

Village of Webberville



Subdivision Ordinance

December 2005

VILLAGE OF WEBBERVILLE

ORDINANCE No. 2005-11

SUBDIVISION ORDINANCE

AN ORDINANCE ENACTING REGULATIONS FOR THE SUBDIVISION OF LAND, INCLUDING PRELIMINARY PLATS, FINAL PLATS, MINOR PLATS, REPLATS AND PLAT AMENDMENTS; PROVIDING FOR THE FOLLOWING: RULES; STANDARDS; PROCEDURES; CRIMINAL PENALTIES; AND, SEVERABILITY

WHEREAS, the Village Commission of the Village of Webberville ("Village Commission") seeks to promote the public health, safety, morals and general welfare of the municipality and the safe, orderly, and healthful development of the municipality, including its extraterritorial jurisdiction; and

WHEREAS, the Village Commission finds that haphazard laying out of lots and erratic dedication of public infrastructure is harmful to the environment and quality of life; and

WHEREAS, the Village Commission acknowledges that subdivision controls are based on the land registration system, and that land registration is a privilege that local governments such as Webberville have the power to grant or withhold based on compliance with reasonable conditions; and

WHEREAS, the Village Commission's regulation of development is based on the government's legitimate interests in promoting orderly development, insuring that subdivisions are constructed safely, and protecting the future owners from inadequate police and fire protection, inadequate drainage, and unsanitary conditions; and

WHEREAS, the Village Commission has determined that reasonable rules and regulations governing subdivision plats are necessary to maintain water quality, ensure traffic safety, protect the region's livability, and preserve property values; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the Village has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the Village and is necessary or proper for carrying out a power granted by law to the Village; and

WHEREAS, pursuant to Chapter 212 of the Texas Local Government Code, the Village has the authority to adopt rules governing plats and subdivisions of land; and

WHEREAS, the Village Commission finds that it is necessary and proper for the good government, peace or order of the Village of Webberville to adopt an ordinance regulating the subdivision and platting of land.

NOW, THEREFORE, BE IT ORDAINED by the Village Commission of the Village of Webberville:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

The Village of Webberville Code of Ordinances is hereby established so as to read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

3. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The Village Secretary is hereby directed to record and publish the attached rules, regulations and policies in the Village's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication as provided for by law.


7. PROPER NOTICE AND MEETING

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

also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this, the 14th day of December 2005, by a vote of 3 (ayes) to 0 (nays) to 0 (abstentions) of the Village Commission of Webberville, Texas.

VILLAGE OF WEBBERVILLE

by: 
Mayor Hector Gonzales

ATTEST:

Carol Goodrich, Village Clerk

APPROVED AS TO FORM:
Alan J. Bojorquez, Village Attorney

Attachment "A"

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SECTION 1. GENERAL PROVISIONS

1.1. Popular Name

This Chapter shall be cited as the "Subdivision Ordinance."

1.2. Plat Required

No subdivision plat shall be recorded until a final plat, accurately describing the property, has been approved in accordance with this Chapter, and with other applicable Village regulations. No certificate of acceptance for required public improvements shall be issued by the Village for any parcel of land or plat until a final plat has been approved in accordance with this Chapter; and either:

- (a) All improvements required by this Chapter have been constructed and accepted by the Village; or
- (b) Assurances for completion of improvements have been provided in accordance with this Chapter.

1.3. Applicability

1.3.1. The Village Commission hereby extends the application of this Chapter to the extraterritorial jurisdiction (ETJ) of the Village of Webberville, as that area may exist from time to time in accordance with Chapter 42 of the Texas Local Government Code. This Chapter shall be applicable to the filing of plats and the subdivision of land, as that term is defined herein and in Chapter 212 of the Local Government Code, within the Village limits of the Village and its ETJ, as they may from time to time be adjusted by annexation, disannexation, ETJ expansion, or ETJ reduction. Adoption of this Chapter shall in no way limit or curtail the remedies and rights provided to the Village by Texas Local Government Code Chapter 212 with regard to the control and approval of subdivisions and plats both within the Village and within its ETJ.

1.3.2. The provisions of this Chapter *shall* apply to the following forms of land subdivision and development activity within the Village and its ETJ:

- (a) The division of land into two or more tracts, lots, sites or parcels; or
- (b) All subdivisions of land whether by metes and bounds division or by plat, which were outside the jurisdiction of the Village's subdivision regulations in Travis County, Texas and which subsequently came within the jurisdiction of the Village's subdivision regulations through:
 - (1) Annexation; or
 - (2) Extension of the Village's ETJ; or

- (c) The combining of two or more contiguous tracts, lots, sites or parcels for the purpose of creating one or more legal lots in order to achieve a more developable site, except as otherwise provided herein; or
- (d) For tracts where any public improvements are proposed; or
- (e) The development of a Manufactured Home Subdivision or RV Park; or
- (f) The development of an Apartment Project or Condominium Project.

1.4. Exemptions

1.4.1. The provisions of this Chapter shall *not* apply to:

- (a) Development of land legally platted and approved prior to the effective date of this Chapter, and for which no re-subdivision, or site development permit is required by Village ordinance; or
- (b) Sale, inheritance, or gift of land by metes and bounds of tracts upon which no improvements, development, subdivision or alteration is occurring; or
- (c) Existing cemeteries complying with all State and local laws and regulations; or
- (d) Divisions of land created by order of a court of competent jurisdiction; or
- (e) When a building permit is requested for unplatted or already platted parcels for one or more of the following activities:
 - (1) Replacement or reconstruction of an existing primary single-family or duplex structure, but not to exceed the square footage, nor deviate from the original location, of the original structure;
 - (2) Building additions, such as increasing the square footage of an existing residence or other structure, of not over one hundred percent (100%) of the existing structure's value, and of not over fifty percent (50%) of the gross floor area of the structure;
 - (3) Accessory buildings (as defined in the Zoning Ordinance);
 - (4) Remodeling or repair which involves no expansion of square footage; or
 - (5) Moving a structure off a lot or parcel, or for demolition permits.

- (f) A division of land into parts greater than five (5) acres, where each part has access and no public improvement is being dedicated.
- (g) Minor Plat or Plat Amendment.

1.4.2. All applications for plat approval, including final plats, that are pending on the effective date of this Chapter and which have not lapsed shall be reviewed under the regulations in effect immediately preceding the effective date of this Chapter.

1.5. Minimum Standards

The principles, standards and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions for the promotion of the public health, safety and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

1.6. Waivers

1.6.1. Presumption. There shall be a presumption against waivers.

1.6.2. General. Where the Village's Planning & Zoning Commission (P&Z) recommends, and the Village Commission finds, that undue hardships will result from strict compliance with a certain provision(s) of this Chapter, or where the purposes of these regulations may be served to a greater extent by an alternative proposal, the Village may approve a waiver from any portion of these regulations so that substantial justice may be done and the public interest is secured, provided that the waiver shall not have the effect of nullifying the intent and purpose of these regulations, and further provided that the Village Commission shall not approve a waiver unless it shall make findings based upon the evidence presented to it in each specific case that:

- (a) Granting the waiver will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the waiver will not prevent the orderly subdivision of other property in the vicinity; and
- (b) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought, and are not applicable generally to other property; and
- (c) Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; and

- (d) The waiver will not in any manner vary the provisions of the Zoning Ordinance or Comprehensive Plan, or any other adopted plan(s) or ordinance(s) of the Village; and
- (e) An alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein; and
- (f) The waiver will enable the applicant to preserve more native trees, provide more open space, or ensure more wildlife preservation than would be possible complying with the strict mandates of this Chapter.

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

1.6.3. Criteria. Where the Village Commission finds that the imposition of any development exaction pursuant to these regulations exceeds reasonable benefit to the property owner, or is so excessive as to constitute confiscation of the tract to be platted, it may approve a full or partial, at its discretion, waiver to such requirements, so as to prevent such excess.

1.6.4. Conditions. In approving a waiver, the Village Commission may require such conditions as will, in its judgment, secure substantially the purposes described herein. The applicant's willingness to have the tract annexed into the Village limits may be contemplated as a condition, when possible and appropriate, as determined by the Village Commission.

1.6.5. Procedures:

- (a) An application for a waiver shall be submitted in writing by the property owner before the plat is submitted for the consideration of the P&Z. The application for waiver must be submitted not less than thirty (30) days prior to the P&Z meeting at which the request will be considered.
- (b) The application shall state fully the grounds for the application, and all of the facts relied upon by the applicant.
- (c) Where a hardship is identified during concept plan review pursuant to the Zoning Ordinance or during subdivision plat review pursuant to this

Chapter which requires issuance of a waiver from a provision in this Chapter, the P&Z may recommend a conditional (or temporary) waiver from that provision in this Chapter in conjunction with concept plan or plat approval by the Village Commission. A conditional or temporary waiver from this Chapter shall receive final approval along with a Preliminary Plat provided that the Preliminary Plat conforms to the concept plan, and that no new information or reasonable alternative plan exists which, at the determination of the Village Commission, voids the need for a waiver/suspension. All waivers shall have final approval or disapproval by the Village Commission.

- 1.6.6. Criteria for Waivers for Street Exactions. Where the Village Commission finds that the imposition of any dedication or construction requirement for streets pursuant to these regulations *exceeds reasonable benefit* to the property to be platted, it may approve waivers for such requirements so as to prevent such excess. In order to qualify for a waiver under this Section, the property owner shall demonstrate that the costs of right-of-way dedication and construction of non-local streets imposed pursuant to these regulations substantially exceeds the incremental costs of providing land and transportation improvements necessary to offset the additional traffic impacts generated by, or attributable to, the development upon the transportation network serving the property, including that which may be generated by or attributed to other phases to be platted in the future.
- 1.6.7. Payment of Indebtedness. No person who owes delinquent taxes, delinquent paving assessments, delinquent fees, or any other delinquent debts or obligations to the Village of Webberville, and which are directly attributable to a piece of property, shall be allowed to receive approval for any plat or replat until the taxes, assessments, debts or obligations directly attributable to said property and owed by the property owner or a previous owner, shall have been first fully discharged by payment, or until an arrangement satisfactory to the Village Administrator has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that all taxes, assessments, debts or obligations have been paid at the time of submission for any application for approval under this Chapter.

1.7. Right to Deny Hearing and Plat

The Village may deny a hearing and any approval pursuant to this Chapter if the applicant does not submit the information and fees required by this Chapter.

1.8. Misrepresentation of Facts

It shall be a violation of this Chapter for any person to knowingly or willfully misrepresent, or fail to include, any information required by this Chapter in any plat application, during any conference with a Village official, during any public hearing or

meeting of the P&Z, or Village Commission. Such a violation shall constitute grounds for denial of the plat.

SECTION 2. DEFINITIONS

2.1. General

Words, phrases and their derivations used in this Chapter shall have the meanings set forth in this section. Words and phrases that are not defined below, but are defined elsewhere in the Webberville Code of Ordinances, shall be given the meanings set forth in those other ordinances. Definitions not expressly prescribed therein are to be determined in accordance with customary usage in municipal planning, surveying, and engineering practices. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

2.2. Specific

Access: A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

Administrative Officers: Any officer of the Village referred to in this Chapter by title, including but not limited to the Village Administrator, Deputy Village Administrator, Village Secretary, or Village Engineer, shall be the person retained in that position by the Village. This definition shall also include planning, legal, financial, traffic engineering and other consultants retained by the Village to supplement or support existing Village staff, as deemed appropriate by the Village.

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

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

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

Applicant: A person or entity who submits to the Village an application for an approval required by this Chapter. To be qualified as an Applicant under this Chapter, the person or entity must have sufficient legal authority or proprietary interests in the land to commence and maintain proceedings under this Chapter. The term shall be restricted to include only the Property Owner(s), or a duly authorized agent and representative of the Property Owner. In other jurisdictions, the term is sometimes referred to as the "developer", "subdivider", "builder," or other similar title.

Application: A written request to the Village for an approval required by this Chapter.

Base Flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year. This type of flood is also commonly referred to as the *100-year flood*.

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

Bond: Any form of a surety bond in an amount and form deemed satisfactory by the Village.

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

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

Cedar: The tree also known as the Ash Juniper.

Village: The Village of Webberville, an incorporated municipality located in Travis County, Texas.

Village Administrator: The Village's chief administrative officer, as appointed by the Village Commission. The term also includes the Deputy Village Administrator, or the Village Administrator's designee. The Mayor shall serve as Village Administrator until an administrator is appointed by the Village Commission.

Village Attorney: The lawyer or firm of attorney who has been specifically employed by the Village to assist in legal matters. This term shall also apply if the Village retains a person to perform the functions of Village Attorney as an official Village employee.

Village Commission: The governing body of the Village of Webberville, Texas.

Village Engineer: The licensed professional engineer, or firm of licensed professional consulting engineers, that has been specifically employed by the Village to assist in engineering-related matters. This term shall also apply if the Village retains a person to perform the functions of Village Engineer as an official Village employee.

Village Hall: The Village of Webberville' primary administrative office.

Village Limits: The incorporated, municipal boundaries of the Village of Webberville.

Village Planner: The practicing, professional land planner, or firm of professional land planners, that has been specifically employed by the Village to assist in planning- and zoning-related matters. This term shall also apply if the Village retains a person to perform the functions of Village Planner as an official Village employee.

Commission: The Planning and Zoning Commission (P&Z) of the Village of Webberville, Texas. Until the Village Commission appoints members to the P&Z, the Village Commission shall serve in the role of P&Z, and the two bodies shall be one and the same.

Comprehensive Plan: This document setting forth the guiding land use principles and goals of the Village. The document, or collection of documents, delineates the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks, water and wastewater facilities, and other public and private developments and improvements. The phrase "Comprehensive Plan" shall mean the Comprehensive Plan of the Village and adjoining areas as adopted by the Village Commission, including all its revisions and Plan elements (including, but not limited to, the Future Land Use Plan, Transportation Plan, Parks and Open Space Plan, etc.).

Concept Plan: A drawing of the overall conceptual layout of a proposed development, superimposed upon a topographic map which generally shows the anticipated plan of development, and which serves as a working base for noting and incorporating suggestions of the Village's administrative officers, the P&Z, the Village Commission, and others who are consulted prior to preparation of the Preliminary Plat. In other jurisdictions, the term is sometimes referred to as a "preliminary site plan" or a "land study".

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

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

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

Development: The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure on land. The term also includes any mining, excavation, landfill, or land disturbance.

Development Agreement: A contract entered into by the applicant and the Village, by which the applicant promises to complete the required public improvements within the subdivision within a specified time period. The agreement may also include provisions documenting a mutual understanding regarding annexation, land use, applicable regulations, funding, open space, and other arrangements as allowed by state law.

Easement: The word "easement" shall mean an area for restricted use on private property upon which the Village or a public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs and other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within said easements.

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

Engineering Plans or Drawings: The maps or drawings accompanying a Final Plat and showing the specific location and design of public improvements to be installed in the subdivision in accordance with the requirements of the Village as a condition of approval of the plat. The term includes Construction Documents, Plans and Specifications.

Escrow: A deposit of cash or letter of credit with the Village in accordance with this Chapter.

ETJ: The extraterritorial jurisdiction of the Village of Webberville.

FEMA: The Federal Emergency Management Agency of the U.S. government.

Final Plat: The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a surveyor or engineer, with the subdivision location referenced to a survey corner, and with all

boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references. The final plat of any lot, tract or parcel of land shall be recorded in the land records of Travis County, Texas. An amended plat and replats are also final plats. In other jurisdictions, the term is sometimes stated as "Record Plat", "Final Plat" or "As-Built Plat").

Impervious Cover: Any material that prevents absorption of stormwater into the ground.

Landscape Architect: A design professional licensed by The State of Texas, who deals primarily, but not necessarily exclusively, with site work, such as plant selection and irrigation systems as well as the design of ground works considering the need for drainage, utilities installations, buildings, grading while creating a pleasing appearance.

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

LCRA: The Lower Colorado River Authority, or a successor agency.

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

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

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

Manufactured Home Subdivision: A parcel of land that is designed, improved and intended for the long-term or short-term placement of individually owned mobile home units or HUD-Code manufactured homes on lots that can be leased or purchased outright by the owners of the mobile home units. Facility may include a residence for the owner or manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities. The term may be defined in other jurisdictions as a "Mobile Home Park."

Minor Plat: A subdivision resulting in four (4) or fewer lots, provided that the plat is for conveyance purposes only with no development or construction of roads or public improvements proposed, and provided that the plat does not create any new easements for public facilities, nor the extension of any municipal utility facilities to serve any lot within the subdivision.

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

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

Off-Site Facilities or Improvements: "Off-site" facilities shall mean those facilities or improvements that are required to serve the site but that are not located within the boundaries of the plat, and are not required to be constructed or improved immediately adjacent to the property to serve the development. These new or oversized improvements for streets, sewer lines, water lines and storm drainage facilities, as well as the excess capacity of facilities such as water storage tanks and wastewater treatment plants available for new development.

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

Owner: Any person or firm, association, syndicate, general or limited partnership, corporation, trust or other legal entity, or any agent thereof, that has sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Chapter. In any event, the term "property owner" shall be restricted to include only the owner(s) or authorized agent(s) of such owner(s), such as a developer, of land sought to be subdivided.

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

Periphery: For purposes of compliance with the notice requirements of this Chapter, the perimeter of the tract proposed for subdivision.

Permit: A license, certificate, approval, registration, consent, permit, or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain from the Village to perform an action or initiate, continue, or complete a project for which the permit is sought. A preliminary plat, final plat, replat, and amended plat are examples of permits addressed under this Chapter.

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

Person: Any individual, association, firm, corporation, governmental agency, political subdivision, or legal entity of any kind.

P&Z: The Planning and Zoning Commission of the Village of Webberville, Texas. If the Village Commission has not appointed a P&Z, the Village Commission may perform the duties of a P&Z under this ordinance.

Plat: This means a preliminary plat, final plat, amended plat or replat, as determined by the context.

Preliminary Plat: The graphic expression of the proposed overall plan for subdividing, improving and developing a tract, showing in plan view the proposed street and lot layout, easements, dedications and other pertinent features, with such notations as are sufficient to substantially identify the general scope and detail of the proposed development.

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

Project: An endeavor over which the Village exerts its legal jurisdiction, and for which one or more permits from the Village are required to initiate, continue, or complete the endeavor.

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

landscaping, where such is used for required screening or other required landscaped area, and associated irrigation system; and any required public sidewalks, street lights and street name signs. The term "public improvements" shall not include facilities or infrastructure of private providers of utility services other than water and wastewater, but shall be deemed to include facilities and infrastructure that the Village would normally require of a development but which will be owned and maintained by an entity such as a homeowners association, as in the case of private streets.

Replating or Replat: This is the re-subdivision of any part or all of a block or blocks of a previously platted subdivision, addition, lot or tract. Replats eliminate the prior plats as to the area replatted.

Review: Shall be construed to mean "to read, analyze, assess and act upon" a development application.

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

RV Park: A parcel of land that is designed, improved, or intended to be used for short- or long-term occupancy by mobile homes/trailers or recreational vehicles, including travel trailers, in designated spaces. The facility may include a residence for the owner or manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities. This term may be defined in other jurisdictions as a "Trailer Park."

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

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

- (a) Major thoroughfares, also known as arterial streets or primary thoroughfares, which provide vehicular movement from one neighborhood to another or to distant points within the Village, and including freeways or highways leading to other communities.
- (b) Collector streets, also known as feeder streets or secondary thoroughfares, which provide vehicular circulation within neighborhoods, and from local streets to major thoroughfares.
- (c) Local residential streets, also known as minor thoroughfares or streets, which primarily provide direct vehicular access to abutting residential property.
- (d) Private streets are streets which are owned and maintained by a homeowners association or property owners association, and which are not dedicated to the public.

Street Improvements: This means any street or thoroughfare, together with all appurtenances required by Village regulations to be provided with such street or thoroughfare, and including but not limited to curbs and gutters, walkways (sidewalks), drainage facilities to be situated in the right-of-way for such street or thoroughfare, traffic control devices, street lights and street signs, for which facilities the Village will ultimately assume the responsibility for maintenance and operation.

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

Subdivision: A division or re-division of any tract of land situated within the Village's Village limits or its ETJ into two or more parts, lots or sites, for the purpose, whether immediate or future, of sale, division of ownership, or building development. The term includes re-subdivisions of land or lots which are part of a previously recorded subdivision. In other jurisdictions, the term may be referred to as an "Addition."

Submission Date: The submission date is when all necessary forms, fees, plans, information and copies have been submitted to the Village, previewed for completeness, and deemed as "complete" by action of issuance of a Certificate of Completeness by the Village.

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

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

SWPPP: A Storm Water Pollution Prevention Plan (contained within the engineering construction plans).

TCSS: The Village of Webberville Technical Construction Standards and Specifications for the construction of subdivision improvements, a copy of which is maintained and available for inspection at Village Hall, and which is incorporated herein by reference.

TCEQ: Texas Commission on Environmental Quality, or a successor agency.

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

US Army Corps of Engineers: The civil engineering branch of the U.S. Government, or a successor agency.

USFWS: The United States Fish & Wildlife Service, or a successor agency.

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

SECTION 3. PROCEDURES

3.1. Pre-Application Procedures

- 3.1.1. Applicants may avail themselves of the advice and assistance of the Village's administrative officers, including its retained planning and engineering consultants (as applicable), and are encouraged to consult early and informally with those officers and consultants before preparing a concept plan or any plat in order to save time and money, and to avoid potential unnecessary delays.
- 3.1.2. Applicants proposing to subdivide fifty (50) acres or more, or divide a tract into fifty (50) or more lots shall schedule and attend a mandatory pre-application conference with the appropriate Village official(s) in order to become familiar with the Village's development regulations and the subdivision process. At the pre-application conference, the applicant may be represented by Owner's land planner, engineer and/or surveyor. No development right (if any) shall vest upon participation in any pre-application conferences.
- 3.1.3. Prior to the Pre-Application Conference, the applicant must provide a check payable to the Village in the amount of the pre-application conference fee, as may be established by the Village Commission.

3.2. Compliance with Comprehensive Plan

Any concept plan or plat submitted for approval by the Village shall be in accordance with the Village's Zoning Ordinance and Comprehensive Plan, as may apply, including all adopted water, sewer, storm drainage, future land use, park, recreation, open space and transportation plans. All plats shall be prepared by a licensed civil engineer or a registered professional land surveyor.

3.3. Classification of Subdivisions

Before any land is filed for record with the County Clerk, the property owner shall apply for and secure Village Commission approval of the required subdivision plat, in accordance with the following procedures, unless otherwise provided within this Chapter.

3.3.1. Minor subdivisions may be approved for residential or nonresidential properties. Minor plat approval by the Village Administrator requires the submission of a final plat drawing and other submission materials required by this Chapter. ***Lots may be conveyed or sold only when the plat has been approved by the Village Administrator and the plat has been filed at Travis County.***

3.3.2. Major subdivisions may be approved for residential or nonresidential properties. The procedure for approval of a major subdivision typically involves three steps: a concept plan, Preliminary Plat and final plat. Major plat approval shall be in accordance with this Chapter. Upon completion of the required public improvements, or upon submission and Village approval of the appropriate surety for public improvements, the property owner may submit the final plat for approval. All major subdivision plats must be reviewed by the P&Z, and approved by the Village Commission. Lots may be sold only when the final plat has been approved by the Village Commission and the plat has been filed at Travis County. ***If the land is required to be platted, no conveyance or sale of any portion or lot of the property may occur until after the final plat is approved by the Village Commission and filed at Travis County.***

3.4. Official Submission Date

3.4.1. For the purpose of these regulations, the "official submission date" shall be the date upon which a complete application for approval of any type of plat, that contains all required elements mandated by the Local Government Code, Section 212.004(b) and by this Chapter, is submitted to the Village Administrator. To be considered complete, the application must be rendered to the Village within the timelines established by this Chapter and accompanied by a check payable to the Village in the amount of all applicable fees. It is only after the official submission date that any statutory period required for approval or disapproval of the plat shall commence to run. No application shall be deemed officially submitted until the

Village Administrator determines that the application is complete and a Certificate of Completeness is issued by the Village Administrator. Failure by the Village Administrator to make a determination of incompleteness within ten (10) calendar days following the date on which the application was first received by the Village, shall result in the application being deemed complete, and the "official submission date" shall become the 16th calendar day following initial receipt of the application by the Village.

- 3.4.2. Plat applications which do not include all required information and materials, as outlined below and per other Village ordinances that may change from time to time, will be considered incomplete, shall not be accepted for official submission by the Village, and shall not be scheduled on a P&Z agenda until the proper information is provided to Village officials including the Village's retained planning and engineering consultants, if applicable.

3.5. Submission Timing

A complete application for approval of any plat shall be submitted to the Village at least twenty-one (21) calendar days prior to the next regularly scheduled P&Z meeting. No application for plat approval may be submitted to the Village more than thirty (30) calendar days prior to the next regularly scheduled P&Z meeting unless the applicant submits a written waiver from the 30-day requirement for action on the plat. The Village shall not accept applications for plat approval that are presented to the Village more than thirty (30) calendar days prior to the next regularly scheduled P&Z meeting unless the applicant submits a written waiver from the 30-day requirement for action on the plat.

3.6. Notification

- 3.6.1. Newspaper. Notice of the public hearing required above shall be given no earlier than the twenty-first (21st) calendar day before the date of the hearing by publication in an official newspaper or a newspaper of general circulation in Travis County. The applicant shall provide the Village with a copy of the publisher's affidavits prior to the P&Z meeting.
- 3.6.2. Personal. Notice of the public hearing shall also be given by written notice first (21st) day nor less than the fourteenth (14th) calendar day before the date of the hearing, with a copy or description of any requested waivers, sent to the property owners, as documented on the most recently approved ad valorem tax roll of the Village, of lots that are in the original subdivision and that are within three hundred (300) feet of the periphery of the lot(s) to be replatted. In the case of a subdivision in the ETJ, the most recently approved Travis County tax roll shall be used. The written notice may be delivered by depositing the notice, properly addressed with appropriate postage paid, in a post office or postal depository within the boundaries of the Village.
- 3.6.3. Signage. Within two (2) days after the filing of any application for a plat, the applicant shall place weather resistant signs on the property under application for

the purposes of public notification. The signs shall be provided by the Village. Signs placed on the property involved must be within ten (10) feet of any property line paralleling any established or proposed street, and must be visible from that street. All required signs shall remain on the property until final disposition of the plat application is determined. The applicant is responsible for removal of the signs within three (3) business days after final disposition of the application. If the applicant fails to return the signs to Village Hall within ten (10) days after final disposition of the application, the applicant shall reimburse the Village for the cost of the signs.

3.7. Submission Materials

3.7.1. The application shall include the following:

- (a) a written application form that bears the original notarized signature(s) of the property owner(s) of the subject property; and
- (b) the prescribed submission fee; and
- (c) the appropriate number of full-size folded (24" x 36") prints of the plat (per the Village's folding requirements, available at Village Hall), as required by the Village's current development review policies and requirements; and
- (d) two 11"x17" black-and-white reductions of the plat; and
- (e) two copies of any applicable development agreement pertaining to the subject property (if any); and
- (f) copy of soil test turned into county; and
- (g) two copies of all of the above materials and plans shall be submitted to the Village for review in order for the application to be deemed complete; and
- (h) a certificate or other satisfactory evidence from the Travis County Central Appraisal District showing that all taxes have been paid on the subject property, and that no delinquent taxes exist against the property. Documentation shall also be included that shows no delinquent assessments, fees, or other debts or obligations to the Village and which are directly attributable to the subject property. One copy of the tax status certificate shall be submitted to the Village in order for the application to be deemed complete; and
- (i) a preliminary drainage study; and
- (j) a list of all property owners within three hundred feet (300') of the periphery of the subject property, as indicated on the most recent tax appraisal roles of Travis County; and
- (k) If any amount of surface water is to be used by the subject property, for final plat approval the Applicant must certify to the Village that the Applicant has obtained all necessary authorizations from the Lower Colorado River Authority (LCRA) and the United States Fish and Wildlife Service (USFWS). The Applicant must also provide proof of compliance with the Memorandum of Understanding (MOU) between LCRA and