PLANNING AND ZONING COMMISSION REGULAR MEETING
TUESDAY - AUGUST 4, 2026 - 5:30 PM

Council Chamber/Municipal Court Building
2801 Ranch Road 1869
Liberty Hill, Texas 78642

Steve Messana — Tim Anderson
Tyler James — Karlyn Keller

LIVE VIDEO ACCESS AND RECORDINGS

The meeting will be streamed live via the link on the City's official Facebook page.

Following the meeting, a recording will be made available on the City's website at https://www.libertyhilltx.gov/agendacenter.

PLEASE SILENCE YOUR ELECTRONIC DEVICES

CHAIR MAY REORDER AGENDA ITEMS AS NECESSARY

1) CALL TO ORDER AND ESTABLISH QUORUM

2) PUBLIC COMMENTS

Comments on Non-Agenda Items:
Individuals wishing to address the governing body on matters not listed on the agenda must complete a Public Comment Form and submit it prior to the meeting. Each speaker is limited to three (3) minutes. No action may be taken during this portion of the meeting. Members of the governing body may respond only with factual information, references to existing policy, or requests that the subject be placed on a future agenda.

Comments on Agenda Items:
Individuals wishing to address an item listed on the agenda must complete a Public Comment Form, identify the specific agenda item, and submit the form prior to the item being considered. Speaker request forms may also be submitted electronically, to citysecretary@libertyhilltx.gov prior to the meeting.

3) REGULAR AGENDA

A) Consider approval of the May 5, 2026, Planning and Zoning Commission regular meeting

minutes.
Minutes

B) Presentation and discussion regarding Draft Module 2 of the Unified Development Code (UDC) Rewrite.
UDC Rewrite Draft Modules 1 and 2

4) PUBLIC HEARING

A)
Conduct a public hearing and consider recommendation regarding Unified Development Code text amendments to Section 6.13 (Outdoor Lighting), Chapter 6.00 (Site Development and Design Standards), of the City of Liberty Hill Unified Development Code.

Cover Sheet
Proposed Ordinance - Redline.pdf

B) Conduct a public hearing and consider recommendation regarding Unified Development Code text amendment to Section 7.05 (Fiscal Surety and Assurance of Construction and Maintenance), of the City of Liberty Hill Unified Development Code.
Cover Sheet
Proposed Ordinance - Redline

5) ADJOURNMENT

CERTIFICATION

I certify that the above notice of meeting was posted on the bulletin board at Liberty Hill City Hall, located at 926 Main Street, Liberty Hill, Texas 78642, and on the City website (https://www.libertyhilltx.gov/agendacenter) on or before 5:00 p.m., on July 29, 2026.

_____
Beatrice Canseco, City Secretary

NOTICE
The City Council, Boards, and Commissions reserve the right to convene, recess, realign, or adjourn into Executive Session at any me during the meeting, prior to adjournment, as authorized by Chapter 551 of the Texas Government Code.

In compliance with the Americans with Disabilities Act, the City of Liberty Hill provides reasonable accommodations for individuals attending meetings. Requests for accommodation should be made at least forty-eight (48) hours prior to the meeting. For assistance, contact the City Secretary at citysecretary@ libertyhilltx.gov or (512) 778-5449.

PLANNING AND ZONING COMMISSION

AGENDA ITEM 3.A

Consider approval of the May 5, 2026, Planning and Zoning Commission regular meeting minutes.

Planning and Zoning Commission
Regular Called Meeting Minutes
May 5, 2026
2801 Ranch Road 1869
Liberty Hill, TX 78642
5:30 PM

Commissioners Present:
Chair Karlyn Keller
Commissioner Tim Anderson
Commissioner Tyler James

Commissioners Absent:
Vice Chair Devin Vyner

City Staff Present:
Brandon Pritchett, Deputy City Manager
Laura Mueller, City Attorney
Robyn Claridy-Miga, Director of Planning and Development Services
McKenzi Hicks, Planning Manager
Tiffany Turpen, Senior Planner
Nicolas Border, Planner
Jessica McCabe, Administrative Assistant

1. **CALL TO ORDER**
   The Planning and Zoning Commission meeting was called to order by Chair Keller at 5:30 PM on Tuesday, May 5, 2026, at 2801 Ranch Road 1869, Liberty Hill, TX 78642.

   Quorum was established with three of four commissioners present: Keller, Anderson, and James. The Invocation was given by Commissioner James, and the Pledges of Allegiance were recited.

2. **PUBLIC COMMENTS**
   No public comments were received.

3. **PUBLIC HEARING**
   Notice is hereby given that the following application(s) are scheduled for public hearing before the Planning and Zoning Commission of the City of Liberty Hill.

   a) **2026-3-Z** – Conduct a public hearing and consider recommendation to the City Council regarding a zoning map amendment from Agricultural (AG) to General Commercial/Retail (C3) for approximately 21.492 acres of land, generally located southeast of the intersection of State Highway 29 and Butler Farms Boulevard, legally described as part of and out of the J.B. Berry Survey, Abstract No. 56, and

more particularly described by Williamson Central Appraisal District Parcels R543513 and R543512, Liberty Hill ETJ (extraterritorial jurisdiction), Williamson County, Texas. (Planner, N. Border)

Public Hearing Opened at: 5:37 PM

Mr. Bill Soja spoke requesting a buffer between his property and the Sutton Natalie property, noting that his property directly abuts the subject property.

Public Hearing Closed at: 5:41 PM

Motion: *Commissioner Anderson moved to recommend approval to the City Council of a zoning map amendment from Agricultural (AG) to General Commercial/Retail (C3). Chair Keller seconded the motion. Motion carried unanimously 3-0. Ayes: Anderson, Keller, James. Nays: None. Absent: Vyner.*

4. CONSENT AGENDA

Consent Agenda items are considered routine and will be enacted by one motion. There will be no separate discussion of those items unless requested by a commissioner, in which case the item will be removed from the Consent Agenda and considered under the Regular Agenda.

a. Approval of the April 7, 2026 Planning and Zoning Commission Regular Meeting Minutes. (Administrative Assistant, J. McCabe)

Motion: *Commissioner James moved to approve the Consent Agenda as presented. Commissioner Anderson seconded the motion. Motion carried unanimously 3-0. Ayes: James, Anderson, Keller. Nays: None. Absent: Vyner.*

5. REGULAR AGENDA

a. Discussion and possible action regarding the election of officers of the Planning and Zoning Commission, including: (Chair, K. Keller)

i. Election of Chair
ii. Election of Secretary

Motion: *Chair Keller moved to discuss Items 5a(i) and 5a(ii) together. Commissioner Anderson seconded the motion. Motion carried unanimously 3-0. Ayes: Keller, Anderson, James. Nays: None. Absent: Vyner.*

Motion: *Commissioner James moved to nominate Commissioner Anderson as Secretary of the Planning and Zoning Commission. Chair Keller seconded the motion. Motion carried 2-0-1. Ayes: Keller, James. Nays: None. Abstain: Anderson. Absent: Vyner.*

Election of Chair was tabled by Chair Keller to a later meeting date.

b. Presentation, discussion, and consideration of a recommendation to the City Council regarding the Planning and Development Services Department proposed fee schedule for Fiscal Year 2026-2027, including planning, engineering, and building fees. (Director of Planning and Development Services, R. Claridy-Miga)

Motion: *Commissioner James moved to recommend approval of the Planning and Development Services Department's Fiscal Year 2026-2027 Fee Schedule to City Council. Secretary Anderson seconded the motion. Motion carried unanimously 3-0. Ayes: James, Anderson, Keller. Nays: None. Absent: Vyner.*

c. Presentation and discussion regarding the City of Liberty Hill Development Activity Map. (Director of Planning and Development Services, R. Claridy-Miga)

Presentation received. No action taken.

d. Presentation and discussion regarding vested rights, including the legal framework governing vested rights claims and their application to development in the City of Liberty Hill. (Interim City Attorney, L. Mueller/Director of Planning and Development Services, R. Claridy-Miga)

Presentation received. No action taken.

6. **REPORTS**

a. Receive the Projects in Motion Report. (Planning Manager, M. Hicks)

Report received. No action taken.

b. Receive the UDC Rewrite Update Report. (Planning Manager, M. Hicks)

Report received. No action taken.

7. ADJOURNMENT

There being no further business, Chair Keller adjourned the meeting at 6:17 PM.

PASSED AND APPROVED by the Planning and Zoning Commission of the City of Liberty Hill, Texas on the _____ of _____, 2026, on a vote of _____ ayes, _____ nays, and _____ abstentions.

_____

Chair

_____

Secretary

PLANNING AND ZONING COMMISSION
PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY - AUGUST 4, 2026
2801 Ranch Road 1869 - Liberty Hill

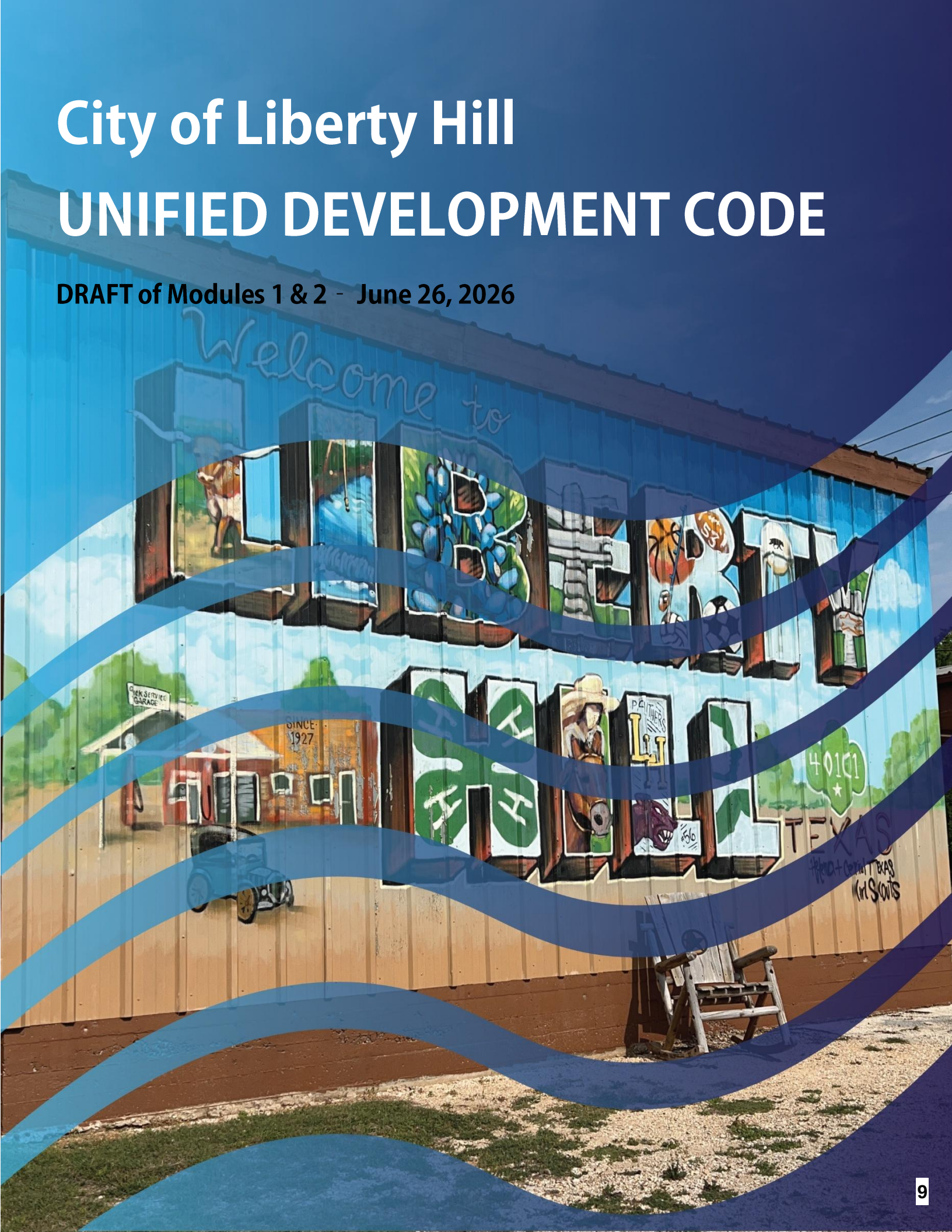
AGENDA ITEM 3.B

Presentation and discussion regarding Draft Module 2 of the Unified Development Code (UDC) Rewrite.

City of Liberty Hill

UNIFIED DEVELOPMENT CODE

DRAFT of Modules 1 & 2 - June 26, 2026



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Article 1 General Provisions, Violations and Enforcement

Section 1.01 Establishment

A. Title

This Unified Development Code of the City of Liberty Hill, Texas shall be known as, and may be cited and referred to as, the “UDC”.

B. Purpose

The purpose of this UDC is to promote the public health, safety, general welfare, and quality of life of the City’s present and future citizens, while also unifying the City’s development regulations into a single document to reduce repetition and conflict among various ordinances. Additionally, this UDC is intended to implement the City of Liberty Hill Comprehensive Plan, Trails Master Plan, Parks Master Plan, Downtown Master Plan, Mobility Plan, utility and infrastructure system master plans, and various other plans adopted and amended from time to time by the City.

C. How to Use this Code

1. If you need to subdivide or plat your land:

   Whether you live inside or outside the city limits, you may not develop or disturb your land (see Article 15 for definition of "land disturbance") until you have properly subdivided or platted your parcel. The procedures that you will need to follow are described in Section 3.17.

2. If you want to build or establish a particular use on your property:

   a. Step One: You should first determine what kind of use you desire to establish. You can usually determine the use by referencing the use categories and specific uses found in Section 4.08. Refer to the definitions of the specific uses in Section 4.08 to help you determine the use that best describes what you want to establish.

   b. Step Two: You should next determine the zoning district (and any overlay districts) that apply to your property. The official zoning map, available at the Planning and Development Office, depicts the zoning designation for

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every parcel of land in the City limits of Liberty Hill. If your property is not in the City limits, no zoning designations or zoning requirements apply, but some development standards and requirements do apply. Read Section 3.01B to identify which applications or permits you must acquire before you build.

c. Step Three: For properties in the City limits, locate the use tables in Section 4.08. Find the row that lists the specific use you are interested in. Match this row to your zoning district designation (across the top of the table) to determine whether the use you want to establish is permitted in the district.

d. Step Four: If your use is permitted, you must get the appropriate applications approved (see Article 3) and comply with the applicable development standards of this Code before building the structure or establishing the use.

These requirements are intended to help you and the City ensure that your project is legally established and that it matches the development vision that the City of Liberty Hill, as a community, desires.

3. If you own or lease property and want to know what rules apply:

   Follow steps two through four above, to identify your zoning district and the permitted uses. You can find the specific details for the uses in your zoning district in Section 4.08 and the definitions found in Article 15. You can also find the various development standards that apply to your property in Article 6 through Article 10.

4. If you want to change your Zoning District:

   Only the City Council may rezone property, following public notice and hearings at meetings of the Planning and Zoning Commission and the City Council. See Section 3.03 for public notice requirements and Section 3.08 for Rezoning requirements.

5. If you want to develop in Downtown:

   If your property is within the Downtown Core (DC) or Downtown Mix (DM) Districts, the regulations contained in Article 5. Downtown Regulations apply. In the event of conflict between this Article and another article of this UDC, the stricter provision shall control.

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a. Step One: Determine what can be built on your site. Review the applicable district standards, approved building types, lot standards, permitted uses, and design standards found in Article 5. Downtown Regulations.

b. Step Two: Follow the development process and submit your application. Development within the Downtown Zoning Districts shall follow the processes outlined in Article 3. Include all downtown-specific information required as part of the permit application.

D. Authority

This Unified Development Code is adopted under the authority of the constitution and laws of the State of Texas, including particularly Texas Local Government Code chapters 211, 212, 216 and 242, and pursuant to the provisions of the Charter of the City of Liberty Hill, Texas.

E. Jurisdiction

1. Within the City's Extraterritorial Jurisdiction (ETJ)

As authorized by TLGC 212.003, the City holds concurrent platting authority within its ETJ. Where an interlocal agreement has been established between the City and Williamson County, such agreement coordinates joint plat review but does not transfer the City's statutory platting authority to the County. The City shall not extend, connect, or otherwise provide municipal water, wastewater, or related utility services to any property located outside the incorporated city limits unless the property has been platted in compliance with this Code and applicable state law, except as provided by a development agreement between the City and property owners or as required by the City's Certificate of Convenience and Necessity (CCN). The applicable case types and permits within the ETJ are summarized in Figure 3-1.

2. Within City Limits

All provisions of this UDC shall apply to all land within the City limits.

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F. Effective Date

This UDC shall become effective and be in full force and effect immediately following its passage and approval by the City Council, as duly attested by the Mayor and City Secretary.

G. Design Manual and Other Technical Resources

This UDC references an Engineering Design Manual that is maintained separately from this UDC. This UDC also references several other technical resources that apply within the City and ETJ, including (but not limited to) the City's Comprehensive Plan, the Administrative Procedures Manual, and any other federal, state, or local law or regulations. These documents may be amended by the City as needed.

H. Conflicting Provisions

1. Conflict with State or Federal Regulations

   If the provisions of this UDC conflict with state or federal law, state or federal law shall control to the extent required by law.

2. Conflict with Other City Regulations

   If the provisions of the UDC are inconsistent with one another or if they conflict with provisions found in other adopted ordinances or regulations of the City, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.

3. Conflict with Private Agreements and Covenants

   The UDC does not interfere with, abrogate, or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this UDC impose a greater restriction than is imposed by an agreement or covenant among private parties, the provisions of the UDC govern. The City is not responsible for monitoring or enforcing agreements or covenants among private parties.

I. Severability

If any section or part of this UDC is held by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or

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invalidate the remaining provisions of this UDC but shall be confined in its operation to the specific sections of this UDC that are held unconstitutional or invalid. The invalidity of any section of this UDC in any one or more instances shall not affect or prejudice in any way the validity of this UDC in any other instance.

J. Fees

1. Establishment of Fees

   The fees to be charged for applications, processing, determinations and fees-in-lieu under this UDC shall be as provided by separate ordinance.

2. Refund

   An applicant who has paid the appropriate fee pursuant to submission of an application, but who chooses to withdraw such application prior to the formal written notification of completeness or incompleteness, shall be entitled to a refund of 50 percent of the total amount paid upon written request to the City. The application fee required for all policy or legislative applications is not refundable.

Section 1.02 Violations and Responsibility

Unless otherwise expressly allowed by the UDC or state law, any violation of a provision contained in the UDC is subject to the remedies and penalties provided for in the UDC.

A. Generally

A violation is any action, or failure to act, that does not comply with a requirement of this UDC or a lawful condition of approval. Specific examples include, but are not limited to:

1. Development, Subdivision, or Use Without Authorization

   To initiate, construct, develop, clear, grade, subdivide, occupy, or use any land, building, or structure without first obtaining all permits or other forms of approval required by this UDC.

2. Development, Subdivision, or Use in Violation of Approval

   To engage in, conduct, or maintain any development, subdivision, or use of land, building, or structure that deviates, disregards, or violates in any

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respect from an approved plan, plat, permit, term, condition, stipulation or other authorization granted by the City as part of this UDC.

3. Making Lots or Setbacks Nonconforming

   To reduce or diminish any lot area so that the lot size, is smaller than prescribed by this UDC, which in turn may necessitate the reduction or required setbacks, or open spaces for a proposed development.

4. Increasing Intensity or Density of Use Inconsistent with this UDC

   To increase the intensity or density of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this UDC.

5. Removing or Defacing Required Notice

   To remove, deface, obscure, or otherwise interfere with any notice required by this UDC.

6. Grading Inconsistent with Flood Damage Prevention Requirements

   To undergo grading, dredging, or excavation that changes grading, except in accordance with the Flood Damage Prevention requirements in Article 4.03 of the Code of Ordinance and other requirements of this UDC.

7. Violation by Forgoing Maintenance

   To cause, allow, or permit required public improvements (such as a detention/water quality treatment device or a structural control) to be unable to operate for its intended purpose due to lack of maintenance.

8. Violation by Act or Omission

   To cause, allow, or maintain a violation of any provision of this UDC, whether by direct act, failure to act, or omission of any duty imposed herein.

9. Continuing a Violation

   Each day that a violation continues shall constitute a separate and distinct offense, subject to cumulative enforcement and penalties as provide by this UDC and applicable state law.

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B. Responsible Persons

1. Any person who violates this UDC is subject to the remedies and penalties expressed in this Article.
2. If a person causing a UDC violation is a renter, lessor, or contractor, the Director shall notify the owner and the renter, lessor, and/or contractor of the violation. The owner shall ensure that the renter, lessor, and/or contractor are aware of the UDC violation, and the owner is ultimately responsible for ensuring that the violations are corrected.

Section 1.03 Penalties

A. Generally

Except as otherwise provided, any person who violates any provision of this UDC, or any ordinance, rule, or regulation governing zoning, fire safety, or public health and sanitation (including illegal dumping), shall be guilty of a misdemeanor and subject to a fine not exceeding two thousand dollars ($2,000.00). For all other violations, the maximum fine shall not exceed five hundred dollars ($500.00). No penalty shall exceed or be less than the penalty prescribed for a similar offense under state law. Each day a violation continues constitutes a separate offense, and penalties shall be cumulative of all other remedies available to the City.

B. Assessment of Expenses

In addition to any other remedy provided in this UDC or any other ordinance of the City and cumulative thereof, the City Manager or Director of Planning and Development is authorized to order any of the work or improvements required to be completed by the owner or applicant under the provisions of this UDC to be undertaken by the City on the account of the owner of the property on which work or improvements are done and shall administratively assess the cost to perform such work to the property owner. As necessary, the City Attorney or City Secretary shall cause the expense thereof to be assessed upon the real estate or lot upon which such expense is incurred, and/or shall place a lien on said property by resolution of the City Council.

C. Land Use and Zoning

1. Upon notice and hearing, the City Council may revoke approval of any site plan found to be in violation of this Code. It shall be unlawful to perform work

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on a revoked site plan until a new site plan is filed, reviewed, and approved by the Director of Planning and Development, consistent with Section 3.20. The Director of Planning and Development shall provide the City Council with an update on the zoning violation and the newly reviewed and approved site plan.

2. Any person who violates any provision of this Code or order issued under its authority, or who performs work or use inconsistent with an approved plat or site plan, shall be guilty of a misdemeanor and subject to a fine not exceeding two thousand dollars ($2,000.00). Each day the violation continues shall constitute a separate offense.

D. Signs

1. When a sign requiring a permit under Article 13 of this UDC is erected without a sign permit, the Director of Planning and Development shall use the following procedures.

    a. The Director of Planning and Development shall issue a written notice of violation to the responsible party or, if unknown, to the occupant of the premises. The notice shall describe the violation, state the date observed, and provide instructions to contact the Director of Planning to obtain a permit or remove the sign, if applicable. The notice shall also state that fines will accrue if the violation is not corrected. Notice is deemed delivered when deposited in the United States mail, postage paid, to the last known address of the responsible party.

    b. If written notice cannot be delivered, the Director of Planning and Development shall attempt to contact the responsible party or property owner by telephone, recording the date and time of the call. The responsible party shall be informed that daily fines will commence on a specified date if the violation is not corrected or the sign removed.

    c. If, within 14 days of notice, the responsible party fails to contact the Director of Planning and Development in writing, obtain a permit, or bring the sign into compliance, the City may remove or impound the sign without further notice and assess daily fines as provided by this UDC.

    d. Upon conviction, the responsible party shall be guilty of a misdemeanor and shall forfeit the sign and any associated permit. The responsible party shall also pay all applicable fines, which shall not exceed the limits

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established by this UDC. Each day the violation continues shall constitute a separate offense.

2. Impoundment of Signs

   a. The Director of Planning and Development may remove and impound, without prior notice, any sign located within a public street or highway right-of-way, or attached to trees, utility poles, natural features, or other structures in violation of this UDC.

   b. Impounded signs shall be held for 14 days. The owner may reclaim an impounded sign prior to expiration of the holding period upon payment of an impoundment fee for each sign and reimbursement of all removal costs.

   c. Signs not claimed within 14 days may be disposed of by the City. The owner shall remain responsible for all costs associated with removal, storage, and disposal.

E. Civil Remedies

1. Civil Action

   In addition to other penalties provided by this UDC, any condition or use existing in violation of this Code or any ordinance intended to protect public health, safety, or welfare is hereby declared a public nuisance and may be abated by the City as provided by law through injunctive relief, abatement, administrative adjudication or other civil action as provided under state law. Prior to initiating civil action, the City shall notify the responsible party of the specific violations, as described in Section 1.04A.1.c. In any such action, the City shall demonstrate that notice was provided and that the violation continued or corrective action was not taken.

2. Injunction and Other Remedies

   Any structure erected or used, or any development that is planned or implemented, contrary to any of the provisions of this UDC or to any of the requirements contained in a final plat or site plan approved by the City , is hereby declared to be unlawful and shall constitute a violation of this UDC. The City Council may initiate the legal process to obtain an injunction, mandamus, abatement, or any other action available in law or equity to

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prevent, enjoin, abate, correct, or remove such unlawful structure, use, or development, or otherwise ensure compliance with this UDC.

3. Civil Penalties

   Any person who violates any provision of this UDC is subject to a civil penalty of up to one thousand dollars ($1,000.00) and not less than one hundred dollars ($100.00), or more as permitted by law, for each act of violation and for each day of violation.

4. Penalties are Cumulative

   The penalties in this section shall be cumulative and not exclusive of any other rights or remedies the City may have.

Section 1.04 Enforcement

A. Enforcement Procedures and Actions

1. Generally

   a. The City may refuse to authorize or make utility connections or provide public services on the grounds set forth in TLGC 212, as amended.

   b. The Director of Planning and Development shall have authority to enter upon premises within the City or its extraterritorial jurisdiction (ETJ) to enforce the regulations of this UDC, issue violation notices, and take enforcement action.

   c. The Director of Planning and Development shall issue a written notice of violation to the responsible party or, if unknown, to the occupant of the premises. The notice shall describe the violation, state the date observed, and provide instructions to contact the Director of Planning and Development to obtain a permit or remedy the violation, if applicable. The notice shall also state that fines will accrue if the violation is not corrected. Notice is deemed delivered when deposited in the United States mail, postage paid, to the last known address of the responsible party.

2. Notice of Intent to Suspend or Revoke

   a. Before the City initiates the process for suspension or revocation of a permit or other form of approval pursuant to this UDC, the Director of

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Planning and Development shall give written notice of intent to suspend or revoke via certified mail, return receipt requested. The notice may specify a reasonable time for compliance with this UDC.

b. If notice of intent is given, suspension or revocation shall not occur before the time for compliance has expired.

c. The Director of Planning and Development shall not be required to provide notice of intent to suspend or revoke for violations of this UDC that cause imminent destruction of property or injury to persons.

3. Suspension and Revocation of a Variance or Special Use Permit

   a. When the City Council determines there is a failure to comply with any term, condition, or requirement that was a condition of the approval of a variance or special use permit, the City Council may direct the Director of Planning and Development or City Attorney to suspend the variance or special use permit pending compliance with the terms, conditions, or requirements under which the variance or special use permit was approved.

   b. Notice of suspension or revocation of a variance or special use permit shall be sent by certified mail, return receipt requested, to the permit holder.

   c. The City Council shall, if requested in writing by the permit holder within 10 days of the notice of suspension, hold a public hearing no later than 45 days after notification is sent to the permit holder of the variance or special use permit of its intent to suspend. If the City Council determines the permit holder failed to comply with any term, condition, or requirement established as a condition of the variance or special use permit, the City Council may take such action as it considers necessary to ensure compliance.

   d. A decision to revoke a variance or special use permit shall be effective immediately. Notice of the decision by the City Council shall be sent by certified mail, return receipt requested to the permit holder.

4. Stop Work Orders

   The Director of Planning and Development may issue a stop work order for any site where a significant violation of this UDC, an approved subdivision

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plat, or site plan is found. The Director may order all work, including site clearing and preparation, to cease immediately, with or without revoking any permit or authorization previously issued. Failure to comply with a stop work order shall constitute a misdemeanor offense punishable as provided in this UDC. Work may resume only upon written authorization from the Director of Planning and Development after a determination that all violations have been corrected and the site is in full compliance with this UDC. The Director of Planning and Development shall make such determination within 10 business days of receiving a written request to resume work from the permit holder.

5. Enforcement Responsibility

   The Director of Planning and Development or other City officials as designated by this UDC has the authority to enforce the provisions of this UDC.

Section 1.05 Vested Rights Petitions, Project Dormancy and Expiration

A. Vested Rights Petition

1. Purpose

   In accordance with TLGC Chapter 245 or successor statute, the purpose of a Vested Right Petition is to determine whether an application should be processed under the terms of a previous ordinance, to provide a process for determination of possible vested status, and to determine when certain permits are subject to expiration.

2. Applicability of a Vested Rights Petition

   a. Any Application

      A Vested Rights Petition may be submitted for any application authorized under this UDC.

   b. Prohibit Joint Submission

      A Vested Rights Petition cannot be submitted by the Applicant along with submission of a request for a text amendment to this UDC, a Zoning Map

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amendment, or any other request for a legislative decision by the City Council.

c. Land and Use upon Annexation

Vested rights in land use upon annexation shall be governed by TLGC Section 43.002, as amended.

3. Petition Submission

a. Filing

A Vested Rights Petition shall be submitted to the Director and shall be in accordance with TLGC Chapter 245 or successor statute.

b. Effect on 30 Day Timeline for Approval

The City will not issue a determination of completeness for any application considered under this UDC as affected by a Vested Rights Petition for the subject property until the Vested Rights Petition is decided. If the applicant decides to submit a Vested Rights Petition after the issuance of a determination of completeness, and no Waiver of Right to 30-Day Action has been submitted to the City in accordance with Section 3.17E, the application is automatically forwarded to the Planning and Zoning Commission with a recommendation for denial.

4. Time for Filing a Petition and Application

a. A Vested Rights Petition may not be submitted after an application for which a vested right is claimed.

b. A Vested Rights Petition may be filed with a joint application if the petition is filed pursuant to Section 1.05A.3.

c. Where more than one application is authorized to be filed simultaneously by this UDC, the petition may be filed simultaneously for each application.

5. Petition Requirements

The Vested Rights Petition must allege in writing that the Applicant has a vested right for some or all of the land subject to the application under TLGC Chapter 245 or successor statute, or pursuant to TLGC Section 43.002 or successor statute or other applicable law, that requires the City to review

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and decide the application under standards that were in effect prior to the effect date of the currently applicable standards or prior to annexation for the property by the City.

a. The petition must include the following information and documents:

   i. The name, mailing address, phone number and email of the Applicant;

   ii. Legal Description of the property for which the person claims a vested right;

   iii. Identification of the project, as that term is defined in TLGC Section 245.001(3), and the permit application, permit, or plan for development giving rise to the project;

   iv. A narrative description of the grounds for the petition, including a statement as to whether the petition asserts a vested right related to a specific standard or to an entire project;

   v. A copy of each approved or pending application that is the basis for the contention that the City may not apply current standards to the application that is the subject of the petition;

   vi. The Official Vesting Date of the application;

   vii. The date the subdivision for which the application was submitted was commenced;

   viii. Identification of all standards from which relief is sought;

   ix. Identification of any current standards that the Applicant asserts can be applied to the application at issue;

   x. A narrative description of how the application of current standards from which relief is sought affects the proposed application; ;proposed

   xi. A copy of any prior vested rights determination involving the same land; and

   xii. Whenever the Applicant alleges that an application subject to expiration should not be terminated, a description of the events

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constituting Progress Towards Completion of the Project for which the application was approved.

6. Decision on a Vested Rights Petition

    a. Review of Vested Rights Petition

        i. The Responsible Official for a Vested Rights Petition is the same as that for reviewing the application with which the petition is associated.

        ii. Where multiple applications are submitted, and there is more than one Responsible Official, the decision of each Responsible Official will be coordinated with that of any other Responsible Official on the Vested Rights Petition.

        iii. The City Attorney will also be notified of the Vested Rights Petition following its filing and acceptance for processing.

        iv. The Applicant must reimburse the City for all related legal costs for review of a Vested Rights Petition, in accordance with the City's adopted Fee Schedule. This reimbursement must be paid in full prior to consideration of approval of the application for which vested rights were claimed and the Vested Rights Petition was filed.

    b. Decision by the Responsible Official on a Subdivision Vested Rights Petition

        i. The Responsible Official will decide the petition according to the criteria listed in Section 1.05A.7, whether the relief requested in the Vested Rights Petition should be granted in whole or in part, and shall formulate a written report summarizing the decision along with reasons for approval or denial of the petition.

        ii. The applicant shall be notified within 45 business days following the date the Vested Rights Petition was filed at the City of the Responsible Official's determination or decision to defer the application to the Planning and Zoning Commission.

        iii. In the event the Responsible Official opts to defer the decision on the Vested Rights Petition to the Planning and Zoning Commission, the

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Petition will be placed on the agenda of the next regularly scheduled Commission meeting.

c. Decision by the Planning and Zoning Commission on a Vested Rights Petition

   i. If the Responsible Official defers the decision on a Vested Rights Petition, the Petition applicable shall be presented to the Planning and Zoning Commission at their next scheduled meeting. The Responsible Official will submit a report in the form of a recommendation on the petition to the Planning and Zoning Commission.

   ii. The Planning and Zoning Commission shall decide according to the criteria listed in Section 1.05A.7 and vote to approve in whole or in part, or to deny the petition by a simple majority vote of the full Planning and Zoning Commission's voting members.

d. Appeal to the Council of a Decision on a Vested Rights Petition

   i. For an Applicant-Initiated Appeal

      (A) The Applicant may appeal the decision of the Responsible Official or the Commission, if the decision on the Vested Rights Petition was deferred by the Responsible Official, to the City Council by submitting written notice of appeal to the Responsible Official within 10 business days following the date of such decision.

      (B) If Council does not make a decision upon the appeal within 60 calendar days, the appeal is considered denied, and the decision of the Responsible Official or Commission is upheld.

      (C) A letter stating the reasons for the appeal, citing the specific applicable section(s) of the UDC, must be submitted by the applicant.

   ii. For a City Council-Initiated Appeal

      (A) No fewer than four (4) voting members of the City Council may appeal the Responsible Official's or Commission's decision on the Vested Rights Petition to the entire City Council by submitting

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written notice of appeal to the Responsible Official within 10 business days following the date of such decision.

(B) The Council will consider and act on whether it will appeal the decision at its first regular meeting (for which there is time to include such appeal on its posted agenda, as required by State Law) that occurs after the date at which the decision was made.

(C) Written notice of the City Council's vote to appeal shall be submitted to the Responsible Official within seven (7) calendar days following the City Council's vote to appeal the decision.

(D) The City Council will hear and decide the appeal within 60 calendar days following receipt of the notice of appeal by the City.

iii. The Council will decide according to the criteria listed in Section 1.05A.7 and vote to approve in whole or in part or to deny the petition by a simple majority vote of the full Council.

iv. The Council's decision shall be final.

7. Criteria for Vested Rights Petition Approval

   a. Factors

      The Responsible Official, Commission, or Council ("The Decision-Maker") will decide the Vested Rights Petition based upon the following factors:

      i. The nature and extent of prior applications filed for the land subject to the petition;

      ii. Whether any prior vested rights determinations have been made with respect to the property subject to the petition;

      iii. Whether any prior approved applications for the property have expired or have been terminated in accordance with State law or local ordinances;

      iv. Whether current standard adopted after commencement of the project affect proposed use of the land, landscaping or tree preservation, open space or park dedication, lot size, lot dimensions,

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impervious cover, or building size based upon the proposed application;

v. Whether any statutory exception applies to the standards in the UDC from which the Applicant seeks relief; and

vi. Any other applicable provisions outlined in TLGC Chapter 245 or TLGC Section 43.002, or successor statutes.

8. Action and Record of Action on a Vested Rights Petition

a. Action

The Decision-Maker may take any of the following actions:

i. Deny the relief requested in the petition, and direct that the application be reviewed and decided under currently applicable standards;

ii. Grant the relief requested in the petition, and direct that the related application by reviewed and decided in accordance with the standards contained in identified prior regulations; or

iii. Grant the relief requested in part, and direct that certain identified current standards be applied to the related application, while standards contained in identified prior regulations shall also be applied.

b. Record

The City Secretary shall record, in writing, the Responsible Official's determination on the Vested Rights Petition; the determination must identify the following:

i. The nature of the relief granted, if any;

ii. The related application(s) upon which relief is premised under the petition;

iii. Current standards that shall apply to the related application for which relief is sought, if applicable;

iv. Prior standards that shall apply to the related application for which relief is sought, including any procedural standards, if applicable;

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v. The statutory exception or other grounds upon which relief is denied in whole or in part on the petition; and

vi. To the extent feasible, subsequent related applications that are subject to the same relief granted on the petition.

9. Effect of Action on Petition on Related Applications

a. Petition Decision Required Before Proceeding with Application

A final decision on the Vested Rights Petition must be achieved prior to further processing, and prior to any consideration of, or decision on, the related application.

b. Revision Made (if necessary) to Related Application after Petition Decision

Following the City's final decision on a petition, the applicant shall, if necessary, revise the related application such that it conforms to the City's decision on the petition.

c. Related Applications with Revisions

After submission of a revised related application, the Decision-Maker on the related application will review and consider the revised application in accordance with the procedures for deciding that type of application, as outlined in this UDC, and in conformity with any relief granted under this Section 1.05A.8.a.

d. Related Applications without Revisions

If the relief granted on the petition is consistent with the related application on file, no revisions shall be necessary, and the related application shall be deemed submitted at the time of the final decision on the petition.

10. Expiration and Extension of a Vested Rights Petition

a. Expiration

Relief granted on a Vested Rights Petition will expire on occurrence of one of the following events:

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i. The applicant fails to submit a revised application that is consistent with the relief granted, if any, within 60 business days following the final decision on the petition;

ii. The application for which relief was granted on the petition is denied; or

iii. The application for which relief was granted on the petition expires.

b. Extension

Extensions of the date of expiration for the application for which relief was granted on a petition shall result in extension of the relief granted on the petition for the same time period.

B. Dormant Projects and Expiration

1. Definitions

For purposes of this section, only the following terms are used as indicated below:

a. A dormant project means an application under this UDC that meets the following criteria:

i. The initial permit that established the official vesting date for the project does not have an expiration date; and

ii. No progress toward completion has been made within the project (see TLGC 245.005(a)).

b. Initial permit means any of the following types of application or any predecessor subdivision or development-related regulation or ordinance that was in effect prior to the adoption of this UDC:

i. Preliminary Plat;

ii. Subdivision Construction Plans;

iii. Construction Release;

iv. Subdivision Waivers to any requirement in these Subdivision Regulations and Development Standards (per Section 3.18 – related to Subdivision Waivers);

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v. Site Plan (Site Development Permit, PUD site plan, SUP site plan, etc.);

vi. Any other application approved subject to a schematic drawing illustrating the location, arrangement, orientation, or design of development, lots, or improvements on a site intended for development.

c. Final permit means a final plat approved under the UDC, or any predecessor subdivision or development-related regulation or ordinance that was in effect prior to the adoption of this UDC.

2. Expiration Date Established for an Initial Permit

Any application for an initial permit that was approved or filed two (2) years prior to the adoption date of this UDC and was not subject to an expiration date shall expire on the effective date of this UDC (see TLGC Chapter 245.005(b)).

3. Reinstatement of an Expired Initial Permit

a. The property owner of the land subject to an initial permit that expires under Section 1.05A.10 above may petition the City Council to reinstate such initial permit by filing a written petition within one (1) year following the effective date of this UDC.

b. The petition shall clearly state the grounds for reinstatement, and shall be accompanied by documentation demonstrating that as of two (2) years prior to the effective date of this UDC, one or more of the following had occurred:

i. A final permit to continue toward completion of the project was submitted to the City for all or part of the land subject to the approved initial permit and was approved by the City, or was filed and was subsequently approved by the City;

ii. An application for a final permit to continue toward completion of the project was submitted to the City for all or part of the land subject to the expired initial permit, but such application was rejected on grounds of incompleteness (consistent with TLGC Section 245.005(c)(2));

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iii. Costs for development of the land subject to the initial permit, including costs associated with roadway, utility, and other infrastructure facilities designed to serve the land in whole or in part, but exclusive of land acquisition costs, were incurred in the aggregate amount of five (5) percent of the most recent appraised market value of the land;

iv. Fiscal Security was posted with the City to guarantee performance of obligations required under the UDC, including the construction of required public facilities associated with the proposed development, for all or a part of the land subject to the approved initial permit; or

v. Utility connection fees for all or part of the land subject to the approved initial permit were paid to the City.

4. City Council Action on Reinstatement of a Dormant Project's Expired Initial Permit

   In deciding on the reinstatement, the City Council may take one of the following actions:

   a. Reinstate the expired initial permit without an expiration date, if it finds that the subdivider has met any one of the criteria listed in Section 1.05.B.3.b;

   b. Reinstate the expired initial permit for all or part of the land subject thereto, if it finds that the applicant has met any one of the criteria listed in Section 1.05.B.3.b;

      i. In granting relief under this provision, the City Council may require that development of such remaining land be subject to future standards enacted after approval of the initial permit;

   c. Deny the reinstatement petition, if it finds that the applicant has failed to meet any of the criteria in Section 1.05.B.3.b; or

   d. Reinstate the permit for only that part of the land subject to a pending final permit application, if it finds that the subdivider has met the criteria in Section 1.05.B.3.b and the pending application subsequently was approved, and deny the reinstatement petition for the remaining land subject to the expired initial permit.

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As a condition of approval, the Council may establish expiration dates consistent with TLGC Section 245.005 or other conditions that ensure that the remaining undeveloped land that is not subject to an approved or pending final permit application will be developed in a timely fashion.

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Article 2 Review Authority

Section 2.01 General

A. Purpose

This Article establishes review authority under this Unified Development Code. Specific requirements for each type of application or permit are described in Article 3. The submittal contents of each application are set forth in the Administrative Procedures Manual.

B. Summary of Review Authority

Figure 2-1 Summary of Approval Authorities provides an overview of the primary approval responsibilities outlines in this UDC.

Figure 2-1 Summary of Approval Authorities

Section	Application/ Plan Type	City Council	Planning and Zoning Commission	Zoning Board of Adjustment	Parks and Recreation Advisory Board	Administrative Review (Responsible Official)	Development Review Committee
General Applications							
Section 3.04	Fiscal Impact Analysis		Appeal			Final Action	
Section 3.05	Comprehensive Plan Amendment	Final Action	Recommend			Recommend (Director)	Review
Section 3.06	Unified Development Code Text Amendment	Final Action	Recommend			Recommend (Director)	Review
Section 3.07	Annexation	Final Action				Recommend (Director)	Review
	Written Interpretation					Final Action (Director)	
Zoning Applications							
Section 3.07.C	Determining Zoning Upon Annexation	Final Action	Recommend			Recommend (Director)	Review
Section 3.08	Zoning Map Amendment (Rezoning)	Final Action	Recommend			Recommend (Director)	Review
Section 3.09	Zoning Verification Letter					Final Action (Director)	
Section 3.10	Temporary Use Permit			Appeal		Final Action (Director)	

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Section	Application/ Plan Type	City Council	Planning and Zoning Commission	Zoning Board of Adjustment	Parks and Recreation Advisory Board	Administrative Review (Responsible Official)	Development Review Committee
Section 3.11	Special Use Permit	Final Action	Recommend			Recommend (Director)	Review
Section 3.12	Planned Unit Development	Final Action	Recommend			Recommend (Director)	Review
Section 3.13	Appeal of an Administrative Decision – Zoning Regulations			Final Action			
Section 3.14	Zoning Variance			Final Action		Recommend (Director)	
Section 3.15	Special Exception			Final Action		Recommend (Director)	
Section 3.16	Administrative Exception			Final Action		Recommend (Director)	
Subdivision Applications							
Section 3.17J	Preliminary Plat	Appeal	Final Action/Appeal			Final Action (Director)	Review
Section 3.17K.1	Final Plat	Appeal	Final Action/Appeal			Recommend/ Final Action (Director)	Review
Section 3.17.K.2	Amending Plat and Replat	Appeal	Final Action/Appeal			Recommend/ Final Action (Director)	Review
Section 3.17K.3	Plat Vacation		Final Action			Recommend/ Final Action (Director)	Review
Section 3.17M	Construction Plan					Final Action(City Engineer)	Review
Section 12.02.F.11	Acceptance of Public Improvements					Final Action (City Engineer)	
Section 3.18	Subdivision Waiver		Final Action			Recommend (Director/City Engineer)	
Section 3.19	Subdivision Proportionality Appeal	Final Action	Recommend			Recommend (City Engineer)	
	Dedication of Land and Community Facilities	Final Action				Final Action (Director)	
Site Development Applications							
Section 3.20	Site Development Permit			Appeal		Final Action (Director)	

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Section	Application/ Plan Type	City Council	Planning and Zoning Commission	Zoning Board of Adjustment	Parks and Recreation Advisory Board	Administrative Review (Responsible Official)	Development Review Committee
Section 3.20G	Minor Site Development Permit			Appeal		Final Action (Director)	
Section 3.21	Development Agreement	Final Action					
Section 3.22	Master Sign Plan					Final Action (Director)	
Section 3.23	Sign Permit					Final Action (Director)	
Section 3.24	Driveway Access Permit					Final Action (City Engineer)	
Section 3.25	License to Encroach					Final Action (City Engineer)	
Section 3.26	Tree Removal and Pruning Permit					Final Action (director)	
Section 3.27	Request for Creation of Special Purpose Districts (MUDs, WCIDs, PIDs)	Final Action				Recommendation (Director/City Engineer)	
Section 3.28	Nonconforming Status					Final Action (Director)	
Section 12.12	Parks and Recreation Improvements and Amenities included with Parkland Dedications		Final Action (depending on plat type)		Recommend/Final Action	Final Action (depending on plat type)	
Section 12.12	Trail Dedications						

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C. Conformity with Development Regulations

Every official and employee with the City vested with the duty or authority to issue a permit, certificate, or license under this Code may not issue a permit or license for any use, building or purpose that conflicts with any provision of this Unified Development Code. Any permit, certificate, or license issued in conflict with the provisions of this Code is null and void.

Section 2.02 Administrative Officials

A. City Manager

The standards governing the City Manager are contained within the City Charter. The City Manager has the powers and duties that are expressly identified in the UDC or as authorized by the City Charter. Unless otherwise prohibited, any duties given to the City Manager within this UDC imply that the City Manager has the authority to delegate those duties to another member of City staff.

B. Director of Planning and Development

The City Manager shall appoint the Director of Planning and Development ("Director") to be the administrator of this UDC.

1. Responsibilities

a. Figure 2-1 Summary of Approval Authorities provides a summary of the Director's major responsibilities within the UDC.

b. The Director may delegate duties to Planning and Development Department staff. Such designation authorizes the staff member to act on the Director's behalf but does not relieve the Director of overall responsibility for any final action, report, recommendation, or other duty described in this UDC.

c. The Director, or the Director's designee may meet with potential applicants in pre-application conferences as described in this UDC.

d. Upon reasonable request, the Director shall provide advice and guidance to any property owner, agent, or occupant regarding development, new construction, restoration, alteration, or maintenance of any building or property within the City.

e. The Director may develop administrative rules or procedures to clarify implementation of this Code, provided such rules or procedures are approved by the City Council before implementation or enforcement and do not violate any other provisions of this UDC.

f. The Director shall interpret this UDC when uncertainty, ambiguity, or conflict exists. In making an interpretation, the Director may consult with City Staff, the City Engineer, or the City Attorney, as appropriate, and shall

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interpret the UDC consistent with the Comprehensive Plan and the purposes of this UDC. The Director's interpretation shall be final unless appealed to the City Council or Board of Adjustment, as applicable.

C. City Engineer

The City Manager will appoint a City Engineer to function as described in this Code. The City Engineer must be a registered professional engineer, licensed by the State of Texas and competent in the design and review of land development and urban public works.

1. Responsibilities

   a. The City Engineer shall comply with any specific procedures or technical criteria described in this UDC.

   b. The City Engineer may develop and implement additional procedures or technical criteria to clarify implementation of this UDC, provided that such procedures or criteria are approved by the City Manager prior to their implementation and enforcement, and provided that the additional procedures do not violate any other provisions of this UDC. Such procedures or criteria shall be limited to technical and administrative matters and shall not impose substantive requirements or application obligations beyond those established by this UDC or the EDM.

Section 2.03 Planning and Zoning Commission

A. Establishment

Chapter 2 of the Liberty Hill Code of Ordinances establishes the Planning and Zoning Commission.

B. Responsibilities

Figure 2-1 Summary of Approval Authorities provides a summary of the Planning and Zoning Commission's major responsibilities within the UDC.

C. Powers and Duties

1. The Planning and Zoning Commission shall be established and conduct all activities in accordance with this UDC, other applicable City Code requirements, the ordinance creating the Commission, and any adopted bylaws.

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2. The Planning and Zoning Commission shall exercise the powers and duties authorized by applicable state law, the City Charter, and City ordinances. In the event of a conflict between the procedures or requirements of the Planning and Zoning Commission and this UDC, this UDC shall control.
3. The Planning and Zoning Commission shall review and make recommendations on any permit or application requiring Planning and Zoning Commission review under this UDC.
4. A Planning and Zoning Commission process may be initiated by the property owner of the affected property or the property owner's authorized agent, the Planning and Zoning Commission, the Director, or the City Council, as authorized by this UDC.
5. The Planning and Zoning Commission shall serve as an advisory body to the City Council and as a decision-making body when authorized by this UDC or other applicable law.

Section 2.04 Development Review Committee

A. Establishment

1. The Development Review Committee (DRC) is an advisory group comprised of City staff members who are responsible for enforcing the development standards of the UDC.

    a. Members of the DRC shall be composed of persons selected by the Director from various City departments, which have an interest in the development review and approval process(es).

        i. Representatives of the Parks and Recreation, Public Works, Streets and Drainage, Utilities, Water, and Wastewater Departments in particular shall be involved in the DRC review of applications to provide feedback on applications affecting their respective areas.

    b. Representatives of external agencies may at times also be part of the DRC when the Director determines that such agencies have an interest in the development, including, but not limited to, electric service providers, public water and wastewater providers, etc.

B. Responsibilities

The DRC shall have the authority to review and comment on any application and the responsibilities listed below:

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1. Enforce the City's development standards contained in the UDC;
2. Propose updates to the City's development standards and criteria manuals, as contained in this UDC, in accordance with the procedures and approval authority established by this UDC;
3. Provide expertise and technical assistance to the City's staff, boards, and commissions on development applications; and
4. Implement and advise on updates to the City's master plans regarding utilities, roadways, and land use.

Section 2.05 Zoning Board of Adjustment

A. Establishment

Pursuant to the Texas Local Government Code Chapter 211, a Zoning Board of Adjustment ("Board") is hereby created as set forth in the following sections. The provisions in this section and state law shall control over any other sections in the UDC that may be in conflict with the language provided for in this section.

B. Responsibilities

Figure 2-1 Summary of Approval Authorities provides a summary of the Board's major responsibilities within the UDC.

C. Members, Organization and Meetings

1. Members

a. The Board shall consist of five members who are property owners or residents who are appointed by the City Council. Such members shall serve two-year, staggered terms. After the initial establishment of the Board, the members will receive position numbers from the City Council at the time of appointment. Thereafter, three members of the Board will be appointed or re-appointed in odd-numbered years, and two will be appointed or re-appointed in even-numbered years. All terms shall begin on November 1st and shall end on October 31st of the second year following. Any member appointed to fill a vacancy shall serve only for the remainder of the unexpired term. Upon the expiration of a term, each Board member shall hold over into the subsequent term until such time that the City Council either reappoints that member or appoints a replacement.

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2. In addition, the City Council will:

    a. Appoint two alternate members of the Board, any of which shall serve in the absence of one of the regular members when requested to do so by the Chair, City Manager, or City Manager's designee. Any vacancy in the alternate member positions shall be filled in the same manner, and they shall be subject to removal in the same manner as the regular members.

    b. Fill vacancies for the expired or unexpired term of any member whose position becomes vacant for any cause in the same manner as the original appointment was made. Board members may be appointed to succeed themselves.

    c. Removal of a member of the Board may only be for cause, as found by the City Council, on a written charge after a public hearing, pursuant to Section 211.008(b) of the Texas Local Government Code.

3. Organization

    a. The Board shall meet and organize as soon as practicable. All newly appointed members of the Board shall be sworn in before participating in any meeting of the Board.

    b. The Board shall elect from its members annually a chair, vice chair, and secretary to serve for one year.

    c. The Board shall adopt rules to govern its proceedings that are consistent with this UDC, the City Charter, and state law.

    d. Before hearing any case upon appointment, all members must attend training on applicable state laws, the City's Comprehensive Plan, and this UDC. This training, coordinated by the Planning and Development Department and the City Secretary's Office, shall be overseen by the City Attorney.

4. Meetings

    a. Meetings of the Board shall be held at the call of the chair and at such other times as the Board may determine.

    b. All meetings of the Board shall be held in compliance with the Texas Open Meetings Act.

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c. The chair, or in the chair's absence, the vice-chair, may administer oaths and compel the attendance of witnesses.

d. Each case before the Board shall be heard by at least four members. Any action of the Board shall require the concurring vote required by applicable state law.

e. Administrative and procedural matters unrelated to a case shall require a simple majority vote of the members present.

f. All members present, including the chair, shall vote on every motion.

g. The Board shall keep minutes of its proceedings, showing the vote of each member for each action taken, and shall maintain records of its examinations and other official actions, all of which shall be filed immediately with the City Secretary and shall be a public record.

h. A member shall not vote or participate in the consideration of any matters wherein the member has a state-law conflict of interest. A member shall notify the chair of any conflict of interest, which will be recorded in the minutes.

D. Powers and Duties

When, in its judgment, the public convenience and welfare will be substantially served, the Board, after public notice and public hearing and subject to appropriate conditions and safeguards, may exercise the following powers:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the City's zoning regulations or any amendments thereto.
2. To hear and decide special exceptions to the terms of the City's zoning regulations, upon which the Board is authorized to consider.
3. To authorize in specific cases such variance from the terms of the City's zoning regulations as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the City's zoning regulations will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.
4. To require the discontinuance of nonconforming uses under any plan whereby the City will comply with the requirements of Local Government

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Code Section 211.019 in determining compensation to the property owner or lessee of the property.

E. Limitation on Authority

1. The Board may not grant a variance authorizing a use other than those permitted in the district for which the variance is sought.
2. The Board shall have no power to grant or modify special use permits authorized pursuant to the UDC.
3. The Board shall have no power to grant a zoning change. If a written request for a zoning change is pending before the Planning and Zoning Commission or the City Council, the Board shall neither hear nor grant any variances with respect to the subject property until the final disposition of the zoning change.

F. Fees for Applications to the Board

The fee for an appeal to the Board shall be in the amount provided by the City's schedule of fees.

Section 2.06 Parks and Recreation Advisory Board

A. Establishment

Chapter 2 of the Liberty Hill Code of Ordinances establishes the Parks and Recreation Board.

B. Responsibilities

1. The regulations and restrictions of the Parks and Recreation Board for the City of Liberty Hill will be pursuant to the provisions of applicable statutory requirements of the State of Texas and of the enabling ordinance establishing the Parks and Recreation Board.
2. The Parks and Recreation Board shall be an advisory body to the Planning and Zoning Commission and City Council on policies, programs, public and private parks within new developments in Liberty Hill's jurisdictional area, and park and recreation facilities that serve the citizens of Liberty Hill.
3. The Parks and Recreation Board will be constituted and conduct all activities in accordance with this Code and all other applicable codes, and any adopted Bylaws. The proposed bylaws shall be submitted to the City Council

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for review and approval before the Parks and Recreation Board becomes effective.

4. The Parks and Recreation Board review process will be required for any permit or application that requires final action from the Parks and Recreation Board, as described in this Code. The Parks and Recreation Board shall be responsible for hearing and making recommendations to the Planning and Zoning Commission and City Council on the following:

    a. Parks and Recreation Improvements and Amenities included with Park Land Dedications.

5. The Parks and Recreation Board may also be consulted on matters involving trail connectivity, trail alignment, open space integration, and other parks and recreation-related elements. Such consultation shall not be construed as requiring formal Parks and Recreation Board review or action unless otherwise required by this UDC.
6. The Parks and Recreation Board will review the application or park-related project or policy, the Manager's report, and make recommendations to the Planning and Zoning Commission and City Council based on the Parks and Recreation Plan set forth in the Comprehensive Plan, or other subsequent plans that are developed related to parks and recreation.

Section 2.07 City Council

A. Establishment

The Liberty Hill City Charter establishes the provisions governing the City Council.

B. Responsibilities

Figure 2-1 Summary of Approval Authorities provides a summary of the City Council's major responsibilities within the UDC.

C. Powers and Duties

1. The powers and duties of the City Council for the City of Liberty Hill will be pursuant to the provisions of applicable statutory requirements of the State of Texas.
2. The City Council is responsible for appointing and removing any members of the Planning and Zoning Commission, Zoning Board of Adjustment, and

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Parks and Recreation Board. Appointments will be made on the recommendation of the Mayor and a vote of approval by the City Council.

3. The City Council has responsibility for hearing and taking final action on the applicable procedures outlines in Figure 2-1 Summary of Approval Authorities.
4. Any other specific procedure or legislative action that requires City Council action as specified in this Code, or required by state or federal law.

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Article 3 Applications and Permits

Section 3.01 General

A. Purpose

The purpose of this Article is to establish application procedures, internal review procedures, public notice and hearing procedures, and review criteria for the processing of applications and actions that affect the development and use of property subject to the jurisdiction of the City. The processes described herein are intended to meet the Comprehensive Plan's goals of predictability, consistency, fiscal sustainability, and orderly growth.

B. Applicability of Case Types and Permits

The following table shows which review Case Types and permits apply in the City and its extraterritorial jurisdiction.

Figure 3-1 Applicability of Case Types and Permits

Section	Application Type	City Limits	Extraterritorial Jurisdiction
General Applications			
Section 3.04	Fiscal Impact Analysis	X	X
Section 3.05	Comprehensive Plan Amendment	X	X
Section 3.06	Unified Development Code Text Amendment	X	X
Section 3.07	Annexation		X
Zoning Applications			
Section 3.08	Zoning Map Amendment (Rezoning)	X	
Section 3.09	Zoning Verification Letter	X	
Section 3.10	Temporary Use Permit	X	
Section 3.11	Special Use Permit	X	
Section 3.12	Planned Unit Development	X	
Section 3.13	Appeal of an Administrative Decision – Zoning Regulations	X	X
Section 3.14	Zoning Variance	X	
Section 3.15	Special Exception	X	
Section 3.16	Administrative Exception	X	
Subdivision Applications			
Section 3.17J	Preliminary Plat	X	
Section 3.17K	Recording Plat (Final, Replat, etc.)	X	

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Section	Application Type	City Limits	Extraterritorial Jurisdiction
Section 3.17M	Construction Plan	X	
Section 3.18	Subdivision Waiver	X	
Section 3.19	Subdivision Proportionality Appeal	X	
Site Development Applications			
Section 3.20	Site Development Permit	X	
Section 3.21	Development Agreement	X	X
Section 3.22	Master Sign Plan	X	X
Section 3.23	Sign Permit	X	X
Section 3.24	Driveway Access Permit	X	X
Section 3.25	License to Encroach	X	X
Section 3.26	Tree Removal and Pruning Permit	X	X
Section 3.27	Request for Creation of Special Purpose Districts (MUDs, WCIDs, PIDs)	X	X
Section 3.28	Nonconforming Status	X	X

C. Simultaneous Submission of Related Applications

1. Submission of different applications related to the same development may be made simultaneously within each tier group, as shown in Figure 3-2 Tier System of Simultaneous Applications. Approval consideration of the different applications, however, shall occur in the sequence as listed.

Figure 3-2 Tier System of Simultaneous Applications

Tier Group	Application	Note
Tier I	Development Agreement	Standalone prerequisite; final action is required before any other application is accepted
Tier II	Annexation, Comprehensive Plan Amendment, Rezoning, PUD Rezoning, Special Use Permit	Concurrent within the tier; All processes must be final before proceeding to Tier III
Tier III	Preliminary Plat, Construction Plans	Concurrent within the tier; A Preliminary Plat shall not be submitted for a PUD Rezoning until the Rezoning is approved All processes must be final before proceeding to Tier IV.
Tier IV	Final Plat, Site Development Permit	Concurrent within the tier; Final Plat shall be recorded before an SDP receives final approval.

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a. Out-of-Sequence Exception

The Director may authorize out-of-sequence submission only for: EDC-supported or City-initiated economic development projects; projects on City-owned property; projects with a City Council resolution directing expedited processing; or CIP-priority infrastructure projects. Anything outside these categories requires City Manager approval with written findings. All authorizations shall be in writing and create no representation of approval.

b. At-Risk Provisions

Applicants proceeding concurrently or out of sequence (even when approved by the City Manager/City Council) do so at their own risk. If a prerequisite application is denied, withdrawn, or materially modified, or if the project changes substantially (i.e., the land use changes, the acreage is increased by 10 percent or more, the unit count is increased by 15 percent or more, the property boundary is changed, or the annexation status of the property changes), all related applications in open tiers shall be suspended and require resubmission with new fees and no credit for prior review. The applicant shall have no claim against the City based on time elapsed or resources invested. No vested right is created by concurrent or out-of-sequence submission.

c. Building Permits

An application for a Building Permit shall not be submitted to the City until review of the first submittal of the corresponding Site Development Permit has been completed by staff and the comments have been forwarded to the applicant.

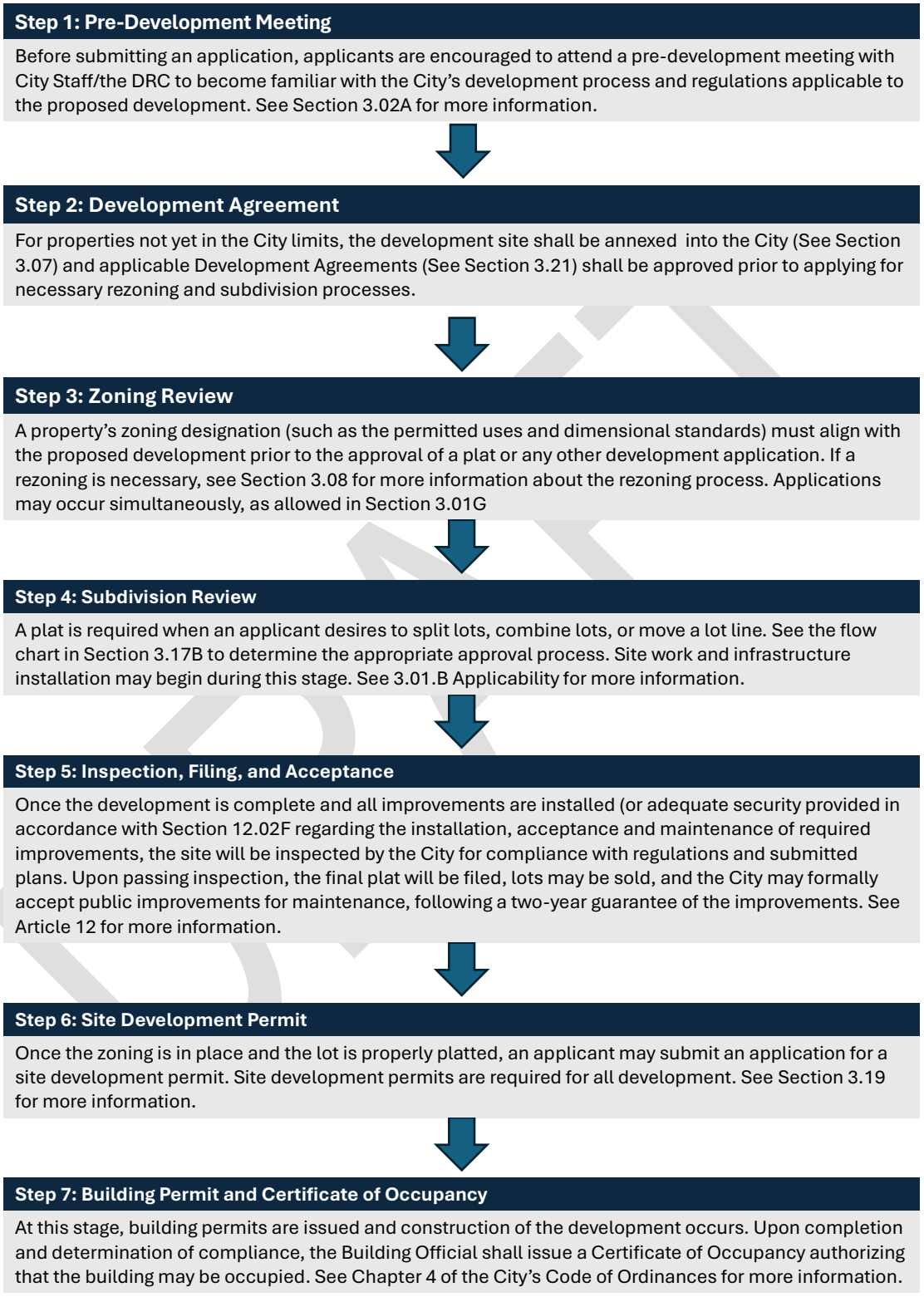
2. Any application submitted simultaneously is subject to approval of all other related applications. Denial, disapproval, or reconsideration of any concurrently submitted application shall stop consideration of any related applications.

D. Development Process Overview

This section provides a general overview of a typical development process, as well as references to the appropriate sections for more information.

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Figure 3-3 Development Process Overview



Section 3.02 Common Review Elements

A. Pre-Development Meeting

1. Purpose

   a. The pre-development meeting is intended to allow for the exchange of non-binding information between the Applicant and the DRC to ensure that the applicant is informed of pertinent City development regulations and processes.

   b. The pre-development meeting provides an opportunity for the Applicant and the DRC to discuss major development considerations such as utilities, roadways/traffic, drainage concerns, Comprehensive Plan conformance, parkland and/or trailway dedication, specific neighborhood characteristics, and historical information.

   c. This exchange of information is intended to promote an efficient and orderly review process.

2. Meeting

   a. Prior to formal application for approval of any rezoning, including a PUD, and the subdivision of land, the applicant is required to participate in a pre-development meeting to become familiar with the City's development regulations, the development process, and regulations.

   b. For all other development applications, the applicant may request a pre-development to become familiar with the City's development regulations, the development process, and regulations.

   c. The applicant shall request a pre-development meeting by contacting the Planning and Development Department to schedule.

   d. At the pre-development meeting, the developer may be represented by their land planner, engineer, surveyor, or other qualified professional.

   e. If such a meeting is desired, then the applicant shall sign a form or submit a letter stating the conference shall not establish vesting of property rights.

   f. The applicant is encouraged to bring any relevant site development information, such as a site plan, plat, or other documents to the meeting.

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B. Applications Forms and Fees

The following regulations shall apply to all applications under this Article:

1. Forms

    a. The City Council may, from time to time, adopt by resolution an Administrative Procedures Manual containing specific forms and submission requirements. Such resolution shall be incorporated as an Appendix to this UDC.

    b. Application forms, submittal requirements, instructions, and fee schedule are set forth in the Administrative Procedures Manual.

    c. The Director must make any submission requirements/checklists and applicable fee requirements available to the applicant as a part of the Administrative Procedures Manual.

2. Fees

    a. Application fees shall be established and revised from time to time by the City Council.

    b. All required fees shall be made payable to "The City of Liberty Hill."

    c. An application shall only be accepted for review if the applicant, agent, or property owner has no outstanding taxes, assessments, or undisputed fees owed to the City or County for that property.

        i. It is the applicant's responsibility to provide evidence or proof that all taxes and fees have been paid, or that other arrangements have been made for payment of said taxes and fees.

C. Application Deadline

All applications shall be completed and submitted to the Director in accordance with the official annual schedule established by the Director. The official annual schedule is located on the City's webpage. An application shall not be considered as officially submitted, accepted, or filed until it has been determined to be complete as specified in Section 3.02E Determination of Application Completeness.

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D. Accurate Information Required

1. All required information and materials must contain accurate information. A finding of inaccurate information (e.g., incorrect easement locations, incorrect owner information) that is material to the subject of the application is grounds for the application to be returned for corrections, or if not corrected, for application denial. Typos or grammatical errors alone do not constitute inaccurate information.
2. Each submission or resubmission of an application or plan set must contain accurate information within the entire application or plan set. If one element of the application or plan set is revised, all elements of the application or plan set must be updated to include the same information throughout the entire application or plan set and resubmitted.
3. If an approved application or an application currently under review is found to contain conflicting information, the applicant may be required to submit a revised application or an amendment to the original application to resolve the discrepancy.

E. Determination of Application Completeness

1. The Director shall review each submitted application to determine if the minimum items needed for proper review of such application are present.
2. A determination of whether an application is complete shall be made by the Director no more than five (5) business days after submittal of the application.
3. If the application is determined not to be complete, the Director shall notify the applicant in writing. The notification shall attempt to list all missing or incomplete items and provide a specific period of for the applicant to resubmit the material. The applicant may request an additional meeting to discuss the missing or incomplete items. If the application is not resubmitted within the period specified by the Director, the application shall be deemed rejected and shall not be accepted for filing. After an application has been rejected, the applicant shall resubmit within the time period prescribed by the Director, or the application will expire, and a new application and fee shall be required.
4. The determination of completeness shall consider the following:

    a. Consistency with the Comprehensive Plan (for zoning applications, only);

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i. If an application to amend the Comprehensive Plan is submitted simultaneously with a rezoning application, this factor will consider if the Comprehensive Plan amendment request aligns with the rezoning application.

b. Any required previous approvals; and

c. Required submission materials and compliance with the Administrative Procedures Manual and the City's Engineering Design Manual.

5. For the purposes of Texas Local Government Code § 212.009, an application for subdivision is considered filed once it is determined by the Director to be accepted for consideration per Section 3.17H.
6. Determination that an application is complete does not preclude any negative final action and does not include any implied determination that the application successfully meets any review criteria.
7. If the Director determines that any request for a Zoning Map Amendment (Rezoning) is not consistent with the Comprehensive Plan, the application shall be determined to be incomplete and shall not be filed unless it is submitted in conjunction with a comprehensive plan amendment. No action on the rezoning may occur until it is consistent with the Comprehensive Plan; however, both actions may occur during the same meeting. The City Council may approve amendments to the Comprehensive Plan in accordance with the procedures set forth in Section 3.05. Comprehensive Plan Amendment.

a. An appeal of the Director's determination can be made in accordance with the procedures in Section 3.13. Appeal of an Administrative Decision – Zoning Regulations.

F. Limit on Reapplication

1. If any petition for a rezoning (zoning map amendment), plan amendment (such as to a future mobility plan, comprehensive plan, water master plan, etc.), or any petition for an amendment to this Unified Development Code is disapproved by the Final Approval Authority, another application or petition for the same permit, approval or amendment for the same property or any portion thereof may not be filed within a period of 90 calendar days (or 12 months for zoning change applications) from the date of final disapproval, except with permission of the Planning and Zoning Commission or City Council. Such reapplication must demonstrate:

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a. There is a substantial change in circumstances relevant to the issues and/or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application;

b. New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed;

c. A new application is proposed to be submitted that is materially different (e.g., proposes new uses or a substantial decrease in proposed densities and intensities) from the prior application; or

d. The final decision on the application was based on a material mistake of fact.

2. The limit on reapplication does not prohibit the submission of a Subdivision Proportionality Appeal (see Section 3.19) or other appeal application or petition. In cases where subdivision applications are disapproved by the Final Approval Authority, the Director shall include information about the required timeframes for appeals in the decision notification provided to the applicant.

G. Expiration of Application

An accepted application for which there has been no action taken by an applicant for a period of 180 days or more from the date of the last substantive action to advance the application towards approval shall be determined dormant and processed as withdrawn by the applicant, causing the file to be closed. The Director shall notify the applicant in writing 30 days in advance of the pending closure. The Director may consider extending the application if the applicant can demonstrate continued work on the application and associated materials or there is evidence of continued communication with staff. The decision to extend the application shall be documented in writing with the justification for the decision.

H. Plan or Permit Validity and Expiration

1. The issuance or granting of a permit, approval of plans or plats, site or facility designs, or specifications shall not be construed as authorization for any

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violation of this UDC or any other City ordinance. No permit purporting to authorize a violation or cancellation of any provision of this UDC shall be valid, except to the extent the authorized work or use is lawful and conforms to this UDC or to a variance or modification granted pursuant to this UDC.

2. Figure 3-4: Plan and Permit Expiration Timeframes outlines the expiration timelines for applicable plans and permits under this UDC.
3. Plans and permits shall expire in accordance with Figure 3-4 when required improvements are not completed, required progress is not maintained, or the requirements of this UDC are not met.

Figure 3-4: Plan and Permit Expiration Timeframes

Section	Application Type	Expiration
General Applications		
Section 3.04	Fiscal Impact Analysis	--
Section 3.05	Comprehensive Plan Amendment	--
Section 3.06	Unified Development Code Text Amendment	--
Section 3.07	Annexation	--
Zoning Applications		
Section 3.08	Zoning Map Amendment (Rezoning)	--
Section 3.09	Zoning Verification Letter	1 Year
Section 3.10	Temporary Use Permit	--
Section 3.11	Special Use Permit	2 Years
Section 3.12	Planned Unit Development	5 Years
Section 3.13	Appeal of an Administrative Decision – Zoning Regulations	--
Section 3.14	Zoning Variance	90 Days
Section 3.15	Special Exception	90 Days
Section 3.16	Administrative Exception	2 Years
Subdivision Applications		
Section 3.17J	Preliminary Plat	2 Years
Section 3.17K	Final Plat	2 Years
Section 3.17K	Amending Plat	90 Days
Section 3.17K	Replat	90 Days
Section 3.17M	Construction Plan	--
Section 3.18	Subdivision Waiver	Expires upon corresponding plat expiration
Section 3.19	Subdivision Proportionality Appeal	60 Days
Site Development Applications		
Section 3.20	Site Development Permit	2 Years
Section 3.21	Development Agreement	--
Section 3.22	Master Sign Plan	*To be developed during Module 4*
Section 3.23	Sign Permit	*To be developed during Module 4*

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Section	Application Type	Expiration
Section 3.24	Driveway Access Permit	1.5 Years
Section 3.25	License to Encroach	*To be developed during Module 4*
Section 3.26	Tree Removal and Pruning Permit	*To be developed during Module 4*
Section 3.27	Request for Creation of Special Purpose Districts (MUDs, WCIDs, PIDs)	--
Section 3.28	Nonconforming Status	--

Section 3.03 Public Hearing and Notice

A. Provision of Public Notice

1. Compliance with Texas Local Government Code

   Public hearings and public notice shall be provided in accordance with TLGC Chapter 43 Municipal Annexation, Chapter 211 Municipal Zoning Authority, and Chapter 212 Municipal Regulation of Subdivision and Property Development.

2. Summary of Notice Required

   Notice shall be required for review of policy and legislative applications as shown in the following figure. Administrative applications do not require public notice, unless specified in the applicable process section

Figure 3-5 Summary of Notice Required

Procedure	Published	Mailed	Posted	Website
Zoning Variance	X	X	X	X
Special Exception	X	X	X	X
Administrative Exception				
Special Use Permit	X	X	X	X
Comprehensive Plan Amendment	X	X[1]		X
Planned Unit Development	X	X	X	X
Zoning Map Amendment (Rezoning)	X	X[1]	X	X
Unified Development Code Text Amendment	X	X[1]		X
Annexation	X	X		X
Replat without Vacating (TLGC §212.0145)s	X	X		

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Procedure	Published	Mailed	Posted	Website
Subdivision Waiver	X	X	X	X
X = Notice Required. 1 = Mailed notice to be provided in compliance with TLGC 211.007.				

3. Published Notice

   The Director shall publish public notice at least once in a local newspaper of general circulation within the City at least 16 days in advance of the meeting or hearing. The notice will contain the time and place of such public meeting or hearing and a description of the agenda items that may be considered or reviewed.

4. Mailed Notice

   a. Generally

      i. A notice of Public Hearing shall be sent to owners of record of real property within 200 feet of the boundary of the property under consideration, as determined by the most recent municipal tax roll and central appraisal district tax roll information.

      ii. A notice of Public Hearing shall be sent to homeowners' or property owners' associations and other similar associations registered with the City and located within 300 feet of the boundary of property under consideration.

      iii. A notice of Public Hearing shall be provided to each party in compliance with Texas Local Government Code § 211.007.

      iv. Notice of Public Hearing shall be sent by United States Postal Service (USPS) first class mail. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in USPS mail at least 16 days prior to the date set for the Public Hearing or as otherwise required by the Texas Local Government Code, as amended.

   b. Special Mailed Notice Required for Certain Residential Replats

      Replats containing any area or lot that, during the preceding five (5) years, was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot or in the

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preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot, require mailed notice to all owners of lots that are part of the original subdivision and located within 200 feet of the boundary of the property to be replatted, in the same manner as prescribed in Section 3.03A above and in accordance with Texas Local Government Code § 212.015, as amended.

c. Special Mailed Notice Required for PUD Modification

A Notice of Public Hearing shall be sent by the City through USPS mail to owners of record of real property within 200 feet of the parcel under consideration and within the City Limits of Liberty Hill, as determined by the most recent tax rolls from the Williamson County Appraisal District. The notice must be mailed at least 16 days prior to the date set for the public hearing.

i. For purposes of mailed notice, the boundary of a PUD modification shall be the boundary of any tract of land for which PUD standards or requirements are proposed to change due to the modification.

ii. A notice of Public Hearing shall be provided to each party required provided in compliance with Texas Local Government Code § 211.007.

iii. In addition to the requirements of Section 3.03A above, mailed notice shall also be provided to all owners of property within the entire PUD boundary, not otherwise notified.

5. Posted Notice

a. Not later than the 10th day before the hearing date and until City Council action (or the end of the applicable review period), the City shall require the applicant to post a sign that is visible from the public right-of-way on the subject property affected by the request, or along a public right-of-way for City-initiated actions that affect multiple properties.

i. The applicant is required to provide, maintain, and pay for the sign.

ii. The notice sign must be at least 24 inches long by 48 inches wide.

iii. The sign must contain a notice of the public hearing, and the agency and telephone number from which information relative to the zoning map amendment request may be obtained.

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iv. The sign shall be placed on the application site and not within the public right-of-way.

v. The sign shall not be located in any vision triangles or impact any sight lines for the motoring, bicycling, or walking public.

vi. The sign shall remain in place until all applicable public hearings for that application is completely conducted.

vii. Sign notice is not required for a proposed change in zoning classification that applies to the whole City.

b. A required posted notice sign that is accidentally removed or destroyed shall not constitute the need for re-noticing as long as the applicant replaces the required sign immediately after discovering the sign's removal or destruction.

6. Website Notice

The Director shall publish public notice on the City website at least 16 days in advance of the meeting or hearing. The notice will contain the time and place of such public meeting or hearing and a description of the agenda items that may be considered or reviewed. An agenda must also be placed at least three business days prior to the date of a public meeting in a prominent location at City Hall and on the City's official website, or as otherwise required by State law.

7. Content of Notice

a. Published or mailed notices shall contain at least the following specific information:

i. The general location of land that is the subject of the application, including a location map with the mailed notice only;

ii. The legal description or street address;

iii. The substance of the application, including the type of proposed development and the current zoning district;

iv. The time, date, and location of the Public Hearing;

v. A phone number to contact the City; and

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vi. A statement that interested parties may appear at the Public Hearing.

b. Posted notices shall contain at least the following specific information:

i. The type of request (i.e., rezoning, variance, etc.);

ii. The application number;

iii. A phone number to contact the City; and

iv. The time, date, and location of the Public Hearing.

8. Constructive Notice

Minor defects in notice (such as clerical errors in notice materials, or accidental removal or destruction of required notice signs) shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

9. Special Hearing Notice Required for Certain Replats

A Replat without vacation of the preceding plat must conform to the requirements of Texas Local Government Code §§ 212.014 and 212.015.

10. Continuation of Public Hearings

a. If the approval authority moves to continue or table a public hearing to a future specified meeting date and time that is announced publicly at the original hearing, re-noticing of the public hearing is not required.

b. Re-notice of the public hearing is required for any other circumstances

B. Required Public Hearing

The following table identifies the types of applications requiring a Public Hearing and the review body responsible for conducting the hearing. Modifications of the application at the public hearing by the Applicant can be referred to the recommending body by the decision-making body.

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Figure 3-6 Summary of Required Public Hearing

Type of Application	City Council	Planning & Zoning Commission	Board of Adjustment
Annexation	X[2]	X[1]	
Appeal of an Administrative Decision			X
Comprehensive Plan Amendment	X	X	
Development Agreement	X		
Replat (Residential)			
Zoning Map Amendment (Rezoning)	X	X	
Special Exception			X
Administrative Exception			
Special Use Permit	X	X	
Subdivision Waiver		X	
Unified Development Code Text Amendment	X	X	
Zoning Variance			X

X = Public hearing required.
1 = Only applicable to cases when applicant is seeking initial zoning in lieu of the initial default zoning of RA.
2 = See Section 3.07.Annexation for specific requirements.

C. Conduct of Public Hearings

1. Modification of Application at Public Hearing

   a. The applicant may agree to modify the application, including the plans and specifications submitted, in response to questions or comments by persons appearing at the Public Hearing or to suggestions or recommendations by the recommending or decision-making body holding the Public Hearing.

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b. Unless such modifications are so substantial that the recommending or decision-making body cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised application materials before it, the recommending or decision-making body may approve or recommend approval of the application with the condition that the approval or recommendation of approval will not be applicable until materials reflecting the agreed upon changes are submitted to the Director. No application may proceed until the revisions have been made.

c. Where deemed appropriate by the decision-making body, modifications to an application may be referred to the recommending body for reconsideration prior to further action by the decision-making body.

d. Modification of an application that causes the consideration of that application to be substantially different than that which was provided in the public notice shall require a new Public Hearing by the recommending and decision-making bodies with new notice in accordance with Section 3.03A. Provision of Public Notice. Such modifications shall include, but are not limited to, a change to a zoning district not otherwise included in the public notice and an increase in acreage in the area under consideration. Reducing the area under consideration shall not require a new Public Hearing.

2. Evidence

   All findings and conclusions necessary to the permit or decision shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available, but in no case may findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed.

3. Record

   a. An audio tape recording and/or written minutes shall be made of all required Public Hearings, and such audio recordings shall be kept for two (2) years.

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b. All documentary evidence presented at a hearing, as well as all other types of physical evidence, shall be made a part of the record and shall be kept by the City for two (2) years.

D. Postponement of Application

1. Postponement of Public Hearing after Public Notice

The applicant shall be required to pay all re-notice fees for a scheduled and noticed Public Hearing that is postponed at the applicant's request.

2. Postponement of Application after Recommendation

For applications that require a recommendation from the Planning and Zoning Commission, an applicant may request that the City Council Public Hearing be postponed to the next regular meeting following the scheduled City Council Public Hearing. The Director may approve, for good cause shown, a postponement of up to 30 days from the date of the scheduled City Council Public Hearing. Public notice of the new Public Hearing shall be required in accordance with Section 3.03A. Provision of Public Notice.

E. Administrative Review Process

Administrative reviews occur when the Director or another City employee is responsible for final action on any application.

1. Applicability

An administrative review shall be required for any permit or application that requires final action from an administrative official, as described in Figure 2-1.

2. Review Process

Administrative reviews shall occur within the standard review periods established by the Director. The Director or other authority responsible for final action may establish procedures necessary to ensure compliance with this Code and State statute.

a. Initiation

Initiation of an administrative review may be made upon:

i. Recommendation of the Director;

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ii. Recommendation of other administrative official responsible for final action on the permit being initiated; or

iii. Submission of a complete application by the property owner or their authorized agent.

b. Application

Application must be made in a format consistent with Section 3.02B. Applications Forms and Fees.

c. Completeness Determination

Upon submission of an application for any administrative review, the Director shall determine whether the application is complete, as described in this UDC.

d. Staff Review

Once an application is determined complete, the Director or Final Approval Authority shall review the application, considering any applicable criteria for approval. The Director or Final Approval Authority may assign staff to review the application and make a report to the Director or Final Approval Authority.

3. Administrative Final Action

Upon completion of the administrative review, the Director or other responsible Final Approval Authority shall make a final determination and notify the applicant in writing. The Director or other Final Approval Authority may take one of the following final actions:

a. Approve the application.

b. Approve the application with conditions.

c. Disapprove the application. Such disapproval must include specific reasons for disapproval and information regarding the required timelines for appeal.

4. Criteria for Approval—Generally

a. An application shall be approved administratively when all the following criteria are met:

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i. A complete application and fee have been submitted.

ii. The application and content of the application are consistent with the provisions of this UDC, the Comprehensive Plan, and any other applicable City regulations.

iii. The application and content of the application are consistent with any administrative rules established by the Director, and any prior written interpretations of this UDC.

b. Additional criteria for approval that apply to specific administrative procedures may be provided in the specific descriptions of those procedures in Article 3 Applications and Permits. An administrative procedure that does not have specific criteria for approval shall be considered using the general criteria provided above. All such criteria shall be published as part of the Administrative Procedures Manual pursuant to UDC Section 1.01G.

F. Appeals

1. If an applicant is appealing a final action of disapproval, only the basis for disapproval may be appealed to the Appeal Authority as identified in Figure 2-1 Summary of Approval Authorities.
2. The Appeal Authority shall be the decisive body for any appeal request; no appeal of the Appeal Authority shall be considered, except where required by State Law.
3. A person may not appeal a denial for the purpose of continuance, an extension agreed to by the applicant and the Director, or a determination that an application is not complete.
4. An appeal of a denial of an application by a Final Action Authority shall be limited to one appeal per instance of denial of the relevant application.
5. All appeal requests of decisions on plat type applications shall be processed in accordance with Local Government Code 212.0093.
6. The Director shall identify and publish in the Administrative Procedures Manual requirements for submitting requests pursuant to this Section.
7. The Director or City Engineer may, at their discretion, forward any application for which they are the Final Approval Authority to the Appeal Authority for Final Action.

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Section 3.04 Fiscal Impact Analysis

THIS SECTION AS DRAFTED REPRESENTS THE MOST DETAILED APPROACH TO FISCAL IMPACT ANALYSIS. DISCUSSION WITH STAFF AND THE ADVISORY COMMITTEE WILL RESULT IN RECALIBRATION TO A SIMPLER APPROACH, BUT THE DOCUMENT INTENT WAS TO PROVIDE THE MOST ROBUST VERSION IN ORDER TO ASSESS WHICH COMPONENTS WOULD BE MOST USEFUL WHILE ALSO ALIGNING WITH DESIRES FOR PROCEDURAL EFFICIENCY. THIS WILL BE REVISED TO APPLY ONLY TO ZONING AND ANNEXATION IN SPECIFIC AREAS BASED ON COMPREHENSIVE PLAN CATEGORIES, AND TO BE A REQUIREMENT TO PROVIDE CERTAIN DATA FOR STAFF TO USE IN FISCAL ANALYSIS RATHER THAN PLACING THE BURDEN OF CONDUCTING THE ANALYSIS ON THE APPLICANT.

A. Applicability

The Fiscal Impact Analysis requirement shall apply to development within the city limits of Liberty Hill.

B. Purpose

The purpose of the Fiscal Impact Analysis is to regulate the use and development of land so as to assure that new development does not result in an adverse fiscal burden on the City and residents of Liberty Hill.

C. Definitions

The definitions within this Section apply to the regulations herein.

1. Developer: A person or entity commencing a land development activity which modifies land and constructs either permanent or temporary structures and which requires the issuance of a development approval or permit by the City.
2. Capital Costs: Costs including preliminary engineering and planning, land acquisition, land acquisition costs, land improvements costs, including both on-site and off-site cost, construction costs, financing costs, landscaping, and any other costs associated with the costs of capital improvements defined herein as any improvement with a useful life of more than five (5) years.
3. Capital Preservation Costs: Dedicated costs including the following:

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a. Operations and Maintenance: Costs including the costs of personnel including fringe costs to operate and or maintain each relevant facility or service as well as the cost of materials, equipment and supplies necessary to operate and/or maintain the relevant facility or service, and typically involves the routine, annual cost of facility upkeep such as street cleaning, fire station utility bills, and routine servicing of vehicles;

b. Repairs: The costs of correcting damage caused in routine use such as vehicle dents, or potholes in streets and roads;

c. Rehabilitation: the costs of upgrading facilities to meet current needs or standards but not replacement such as interior remodeling and road resurfacing; and

d. Replacement: The replacement or total rehabilitation of a facility such as totally rebuilding a fire station, replacing a fire engine or rebuilding a road.

4. Dedication Costs: The operation and maintenance, repair, rehabilitation, or replacement costs incurred or to be incurred by the local government when capital facilities installed by a Developer are then dedicated to the City.
5. Development: Any change in land use or any construction of buildings or structures or any change in the use of any structure requiring a development approval.
6. Development Approval: Any regulatory approval that would allow the development of land issued by the City including the extension of an existing development approval. It includes amendment to the comprehensive plan, rezonings, plat approvals, site plan approvals, and planned unit developments.
7. Facilities and Services: The following items:

   a. Roads, streets and other modes of transportation;

   b. Potable water, wells, treatment and distribution lines and facilities;

   c. Waste water collection, treatment and disposal facilities;

   d. Park, recreation, and open space areas, including land, land improvements, buildings and equipment;

   e. Fire protection facilities and equipment;

   f. Law Enforcement facilities and equipment;

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g. Schools;

h. Public buildings, such as administrative or judicial buildings and space; and/or

i. Any other facilities as determined by the Fiscal Impact Analysis Administrator

8. Fiscal Impact Analysis Administrator: The Director or any official(s) as may be designated to carry out the administration of this UDC.
9. Fiscal Analysis Zone: A geographic area within which one or more facilities and services noted in (7) above are provided. Fiscal Analysis Zones shall be designated on the basis of sound planning or engineering principles or both considering reasonably homogeneous cost characteristics such that areas of higher costs of facilities per acre of development or other unit of impact perhaps because of terrain or density are distinguished from areas of lower costs of facilities per acre or other unit of impact.
10. Present Value: The current value of past, present, or future payments, contributions or dedications of goods, services, materials, construction, or money based on discount rates as determined by the Fiscal Impact Analysis Administrator.

D. Fiscal Impact Analysis Requirement

1. Any person or entity who, after the effective date of this UDC, seeks to develop land within Liberty Hill, by applying for a Development Approval is hereby subjected to the requirement for the preparation of a fiscal impact analysis unless exempted from this requirement by this ordinance.
2. No Development Approval for any activity requiring a fiscal impact analysis shall be issued unless and until the fiscal impact analysis hereby required has been prepared and accepted by the City.
3. No extension of a Development Approval issued prior to the effective date of this UDC, for any activity requiring a fiscal impact analysis pursuant to this UDC shall be granted unless and until the fiscal impact analysis hereby required has been prepared and accepted by the City. Liberty Hill may establish and from time to time amend a fee schedule to help mitigate the cost of implementing these regulations.

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E. Computation of the Fiscal Impact Analysis

1. Prior to the preparation of a fiscal impact analysis, the Developer shall notify the City of their intent to develop and a pre-development meeting shall be scheduled by the Fiscal Impact Analysis Administrator. At this meeting, the parties shall review:

    a. Which agency or entity will prepare the fiscal impact analysis and how and by whom that entity will be compensated;

    b. The Facilities and Services listed in Section 3.04C.7 above, that are to be included in the fiscal impact analysis, the period for the analysis to cover, and the general approach and data sources to be used;

    c. The Director shall prepare a letter setting out the agreements that have been reached in the application meeting or meetings and provide that letter to the Developer. The Developer is to sign that letter and return it to the Director or, alternately, suggest alternatives or modifications to the Director. The Director may accept or reject any suggested modifications. That rejection may be appealed to the Planning and Zoning Commission. If the final letter prepared by the Director is not signed and returned in 30 days after posting of the final letter, the application shall be considered inactive.

2. The Developer shall provide to the agency or entity that will prepare the fiscal impact analysis the following:

    a. The name of the development, the location of the development, the owners and Developers of the development;

    b. The number of total acres and the appraised value thereof, the acres to be developed, the acres of land to be preserved in its natural state, and the number to be used as public space;

    c. The existing and proposed zoning, if applicable;

    d. Whether the development will be located solely within municipal boundaries, county boundaries, the extra-territorial jurisdiction, or a combination;

    e. Whether annexation will be sought by the developer;

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f. The number and type of dwelling units to be constructed along with the anticipated absorption of construction over the life of the development;

g. The prices or rents for the residential units to be constructed along with documentation to support those prices or rents;

h. The expected occupancies of residential units by type of residence including the projected number of occupants and school-aged children;

i. The number of square feet of non-residential floor space to be absorbed by year and by type of use (such as commercial, industrial, office) and the anticipated prices or rents of those spaces along with documentation to support those prices or rents;

j. The number of employees at such non-residential areas and their estimated average annual incomes from those jobs;

k. Any donations or dedications of property or funds to offset capital or operating costs, indicating type of dedication or donation and when such dedication or donation would be received;

l. The existence of any improvement district or similar entity that will assume some or all costs of facilities or services, along with proof of the existence of such a district and the costs that would be assumed;

m. The existence of any private entity such as a homeowners' or property owners' association that will assume some or all costs of facilities or services, along with proof of the existence of such an entity or that such an entity will exist and the costs that would be assumed; and

n. Any other material or information that the Developer would wish to be considered.

If a Developer does not provide some of the information listed above, the preparer of the fiscal impact analysis may provide generally accepted information as alternatives to development provision.

3. The Fiscal Impact Analysis Administrator may assess whether the proposed development is:

   a. Consistent with the ability of the City to provide services concurrent with its impact on facilities as noted above unless otherwise specified by the

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Administrator and if not, an alternative time frame that better achieves concurrency objectives; and

b. Beneficial to the local economy considering the scale, configuration, land use interactions and other design features of the proposed development with respect to reducing the per unit demand for public facilities and increasing the per unit contribution of the proposed development to the local economy.

4. The methodology of the fiscal impact analysis shall be appropriate to the proposed development and shall, to the maximum extent practicable, project total and marginal costs and revenues attributable to the proposed development based on the location and density of the development within one or more Fiscal Analysis Zones and avoiding the use of average costs and revenues for the City as a whole.
5. The fiscal impact of a development shall be determined by projecting capital and Capital Preservation Costs and revenues over a period of time established by the Fiscal Impact Analysis Administrator. Both capital and Capital Preservation Costs shall be derived from generally accepted sources, with high priority being given to sources provided by City.
6. The fiscal impact analysis will be prepared using the data and information provided by the Developer or alternatives, together with data and information provided by Liberty Hill or other reputable sources. The preparation and presentation of the fiscal analysis shall follow best professional practices.
7. The analysis shall be expressed as:

   a. Total Present Value of project fiscal impact costs and revenues, costs and revenues per acre of gross or net area of land developed as applicable;

   b. Present Value costs and revenues per unit of residential and/or nonresidential development; and

   c. Other measures of fiscal cost and revenue impact as determined by the Fiscal Impact Analysis Administrator.

8. The Fiscal Impact Analysis Administrator may compare the Present Value of net costs of a proposed development with respect to:

   a. The average costs of existing or planned development within the Fiscal Analysis Zone; or

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b. The average costs of existing or planned development within the local jurisdiction; or

c. The average costs of existing or planned development for any other geographic area.

The purpose of such comparisons is to show the extent to which the proposed development may result in higher or lower costs on the local government with respect to the Fiscal Analysis Zone, the local government, and any other geographic area.

9. The fiscal impact analysis shall be provided in draft form to the Developer and the Director for their review and comment.
10. The final fiscal impact analysis is to be submitted to the Director with copies to the Developer and interested public. The Director shall forward the analysis to the planning commission and the approval authority for their consideration as they review the application(s) for Development Approval.
11. At any time prior to, during, or after the fiscal impact analysis a Developer may propose changes or modifications to the development with such changes or modifications to be incorporated into the fiscal impact analysis. Additionally, the Developer may propose donations, dedications, or other means to lessen fiscal burdens. Any suggestions of this type also shall be incorporated into the fiscal impact analysis.
12. The Fiscal Impact Analysis Administrator, in consultation with others, may make the following determinations as appropriate:

    a. The extent to which the proposed development is consistent with the City's Comprehensive Plan or other policies and regulations such as but not limited to affordable housing, infill and redevelopment, targeted economic development, and related policies; and

    b. Identification of the means by which negative impacts (where costs exceed net revenues) for any given facility may be offset as appropriate, including alternative development scenarios as applicable.

F. Exemptions

1. Any area of the City that has been designated an infill area.
2. The issuance of buildings permits, final plat, site plan and land use approvals and other activities as may be determined by the City to be vested applications.

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3. All land development activities equal to or less than two (2) acres, five (5) dwelling units, or 2,500 square feet of floor area, whichever is appropriate based on a determination of the Administrator.
4. The following development activities shall also be exempted from the requirement to prepare fiscal impact analyses:

    a. Alterations or expansion of an existing building or buildings where no additional units are created, where the use is not changed, and where no additional activity over and above those produced by the existing use;

    b. The construction of accessory buildings or structures which will not produce additional occupants over and above those produced by the principal building or use of the land;

    c. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size; and

    d. Developments or portions of developments that meet the City's definition of low- and moderate-income housing or workforce housing.

5. Any claim of exemption must be made no later than the time of Development Approval. Any claim not so made shall be deemed invalid.

Section 3.05 Comprehensive Plan Amendment

A. Applicability

1. For the purpose of establishing and maintaining sound, stable, and desirable development consistent with the goals and policies of the Comprehensive Plan, amendments to the Plan may be considered. Plan Amendments are periodic, substantive changes that are necessary to accommodate changed or unforeseen circumstances in a manner consistent with the public interest and in accordance with the procedures established in the Plan and in this section. The provisions of the section are adopted pursuant to Texas Local Government Code Chapter 213 and the City Charter.
2. Plan Amendments, other than those listed in (3) below, will not be made more than once per calendar year, except for the rare circumstance where the City Council feels it necessary to make a change with a positive vote of 75 percent of the complete City Council. Applications may be made at any time of year.

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3. The following types of comprehensive plan amendments may be considered at any time when initiated by a property owner or their authorized agent:

    a. Future Land Use Map amendments;

    b. Growth Sector Map amendments; and

    c. Thoroughfare Plan or Mobility Plan amendments.

B. Review Process

1. Initiation

    Initiation of an Amendment may be made upon:

    a. Application of a property owner or their authorized agent;

    b. Recommendation of the City Council;

    c. Recommendation of the Planning and Zoning Commission; or

    d. Recommendation of the Director.

2. Application and Completeness Determination

    The Director is responsible for checking that a complete application has been submitted with all material necessary for an informed decision in accordance with the Administrative Procedures Manual and the Engineering Design Manual.

3. Staff Review

    a. The Director shall review the application, considering any applicable criteria for approval, and prepare a report to the Planning and Zoning Commission and City Council.

    b. The Director may establish procedures for administrative review necessary to ensure compliance with this UDC and State statutes.

    c. The Director may assign staff to review the application and make a report to the Director.

    d. The Director's report may include a recommendation for final action.

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4. Planning and Zoning Commission Review

   Following notice in accordance with Section 3.03. Public Hearing and Notice, the Commission shall hold a Public Hearing in accordance with its rules and State law and make a recommendation to the City Council.

5. City Council Final Action

   a. The City Council shall hold a Public Hearing and may take final action on the proposed amendment.

   b. The amendment shall become effective when approved by a vote of 75% of the complete City Council and in accordance with the City Charter.

C. Approval Criteria

1. The City Council shall consider the following approval criteria in an analysis of immediate needs and consideration of the long-term effects.

   a. The Amendment promotes the health, safety or general welfare of the City and the safe, orderly, and healthy development of the City.

2. In considering Amendments to the Plan, the City should be guided by the following:

   a. The need for the proposed change;

   b. The effect of the proposed change on the need for City services and facilities;

   c. The compatibility of the proposed change with the existing uses and development patterns of nearby property and with the character of the neighborhood; and

   d. The implications, if any, that the amendment may have for other parts of the Plan.

Section 3.06 Unified Development Code Text Amendment

A. Applicability

The purpose of this section is to establish procedures for biannual updates to the Unified Development Code (UDC) in order to improve clarity, administrative efficiency, and consistency with state law, and to eliminate unnecessary

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development costs. Biannual updates shall also ensure that the UDC reflects changes in legislation and advancements in land use planning and urban design.

B. Review Process

1. Petition for Amendments

    a. Any person or corporation having a proprietary interest in any property may petition the City for an amendment to this UDC's text.

    b. The Planning and Zoning Commission may, on its own motion or on request from the City Council, study and propose amendments for the City Council's consideration.

    c. Petitions for amendments may be submitted at any time. The City Council may consider such petitions outside of the biannual update cycle when necessary to address legal, administrative or public welfare matters.

2. Application and Completeness Determination

    The Director is responsible for checking that a complete application has been submitted with all material necessary for an informed decision in accordance with the Administrative Procedures Manual and the Engineering Design Manual.

3. The Director and DRC shall review the UDC amendment submittal. The Director and DRC shall review the proposed UDC amendment and consider the approval criteria of C below to evaluate the proposed change.

    a. The Director may establish procedures for administrative review necessary to ensure compliance with this UDC and State statutes.

    b. The Director may assign staff to review the application and make a report to the Director.

    c. The Director shall prepare a written report with recommendations to be provided to the Planning & Zoning Commission.

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4. Planning and Zoning Commission Recommendation

   The Planning and Zoning Commission shall hold a public hearing following a recommendation from the Director regarding the proposed UDC amendments, and shall provide a recommendation to the City Council.

5. City Council Decision

   The City Council shall hold a Public Hearing and may take final action on the proposed UDC amendments.

C. Approval Criteria

The following lists of criteria are not all-inclusive. Review and recommendations on text amendments to this UDC should consider the following:

1. The proposed text amendment corrects an error or meets the challenge of some changing condition, trend or fact;
2. The proposed text amendment is in response to changes in state law;
3. The proposed text amendment is generally consistent with the Comprehensive Plan and other adopted plans and does not conflict with any specific policy or action item outlined in the Comprehensive Plan;
4. The proposed text amendment is generally consistent with the stated purpose and intent of the section it is amending;
5. The proposed text amendment constitutes a benefit to the City as a whole and is not solely for the good or benefit of a particular landowner or owners at a particular point in time;
6. The proposed text amendment will maintain or advance the public health, safety, or general welfare, including but not limited to facilitating the adequate provision of transportation, water, sewers, schools, and parks.

Section 3.07 Annexation

A. Applicability

For the purpose of establishing and maintaining sound, stable, and desirable development consistent with the goals and policies of the Comprehensive Plan, the City may consider annexations of territory to the corporate limits or extraterritorial jurisdiction (ETJ). The provisions of the Section are adopted pursuant to TLGC Chapter 43.

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B. Review Process

1. Initiation

   Initiation of an annexation or disannexation of territory may be made upon application of a property owner or their authorized agent. Another governmental authority may also request modification of ETJ or corporate limit boundaries through this process, or through the cooperative effort of the City Council to initiate such proceedings.

2. Application and Completeness Determination

   The Director is responsible for checking that a complete application has been submitted with all material necessary for an informed decision in accordance with the Administrative Procedures Manual and the Engineering Design Manual.

3. Staff Review

   a. The Director and DRC shall review the application, consider any applicable criteria for approval and prepare a report to the City Council.

   b. The Director may establish procedures for administrative review necessary to ensure compliance with this UDC and State statutes.

   c. The Director may assign staff to review the application and make a report to the Director.

   d. The Director's report may include a recommendation for final action.

4. City Council Hearing and Approval

   a. Annexation of territory shall follow the procedures established by the Texas Local Government Code, applicable City ordinances, and adopted policies. Upon completion of annexation, zoning of the newly annexed territory shall proceed in accordance with the provisions below.

   b. A public hearing in accordance with TLGC § 43.0561 is required for annexation.

5. Written Agreement Regarding Services

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C. If required pursuant to Section 43.0672 of the Texas Local Government Code, the City Council shall approve a written agreement regarding services with the property owner prior to initiation of annexation. Zoning Upon Annexation

1. Rezoning After Annexation

    a. Initial zoning of newly annexed territory shall be initiated consistent with the rezoning procedures outlined in Section 3.08 of this UDC, and include a Fiscal Impact Analysis consistent with Section 3.04. Fiscal Impact Analysis.

    b. Such rezoning may be processed concurrently with the annexation if proper notice and public hearing procedures are satisfied.

    c. Initial zoning shall be processed to establish the RA district unless otherwise requested by the applicant.

    d. Zoning approval shall occur after approval of the annexation, and as a separate and distinct action by the Planning and Zoning Commission and City Council.

        i. While Planning and Zoning Commission approval is not required for an annexation, the Commission's recommendation is needed to assign a zoning designation other than RA to the annexed area.

2. Exception – Lots Partially within City Limits

    a. If newly annexed territory includes a lot that is already partially within the City Limits, the newly annexed portion of that lot shall be assigned the same zoning district classification as the portion already within the City.

    b. The property owner or their authorized agent may submit a rezoning request for the entire property in accordance with 1 above.

D. Specific Requirements

1. Contiguity and Noncontiguous Territory

    All annexations shall be reviewed and considered in accordance with the restrictions for type and contiguity of land in TLGC Chapter 43, as amended.

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2. Voluntary Annexation

   Requests for annexation by property owners shall be reviewed and heard in accordance with the provisions of TLGC Chapter 43, Subchapter C-3, as amended.

3. Strategic Partnership Agreements

   Annexations coordinated between the City and a district or limited district may be governed by a written Strategic Partnership Agreement in accordance with TLGC § 43.0751.

E. Approval Criteria

The City Council shall consider the following approval criteria in analyzing immediate needs and assessing long-term effects.

1. The application is complete, and the information contained within the application is sufficient and correct so as to allow adequate review and final action;
2. The annexation promotes fiscally responsible, safe, orderly, and healthy development of the City;
3. The City has the capacity and ability to serve the area with City utilities and services; and
4. The annexation is consistent with the City's adopted long-range plans and annexation policies.

F. City Council Final Action

1. The City Council shall take final action on the proposed annexation or disannexation.
2. The annexation or disannexation shall become effective when approved by the City Council and in accordance with the City Charter.

Section 3.08 Zoning Map Amendment (Rezoning)

A. Applicability

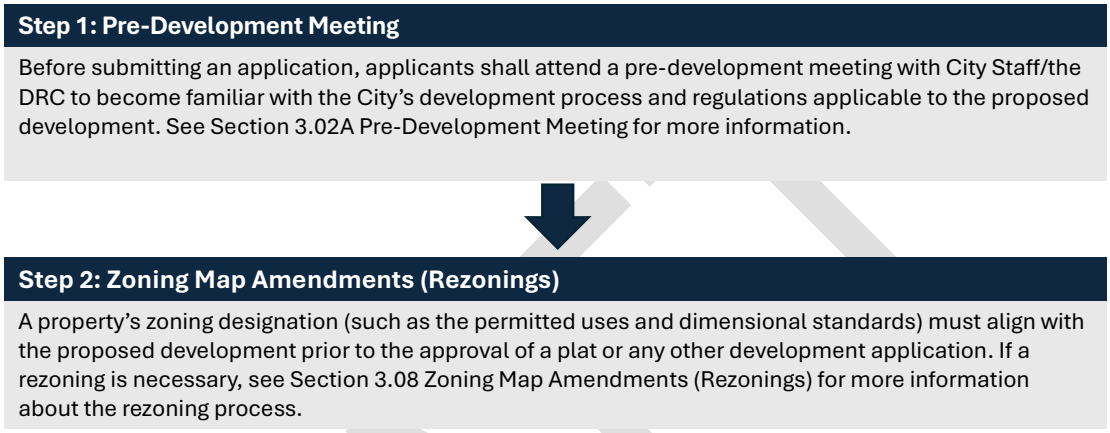
For the purpose of establishing and maintaining sound, stable, and desirable development within the corporate limits of the City, the Official Zoning Map may be amended based upon changed or changing conditions in a particular area or in the City generally, or to rezone an area, or to extend the boundary of an

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existing Zoning District. All amendments shall be consistent with the Comprehensive Plan. The provisions of this Section related to Rezoning are adopted pursuant to Texas Local Government Code Chapter 211.

B. Review Process

Figure 3-7 Zoning Process Overview



1. Initiation

    a. Initiation of a map amendment may be made upon:

        i. Application of a property owner or their authorized agent;

        ii. Recommendation of the Planning and Zoning Commission;

        iii. Recommendation of the City Council; or

        iv. Recommendation of the Director.

    b. Pre-Development Meeting Required

        A pre-development meeting is required in accordance with Section 3.02A. Pre-Development Meeting prior to the submission of an application for a zoning map amendment.

2. Application Completeness

    a. A zoning map amendment shall not be reviewed until the application is complete and the information contained within the application is sufficient and correct so as to allow adequate review. This shall include a Fiscal Impact Analysis consistent with Section 3.04. Fiscal Impact Analysis, as applicable.

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b. The Director shall be responsible for checking that a complete application has been submitted including all required elements necessary for review of the proposed zoning map amendment.

   i. A determination whether an application is complete shall be made by the Director within 10 working (business) days of application submittal.

   ii. If the application is determined to be incomplete, the Director shall notify the applicant in writing. If the application is not resubmitted within a period specified by the Director, a new application and fee shall be required.

3. Staff Review

   a. The Director shall review the application considering any applicable criteria for approval and prepare a report to the Planning and Zoning Commission and City Council.

   b. The Director may establish procedures for administrative review necessary to ensure compliance with this UDC and State statutes.

   c. The Director may assign staff to review the application and make a report to the Director.

   d. The Director's report may include a recommendation for final action.

4. Planning and Zoning Commission Review

   Following notice in accordance with State law, the Commission shall hold a public hearing in accordance with its rules and State law and shall forward its recommendation to the City Council.

5. City Council Decision

   a. The City Council shall hold a public hearing and may take final action on the proposed amendment.

   b. The amendment shall become effective when approved by the City Council and in accordance with the City Charter

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C. Approval Criteria (All Rezonings)

The City Council shall consider the following approval criteria for zoning changes:

1. The zoning change will maintain or advance the health, safety, orderly growth, and general welfare of the City;
2. The zoning change is consistent with the applicable permitted uses found in Section 4.09 Use Tables and with the Future Land Use Map included in the Comprehensive Plan;
3. The zoning change implements the policies of the Comprehensive Plan;
4. The zoning change is compatible with the present zoning and conforming uses and with the character of the surrounding properties; and
5. The subject property is of adequate size, shape, and topography to accommodate uses and development standards permitted by the proposed zoning map amendment.

D. Protest of Zoning Changes

1. In accordance with TLGC Section 211.0061, certain types of proposed zoning changes may be protested by property owners. There are two types of proposed changes identified in TLGC Section 211.0011:

    a. Comprehensive Zoning Changes

        A proposed "comprehensive zoning change" means a proposal to:

        i. Change an existing zoning regulation that will have the effect of allowing more residential development than the previous regulation and will apply uniformly to each parcel in one or more zoning districts;

        ii. Adopt a new zoning code or zoning map that would apply to the entire municipality; or

        iii. Adopt a zoning overlay district that would have the effect of allowing more residential development than allowed without the overlay and would include an area along a major roadway, highway, or transit corridor.

        In accordance with TLGC Section 211.0061, comprehensive zoning changes are not subject to protest procedures.

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b. Non-Comprehensive Zoning Changes

A proposed "non-comprehensive zoning change" means a proposed change to a zoning boundary or regulation that does not meet the criteria of Section 3.08D.1.a above.

2. A protest against a proposed non-comprehensive change to a zoning regulation or boundary, as described in Section 3.08D.1.b above must be written and signed by the owners of:

   a. At least 20 percent of the area of the lots or land covered by the proposed changes;

   b. Except as provided by Section 3.08D.2.c below, at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area; or

   c. At least 60 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area if the proposed change:

      i. Has the effect of allowing more residential development than the existing zoning regulation or district boundary; and

      ii. Does not have the effect of allowing additional commercial or industrial uses, unless the additional use is limited to the first floor of any residential development and does not exceed 35 percent of the overall development.

3. If a proposed change to a zoning regulation or boundary is protested in accordance with Section 3.08D.2 above, the proposed change must receive, in order to take effect, the affirmative vote of at least:

   a. Three-fourths (3/4) of all members of the City Council, for a protest meeting the criteria of Section 3.08D.2.a or Section 3.08D.2.b above; or

   b. A majority of all members of the City Council for a protest meeting the criteria of Section 3.08D.2.c above.

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Section 3.09 Zoning Verification Letter

A. Applicability

A Zoning Verification Letter, as defined in Section 3.09B below, may be obtained upon written request as outlined in the Administrative Procedures Manual.

B. Zoning Verification Letter Defined

A Zoning Verification Letter is a letter that confirms a property's zoning district at the time of the letter and indicates to a property owner that a specified use, clearly identified in the application, is permitted within the Zoning District. A Zoning Verification Letter does not authorize the property owner to proceed with a development; does not specify requirements that must be met for future development; and does not include a determination that a tract of land may be developed.

C. Zoning Verification Letter Validity

A Zoning Verification Letter shall be valid for 12 months following issuance.

Section 3.10 Temporary Use Permit

A. Applicability

1. The provisions of this Section relating to Temporary Use Permits are adopted in accordance with Texas Local Government Code Chapter 211 and the City Charter.
2. The temporary uses listed in Section 4.09G. Temporary Uses and Standards shall not be commenced until the applicant obtains a Temporary Use Permit from the Director.
3. The Temporary Use Permit shall specify the use, the period of time for which it is approved, and any special conditions attached to the approval.
4. Temporary Uses not listed in Section 4.09G. Temporary Uses and Standards shall be evaluated on a case-by-case basis by the Director in accordance with the approval criteria in C below.

B. Review Process

1. Review of a Temporary Use application shall follow the procedure set forth in Section 3.03E. Administrative Review Process.
2. Application and Completeness Determination

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The Director is responsible for checking that a complete application has been submitted with all material necessary for an informed decision in accordance with the Administrative Procedures Manual and the Engineering Design Manual.

3. The Director may determine if a Site Development Permit companion application is necessary for applications and is authorized to waive the requirement for such a companion application.

C. Approval Criteria

In addition to the general criteria for consideration of administrative procedures in Section 3.03E.4, the Director shall consider whether the application complies with the following standards:

1. Land Use Compatibility

A Temporary Use must be compatible with the purpose and intent of this UDC and the zoning district in which it will be located. The Temporary Use shall not impair the normal, safe, and effective operation of a permanent use on the same site. The temporary use shall not endanger or be materially detrimental to the public health, safety, or welfare or injurious to property or improvements in the immediate vicinity of the temporary use, given the nature of the activity, its location on the site, and its relationship to parking and access points.

2. Compliance with Other Regulations

A Building Permit or Temporary Certificate of Occupancy may be required, as determined by the Building Official, before any structure used in conjunction with the Temporary Use is constructed or modified. All structures and the site as a whole shall meet applicable Building and Fire Code standards as well as any provisions of this UDC for such Temporary Use. Upon cessation of the Temporary Event or Use, any structures associated with the temporary use shall be promptly removed, and the site shall be returned to its previous condition (including the removal of all trash, debris, signage, or other evidence of the temporary use).

3. Duration

The duration of the Temporary Use shall be established by the Director at the time of approval of the Temporary Use Permit, pursuant to any provisions of

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Article 4 applicable to the Temporary Use. In the event no time limit is established, the duration shall be a period not to exceed 90 total days within a year.

4. Traffic Circulation

   A Temporary Use shall not cause undue traffic congestion or accident potential, as determined by the Director and City Engineer, given anticipated attendance and the design of adjacent streets, intersections, and traffic controls.

5. Off-Street Parking

   a. A Temporary Use shall not create a parking shortage for any of the other existing uses on the site.

   b. The Director may require Temporary Uses to establish shared parking agreements in accordance with Section 10.04A.3. Shared Parking to offset any impacts on existing parking.

6. Public Conveniences and Litter Control

   Adequate on-site restroom facilities may be required by the Director. Adequate on-site solid waste containers may also be required. The applicant shall provide a written guarantee that all litter generated by the temporary use or event shall be removed at no expense to the City.

7. Appearance and Nuisances

   A Temporary Use shall be compatible in intensity, appearance, and operation with surrounding land uses in the area, and it shall not unduly impair the usefulness, enjoyment, or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting or other forms of environmental or visual pollution.

8. Signs

   The Director shall review all signage in conjunction with the issuance of the permit. Such signage shall be in accordance with the requirements of Article 13. Sign Standards this UDC.

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9. Other Conditions

   The Director may establish any additional conditions deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including, but not limited to, restrictions on hours of operation, temporary arrangements for parking and traffic circulation, requirements for screening/buffering, and guarantees for site restoration and cleanup following the Temporary Use.

10. Revocation

    The Director may revoke a Temporary Use Permit if it is determined that:

    a. The applicant has misrepresented any material fact on his or her application or supporting materials.

    b. The temporary use fails or ceases to comply with applicable standards or criteria for issuance of a permit.

    c. The operation of the temporary use violates any statute, law, ordinance, or regulation.

    d. The operation of the temporary use constitutes a nuisance or poses a real or potential threat to the health, safety, or welfare of the public.

D. Responsibility for Final Action

   The Director is responsible for final action on all Temporary Use Permits.

E. Appeal

   See Section 3.13. Appeal of an Administrative Decision – Zoning Regulations.

Section 3.11 Special Use Permit

A. Applicability

1. Special Use permits allow for City Council approval of uses with unique or widely varying operating characteristics or nonstandard site development features, subject to the terms and conditions set forth in this UDC.
2. Special use permits may be issued only for uses identified as special uses in the Use Chart for the applicable zoning district. Such uses are generally compatible with other permitted uses within the district but require individual review of their location, design, intensity, and potential impacts.

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3. These uses and the zoning districts in which they may be located are listed in Section 4.09. No such use shall commence without prior approval of a special use permit. The provisions of this section are adopted pursuant to Texas Local Government Code Chapter 211.

B. Review Process

1. Initiation

   a. A special use permit application may be initiated by the property owner or their authorized agent.

   b. Pre-Development Meeting Required

   A pre-development meeting is required in accordance with Section 3.02A. Pre-Development Meeting prior to the submission of an application for a special use permit.

2. Application Completeness

   a. A special use permit shall not be reviewed until the application is complete and the information contained within the application is sufficient and correct so as to allow adequate review.

   b. The Director shall be responsible for checking that a complete application has been submitted including all required elements necessary for review of the special use permit.

      i. A determination whether an application is complete shall be made by the Director within 10 working (business) days of application submittal.

      ii. If the application is determined to be incomplete, the Director shall notify the applicant in writing. If the application is not resubmitted within a period specified by the Director, a new application and fee shall be required.

3. Staff Review

   a. The Director and DRC shall review the application considering any applicable criteria for approval and prepare a report for the Planning and Zoning Commission and City Council.

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b. The Director may establish procedures for administrative review necessary to ensure compliance with this UDC and State statutes.

c. The Director may assign staff to review the application and make a report to the Director.

d. The Director's report may include a recommendation for final action.

4. Planning and Zoning Commission Review

a. Prior to notice for any public hearings, the Commission and City Council shall hold a work session with the applicant to review the proposed development or use and provide feedback on the proposal.

b. Following notice in accordance with Section 3.03, the Commission shall hold a public hearing in accordance with its rules and State law and shall forward its recommendation to the City Council.

5. City Council Decision

a. The City Council shall hold a public hearing and may take final action on the proposed special use permit.

b. The special use permit shall become effective when approved by the City Council.

C. Approval Criteria

1. Application Materials

a. The applicant shall submit sufficient information to allow evaluation of the proposed use and its compliance with this UDC. Such information includes a conceptual site layout, circulation plan, and site design, a narrative description of the proposed use, and other supporting materials as required in the Administrative Procedures Manual and as may be determined necessary by the Director.

b. The Director shall review submitted materials for completeness and compliance with this UDC.

2. Review Standards

a. In addition to the criteria for zoning changes in Section 3.08C, the City Council may approve a special use permit only when it determines that:

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i. The proposed special use is not detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants.

ii. The proposed conceptual site layout, circulation plan, and design are compatible in terms of scale (building massing, form, orientation, and location), intensity, and operating characteristics with uses and structures on adjacent properties and properties in the vicinity of the proposed site.

iii. The proposed use does not negatively impact existing uses in the area and in the City through impacts on public infrastructure such as roads, parking facilities, and water and sewer systems, and on public services such as police and fire protection and solid waste collection and the ability of existing infrastructure and services to adequately provide services.

iv. The proposed use does not negatively impact existing uses in the area and in the City through the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or noxious impact.

v. Whether there are any other special circumstances that may be unique to the subject property.

D. Expiration

1. A Special Use Permit shall expire 24 months from the date of Council approval, unless:

a. A Site Development Permit application, if necessary, has been submitted in accordance with Section 3.20. Site Development Permit.

b. A Building Permit application has been approved or, if no Building Permit is required, a Certificate of Occupancy has been issued.

c. In the case of projects where more than one building or phase is to be built, the applicant may submit a series of Building Permit applications. The first application must be approved within 24 months from the date conceptual site layout approval is granted. Each subsequent application must be submitted within 24 months from the date of issuance of a Certificate of Occupancy, or equivalent, by the Building Official for the previous phase of the development.

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d. The Council's approval of the Special Use Permit specified a shorter expiration period.

2. A lapse of a period greater than the periods set forth above causes the related approvals or permits to expire and be of no further force and effect. The Director has the authority to consider a six (6)-month extension of the above deadlines based on extenuating circumstances. Any further action shall require a new application and approval.

E. Discontinuation

A Special Use Permit shall expire 12 months following the discontinuation of the use for which the Special Use Permit was approved.

Section 3.12 Planned Unit Development

A. Applicability

Planned Unit Developments (PUD) may be used to permit innovative and unique development that is consistent with the comprehensive plan and that may modify the use and/or development standards of this UDC, provided that such modifications result in equal or greater overall development quality and provide identifiable public benefits or superior design outcomes.

B. Review Process

1. Initiation

a. Initiation of a PUD application may be made upon application of a property owner or their authorized agent.

b. Before submitting an application, applicants shall attend a pre-development meeting with City Staff and the DRC to become familiar with the City's development process and regulations applicable to the proposed development. The pre-development meeting allows staff the opportunity to provide the applicant with guidance on the PUD's conformity with the Comprehensive Plan and any additional steps or applications required before the PUD may be submitted. See Section 3.02A Pre-Development Meeting for more information.

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2. Application Completeness

   The applicant is responsible for submitting a complete application, including all materials determined necessary by the Director, which shall include but not be limited to:

   a. A proposed PUD development ordinance in accordance with the City's Planned Unit Development template with an attached PUD Master Plan showing, at minimum, the conceptual layout of streets/other transportation facilities and the land uses within the PUD area; and

   b. Development standards addressing, at a minimum:

      i. Proposed uses and densities;

      ii. Architectural and building standards;

      iii. Lot and building dimensions (area, width, depth, setbacks, height);

      iv. Parking, access, streets and circulation;

      v. Open space, tree preservation, and parks;

      vi. Screening and landscaping;

      vii. Accessory buildings, signage, and lighting;

      viii. Project phasing or scheduling, as applicable.

3. Staff Review

   a. The Director and DRC shall review the PUD submittal. The Director and DRC shall review the proposed PUD submittal to evaluate the property characteristics and determine whether a plat or other permit is required for the desired use. The Director and DRC also review potential nonconformities that would be created by the zoning request and may advise the applicant on potential impacts on the desired use.

      i. The Director may establish procedures for administrative review necessary to ensure compliance with this UDC and State statutes.

      ii. The Director may assign staff to review the application and make a report to the Director.

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b. The Director shall prepare a written report with recommendations to be provided to the Planning & Zoning Commission.

4. Planning and Zoning Commission Review

   a. Prior to notice for any public hearings, the Commission shall hold a work session with the applicant to review the proposed development or use and provide feedback on the proposal.

   b. Following notice in accordance with Section 3.03. Public Hearing and Notice, the Commission shall hold a public hearing in accordance with its rules and State law and shall forward its recommendation to the City Council.

5. City Council Decision

   a. The City Council shall hold a public hearing and may take final action on the proposed PUD ordinance.

   b. The PUD shall become effective when approved by the City Council.

C. Approval Criteria

1. A PUD may be approved only if the City Council finds that the associated proposed development ordinance and PUD Master Plan meet all of the following criteria:

   a. The proposed PUD supports the goals and policies of the Comprehensive Plan, including the Mobility Master Plan and any other subsidiary plans.

   b. The proposed PUD will maintain or advance the health, safety, orderly growth, and general welfare of the City.

   c. The proposed PUD's uses are is consistent with the Future Land Use Map included in the Comprehensive Plan.

   d. The proposed PUD is compatible with the present zoning, conforming uses, and character of the surrounding properties.

   e. The subject property is of adequate size, shape, and topography to accommodate the proposed PUD's uses and development standards.

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f. Adequate utility and drainage infrastructure will be provided in conformance with the City's adopted plans. Approval of a PUD does not approve water or wastewater capacity.

g. When appropriate based on the scale and location of the development and the direction of the Comprehensive Plan, the project provides a variety of housing types, employment opportunities, and/or commercial services that support a balanced community for all residents.

h. The design provides for environmental protection and improved open space and recreational areas.

i. The development can be staged in a manner that aligns with the timely provision of public utilities, facilities, and services.

D. Effect of Approval

1. Approval of a PUD by the City Council establishes a binding PUD development ordinance and concept plan. Both documents apply to the land area described in the approved PUD.
2. The approved PUD development ordinance, as modified and approved by the City Council, becomes, in effect, a modification to the regulations and standards of this UDC, but shall only apply to the area of land described by the PUD development ordinance
3. Approval of a PUD constitutes an amendment to the City's Zoning Map specific to the area of land described by the PUD.
4. All subsequent development permits, plats, and approvals within the PUD area must comply with the approved PUD Master Plan and the development ordinance, unless the PUD is silent to a specific regulation in the base zoning district.

E. Changes to a Submitted PUD Master Plan

Any substantial change proposed on a Site Development Permit that would deviate from or affect the approved PUD Master Plan shall require re-submittal of the PUD Master Plan in its entirety. Minor changes are those changes that are not substantial and do not affect the overall intent of the PUD Master Plan, which may be approved by the Director; however, the Director may determine that any proposed change should be heard at a public hearing before the Planning & Zoning Commission and City Council. Substantial changes to the PUD Master

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Plan are subject to the same requirements as the original application. Substantial changes shall include, but are not limited to:

1. Any change that would increase the intensity of the land uses;
2. A 15 percent cumulative increase or decrease in residential density;
3. A 15 percent cumulative increase or decrease in nonresidential square footage;
4. Any change in private incentives and public benefits;
5. Increase in size of property;
6. Any reduction in screening, screening buffers, and setbacks at the PUD property line;
7. Any reduction in the amount of land used for open space, parkland, recreation, tree preservation, or community amenities; and
8. A 15 percent cumulative increase in the buildable area for structures, including signs.

F. Expiration

1. PUD Master Plan Effective Period

    a. The approved PUD Master Plan shall be effective for a period of five (5) years. If a Site Development Permit for all or part of the area has not been approved by the expiration of the five (5)-year period, the PUD Master Plan shall expire, and a new PUD Master Plan will be required.

        i. If the property owner or owners desire to submit a new PUD Master Plan or to revert the property to its previous zoning (or any other zoning designation besides the approved PUD), a new application executed by all property owners within the expired PUD's area shall be required in accordance with the respective application process.

    b. Prior to the expiration date of a PUD Master Plan, the Director may approve one request for an extension of time of up to two (2) years. After the first extension, the Planning and Zoning Commission shall consider one additional extension request for a time of up to two (2) years.

    c. When at least one Site Development Permit has been approved, the PUD Master Plan shall remain effective until amended.

2. Site Development Permit Effective Period

    See Section 3.20. Site Development Permit.

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Section 3.13 Appeal of an Administrative Decision - Zoning Regulations

A. Applicability

1. Authority

a. Pursuant to Texas Local Government Code Chapter 211, the Zoning Board of Adjustment shall have the authority to hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of zoning regulations contained within this UDC.

b. The Zoning Board of Adjustment may reverse or affirm, in whole or in part, or may modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision, or determination.

B. Effect of Appeal

All development activities permitted by the action being appealed, or any subsequent approval, must stop upon appeal, and remain inactive until the appeal is resolved. Unless the Director certifies in writing to the Zoning Board of Adjustment that such a cessation of activity would cause imminent peril to life and property. In that case the proceedings may be stayed only by a restraining order granted by the Zoning Board of Adjustment or a court of record, after notice and due cause is shown.

C. Appeal Process

1. Initiation

Within 30 days after the date of the administrative decision, any person specified by state law may appeal an administrative decision to the Zoning Board of Adjustment.

2. Application and Completeness Determination

The Director is responsible for checking that a complete application has been submitted with all material necessary for an informed decision in accordance with the Administrative Procedures Manual and the Engineering Design Manual.

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3. Content of Notice of Appeal

   The notice of appeal must specifically set forth all grounds for appeal.

4. Review Criteria

   a. In General

      The Zoning Board of Adjustment shall consider whether the Director's or other administrative officials' or entities' action was appropriate, taking into account the details or facts of the case and the requirements contained in this UDC. The Zoning Board of Adjustment shall make its decision based on this UDC and the information presented to the Zoning Board of Adjustment by the applicant and the Director or other administrative official.

      i. Basis for Appeal

         An applicant may only appeal the specific reasons given for the administrative disapproval or denial. An applicant may not appeal the disapproval or denial without effectively establishing that the specific basis for the administrative disapproval or denial was incorrect.

      ii. Burden of Proof in Appeals

         When an appeal is taken to the Zoning Board of Adjustment, the Director's or other administrative official's action is presumed to be valid. The applicant shall present sufficient evidence and have the burden to justify a reversal of the action being appealed. The Director may present evidence and argument to the contrary.

      iii. Findings and Conclusions

         All findings and conclusions necessary to the permit or appeal decision shall be based upon reliable evidence. Competent evidence will be preferred whenever reasonably available, but in no case may findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed.

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b. Appeal of Decision

i. Any of the following persons may appeal to the Zoning Board of Adjustment a decision made by an administrative official under the City's zoning regulations:

(A) A person aggrieved by the decision of the zoning authority or administrative officer; or

(B) Any officer, department, or Board of the municipality affected by the decision.

ii. An appeal must be made within 30 days after the administrative officer has rendered the decision by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the City Secretary all the papers constituting the record upon which the action appealed from was taken.

iii. An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the Board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Board or a court of record on application, after notice to the official, if due cause is shown.

D. Decision on Appeal

1. Hearings and Action by Board

a. Notice of Hearing

The Board shall hold a public hearing on all appeals made to it after public notice thereof, and written notice of all such public hearings shall be sent to the applicant and, if the hearing relates to real property, to all other persons who are owners of real property lying within 200 feet of the property on which the appeal is made; such notice shall be given not less than 11 days before the date set for hearing to all property owners as the ownership appears on the last City tax roll. Such notice may be served by depositing the same properly addressed and postage paid in the USPS Post Office. The applicant shall bear the expense of giving notice. Notice

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shall also be published in the City's official newspaper on or before the 16th calendar day prior to the public hearing.

b. Procedure

Any interested party may appear in person or by attorney at a public hearing. The burden of proof shall be on the applicant to establish the necessary facts to justify the action of the Board on any appeal.

c. Actions of the Board

i. In exercising its powers, the Board may, in conformity with the provisions of the statutes of the state as existing or hereafter amended, revise or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such order, requirement, decision, or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken including the power to impose reasonable conditions to be complied with by the applicant.

ii. The concurring vote of 75 percent of the complete Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or to decide in favor of the application on any matter upon which it is required to pass under this division or to authorize any variation from the terms of the City's zoning regulations.

iii. A Board member shall recuse themselves from voting and shall not participate in the public hearing whenever the member has a State law conflict of interest or the member will be directly affected by the decision of the Board.

Section 3.14 Zoning Variance

A. Applicability

1. In accordance with the provisions of the Texas Local Government Code Chapters 211 and 216, the Zoning Board of Adjustment shall have the authority to:

a. Hear and grant requests for a variance from the zoning provisions of this UDC.

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B. Review Process

1. Initiation

   A zoning variance may be initiated by the property owner or their authorized agent.

2. Application Completeness

   a. A zoning variance request shall not be reviewed until the application is complete and the information contained within the application is sufficient and correct so as to allow adequate review.

   b. The Director shall be responsible for checking that a complete application has been submitted, including all required elements necessary for review of the zoning request.

      i. A determination whether an application is complete shall be made by the Director within 10 working (business) days of application submittal.

      ii. If the application is determined to be incomplete, the Director shall notify the applicant in writing. If the application is not resubmitted within a period specified by the Director, a new application and fee shall be required.

3. Staff Review

   a. The Director shall review the application, considering any applicable criteria for approval, and prepare a report for the Zoning Board of Adjustment.

   b. The Director's report may include a recommendation for final action.

4. Zoning Board of Adjustment Decision

   a. The Zoning Board of Adjustment shall hold a public hearing for consideration of the zoning variance .

   b. Written notice of the public hearing for a zoning variance shall be provided as set forth in Section 3.03.

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C. Approval Criteria for Zoning Variance

1. Required Findings

No zoning variance shall be granted without first providing public notice and holding a public hearing on the zoning variance request in accordance with this UDC, and unless the Zoning Board of Adjustment finds that all the following criteria are met:

a. Unique Circumstances

There are special circumstances or conditions affecting the land involved such that the application of the UDC's provisions would deprive the applicant of the reasonable use of their land.

b. Minimum Necessary Relief

The zoning variance, if granted, would provide the minimum relief necessary to alleviate the undue hardship.

c. Preservation of Property Rights

The zoning variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

d. No Substantial Detriment to the Public Good

The granting of the zoning variance will not be detrimental to the public health, safety, or general welfare; will not impair the purposes and intent of this UDC and the Comprehensive Plan; and will not be injurious to other property within the area.

e. Orderly Use of Land

The granting of the zoning variance will not have the effect of preventing the orderly use and development of other land within the area in accordance with the City's zoning regulations and Comprehensive Plan.

f. Undue Hardship Determination

In addition to the criteria above, the Board must determine that an undue hardship exists based on the following:

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i. The requested variance does not violate the intent (based upon the purpose statement of the applicable zoning district) of the zoning regulations.

ii. Conflict with State, County, or federal regulations.

iii. Special conditions of restricted area, topography, or physical features exist that are peculiar to the subject parcel of land and not applicable to other parcels in the same zoning district.

iv. The relief sought will not injure the permitted use of adjacent conforming property.

v. The granting of a zoning variance will be in harmony with the spirit and purpose of the City's zoning regulations.

vi. The hardship is in no way the result of the applicant's own actions.

vii. The interpretation of the zoning provisions would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.

g. Structural Hardship Considerations

When a variance is requested for a structure, the Board may also consider the following factors in determining whether an unnecessary hardship would result from compliance with the UDC:

i. The financial cost of compliance is greater than 50 percent of the appraised value of the structure, as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.

ii. Compliance would result in a loss to the lot on which the structure is located equal to at least 25 percent of the area on which development may physically occur.

iii. Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other regulation.

iv. Compliance would result in unreasonable encroachment on an adjacent property or easement.

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v. The municipality considers the structure to be a legally nonconforming structure.

h. Insufficient Findings

The following possible findings do not constitute sufficient grounds for granting a zoning variance:

i. The property cannot be used for its highest and best use.

ii. There is a financial or economic hardship, except as authorized in TLGC 211.009(b-1).

iii. There is a self-created hardship by the property owner or their authorized agent.

iv. The development objectives or preferences of the property owner are or will be frustrated.

2. Limitations

The Zoning Board of Adjustment may not grant a zoning variance when the effect of the variance would be any of the following:

a. To allow the establishment of a use not otherwise permitted in the applicable zoning district.

b. To increase the density or intensity of a use above that permitted in the applicable zoning district.

c. To extend or physically enlarge a nonconforming use of land.

d. To change the zoning district boundaries shown on the Official Zoning Map.

3. Profitability Not to Be Considered

The fact that property may be utilized more profitably should a zoning variance be granted may not be considered grounds for a zoning variance.

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D. Expiration of Zoning Variance

1. Administrative Procedures

a. Suspension or Revocation

i. When the Zoning Board of Adjustment determines that there has been a failure to comply with any term, condition, or requirement imposed as part of the approval of a zoning variance, they may direct the Director, City Attorney, or other authorized official to suspend the zoning variance pending compliance with all applicable terms and conditions of approval.

ii. Written notice of the suspension or proposed revocation shall be sent by certified mail, return receipt requested, to the permit holder of the zoning variance.

iii. Upon written request by the permit holder, the Zoning Board of Adjustment shall hold a public hearing no later than 45 days after the date the notice of intent to suspend or revoke is sent. Following the hearing, if the Zoning Board of Adjustment determines that a violation exists, it may revoke the zoning variance or take other lawful action as it deems necessary to ensure compliance.

iv. A decision to revoke a zoning variance shall be effective immediately upon adoption. Written notice of the revocation decision shall be sent by certified mail, return receipt requested, to the permit holder of the zoning variance.

b. Subsequent Applications

No appeal or application to the Zoning Board of Adjustment for the same or a related zoning variance on the same property shall be accepted for a period of 180 calendar days following an unfavorable ruling by the Zoning Board of Adjustment, unless property in the immediate vicinity has, within that period, been changed or acted upon by the Zoning Board of Adjustment or the City Council in a manner that alters the facts and conditions upon which the previous unfavorable action was based. A change in circumstances, such as a change in the property in the immediate vicinity as mentioned above, permits reapplication but does not compel a favorable decision by the Zoning Board of Adjustment. This

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provision applies only to subsequent appeals and applications and does not affect the right to seek judicial review of a decision of the Zoning Board of Adjustment as provided by Texas Local Government Code.

c. No Precedent Established

The granting of a zoning variance in one case shall not constitute a precedent for subsequent applications. Each zoning variance request shall be evaluated on its individual merits.

d. Any variance granted or authorized by the Board under the provisions of the City's UDC shall authorize the issuance of a building permit for a period of 90 days from the date of the favorable action of the Board unless said Board shall in its action approve a longer period of time or prior to the expiration of the permit shall grant a longer period and so show such specific longer period in the minutes of its action. If the building permit shall not have been issued within said 90-day period or such extended period as the Board may specifically grant, then the variance shall be deemed to have been waived and all rights thereunder terminated. Such termination and waiver shall be without prejudice to a subsequent appeal to the Board in accordance with the regulations herein contained.

Section 3.15 Special Exception

A. Applicability

1. In accordance with the provisions of the Texas Local Government Code Chapters 211 and 216, the Zoning Board of Adjustment shall have the authority to:

a. Hear and grant requests for special exceptions to the zoning provisions of this UDC. A special exception is differentiated from a zoning variance by the following:

i. A special exception does not require a finding of a hardship.

ii. Approval of a special exception by the Zoning Board of Adjustment is specifically provided for and defined in this section.

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B. Review Process

1. Initiation

   A special exception may be initiated by the property owner or their authorized agent.

2. Application Completeness

   a. A special exception request shall not be reviewed until the application is complete and the information contained within the application is sufficient and correct so as to allow adequate review.

   b. The Director shall be responsible for checking that a complete application has been submitted, including all required elements necessary for review of the special exception request.

      i. A determination whether an application is complete shall be made by the Director within 10 working (business) days of application submittal.

      ii. If the application is determined to be incomplete, the Director shall notify the applicant in writing. If the application is not resubmitted within a period specified by the Director, a new application and fee shall be required.

3. Staff Review

   a. The Director shall review the application, considering any applicable criteria for approval, and prepare a report for the Zoning Board of Adjustment.

   b. The Director's report may include a recommendation for final action.

4. Zoning Board of Adjustment Decision

   a. The Zoning Board of Adjustment shall hold a public hearing for consideration of the special exception.

   b. Written notice of the public hearing for a special exception shall be provided as set forth in Section 3.03.

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C. Approval Criteria for Special Exception

The Zoning Board of Adjustment may grant a special exception when it determines that the request meets the intent of this UDC (based upon the purpose statement of the applicable zoning district) and that granting the exception will not be detrimental to the public health, safety, or welfare. In evaluating approval of a special exception request, the Zoning Board of Adjustment shall consider, among other relevant factors, the following factors and circumstances:

1. Proximity to Structures: The distance to existing structures located on abutting properties.
2. Potential for Future Development: The likelihood that abutting property, if presently vacant, will be developed in the foreseeable future.
3. Topographic or Natural Conditions: The change in elevation between properties, or the presence of natural features, such as creeks, mature trees, or similar site characteristics, that may mitigate potential impacts associated with the special exception.
4. Traffic Impacts: The impact or likely impact of traffic based on the use or layout of the property.
5. Nuisance: The impacts of the property's noise and illumination on adjacent properties.
6. Buffering: The level of buffering or screening present or proposed on the property to shield adjacent properties.
7. Hours of Operation: The compatibility of the proposed property's hours of operation with adjacent uses.
8. In granting special exceptions, the Zoning Board of Adjustment may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and welfare.

D. Limitations

The Zoning Board of Adjustment may not grant a special exception when the effect of the special exception would be any of the following:

1. To allow the establishment of a use not otherwise permitted in the applicable zoning district.
2. To increase the density or intensity of a use above that permitted in the applicable zoning district.
3. To extend or physically enlarge a nonconforming use of land.

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4. To change the zoning district boundaries shown on the Official Zoning Map.

E. Profitability Not to Be Considered

The fact that property may be utilized more profitably should a special exception be granted may not be considered grounds for a special exception.

F. Expiration of a Special Exception

1. Administrative Procedures

a. Suspension or Revocation

i. When the Zoning Board of Adjustment determines that there has been a failure to comply with any term, condition, or requirement imposed as part of the approval of a special exception, they may direct the Director, City Attorney, or other authorized official to suspend the special exception pending compliance with all applicable terms and conditions of approval.

ii. Written notice of the suspension or proposed revocation shall be sent by certified mail, return receipt requested, to the permit holder of the special exception.

iii. Upon written request by the permit holder, the Zoning Board of Adjustment shall hold a public hearing no later than 45 days after the date the notice of intent to suspend or revoke is sent. Following the hearing, if the Zoning Board of Adjustment determines that a violation exists, it may revoke the special exception or take other lawful action as it deems necessary to ensure compliance.

iv. A decision to revoke a special exception shall be effective immediately upon adoption. Written notice of the revocation decision shall be sent by certified mail, return receipt requested, to the permit holder of the special exception .

b. Subsequent Applications

No appeal or application to the Zoning Board of Adjustment for the same or a related special exception on the same property shall be accepted for a period of 180 calendar days following an unfavorable ruling by the Zoning Board of Adjustment, unless property in the immediate vicinity has, within that period, been changed or acted upon by the Zoning Board

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of Adjustment or the City Council in a manner that alters the facts and conditions upon which the previous unfavorable action was based. A change in circumstances, such as a change in the property in the immediate vicinity as mentioned above, permits reapplication but does not compel a favorable decision by the Zoning Board of Adjustment. This provision applies only to subsequent appeals and applications and does not affect the right to seek judicial review of a decision of the Zoning Board of Adjustment as provided by Texas Local Government Code.

c. No Precedent Established

The granting of a special exception in one case shall not constitute a precedent for subsequent applications. Each special exception request shall be evaluated on its individual merits.

d. Any special exception granted or authorized by the Board under the provisions of the City's UDC shall authorize the issuance of a building permit for a period of 90 days from the date of the favorable action of the Board unless said Board shall in its action approve a longer period of time or prior to the expiration of the permit shall grant a longer period and so show such specific longer period in the minutes of its action. If the building permit shall not have been issued within said 90-day period or such extended period as the Board may specifically grant, then the special exception shall be deemed to have been waived and all rights thereunder terminated. Such termination and waiver shall be without prejudice to a subsequent appeal to the Board in accordance with the regulations herein contained.

Section 3.16 Administrative Exception

A. Applicability

Administrative Exception allows City Staff to approve pre-authorized deviations to the requirements established within Article 5 through Article 10. This tool reduces the need for zoning variances or Planned Unit Developments (PUDs) by allowing for different standards that conform to the intent of this UDC and the Comprehensive Plan.

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B. Authority

1. The Director shall have the authority to determine that the language or a particular development standard in this UDC is incorrect, unclear, or otherwise in error and authorize an adjustment or interpretation to correct such error as necessary.
2. The Director shall have the authority to consider and authorize an adjustment up to 10 percent of any numerical standard set forth in this UDC, with the following exceptions:

    a. Any numerical standard set forth in this UDC that has been previously adjusted by way of a City board or commission, Special Exception, Special Use Permit, or other similar process may not be eligible for an Administrative Exception. Accordingly, any adjustment made in conformance with this section may not be allowed further adjustment by any other process allowed in this UDC.

    b. Any consideration of a numerical adjustment greater than 10 percent shall require a request for a Variance, per the terms of Section 3.14. Zoning Variance and Section 3.15. Special Exception.

C. Review Process

1. Application Completeness

    a. A request for administrative exception may be submitted for review and approval with a site plan application or in a narrative format as part of the application submittal.

    b. Administrative Exception requests must include references to the specific sections within the UDC that allow for consideration of such requests.

    c. Administrative Exception requests shall not be granted unless the UDC identifies the standard as qualifying for an administrative exception.

2. Staff Decision

    a. The Director shall review the site plan application, considering any applicable criteria for administrative exception approval.

    b. The Director shall take final action on the proposed administrative exception.

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D. Approval Criteria

The Director may approve an administrative exception standard if it meets all the following:

a. The proposed administrative exception standard is in agreement with and promotes the recommendations and policies of the Comprehensive Plan;

b. The proposed administrative exception standard does not reduce a standard unless it is, to the greatest extent practical, equally mitigated or improved by increasing standards of other comparable requirements; and

c. The proposed administrative exception standard does not modify the land uses allowed in the zoning district in which the subject property is located.

2. Alternative Landscape Plan

a. The Director may approve an alternative landscape plan in lieu of strict compliance with the landscape standards of this UDC if the proposed plan meets all of the following criteria:

i. The proposed plan advances the purpose and intent of the landscape standards of this UDC and provides an equivalent or higher level of visual quality, environmental benefit, and site enhancement;

ii. The proposed plan results in a creative arrangement of new large trees that enhances the overall visual quality and environmental function of the site;

iii. The proposed plan maximizes water conservation and incorporates drought-tolerant, Fire Wise, or native plant materials;

iv. The proposed plan minimizes the removal of existing trees and the alteration of other significant natural features, including rock outcroppings, floodplains, or waterways;

v. The proposed plan is visually compatible with and complementary to the landscaping of surrounding developments in the immediate area; and

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vi. The site is encumbered by easements or other site conditions that prohibit the placement of landscaping as otherwise required by this section.

b. If the Director denies the application for the alternative landscape plan, the applicant may, within 30 days after receipt of notice of such denial, appeal the decision to the Zoning Board of Adjustment in accordance with Section 3.13. Appeal of an Administrative Decision – Zoning Regulations.

E. Expiration

The Administrative Exception shall expire if the companion application expires, as specified in this section. If the Administrative Exception is a stand-alone application, the approval will expire in 24 months unless the exception is applied to a subsequent application in a manner consistent with the approval.

F. Record Keeping

1. The Director shall provide written documentation detailing the decision to approve or deny the administrative exception and keep record of the administrative exception with the companion application's case file(s).
2. The Director may periodically report to the DRC recently-granted Administrative Exceptions.
3. Any Administrative Exception attributed to an incorrect, unclear, or erroneous standard should be routinely corrected following the procedures in Section 3.06.

G. Appeal

See Section 3.13. Appeal of an Administrative Decision – Zoning Regulations.

Section 3.17 Subdivision of Land

1. Requirement to Plat

Platting is required for the following actions:

a. Creation of a development site on a single lot or tract;

b. Subdivision of land to divide a lot or tract into two or more parcels;

c. Combination of lots or tracts;

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d. Amendment(s) to a recorded plat; or

e. Correction of errors on a recorded plat.

2. Exemptions to Platting

a. The following are exemptions to the requirement to plat in Section 1:

i. Dedication of an easement or right-of-way by a separate document approved by the City and recorded with the County; or

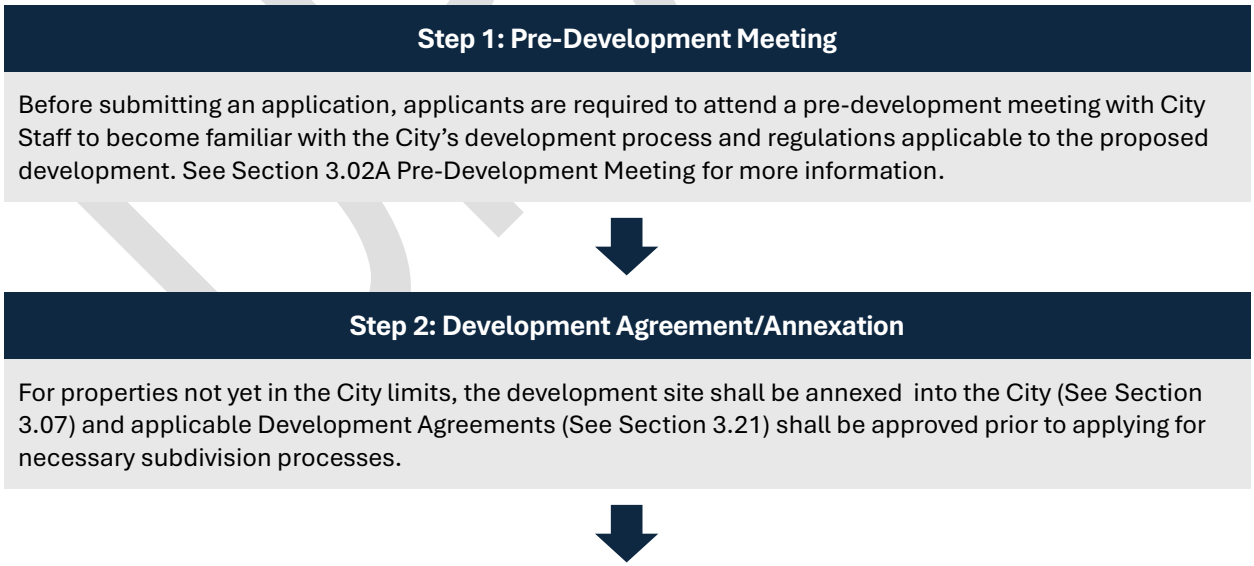
ii. Division of land created by order of a court of competent jurisdiction.

b. Per TLGC Section 212.004, a plat is not required for a division of land that is five (5) acres or greater where each part has access to an existing and improved public road and no public improvements are being dedicated for public use.

B. Platting Process Overview

1. The following flowchart depicts a typical subdivision process. It is intended to help applicants establish a general understanding of common subdivision procedures. Individual subdivision cases may require additional or alternative steps.

Figure 3-8 Platting Process Overview



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Step 3: Preliminary Plat

When applicable, a Preliminary Plat must be submitted for review and approval in accordance with Section 3.17 .J. Preliminary Plat

Step 4: Construction Plans and Construction of Improvements

Following approval of (or in conjunction with) a Preliminary Plat, the applicant must submit Construction Plans for all public improvements within the proposed development. See Section 3.17K.1.d Construction Plans Required. Following approval of Construction Plans, the applicant may begin constructing public improvements. See Section 12.02 .F Installation, Acceptance and Maintenance of Required Improvements. Following completion of public improvements, the City will inspect the improvements in accordance with Section 12.02 .F Installation, Acceptance and Maintenance of Required Improvements.

Step 5: Fiscal Surety

Once any required public improvements have been installed (or performance security provided in accordance with Section 12.13A. Fiscal Surety, a Final Plat may be submitted for consideration. See Section 3.17 .K Recording Plats for more information.

Step 6: Filing and Acceptance

Once a Final Plat has been approved, it must be filed with the respective County Clerk's office. The City Engineer will again inspect the construction and, if acceptable, issue a Letter of Final Acceptance in accordance with Section 12.02F.11.c. Final Acceptance.

2. Pre-Development Meeting Required

   A pre-development meeting is required in accordance with Section 3.02A. Pre-Development Meeting prior to the submission of a subdivision application.

3. Prior to the subdivision, resubdivision, or development of any land within the City, all plats and plans for infrastructure improvements must first be approved in accordance with regulations specified in Section 1.01A.1 except for:

a. Construction of additions or alterations to an existing building where no drainage, street, utility extension or improvement, additional parking, or street access change is required to meet the standards of this Code are necessary to support such building addition or alterations.

b. Divisions of land created by order of a court of competent jurisdiction.

c. A change in ownership of a property through inheritance or the probate of an estate.

d. Cemeteries complying with all state and local laws and regulations.

4. Application and Completeness Determination

   The Director is responsible for checking that a complete application has been submitted with all material necessary for an informed decision in accordance with the Administrative Procedures Manual and the Engineering Design Manual.

5. No land may be subdivided or platted through the use of any legal description other than with reference to a plat approved by the Planning and Zoning Commission or the Administrative Official in accordance with these regulations.
6. No building permit or certificate of occupancy may be issued for any parcel or tract of land until such property has received final plat approval and is in conformity with the provisions of this UDC, the plat has been recorded, public improvements have been accepted by the City (if applicable), and no private improvements will take place or be commenced except in conformity with these regulations in this UDC.
7. No final plat may be approved without first satisfying the requirements of this UDC in accordance with Section 11.01D, including but not limited to, the regulations of Article 11. Subdivision Layout and Street Design and Article 12. Infrastructure, Environment and Public Improvements.
8. No person shall transfer, lease, sell, or receive any part of a parcel before an amending plat, replat, or final plat of such parcel and the remaining parcel has been approved in accordance with the provisions of this UDC and recorded in the Official Public Records of the respective county.
9. The platting or subdivision of any lot or any parcel of land, using GPS as a substitute for metes and bounds for the purpose of sale, transfer, lease, or

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development, is prohibited. GPS may be used as supporting documentation only, and the datum source must be referenced.

C. Submittal Schedule

1. The Director may prepare an application submittal schedule detailing the days on which application submittals and resubmittals are accepted for review. The application submittal schedule may be adopted within an Administrative Procedures Manual and will be kept on file with the Planning and Development Department and published on the City's website. The Director is authorized to adjust the submittal schedule to accommodate holidays, City closures and cancelled or special-called meetings.
2. Each plat application will be governed by the uniform filing calendar adopted by the Director.
3. Official Filing Date

    a. For the purposes of this UDC, the official filing date of an application shall be the date upon which a submission for approval of any type of plat is filed according to the uniform filing calendar. Plat submissions may be submitted at any time and will be considered filed on the next uniform filing date after submission to the City.

    b. Plat submissions which do not include all required information and materials, as outlined below and per other city ordinances that may change from time to time, will be considered incomplete and shall not be approved until the proper information is provided to city officials including the city's retained planning and engineering consultants, if applicable.

D. Application Forms

The Director shall prepare application forms, which shall include checklists for 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 UDC. The application forms and checklists may be adopted within an Administrative Procedures Manual and will be kept on file with the Planning and Development Department and published on the City's website. The Director shall update the application forms and checklists as required due to amendments to this Article, state law, or applicable technical codes and manuals.

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E. Waiver of Right to 30-Day Action

1. The Director shall be the official decision-maker for a Waiver of Right to 30-Day Action.
2. An applicant may request a Waiver of Right to 30-Day Action relating to the decision time of 30 days mandated by state law. Such requests must be submitted on the official Waiver of Right to 30-Day Action form provided by the Planning and Development Department.
3. Waiver requests must be received by the Director prior to the time at which action would have to be taken (based on the 30-day state law requirement).
4. The granting of a Waiver of Right to 30-Day Action shall not be deemed in any way a waiver of any requirement within this UDC.
5. The Waiver of Right to 30-Day Action may postpone consideration of plats for a period not to exceed 30 days from the date that the waiver is received by the City.
6. In the event that the Waiver of Right to 30-Day Action expires, the plat shall be considered void by the City and a separate plat application will be required for review and consideration.

F. Plat Approval Authority

1. See Section 2.01B. Summary of Review Authority.

G. Plat Types

The following table summarizes the types of plats required by this Code as well as their corresponding process. Also see the Summary of Review Authority table in Section 2.05B of this UDC for the decision-making authority for each plat type. When a proposed division is subject to more than one description within a plat type, the more restrictive process is applicable.

Figure 3-9 Plat Type Summary

Plat Type	Description	Public Hearing	Expiration
Preliminary Plat	Required when the extension of public infrastructure, including public utilities and roadways, is required or proposed	No	24 months from approval date unless Final Plat recorded within that time. Phased Preliminary Plats expire 24 months from date last Final Plat recorded.

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Plat Type		Description	Public Hearing	Expiration
		Preliminary Plat that includes existing platted property	See Replat	
		Amendment to approved Preliminary Plat	No	Maintains expiration date of original Preliminary Plat being amended
Recording Plats	Final Plat	Final Plat of approved Preliminary Plat	No	Must be recorded within 24 months from approval date
		Plat with more than 4 lots, but with no required or proposed public infrastructure	No	
		Combined Preliminary and Final Plat is available when plat that could qualify as Minor Plat requires land or utility dedication	No	
		Final Plat that proposes qualified Minor Deviations from the approved Preliminary Plat	No	
		Final Plat that proposes qualified Major Deviations from the approved Preliminary Plat	No	
		Final Plat processed concurrently with Subdivision Waiver	No	
	Replat	A resubdivision of all or part of an existing plat, involving more than 4 lots	Yes	Must be recorded within 24 months from approval date
		A resubdivision of all or part of an existing plat, involving 4 lots or less (non-residential)	No	

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Plat Type		Description	Public Hearing	Expiration
		A Replat involving property that is or has been subject to single or two-family restrictions or zoning within last 5 years	Yes	
		A Replat that is processed concurrently with a Subdivision Waiver	No	
	Amending Plat	Plat meeting the standard qualifications of Amending Plat (i.e. corrections to previous plat, moving lot line, etc.)	No	Must be recorded within 24 months from approval date

H. Submission Requirements

The applicant shall submit the information required in the Administrative Procedures Manual as specified in the corresponding plat application checklist. A plat application is considered filed for the purposes of Texas Local Government Code § 212.004(f) on the date the applicant submits the plat, along with a completed plat application and the application fees and all required documentation prescribed by or under this Code and Texas Local Government Code Chapter 212, subject to Section 3.02E. Determination of Application Completeness within this UDC. The final copy of Preliminary and Recording Plats shall be prepared and submitted by the applicant in conformance with the Administrative Procedures Manual.

I. Staff Review

1. The Director may establish procedures for administrative review of plat applications necessary to ensure compliance with this Code and State law.
2. The Director may assign staff to review the plat application and make a report to the Director.
3. Once the Director determines the application has been filed, the Director shall either approve, conditionally approve, or disapprove the application.

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4. If an application is disapproved or conditionally approved, the Director shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.

J. Preliminary Plats

1. Purpose

The purpose of a preliminary plat is to ensure that:

a. Lots established within a proposed subdivision will be consistent with all applicable dimensional and design standards listed in Article 4. Zoning Districts and Uses.

b. Proper provision has been made for infrastructure to serve the proposed subdivision, including rights-of-way improvements and alignment and public utilities such as water, wastewater, and stormwater facilities; and

c. Property is efficiently organized for all required rights-of-way, public improvements, and other land dedicated for public use to prevent substantial design changes throughout the development process.

2. Preliminary Plat Required

a. A preliminary plat is required before approval of any division of land or platting activity that requires or proposes the extension of public infrastructure, including, but not limited to, public utilities and roadways.

b. When the subdivision and development of land is proposed in phases, the full limitations of the subject tract must be included in the bounds of the preliminary plat.

i. Areas intended to be further subdivided and developed in future phases must be designated as such on the face of the preliminary plat.

ii. Phases intended for future subdivision and development require the submission and approval of additional preliminary plats unless otherwise illustrated in full detail at the time of the preceding preliminary plat.

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3. Preliminary Plat Submittal

    a. The preliminary plat must be submitted with a completed application, include all items required by the Preliminary Plat Submittal Checklist, show proposed utilities being provided and public improvements, and be in accordance with all requirements of this UDC.

    b. Complete preliminary plat applications submitted by the application deadline specified on the plat review calendar (kept by the Planning and Development Department) will be reviewed by the Director. The preliminary plat will be reviewed and decided by the Director or placed on the agenda for the next regularly scheduled meeting of the Planning and Zoning Commission for consideration, as applicable.

    c. Development Plans

        i. A site development permit or minor site development permit (referred to here as the "development plan") in accordance with Section 3.20. Site Development Permit must be submitted concurrently with the preliminary plat of a property intended to be developed with a use other than a residential use with less than two (2) units on a single lot.

        ii. The development plan must contain all information required by the Development Plan Checklist unless certain elements are specifically determined by the Director to be inapplicable.

        iii. A development plan expires if the preliminary plat with which it is associated expires. Following such expiration, no application for a certificate of occupancy will be considered complete or approved until a new development plan has been approved.

4. Preliminary Plat Review and Approval Process

    a. The Director will:

        i. Distribute a copy of the preliminary plat to the DRC for review;

        ii. Take one of the following actions on the preliminary plat:

            (A) Approve the preliminary plat,

            (B) Deny the preliminary plat, or

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(C) Make a recommendation and refer the plat to the Planning and Zoning Commission for action.

b. Planning and Zoning Commission approval is required for the following preliminary plats:

i. A preliminary plat that requires a subdivision waiver, or

ii. A preliminary plat that is referred to the Planning and Zoning Commission by the Director.

c. Approval

Approval does not constitute acceptance of the subdivision, but is only authorization to proceed with the preparation of construction plans and the final plat.

d. Approval with Conditions

i. The Planning and Zoning Commission may attach such conditions to approval of the preliminary plat as are necessary to ensure compliance with this UDC, including conditions related to assuring the adequacy of the sanitary sewer collection and treatment facilities serving the subdivision.

ii. Conditional approval subjects the subdivision to compliance with prescribed conditions and shall constitute disapproval until such conditions are met.

iii. The conditions attached to the preliminary plat must be met upon filing of the final plat.

e. Denial

Denial signifies rejection of the preliminary plat as submitted. The applicant may choose to restart the subdivision approval procedure, including payment of all fees required in the process.

5. Effect of Approval

a. Approval of a preliminary plat authorizes the owner to apply for approval of construction plans that conform to the preliminary plat and any conditions attached to the preliminary plat's approval. Upon approval of the construction plans, the owner may file for approval of the final plat.

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b. The approval of a preliminary plat does not constitute authorization or approval for connection to the City's water or sanitary sewer systems.

K. Recording Plats (Final, Replat, etc.)

1. Final Plat

a. Purpose

The purpose of a final plat is to ensure:

i. The proposed subdivision or development is consistent with all standards of the UDC;

ii. Public facilities exist to serve the development, the City has accepted the public facilities, or the subdivider has made provision for installation and acceptance; and

iii. All other City requirements and conditions have been satisfied to allow the final plat to be recorded.

b. Final Plat Required

i. No subdivision of land located within the City's corporate limits or ETJ may occur prior to:

(A) The approval of a final plat in accordance with this UDC and applicable State law, and

(B) Recording the approved final plat in the Official Public Records of the respective county.

ii. After obtaining the approval of a preliminary plat, if applicable, and compliance with all necessary fiscal agreements, including fees, assessments, and delinquent taxes, the applicant may submit a final plat.

iii. Except as otherwise provided in this UDC, no building permit may be issued to construct a building on property that has not been previously the subject of an approved and recorded final plat.

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c. Final Plat Submittal

i. The final plat must be submitted with a complete application, include all items required by the Final Plat Submittal Checklist, and be in accordance with all requirements of this UDC.

ii. Complete final plat applications submitted by the application deadline specified on the plat review calendar published by the Planning and Development Department will be reviewed and decided by the Director or placed on the agenda for the next regularly scheduled meeting of the Planning and Zoning Commission for consideration, as applicable.

iii. The final plat application must be accompanied by a written list of any and all differences between the preliminary plat and the final plat, as applicable. Except for changes approved by the City in approving the final plat, the final plat must substantially comply with the approved preliminary plat.

d. Construction Plans Required

i. Before submitting a final plat application, the subdivider must submit to the City the construction plans prepared in accordance with Section 3.17M Construction Plans. These plans must be approved by the City Engineer prior to the City's acceptance of the final plat application.

(A) A final plat application may be accepted prior to construction plan approval only if it is accompanied by a 30-day waiver, in which case the final plat may be approved after the final construction plan approval.

ii. Construction plans must, at a minimum, make adequate provision for the public improvements listed in Section 12.02B.

iii. Construction plans must conform to the provisions of the Subdivision Regulations; the layout of the preliminary plat, as applicable; the regulations within this UDC; and all other ordinances and manuals of the City relating to construction standards.

iv. The subdivider is responsible for the full cost of all public improvements.

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e. Final Plat Review and Approval Process

i. The Director will:

(A) Distribute a copy of the final plat to the DRC for review; and

(B) Take one of the following actions on the final plat:

(1) Approve the plat,

(2) Approve the plat with conditions,

(3) Deny the plat, or

(4) Make a recommendation and refer the plat to the Planning and Zoning Commission for action.

ii. Approval with Conditions

If the City grants approval with conditions needed to meet the City's rules and regulations, the City shall provide the applicant with the specific conditions; the plat shall be considered approved and subject to the typical plat expiry period in accordance with L.2 below once the Director determines the conditions have been met. Approval with conditions expires at the end of the 30-day approval window, at which time the revised plat addressing the conditions of approval shall be submitted to the Director. Approval with conditions may expire 6 months from the date of City action if the applicant submits a Waiver of Right to 30-Day Action.

iii. Planning and Zoning Commission approval is required for the following final plats:

(A) A final plat that requires a subdivision waiver,

(B) A final plat that is referred to the Planning and Zoning Commission by the Director,

(C) A final plat that requires fiscal surety to delay infrastructure improvements, or

(D) A final plat that does not align with an approved preliminary plat.

iv. Approval constitutes acceptance of the final plat, and the subdivider must proceed with the filing of the final plat.

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v. Disapproval constitutes rejection of the final plat. The applicant may then choose to reinitiate the subdivision approval procedure, including all fees required in the process.

vi. The approval of a final plat does not constitute authorization or approval for connection to the City's water or sanitary sewer systems.

vii. The final plat will be filed by the subdivider in the Official Public Records of the respective county after the City has officially acted on the final plat with reference to improvements, dedications, and utilities.

viii. Filing fees for recording the final plat must be paid by the subdivider.

f. Effect of Approval

The approval of a final plat:

i. Supersedes any prior approved preliminary plat for the same land; and

ii. Authorizes the applicant to request issuance of a building permit.

2. Amending Plat and Replat

a. Purpose

i. A replat is the resubdivision of a previously filed plat without vacation of the previous plat.

ii. An amending plat is a plat which makes minor adjustments to existing plats under certain circumstances in accordance with TLGC Section 212.016.

b. Amending Plat or Replat Required

i. A person seeking to combine two or more contiguous and previously platted lots into one single lot for the purpose of removing interior lot lines to create more buildable lot area must submit a replat, obtain approval from the City, and file the replat on record in the Official Public Records of the respective county.

ii. A replat may not be used to alter, amend, or remove any covenants or restrictions.

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iii. An amending plat may only be used for the following purposes:

(A) To correct an error in any course or distance shown on the prior plat;

(B) To add any course or distance that was omitted on the prior plat;

(C) To correct an error in the description of the real property shown on the prior plat;

(D) To indicate monuments set after death, disability, or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments;

(E) To show the proper location or character of any monument which has been changed in location or character or which originally was shown at the wrong location or incorrectly as to its character on the prior plat;

(F) To correct any other type of scrivener or clerical error or omission as previously approved by the City; such errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent recorded plats;

(G) To correct an error in courses and distances of lot lines between two adjacent lots where both lot owners join in the application for plat amendment and neither lot is abolished, provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a materially adverse effect on the property rights of the other owners in the plat;

(H) To replace a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement; or

(I) To relocate one or more lot lines between one or more adjacent lots where the owner or owners of all such lots join in the application for the plat amendment, provided that such amendment does not:

(1) Attempt to remove recorded covenants or restrictions; or

(2) Increase the number of lots.

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c. Amending Plat or Replat Submittal

An amending plat or replat must be submitted with a completed application, include all items required by the Amending Plat/Replat Submittal Checklist, and be consistent with the requirements of this UDC.

d. Amending Plat or Replat Review and Approval Process

i. The Director will:

(A) Distribute a copy of the amending plat or replat to the DRC for review; and

(B) Take one of the following actions on the replat or amending plat:

(1) Approve the plat,

(2) Approve the plat with conditions, or

(3) Make a recommendation and refer the plat to the Planning and Zoning Commission for action.

ii. The amending plat or replat will be filed on record by the subdivider in the Official Public Records of the respective county after the City has officially acted on the amending plat or replat.

iii. Filing fees for recording the amending plat or replat must be paid by the subdivider.

e. Additional Requirements for Certain Replats

i. Applicability

In accordance with TLGC Section 212.015, this section applies to a replat filed without vacation of the preceding plat if either of the following conditions apply:

(A) Within the preceding five years, any part of the area to be replatted was limited by zoning to residential use for not more than two dwelling units per lot; or

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

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ii. Public Hearing Required for Replats with Variance or Exception

If a replat meeting the conditions of Section 3.17K.2.e.i above requires a variance or exception, the Planning and Zoning Commission must hold a public hearing prior to approval.

(A) Notice of Hearing

Notice must be provided at least 16 days prior to the hearing by:

(1) Publishing in an official newspaper or a newspaper of general circulation in the respective county; and

(2) Mailing written notice, with a copy of Subsection iii below attached, to the owners of all lots within the original subdivision that are located within 200 feet of the lots to be replatted, as shown on the most recent tax roll. Mailing is complete upon deposit in the U.S. mail, properly addressed and with postage prepaid.

iii. Protest Rights

(A) If the proposed replat requires a variance and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the Planning and Zoning Commission.

(B) For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the Planning and Zoning Commission prior to the close of the public hearing.

(C) In computing the percentage of land area, the area of streets and alleys must be included.

iv. Exception for Nonresidential Areas

The protest and supermajority approval requirements Section iii above do not apply if the part of the preceding plat being replatted was designated or reserved for uses other than single-family

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detached or single family attached, either by notation on the plat or by recorded restrictions.

v. Replats without Variance or Exception

(A) If a replat meeting the conditions of Section 3.17K.2.e.i above does not require a variance or exception, a public hearing is not required. Instead, the City must, no later than 15 days after approval of the replat, mail written notice of the approval to each owner of a lot in the original subdivision located within 200 feet of the lots replatted, according to the most recent tax roll.

(B) This requirement does not apply if the City provided notice and held a public hearing under Section 3.17K.2.e.ii above.

vi. Contents of Notice of Approval

(A) The notice of approval required under Section 3.17K.2.e.v above must include:

(1) The zoning designation of the property after the replat; and

(2) The telephone number and email address for lot owners to contact the City with questions about the replat.

f. Effect of Approval

Approval of an amending plat or replat authorizes the applicant to request issuance of a building permit.

3. Plat Vacations

a. Purpose

In accordance with TLGC Section 212.013, the purpose of a plat vacation is to provide an expeditious means of vacating a recorded plat in its entirety.

b. Initiation of a Plat Vacation

i. Prior to the Sale of Any Lot

The owner of a property covered by a plat may submit an application to vacate the plat at any time before any lot in the plat is sold.

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ii. After the Sale of Any Lot

If lots in the original plats have been sold, an application to vacate the plat must be submitted by all owners of property in the plat with approval obtained in the manner prescribed for the original plat.

(A) If the original plat was approved prior to the effective date of this UDC, the plat vacation request shall be processed in accordance with this UDC, per Section 3.17K.3.

c. Plat Vacation Review and Approval Process

For purposes of this Subsection, the approval authority prescribed for the original plat shall be the Director for plats originally approved administratively and the City Council for plats originally approved by the City Council.

i. The Director will:

(A) Distribute a copy of the plat vacation to the DRC for review and comment; and

(B) Forward the plat to the approval authority prescribed for the original plat (if different from the Director) and make a recommendation for one of the following actions:

(1) Approve the plat vacation,

(2) Approve the plat vacation with conditions, or

(3) Deny the plat vacation.

ii. The approval authority prescribed for the original plat will:

(A) Take one of the following actions:

(1) Approve the plat vacation;

(2) Approve the plat vacation with conditions, which means the plat vacation is considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or

(3) Deny the plat vacation.

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iii. The approval authority prescribed for the original plat's decision on a plat vacation is final.

d. Effect of Approval

On the execution and recording of the plat vacation, the originally recorded plat has no effect.

L. Extension of Approved Subdivision Plats

1. Preliminary Plat Expiration

a. An approved preliminary plat, including any associated approvals granted with the application for preliminary plat, expires and becomes null and void if a final plat application for the subdivision has not been approved within two (2) years from the date the preliminary plat was initially approved.

b. Upon expiration of the preliminary plat, or upon denial of a timely submitted request for an extension of the preliminary plat, a new application for a preliminary plat must be submitted, subject to the requirements in effect at the time the application is filed with the City.

c. Expiration of Phased Preliminary Plats

i. For the purposes of this subsection, a phased preliminary plat includes any preliminary plat for which the subdivider proposes to obtain final plat approval for portions of the approved preliminary plat at different times.

ii. A subdivider must submit and receive approval of a final plat for the first and all subsequent phases of the phased preliminary plat within the time limits prescribed in this section or as set forth in a phasing schedule approved as part of the preliminary plat.

iii. A phased preliminary plat expires two (2) years from the date the City initially approved the phased preliminary plat application for the portion of the land for which a final plat has not been approved by said date.

iv. Not later than two (2) years after approval of the final plat for the first phase of the development, or not later than such other period as may be provided in an approved phasing schedule, a final plat must be

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approved for the next phase of the development, continuing with each successive phase, until final plats have been approved for all of the land subject to the original phased preliminary plat.

v. Failure to meet a platting deadline as prescribed in this section or as included in the phasing schedule will result in the expiration of the phased preliminary plat for all remaining phases of the phased preliminary plat for which a final plat has not been approved.

vi. If an approved final plat subsequently expires for a phase of the phased preliminary plat, the phased preliminary plat and all remaining phases for which a final plat has not been approved shall expire.

d. Extension of Preliminary Plat Approval

i. The expiration date for a preliminary plat, or any phase of a phased preliminary plat, may be extended by the Planning and Zoning Commission for a period of not more than one (1) year, provided a request for extension is made in writing by the subdivider not less than 30 days before the approved preliminary plat expires.

ii. Every request for an extension must include a statement of the reasons why the expiration date should be extended.

iii. The Commission will take into account the reasons for the requested extension, the ability of the applicant to comply with any conditions attached to the original approval, whether extension is likely to result in timely completion of the project, and the extent to which newly adopted regulations should be applied to the original application.

iv. The Commission may attach conditions to approval of an extension request determined by the Commission to be necessary to ensure that the land will be developed in a timely fashion and that the public interest is served, including a requirement that one or more current development standards be applied to subsequent plat applications within the area subject to the plat.

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2. Final Plat Expiration

   Approval of a final plat expires unless the plat is recorded in the Official Public Records of the respective county within a period of 24 months after the date of final approval.

3. Amending Plat or Replat Expiration

   Approval of an amending plat or replat expires unless the amending plat or replat is recorded in the Official Public Records of the respective county within a period of 90 days after the date of final approval.

M. Construction Plans

1. General Provisions

   a. Construction Plans Required

      Construction plans are required for any project involving public or private improvements within the City or ETJ. Plans must be approved by the City Engineer before construction begins.

   b. Except as otherwise expressly stated, the developer or property owner is responsible for designing, constructing and installing Improvements in accordance with the provisions of this Unified Development Code, the Engineering Design Manual, or other applicable regulations of the City.

      i. For cost-sharing provisions related to oversized utilities, see Section 12.11B. Oversizing Cost Participation.

   c. All improvements shall be designed by a Professional Engineer licensed in the State of Texas.

   d. The developer shall be responsible for all material testing and quality assurance.

   e. Improvements must be designed to provide continuity of infrastructure systems, facilitating interconnection with adjacent or future developments.

   f. The developer shall maintain all required infrastructure until accepted by the City or other responsible entity.

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2. Construction or Financing of Public Improvements

    a. Prior to the submittal of a final plat, or to the submittal of a preliminary plat with which the constructions plans are being submitted concurrently, as applicable, the subdivider shall notify the City Engineer as to the construction procedure the subdivider proposes to follow. One of the following procedures shall be used:

        i. The subdivider may file construction plans, and, upon approval of the construction plans by the City Engineer, proceed with construction of streets, alleys, sidewalks, and utilities that the subdivider is required to install.

        ii. The subdivider may elect to file fiscal surety for subdivision improvements as provided in Section 12.13A, in which case the guarantee of performance shall be filed with the City.

    b. Where the final plat is for property being developed in phases, the required construction plans must include the improvements specified in the preliminary plat to serve the phase being platted.

    c. Upon completion of construction the subdivider shall deliver to the City a two-year maintenance bond for guarantee of workmanship and materials as provided in Section 12.02F.9 Maintenance Bond.

    d. The construction documents, when duly signed by the City Engineer, are authority to proceed with the construction of streets and utilities.

    e. Model Home Construction

        i. A conditional construction permit for a model home may be issued once the streets to the subdivision have been constructed to sub-grade and water service, and a fire hydrant is located within 500 feet of the lot on which the model home is located.

3. The Building Official shall note on the permit that the property owner accepts all responsibility for commencing construction prior to completion of the public improvements and City acceptance of the subdivision. The Certificate of Occupancy for the model home will not be issued until the subdivision and all public improvements have been accepted by the City, a Final Plat has been filed with the County, and all utilities are connected to the model home.

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4. Approval Criteria

   The purpose of the City Engineer's review is to ensure conformance to City policies and standards. However, the City Engineer's review is limited to facts as presented on submitted plans.

   a. The City Engineer shall approve construction plans that are submitted and sufficiently show compliance with any City-approved or adopted design or construction criteria manuals or, in the absence of City-approved or adopted design requirements, standard engineering practices.

   b. The City reserves the right to require corrections to actual conditions in the field that are found to be contrary to or omitted from submitted plans.

   c. The City Engineer shall not approve construction plans that do not adequately represent construction of the approved infrastructure and public improvements included in the approved preliminary plat or site development permit.

   d. Construction plans shall not be approved until letters confirming availability of utilities, as applicable and as defined in this UDC, have been submitted to the City.

5. Responsibility for Final Action

   Final action authority for construction plans shall be as noted in Section 2.01B of this UDC.

Section 3.18 Subdivision Waiver

A. Applicability

The purpose of a petition for a subdivision waiver is to request that a specific requirement or requirements be modified. The intent of these provisions is to allow flexibility for development in unique circumstances. Following the granting of a subdivision waiver, the applicant may submit or continue the processing of a plat or construction plans, as applicable.

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B. Initiation

1. Application and Completeness Determination

   The Director is responsible for checking that a complete application has been submitted with all material necessary for an informed decision in accordance with the Administrative Procedures Manual and the Engineering Design Manual.

2. The subdivision waiver request must be submitted with a completed application, include all items required by the Subdivision Waiver Request Checklist, and be in accordance with all regulatory requirements.
3. An applicant may submit an application for a subdivision waiver in conjunction with either a plat or construction plan application. No subdivision waiver may be considered or granted unless the applicant has made such written request.
4. A subdivision waiver request must be specific in nature and only involve relief consideration for one specific requirement. An applicant may submit more than one subdivision waiver petition if several standards or requirements are at issue.
5. The applicant's request must state the grounds for the subdivision waiver request meeting the decision criteria in Section 3.18.D below.

C. Review and Approval Process

1. Staff Review

   a. The Director and/or City Engineer shall review the application considering the approval criteria in D below and prepare a report to the Planning and Zoning Commission.

   b. The Director may establish procedures for administrative review necessary to ensure compliance with this UDC and State statutes.

   c. The Director may assign staff to review the application and make a report to the Director.

   d. The Director's report may include a recommendation for final action.

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2. Planning and Zoning Commission Decision

   Following review and recommendation by the Director and/or City Engineer, the Planning and Zoning Commission will decide all subdivision waiver requests.

D. Approval Criteria

1. In granting a subdivision waiver, the Planning and Zoning Commission will take into account the following:

   a. The nature of the specific physical conditions of the site, including but not limited to the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such waiver upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

2. The Planning and Zoning Commission may grant a subdivision waiver if an undue hardship will result from requiring strict compliance with these Subdivision Regulations. Financial hardship alone does not constitute undue hardship.
3. Additionally, no subdivision waiver may be granted unless the Planning and Zoning Commission finds that:

   a. There are special circumstances affecting the land involved such that the strict application of the provisions of these Regulations would deprive the applicant of the reasonable use of the land if the subdivision waiver is not granted; and

   b. That the subdivision waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

   c. The granting of the subdivision waiver will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and

   d. The granting of the subdivision waiver will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the adopted Comprehensive Plan and the provisions of this UDC; and

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e. The subdivision waiver will not result in a modification to any zoning regulations set forth in Article 4. Zoning Districts and Uses, as amended; and

f. The subdivision waiver would be in harmony with the general purpose and intent of the adopted Comprehensive Plan and this UDC so that the public health, safety, and welfare may be secured and substantial justice done.

4. The above findings by the Planning and Zoning Commission, together with the specific facts upon which such findings are based, will be incorporated into the official minutes of the Planning and Zoning Commission meeting at which such subdivision waiver is granted or denied.

E. Expiration

A subdivision waiver granted remains in effect for the period the corresponding plat or construction plans are in effect and expires upon expiration of either or both of those applications.

Section 3.19 Subdivision Proportionality Appeal

A. Purpose

The purpose of a Subdivision Proportionality Appeal is to provide a means of relief from a requirement for dedication, construction, payment of a fee, other than an impact fee authorized by Chapter 395 of the Texas Local Government Code, while ensuring that the imposition of uniform dedication, construction, and fee standards to a proposed subdivision does not result in a disproportionate burden on the subdivider, taking into consideration the nature and extent of the demands created by the proposed development on the City's roadways and public facilities systems.

B. Applicability

1. An applicant may file a petition for relief under this Section and TLGC Section 212.904 to contest any requirement to dedicate land or to construct public improvements as required by this UDC, other ordinance, or attached as a condition to approval of the application for subdivision construction plans.

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2. A petition under this Section may not be used to waive standards on grounds applicable to any Subdivision Waiver application, as outlined in Section 3.18. Subdivision Waiver.

C. Petition Requirements

1. Form of Petition

The petition for relief from a dedication, construction, or fee requirement must demonstrate that the standard relating to the requirement is not roughly proportional to the nature and extent of the impacts created by the proposed development on the City's storm drainage, parks or transportation system, or does not reasonably benefit the proposed subdivision.

2. Study Required

The subdivider must provide a study in support of the petition for relief that includes the following information:

a. Capacity Utilized

i. An assessment of the total capacity of the City's storm drainage, parks or transportation system, including bicycle and pedestrian facilities, to be utilized by the proposed subdivision, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the subdivision.

ii. If the subdivision is to be developed in phases, the information required for each plat type must be provided for the entire subdivision proposed, including any phases already developed.

b. Capacity Supplied

i. An assessment of total capacity to be supplied to the City's storm drainage, parks, or roadway system by the proposed dedication of an interest in land or construction of public improvements.

ii. If the application is part of a phased development, the information must include any capacity supplied by prior dedications or construction of public improvements.

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c. Capacity Comparison

   i. A comparison of the capacity of the City's public facilities system(s) to be consumed by the proposed subdivision with the capacity to be supplied to such system(s) by the proposed dedication of an interest in land, construction of public improvements, or payment of a fee.

   ii. In making this comparison, the impacts on the City's public facilities system from the entire subdivision will be considered.

d. A determination of potential City participation in the costs of oversizing the public improvement(s) to be constructed in accordance with the City's requirements, and the outcomes of such participation.

e. Any other information that shows the alleged disproportionality between the impacts created by the proposed development and the dedication or construction requirement imposed by the City.

3. Time for Filing Petition and Study

   a. The subdivider must file the petition for relief from a dedication, construction, or fee requirement with the City Engineer within 15 business days following the decision to conditionally approve or deny an application under these Subdivision Regulations.

   b. The subdivider must file the study in support of the petition within 60 calendar days following the City Engineer's initial written decision, unless the subdivider requests an extension in writing.

   c. The City Engineer may extend the time for submitting the study for a period not to exceed an additional 30 calendar days for good cause shown.

4. Land in the Extraterritorial Jurisdiction (ETJ)

   Where land or facilities to be dedicated are located in the ETJ of the City and are to be dedicated to the County, a petition for relief or study in support of the petition will be accepted as complete for review by the City Engineer only when such petition or study is accompanied by verification that a copy has been delivered to, and accepted and approved by the County, as applicable.

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D. Processing of Subdivision Proportionality Appeal Petitions and Decision

1. Responsible Official

   The City Engineer is the Responsible Official for processing a petition for relief from a dedication or construction requirement.

2. Application and Completeness Determination

   The Director is responsible for checking that a complete application has been submitted with all material necessary for an informed decision in accordance with the Administrative Procedures Manual and the Engineering Design Manual.

3. Review and Recommendation

   a. The City Engineer will review the petition and supporting study and shall make a recommendation to:

      i. The Planning and Zoning Commission, and

      ii. The City Council.

   b. The City may participate in the costs of public improvements, credit or offset the obligations against payment of fees, or relieve the property owner any of the obligations in response to a petition for relief from a dedication or construction requirement if participation or credit will achieve proportionality between the demands created by a proposed subdivision on public facilities and the obligation to provide adequate public improvements.

4. Decision-maker

   The City Council will decide the Subdivision Proportionality Appeal petition after receiving a recommendation from the Planning and Zoning Commission.

5. Burden of Proof

   The subdivider bears the burden of proof to demonstrate that the application of a dedication or construction requirement that is uniformly applied imposes a disproportionate burden on the applicant.

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6. Decision

   The City Council will consider the petition for relief from a dedication or construction requirement based upon the following criteria:

   a. The City Council must determine whether the application of the standard or condition is roughly proportional to the nature and extent of the impacts created by the proposed development on the City's storm drainage, parks, pedestrian infrastructure, or roadway system, and whether the application of the standard or condition reasonably benefits the subdivision.

   b. In making such determination, the City Council shall consider the evidence submitted by the applicant, the report and recommendation of the City Engineer, the recommendation of the Planning and Zoning Commission and, where the property is located within the City's ETJ, any recommendations from the County, as applicable.

7. Action

   Based on the criteria in Section 3.19D.6 the City Council will take one of the following final actions:

   a. Deny the petition for relief, and impose the dedication or construction requirement as required by this UDC; or

   b. Grant the petition for relief, and waive any dedication or construction requirement to the extent necessary to achieve proportionality; or

   c. Grant the petition for relief, and direct that the City participate in the costs of acquiring land for or constructing the public improvement(s) under standard participation policies.

8. Notification of Decision on Petition

   The City Engineer will notify the subdivider in writing of the decision on the petition for relief within 15 business days following the City Council’s decision.

E. Expiration or Failure to File Application

Where an application was denied based upon the imposition of the standard requiring dedication of land or construction of a required public improvement

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and the City Council's decision is to grant some level of relief, the subdivider must resubmit the application within 60 business days following the date the petition for relief is granted, in whole or in part, showing conformity with the City Council's decision on the petition.

1. If the application is not resubmitted within the 60 day period, the application and the relief granted by the City Council on the petition shall expire.
2. If the re-submittal of the application is modified in any other way, a new petition for relief may be required by the City Engineer.
3. If the application for which relief was granted is denied on other grounds, a new petition for relief may be required by the City Engineer.

F. Effect of Relief

1. The subdivider shall submit a modified application or supporting materials to the City Engineer consistent with the relief granted by the City Council on the petition.
2. The relief granted on the petition shall remain in effect for the period the application is in effect and will expire upon expiration of the Subdivision Construction Plans or Plat (see Section 3.02H Plan or Permit Validity and Expiration).

Section 3.20 Site Development Permit

A. Applicability

Prior to any excavation, clearing, or other land alteration for the purpose of development within the City limits, an applicant must submit a site plan for approval and issuance of a site development permit under this section. No such excavation, clearing, or development shall be lawful or permitted to proceed without issuance of a site development permit. All improvements reflected on approved site plans must be constructed at the time of development. All terms and conditions of site development permit approval must be met at the time of development.

B. Review Process

1. Responsibility for Final Action

The Director is responsible for final action on developments specified in this subsection.

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2. Application Processing

   The following regulations shall apply to all applications.

   a. Forms

      i. Site Development Permit applications shall be submitted on forms, with any requested information, checklists and attachments as indicated in the Administrative Procedures Manual. The Director shall have the authority to request any pertinent information required to ensure compliance with this UDC.

   b. Submission Requirements

      Development applications shall be prepared and submitted in a format acceptable to the Director.

3. Application Initiation

   a. Initiation by Owner or Owner's Agent

      i. Unless otherwise specified by this UDC, any petition or application other than an amendment to this UDC may be initiated only by the property owner, owner or owners of an interest in the land, or by the owner's designated agent (collectively, the "applicant").

      ii. If the applicant is a designated agent, the Application must include a written statement from the property owner authorizing the agent to file the Application on the owner's behalf.

      iii. The City may require submission of documents to provide evidence of ownership or agency.

   b. Initiation by the City

      i. The City Manager or City Council may initiate an Application authorized under this UDC.

      ii. If authorized by Council, the City Manager or another designee may initiate amendments to this UDC.

4. Payment of Indebtedness

   a. In accordance with Subsection Section 3.02B.2.c, no application will be accepted or reviewed for completeness from a property owner owing

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delinquent taxes, assessments, fees, or other debt to the City or County related to the property subject to the application until the property owner pays the owed amount, or makes an arrangement for payment.

5. Application Deadline

   All applications shall be completed and submitted to the Director in accordance with the Administrative Procedures Manual. An application shall not be considered as officially submitted or filed until it is determined to be complete as specified below.

6. Determination of Application Completeness

   a. A determination whether an application is complete will be made by the Director within 10 working (business) days of submittal of the application.

   b. If the application is determined to be incomplete, the Director shall notify the applicant in writing specifying the documents or other information needed to complete the application and shall state the date the application will expire (see Expiration of Inactive Permits and Approvals below) if the documents or other information are not provided.

7. Director Review

   a. The Director shall review the application considering the approval criteria in C below and compliance with the provisions of this UDC and other applicable City ordinances.

   b. The Director's decision to approve, conditionally approve, or deny a site development permit shall be based on the standards of this section and may be appealed to the Zoning Board of Adjustment in accordance with the Texas Local Government Code Chapter 211.

8. Written Decision after Final Action

   Within 10 days after a final decision is made by the Director, a copy of the written decision will be sent to the applicant. A copy of the notice will be filed at the Office of the City Manager, where it will be available for public inspection during regular office hours. The written decision will also state the final action authority's findings, conclusions, and supporting reasons or facts whenever this UDC requires such findings as a prerequisite to the final action.

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C. Approval Criteria

A site plan will be approved and a site development permit issued if the development is in compliance with the general criteria for approval of administrative review procedures, the requirements of this UDC and the following additional criteria:

1. Compliance with the zoning and use regulations applicable to the parcel of land to which the site plan is related.
2. Compliance with the general development plan and development agreement or ordinance governing the parcel of land to which the site plan is related.
3. Compliance with any additional site plan approval criteria required within this UDC and City Code of Ordinances, or any additional approval criteria for overlay districts, or any site plan approval criteria adopted as part of a neighborhood or special area plan.
4. Prior to final approval of any plan within the City Limits, the applicant shall demonstrate that the proposed development complies with all applicable requirements of a TCEQ Stormwater Permit. Approval of the site plan constitutes approval of the Site Development Permit and Stormwater Permit.

D. Components of a Site Development Permit

All Site Development Permits shall information sufficient to demonstrate compliance with the provisions of this UDC and the Administrative Procedures Manual, unless otherwise provided for within this Section. The Director retains the right to waive required components or require additional information where appropriate, at the Director's discretion, based on the scale and scope of the project. The following components are the essential requirements:

1. Cover Sheet;
2. General Notes;
3. Boundary Survey/Plat Sheet
4. Dimensional Site Plan;
5. Lighting Plan;
6. Landscape Plan, including a Critical Root Zone Protection Plan, as applicable;
7. Tree Preservation Plan;
8. Utility Plan;
9. Grading Plan;
10. Erosion Control/Stormwater Pollution Prevention Plan (SWPPP);

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11. Drainage Plan; and
12. Construction Detail Sheets, as applicable.

E. Site Development Permit Area of Development

A Site Development Permit shall include the entire area within the legal boundaries of the tract for which it is proposed; however, the area included in a Site Development Permit may be reduced to reflect the actual area of development (i.e., the portion of the tract that is planned to experience construction, expansion, or removal of any improvements to a property) in the situations listed below. The new artificial boundary shall be the same used for all components of the Site Development Permit and shall be scaled such that all requirements applicable to the Site Development Permit can be met within that boundary.

1. The area of development is part of a much larger tract whereby the area encompasses less than 50 percent of the total tract;
2. The proposed improvements are part of a larger campus where the areas are designed to function relatively independent of each other;
3. The excluded area is to remain undeveloped and in its natural state;
4. The improvements are proposed to be added to an existing site, provided:
5. No improvements are proposed to the excluded area;
6. Review of the excluded area is not necessary for review of the area of development;
7. The improvements proposed within the area of development are not dependent on improvements located within the excluded area; and
8. No retrofitting of existing site improvements is required pursuant to the provisions applicable to the expansion of a nonconforming structure or site in Article 14; and
9. Other similar circumstances, as determined by the Director.

F. Site Development Permit Phasing

When development is proposed for a larger site with multiple buildings, an applicant may choose to partition the site and construct the improvements in a series of phases as follows:

1. The Site Development Permit submittal shall include a Phasing Plan indicating the boundaries of each phase and the order of construction of associated site improvements.

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2. No Phasing Plan shall propose more than five (5) phases or exceed a period of 10 years. The Director may approve phasing in excess of this number if the applicant can provide justification for such.
3. The proposed order of phasing shall follow a logical progression and, in the event subsequent phases are not built, must meet the minimum requirements of this Code, including, but not limited to, parking, landscaping, tree mitigation, fire access, and stormwater management.
4. Changes to a Phasing Plan shall meet the requirements of this Section and follow the procedures established for revisions of Site Development Permit.

G. Minor Site Development Permit

1. Purpose

    a. The minor site development permit provides an expedited review process for small-scale or context-sensitive development of a limited scope located on existing lots within developed areas of the City.

    b. The process is intended to encourage housing types and infill patterns consistent with the Comprehensive Plan, such as single-family attached or detached dwellings, townhouses, cottage courts, accessory dwelling units (ADUs) and compatible small-scale commercial or adaptive reuse projects.

    c. Example minor site development permits include:

        i. Small building additions;

        ii. Revisions to parking lots (including striping and small expansions) and landscaping;

        iii. Outdoor storage additions or adjustments;

        iv. Creation of outdoor amenities at existing businesses; or

        v. Construction of an accessory dwelling unit or creating a second entrance for a new unit within an existing building.

2. Applicability

    a. A minor site development permit may be utilized where the Director determines that the proposed development:

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i. Meets the applicable criteria for minor site development set forth in this UDC; and

ii. Involves a type of infill housing, mixed-use, or adaptive reuse project encouraged in the Comprehensive Plan and the character of the surrounding area.

b. A minor site development permit shall not be utilized:

i. For developments that require a variance or special exception;

ii. For projects that require a Traffic Impact Analysis;

iii. For projects that require a drainage study;

iv. For projects that propose an increase in impervious cover that exceeds 1,000 square feet;

v. For projects that propose a new building that exceeds 1,000 square feet;

vi. For projects that propose a building addition that exceeds 1,000 square feet or 20 percent of the existing building's square footage, whichever is less; or

vii. For projects that, as determined by the Director, generate other off-site impacts or have a combination of characteristics otherwise in compliance with this subsection that warrant standard site plan review.

3. Components of a Minor Site Development Permit

The components required with a Minor Site Development Permit application shall be those determined by the Director to be applicable to the particular situation and necessary to verify the conformance of the proposed site improvements with the provisions of this UDC. The Director may determine an engineer is not required to prepare the plans under the Minor Site Development Permit provisions if the proposed improvements do not warrant such.

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4. Director Review

    a. The Director shall review the application considering the approval criteria in C above and compliance with the provisions of this UDC and other applicable City ordinances.

    b. The Director's decision to approve, conditionally approve, or deny a minor site development permit shall be based on the standards of this section .

5. Coordination with Building Permit

    a. An application for a minor site development permit may be submitted concurrently with a building permit application.

    b. The Director shall coordinate the review of both applications to ensure timely processing and consistent review outcomes.

    c. A building permit shall not be issued until the minor site development permit has been approved.

H. Revisions to Approved Site Development Permits

Any modifications to an approved Site Development Permit must be resubmitted to the Director for consideration as follows:

1. Modifications to an approved Site Development Permit that do not substantially change the design or nature of the original Site Development Permit and have no significant adverse impact upon neighboring properties, the public, or persons who will occupy or use the proposed development may be processed as one of the following based upon the scope and impact of the change:

    a. A Record Change/Record Drawing; or,

    b. A Minor Revision to a Site Development Permit; or,

    c. A Site Development Permit Amendment.

2. An application for modification of a Site Development Permit following the requirements of the Administrative Procedures Manual shall be submitted to the Planning and Development Department identifying the requested revisions and/or modifications.
3. The Director shall publish requirements within the Administrative Procedures Manual for all modifications to approved plans.

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4. All other revisions or modifications to an existing Site Development Permit that do not meet the provisions of Subsections a above or b above shall be processed as a new Site Development Permit application.
5. Approval of a new Site Development Permit or Site Development Permit Amendment application shall void the previously approved Site Development Permit. A Minor Revision to a Site Development Permit, or a Record Change/Record Drawing shall directly update and be applied to the original Site Development Permit.

I. Expiration

1. A Site Development Permit shall expire 24 months after the date that the Site Development Permit was approved, unless:

   a. A Building Permit application has been approved or, if no Building Permit is required, a Certificate of Occupancy has been issued.

   b. In case of projects where more than one building or phase is to be built, the applicant may submit a series of Building Permit applications. The first application must be approved within 24 months from the date Site Development Permit approval is granted. Each subsequent application must be approved within 24 months from the date of issuance of a Certificate of Occupancy, conditional or otherwise, by the Building Official for the previous phase of the development.

   c. Except as provided for within this Section, a lapse of a period greater than those set forth above causes the related approvals or permits to expire and be of no further force and effect. Any further action shall require a new application and approval.

2. Site Development Permit Extension

   Prior to expiration of an approved Site Development Permit, an applicant may request a one-time extension of the Site Development Permit approval for a period of 24 months if the Director determines such extension will have no negative impacts on the surrounding area and would not be contrary to the public interest. A request for Site Development Permit extension shall follow the procedures set forth for such in the Administrative Procedures Manual.

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3. Site Development Permit Reinstatement

   In the event a Site Development Permit approval expires, an applicant may seek a one-time reinstatement of the approved Site Development Permit, without modification, subject to the provisions below. Such reinstatement may be granted by the Director for a period not to exceed 24 months. A request for Site Development Permit reinstatement shall follow the procedures set forth for such in the Administrative Procedures Manual.

   a. The reinstatement must be requested within 24 months of the expiration date of the approved Site Development Permit.

   b. The regulations applicable to the project per the Code currently in effect may not be determined to be significantly different from those applied to the original approval of the Site Development Permit, such that a new application for the same plan would be substantially the same.

   c. The circumstances of the adjacent properties, roadways, and subject property shall have remained the same, so as to not change the requirements applicable to the property. Such circumstances could include, but not be limited to, a change of zoning in the subject or adjacent properties, a change in the boundary of the subject property, a change in classification of the adjacent roadway, or neighboring construction affecting landscape buffers.

   d. The Director shall have the authority to determine if a Site Development Permit Extension or Reinstatement meets the criteria for processing and approval.

Section 3.21 Development Agreement

Section 3.22 Master Sign Plan

Section 3.23 Sign Permit

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Section 3.24 Driveway Access Permit

A. Applicability

1. The purpose of a driveway access permit is to determine the safety, mobility, and operational impacts that a proposed access connection will have on the roadway system.
2. Driveway access permits are required for the following:

    a. New driveway locations on roadways within the jurisdictional limits of the City;

    b. Existing driveways on roadways within the jurisdictional limits of the City for those developments that represent a change in property usage or zoning.

    c. The alteration of a public street curb or drainage facility, if not associated with an approved Construction Plan or Building Permit.

3. For the purposes of this section, the jurisdictional limits of the City shall include properties within the municipal limits of the City.

B. Review Process

1. Application and Completeness Determination

    The Director is responsible for checking that a complete application has been submitted with all material necessary for an informed decision in accordance with the Administrative Procedures Manual and the Engineering Design Manual.

2. Review of a Driveway Access Permit shall follow the administrative review procedures set forth in Section 3.03E. Administrative Review Process, subject to the criteria for approval set forth below.

C. Approval Criteria

The City Engineer will make a determination to approve the permit or that the proposed location of the driveway will have an adverse effect on public safety. In making this determination, the following will be evaluated:

1. Existing driveways;

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2. Land use (including but not limited to the intensity of development and trip attraction/generation potential, mix of vehicles, and turning movements);
3. Function of public street (including but not limited to the number of lanes, medians, median openings, vertical and horizontal curvature, sight distance, operating speeds, traffic volumes, entrance/exit ramps, and frontage roads);
4. The location of nearby streets and driveways;
5. The site development permit (including but not limited to on-site circulation, delineation of the intended paths, parking stalls, location of buildings, location of loading areas);
6. Actual or anticipated excessive increase in vehicular traffic being routed onto streets occurring as a result of any such permit;
7. Physical constraints on the site, including topography and sight distance(s);
8. Unusual lot configurations;
9. Potential traffic movements which are unsafe or have an adverse effect on traffic operations;
10. Joint access at the time of subdivision or site development permit approval for abutting lots that have insufficient frontage to allow a driveway approach for each lot; and
11. That strict enforcement of the criteria for approval would result in a denial of access to the site.

D. Submission Requirements

The City Engineer will determine if further studies will be required. Such studies may include, but shall not be limited to, the following:

1. Engineering Study

    a. An Engineering Study may be required based on the determination of the City Engineer. In all cases, the City will require only those elements of an Engineering Study that are necessary to answer the specific questions that arise during the review process. The Engineering Study shall conform to standard engineering practices and must be sealed by a Professional Engineer licensed in the State of Texas. The City Engineer will review the following information in the determination to require an Engineering Study:

        i. Compliance with the minimum spacing requirements of this UDC;

        ii. Deceleration or acceleration lane required;

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iii. Traffic volumes and classification of the intersecting street at the proposed driveway location;

iv. Sight distance or physical obstructions and/or constraints that will result in a safety issue;

v. Environmental or hydraulic issues associated with the proposed driveway(s); and

vi. Lot configuration.

b. An Engineering Study shall contain the following information:

i. Trip generation based on the latest edition of the ITE Trip Generation Manual unless there is acceptable data that supports the use of another trip generation source, as approved by the City Engineer;

ii. Trip distribution, to be performed with input from the City;

iii. Traffic assignment to determine the forecasted turning movements attributable to the proposed development; and

iv. Traffic volumes, if determined necessary by the City Engineer and subject to the following criteria:

(A) The existing traffic counts will be grown using an annual growth rate as agreed to by the City to the build-out year of the proposed development;

(B) The resulting traffic volumes will be used as background traffic volumes, and the assigned forecasted turning movements will be added to the background traffic volumes, resulting in the total traffic volumes; and

(C) The total traffic volumes will be used to determine the need for left-turn and right-turn lanes.

2. Traffic Impact Analysis (TIA)

a. A TIA may be required based on the determination of the City Engineer. In all cases, the City will require only those elements of a TIA that are necessary to answer the specific questions that arise during the permitting process.

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b. A TIA shall contain the following information:

i. All of the information outlined in Section 3.24D.1.b above;

ii. Operational analysis (level of service, capacity, etc.) for the determined study intersections; and

iii. Recommendations for mitigation measures should the impact of the proposed access point(s) result in unacceptable levels of service.

E. Responsibility for Final Action

Final Action Authority shall be as noted in Section 2.01B.

F. Expiration

A Driveway Access Permit will expire 18 months after issuance if the driveway is not constructed in a manner consistent with the permit. An application for a Driveway Access Permit will expire if it remains inactive for six (6) months.

Section 3.25 License to Encroach

Section 3.26 Tree Removal and Pruning Permit

Section 3.27 Request for Creation of Special Purpose Districts (MUDs, WCIDs, PIDs)

Section 3.28 Nonconforming Status

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Article 4 Zoning Districts and Uses

Section 4.01 General

A. Title

This Article of the Unified Development Code of the City of Liberty Hill, Texas, establishes the City's zoning districts and land use regulations, and shall be known as and may be cited as the "zoning regulations" or "zoning ordinance". Applications, permits, procedures, and administrative requirements applicable to this Article are set forth in Article 3.

B. Applicability

This Article applies to all land, buildings, structures, and appurtenances located within the City of Liberty Hill.

C. Compliance Required

1. All land and development is required to conform at minimum to the requirements of this Article, per Section 1.02. Violations and Responsibility.
2. No development shall be allowed that is prohibited by state or federal law or that operates in excess of state or federal environmental, pollution, or performance standards as determined by the U.S. Environmental Protection Agency (EPA), Texas Department of State Health Services (DSHS), Texas Commission of Environmental Quality (TCEQ), Federal Aviation Administration (FAA), Federal Communications Commission (FCC), or any other applicable state or federal agency.
3. No development may occur that:
    a. Creates narrower or smaller front, side, or rear yards than those required by this Article;
    b. Exceeds the maximum height allowed by this Article;
    c. Occupies a greater percentage of the lot than allowed by this Article; or
    d. Accommodates a greater number of dwelling units or occupants than permitted within this Article for the zoning district in which such building is located, where a maximum density is established.

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Article 5 Downtown Regulations

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Article 6 Residential Development Standards

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Article 7 Non-Residential and Mixed Use Development Standards

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Article 8 Tree Preservation and Landscaping

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Article 9 Lighting

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Article 10 Off-Street Parking, Circulation and Loading

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Article 11 Subdivision Layout and Street Design

Section 11.01 General

A. Title

1. This Article and Article 12 of the Unified Development Code of the City of Liberty Hill, Texas establish the subdivision design, layout, street, and infrastructure standards and shall be known as and may be cited and referred to as the “subdivision regulations”. Applications, permits, procedures, and administrative requirements applicable to these Articles are set forth in Article 3. Applications and Permits.

B. Purpose

1. The subdivision regulations ensure that subdivision and site development projects are conducted in an orderly, safe, and efficient manner and are adequately furnished with necessary public infrastructure. Public infrastructure includes water, wastewater, stormwater drainage, roads, and open space resources.
2. All future subdivisions of land within the City Limits and Extraterritorial Jurisdiction (ETJ) shall be laid out subject to the approval of the City as outlined within this UDC, and no other subdivision will be recognized by the City.
3. These regulations are intended to promote the health, safety, and general welfare of the City, by providing for the safe and orderly development and division of land.
4. These regulations are adopted pursuant to the powers granted and limitations imposed by Texas Local Government Code Chapter 212.002.

C. Applicability

1. General Policy

   It is hereby declared to be the policy of the City to consider the subdivision and development of land as subject to the control of the City, to carry out the purpose of the Comprehensive Plan, and to promote the orderly, planned, efficient, and economic development of the City and its ETJ.

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2. Adequate Public Improvements Required

    a. No land may be subdivided or developed unless the applicant demonstrates that adequate public improvements will be provided, including stormwater, water, wastewater, transportation, and other facilities required by these regulations.

    b. Public and private facilities must, at a minimum, have sufficient capacity to serve the development, as determined by the entity responsible for providing the service. All improvements shall conform to and be consistent with the Comprehensive Plan, the Engineering Design Manual, and all other adopted plans, standards, and specifications.

3. Relationship to Other City Regulations

    a. These Subdivision Regulations establish minimum requirements and are intended to supplement and facilitate enforcement of the Unified Development Code (UDC), adopted Building Codes, and other applicable City regulations.

    b. Failure to comply with the UDC, Building Codes, or other applicable City regulations may result in denial of a subdivision application.

    c. Interpretation of these regulations shall be consistent with the Comprehensive Plan.

4. Consistency with Adopted Plans

    The design and construction of infrastructure within the City and its ETJ shall be consistent with the most recent versions of the Comprehensive Plan and all adopted components thereof, including but not limited to the Thoroughfare Plan, Utility Master Plans, Capital Improvement Plan(s), Engineering Design Manual, and other adopted standards and specifications.

5. Compliance with Other Laws

    In addition to these regulations, all development subject to these regulations must comply with other applicable ordinances, laws, codes, and regulations, expressly including:

    a. The City's adopted Building Code, Article 4. Zoning Districts and Uses, the City's Flood Regulations in Chapter 4, Article 03 of the City's Code of

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Ordinances, the Engineering Design Manual, and all other applicable laws and standards of the City and County; and

b. All applicable laws, rules, and regulations of the Federal Government and the State of Texas and their duly constituted agencies.

6. References to Other Regulations

References in these regulations to other governmental requirements are provided for informational purposes only and do not constitute a complete list of applicable laws. Such references do not impose upon the City any responsibility to enforce regulations administered by other governmental entities.

D. Compliance Required

1. This Article addresses policies contained in the Comprehensive Plan and legal requirements for the adequate provision of infrastructure for the health, safety, and welfare of the residents of the City of Liberty Hill and its surroundings. City approvals, including but not limited to site work, building, repair, plumbing, or electrical permits, shall not be issued by the City for any structure on a lot in a subdivision or on a parcel for which a final plat and site development permit has not been approved and filed for record.
2. Full compliance with the standards contained within the Subdivision Regulations must be obtained before the issuance of a site work, building, repair, plumbing, or electrical permit for any structure on a lot within a subdivision within the jurisdiction of the City.
3. The City shall not repair, maintain, install, or provide any streets, public utilities, or services in any subdivision for which a final plat has not been approved and filed for record, nor any parcel or lot for which a site development permit has not been issued, nor in which the standards contained herein or referred to herein have not been complied with in full.
4. The City shall not sell or supply utilities within a subdivision for which a final plat has not been approved and filed for record, or parcel or lot for which a site development permit has not been issued, nor in which the standards contained herein have not been complied with in full.

E. Transitional Subdivision Provisions

1. These regulations apply to any subdivision for which a concept plan, preliminary plat, or final plat was submitted or approved prior to the effective

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date of this UDC but subsequently expires under the terms of the subdivision ordinance in effect at the time of approval. Upon expiration, any further subdivision application for the property must comply with the requirements of this UDC.

2. Subdivision applications approved prior to the effective date of this UDC that remain valid and unexpired shall continue to be governed by the subdivision regulations in effect at the time of approval; however, the City Council may, upon recommendation of the Planning and Zoning Commission and a showing of good cause, grant a one-time extension of up to 90 days for the recording of a final plat approved under a prior ordinance.
3. A subdivision for which a final plat was approved and recorded prior to the effective date of this UDC shall remain governed by the subdivision regulations under which it was approved, except that any request to vacate, amend, correct, or replat a recorded plat shall be processed in accordance with this UDC.
4. An unrecorded final plat whose approval has expired shall cause the land to be treated as unplatted for purposes of this UDC.
5. In the event of a conflict between this section and Texas Local Government Code Chapter 245 or other applicable state law, state law shall control.

Section 11.02 Subdivision Lots and Blocks

A. Lots and Blocks

1. General Provisions

The purpose of this section is to provide general overall guidelines for the establishment of individual lots within a subdivision.

a. General Lot Design, Arrangement, and Layout

The general lot design within any subdivision shall be based upon the concept that such lots are created and established as undivided tracts of land and that purchasers of such lots can be assured that these tracts of land meet the applicable regulations, including those found in Article 4 and the City's Building Regulations, which are based upon the following basic criteria:

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i. The lot is of sufficient size and shape to accommodate easements for all public and private utility services and facilities to adequately serve the proposed development.

ii. The lot is of sufficient size and shape and is so located that direct vehicular access is provided from a public street or an approved private street meeting the requirements of Section 11.03.E.7.c, and that the required number of off-street parking spaces can be provided on the lot without encroachment within any adjacent street or right-of-way.

b. Lot Shapes

Lots shall be designed, so far as possible, with side lot lines being at right angles or radial to any adjacent street right-of-way line, unless otherwise necessary to accommodate curved street patterns or existing lot configurations. Where all lots are either perpendicular and at right angles or radial to adjacent street rights-of-way, a suitable notation shall be placed upon the plat in lieu of lot line bearings.

c. Irregularly Shaped Lots (Flag Lots and Cul-de-Sac Lots)

i. Irregularly shaped lots shall provide building area sufficient for meeting 50 percent of the lot's maximum impervious cover without encroachment into front, side, or rear yard setbacks or into any type of easement.

ii. The width of irregularly shaped lots shall be sufficient to provide access for all necessary utilities. When alleys are present, there must be sufficient width for access for driveways and solid waste collection and a minimum 20-foot alley frontage.

iii. Flag Lots shall adhere to the following standards:

(A) Flag lots shall have a minimum flag "pole" width of 30 feet, unless otherwise established by the dimensional standards in Section 6.02 or Section 7.02.

(B) The flag pole shall provide the sole vehicular access to the flag lot and shall be under the same ownership as the flag lot. The flag pole is not a street and shall not be used to satisfy the access

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requirements of Section 11.02.AA.1.a.ii for any lot other than the flag lot it serves.

iv. Cul-de-Sac lots or lots on curved streets shall adhere to the following standards:

(A) Minimum lot frontages shall be as follows, unless otherwise established by the dimensional standards in Section 6.02 or Section 7.02:

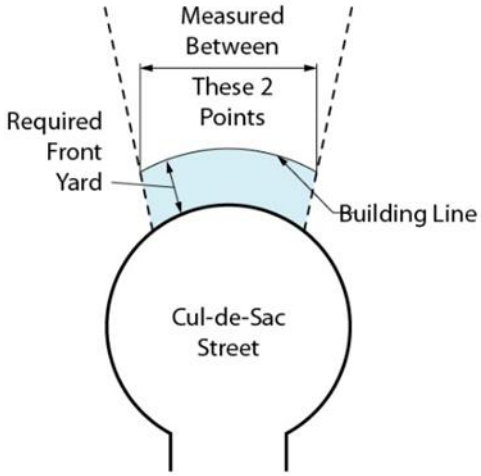
(1) Residential lots: 30 feet.

(2) Nonresidential lots: 45 feet.

(3) Nonresidential lot frontage may be reduced to 30 feet if the proposed plat reflects appropriately dimensioned easements for joint driveway access by two abutting lots.

(B) Minimum lot widths for lots with predominate frontage on the curved radius of a street shall be measured as the linear distance of the curved front building line (see Figure 11-1 Measuring the Width of Curved Lots). Lot widths for all lots shall be as set forth in the respective zoning district.

Figure 11-1 Measuring the Width of Curved Lots



v. The Director reserves the right to disapprove any lot which, in their sole discretion, will not be suitable or desirable for the purpose

intended, does not comply with the intent of the City's Comprehensive Plan, or which is so oddly shaped as to create a hindrance to the logical lot layout of surrounding properties.

d. Double Frontage Lots

i. Double-frontage lots shall be avoided, except when the Director determines such configuration is essential to provide separation of residential development from arterial streets or to overcome a specific disadvantage or hardship created by topography or other factors.

ii. Double frontage lots must meet front setback requirements along each street boundary. Setbacks shall be in accordance with applicable zoning districts as outlined in Article 4. Zoning.

iii. Lots in residential zoning districts (RA, RSF, MH, and RM) may abut a street on both the front and rear boundaries if all of the following conditions are met:

(A) One lot boundary must abut an arterial street;

(B) A reserve or easement at least 10 feet wide is designated along the property boundary adjacent to the arterial street, across which there shall be a non-access easement designated; and

(C) The lot shall not have more than one-half of its perimeter along streets.

e. Additional Lot Depth and Width Required

i. Lot Depth

The minimum depth of each lot shall conform to the requirements of the applicable zoning district per Section 6.02 or Section 7.02, the following standards whichever is more restrictive.

(A) Where the rear of any lot abuts a railroad right-of-way; arterial street; high-pressure gasoline, oil, or gas pipeline; high voltage electric transmission line; or an industrial zoning district, the minimum depth shall be 120 feet.

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ii. Lot Width

The minimum width of each lot shall conform to the requirements of the applicable zoning district per Section 6.02 or Section 7.02, or the following standards whichever is more restrictive.

(A) Where the side of any lot abuts a railroad right-of-way; arterial street; high-pressure gasoline, oil or gas pipeline; high voltage electric transmission line; or an industrial zoning district, the minimum width shall be 70 feet.

f. Street Access

i. All lots shown on the plat shall abut and have frontage to a public street. Where a private street has been approved in accordance with Section 11.03, lots within that development may have frontage on the approved private street. Private drives, shared driveways, cross-access easements, and street stubs shall not constitute lot frontage and shall not be used to satisfy the access or frontage requirements of this Section.

ii. Driveway access from residential lots to adjacent streets designated as major thoroughfares (i.e., arterials and collectors), or any other public street that carries a traffic volume where additional vehicular driveways would create a traffic hazard or impede the flow of traffic, shall not be approved. Such access restrictions shall be illustrated as non-access easements directly upon the plat and along the property line adjacent to the street frontage in question.

(A) The Director may, at their discretion, approve such driveways when no other means of public street access is available to residential lots.

g. Lot and Block Identification

i. All blocks established in a subdivision shall be designated on the plat and shall be numbered or lettered consecutively throughout the entire subdivision. The same block designation shall not be utilized within an overall subdivision development, even if located in a separate final plat

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ii. Lots established within blocks shall be numbered consecutively within the block. Lot numbering shall be cumulative throughout the subdivision where the numbering system continues from block to block in a uniform manner.

2. Minimum Lot Sizes

Lot sizes shall comply with the minimum requirements set forth in the applicable ordinances of the City, including Article 4. Zoning Districts and Uses and Section 6.02 and Section 7.02 of this UDC.

3. Block Length

a. Block length shall be calculated as the distance between the centerline of two (2) through streets, in which the through streets have two (2) distinct points of ingress from two (2) different directions. This provision shall not apply to the periphery of a new residential development when a looped street is utilized, provided a connection is made to existing street stubs, mid-block pass-through lots, and new street stubs are provided in accordance with this Article.

i. Alleys shall not be considered through streets and shall not be used in calculating block length.

(A) Cul-de-sacs shall not be considered through streets and shall not be used in calculating block length. A cul-de-sac may be considered a through street solely for purposes of calculating block length where a mid-block pedestrian pass-through is provided. Where a mid-block pedestrian pass-through is provided, it shall consist of a minimum 15-foot-wide pass-through lot with a minimum six (6)-foot-wide sidewalk constructed within a public access easement, connecting on both ends to a public sidewalk or street, and shall be owned and maintained by a homeowners' or property owners' association in accordance with Section 12.16.

b. Block lengths in nonresidential zoning districts shall not exceed 1,000 feet or 10 times the minimum lot width permitted in the district in accordance with the standards of Article 4. Zoning Districts and Uses and Section 7.02 of this UDC, whichever is greater.

c. Block lengths in mixed use zoning districts shall not exceed 600 feet.

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d. Block lengths in residential zoning districts shall be between 200 and 800 feet or 12 lots on one side of the street, whichever is less.

   i. If residential lots back up to a commercial use, drainage area, or to an arterial roadway, there is no restriction on the block length or the maximum number of lots on the backing side. Block length and number of lot requirements apply to the opposite side of the residential street, stub-outs, and the remainder of the subdivision.

e. Where residential lots back up to a commercial use, pedestrian walkways shall be provided to connect the residential lots to the adjacent commercial lots, unless determined by the City Engineer to be impractical due to excessive grade changes, existing natural features, or other demonstrated physical constraints that prevent safe and feasible pedestrian access. In addition to the above standards, block lengths shall also comply with Figure 11-2 Intersection Spacing/Maximum Block Length. Where the standards conflict, the more restrictive standard shall apply.

Figure 11-2 Intersection Spacing/Maximum Block Length

Adjacent Roadway Functional Classification	Intersection Spacing/Maximum Block Length
Local	600’
Collector	1000’
Arterial	800’

4. Monuments and Markers

   a. All monuments and control points within a subdivision shall be placed by a licensed land surveyor and must be in place prior to the installation of any roadway improvements.

   b. To the extent it is practicable, monuments should be installed in locations that will prevent disturbance or destruction of the monument by construction activities. Any monuments disturbed or destroyed during roadway construction shall be reestablished in conformance with the provisions of this UDC by a licensed land surveyor.

   c. All corners of subdivisions and points of curvature (P.C.) and points of tangency (P.T.) along boundary lines of subdivisions shall be marked with a one-half inch iron rod, two feet in length, set in the center of a concrete

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monument six (6) inches in diameter and 30 inches deep, with the top of the concrete monument set flush with the finished ground surface.

d. Where, due to topographic conditions, permanent structures, or other conditions, the view is obstructed between any two (2) adjacent monuments, intermediate monuments shall be set as to assure a clear view between adjacent monuments.

e. Corner markers shall be a one-half (1/2) inch iron rod, or three-fourths (3/4) inch pipe, two (2) feet in length, and shall be installed flush with the ground. Corners of all lots, block corners, street right-of-way P.C.s and P.T.s shall be marked with corner markers.

f. One permanent benchmark must be installed and referenced to the NAVD88 and the State Plane Coordinate System (Texas State Plane grid coordinates, Central Zone, Feet). Surface coordinates may be provided but should include a scale factor and convergence to reflect grid coordinates.

Section 11.03 Streets, Access, and Driveways

A. Purpose

To further the goals of the City's adopted Comprehensive Plan and mobility plan of a functional and interconnected street network, the public street system pattern proposed within any subdivision shall comply with the design standards of this article and shall:

1. Provide for adequate vehicular access to all properties within the subdivision plat boundaries;
2. Provide adequate street connections to adjacent properties to ensure adequate traffic circulation within the general area;
3. Provide a local street system serving properties to be developed for residential purposes that maintains sufficient access and traffic movement for convenient circulation within the subdivision and access by fire, police, and other emergency services personnel;
4. Provide for a sufficient number of continuous streets to accommodate the traffic demands generated by new development; and
5. Provide for a neighborhood street layout focused on the safety of vehicles, bicycles, and pedestrians.

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Connection locations shall be depicted on the preliminary plat and any associated phasing plans and shall conform to the standards detailed below.

B. Right-of-Way Dedication and Street Configuration

1. All public or private streets as provided in the Subdivision Regulations shall be constructed in accordance with the City's Engineering Design Manual. Subdividers must dedicate sufficient right-of-way to the City for streets and sidewalks. The property owner shall dedicate and improve all required rights-of-way for internal streets and adjacent thoroughfares required by these regulations in accordance with the classification of streets contained in the Comprehensive Plan.
2. Dedication and Improvement of Internal Roadways and Adjacent Thoroughfares

    a. The property owner shall dedicate and improve one-half of the right-of-way necessary to meet the specifications in the City's adopted mobility plan and this UDC. If the property adjacent to both sides of the right-of-way has the same ownership, the property owner shall dedicate and improve the full right-of-way.

    b. The City shall require additional land and improvements for rights-of-way for adjacent thoroughfares where necessary to achieve adequacy of the road network and where such additional land and improvements are proportional to the traffic impacts generated by the proposed development, depending on factors such as the impact of the development on the adjacent thoroughfare, the timing of development in relation to need for the thoroughfare, and the likelihood that adjoining property will develop in a timely manner.

    c. In the case of adjacent frontage or service roads for State and Federally designated highways, the property owner shall dedicate sufficient right-of-way and make authorized improvements to provide an adequate road network to serve the development.

C. Minimum Road Standards

All applications for plat approval, site development permit approval, or PUD rezoning shall provide for adequate roads to support proposed development through compliance with the following minimum standards governing dedication and improvement of internal streets and adjacent thoroughfares. For purposes

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of this Section, "adjacent thoroughfares" shall include thoroughfares abutting the proposed subdivision, whether located within the boundaries of the subdivision or within public rights-of-way.

D. Street Classification and Characteristics

1. Local Streets

The purpose of a local street is to provide lot street frontage and carry traffic to a higher classification street. Local streets are divided into three subcategories: Local-residential, local-nonresidential, and local-rural. Unless approved by the Director, a local street shall not connect to two (2) separate higher classification streets or connect directly to arterial streets. Local streets may be designated as private streets.

2. Collector Streets

Collector streets are divided into two (2) subcategories: Local and major. The purpose of collector streets is to convey traffic from intersecting local streets and to expedite the movement of traffic to an arterial street or other collector street. No collector street in a residential development shall be designated as a private street. Collector streets in nonresidential private street developments may be designated as private streets. Private streets must be approved in accordance with Section 11.03E.7.c.

3. Arterial Streets

The purpose of an arterial street is to carry high volumes of through traffic. Arterial streets serve as a link between major activity centers within the urban area. Access is usually limited to intersections, multi-family developments, and commercial driveways. All arterial streets are designated in the City's adopted thoroughfare plan. An arterial street shall not end as a cul-de-sac. Generally, arterial streets shall not permit on-street parking. No arterial street shall be designated as a private street.

E. Street Design Standards

1. Generally

a. All streets shall be planned to properly integrate with the existing and proposed system of local, collector, and arterial streets. Such proposed streets may originate in:

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i. The City's adopted Comprehensive Plan, or within its subsidiary plans, or

ii. The respective County's adopted thoroughfare plan.

b. All plats shall provide for the appropriate extension and connection of existing and proposed streets in accordance with the City's adopted mobility plan and any other extensions and connections deemed necessary by the Director.

c. Streets and improvements associated with streets shall be designed in accordance with the City's Engineering Design Manual.

d. Streets shall be provided to the boundary lines of the tract being subdivided, unless the Director determines that such an extension is neither necessary nor desirable.

e. Streets shall provide adequate access for emergency and service vehicles, enhance walkability by ensuring connected transportation routes, and provide continuous and comprehensible traffic routes.

f. Private streets, where provided, shall meet the provisions of Section 11.03E.7.c.

g. Local streets shall be designed to conform to existing topography, to permit efficient drainage and utility installation, to provide connectivity for local traffic, and to provide safe access to property.

h. Intersections shall be designed to accommodate anticipated traffic generators such as schools, businesses, shopping centers, and population densities. Streets should be designed for the safety of all modes of travel as the primary priority.

i. The location of arterial streets shall conform to the City's adopted mobility plan.

2. Street Curves and Geometry

a. Vertical curves shall be designed in accordance with AASHTO standards.

b. Horizontal curves shall be separated by a minimum tangent of 100 feet for streets included in the City's adopted thoroughfare plan and 50 feet for all other streets.

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c. Reverse curves shall be separated by a minimum tangent of 100 feet. Super-elevated curves shall not be allowed.

d. Horizontal tangents approaching an intersection shall be a minimum of 50 feet in depth.

e. Street landings shall be a minimum of 30 feet in depth with a grade of less than two (2) percent approaching an intersection.

f. Grade breaks shall not exceed one (1) percent without a vertical curve.

g. Longitudinal grade shall be a minimum of one-half (½) percent for streets using a curb and gutter drainage system. Maximum grade shall conform to AASHTO criteria for all streets included in the City's adopted thoroughfare plan and shall not exceed 15 percent for all other streets.

h. Roundabouts and traffic circles shall be designed to accommodate emergency service vehicles and buses. Encouraged on local streets, roundabouts shall require approval by the City Engineer for a collector-level street or higher classification. The City Engineer may require a license agreement from the developer to establish the developer's responsibility for the maintenance of landscaping or any art that is installed in the roundabout.

i. Traffic calming measures shall be implemented at each intersection along local and collector streets, measuring 22 feet from curb-face to curb-face, consistent with the Engineering Design Manual. For local streets with block lengths exceeding 500 feet, a minimum of one traffic calming device shall be installed within each block, with placement at intervals not exceeding 500 feet from the nearest intersection. The City Engineer reserves the authority to approve deviations from the 500-foot spacing requirement based on site-specific conditions.

    i. Horizontally deflecting traffic calming measures include: curb extensions/bulb-outs/chokers, chicanes, raised median islands, traffic circles, and roundabouts.

    ii. 90-degree knuckles may be considered as qualifying traffic calming elements.

j. Collectors shall generally follow a direct path and shall not turn in a perpendicular manner after a stop or 90-degree bend.

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k. Exceptions to these standards, in addition to the design speeds for streets, may be considered by the City Engineer on a case-by-case basis. Approved design speeds differing from the statutory prima facie speed limits shall require signage in accordance with the Texas Manual on Uniform Control Devices.

3. Minimum Access Points to a Development

   a. The minimum number of access points shall comply with Figure 11-3 Minium Access Points.

   b. Access shall be provided to a collector street or larger facility.

   c. Access points shall be calculated based on the total number of lots or dwelling units shown on the Preliminary Plat. For nonresidential development, access points shall be calculated based on gross acreage.

   d. The Director may require additional access points where the configuration of the site, number of lots or units, traffic circulation, emergency access needs, or other site conditions create the need for additional access.

   e. In the event of a conflict between this Section and the adopted Fire Code, the more restrictive standard shall apply.

   f. If a subdivision or multi-family development does not directly connect to an existing major street, the number of connections can be satisfied through existing local streets if there are enough distinct, continuous routes to a major street through adjacent development to meet the requirements. In that situation, the number of lots in the table shall encompass the total accumulated number of lots or units sharing the street connections to the major street(s), regardless of subdivision boundary.

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Figure 11-3 Minimum Access Points

Development Type and Size	Minimum Number of Access Points
Primarily Residential Uses	
Less than 30 units	1
Between 30 and 80 units	2
More than 80 units	3
All Other Uses	
Less than 5 acres	1
Between 5 and 20 acres	2
More than 20 acres	3

4. Street Connectivity Index

    a. The street network for any new subdivision with internal roads or access to any public road shall achieve a connectivity ratio of not less than 1.60.

    b. The connectivity ratio is calculated by dividing the total number of street links by the total number of nodes or end links, including cul-de-sac heads. See Figure 11-5 Street Connectivity Index.

    c. For purposes of calculating the connectivity index:

        i. Links shall mean roadway segments connecting nodes, including street stubs intended to connect to future development, but excluding arterial streets and alleys.

        ii. Nodes shall mean the terminus or intersection of two or more streets, excluding arterial streets and alleys.

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Figure 11-4 Street Connectivity Index



5. Inter-Parcel Connectivity

   All new non-residential development, regardless of zoning district, that requires a Site Development Permit that requires off-street parking and driveways shall provide driveway connections to adjacent non-residential zoned or developed properties or properties within the ETJ with a non-residential Future Land Use designation, parallel to any street fronting the development, whether such property is developed or undeveloped. Access easements shall be provided where necessary to achieve such a connection (see Section 11.05C. Common Access). The Planning and Zoning Commission may consider the following through a Subdivision Waiver:

   a. Adjust connection locations and consider alternative connections where practical.

   b. Remove the requirement for interparcel connectivity when it is determined by the Planning and Zoning Commission that connectivity is not feasible or desirable from a community perspective.

6. Street Connection Credits

   Credits toward the minimum number of street connections are applicable only after the second existing street connection has been satisfied. A collector counts as two local street connections and a collector or higher-

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classification street counts as three local street connections, whether they are constructed as either an existing or future street connection.

7. New Streets

   a. Right-of-Way

      A subdivider shall dedicate or convey at the Director's option the amount of right-of-way for each type of street as stated in the City's Engineering Design Manual. Except as provided below, the subdivider must dedicate or convey the required right-of-way for all streets within the subdivision as shown on the plat. The Director may reduce the amount of right-of-way dedication for an arterial street based on the design consideration, existing land uses, existing development of adjoining properties, and dimensions of the proposed addition or subdivision. In all cases, the amount of right-of-way dedicated for any one street within a subdivision shall not exceed 15 percent of the total acreage on the plat submitted.

   b. Street Improvements

      All public and private streets shall be designed and built in accordance with the City's Engineering Design Manual. The subdivider must construct the full cross-section of the arterial streets designated on the City's adopted mobility plan which are located within the subdivision unless approval is obtained from the City Director depicting alternative standards per Section 11.06 Traffic Impact Analysis.

   c. Private Streets

      i. Private streets are discouraged and may only be permitted with approval of the City Council.

      ii. Where provided, private streets must provide through-connections in accordance with the same standards as public streets.

      iii. Where provided, private streets must be designed with pedestrian amenities superior to the requirements of the Engineering Design Manual in width, protection, or design, and must have similar cross-sections as public streets.

      iv. Ownership, operation, maintenance, repair, replacement, and funding responsibility for private streets shall be established through a

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homeowners' or property owners' association in accordance with Section 12.16 Homeowners' or Property Owners' Association.

d. Substandard Existing Street Right-Of-Way

Whenever a proposed subdivision abuts an existing street that has a substandard right-of-way width for either the existing street or for a future street, the subdivider shall dedicate the additional right-of-way for the existing street or future street. The developer shall dedicate one-half of the amount required for the type of street to be upgraded, measured from the existing centerline of the right-of-way or up to 15 percent of the total acreage of the addition or subdivision, whichever is less. The Director may reduce the amount of right-of-way dedication requirement based on design considerations, existing land uses, existing development of adjacent properties, and dimensions of the proposed addition or subdivision.

e. Stub Streets

Except for gated communities, a proposed subdivision or addition must provide access to adjacent land subdivided by stubbing appropriate streets to the boundaries of the proposed addition or subdivision. When the abutting land is platted, the subdivider shall integrate the stubbed streets into the existing traffic system of streets in a logical manner, as well as continue the same street classification of the stub street. The subdivider shall present a schematic plan showing how the stub street will eventually extend through the adjacent property and connect to a collector or arterial street. Temporary paved turnarounds shall be provided at the end of stubbed streets that are more than 250 feet long.

f. Gated Communities

i. All streets and drives within a gated community shall be private and shall be owned and maintained by a homeowners' or property owners' association in accordance with Section 12.16.

ii. The City shall not accept ownership or maintenance responsibility for private infrastructure located within a gated community.

iii. Gated Communities shall not be required to construct street stubs to adjacent property; however, the Director may require reservation or

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dedication of future right-of-way, access easements, or emergency access connections where necessary to preserve connectivity.

g. Cul-de-sacs

i. Cul-de-sacs are discouraged and shall only be allowed if no secondary access can be reasonably provided to the portion of the subdivision which is to be served by the cul-de-sac or if there is limited access to the subdivision due to a topographical condition on the property or a particular physical condition.

ii. Only local streets may terminate in a cul-de-sac. Collectors and arterial streets may not terminate in a cul-de-sac.

iii. The maximum length of a cul-de-sac street shall be 300 feet.

iv. A residential cul-de-sac shall not exceed 12 total lots or 300 feet in length, whichever is less. A residential cul-de-sac is permitted only within a subdivision that has more than one (1) public street connection and shall not take access off of an arterial street.

8. Curbing

All streets shall have standard curbing and gutter, except for the local-rural street classification, where valley or rolled curb is allowed. All raised medians and islands located within the street pavement shall be bordered by standard curb and gutter, unless otherwise approved by the City Engineer. All concrete curb and gutter shall be installed and constructed according to the City's Engineering Design Manual.

a. Approved street curb types are vertical, mountable, and valley or rolled curbs. Each curb type shall be appropriate for the street classification, speed, drainage collection and meet the requirements of the Subdivision Regulations. All curbs, gutters, and inlets shall be designed and constructed in accordance with the City's Engineering Design Manual.

b. Local Streets and any street within a Residential, Agricultural subdivision may include valley or rolled curbs with approved drainage plans. All other streets shall be constructed with mountable or vertical curbs unless approved by the City Engineer.

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c. Local streets may be constructed with either a mountable curb or a vertical curb.

d. Mountable and valley or rolled curbs require a clear zone safety separation between sidewalks and sidepaths, in accordance with the City's Engineering Design Manual.

e. Curb basis for all streets shall be a minimum of nine (9) feet, measured from the back-of-curb to the right-of-way line, to ensure that utilities, grading, and drainage can be adequately provided. Unless otherwise specified, the adjacent property owner is responsible for maintenance of all pervious surface within this area, including grass, landscaping, trees, etc. Encroachments into the right-of-way, such as trees, landscaping, signage, and irrigation, shall require a License to Encroach unless specified by a plat or maintenance agreement.

f. Curbing in compliance with the standards in the City's Engineering Design Manual shall be required for the purpose of drainage, safety, delineation, and protection of the pavement edge. Curbing shall be designed so as not to interfere with the movement of pedestrian traffic.

9. Curb ramps

a. Curb ramps are required within a street wherever a sidewalk or pedestrian route intersects with a curb. The design and construction of curb ramps shall be in accordance with the City's Engineering Design Manual, and shall meet the Texas Accessibility Standards, administered by the Texas Department of Licensing and Regulation, and the Americans with Disabilities Act of 1990, as amended.

b. Whenever a sidewalk or pedestrian route crosses a raised median, the raised median shall be cut through level with the street or shall have curb ramps at both median curbs plus a level area at least four (4) feet long between the curb ramps in the median.

10. Medians and Islands

a. Standards

Medians and islands shall be landscaped with landscape materials from the Liberty Hill Planting Guide, or constructed of stamped pattern concrete, brick, stone, or concrete pavers. Grass turf areas shall not be

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less than six (6) feet in width. All medians and islands shall be bordered by standard curb and gutter.

b. Median Openings

Median openings on arterial streets shall be in accordance with the City's Engineering Design Manual.

11. Intersections

a. General

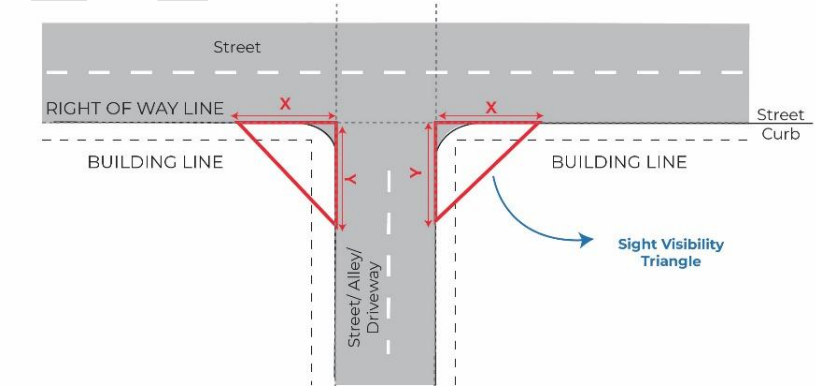
i. Proposed intersections shall be designed to meet the minimum spacing requirements, curb radii, and corner sight distances required in the City's Engineering Design Manual, and based on the following design specifications:

(A) Streets shall intersect at right angles, except where a roundabout intersection is used. Deviations of up to 20 degrees from a right angle for non-roundabout intersections may be considered by the City Engineer on a case-by-case basis where existing conditions will not permit a right-angle intersection.

(B) The right-of-way line at street intersections shall be in accordance with the City's Engineering Design Manual.

b. Intersection Sight Visibility Triangles

Figure 11-5 Sight Visibility Triangle



i. Intersection sight visibility triangles shall be provided and maintained per AASHTO design standards.

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ii. Within the sight visibility triangle, no construction, planting, grading, or other natural or manmade object, including signs and human advertising, that interferes with street visibility shall be permitted between the heights of three (3) and eight (8) feet, measured from the crown of the street, except as approved by the City Engineer.

iii. The City Engineer has the authority to extend the sight visibility triangle based on vehicular speeds, pedestrian facilities, and/or the location of the painted stop bar at the intersecting street.

iv. Furthermore, the City Engineer may make a determination that objects interfering with street visibility shall be removed or otherwise altered to restore visibility.

12. Turning Radius

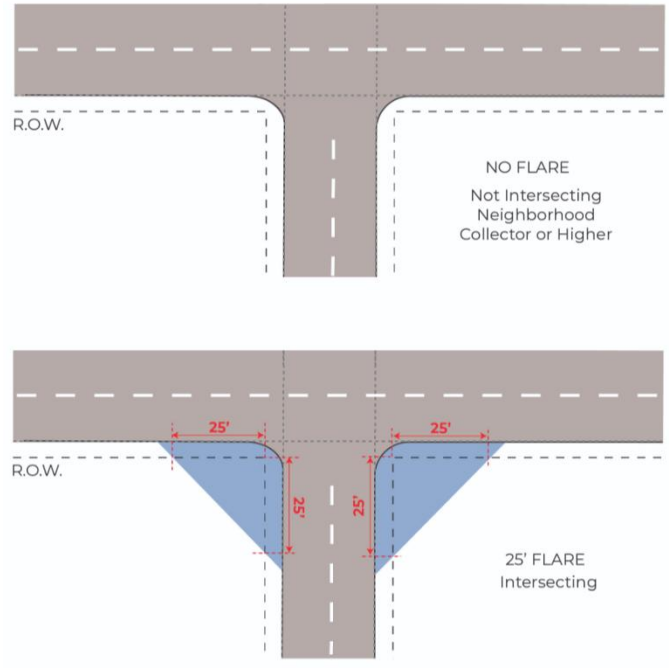
a. Local street intersections with another local street shall include a minimum curb radius of 25 feet. All collector street intersections with both local streets and other collectors shall include a minimum curb radius of 25 feet. All arterial street intersections with any type of street shall include a minimum curb radius of 30 feet.

b. Cul-de-sac streets shall have a minimum 60-foot right-of-way and a 50-foot paved radius for single- and two-family uses, and 70-foot right-of-way and 60-foot paved radius for all other uses. Cul-de-sacs shall include a 25-foot inside, 50-foot outside turning radius. Cul-de-sacs, hammerheads, and all other turn-around alternatives shall meet the standards provided in the adopted Fire Code.

c. Street intersections containing one or more collector and higher-classification streets shall include 25-foot right-of-way flares, as shown in Figure 11-6 Street Intersection Right-of-Way Flares. The 25 feet is measured along the tangents from the point of intersection of the two (2) right-of-way lines.

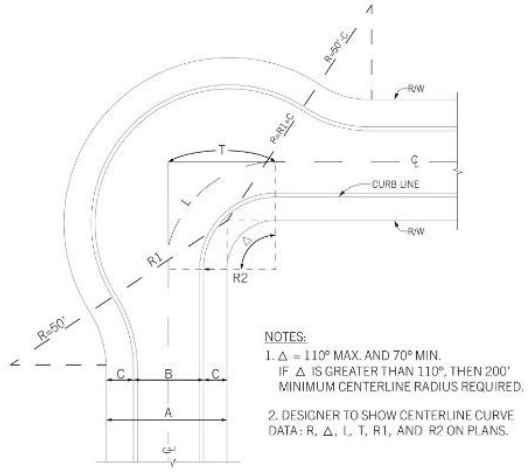
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Figure 11-6 Street Intersection Right-of-Way Flares



d. Knuckles shall have a minimum of 60-foot right-of-way and a 50-foot paved radius for single- and two-family uses, and 70-foot right-of-way and 60-foot paved radius for all other uses. Knuckles shall include a 25-foot inside, 50-foot outside turning radius.

Figure 11-7 Street Knuckles



13. Acceleration/Deceleration Lanes

    a. Acceleration/deceleration lanes shall be provided along existing and proposed arterial streets when required by the findings of a City Engineer-approved Traffic Impact Analysis (TIA).

    b. Additional right-of-way shall be dedicated by plat if required to accommodate acceleration/ deceleration lanes or turning lanes.

    c. Any development proposing a new driveway or street connection to a major street within the City limits, as listed in Section 11.03D shall be required to construct a deceleration and left turn lane at the point of connection. In cases where the proposed development does not directly connect to an arterial street listed in Section 11.03D, and the added trips are 50 or greater during peak hour, a deceleration lane and a left-turn lane shall be required at the nearest intersection with the major roadway.

        i. For developments not connecting to City limits or right-of-way, the requirement, design, and installation shall conform to the requirements outlined in the TxDOT Access Management Manual and TxDOT Roadway Design Manual (TxDOT Standards). In cases where the proposed development does not directly connect to a major street listed in Section 11.03D, and the added trips are 50 or greater during peak hour within the City limits or right-of-way, a deceleration lane and a left-turn lane shall be required at the intersection with the nearest major roadway within the City.

    d. Deceleration and left turn lanes shall meet TxDOT standards.

        i. The City Engineer may modify length for a deceleration lane on a City street that cannot meet TxDOT standards due to site constraints.

14. Street Lights

    a. All street lighting shall comply with Article 9 and the Engineering Design Manual.

15. School Zones

    a. Any development that includes a public or private school, including standalone school campus development, shall be required to design and

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construct a designated school zone to support the safety of students, pedestrians, and other roadway users.

b. The school zone shall include, at a minimum:

   i. School zone signage consistent with the Texas Manual on Uniform Traffic Control Devices (TMUTCD);

   ii. Flashing beacons, if warranted by a traffic engineering study;

   iii. Reduced speed limits during designated school hours, subject to approval by the Director;

   iv. High-visibility crosswalks and ADA-compliant curb ramps;

   v. Continuous sidewalk connectivity to adjacent street networks;

   vi. Advance warning signs and school zone pavement markings; and

   vii. Pedestrian and bicycle infrastructure appropriate to the context, including but not limited to bike racks, crossing guards, and protected crossings.

c. The applicant shall coordinate the design of the school zone with the City Engineer and the applicable school district.

d. A School Access and Circulation Plan shall be required to determine specific traffic control measures and internal circulation needs.

e. All school zone infrastructure shall be constructed and fully operational prior to the opening of the school or as otherwise approved by the City.

   i. Where a proposed school is located adjacent to or with access to a state highway, the applicant shall coordinate with TxDOT for improvements within state right-of-way.

16. Street Names and Addresses

a. Each preliminary plat shall indicate proposed street names for streets within the addition or subdivision. The County Addressing authorities shall review and approve the proposed street names according to the following standards:

   i. Street names shall not conflict with or duplicate any existing street names within the County. The disapproval of a proposed street name

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may be based on, but is not limited to, the following: close pronunciation to another street name, street name is too difficult to pronounce, street names with undesirable meanings or connotations, street names with language translation problems or street names that may cause the theft of a street sign.

ii. New streets which are extensions of or in alignment with existing streets shall bear the name of the existing street.

iii. Street suffix terms shall be assigned in accordance with the policy of the County Addressing authorities.

b. Streets shall be named to provide continuity of name with existing streets and to prevent conflict with identical or similar names within the county.

c. Approved street names shall be shown on the final plat.

d. Street addresses shall be assigned by County Addressing.

F. Master Mobility Plan and Mobility and Connectivity Goals

1. Mobility and Connectivity Goals

a. Regional thoroughfares provide linkages within the community and throughout the region. The City's Comprehensive Plan includes a Thoroughfare Plan, designed to supplement the 2018 Transportation Plan, as well as recommendations and implementation strategies specific to Mobility and Connectivity, which include:

i. Pursue coordination and mobility improvements that serve both city and county.

ii. Make possible and incremental strategy to improve streets.

iii. Prioritize long-term benefits over short-term opportunities.

iv. Approach connections on a regional basis.

2. Master Mobility Plan Alignment

a. The City’s Thoroughfare Plan is designed to supplement the 2018 Transportation Plan. Where conflicts between the Thoroughfare Plan and the 2018 Transportation Plan arise, the Thoroughfare Plan should take

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precedence. Many proposed streets align with and concur with Williamson County Arterial alignments.

b. At the discretion of the Director, the precise alignment of thoroughfares included in the City's Thoroughfare Plan may be varied to allow for locational adjustments that would increase the compatibility of the right-of-way with natural or constructed features such as steep slopes, waterways, wildlife habitats, historic structures, existing development, or existing streets. In unique circumstances, at the discretion of the Director, the amount of right-of-way expansion may be reduced to accommodate natural or constructed features such as steep slopes, waterways, wildlife habitats, historic structures, or existing development. The Director may require a Comprehensive Plan Amendment for any proposed deviation determined to constitute a substantial modification to the adopted Thoroughfare Plan.

c. Thoroughfares located in the Downtown Overlay District and constrained by historical patterns of development may be considered on a case-by-case basis by the Director and may not conform to the ultimate street sections identified in the mobility plan.

Section 11.04 Pedestrian and Bicycle Mobility

A. Sidewalks

1. Except where indicated in this UDC or EDM, sidewalks shall be required on both sides of all streets.
2. Sidewalks must extend the entire length of the development's frontage on a public street and must be constructed in accordance with the City's Engineering Design Manual and construction specifications.
3. Sidewalks must connect to existing adjacent sidewalks or be designed and placed to allow connection to future adjacent sidewalks. Required sidewalks shall connect to parking within the lot and to primary entrances of each commercial building, including outparcels. Required connections may include driveway aisle crosswalks, but may not span distances of more than 50 feet without a pedestrian refuge to protect pedestrians from vehicles. Pedestrian refuges must be constructed in accordance with the City's Engineering Design Manual and construction specifications.

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4. Sidewalks must be installed to provide all residential areas with direct access to all neighborhood facilities, including schools, parks and playgrounds, churches, and shopping centers.
5. Sidewalks of different widths between residential subdivisions and adjacent nonresidential parcels must be transitioned within a length of sidewalk by two (2) expansion joints not less than six (6) feet apart as required by Texas Accessibility Standards.
6. Sidewalks must be provided from the required development frontage sidewalk to the main entrance of each building or to a sidewalk leading to the main entrance.
7. Sidewalks along TxDOT roadways shall require approval of TxDOT. No person, firm, or corporation shall construct, reconstruct, alter or repair, remove, or replace any sidewalk, or any concrete work on any TxDOT right-of-way within the City without first obtaining approval from TxDOT. Approval from TxDOT will be required to be provided on the cover sheet for a site plan proposing sidewalks within TXDOT right-of-way.
8. Pedestrian walkways, a minimum of six (6) feet in width, must also connect primary building entrances to all associated outdoor amenities, such as courtyards and other outdoor gathering places.
9. Sidewalks for all non-residential development must be six (6) feet wide, except as otherwise provided in Article 5 Downtown Regulations.
10. All required sidewalks must be constructed before a Certificate of Occupancy (CO) may be issued.
11. A fee in lieu of constructing a public sidewalk, equivalent to the cost of construction, may be considered by the City Engineer in lieu of constructing sidewalks if it is determined that a Capital Improvement Project (CIP) will be completed on the adjacent roadway that includes sidewalk construction within three (3) years from the date of permit issuance, or if the City Engineer determines that construction of he sidewalk is impracticable or would conflict with a planned public improvement. Public sidewalks shall be placed in the right-of-way, unless the City Engineer determines that such placement is not safe. Public sidewalks not located within the right-of-way must be placed on private property within a sidewalk easement.

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B. Trail Dedication

Trail dedication, construction, and related connectivity requirements apply to all residential developments subject to this Chapter in accordance with Section 12.12. Parkland.

Section 11.05 Driveway Standards

A. Purpose

It is the intent of this section to:

1. Prohibit the indiscriminate location and spacing of driveways while maintaining reasonable vehicular access to and from the public street system;
2. Reduce conflicting turning movements and congestion, and thereby reduce vehicular accidents; and
3. Maintain and enhance a positive image for the attraction of new, high-quality developments in the City.

B. Generally

1. It shall be a violation of this UDC to construct, reconstruct, relocate, or in any way alter the design or operation of any driveway without first being released by the City to begin construction.
2. The City Engineer may prohibit a permit for a driveway if the driveway is detrimental to the public health, safety and welfare.
3. Driveway design for non-State maintained roadways. The City may establish standards to regulate the design and construction of driveways within the Engineering Design Manual, including but not limited to driveway dimensions and spacing (non-State maintained roadways) and deceleration lanes for driveways on arterial streets required (non-State maintained roadways).

C. Common Access

1. A common access easement is required between abutting lots used, zoned, or planned for nonresidential uses, mixed-uses, or multi-family uses in any combination and fronting on any street section, unless the City Engineer authorizes an exemption due to site constraints. Abutting lots used, zoned, or planned for single-family residential uses may take access from a

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common driveway, provided each lot individually meets the minimum lot frontage requirements of Article 4. Zoning Districts and Uses.

2. Access Easement

    a. The use of common driveways requires the dedication of a common access easement (also known as a mutual access easement or reciprocal access easement) that affords access to a public street for each property that is restricted from obtaining direct access due to the standards of this subsection.

    b. Common access easement dedications are dedicated on the final plat of the subject properties, unless previously filed by separate instrument with the County. Alternatively, the common access easement may be dedicated by separate instrument, so long as the separate instrument requires City approval to amend.

    c. A final plat that includes a common access easement must state that the owner(s) of the property are responsible for maintaining the common access easement.

    d. A common access easement shall encompass the entire width of the planned driveway or 26 feet, whichever is greater, plus an additional width of five (5) feet on both sides of the drive.

D. All Driveway Approaches

All driveway approaches shall comply with the following standards.

1. Sidewalks to be Removed

Where a driveway approach is designed to cross an existing sidewalk, the sidewalk included in the driveway approach area shall be removed and reconstructed as a driveway approach unless the City Engineer has determined that the section of the sidewalk fully complies with the requirements of this section for driveway approaches. The area across the driveway will be jointed and edged as a sidewalk. The depth and design of the sidewalk will be consistent with the approved driveway design and TAS regulations.

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2. Removal of Curb and Gutter

   Where a driveway approach is to be constructed at a location where a curb and gutter is in place, the curb and gutter shall be removed to the nearest existing construction joint or a new construction joint formed by other methods as may be approved by the City Engineer. The driveway approach shall be constructed in accordance with the City's Engineering Design Manual.

3. Drainage

   Driveway approaches shall be designed to prevent the entrance of water from the street onto private property, except that a drainage system may be provided within the property to handle water coming from the street. Driveway approaches and related drainage systems shall be constructed in accordance with the City's Engineering Design Manual.

4. Radius

   Driveway approaches shall be constructed with return radii in accordance with the standards outlined in Figure 11-8 Driveway Approach Dimensions. The driveway radius shall not extend in front of the adjacent property.

5. Design Criteria

   a. Driveway approaches, curbs, gutters, pavements and appurtenances on public property and other facilities to provide access to abutting properties in the City and ETJ in connection with platting or building construction shall be constructed, provided, altered, or repaired in accordance with the City of Liberty Hill Engineering Design Manual and as prescribed by the standards outlined within this article.

   b. For all gated driveways the gate shall be set back a minimum of 25 feet from the edge of the street pavement. Locking mechanisms for vehicular gates shall be subject to approval by the Emergency Services District's Fire Chief or their designee.

   c. Driveway construction shall not occur without a driveway permit.

   d. Divided entrances to parking lots in nonresidential and multi-family developments shall have a minimum ingress lane 18 feet in width, a minimum landscaped median width of five (5) feet for an unbroken

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distance of at least 100 feet, and a minimum egress lane of 22 feet. All divided entrances shall be a maximum of 45 feet in width.

e. Residential driveways shall have a minimum separation equal to the sum of the required curb returns for the two (2) driveways.

6. All driveway approach dimensions shall comply with Figure 11-8 Driveway Approach Dimensions.

Figure 11-8 Driveway Approach Dimensions

Driveway	Land Use	Width	Width	Curb Return	Curb Return
		Minimum	Maximum	Minimum	Maximum
Type I	Single-Family Detached, Single Family Attached	12’	24’	5’	15’
Type II (One Way)	Non-Residential	20’	24’	10’	15’
Type III (Two Way)	Non-Residential	24’	40’	10’	15’

E. Driveway Spacing

1. Residential Driveways

a. Single-family and two-family lots shall not take access from an arterial, highway, or road designated with a county number.

b. Residential driveways on a local street shall be separated from a street intersection by a minimum of 50 feet.

2. Nonresidential driveways shall be no wider than 30 feet, except where a median is present, in which case the driveway width shall not exceed 45 feet with a mountable curb median. Full-access driveways shall be spaced in accordance with Figure 11-9 below. Minimum separation for right-in/right-out driveways shall be no less than 200 feet from any street or driveway, as determined by the City Engineer.
3. A TxDOT driveway permit shall be obtained in addition to any City permit. Where TxDOT spacing or design standards are more stringent than this section, TxDOT standards shall govern.

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Table 11-9 Minimum Driveway Spacing Between Drives

Posted Speed (MPH)	Minimum Driveway Spacing (Feet)
≤ 35	200
36 – 50	350
≥ 50	500

Section 11.06 Traffic Impact Analysis

A. Applicability

1. When an application is submitted for development or, at the discretion of the City Engineer, the applicant shall complete a Peak Hour Trip Generation Form reporting the number of peak hour trips (PHT) generated by the proposed development as determined from the most recent version of the ITE Trip Generation Manual. The City Engineer may use this form to determine whether a Traffic Impact Analysis is required under this section.

   A Traffic Impact Analysis (TIA) shall be required when a proposed subdivision, site development, or any interim phase or combination of phases is expected to generate 2,000 or greater average daily trips for the proposed uses within the City limits, according to the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. For development within the City's ETJ, a TIA shall be required when the proposed development is expected to generate 1,000 or greater average daily trips. If the proposed development does not exceed the applicable threshold, a TIA waiver shall be noted on the TIA Determination Worksheet. If the applicable threshold is exceeded, the applicant shall be advised on the TIA Determination Worksheet and referred to the City Engineer for consultation concerning the preparation of a TIA.

2. A Neighborhood Traffic Analysis shall be required for developments taking access from residential public streets that would result in a trip generation of more than an average of 500 trips per day, on any combination of streets, based upon the latest edition of the ITE Trip Generation Manual. An NTA shall also be required if the application is for a public or private primary, intermediate, or secondary educational facility, and the expected increase in student population is 15 percent or more of the current student population at that campus or facility, it is assumed that the development will result in a trip

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generation of more than an average of 500 trips per day and an NTA is required.

3. A TIA shall be required whenever the applicable trip generation threshold is met or exceeded, whether by a single project or through the combined trip generation of related development.

    a. A TIA is required when a single proposed development meets or exceeds the applicable threshold established above.

    b. When two or more abutting parcels are under common ownership, the trip generation of all parcels shall be aggregated to determine whether the applicable TIA threshold is met. No applicant may avoid the TIA requirement by dividing a single development across separately permitted applications on adjacent lots under common ownership.

    c. When a proposed development is part of a common plan of development, including projects completed in separate stages, phases, or in combination with other construction activity on the same or interconnected parcels, the trip generation of all components of the common plan shall be aggregated to determine whether the applicable TIA threshold is met.

    d. Where a proposed development is located within an area subject to a common plan of development or common ownership, and a TIA has previously been approved for another component of that common plan, the new TIA shall incorporate and reference the findings of any existing, approved TIA within the common place area. The City Engineer shall determine whether a new scoping meeting is required based on changed conditions or the scope of the new development.

4. The Planning and Zoning Commission, by a majority vote, shall have the authority to require a TIA where existing traffic conditions would warrant additional study or when needed to address public concerns expressed at a public meeting, regardless of whether the applicable trip generation threshold has been met.
5. When a TIA or NTA is required under this section, the study shall:

    a. Be prepared by a professional engineer licensed to practice in Texas and trained and experienced in the application of traffic engineering; and

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b. Meet the minimum requirements outlined in this UDC and the Engineering Design Manual.

B. Submittal Requirements

1. Prior to initiation of the traffic study, a TIA scoping meeting with City staff shall be required. If the proposed development takes access from or is adjacent to a state highway or county roadway, TxDOT or Williamson County representatives, as applicable, shall also be included in the scoping meeting.
2. Refer to the TIA scoping requirements provided within the Engineering Design Manual for submittal and content requirements.
3. A TIA may be reviewed concurrently with the applicable development application; provided, however, that no associated development permit or plat shall be approved until the TIA has been reviewed and approved in accordance with the requirements of this UDC and Engineering Design Manual. Where a TIA identifies required off-site improvements on state or county roadways within the ETJ, the applicant shall coordinate with TxDOT or Williamson County, as applicable, to determine the feasibility of required improvements, and the City Engineer shall incorporate those findings into any conditions of plat approval.

Section 11.07 Design and Technical Standards

The design and technical standards for subdivision improvements are detailed in the City's adopted Engineering Design Manual.

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Article 12 Infrastructure, Environment and Public Improvements

Section 12.01 General

A. The purpose of this Article is to ensure the orderly continuation of public improvements for development in Liberty Hill through the planning, design, and construction thereof. The intent of this Article is to ensure, as part of the development process, the construction of adequate public improvements in a safe, equitable, and efficient manner.

B. Within this Article, the term "Subdivision" has the meaning of both subdivision and development, and the term "Subdivider" can refer to a subdivider, developer, property owner, or applicant. If any question of interpretation arises, the City will define a term as it is defined in the UDC.

C. These standards apply to any development listed in Section 3.17G.

D. Provision of Utilities

1. The City shall not supply water or wastewater according to the standards of this Article for any tract of land that is not a legal lot, nor shall the City have any obligation to extend utility service to any parcel created in violation of the requirements of this UDC.
2. A connection to or tap into the City water or wastewater system shall not be made without a permit or express prior written approval. The developer or builder shall make available all necessary materials to make the final tap or connection.
3. Temporary utility services may be provided according to the standards and procedures of the utility provider and are not subject to the requirements of this Article.

E. Utility Service Evaluation

1. The City Engineer may require letters or analyses in accordance with Section 12.02B.4 below verifying the capacity of utility providers to serve proposed development.

    a. Such verification letters or analyses shall be provided by the subdivider at the subdivider's expense.

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b. Utility service verification letters or analyses shall be valid for one (1) year.

2. The subdivider may submit such verification letters or analyses with a preliminary plat, but the City Engineer reserves the right to require additional letters or analyses based on updates to the proposed development.

   a. Valid verification letters or analyses shall be required for approval of a final plat and/or construction plans.

Section 12.02 Public Improvement Requirements

A. The provisions of this Article are adopted pursuant to Texas Local Government Code Chapters 211 and 212, and the City Charter.

B. Adequate Public Improvements Required

1. Land proposed for development in the City's corporate limits shall be adequately served by essential public facilities and services, including but not limited to water distribution, wastewater collection and treatment, roadways, pedestrian circulation, storm drainage conveyance, and park and recreational facilities. Development seeking or requiring connection to a public utility system shall design and install public improvements in accordance with the standards of this Article.
2. Public improvements are required for development under the provisions of this UDC.

   a. A final plat, replat, or site development permit will not be approved unless the land proposed for subdivision or site development is adequately served by essential public facilities and services. In the absence of any provision to the contrary, the subdivider, developer, or applicant shall provide the following public improvements, as approved in the construction plans, in conformance with the standards, specifications, and requirements of this UDC, the City's Engineering Design Manual, and any other adopted City design or technical criteria:

      i. Streets, including alleys, bridges, and street lighting; rights-of-way; sidewalks; and traffic control devices in accordance with Section 11.03 of this UDC.

      ii. Water system, including wells (where used); utility easements; water distribution lines; fire hydrants; valves; pumps; pressure tanks; water

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towers; and other water facilities, in accordance with Section 12.04 of this UDC.

iii. Sanitary sewer system, including utility easements; sanitary sewer lines; manholes; and lift stations, in accordance with Section 12.05 of this UDC.

iv. Drainage system, including drainage easements; culverts; channels; storm sewer lines and inlets; basins; control structures; and landscaping, in accordance with Section 12.09 of this UDC.

v. Open space and parkland in accordance with parkland dedication requirements in Section 12.12 of this UDC.

vi. Utility services for communications, gas, electric providers, or other approved services and associated utility easements, in accordance with Section 12.03 and Section 12.06 of this UDC.

vii. Permanent monument markers, in accordance with Section 11.02A.4 of this UDC.

3. The City's adopted Engineering Design Manual shall apply to all public facilities within the City's corporate limits and ETJ of Liberty Hill. This policy may be further defined and supplemented by other codes adopted by the City.
4. Where appropriate, a letter from each respective utility service provider (when such utility is not provided by the City of Liberty Hill), which states that all requirements have been met, is sufficient to meet the requirements of this section as to the utility service provided.

    a. In the event that the City will provide water or sewer services to the land proposed for subdivision or site development, and the City Engineer determines that there is insufficient unreserved capacity in such systems to serve the property, City Council may determine, by ordinance, that the proposed development meets the conditions provided in Section 3.20. Site Development Permit, and authorize approval of the final plat, replat, or site development permit. If the City Council does not determine that the proposed development meets the conditions of Section 3.20 Site Development Permit, the final plat is denied.

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C. Responsibility of the Subdivider

1. The subdivider is responsible for payment of all costs of improvement analysis, design, materials, and installation of all infrastructure and public improvements required by this UDC, unless otherwise specified.
2. All improvements must be designed and installed to provide for a logical system of utilities, drainage, and streets and to create continuity of improvements for the development of adjacent properties.
3. Improvements to public utilities must be designed and installed to extend "to and through" the subdivision to provide connections to adjacent properties consistent with the orderly subdivision of land.

D. Responsibility of the Subdivider's Engineer

The subdivider's engineer is responsible for the accuracy, completeness, and conformance to the City's Engineering Design Manual, this UDC, and all applicable City standards. The City has no project design or engineering responsibility.

E. Minimum Standards

1. Intent of Requiring Minimum Level of Service

    a. It is the intent of the UDC, along with the City's adopted Engineering Design Manual and other adopted standards and specifications, to define certain minimum requirements for public improvements including utilities, roadways, storm drainage, traffic control devices, parks, and other improvements within the subdivision, and those off-site improvements necessary to serve the subdivision, determined by the City Council as necessary to protect or promote the public health, safety, and welfare and to ensure the quality of life currently enjoyed by the citizens of Liberty Hill.

    b. It is the intent of this UDC that no subdivision occurs unless, and until, it provides for the minimum levels of service required by the UDC.

    c. The subdivider must dedicate, construct or upgrade required public improvements to a capacity that meets the Adequate Public Improvements standards of this Article.

    d. In accordance with the City's adopted Engineering Design Manual, all required public improvements shall be extended along the boundary

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and/or through the subject property to the perimeter of the subject property. Utility assignments are depicted in the City's Engineering Design Manual.

2. Basis for Minimum Standards

   a. For each category of public improvements, the City requires a minimum standard of infrastructure based upon historic studies and construction projects of the City and other cities, which the City may publish and update from time to time in its Engineering Design Manual and other adopted standards and specifications (see Section 1.01G).

   b. The minimum standards reflect the minimum public improvements required to protect or promote the public health, safety, and welfare and to ensure the quality of life currently enjoyed by the citizens of Liberty Hill.

   c. All private facilities must be designed to public improvement standards in accordance with the City's adopted Engineering Design Manual and other standards and specifications.

3. Conformance with Standards and Plans

   The design and construction of public improvements must conform to the standards, criteria, and requirements of the following, as they may from time to time be amended by those responsible for their promulgation:

   a. This UDC;

   b. The City's Comprehensive Plan;

   c. The City's Engineering Design Manual;

   d. The City's topical plans and master plans;

   e. The Texas Manual on Uniform Traffic Control Devices;

   f. American Association of State Highway Transportation Officials Design Manual;

   g. Texas Health Code;

   h. Texas Water Code; and

   i. All other codes and ordinances adopted by the City.

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4. Rough Proportionality and Fair Share

    a. The intent of this UDC is to provide standards for the construction and dedication of public improvements that are roughly proportional to the nature and extent of the impacts created by the proposed subdivision on public facilities, including roadway, storm drainage, or park systems.

    b. The City requires that each subdivision contribute a fair and proportional share of the costs of providing Adequate Public Improvements, consistent with TLGC Section 212.904.

    c. The City finds a direct correlation between increased demand on public facilities created by a new subdivision and the City's requirements to dedicate public right-of-way and easements, and to construct a fair and proportional share of public improvements.

    d. A fair and proportional share is the subdivider's portion of the costs of public improvements as determined by the City Engineer in conformance with State law, which may be satisfied through dedication of public right-of-way or easements, the payment of fees, or payment of construction costs.

    e. For appeals to the requirements of this Article, see Section 3.19. Subdivision Proportionality Appeal.

5. Oversizing and Extension to Serve Subdivision

    a. Based on master plans, main extensions to serve subdivisions and oversizing of facilities may be required by the Director. See TLGC Section 212.904 for more information.

    b. If the City requires a developer to pay a portion of infrastructure costs as a condition of plat approval, the developer's portion of cost must be "roughly proportionate" or consistent with only the impact of proposed development, as estimated by the City Engineer and described in Section 12.02E.4 above.

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6. Public Improvement Exceptions

   a. Residential Subdivision with Four or Fewer Lots

      Residential subdivisions where four (4) or fewer new lots are being created may provide limited public improvements, at the determination of the City Engineer.

      This exemption applies to the public improvements required in this UDC, except as follows:

      i. Stormwater improvements;

      ii. Roadway right-of-way dedication in accordance with the City's adopted plans;

      iii. Sidewalks, in the city limits only. Sidewalks in the ETJ are exempt;

      iv. Public Utility Easements;

      v. International Fire Code requirements, specifically pertaining to Fire Flow, unless granted an exception as authorized by Sections B.103 and B.105 of the International Fire Code, considering density, on-site storage, sprinkler system, and any other authorized modifications; and

      vi. Utility infrastructure in accordance with the City's adopted utility plans.

   b. Residential, Agricultural Subdivisions

      Single-family development within the RA Residential, Agricultural District, or in the City's extraterritorial jurisdiction ("Residential, Agricultural Subdivisions"), qualifies for certain modified standards throughout this Article and other articles of this UDC, where specified. It is the intent that these modified standards be used to create a rural-type atmosphere for a development without sacrificing the integrity of current or future infrastructure systems. The resubdivision of a Residential, Agricultural Subdivision to a density that does not meet the rural exemption shall be upgraded in conformance with this UDC.

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F. Installation, Acceptance and Maintenance of Required Improvements

1. Timing of Construction of Improvements

   a. Improvements shall be constructed only after the City Engineer has approved the construction plans, the applicant has attended the Pre-Construction Meeting, and the City has issued a Construction Release.

   b. All improvements shall be constructed and inspected prior to submission of a final plat application, unless the project is governed by an approved Agreement or Financial Surety.

   c. Upon completion of construction and successful inspection, the City Engineer shall issue a Letter of Final Approval verifying that all improvements were completed in accordance with the approved plans, City standards, and specifications.

   d. After receiving the Letter of Final Approval, the developer shall submit to the City record drawings and a maintenance bond in the required form and amount.

   e. A Letter of Final Approval shall be required prior to placing any project facilities in service for use by the public.

2. Pre-Construction Meeting

   a. Purpose

      The pre-construction meeting ensures clear communication of administrative, inspection, and documentation procedures before work begins. City staff will outline inspection items, testing requirements, and acceptance criteria for all improvements.

      b. Meeting Procedures

         i. A pre-construction meeting is required for all projects involving improvements.

         ii. The developer shall request the meeting following construction plan approval.

         iii. The City Engineer will schedule and conduct the meeting, and the developer shall ensure attendance of contractors, inspectors, utility representatives, and other stakeholders.

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3. Construction Release

    a. Requirements for Construction Release

        i. The City Engineer shall issue a construction release once a pre-construction meeting has been held, all plans are approved, fees are paid, other pre-construction requirements are met, and permits are obtained.

    b. Coordination with Utility Providers

        i. It is the applicant's responsibility to coordinate directly with all utility providers for parallel review and approval of their facilities.

        ii. All City and utility provider approvals are required prior to release for construction.

    c. Expiration and Extension

        i. A release remains valid for one (1) year or until project completion if continuous progress is demonstrated.

        ii. Expiration and possible extension of the construction release shall comply with the submittal and approval procedures for the Construction Plan.

4. Start of Construction

    The subdivider's engineer or contractor shall notify the City at least 48 hours prior to beginning construction unless a longer duration is required for certain projects. Such longer duration shall be identified during the pre-construction meeting.

5. Plan Revision Requests

    a. Any design changes that deviate from the approved construction plans shall be submitted to the City Engineer for review and approval prior to implementation.

    b. The subdivider's engineer shall provide a written plan revision request describing the proposed modifications and justification for the change, including any updated plans, details, and specifications, as necessary.

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c. At the City Engineer's discretion, minor field adjustments may be incorporated into the record drawings in lieu of a formal plan revision, provided the changes do not affect public safety, system performance, or regulatory compliance.

6. Inspection

   a. Conformance

      All construction shall conform to the approved plans and all requirements listed in this UDC. Any changes from the approved plans require written request by the subdivider's engineer and review and approval from the City Engineer.

   b. Preliminary Inspection

      i. Upon completion of major work items, the developer shall request a preliminary inspection. Major work items will be identified during the project's pre-construction meeting.

      ii. All preliminary inspection requests and notifications shall be submitted to the City Engineer or designated inspector in writing based on instructions provided at the pre-construction meeting, no less than 48 hours or two (2) business days, whichever provides greater advance notice, prior to the requested inspection date.

      iii. Following the preliminary inspection, the City will issue a punch list identifying any deficiencies.

      iv. Additional preliminary inspections may be required at the City Engineer or inspector's discretion.

   c. Final Inspection

      i. The developer, upon rectifying any issues identified in the preliminary inspection punch list (if applicable), shall request from the City Engineer or designated inspector a final inspection.

   d. Letter of Final Approval

      i. If all improvements are completed, inspected, tested (if applicable), and determined by the City Engineer to be in conformance with the provisions of the Engineering Design Manual, the UDC, and the City's

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standards, and all inspection fees have been paid, then the City Engineer shall issue a Letter of Final Approval to the applicant.

ii. The applicant will submit record drawings to the City within 30 days of receiving the Letter of Final Approval or the Letter of Final Approval shall be rescinded.

e. Two-Year Maintenance Inspection

i. Two (2) years from the date that the maintenance bond became effective, a two (2) year maintenance inspection shall be performed by the City Engineer to ensure all improvements have been maintained to State and City specifications and are in a good state of repair.

(A) If the two (2) year maintenance inspection finds that all improvements are completed, in good repair, and in conformance with City standards, the City Engineer shall issue authorization to release the maintenance bond.

7. Inspection Fees

Inspection fees shall be established in accordance with the City's adopted Fee Schedule as amended from time to time. Additional inspection fees may be assessed when third-party inspection or testing services are required.

8. Record Drawings

a. The purpose of the City requiring record drawings is to have a record of how improvements were constructed in the field.

b. The applicant must submit the record drawings within 30 days of receiving a Letter of Final Approval from the City Engineer, or the Letter of Final Approval shall be rescinded.

c. All sheets for the record drawings shall show all changes made in the construction plans during construction, and on each sheet, there shall be a "record" stamp bearing the signature of the engineer and date.

d. Digital files of all the record drawings shall be submitted by the applicant in the format and quantity as specified by the City's Engineering Design Manual.

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9. Maintenance Bond

    a. Maintenance Bond Purpose

        i. A maintenance bond is submitted by the applicant to the City after the City Engineer issues a Letter of Final Approval. The City attorney must review and approve the maintenance bond before the applicant submits a final plat application.

        ii. A maintenance bond is required to ensure improvements are maintained to the satisfaction of the City for a certain period of time after improvements have been constructed.

        iii. A maintenance bond shall be executed by a surety company authorized to do business in the State of Texas and acceptable to the City, and made payable to the City.

    b. Maintenance Bond Duration

        The conditions of the maintenance bond shall stipulate that the developer shall guarantee, to the satisfaction the City, that all public improvements are maintained to City specifications and is in a good state of repair for a period of two (2) years from the date of the Letter of Final Approval.

    c. Maintenance Bond Amount

        The maintenance bond amount shall be equal to 35 percent of the estimated cost of the improvements, as approved by the City Engineer.

    d. Periodic Inspections

        Periodic inspections of improvements for which the maintenance bond is held may be made by the City Engineer during the period of liability covered by the maintenance bond.

    e. City Redemption of Maintenance Bond

        In the event any or all of the Improvements are not being maintained in a good state of repair, the owner will be so advised in writing and, if, after a reasonable time, the owner fails or refuses to repair said items, the maintenance and repair of improvements shall be completed by the City using the maintenance bond provided.

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f. Request for Maintenance Bond Release

i. The developer may request the release of the maintenance bond two (2) years from the date the City Engineer issued the Letter of Final Approval.

ii. The developer who posted the original maintenance bond shall submit a written request to the City Engineer to release the maintenance bond. The request shall include a copy of the Letter of Final Approval and a set of record drawings.

iii. The City Engineer will be responsible for authorizing the release of the maintenance bond.

iv. Release of the maintenance bond shall depend on the condition of improvements during the Two-Year Maintenance Inspection described in Section 12.02F.6.e. Two-Year Maintenance Inspection and Section 12.02F.9. Maintenance Bond

10. Development Agreement

a. Development Agreement and Surety for Completion of Delayed Improvements

When any of the required Improvements will be postponed and constructed after final plat recordation, the final plat application shall not be accepted for recording unless and until the applicant enters into a development agreement of standardized format approved by the City by which the applicant:

i. Guarantees completion of all the improvements;

ii. Provides financial provisions for the completion of all improvements (e.g., surety, performance, or payment bonds) by securing the obligations of the development agreement consistent with Section 12.13A;

iii. Agrees to provide a maintenance bond to warranty the improvements for a period of two (2) years following issuance of a Letter of Final Approval by the City Engineer; and

iv. Outlines other terms and conditions as agreed to by the applicant and the City, or as may be required by these subdivision regulations,

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including insurance requirements and covenants to comply with other ordinances of the City.

b. Development Agreement for City Participation in Public Facilities

   i. If the City participates in construction or financing of construction of public improvements, then a development agreement shall be required.

   ii. The development agreement shall provide that the covenants and other items of agreement contained therein shall run with the land and shall bind all successors, heirs, and assignees of the current property owner.

   iii. All existing owners and lienholders shall be required to execute the agreement or provide written consent to the covenants and other items contained in the agreement.

c. General Content of a Development Agreement

   The development agreement shall contain:

   i. As appropriate, provisions for pro rata payments, City participation in community facilities, escrow deposits, other payments for future facilities, any waivers or variances granted, and other relevant requirements of the Engineering Design Manual or UDC;

   ii. Authority for the City to withhold building permits, and/or put a hold on construction and inspections in the event of breach by the subdivider; and

   iii. For financial security:

      (A) Insurance requirements in accordance with the City's requirements for public works projects; and

      (B) An indemnification clause by which the subdivider shall agree to hold the City harmless against any claim arising out of the proposed subdivision or any actions taken therein.

d. Authorization Required by the City Council

   i. The City Engineer shall review all development agreements associated with public improvements.

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ii. The City Engineer shall recommend an action to the City Council for all development agreements associated with public improvements.

11. Acceptance of Public Improvements

a. Acceptance Disclaimer

i. Approval of a preliminary plat, final plat, or construction plans shall not constitute acceptance of any of the public improvements required to serve a subdivision or development.

ii. No public improvements shall be accepted for dedication to the City except in accordance with this UDC and the Engineering Design Manual.

b. Initial Acceptance

The following items are required prior to the City Engineer approval of Initial Acceptance by the City:

i. Construction is completed in accordance with the approved construction plans, and a Letter of Final Approval has been issued indicating that any outstanding punch list items have been completed;

ii. All record drawings in the specified format as specified in the City's UDC and Engineering Design Manual have been submitted to the City, and the Design Engineer has certified that the record drawings are complete and correct;

iii. All bond requirements, as detailed in Section 12.02F.9. Maintenance Bond, and Section 12.13A. Fiscal Surety, for the project, have been met and copies of the bonds have been provided to the City;

iv. All other public entities having jurisdiction over the project have given their written approval of the project, with copies of the approvals provided to the City;

v. The City has received a sealed concurrence letter or certification from the subdivider's engineer that all materials installed in the project are complete and in place in accordance with approved plans and specifications; and

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vi. The City has received the final cost documentation, including all bid components and any field changes.

vii. Dedication and acceptance language shall be recorded with the final plat or provided by a separate document if requested and approved by the City Engineer. A note will be placed on the plat to address the maintenance of public improvements by either the City, the public utility service provider, or the property owner.

c. Final Acceptance

i. Public infrastructure projects will be subject to a minimum two (2) year maintenance period. An inspection prior to the end of the maintenance period will be scheduled and conducted by the City and all other entities having jurisdiction. All facilities shall be operational and in good condition at the time of the inspection.

ii. The City will grant final acceptance by issuance of a Letter of Final Acceptance after the Two-Year Maintenance Inspection is complete and all punch list items identified in the inspection are completed.

(A) A Letter of Final Acceptance shall mean that the applicant has transferred all rights to all the Public Improvements to the City for title, use, and maintenance.

Section 12.03 Utility Easements

A. Purpose

1. Utility easements, both above and below grade, are those easements established by plat or separate instrument that are dedicated to the City for public use and designed to accommodate facilities necessary to provide various types of utility services to the individual properties within the plat boundaries.
2. Utility easements may be used for, but not be limited to, facilities necessary to provide water, electrical power, natural gas, telephone, fiber internet, cable television, and sanitary sewer services.

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B. Location

1. Street Frontage

    a. Along City streets, no utility easement is required unless the City Engineer determines the right-of-way is not wide enough to allow for the proper placement and maintenance of all utilities.

    b. For all other streets, including but not limited to county roads, state highways, and private streets, utility easements shall be provided along the front of all lots except when the City Engineer determines that such location is not feasible for the orderly development of the subdivision.

2. Utility easements located along the outer boundaries of a subdivision shall contain the full width required for such easement unless a shared easement is established with the adjacent property owner or previously-developed subdivision that allows for a combined easement to serve both developments.

    a. In such cases, one-half (1/2) of the required easement width shall be dedicated within the platted boundary, with the other one-half (1/2) provided outside the platted boundary by separate instrument or through notation on the plat certifying the ownership and dedication of said easement.

3. Widths

    a. All utility easements established within any subdivision plat shall not be less than 10 feet in width but may be required to be greater where required by the Engineering Design Manual or as determined by the City Engineer.

        i. If situated between lots, easements for water, wastewater and storm sewer lines shall be at least 20 feet in width.

        ii. Where the proposed development adjoins an unplatted area, up to a 20-foot easement may be required along the rear of lots adjoining the unplatted area.

4. Limitations

    a. All utility easements shall be limited to surface and below-grade easements. Aerial easements over utility easements shall be limited to

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those necessary for transformers, amplifiers, and other similar devices that cannot be placed below grade, it being the express purpose and intent hereof to require all utilities, to the extent reasonably possible, to be placed below ground level.

5. Establishment of Special Use Utility or Drainage Easements

    a. A special use utility or drainage easement may be established by subdivision plat when such easement is for the purpose of accommodating a utility or drainage facility owned, operated, and maintained by a unit of government and is restricted to either water mains, sanitary sewers, storm sewers, or other drainage purposes and where it has been determined by the Director that these facilities cannot or should not be accommodated within a general purpose public utility or drainage easement or public street right-of-way.

    b. Easements proposed to be established for any privately-owned utility company or private organization providing utility services and restricted for their exclusive use shall be created by a separate instrument which shall be filed and noted on the subdivision plat; however, such private utility facilities may be accommodated and placed within the general purpose utility easements and public streets established within the plat boundary.

    c. Nothing in this section, however, may prevent such private companies or the subdivider from granting and establishing special or exclusive use easements by separate instrument if such arrangements are deemed necessary to properly serve the properties within the plat boundaries.

C. Private Easements

1. Existing Easements

    a. All easements or fee strips created prior to the subdivision of any tract of land shall be shown on the subdivision plat of said land with appropriate notations indicating the name of the holder of such easement, the purpose of the easement and generally the facilities contained therein, the dimensions of the easement tied to all adjacent lot lines, street rights-of-way and plat boundary lines, and the recording reference of the instruments creating and establishing said easement.

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b. In instances where easements have not been defined by accurate survey dimensions (e.g., over and across type easements), the subdivider shall request the holder of such easement to accurately define the limits and location of such easement through the property within the plat boundaries. If the holder of such undefined easement does not define the easement involved and will not certify their refusal to define such easement to the Director, the subdivision plat shall provide accurate information as to the centerline location of all existing pipelines or other utility facilities placed in conformance with the easement holder's rights, and building setback lines shall be established at a distance greater than half the width of the easement as described, or 15 feet, whichever is greater, from and parallel to both sides of the centerline of all underground pipelines or aboveground lines involved.

Section 12.04 Public Water Standards

All development shall be served with an adequate water supply and distribution systems for fire protection and domestic use, unless otherwise specified. The developer shall be responsible for providing infrastructure to an approved public water supply system, including, but not limited to, water distribution lines, fire hydrants, valves, elevated metering transmission structures, and water towers, consistent with the City's Comprehensive Plan and other adopted plans, policies, and ordinances. Properties in the ETJ that desire or require water service from the City of Liberty Hill shall first submit a petition for voluntary annexation, in accordance with Section 3.07 of this Code. All improvements shall be designed and constructed in accordance with the City's Engineering Design Manual.

A. The developer shall be responsible for the cost of extension and connection to the existing public water system.
B. The water main pipe size for water distribution system improvements and extensions shall be a minimum diameter of eight inches. Water infrastructure shall be of sufficient size to furnish adequate domestic water supply for fire protection in conformance with the City's adopted Fire Code, as amended. Fire hydrants shall be provided in accordance with the Engineering Design Manual.
C. Except where determined to be impracticable by the City Engineer, all lots must be provided service connections from a looped water main providing water flow from two (2) directions or sources.

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D. The City may require the phasing of development, improvements to the existing City system, and/or upgrades to the proposed new infrastructure, to maintain adequate pressure and capacity for new and existing residents.
E. Each lot within a proposed subdivision shall be connected to the potable water distribution system of the City if any point within such subdivision is located within one-half mile of the City's water distribution system.
F. Water wells may be permitted only in cases where:

    1. The proposed well only serves the subject property; and
    2. The property's water system is not connected to the public system and the development is more than one-half mile from the City's water distribution system; or
    3. The water well serves agricultural or critical facilities (e.g., for emergency backup), as determined by the City Engineer.

G. Per Section 212.0101 of the Texas Local Government Code, if a development will utilize groundwater as the water supply, the plat application shall include a statement prepared by the subdivider's engineer or a licensed geoscientist that certifies adequate groundwater is available for the subdivision.
H. All water facilities shall be designed and constructed in accordance with all federal, state, and local rules, regulations, and plans, including the City's Engineering Design Manual.

    1. For development that is not served by a public water supply, proof of a safe and adequate water supply shall be provided to the City Engineer.

I. Water lines installed within a subdivision must extend to the border and perimeter of the subdivision to allow for future water extensions to adjacent properties, regardless of whether such extensions are required for service within the subdivision.
J. All water lines that will be owned or maintained by the City of Liberty Hill and are located within the City's ETJ (Extraterritorial Jurisdiction), will require a City of Liberty Hill easement. This easement must be dedicated by separate instrument, unless the City Engineer approves otherwise.

Section 12.05 Public Wastewater Standards

All development, where desired or required, shall be served with an approved public wastewater system, including but not limited to, wastewater lines, manholes, force mains, and lift stations, consistent with the Comprehensive Plan. Properties in the ETJ

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that desire or require wastewater service from the City of Liberty Hill shall first submit a petition for voluntary annexation, in accordance with Section 3.07 of this Code. All improvements shall be designed and constructed according to the City's Engineering Design Manual.

A. The projected wastewater discharge of a proposed development shall not exceed the proposed capacity of the proposed development's wastewater system.
B. The City may require the phasing of development and/or improvements to the systems to maintain adequate wastewater capacity.
C. Each lot within a proposed subdivision shall be connected to the sanitary sewer system of the City when the subdivision is located within the City's wastewater service area or if any point within such subdivision is located within one-half mile of the City's collection system. No septic tank system or grinder tank system shall be permitted within any newly platted subdivision when connection to the City's sanitary sewer system is required under this section, unless annexation required for connection is denied.
D. All sanitary sewer facilities shall be designed and constructed in accordance with all federal, state, and local rules, regulations, and plans, including but not limited to the City's Engineering Design Manual.
E. The developer shall be responsible for the cost of extension and connection to the existing wastewater collection system.
F. All wastewater systems shall be designed and constructed to operate on a gravity flow basis. In extraordinary circumstances and with the approval of the City Engineer, lots one acre and greater may design a low-pressure or vacuum system to minimize the need for lift stations.
    1. A subdivision waiver request for a lift station may be approved if:
        a. The design of a gravity-flow system is not technically feasible,
        b. The depth is not greater than 40 feet, and
        c. The request is not due to financial hardship.
G. Where an approved wastewater collection main or outfall line is more than one-half mile away from the property boundary, on-site septic system(s) may be utilized; however, if the City's Wastewater Master Plan has scheduled the extension of a wastewater collection main or outfall line to be completed to a location point within one-half mile away from the property boundary within five

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(5) years from the date of the Preliminary Plat submittal, connection to the public wastewater system is required. In such instances, the subdivider shall be required to install a public wastewater collection system to the point of the City's planned extension and shall bear the cost of connecting to the City's existing wastewater collection system. A subdivider may request a subdivision waiver from this requirement in accordance with Section 3.18. Subdivision Waiver. An appeal of the decision made by the City Engineer in this regard shall be heard by the Planning and Zoning Commission.

H. Sewer mains installed within a subdivision must extend to the border and perimeter of the subdivision to allow for future wastewater extensions to adjacent properties, regardless of whether such extensions are required for service within the subdivision.

Section 12.06 Franchised Utility Standards

A. Adequate provision for all utilities shall be provided to the entire subdivision.
B. All distribution and service lines for utilities shall be located underground.
C. Transformers, amplifiers, or similar devices associated with the underground lines shall be located at grade or below ground level.
D. Where the underground placement of facilities (such as electric transformers, amplifiers, or similar devices) is not a standard practice of the utility involved, the subdivider or developer shall request the applicable utility to place the facilities underground and shall pay all costs associated with the non-standard installation.
E. All utility installations shall comply with the City's Engineering Design Manual and with the terms and regulations of the provider of said utility, whichever is more stringent.

Section 12.07 Impervious Cover

THIS SECTION WILL LIKELY BE DELETED IN FAVOR OF PLACING IMPERVIOUS COVER IN THE DIMENSIONAL STANDARDS FOR EACH ZONING DISTRICT, AND THE WAIVERS/BONUSES BEING INTEGRATED WITH INCENTIVES FOR HIGH-QUALITY DESIGN ABOVE MINIMUM STANDARDS.

These impervious cover limitations are adopted to minimize negative flooding effects from stormwater runoff and to control, minimize, and abate water pollution resulting from urban runoff of rainwater or other non-point specific sources, pursuant to Texas Water Code § 26.177.

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Section 12.08 Pollutant Attenuation Plans

A. Industrial Uses

1. The on-site manufacture, storage, use, and handling of hazardous materials is prohibited. For the purposes of this section, the term "hazardous materials" is defined to include the following:

    a. "Hazardous substances," as that term is defined in the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. Sec. 9601(14), and the related regulations; and

    b. Gasoline or any other petroleum product or by-product;

    c. "Toxic substances," as that term is defined in the Toxic Substances Control Act ("TSCA") 15 U.S.C. Secs. 2601, et seq., and the related regulations; and

    d. "Insecticides," "fungicides," or "rodenticides" as those terms are defined in the Federal Insecticide, Fungicide or Rodenticide Act ("FIFRA") 7 U.S.C. Sec. 136 et seq., and the related regulations.

2. An applicant proposing any Industrial use, which is not completely enclosed within a building or buildings, must provide a pollutant attenuation plan which:

    a. Proposes methods to capture all surface water run-off from developed areas to contain and filter pollutants generated on-site.

    b. Controls dust and other particulate matter generated on site to meet TCEQ regulations and applicable air quality standards.

3. The design of storage facilities for hydrocarbon or hazardous substances, including leak detection systems, spill containment areas, or other control measures, shall meet the following requirements:

    a. Underground Storage Facilities

        Facilities for the underground storage of static hydrocarbon or hazardous substances shall be of double walled construction or of an equivalent method approved by the City Engineer. Methods for detecting leaks in the storage facility's walls shall be included in the facility's design and reviewed prior to issuance of appropriate construction permits.

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4. All transport facilities for hydrocarbons and hazardous substances shall be approved by the City Engineer.

Section 12.09 Stormwater Management System Requirements

THIS SECTION IS CURRENTLY BEING COORDINATED WITH THE ENGINEERING DESIGN MANUAL ALSO IN DEVELOPMENT. SIGNIFICANT ASPECTS OF THIS SECTION ARE LIKELY TO SHIFT TO THE MANUAL, WITH CONTENT OF THIS SECTION ESTABLISHING POLICY INTENT, ENABLING THE MANUAL AND REGULATORY STANDARDS THAT SIGNIFICANTLY AFFECT PROJECT DESIGN/LAYOUT RATHER THAN TECHNICAL SPECIFICATIONS.

No site development permit, plat, or subdivision may be approved unless the project meets the minimum requirements of this UDC in making adequate provision for control of the quantity of stormwater runoff to the benefit of both future owners of property within the subdivision and other lands within the watershed.

A. General Requirements

It shall be the responsibility of the subdivider to design and construct a system for the collection and conveyance of all stormwater run-off flowing onto and generated within the subdivision in accordance with:

1. Any specific or general requirements of these regulations;
2. The City of Liberty Hill Engineering Design Manual;
3. Article 4.03, Flood Damage Prevention, of the City of Liberty Hill Code of Ordinances;
4. Good engineering practices;
5. City-approved plans, including any regional stormwater plans;
6. The principles of stormwater law established by the Texas Water Code;
7. The preservation of existing trees.

B. Basic Design Objectives

In general, the stormwater management system shall be designed and constructed in a manner that promotes the development of a network of both natural and built drainage ways throughout the community, and to:

1. Retain natural flood plains in a condition that minimizes interference with flood water conveyance, floodwater storage, aquatic and terrestrial ecosystems, and ground and surface water.

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2. Reduce exposure of people and property to the flood hazard and nuisance associated with inadequate control of run-off.
3. Systematically reduce the existing level of flood damage.
4. Ensure that corrective works are consistent with the overall goals of the City.
5. Minimize erosion and sedimentation problems and enhance water quality.
6. Protect environmental quality, social well-being, and economic stability.
7. Plan for both the large flooding events and the smaller, more frequent flooding by providing both major and minor drainage systems.
8. Minimize future operational and maintenance expenses.
9. Reduce exposure of public investment in utilities, streets, and other public facilities (infrastructure) to loss from flood events.
10. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the public.
11. Acquire and maintain a combination of recreational and open space systems utilizing flood plain lands.
12. Preserve natural drainage patterns and limit the amount of impervious cover to prevent erosion, maintain infiltration and recharge of local seeps and springs, protect existing trees and plantings in the area, and attenuate the harm of contaminants collected and transported by stormwater.
13. Comply with the National Flood Insurance Program (NFIP) for eligibility for FEMA funds.

C. General Design Requirements

1. The storm drainage system shall be separate and independent of any sanitary sewer system, and its use shall not interfere with the operation and maintenance of road networks or utility systems.
2. Each lot, site, and block within the subdivision shall be adequately drained as prescribed in the City's Engineering Design Manual. Any use of retaining walls or similar construction shall be indicated on the Preliminary Plat, and the Utilities Director may require Construction Plans for such structure.
3. Drainage systems, including all conveyances, inlets, conduits, structures, basins, or outlets used to drain stormwater, shall be designed and constructed to promote the health, safety, and welfare of the property owner and the public, using the best available data.
4. Adequate provision shall be made for the acceptance, collection, conveyance, detention, and discharge of stormwater runoff drainage onto,

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through, and originating within the subdivision and development, using best available data.

5. Overland sheet flow shall be maintained whenever possible, and the dispersion of run-off back to sheet flow shall be a primary objective of drainage design for the subdivision as opposed to the concentration of flows in storm sewers and drainage ditches.
6. Stormwater discharge shall not have an adverse impact downstream or upstream; shall be released in a manner that does not alter existing drainage patterns onto neighboring properties; and shall not endanger human life or public or private property, using best available data.
7. No approval shall be issued that would permit building within a regulatory floodway of any stream or watercourse. The City may, when it deems necessary for the protection of the health, safety, or welfare of the present and future population, prohibit the subdivision or development of any property that lies within a designated regulatory floodway of any stream or watercourse.
8. No lot or building site shall derive sole access to a public street across a waterway unless such access shall be constructed to remain open under design storm conditions as prescribed in the City's Engineering Design Manual.
9. Areas subject to inundation under design storm conditions, using best available data, shall be indicated with the minimum floor elevation of each lot so affected on a certified copy of the Preliminary Plat submitted for filing. The appropriate final action authority for plat approval may, when it deems necessary for the protection of the health, safety, or welfare of the present and future populations, place restrictions on the subdivision, regarding the design and use of areas within a drainageway. The final action authority shall not approve any subdivision of land within any stream or watercourse unless the applicant demonstrates that the subdivision and all development anticipated therein will comply with the requirements of this UDC.
10. Maintenance Responsibility

    a. The property owner or homeowners' or property owners' association, as applicable, shall be responsible for maintaining detention and water quality treatment devices. The property owner shall be responsible for associated pond maintenance costs, which the City Engineer may approve through an Improvement Agreement if deemed appropriate by

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the City. For any facility serving commercial or multi-family development, or multiple lots, a management company or homeowners' or property owners' association capable of funding operation and maintenance shall maintain such facilities.

11. Design of all drainage facilities, including detention and water quality ponds, streets, inlets, storm sewers, outfall, drainage berms, culverts, ditches, and other associated improvements, shall conform to the City's Engineering Design Manual, TCEQ requirements, and the following general design standards, using best available data.

    a. Setbacks

        i. Detention and water quality ponds shall be setback from any public street right-of-way in accordance with the applicable landscaping and bufferyard requirements of Section 6.08 and Section 7.07, as applicable to the subject property. Where no bufferyard or landscape setback is otherwise required by those sections, a minimum 10-foot planting buffer from any public street right-of-way shall be maintained. Detention and water quality ponds within a street setback shall be designed to the greatest extent possible to conform to the natural terrain of the land and, if possible, in curvilinear, non-rectangular shapes.

        ii. Except for bioretention facilities, raingardens and other Low Impact Design facilities, detention and water quality ponds shall not be located within any nonresidential or mixed-use District landscape setback/buffer at the Director's discretion.

        iii. All ponds shall be set back at least 20 feet from a platted residential lot.

        iv. Detention and water quality ponds located within any setback shall be designed with a vegetated slope not to exceed 3:1 and shall not include structural walls.

    b. Walls, Trees, and Fencing

        i. Structural walls of detention and water quality ponds that are located within 125 feet of a street or residential lot and are visible from either

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at a six (6)-foot-tall vantage point shall be either constructed or faced with stone, brick or similar masonry product.

ii. Shade Trees shall be planted within the street setback buffer area, spaced a minimum of 40 feet apart, installed with at least 500 cubic feet of soil volume and at least three (3) feet in depth, shall be irrigated, and depicted on the Construction Plans. When the tree planting area conflicts with utilities, the buffer area and pond(s) shall be moved back to accommodate.

iii. All detention ponds shall be designed as an integral part of the landscape and have a minimal amount of land disturbance as part of their construction (based on commercially reasonable standards). Detention ponds shall not have exposed poured concrete walls except at the outlet and inlet. All ponds shall meet all requirements of the City Engineering Design Manual.

iv. All pond walls with a slope greater than 3:1 (H:V) require fencing. Additional fencing may be required at the Director's discretion. If pond fencing is required by this UDC, such fencing shall be wrought iron or other decorative fencing.

c. A Subdivision Waiver to these requirements may be requested pursuant to Section 3.18 of this Code.

12. Projected runoff rates for the design of drainage facilities shall be based on the expected ultimate developed state of the upstream contributing area. Said ultimate developed state shall be based on the maximum intensity allowable under the UDC, the Comprehensive Plan, and approved plans within the contributing area.
13. Design of major drainage ways through a subdivision and major structures such as box culverts or bridges across a major drainage channel shall be coordinated with the requirements of the County and TXDOT when any portion of the subdivision lies outside the City limits, and when applicable, a letter requesting a local floodplain map amendment from the Federal Emergency Management Agency (FEMA) shall be provided prior to final Construction Plan approval.

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D. Building Permits and Utility Connections

1. Plans submitted for building permits and/or utility connections shall include the necessary drainage related facilities designed and provided for in compliance with this UDC and the City's Engineering Design Manual. The following types of construction are exempt from this requirement:

    a. Single-family and two-family residential construction;

    b. Permanent new buildings or additions less than 250 square feet;

    c. Any other project that does not increase the total amount of impervious cover; and

    d. Those projects already in compliance with this UDC.

2. Plans and design calculations for all drainage facilities shall be submitted to the City Engineer prior to issuance of any permit within the development or subdivision.

E. Drainage Easements

The requirements set forth herein are not intended to be exhaustive, and wherever it is necessary to make additional requirements to maximize the effectiveness of the drainage plan in question, such requirements shall be made by the City Engineer.

1. General Requirements

    a. Where a subdivision is traversed by a watercourse, drainage way, channel, storm drain, or stream or where a detention/filtration facility is required, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse or facility, and of such width and construction to contain the design storm and required freeboard. When parking lots or other approved use areas serve a dual function, including detention, those areas shall be designated on the plat as detention areas.

    b. All drainage easements shall be located and properly dedicated to the public to accommodate the drainage requirements necessary for the proper development of the property within the subdivision boundaries and within its natural watershed and in conformance with the City's Comprehensive Plan, other adopted plans, Engineering Design Manual,

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and State and Federal regulations. A note on the plat shall require that all drainage easements within the plat boundaries shall be kept clear of fences, buildings, obstructive vegetation, and other obstructions to the operation and maintenance of the drainage facilities therein.

2. Design Requirements

    a. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within the road right-of-way, as determined by the City Engineer, perpetual unobstructed easements at least 15 feet in width for such drainage facilities shall be provided across property outside the road ROW and with satisfactory access to the road. Easements shall be recorded by a separate instrument and indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities that are adequately designed to receive the drainage.

    b. When a proposed drainage system will carry water across private land outside the subdivision, drainage easements shall be secured and recorded by separate instrument in the property records of the County and shown on the construction plans.

    c. Low lying lands along watercourses subject to flooding or overflowing during storm periods shall be preserved and retained in their natural state as drainage ways except where modification can be shown to benefit the community and as approved by the City Council. All development activity within the regulatory floodplain must comply with City and Federal Emergency Management Agency (FEMA) floodplain management regulations.

    d. All sedimentation, filtration, detention, and/or retention basins and related appurtenances shall be situated within a drainage easement that is recorded by separate instrument in the property records of the County. The owners of the tracts upon which are located such easements, appurtenances, and detention facilities shall maintain the same and be responsible for their upkeep. Notice of such duty to maintain shall be shown on the plats.

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F. Stormwater Detention Easements

1. Each stormwater detention easement shall be located and designed in accordance with applicable standards of governmental agencies having jurisdiction over surface water drainage or flood control within the area in which the proposed subdivision or development is located. Each subdivision plat that dedicates a stormwater detention easement shall contain a restriction on the plat that:

    a. Prohibits the construction of private fences or buildings, whether temporary or permanent, or installation or maintenance of plantings or other obstructions to the operation and maintenance of the facility, within the stormwater detention easement or upon properties adjacent thereto; and

    b. Prohibits drainage from abutting properties directly into the stormwater detention easement except by means of a drainage structure approved by the City Engineer or the authorized public drainage or flood control official.

G. Federal Flood Insurance Program

1. No subdivision of land shall be approved unless the same complies in all respects with the City's flood damage prevention regulations, as found in Article 4.03 Flood Damage Prevention of the City of Liberty Hill Code of Ordinances.

Section 12.10 Water Quality Regulations for Property Located over the Edwards Aquifer Recharge or Contributing Zone

THIS SECTION WILL LIKELY CHANGE SUBSTANTIALLY TO FOCUS ON USE/CONFIRMATION OF TCEQ COMPLIANCE FOR EASE OF USE, TYPES OF BMPs, AND LOCAL PROACTIVE ENFORCEMENT/OWNERSHIP ELEMENTS FOR WATER QUALITY FACILITIES. OVERPERFORMANCE BEYOND TCEQ MAY SHIFT TO THE INCENTIVE SYSTEM FOR HIGH-QUALITY DESIGN ABOVE MINIMUM STANDARDS.

A. Applicability

1. The regulations of this Section apply to all property within the corporate limits of the City and its extraterritorial jurisdiction ("ETJ"), to the extent allowable by State law, located within the recharge zone or contributing zone

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of the Edwards Aquifer, as that term is defined in Title 30, Texas Administrative Code § 213.3 and § 213.22, except as noted below. Property within the Edwards Aquifer Recharge Zone ("EARZ") is determined by the most current official map of the relevant zone located in the Texas Commission on Environmental Quality office for Region 11.

2. This Section does not apply to occupied sites as this term is defined in this Section. Property with an occupied site should be in accordance with the Federal standards as referenced in this Section.

B. Definitions

The following words and phrases, when used in this Section, shall have the meanings respectively ascribed to them in this subsection, except when the context otherwise requires:

Bank (of a stream). The ordinary high water mark of a stream, not the floodplain boundaries, as determined by the appropriate authority.

Best Management Practices (BMPs). For this Section only, BMPs have that meaning ascribed to it in Title 30, Texas Administrative Code § 213.3(5), as may be amended and as further defined herein.

City Engineer. A professional engineer licensed by the State of Texas and designated to serve in the capacity of the City Engineer for duties specified in the City Code of Ordinances and Unified Development Code.

Geologic Assessment. A report prepared by a geologist pursuant to Title 30, Texas Administrative Code § 213.5 and containing the additional information required by this Section.

Geologist. A licensed professional geoscientist who has training and experience in groundwater hydrology and related fields that enable that individual to make sound professional judgments regarding the identification of sensitive features, such as springs and streams.

Licensed Professional Geoscientist. A geoscientist who maintains a current license through the Texas Board of Professional Geoscientists in accordance with its requirements for professional practice.

Occupied Site (Edwards Aquifer Water Quality Regulations). Any spring, cave, recharge feature, or associated habitat area located within the Edwards Aquifer Recharge Zone or contributing zone and identified by the United States Fish and

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Wildlife Service (USFWS) as occupied habitat for a federally listed threatened or endangered species. Occupied sites may include identified spring systems, caves, recharge features, and associated buffer areas as mapped or designated by the United States Fish and Wildlife Service or other applicable regulatory agencies.

Recharge Zone. That portion of the City and its ETJ that overlays the EARZ as defined in Title 30, Texas Administrative Code § 213.3, as may be amended.

Regulated Activity. Shall have that meaning ascribed to it by Title 30, Texas Administrative Code § 213.3(28), as may be amended.

Spring. Any natural setting or location where groundwater flows to the surface of the earth from underground frequently enough to support spring associated vegetation such as ferns, watercress and Texas sedge.

Stream. A flow of surface water sufficient to produce a defined natural channel or bed. A defined natural channel or bed is an area that demonstrates clear evidence of the passage of water.

C. Spring Buffer and Stream Buffer Protection

1. Spring Buffer

    a. A spring buffer is established within 164 feet (50 meters) of the approximate center of a spring outlet in the recharge zone or contributing zone of the Edwards Aquifer that is identified in a geologic assessment. The spring buffer shall not include pre-existing development.

    b. No regulated activities may be conducted within the spring buffer except for the following and subject to the stated restrictions:

        i. Properly permitted maintenance of existing improvements;

        ii. Scientific monitoring of water quality;

        iii. Fences above the normal high water mark of a stream if such fences comply with applicable floodplain regulations;

        iv. Subject to stream buffer limitations, below, parks and open space development limited to trails, benches, trash cans, and pet waste facilities; provided that trails shall not be located within the ordinary

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high water mark of a stream and shall be limited to trails for walking, jogging, and non-motorized biking; and

v. Wastewater infrastructure installed roughly parallel to a stream provided that such infrastructure is installed at least 200 feet from the spring and is installed no closer than 25 feet from the bank of the stream; provided that wastewater infrastructure shall not cross a stream associated with a spring within the spring buffer.

2. Stream Buffer

a. A stream buffer is established for all streams in the recharge zone or contributing zone of the Edwards Aquifer that is identified in a geologic assessment. The boundaries of the stream buffer are as follows:

i. For streams draining more than 64 acres and less than 320 acres, the boundaries of the stream buffer coincide with the boundaries of the FEMA one (1) percent floodplain or a calculated one (1) percent floodplain, whichever is smaller. In the absence of a FEMA floodplain and a calculated floodplain, the stream buffer under this subsection shall be a minimum of 200 feet wide with at least 75 feet from the centerline of the stream.

If a property owner only controls one side of a stream, then the minimum buffer shall be 100 feet from the centerline of a stream, or along the FEMA one (1) percent floodplain or a calculated one (1) percent floodplain, if available, whichever is larger.

ii. For streams draining more than 320 acres but less than 640 acres, the boundaries of the stream buffer coincide with the boundaries of the FEMA one (1) percent floodplain or a calculated one (1) percent floodplain, whichever is smaller. In the absence of a FEMA floodplain and a calculated floodplain, the stream buffer under this subsection shall be a minimum of 300 feet wide with at least 100 feet from the centerline of the stream.

If a property owner only controls one side of a stream, then the minimum buffer shall be 150 feet from the centerline of a stream, or along the FEMA one (1) percent floodplain or a calculated one (1) percent floodplain, if available.

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iii. For streams draining 640 acres or more, the boundaries of the stream buffer coincide with the boundaries of the FEMA one (1) percent floodplain or a calculated one (1) percent floodplain, whichever is smaller. In the absence of a FEMA floodplain and a calculated floodplain, the stream buffer under this subsection (iii) shall be a minimum of 500 feet wide with at least 200 feet from the centerline of the stream.

If a property owner only controls one side of a stream, then the minimum buffer shall be 250 feet from the centerline of a stream, or along the FEMA one (1) percent floodplain or a calculated one (1) percent floodplain, if available.

b. No regulated activity may be conducted within the stream buffer other than:

i. Properly permitted maintenance of existing improvements;

ii. Scientific monitoring of water quality;

iii. Fences above the normal high water mark of a stream if such fences comply with applicable floodplain regulations; and

iv. The construction of the following improvements, subject to the stated restrictions:

(A) Wastewater facilities, provided that wastewater utilities shall not be located below the normal high water elevation within the channel of a stream except at crossings of a stream;

(B) Underground utilities other than wastewater facilities, provided that such underground utilities may only be installed at stream crossings, or at intervals no closer than 400 feet apart;

(C) Parks and open space development limited to trails, benches, trash cans, educational signs, boardwalks/bridges, and pet waste facilities; provided that trails shall not be located within the ordinary high water mark of a stream and shall be limited to trails for walking, jogging, and non-motorized biking.

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(D) Water quality or flood control systems, provided that measures are taken in the construction of such water quality or flood control systems to minimize the impact on the stream buffer;

(E) Public projects that enhance or recharge the Edwards Aquifer, provide flood prevention, and similar capital improvements;

(F) Remediation of altered floodplain and/or streams to their natural limits;

(G) Arterial, collector, and local residential streets crossing a stream provided that:

(1) A floodplain with a drainage area greater than 640 acres may only be crossed by arterial streets;

(2) A floodplain with a drainage area between 320 acres and 640 acres may only be crossed by arterial and collector streets;

(3) A floodplain with a drainage area up to 320 acres may be crossed by arterial, collector, or local residential streets; and

(4) A street required for a secondary access, or as required by the currently adopted fire code regulations, is permitted within this subsection as determined by the City Engineer.

3. All spring and stream buffers, as described herein, shall be shown on all plats, site development permits, construction plans, stormwater permits, and applicable building permits.
4. Variances

   a. An owner of property of a tract of land with a spring or stream may request a variance from the spring and/or stream buffer requirements of this subsection to the Planning and Zoning Commission.

   b. A subdivider may request a subdivision waiver from this requirement in accordance with Section 3.18. Subdivision Waiver. An appeal of the decision made by the City Engineer in this regard shall be heard by the Planning and Zoning Commission.

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5. Appeal

   Any person aggrieved by an administrative decision pertaining to this subsection may appeal to the Planning and Zoning Commission in accordance with Section 3.03F of this UDC.

D. Water Quality Best Management Practices

1. For all regulated activities within the recharge zone or contributing zone of the Edwards Aquifer, the following regulations apply:

   a. Permanent structural water quality controls for a project shall remove 85 percent of total suspended solids for the entire project and shall be certified by a licensed professional engineer.

   b. No regulated activity shall cause any increase in the developed flow rate for the two-year, three-hour storm.

   c. All development projects, including, but not limited to, individual home sites, shall implement temporary BMPs to minimize erosion and sedimentation during active development. Once development is completed, sites will be permanently stabilized to minimize erosion and sedimentation.

   d. New roadways or expansions to existing roadways that have four (4) or more lanes that are located on the Recharge Zone shall provide for spill containment as described in the optional enhanced measures of the Edwards Aquifer Protection Program.

   e. All permanent BMPs with an overt physical presence shall have signage that clearly identifies the purpose of the permanent BMP and the party responsible for maintenance.

   f. Maintenance plans for permanent BMPs shall be recorded in the Official Records of the respective County.

E. Geologic Assessment

1. The owner of property who submits a development application for a regulated activity on a tract of land located over the EARZ shall submit a geologic assessment with the plat application.
2. If the subject property was platted prior to [DATE], or meets the plat exceptions of this UDC, a geologic assessment shall be submitted with the

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first required development application for the regulated activity, unless exempted below. Development applications include construction plans, site development permits, construction plans, and building permits (only single-family and two-family residential on a tract of land that meets the plat exceptions of this UDC).

3. No development application for property located over the recharge zone or contributing zone of the Edwards Aquifer may be approved until a geologic assessment has been accepted by the City Engineer.
4. The geologic assessment shall contain all that information required by Title 30, Texas Administrative Code § 213.5. Additionally, the geologic assessment must:

    a. Identify all springs and streams on the subject property, or certify that no springs or streams exist on the subject property;

    b. Describe any spring and stream on the subject property, including determining the location of any spring outlet or stream;

5. Subsequent applications required to develop the subject property will not require a new geologic assessment provided the regulated activity, as submitted in the application, is consistent with the accepted geologic assessment. Any deviations will require submitting an updated geologic assessment prior to final approval of the application.
6. Exemptions

    a. A geologic assessment shall not be required for regulated activity that meets all the following criteria:

        i. Proposed development is single-family residential or two-family residential;

        ii. Subject property is located on an individual lot that is less than five (5) acres;

        iii. Subdivision (to include Replat) is five (5) lots or fewer, and no more than five gross acres; and

        iv. Subject property is located within a drainage area that is less than 64 acres.

    b. Regulated activity that meets all the criteria above must submit with the required development application a letter signed by a professional

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engineer certifying the drainage area and identifying any springs on the subject property. If springs are present, the project engineer must identify applicable buffers on the plans.

F. Acknowledgement Form

1. The owner of property who submits a development application for a regulated activity on a tract of land located over the recharge zone or contributing zone of the Edwards Aquifer shall submit an acknowledgement form in accordance with the provisions of this subsection.
2. The owner of the property shall, through a completed acknowledgement form, acknowledge and certify the following:

    a. The regulated activity, as proposed, complies with the water quality best management practices regulations of this section; and

    b. The regulated activity, as submitted, complies with the rules and regulations of this section.

3. A completed, signed, and notarized acknowledgement form shall be submitted with the plat, Construction Plan, Site/Construction Plan, Stormwater Permit, and building permit (single-family and two-family residential on a tract of land that is exempt from the plat requirements of this Code) applications.
4. The development application to the City of Liberty Hill shall be deemed incomplete if the acknowledgement form is not completed, signed, and notarized.

Section 12.11 Master Plan Infrastructure

The City's Comprehensive Plan (including its subsidiary master plans) includes utility master plans for the water and wastewater systems. Each master plan identifies future system improvements that are necessary to meet or exceed treatment and transport requirements for the specific utility. The planning horizon for the Comprehensive Plan is up to 20 years.

A. Construction of Master Plan Infrastructure

When a master plan requires the installation of regional infrastructure on a property, the developer shall extend and construct such facilities at their own expense. When these facilities exceed the utility needs for the specific

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development beyond the minimum size utility to serve the development, the facility shall be considered oversized. All necessary easements and/or rights-of-way for such infrastructure shall be dedicated at no cost to the City.

B. Oversizing Cost Participation

1. The City may, at its sole discretion, participate with a developer in the cost of oversized facilities based upon, but not limited to, the following factors:
    a. The approved utility budget for the current year;
    b. The ability of the specific utility to fund any future costs for expansion or maintenance;
    c. The degree to which the project conforms to and accomplishes the five-year Capital Improvements Plan priorities;
    d. The degree to which the project accomplishes the utility master plan; and
    e. The impact on system operations. Any cost participation contract shall be approved by the City Council prior to approval of the Final Plat.
2. Cost participation shall be based upon the cost differential between the master plan line size and the minimum line size required to serve the development, for eligible construction costs.
3. When a line extension is included in the current five-year CIP, the approved cost participation contract shall provide for the payment to be scheduled during the same fiscal year as the CIP project that would have accomplished the line extension, and after the date of notice of acceptance by the City.
4. The fees shall be calculated by the City based on information from the developer's engineer, using a methodology that apportions the development's projected usage (based upon the minimum pipe size) to the available usage due to oversizing. The developer's engineer shall use the City's approved water or wastewater master plan as a basis for calculating residential flow per dwelling unit. Calculations for non-residential units shall be calculated using the latest edition of the "Design Criteria for Sewage Systems," as produced by the TCEQ.
5. The calculation of cost participation shall be based on construction costs in effect at the time the connection to the system (the "tap") is made. All calculations shall be submitted to the City for appropriate review, verification, and approval.

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6. A cost participation contract is not a guarantee of capacity. Guarantee of capacity is achieved through payment of impact fees.

C. Impact Fee Credits

When a line extension is included in the ten-year Capital Improvement Plan (CIP), an Impact Fee credit may be eligible on the fee assessment for each lot in the subdivision. Impact Fee credit shall be calculated based upon the number and size of service connections and the allocation of costs in the Impact Fee calculation, as amended.

Section 12.12 Parkland and Trails

A. Purpose

1. The purpose of this section is to provide parks, open spaces, trails, and conservation areas that implement the Liberty Hill Comprehensive Plan, Parks Master Plan, and Trails Master Plan. The City Council finds that adequate parkland, trails, and open space are necessary for the protection of public health, safety, and general welfare, and that the provision of such facilities is best accomplished in conjunction with the development of residential property.
2. This Section is further intended to encourage the permanent preservation of open space, environmentally sensitive areas, riparian corridors, and interconnected trail systems in a manner that advances watershed protection and environmental conservation objectives of the City.
3. All dedications, fees, easements, and improvements required by this Section shall be reasonably related and proportionate to the park trail, recreation, and open space needs generated by the proposed development.

B. Applicability

1. The provisions of this Section shall apply to the development of a tract of land for any residential use of five (5) or more lots or dwelling units within the City limits and the ETJ. For the purposes of this section, lots and dwelling units are interchangeable for determining the Parkland dedication requirements.
2. Trail dedication requirements shall apply to all residential developments subject to this Section, regardless of whether public parkland dedication is required.

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3. Conservation subdivision standards established in Section 12.13.F shall apply only to developments utilizing centralized wastewater collection and treatment services provided by the City or another regional wastewater provider. The requirements of this Section shall not apply to:

    a. Any resubdivision of land that does not increase the allowed number of dwelling units;

    b. A subdivision for which a preliminary plat was approved prior to the effective date of this Section, provided the approval has not expired; or

    c. A development subject to a development agreement or special agreement within the City that specifically addresses parkland dedication, trail dedication, or fee-in-lieu requirements.

C. Requirements for Parkland and Trail Dedication

1. Dedication of Public Parkland Required

    a. A developer of a tract of land for residential use of five (5) or more lots shall pay a fee-in-lieu of parkland dedication in accordance with the adopted fee schedule. Land dedication shall only be required or accepted where the proposed parkland meets eligibility thresholds established below and is determined by the Parks and Recreation Director to advance the goals of the Parks Master Plan.

2. The City Council may approve any combination of land dedication and fee-in-lieu when determined to serve the best interest of the citizens of Liberty Hill.
3. Dedication of Public Parkland

    a. Where land dedication is proposed instead of or in combination with the fee-in-lieu, the dedicated parkland shall meet the applicable eligibility threshold established below and shall be determined by the Parks and Recreation Director to be suitable for public park and recreational purposes.

    b. Eligibility for Dedication

    Land dedication shall only be accepted by the City where the proposed parkland meets the following minimum thresholds:

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Figure 12-1 Park Dedication Eligibility

Park Type	Minimum Acreage	Eligibility
Conservation Open Space	5 acres	Eligible with Parks and Recreation Director approval
Community Park	10 to 49 acres	Eligible with Parks and Recreation Director approval
Regional Park	50 acres or greater	Preferred dedication type eligible for Park Development Fee credit

Proposed dedications that do not meet the minimum acreage thresholds established above shall not satisfy the parkland dedication requirement, and the developer shall pay the fee-in-lieu.

4. Park Development Fee

    a. In addition to the dedication of public Parkland or fee-in-lieu, a developer shall pay a Park Development Fee to support sufficient development of public Parkland for park use.

    b. The amount for the Park Development Fee shall be in accordance with the adopted fee schedule and based on the level of service for the public Parkland as calculated in the Parks Master Plan.

    c. Alternative Standards

        i. When two (2) or more acres of land are proposed to satisfy the Parkland dedication requirements, the Parks and Recreation Director may consider a proposal from an applicant to construct park improvements on public Parkland in lieu of paying, in whole or in part, the Park Development Fee.

        ii. Park improvements shall include the minimum number of facilities listed in Figure 12-2 Minimum Number of Facilities by Parkland Acreage:

Figure 12-2 Minimum Number of Facilities by Parkland Acreage

Parkland Acreage	Minimum Number of Facilities
3 or less	4
4-6	5
7-9	6
10 or more	7

        iii. Park improvement facilities shall be selected from those listed below:

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(A) Age-appropriate playground equipment with adequate safety surfacing around the playground.

(B) Unlighted practice fields for baseball, softball, soccer, and football.

(C) Unlighted tennis courts.

(D) Lighted or unlighted multi-purpose courts for basketball and volleyball.

(E) Improved multi-use green space.

(F) Picnic areas with benches, picnic tables and cooking grills.

(G) Shaded pavilions and gazebos.

(H) Jogging and exercise trails.

(I) Other facilities as approved by the Parks and Recreation Director.

iv. All park improvements shall comply with the Liberty Hill Parks Master Plan, Parks Development Manual, applicable City engineering standards, and all other applicable City regulations.

5. Dedication of Trails Required

a. A developer of a tract of land for residential use of five (5) or more lots shall dedicate, construct, or provide for trail facilities in accordance with the Trails Master Plan and this Section.

b. Trail dedication shall apply to:

i. All residential developments subject to this Section;

ii. All conservation subdivisions; and

iii. All developments adjacent to or containing trail corridors, sidepaths, greenways, or pedestrian connections identified in adopted City plans.

c. Trails Master Plan Compliance and Design Standards

i. Where a trail corridor, sidepath, greenway, or pedestrian connection is identified as crossing or adjacent to a development, the developer shall:

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(A) Dedicate a public trail easement or right-of-way of sufficient width to accommodate the required trail facility;

(B) Construct the required trail facilities in accordance with the Trails Master Plan, Parks Development Manual, and applicable City engineering standards; or

(C) Pay a trail fee-in-lieu in accordance with Section 12.13.C.3.e where construction is determined impracticable by the Parks and Recreation Director.

ii. Trail facilities shall comply with all applicable federal and state accessibility requirements and applicable City standards.

iii. The Parks and Recreation Director may approve alternative trail alignments, widths, materials, or design standards where site conditions, environmental constraints, topography, floodplain limitations, timing of adjacent improvements, or connectivity considerations make strict compliance impracticable, provided the alternative design achieves substantially equivalent public access and connectivity.

d. Trail Easement and Connectivity Standards

i. Trail corridors shall be dedicated as public trail easements or rights-of-way unless otherwise approved by the City.

ii. Trail easements shall be identified on the Preliminary Plat and Final Plat and shall state the easement width, trail type, and intended public use.

iii. Where trail easements are located on privately maintained property, a maintenance agreement approved by the City shall be recorded prior to Final Plat recordation.

iv. Internal trail and pedestrian connections shall be provided between parks, open spaces, schools, sidewalks, sidepaths, greenways, public facilities, and adjacent developments where identified in adopted City plans or required by the Parks and Recreation Director.

v. Stub-outs or future trail connection easements may be required where adjacent trail connections are planned but not yet constructed.

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e. Trail Fee-in-Lieu

Trail fee-in-lieu contributions shall:

i. Be established in accordance with the adopted fee schedule;

ii. Be deposited into the Trail Fund; and

iii. Be used solely for the acquisition, construction, or improvement of trails and related connectivity improvements identified in adopted City plans.

6. Credit for Private Parks

a. The Parks and Recreation Director, after recommendation from the Parks and Recreation Board, may grant a credit of up to 50 percent of the required Park Development Fee for privately-owned and maintained parks or recreational facilities.

b. Privately-owned and maintained parks or other recreational facilities shall:

i. Contain a minimum of two (2) acres;

ii. Include recreational facilities approved by the Parks and Recreation Director;

iii. Be identified on the plat as private open space; and

iv. Be subject to restrictive covenants approved by the City.

c. Privately-owned and maintained parks or other recreational facilities shall be owned and managed by a mandatory homeowners' or property owners' association, or similar permanent entity, and subject to restrictive covenants that state the following:

i. The land shall be utilized for Parkland or open space in perpetuity;

ii. Property owners shall pay dues or assessments for the maintenance;

iii. The City shall have the right of first refusal if the responsible entity dissolves or elects to transfer the property; and

iv. The cessation of the private park or recreational facility shall be prohibited until the declarant cedes control to the homeowners' or

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property owners' association, and then only upon amendment to the restrictive covenants approved by three-fourths (3/4) of the members of the responsible association.

7. Credit for Heritage Tree Preservation
    a. The parkland dedication requirement may be reduced if a Heritage Tree is preserved within the dedicated Parkland lot.
    b. The credit equals a 15-dwelling unit reduction in the number of units used to calculate the Parkland dedication requirement for each qualifying Heritage Tree.
    c. The entire critical root zone (CRZ) of the Heritage Tree shall be located within the Parkland lot.
    d. Heritage trees within the 100-year floodplain or required environmental buffers shall not qualify for this credit.
        i. The required parkland lot shall not be reduced below the applicable minimum acreage threshold unless approved by the Parks and Recreation Director.
8. Conservation Open Space
    a. Conservation open space may satisfy up to 50 percent of the required public parkland dedication when approved by the Parks and Recreation Director and when designed to support passive recreation, environmental preservation, trail connectivity, watershed protection, or open space access.
    b. Conservation open space proposed toward parkland dedication shall provide public access or trail connectivity, be integrated into the overall development design, support connections to adjacent parks, trails, sidewalks, sidepaths, greenways, schools, or public facilities where practicable, and preserve significant natural features and watershed functions.
    c. Conservation open space consisting solely of floodplain, drainageways, utility corridors, detention facilities, isolated remnants, or inaccessible areas shall not qualify toward parkland dedication credit unless specifically approved by the Parks and Recreation Director. Conservation

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open space proposed to satisfy any portion of the required public parkland dedication shall be improved with the minimum number of park improvement facilities required by Figure 12-2 and selected from the facilities listed in Section 12.12.C.3.c.iii, as approved by the Parks and Recreation Director. Facilities shall prioritize passive recreation amenities compatible with the natural character of the land. All required amenities shall be installed prior to release of fiscal security for the subdivision and maintained in accordance with the required maintenance agreement.

d. No area, facility, improvement, or feature shall receive duplicate credit toward multiple dedication or fee obligations unless expressly approved by the City Council.

D. Location and Development Standards

Land dedicated under this Section shall be suitable for public parks, trails, recreational activities, or conservation purposes, as determined by the Parks and Recreation Director, and shall comply with the following:

1. Be centrally located within the development, when practicable. Where existing public parkland is located adjacent to the development, the parkland lot may abut it provided the result is a larger park, as approved by the Parks and Recreation Director.
2. Have a minimum lot width and street frontage of 200 feet.
3. Provide parking for at least six (6) vehicles within 200 feet of the park.
4. Have at least 50 percent of the site with slopes not exceeding 20 percent. A slope analysis exhibit shall be provided to the Parks and Recreation Director.
5. Include access to water, wastewater, and electric utilities.
6. Provide pedestrian and trail connectivity to adjacent sidewalks, trails, sidepaths, parks, greenways, or public facilities, and be reasonably accessible to the public.
7. Be free from environmental contamination or hazardous conditions that would impair park use.
8. Not be accepted by the City if any of the following conditions are present, unless specifically approved by the Parks and Recreation Board:

   a. The lot is primarily accessed by a cul-de-sac;

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b. The lot is encumbered by utility easements or similar conditions that make development of the land for park use unfeasible, excluding required public utility easements;

c. The lot is encumbered by sensitive environmental species or habitat areas; or

d. The lot contains stormwater facilities, unless the stormwater facilities are designed as a park amenity.

9. Areas within the 100-year floodplain may satisfy up to 50 percent of the required parkland dedication, provided a minimum of two (2) acres with a minimum width of 100 feet is located outside the floodplain and the land is suitable for park or recreational use.
10. Sidewalks, sidepaths, and roadway easements shall not count toward required parkland dedication unless expressly approved as part of a trail or open space dedication.

E. For phased developments, the parkland lot shall be located within the first phase of the development. If the required public parkland is proposed outside the first phase, the first phase may be approved provided that the fee-in-lieu is paid for the number of lots within that phase. Method of Dedication

1. Public parkland, trail corridors, conservation open space, and trail easements shall be identified on the Preliminary Plat, Final Plat, Planned Unit Development Master Plan, and Site Development Permit, as applicable.
2. Parkland shall be conveyed by general warranty deed, free and clear of liens and encumbrances prior to approval of the final plat. The City Council may approve transfer of dedicated parkland to the Texas Parks and Recreation Foundation, or another approved entity, to act as a holding agent for land that will ultimately become public parkland or open space in accordance with applicable state regulations.
3. Where dedicated public parkland, conservation open space, or private parks or recreational facilities receiving credit under this Section are located on privately maintained property or are not immediately accepted by the City, a license agreement or maintenance agreement approved by the City shall be executed and recorded prior to Final Plat recordation. The agreement shall identify the responsible party for maintenance, specify the scope of maintenance obligations, and run with the land binding all successors and assigns.

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4. Trail easements, maintenance agreements, conservation easements, license agreements, or similar instruments required by this Section shall be recorded prior to Final Plat recordation.
5. Required fees shall be paid prior to Final Plat recordation or Site Development Permit approval.
6. Any parkland disturbed during subdivision construction shall be restored by the developer to its original condition or better prior to release of fiscal security for the subdivision.

F. Parkland Banking

1. A subdivider may satisfy the parkland dedication requirements of this Section through the transfer of required parkland dedication from one subdivision to another location owned by the same subdivider, subject to approval by the City Council.
2. Land proposed for transfer under this Section shall be located within the City or ETJ of the City of Liberty Hill and shall be of equal or greater value than the land that would otherwise be dedicated within the development.
3. Land transferred pursuant to this Section shall meet all applicable site, location, and development standards for public parkland established under this UDC and shall be identified on the Preliminary and Final Plats for both the originating and receiving subdivisions.
4. The City Council shall have the discretion to approve any combination of parkland banking, land dedication, trail dedication, and fee-in-lieu to serve the best interests of the citizens of Liberty Hill.

G. Park Fund and Trail Fund

1. A separate fund entitled "Park Fund" has been created to hold in trust money paid to be used solely and exclusively for the purpose of purchasing and/or improving public parks and recreational lands and shall not be used for maintaining or operating park facilities or for any other purpose.
2. A separate fund entitled "Trail Fund" has been created to hold in trust money paid to be used solely and exclusively for the purpose of acquiring trail corridors and easements and constructing, improving, or expanding trails, sidepaths, shared-use paths, trailheads, and related pedestrian connectivity improvements identified in adopted City plans, and shall not be used for maintaining or operating trail facilities, for park development purposes, or for any other purpose.

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3. Fee-in-lieu contributions deposited into the Park Fund or Trail Fund shall be expended on park or trail facilities that are reasonably accessible to and serve the residents of the development generating the fee, in accordance with the Parks Master Plan and Trails Master Plan. .

    a. The City Council, based upon the recommendation of the Parks and Recreation Board, shall determine whether sufficient funds exist to acquire parkland or construct park or trail improvements prior to committing Park Fund or Trail Fund monies.

4. Refunds

    a. Financial contributions paid into the Park Fund or Trail Fund shall be expended by the City within 10 years from the date received.

    b. If funds are not expended within 10 years, the property owner may request a refund by submitting a written request within one (1) year after expiration of the ten-year expenditure period. Refunds shall be paid within 90 days of a valid request.

    c. Refunds may only be provided for unbuilt lots for which the fee was paid.

    d. Refunds shall be paid from the fund into which the original contribution was deposited.

Section 12.13 Subdivision Improvement Guarantee

In lieu of full construction of all public improvements prior to Final Plat recordation, a plat may be recorded without acceptance of the required public improvements through the posting of fiscal surety.

A. Fiscal Surety

1. Types of Fiscal Surety

    a. Surety, Performance, and Payment Bonds

        i. When any of the required improvements will be constructed after approval and recordation of the final plat, the applicant shall guarantee proper construction of such postponed improvements and payment of all claimants supplying labor and materials for the construction of the improvements, in accordance with the City's standards and with these subdivision regulations, by a bond executed

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by a surety company holding a license to do business in the State of Texas, and acceptable to the City, on the form provided by the City.

ii. The surety, performance, and payment bonds shall be approved as to form by the City Attorney.

b. Irrevocable Letter of Credit

An irrevocable letter of credit (ILOC) may be accepted and approved as to form by the City Attorney.

2. Estimated Cost and Security Approval

a. Security shall be issued in the amount of 125 percent of the cost to construct and complete all required improvements to the City's standards as estimated by the subdivider's engineer, and as approved by the City Engineer.

i. The City Engineer has the discretion to reduce the percentage of the fiscal surety instrument based on the amount of construction completed. The maximum reduction available is 60 percent, and a minimum 40 percent must be retained until completion.

b. Security shall be subject to the review and approval of the City Attorney.

c. The applicant shall reimburse the City for all related legal and third-party consulting costs for review of financial sureties (this reimbursement shall be paid in full prior to recording of the final plat).

3. Form of Fiscal Surety

The financial instrument shall state the name of the development or subdivision and shall list the required improvements and estimate costs thereof. A plat shall not be recorded until financial security is delivered to the City in a form provided by the City and approved as to form and legality by the City Attorney.

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Section 12.14 Creation of Special Purpose Districts

A. Municipal Water Utility District (MUD), Water Control and Improvement District (WCID), or Fresh Water Supply District (FWSD)

1. Purpose

To provide for the prudent use of a Municipal Utility District ("MUD"), Water Control and Improvement District ("WCID"), Fresh Water Supply District ("FWSD"), or similar political subdivision created pursuant to Article III, Section 52, and/or Article XVI, Section 59, of the Texas Constitution and that are authorized by law to provide water, wastewater, stormwater, and other services ("Districts"), in order to allow development within the City's corporate boundaries and extraterritorial jurisdiction that is generally consistent with the City's Comprehensive Plan.

The standards established in this Section are intended to carry out the following purposes:

a. Encourage quality development;

b. Protect the water quality within all watersheds of the City;

c. Protect the water quality of the City's drinking water sources;

d. Allow the City to enforce land use and development regulations consistent with the City's comprehensive plan;

e. Promote enhanced parks, trails, and recreational amenities for the enjoyment of public;

f. Provide for construction of infrastructure consistent with City standards and City inspection of such infrastructure;

g. Provide notice to residents of the District that the City may annex the District at some future time;

h. Facilitate cost-effective construction of infrastructure to serve the area within the District, including police and fire stations, that is consistent with City standards and plans, so that the potential financial burden on the citizens of Liberty Hill will be reduced, in the event of annexation of such land by the City;

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i. Provide for extension of water and wastewater lines that will serve future growth in the City and its extraterritorial jurisdiction consistent with the City's regional utility planning;

j. Establish guidelines for reasonable conditions to be placed on;

k. Issuance of bonds by the District;

l. The City's consent to creation of the District, including conditions consistent with the City's water and wastewater bond ordinances regarding creation of Districts that might otherwise detrimentally compete with the City's utility systems;

m. Establish guidelines for other mutually beneficial agreements by the City and the District;

n. Provide a procedural framework for responding to an application seeking the City's consent to the creation of a District; and

o. Assist in closing the financial gap when a unique development is seeking to exceed minimum standards, provide a robust program of amenities, and where substantial off-site infrastructure improvements are required that would serve the proposed District and surrounding properties.

2. Applicability

This Section is to be equitably applied to the creation of, the inclusion of land within, and the operation of all proposed Districts, while allowing the flexibility necessary to address unique factors that may arise with respect to each proposed District.

Prior to considering whether to consent to or support the creation of a District, the City will determine whether City can provide water and/or wastewater service to the area proposed for inclusion in the District.

3. Conditions to City’s Consent to Creation of a District

If the City Council elects to consent to the creation of or inclusion of land within a District, then it shall impose the following requirements as conditions of the City's consent, and such requirements shall be stipulated in the consent resolution and/or other ancillary agreement, unless the City Council determines that the requirements are not appropriate with regard to a specific District.

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a. All parks, trails, recreation amenities, water, wastewater, drainage, and road infrastructure and facilities as well as any other infrastructure or facilities to be reimbursed or paid for by the issuance of District bonds, shall be designed and constructed to City standards, including without limitation fire flow standards and utility and road design, construction and installation standards, in accordance with plans and specifications that have been approved by the City. In the event of a conflict between City water and wastewater standards and standards imposed by the Certificate of Convenience and Necessity (CCN) holder for the proposed District, City standards shall prevail, unless otherwise agreed by the City.

b. The City shall be the exclusive provider of water and wastewater utilities where it is located within the City's single or municipal certificated service area.

c. The City shall have the right to inspect all facilities being constructed by or on behalf of the District and to charge inspection fees consistent with the City's inspection fee schedule, as amended from time to time.

d. Bonds, including refunding bonds issued by the District, shall, unless otherwise agreed to by the City, comply with the following requirements, provided such requirements do not generally render the bonds unmarketable:

    i. Interest rate that does not exceed two (2) percent above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one-month period preceding the date notice of the sale of such bonds is given;

    ii. The bonds shall expressly provide that the District shall reserve the right to redeem bonds at any time subsequent to the 10th anniversary of the date of issuance, without premium. No variable rate bonds shall be issued by a District without City Council approval; and

    iii. Any refunding bonds of the District must provide for a minimum of three (3) percent present value savings, and the latest maturity of the refunding bonds may not extend beyond the latest maturity of the refunded bonds unless approved by the City Council.

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e. The City shall require the following information with respect to bond issuance:

   i. At least 60 days before issuance of bonds, except refunding bonds, the District's financial advisor shall certify in writing that the bonds are being issued within the existing water, wastewater, or drainage facilities in the county in which the District is located and shall deliver the certification to the City Secretary and the City.

   ii. At least 60 days before the issuance of bonds, the District shall deliver to the City Secretary and the City Manager notice as to:

      (A) The amount of bonds being proposed for issuance;

      (B) The projects to be funded by such bonds; and

      (C) The proposed debt service tax rate after issuance of the bonds.

      (D) If the District is not required to obtain TCEQ approval of the issuance of the bonds (other than refunding bonds), the District shall deliver such notice to the City Secretary and the City Manager at least 60 days prior to issuing such bonds. Within 30 days after the District closes the sale of a series of bonds, the District shall deliver to the City Secretary and the City Manager a copy of the final official statement for such series of bonds. If the City requests additional information regarding such issuance of bonds, the District shall promptly provide such information at no cost to the City.

f. The purposes for which a District may issue bonds shall be restricted to the construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment, and appliances necessary to:

   i. Provide a water supply for the District for municipal uses, domestic uses, and commercial purposes;

   ii. Collect, transport, process, dispose of and control all domestic, industrial or communal wastes from the District, whether in fluid, solid, or composite state;

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iii. Gather, conduct, divert, and control local stormwater or other local harmful excesses of water in the District; and

iv. Pay organization and administrative expenses, operation expenses during construction, cost of issuance, interest during construction, and capitalized interest.

v. If appropriate in a particular District, the City may consent to issuance of bonds for construction, acquisition, repair, extension, or improvement of fire stations, roads, parks, trails, recreational amenities, and/or other capital improvements that are mutually agreed upon by the City Council and the applicant.

g. The District shall contain sufficient acreage to assure the economic viability of the District, but no more acreage than can feasibly be annexed at one time.

h. Development within the District shall be consistent with the City's Comprehensive Plan.

i. No District shall include land in more than one City's ETJ.

j. The City and the owners of all land in the proposed District shall reach agreement on the terms of a development agreement pursuant to Texas Local Government Code §§ 212.171 et seq. to extend the City's planning authority over land included in the District by providing for approval of a development plan, authorizing enforcement by the City of land use and development regulations, and including other lawful terms and considerations the parties consider appropriate. The development agreement shall include provisions relating to the following matters:

i. Land use plan reflecting all approved land uses and residential densities;

ii. Compliance with City construction Codes, including permit requirements;

iii. Compliance with City and other applicable stormwater and water quality regulations;

iv. Development standards comparable to City zoning regulations; and

v. Dedication and development of parkland, open space, and trails.

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vi. The above list is not intended to be exhaustive. It is expected that the parties will cooperate to identify those matters unique to the District that may be addressed in a consent or development agreement.

k. At least 60 days before issuance of bonds, the District shall certify in writing that the District is in full compliance with the consent resolution approved by the City Council and, to the extent such agreements impose requirements on the District, with the consent agreement, strategic partnership agreement and all other agreements executed by the City and the District, and shall deliver the certification to the City Secretary, and the City Manager.

l. No land within the District shall be allowed, at any time in the future, to incorporate, join in an incorporation, or be annexed into any incorporated city other than the City of Liberty Hill.

m. No land shall be annexed by the District without prior City Council approval.

n. The District shall not construct or install infrastructure or facilities to serve areas outside the District or sell or deliver services to areas outside the District without prior City Council approval.

o. After creation of the District, and unless otherwise expressly authorized by the consent agreement or development agreement, no District shall be converted into another type of District, consolidated with another District, divided into two or more new Districts or seek additional governmental powers that were beyond its statutory authority at the time the District was created, without prior City Council approval.

p. If allowed by law, the City may annex any commercial development within the District for limited purposes pursuant to Texas Local Government Code § 43.0751, and may impose a sales and use tax within the area annexed for limited purposes. If limited purpose annexation is not allowed by law, then the City may not consent to the inclusion of commercial retail areas within the District. The City may consider sharing tax receipts with the District, provided the District's share is used to finance infrastructure, retire bond debt or for other purposes acceptable to the City.

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q. The District shall not issue any bonds other than those authorized by the consent agreement without City Council approval.

r. The District shall file a notice in the real property records of all counties in which the District is located stating that the City has authority to annex the District. The parties may attach a form of such notice to the consent agreement or development agreement.

s. The District shall send a copy of the order or other action setting an ad valorem tax rate to the City Secretary and the City Manager within 30 days after District adoption of the rate.

t. The District shall send a copy of its annual audit to the City Secretary and the City Manager within 30 days after approval.

u. The District shall maintain a debt service structure that will ensure that the District's taxes are maintained at a rate at least equal to the City's tax rate, to the extent feasible.

v. The District shall provide copies of any material event notices filed under applicable federal securities laws or regulations to the City Secretary and the City Manager within 30 days after filing such notices with the applicable federal agency.

w. Construction of capital improvements or fee-in-lieu for facilities such as fire stations and recreational amenities shall be provided.

x. Sharing of fire stations, recreational amenities, and other capital improvements by the City and the District shall be provided. Land shall be dedicated, when deemed necessary, to enhance public safety and optimize service delivery locations.

y. If construction or expansion of a wastewater treatment facility is proposed to serve the District, the plant design shall conform to all applicable state and federal permitting and design standards. In addition, any wastewater discharge shall be permitted to meet effluent limitations no less stringent than 5-5-2-1 (five parts per million ("ppm") biochemical oxygen demand; five ppm total suspended solids; two ppm nitrogen; and one ppm phosphorus) or the current limits in permit(s) held by the City, whichever is stricter. The City reserves the right to protest any wastewater treatment facility permit application or amendment.

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z. The board of directors of the District and landowners within the District shall assist the City in annexing one or more areas as reasonably necessary for the City to connect areas to the City that are outside the District and that the City intends to annex in the foreseeable future.

aa. Upon the recommendation of the City Engineer, the City may require the District to complete a traffic impact analysis pursuant to Section 11.06 of this Code.

bb. The City may agree not to annex and dissolve the District any earlier than the first to occur of: (i) extension of water, wastewater, and drainage facilities to serve 90 percent of the land within the District; or (ii) 15 years after creation of the District. The contract between the City and the District may provide that the City may set rates for water and/or wastewater services for property that was within the District that vary from those for other properties within the City in order to compensate the City for the assumption of District obligations upon annexation, in compliance with any statutory requirements applicable to such an agreement.

cc. The consent agreement and ancillary documents shall include terms establishing a maximum timeline for achievement of full development and readiness for full-purpose annexation by the City, subject to approval by the Director. The applicant shall reimburse the City for expenses incurred by the City in connection with the City's consent to the formation of the District, including, but not limited to, professional fees incurred in negotiating and preparing the consent resolution, consent agreement, development agreement, strategic partnership agreement, and related documents.

4. City Operations Compensation Fee

A fee shall be assessed for each residential unit within the District equal to the proportion of City operations attributed to serving residents of an ETJ District. The fee shall be calculated as outlined in the Municipal Utility District (MUD) Policy.

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Section 12.15 Homeowners' or Property Owners' Association

A. Applicability

When a Subdivision contains one or more common areas, private streets, or other improvements not intended for dedication to the City for public use, a homeowners' or property owners' association shall be created through a declaration establishing the duties and responsibilities, consistent with state law.

B. Conveyance of Common Areas

The common areas shall be shown on the final plat along with an adequate form for conveyance or reservation. This dedication form shall:

1. Reserve title to common area properties for the benefit of the homeowners' or property owners' association; and
2. Express a definite undertaking by the subdivider to convey the common properties to the homeowners' or property owners' association.

C. Membership

A homeowners' or property owners' association shall be an incorporated nonprofit organization operating under recorded land declarations through which:

1. Each lot owner in a described land area is automatically a member; and
2. Each lot is automatically subject to a charge for a proportionate share of the expenses for the homeowners' or property owners' association's activities, such as maintenance of Common Areas, including common open spaces, private streets, stormwater infrastructure, ponds, recreational facilities, and the provision and upkeep of the same.

D. Legal Requirements

To ensure the establishment of a permanent homeowners' or property owners' association including its financing and the rights and responsibilities of the homeowners in relation to the use, management and ownership of common areas or common property, the subdivision plat, dedication documents, covenants, and other recorded legal agreements must:

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1. Legally create an automatic membership, nonprofit homeowners' or property owners' association;
2. Place title to the common property in the homeowners' or property owners' association or give definite assurance that it automatically shall be so placed within a reasonable, definite time;
3. Appropriately limit the uses of the common property;
4. Give each lot owner the right to the use and enjoyment of the common property;
5. Place responsibility for operation and maintenance of the common property with the homeowners' or property owners' association;
6. Provide for or place an association charge or assessment on each lot in a manner that shall assure enough association funds to maintain the common property or improvements;
7. Give each lot owner voting rights in the association; and
8. Identify the land area within the association's authority including, but not limited to, the following:

    a. The property to be transferred to public agencies;

    b. The individual residential lots:

    c. The common properties to be transferred by the developer to the homeowners' or property owners' association; and

    d. Other parcels.

E. Protective Covenants

Protective covenants shall be developed that, including, but not limited to, shall make the homeowners' or property owners' association responsible for the maintenance and operation of all common property, and include provisions for assessments, to be enforced by lien.

F. Procedure

Prior to recording the plat, the applicant shall:

1. Draft the articles of incorporation of the homeowners' or property owners' association, its bylaws, and the restrictive covenants;
2. Submit draft articles, bylaws, and covenants to the Director for approval;
3. After approval, create an incorporated nonprofit corporation;

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4. Record approved covenants at the County Clerk's office, which automatically make every lot owner a member of the association, give the owners the right to use the common property, and establish voting rights and obligations to pay assessments;
5. Provide evidence of the recorded articles, bylaws, and the restrictive covenants prior to final plat approval; and
6. Pay attorney fees for document review.

G. Maintenance, Repair, or Capital Improvement

Any maintenance, repair, or capital improvement effort made to homeowners' or property owners' association property or facilities by the City as a result of non-performance or negligence on the part of the association shall be assessed between the various association members in proportion to the taxable value of their properties.

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Article 13 Sign Standards

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Article 14 Nonconformities

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Article 15 Definitions

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PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY - AUGUST 4, 2026
2801 Ranch Road 1869 - Liberty Hill

AGENDA ITEM 4.A

Conduct a public hearing and consider recommendation regarding Unified Development Code text amendments to Section 6.13 (Outdoor Lighting), Chapter 6.00 (Site Development and Design Standards), of the City of Liberty Hill Unified Development Code.

Planning & Zoning Commission Meeting Date: August 4, 2026

Requested By: City Council

Submitted/Prepared By: City Attorney

Type: (Action/Discussion Only /Consent/Exec. Session/Public Hearing): Action.

AGENDA ITEM COVER SHEET

ITEM/TITLE: Lighting Ordinance Update.

AGENDA ITEM WORDING: Discussion, consideration, and recommendation on update to Lighting Ordinance.

EXECUTIVE SUMMARY: The amendment to the lighting ordinance was requested by city council to: (1) update the light trespass definition; (2) modify the penalties for residential owners; and (3) extend the time for nonconforming lights to come into compliance.

FISCAL NOTES/FINANCIAL BACKGROUND/FINANCIAL IMPACT: None.

SUGGESTED WORDING FOR MOTION(S) REGARDING *ORDINANCES OR ORDINANCES (if City staff is making a recommendation):*

MOVANT: I move that the Planning and Zoning Commission recommend the amendment as proposed.

SECOND: I second the motion.

The Chair may allow discussion of the item and, following any remarks of the members of Planning and Zoning Commission, the Chair should call for a vote on a recommendation of the Amendment.

ATTACHMENTS: Amended lighting ordinance; Cover Sheet.

List Responsible staff, contractors, and vendors for Follow-Through, Follow-Up of Implementation.

The amendment will go to City Council for final action following this meeting.

EXHIBIT 9A UNIFIED DEVELOPMENT CODE

§ 6.13. Outdoor Lighting.

6.13.01 Title, Purpose and Scope.

(a) This article shall be known and cited as the "Outdoor Lighting Ordinance."

(b) The purpose of this article is:

(1) To reduce glare and improve nighttime visibility which contributes to safer, more secure, and attractive outdoor living spaces;

(2) To encourage efficient, controlled lighting that conserves energy;

(3) To make our community a better place to live and work and a more inviting place for tourist to visit;

(4) To protect properties from light trespass;

(5) To restore and preserve our heritage of a clear, dark night sky; and

(6) To position the City to apply for the designation of International Dark Sky Community.

(7) To have lights at night that are directed where light is wanted, are a warm color, and the appropriate amount of light.

(8) To prevent light at night from being wasted off-site, off property, or into the night sky.

(c) Scope.

(1) This article shall apply within the City limits, hereinafter referred to as "City."

(2) Nothing herein shall be construed as preventing or limiting the City from applying this article within the surrounding areas where the City asserts powers of extraterritorial jurisdiction through agreements with property owners, or as a term affixed to a conditional approval in the case of a variance. A developer's voluntary compliance is highly encouraged.

6.13.02 Definitions.

The following definitions are hereby adopted for the purposes of this article:

Adaptive controls means mechanical or electronic devices, when used in the context of outdoor lighting systems, intended to actively regulate the switching, duration, and/or intensity of light emitted by the outdoor lighting system. Examples of adaptive controls include timers, dimmers and motion-sensing switches.

Beam of a light fixture means the spatial distribution of the emitted light.

Correlated Color Temperature (CCT) means a measure of the color properties of light emitted by lamps, being equal to the temperature, expressed in Kelvins (K). CCT values are typically provided on lighting manufacturer packaging or data sheets.

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Decorative holiday lighting means low-intensity string lights, whose luminous output does not exceed fifty (50) lumens per linear foot, and fully-shielded floodlights, whose luminous output does not exceed one thousand (1,000) lumens and which are aimed and oriented in such a way as to not create light trespass onto another property nor into the night sky, operated for a limited number of days per calendar year.

Electronic Message Display means any illuminated sign of an informative or advertising nature, whether on- or off-premise, and operable at night, whose content is made visible to the viewer by means of luminous elements under active electronic control and therefore subject to alteration in order to vary the content of the message. Electronic displays may be either static or dynamic in terms of light color and intensity.

Existing light fixtures means those outdoor light fixtures already installed at the time this article is adopted.

Floodlight means a light fixture having a wide beam.

Fully Shielded means an outdoor luminaire constructed so that in its installed position, all of the light emitted from the light fixture is projected below the horizontal plane passing through the lowest light-emitting part of the fixture.

Glare means visual discomfort or impairment caused by a bright source of light in a direction near one's line of sight.

Greenhouse means any building that is constructed of glass, plastic, or other transparent material in which plants are grown under climate-controlled conditions and includes hoop houses and other similar structures.

Illuminance means the intensity of light in a specified direction measured at a specific point.

Light pollution means the unintended, adverse and/or obtrusive effect of the use of outdoor light at night.

Light source means a light emitting portion of the luminaire and any diffusing elements and surfaces intended to reflect or refract light emitted from the lamp individually or collectively, for example, a lamp, bulb, lens, highly reflective surface, or frosted glass.

Light trespass means artificial light emitted from fixtures designed or installed in a manner that ~~unreasonably~~ causes light to fall on a property other than the one where the light is installed causing substantial interference with the use and enjoyment of theat property. It also includes artificial light emitted from fixtures causing light to fall on property other than the one where the light is installed causing light to shine into a motor vehicle drivers' eyes or upwards toward the sky. ~~If the light appears star-like from another property or the public roadway, the light is creating light trespass. It is expected that the illumination produced by a light source may be viewed from other properties but the light source itself should not be visible from other properties.~~ Exhibit 3 of Section 6.13.20 is a sample educational illustration about light trespass.

Lumen means the unit of measurement used to quantify the amount of light produced by a bulb or emitted from a light source. Lumen values are typically provided on lighting manufacturer packaging or data sheets. For the purposes of this article, unless otherwise stated, the lumen output values shall be the initial lumen output ratings as defined by the manufacturer, multiplied by the lamp efficiency. Lamp efficiency of 95% shall be used for all solid-state lamps and 80% for all other lamps, unless an alternate efficiency rating

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is supplied by the manufacturer.

Lumens per Net Acre means the total outdoor light output, as defined in this article, divided by the number of acres, or part of an acre with outdoor illumination. Undeveloped, non-illuminated portions of the property may not be included in the net acreage calculation.

Luminaire means a complete lighting assembly or lighting fixture, consisting of a lamp, housing, optic(s), and other structural elements, but not including any mounting pole or surface.

Luminance is a measure of light emitted by or from a surface.

Nit is the standard unit of measure of luminance used for internally illuminated signs, digital signs, or electronic message displays.

Outdoor Lighting means temporary or permanent lighting that is installed, located, or used in such a manner to cause light rays to shine outdoors. Nonresidential fixtures that are installed indoors that cause light rays to shine outside are considered outdoor lighting for the intent of this article. See Exhibit 1 of Section 6.13.20 for an illustration of this type of situation. Residential fixtures installed indoors generating more than 3,800 lumens (approximately equal to a 300-watt incandescent bulb) that cause light to shine outside are also considered outdoor lighting for the intent of this article. All of the lighting that illuminates the translucent portion of a greenhouse or solarium, including roofing material, is considered outdoor lighting for the intent of this article.

Private lighting means outdoor light fixtures that are owned or leased or operated or maintained or controlled by individual persons, including but not limited to families, partnerships, corporations, and other entities engaged in the conduct of business or other non-governmental activities.

Public lighting means outdoor light fixtures that are owned or leased or operated or maintained or controlled by the City or other governmental entity or entities completely or partly funded by grants obtained by the City or its agents from federal, state or private sources. The light fixtures are normally located on, but are not limited to, streets, highways, alleys, easements, parking lots, parks, playing fields, schools, institutions of higher learning, and meeting places.

Residential Property Owner means any owner or lessee of a residentially zoned property for which a subdivision has been accepted or where a subdivision is not required.

Sag-lens or drop-lens fixture means a fixture, typically seen on older streetlights or parking lot lights, where the lens extends below the lowest opaque part of the fixture such that light is scattered above the horizontal plane.

Searchlight means a light fixture having a narrow beam intended to be seen in the sky.

Spotlight means a light fixture having a narrow beam.

Temporary lighting means non-permanent lighting installations installed and operated for a duration not to exceed thirty (30) days.

Total outdoor light output means the total amount of light, measured in lumens, from all outdoor light fixtures within the illuminated area of a property. The lumen value to be used in the calculation is the lumen value as defined in this article. To compute the total, add the lumen outputs attributed to each light fixture together.

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6.13.03 Nonconforming Existing Outdoor Light Fixtures.

(a) All existing outdoor lighting that was legally installed before the enactment of this article, that does not conform with the standards specified by this article shall be considered nonconforming. Nonconforming outdoor lighting is allowed to remain until required to be replaced pursuant to the terms of this article.

(b) If more than fifty percent (50%) of the total appraised value of a structure (as determined from the records of the county's appraisal district), has been destroyed, the nonconforming status expires, and the structure's previously nonconforming outdoor lighting must be removed and may only be replaced in conformity with the standards of this article.

(c) Nonconforming outdoor lighting shall be brought into conformance with this article as follows:

(1) Nonresidential Application.All existing outdoor lighting located on a subject property that is part of an application for a rezoning application, conditional use permit, subdivision approval, or a building permit for a major addition is required to be brought into conformance with this article before final inspection, issuance of a certificate of occupancy, or final plat recordation, when applicable. For the following permits issued by the City, the applicant shall have a maximum of 90 days from date of permit issuance to bring the lighting into conformance: site development permit, sign permit for an externally or internally illuminated outdoor sign.

(2) Residential addition or remodel.Nothing herein shall be construed to terminate a residential property's nonconforming status as a result of an addition or remodel. However, all outdoor residential lighting that is affixed to a construction project requiring a building permit is required to conform the standards established by this ordinance.

(3) Abandonment of nonconforming [structure].A nonconforming structure shall be deemed abandoned if the structure remains vacant for a continuous period of six (6) months. In that instance, the nonconforming status expires, and the structure's previously nonconforming outdoor lighting must be removed and may only be replaced in conformity with the standards of this article.

(d) It is unlawful to expand, repair or replace outdoor lighting that was previously nonconforming, but for which the prior nonconforming status has expired, been forfeited, or otherwise abandoned.

(e) Outdoor lighting on any property that is not in conformance with this article shall be brought into conformance with this article ~~within five (5) years~~ by January 1, 2030 ~~from the date of adoption of this article~~. All new construction and/or new luminaires installed (including replacements for existing fixtures) shall comply after the adoption of this article.

(f) Amortization Extension.Residential property owners may request from the City an amortization extension of up to a maximum of ten (10) years from the date a nonconforming fixture was installed provided that the fixture was compliant with

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existing City ordinances at the time is was installed, and that date of installation can be substantiated via documents, date stamped photographs, etc. or, at the prerogative of the City Manager, corroborative written statements.

(1) Amortization extensions to the date at which outdoor lighting shall conform with this article shall be on a per-fixture basis with the following requirements:

(i) The light fixture must be documented to cost at least $100 when originally purchased;

(ii) The fixture cannot be brought into compliance by changing the bulb or lighting element or installing shielding;

(iii) If the bulbs or other lighting elements of the fixture require replacement during the amortization period, the replacement bulbs or lighting elements shall not be rated in excess of 2700 Kelvin.

6.13.04 General Provisions.

(a) Shielding.

(1) Unless exempted elsewhere in this article, all outdoor lighting shall be fully shielded.

(2) New streetlights shall be fully shielded fixtures of approved historical design, utilizing a minimum output consistent with the safety of drivers and pedestrians.

(3) Mounting height or topography or proximity to other properties may cause public or private outdoor light fixtures to require additional shielding to prevent glare or an unsafe condition on properties other than the one on which it is installed.

(4) All of the lighting that illuminates the translucent portion of a greenhouse or solarium must be shielded so that no direct light shines outside of the structure and no more than 4% of the reflected or refracted illumination is allowed to escape outside the structure.

(5) Outdoor light fixtures with a maximum output of 200 lumens per fixture, regardless of the number of bulbs, may be left unshielded provided the source of the light is not visible from any other property and the fixture conforms to all other stipulations of this article. The output from these fixtures shall not exceed 10% of the lumens per net acre allowed by this article.

(b) Light Trespass.

(1) Light trespass is prohibited. No luminaire installed within the City limits, except governmental owned streetlights, shall create conditions of light trespass. Governmental owned streetlights may only create light trespass below it within one hundred (100) feet of its installed location.

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(2) All outdoor lighting, except governmental owned streetlights, shall be shielded so that the light source shall not be visible from any other property.

(c) Outdoor Sports Facilities.

(1) Lighting at public and private outdoor sports facilities, including but not limited to playing fields, arenas, tracks, and swimming pools, will be shielded to the greatest practical extent to reduce glare, safety hazards, light trespass, and light pollution;

(2) Will provide levels of illuminance that are adjustable according to task, allowing for illuminating levels not to exceed nationally recognized Illuminating Engineering Society of North America (IESNA) standards according to the appropriate class of play, as well as for lower output during other times, such as when field maintenance is being actively performed; and

(3) Shall be provided exclusively for illumination of the surface of play and adjacent viewing stands, and not for any other application, such as lighting a parking lot; and

(4) Must be extinguished by 11:00 p.m. or within one (1) hour of the end of active play. The outdoor sports facility lighting shall be fitted with mechanical or electronic timers to prevent lights from being left on accidentally overnight.

(5) Outdoor sports facility lighting will be exempted from the other regulations of this article if its design and installation, as certified by a professional engineer (PE) licensed in the State of Texas, adheres to the version of the International Dark-Sky Association's Criteria for Community-Friendly Outdoor Sports Lighting operative at the time when the construction permit is submitted to the City for review.

(d) Towers.No lighting of towers and associated facilities is allowed, except by permit, and except as required by the Federal Aviation Administration or other federal or state agency. In coordination with the applicable federal or state agency, the applicant shall determine the maximum height of the tower that would not require lighting. If a proposed tower would require lighting, the applicant shall demonstrate that a tower height that requires lighting is necessary. Such justification shall include documentation showing:

(1) Coverage limitations;

(2) Type of system (e.g., cellular, radio, television);

(3) Technical and engineering details of the lighting to be installed; and

(4) Requirements of federal, state, and local agencies.

If a tower height that requires lighting is justified, slowly blinking red lights must be used at night. White strobe lights at night are prohibited.

(e) Color Temperature.

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(1) The correlated color temperature (CCT) of luminaries shall not exceed 2700 Kelvins.

(2) Luminaries rated below 2500 Kelvin are encouraged for better nighttime visibility.

(f) Service Station Canopies and other building overhangs.All luminaires mounted on or recessed into the lower surface of service station canopies or other overhangs shall be fully shielded and utilize only flat lenses or windows. Shielding must be provided by the luminaire itself, and not by surrounding structures such as canopy edges. Light directed on service station pumps may be angled to illuminate the pump to the level of federal standards and to shield the light from normal view.

(g) General curfew.

(1) In all nonresidential zones,

(i) All privately owned exterior lighting not adaptively controlled shall be extinguished by 11:00 p.m. or within one (1) hour of the end of normal business hours, whichever occurs later.

(ii) Exterior lighting with adaptive controls shall reduce lighting to 25% or less of the total outdoor light output allowed by 11:00 p.m. or within one (1) hour of the end of normal business hours, whichever occurs later. Adaptive controls may be used to activate lights and resume normal light output when motion is detected and be reduced back to 25% or less of total outdoor light output allowed within 5 minutes after activation has ceased, and the light shall not be triggered by activity off property.

(iii) Businesses whose normal operating hours are twenty-four (24) hours per day are exempt from this provision.

(2) All publicly owned lighting not adaptively controlled must be fully extinguished by 11:00 p.m., or within one (1) hour of the end of occupancy of the structure or area to be lit, whichever is later.

(3) All outdoor lighting is encouraged to be turned off when no one is present to use the light.

(h) Lumen Caps.The lumen per net acre values are an upper limit and not a design goal; design goals should be the lowest levels that meet the requirement of the task. Lumen per net acre values exclude governmental owned streetlights used for illumination of public rights-of-way and outdoor facilities.

(1) Nonresidential Property.Total outdoor light output installed on any nonresidential property shall not exceed 100,000 lumens per net acre in any contiguous illuminated area;

(2) Residential Property.Total outdoor light output installed on any residential property shall not exceed 25,000 lumens per net acre in any contiguous illuminated area.

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(i) Adaptive Controls.All new publicly owned lights, including streetlights, will incorporate adaptive controls (e.g., timers, motion-sensors, and light-sensitive switches) to actively regulate the emission of light from light fixtures such that the lighting of areas is restricted to times, places and amounts required for safe occupancy.

(j) Flagpoles.Property owners are encouraged to not illuminate flagpoles at night, but rather to hoist flags after dawn and lower flags before sunset. If flags are illuminated at night, lighting of up to a total of two (2) flags per property is permitted with the following conditions:

(1) Flagpoles with a height greater than 20 feet above ground level shall be illuminated only from above. This may be achieved by utilizing a luminaire attached to the top of the flagpole or a luminaire mounted above the top of the flagpole on a structure within fifteen (15) feet of the flagpole and must comply with all sections of this article. The total light output from any luminaire mounted on top of or above a flagpole shall not exceed 800 lumens.

(2) Flagpoles with a height equal to or less than twenty (20) feet above ground level may be illuminated from below. If ground-level illumination is used, flagpoles may be illuminated with up to two (2) spotlight type luminaires, utilizing shields or diffusers to reduce glare, whose maximum combined lumen output is 75 lumens per linear foot of pole height, measured from the level of the luminaire above grade to the top of the flagpole. Luminaires are to be mounted so that their lenses are perpendicular to the flagpole and the light output points directly toward the flag(s).

(k) Prohibitions.The use of the following types of outdoor lighting are prohibited, except as specifically exempted here or elsewhere in this article.

(1) Sag-lens or drop lens fixtures.

(2) Any luminaire that uses mercury vapor lamps.

(3) Searchlights, skybeams, and similar lighting, except as required by response personnel during emergency conditions.

(4) Any light that dynamically varies its output by intermittently fading, flashing, blinking, or rotating. This type of lighting includes strobe lighting.

(l) Warranting.New installations of outdoor lighting will only be installed on public properties and right-of-way upon determination by the City Manager that a public safety hazard exists in the area to be lit, and that the hazard can only be effectively mitigated through the use of outdoor lighting and not through some other passive means, such as reflectorized roadway paint or markers.

6.13.05 Plan Submission and Compliance Review.

(a) Any individual applying for a compliance review or building permit under this article intending to install new outdoor lighting or update existing outdoor lighting

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shall file a lighting plan with the City. A lighting plan shall be filed at the same time as any other plans required by the City. The individual may obtain from City staff a document that lists all of the items that comprise a proper and complete outdoor lighting submittal. The submittal shall contain, but shall not necessarily be limited to the following:

(1) Plans indicating the number and location on the premises of proposed and existing light fixtures, the type of light fixture (the manufacturer's order number), the lamp type, Kelvin rating, initial lumens produced, the mounting height for each fixture, adaptive controls, building elevations for any structure whose interior lighting is defined as outdoor lighting per this article and the manufacturer's specification sheet for each light fixture.

(2) The number of acres or part of an acre that is to be illuminated contiguously, the square footage of the footprint for each structure within the area to be illuminated; and

(3) Any other evidence that the proposed installation will comply with this ordinance.

(b) The lighting plan shall be reviewed by the Planning Department to determine compliance with this article, taking into account all factors, including but not limited to, levels of illuminance, luminance, glare, safety hazards, light trespass, and light pollution. The Planning Department may seek input from community members knowledgeable about outdoor lighting during the review process. The Planning Department shall approve or reject the plan within 30 days of submission, returning it to the applicant with an explanation. The applicant shall not move forward with the outdoor lighting project until the lighting plan is approved. After the lighting plan is approved, no substitutions may be made for approved light fixtures without resubmitting the plan for review with the substitutions.

6.13.06 Exemptions, Temporary Permitting, Amendments, Enforcement, Civil Remedies and Public Nuisance.

(a) This article shall not apply to the following:

(1) Decorative holiday lighting illuminated for no more than 60 days per calendar year, with illumination only during the hours of 6:00 a.m. to 11:00 p.m. each day, and with the provision that flashing holiday lights are prohibited on nonresidential properties;

(2) String, festoon, bistro, and similar lighting, provided that the emission of no individual lamp exceeds fifty (50) lumens, no installation of such lighting exceeds, in the aggregate, six thousand (6,000) lumens on any one property, and the lights are rated at or below 2700 Kelvin;

(3) Underwater lighting of swimming pools and similar water features;

(4) Lighting required by law to be installed on surface vehicles and aircraft;

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(5) Airport lighting required by law;

(6) Lighting required by federal or state laws or regulations;

(7) Temporary emergency lighting needed by law enforcement, fire and other emergency services as well as temporary building egress lighting whose electric power is provided by either battery or generator;

(8) Lighting employed during emergency repairs of roads and utilities provided such lighting is deployed, positioned and aimed such that the resulting glare is not directed toward any roadway or highway or residence;

(9) Temporary lighting at construction projects provided such lighting is deployed, positioned and aimed such that the resulting glare is not directed toward any roadway or highway or residence;

(10) Governmental facilities where compelling needs are demonstrated to the City Manager or designee; and

(11) Temporary lighting, permitted in this article, for theatrical, television, performance areas, or events provided the lights are positioned safely and do not create issues of light trespass.

(b) Temporary Permitting.

(1) Lighting such as that needed for theatrical, television, performance areas, or events may be allowed by temporary exemption. Temporary lighting that does not conform to the provisions of this article may be approved at the discretion of the City Manager subject to submission of an acceptable Temporary Outdoor Lighting Permit.

(2) Permit term and renewal.Permits issued shall be valid for no more than seven (7) calendar days and subject to no more than one renewal, at the discretion of City Council or the City Manager, for an additional seven (7) calendar days.

(3) Conversion to a permanent status.Any lighting allowed by Temporary Outdoor Lighting Permit that remains installed after fourteen (14) calendar days from the issue date of the permit is declared permanent and is immediately subject to all of the provisions of this article.

(4) Permit contents.A request for a Temporary Outdoor Lighting Permit for a temporary exemption to any provision of this article must list the specific exemption requested and the start and end date of the exemption. Search lights, skybeams and similar lighting will not be allowed. The City may ask for any additional information which would enable a reasonable evaluation of the request for temporary exemption.

(c) Amendment.This article may be amended from time to time as local conditions change, and as changes occur in the recommendations of nationally recognized organizations such as the Illuminating Engineering Society of North America and the International Dark-Sky Association, if the council wishes to do so.

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(d) Enforcement.

(1) It will be the responsibility of the City to publish this article in the newspaper of record and to disseminate the ordinance by other appropriate means; to publish information about the ordinance on the City website; and, as time permits, to inform owners of noncompliant lighting of these provisions.

(2) The City Manager is authorized to promulgate one or more interpretive documents to aid in the administration of, and compliance with, this article. Such interpretive documents, with examples such as Exhibits 2, 3 and 4 of Section 6.13.20, shall be educational only and shall not constitute regulations, amendments, or exceptions.

(3) Violations- Residential Property Owners

i. The City shall have the power to administer and enforce the provisions of this Article as may be required by governing law. Any person violating any provision of this Article is subject to suit for injunctive relief as well as ~~prosecution for criminal violations~~civil penalties.

ii. It is a violation ~~shall be unlawful~~ to install or operate any outdoor lighting luminaire in violation of any provision of this Article. Any person violating any provision of this article ~~shall be guilty of a Class C Misdemeanor and~~ may also be subject to suit for injunctive relief, monetary damages, and other relief as directed by a court with jurisdiction over the matter.

~~Each and every day during which the illegal erection, maintenance and use of such nonconforming lighting continues shall be considered to constitute a separate offense.~~

iii. Any owner who fails to comply with these provisions may be issued a warning notice. The owner of the noncompliant lighting must, within 30 days from the issuance of such warning notice, submit a lighting plan as defined in section 6.13.05 to come into compliance with this article. No further action will be taken against a residential property owner without first issuing a warning notice unless the noncompliance creates a imminent threat to health or safety to others.

iv. Any owner who further fails to comply after 60 days from the issuance of such warning notice may be subject to ~~criminal and~~ civil penalties including a ~~fine~~ penalty of at least $50.00 for each day of noncompliance, unless the City Council grants a waiver of the fine.

v. A civil penalty up to five hundred dollars ($500.00) a day when it is shown that the defendant was actually notified of the provisions of the Article and after receiving notice committed acts in violation of the Article. Such penalties shall only be assessed if a residential property owner has failed to comply for at least sixty (60) days.

vi. In the event work is not being performed in accordance with this Article, the City shall issue a stop work order and all work shall immediately cease.

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No further work shall be undertaken on the project as long as a stop work order is in effect.

4. Violations – Nonresidential Properties

i. The City shall have the power to administer and enforce the provisions of this Article as may be required by governing law. Any person violating any provision of this Article is subject to suit for injunctive relief as well as prosecution for criminal violations.

ii. It shall be unlawful to install or operate any outdoor lighting luminaire in violation of any provision of this Article. Any person violating any provision of this article shall be guilty of a Class C Misdemeanor and may also be subject to suit for injunctive relief, monetary damages, and other relief as directed by a court with jurisdiction over the matter.

iii. After being provided warning notice of noncompliant lighting, each and every day during which the illegal erection, maintenance and use of such nonconforming lighting continues shall be considered to constitute a separate offense.

iv. Any owner who fails to comply with these provisions may be issued a warning notice. The owner of the noncompliant lighting must, within 30 days from the issuance of such warning notice, submit a lighting plan as defined in section **6.13.05** to come into compliance with this article.

v. Any owner who further fails to comply after 60 days from the issuance of such warning notice may be subject to criminal and civil penalties including a fine of at least $50.00 for each day of noncompliance, unless the City council grants a waiver of the fine.

vi. A civil penalty up to five hundred dollars ($500.00) a day when it is shown that the defendant was actually notified of the provisions of the Article and after receiving notice committed acts in violation of the Article.

vii. In the event work is not being performed in accordance with this Article, the City shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect.

(e) Civil remedies. Nothing in this article shall be construed as limiting the right of any person or entity to pursue legal action against any other person or entity under any applicable law, including the doctrine of light trespass.

(f) Public nuisance. Any violation of this article that results in light trespass or an unreasonable interference with the common and usual use of any other property is hereby declared to be a public nuisance.

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6.13.07 Notification.

All building permit applicants will be notified of the City outdoor lighting ordinance.

6.13.08 Sign Illumination.

(a) All permanent signs may be non-illuminated, illuminated by internal, internal indirect (halo), or lit by external indirect illumination, unless otherwise specified. All illuminated signs shall be extinguished at 11:00 p.m. or within one (1) hour of the end of normal business hours, whichever occurs later. All sign illumination must comply with the correlated color temperature (CCT) requirements of this article.

(b) Top-down lighting.Externally illuminated signs shall be lit only from the top of the sign, with fully shielded luminaires designed and installed to prevent light from spilling beyond the physical edges of the sign.

(c) Outdoor internally illuminated signs (whether freestanding or building mounted) shall be subject to all the following requirements:

(1) The sign must be constructed with an opaque background and translucent letters and symbols or with a dark colored background and lighter letters and symbols. (See Exhibit 5 of Section 6.13.20 for examples.)

(2) The internally illuminated portion of the sign cannot be white, cream, off-white, light tan, yellow or any light color unless it is part of a registered logo that does not have an alternate version with dark tones. Light tone colors such as white, cream, off-white, light tan, yellow or any light color are permitted in the logo only, provided that such colors in the logo shall represent not more than 33% of the total sign area permitted.

(3) The internal illumination, between sunset and sunrise, is to be the lowest intensity needed to allow the sign to be visible for up to 1/2 mile from its installation and shall not exceed 100 nits.

(4) Size limit.The luminous surface area of an individual sign shall not exceed 200 square feet.

(5) Electronic Message Center displays are prohibited within or adjacent to sensitive areas. These may include, but are not limited to: natural areas, beaches, wetlands, state and national parks, wildlife refuges, residential areas, observatories, and military training grounds. Setbacks in excess of 1 mile (1600 meters) from sensitive areas may be warranted. Distance setbacks should be assessed on a case-by-case basis, considering the cumulative effect of multiple EMCs. City staff shall document setback requirements and all EMCs shall be

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subject to the following requirements:

i. Messages appearing on electronic message center displays shall not be displayed for less than (30) seconds and shall require no longer than 0.25 seconds to transition from one message to another. Moving and/or flashing text or images are prohibited.

ii. The luminance level shall be gradually dimmed between day and night mode from sunset to one hour after sunset to provide the proper contrast ratio with the ambient illumination level, and similarly before sunrise. Within one hour after sunset luminance levels shall not exceed the following:

a. In areas with low ambient lighting where lighting might adversely affect flora and fauna or disturb the character of the area, such as rural and low-density residential areas, the nighttime maximum luminance is not to exceed 20 candelas per square meter of signage.

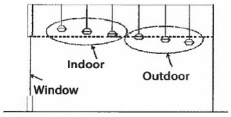
b. In areas with moderate ambient lighting where the vision of human residents and users is adapted to moderate light levels such as light commercial business areas and high-density or mixed-use residential areas, the nighttime maximum luminance is not to exceed 40 candelas per square meter of signage.

c. In areas with moderately high ambient lighting where the vision of human residents and users is adapted to moderately high light levels, the nighttime maximum luminance is not to exceed 80 candelas per square meter of signage.

iii. The total number of EMCs on any given mile of roadway is limited to two and the total square footage within any given mile is limited to 800 square feet.

6.13.20 Exhibits.

Exhibit 1. Indoor/Outdoor Lighting



Elevation view showing an example of a nonresidential application of indoor lighting, labeled “Outdoor,” which is will be [sic] subject to this article. The example presumes the structure in question is not elevated such that any of the luminaires labeled “Indoor” may be seen from any other property. If the structure is elevated such that the luminaires labeled “Indoor” are visible from another property then, they are actually “outdoor lighting” and subject to this article. All luminaries under skylights or other translucent roofing materials are subject to this article just as the fixtures behind the window are in this example.

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Exhibit 2. An Illustration of Best Outdoor Lighting Practices



(1) Use shielding to reclaim wasted light and direct it to the area to be lit.

(2) Lower the correlated color temperature (CCT) from "cool" white light to "warm" white.

(3) Lower the intensity to provide as much light as needed for the application, but no more.

(4) Use adaptive controls, e.g., timers, half-night photocells, motion sensors, etc., to limit the hours the light is in use.

Exhibit 3. Light Trespass

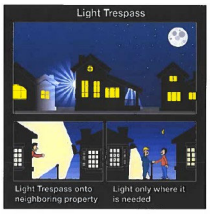
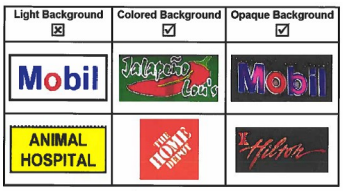


Exhibit 4. Unacceptable Fixtures and Acceptable Fixtures



Exhibit 5. Internally Illuminated Signs



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PLANNING AND ZONING COMMISSION
PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY - AUGUST 4, 2026
2801 Ranch Road 1869 - Liberty Hill

AGENDA ITEM 4.B

Conduct a public hearing and consider recommendation regarding Unified Development Code text amendment to Section 7.05 (Fiscal Surety and Assurance of Construction and Maintenance), of the City of Liberty Hill Unified Development Code.

City Council Meeting Date: August 25, 2026

Requested By: Robyn Claridy-Miga

Requested Agenda Placement: Public Hearing(s)

Agenda Item Type: Ordinance

AGENDA ITEM COVER SHEET

ITEM / TITLE:

Fiscal Surety and Assurance of Construction and Maintenance ordinance amendment.

AGENDA ITEM WORDING:

Conduct a public hearing and consider recommendation regarding Unified Development Code text amendments to Section 7.05 (Fiscal Surety and Assurance of Construction and Maintenance) of the City of Liberty Hill Unified Development Code, related to maintenance bond terms and amounts.

EXECUTIVE / BACKGROUND SUMMARY:

The proposed ordinance amendments to **Section 7.05, Fiscal Surety and Assurance of Construction and Maintenance**, strengthen the City's financial security and clarify the process for the acceptance and maintenance of public infrastructure following construction. The amendments increase the required maintenance bond period from one year to two years, require a maintenance bond equal to 80 percent of the value of the public improvements, and establish a clearer process for final acceptance of public infrastructure. Additionally, the amendments update the City's administrative procedures by removing outdated language regarding approval authority to reflect current practices. Finally, the amendments eliminate the use of letters of credit as an acceptable form of financial assurance, requiring developers to provide fiscal surety that offers greater protection to the City throughout the maintenance period.

FISCAL NOTES / FINANCIAL IMPACT:

The proposed ordinance amendment has no fiscal impact.

CITY ATTORNEY REVIEW (IF APPLICABLE):

The proposed ordinance amendment was reviewed by the City Attorney.

SUGGESTED MOTION(S):

Recommending approval of Section 7.05 as presented.

RESPONSIBLE STAFF / FOLLOW-UP:

This item will go before City Council for public hearing and approval at the August 26, 2026 meeting.

ATTACHMENTS:

Proposed Ordinance Amendment.

Exhibit A

§ 7.05 Fiscal Surety and Assurance of Construction and Maintenance.

7.05.01 Payment of Taxes.

The landowner or developer shall provide the City Manager with a certifiable receipt showing that all taxes have been paid in conjunction with the submittal of an application for final plat approval or site development permit issuance.

7.05.02 ~~Letter of Credit or~~ Performance Bond.

~~A. Before any development or project can proceed, the City Manager must be satisfied that the landowner or developer will be in a financial position to install or cause to be installed at his own cost, risk, and expense, all of the improvements required by this Code.~~

A. Before any development or project may proceed, the **City Engineer** shall determine that the owner or developer has demonstrated the financial ability to construct, or cause to be constructed, at the owner's or developer's sole cost, risk, and expense, all public and private improvements required by this Code.

B. Prior to the recordation of a Final Plat, the owner/applicant may choose to either:

Prior to recordation of a Final Plat, the owner or applicant shall satisfy one of the following requirements:

1. **Construction and Acceptance.** Construct all required public improvements and obtain final acceptance of such improvements by the City in accordance with the approved Public Improvement Plans, this Code, the City's Engineering Design Manual, Standard Specifications, and all other applicable ordinances, regulations, and standards, as amended; or

2. **Fiscal Security.** Provide fiscal security in an amount equal to one hundred ten percent (110%) of the estimated cost to complete all required public improvements. The fiscal security shall be in a form approved by the City Engineer and shall guarantee the faithful completion of the required improvements.

3. **Partial Fiscal Security.** When required public improvements are under construction but have not received final acceptance by the City, the City Engineer may authorize the posting of partial fiscal security in an amount equal to one hundred ten percent (110%) of the estimated cost to complete the remaining improvements, thereby allowing the Final Plat to be recorded prior to final acceptance. The owner or applicant shall submit a written request to the City Engineer together with a current

cost estimate signed and sealed by the Engineer of Record. The City Engineer shall review and approve the cost estimate prior to acceptance of the fiscal security.

C. Purpose and Release of Fiscal Security.

A. Fiscal security shall guarantee the completion of all required public improvements in accordance with the approved Public Improvement Plans and shall secure the City's ability to complete such improvements if the owner or developer fails to do so.

B. Unless otherwise approved in writing by the City, the owner or developer shall complete all required public improvements within one (1) year of Final Plat approval or issuance of the applicable Site Development Permit, as applicable.

C. Upon failure of the owner or developer to complete the required public improvements within the required time, the City may declare the owner or developer in default, draw upon the fiscal security, and use the proceeds to complete the required improvements. These remedies are cumulative and do not limit any other remedy available to the City under this Code, the applicable fiscal security instrument, or state law.

~~3. The fiscal surety shall be for the purpose of securing the estimated cost of completing such improvements, should the City find it necessary to complete the improvements in lieu of the landowner or developer. The landowner or developer shall complete all such improvements specified or referenced in the subdivision plat or site development permit and the construction plans for the same, within one (1) year from the date of final plat approval or site development permit issuance unless granted an extension by the City. Failure to do so shall authorize the City to complete the improvements using the fiscal surety provided by the landowner or developer.~~

~~B. If the landowner or developer elects to construct the required improvements prior to recording of a subdivision plat, after such plat has been approved, all such construction shall be inspected while in progress;~~ 2.

~~in addition, the construction must be approved upon completion by the City Manager or his designee. A certificate by the City Manager or his designee that the construction conforms to the plans and specifications and the standards contained in or referred to in this Code must be presented to the City Council by the landowner or developer prior to approval of the final plat.~~

~~C. The landowner or developer of a site development shall post fiscal surety, as provided below, to assure completion of all construction required under this Code following issuance of the site development permit. If the landowner or developer of a subdivision decides or~~

~~elects to post fiscal surety in lieu of completing construction prior to final plat approval, the landowner or developer may utilize one of the following methods of posting fiscal surety. If the landowner or developer elects to post fiscal surety for subdivision or site development related construction, the plat shall not be approved or the permit shall not be issued unless the landowner or developer has done the following:~~

~~1. The landowner's or developer's engineer shall provide the City an estimate of the total cost of all uncompleted or unaccepted improvements as may be required by this Code; and the estimate shall be acceptable to the City Manager or his designee; and,~~

~~2. The City Manager shall require sufficient fiscal surety to insure the orderly development within any subdivision or site development in the form of either (1) a performance bond or (2) an irrevocable letter of credit, equal to 110% of the estimated total cost of the improvements not yet completed and/or accepted as complete. Such letter of credit or bonds shall be issued by a financial institution authorized to do business in the State of Texas. Furthermore, the financial institution shall be reviewed and approved in advance and the letters of credit or bonds shall conform to forms or criteria approved in advance by the City Council.~~

~~3. The fiscal surety shall be for the purpose of securing the estimated cost of completing such improvements, should the City find it necessary to complete the improvements in lieu of the landowner or developer. The landowner or developer shall complete all such improvements specified or referenced in the subdivision plat or site development permit and the construction plans for the same, within one (1) year from the date of final plat approval or site development permit issuance unless granted an extension by the City. Failure to do so shall authorize the City to complete the improvements using the fiscal surety provided by the landowner or developer.~~

~~D. It is expressly understood that, as a condition to the approval of said subdivision or site development, no sale of any lot may be completed until all utilities are installed and all other improvements required by this Code are made within the block in which said lot is contained.~~

7.05.03equirements Prior to Final Acceptance for Maintenance.

A. Warranty Period.

The owner or developer shall ensure that all public improvements constructed pursuant to this Code, the Engineering Design Manual, approved Public Improvement Plans, and all applicable ordinances are free from defects in materials and workmanship, perform as designed, and remain in good working order for a period of two (2) years commencing on the date of final acceptance by the City Engineer or the City Engineer's designee.

1. Warranty Security Required.

   As a condition of final acceptance of public improvements by the City, the owner or developer shall require each contractor responsible for constructing the public improvements to provide a written warranty for all labor, materials, and workmanship. In addition, the owner or developer shall provide the City with a written warranty guaranteeing that all public improvements are free from defects in materials and workmanship for a period of two (2) years following the date of final acceptance by the City Engineer or the City Engineer's designee.

2. The required warranty shall be secured by one of the following forms of financial assurance, subject to approval by the City Engineer:

   (1) A warranty bond issued by a corporate surety authorized to transact business in the State of Texas; or

   (2) The warranty security shall be in an amount equal to 80 % of the total construction cost of the public improvements, unless otherwise approved by the City Engineer.

   (3) All warranty bonds shall be in a form acceptable to the City Attorney and the City Engineer and shall guarantee the correction of any defects in materials or workmanship discovered during the warranty period.

3. Correction of Deficiencies.

   If any defect in materials or workmanship, or any failure of the public improvements to perform in accordance with the approved plans, specifications, this Code, or the Engineering Design Manual is identified during the warranty period, the owner or developer shall promptly correct such deficiencies at its sole expense upon written notice from the City. If the owner or developer fails to complete the required corrective work within the time specified by the City, the City may draw upon the warranty security and perform or cause the corrective work to be performed. The remedies provided in this section are cumulative and do not limit any other remedy available to the City under this Code or applicable law.

B. The owner or developer shall ensure that all public improvements constructed pursuant to this Code, the Engineering Design Manual, approved Public Improvement Plans, and all applicable ordinances are free from defects in materials and workmanship, perform as designed, and remain in good working order for a period of two (2) years commencing on the date of final acceptance by the City Engineer or the City Engineer's designee.

~~A. The landowner or developer shall ensure that all of the facilities constructed in accordance with the requirements of this Code will perform and remain in good working order and in accordance with the design performance criteria of each such facility, for one (1) year commencing on the date of approval of final completion by the City Manager or his designee.~~

~~B. Prior to final acceptance for maintenance of the completed improvements by the City Manager, the landowner or developer shall require any construction contractors with whom he contracts for furnishing materials and for installation of the improvements required under this Code, to provide written guarantees to the City, and shall himself be required to furnish to the City, a written guarantee, that all workmanship and materials shall be free of defects for a period of one (1) year from the date of acceptance by the City Manager. The guarantee shall be either in the form of a one (1) year warranty bond executed by a corporate surety licensed to do business in the State of Texas, conditioned that the improvements are free from defects in materials and workmanship, or an irrevocable letter of credit from a financial institution authorized to do business in Texas, and approved by the City Manager, committing funds for the correction and repair of any defects in materials or workmanship. Said bonds or letters of credit shall be in the amount of at least twenty (20) percent of the total construction cost. The financial institution shall be reviewed and approved in advance and the letters of credit or bonds shall conform to forms or criteria approved in advance by the City Council. The one (1) year assurance period shall commence on the date of approval of final completion of the improvements by the City Manager or his designee.~~

7.05.04 Acceptance of Improvements.

A. Inspection and Closeout Requirements.

The City Engineer or the City Engineer's designee shall conduct periodic inspections during the construction of all required public improvements to verify compliance with the approved Public Improvement Plans, this Code, the Engineering Design Manual, the City's Standard Specifications and Details, and all other applicable federal, state, and local laws, regulations, and standards.

Upon completion of all required public improvements, the owner or developer may request final acceptance by submitting all required closeout documentation, including, at a minimum:

1. Record drawings (as-built plans) signed and sealed by the Engineer of Record;
2. A written certification signed and sealed by the Engineer of Record stating that the public improvements were constructed in substantial conformance with the approved Public Improvement Plans;

3. The required two-year warranty bond or other approved warranty security as required by this Code;

4. Operation and maintenance manuals, testing reports, easement documents, and other closeout documents required by the City; and

5. Any other documentation required by the City Engineer to demonstrate compliance with this Code.

B. Final Inspection and Acceptance.

Following receipt of all required closeout documentation and completion of the final inspection, the City Engineer shall notify the owner or developer in writing whether the public improvements are accepted or rejected. Public improvements shall be accepted only upon a determination by the City Engineer that the improvements have been completed in accordance with the approved Public Improvement Plans, this Code, the Engineering Design Manual, the City's Standard Specifications and Details, and all applicable laws and regulations.

If the public improvements are rejected, the City Engineer shall provide a written list of deficiencies that must be corrected before final acceptance will be granted.

C. Release of Fiscal Security.

No fiscal security posted pursuant to this Chapter shall be released until the public improvements have received final acceptance by the City and all applicable warranty security has been provided in accordance with this Code.

D. Extension of Completion Time.

For good cause shown, the City Engineer may grant a written extension of the time for completion of the required public improvements. No extension shall be granted unless the owner or developer provides fiscal security in an amount and for a duration acceptable to the City Engineer sufficient to guarantee completion of the public improvements throughout the extended period.

~~A. During the course of installation and construction of the required improvements, the City Manager or his designee shall make periodic inspections of the work to insure that all improvements comply with the requirements of this Code. Upon completion of installation and construction of all required improvements, the landowner or developer may seek acceptance of all public improvements by the City by submitting the required number of copies of as-built plans and a one (1) year maintenance bond as specified in the terms and conditions above. In addition, the landowner or developer shall provide a certified statement~~

~~signed by a registered professional engineer that all improvements have been installed and constructed in accordance with the submitted as-built plans.~~

~~B. After final inspection, the City Manager shall notify the landowner or developer and the City Attorney in writing as to its acceptance or rejection. The City Manager shall reject such construction only if it fails to comply with the standards and specifications contained or referred to herein. No release of any posted fiscal surety shall occur until the City has formally accepted the constructed improvements that are the subject of such surety.~~

~~C. If the City Manager rejects such construction, the City Attorney shall, upon direction of the City Council, proceed to enforce the guarantees provided in this Chapter.~~

~~D. When good cause exists, the City Manager may extend the period of time for completion. Such extension of time shall be reported to the City Council and recorded in the minutes. No such extension shall be granted unless fiscal surety, as set forth above, has been provided by the landowner or developer covering the extended period of time.~~

7.05.05 Maintenance and Supervision.

A. Private Maintenance Agreement Required.
The City may require the owner or developer to enter into a private maintenance agreement for drainage facilities, water quality facilities, park improvements, landscaping, irrigation systems, private infrastructure, or other improvements approved by the City for private ownership and maintenance. Such agreement shall be in a form approved by the City Attorney and shall be executed prior to acceptance of the applicable public improvements or as otherwise required by the City.

B. Term and Recording.
Unless otherwise approved by the City Council, each private maintenance agreement shall remain in effect for a minimum period of ten (10) years and shall be recorded in the Official Public Records of Williamson County, Texas, or any other county in which the property is located. The agreement shall run with the land and be binding upon the owner and all successors and assigns.

C. Irrigation Within Public Right-of-Way.
Where irrigation improvements are proposed within a public right-of-way or other City-owned property, the owner or developer shall obtain a license agreement approved by the City prior to installation. Installation of irrigation facilities within the public right-of-way shall not be permitted without an executed license agreement.

D. Maintenance Standards.
All facilities and improvements subject to a private maintenance agreement shall be

maintained by the owner in a safe, functional, and orderly condition, free of debris and nuisance conditions, and in compliance with:

1. This Code;
2. All applicable City ordinances;
3. Applicable state and federal laws and regulations;
4. The terms and conditions of any applicable permits; and
5. The executed private maintenance/license agreement.

(e) Failure to Maintain.

If the owner fails to properly maintain any improvement subject to a private maintenance agreement, the City may provide written notice requiring corrective action within a reasonable period of time. If the owner fails to complete the required corrective action within the time specified in the notice, the City may, but shall not be obligated to, perform or cause the necessary maintenance or repairs to be performed and recover all costs incurred from the owner. Such costs may be collected by any lawful means, including assessment of a lien if authorized by law or by the terms of the recorded maintenance agreement. The remedies provided herein are cumulative and shall not limit any other remedy available to the City under this Code or applicable law.

~~Where a subdivision contains sewers, sewage treatment facilities, water supply systems, water quality protection facilities, streets and other transportation related improvements, parks and grounds held in common, park and recreation improvements, drainage easements and/or drainage improvements, landscape improvements or other physical facilities necessary or desirable for the welfare of the area, or that are of common use or benefit which are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made, which is acceptable to the City Council, for the proper and continuous operation, maintenance, and supervision of such facilities. A copy of the agreements providing for the proper and continuous operation, maintenance and supervision of such facilities shall be presented to the City Manager and approved as to form by the City Attorney prior to the time of final plat approval or site development permit issuance and shall be filed of record with the plat or permit.~~