

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO. 24-050-00

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING SECTIONS OF CHAPTER 10, EXHIBIT A, THE SUBDIVISION ORDINANCE, TO ESTABLISH AN ADMINISTRATIVE APPROVAL PROCESS FOR PLATS; PROVIDING EXCEPTIONS TO ADMINISTRATIVE APPROVAL; AMENDING DEFINITIONS; REMOVING THE REQUIREMENT THAT A TREE PRESERVATION PLAN BE SUBMITTED WITH THE PRELIMINARY PLAT; UPDATING INTERNAL SECTION REFERENCES; PROVIDING A SEVERABILITY CLAUSE, PROVIDING SAVINGS, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES, AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the pursuant to the City Charter and state law, including Chapter 212, Texas Local Government Code, the City Council of the City of Leander, Texas adopts ordinances that regulate subdivision and platting in the City limits and portions of the extraterritorial jurisdiction;

WHEREAS, the City desires to amend the subdivision ordinance to delegate platting approval to administrative staff as provided herein, and to create exceptions that require Planning Commission and/or Council approval;

WHEREAS, the Planning and Zoning Commission held a public hearing and voted on a recommendation on the adoption of this ordinance;

WHEREAS, the City Council held a public hearing on the proposed adoption of this ordinance; and

WHEREAS, the City Council finds that adoption of this ordinance is reasonable and necessary to promote the health, safety, morals, and general welfare of the City and the safe, orderly, and healthful development of the City;

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

SECTION 1. Findings. The foregoing recitals are hereby 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. Amendment of Article I, Section 1. Article I, Section 1 of Exhibit A, Chapter 10 of the City of Leander Code Ordinances (the “Subdivision Ordinance”) is hereby amended to amend the following definitions:

Filing Date means, with respect to Plans or Plats, the date that the Plan or Plat, along with the completed Application and application fees and other documents required by this Ordinance are submitted to the City and that is a date set forth in the submittal schedule.

Municipal Reviewing Authority means the entity responsible for approving Plats governed by this Ordinance. Except as provided in Section 20(a), the Director of Planning is responsible for approving Concept Plans, Preliminary Plats, Final Plats, Amended Final Plats, Short Form Final Plats, and Minor Revision Preliminary Plats. The Commission is responsible for approving Plats that are not delegated to the Director of Planning for approval, and the City Council are responsible for approving Concept Plans that are not delegated to the Director of Planning for approval.

Resubmittal Date means the date that a Resubmittal Application along with the completed Application and application fees and other documents required by this Ordinance are submitted to the City on a date set forth in the submittal.

SECTION 3. Amendment of Term “Municipal Authority”. The term “Municipal Authority” wherever it appears in the Subdivision Ordinance shall be amended to be “Municipal Reviewing Authority.”

SECTION 4. Creation of New Section 20(a), Article II; Renumbering of Existing Sections. Article II, Section 20 of the Subdivision Ordinance is hereby amended to create a new subsection (a) to read as follows. Existing subsections (a) through (j) shall be renumbered to subsections (b) through (k).

Section 20. Delegation of Approval Responsibility; General Procedure.

- (a) Delegation of Approval Responsibility for Plats. The City Council, with the recommendation of the Commission, hereby delegates to the Director of Planning the ability to approve, approve with conditions, or disapprove a Plat, except for the following:
- (1) Plats for which a variance is requested;
 - (2) A replat that is not vacating the preceding plat and during the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot, or any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot;
 - (3) A Significant or Heritage Tree(s) are proposed to be removed in connection with the Plat; or
 - (4) The Director of Planning, for any reason, elects to present the Plat for approval to the Commission and/or Council.

SECTION 5. Amendment of Renumbered Section 20(b), Article II, Section 20(b). Renumbered Section 20(b), Article II, of the Subdivision Ordinance (formerly Section 20(a)) is hereby amended to read as follows:

- (b) Action on Plats. Plats for the development of land within the scope of this Ordinance shall be drawn and submitted to the Municipal Reviewing Authority for their approval, conditional approval, or disapproval, as provided herein. If an application is approved with conditions or disapproved, the Municipal Reviewing Authority shall

provide or cause to be provided to the applicant a written statement for the conditions for approval or reasons for disapproval that clearly articulate each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the written statement shall include a citation to the law or ordinance that is the basis for the conditional approval or disapproval, as applicable. In the event that a Municipal Reviewing Authority subject to quorum requirements fails to act due to lack of a quorum at the meeting at which an application is posted for action, then:

- (i.) the application will be deemed approved if it meets the requirements of this Ordinance and applicable state law; or
- (ii.) the presiding officer of the Municipal Reviewing Authority is authorized to disapprove an application that is recommended by City staff to be disapproved due to failure to comply with this Ordinance or applicable law.

SECTION 6. Amendment of Renumbered Section 20(e)(iii)a, Article II. Renumbered Section 20(e)(iii)a, Article II, of the Subdivision Ordinance (formerly Section 20(d)(iii)a)) is hereby amended to read as follows:

- a) If an applicant applies for a Preliminary Plat for less than the entire property shown in the Concept Plan, the Preliminary Plat for each phase may not be reviewed concurrently, must be submitted in the order shown on the approved Phasing Plan, and review of the Preliminary Plat for a particular phase must be completed and approved before a subsequent phase may be submitted for review. In addition, the Preliminary Plat applications must contain the property shown in each phase of the approved Phasing Plan.

SECTION 7. Amendment of Renumbered Section 20(g), Article II. Renumbered Section 20(g), Article II, of the Subdivision Ordinance (formerly Section 20(f)) is hereby amended to read as follows:

- (g) Application Forms. The Director of Planning shall prepare application forms which shall include a checklist of the required information and documents that are required to be submitted by applicants in order for an application to be accepted as complete for review and processing under this Ordinance. The Director of Planning shall update the application from time to time as required due to amendments to this Ordinance, state law, or applicable technical codes and manuals. The Commission shall review and approve the application forms and amendments prepared by the Director of Planning from time to time. The checklist and application forms shall be posted and maintained on the City's website within thirty (30) days of adoption or amendment.

SECTION 8. Addition of Subsections (l) and (m) to Article II, Section 20. Article II, Section 20 of the Subdivision Ordinance is hereby amended to add subsections (l) and (m) to read as follows:

- (l) Appeal of Disapproval by Director of Planning. An applicant may appeal the Director of Planning's disapproval of a Plat to the Municipal Reviewing Authority

by submitting a written appeal to the Director of Planning within fifteen (15) days of the date of the disapproval.

- (m) Responsibility. Notwithstanding the approval of any Plats by the Council, Commission, Director of Planning, or City Engineer, the developer and the engineer that prepares and submits such plats shall be and remain responsible for the adequacy of the design and nothing in this Ordinance shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any Plat submitted.

SECTION 9. Amendment of Article II, Section 20A(a). Article II, Section 20A(a) of the Subdivision Ordinance is hereby amended to read as follows:

- (a) The applicant may request an extension of the thirty (30) day approval deadlines set forth in this Ordinance by requesting an extension on the application form. The extension request will be considered by the Commission. Approval of an extension request will extend the deadline for approval of a Plan or Plat by thirty (30) days.

SECTION 10. Addition of Section 20C to Article II. Article II of the Subdivision Ordinance is hereby amended to add Section 20C entitled “Standard Review Procedure” to read as follows:

Section 20C. – Standard Review Procedure.

- (a) City staff shall review the plan for consistency with City codes, policies and plans.
- (b) The application shall be scheduled for consideration by the Municipal Reviewing Authority within thirty (30) days of the application Filing Date (or within the applicable extension period if an extension is granted), or within fifteen (15) days of the Resubmittal Date, as applicable. The application for Plats required to be approved by both the Commission and the Council shall be scheduled for consideration by the Council within thirty (30) days of the Commission's action on the application (or within the applicable extension period if an extension is granted), or within fifteen (15) days of Commission's action on a Resubmittal Application, as applicable.
- (c) City staff shall prepare a report analyzing the Plat submittal, as well as any comments received concerning the Plat, and recommending action on the Plat. If the recommended action is disapproval or conditional approval, the report shall include the reasons for disapproval or the conditions for approval, as applicable, and citations to the law or ordinance that is the basis for disapproval or the conditional approval.
- (d) If the applicant chooses to withdraw the Application, he/she may do so in writing. For applications that require Commission or Council approval, the request must be delivered by noon of the third working day preceding the applicable meeting. A withdrawn Plat may be resubmitted after repayment of the applicable fees and required public notification.

- (e) The Municipal Reviewing Authority shall take action on the application within thirty (30) days of the Filing Date or within the time authorized by an extension granted pursuant to Section 20A. The failure of the Municipal Reviewing Authority to act within thirty (30) days of the Filing Date (or within the time authorized by an extension granted pursuant to Section 20A) shall be deemed an approval of the Plat by the Municipal Reviewing Authority, except as otherwise agreed to by the applicant pursuant to Section 20A(b).
- (f) If Council approval is required for a Plat, the Council, within thirty (30) days of the date of action or required action on the Plat application by the Commission (or within the time authorized by an extension granted pursuant to Section 20A), shall take action on the Plat application. The failure of the Council to act within thirty (30) days of the date of Commission action or required action (or within the time authorized by an extension granted pursuant to Section 20A) shall be deemed an approval of the Plat by the Council, except as otherwise agreed to by the applicant pursuant to Section 20A(b).
- (g) The Municipal Reviewing Authority shall approve the Plat if it conforms with the requirements of this Code, the Comprehensive Plan, the Composite Zoning Ordinance, and the Texas Local Government Code and the applicant has obtained approval of a Phasing Plan, while taking into account access to and extension of the City water system, reuse water system (if applicable), wastewater system, and stormwater drainage facilities.
- (h) Disapproval or Conditional Approval.
 - (1) *Resubmittal Application.* After disapproval or conditional approval of a Plat, the applicant may submit a Resubmittal Application that addresses each condition of approval or remedies each reason for disapproval provided. The Resubmittal Application that has been accepted as complete shall be reviewed and processed in accordance with this Ordinance.
 - (2) *Action on Resubmittal Application.* The Municipal Reviewing Authority shall take action on the Resubmittal Application within fifteen (15) days of Resubmittal Date. The Council, if Council action is required, within fifteen (15) days of the date of the Commission's action or required action on the Resubmittal Application, shall take action on the Resubmittal Application. The failure of Municipal Reviewing Authority to act within fifteen (15) days of the Resubmittal Date, or the Council to act within fifteen (15) days of Commission action or required on the Resubmittal Application shall be deemed an approval of the Plat by the respective body, if the Resubmittal Application satisfies all conditions of a conditional approval or remedies all reasons for disapproval, except as otherwise requested by the applicant and approved by the Municipal Reviewing Authority pursuant to Section 20A(b).

SECTION 11. Amendment of Article II, Sections 21(d), (e), and (f). Article II, Sections 21(d), (e), and (f) of the Subdivision Ordinance are hereby amended to read as follows:

- (d) Procedure. A Concept Plan shall be submitted to the City for approval by the Municipal Reviewing Authority. If the Concept Plan is not eligible to be approved by the Director of Planning under Section 20(a), both the Commission and the Council must approve the Concept Plan.
 - (1) Legible prints, as indicated on the application form, shall be submitted to the City along with the completed application forms, payment of all applicable fees, all information required by the most recent application/checklist and any attendant documents needed to supplement the information provided on the plan.
- (e) Notification. Public notification for a Concept Plan shall not be required unless a variance to the ordinance requirements is proposed. .
- (f) Approval. The Municipal Reviewing Authority, after holding any public hearings in accordance with City ordinances and codes, shall take action on the Concept Plan.
 - (1) If applicable, zoning of the tract shall permit the uses proposed by the Concept Plan, or a zoning amendment necessary to permit the proposed uses shall be required prior to approval of the Concept Plan.
 - (2) Approval of a Concept Plan constitutes acceptance of the general development and arrangement of lots indicated on the plan; the classification and arrangement of streets indicated; the proposed phasing plan; and the nature of utility service proposed. Subsequent zoning approvals cannot be guaranteed.
 - (3) Concept Plan approval does not ensure approval of a Preliminary Plat failing to meet specific requirements of this Ordinance, and approval does not comprise any vesting of development rights or any assurance that permits of any kind will be issued.

SECTION 12. Repeal of Article II, Section 21(g); Renumbering of Subsequent Sections; Amendment of Renumbered Article II, Section 21(j). Article II, Section 21(g) of the Subdivision Ordinance is hereby repealed. The remaining subsections (h), (i), (j), and (k) are renumbered to (g), (h), (i), and (j). Renumbered Section 21(j), Article II (formerly Section 21(k)) is hereby amended to read as follows:

- (j) Revision. If a revision to a previously approved Concept Plan is required, all changes must be resubmitted to the Municipal Reviewing Authority for approval. All fees shall be repaid as if the Concept Plan was initially being submitted.

SECTION 13. Repeal of Article II, Section 22(c)(5)(vii). Article II, Section 22(c)(5)(vii) is hereby repealed.

SECTION 14. Amendment of Article II, Sections 22(d), (e), and (f). Article II, Sections 22(d), (e), and (f) of the Subdivision Ordinance are hereby amended to read as follows:

- (d) **Procedure.** A Preliminary Plat for any proposed subdivision of land, shall be submitted to the Municipal Reviewing Authority for action.
 - (1) 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 Preliminary Plat is to be heard, along with support documents identified above,

all information required by the most recent application/checklist and the following:

- (i) Completed and signed application forms and the payment of all applicable fees.
 - (ii) A summary letter stating briefly the type of street surfacing, drainage, water and wastewater facilities proposed, and declaring the intent to either dedicate parkland or pay fees-in-lieu of said dedication if such dedication or fees apply.
 - (iii) A petition requesting annexation, if applicable.
 - (iv) A letter requesting any variances from the provisions of this Ordinance.
 - (v) Any attendant documents needed to supplement the information provided on the Preliminary Plat.
- (2) For projects located within the City's extra-territorial jurisdiction, the applicant shall be responsible for any additional information required by the County for Preliminary Plat approval.
 - (3) For projects located within the Lake Travis watershed, the applicant shall coordinate reviews with the Lower Colorado River Authority (LCRA) for compliance with the Lake Travis and Upper Highland Lakes Non-point Source Pollution Control Ordinance. The applicant shall be responsible for any additional information required by the LCRA for the necessary approvals.
 - (4) City staff shall forward the Preliminary Plat to other jurisdictional agencies, including but not limited to, Williamson and/or Travis County (if in ETJ), LISD, CAMPO, Capital Metro, Fire Department and utility companies.
- (e) **Notification.** Public notification for a Preliminary Plat shall not be required unless a variance to the ordinance requirements is proposed.
- (f) **Approval** A Preliminary Plat shall be submitted to the City for approval by the Municipal Reviewing Authority. If the Preliminary Plat is not eligible to be approved by the Director of Planning under Section 20(a), the Commission must approve the Preliminary Plat.
- (1) Approval of the Preliminary Plat shall not constitute approval of the Final Plat, but shall constitute a vesting of the right to develop under City ordinances, codes and policies in effect on the date of the approval provided that neither the Preliminary Plat nor any subsequent plat or permit has been, or is allowed, to expire.
 - (2) The applicant should be aware that specific approvals from other agencies may be required.
 - (3) A Preliminary Plat shall not be approved if it is not in conformance with the Composite Zoning Ordinance.

SECTION 15. Repeal of Article II, Section 22(g); Renumbering of Subsequent Sections; Amendment of Newly Renumbered Article II, Section 22(j); Repeal of Renumbered Section 22(k), Article II. Article II, Section 22(g) of the Subdivision Ordinance is hereby repealed. The remaining subsections (h), (i), (j), (k), and (l) are renumbered to (g), (h), (i), (j), and (k). Renumbered Section 20(k), entitled "Responsibility", is hereby repealed. The first paragraph of newly renumbered Article II, Section 22(j) (formerly Section 21(k)) is hereby amended to read as follows, and the remaining subsections shall remain in effect:

- (j) Revision. If a revision to a previously approved Preliminary Plat is required, then no application for a Final Plat shall be accepted until the revised Preliminary Plat has been submitted and approved by the Municipal Reviewing Authority, unless the revision is determined to be a minor revision as provided herein. The application for revised Preliminary Plat approval shall be accompanied by a fee equal to the application fee for a Preliminary Plat, provided that an application that is determined to be a minor revision as provided herein shall be accompanied by the fee set forth in Section 22(j)(1). The approved Preliminary Plat shall be kept on file as public record in the offices of the City.

SECTION 16. Amendment of Article II, Sections 24(d), (e), and (f). Article II, Sections 24(d), (e), and (f) of the Subdivision Ordinance are hereby amended to read as follows:

- (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 approval by the Municipal Reviewing Authority, and such approval shall be obtained, before recordation of the Plat.
- (1) A Final Plat may be submitted for review and approval simultaneously with Construction Plans only if the applicant elects to seek approval under the Alternative Review Procedure set forth in Section 20B(a) of the Subdivision Ordinance at the time of submittal, provided however that the Final Plat shall not be approved until the Construction Plans have been approved and all required improvements have been determined by the City Engineer to be complete or fiscal surety is posted for such improvements including any required park improvements. 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 to the City simultaneously and the Alternative Review Procedure described in Section 20B(a) will govern review, processing, and approval of the applications.
- (2) Legible prints, as indicated on the application form, shall be submitted along with all information included on the most recent Final Plat application/checklist and the following pursuant to the Submittal Schedule:
- a) Completed application forms and the payment of all applicable fees.
 - b) Any materials or documents required by the Municipal Reviewing Authority as a condition of Preliminary Plat approval.
 - c) 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.
 - d) 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.
 - e) Certification from all applicable taxing authorities that all taxes due on the property have been paid.
 - f) Any attendant documents needed to supplement the information provided on the Final Plat.
- (3) For projects located within the City's extra-territorial jurisdiction, the applicant shall be responsible for any additional information required by the County for Final Plat approval.

(4) For projects located within the Lake Travis watershed, the applicant shall coordinate reviews with the Lower Colorado River Authority (LCRA) for compliance with the Lake Travis and Upper Highland Lakes Non-point Source Pollution Control Ordinance. The applicant shall be responsible for any additional information required by the LCRA for the necessary approvals.

(e) **Notification.** Public notification of a Final Plan, in compliance with this subsection, shall be required if a variance to the ordinance requirements is proposed or if the Final Plat is a replat of an existing plat without vacating the preceding plat for property that was limited by the following during the past five (5) years: interim or permanent zoning classification for a residential use of not more than two (2) residential units per lot; or limited by deed restrictions to residential use for not more than two (2) residential units per lot. Such public notification shall be made as follows:

- (1) The developer shall post signs along contiguous rights-of-way at each corner of the development and at intervals that do not exceed three hundred (300) feet between said corners. Signs must be in accordance with the City Standard Details and Specifications. Signs must be posted at least 15 days before the first public hearing, but shall not be posted more than 30 days in advance of the first public hearing.
- (2) The City shall mail public notification letters, postmarked no fewer than fifteen (15) days prior to the appropriate Commission hearing, to the owners of all property, any part of which is located within two hundred (200) feet of the perimeter of the property included within the Final Plat. Such owners shall be determined by the most recent tax rolls from the County Appraisal District. .

(f) **Approval.** A Final Plat shall be submitted to the City for approval by the Municipal Reviewing Authority. If the Final Plat is not eligible to be approved by the Director of Planning under Section 20(a), the Commission must approve the Final Plat.

(1) A final plat shall not be approved if:

- i. The tract is not in conformance with the Composite Zoning Ordinance or the Subdivision Ordinance.
- ii. Fees in-lieu of parkland dedication as required by this Ordinance, if applicable, have not been paid.
- iii. Written acceptance of all improvements required by this Ordinance by the City Engineer or, in lieu of acceptance, assurance of completion of said improvements pursuant to this Ordinance, has not been received by the City.
- iv. Applicable fees required by this Ordinance have not been paid.
- v. Notes describing any variances approved by the Commission have not been added to the plat.
- vi. Two (2) copies of record drawings have not been submitted to and approved by the City Engineer, along with a statement prepared by a licensed professional engineer.
- vii. Computer generated drawings of all public improvements shown on the Construction Plans, and all lot lines shown on the Final Plat, have not been submitted to the City Engineer to update City record drawings.
- viii. Maintenance bonds meeting the requirements of this Ordinance have not been provided.

- ix. An affidavit of all bills paid and a release of liens have not been provided.
- x. Any and all other requirements required by this Ordinance or applicable law or identified in the Final Plat process have not been satisfied.

(2) The developer should be aware that specific approvals from other agencies may be required.

SECTION 17. Repeal of Article II, Section 24(g); Renumbering of Subsequent Sections; Amendment of Renumbered Sections 24(h) and (i), Article II. Article II, Section 24(g) of the Subdivision Ordinance is hereby repealed. The remaining subsections (h), (i), (j), and (k) are renumbered to (g), (h), (i), and (j). Renumbered Sections 24(h) and (i), Article II, (formerly Sections 24(i) and (j)) are hereby amended to read as follows.

(h) Disapproval, Expiration and Extension.

- (1) In the event that an applicant requests city staff delay submitting a Final Plat to the Municipal Reviewing Authority in accordance with Section 20A(b), the applicant must present the Final Plat application to the Municipal Reviewing Authority within six (6) months of the date the delay is requested or the Final Plat application will expire. The Planning Department may grant one six (6) month extension if there are extenuating circumstances.
- (2) If the Municipal Reviewing Authority approves the plat with conditions, the application will not expire until six months from the date of such action by the Municipal Reviewing Authority. One additional six (6) month extension may be granted by the Municipal Reviewing Authority if the applicant can demonstrate substantial progress in compliance with conditions.
- (3) The approval of the final plat by the Municipal Reviewing Authority shall expire within one (1) year of the date of approval if the final plat is not recorded with the County.

(i) Recordation.

- (1) Prior to the recordation of the Final Plat:
 - (i) The Final Plat shall have been approved by the Municipal Reviewing Authority and signed by the appropriate City officials pursuant to the provisions of this Ordinance.
 - (ii) Copies of any agreements required providing for the proper and continuous operation, maintenance, and supervision of any facilities that are of common use or benefit which cannot be satisfactorily maintained, or which have been rejected for operation and/or maintenance, by an existing public agency shall be executed.
- (2) City staff shall, upon determination that all provisions of this Ordinance have been satisfied, and all the above conditions have been met, obtain signatures certifying Final Plat approval by the Municipal Reviewing Authority, as attested to by the Commission Secretary.
- (3) Once the original Final Plat has been certified by the Municipal Reviewing Authority, City staff shall notify the developer that the original, signed Final Plat is ready to be recorded.
- (4) The City shall make arrangements to have the Final Plat filed for recordation at the developer's expense in the Official County Records at the appropriate county offices.

- (5) If the land area represented by the subdivision is located outside the corporate limits of the City on the date of its filing for recordation with the Official County Records, then it must be approved by the Commissioners Court of the County prior to recordation unless an agreement between the City and County stipulates differently. It shall be the responsibility of the developer to be familiar with the process, procedures, and requirements necessary to secure County approval. Such approval shall be evidenced by the signature of the statement of certification by the County Judge.
- (6) After the Plat is filed for recordation, the City shall obtain official scanned copies of the recorded final plat. The City shall not issue final address Plats or permits for lots within the subdivision until the Final Plat has been recorded, the developer has paid the county recordation fee, and the scan of the recorded plat is received.

SECTION 18. Repeal of Renumbered Section 24(j), Article II. Renumbered Section 24(j), Article II (formerly Section 24(k)) is hereby repealed.

SECTION 19. Amendment of Article II, Sections 25(f) and (g). Article II, Sections 25(f) and (g) of the Subdivision Ordinance are hereby amended to read as follows:

- (f) Approval. The Director of Planning shall take action any Amended Plat meeting the requirements of this Ordinance within thirty (30) days the Filing Date (or within the time frame set forth in an extension under Section 20A). If the Amended Plat is disapproved, the City Staff shall notify the applicant, in writing by the thirtieth (30th) day following the Filing Date, of disapproval, state the reasons for disapproval, and cite to the law or ordinance that is the basis for disapproval. The failure of the Director of Planning to act within thirty (30) days of the Filing Date (or within the frame set forth in an approved extension), shall be deemed an approval of the Amended Plat, except as otherwise agreed to by the applicant pursuant to Section 20A(b). If in the City Staff's determination, the Amended Plat does not qualify to be revised as an Amended Plat under this Ordinance or state law, the Director of Planning shall disapprove the application in writing, state the specific reason for disapproval, cite to the law or ordinance that is the basis for disapproval, and may require the plat to be processed in accordance with the Final Plat procedures of this Ordinance. An Amended Plat shall not be approved if it is not in conformance with the Composite Zoning Ordinance.
- (g) Resubmittal.
 - (1) After disapproval or conditional approval of the Amended Plat, the applicant may submit a Resubmittal Application that addresses each conditional approval or remedies each reason for disapproval provided. The Resubmittal Application that has been accepted as complete shall be reviewed and processed in accordance with Section 20(g).
 - (2) The Director of Planning shall take action on the Resubmittal Application within fifteen (15) days of Resubmittal Date. The failure of the Director of Planning to act within fifteen (15) days of the Resubmittal Date shall be deemed an approval of the Amended Plat if the Resubmittal Application satisfies all conditions of a conditional approval or remedies all reasons for disapproval, except as otherwise

requested by the applicant and approved by the Municipal Reviewing Authority pursuant to Section 20A(b).

SECTION 20. Repeal of Article II, Sections 25(j) and 26(j). Article II, Sections 25(j) and 26(j) are hereby repealed.

SECTION 21. Amendment of Article V, Section 72(b). Article V, Sections 72(b) of the Subdivision Ordinance is hereby amended to read as follows:

- (b) Notification. The notification procedures for variance requests shall be as follows:
- (1) The developer shall post signs along contiguous rights-of-way at each corner of the development and at intervals that do not exceed three hundred (300) feet between said corners. Signs must be in accordance with the City Standard Details and Specifications. Signs must be posted at least fifteen (15) days before the first public hearing, but shall not be posted more than thirty (30) days in advance of the first public hearing.
 - (2) The City shall mail public notification letters, postmarked no fewer than fifteen (15) days prior to the public hearing, to the owners of all property, any part of which is located within two hundred (200) feet of the perimeter of the property included within the variance application.

SECTION 22. Updating Internal Section References. The following provisions of the Subdivision Ordinance are amended as follows for the purpose of updating internal section references:

- 1) The reference to “Art. II. Section 21(14)” in the definition of Exceptional Topographic Conditions shall be amended to “Art. II. Section 21(c)(14)”.
- 2) The reference to “Section 20(d)(iii)” in renumbered Section 20(h)(1) shall be amended to “Section 20(e)(iii).
- 3) The reference to “Section 20(h)” in renumbered Section 20(h)(1) shall be amended to “Section 20(i)”.
- 4) The reference to “Section 20(g)” in renumbered Section 20(i) shall be amended to “Section 20(h)”.
- 5) The reference to “Section 22(i)(1)” in renumbered Section 22(h)(2) and renumbered Section 22(i) shall be amended to “Section 22(h)(1)”.
- 6) The references to “Section 22(k)” in renumbered Section 22(j)(4) shall be amended to “Section 22(j)”.
- 7) The reference to “Section 7(c)” in Section 70 shall be amended to “Section 7(b)”.

SECTION 23. Conflicting Ordinances. Exhibit A, Chapter 10 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 24. 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 25. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter

SECTION 26. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

SECTION 27. Open Meetings. That 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, Chapt. 551, Loc. Gov't. Code.

PASSED AND APPROVED on this the 6th day of June, 2024.

ATTEST:

THE CITY OF LEANDER, TEXAS:

Dara Crabtree, City Secretary

Christine DeLisle, Mayor