

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS AMENDING SECTIONS OF ARTICLE 10.02, EXHIBIT A, THE SUBDIVISION ORDINANCE TO ADOPT PROCEDURES FOR REVIEW, PROCESSING, AND APPROVAL OF PLATS, CONCEPT PLANS, AND CONSTRUCTION PLANS; PROVIDING ALTERNATIVE REVIEW PROCEDURES; AMENDING FISCAL SURETY REQUIREMENTS TO INCLUDE A PAYMENT BOND; PROVIDING A SEVERABILITY CLAUSE, PROVIDING SAVINGS, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES, AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Leander, Texas considered amendments to the subdivision ordinance to implement the changes adopted by the Texas Legislature as House Bill 3167;

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

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

SECTION 2. Amendment of Article I, Section 1. Article I, Section 1 of the Article 10.02, Exhibit A, Leander Code of Ordinances (the “Subdivision Ordinance”) is amended by adding the following definitions:

Alternative Review Procedure means the procedures set forth in Section 20B that modify the Plan or Plat application review process as described in Section 20B.

Application refers to an application for a Plan or Plat approval under this Ordinance, and unless context dictates otherwise, will include the Resubmittal Application for a Plan or Plat.

Applicant means a person applying for Plan or Plat approval under this Ordinance.

City Staff means the officers, employees and agents of the City assigned and designated from time to time by the City Manager and/or Council to review and/or comment and report on Plans and Plats.

Comprehensive Plan means the City’s comprehensive plan adopted pursuant to Chapter 213, Texas Local Government Code and Sections 10.02 and 10.03 of the City Charter.

ETJ Limits means the limits of the City's extra-territorial jurisdiction as granted under Chapters 42

and 43, Local Government Code.

Filing Date means, with respect to Plans or Plats, the date that Plans or Plans are determined to be complete and are accepted for review by the City.

Municipal Authority means the entity responsible for approving plats or plans governed by this Ordinance. The Planning and Zoning Commission is responsible for approving Concept Plans, Preliminary Plats, Final Plats, and Short Form Final Plats. The City Council is responsible for approving Concept Plans. City Staff, as further specified in this ordinance, is responsible for approving Construction Plans, Minor Revision Preliminary Plats, and Amended Final Plats.

Plan or Plat. The phrase “plan or plat” when used in this Ordinance refers to Concept Plans, Preliminary Plats, Construction Plans, Final Plats, Short Form Final Plats, and Amended Plats. Specifically, the term “plan” refers to Construction Plans and the term “plat” refers to Concept Plans, Preliminary Plats, Final Plat, Short Form Final Plat, or Amended Final Plat.

Resubmittal Application means the application for a Plan or Plat resubmitted to the City following the disapproval or conditional approval of the original application or a Resubmittal Application that satisfies each condition of a conditional approval or remedies the reasons for disapproval.

Resubmittal Date means the date that a Resubmittal Application is determined to be complete and is accepted for review by the City.

Standard Approval Procedure means the procedure for review, processing and approval of plans or plats set forth in this Ordinance other than the Alternative Review Procedure.

SECTION 3. Amendment of Article I, Section 6. Article I, Section 6 of Subdivision Ordinance is hereby amended in its entirety to read as follows:

- (a) The provisions of this Ordinance, including design standards and improvement requirements, shall, except as specifically provided otherwise in this Ordinance, apply to all subdivisions of land within the jurisdiction of the City, including but not limited to the following forms of land subdivision and development activity:
- (1) The division of land into two (2) or more tracts, lots, sites or parcels, any part of which shall contain less than five (5) acres in area when subdivided,
 - (2) The division of land into two (2) or more tracts, lots, sites or parcels, any part of which when subdivided shall contain five (5) acres or more in area and will require the dedication or conveyance of any access, public right-of-way, easement, or any public improvement;
 - (3) Land previously subdivided or platted into tracts, lots, sites or parcels, which subdivision was subject to, but not in accordance with, City or County Ordinances in effect at the time of such subdividing or platting;
 - (4) The combining of two (2) or more contiguous tracts, lots, sites or parcels for the purpose of creating one (1) or more legal lots and achieve a more developable site;
 - (5) The platting of any existing legal deed-divided un-platted lot, parcel, site or tract;

- (6) The voluntary platting and recording of a subdivision plat dividing any land within the jurisdiction of the City into lots, parcels, sites or tracts, or
 - (7) Any plat having received approval from the Commission or the Council for which said approval has expired.
 - (8) The dedication of any street or alley through any tract of land, regardless of the area involved, unless otherwise authorized by the City.
 - (9) The construction or proposed construction of a building or structure across a property line.
- (b) This Ordinance applies to Concept Plans, Preliminary Plats, Construction Plans, Final Plats, Short Form Plats, and Amended Plats.
- (c) There may be occasions when the Council deems it appropriate to allow a delay in the implementation of certain elements of this Ordinance. On those occasions, a development agreement shall be used in accordance with the City policy.

SECTION 4. Amendment of Term “Plan or Plat” and “Plat or Plan”. The term “plan or plat” and “plat or plan” wherever it appears in the Subdivision Ordinance is hereby amended to be capitalized and to be “Plan or Plat”.

SECTION 5. Amendment of Article I, Section 8(b). The first paragraph of Article I, Section 8(b) of Subdivision Ordinance is hereby amended in its entirety to read as follows (with the remaining subsections of Article I, Section 8(b) remaining unchanged):

- (b) No building permit, site development permit, certificate of occupancy, plumbing permit, electrical permit, flood plain permit, utility tap or certificate of acceptance for required public improvements shall be issued by the City for or with respect to any land within the City limits; and no flood plain permit, utility tap or certificate of acceptance for required public improvements shall be issued by the City for or with respect to land within the ETJ Limits:

SECTION 6. Amendment of Article II, Section 20. Article II, Section 20 of Subdivision Ordinance is hereby amended in its entirety to read as follows:

SECTION 20. GENERAL PROCEDURES

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

Ordinance and applicable state law; or (ii) the presiding officer of the Municipal Authority is authorized to disapprove an application that is recommended by City staff to be disapproved due to failure to comply with this Ordinance or applicable law.

- (b) **Commencement of Construction.** Notwithstanding any provision of this Ordinance to the contrary, a developer shall not commence construction activities within the City's jurisdiction, including clearing and/or rough grading, before first obtaining all of the City approvals required by this Ordinance.
- (c) **Pre-Development Meeting.** The applicant is required to attend a pre-development meeting with city staff to help familiarize the applicant with applicable codes and regulations. The Director of Planning may waive this requirement if they deem that the meeting is not necessary.
- (d) **General Subdivision Process.** Generally, the subdivision process is comprised of four (4) individual steps, consisting of the Concept Plan, the Preliminary Plat, Construction Plans, and the Final Plat. Each step of the development process has established deadlines and expirations that must be met in order for the application and any approval(s) granted to remain valid, in effect and eligible to continue to the next step of, or to complete, the development process. Compliance with each such established deadline constitutes a separate required performance and approval.
- (e) **Submittal Schedule.** The Director of Planning shall prepare an application submittal schedule. This submittal schedule shall be reviewed and approved by the Commission annually. Applications will only be accepted for submittal or resubmittal on the days authorized by the schedule approved by the Commission. The Director of Planning is authorized to adjust an approved schedule to accommodate holidays, City Hall closures, and cancelled or special called meetings.
- (f) **Application Forms.** The Director of Planning shall prepare application forms which shall include a checklist of the required information and documents that are required to be submitted by applicants in order for an application to be accepted as complete for review and processing under this Ordinance. The Director of Planning shall update the application from time to time as required due to amendments to this Ordinance, state law, or applicable technical codes and manuals. The Commission shall review and approve the application forms and amendments prepared by the Director of Planning from time to time.
- (g) **Application Completeness Review.**
 - (i) City staff shall review all applications, for completeness and either accept the application as complete or reject the application and provide the applicant with written notice of rejection that specifies the reasons for rejection within ten (10) business days of the date the application is submitted. An application will be considered complete if it is submitted in the required form, includes all information and documents required in the application, and is accompanied by the applicable fees. All applications shall also include a list of any requested variance from the ordinance. Resubmittal

Applications are also subject to Section 20(h). An application that is not complete, does not include the information or documents required in the application, or is not accompanied by the applicable fees may not be accepted by the City. If the application is determined to be incomplete, the Director of Planning shall provide written notice of the rejection of the application that includes a description of the application's deficiencies. No further processing of the application will occur until the deficiencies are corrected.

- (ii) In addition to the items required on the Concept Plan application and checklist, the preliminary park plan must be reviewed and approved prior to the submittal of the Concept Plan application and submitted with the application in order for concept plan to be accepted as complete.
 - (iii) In addition to the items required on the Preliminary Plat application and checklist, the updated preliminary park plan must be reviewed and approved prior to the submittal of the Preliminary Plat application and submitted with the application in order for the Preliminary Plat to be accepted as complete, unless the Director of Parks and Recreation determines that an update is not needed.
 - (iv) In addition to the items required on the Construction Plan application and checklist, the following must be reviewed and approved prior to the submittal of the Construction Plan application and submitted with the application in order for it to be accepted as complete, unless the City Engineer or Director of Planning determines that one of the items is either not needed or may be reviewed concurrently to process the Construction Plan Application:
 - a. Lift station report
 - b. Water and wastewater capacity analysis
 - c. Drainage study
 - d. Floodplain development permit/CLOMR
 - e. Traffic impact analysis
- (h) **Resubmittal Applications.** Resubmittal Applications are subject to the completeness review process set forth in Section 20(g). A Resubmittal Application that modifies the original application beyond what is required to satisfy a conditional approval or to remedy reasons for disapproval shall be considered a new application and must be accompanied by the required application fee and will be reviewed and processed in accordance with the deadlines and procedures applicable to initial applications, including but not limited to the thirty (30) day approval deadlines. Except for Construction Plan applications, Resubmittal Applications submitted for the purpose of satisfying a conditional approval or to remedy the reasons for disapproval of a Resubmittal Application shall be accompanied by the applicable Resubmittal Application Fee.
- (i) **Incomplete Application Expirations.** An application shall expire on the 45th day after the date the application is submitted to the City if:
- (i) the applicant fails to provide documents or other information necessary to comply with requirements relating to the form and content of the application set forth in this Ordinance;
 - (ii) within ten (10) business days of the date the application is submitted to the City, the City provides the applicant written notice of the failure that specifies the necessary

documents or other information that are missing from the application and the date the application will expire if the documents or other information is not provided; and

- (iii) the applicant fails to provide the specified documents or other information within the time provided in the notice
- (j) **Approval Does Not Waive Compliance.** Approval of a Plan or Plat under this Ordinance does not waive any requirement or regulation under this Ordinance or an applicable City Code unless a waiver, exemption, or variance to such requirement or regulation is granted by the City employee, official, or body authorized to grant such waiver, exemption, or variance.

SECTION 7. Addition of Sections 20A and 20B. Article II of the Subdivision Ordinance is hereby amended by adding Sections 20A and 20B to read as follows:

SECTION 20A. REQUESTS FOR EXTENSION OF APPROVAL DEADLINE OR WAIVERS OF PROCEDURES.

- (a) The applicant may request an extension of the thirty (30) day approval deadlines set forth in this Ordinance by requesting an extension on the application form. The extension request will be considered by the Municipal Authority responsible for approving the particular Plan or Plat application. Approval of an extension request will extend the deadline for approval of a Plan or Plat by thirty (30) days.
- (b) An applicant may also request in writing the waiver of a deadline or procedure set forth in this Ordinance. If approved by the Municipal Authority, the waiver shall be documented by letter agreement or other form of agreement approved by the Municipal Authority.

SECTION 20B. ALTERNATIVE REVIEW PROCEDURE; WAIVER OF APPROVAL PROCEDURE.

- (a) The applicant may request in writing that an application submitted under this Ordinance be reviewed under the Alternative Review Procedure described in this Section by electing the Alternative Review Procedure at the time an application is submitted. The applicant may at anytime request that the Alternative Review Procedure be terminated and the application be reviewed under the standard approval procedures set forth in this Ordinance. The Alternative Review Procedure shall consist of the following:
 - (1) Submission of the application and completeness review in accordance Section 20(e)-(g).
 - (2) Review of the application by Staff and return of comments to the applicant in accordance with the review schedule prepared by the Director of Planning and approved by the Commission. The comments shall consist of the reasons that the application does not comply with City ordinances or state law and references to applicable City ordinances or state law.
 - (3) Submission of the application to the Municipal Authority after the applicant has corrected all deficiencies in the application and City Staff certifies that the application complies with applicable City ordinances.
 - (4) If an applicant requests the Alternative Review Procedure, then the deadlines for action on plats or plans, the requirement for a pre-development meeting, and the requirement for payment of Resubmittal Application Fees will not apply unless the applicant requests in writing submitted on a date established for submission of plats or plans for an application to

be moved back into the Standard Approval Procedure.

- (b) An applicant who applies for PUD Zoning may request that the Concept Plan and the Preliminary Plat be reviewed and processed at the same time that the PUD zoning application is being reviewed and processed. If accepted for review in connection with the PUD zoning application, the Concept Plan and the Preliminary Plat will be processed and reviewed with the PUD zoning application in accordance with the submittal procedures, review processes, and approval deadlines applicable to PUD zoning applications. If an applicant requests use of this Alternative Review Procedure, then deadlines for action on the Concept Plan and Preliminary Plat will not apply.

SECTION 8. Addition of Article II, Section 21(c)(20). Article II, Section 21(c) of Subdivision Ordinance is hereby amended by adding subsection (20) to read as follows:

(20) For Resubmittal Applications, in addition to containing the information and documents required by this subsection (c), a transmittal letter that describes how each reason for disapproval of the Concept Plan is being remedied or how each condition of a conditional approval is being satisfied, as applicable, and identifying the location in the Concept Plan application where each remedy or response to a condition can be found. The transmittal letter shall further identify whether any other changes to the application have been made other than those necessary to respond to the reasons for disapproval.

SECTION 9. Amendment of Article II, Sections 21(d)-(h). Article II, Sections 21(d)-(h) of Subdivision Ordinance are hereby amended in its entirety to read as follows:

(d) Procedure. A Concept Plan shall be submitted to the City for approval by both the Commission and the Council.

- (1) Legible prints, as indicated on the application form, shall be submitted to the City along with the completed application forms, payment of all applicable fees, all information required by the most recent application/checklist and any attendant documents needed to supplement the information provided on the plan.
- (2) Prior to the Commission meeting at which the Concept Plan is to be heard, City staff shall review the plan for consistency with City codes, policies and plans.
- (3) The application shall be scheduled for consideration by the Commission within thirty (30) days of the application Filing Date (or within the applicable extension period if an extension is granted), or within fifteen (15) days of the Resubmittal Date, as applicable. The application shall be scheduled for consideration by the Council within thirty (30) days of the Commission's action on the application (or within the applicable extension period if an extension is granted), or within fifteen (15) days of Commission's action on a Resubmittal Application, as applicable.
- (4) City staff shall prepare a report analyzing the Concept Plan submittal, as well as any comments received concerning the Concept Plan, and recommending action on the Concept Plan. If the recommended action is disapproval or conditional approval, the report shall include the reasons for disapproval or the conditions for approval, as applicable, and citations to the law or ordinance that is the basis for disapproval or the conditional approval.

This report shall be available at least four (4) business days prior to the Commission meeting.

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

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

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

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

- (1) The Commission shall take action on the application within thirty (30) days of the Filing Date. The failure of either the Commission to act within thirty (30) days of the Filing Date (or within sixty (60) days of the Filing Date where an extension has been granted), or the Council to act within thirty (30) days of action on the Concept Plan by the Commission (or within sixty (60) days where an extension has been granted) shall be deemed an approval of the plan by the respective body, except as otherwise agreed to by the applicant pursuant to Section 20A(b).
- (2) The Council, within thirty (30) days of the date of action on the Concept Plan application by the Commission (or within sixty (60) days of the date of action by the Commission where an extension has been granted), shall take action on the Concept Plan application.
- (3) If applicable, zoning of the tract shall permit the uses proposed by the Concept Plan, or a zoning amendment necessary to permit the proposed uses shall be required prior to approval of the Concept Plan.
- (4) Approval of a Concept Plan constitutes acceptance of the general development and arrangement of lots indicated on the plan; the classification and arrangement of streets indicated; the proposed phasing plan; and the nature of utility service proposed. Subsequent zoning approvals cannot be guaranteed.
- (5) Concept Plan approval does not ensure approval of a Preliminary Plat failing to meet

specific requirements of this Ordinance, and approval does not comprise any vesting of development rights or any assurance that permits of any kind will be issued.

(g) Disapproval or Conditional Approval.

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

(h) Application Expiration.

- (1) The Concept Plan application shall expire nine (9) months after the date that all initial staff review comments from all reviewing departments have been issued on the application if the concept plan is not approved due to the applicant's failure to cause the application to comply with applicable city regulations.
- (2) The Planning Department may grant one six (6) month extension if the applicant can show substantial progress in obtaining approval of the Concept Plan. Substantial progress shall consist of, at a minimum, a resubmission of the Concept Plan and all relevant materials by the applicant that address all initial staff review comments from all reviewing departments.
- (3) After expiration of an application, any new Concept Plan will be required to be re-submitted as a new application including re-paying all of the fees associated with this process.

SECTION 10. Amendment of Article II, Section 22(a). Article II, Sections 22 (a) of Subdivision Ordinance is hereby amended in its entirety to read as follows:

(a) Purpose. The Preliminary Plat provides detailed graphic information and associated text indicating property boundaries, easements, land use, streets, utilities, drainage, and other information required to evaluate proposed subdivisions of land. A Preliminary Plat shall be required for any subdivision of land, except as otherwise provided for in this Ordinance, subsequent to Concept Plan approval.

SECTION 11. Amendment of Article II, Section 22(c)(1)(i). Article II, Sections 22(c)(1)(i) of Subdivision Ordinance is hereby amended in its entirety to read as follows:

- (i) Provide the approved concept plan.

SECTION 12. Addition of Article II, Section 22(c)(8). Article II, Section 22(c) of Subdivision Ordinance is hereby amended by adding subsection (8) to read as follows:

- (8) For Resubmittal Applications, in addition to containing the information and documents required by this subsection (c), a transmittal letter that describes how each reason for disapproval of the Preliminary Plat is being remedied or how each condition of a conditional approval is being satisfied, as applicable, and identifying the location in the Preliminary Plat application where each remedy or response to a condition can be found. The transmittal letter shall further identify whether any other changes to the application have been made other than those necessary to respond to the reasons for disapproval.

SECTION 13. Amendment of Article II, Sections 22(d)(6)-(8) and Addition of Article II, Section 22(d)(9). Article II, Sections 22(d)-(6)-(8) of Subdivision Ordinance are hereby amended in its entirety to read as follows and Article II is further amended to add Section 22(d)(9) to read as follows:

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

- (6) Prior to the Commission meeting at which the Preliminary Plat is presented, City staff shall review the plat for consistency with City ordinances, codes, policies and plans.
- (7) The application shall be scheduled for consideration by the Commission within thirty (30) days of the application Filing Date (or within the applicable extension period if an extension is granted), or within fifteen (15) days of the Resubmittal Date, as applicable.
- (8) City staff shall prepare a report analyzing the Preliminary Plat submittal, as well as any comments received concerning the Concept Plan, and recommending action on the Preliminary Plat. If the recommended action is disapproval or conditional approval, the report shall include the reasons for disapproval or the conditions for approval, as applicable, and citations to the law or ordinance that is the basis for disapproval or the conditional approval. This report shall be available at least five (5) working days prior to the Commission meeting.
- (9) City staff shall forward the Preliminary Plat to other jurisdictional agencies, including but not limited to, Williamson and/or Travis County (if in ETJ), LISD, CAMPO, Capital Metro, Fire Department and utility companies.

SECTION 14. Amendment of Article II, Sections 22(e)-(h). Article II, Sections 22(e)-(h) of Subdivision Ordinance are hereby amended in its entirety to read as follows:

- (e) **Notification.** Public notification for a Preliminary Plat shall not be required.
- (f) **Approval.** The Commission shall act on the request for Preliminary Plat approval

within thirty (30) days of the Filing Date, or within sixty (60) days of the Filing Date if the applicant's extension request has been granted.

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

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

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

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

(g) Disapproval or Conditional Approval.

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

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

(h) Application Expiration.

(1) The Preliminary Plat application shall expire nine (9) months after the date that all initial staff review comments from all reviewing departments have been issued on the application if the preliminary plat is not approved due to the applicant's failure to cause the application to comply with applicable city regulations.

(2) The Planning Department may grant one six (6) month extension if the applicant can show substantial progress in obtaining approval of the Preliminary Plat. Substantial progress shall consist of, at a minimum, a resubmission of the Preliminary Plat and all relevant materials by the applicant that address all initial staff review comments from all reviewing departments.

(3) After expiration of an application, any new Preliminary Plat application will be required to be re-submitted as a new application including re-paying all of the fees associated with this process.

SECTION 15. Addition of Article II, Sections 22(k)(5)-(7). Article II, Section 22(k) of

Subdivision Ordinance is hereby amended by adding subsections (5), (6), and (7) to read as follows:

- (5) **Content.** The content for a Minor Revision Preliminary Plat shall be the same as the Preliminary Plat.
- (6) **Procedure.** The procedure, including approval, disapproval, and conditional approval for a Minor Revision Preliminary Plat shall be the same as the Preliminary Plat; provided that the Director of Planning is the Municipal Authority for the purposes of review and approval of the Minor Revision Preliminary Plat.
- (7) **Support Documents.** The support documents for a Minor Revision Preliminary Plat shall be the same as the Preliminary Plat unless the Director of Planning deems that they are unnecessary.

SECTION 16. Addition of Article II, Section 23(c)(18). Article II, Section 23(c) of Subdivision Ordinance is hereby amended by adding subsection (18) to read as follows:

- (18) For Resubmittal Applications, in addition to containing the information and documents required by this subsection (c), a transmittal letter that describes how each reason for disapproval of the Construction Plans are being remedied or how each condition of a conditional approval is being satisfied, as applicable, and identifying the location in the Construction Plan application where each remedy or response to a condition can be found. The transmittal letter shall further identify whether any other changes to the application have been made other than those necessary to respond to the reasons for disapproval.

SECTION 17. Amendment of Article II, Sections 23(d)(1)-(3). Article II, Sections 23(d)(1)-(3) of Subdivision Ordinance are hereby amended in its entirety to read as follows:

(d) **Procedure.** After all necessary approvals of the Preliminary Plat have been granted, Construction Plans, together with a completed application form and review fee, shall be submitted to the Director of Planning for review by City Staff.

- (1) Construction Plans may be submitted for review and approval simultaneously with a Final Plat only if the applicant elects to seek approval under the Alternative Review Procedure set forth in Section 20B(a) of the Subdivision Ordinance at the time of submittal. Otherwise, the Final Plat shall not be accepted for review or approved until the Construction Plans have been approved. If the Construction Plans and the Final Plat are to be reviewed simultaneously, a complete application for Construction Plans and a complete application for Final Plat must be submitted to the City simultaneously and the Alternative Review Procedure described in Section 20B(a) will govern review, processing, and approval of the applications.
- (2) City staff shall review all Construction Plan submittals for completeness at the time of application. If in the judgment of the City, the Construction Plan submittal substantially fails to meet the minimal informational requirements as outlined above, it will not be accepted for review.
- (3) City staff shall review the Construction Plans to insure compliance with this Ordinance, and other applicable City ordinances, codes, standards and specifications, and good engineering practices.

SECTION 18. Amendment of Article II, Sections 23(e)-(i) and Addition of Article II, Section 23(j). Article II, Sections 23(e)-(i) of Subdivision Ordinance are hereby amended in its entirety to read as follows and Article II is further amended by adding Section 23(j) to read as follows:

(e) **Approval.** Within thirty (30) days of the Filing Date (or within 60 days of the Filing Date if an extension request has been approved), the City Staff shall either approve or disapprove the Construction Plans.

(1) If the Construction Plans are disapproved, the Director of Planning shall notify the applicant, in writing by the thirtieth (30th) day following the Filing Date, of disapproval, state the reasons for disapproval, and cite to the law or ordinance that is the basis for disapproval. The failure of either the Director of Planning to act within thirty (30) days of the Filing Date (or within sixty (60) days of the Filing Date where an extension has been granted), shall be deemed an approval of the Construction Plans, except as otherwise agreed to by the applicant pursuant to Section 20A(b).

(2) If Construction Plans are approved, then the Director of Planning, City Engineer, Director of Public Works, Director of Parks and Recreation, and the Fire Marshal shall sign the cover sheet of the Construction Plans and a pre-construction meeting shall be scheduled. A construction plan permit shall be signed and issued during the pre-construction meeting. A signed copy of the plans shall be returned to the applicant and a copy shall be retained for City records.

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

(4) All improvements shown in the approved Construction Plans shall be constructed pursuant to and in compliance with the approved plans, except as otherwise specifically approved.

(f) **Resubmittal.**

(1) **Resubmittal Application.** After disapproval of the Construction Plans, the applicant may submit a Resubmittal Application that remedies each reason for disapproval provided. The Resubmittal Application that has been accepted as complete shall be reviewed and processed in accordance with Section 23(d).

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

(g) **Application Expiration.**

(1) The Construction Plans application shall expire nine (9) months after the date that all initial staff review comments from all reviewing departments have been issued on the application if the construction plans are not approved due to the applicant's failure to cause the application to comply with applicable city regulations.

(2) The Planning Department may grant one six (6) month extension if the applicant can show substantial progress in obtaining approval of the construction plans. Substantial progress shall consist of, at a minimum, a resubmission of the construction plans and all relevant materials by the applicant that address all initial staff review comments from all reviewing departments.

(h) **Approval Expiration.** The construction plan permit shall expire two years after the date that the permit is issued unless an unexpired Final Plat is on file with the City or the Final Plat has been approved and that approval has not expired.

(i) **Revision.** Where it becomes necessary, due to unforeseen circumstances, for corrections to be made to Construction Plans for which approval has already been obtained, the Municipal Authority shall have the authority to approve such corrections when, in their opinion, such changes are warranted and also in conformance with City requirements. Approval of such changes agreed to between the applicant and Municipal Authority shall be noted by initialing and dating by both parties on the two (2) original signed copies of the Construction Plans.

(j) **Responsibility.** Notwithstanding the approval of any Construction Plans by the Council, Commission or the City Engineer, the applicant and the engineer that prepares and submits such plans and specifications shall be and remain responsible for the adequacy of the design of all such improvements; and nothing in this Ordinance shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any design, plans and specifications submitted.

SECTION 19. Amendment of Article II, Section 24(c)(5)(v). Article II, Section 24(c)(5)(v) of Subdivision Ordinance is hereby amended in its entirety to read as follows:

(v) Documentation from Williamson and Travis County 911/Addressing stating that all of the street names on the Final Plat are reserved and the street names are not duplicated in other areas of the county.

SECTION 20. Addition of Article II, Section 24(c)(7). Article II, Section 24(c) of Subdivision Ordinance is hereby amended by adding subsection (7) to read as follows:

(7) For Resubmittal Applications, in addition to containing the information and documents required by this subsection (c), a transmittal letter that describes how each reason for disapproval of the Final Plat is being remedied or how each condition of a conditional approval is being satisfied, as applicable, and identifying the location in the Final Plat application where each remedy or response to a condition can be found. The transmittal letter shall further identify whether any other changes to the application have been made other than those necessary to respond to the reasons for disapproval.

SECTION 21. Amendment of Article II, Section 24(d)(1). Article II, Section 24(d)(1) of Subdivision Ordinance is hereby amended in its entirety to read as follows:

(1) A Final Plat may be submitted for review and approval simultaneously with Construction

Plans only if the applicant elects to seek approval under the Alternative Review Procedure set forth in Section 20B(a) of the Subdivision Ordinance at the time of submittal., provided however that the Final Plat shall not be approved until the Construction Plans have been approved and all required improvements have been determined by the City Engineer to be complete or fiscal surety is posted for such improvements including any required park improvements. If the Final Plat and Construction Plans are to be reviewed simultaneously, a complete application for Final Plat and a complete application for Construction Plans must be submitted to the City simultaneously and the Alternative Review Procedure described in Section 20B(a) will govern review, processing, and approval of the applications.

SECTION 22. Amendment of Article II, Sections 24(d)(6)-(7) and Addition of Article II, Section 24(d)(8). Article II, Sections 24(d)(6)-(47) of Subdivision Ordinance are hereby amended in its entirety to read as follows and Article II, Section 24(d)(8):

- (6) Prior to the Commission meeting at which the Final Plat is presented, City staff shall review the plat for consistency with City codes, policies and plans.
- (7) The Commission meeting shall be scheduled within thirty (30) days of the application Filing Date, or within fifteen (15) days of the Resubmittal Date, as applicable.
- (8) City staff shall prepare a report analyzing the Final Plat submittal, as well as any comments received concerning the Preliminary Plat, and recommending action on the Final Plat. If the recommended action is disapproval or conditional approval, the report shall include the reasons for disapproval or the conditions for approval, as applicable, and citations to the law or ordinance that is the basis for disapproval or the conditional approval. This report shall be available at least five (5) working days prior to the Commission meeting.

SECTION 23. Amendment of Article II, Sections 24(f). Article II, Section 24(f) of Subdivision Ordinance is hereby amended in its entirety to read as follows

(f) **Approval.** The Commission shall act on the request for Final Plat approval within thirty (30) days of the Filing Date, or within 60 days of the Filing Date if the applicant's extension request has been granted.

- (1) The failure of the Commission to act within thirty (30) days of the Final Plat Filing Date (or within sixty (60) days of the Filing Date where an extension has been granted) shall be deemed an approval of the plat, except as otherwise agreed to by the applicant pursuant to Section 20A(b).
- (2) A final plat shall not be approved if:
 - (i) The tract is not in conformance with the Composite Zoning Ordinance or the Subdivision Ordinance.
 - (ii) Fees in-lieu of park land dedication as required by this Ordinance, if applicable, have not been paid.
 - (iii) Written acceptance of all improvements required by this Ordinance by the City Engineer or, in lieu of acceptance, assurance of completion of said improvements pursuant to this Ordinance, has not been received by the City.
 - (iv) Applicable fees required by this Ordinance have not been paid.

- (v) Notes describing any variances approved by the Commission have not been added to the plat.
- (vi) Three (3) copies of record drawings have not been submitted to and approved by the City Engineer, along with a statement prepared by a licensed professional engineer.
- (vii) Diskette(s) containing computer generated drawings of all public improvements shown on the Construction Plans, and all lot lines shown on the Final Plat, have not been submitted to the City Engineer to update City record drawings.
- (viii) Three (3) copies of Maintenance bonds meeting the requirements of this Ordinance have not been provided.
- (ix) An affidavit of all bills paid and a release of liens have not been provided.
- (x) Any and all other requirements required by this Ordinance or applicable law or identified in the Final Plat process have not been satisfied.

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

SECTION 24. Amendment of Article II, Sections 24(g)-(i) and Renumbering of Subsections. Article II, Sections 24(g)-(i) of Subdivision Ordinance are hereby amended in their entirety to read as follows and the subsections entitled “Recordation” and “Responsibility” shall be renumbered as subsections (j) and (k) respectively and shall remain in full force and effect.

(g) Resubmittal.

- (1) After disapproval or conditional approval of the Final Plat, the applicant may submit a Resubmittal Application that addresses each conditional approval or remedies each reason for disapproval provided. The Resubmittal Application that has been accepted as complete shall be reviewed and processed in accordance with Section 24(d).
- (2) The Commission shall take action on the Resubmittal Application within fifteen (15) days of Resubmittal Date. The failure of the Commission to act within fifteen (15) days of the Resubmittal Date, shall be deemed an approval of the plat if the Resubmittal Application satisfies all conditions of a conditional approval or remedies all reasons for disapproval, except as otherwise requested by the applicant and approved by the Municipal Authority pursuant to Section 20A(b).

(h) Application Expiration.

- (1) The Final Plat application shall expire nine (9) months after the date that all initial staff review comments from all reviewing departments have been issued on the application if the final plat is not approved due to the applicant's failure to cause the application to comply with applicable city regulations.
- (2) The Planning Department may grant one six (6) month extension if the applicant can show substantial progress in obtaining approval of the final plat. Substantial progress shall consist of, at a minimum, a resubmission of the final plat and all relevant materials by the applicant that address all initial staff review comments from all reviewing departments.

(i) Disapproval, Expiration and Extension.

(1) In the event that an applicant requests city staff delay submitting a Final Plat to the Commission in accordance with Section 20A(b), the applicant must present the Final Plat application to the Commission within six (6) months of the date the delay is requested or the Final Plat application will expire. The Planning Department may grant one six (6) month extension if there are extenuating circumstances.

(2) If the Commission approves the plat with conditions, the application will not expire until six months from the date of such action by the Commission. One additional six month extension may be granted by the Commission if the applicant can demonstrate substantial progress in compliance with conditions.

(3) The approval of the final plat by the Commission shall expire within one (1) year of the date of approval if the final plat is not recorded with the County.

SECTION 25. Amendment of Article II, Sections 25(f)-(g) and Renumbering of Subsections. Article II, Sections 25(f)-(g) of Subdivision Ordinance are hereby amended in their entirety to read as follows and the subsections entitled “Expiration”, “Recordation” and “Responsibility” shall be renumbered as subsections (h), (i), and (j) respectively and shall remain in full force and effect.

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

(g) **Resubmittal.**

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

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

SECTION 26. Amendment of Article II, Section 28(d)(1). Article II, Section 28(d)(1) of Subdivision Ordinance is hereby amended in its entirety to read as follows:

- (1) Performance Bond and Payment Bond. The developer shall post a performance bond and payment bond with the City, as set forth herein, in an amount equal to one hundred ten percent (110%) and the payment bond being in an amount equal to at least one hundred percent (100%) of the estimated construction costs for all remaining required improvements, using the standard City form.

SECTION 27. Amendment of Article III, Section 40(c)(5). Article III, Section 40(c)(5) of Subdivision Ordinance are hereby amended in its entirety to read as follows:

- (5) Public utilities and infrastructure should be provided within all subdivisions in order to ensure the health, safety and well-being of the public. Utility capacity should be sufficient to meet accepted standards of service to reasonably anticipated development. Where excess capacity in utility lines or facilities within a subdivision will further the efficient and desirable extension of utilities to adjacent property, equitable provision of such capacity is essential to the orderly growth of the urban area. Applicants shall submit a water and wastewater capacity analysis prior submission of Construction Plans, unless the City Engineer waives the requirement that the analysis be provided or authorizes the analysis to be submitted concurrently with the Construction Plans.

SECTION 28. Amendment of Article III, Section 44(b)(7). Article III, Section 44(b)(7) of Subdivision Ordinance are hereby amended in its entirety to read as follows:

- (7) All wastewater systems shall be designed and constructed to comply with all applicable rules, regulations and policies of the entity that will provide wastewater service to the development. A lift station report verifying that TCEQ (or successor agency) requirements have been met is required to be approved by the City Engineer before submission of Construction Plans except as determined otherwise by the City Engineer. With respect to wastewater systems and infrastructure located within the Wholesale Wastewater Service Area, the systems and infrastructure will be designed and constructed to comply with the more stringent of the City of Leander's design standards or the City of Liberty Hill's design standards. Prior to submitting construction plans, the applicant shall meet with the City Engineer regarding the Liberty Hill design standards that will be applicable.

SECTION 29. Amendment of Article V, Section 73. Article V, Section 73 of Subdivision Ordinance are hereby amended in its entirety to read as follows:

SECTION 73. CONDITIONS FOR ISSUING A BUILDING PERMIT, ISSUING A SITE DEVELOPMENT PERMIT, OR ACCEPTING IMPROVEMENTS.

No improvements to be accepted by the City for ownership, maintenance and operation shall be accepted; no building permit shall be issued for any new structure or change, improvement or alteration of any existing structure, on any lot or tract of land; no site development permit shall be issued for any lot or tract of land; and no municipal utility service will be furnished to such lot or

tract which does not comply with the provisions of this Ordinance and all applicable provisions of the City's Code of Ordinances, except as herein exempted or specifically exempted by the City Council or upon the written application and approval of a variance. Every official and employee of the city vested with the duty or authority to issue an approval, permit or certificate shall not issue an approval, permit or certificate for any application, plan, plat, use, building, improvement, or purpose that conflicts with any provision of this Ordinance. Any approval, permit, or certificate issued in conflict with the provisions of this Ordinance shall be null and void.

SECTION 30. Amendment of Article V, Section 77(c). Article V, Section 77(c) of Subdivision Ordinance are hereby amended in its entirety to read as follows:

(c) **Administrative Action.** The City Engineer and/or the City Manager shall enforce this Ordinance by appropriate administrative action, including but not limited to the rejection of plans, maps, plats and specifications not found to be in compliance with this Ordinance and good engineering practices, and the issuance of stop work orders.

SECTION 31. Deletion of Term "Development Plan". The term "development plan" wherever it appears in the Subdivision Ordinance is hereby deleted.

SECTION 32. Conflicting Ordinances. Exhibit "A", Article 10.02, Leander Code of Ordinances is amended as provided herein. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

SECTION 33. Savings Clause. All rights and remedies of the City of Leander are expressly saved as to any and all violations of the provisions of any ordinances affecting subdivision within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 34. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

SECTION 35. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision,

and to this end the provisions of this Ordinance are declared to be severable.

SECTION 36. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance 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.

PASSED AND APPROVED on the 15th day of August of 2019.

THE CITY OF LEANDER, TEXAS

ATTEST:

Troy Hill, Mayor

Dara Crabtree, City Secretary