

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO. 23-031-00

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS AMENDING SECTIONS OF ARTICLE 10.02, EXHIBIT A, THE SUBDIVISION ORDINANCE TO CLARIFY THE ADOPTION DATE AND DEFINITION OF THE TRANSPORTATION CRITERIA MANUAL, UPDATE THE REQUIREMENTS FOR WATER UTILITY IMPROVEMENTS AND WASTEWATER UTILITY IMPROVEMENTS; PROVIDING A SEVERABILITY CLAUSE, PROVIDING SAVINGS, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES, AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the Planning & Zoning Commission held a public hearing on the proposed amendments to Chapter 10, Article 10.02, Section 10.02.001, Exhibit A, Leander Code of Ordinances (the “Subdivision Ordinance”); and forwarded its recommendation on the amendments to the City Council; and

WHEREAS, after publishing notice of the public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has considered the proposed amendments and finds that the amendments are reasonable and necessary to protect the health, safety, and welfare of the present and future residents of the City; and

WHEREAS, the City of Leander has adopted the City of Austin Transportation Criteria Manual (TCM) and the City of Austin has made significant updates to the manual that took effect in 2022. The City needs time to review the changes prior to incorporating the changes into the city’s ordinance.

WHEREAS, there is a need to clarify when connections to city water and wastewater are needed and provide guidelines for oversizing requirements.

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

SECTION 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

SECTION 2. Amendment of Article I, Section 1. Article I, Section 1 of the Subdivision Ordinance is amended by modifying the following definition:

Transportation Criteria Manual means the City of Austin Transportation Criteria Manual, dated August 7, 2020, as adopted and amended by this Ordinance.

SECTION 3. Amendment of Article III, Section 42 (a). Article III, Section 42 (a) of the Subdivision Ordinance is amended in its entirety to read as follows:

(a) Policy.

- (1) All transportation improvements including streets, trails, driveways, sidewalks, bikeways, traffic control, and parking areas within the City’s jurisdiction shall be designed in accordance with the City of Leander Composite Zoning Ordinance, Transportation Master Plan, Comprehensive Plan and the City of Austin’s Transportation Criteria Manual, dated August 7, 2020, save and except the following:
 - (i) all references to the Austin Metropolitan Area Transportation Plan shall be construed to mean the City of Leander’s Comprehensive Plan and Transportation Master Plan;
 - (ii) All references to the “City of Austin” shall mean the “City of Leander”.
 - (iii) Paragraph 1.3.1.G;
 - (iv) Table 1-7A;
 - (v) all references to Austin zoning districts as they pertain to street classifications, trip generation, recommended pavement design, off-street parking requirements;
 - (vi) Appendix F; and all references to the City of Austin, including its departments, boards or divisions shall be the same departments, boards or divisions within the City of Leander. Where such departments, boards or divisions do not exist within the City, such references shall be construed to mean the Commission, the City Engineer or other representative authorized by the Council to perform such functions on the City’s behalf.

SECTION 4. Amendment of Article III, Section 43. Article III, Section 43 of the Subdivision Ordinance is amended in its entirety to read as follows:

- (a) **Policy.** The applicant shall be responsible for providing an approved public water supply system consistent with the Comprehensive Plan, preliminary plan or final plat, this chapter and the rules and regulations of the entity providing or to provide water to the development, throughout the development, such that all lots, parcels, or tracts of land will be capable of connecting to the water system except as otherwise provided herein.
 - (1) Where an approved public water supply or distribution main is within reasonable distance of the subdivision as determined by the City Engineer or his/her designee and connection to the system is both possible and permissible, the developer shall be required to bear the cost of connecting the development to such existing water supply and the acquisition of all necessary easements. In some instances, the city may request that the main water connection be oversized or rerouted to suit future

water system improvements in that area. In some cases, the city will reimburse the developer the costs of oversizing such connections by separate agreement.

- (2) The applicant shall, consistent with all existing ordinances, make a pro-rata contribution to funding of needed storage facilities, treatment facilities, and specific distribution lines as determined necessary by the City. Under extraordinary circumstances, these provisions may be varied with the approval of the City Council and Planning & Zoning Commission.
- (3) When platting or development occurs on a tract that is currently served by a water line less than eight (8) inches in diameter, the applicant/developer shall be responsible for either upsizing the water line prior to recordation of any final plat or posting fiscal surety for the construction of the water line across the entire length of the tract.
- (4) For the orderly extension of water lines as established in the master utility plan, the developer shall install water mains to the boundaries of his development for future connection by the development of the abutting land.

(b) Design

- (1) The design and construction of a public water system shall
 - (i) Comply with regulations covering extension of public water systems adopted by the Texas Commission on Environmental Quality.
 - (ii) Be of sufficient size to furnish adequate domestic water supply and fire protection services to all lots, and to conform with the Master Utility Plan for the City;
 - (iii) Be located where maintenance can be accomplished with the least interference with traffic, structures and other utilities;
 - (iv) Be designed in an effort to eliminate the need for booster pumps or other similar devices;
 - (v) Be designed to not propose water mains less than eight (8) inches in diameter unless approved in writing by the City Engineer or his/her designee;
 - (vi) Be acceptable, without penalty, to the adopted City of Leander Fire Code. To that end, the fire flows shall meet the provisions set forth within the current Fire Code.
 - (vii) Include fire hydrants per requirements of the current City of Leander Fire Hydrant detail:
 - a) Within three hundred (300') feet of all sides of a nonresidential development; and
 - b) For fire flows calculated with twenty (20) pound residual pressure.
 - (viii) Include valves on each fire hydrant lead, at each intersection of two (2) or more mains, and valve spacing so that no more than thirty (30) customers will be without water during a shutoff;
 - (ix) Include flushing appurtenances at the end of all dead-end waterlines;
 - (x) Be designed and constructed in accordance with City Standard Details and Specifications; and,
 - (xi) Be designed and constructed to comply with all applicable rules, regulations and policies of the entity that will provide water service to the development.

- (xii) Be designed and constructed so that all private water systems shall include backflow prevention assemblies for domestic and fire protection systems that are directly or indirectly connected to the city's potable water distribution system; and
- (xiii) Be designed and constructed so that the water system shall be constructed by the applicant/developer across the entire frontage of the tract to allow future extensions of the water system by adjacent tracts. A waiver to this requirement shall be in writing from the City Engineer or his/her designee.

SECTION 5. Amendment of Article III, Section 44. Article III, Section 44 of the Subdivision Ordinance is amended in its entirety to read as follows:

- (a) **Policy.** The applicant shall be responsible for providing an approved wastewater system, consistent with the preliminary plat or final plat, this chapter and the rules and regulations of the entity providing or to provide wastewater service to the development, throughout the development, such that all lots, parcels, or tracts of land will be capable of connecting to the wastewater system except as otherwise provided herein.
 - (1) Where an approved public wastewater collection main is within reasonable distance of the subdivision as determined by the City Engineer or his/her designee and connection to the system is both possible and permissible, the developer shall be required to bear the cost of connecting his development to such existing wastewater system. In some instances, the City may request that the main wastewater connection be oversized or rerouted to suit future wastewater system improvements in that area. In such cases, the City will reimburse the developer the costs of oversizing or rerouting such connections by separate agreement.
 - (2) The applicant shall, consistent with all existing ordinances, make a pro-rata contribution to funding of needed lift station facilities, treatment facilities, and specific collection lines as determined necessary by the City. Under extraordinary circumstances, these provisions may be varied with the approval of the City Council and Planning and Zoning Commission.
 - (3) Where alternative sewage disposal is permitted, the plans for such system must meet the requirements of the Texas Commission on Environmental Quality and be approved by the county health department, prior to approval of the final plat by the Planning and Zoning commission.
 - (4) For wastewater service to property in the city's extraterritorial jurisdiction and the city's Certificate of Convenience and Necessity (CCN); Connection to the city's wastewater system is required unless the City Engineer or his/her designee determines that the connection to the city system is not possible. If the city's wastewater system is not utilized, the alternative sewage disposal system must meet the requirements of the TCEQ and be approved by the county health department prior to approval of the final plat by the planning and zoning commission.
- (b) **Design.** The design and construction of a public wastewater systems shall:

- (1) Be designed and constructed so that the public wastewater collection systems, lift stations, inverted siphons and septic systems shall comply with regulations covering extension of public wastewater systems, and other applicable regulations, adopted by the Texas Commission on Environmental Quality and the state department of health Under extraordinary circumstances, these provisions may be varied with the approval of the City Council and Planning & Zoning Commission.
 - (2) Be of sufficient size to furnish adequate wastewater service to all lots, and to conform with the master utility plan for the city;
 - (3) Be of sufficient size to furnish adequate wastewater service to all lots, and to conform with the master utility plan for the city;
 - (4) Be designed and constructed to operate on a gravity flow basis by taking advantage of natural topographic conditions and thereby reducing the need for lift stations and force mains;
 - (5) Be designed and constructed so that flow determinations should include generally accepted criteria for average daily flow, inflow and infiltration, peaking factors, minimum/maximum slopes and minimum flow velocities;
 - (6) Be designed and constructed so that the minimum size of any public wastewater line will be eight (8) inches in diameter;
 - (7) Be designed and constructed so that the public wastewater lines shall be located where maintenance can be accomplished with the least interference with traffic, structures and other utilities. Minimum separation distance from water utilities shall be in accordance with the rules adopted by the Texas Commission on Environmental Quality;
 - (8) Be designed and constructed so that manholes shall be located to facilitate inspection and maintenance, including intersections, horizontal alignment changes, vertical grade changes, change in pipe size or material, and force main discharge points;
 - (9) Be designed and constructed so that all wastewater appurtenances are constructed in accordance with city criteria, standard details and specifications;
 - (10) Be designed and constructed to comply with all applicable rules, regulations and policies of the entity that will provide wastewater service to the development; and
 - (11) Be designed and constructed so that the wastewater system shall be constructed by the applicant/developer across the entire frontage of the tract or to the edge of the tract so as to allow future extensions of the wastewater system by adjacent tracts. A waiver to this requirement shall be in writing from the City Engineer or his/her designee.
- (c) System Reservation Fee. At the time of submission of a Preliminary Plat application, applicants subdividing property located within the Wholesale Wastewater Service Area will pay the System Reservation Fee set forth in Article A7.009.

SECTION 6. Conflicting Ordinances. Exhibit “A”, Article 10.02, Leander Code of Ordinances is amended as provided herein. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

SECTION 7. Savings Clause. All rights and remedies of the City of Leander are expressly saved as to any and all violations of the provisions of any ordinances affecting subdivision within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 8. Effective Date. After its passage of this Ordinance in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

SECTION 9. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 10. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on the 1st day of June, 2023.

ATTEST:

THE CITY OF LEANDER, TEXAS

Dara Crabtree, City Secretary

Christine DeLisle, Mayor