

## CHAPTER 154 SUBDIVISION REGULATIONS

### Section

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## Chapter 154: Subdivision Regulations

### §154.001 APPLICABILITY; PLAT APPROVAL REQUIRED.

The provisions of this Chapter, except as specifically provided otherwise in this Chapter, apply to all subdivisions of land within the jurisdiction of the City, including but not limited to the following forms of land subdivision and development activity: the combining of two (2) or more contiguous tracts, lots, sites or parcels for the purpose of creating one (1) or more legal lots in order to achieve a more developable site. No person who owns, occupies, or controls property in the City may subdivide land, combine tracts, lots, sites or parcels within the jurisdiction of the City, or erect, install, construct or place any structure on, over, or across a property line without obtaining approval by the City Council as provided in this ordinance.

(Ord. 2007-06, passed 2-6-07)

### §154.002 AMENDED PLAT.

An Amended Plat that meets all of the informational requirements set forth in this Chapter may be approved and recorded by the City without vacation of the preceding plat, without a public hearing, and without approval of other lot owners within the platted subdivision provided that any person with a vested interest affected by the plat amendment signs the plat and application; and that the purpose of the Amended Plat is:

- (A) To correct an error in any course or distance shown on the preceding plat; or
- (B) To add any course or distance that was omitted on the preceding plat; or
- (C) To correct an error in a real property description shown on the preceding plat; or
- (D) To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments; or
- (E) To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat; or
- (F) To correct any other type of scrivener or clerical error or omission as previously approved by the Planning and Zoning Commission and/or City Council. Such errors and omissions may include, but are not limited to: lot numbers, acreage, street names, and identification of adjacent recorded plats; or
- (G) To correct an error in courses and distances of lot lines between two (2) adjacent lots where lot owners join in the application for an Amended Plat and neither lot is abolished, provided that such amendment does not attempt to remove recorded

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covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat; or

- (H) To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement; or
- (I) To relocate one (1) or more lot lines between one (1) or more adjacent lots where the owner or owners of all such lots join in the application for the Amended Plat, provided that such amendment does not attempt to remove recorded covenants or restrictions, or increase the number of lots; or
- (J) To make necessary changes to the preceding plat to create six (6) or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat, where the changes do not affect applicable zoning and other regulations of the municipality, provided that such amendment does not attempt to amend or remove any recorded covenants or restrictions, and the area covered by the changes is located in an area that the City Council has approved, after a public hearing, as a residential improvement area; or
- (K) To make necessary changes to the preceding plat or plats of one or more lots fronting on an existing street, where the owners of all those lots join in the application for amending the plat, provided that such amendment does not attempt to remove any recorded covenants or restrictions, does not increase the number of lots, and does not create or require the creation of a new street or make necessary the extension of municipal facilities; or
- (L) Any other purpose designated by Section 212.016 of the Local Government Code, as amended from time to time.  
(Ord. 2007-06, passed 2-6-07)

#### **§154.003 FORMAT AND CONTENT.**

- (A) Applications for an Amended Plat under this Chapter must include:
  - (1) Completed application forms, the Amended Plat prepared and sealed by a surveyor, and the payment of all applicable fees at the time of submission of the application.
  - (2) Certification from all applicable taxing authorities that all taxes due on the property have been paid.
  - (3) Any attendant documents needed to supplement the information provided on the plat.

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- (4) The City shall require the following note on the Amended Plat: This subdivision is subject to all general notes and restrictions appearing on the plat of \_\_\_\_\_, Lot(s) \_\_\_\_\_, recorded at Cabinet \_\_\_\_\_, Slide \_\_\_\_\_ of the Plat Records of Burnet County, Texas.
- (B) Applicants shall be required to demonstrate that the application qualifies as Amended Plat, as defined in Section 154.002, and complies with the City's zoning regulations. Zoning of the tract, if applicable, shall permit the uses proposed by the Amended Plat.
- (C) Applications and/or plats that are labeled as a replat shall be processed as an Amended Plat provided that the application and plat meet all the conditions and requirements of Amended Plats as defined by this Chapter.
- (Ord. 2007-06, passed 2-6-07)

#### §154.004 PROCEDURE.

- (A) The Amended Plat may be submitted without re-approval of a Preliminary Plan or Construction Plans. The Amended Plat shall be submitted to the City for approval before recordation of the Amended Plat.
- (B) The Planning and Zoning Commission (the "Commission") shall act on the request for approval of an Amended Plat. The failure of the Commission to act within thirty (30) days of receipt of a complete Amended Plat application shall be deemed an approval of the Amended Plat, except as otherwise agreed to by the developer.
- (C) Reserved.
- (D) If in the Commission's determination, the Amended Plat does not qualify as an Amended Plat or does not otherwise satisfy this Chapter, the Commission may require resubmission of the application, or may require the plat to be processed in accordance with applicable provisions of Chapter 212, Tex. Local Gov't Code, as amended from time to time, which are hereby adopted and incorporated herein.
- (E) Denials may be appealed to the City Council within ten (10) days of denial.  
(Ord. 2007-06, passed 2-6-07; Am. Ord. 2010-06, passed 5-11-10)

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### §154.005 NOTIFICATION.

Public notification and public hearings shall not be required for an Amended Plat under this Chapter.

(Ord. 2007-06, passed 2-6-07)

### §154.006 EXPIRATION.

Approval of an Amended Plat shall expire if said plat is not recorded in the plat records of the County within six (6) months of City approval.

(Ord. 2007-06, passed 2-6-07)

### §154.007 RECORDATION.

- (A) Prior to the recordation of the Amended Plat, one (1) original copy of the Amended Plat shall be submitted to the City for signatures, and
- (1) The Amended Plat shall have been approved by the Commission pursuant to the provisions of this Chapter.
  - (2) All conditions of Amended Plat approval established by this Chapter shall have been determined to be satisfied by City staff.
  - (3) Applicable fees pursuant to City ordinance shall be paid.
- (2) City staff shall, upon determination that all provisions of this Chapter have been satisfied, and all the above conditions have been met, obtain signatures certifying Amended Plat approval by the Chairperson of the Commission, and the Mayor, as attested to by the City Secretary.
- (3) Once the original Amended Plat has been certified by the Chairperson of the Commission and the Mayor, City staff shall notify the developer that the original Amended Plat is ready for reproduction.
- (4) The developer, at his/her own expense, shall make two (2) photographic mylar copies of the original, signed Amended Plat, record the approved and signed Amended Plat in the Official County Records, and return a copy of the Amended Plat file stamped by the County Clerk to the Mayor.
- (5) The City shall keep one (1) photographic mylar copy of the original approved Amended Plat on file as public record.

(Ord. 2007-06, passed 2-6-07)

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### §154.008 RESPONSIBILITY.

Notwithstanding the approval of any Amended Plat by the Planning and Zoning Commission, the developer, surveyor, and/or and the engineer that prepares and submits such plats shall be and remain responsible for the adequacy of the design and nothing in this Chapter shall be deemed or construed to relieve or waive the responsibility of the developer, surveyor, and/or engineer for or with respect to any plat submitted.  
(Ord. 2007-06, passed 2-6-07)

### §154.009 ENFORCEMENT.

(a) **Penalty.** Any person who shall violate any of the provisions of this Chapter, or shall fail to comply therewith, or with any of the requirements thereof, shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars (\$2000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein

(b) **Administrative Action.** The Mayor shall enforce this Chapter by appropriate administrative action, including but not limited to the rejection of plans, maps, plats and specifications not found to be in compliance with this Ordinance and good engineering practices, the issuance of stop work orders, and the denial of building permits.

(c) **Court Proceedings.** Upon the request of the City Council, the City Attorney, or other authorized attorney shall file an action in the district courts to enjoin the violation or threatened violation of this Ordinance, or to obtain declaratory judgment, and to seek and recover court costs and attorney fees, and/or to recover damages in an amount sufficient for the City to undertake any construction or other activity necessary to bring about compliance with a requirement regarding the property and established pursuant to this Ordinance.

(Ord. 2007-06, passed 2-6-07)

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