

ORDINANCE NO. O-2017-4290

AN ORDINANCE AMENDING CHAPTER 36, CODE OF ORDINANCES (2010 EDITION), CITY OF ROUND ROCK, TEXAS, REGARDING SUBDIVISION PLATTING PROCEDURES; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

I.

That Chapter 36, Article II, Platting Procedures, Code of Ordinances (2010 Edition), City of Round Rock, Texas, is hereby replaced in its entirety and shall read as follows:

ARTICLE II. PLATTING PROCEDURES

Sec. 36-36. Application procedure.

An application for approval of a concept plan or a plat shall be filed with the planning director by the developer and in accordance with the official filing date schedule. An application for approval of a final plat, minor subdivision final plat or replat not submitted in accordance with the official filing date schedule may be subject to disapproval.

Sec. 36-37. Review for application completeness.

The planning director shall determine if the application for approval of a concept plan or a plat meets all of the content requirements of this chapter. An incomplete application will ~~be returned to the developer within ten working days following the date of filing~~not be accepted. The planning director shall notify the developer in writing of the noted deficiencies. Upon correction of the deficiencies, the application may be resubmitted on a subsequent official filing date.

Sec. 36-38. Withdrawal of an application.

A developer may withdraw an application for approval of a concept plan or any plat prior to the review of the respective concept plan or plat by the planning and zoning commission, by notifying the planning director in writing.

Sec. 36-39. Concept plan.

- (a) *Purpose and intent.* The purpose of the concept plan is to present a layout of a proposed subdivision or addition. The intent of the concept plan is to facilitate the review of the proposed subdivision or addition in accordance with the general plan policies and, where applicable, the concurrent review by the planning and zoning commission for original zoning recommendation for the proposed subdivision. In addition, the purpose is to determine the availability of city utilities, streets and drainage.
- (b) *Platting of parent tract.* In order to ensure the orderly planning of streets, utilities, drainage and other public facilities, the parent tract must be included in a concept plan.
- (c) ~~Predevelopment conference~~Pre-submittal meeting. The developer must attend a ~~predevelopment conference~~pre-submittal meeting prior to the filing of an application for approval of a concept plan.
- (d) *Required.* The developer shall submit a concept plan of the proposed subdivision or addition prior to the submission of a preliminary plat application for approval by the planning and zoning commission, when the proposed subdivision or addition includes any of the following: contains more than ~~five~~twenty acres and is not contained within a parent tract, contains ultimate 1% annual chance floodplain, proposes to create a new connection to a freeway, highway, or designated arterial roadway in the regional transportation network, or is located in the ETJ. Where a concept plan is not required, a preliminary plat or minor final plat may still be required.
- (e) *Application requirements.* The developer shall submit a concept plan application that contains all of the ~~following:~~materials listed in the development packet.
 - ~~(1) The number of copies specified in the development packet with the title of the concept plan appearing on the outside and folded to a size specified in the development packet;~~
 - ~~(2) An aerial photo at the same scale as the reproducible drawing;~~
 - ~~(3) A location map showing the proposed subdivision or addition with a 300-foot line drawn around the proposed subdivision or addition with a key referencing the list provided in subsection (e)(7) of this section;~~
 - ~~(4) A plan that indicates the availability of utilities, streets and drainage to the tract or identifies the availability of extensions of utilities, streets and drainage necessary to serve the tract;~~
 - ~~(5) A commitment letter stating that an annexation petition will be provided upon the request by the planning director. Said petition shall include a metes and bounds description labeled as exhibit "A" with an accompanying sketch of a size specified in the development packet and a copy of the deed showing the current owner and labeled as exhibit "B," if applicable;~~

- ~~(6) — A letter from the developer's engineer describing how the subdivision will be served by water, reuse water (if applicable), and wastewater and how the utilities will interface with adjacent tracts. The letter must include oversize construction and/or off-site requirements, if applicable, and a general discussion on drainage. If the subdivision is to be served by a municipal utility district (MUD) or other authorized utility provider, a letter certifying the availability of utilities must be provided. If the MUD is in the process of being created, the letter certifying the availability of utilities must be provided prior to the final plat hearing by the planning and zoning commission for approval;~~
- ~~(7) — A listing of all property owners within 300 feet of the proposed subdivision or addition, with addresses as recorded by the appropriate tax appraisal district;~~
- ~~(8) — A letter of intent for parkland dedication form, as provided in the development packet;~~
- ~~(9) — If applicable, a city approved TIA pursuant to the requirements of section 36-106~~
- ~~(10) — If applicable, a written request to use a tree inventory or a partial tree survey in lieu of a tree survey, as defined in section 14-20, and pursuant to the requirements of section 14-25;~~
- ~~(11) — The concept plan drawing which shall include all of the information specified in the development packet;~~
- ~~(12) — An electronic copy of the concept plan in a format specified in the development packet;~~
- ~~(13) — All other application requirements specified in the development packet; and~~
- ~~(14) — Payment of applicable fees.~~

- (f) *Notice requirement for concept plan.* The planning department will mail a notice of public hearing to the owner of each property ~~owner named, as required by subsection (e)(3) of this section~~located within 300 feet of the proposed subdivision or addition, as recorded by the appropriate tax appraisal district. The notice shall state in effect that a concept plan is pending before the planning and zoning commission, and shall include a disclaimer stating that the notice is for information purposes only and that the planning and zoning commission will not take into consideration the use of the property when approving the concept plan. The notice for public hearing shall be mailed not less than ten days prior to the date of the planning and zoning commission meeting and shall provide the date, place and time of the meeting. Additionally, one on-site public hearing notification sign shall be placed by city staff on each property requiring a public hearing not less than ten days prior to the planning and zoning commission public hearing date. The sign shall be placed perpendicular to and no further than 15 feet from the roadway, or as deemed suitable by staff.
- (g) *Constructive notice.* Minor defects in notice or if an on-site public hearing notification sign is damaged or removed 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. Defects in notice provisions which exceed the requirements of V.T.C.A., Local Government Code ch. 211, shall not invalidate any action or proceedings pursuant thereto.

- (h) *City staff review.* After the city staff review and comment period, the developer shall submit to the planning department the number of corrected copies of the concept plan specified in the development packet, along with one reproducible drawing complete with all required information.
- (i) *Revisions to approved concept plans.* ~~Approved concept plans shall be revised in conjunction with the preliminary plat when a minor revision to an approved preliminary plat is requested, as provided for in Sec. 36-40(f)(1).~~ A request for a major revision to a preliminary plat shall trigger the submittal of a new concept plan in conjunction with the major revision requested and trigger notice requirements provided for in subsection (f) of this section.

Sec. 36-40. Preliminary plat.

- (a) *Purpose and intent.* The purpose of the preliminary plat is to present a detailed layout of the proposed subdivision in order to facilitate a review by the planning and zoning commission of the proposed subdivision's street and drainage system, easements, utilities, building lots, and other lots including parkland.
- (b) ~~Predevelopment conference.~~ Pre-submittal meeting. The developer must attend a ~~predevelopment conference~~ pre-submittal meeting prior to the filing of an application for approval of a preliminary plat, unless waived by the planning director.
- (c) *Required.* The developer shall submit to the planning and zoning commission for approval a preliminary plat of the subdivision. The preliminary plat shall conform ~~with~~ to the concept plan, ~~where one was required.~~ If the planning director determines the preliminary plat does not conform ~~with to~~ the approved concept plan, a new concept plan shall be submitted in conjunction with the preliminary plat and the notice requirements provided for in ~~subsection Sec.~~ 36-39(f) shall be followed.
- (d) *Application requirements.* ~~The developer shall submit Aa~~ preliminary plat application ~~must that~~ contains all of the following materials listed in the development packet.
- ~~(1) The number of copies specified in the development packet with the title of the preliminary plat appearing on the outside to a size specified in the development packet;~~
 - ~~(2) A tree survey or, if applicable, a partial tree survey or tree inventory pursuant to the requirements in chapter 14, article II~~
 - ~~(3) A plan that indicates utilities, streets and drainage together with a plan that indicates the order in which the phases or sections will be developed to ensure the orderly extension of utilities and streets;~~
 - ~~(4) An engineer's report~~
 - ~~(5) A current phase I environmental assessment, as required by federal law, for the dedicated parkland, if applicable;~~

- ~~(6) If applicable, a copy of the city-approved TIA submitted with the concept plan or a revised city-approved TIA pursuant to the requirements of section 36-106~~
- ~~(7) Certification from a surveyor that the property boundary closes as per minimum standards set forth by the Texas Board of Professional Land Surveying Code, as amended, specifically sections 663.13 through 663.23, which include provisions requiring 1:10,000 + 0.10 foot precision for monuments found or set within the corporate limits of any city in the state;~~
- ~~(8) A letter of intent for parkland dedication form, provided in the development packet, if not submitted with the concept plan;~~
- ~~(9) A letter from Williamson County 911 Addressing Division, indicating street name approval;~~
- ~~(10) If applicable, a tree replacement plan pursuant to the requirements of chapter 14, article II;~~
- ~~(11) The preliminary plat drawing which shall include all of the information specified in the development packet;~~
- ~~(12) All other application requirements specified in the development packet; and~~
- ~~(13) Payment of applicable fees.~~

(e) *City staff review.* After the city staff review and comment period, the developer shall submit to the planning department the number of corrected copies of the preliminary plat as specified in the development packet, along with one reproducible drawing with all required information and an electronic plat in the format described in the development packet. A phase II environmental assessment may be required if the phase I environmental assessment indicates that a potential environmental hazard may exist.

(f) *Revisions to approved preliminary plats.*

(1) *Minor revisions to approved preliminary plats.* The planning director may administratively approve minor revisions to approved preliminary plats. ~~Proposed minor revisions to an approved preliminary plat shall trigger the submittal of a revised concept plan in conjunction with the preliminary plat.~~ The developer shall submit a preliminary plat application that contains all of the materials listed in the development packet. A minor revision is one that:

- a. Changes the lot size or configuration provided that the total number of lots does not increase;
- b. Changes a local street width or alignment; or
- c. Changes a utility or access easement.

(2) *Major revisions to approved preliminary plats.* The planning and zoning commission may approve major revisions to approved preliminary plats. Proposed major revisions to an approved preliminary plat shall trigger the submittal of a new concept plan in conjunction with the major revision requested and trigger notice requirements provided for in

~~subsection Sec. 36-39(f), with the exception that concept plans contained within a Planned Unit Development are not required to be re-submitted. The developer shall submit a preliminary plat application that contains all of the materials listed in the development packet.~~ A major revision may include, but is not limited to the following:

- a. An increase in the number of lots;
- b. A change to the collector or arterial street layout; or
- c. A modification of the parkland.

Sec. 36-41. Final plat.

- (a) *Purpose and intent.* The purpose of the final plat is to allow for a review by the planning and zoning commission of the proposed subdivision's street and drainage system, easements, utilities, building lots, and other lots including parkland, and to establish an approved, legally recordable plat of the proposed subdivision.
- (b) *Corresponding final plat.* If a final plat does not include the entire parcel of land included in the preliminary plat, the final plat must correspond to the phasing approved in the preliminary plat.
- (c) *Required.* The developer shall submit to the planning and zoning commission for approval a final plat of the subdivision in conformance with the approved preliminary plat.
- (d) *Application requirements.* ~~The developer shall submit Aa final plat application mustthat contains includeall of the following:materials listed in the development packet.~~

- ~~(1) The number of copies specified in the development packet with the title of the subdivision appearing on the outside and folded to a size specified in the development packet;~~
- ~~(2) An abstractor's certificate which shall state the names and addresses of all current owners and current lienholders of the property described in the final plat. The abstractor's certificate shall be dated no earlier than 30 days prior to submission of the final plat;~~
- ~~(3) A copy of the deeds identifying the owners of the property;~~
- ~~(4) An engineer's report or a letter from the developer, if applicable, certifying that no changes have been made to the engineer's report since its previous submittal;~~
- ~~(5) A current phase I environmental assessment as required by federal law, for the dedicated parkland, if applicable and if not provided with the preliminary plat;~~
- ~~(6) If applicable, a copy of the city approved TIA submitted with the preliminary plat or a revised city approved TIA pursuant to the requirements of section 36-106~~
- ~~(7) Certification from a surveyor that the property boundary closes as per minimum standards set forth by the Texas Board of Professional Land Surveying Code, as amended, specifically sections 663.13 through 663.23, which include provisions requiring 1:10,000 + 0.10 foot precision for monuments found or set within the corporate limits of any city in the state;~~

~~(8) The final plat drawing which shall include all of the information specified in the development packet;~~

~~(9) An electronic copy of the plat in a format specified in the development packet;~~

~~(10) All other application requirements specified in the development packet;~~

~~(11) Payment of applicable fees.~~

(e) *City staff review.* After the city staff review and comment period, the developer shall submit to the planning department the number of corrected copies of the final plat as specified in the development packet, along with one reproducible drawing with all required information in a format specified in the development packet. A phase II environmental assessment may be required if the phase I environmental assessment indicates that a potential environmental hazard may exist.

(f) *Subdivision development permit.*

(1) Pursuant to V.T.C.A., Local Government Code ch. 245, a subdivision development permit shall be issued by the planning director after the recording of the final plat. For the purposes of this subsection, the development of each lot shall constitute a separate project. The subdivision development permit authorizes the developer to proceed with the next step in the development process of the lots within the recorded final plat as follows:

- a. For lots zoned single-family residential, the next step in the development process is an application for a building permit; or
- b. For lots zoned for uses other than single-family residential, the next step in the development process is an application for site plan approval.

(2) The subdivision development permit shall expire two years from the date the final plat is recorded. Pursuant to V.T.C.A., Local Government Code ch. 245, upon the expiration of the subdivision development permit, the development project for each undeveloped lot contained within the recorded final plat shall be considered dormant.

(3) After a development project has become dormant, the developer of the dormant development project whose subdivision development permit has expired may proceed with said development project provided the developer makes an application for a building permit or site plan approval, as appropriate, but such application shall be governed by the ordinances and regulations in effect at the time of said application.

(Code 1995, § 8.206; Ord. No. S-05-09-08-10C1, 9-8-2005; Ord. No. G-05-09-22-13C2, 9-22-2005)

Sec. 36-42. Minor subdivision final plat.

(a) *Purpose and intent.* The purpose of the minor subdivision final plat is to allow for a review by ~~the planning and zoning commission~~ city staff and to establish an approved, legally recordable plat of

the proposed subdivision. The minor subdivision final plat is intended to expedite the platting process for qualifying subdivisions by not requiring the submission of a concept plan and preliminary plat.

- (b) ~~Predevelopment conference~~Pre-submittal meeting. The developer must attend a ~~predevelopment conference~~pre-submittal meeting prior to the filing of an application for approval of a minor subdivision final plat. At the ~~predevelopment conference~~pre-submittal meeting, the developer must meet the following criteria in order to file a minor subdivision final plat application:

- (1) The number of proposed lots does not exceed ~~two~~four;
- (2) There are no requirements for additional off-site or on-site public improvements;
- (3) There is no requirement for a TIA; and
- (4) At the conclusion of the ~~predevelopment conference~~pre-submittal meeting, obtain the signatures of the ~~PDS~~planning director, confirming the tract of land meets the criteria provided in subsections (1) through (3) above on the certification form provided in the development packet.

- (c) *When permitted*. The developer shall submit a minor subdivision final plat to the ~~planning and zoning commission~~planning director for approval without the submission of a concept plan or a preliminary plat. If the planning director denies the minor subdivision final plat application, the application shall be referred to the planning and zoning commission for approval.

- (d) *Application requirements*. ~~The developer shall submit a~~A minor subdivision final plat application ~~must include~~that contains all of the following: materials listed in the development packet.

- ~~(1) The number of copies specified in the development packet with the title of the minor subdivision final plat appearing on the outside and folded to a size specified in the development packet;~~
- ~~(2) An abstractor's certificate which shall state the names and addresses of all current owners and current lienholders of the property described in the minor subdivision final plat. The abstractor's certificate shall be dated no earlier than 30 days prior to submission of the minor subdivision final plat;~~
- ~~(3) A copy of the deeds identifying the owners of the property;~~
- ~~(4) A current phase I environmental assessment, as required by federal law, for the dedicated parkland, if applicable;~~
- ~~(5) Certification from a surveyor that the property boundary closes as per minimum standards set forth by the Texas Board of Professional Land Surveying Code, as amended, specifically sections 663.13 through 663.23, which include provisions requiring 1:10,000 + 0.10 foot precision for monuments found or set within the corporate limits of any city in the state;~~

- ~~(6) — The certification form signed by the PDS director, the confirming the tract of land qualifies as a minor subdivision final plat;~~
- ~~(7) — The minor subdivision final plat drawing which shall include all the information specified in the development packet;~~
- ~~(8) — An electronic copy of the plat in a format specified in the development packet;~~
- ~~(9) — All other application requirements specified in the development packet; and~~
- ~~(10) — Payment of applicable fees.~~

- (e) *City staff review.* After the city staff review and comment period, the developer shall submit to the planning department the number of corrected copies of the minor subdivision final plat as specified in the development packet, along with one reproducible drawing with all required information in a format specified in the development packet. A phase II environmental assessment may be required if the phase I environmental assessment indicates that a potential environmental hazard may exist.

Sec. 36-43. Replat.

- (a) *Purpose and intent.* The purpose of a replat is to resubdivide all or part of a recorded plat, without the vacation of the preceding plat, and to allow for a review by the planning and zoning commission. A replat is not required when the city or other governmental entity acquires part of a developed property for right-of-way expansion.
- (b) ~~*Predevelopment conference.*~~*Pre-submittal meeting.* The developer must attend a ~~predevelopment conference~~pre-submittal meeting prior to the filing of an application for approval of a replat.
- (c) *When permitted.* The developer shall submit to the planning and zoning commission for approval of a replat, in compliance with the Texas Local Government Code as amended.
- (d) *Application requirements.* The developer shall submit Aa replat application must include that contains all of the following; materials listed in the development packet.
 - ~~(1) — The number of copies specified in the development packet with the title of the replat appearing on the outside and folded to a size specified in the development packet;~~
 - ~~(2) — An abstractor's certificate which shall state the names and addresses of any and all current owners and current lienholders of the property described in the replat. The abstractor's certificate shall be dated no earlier than 30 days prior to submission of the replat;~~
 - ~~(3) — A copy of the deeds identifying the owners of the property;~~
 - ~~(4) — An engineer's report; (5) If applicable, a city-approved TIA for the proposed replat pursuant to the requirements of section 36-106~~

- ~~(6) — Certification from a surveyor that the property boundary closes as per minimum standards set forth by the Texas Board of Professional Land Surveying Code, as amended, specifically sections 663.13 through 663.23, which include provisions requiring 1:10,000 + 0.10 foot precision for monuments found or set within the corporate limits of any city in the state;~~
- ~~(7) — A list of names and addresses of the owners of property that are in the original subdivision and that are located within 300 feet of the property contained in the replat as recorded on the current tax roll including:

 - ~~a. — A diagram that identifies said properties and a key to the list provided; and~~
 - ~~b. — Addressed official city envelopes for the adjacent property owners identified for delivery in regular mail;~~~~
- ~~(8) — The replat drawing which shall include all of the information specified in the development packet;~~
- ~~(9) — An electronic copy of the plat in a format specified in the development packet;~~
- ~~(10) — All other application requirements specified in the development packet; and~~
- ~~(11) — Payment of applicable fees.~~

- (e) *Notice requirement for replats.* Pursuant to V.T.C.A Local Government Code ch. 212.015, a public hearing is required for replats containing lots which during the preceding five (5) years were limited by zoning or deed restriction to residential use for not more than two residential units per lot. A public hearing is not required for replats containing only lots zoned or restricted for all other uses. Notice of a replat public hearing shall be given, not less than 15 days before the date set for the hearing, by publication and by written notice forwarded by the planning director to the owners of property lying outside of the replat boundaries and within 300 feet of those boundaries as indicated on the most recently approved municipal tax roll or, in the case of a subdivision within the ETJ regulated by the city, the most recently approved county tax roll of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the municipal boundaries. Additionally, one on-site public hearing notification sign shall be placed by city staff on each property requiring a public hearing not less than ten days prior to the planning and zoning commission public hearing date. The sign shall be placed perpendicular to and no further than 15 feet from the roadway, or as deemed suitable by staff.
- (f) *Constructive notice.* Minor defects in notice or if an on-site public hearing notification sign is damaged or removed 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. Defects in notice provisions which exceed the requirements of V.T.C.A., Local Government Code ch. 211, shall not invalidate any action or proceedings pursuant thereto.
- (g) *City staff review.* After the city staff review and comment period, the developer shall submit to the planning department the number of corrected copies specified in the development packet, along

with one reproducible drawing with all required information in a format specified in the development packet.

Sec. 36-44. Amending plat.

- (a) *Purpose and intent.* The purpose of an amending plat is to replace a recorded plat without vacation of that plat, and to allow for a review by ~~the planning and zoning commission~~city staff. The amending plat is intended to be used as a limited means to correct minor errors or make minor adjustments to a recorded plat as provided in V.T.C.A., Local Government Code § 212.016, as amended.
- (b) ~~Predevelopment conference~~Pre-submittal meeting. The developer must attend a ~~predevelopment conference~~pre-submittal meeting prior to the filing of an application for approval of an amending plat.
- (c) *When permitted.* The developer shall submit to the ~~planning and zoning commission~~planning director for approval an amending plat application in lieu of a preliminary and final plat when the proposed amending plat is filed for one or more of the purposes listed in V.T.C.A., Local Government Code § 212.016. If the planning director denies the amending plat application, the application shall be referred to the planning and zoning commission for approval.
- (d) *Application requirements.* The developer shall submit An an amending plat application ~~must include~~that contains all of the ~~following materials~~ listed in the development packet.
 - (1) ~~The number of copies specified in the development packet with the title of the amending plat appearing on the outside and folded to a size specified in the development packet;~~
 - (2) ~~An abstractor's certificate which shall state the names and addresses of all current owners and current lienholders of the property described in the amending plat. The abstractor's certificate shall be dated no earlier than 30 days prior to submission of the amending plat;~~
 - (3) ~~A copy of the deeds identifying the owners of the property;~~
 - (4) ~~An engineer's report if applicable. The PDS director may waive the requirement for an engineer's report when lots are being consolidated under a single owner or when lot lines are being adjusted and no alterations or expansions to the existing public improvements are necessary;~~
 - (5) ~~Certification from a surveyor that the property boundary closes as per minimum standards set forth by the Texas Board of Professional Land Surveying Code, as amended, specifically sections 663.13 through 663.23, which include provisions requiring 1:10,000 + 0.10 foot precision for monuments found or set within the corporate limits of any city in the state;~~

~~(6) The amending plat drawing which shall include all of the information specified in the development packet;~~

~~(7) An electronic copy of the plat in a format specified in the development packet;~~

~~(8) All other application requirements specified in the development packet; and~~

~~(9) Payment of applicable fees.~~

- (e) *City staff review.* After the city staff review and comment period, the developer shall submit to the planning department the number of corrected copies specified in the development packet, along with one reproducible drawing with all required information in a format described in the development packet.

Sec. 36-45. Plat vacation.

- (a) *Purpose and intent.* The purpose of a plat vacation is to nullify all or part of a previously recorded plat.

- (b) *When permitted.* The developer shall submit to the planning and zoning commission for approval a plat vacation as permitted under and in compliance with V.T.C.A., Local Government Code § 212.013:

(1) *No lots sold.* The owner of the land covered by a plat may vacate the plat at any time before any lot in the plat is sold. After approval by the planning and zoning commission, the plat is vacated when a signed, acknowledged instrument declaring the plat vacated is recorded in the manner prescribed for the original plat.

(2) *Lots sold.* If one or more lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat. After approval by the planning and zoning commission, the plat is vacated when all owners record a signed, acknowledged instrument declaring the plat vacated.

- (c) *Application requirements.* ~~The developer shall submit a~~ plat vacation application ~~must include that contains~~ all of the ~~following materials listed in the development packet.~~

~~(1) A letter from the developer explaining the reason for the vacation;~~

~~(2) An abstractor's certificate which shall state the names and addresses of all current owners and lienholders of the property described in the vacating plat. The abstractor's certificate shall be dated no earlier than 30 days prior to the submission of the plat vacation application;~~

~~(3) A copy of the deeds identifying the owners of the property;~~

- ~~(4) A completed, signed and acknowledged plat vacation instrument including the signature of the PDS director if public rights of way or easements are being vacated and the signatures of any additional entities authorized to use the easement;~~
- ~~(5) The plat vacation application shall include all of the information specified in the development packet; and~~
- ~~(6) Payment of applicable fees.~~

Sec. 36-46. Release of Easement.

- (a) *Purpose and intent.* The purpose of a release of easement is to nullify a portion or the entire easement established by a previously recorded plat or by separate instrument. A release of easement may be initiated by the respective lot owners or by the city.
- (b) *When permitted.* The developer shall submit a release of easement application containing a metes and bounds description and sketch of the proposed area to be released, and signed by the owner of the land requesting the city to vacate the easement, in order to release all or a portion of an easement, including but not limited to, a public utility easement, drainage easement, conservation easement, public access easement or combination public easement. ~~After approval by the city manager, t~~The easement shall be released when all owners and entities authorized to use the easement sign and acknowledge a release form, approval is granted by the city manager and the release of easement instrument declaring the easement released is recorded.
- (c) *Application requirements.* ~~The developer shall submit A~~a release of easement application ~~must include~~that contains all of the following:
 - (1) A copy of the deeds identifying the owners of the property;
 - (2) A letter signed by the owners of the lot to the planning director containing the following:
 - a. A metes and bounds description and survey sketch including a description of the easement or portion of the easement to be released including the lot description and orientation to the nearest lot line;
 - b. An explanation of the purpose of the release request; and
 - c. Signatures by the entities authorized to use the easement agreeing to the requested release of easement, in the form provided in the development packet.
 - (3) Payment of applicable fees.

Sec. 36-47. Approval procedure.

- (a) *Distribution and review.* The planning director shall distribute a copy of each application to the reviewing agencies and the reviewing agencies shall review the application in accordance with the Texas Local Government Code and this chapter. The planning director shall prepare a report

for each application and shall distribute the report to the planning and zoning commission, except for those applications approved administratively.

- (b) *Director approval.* After a review by the reviewing agencies, the planning director may approve easement vacations. Upon a determination by the planning director that all of the public utilities authorized to use the easement proposed for vacation approve of the vacation request, the planning director shall then approve the respective easement vacation.
- (c) *Planning and zoning commission action.* The planning and zoning commission shall review the reports of the planning director and shall either approve, approve with minor conditions, or disapprove concept plans or plats within 30 days after the filing of a completed application. The planning and zoning commission may approve a written request submitted by the developer to table a concept plan or plat application to a specific future planning and zoning commission meeting when it is requested on a form provided by the city where the developer waives its right to having the plat acted upon within the required 30 days as set forth in V.T.C.A., Local Government Code § 212.009(a). The planning and zoning commission may not table action on a plat without the consent of the developer and a waiver of rights.
- (d) *Notification of action taken for plats.* Within ten working days after action taken by the planning and zoning commission, the planning director shall issue to the developer a certificate as required by V.T.C.A., Local Government Code § 212.0115, stating that the plat has been reviewed and approved by the planning and zoning commission.
- (e) *Expiration of concept plans and plats.*
 - (1) *Concept plan approval.* The approval of a concept plan shall expire three years from the date of application approval.
 - (2) *Preliminary plat approval.* The approval of a preliminary plat shall expire three years from the date of approval unless a final plat for a portion of the preliminary plat has been approved and recorded, in which case the preliminary plat is extended three additional years from the date each additional final plat is recorded.
 - (3) *Final plat, replat, and amending plat approval.* The approval of a final plat, replat and amending plat shall expire two years from the date of approval if the respective plat has not been recorded. The developer may request an administrative extension of three years prior to the two-year expiration date where the city has accepted the subdivision improvement construction plans as provided for in Sec. 4-96(a).

(Code 1995, § 8.212)

Sec. 36-48. Recordation procedure.

- (a) In order for the approved plat to be recorded, the ~~developer must submit the following to the planning director; following are required:~~

- (1) The plat is subject to the recordation requirements of V.T.C.A., Local Government Code § 212.004(b);
- (2) The plat is subject to the filing and recording provisions of Texas Property Code § 12.002; and
- (3) The developer must submit to the planning director all other application requirements specified in the development packet.
- (4) Recorded copies of any required off-site easements.
- ~~(1) An abstractor's certificate which shall state the names and addresses of all current owners and current lienholders of the property described in the plat. The abstractor's certificate shall be dated no earlier than 30 days prior to a request for recordation of the plat;~~
- ~~(2) An acknowledged signature on the plat by the current owner of the land being platted if the current owner is different than the owner at the time the final plat was approved;~~
- ~~(3) A title insurance policy, naming the city as the holder, covering the parkland to be conveyed;~~
- ~~(4) A deed for any parkland dedication or cash contribution in lieu of parkland dedication, if applicable. If the final plat is a phase of the total tract to be platted and it does not include the parkland to be dedicated, the developer must provide a temporary access easement to the parkland acceptable to the city in a form approved by the city attorney;~~
- ~~(5) A deed for drainage, right-of-way and/or detention lots to be dedicated to the city or a homeowners association as applicable;~~
- ~~(6) Current original tax certificates;~~
- ~~(7) Williamson County affidavit certifying tax certificates in the form designated in the development packet, where applicable;~~
- ~~(8) The prescribed fees for preparing reproducible drawings required to record the plat;~~
- ~~(9) A copy of the written notification from the zoning administrator notifying that the requirements of chapter 14, article II of this Code have been met and if applicable, the posting of the appropriate fiscal security in accordance with section 14-28 of this Code;~~
- ~~(10) A copy of the letter from the PDS director either certifying that the public improvements have been satisfactorily completed in accordance with section 36-207 or that subdivision improvement construction plans have been accepted by the PDS director and the appropriate fiscal security has been posted in accordance with section 36-206~~
- ~~(11) The prescribed oversize fees for water and wastewater for all single-family residential and two-family residential lots;~~
- ~~(12) The prescribed county recordation fees (by check made payable to "Williamson County" or "Travis County", whichever is applicable);~~

~~(13) Separate instrument easements where applicable;~~

~~(14) Regional stormwater detention fees, in lieu of on-site detention, where approved by the PDS director.~~

- (b) The planning director shall obtain the required city signatures on each reproducible copy of the plat. After all signatures required for recordation have been affixed to the plat, the planning director shall present the prescribed county recording fee and the plat to the office of the county clerk for recording.
- (c) The official copy of the recorded plat shall be maintained at the office of the county clerk. A copy of the recorded plat shall be maintained in the files of the planning department.

~~(d) Upon recordation of the plat, the planning director shall distribute copies of the plat to the city, county, and other appropriate public and private entities listed in the development packet.~~

Sec. 36-49. Filing fees.

Fees shall be charged for all concept plans, plats, or vacation applications. The fees and charges shall be paid upon the submittal of an application and the application shall not be considered complete until such fee has been paid.

II.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ and **APPROVED** on first reading this the _____ day of _____, 2017.

READ, APPROVED and **ADOPTED** on second reading this the _____ day of _____, 2017.

ALAN MCGRAW, Mayor
City of Round Rock, Texas

ATTEST:

SARA L. WHITE, City Clerk