of wastewater containing prohibited waste that has not been pretreated.

(ii) A person shall not connect a hold-haul tank to the sanitary sewer without the written approval of the Village.

g. Bypass:

(i) Except as otherwise provided in this subsection (m), a person discharging wastewater containing prohibited waste to the POTW shall not allow a bypass to occur.

(ii) A person discharging wastewater containing prohibited waste to the POTW shall allow a bypass that:

(a) Complies with pretreatment standards; and

(b) Is for essential maintenance to assure efficient operation of the person's facility.

(iii) If a person knows in advance that a bypass is to occur, the person shall submit written notice of the anticipated bypass to the Village on the earlier of:

(a) Ten (10) days before the date of the anticipated bypass; or

(b) If less than ten (10) days before the date of the anticipated bypass, upon obtaining knowledge that the bypass is to occur.

(iv) A person who knows in advance that a bypass will occur shall obtain authorization from the Village before release of the discharge.

(v) A person who is aware that an unanticipated bypass exceeding pretreatment standards or requirements occurred shall notify the Village:

(a) By telephone or in person no later than twenty-four (24) hours after the person becomes aware of an unanticipated bypass; and

(b) In writing no later than the fifth (5th) day after the person becomes aware of an unanticipated bypass.

(vi) A written report of an anticipated or unanticipated bypass shall include:

(a) A description of the bypass;

(b) The cause of the bypass;

(c) The duration of the bypass, including exact dates and times; and

(d) If the bypass has not been corrected:

(1) The anticipated duration of the bypass; and

(2) Actions taken or planned to reduce or eliminate the ongoing bypass, and prevent reoccurrence of the bypass.

(vii) The Village may waive the requirement of a written report for an unanticipated bypass if the person has made a verbal report in compliance with this subsection (m).

4. Pretreatment Standards:

a. National Pretreatment Standards: Except as otherwise provided in this subsection (m), a person shall comply with the categorical pretreatment standards established by 40 CFR Chapter I, Subchapter N, Parts 405-471.

b. Exceptions to Categorical Pretreatment Standards:

(i) The Village may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c) if a pretreatment standard is expressed only in terms of either pollutant mass or concentration in wastewater.

(ii) The Village shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e) if wastewater subject to a pretreatment standard is mixed with wastewater not regulated by the same standard.

(iii) The Village may grant a variance to a person subject to a categorical pretreatment standard if the person proves under 40 CFR 403.13 that factors relating to the person's discharge are fundamentally different from the factors considered by EPA in developing the categorical pretreatment standard.

(iv) The Village may grant an adjustment to a person subject to a categorical pretreatment standard under 40 CFR 403.15.

c. State Pretreatment Standards: Except as otherwise provided in this chapter, a person shall comply with the pretreatment standards established by the State of Texas.

d. Local Limits: A person shall not discharge or allow the discharge to the POTW of wastewater containing the following individually identified specific pollutants in concentrations, solution, or suspension that exceed the following limits:

Pollutant	Milligrams per Liter	
(i)	Arsenic, Total (T)	0.2
(ii)	Cadmium (T)	0.4
(iii)	Chromium (T)	4
(iv)	Copper (T)	1.1

Pollutant		Milligrams per Liter
(v)	Cyanide (T)	1.0
(vi)	Fluoride (T)	65.0
(vii)	Lead (T)	0.4
(viii)	Manganese (T)	6.1
(ix)	Mercury (T)	0.002
(x)	Molybdenum (T)	1.1
(xi)	Nickel (T)	1.6
(xii)	Selenium (T)	1.8
(xiii)	Silver (T)	1.0
(xiv)	Zinc (T)	2.3

e. Total Toxic Organics: A person shall not discharge or allow the discharge of wastewater containing total toxic organics to the POTW in excess of an instantaneous maximum allowable limit of 2.0 milligrams per liter.

f. Compliance Determination; Assignment of Limits:

(i) The Village may determine compliance with the local limits or the total toxic organics limit based on the analysis of:

(a) A grab sample; or

(b) A combination of grab samples, time composite samples, or flow composite samples.

(ii) If necessary to protect the POTW or sanitary sewer, the Village may issue a permit, order, or rule that assigns the local limits or the total toxic organics limit as:

(a) Instantaneous maximum allowable limits;

(b) Daily average limits;

(c) Daily maximum limits;

(d) Monthly average limits; or

(e) Limits of other sampling duration or averaging period.

5. Pretreatment Requirements:

a. Pretreatment Required: A person generating wastewater containing prohibited waste discharged to the POTW shall pretreat the prohibited waste in compliance with the discharge standards, local limits, and requirements established in this section, or otherwise lawfully dispose of the prohibited waste.

b. Pretreatment Facilities Required: A person discharging prohibited waste to the POTW shall install, operate, and maintain wastewater pretreatment facilities approved by the Village.

c. Permit Required:

(i) A person shall obtain a permit from the Village before discharging wastewater containing prohibited waste to the POTW.

(ii) A person shall not discharge wastewater from a pretreatment facility except as allowed by a permit issued by the Villager.

an approved combustible gas detection meter.

(ii) A person discharging wastewater containing potentially flammable substances shall install and maintain an approved combustible gas meter at the request of the Village.

h. Slug Control Plan:

(i) A person discharging wastewater containing industrial waste or other prohibited waste to the POTW shall implement a system and procedures to prevent slug discharges.

(ii) The Village may require a person to develop and implement a slug control plan before authorizing the person to connect water or

(iii) At least every two (2) years, the Village shall determine if a significant industrial user has sufficient systems and procedures to prevent slug discharges. The Village shall require a significant industrial user to develop and implement a slug control plan under this subsection (m) if the Village finds a risk to the POTW exists.

(iv) A plan developed under this subsection (m) shall include the following:

(a) Description of discharge practices including a non-routine batch discharge;

(b) Description of stored chemicals;

(c) Procedures for immediate notification of the POTW in the event of an accident or slug discharge in violation of this subsection (m); and

(d) Procedures to prevent property damage or danger to public health and safety from an accident or slug discharge including:

(1) Storage area inspection and maintenance;

(2) Material handling and transfer;

(3) Loading and unloading operations;

(4) Plant site runoff control;

(5) Worker training;

(6) Containment structures or equipment construction;

(7) Toxic organic pollutants containment;

(8) Emergency response equipment and plan; and

(9) Spill detection.

i. Toxic Organic Management Plan:

(i) The Village may require submission of a toxic organic management plan as an alternative to or in addition to routine total toxic organics monitoring for a user regulated under the CFR categories of:

(a) Electroplating;

(b) Metal finishing;

(c) Electrical and electronic components; or

(d) Other categories authorized by the CFR.

(ii) A toxic organic management plan submitted under this subsection (I) shall include:

(a) A complete inventory of all toxic organic chemicals:

(1) Used in regulated process operations, including organic constituents of a trade-name product; or

(2) Identified through wastewater sampling and analysis;

(b) A description of disposal methods, excluding dumping, used for inventoried compounds;

(c) Spill prevention, control, and countermeasures plan to prevent spillage or leakage of a regulated toxic organic chemical into process wastewater, floor drains, non-contact cooling water, groundwater, surface water or general discharge of a toxic organic chemical;

(d) Determination of identity and approximate quantity of toxic organic chemical used and discharged from a regulated manufacturing process; and

(e) Identity of toxic organic chemicals that may be present in wastewater discharged to the sanitary sewer as a result of a regulated process or disposal, spill, leak, rinse water carryover, air pollution control, and other source.

j. Best Management Practices: The Village may require a person discharging to the POTW to adopt and implement best management, source reduction and pollution prevention practices necessary to protect the POTW.

k. Mass Limitations on Pollutants: The Village may impose limits on the mass of pollutant discharges if necessary to:

(i) Protect the POTW; or

(ii) Prevent prohibited dilution of pollutants.

l. Off-Site Waste Disposal: A person shall comply with applicable local, state, and federal regulations on storage, handling, transportation and disposition of wastes and residues removed for off-site disposal from pretreatment facilities, or prohibited from discharge to the POTW.

m. New Source:

(i) The Village may make a determination that construction at an existing source of discharge results in a new source.

(ii) The Village may not find that an existing source becomes a new source if construction on a site where an existing source is located does not create a new building, structure, facility or installation meeting the definition of new source under this subsection (M) but otherwise alters, replaces, or adds to existing process or production equipment.

(iii) The Village may determine that a source becomes a new source if the owner or operator has:

(a) Begun placement, assembly or installation of facilities or equipment, or significant site preparation work including clearing, excavation, or removal of an existing building, structure, or facility as part of a continuous onsite construction program; or

(b) Entered a contract to purchase facilities or equipment intended for operational use within a reasonable time, excluding options to purchase or contracts subject to termination or modification without substantial loss, or feasibility, engineering, and design study contracts.

n. Commercial or Institutional Food Preparation: A person operating a commercial or institutional food preparation business, including a food processor, bakery, restaurant, school, hospital, retirement home, assisted living center, grocery store or other commercial or institutional food preparation operation must construct, operate, and maintain a pretreatment facility approved by the Village.

o. Vehicle or Equipment Wash Facility: A person operating a commercial vehicle or equipment wash facility with manual or automated equipment shall discharge drainage or wastewater through a pretreatment facility

approved by the Village. A person operating a vehicle or equipment wash facility shall prevent drainage water from entering the sanitary sewer or natural drainage ways.

p. Vehicle or Equipment Minor Maintenance Facility: A person operating a vehicle or equipment minor repair business that performs engine tune-up, air conditioning repair, electrical repair, front end alignments, exhaust system repair, suspension system repair, or brake system repair, shall obtain the Village approval of the building design, size, and construction before discharging floor wash water to the POTW through a pretreatment facility.

q. Vehicle or Equipment Major Maintenance or Fluid Change Facility:

(i) A person operating a vehicle or equipment major repair business that performs engine dismantling, transmission repair, hydraulic system repair, differential repair, engine part rebuilding, or fluid changing, shall construct, operate, and maintain a pretreatment system approved by the Village.

(ii) A person operating a vehicle or equipment major repair business may not discharge wastewater to the POTW through a floor drain or other device unless the effluent produced consistently complies with the standards established in this subsection (m).

(iii) A person operating a vehicle or equipment major repair business that does not maintain a pretreatment system or process shall:

(a) Discharge into a hold-haul tank of a design, size, and construction approved by the Village; or

(b) Physically separate the major vehicle or equipment maintenance and fluid change facility from building areas that drain to the POTW.

r. Steam Cleaning or Chemical Cleaning Facility: A person operating a steam cleaning or chemical cleaning facility shall construct, install, or maintain a pretreatment facility or process approved by the Village prior to discharging wastewater to the sanitary sewer.

6. Permit Process. **Reserved**

7. Equipment and Structures: **Required**

a. Authority to Require Specific Equipment: The Village may require a person discharging wastewater containing prohibited waste to the POTW to install, operate and maintain equipment for:

(i) Pretreatment;

(ii) Sampling;

(iii) Monitoring;

(iv) Flow equalization;

(v) Flow metering; or

(vi) Protection of the POTW.

b. Flow Equalization Tanks:

(i) The Village may require a person to install a flow equalization tank to prevent:

(a) Pass through;

(b) Interference;

(c) Collection system overload;

(d) Treatment plant upset;

(e) Inadequate treatment; or

(f) Damage to the POTW.

(ii) A person shall submit plans for construction of a flow equalization tank to the Village for review and approval before construction.

(iii) A person required to install a flow equalization tank shall operate and maintain the equipment in compliance with manufacturer's specifications.

8. Monitoring and Reporting:

a. General Monitoring Authority:

(i) The Village or a state or federal regulatory agency may install and maintain equipment and personnel necessary to conduct

surveillance, survey, sample, meter, or monitor a premises or facility discharging wastewater containing industrial waste or other prohibited waste.

(ii) The Village may require a person to install monitoring and recording equipment the Village determines is necessary to monitor wastewater parameters and characteristics including:

(a) pH;

(b) Dissolved oxygen;

(c) Total carbon;

(d) Oxidation reduction potential;

(e) Temperature;

(f) Conductivity;

(g) Specific ions;

(h) Flow;

(i) Total organic carbon;

(j) Lower explosive limit; and

(k) Sulfides.

(iii) The Village may monitor the quality and volume of discharge from a multiple user facility.

b. Flow Measurement:

(i) The Village may require a person discharging industrial waste or prohibited waste into the POTW to install equipment necessary to measure the flow at a designated point.

(ii) The Village may determine the volume of wastewater to be discharged by a person to the POTW based on:

(a) Actual metered flow of water;

(b) The average of the actual metered flow of water;

(c) Actual metered flow of water measured through a water meter or wastewater flow meter of a design, size, construction, and installation approved by the Village.

c. Sampling Guidelines:

(i) The Village may sample and inspect wastewater discharged or deposited to the POTW by significant industrial users:

(a) Annually; or

(b) More frequently as necessary to protect the POTW.

(ii) The Village may periodically sample and inspect wastewater discharged or deposited to the POTW by a person not classified as a significant industrial user.

(iii) The Village shall collect samples representative of the character and concentration of the wastewater under operational conditions.

(iv) A person may request that the Village sample wastewater discharged at any time provided the person pays the full cost of sampling and analysis. The Village is not required to perform additional requested sampling.

(v) In the event that the Village determines that a sample contains a prohibited pollutant in a different amount or concentration than a wastewater sample taken by a person subject to self-sampling or self-monitoring, the measurement taken by the Village shall be determinative.

d. Self-Monitoring And Reporting Requirements:

(i) A person engaged in an industry subject to national pretreatment requirements promulgated by EPA shall follow the self-monitoring and reporting requirements published in the Federal Register.

(ii) The Village may authorize a person who discharges waste to the sanitary sewer to:

(a) Take periodic samples;

(b) Analyze the samples for the presence or quantity of prohibited pollutants; and

(c) Report the results to the Village.

e. Authorized Signature Required: An authorized representative shall sign the following reports and the reports shall contain the certification set out in subsection (6) above.

(i) Baseline monitoring reports from existing categorical user;

(ii) Baseline monitoring report from new source categorical user;

(iii) Categorical pretreatment standard compliance deadline report; and

(iv) Periodic reports required from a significant industrial user or other user.

f. Baseline Monitoring Report From Existing Categorical User: No later than the one hundred eightieth (180th) day after the effective date of a categorical pretreatment standard or the date of the final administrative decision on a category determination under 40 CFR Section 403.6(a)(4), existing categorical users currently discharging or scheduled to discharge to the POTW, shall submit a report to the Village in compliance with the requirements of subsection (H) below.

g. Baseline Monitoring Report from new Source Categorical User:

(i) No later than the ninetieth (90th) day before beginning discharge, a new source user or a source that becomes a significant industrial user after the promulgation of a categorical pretreatment standard shall submit a report to the Village in compliance with the requirements of subsection (H) below, together with a report describing the pretreatment method the user intends to use to meet applicable pretreatment standards.

(ii) New source users shall give estimates of information showing:

(a) The measured average daily and maximum daily flow in gallons per day to the POTW from regulated process and other wastewater sufficient to allow calculation of the combined waste stream formula set out in 40 CFR Section 403.6(e);

(b) Measurement of pollutants;

(c) Identification of the categorical pretreatment standards applicable to the regulated process; and

(d) The results of a sampling and analysis representative of daily operations:

(1) Performed in accordance with approved techniques set out in 40 CFR Part 136; and

(2) If required by an applicable pretreatment standard or the Village, identifying the nature and concentration or mass of regulated pollutants in the discharge from the regulated process including:

i. Instantaneous;

ii. Daily maximum; and

iii. Average concentration or mass.

h. Information Required from a Person Subject to Categorical Pretreatment Standards: Existing or new source categorical users shall submit the following information to the Village in reports under this subsection (H):

(i) The name and address of the facility;

(ii) The name of the owner, operator, or manager of the facility;

(iii) A list of environmental control permits held by or for the facility;

(iv) A brief description of the nature, average rate of production, and standard industrial classification or North American Industry Classification System classification of the operation conducted by the user including a schematic process diagram that indicates points of discharge to the POTW from the regulated process;

(v) Information showing the measured average daily and maximum daily flow in gallons per day to the POTW from regulated process and other wastewater sufficient to allow calculation of the combined waste stream formula set out in 40 CFR Section 403.6(e);

(vi) Measurement of pollutants;

(vii) Identification of the categorical pretreatment standards applicable to the regulated process;

(viii) The results of a sampling and analysis representative of daily operations:

(a) Performed in accordance with approved techniques set out in 40 CFR Part 136; and

(b) If required by an applicable pretreatment standard or the Village, identifying the nature and concentration or mass of regulated pollutants in the discharge from the regulated process including:

(1) Instantaneous;

(2) Daily maximum; and

(3) Average concentration or mass;

(ix) A statement reviewed by its authorized representative and certified to by a qualified technician indicating:

(a) That the user meets pretreatment standards on a consistent basis; or

(b) If the user does not meet pretreatment standards, additional operation and maintenance or additional pretreatment necessary to meet the pretreatment standards and requirements; and

(x) A compliance schedule, if applicable.

i. Compliance Schedule Requirements:

(i) If additional pretreatment or operation and maintenance are required to meet a pretreatment standard, a user shall immediately perform the additional pretreatment or operations and maintenance.

(ii) A compliance schedule under this subsection (I) shall:

(a) Include a completion date not later than the compliance date in the pretreatment standard;

(b) Achieve the compliance requirements set by the Village;

(c) Include progress increments, not to exceed nine (9) months, or benchmarks showing the dates for commencement and completion of major events necessary to meet pretreatment standards, including:

(1) Employment of an engineer;

(2) Completion of preliminary and final plans;

(3) Execution of contracts;

(4) Commencement and completion of major component construction; and

(5) Pre-operation testing.

(iii) A person required to submit a compliance schedule under this subsection (I) shall also file a progress report, no later than the fourteenth (14th) day after the date of a major event in a compliance schedule or the date of final compliance.

(iv) A progress report filed under this subsection (I) shall include a statement that:

(a) The person is in compliance with the progress increment; or

(b) Explains the reason for delay, and the action taken to achieve the established schedule.

j. Categorical Pretreatment Standard Compliance:

(i) A person shall file a report with the Village no later than the ninetieth (90th) day after:

(a) The date of final compliance with a categorical pretreatment standard; or

(b) In the case of a new source, the date wastewater is first introduced into the POTW.

(ii) A report filed under this subsection (J) shall contain:

(a) Information showing the measured average daily and maximum daily flow in gallons per day to the POTW from a regulated process and other wastewater sufficient to allow calculation of alternate limits using the combined waste stream formula set out in 40 CFR Section 403.6(e);

(b) Measurement of pollutants;

(c) Identification of the categorical pretreatment standards applicable to the regulated process;

(d) The results of a sampling and analysis representative of daily operations:

(1) Performed in accordance with approved techniques set out in 40 CFR Part 136; and

(2) If required by an applicable pretreatment standard or the Village, identifying the nature and concentration or mass of regulated pollutants in the discharge from the regulated process including:

i. Instantaneous;

ii. Daily maximum; and

iii. Average concentration or mass; and

(e) A statement reviewed by its authorized representative and certified to by a qualified technician indicating:

(1) That the user meets pretreatment standards on a consistent basis; or

(2) If the user does not meet pretreatment standards, additional operation and maintenance or pretreatment necessary to meet the pretreatment standards and requirements.

(iii) A significant industrial user subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR Section 403.6(c) shall report a reasonable estimate of the significant industrial user's long term production rate.

(iv) Other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge for each unit of production or other measure of operation, shall report the user's actual production or other measure of operation.

k. Periodic Reports:

(i) A significant industrial user subject to a pretreatment standard shall submit to the Village a written, signed and certified report at least twice each calendar year on the dates specified by the Village.

(ii) A report under this subsection (K) shall include the information required in subsection (H) above.

(iii) The Village may require a person who generates waste discharged, deposited or otherwise received for treatment at the POTW to report:

(a) The nature and concentration of pollutants in the discharge;

(b) The origin of the waste; and

(c) Other information as the Village considers necessary to identify and process the waste or to protect the POTW.

(iv) If the Village imposes mass limitations on an user under 40 CFR Section 403.6 (d), the user shall include the mass of pollutants in the user's discharge regulated by the pretreatment standards in the periodic report required under this subsection (K).

(v) If the Village has imposed equivalent mass or concentration limits on an user under 40 CFR Section 403.6 (c), the user shall include a reasonable estimate of the user's long-term production rate in the periodic report required under this subsection (K).

(vi) Users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge for each unit of production or other measure of operation, shall include the user's actual average production rate for the reporting period in the periodic report required in this subsection (K).

1. Changed Condition:

(i) For the purpose of this subsection (L) a significant change is a flow increase of ten percent (10%) or more, or the discharge of a previously unreported pollutant.

(ii) A person discharging wastewater with the potential to alter the nature, quality, or volume of the wastewater in the POTW or a portion of the sanitary sewer shall notify the Village of planned significant changes to the person's operations or wastewater treatment system, not later than the earliest of:

(a) The thirtieth (30th) day before the person implements the change;

(b) The date required by the person's permit; or

(c) The date prescribed by the standards and procedures contained in this subsection (L).

(iii) The Village may require a person who discharges wastewater to the POTW to submit information necessary to evaluate a changed condition in the person's operations or wastewater treatment system, including an application for a permit.

(iv) The Village may issue a permit or modify an existing permit based on a report of changed conditions.

(v) A person shall not implement a planned significant change until the Village has acted on the person's notice under this subsection (L).

m. Accidental or Unauthorized Discharge:

(i) A person shall immediately notify the Village by telephone if a discharge occurs which may cause a potential problem for the POTW or a violation of the prohibited discharge standards established under this subsection (M), including:

(a) An accidental discharge;

(b) A non-routine, episodic discharge;

(c) A non-customary batch discharge; or

(d) A slug discharge.

(ii) Notice under this subsection (M) shall include:

(a) The location of the discharge;

(b) The type of waste or pollutant discharged;

(c) The concentration and volume of waste or pollutant discharged;

(d) Treatability of the waste or pollutant;

(e) Toxic effects to humans; and

(f) Corrective actions taken.

(iii) No later than the fifth (5th) day after the discharge, the person responsible for the discharge shall submit a written report to the Village describing:

(a) The nature and cause of the discharge; and

(b) Preventative measures that will be taken to prevent similar future occurrences.

(iv) The Village may, in writing, waive the requirement of a report under this subsection (M).

(v) A person providing notification under this subsection (M) is not relieved of liability for loss, expense, damage, or other injury that may occur as a result of the discharge.

n. Employee Notification: A person discharging wastewater containing prohibited waste shall permanently post notice of procedures for reporting problem discharges in a prominent place. A person shall inform an employee who causes a problem discharge or is responsible for reporting a problem discharge of the notification requirements and procedures under this subsection (m).

o. Required Report: A person who discharges wastewater containing prohibited waste to the POTW shall provide the Village with reports and information that the Village considers necessary to monitor and evaluate a particular discharge.

p. Self-Report of Violation: A person who discharges wastewater containing prohibited waste to the POTW and who performs sampling that indicates a violation of this subsection (m) shall notify the Village no later than twenty-four (24) hours after becoming aware of the violation.

q. Hazardous Waste Discharge Notification:

(i) A person who discharges waste to the POTW that, if otherwise disposed of, would be hazardous waste under 40 CFR Part 261, shall notify the Village, the EPA, and the TCEQ of the discharge.

(ii) Notification under this subsection (Q) shall include:

(a) The name of the hazardous waste as described in 40 CFR Part 261;

(b) The EPA hazardous waste identification number; and

(c) The type of discharge.

(iii) A person shall provide the notification required under this subsection (Q) no later than the one hundred eightieth (180th) day after the discharge of the hazardous waste begins. Except as provided in subsection (iv) below, a person shall submit notification only once under this subsection (Q) for each hazardous waste discharged.

(iv) If a person discharges more than one hundred kilograms (100 kg) of waste subject to this subsection (Q) to the POTW in a calendar month, written notification under this subsection (Q) shall include:

(a) Identification of the hazardous constituents contained in the waste;

(b) An estimate of the mass and concentration of the hazardous constituents in the waste stream discharge during the current calendar month; and

(c) An estimate of the mass of hazardous constituents that will be discharged in the waste stream during the following twelve (12) month period.

(v) Except as provided in subsection (vi) below, a person discharging less than fifteen kilograms (15 kg) of hazardous waste not classified as acute hazardous waste under 40 CFR Sections 261.30(d) and 261.33(e) during a calendar month is exempt from the notification requirements of this subsection (Q).

(vi) A pollutant previously reported under the self-monitoring requirements in this subsection (Q) does not need to be identified in the notification required under this subsection (Q).

(vii) A person shall provide written notification to the Village, the EPA and the TCEQ upon the first discharge of:

(a) More than fifteen kilograms (15 kg) of non-acute hazardous waste in a calendar month; or

(b) A quantity of acute hazardous wastes under 40 CFR Sections 261.30(d) and 261.33(e).

(viii) A person shall notify the Village, the EPA, and the TCEQ of the discharge of a substance newly identified as hazardous under Section 3001 of the Resource Conservation and Recovery Act no later than the ninetieth (90th) day after the effective date of the

regulation identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste.

(ix) A person required to provide notification made under this subsection (Q) shall certify that a program to reduce the volume and toxicity of hazardous waste is installed and functional.

r. Records Retention:

(i) A person discharging wastewater containing prohibited waste to the POTW or disposing of waste off-site shall retain and make available for inspection and copying by the Village all records and information required under this subsection (R).

(ii) Unless federal or state law requires information to be retained for a longer period, a person shall retain records under this subsection (R) for at least three (3) years from the date the record is created.

(iii) The records retention period is automatically extended for:

(a) The duration of compliance litigation under this subsection (8); or

(b) A longer period set by an enforcement order issued under this subsection (8).

s. Confidentiality: A person who may assert the trade secret exception to disclosure under Chapter 552 of the Texas Government Code shall clearly mark "confidential business information" on each page that contains proprietary information.

t. Sampling and Analysis Requirements:

(i) Except as otherwise provided by a categorical pretreatment standard, a person who samples or analyzes wastewater under this subsection (T) shall perform the sampling or analysis in accordance with the techniques prescribed in 40 CFR Part 136.

(ii) If 40 CFR Part 136 does not contain sampling or analytical techniques for a pollutant found in wastewater released to the POTW, a person shall perform sampling and analysis in accordance with procedures approved by EPA.

u. Required Sample Collection Techniques:

(i) Except as otherwise provided in this subsection (8) or by applicable federal, state, or local law, a person that discharges wastewater containing industrial waste or other prohibited waste shall collect a wastewater sample using flow proportional composite collection techniques.

(ii) If the Village determines that flow proportional sampling is not feasible, the Village may authorize the use of:

(a) Time proportional sampling;

(b) Sampling of a minimum of four (4) grab samples; or

(c) Other applicable approved sampling procedure provided that the procedure collects a representative sample of the discharged effluent.

(iii) A person shall use grab collection techniques to obtain samples of fat, oil, grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic chemicals.

v. Repeat Sampling Required:

(i) In addition to the self-reporting requirements in this subsection (8), a person discharging wastewater containing prohibited waste who conducts a sample and analysis that indicates a violation of this section shall:

(a) Repeat the sampling and analysis; and

(b) Submit the results of the repeat analysis to the Village not later than the thirtieth (30th) day after becoming aware of the violation.

(ii) A person is not required to conduct repeat sampling and analysis under this subsection (V) if the POTW:

(a) Monitors the person's premises at least once (1) each month; or

(b) Conducts a sampling between the initial self-sampling and receipt by the person of the results of the sample analysis.

w. Sampling Requirements:

(i) A person shall use wastewater samples representative of actual discharge as the basis of a periodic report filed with the Village.

(ii) A person shall maintain and operate wastewater monitoring and flow measurement facilities in good working order. A user shall not submit a sample result that is not representative of an operation's discharge based on the user's failure to keep its monitoring facility in good working order.

(iii) A person subject to categorical reporting requirements shall include the results from all approved methods used to monitor a pollutant in the periodic report to the Village, including results obtained by monitoring conducted more frequently than required by the Village.

x. Sample to Determine Non-Compliance: The Village may use a grab sample to determine non-compliance with pretreatment standards.

9. Wastewater Leaks:.

a. Notice to Customer of Leak or Defect. The Village shall notify a customer of a plumbing defect or leak that permits excess wastewater to enter or infiltrate the surrounding soils, public water or stormwater collection system.

b. Duty to Repair or Replace.

(i) A person notified under this subsection (10) shall repair the defect or leak in compliance with the Plumbing Code no later than the sixtieth (60th) day after the date the person received notice.

(ii) A person notified under this subsection (10) shall provide the Village with written notice of compliance no later than the fifth (5th) day after the date repair work is completed.

c. Offenses:

(i) A person notified under this subsection (10) commits an offense if the person does not:

(a) Repair a leak or defect within tenth (10) days; and

(b) Submit a notice of compliance.

(ii) Each day repairs are not completed after ten (10) days from the date of notice constitutes a separate offense. Each day a notice of

compliance is not filed after the due date constitutes a separate offense.

(iii) An owner or the owner's agent or manager violates subsection (9) if:

(a) The owner's tenant notifies the owner or the owner's agent or manager that a leak or defect exists;

(b) The owner does not repair the leak or defect not later than the tenth (10th) day after the date of the notice; and

(c) The owner fails to submit a notice of compliance to the Village.

d. Termination of Water Service: The Village may terminate water and wastewater service to a property if:

(i) A defect or leak exists in the plumbing of the property;

(ii) The magnitude of the defect or leak causes an immediate threat or danger to public health, safety or property; and

(iii) Notice has been issued under this subsection (10).

10. Manhole Requirements: All manholes must comply with City of Austin Clean Water Program standards.

11. Enforcement, Penalties, and Appeal:

a. Right of Entry:

(i) The Village or an approval authority representative may enter the premises of a person to determine if the person is in compliance with the requirements of this subsection (m) or a permit or order issued under this subsection (m). The Village may enter a public easement or private property where a portion of the sewer system is located.

(ii) The Village or an approval authority representative may:

(a) Enter, inspect, sample, monitor or conduct surveillance or enforcement activities relating to the sewer system servicing a premises;

(b) Enter a premises to gain access to a source of industrial waste or other prohibited waste or discharge; and

(c) Inspect pretreatment, sampling, or monitoring equipment, method of pretreatment, monitoring, or record required under this subsection (m).

(iii) A person discharging or proposing to discharge wastewater to the POTW or sanitary sewer shall, at the person's sole expense, promptly remove security barriers or other obstacles to access by the Village or an approval authority representative.

(iv) A person who fails to remove an obstruction or unreasonably delays access by the Village or an approval authority representative to premises discharging to the POTW commits an offense.

b. Search Warrant: The Village may seek issuance of a search warrant from a municipal court or other court of competent jurisdiction if the Village has been refused access to a building, structure, property, or premises and can demonstrate that the Village has probable cause to believe that:

(i) A violation of this subsection (m), a permit, or other enforcement order exists;

(ii) There is a need to conduct a routine compliance inspection or to protect public health or safety; or

(iii) There is an emergency affecting public health or safety.

c. Criminal Penalty:

(i) A person violating this subsection (m) commits an offense. An offense under this subsection (m) is a class C misdemeanor. Each occurrence of a violation of this subsection (m) is a separate offense.

(ii) Proof of a culpable mental state is not required for a conviction of an offense under this subsection (m).

d. Civil Penalty:

(i) If a person has received actual notice of the provisions of this subsection (m) and acts in violation of this subsection (m) or fails to take action to comply with this subsection (m), or federal, state or local regulations, the Village may initiate a suit:

(a) To recover a civil penalty for each violation;

(b) To obtain injunctive relief;

(c) To recover expenses, loss or damage to Village property; or

(d) For other available relief.

(ii) Each day or part of a day during which non-compliance occurs constitutes a separate violation. Initiation of a civil suit does not prevent other action against a person for violations of this subsection (m).

e. Emergency Suspension:

(i) Upon informal written or verbal notice, the Village may suspend water and wastewater service and disconnect a premises from the public wastewater system if the Village determines that an actual or threatened discharge:

(a) Presents an imminent danger to public health or safety;

(b) Presents an imminent danger of pass through;

(c) Presents a threat to the environment; or

(d) Threatens to interfere with the operation of the POTW.

(ii) A person notified of the suspension of the person's service shall immediately stop the discharge or eliminate its contribution to the waste stream.

(iii) If a person fails to immediately comply with an emergency suspension order, the Village may take necessary measures to prevent or minimize damage to the POTW, the environment, the public, or property.

(iv) The Village may not allow a discharge to continue if termination proceedings have been initiated. Evidence that the danger caused by a discharge has ceased does not affect the suspension authorized by this subsection (E). The Village is not required to provide a hearing before authorizing an emergency suspension.

f. Permit Revocation: The Village may revoke a permit if a person violates this subsection (m), or other federal, state, or local wastewater pretreatment regulation.

g. Termination Order: If the Village determines that a person has violated this subsection (m), a permit, or enforcement order, the Village may:

(i) Order the person to terminate discharge to the POTW; and

(ii) Enforce termination of the discharge by severing the person's sewer connection.

h. Termination of Water or Wastewater Service: If the Village determines that a person has violated this subsection (m), a permit, or enforcement order, the Village may issue a fine no less than $200 per day per offence until the violation is remedied.

i. Recovery of Economic Benefit. If the Village determines that a person has violated this subsection (m), a permit, enforcement order, or agreement, the Village may recover the economic benefit accrued to the person due to the person's non-compliance, including:

(i) The cost benefit resulting from the delay or avoidance of:

(a) Capital costs that would have been incurred for compliance; and

(b) Operation and maintenance costs that would have been incurred for compliance, including the cost of labor, utilities, chemicals, supplies, replacement parts, overhead, monitoring, permit fees, and other fixed or variable costs;

(ii) A reasonable investment rate of return on the cost benefit calculated under Subsection (i) above;

(iii) The value of a competitive advantage derived by the person attributable to the person's non-compliance, including increased profit or market share compared to competitors in compliance; and

(iv) Other economic benefit the Village may determine.

j. Cumulative Remedies: The remedies authorized under this subsection (12) are cumulative unless specifically prohibited by state or federal regulation.

k. Liability

(i) A person may be held liable for a violation of this subsection (m) if the person:

(a) Commits or assists in the commission of a violation;

(b) Is an authorized representative under this subsection (m); or

(c) Is the owner, occupant, tenant, or manager of premises, property or a facility that is the source of a discharge in violation of this subsection (m).

(ii) A person who violates this subsection (m) is liable to the Village for expenses, loss or damage incurred as a result of the violation.

l. Notice Of Violation:

(i) The Village may serve a written or verbal notice of violation on a person staff determines has violated or is violating:

(a) This subsection (m);

(b) The conditions of a permit or order issued under this subsection (m); or

(c) Other pretreatment standard or requirement.

(ii) A notice of violation shall describe the violation and state that, no later than the fourteenth (14th) day after receipt of the notice, a person shall provide to the Village with an explanation of the violation and a plan for the satisfactory correction and prevention, including specific actions for correction of the violation.

(iii) A person who submits a proposed corrective plan under this subsection (12) is not relieved of criminal or civil liability for a violation of this subsection (m).

m. Voluntary Compliance:

(i) The Village may accept from a person responsible for a violation under this subsection (m) a written assurance of voluntary compliance, or issue a consent order or similar document that establishes an agreement for voluntary compliance.

(ii) An agreement under this subsection (m) shall:

(a) Describe the violation;

(b) Describe the specific action the person must take to correct the violation;

(c) Specify the time period for the person to complete the corrective action;

(d) Be signed and dated by the person responsible for compliance; and

(e) Be judicially enforceable.

(iii) The Village may take action to enforce compliance with an agreement under this subsection (m).

n. Show Cause Hearing:

(i) The Village may order a person responsible for a violation of this subsection (m), a permit, or a pretreatment standard or requirement to appear before the Village and show cause why a proposed enforcement action should not be taken.

(ii) The Village shall serve notice to a person under this subsection (N) including:

(a) The time and place for a hearing;

(b) The nature of the violation;

(c) The proposed enforcement action;

(d) The reasons for the enforcement action; and

(e) A request that the person show cause why the proposed enforcement action should not be taken.

(iii) The Village must serve notice under this subsection (N) in person or by certified mail, return receipt requested, no later that the third (3rd) day before the hearing. Notice may be served on an employee, agent or other authorized representative of a person responsible for a violation.

(iv) The Village may take immediate enforcement action following the noticed hearing.

(v) The council is not required to hold a show cause hearing prior to taking action against a person for a violation of this subsection (M). Issuance of notice under this subsection (N) does not prevent the Village from pursuing emergency action if the Village

determines the action is required to prevent pass through, damage to the POTW or sanitary sewer, or interference with the POTW.

o. Compliance Order:

(i) If the Village determines that a person has violated or continues to violate this subsection (m), a permit, enforcement order, or a pretreatment standard or requirement, the Village may issue an order to the person directing the person to correct the violation within a specified time period.

(ii) If a person does not comply within the time period provided, the Village may discontinue and disconnect water or wastewater service to the non-compliant premises unless the person installs and operates a treatment facility, device, or equipment sufficient to ensure compliance.

(iii) The Village may order other requirements necessary to protect the POTW or sanitary sewer including additional self-monitoring, reporting and waste management practices designed to minimize the amount of pollutants discharged to the POTW.

(iv) The Village shall not issue a compliance order that extends a compliance deadline established for a pretreatment standard or requirement established by federal law or by EPA order or regulation.

p. Cease and Desist Order: If the Village determines that a person is violating this subsection (m), a permit, or enforcement order, or that past violations committed by the person are likely to recur, the Village may issue an order directing the person to:

(i) Immediately cease and desist the violations;

(ii) Immediately comply with requirements of this subsection (m), a permit, or enforcement order; and

(iii) Take necessary remedial or preventive action to address a present, continuing or threatened violation, including halting operations or terminating the wastewater discharge to the POTW.

q. Permit Cancellation: The Village may cancel a permit for the following reasons:

(i) Abandonment of the permitted facility;

(ii) Vacancy or nonuse of the permitted facility for ninety (90) days or more;

(iii) Cessation of operations that required a permit;

(iv) Transfer of the permitted facility to a new owner, occupant or manager; or

(v) Issuance of a new or modified permit.

r. Appeal Procedure:

(i) A person aggrieved by an administrative decision, interpretation or ruling by the Village under this subsection (m) may appeal by filing a written appeal with the Village no later than the thirtieth (30th) day after the issuance of the decision, interpretation, or ruling, and delivering a copy of the appeal to the Village.

(ii) An appeal under this subsection (R) shall include:

(a) The name and address of the person making the appeal;

(b) A statement of facts;

(c) A copy of the disputed ruling or evidence of a refusal to make a ruling; and

(d) The reason the ruling should be set aside or, if there was no ruling, the reason a ruling is required.

s. Informal Hearing on Appeal:

(i) No later than the sixtieth (60th) day after receipt of an appeal, the council may conduct an informal hearing.

(ii) If the council elects to conduct an informal hearing, the Village shall notify the person appealing of the time and place of the hearing and provide the person with a copy of any rules relating to an informal hearing.

(iii) At an informal hearing, the Village may:

(a) Allow the person who filed the appeal to make a presentation of the person's position and statement of facts; and

(b) Consider the position and statement of facts presented by the Village.

(iv) The Village shall issue a written decision no later than the thirtieth (30th) after the date of an informal hearing. The decision of the council is final and is not subject to further administrative appeal.

(v) The Village may establish rules for conduct of an informal hearing, except that the Village may not require the use of formal adjudicatory techniques or rules of evidence.

(vi) An appeal filed under this subsection (S) does not stay an enforcement action pending the council's decision.

(vii) The Village may not grant a waiver or variance under this subsection (S) in a ruling on an informal hearing. The council's decision is limited to affirming or overruling the decision, interpretation, or ruling under appeal, or the application of a rule to the person who filed the appeal.

t. Affirmative Defense to Prohibited Discharge of a Pollutant: It is an affirmative defense to prosecution for a violation of the prohibitions under this subsection (m) that the person did not know, or have reason to know, that the person's discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference, and:

(i) Immediately before and during the pass through or interference, the person was in compliance with a local limit for the discharged pollutant causing the pass through or interference; or

(ii) No local limit exists for the pollutant that caused the pass through or interference, and the discharge:

(a) Did not change substantially in nature or constituents from an earlier discharge during which the POTW was in compliance with the NPDES or TPDES permits, and

(b) In the case of interference, the POTW was in compliance with applicable sludge use or disposal requirements.

u. Affirmative Defense for Violation of Bypass Prohibition.

(i) It is an affirmative defense to prosecution for violation of the prohibitions against bypass under this subsection (m), that:

(a) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, and the person causing or allowing the bypass complied with the notice requirements;

(b) No feasible alternatives to the bypass existed, including the use of an auxiliary treatment facility, retention of untreated waste, or preventative maintenance during a normal period of equipment downtime.

(ii) A person may not assert an affirmative defense to prosecution for a bypass occurring during a normal period of equipment downtime or preventative maintenance, if the person should have, in the exercise of reasonable engineering judgment, installed adequate backup equipment to prevent a bypass.

v. Affirmative Defense for Failure to Repair Wastewater Leak: It is an affirmative defense to prosecution for violation of the prohibitions against failure to repair a wastewater leak that:

(i) A person is a non-owner tenant of residential property;

(ii) The non-owner tenant's rental agreement or lease is for a term of twelve (12) months or less; and

(iii) The non-owner tenant delivered the notice to the owner of the property or the owner's agent or manager within three (3) days of receipt.

w. Act Of God: It is an affirmative defense to prosecution in an action brought in state or municipal court for a violation of this subsection (m) that the violation was caused solely by an act of God, war, strike, riot, or other catastrophe.

G. Central Water and Wastewater Design Criteria: The design of central water and wastewater systems shall comply with the City of Austin, Texas Utility Criteria Manual, (latest edition).

H. On-Site Sewage Disposal Systems Design Criteria: The design of on-site sewage disposal systems shall comply with the Lower Colorado River Authority's On-Site Sewage Facility (OSSF) Rules, including those areas within the jurisdictional boundaries of the Village that are outside the jurisdictional areas of the Lower Colorado River Authority.

I. Groundwater Withdrawal Systems:

1. Responsibility:

   a. In addition to complying with the requirements of 16 TEX. ADMIN. CODE Chapter 76, all well drillers, landowners and persons having a well, drilled, deepened, or otherwise altered, shall adhere to the provisions of this subsection (p) prescribing the proper drilling, completion, operation, maintenance, capping, and plugging.

   b. Where a landowner or person having a well drilled, deepened, or otherwise altered, denies a well driller access to the well to complete the well to established standards and thereby precludes the well driller from performing his or her duties under the TEXAS WATER CODE, 16 TEX. ADMIN. CODE ch. 76, or this subsection (p), the well driller shall, within five *(5)* days provide to the Village a copy of the statement prescribed in 16 TEX. ADMIN. CODE § 76 .702(a)(1), as may be amended. The landowner or person authorizing the well work shall complete the well to established standards within ten (10) days of notification by the Village.

   c. Where a person or landowner having a well drilled, deepened, or altered denies a well driller access to the well that requires plugging or completion or otherwise precludes the well driller from plugging or completing the well that has encountered undesirable water or constituents, the well driller shall, within forty-eight (48) hours, provide to the Village a copy of the statement prescribed in 16 TEX. ADMIN. CODE § 76.702(e)(1), as may be amended.

2. Well Construction Permits: Any person having a well drilled, deepened, plugged or otherwise altered shall obtain a site development permit from the Village, in accordance with Division 2 of this article. NOTE: well permit fees should be scaled to make Glen Rose permits more expensive than Trinity to attempt to conserve the Glen Rose

3. Drilling by Unlicensed or Unregistered Well Driller Prohibited: No person may, within the jurisdictional boundaries of the Village, engage in the drilling, boring, coring, construction, alteration plugged or modification of an aquifer well unless the person first holds a well driller's license issued pursuant to the provisions of Chapter 51 or Chapter 1901, TEXAS OCCUPTIONS CODE.

4. Locations of New Wells:

   a. Wells shall be located a minimum horizontal distance of fifty feet (50') from any watertight sewage and liquid-waste collection facility, except in the case of monitoring, dewatering, piezometer, and recovery wells, which may be located where necessity dictates.

b. A well shall be located a minimum horizontal distance of one hundred fifty feet (150') from any concentrated sources of potential contamination such as, but not limited to, existing or proposed livestock or poultry yards, cemeteries, pesticide mixing/loading facilities, and privies, except in the case of monitoring, dewatering, piezometer, and recovery wells, which may be located where necessity dictates. A well shall be located a minimum horizontal distance of one hundred fifty feet (150') from an existing or proposed septic system absorption field, septic system spray area, or a dry litter poultry facility, and fifty feet (50') from any property line provided the well is located at the minimum horizontal distance from the sources of potential contamination listed in this subsection (p).

c. A well shall be located at a site not generally subject to flooding; provided, however, that if a well must be placed in a flood prone area, the top of the casing shall extend a minimum of twelve inches (12") above ground level or thirty-six inches (36") above known flood prone areas and unprotected openings into a well casing that is above ground shall be sealed water tight.

5. Standards of Completion for Wells: Wells shall be completed in accordance with the following standards:

a. In water table wells, the annular space shall extend from the land surface or well head to within three feet (3') of the top of the water level or twenty feet (20') from the land surface or well head, whichever is deeper.

b. In artesian wells, the annular space shall extend from the land surface or well head to at least ten feet (10') below the top of the aquifer formation or twenty feet (20') from the land surface, whichever is deeper.

c. Throughout the length of the entire annular space, there shall be a minimum of two inches (2") between the outside surface of the outermost well casing and the surface of the borehole such that the borehole diameter is a minimum of four inches (4") larger than the outside diameter of the outermost well casing.

d. The entire annular space shall be sealed with a grout, using one (1) of the following applicable methods:

(i) For water table wells, the grout shall be placed by:

(a) The tremie method;

(b) The positive displacement exterior method;

(c) The positive displacement interior method; or

(d) The continuous injection method.

(ii) For artesian wells, the grout shall be placed by:

(a) The positive displacement interior method; or

(b) The continuous injection method.

e. The well driller or well owner shall within sixty (60) days of the completion of the well:

(i) Perform a constant discharge specific capacity test for a minimum of one (1) hour and report the results to the Village in gallons per minute per foot of drawdown. The report will include pumping rate, pumping time, and water level measurements obtained;

(ii) Perform a water level measurement and report the results to the Village;

(iii) Provide to the Village the location of the well in degrees, minutes, and seconds of latitude and longitude, to the nearest second in the North American Datum of 1983, and indicate the location of the well on a USGS *7.5* minute topographic map;

(iv) Provide to the Village any geophysical logs of the well from bottom to top, which include natural gamma ray and caliper logs, and the log shall be certified as true and correct for the identified well on its header by the logging technician; and

(v) For wells drilled through one (1) or more aquifers to deeper aquifers, the geophysical log shall demonstrate that all aquifers have been properly isolated from other aquifers.

f. Logging technicians shall submit a statement certifying that the log for the well identified on the log header is true and correct

g. The well driller shall not use any material containing lead in constructing a well.

h. The top of the casing shall extend a minimum of twelve inches (12") above the land surface.

i. In wells where a steel or PVC sleeve is used:

(i) The steel sleeve shall be a minimum of 3/16 inches in thickness and/or the plastic sleeve shall be a minimum of Schedule 80 sun resistant or SDR 17 in 6-inch and 8-inch sun resistant;

(ii) The sleeve shall extend, at a minimum, as high as the casing above the land surface;

(iii) The sleeve shall be at least twenty-four inches (24") in length;

(iv) The sleeve shall extend at least twelve inches (12") below the ground surface, except when steel casing or a pitless adapter is used; and

(v) The sleeve shall be at least two inches (2") larger in diameter than the plastic casing being used.

j. Pitless adapters may be used in wells provided that the adapter meets the Water System Council WSC PAS-97 standards and recommended installation procedures for sanitary water well systems.

k. All wells shall be completed so that aquifers or zones containing waters that differ in chemical quality are not allowed to commingle through the borehole casing, annulus, or a gravel pack and cause quality degradation of any aquifer or zone.

l. The well casing shall be capped or completed in a manner that will prevent pollutants from entering the well.

m. Each well driller drilling, deepening, or otherwise altering a well shall keep any drilling fluids, tailings, cuttings, or spoils contained in such a maimer so as to prevent spillage onto adjacent property not under the jurisdiction or control of the well owner without the adjacent property owner's written consent.

n. Each well driller drilling, deepening, or otherwise altering a well shall prevent the spillage of any drilling fluids, tailings, cuttings, or spoils into any body of surface water.

o. A new, repaired, or reconditioned well or pump installation shall be properly disinfected before use with chlorine or other appropriate disinfecting agent under the circumstances. A disinfecting solution with a minimum chlorine concentration of fifty milligrams per liter (50mg/l), shall be placed in the well as required by the American Water Works Association (AWWA), pursuant to ANST/AWWA C654-87 and the United States Environmental Protection Agency (EPA).

p. A half-inch (1/2") diameter water level access port with threaded seal shall be provided in the top of the cap or compression seal of the well. Wells with turbine pumps shall be installed with an air line or tube for a steel tape or other port for water level measurement.

6. Additional Standards of Completion for Aquifer Wells Encountering Undesirable Water or Constituents:

a. In addition to the other requirements of this subsection (p), if a well driller encounters undesirable water or constituents and the well is not plugged the well driller shall see that the well drilled, deepened, or otherwise altered is forthwith completed in accordance with the following:

(i) When undesirable water or constituents are encountered in a water well, the undesirable water or constituents shall be sealed off and confined to the zone(s) of origin.

(ii) When undesirable water or constituents are encountered in a zone overlying fresh water, the well driller shall case the water well from an adequate depth below the undesirable water or constituent zone to the land surface to ensure the protection of water quality.

(iii) The annular space between the casing and the wall of the borehole shall be pressure grouted with grout from an adequate depth below the undesirable water or constituent zone to the land surface to ensure the protection of groundwater. Bentonite grout shall not be used if a water zone contains chloride water above 1,500 milligrams per liter (mg/l) or if hydrocarbons are present.

(iv) When undesirable water or constituents are encountered in a zone underlying a fresh water zone, the part of the well bore opposite the undesirable water or constituent zone shall be pressure grouted with grout to a height that will prevent the entrance of the undesirable water or constituents into the water well. Bentonite grout shall not be used if a water zone contains chloride water above 1,500 milligrams per liter (mg/l) or if hydrocarbons are present.

b. The person who performs the well completion operation on well shall, within sixty days (60) after completing the well, submit to the Village a well completion report on a form authorized by the Village.

7. Additional Standards for Wells Producing Undesirable Water or Constituents:

a. Wells completed to produce undesirable water or constituents shall in addition to the other requirements of this subsection (p), be cased to prevent the mixing of water or constituent zones.

b. Wells producing undesirable water or constituents shall, in addition to the other requirements of this subsection (p), be completed in such a manner that will not allow undesirable fluids to flow onto the land surface.

8. Construction Standards for Wells Drilled before the Effective Date of this Article:

a. Wells drilled prior to the effective date of this article will, unless abandoned, be grand fathered without further notification unless the well is found to be a threat to public health and safety or to water quality. The following will be considered a threat to public health and safety or to water quality:

(i) The annular space around the well casing is open at or near the land surface;

(ii) An unprotected opening into the well casing exists;

(iii) The top of the well casing is below known flood level and is not appropriately sealed; or

(iv) Deteriorated well casings allowing commingling of aquifers or zones of water of different quality, allowing infiltration of surface water, or causing a public nuisance.

b. If the annular space around the well casing at the surface is not adequately sealed as set forth in this subsection (p), it shall be the responsibility of each well driller or pump installer to inform the landowner that the well is considered to be a deteriorated well and must be recompleted when repairs are made to the pump or well in accordance with this subsection (p), and the following standards:

(i) The well casing shall be excavated to a minimum depth of four feet (4') and the annular space shall be filled from ground level to a depth of not less than four feet (4') below the land surface with grout. In areas of shallow, unconfined groundwater aquifers, the grout need not be placed below the static water level. In areas of shallow, confined groundwater aquifers having artesian head, the grout need not be placed below the top of the water bearing strata.

(ii) If deteriorated well casing is allowing commingling of aquifers or zones of water of different quality or surface water and causing degradation of the aquifer, then the well shall be plugged or

repaired. Procedures for repairs shall be submitted to the Village for approval prior to implementation.

(iii) If a well driller or pump installer finds any of the procedures described by this subsection (p) to be inapplicable, unworkable, or inadequate, alternative procedures may be employed provided that the proposed alternative procedures shall prevent injury and pollution and that the procedures shall be submitted to the Village for approval prior to their implementation and further provided that the Village will not approve an alternative method that is less protective of the aquifer than the methods stated elsewhere in this subsection (p).

(iv) Well covers shall be capable of supporting a minimum of four hundred pounds (400lbs) and constructed in such a way that they cannot be easily removed by hand.

9. Modification of Wells: If a well constructed prior to the effective date of this article is modified, or repaired, the work shall include those changes necessary to make the well conform to this subsection (p):

a. Activities that will invoke this rule include installing additional casing, repairing existing casing, adjusting the well depth, or any work that may affect the integrity of the annular space seal.

b. Activities that will not invoke this rule include modifying or repairing pumping equipment or minor modifications to the well surface completion as long as these activities do not impact the integrity of the well casing or the annular space seal.

10. No Chemical Storage: No pesticides, herbicides, organic chemical compounds, inorganic chemical compounds or other hazardous or toxic substances shall be stored within twenty-five feet (25') of the bore of a well, with the exception of water treatment chemicals required for municipal wells and fuels and lubricants required to operate irrigation pumping equipment.

11. No Standing Water: No water shall be allowed to stand (pool) around the bore of a completed well.

12. No Debris: The ground, slab or well house floor shall remain clear of debris and shall be sloped away from well.

13. Village Access: With respect to any well, the well shall be made accessible to the Village for the purposes of compliance inspection, water quality testing, or water level measurement within forty-eight (48) hours of notification from the Village.

14. Recompletions:

a. The landowner shall have the continuing responsibility of ensuring that an well does not allow the commingling of undesirable water or constituents with fresh water or the unwanted loss of water through the well bore to other porous strata.

b. If a well is allowing the commingling of undesirable water or constituents with fresh water or the unwanted loss of water, and the casing in the well cannot be removed and the well recompleted in accordance with the applicable rules, then the casing in the well shall be perforated and grouted in a manner that will prevent the commingling or loss of water. If such a well has no casing then the well shall be cased and grouted, or plugged in a manner that will prevent such commingling or loss of water.

c. The Village may require the landowner to take proper steps to prevent the commingling of undesirable water or constituents with fresh water, or the unwanted loss of water.

15. Well Pits:

a. No new well pits shall be allowed.

b. No person shall modify existing well pits. Any person modifying a well shall eliminate existing well pits and the well driller shall extend the casing a minimum of twelve inches (12") above ground level and a minimum of thirty-six inches (36") above the known flood level, and unprotected openings into the well casing that are above ground shall be sealed water tight and an air vent extended a minimum of thirty-six inches (36") above the known flood level. Any flooring and the walls of the pit shall be broken and removed and the pit shall be filled with compacted earth.

16. Water Distribution and Delivery Systems:

a. A buried discharge line between the pump discharge and the pressure tank or pressure system in any installation, including a deep well turbine or a submersible pump, shall not be under negative pressure at any time. With the exception of jet pumps, a check valve or an air gap shall be installed in a water line between the well casing and the pressure tank. Either a check valve, or an air gap, as applicable, shall be required on all irrigation well pumps whenever a pump is installed or repaired. All wells shall have either a check valve, or an air gap as applicable.

b. Wells shall be vented with watertight joints except as provided by subsection (A) above.

(i) Watertight joints, where applicable pursuant to the provisions of this subsection (p), shall terminate at least three feet (3') above the known flood level or one foot (1') above the established ground surface or the floor of a pump room or well room, whichever is higher.

(ii) The casing vent shall be screened and point downward.

(iii) Vents may be offset provided they meet the provisions of this subsection (p).

(iv) Toxic or flammable gases, if present, shall be vented from the well. The vent shall extend to the outside atmosphere above the roof level at a point where the gases will not produce a hazard.

17. Pump Installation:

a. During any repair or installation of a water well pump in a well, the licensed pump installer shall make a reasonable effort to maintain the integrity of the well surface completion to protect groundwater quality.

b. A new, repaired or reconditioned well, or pump installation or repair on a well used to supply water for human consumption shall be properly disinfected.

c. The pump shall allow entry into the well casing for measurement of water levels.

d. The pump and piping shall include a means to collect a water sample.

18. Alternative Minimum Standards:

a. If the party having a well drilled, deepened, plugged, or otherwise altered, or the well driller, or the party plugging the well, finds any of the requirements or procedures prescribed by this subsection (p) inapplicable, unworkable, or inadequate, combinations of the prescribed requirements or procedures or alternative procedures may be employed, provided that the proposed alternative requirements or procedures shall prevent injury and pollution to the aquifer. The Village will not approve an alternative method that is less protective of the aquifer than the methods stated elsewhere in this subsection (p).

b. Proposals to use combinations of prescribed requirements or procedures or alternative requirements or procedures shall be submitted to the Village for approval prior to their implementation.

c. If the Village approves such proposed alternative requirements or procedures, it shall not relieve the party from the obligation to comply with other applicable requirements of federal, state, or local law.

19. Well Reports:

a. Every well driller who drills, deepens, or otherwise alters a well, shall be properly licensed and shall make and keep a legible and accurate State Well Report on a form approved by the Village.

b. Every well driller shall deliver or transmit by first-class mail a photocopy of the State Well Report, and any other forms required by the Village, to the Village and a copy to the owner or person for whom the well was drilled, deepened or otherwise altered within sixty (60) days from the completion or cessation of drilling, deepening, or otherwise altering a well.

20. Reporting Undesirable Water or Constituents:

a. Each well driller shall inform, within twenty-four (24) hours, the landowner or person having an well drilled, deepened, or otherwise altered or their agent when undesirable water or constituents have been encountered.

b. Within thirty (30) days of encountering undesirable water or constituents, the well driller shall submit the information to the Village, and to the landowner or person having the well drilled, deepened, or otherwise altered, on forms approved by the Village:

(i) A statement signed by the well driller indicating that the landowner or person having the well drilled, deepened, or otherwise altered, has been informed that undesirable water or constituents have been encountered; and

(ii) A copy of the Undesirable Water or Constituents Report required pursuant to 16 TEX. ADMIN. CODE § 76.701, as may be amended.

21. Advance Notice and Field Inspections: To ensure compliance with this subsection (p), the Village may initiate field inspections, investigations, or observation of any well, or any drilling, capping, plugging, completion, operation, alteration, maintenance, abandonment, or any other operations covered by this subsection (p). To effectuate this subsection (p), the well driller shall provide notice to the Village at least two (2) working days prior to the initiation of any well drilling, deepening, altering, capping, plugging or completion operations.

22. Injection Wells Prohibited; Certain Exceptions: No person shall:

a. Construct, install, drill, equip, alter, or complete an injection well that transects or terminates in the aquifer; or

b. Alter a well to become an injection well that transects or terminates in the aquifer.

23. Well Plugging and Capping:

a. It is the responsibility of the landowner and person having a well drilled, deepened, or otherwise altered, to cap or have capped, under the standards set forth in 16 TEX. ADMIN. CODE § 76.1004, as may be amended, any well that is open at the surface.

b. It is the responsibility of the landowner and person having a well drilled, deepened, or otherwise altered, to plug or have plugged, under the standards set forth in of this subsection (24), a well that is an abandoned well or a deteriorated well. Such plugging shall be completed within one hundred eighty (180) days from the date on which the landowner or other person learns of the well's abandonment or deteriorated condition, or by the date specified in any permit to plug the well issued by the Village.

c. It is the responsibility of each well driller to inform the landowner and person having a well drilled, deepened, or otherwise altered that the well shall be plugged by the landowner, licensed driller, or a licensed pump installer, under the standards set forth in this subsection (24), if the well is an abandoned well or a deteriorated well.

d. It is the responsibility of the licensed driller, landowner and person having a well drilled, deepened, or otherwise altered to see that any well which encounters undesirable water or constituents is plugged.

e. The person that completes, caps or plugs a well shall, within thirty (30) days after capping or plugging is complete, submit to the a copy of the State Plugging Report pursuant to 16 TEX. ADMIN. CODE § 76.700(2), as may be amended.

f. It is the responsibility of the well driller of a newly drilled well and the pump installer to place a cover over the boring or casing of any well that is to be left temporarily unattended with the pump removed. Well covers shall be capable of supporting a minimum of four hundred pounds (400lbs) and constructed in such a way that they cannot be easily removed by hand.

24. Standards for Plugging Wells: Wells which are required to be plugged under the standards set forth in this subsection (p) shall be plugged in accordance with the following requirements:

a. Preparation of Aquifer Wells to be Plugged: Before plugging, the well driller shall measure the depth and check to ensure that there are no obstructions within the well that may interfere with plugging operations. The well driller shall pull, perforate, or drill out screens, casings and liner pipes whenever practicable to assure placement of an effective seal. The well driller shall pull all reasonably removable casing, and a minimum of at least the upper five feet (5') of casing, liner pipe, brick, stone, metal, or other materials in all wells to prevent the passage of water along the casing and entering the water-bearing strata. The well driller shall pull rather than cut the top joint of all plastic casings. If it is deemed not practicable to pull the top joint of a steel casing, the steel casing joint may be cut. The well driller shall disinfect the well and fill materials by using a disinfecting solution with a minimum chlorine concentration of fifty milligrams per liter (50mg/l), placed in the well. The well driller shall place the fill material in the well after the water in the well has been disinfected. Grouts do not require disinfecting.

b. The well owner shall provide to the Village a geophysical log of the well from bottom to top before plugging operations begin. The geophysical log shall be used to determine the condition of the well and whether protective measures in addition to those specified in this subsection (25) should be used to ensure the well is plugged sufficiently to protect the aquifer. The geophysical log shall include: natural gamma ray log and caliper log. Based upon the review of the geophysical log, the Village reserves the right to request additional well data or impose more stringent plugging standards than those specified elsewhere in this subsection (p).

c. If a well is to be plugged, the entire well, including the annular space and casing, shall be pressure filled with grout via a tremie pipe from bottom up to the land surface in accordance with the following applicable procedures:

(i) For wells with no artesian flow of water:

(a) The well driller shall completely fill the well, including the annular space and casing, with the grout appropriate for the well plugging circumstance.

(b) The well driller shall not use sand or stone aggregate except for those wells for which a well record or geophysical log is on file with the Village. Use of sand or stone aggregate shall be considered a special case and the method of filling

and sealing such wells shall be subject to written approval by the Village prior to sealing. Under these conditions, the Village may allow the use of sand or stone aggregate to fill through the water-producing horizon below the base of the casing, if there is limited vertical movement of water in the formation and such movement will not adversely affect the quality and quantity of water in producing wells. Where sand or stone aggregate fill is allowed by the Village, the well driller shall place the grout appropriate for the well plugging circumstance immediately above the sand or stone aggregate fill, extending up to within two feet (2') of the ground surface. When used, stone aggregate shall not be more than one-third (1/3) of the diameter of the well or two inches (2"), whichever is smaller.

(c) The well driller shall fill the uppermost two feet (2') of the borehole with clay or an impermeable material appropriate to the intended use of the land. In cases where bentonite grout is used to fill the well, the top two feet (2') of grout shall consist of cement as an atmospheric barrier.

(d) In the event the casing cannot be pulled or drilled out, the well driller shall use the grout appropriate for the well plugging circumstance to fill the remaining length of the casing.

(ii) For flowing artesian wells:

(a) The well driller shall pressure cement such well with neat cement mixed with a minimum quantity of water that will permit handling. In order to place the cement, the well driller shall restrict the flow of water from the well.

(b) Stone aggregate not more than one-third (1/3) of the diameter of the hole, or two inches (2"), whichever is smaller, may be placed through the water-bearing horizon if its extent is known.

(c) The well driller shall place a well packer, cast-iron plug, or temporary bridge at the bottom of the confining formation immediately overlying the artesian water-bearing horizon to seal off the flow. Temporary bridges shall consist only of inorganic materials, except that patented devices containing expandable neoprene, plastic, and other elastomers, and specifically designed for use in well construction will be acceptable. Heavy drilling mud may also be used to offset

pressure in a flowing artesian well if the mud does not consist of recycled material.

(d) The well driller shall place the neat cement grout in one (1) continuous operation from the top of the packer, plug or bridge to within five feet (5') below the land surface.

(e) The well driller shall fill the uppermost five feet (5') of the borehole with clay or an impermeable material appropriate to the intended use of the land.

(f) In the event the casing cannot be pulled or drilled out, the well driller shall use the grout appropriate for the well plugging circumstance to fill the remaining length of the casing.

d. In lieu of the procedure in subsection (C) above, any zone(s) contributing undesirable water or constituents, or the fresh water zone(s) within the well, shall be isolated with grout plugs and the remainder of the well bore filled with bentonite grout (ten pounds (10lbs) per gallon mud or more with a marsh funnel viscosity of 50 seconds or equivalent) to form a base for a grout plug extending from a depth of not less than two feet (2') to the land surface, or if the section(s) of well bore to be filled with bentonite grout has one hundred feet (100') or less of standing water the section(s) may be filled with a solid column of three-eighths inch (3/8") or larger granular sodium bentonite hydrated at frequent intervals while strictly adhering to the manufacturer's recommended rate and method of application. If a bentonite grout is used, it should be set sufficiently to support the two-foot (2') thick grout plug. The top two feet (2') above any bentonite grout or granular sodium bentonite shall be filled with cement as an atmospheric barrier.

e. Well drillers may petition the Village in writing for an alternative method of plugging a well. The petition should state in detail the alternative method proposed and all conditions applicable to the well that would make the alternative method preferable to those methods stated elsewhere in this subsection (25). The Village will not approve an alternative method that is less protective of the aquifer than the methods stated elsewhere in this subsection (p).

25. Permits to Plug a Well:

a. Any person seeking to plug a well or otherwise required to have a well plugged pursuant to this subsection (p) shall file an application for a site development permit to plug a well with the Village and obtain such a permit before plugging the well.

b. The well for which the permit is issued shall be plugged within ninety (90) days of the issuance of the permit.

c. The Village will grant an application for a site development permit to plug a well if the following elements are established:

(i) The applicant paid the application fee;

(ii) The well head is physically located within the boundaries of the Village;

(iii) The applicant is legally entitled to plug the well;

(iv) The proposed plugging shall not negatively affect the aquifer or other permittees or groundwater users;

(v) The well will be plugged consistent with the requirements of this subsection (p) and any applicable local, state, or federal laws.

d. When issuing a site development permit to plug a well, the Village may approve the plugging method and materials proposed to be used by the applicant or may prescribe modified or alternative plugging methods or materials which are consistent with the requirements of this subsection (p).

e. Once a permit to plug a well has been issued, the permit holder shall not engage in any plugging activity without first providing to the Village advance written notice of the date and time at which plugging operations will begin. Such notice shall be submitted to the Village not less than two (2) business days prior to the commencement of plugging activities. Representatives of the Village shall be entitled to attend and observe all plugging activities, and may order plugging operations to cease if they find that plugging is not being conducted in compliance with requirements of this subsection (p) or the terms of the site development permit to plug a well.

Sec.33.346 Performance Standards

A. All uses and all site development shall conform in operation, location, and construction to the performance standards as administrated by county, state and federal agencies, and shall conform in operation, location, and construction to appropriate performance standards for noise, smoke and particulate matter, odorous matter, fire or explosive hazard material, toxic and noxious matter, vibration, and glare.

B. All federal and state pollution, noise, and requirements for toxic waste disposal shall be observed.

C. Noise: Reserved

D. Smoke and Particulate Matter: Reserved

E. Odorous Matter: Reserved

F. Fire or Explosive Hazard Material:

1. No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted except that chlorates, nitrates, perchlorates, phosphorus, and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the fire department.

2. The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents, and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the Village fire code or are approved by the fire department.

G. Toxic and Noxious Matter: Reserved

H. Vibration: Reserved

Sec.33.347 Lighting and Glare Standards

A. Purpose and Intent:

1. Outdoor lighting shall be required for safety and personal security in areas of public assembly and traverse for multiple family developments, as well as municipal, commercial, industrial, and institutional uses where there is outdoor public activity during hours of darkness. Glare and light trespass control shall be required to protect inhabitants from the consequences of stray light shining in inhabitants' eyes or onto neighboring properties. Light pollution control shall be required to minimize the negative effect of misdirected upward light. The glare, light trespass, and light pollution requirements of this section shall apply to all uses, including residential, and all jurisdiction including public, private and municipal.

2. It is the purpose of this section to create standards for outdoor lighting design, installation, operation, and maintenance practices and systems that will: minimize glare, light trespass, light pollution and urban sky glow; improve safety and security; curtail the degradation of the overall nighttime visual environment; and conserve energy and resources while maintaining nighttime utility and productivity by:

a. Using fixtures with good optical control to distribute light in the most effective and efficient manner;

b. Using minimum quantity of light to meet the lighting criteria;

c. Using shielded outdoor light fixtures where required and wherever feasible;

d. Energizing light fixtures only when necessary, by means of automatic timing devices;

e. Requiring that certain outdoor light fixtures be turned off between 8:30 p.m. and sunrise;

f. Using low-pressure sodium outdoor fixtures wherever feasible, when color rendition is not a factor.

B. Definitions Applicable to this Section:

1. ***Automatic Timing Device:*** A device, which automatically turns on and off outdoor light fixtures or circuits. Photo-controls are not considered automatic timing devices for purposes of this section.

2. ***Cut-Off Angle (Of A Luminaire):*** The angles, measured from nadir (straight down), between the vertical axis and the first line of sight at which the lamp (bulb) is not visible.

3. ***Cut-Off Luminaire:*** A luminaries (fixture) in which two and one-half percent (2.5%) or less of the lamp lumens are emitted above a horizontal plane through the luminaire lowest part and ten percent (10%) or less of the lamp lumens are emitted at a vertical angle eighty degrees (80°) above the luminaire lowest point.

4. ***Fixture (Luminaire):*** The assembly that holds the lamp(s) in a lighting system. It includes the elements designed to give light output, control, such as a reflector or refractor, the ballast, housing and attachment parts.

5. ***Footcandle (FC):*** A unit of measure of illuminance amounting to one (1) lumen per square foot.

6. ***Full Cut-Off***: A luminaire which cut offs all upward transmission of light above a ninety degree (90°), horizontal plan from the base of the fixture, as certified by a photometric test report.

7. ***Fully Shielded:*** An outdoor luminaire that is shielded or constructed so that no light is emitted, either directly from the lamp or indirectly from the fixture, above the cutoff angle of the fixture, as certified by a photometric test report.

8. ***Glare:*** Glare can be disabling, discomforting and/or simply a nuisance. There are three types of glare:

   a. ***Disability Glare (Veiling Luminance):*** Reduces visibility by reducing the contrast of the primary image on the retina.

   b. ***Discomfort Glare:*** Does not necessarily reduce the ability to see an object but produces a sensation of discomfort. It is caused by high contrast or a non-uniform distribution of luminance within the field of view.

   c. ***Nuisance or Annoyance Glare:*** Has not yet been quantified although research is ongoing. For now, it may be defined as glare that causes complaints, such the "light shining in my window" phenomenon.

9. ***IES, Illuminating Engineering Society of North America:*** A professional organization that provides recommended lighting standards to the lighting industry.

10 ***Illuminance:*** The quantity of light (in lumens) arriving at a surface divided by the area of the illuminated surface (in square feet), measured in footcandles.

11. ***Light Pollution:*** Artificial light which causes a detrimental effect on the environment, astronomical research, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties. Also, the night sky glow caused by the scattering of artificial light in the atmosphere.

12. ***Light Source:*** The lamp (bulb), and lens, diffuser, or reflective enclosure.

13. ***Light Trespass:*** Light projected onto a property from a fixture not located on that property.

14. ***Luminaire:*** A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power source.

15. ***Lumen:*** The measure of the quantity or output of the lamp. One footcandle is one lumen per square foot.

16. ***Luminous Tube Lighting:*** Gas-filled tubing, which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, which may be neon, argon or other.

17. ***Mounting Height:*** The height of the fixture or lamp above the ground.

18. ***Person:*** Any individual, tenant, lessee, owner, or any commercial entity, or legal entity of any kind, including but not limited to a firm, business, partnership, joint venture, or corporation.

19. ***Outdoor Lighting:*** Light from electrically powered outdoor illuminating devices or reflective surfaces, lamps or similar devices, permanently installed or portable, used for illumination or advertising.

20. ***Outdoor Lighting Fixture:*** Any type of fixed or movable lighting equipment that is designed or used for illumination outdoors. The term includes billboard lighting, streetlights, searchlights and other lighting used for advertising purposes, and area lighting. The term does not include lighting equipment that is required by law to be installed on motor vehicles or lighting required for the safe operation of aircraft.

21. ***Shielding:*** A technique or method of construction which causes light emitted from an outdoor light fixture to be projected below an imaginary plane passing through the luminaire.

22. ***Uniformity Ratio:*** The maximum to minimum Illuminance requirement within a given area. For example; with a 4:1 ratio, the average level of illumination should be no more than four (4) times the lowest level of illumination.

23. ***Urban Sky Glow:*** The undesirable brightening of the night sky due to manmade lighting.

C. General Requirements:

1. Outdoor lighting systems shall be installed, operated and maintained in conformance with the provisions of this section, the National Electric Code and the applicable construction codes. This includes outdoor lighting for office, commercial, industrial, residential, utility and public use buildings and structures, landscape lighting, business display and service areas, street lighting, recreational areas, and all parking lots, including lots for multi-family residential use.

2. The council shall have the express authority to require outdoor lighting users to comply with the provisions of this section wherein their reasonable discretion is warranted for public safety or welfare.

3. Outdoor lighting installed prior to the effective date of this article are exempt from the provisions of this article for a period of five (5) years, except:

a. Any luminaire, which is improperly installed or is aimed improperly shall be adjusted and brought into compliance with this section within ninety (90) days;

b. Lighting systems or luminaires, which are determined by the council to create safety or health hazard can be ordered at any time by the Village to be removed or modified.

4. Inoperative luminaires shall be brought into full compliance upon replacement including source, cut-off fixture type and aiming. The new or replacement outdoor lighting fixture shall be a cut-off luminaire if the rated output of the lamp or light source is greater than 1,800 lumens.

5. All outdoor lighting systems existing or hereafter installed and maintained upon private property within commercial, residential, industrial or multi-family zones shall be turned off between midnight and sunrise except when used for:

a. Commercial and industrial uses, such as in sales, assembly and repair areas where such use continues after midnight. But only for so long as such use continues;

b. Security purposes or to illuminate walkways, roadways, equipment yards and parking lots; and

c. Recreational use where a scheduled game or organized competition is in progress at 10:00 p.m., on Monday, Tuesday, Wednesday, Thursday, or Friday, but only until the game is completed, or midnight p.m., whichever comes first.

6. All outdoor lighting shall have the Illuminance, measured in footcandles, and uniformity ratios in accordance with the current Recommended Lighting Levels and Practices of Illuminating Engineering Society of North America (IESNA).

7. Ground mounted flood lighting shall illuminate only the task. Use controlled angle lighting, and use the minimum Illuminance authorized under IESNA design standards to restrict light trespass and light pollution.

D. Approved Materials and Methods of Installation:

1. The provisions of this section are not intended to prevent the use of any design, material, or method of installation, even if not specifically prescribed by this section provided such alternate has been approved by the Village.

2. Outdoor lighting shall comply with the following:

a. Wall packs are prohibited unless fully shielded.

b. Luminaires shall be fully shielded with full cut-off with the exception of sources less than 1800 lumens.

c. Fully shielded luminaires shall have a cut-off angle of no more than eighty degrees (80°), as measured from nadir.

d. Mounting Height: Outdoor pole mounted and building mounted luminaires (excluding roadway and street lighting) in parking lots shall not exceed eighteen feet (18') and twelve feet (12') respectively (including base), as measured from the immediate adjacent grade to the top of the fixture. Mounting height shall include pedestal height.

e. Outdoor recreational field pole mounted lighting shall be treated on an individual basis.

E. Energy Conservation and Maintenance Issues:

1. Light Sources: The efficiency of a light source is measured in lumens per watt, also called efficacy. The most efficient light source is the low pressure sodium lamp and the least efficient is the incandescent. Sources also vary significantly in lamp life, color temperature, meaning the apparent color of the source, and color rendition, meaning the color objects appear when illuminated. Selection of a source shall take into consideration all of these factors. The following is a list of the most commonly used light sources ranked in order of most efficient to least efficient:

a. Low pressure sodium;

b. High pressure sodium;

c. Metal Halide;

d. Fluorescent;

e. Tungsten Halogen (also called quartz);

f. Mercury Vapor;

g. Incandescent.

2. Maintenance:

a. Documentation shall be filed with the Village with the site development permit application detailing maintenance program including relamping and cleaning schedule.

b. Pole-mounted luminaires can become misaligned if the support pole is nudged by a vehicle, or rendered useless if the pole is knocked over. When laying out pole locations, especially aluminum standards, poles shall be placed on pedestals or mounted away from vehicular traffic. Adherence to the Texas Department of Transportation's setback requirements for poles adjacent to vehicular travelways is required. Break-away pole bases shall not be used near pedestrian traffic because falling poles could inflict injuries and property damage. In parking areas, poles shall be mounted on concrete pedestals at least thirty-six inches (36") high to avoid damage from bumpers.

c. The mounting heights of outdoor poles specified in subsection (d)(2)(D) above shall include the height of pedestal.

d. Bollards should be installed on low bases, or surrounded by edging to reduce the chance that lawn maintenance equipment will come into contact with them. Rugged, vandal-proof luminaire construction shall be required for use in public settings.

e. Installations that Complement Maintenance: During installation several steps shall be taken to facilitate the future maintenance process:

(i) Mount the ground-based equipment where it is accessible for easy inspection and maintenance.

(ii) Clearly label all switching devices such as breakers, contacts, and switches, as to the circuits and equipment they control.

(iii) Except under rare circumstances, run luminaire feeds underground. Avoid using overhead wiring.

(iv) Securely fasten and tighten all luminaire components and aiming devices.

(v) Thoroughly test the equipment to ensure it is operating as specified.

F. Light Trespass:

1. Light trespass or obstructive light typically falls into two (2) categories:

a. Adjacent property receives unwanted light (high illuminance levels).

b. Excessive brightness occurs in the normal field of vision (nuisance glare).

2. The following are general requirements to assist in controlling light trespass problems:

   a. Inspect areas adjacent to the lighting design location to identify and consider any potential problems involving residences, roadways, and parking areas.

   b. Select luminaires with tightly controlled candela distributions, using sharp-cutoff reflectors and refractors.

   c. Contain light within the design area by carefully selecting, locating, and mounting the luminaires.

   d. Use well-shielded luminaires or select equipment that can be shielded. If a potential problem is found after installation, then design shields shall be added.

   e. Keep floodlight aiming angles low so that the entire beam always falls within the intended lighted area during and after the design and installation process.

3. Outdoor lighting systems shall not produce unwanted light onto adjacent property as measured from the property line. Employ full cut-off, shielding, appropriate aiming, and mounting height as needed to prevent light trespass. If, after all corrective action has been taken, there is illumination crossing the property boundary, under no circumstance shall the illumination be greater than 0.05 footcandles, as measured at a location five feet (5') inside the residential zoned or used property.

G. Illumination Levels and Design Standards: All outdoor lighting shall have illuminance (footcandles) and uniformity ratios in accordance with the current appropriate recommended lighting levels and practices of the Illuminating Engineering Society of North America (IESNA).

H. Submission of Lighting Plan:

1. Applications for a building permit or similar permit shall include submission of a Lighting Plan. The Lighting Plan shall clearly demonstrate compliance with this section.

2. This same information is also required whenever new type of outdoor lighting system, luminaire or light source is proposed to replace an existing device, or there are other proposed changes such as light pole location or number of luminaires.

3. Submission information shall include but is not limited to:

a. Name, Address, Telephone Number, email address and date of application.

b. Site plan showing structure on site, block and plat designation and street address.

c. Ten (10) sets of scaled plans and specifications for project.

d. Electrical drawing fully detailed identifying and describing each outdoor light fixture on the site.

e. Schedule of luminaires and Light Source. Include manufacturer's cut sheets with physical descriptions, photometric data with peripheral attachments such as reflectors, refractors, optics, mounting heights and details.

f. Proposed hours of operation of each outdoor light fixture.

g. Lighting Controls Submission.

h. List design criteria used for (i) maintained horizontal illumination in footcandles, (ii) Maximum footcandles, (iii) Minimum footcandles, (iv) average footcandles, and (v) Uniformity ratio.

i. Show lighting impact to adjacent property.

j. Iso-footcandle curves or computer-generated photometric grid analyses showing footcandle readings every ten feet (10').

k. Location and height of pole mounted and building mounted luminaires. (No Wall Packs unless fully shielded).

I. Variances:

1. The commission may recommend and the council may modify, waive or vary the standard set forth herein in a particular case, and may impose conditions on such a modification, waiver or variation which it deems appropriate to further the purposes of these outdoor lighting regulations, in either of the following circumstances:

a. Upon finding that strict applications of this section would not forward the purposes of this section or otherwise serve the public interest, or that alternatives proposed by the applicant would satisfy the purposes of these outdoor lighting regulations at least to an equivalent degree.

b. Upon finding that an outdoor luminaire, or system of outdoor luminaires, required for outdoor recreation cannot reasonably comply with the standard and provide sufficient illumination of the field for its safe use, as determined by recommended practices adopted by the Illumination Engineering Society of North America for that type of field and activity or other evidence if a recommended practice is not applicable.

2. Cost or inconvenience to the applicant will not be a reason for granting a variance.

J. Prohibitions:

1. The use of search lights, except by civil authorities, for public safety, is prohibited.

2. The use of tracer lights or lights that flash, pulse, rotate or simulate motion is prohibited.

3. The use of laser source light or similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.

K. Exemptions:

1. The following outdoor lighting and related acts shall be exempt from the requirements of this section:

a. Construction, agricultural, emergency or holiday decorative lighting, provided that the lighting is temporary, and is discontinued within seven (7) days upon completion of the project or holiday for which the lighting was provided.

b. Lighting of the United States of American or Texas flag expressing constitutionally protected speech.

c. Security lighting controlled by sensors, which provides illumination for fifteen minutes (15 min) or less.

d. The replacement of an inoperable lamp or component, which is in a luminaire that was installed prior to the date of adoption of this article.

e. The replacement of a failed or damaged luminaire, which is one of a matching group serving a common purpose.

2. Gas lighting is exempt.

L. IES Outdoor Lighting Illuminance Levels:

Parking Lot Levels of Activity	Maintained Horizontal Illumiance (FC)					
	General Parking and Pedestrian			Vehicle Use Area Only		
	Ave.	Min.	U-Ratio	Ave.	Min.	U-Ratio
High Activity	3.6	0.9	4:1	2.0	0.67	3:1
Major League athletic events						
Major cultural or civic events						
Regional Shopping Centers (retail space of 300,000 square feet or greater)						
Fast food facilities (only with customer seating capacity of 40 or greater)						
Entertainment theaters						
Automotive dealerships						
Medium Activity	2.4	0.6	4:1	1.0	0.33	3:1
Community shopping centers (retail space of 5,000 to 299,999 square feet)						
Cultural, civic or recreational events						
Office Parks						
Hotels and motels						
Restaurants other than fast food						
Hospital parking						
Transportation parking (airports, commuter lots, etc.)						
Residential complex parking						
Low Activity*	0.8	0.2	4:1	0.5	0.13	4:1
Neighborhood shopping (Retail space of less than 5,000 square feet)						

Industrial employee parking						
Educational facility parking						
Church parking						

* Low values are appropriate wherever there is a requirement to maintain security at any time in areas where there is a low level of nighttime activity.

Roadway Lighting	Maintained Horizontal Illuminance (FC)	
	Ave.	U-Ratio
Freeway Class A	0.6 – 0.8	3:1
Freeway Class B	0.4 – 0.6	3:1
Expressway	0.6 – 1.3	3:1
Major Road	0.6 – 1.6	3:1
Collector Road	0.4 – 1.1	4:1
Local Road	0.3 – 0.8	6:1

Other outdoor lighting	Maintained Horizontal Illuminance (FC)	
Floodlit buildings and monuments	Dark Surroundings*	Bright Surroundings
Light Surface	5	15
Medium Light Surfaces	10	20
Medium Dark Surfaces	15	30
Dark Surfaces	20	50
Loading and Unloading Platforms	20	
Fueling Service Stations		
Approach	1.5	3
Driveway	1.5	5
Pump Island	20	30
Service Areas	3	7
Storage Yards		
Active	20	
Inactive	1	

* Dark surrounding refers to areas that are located within, adjacent to, or near rural or residential uses.

Retail Outdoor Lighting	Illumination Level of Surrounding Area		
Maintained Horizontal Illuminance	High	Medium	Low
(Average Foot-Candles)			
Marketing Area	30	20	10
Feature Display	60	40	20
Auto Lots			
Circulation	10	7	5
Merchandise	50	30	20
Feature Display	75	50	35

Building Exteriors	Maintained Horizontal Illuminance (Ave. FC)
Entrances	5
Active (pedestrian and/or conveyance)	1
Inactive (normally locked, infrequently used)	5
Vital location or structures	5
Building surrounds	1

Recommended Maintained Illuminance Levels for Pedestrian Ways (taken from Table 2 IESNA DG-5-94: Recommended Lighting for Walkways and Class 1 Bikeways).

Walkway and Bikeway Classification	Minimum Average Horizontal Illuminance Levels on Pavement* (lux/footcandles)	Average Vertical Illuminance Levels for Special Pedestrian Security ** (lux/footcandles)
Sidewalks (Roadside) and Type A Bikeways:		
Commercial Areas	10/1	20/2
Intermediate Areas	5/0.5	10/1
Residential Areas	2/0.2	5/0.5
Walkways Distant from Roadways and Type B Bikeways:		
Walkways and Bikeways	5/0.5	5/0.5
Pedestrian Stairways	5/0.5	10/1
Pedestrian Tunnels	20/2	55/0.5
* Uniformity ratios should not be greater that 10:1 maximum to minimum.		
** For pedestrian identification at a distance. Values are specified at 1.8 meters (6 feet) above the walkway.		
Scotopically rich light should be used.		

Illuminance Levels for Floodlighting Buildings and Monuments:

Area Description	Average Target Illuminance (vertical) (lux/floodcandles)
Bright Surroundings and Light Surfaces	50/5

Bright Surroundings and Medium Light Surfaces	70/7
Bright Surroundings and Dark Surfaces	100/10
Dark Surroundings and Light Surfaces	20/2
Dark Surroundings and Medium Light Surfaces	30/3
Dark Surroundings and Medium Dark Surfaces	40/4
Dark Surroundings and Dark Surfaces	50/5

Illuminance Levels and Uniformities for Car Dealership General Lighting:

Area	Maximum Illuminance On Pavement (lux/floodcandles)	Maximum to Minimum Ratio
Adjacent to roadway	50-100/5-10	5:1
Other Rows	25-50/2.5-5	10:1
Entrances	25-50/2.5-5	5:1
Driveways	10-20/1-2	10:1
Note: For lighting feature displays, see the latest version of RP-2 Recommended Practice for Lighting Merchandising Areas.		

M. General Characteristics of Commonly Used Light Sources*:

This table shows the wide range of parameters available for lamp products. A specific example has been chosen for each source type.

Sources Type and Color Temp.	Lamp Watts	Initial Lumens	Efficacy (LPW)	Lumen Maintenance	Life Hours	CRI
Standard Incandescent Filament, 2700 K	100	1690	17	85	750	100
Tungsten Halogen (Reflector), 2850 K	90	13003	14	95	2500	100
Tungsten Halogen						
(Low Voltage, Reflector), 3000 K - 3200 K	50	9003	18	95	4000	100
Fluorescent T-5 4ft.4, 3000 K - 4100 K	28	29005	104	95	16,000	82
High Output Fluorescent						
T-5 4ft.4, 3000 K - 4000 K	54	50005	93	95	16,000	82
Fluorescent T-8 4ft.4, 3000 K - 4100 K	32	2850	89	85	20,000	75
Slimline Reduced						
Wattage 8 ft. 3000 K - 5000 K	60	5900	98	80	12,000	82
High Output Reduced						
Wattage 8 ft. 3000 K - 6700 K	95	8000	84	75	12,000	62
Compact Fluorescent						
(Long Twin), 3000 K - 4100 K	39	3150	81	85	20,000	82
Compact Fluorescent						
(Double), 2700 K-6500 K	26	1800	70	85	10,000	82
Mercury Vapor, 3000 K – 5700 K	175	7950	45	60	24,000	15
Metal Halide, Low Wattage						
3000 K – 3800 K	100	9000	90	85	15,000	70
Metal Halide, High Wattage						
3000 K – 4000 K	400	36,000	90	80	20,000	65
Ceramic Metal Halide (Clear), 3000 K	100	9300	93	806	10,000	85
High Pressure Sodium,						
Low Wattage						
1900 K7	70	6400	91	90	24,000	22
High Pressure Sodium						
High Wattage (Diffuse), 2100 K7	250	26,000	104	90	24,000	22
Low Pressure Sodium						
(Monochromatic), 1800 K7	90	12,750	140	90	16,000	<2
See manufacture's catalogs for specific data.						
Efficacy for lamp is shown in lumens per watt. Ballasting is required for all lamps except standard incandescent and tungstenhalogen.						
As defined in the IESNA Lighting Handbook for each light source.						
The important performance parameters for reflector lamps are beam spread and maximum center beam intensity (commonly called candlepower)						
Exact lamp length is 1149 mm.						
Lumen output measured at 350C (950F) ambient.						
Computed from Manufacture's approximate lumen output data: initial and mean (mean at 40 percent of lamp rated average life).						
These light sources are deficient in blue and green light, which is not reflected in their rated efficacies. Light sources with wides pectral distributions that include blue and green light are more efficient in low light settings that monochromatic sources or sources with little blue or green light.						
Refer to Section 2.3 for EPRI LRO/TAC statement on spectral composition.						

Sec.3.348 Mailboxes

A. Residential subdivisions and non-residential developments may be provided with Neighborhood Mailbox Units at locations approved by the local postmaster and the Village.

B. A letter from the local postmaster approving the proposed location of Neighborhood Mailbox Units shall be presented with the Preliminary Plat or Final Plat of a proposed residential subdivision or with the Site Development Permit application of a non-residential development.

C. Postal delivery areas shall be provided with associated off-street parking spaces of a number acceptable to the Village based on the number of houses served.

Sec.33.349 Exterior Building and Structural Design and Construction Standards

A. Compatibility: The exterior architecture of buildings and structures shall be compatible with the unique Hill Country character of the region.

B. Definitions: For the purpose of this section, the following definitions shall apply:

1. ***Masonry Construction:*** Shall include all construction of stone material, brick material, concrete masonry units, or concrete panel construction, which is composed of solid, cavity, faced, or veneered-wall construction. The standards for masonry construction types are listed below:

   a. ***Stone Material:*** Masonry construction using stone material may consist of granite, marble, limestone, slate, river rock, and other hard and durable naturally occurring all-weather stone. Cut stone and dimensioned stone techniques are acceptable.

   b. ***Brick Material:*** Brick material used for masonry construction shall be hard fired (kiln fired) clay or slate material which meets the latest version of ASTM standard C216, Standard Specification for Facing Brick (Solid Masonry Unit Made of Clay or Shale), and shall be Severe Weather (SW) grade, and Type FBA or FBS or better. Unfired or underfired clay, sand, or shale brick are not allowed.

   c. ***Concrete Masonry Units:*** Concrete masonry units used for masonry construction shall meet the latest version of the following applicable specifications: ASTM C90, Standard Specification for Hollow Load Bearing Concrete Masonry Units; ASTM C145, Standard Specification for Solid Load Bearing Masonry Units; ASTM C129, Standard Specification for Hollow and Solid Nonload Bearing Units. Concrete masonry units shall have an indented, hammered, split face finish or other similar

architectural finish as approved by the council. Lightweight concrete block or cinder block construction is not acceptable as an exterior finish.

d. ***Concrete Panel Construction:*** Concrete finish, pre-cast panel, tilt wall, or cementitious composition reinforced panel construction shall be painted, fluted, or exposed aggregate. Smooth or untextured concrete finishes are not acceptable unless painted.

2. ***Glass Wall Construction:*** Glass walls shall include glass curtain walls or glass block construction. Glass curtain wall shall be defined as an exterior wall which carries no structural loads, and which may consist of the combination of metal, glass, or other surfacing material supported in a metal framework.

C Design Standards: The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new, altered or repaired construction occurring within the Village.

1. General: Each building and structure shall be designed to use, to the greatest extent feasible, building materials that are compatible with the environment of the hill country, including rock, stone, brick, or wood.

2. Residential:

a. All residential buildings and structures shall be in accordance with the Village's construction codes.

b. **RESERVED**

c. **RESERVED**

d. Exemptions:

(i) Barns on property of one (1) acre or more, provided that such barns are used solely for agricultural purposes as distinguished from commercial or industrial purposes, shall be exempt from provisions of this section.

(ii) Mobile homes otherwise lawfully existing under the provisions of this article shall also be excluded from provision of this section.

(iii) Historic structures.

(iv) Structures in existence before the effective date of this article, and any addition to those structures that does not exceed 50% of the heated and cooled square footage of the structure as measured immediately prior to the effective date of this article.

3. Non-residential:

a. All nonresidential structures and buildings, including parking structures, shall be of exterior fire resistant construction in accordance with the Village's construction codes.

b. The following materials are permitted materials for exterior construction:

(i) Limestone,

(ii) Rustic wood,

(iii) Stucco,

(iv) Granite,

(v) Marble,

(vi) Other stone,

(vii) Glass, permitted as thirty percent (30%) or less of the exterior walls,

(vii) Brick,

(xi) Painted wood,

(x) Concrete,

(xi) Synthetic materials,

(xii) Adobe (brick),

(xiii) Metal,

(xiv) Use of other exterior construction materials may be permitted by the commission at the time of site plan approval

c. Elevated Water Storage Tanks and Pump Stations: All water storage facilities which serve the public shall be designed and painted to compliment natural surroundings. All water storage facilities shall be placed, to the extent possible, so as to have minimal negative impact on surrounding areas and shall be painted earth tone, natural colors. The

council may authorize alternate color selections as a variance if such color(s) are more acceptable with surrounding areas.

d. Temporary Construction Building: Temporary buildings and temporary building material storage areas to be used for construction purposes shall be permitted for a specific period of time in accordance with a building permit issued by the Village and subject to periodic renewal by the Village for cause shown. Upon completion or abandonment of construction or expiration of permit, such field offices or buildings and material storage areas shall be removed at the satisfaction of the Village.

D. Procedure for Determining Alternative Exterior Materials and Colors:

(1) All written requests for alternative exterior building materials shall be noted and described on the site plan. If requested by the Village, a sample(s) of the proposed exterior finish material(s) may be required to be submitted with the site plan.

(2) The commission may recommend and the council may approve an alternative exterior material(s) if it is determined to be equivalent or better than the exterior materials cited in this section as part of the approval of the site plan.

(3) Consideration for exceptions to the above requirements shall be based only on the following:

a. Architectural design and creativity;

b. Compatibility with surrounding developed properties.

(4) The request shall be reviewed and recommended by the commission, and shall be approved or disapproved by the council.

(5) Exterior Design Standards: The architectural character of the built environment shall complement the natural landscape and not dominate it. Building masses shall be broken up to provide, through change in texture and color, horizontal and vertical relief and shall relate harmoniously on a pedestrian, human scale. Vertical proportions which exaggerate building height shall be avoided.

The level of detailing and finish of wall facades shall be consistent on all sides of a building. Front, rear and side wall planes visible from any roadway or any adjoining properties shall be detailed with architectural elements which provide shadow lines and which provide visual depth unless screened with landscaping.

a. Facade Articulation and Color/Texture Variation: For the purpose of this subsection (d), a "break" shall be defined as an interruption of the building

wall plane with either a recess or an offset at an angle of between ninety degrees (90°) and forty-five degrees (45°) to the wall plane.

(i) Horizontal Articulation: No building facade shall extend greater than two (2) times the wall's height without having a minimum "break" and color/texture change of twenty-five percent (25%) of the wall's height, and such "break" and color/texture change shall continue for a minimum distance equal to at least twenty-five percent (25%) of the maximum length of either adjacent plane. The maximum distance without a break shall not exceed fifty feet (50').

(ii) Vertical Articulation: No horizontal wall shall extend for a distance greater than two (2) times the height of the wall without changing height through an articulation, or variation, of the roofline by a minimum of twenty-five percent (25%) of the wall's height, and such roofline change shall continue for a minimum distance equal to at least twenty-five percent (25%) of the maximum length of either adjacent plane.

(iii) Street-level storefronts and building entrances shall be open and inviting to pedestrians. All in-line buildings shall have a street-to-building zone of at least twenty-five feet (25') to be used for sidewalks, including a minimum ten foot (10') landscaped buffer strip and pedestrian spaces including benches and other seating facilities.

(iv) A minimum of fifteen square feet (15sf) of recessed entryway shall be provided for businesses in buildings less than 15,000 square feet. Buildings over 15,000 square feet shall have a minimum of one hundred square feet (100sf) of recessed doorways to help delineate a building's entrance and add variety to the streetscape.

Facade offsets shall be shown, along with calculations verifying that the building wall plane elevations meet the requirements of this subsection (d), on a building facade (elevation) plan, and shall be submitted for commission review and recommendation and for approval by the council along with the site plan

E. Design and Material Requirements for Water Quality and Nonpoint Source Pollution Control Facilities:

(1) All aboveground facilities and structures used for water quality management and nonpoint pollution control, including retention and detention ponds, shall be designed using natural materials consistent with the comprehensive plan.

(2) Alternative materials may be used in the design of above ground facilities if recommended by the commission and approved by the council at the time of site plan approval.

Sec.33.350 Boat Docks –Reserved

Sec.33.351 Electric Cable, Telephone, And Telecommunications Utilities

All electric, cable, telephone and telecommunications utilities shall be underground utilities unless otherwise recommended by the commission and approved by the council as a variance.

Sec.33.352 [Reserved]

DIVISION 5: PUBLIC SITES AND OPEN SPACES

Sec. 33.353 Areas for Public Use

The applicant for site development approval shall give consideration to suitable and adequate sites for schools, parks, playgrounds, and other areas for public use or services so as to conform with the recommendations contained in the Village's comprehensive plan; park, recreation and open space master plan; and other applicable plans. Any provision for schools, parks or other public facilities shall be indicated on the preliminary and final plats, and shall be subject to recommendation by the commission and approval by the council.

Sec. 33.354 Protection of Drainage and Creek Areas

All creeks and drainage areas shall be protected in their natural condition. All development adjacent to creeks and drainage areas shall be in accordance with the Village's non-point source pollution control ordinance.

Sec. 33.355 Property Owners or Homeowners Associations - Reserved

Sec. 33.356 Park Land & Public Facility Dedication

A. Areas for Public Use:

1. The applicant for site development approval shall give consideration to suitable useable sites for parks, playgrounds and other areas for public use so as to conform to the recommendations of the comprehensive plan. Any provision for parks and public open space areas shall be indicated on the preliminary and final plat, and shall be subject to recommendation of the commission and approval by the council.

2. No person shall deepen, widen, fill, reroute or change the course or location of any existing ditch, channel, stream or drainage way within areas for public use, without first obtaining written permission of the Village and any other agency having jurisdiction.

B. Park Land Dedication:

1. Any person offering a preliminary or final plat for development of any area zoned and to be used for single-family or multi-family residential purposes within the Village shall include, on such preliminary and final plat, dedication for public park purposes, calculated at the rate of not less than five percent (5%) of the developable acreage in the development The location and size of public parks within the Village shall be in all instances recommended by the commission and approved by the council. That determination shall be based upon existing circumstances at the time, and shall be in accordance with the comprehensive plan.

2. The preliminary and final subdivision plat shall clearly show the area proposed to be dedicated as parkland under the provisions of this section.

3. In instances where the council has concluded, in its sole discretion, that park land is unacceptable, unavailable or unsuitable for public park purposes in a development, money in lieu of land shall be paid into a "park dedication fund" to be established by the Village. Such money shall be in the amount of One thousand two hundred and fifty dollars ($1250.00) per lot in the tract after subdivided.

4. The park dedication fund will be administered by the council to best benefit the development and the general welfare of the citizens of the Village, provided that the establishment of park sites shall be within the discretion of the council.

5. The dedicated land required hereby shall be well-drained, relatively level in areas that are proposed for active park uses and suitable for appropriate leisure activities, such as hiking, mountain biking and wildlife observance. However, most areas within the Village shall be for passive open space enjoyment. All parkland offered for dedication under this section shall meet the requirements for location and for physical land characteristics outlined in the comprehensive plan. Areas having environmentally sensitive ecosystems, attractive views, topographical interest or unique natural features shall be preferred and encouraged

for parkland dedication. Areas which are relatively featureless, barren of natural trees and vegetative cover, have slopes in excess of ten percent (10%) and which are not physically attractive in some other way, are not acceptable for public use. Drainage areas may be accepted if the channel is to essentially remain in its natural state, and if any proposed pathways, landscaping, irrigation systems, and other improvements are constructed in accordance with Village standards and in keeping with the "Hill Country" atmosphere of the area.

6. Park lands may be located within the open space areas required by Section 3.355 of this article if the open space complies with the requirements of this section and if recommended by the commission and approved by the council.

C. Public Park Access: Park land shall be easily accessible to the public and open to public view and use so as to benefit area residents, enhance the visual character of the Village, protect public safety, and minimize conflicts with adjacent land uses. A proposed subdivision adjacent to a public park or open space area shall not be designed to restrict reasonable access into the park or restrict reasonable public use of the park. Street connections between residential neighborhoods shall be provided, wherever possible, to provide reasonable access to parks and open space areas. Proposed access and public availability, both physical and visual, of parkland shall be reviewed and recommended by the commission and approved by the council.

Sec.33.357 Open Space Requirements

A. All subdivisions shall provide and dedicate for public use useable open space which equals or exceeds five percent (5%) of the gross area of subdivision, excluding the gross areas of rights-of-ways (b) All lots shall be located within six hundred feet (600') of a useable open space area as measured along the centerline of a street or dedicated access easement. The commission may recommend and the council may allow this distance to be increased as a variance to up to one thousand two hundred feet (1200') if the slope of the subdivision is irregular or if significant land features, trees or vegetation on the site can be preserved by increasing the distance.

B. Individual useable open space areas shall be at least ten thousand square feet (10,000sf) in size. Useable open space shall be a minimum of fifty feet (50') wide, and shall have no slope greater than twenty-five percent (25%). (d) Pools, tennis courts, walkways, trails, patios and similar outdoor amenities may be located within up to twenty-five percent (25%) of the areas designated as useable open space. At the time of site plan and subdivision approvals, the commission may recommend and the council may approve as a variance, disturbance of the useable open space that exceeds the twenty-five percent (25%) maximum disturbance by amenities if it is determined that the provision of such amenities complies with the comprehensive plan. Areas occupied by enclosed buildings, except for gazebos and pavilions, driveways, parking lots, overhead utility lines, drainage channels, water quality structures, drainage structures, and antennas shall not be included in compliance with the useable open space requirements of this section.

C. At least one (1) individual useable open space area shall have street or public access easement frontage of at least thirty-three percent (33%) of the area's perimeter to ensure that the area is readily accessible to the public.

D. All individual useable open space areas shall be connected by streets or public access easements to ensure that all useable open space areas are readily accessible to the public.

Sec.33.358 RESERVED

DIVISION 6:

IMPROVEMENTS REQUIRED PRIOR TO APPROVAL OF CONSTRUCTED SITE DEVELOPMENT

Sec. 33.359 Improvements, In General

A The requirements of this section as set forth below are designed and intended to ensure that, for all developments of land within the scope of this article, all improvements as required herein are installed properly and:

1. The Village can provide for the orderly and economical extension of public facilities and services;

2. All purchasers of property within the subdivision and site development shall have a usable, buildable parcel of land; and

3. All required improvements are constructed in accordance with Village standards.

B. Adequate Public Facilities Policy: The land to be divided or developed shall be served adequately by essential public facilities and services. No site development or subdivision shall be recommended by the commission or approved by the council unless and until adequate public facilities exist or provision has been made for water facilities, wastewater facilities, drainage facilities, water quality facilities, electricity and street facilities which are necessary to serve the development proposed, whether or not such facilities are to be located within the property being developed or off-site. This policy may be defined further and supplemented by other ordinances adopted by the Village. Wherever the subject property abuts adjoining undeveloped land, or wherever required by the Village to serve the public health, welfare and safety, public facilities shall be extended to adjacent property lines to allow connection of these public improvements by adjacent property owners when such adjacent property is subdivided or developed.

C. Public improvements that may be required by the Village for the approval of the site development by the Village shall include, but are not limited to, the following:

1. Water and wastewater facilities;

2. Storm water drainage, collection or conveyance facilities;

3. Water quality controls;

4. Streets;

5. Street lights;

6. Street signs;

7. Fire lanes, fire hydrants, fire protection water supply lines;

8. Off-street parking and vehicle use areas;

9. Required screening fences and walls;

10. Walkways, sidewalks, and hike-and-bike trails;

11. Traffic control devices;

12. Electric utilities; and

13. Appurtenances to the above, and any other public facilities required as part of the proposed site development.

D. All aspects of the construction and implementation of public improvements shall comply with the Village's current construction codes, this article and any other applicable Village codes and ordinances.

E. Changes or Amendments to Construction Codes and Manuals: The Village's construction codes and manuals will, from time to time, require revisions and updates to allow for changing construction technology. When changes are required, the Village's construction codes and manuals may be amended by separate ordinance.

Sec.33.360 Public Improvements Construction Standards

The construction of all public improvements, whether publicly owned or privately owned, shall comply with the technical construction requirements of the latest editions of the following standards, regardless of whether or not the public improvements fall under the jurisdiction of the referenced entity which has promulgated the standard:

A. American Concrete Institute "Manual of Concrete Practice";

B. American Institute of Steel Construction "Manual of Steel Construction";

C. American Society for Testing and Materials "Annual Book of ASTM Standards", all volumes;

D. City of Austin, Texas:

1. Building Criteria Manual;

2. Drainage Criteria Manual;

3. Environmental Criteria Manual;

4. Fire Protection Criteria Manual;

5. Standard Specifications;

6. Standards;

7. Transportation Criteria Manual;

8. Utilities Criteria Manual;

E. Federal Highway Administration "Manual on Uniform Traffic Control Devices";

F. Lower Colorado River Authority

1. "Non-Point Source Pollution Control Technical Manual";

2. "On-Site Sewage Facilities" rules;

G. Texas Department of Transportation "Standard Specifications for Construction of Highways, Streets and Bridges";

H. Village ordinances and construction codes;

I. All applicable state and federal regulations, including, but not limited to:

1. Clean water regulations

2. Clean air regulations;

3. Endangered species regulations;

4. Safe drinking water regulations;

5. Accessibility regulations;

6. Safe working site regulations.

In so much that any provision(s) of the regulations referenced in this section conflict, the most stringent regulation shall govern.

Sec.33.361 Monuments

In all subdivisions and additions, monuments shall be established at the corner of each block in the subdivision consisting of an iron rod or pipe not less than one-half inch (1/2") in diameter and eighteen inches (18") deep, and set flush with the top of the ground. Lot corner monuments shall be placed at all lot corners except corners which are also block corners, consisting of iron rods or pipes of a diameter of not less than one-half inch (1/2") and eighteen inches (18") deep, and set flush with the top of the ground. In addition, curve point markers shall be established of the same specifications as lot corners. Each block corner monument shall include a cap with the surveyor's name and registration number attached to it. All block corners shall be installed prior to the final inspection of the subdivision by the Village. Lot corners shall be installed prior to issuance of a building permit.

Sec.33.362 Street Lights

All street lighting shall be in keeping with the "Hill Country" atmosphere of the Village, and shall be in conformance with lighting requirements of this article. In order to minimize light pollution and the overspill of lighting onto residential properties, and in order to preserve the integrity of nighttime darkness, which is valued by Village residents, and the visibility of stars and heavenly bodies, no street lights shall be required in any residential subdivision or residential development in the Village except what street lights may be required for the health, welfare and safety of the Village.

Sec.33.363 Street Names and Signs

A. Street names must be submitted to the Village, to the U.S. Postal Service, and to applicable emergency service providers (including 911) for review and approval in accordance with the Village's guidelines for the naming of streets. Proposed street names shall be submitted for review along with, and as a part of, the preliminary plat application, and shall become fixed at the time of approval of the preliminary plat. On the final plat, street names shall not be changed from those that were approved on the preliminary plat unless special circumstances have caused the major realignment of streets or a proposed street name(s) is discovered to have already been used elsewhere in the Village, or some other similar eventuality. If additional street names are needed for

the final plat, then they shall be submitted for review and approval by the Village, the U.S. Postal Service, and applicable emergency service providers (including 911) along with the final plat application. A fee may be established by the Village for the changing of street names after approval of the preliminary plat.

B. Surnames of people or the names of corporations or businesses shall not be used as street names, unless recommended by the commission and approved by the council. The Village will maintain a list of existing street names, and "reserved" street names that have been approved on a preliminary plat, and will update the list as new streets are platted.

C. New street names shall not duplicate existing street names either literally or in a subtle manner, shall not be so similar as to cause confusion between names, and shall not sound like existing street names when spoken. For example, Smith Street vs. Smythe Street; Oak Drive vs. Oak Place vs. Oak Court vs. Oak Circle; Cascade Drive vs. Cascading Drive; Lakeside Drive vs. Lake Side Drive vs. Lake Siding Drive; Oak Drive vs. Doak Drive vs. Cloak Drive; Lantern Way vs. Land Tern Way.

D. New streets which extend existing streets shall bear the names of the existing streets. Streets crossing thoroughfares or other roadways shall bear the same name on both sides of the thoroughfare, wherever practical, unless otherwise recommended by the commission and approved by council.

E. The property owner shall provide payment for street name signs for the development. The cost of each street name sign installation shall include the cost of the sign assembly, pole and the time for installation. Payment by the property owner will be due prior to approval of the engineering plans by the Village.

F. Street name signs shall be installed in accordance with the Village's guidelines before issuance of a building permit for any structure on the streets approved within the subdivision or development.

Sec.33.364 Street and Alley Improvements

A. All on-site streets and alleys shall be constructed by the developer at the developer's expense, unless otherwise allowed by this article. If the subdivision or site development are adjacent to a planned or future or substandard arterial or collector street, as shown on the Village thoroughfare plan, and derives access, whether direct or indirect, from said roadway, then the developer shall be required to design and construct a reasonable portion of the roadway as well as any required median openings and left turn lanes needed to serve the subdivision or site improvements. The council may approve the Village to, at its option, accept escrow funds in lieu of immediate roadway construction if the subdivision or site development derive principal access from another improved roadway and if delaying construction or improvement of the road will not harm or otherwise inconvenience neighboring property owners or the general public.

B. All streets and alleys shall be constructed in accordance with Section 3.358 of this article and with the City of Austin, Texas Transportation Criteria Manual and Standard Specifications, (latest editions).

C. In addition to the above mentioned minimum standards, barrier-free ramps for physically challenged persons shall be constructed at all street corners, driveway approaches, appropriate mid-block crosswalks, and in locations where accessible parking spaces are provided. All barrier-free ramps and other accessibility considerations shall comply with Section 228 of the Highway Safety Act, as currently amended, and with the Americans With Disabilities Act (ADA), as amended.

D. All signs and barricades shall be in conformity with ADA standards, and with specifications for uniform traffic control devices, as adopted by the Texas Department of Transportation and the Texas Department of Public Safety.

E. Approval is required prior to the installation of any driveway connecting to a public street. The Village shall approve all driveway cuts in a site development permit.

Sec.33.365 Retaining Wall Requirements, Construction Regulations, and Design Criteria

A. Retaining Wall Construction: All retaining wall construction shall be in compliance with the provisions of the construction codes and with Section 3.358 of this article, and shall be approved by the Village in a site development permit or in a building permit, as appropriate.

B. Retaining Wall Maintenance: Retaining walls shall be maintained by the owner of the property where such retaining wall is located.

C. Retaining walls shall not be constructed within any portion of a utility easement.

Sec.33.366 Screening and Landscaping Construction Regulations

A. Screening:

1. Where subdivisions are platted so that the rear or side yards of single-family or two-family residential lots are adjacent to an arterial thoroughfare; or a collector street; or are separated from a thoroughfare by an alley; or back up to a collector or residential street, the developer shall provide, at his or her sole expense, screening according to the following alternatives and standards. All screening shall be adjacent to the right-of-way or property line and fully located on the private lot(s), including columns and decorative features. All forms of screening shall conform to the requirements of Village ordinances and policies that govern sight distance for traffic safety.

2. Screening Alternatives: Screening shall be provided in accordance with, and shall be constructed to, standards and criteria as set forth in the construction codes and this article.

3. A maintenance easement five feet (5') in width shall be provided on the private lot side and adjacent to the screening wall or device.

4. The screening wall shall be installed prior to the final approval of the subdivision or of site development. Landscape materials may be installed after the subdivision or site development is accepted, upon authorization of the Village, but in no case later than six (6) months following approval of the subdivision or site development.

5. All plants, such as trees, shrubs and ground covers, shall be living and in sound, healthy, vigorous and growing condition, and they shall be of a size, fullness and height that is customary for their container or ball size, as per the latest edition of the "American Standard for Nursery Stock," by the American Association of Nurserymen, as may be amended.

6. Screening fences, if installed, that face public streets, roadways or rights of way must have the finished side facing the public street, roadways or right of way.

7. Required wall heights, including spans between columns, shall be from at least six feet (6') and no more than eight feet (8'). Decorative columns, pilasters, stone caps, and other features may exceed the maximum eight-foot (8') height by up to eighteen inches (18") for a total maximum height of nine and one-half feet (9.5') for these features, provided that such taller elements comprise no more than ten percent (10%) of the total wall length in elevation view.

8. Screening fences, walls and devices shall not be constructed within any portion of a utility easement, water quality easement, drainage easement, or public access easement unless specifically authorized by the Village and other applicable utility provider.

B. Entryway Features:

1. Site development of subdivisions in excess of ten (10) platted lots may provide a low maintenance landscaped entryway feature at access points from streets and thoroughfares into the subdivision. The entryway feature shall be placed on private property and within an easement identified for such use, and shall observe all sight visibility requirements. Limited portions of the feature or landscaping may be placed within the right-of-way if recommended by the commission and approved by the council. Most of the feature or landscaping shall be located on private property so that long-term maintenance responsibility shall be borne by the property owner or an approved homeowners association.

2. Design Requirements: The entryway feature shall include low maintenance, living landscaped materials as recommended by the commission and approved by the council. The design of the entryway feature shall also include an automatic underground irrigation system, and may also include subdivision identification, such as signage located on the wall. All plants shall be living and in a sound, healthy, vigorous and growing condition, and they shall be of a size, fullness and height that is customary for their container or ball size, as per the latest edition of the "American Standard for Nursery Stock," by the American Association of Nurserymen, as may be amended. Any walls or structures used in the entryway feature shall conform to the Village's regulations pertaining to maximum height within the front yard of residential lots required by this article wherever the adjacent lot sides onto the arterial street and the wall will be located within the front yard setback area.

3. The design of the entry shall be reflected on the landscape and irrigation plans submitted along with the engineering plans and the preliminary plat, and shall be recommended by commission and approved by the council.

4. The maintenance of the entryway shall be the responsibility of the applicant for a period of at least two (2) years or until building permits have been issued for eighty percent (80%) of the lots in the subdivision, whichever date is later. Following that period of time, maintenance responsibility shall be borne by the private property owner(s) upon whose lot(s) the entryway feature is located, or by a homeowners association. If, at some point in time, the maintenance responsibility shifts to the Village, the Village shall have the right to upgrade, reduce or eliminate entirely, at its sole option, the landscaping and other amenities in order to simplify or minimize the amount of time and effort that maintenance of the entryway will require.

C. Landscaping: All landscaping shall be in conformance with the landscaping provisions (Sec. 3.336) of this article.

Sec.33.367 Water and Wastewater Construction Regulations

A. The construction of all water and wastewater systems shall be in conformance with Section 3.358 of this article, and with the City of Austin, Texas Utility Criteria Manual and Standard Specifications, (latest editions).

B. No final plat shall be approved for any subdivision within the Village until the applicant has made adequate provision for a water system and a sanitary sewer system or on-site septic system of sufficient capacity to adequately provide service to all tracts and lots within the area to be subdivided or developed.

C. Water supply: Water satisfactory for human consumption shall be available to each lot in the proposed subdivision or developed site from a source on the land, a community

source, or a public utility source, in adequate and sufficient supply for the intended uses on each lot within the subdivision or developed site.

D. Water system with mains of sufficient size and having a sufficient number of outlets to furnish adequate domestic water supply and to furnish fire protection to all lots and sites shall be provided. Water lines shall extend to the property line, in order to allow future connections into adjacent undeveloped property, and a box for the water meter(s) for each lot shall be installed either in the right-of-way or immediately adjacent to the right-of-way in an easement.

E. Services for utilities shall be made available to the property line of each lot in such a manner as will minimize the necessity for disturbing the street pavement and drainage structure when connections are made.

F. Fire protection shall be provided in accordance with the construction code.

Sec.33.368 Storm Drainage and Water Quality Controls Construction Regulations:

Storm drainage systems shall be constructed in accordance with Section 3.358 of this article and with the City of Austin, Texas Drainage Criteria Manual and Standard Specifications, (latest editions). Water quality controls shall be constructed in accordance with the Village's non-point source pollution control ordinances and with the City of Austin, Texas Environmental Criteria Manual, Drainage Criteria Manual, and Standard Specifications, (latest editions).

Sec.33.369 Building Construction Regulations:

All structural and building construction shall comply with the Village's construction codes and with Section 3.358 of this article.

DIVISION 7:

REQUIREMENTS FOR VILLAGE ACCEPTANCE AND APPROVAL OF PUBLIC IMPROVEMENTS

Sec.33.370 Withholding Village Services and Improvements Until Approval

The Village hereby defines its policy to be that the Village will withhold all Village services and improvements of whatsoever nature, including the maintenance of streets and the furnishing of and all other Village services from all additions until all of the street, utility, storm drainage and

other public improvements, as well as lot improvements, such as retaining walls and grading and installation of improvements required for proper lot drainage and prevention of soil erosion, on the individual residential lots, are properly constructed according to the approved engineering plans and construction permits and to Village standards, and until such public improvements are either dedicated to and accepted by the Village or approved by the Village.

Sec.33.371 Guarantee of Public Improvements

A. Property Owner's Guarantee: Before approving the final plat of a subdivision located all or partially within the Village or its extraterritorial jurisdiction, the council must be satisfied that all required public improvements will be constructed or have been constructed in accordance with the approved engineering plans and construction permits and with the requirements of this article.

B. Improvement Agreement and Guarantee: The council may waive the requirement that the applicant complete all public improvements prior to approval of the final plat, and may permit the property owner to enter into an improvement agreement with the Village by which the property owner covenants to complete all required public improvements no later than two (2) years following the date upon which the final plat is approved. The council may also require the property owner to complete or dedicate some of the required public improvements prior to approval of the final plat, and to enter into an improvement agreement for completion of the remainder of the required improvements during such two-year period. The improvement agreement shall contain such other terms and conditions as are agreed to by the property owner and the Village.

C. Security: Whenever the Village permits an applicant to enter into an improvement agreement, it shall require the applicant to provide sufficient security, covering the completion of the public improvements. The security shall be in the form of cash escrow or, where authorized by the Village council, a performance bond or letter of credit or other security acceptable to the council, as security for the promises contained in the improvement agreement. Security shall be in an amount equal to one hundred percent (100%) of the estimated cost of completion of the required public improvements and lot improvements. The issuer of any surety bond and letter of credit shall be subject to the approval of the council.

D. Performance Bond: If the council authorizes the applicant to post a performance bond as security for its promises contained in the improvement agreement, the performance bond shall comply with the following requirements:

1. All performance bonds shall be in the forms and amounts acceptable to the council;

2. All performance bonds shall be executed by such sureties as are named in the current list of "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies," as

published in Circular 570, as may be amended, by the Financial Management Service, Surety Bond Branch, U.S. Department of the Treasury;

3. All performance bonds shall be executed by an agent, and shall be accompanied by a certified copy of the agent's authority;

4. All performance bonds shall be obtained from surety or insurance companies that are duly licensed or authorized in the State of Texas to issue performance bonds for the limits and coverage required.

If the surety on any performance bond furnished by the applicant is declared bankrupt, or becomes insolvent, or its right to do business is terminated in the State of Texas, or the surety ceases to meet the requirements listed in Circular 570, the developer shall, within twenty (20) calendar days thereafter, substitute another performance bond and surety, both of which must be acceptable to the council.

E. Letter of Credit: If the council authorizes the applicant to post a letter of credit as security for its promises contained in the improvement agreement, the letter of credit shall:

1. Be irrevocable;

2. Be for a term sufficient to cover the completion, maintenance and warranty periods, but in no event less than two (2) years; and

3. Require only that the Village present the issuer with a sight draft and a certificate signed by an authorized representative of the Village certifying to the Village's right to draw funds under the letter of credit.

F. As portions of the public improvements are completed in accordance with Village ordinances and the approved engineering plans and construction permits, the applicant may make application to the Village to reduce the amount of the original security. If the Village is satisfied that such portion of the improvements has been completed in accordance with Village standards, council may, but is not required to, cause the amount of the letter of credit to be reduced by such amount that council deems appropriate, so that the remaining amount of the security adequately insures the completion of the remaining public improvements.

G. Upon acceptance or approval by the Village of all required public improvements, the council shall authorize a reduction in the security to 10% of the original amount of the security if the applicant is not in breach of the improvement agreement. The remaining security shall be security for the applicant's covenant to maintain the required public improvements and to warrant that the improvements are free from defects for two (2) years thereafter. If the required security for maintenance and warranty is provided by the contractors or by others, the Village will release the entire amount of the developer's security

Sec.33.372 Temporary Improvements

The applicant shall build and pay for all costs of temporary improvements required by the Village, and shall maintain those temporary improvements for the period specified by the Village. Prior to construction of any temporary facility or improvement, the applicant shall file with the Village a separate improvement agreement and escrow or, where authorized, a letter of credit, in an appropriate amount for temporary facilities, which agreement and escrow or letter of credit shall ensure that the temporary facilities will be properly constructed, maintained and removed..

Sec.33.373 Government Units

Governmental units to which these contract and security provisions apply may file, in lieu of the contract and security, a certified resolution or ordinance from officers or agents authorized to act in their behalf, agreeing to comply with the provisions of this article.

Sec.33.374 Failure to Complete Improvements

For plats or site development for which no improvement agreement has been executed and no security has been posted, if the public improvements are not completed within the period specified by the Village in the construction permit(s), the plat approvals shall be deemed to have expired. In those cases where an improvement agreement has been executed and security has been posted, and the required public improvements have not been installed within the terms of the agreement, the Village may:

A. Declare the agreement to be in default and require that all the public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;

B. Suspend final plat approval until the public improvements are completed, and may record a document to that effect for the purpose of public notice;

C. Obtain funds under the security and complete the public improvements itself or through a third party;

D. Assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision or site for which public improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete the public improvements on the property; or

E. Exercise any other rights available under the law.

Sec.33.375 Acceptance of Dedication Offers

Acceptance of formal offers for the dedication of streets, public areas, easements or parks shall be by authorization of the council. The approval by the council of a preliminary or final plat shall not, in and of itself, be deemed to constitute or imply the acceptance by the Village of any street, public area, easement or park shown on the plat. The Village may require the plat to be endorsed with appropriate notes to this effect.

Sec.33.376 Maintenance and Guarantee of Public Improvements

The applicant shall maintain all required public improvements for a period of two (2) years following approval of the constructed site development by the Village, and shall also provide a two-year maintenance bond, or such other guarantee or warranty as is satisfactory to the council that all public improvements will be free from defects for a period of two (2) years following such approval by the Village.

Sec. 33.377 Construction Management

A. A site development permit, NPS pollution control permit, and building permit (as applicable) are required from the Village prior to beginning any site development-related work in the Village or its extraterritorial jurisdiction which affects erosion control, storm drainage, vegetation or tree removal, or a flood plain. The submission of requests for site development permits and approvals shall comply with Section 3.317 of this article.

B. Conditions Prior to Authorization: Prior to authorizing release of a site development permit, the Village shall be satisfied that the following conditions have been met:

1. The preliminary plat has been approved by the council, and any conditions of such approval have been satisfied;

2. All required engineering and construction engineering documents and permits are completed and approved by the Village;

3. All necessary off-site easements and dedications required for Village-maintained facilities and not shown on the plat shall be conveyed solely to the Village, such as by filing of a separate instrument, with the proper signatures affixed. The originals of the documents and the appropriate fees for filing the documents at the county, including the Village's fees, Travis County requirements, and the Village's submission guidelines, as may be amended from time to time shall be provided to the Village prior to approval and release of the engineering plans and permits by the Village;

4. All contractors and subcontractors participating in the construction shall be presented with a set of approved plans and at least one (1) set of these plans shall remain on the job site at all times;

5. A complete list of the contractors, subcontractors, their representatives on the site, and telephone numbers where a responsible party may be reached at all times shall be submitted to the Village; and

6. All applicable fees shall be paid to the Village.

C. Preconstruction Conference:

1. All contractors and subcontractors participating in the construction shall meet for a preconstruction conference to discuss the project prior to release of a site development, NPS pollution control, or building permit, and before any filling, excavation, clearing or removal of vegetation and trees that are larger than six inch (6") caliper. All contractors shall be familiar with, and shall conform with all provisions of this article and with the Village's non-point source pollution control ordinance.

2. The Village shall provide notice of the conference to the following persons or entities not later than the second (2nd) day before the conference:

   a. Owner representative;

   b. Consulting engineer;

   c. Contractors; and

   d. Affected utilities and appropriate Village officials.

3. Before convening a preconstruction conference, the Village shall distribute approved plans for the development to the persons and entities receiving notice of the conference.

4. The conference participants shall exchange telephone numbers and addresses at the conference. The participants shall discuss:

   a. The sequence of construction;

   b. Start dates and schedule of events;

   c. Erosion and sedimentation controls;

   d. Traffic control barricades;

e. Site supervision;

f. Emergency response;

g. Special conditions or provisions of plans or specifications;

h. Final acceptance guidelines; and

i. Publishing and distribution of minutes of the conference.

5. Minutes of Conference: Before construction begins, the owner's consulting engineer shall prepare and distribute minutes of the preconstruction conference. Conference participants may file exceptions to the minutes. The engineer shall distribute copies of exceptions to the conference participants and shall include the exceptions in the inspection file.

D Non-Point Source Pollution Controls and Tree Protection: All non-point source pollution controls, erosion controls, and tree protection measures and devices shall be in place, to the Village's satisfaction, prior to commencement of construction or site development on any property.

E Quality Control and Quality Assurance:

1. General Procedures: Quality control construction inspection and testing shall be performed by the applicant. Quality assurance construction observations and testing may be conducted by the Village. Construction shall be in accordance with the approved engineering plans and permits and other applicable codes and ordinances. Any change in design that is required during construction shall be made by the licensed professional engineer whose seal and signature are shown on the plans and permits. Another engineer may make revisions to the original engineering plans if so authorized by the owner of the plans, and if those revisions are noted on the plans or documents. All revisions shall be approved by the Village. If the Village finds, upon observation, that any of the required public improvements have not been constructed in accordance with Village standards, then the applicant shall be responsible for completing and correcting the deficiencies such that they are brought into conformance with the applicable standards.

2. Village Inspection Requests:

a. The Village shall coordinate contact between an owner and a Village quality control observer.

b. An owner shall contact the Village to request a quality control inspection.

c. The Village may require that a request be made forty-eight (48) hours before the date the inspection is desired, and specify the manner in which the request is made.

3. Village Inspection of Erosion and Sedimentation Controls and Tree Protection Measures:

a. The owner shall request Village inspections of erosion and sedimentation controls and tree protection measures after the owner installs the controls and measures.

b. The Village shall schedule the inspection. The owner, consulting engineer, and contractor shall attend the observation.

c. During the inspection, the owner shall:

(i) Demonstrate that the erosion and sedimentation controls and tree protection measures comply with the Village's non-point source pollution control ordinance and permit and with this article.

(ii) Present a plan to the Village that includes future erosion and sedimentation controls, drainage, and utility and street layout.

d. After two (2) days notice to the owner, the Village may modify the approved erosion control and construction sequencing if the Village determines that the plans are inadequate.

e. The Village may make minor changes to the erosion control and construction sequencing plans if the modification upgrades erosion controls or reflects construction progress.

f. Except as provided in subsection (G) below, the owner shall not begin construction until the Village determines that the erosion and sedimentation controls and tree protection measures comply with Village requirements.

g. If the Village does not conduct an inspection on or before the fifth (5th) day after receiving a request, the owner may proceed with construction.

4. Village Re-inspection Fee:

a. Except as provided in subsection (B) below, the Village may charge a re-inspection fee if at the time that the Village attempts to conduct an inspection, the owner:

(i) Has not finished the work to be observed;

(ii) Has not finished corrections previously required by the Village;

(iii) Does not make approved plans readily available to the Village at the site; or

(iv) Does not provide access to the work on the scheduled inspection date.

b. Work that was rejected at the first inspection for failure to comply with a technical code may be re-observed without payment of a re-inspection fee.

c. If a re-inspection fee is due, additional inspections may not be performed until the re-inspection fee is paid.

F. Site Development Construction:

1. Distribution of Approved Plans: The owner shall deliver two (2) copies of the released site development construction plans and approved plan revisions to the Village for use.

2. Substantial Completion Work:

a. Approximately ten (10) days before work under the site development construction plans is finished, the owner shall notify the Village in writing that the work is substantially complete and shall request a list of work to be completed.

b. On the day that the owner provides notice under subsection (A) above, the owner's consulting engineer shall submit a construction summary report to the Village.

3. Final Inspection:

a. No later than the tenth (10th) day after the owner gives written notice that work under a site development construction plan is substantially complete, the Village shall review the work and prepare a report identifying work that does not comply with the construction plans and permits and work that must be performed before the Village issues a final acceptance letter.

b. When the owner finishes the work listed in the report issued under subsection (A) above, the Village shall modify the report to reflect that the required work is finished.

4. Approval and Acceptance by the Village:

a. The Village shall schedule a final approval and acceptance meeting at the site and shall invite the:

(i) Consulting engineer;

(ii) Contractors, as appropriate; and

(iii) Staff of affected utilities;

b. The Village may not issue a final approval and acceptance letter until:

(i) Work identified in the Village's report has been completed;

(ii) The following items have been submitted to the Village:

(a) Construction summary report;

(b) Consulting engineer's concurrence letter;

(c) Reproducible plans, certified, "as built" by the consulting engineer;

(d) Required warranty and performance bonds;

(e) Cash or cashier's check for balances due, if any; and

(iii) if the owner executed a developer contract with the Village, the conditions of the contract have been satisfied.

G. Site Construction:

1. Distribution of Approved Plans: The owner shall forward to the Village two (2) copies of the approved site development permit plan, approved building permit construction plan, approved revision, and applicable specifications for a development. The owner shall retain the plans at the site during construction and Village observations.

2. Grading, Drainage, and Water Quality Facilities:

a. During construction, the Village may observe land grading, drainage, and detention and water quality control facilities to determine whether the facilities comply with the released permits.

b. After construction of the land grading, drainage, and detention and water quality control facilities on a site is finished, the design engineer shall

submit a letter to the Village stating that the project substantially complies with the approved permits.

c. The Village shall perform the final observation of the facilities after the design engineer submits the letter described in subsection (B) above.

d. Except as provided in subsection (E) below, the Village may issue a certificate of occupancy or compliance only if the land grading, drainage, and detention and water quality facilities have been completed in accordance with the requirements of the construction code and permits.

e. The Village may issue a certificate of compliance or certificate of occupancy before the construction is finished if:

(i) The Village determines that the unfinished construction is minor and the facility, and constructed, can perform the task for which it was designed; and

(ii) The owner executes an agreement on a form prescribed by the Village providing for the finishing of the construction and the posting of fiscal security in the amount and for the length of time approved by the council.

3. Connection of Public Utilities:

a. Except as provided in subsection (B) below, utilities may be provided to a property if:

(i) For a property located in the extraterritorial jurisdiction of the Village, the Village issues a certificate of compliance for the development and signs a final acceptance letter for the subdivision infrastructures; or

(ii) For a property located in the Village's zoning jurisdiction, the Village issues a certificate of occupancy for the building.

b. If required erosion and sedimentation controls are finished, the Village may authorize a temporary electrical connection:

(i) To test building service equipment before a certificate of occupancy or certificate of compliance has been issued; or

(ii) To provide electrical service to a building for which a temporary certificate of occupancy has been issued.

H. Letter of Satisfactory Completion: The Village will not deem required public improvements satisfactorily completed until the applicant's engineer has certified to the Village, through submission of detailed sealed "as-built," or record, drawings of the property which indicate all public improvements and their locations, dimensions, materials and other information required by the Village, and until all required public improvements have been completed. The "as-builts" shall also include a complete set of sealed record drawings of the paving, drainage, water, sanitary sewer and other public improvements, showing that the layout of the lines and grades of all public improvements are in accordance with engineering plans, and showing all changes made in the plans during construction, and containing on each sheet an "as-built" stamp bearing the signature and seal of the licensed professional engineer and the date. One reproducible drawing of the utility plan sheets containing the as-built information shall also be submitted. The engineer shall also furnish the Village with a copy of the approved final plat and the engineering plans, if prepared on a computer-aided design and drafting (CADD) system, in such a digital format (on disk) that is compatible with the Village's CADD system. When such requirements have been met, the Village shall thereafter make a recommendation to the council for consideration of satisfactory completion of the public improvements. Once the council votes its approval of satisfactory completion, the Village shall issue the Letter of Satisfactory Completion.

Sec.33.378 Approval and Acceptance of Public Improvements

A. Acceptance of the development shall mean that the applicant has transferred all rights to all the public improvements to the Village for use and maintenance. The council may, at its option, accept dedication of a portion of the required public improvements if the remaining public improvements are not immediately required for health and safety reasons, and if the applicant has posted a performance bond, letter of credit or cash bond in the amount of one hundred percent (100%) of the estimated cost of those remaining improvements for a length of time to be determined by the council. If the remaining public improvements are greater than ten thousand dollars ($10,000.00) and are not completed within the determined length of time, the Village will impose a ten percent (10%) penalty of the performance bond, letter of credit, or cash bond. The obligation to complete the improvements remains with the applicant, and all future building permits or certificates of occupancy will be withheld until the improvements are complete. If the remaining public improvements are less than ten thousand dollars ($10,000.00), the applicant shall pay the actual dollar amount. The length of time may be extended due to inclement weather or unforeseen delays by mutual agreement between the developer and the council.

B. Upon acceptance of the required public improvements or upon approval of the required public improvements, the Village shall submit a certificate to the applicant stating that all required public improvements have been satisfactorily completed.

C. Certifications of Compliance and Occupancy:

1. Certificate Required:

   a. In the zoning jurisdiction and in a municipal utility district that has a consent agreement with the Village requiring the issuance of a building permit, a person shall not use, occupy, or change the existing use or occupancy of a structure unless the Village has issued a certificate of occupancy for the structure.

   b. In the Village jurisdiction:

      (i) For development that does not require a site plan, a person shall not use or occupy a structure unless the Village has issued a certificate of compliance for the site development and subdivision infrastructure; and

      (ii) For development that requires a site plan, a person shall not use or occupy the development included in the site plan unless the Village has issued certificates of compliance for the site development and the subdivision infrastructure.

2. Issuance of Certificate of Compliance: The Village shall issue a certificate of compliance if the site development has been completed in accordance with the released permits and other ordinance requirements, as applicable, and for subdivision and site development infrastructure:

   a. In the extraterritorial jurisdiction, the Village has signed a final acceptance letter; or

   b. In the zoning jurisdiction:

      (i) The Village has signed a final acceptance letter; or

      (ii) The council and the developer have executed a developer agreement.

3. Issuance of Certificate of Occupancy: The Village shall issue a certificate of occupancy if:

   a. The development has passed required inspections and observations;

   b. The owner satisfies fiscal security requirements;

   c. The development has been completed in accordance with the released permits and other ordinance requirements, as applicable; and

d. The Village has signed a final acceptance letter for site development or subdivision infrastructure or the council and the developer have executed a developer agreement, if applicable.

4. Temporary Certificate of Occupancy:

a. A person may file an application with the Village for a temporary certificate of occupancy before the building or structure is finished.

b. The Village may issue a temporary certificate of occupancy if the Village determines that the proposed use or occupancy is not a hazard to life, health, or the public safety.

5. Exemption from Compliance:

a. This subsection applies to an existing use or occupancy for which a certificate of occupancy was not issued if:

(i) The structure in which the use or occupancy occurs existed before the effective date of this article;

(ii) The use or occupancy was established before the effective date of this article;

(iii) The use or occupancy was not subject to an enforcement action before the effective date of this article; and

(iv) The use is a permitted use or is a nonconforming use.

b. The Village shall issue a certificate of occupancy for a use or occupancy described in subsection (A) above, if the Village determines that continuing the existing use or occupancy is not a hazard to life, health, or the public safety.

c. The Village shall issue a certificate of occupancy under subsection (B) above, notwithstanding the noncompliance of an existing use or occupancy or of a building in which the use or occupancy complys with applicable construction code requirements or site development regulations of this article.

Sec. 33.379 Deferral of Required Improvements

A. The council may, upon petition of the applicant and favorable recommendation of the Village, defer at the time of preliminary plat approval, subject to appropriate conditions,

the provision of any or all public improvements as, in its judgment, are not required in the immediate interests of the public health, safety and general welfare.

B. Whenever a petition to defer the construction of any public improvements required under this article is granted by the council, the applicant shall deposit in escrow his or her share of the costs, in accordance with Village participation and oversizing policies, of the future public improvements with the Village prior to approval of the plat, or the applicant shall execute a separate developer agreement secured by a cash escrow or, where authorized by the council, a letter of credit guaranteeing completion of the deferred public improvements upon demand of the Village.

Sec.33.380 Issuance of Building Permits and Certificates of Occupancy

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:

A. A building "foundation only" permit may be issued for a nonresidential or multi-family development provided that a preliminary plat and site development plan been recommended by the commission and approved by the council, and provided that the engineering plans and permits have 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 have been completed, inspected and tested.

B. The council 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 and site plan have been recommended by the commission and approved by the council and the engineering plans and permits have 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. ***No lot shall be sold nor title conveyed until the final plat has been approved by the council and recorded with the Travis County Clerk.***

C. No certificate of occupancy shall be issued for a building or the use of property unless all site development 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 a developer 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 code.

Sec.3.381 Enforcement

A. Compliance Required; Observation:

1. Village Observation:

a. An owner shall as a condition of the construction permit, allow the Village to enter and observe the land or premises that is the subject of any Village construction permit.

b. An applicant for an approval under this article shall agree in writing to allow the Village to enter and observe the land or premises that is the subject of any application during approval and development.

c. Entry and observation under this section must be at a reasonable time for the purpose of investigating or enforcing the requirements of this article.

d. If the premises are occupied, the Village shall present Village credentials and request entry. If the premises are unoccupied, the Village shall attempt to contact a responsible person and request entry.

2. Copy of Released Site Development Permit at Development Site:

a. An owner shall keep a copy of all site development construction permits and building permits at the development site and allow the Village to examine it on request.

b. An owner's failure to produce the copy of the released permits on request by the Village is prima facie evidence that a released permit does not exist.

3. Copy of Right-of-Way Use Permit to be Kept On-Site:

a. An owner holder shall keep a copy of the right-of-way use permit in an accessible place on the construction site or business premises during the period for which the permit is valid.

b. A permit shall state the name of the site manager, supervisor, project superintendent, or prime contractor to be contacted by the Village or police officer if problems exist.

c. An owner's failure to produce a copy of the permit on request from a police officer, or from the Village, is prima facie evidence that a permit does not exist.

B. Suspension and Revocation:

1. Suspension of a Permit or License:

a. The Village may suspend a permit or license if the Village determines that:

(i) The permit or license was issued in error; or

(ii) The permit or license holder has not complied with the requirements of this article.

b. A suspension is effective until the Village determines that the permit holder has complied with the requirements of this article.

2. Suspension of a Released Site Development Permit or Approved Subdivision Construction Plan:

a. The Village may suspend a released site development permit or an approved subdivision construction plan if the Village determines that:

(i) The site development permit was released in error;

(ii) The subdivision construction plan was approved in error; or

(iii) The development does not comply with this article.

3. Suspension of a Certificate of Occupancy:

a. The Village may suspend a certificate of occupancy if the Village determines that:

(i) The certificate of occupancy was issued in error; or

(ii) The structure does not comply with the requirements of the Village's construction codes.

4. Suspension and Revocation of a Right-of-Way Use Permit:

a. The Village may suspend a right-of-way use permit if the Village determines that the permit holder has not complied with the requirements of the permit.

b. The Village may request review by the council of a proposed revocation or suspension. The council's findings are binding on the permit issuer.

c. The Village may require that a person found in violation of a permit requirement pay an investigation fee before the Village reinstates a suspended or revoked right-of-way use permit. The fee is one-third of the cost of the permit.

d. A suspension is effective until the Village determines that the person has complied with the requirements of the permit.

5. Suspension and Revocation of a Variance or Special Exception:

a. If the Village determines that a person is not in compliance with a requirement of a variance or special exception, the Village may suspend the variance or special exception pending compliance.

b. The council shall hold a public hearing and determine whether the person is in compliance with the requirements of the variance or special exception.

c. The council shall hold the public hearing not later than the forty-fifth (45th) day after notification of the suspension.

d. If the council determines that the person is not in compliance with a requirement of the variance or special exception, the council may revoke the variance or special exception or take other action to obtain compliance.

e. The council's decision to revoke a variance or special exception is effective immediately.

6. Revocation after Suspension: The Village may immediately revoke a person's permit, license, released site development permit, approved subdivision construction plan, certificate of occupancy, or right-of-way use permit that has been suspended if the Village determines that the person did not comply in a reasonable time with the requirements of this article for which the suspension was ordered.

7. Notice of Intent to Suspend or Revoke:

a. The Village may give notice to the person affected of the Village's intent to suspend or revoke a permit, license, released site development permit, approved subdivision construction plan, certificate of occupancy, or right-of-way use permit under this article.

b. The notice may specify a reasonable time for compliance with this section. If a time for compliance is specified, the Village may not suspend or revoke before the time for compliance has expired.

8. Notice of Suspension or Revocation: The Village shall give notice by certified mail, return receipt requested, of a suspension or revocation by the Village under this section.

C. Orders:

1. Stop Work Order:

a. If the Village determines that a person required to obtain a site development permit, subdivision construction plan, or permit has not complied with a requirement of this article, the Village may order the person to stop the development of or transportation of construction material to the site until the person complies with the requirements of this article.

b. While a stop work order is in effect:

(i) A Village site observation may not be performed, and work requiring a Village observation shall not be approved; and

(ii) A person shall not connect a utility at the site.

c. If a stop work order is based on a failed Village observation, a person shall not further develop the site until the development passes a Village re-observation.

d. If a stop work order is based on a health or safety hazard, a person shall not further develop the site until the Village determines that the development complies with the requirements of this article and the Village's code of ordinances.

e. If a stop work order is based on a violation of the requirements of this article for a right-of-way use permit, the order:

(i) Must state that no work shall be performed at the site if traffic is obstructed, unless the person obtains a right-of-way use permit;

(ii) Must state that noncompliance shall result in the immediate removal of an obstruction from the right-of-way and the arrest of an equipment operator; and

(iii) Shall require the immediate removal of an obstruction or traffic

control device in the public right-of-way.

f. The Village shall post a stop work order on the site and mail a copy of the order to the record owner.

2. Remove or Restore Order:

a. If the Village determines that building service equipment regulated by the Village codes is hazardous to life, health, or property, the Village may order that the equipment be removed or restored to a safe condition.

b. A remove or restore order shall be in writing, posted on the site, and state a deadline by which compliance shall be achieved.

c. The Village shall mail a copy of the remove or restore order to the record owner.

d. A person shall not use or maintain building service equipment after a remove or restore order is posted.

3. Order to Clear Public Right-of-Way: Unless a person complies with the requirements of a right-of-way use permit or of this article, a police officer may order the person to immediately stop obstructing traffic and remove the obstruction from the public right-of-way. The police officer may:

a. Impound a vehicle, machinery, or equipment;

b. Order to driver to proceed to the Police Department;

c. Remove a barricade or traffic diverting device;

d. Issue a citation to a person who authorized or caused the violation; and

e. Arrest a person who does not comply with the order.

D. Appeal; Criminal Enforcement:

1. Appeal:

a. A person may appeal a stop work order, remove or restore order, revocation, or suspension issued under this section by giving written notice to the Village not later than the third (3rd) day after:

(i) The stop work order or remove or restore order is posted; or

(ii) The person receives notice of the revocation or suspension.

b. The notice of appeal shall contain:

(i) The name and address of the appellant;

(ii) A statement of facts;

(iii) The decision being appealed; and

(iv) The reasons the decision should be set aside.

c. The council shall hear the appeal not later than the third (3rd) working day after the appeal is filed. The appellant, the appellant's expert, and the Village may offer testimony to the council.

d. The council shall affirm or reverse the Village's decision not later than the second (2nd) working day after the hearing. The Village shall give written notice of the decision and a statement of the reasons for the decision to the appellant. The decision of the council shall be final.

e. A stop work order, remove or restore order, suspension, or revocation remains in effect during the pendency of an appeal under this section.

2. Criminal Enforcement:

a. Criminal penalties for violations of this title are prescribed by the Village's code of ordinance.

b. A separate offense is committed each day that a violation of this title continues.

DIVISION 8: CONSTRUCTION IN PUBLIC RIGHTS-OF-WAYS

Sec.33.382 Findings and Purpose

The purpose of this division is to:

A. Assist in the management of facilities placed in, on or over the public rights-of-ways in order to minimize the congestion, inconvenience, visual impact and other adverse effects, and the costs to the citizens resulting from the placement of facilities within the public rights-of-way;

B. Govern the use and occupancy of the public rights-of-ways;

C. Assist the Village in its efforts to protect the public health, safety and welfare;

D. Conserve the limited physical capacity of the public rights-of-way held in public trust by the Village;

E. To preserve the physical integrity of the streets and highways;

F. To control the orderly flow of vehicles and pedestrians;

G. Keep track of the different entities using the right-of-way to prevent interference between them;

H. Assist on scheduling common trenching and street cuts; and

I. Protect the safety, security, appearance, and condition of the public rights-of-ways.

Sec.33.383 Authority; Scope

This division applies to all persons that place facilities in, on or over public rights-of-ways.

Sec.33.384 Definitions

In this division:

***Affiliate*:** Means a person who controls, is controlled by, or is under common control with a provider.

***Certificated Telecommunications Provider*:** Means the same as in Local Government Code Section 283.002(2); i.e., any entity that has been granted a certificate from the Texas Public Utility Commission under Chapter 54 of Tex. Utility Code authorizing that entity to provide local exchange telephone service.

***Village*:** Means The Village of Volente, Texas. As used throughout, the term Village also includes the designated agent of the Village.

***Direction of the Village*:** Means all ordinances, laws, rules, resolutions, and regulations of the Village that are not inconsistent with this article and that are now in force or may hereafter be passed and adopted.

***Facilities*:** Means any and all of the wires, cables, fibers, duct spaces, manholes, poles, conduits, underground and overhead passageways and other equipment, structures, plant and

appurtenances and all associated physical equipment placed in, on or under the public rights-of-way.

Public Rights-of-Ways: Means the same as in the Texas Local Government Code, Section 283.002(6); i.e., the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest. The term does not include the airways above a public right-of-way with regard to wireless telecommunications.

Sec33.385 Village Authorization Required

A. Any person seeking to place facilities on, in or over the public rights-of-way, shall first file an application for a site development permit with the Village and shall abide by the terms and provisions of this article pertaining to use of the public rights-of-way.

B. Any person, except a certificated telecommunications provider, prior to placing, reconstruction, or altering facilities in, on, or over the public rights-of-way, shall obtain separate authorization from the Village.

C. Any person with a current, unexpired consent, franchise, agreement or other authorization from the Village ("grant") to use the public rights-of-way that is in effect at the time this article takes effect shall continue to operate under and comply with that grant until the grant expires or until it is terminated by mutual agreement of the Village and the person, or terminated as otherwise provided for in law.

Sec.33.386 Administration and Enforcement

A. The Village shall administer and enforce compliance with this division.

B. A person shall report information related to the proposed use of the public rights-of-way that the Village requires in the form and manner reasonably prescribed by the Village.

C. The Village shall report to the council upon the determination that a person has failed to comply with this division.

Sec.33.387 Construction Obligations

A person is subject to reasonable police power regulation of the Village to manage its public rights-of-ways in connection with the construction, expansion, reconstruction, maintenance or repair of facilities in the public rights-of-ways, pursuant to the Village's rights as a custodian of public property, based upon the Village's historic rights under state and federal laws. Such regulations include, but are not limited to, the following:

A. At the Village's request, a person shall furnish the Village accurate and complete information relating to the construction, reconstruction, removal, maintenance, operation and repair of facilities performed by the person in the public rights-of-ways.

B. A person may be required to place certain facilities within the public rights-of-way underground according to applicable Village requirements absent a compelling demonstration by the person that, in any specific instance, this requirement is not reasonable or feasible nor is it equally applicable to other similar users of the public rights-of-ways.

C. A person shall perform operations, excavations and other construction in the public rights-of-ways in accordance with all applicable Village requirements, including the obligation to use trenchless technology whenever commercially economical and practical and consistent with obligations on other similar users of the public rights-of-ways. The Village shall waive the requirement of trenchless technology if it determines that the field conditions warrant the waiver, based upon information provided to the Village by the person. All excavations and other construction in the public rights-of-way shall be conducted so as to minimize interference with the use of public and private property. A person shall follow all reasonable construction directions given by the Village in order to minimize any such interference.

D. A person must obtain a permit, as reasonably required by applicable Village codes, prior to any excavation, construction, installation, expansion, repair, removal, relocation or maintenance of the person's facilities. Once a permit is issued, person shall give to the Village a minimum of forty-eight (48) hours notice (which could be at the time of the issuance of the permit) prior to undertaking any of the above listed activities on its network in, on or under the public rights-of-way. The failure of the person to request and obtain a permit from the Village prior to performing any of the above listed activities in, on, or over any public rights-of-ways, except in any emergency as provided for in subsection (11) below, will subject the person to a stop-work order from the Village and enforcement action pursuant to the Village's code of ordinances. If the person fails to act upon any permit within 90 calendar days of issuance, the permit shall become invalid, and the person will be required to obtain another permit.

E. When a person completes construction, expansion, reconstruction, removal, excavation or other work, the person shall promptly restore the rights-of-ways in accordance with applicable Village requirements. A person shall replace and properly relay and repair the surface, base, irrigation system and landscape treatment of any public rights-of-ways that may be excavated or damaged by reason of the erection, construction, maintenance, or repair of the person's facilities within thirty (30) calendar days after completion of the work in accordance with existing standards of the Village in effect at the time of the work.

F. Upon failure of a person to perform any such repair or replacement work, and five (5) days after written notice has been given by the Village to the person, the Village may repair such portion of the public rights-of-ways as may have been disturbed by the

person, its contractors, or agents. Upon receipt of an invoice from the Village, the person will reimburse the Village for the costs so incurred within thirty (30) calendar days from the date of the Village invoice.

G. Should the Village reasonably determine, within two (2) years from the date of the completion of the repair work, that the surface, base, irrigation system or landscape treatment requires additional restoration work to meet existing standards of the Village, a person shall perform such additional restoration work to the satisfaction of the Village, subject to all Village remedies as provided herein.

H. Notwithstanding the foregoing, if the Village determines that the failure of a person to properly repair or restore the public right-of-way constitutes a safety hazard to the public, the Village may undertake emergency repairs and restoration efforts. A person shall promptly reimburse the Village for all cost incurred by the Village within thirty (30) calendar days from the date of the Village invoice.

I. A person shall furnish the Village with construction plans and maps showing the location and proposed routing of new construction or reconstruction at least fifteen (15) days before beginning construction or reconstruction that involves an alteration to the surface or subsurface of the public rights-of-ways. A person may not begin construction until the location of new facilities and proposed routing of the new construction or reconstruction and all required plans and drawings have been approved in writing by the Village, which approval will not be unreasonably withheld, taking due consideration of the surrounding area and alternative locations for the facilities and routing.

J. If the Village declares an emergency with regard to the health and safety of the citizens and requests by written notice the removal or abatement of facilities, a person shall remove or abate the person's facilities by the deadline provided in the Village's request. The person and the Village shall cooperate to the extent possible to assure continuity of service. If the person, after notice, fails or refuses to act, the Village may remove or abate the facility, at the sole cost and expense of the person, without paying compensation to the person and without the Village incurring liability for damages.

K. Except in the case of customer service interruptions and imminent harm to property or person ("emergency conditions"), a person may not excavate the pavement of a street or public rights-of-ways without first complying with Village requirements. The Village shall be notified immediately regarding work performed under such emergency conditions, and the person shall comply with the requirements of Village standards for the restoration of the public rights-of-ways.

L. Within sixty (60) days of completion of each new permitted section of a person's facilities, the person shall supply the Village with a complete set of "as built" drawings for the segment in a format used in the ordinary course of the person's business and as reasonably prescribed by the Village, and as allowed by law.

M. The Village may require reasonable bonding requirements of a person, as are required of other entities that place facilities in the public rights-of-ways.

Sec.33.388 Conditions of Public Rights-of-Way Occupancy

A. In the exercise of governmental functions, the Village has first priority over all other uses of the public rights-of-way. The Village reserves the right to lay sewer, gas, water, and other pipe lines or cables and conduits, and to do underground and overhead work, and attachments, restructuring or changes in aerial facilities in, across, along, over or under a public street, alley or public rights-of-ways occupied by person, and to change the curb, sidewalks or the grade of streets.

B. The Village shall assign the location in or over the public rights-of-ways among competing users of the public rights-of-ways with due consideration to the public health and safety considerations of each user type, and to the extent the Village can demonstrate that there is limited space available for additional users, may limit new users, as allowed under state or federal law.

C. If the Village authorizes abutting landowners to occupy space under the surface of any public street, alley, or public rights-of-ways, the grant to an abutting landowner shall be subject to the rights of the previously authorized user of the public rights-of-ways. If the Village closes or abandons a public right-of-way that contains a portion of a person's facilities, the Village shall close or abandon such public right-of-way subject to the rights of the person.

D. If the Village gives written notice, a person shall, at its own expense, temporarily or permanently, remove, relocate, change or alter the position of person's facilities that are in the public right-of-way within one hundred twenty (120) days, except in circumstances that require additional time as reasonable determined by the Village based upon information provided by the person. for projects expected to take longer than hundred twenty (120) days to remove, change or relocate, the Village will confer with person before determining the alterations to be required and the timing thereof. The Village shall give notice whenever the Village has determined that removal, relocation, change or alteration is reasonably necessary for the construction, operation, repair, maintenance or installation of a Village or other governmental public improvement in the public rights-of-ways. This section shall not be construed to prevent a person's recovery of the cost of relocation or removal from private third parties who initiate the request for relocation or removal, nor shall it be required if improvements are solely for beautification purposes without prior joint deliberation and agreement with person.

E. If the person fails to relocate facilities in the time allowed by the Village in this division, the person may be subject to liability to the Village for such delay and as set forth in the Village code of ordinances, now or hereafter enacted.

F. Notwithstanding anything in subsections (d) and (e) above, the Village and a person may agree in writing to different time frames than those provided above if circumstances reasonably warrant such a change.

G. During the term of its Village consent, a person may trim trees in or over the rights-of-way for the safe and reliable operation, use and maintenance of its facilities. All tree trimming shall be performed in accordance with standards promulgated by the Village. Should the person, its contractor or agent, fail to remove such trimmings within twenty-four (24) hours, the Village may remove the trimmings or have them removed, and upon receipt of a bill from the Village, the person shall promptly reimburse the Village for all costs incurred within thirty (30) working days.

H. Persons shall temporarily remove, raise or lower its aerial facilities to permit the moving of houses or other bulky structures, if the Village gives written notice of no less than 48 hours. The expense of these temporary rearrangements shall be paid by the party or parties requesting and benefiting from the temporary rearrangements. Person may require prepayment or prior posting of a bond from the party requesting temporary move.

Sec.33.389 Insurance Requirements

A. A person shall obtain and maintain insurance in the amounts reasonably prescribed by the Village with an insurance company licensed to do business in the state of Texas acceptable to the Village throughout the term of a Village consent conveyed under this division. A person shall furnish the Village with proof of insurance at the time of the request for building permits. The Village reserves the right to review the insurance requirements and to reasonably adjust insurance coverage and limits when the Village determines that changes in statutory law, court decisions, or the claims history of the industry or the person require adjustment of the coverage. For purposes of this section, the Village will accept certificates of self-insurance issued by the state of Texas or letters written by the person in those instances where the state does not issue such letters, which provide the same coverage as required herein. However, for the Village to accept such letters the person must demonstrate by written information that it has adequate financial resources to be a self-insured entity as reasonably determined by the Village, based on financial information requested by and furnished to the Village. the Village's current insurance requirements are as prescribed by separate ordinance and as maintained on file in the office of the Village secretary.

B. A person shall furnish, at no cost to the Village, copies of certificates of insurance evidencing the coverage required by this section to the Village. The Village may request the deletion, revision or modification of particular policy terms, conditions, limitations or exclusions, unless the policy provisions are established by a law or regulation binding the Village, the person, or the underwriter. If the Village requests a deletion, revision or modification, a person shall exercise reasonable efforts to pay for and to accomplish the change.

C. An insurance certificate shall contain the following required provisions:

1. name the Village of Volente and its officers, employees, board members, commission members, and elected representatives as additional insureds for all applicable coverage;

2. provide for thirty (30) days notice to the Village for cancellation, non-renewal, or material change; and

3. provide that notice of claims shall be provided to the Village by certified mail.

D. A person shall file and maintain proof of insurance with the Village. An insurance certificate obtained in compliance with this division is subject to Village approval. The Village may require the certificate to be changed to reflect changing liability limits. A person shall immediately advise the Village of actual or potential litigation that may develop and may affect an existing carrier's obligation to defend and indemnify.

E. An insurer has no right of recovery against the Village. The required insurance policies shall protect the person and the Village. The insurance shall be primary coverage for losses covered by the policies.

F. The policy clause "Other Insurance" shall not apply to the Village if the Village is an insured under the policy.

G. The person shall pay premiums and assessments. A company which issues an insurance policy has no recourse against the Village for payment of a premium or assessment. Insurance policies obtained by a person must provide that the issuing company waives all right of recovery by way of subrogation against the Village in connection with damage covered by the policy.

Sec.33.390 Indemnity

A. Except as to certificated telecommunications utilities, each person placing facilities in the public rights-of-way's shall agree to promptly defend, indemnify and hold the Village harmless from and against all damages, costs, losses or expenses (1) for the repair, replacement, or restoration of Village's property, equipment, materials, structures and facilities which are damaged, destroyed or found to be defective as a result of the person's acts or omissions, (2) from and against any and all claims, demands, suits, causes of action, and judgments for (A) damage to or loss of the property of any person (including, but not limited to the person, its agents, officers, employees and subcontractors, Village's agents, officers and employees, and third parties); and/or (B) death, bodily injury, illness, disease, loss of services, or loss of income or wages to any person (including, but not limited to the agents, officers and employees of the person, person's subcontractors and Village, and third parties), arising out of, incident to, concerning or resulting from the

negligent or willful act or omissions of the person, its agents, employees, and/or subcontractors, in the performance of activities pursuant to this division.

B. This indemnity provision shall not apply to any liability resulting from the negligence of the Village, its officers, employees, agents, contractors, or subcontractors.

C. The provisions of this indemnity is solely for the benefit of the Village and is not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

Sec.33.391 Unauthorized Use of Public Rights-of-Ways Enforcement and Penalties

The council may authorize its attorney to initiate appropriate actions in a court of competent jurisdiction to enforce the provisions of this division or to enjoin such violations which occur within the Village or any area subject to all or part of the provisions of this division. Any person in violation of any provision of this division shall be fined as a Class C misdemeanor. Each day of violation under this division shall be a separate violation. Prosecution or conviction under this provision shall not be a bar to any other remedy or relief for violations of this division.

Sec.33.392 Abandoning or Vacating Streets [Reserved]

DIVISION 9: EASEMENTS

Sec.33.393 General Provisions

A. The minimum width for utility easements shall be fifteen feet (15') and the minimum width for drainage easements shall be twenty-five feet (25'). The width of easements for other utility providers, 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 along front or side lot lines rather that 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 of ten feet (10'), 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) and in accordance with the City of Austin, Texas Drainage Criteria Manual (latest edition).

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. 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.

D. 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; 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.

E. Access easements shall be provided in accordance with this division and with the Village's zoning and subdivision ordinances and with the City of Austin, Texas Transportation Criteria Manual (latest edition).

Sec.33.394 Public Utility Easements

A. New Public Utility Easements (P.U.E.) shall be dedicated on all new or amended lots parallel to all property lines, as follows:

1. Property lines abutting on street rights-of-ways: fifteen feet (15');

2. Residential interior property lines: fifteen feet (15');

3. Non-Residential or Multi-family Interior property lines: fifteen feet (15').

B. Detention and water quality facilities are not permitted in public utility easements.

C. Off-street parking is allowed in public utility easements.

D. Signs complying with the Village's sign ordinance are allowed in public utility easements as long as all utilities have been located in the easement and the location of the sign will not interfere with the maintenance of the utilities. Signs in the public utility easement shall be removed at the owner's expense if necessary for utility maintenance.

E. Any construction or plantings over dedicated utility or drainage easements shall be removed and/or replaced at the owners expense should such easements be required for use by any authorized utility company or be required to provide adequate drainage.

Sec.33.395 General Maintenance

A. All easements located on private property shall be maintained by the property owner or homeowners association.

B. All water quality easements shall be maintained in accordance with the Village's non-point source pollution control ordinance.

DIVISION 10: PENALTIES AND ENFORCEMENT

Sec.33.396 Effect of Interpretation

In interpreting and applying the provisions of this article, they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this article to interfere with or abrogate or annual any easements, covenants or other agreements between parties provided, however, that where this article imposes a greater restriction or a greater standard upon site development than are imposed or required by agreements, the provisions of this article shall govern.

Sec.33.397 Preserving Rights in Pending Litigation and Violations Under Existing Ordinances

By the passage of this article, no presently illegal site development shall be deemed to have been legalized unless specifically such site development is authorized by this article. Otherwise, such development shall be considered an illegal or non-conforming activity, as the case may be. It is further the intent and declared purpose of this article that no offense committed, and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the effective date of this article, shall be discharged or affected, but prosecutions and suites for such offenses, liabilities, penalties, or forfeitures may be instituted or causes presently pending proceeded with in all respects as if such prior ordinance had not been repealed.

Sec.33.398 Stop Orders

Whenever any site development activity is being done contrary to the provisions of this article, the Village may order the work stopped by notice in writing (referred to as a "Stop Work Order") served on any persons engaged in the doing or causing such work to be done. The stop work order shall be posted on the property, near the activity in question, and any such person shall forthwith stop work until authorized by the Village to proceed with the work.

Sec.33.399 Permit Revocation

A violation of this article shall authorize the Village to cancel any permit or approval depending in whole or in part on any approval under this article. If a permit or approval is canceled, no further work shall be done on the project made the subject of the permit or approval until the violation has been cured and new submittals under this article, as required by the Village, have been made and approved in accordance with the provisions of this article and a new permit has been issued or new approval obtained.

Sec.33.400 Denial of Approvals and Permits

A violation of this article shall authorize the Village to deny any approvals or permits sought by the person violating this article.

Sec.33.401 Penalties and Injunctive Relief

Any person violating this article, upon conviction, is punishable by a fine in accordance with the general penalty provision of the Village's code of ordinances. Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

Sec.33.402 Court Proceedings

Upon the request of the council the Village attorney or other authorized attorney shall file an action in the court of jurisdiction to enjoin the violation or threatened violation of this article, or to obtain declaratory judgment, and to seek and recover court costs and attorney fees, and/or to recover damages in an amount sufficient for the Village to undertake any construction or other activity necessary to bring about compliance with a requirement regarding the property and established pursuant to this article.

Sec.33.403 Authority to Enter Property

A. Under the following circumstances, Village officials may enter private property at all reasonable times to perform any duty imposed by this article:

1. Whenever the Village has reasonable cause to believe that there exists upon any premises any condition in violation of this article;

2. Whenever necessary to make inspections or observations to enforce or confirm compliance any of the provisions of this article;

3. Upon receipt of any permit application to inspect the existing conditions of a particular site in conjunction with review of the application.

B. If the site to be inspected is occupied, Village shall provide reasonable notice to property owner of intent to access property.

C. Except during construction, if the site in unoccupied Village shall first make a reasonable effort to locate the owner or other persons having charge or control of the premises.

D. If entry is refused to the Village, the Village shall have recourse to every remedy provided by law to secure entry.

E. No owner or other person having charge, care, or control of any premises shall fail or neglect, after proper demand is made as herein provided, to promptly permit entry therein by Village for the purpose of inspection and examination pursuant to this article. Any person violating this section shall be guilty of a misdemeanor.

DIVISION 11: CLOSING PROVISIONS

Sec.33.404 Construction

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

Sec. 33.405 Amendment and Repeal

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

Sec. 33.406 Severability

If any provision of this article or the application of any provision to any person or circumstance

is held invalid, the invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

Sec. 3.407 Amendments

The council may, from time to time, adopt, amend and make public rules and regulations for the administration of this article. This article may be enlarged or amended by the council after public hearing, due notice of which shall be given as required by the Texas Local Government Code.

Sec. 3.408 Effective Date

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

Sec. 3.409 Open Meetings

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

Passed and approved this 26th day of October 2004.

Jan Yenawine, Mayor
Village of Volente

ATTEST:

Jennifer Zufelt, Village Secretary