

ORDINANCE NO. 2012-08

AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING THE SUBDIVISION ORDINANCES AS INCORPORATED IN CHAPTER 98 OF THE CODE OF ORDINANCES OF THE CITY OF BURNET, TEXAS, MODIFYING EXPIRATION OF PRELIMINARY PLATS; PROVIDING SEVERABILITY, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.

Whereas, the ordinances of the City regulating the development and subdivision of land within the City and its extraterritorial jurisdiction should be amended to better provide an attractive living environment and to provide for the health, safety and welfare of the present and future residents of the City;

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

Section 1. Findings of Fact. The findings and recitations set out herein are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Repeal of Conflicting Ordinances. All Ordinances or parts thereof in conflict herewith are amended to the extent of such conflict only.

Section 3. Amendment of the Code of Ordinances. This ordinance amends, repeals, and replaces sections 22(h) and 24(d) of the incorporated ordinances of Section 98 of the Code of Ordinances of the City, including all amending ordinances thereof as follows:

Section 22(h) is amended to read:

(h) **Expiration.**

(1) The approval of the Preliminary Plat or any subsequent plan or amended Preliminary Plat shall expire on the first day after the fifth (5th) anniversary of the date the first Preliminary Plat application was filed.

(2) If a Preliminary Plat expires, the plat holder may submit a new Preliminary Plat application. No extension or reinstatement of an expired Preliminary Plat is permitted.

Section 24(d) is amended to read:

(d) **Procedure.** After approval of the Preliminary Plat and Construction Plans for a proposed subdivision, a Final Plat for that subdivision shall be submitted to the City for

consideration by the Planning and Zoning Commission and a final determination of approval or/disapproval before recordation. In no event shall a Final Plat be accepted if the Preliminary Plat has expired.

(1) A Final Plat may be submitted for review and approval simultaneously with Construction Plans, provided however that the Final Plat shall not be approved until the Construction Plans have been approved. If the Final Plat and Construction Plans are to be reviewed simultaneously, a complete application for Final Plat and a complete application for Construction Plans must be submitted and all fees paid to the City simultaneously.

(2) Legible prints, as indicated on the application form, shall be submitted at least thirty (30) days prior to the regular meeting of the Commission at which the Final Plat is to be heard, along with the following:

(i) Completed application forms and the payment of all applicable fees.

(ii) Any materials or documents required by the Commission and/or Council as a condition of Preliminary Plat approval.

(iii) A letter requesting any variances from the provisions of this Ordinance, if not previously approved as part of the Preliminary Plat, and posted pursuant to the requirements this Ordinance. All administrative fees required shall be submitted for each variance requested.

(iv) Two (2) copies of the deed restrictions or covenants, if such documents are to be used. These shall be filed for record in conjunction with the filing of the Final Plat.

(v) Certification from all applicable taxing authorities that all taxes due on the property have been paid.

(vi) Performance and maintenance guarantees as required by the City.

(vii) Any attendant documents needed to supplement the information provided on the Final Plat.

(3) For projects located within the Lower Colorado River Authority's jurisdiction, one (1) additional copy of the above referenced items must be provided to the LCRA for compliance with the LCRA Water Quality Management regulations. The applicant shall be responsible for any additional information required by the LCRA for the necessary approvals.

(4) City staff shall review all Final Plat submittals for administrative completeness at the time of application. If, in the judgment of City staff, the Final Plat submittal substantially fails to meet the minimal informational requirements as outlined above or if the Preliminary Plat has expired, it will not be accepted for review and the Final Plat shall be deemed rejected. The developer shall have up to sixty days from the date the Final Plat is deemed rejected to remedy all deficiencies or it shall be rejected for filing and new filing fees will be required for subsequent submittals.

(5) Prior to the Commission meeting at which the Final Plat is presented, City staff shall review the plat for consistency with City codes, policies and plans.

(6) After the Final Plat is determined to be administratively complete, City staff shall prepare a report analyzing the Final Plat submittal, as well as any comments received concerning the Preliminary Plat, and recommending either approval or disapproval of the Final Plat. This report shall be available at least five (5) working days prior to the Commission meeting.

(7) If the developer chooses to withdraw the Final Plat, in writing, by noon of the third working day preceding the meeting Commission, the submittal may appear on the next Commission or Council agenda, as applicable, after repayment of the applicable fees if notices of public hearing are required or more than 60 days elapse between the voluntary withdrawal of the Final Plat and Commission or Council agenda for which the Final Plat was ready for consideration.

Section 4. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

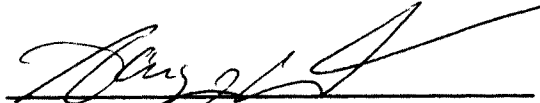
Section 5. Open Meetings. That it is hereby officially found and determined that the meetings at which this ordinance were passed were open to the public as required and that public notice of the time, place, and purpose of said meetings was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code..

Section 6. Effective Date. This ordinance shall take effect 30 days after the final approval and its adoption by the City Council and publication as required by the Local Government Code.

PASSED AND APPROVED on First Reading this 28th day of February, 2012.

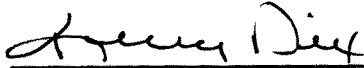
FINALLY PASSED AND APPROVED on this the 13th day of March, 2012.

CITY OF BURNET, TEXAS



Gary Wideman, Mayor

ATTEST:



Kelly Dix, City Secretary

