LIBERTY HILL

FREEDOM TO GROW

PLANNING & ZONING COMMISSION REGULAR MEETING AGENDA

TUESDAY – AUGUST 04, 2020 – 6:30 PM

Wes Griffin - Chair	Brian Williams – Vice Chair
Cheryl New - Commissioner	Steve Messana – Commissioner
Josh McGinty – Commissioner	Jared King – Commissioner
Steve McIntosh - Commissioner	

Notice is hereby given that A MEETING of the PLANNING & ZONING COMMISSION will be held TUESDAY – AUGUST 4, 2020 at 6:30 PM at 2801 Ranch Road 1869 – Liberty Hill to consider items as follows. All items are subject to action.

1. CALL TO ORDER
   a) **Establish Quorum**
   b) **Invocation**
   c) **Pledge of Allegiance**
   "I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with Liberty and Justice for all."
   d) **Texas Pledge**
   "Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."

2. REGULAR AGENDA
   a) **Discuss and consider approval of minutes of the Planning and Zoning meeting held June 30, 2020.**
   b) **Discussion and recommendation on final action regarding the Heritage Ridge Preliminary Plat.**
   c) **Review and update regarding the Unified Development Code.**

3. ADJOURNMENT

POSTING CERTIFICATION: I, Nancy Sawyer – City Secretary for the City of Liberty Hill, certify that the attached notice of meeting for the Planning & Zoning Commission of the City of Liberty Hill was duly posted on the bulletin board at Council Chambers located at 2801 Ranch Road 1869 in Liberty Hill, Texas on the ____ day of _____, 2020 at ___ PM.

REMOVAL CERTIFICATION: I, Nancy Sawyer – City Secretary for the City of Liberty Hill, certify that the attached notice of meeting was removed from the bulletin board at Municipal Court / Council Chambers located at 2801 Ranch Road 1869 in Liberty Hill, Texas on the _____ day of _____, 2020 at _____.

AGENDA ITEM #2.a

PLANNING AND ZONING COMMISSION

MEETING MINUTES

TUESDAY – JUNE 30, 2020 – 6:30 PM
2801 Ranch Road 1869 – Liberty Hill

CALL TO ORDER

The Liberty Hill City Planning and Zoning Commission Meeting was called to order at 6:32 PM by Chairperson Wes Griffin on Tuesday - June 30, 2020 at 2801 Ranch Road 1869 in Liberty Hill. Invocation was given followed by reciting the Pledge of Allegiance and Texas Pledge. Quorum was established.

Planning and Zoning Commission members present were as follows: Wes Griffin, Steve Messana, and Cheryl New, and Steve McIntosh. Brian Williams, Jared King, and Josh McGinty were not in attendance.

Others present were David Stallworth, Lacie Hale, and Nancy Sawyer.

PUBLIC HEARING

Wes Griffin – Chair opened the Public Hearing at 6:32 PM stating:
NOTICE IS HEREBY GIVEN that the City of Liberty Hill has been asked to review and approve the following application(s), to wit:

A request for a Conditional Use Permit to allow a Duplex in the Downtown Commercial/Retail District (C-2) on the following property:

> **100 CR 279, City of Liberty Hill, Texas. AW0233 – Henry Field Survey .29 Acres. WCAD Property Number R0220211.**

In accordance with Section 211.006 of Texas' Local Government Code, a public hearing on this application will be conducted by the Planning and Zoning Commission. This hearing will begin at **6:30 PM** on **Tuesday, June 30, 2020.** The Planning Commission will then forward its recommendations to the City Council, who will conduct its own public hearing at **6:30 PM** on **Monday, July 13, 2020** and make the final decision on this matter. Both public hearings will be

held at the Municipal Court Building, Council Chambers, 2801 RM 1869 in Liberty Hill, Texas. Information regarding this application is available at the City's Planning and Development Department, 100 Forrest Street. For more information, call (512) 548-5519.

As a recipient of this Notice, you are invited to attend these public hearings and offer comment. You may also submit written comments regarding this application to the City's Planning and Development Department, 100 Forrest Street, Liberty Hill, Texas 78642. Any written comments received in advance of the public hearing will be presented during the hearing and become part of the official record. For more information, call (512) 778-5449.

Outcome: There were no comments; the Public Hearing was closed at 6:34 PM.

REGULAR AGENDA

Discuss and Consider approval of minutes from the regular Planning & Zoning Commission meeting held Tuesday – June 2, 2020. **Outcome:** On motion by Wes Griffin and second by Cheryl New, the Commission approved the minutes from the regular Planning and Zoning Commission meeting held Tuesday – June 3, 2020. **Motion passed on vote of 4 AYES, 0 NAYS, and 0 ABSTENTIONS.**

Discussion and recommendation to City Council on the final disposition of the application for the Caughfield – Phase 11 Final Plat. **Outcome: Discussion and recommendation to City Council on the final disposition of the application for the Caughfield – Phase 11 Final Plat.** **Outcome:** David Stallworth – Senior Director of Planning stated this plat is approximately 38 acres. The Staff of the Planning & Development Department finds the plat to be technically correct and proposes the Planning and Zoning Commission recommend approval to Council. On motion by Steve Messana and second by Steve McIntosh, the Commission approved the motion. **Motion passed on vote of 4 AYES, 0 NAYS, and 0 ABSTENTIONS.**

Discussion and recommendation to City Council on final disposition of the application for a Conditional Use Permit in the Downtown Commercial Retail (C-2) Zoning District for the property located at 100 CR 279 and within the City Limits of Liberty Hill, Texas. Outcome: David Stallworth – Senior Director of Planning, stated that the request is for converting a single family residential property to two units. The building is approximately 1500 square feet and was built in 1930. The request meets all conditions. On motion by Cheryl New and second by Steve Messana, the Commission approved the motion. **Motion passed on vote of 4 AYES, 0 NAYS, and 0 ABSTENTIONS.**

ADJOURNMENT

On motion by Steve Messana and second by Steve McIntosh, the meeting of the Planning and Zoning Commission was adjourned at 6:42 PM. **Motion passed on vote of 4 AYES, 0 NAYS, and 0 ABSTENTIONS.**

_____

Nancy Sawyer
City Secretary

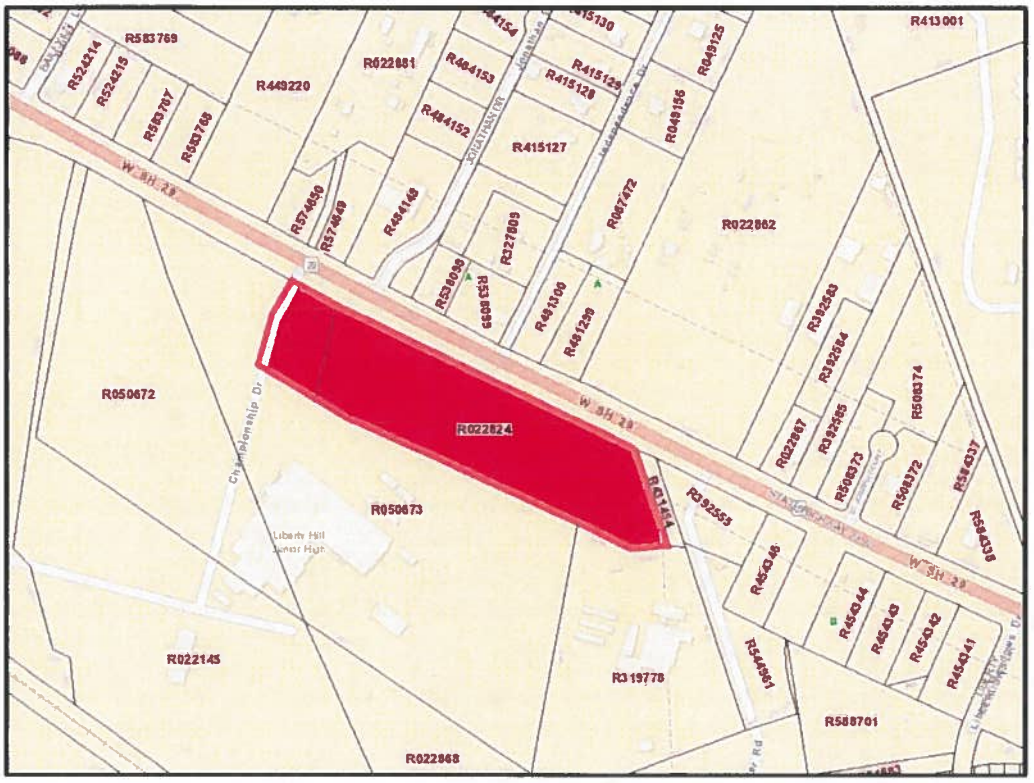
AGENDA ITEM #2.b

Planning & Zoning Commission
August 4, 2020

City Council
August 10, 2020

Item:	**Discussion and recommendation on final action regarding the Heritage Ridge Preliminary Plat,** located at the NWC of State Road 29 and Championship Drive inside the city's limits and identified as 10.578 acres out of the J.B. Robinson Survey, ABS 521, Williamson County, TX (WCAD ID No. R022824 and a portion of R050673).
Owner:	Liberty Hill Investments, LLC
Agent:	Michael Beevers
WILCO ID Number:	**R022824 and R050673**
Current Zoning:	General Commercial/Retail District (C-3)

Site Map:



Discussion: The request is to facilitate the future platting of up to eight (8) commercial/retail lots, one (1) detention basin tract, and approximately 231 linear feet of public street. The subject 10.578-acre property is located along the south side of State Road 29 (SR-29), east of Championship Drive, which serves as the primary entrance to the city's middle school. The application was submitted on

12 June, 2020. There are no concurrent requests associated with this application. Upon a recommendation by the Commission, this application will be forwarded to the City Council for final action at its August 10, 2020 public meeting.

The subject property is oriented northwest-to-southeast, is heavily wooded and has over 1,200 feet of frontage along SR-29. There is a dilapidated single-family residence and various other accessory structures on the property that are scheduled for demolition. Ultimate new lot widths will range between 117 and 212 feet. At least three (3) points of site access are proposed, with two being situated along SR-29 and one being located along Championship Drive. Reciprocal access between each lot will be provided. A drainage detention pond is proposed near the southeast corner of the development. A private road easement abuts the subject area's easternmost boundary and is not a part of this project.

Given the extensive tree coverage of the subject property, the proposal will call for the removal of at least 158 trees that are 10 inches and greater in caliper size, fifty (50) or more of which are considered legacy trees with a caliper width of 19 inches or greater. The applicant proposes to preserve at least 14 existing legacy trees in addition to several other trees that are between 10 and 18.99 inches in caliper size.

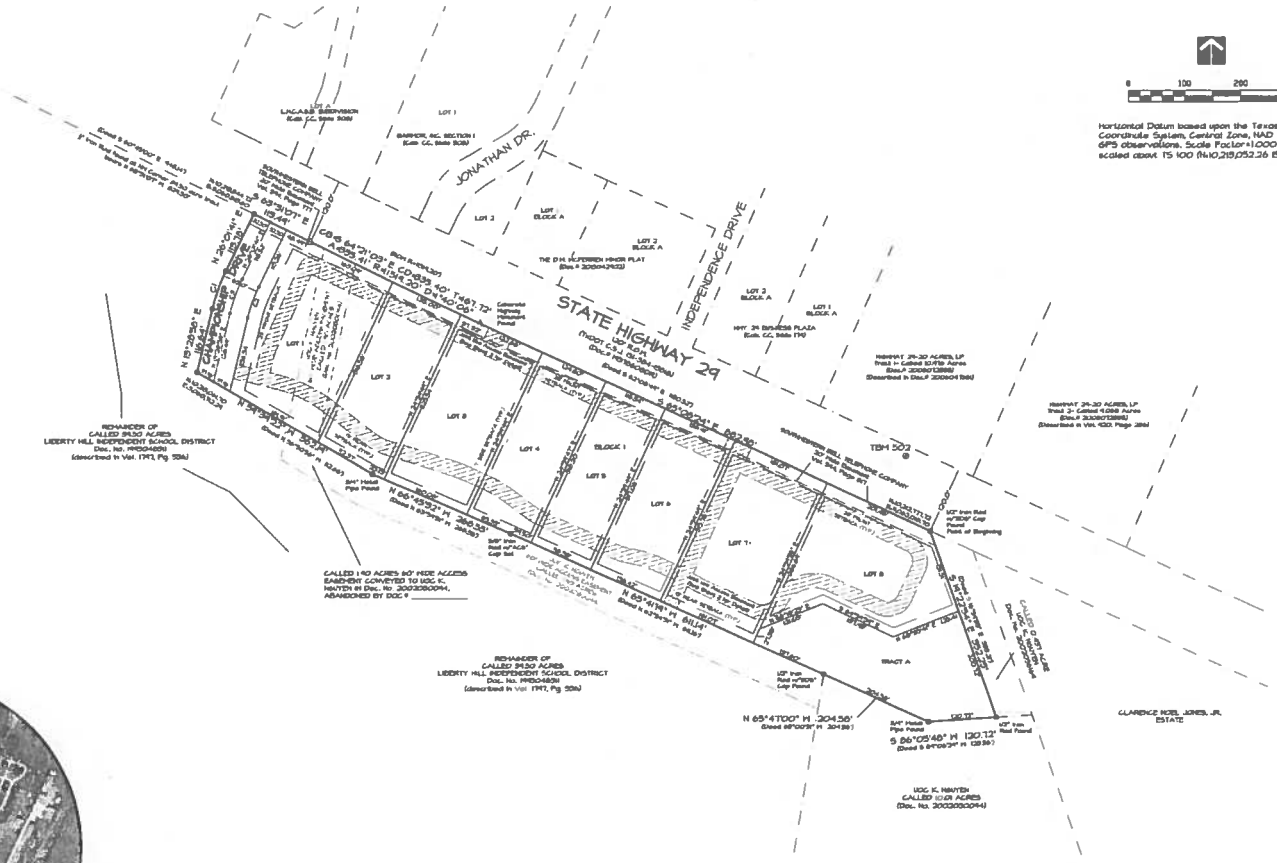
In recognition of the extent of tree removal that will be necessary for the future development of the site, the applicant offers the following additional concessions:

- An 8-foot-wide, concrete shared use path will be constructed along the site's SR-29 road frontage (RE: Sheet 3, General Note 1);
- Enhanced streetscape will be installed along both SR-29 and Championship Drive (RE: Sheet 3, General Notes 2, 3 and 4);
- Solid and durable trash enclosures will be provided (RE: Sheet 3, General Note 5);
- Parking spaces along landscaped areas will contain wheel stops (RE: Sheet 3, General Note 6);
- Pedestrian access from SR-29 to the site will be provided (RE: Sheet 3, General Note 7).

To be consistent with current City policy, the applicant is also amenable to including additional language within the preliminary plat that will facilitate architectural and building design oversight by city staff for all new development. In acknowledgment of these concessions, and upon the approval of the preliminary plat by the City Council, the proposed development will be consistent with §6.07.E of the Unified Development Code, which requires City approval of any hardwood trees that are 19 inches or greater in caliper size.

Recommendation: Staff finds the application complete and suitable for further consideration.

PRELIMINARY PLAT
HERITAGE RIDGE
10.578 ACRES, situated in the
J. B. ROBINSON SURVEY, ABSTRACT NO. 521,
LIBERTY HILL, WILLIAMSON COUNTY, TEXAS



Horizontal Datum based upon the Texas State Plane Coordinate System, Central Zone, NAD 83, as per GPS observations. Scale Factor=1.0001455606, scaled about TS 100 (N=10,219,052.26 E=3,061,845.71)

OWNER/DEVELOPER:
HERITAGE RIDGE INVESTMENTS, LLC
MICHAEL BEEVERS

TOTAL ACREAGE: 10.578 ACRES
J. P. ROBINSON SURVEY, ABSTRACT No. 521

BLOCKS: 1
LOTS: 9
TRACTS: 1

CURRENT ZONING: GENERAL COMMERCIAL/RETAIL (C3)

SUBMITTAL DATE:

SURVEYOR:
ALL COUNTY SURVEYING, INC
4350 SOUTH 5th STREET
TEMPLE, TEXAS
254-778-2212

ENGINEER
MRG GROUP
3250 SOUTH 31st STREET
TEMPLE, TEXAS
254-771-2034

TBM 502-COTTON SPINDLE IN NORTH EDGE OF PAVEMENT OF SH 29, 440'± AT EAST EDGE OF ENTRY INTO RV PARK. ELEVATION=1041.13

VICINITY MAP
-n.t.s.-

NOTES:
NO OBSTRUCTIONS PERMITTED IN DRAINAGE EASEMENTS.

HERITAGE RIDGE INVESTMENTS, LLC. WILL BE MAKING THE PLAT AS OWNER OF THE ALL THE 10.578 ACRE TRACT EXCEPT FOR THE RIGHT OF WAY OF CHAMPIONSHIP DRIVE. LIBERTY HILL ISD WILL BE MAKING THE PLAT AS OWNER OF THE ENTIRE RIGHT OF WAY OF CHAMPIONSHIP DRIVE.

EASEMENT NOTE: SUBJECT TO LIBERTY HILL WATER SUPPLY CORP. EASEMENTS OF RECORD IN DOCUMENT NO. 2003039444 AND DOCUMENT NO. 2003039473 EASEMENT IS LIMITED TO A STRIP OF LAND 15' IN WIDTH THE CENTERLINE THEROF BEING THE PIPELINE AS INSTALLED.

STREET RIGHT-OF-WAY		
	LENGTH	WIDTH
CHAMPIONSHIP DRIVE	303 LF	80 FT R.O.W.

NOTE:
THIS PORTION OF CHAMPIONSHIP DRIVE TO BE DEDICATED TO THE CITY OF LIBERTY HILL, TEXAS.

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	521.44'	11.11'	12°33'45"	N 14°29'14" E	11.11'
C2	343.44'	91.47'	12°33'45"	N 14°29'14" E	91.26'
C3	344.44'	64.24'	12°32'43"	N 14°29'19" E	64.14'

BASED UPON WHAT CAN BE SCALED FROM THE GRAPHICS SHOWN ON FEMA FLOOD INSURANCE RATE MAP (FIRM), MAP NO. 48491C0245F, EFFECTIVE DATE DECEMBER 20, 2019, THE ABOVE SHOWN PROPERTY DOES NOT APPEAR WITHIN THE "SPECIAL FLOOD HAZARD AREA" AND APPEARS TO BE SITUATED IN ZONE X. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THIS TRACT WILL NEVER FLOOD NOR DOES IT CREATE ANY LIABILITY IN SUCH EVENT ON THE PART OF THIS SURVEYOR OR COMPANY.

SHEET 1 OF 3

PRELIMINARY PLAT
HERITAGE RIDGE
10.578 ACRES, situated in the
J. B. ROBINSON SURVEY, ABSTRACT NO. 521
LIBERTY HILL, WILLIAMSON COUNTY, TEXAS

Plat Date- 07-01-2020
Survey completed 06-30-2020
Scale- 1" = 100'
Job No. H2020.1
Dwg No. H2020F
Drawn by MEN
Surveyor CCL #4969

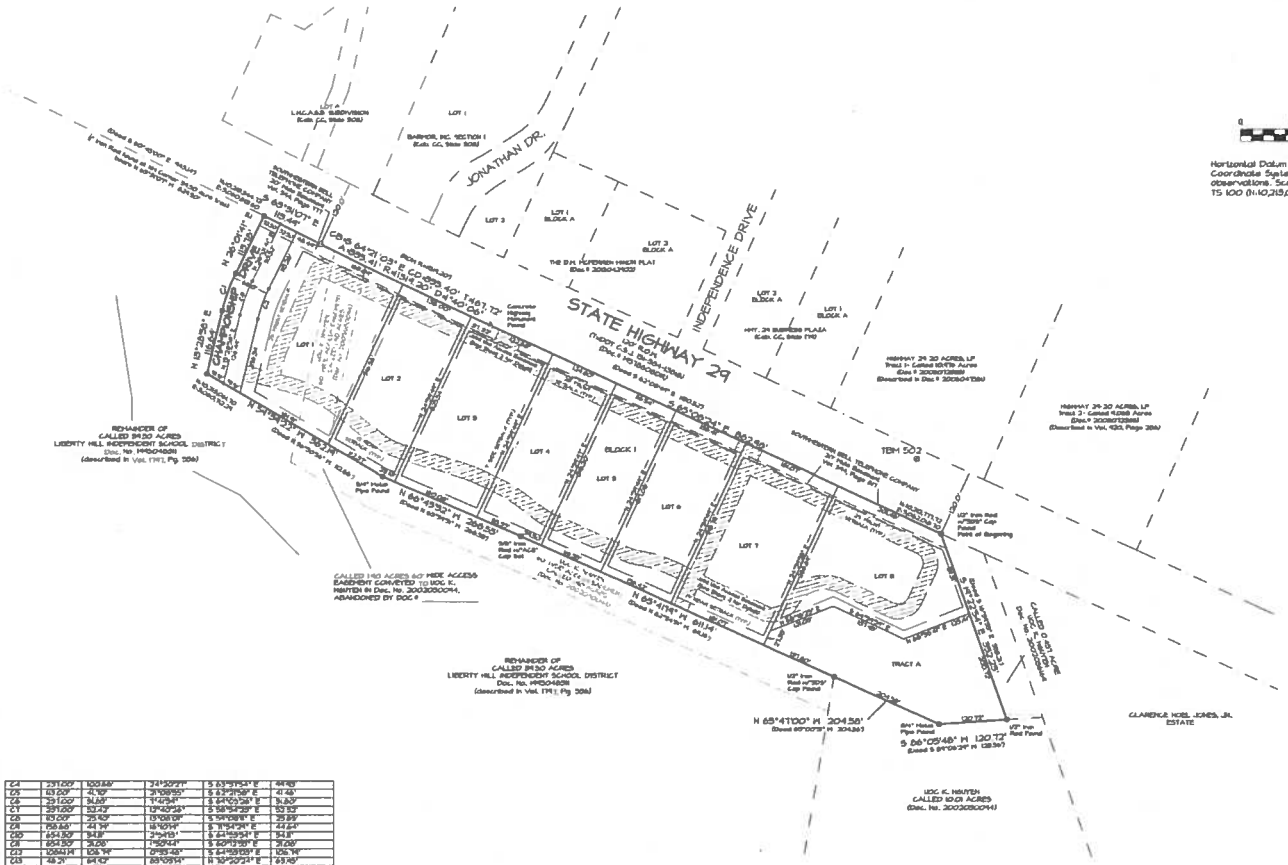
Copyright 2020 All County Surveying Inc

ALL COUNTY SURVEYING INC
Tx. Firm No. 10023800
4350 South 5th Street
Temple, Texas 76502
254-778-2212 Killeen 254-634-4636
Fax 254-774-3608
www.allcountysurveying.com

PRELIMINARY PLAT

HERITAGE RIDGE

10.578 ACRES, situated in the
J. B. ROBINSON SURVEY, ABSTRACT NO. 521,
LIBERTY HILL, WILLIAMSON COUNTY, TEXAS



ACCESS EASEMENT DETAIL

Horizontal Datum based upon the Texas State Plane Coordinate System, Central Zone, NAD 83, as per GPS observations. Scale Factor=1.00014556606, scaled from TS 100 (N:10,213,052.26 E:3,041,695.17)

LINE	BEARING	DISTANCE
L1	S 18°08'08" E	16.36'
L2	S 19°47'40" E	41.87'
L3	S 32°36'18" E	16.76'
L4	S 69°47'56" E	32.83'
L5	S 52°54'00" E	34.81'
L6	S 68°55'54" E	115.40'
L7	S 79°57'47" E	0.49'
L8	S 16°40'58" E	13.19'
L9	S 25°20'55" W	44.16'
L10	S 69°47'47" E	25.46'
L11	N 34°56'31" E	49.35'
L12	S 64°54'54" E	100.04'
L13	N 35°20'55" E	16.10'
L14	N 69°07'59" W	132.60'
L15	N 69°00'18" W	145.17'
L16	N 34°56'31" E	23.16'
L17	N 69°09'24" W	45.00'
L18	S 34°56'31" W	23.09'
L19	N 34°54'44" E	23.04'
L20	N 69°08'24" W	45.00'
L21	S 34°54'44" W	23.48'
L22	N 48°42'59" W	21.45'
L23	N 69°00'18" W	64.00'
L24	S 09°53'57" W	40.36'
L25	N 18°08'08" W	35.10'
L26	S 19°36'58" W	24.60'
L27	S 19°28'58" W	29.20'
L28	S 16°08'08" E	14.74'
L29	S 79°58'15" E	48.74'
L30	S 60°14'56" E	37.83'
L31	S 33°43'07" E	34.18'
L32	S 69°39'51" E	59.16'
L33	S 25°31'41" E	4.46'
L34	S 19°46'38" E	14.20'
L35	S 64°54'54" E	105.33'
L36	N 79°00'00" E	54.53'
L37	N 69°09'59" W	137.84'
L38	N 69°00'18" W	145.14'
L39	S 18°31'01" W	37.89'
L40	S 34°56'31" W	141.08'
L41	N 35°08'59" E	145.89'

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD DISTANCE
C1	231.00'	120.66'	S 63°31'34" E	119.32'
C2	63.00'	41.10'	S 63°31'58" E	41.45'
C3	39.00'	31.55'	S 64°03'38" E	31.20'
C4	391.00'	32.10'	S 58°54'39" E	32.10'
C5	61.00'	25.40'	S 54°08'11" E	25.19'
C6	158.50'	44.79'	S 11°54'34" E	44.64'
C7	651.00'	34.18'	S 61°13'51" E	34.18'
C8	651.00'	31.28'	S 60°13'20" E	31.28'
C9	1,084.11'	105.74'	S 64°09'33" E	105.70'
C10	48.21'	69.10'	N 12°20'21" E	63.15'
C11	56.51'	63.11'	N 87°09'11" E	59.88'
C12	48.00'	12.36'	N 70°00'00" E	12.32'
C13	48.00'	12.36'	N 70°00'11" E	12.32'
C14	26.00'	84.29'	N 70°00'00" E	51.34'
C15	325.00'	81.79'	S 63°57'54" E	81.54'
C16	81.00'	33.20'	S 63°31'58" E	31.43'
C17	368.00'	35.33'	S 61°05'38" E	35.24'
C18	368.00'	56.16'	S 58°54'39" E	56.06'
C19	81.00'	14.84'	S 54°08'11" E	14.82'
C20	184.50'	31.29'	S 11°57'38" E	31.06'
C21	650.50'	31.30'	S 63°43'44" E	31.31'
C22	660.50'	31.80'	S 62°32'47" E	31.79'
C23	1,050.11'	104.18'	S 64°09'00" E	104.18'
C24	33.31'	51.04'	N 12°19'43" E	46.31'
C25	83.31'	130.44'	N 66°49'13" E	117.54'
C26	30.00'	31.42'	N 70°00'00" E	28.38'
C27	30.00'	31.42'	N 70°00'00" E	28.38'
C28	30.00'	31.42'	N 70°00'00" E	28.38'
C29	30.00'	31.42'	N 70°00'00" E	28.38'
C30	30.00'	31.42'	N 70°00'00" E	28.38'
C31	30.00'	31.42'	N 70°00'00" E	28.38'
C32	30.00'	31.42'	N 70°00'00" E	28.38'
C33	30.00'	31.42'	N 70°00'00" E	28.38'
C34	30.00'	31.42'	N 70°00'00" E	28.38'
C35	30.00'	31.42'	N 70°00'00" E	28.38'
C36	30.00'	31.42'	N 70°00'00" E	28.38'
C37	30.00'	31.42'	N 70°00'00" E	28.38'
C38	30.00'	31.42'	N 70°00'00" E	28.38'
C39	30.00'	31.42'	N 70°00'00" E	28.38'
C40	30.00'	31.42'	N 70°00'00" E	28.38'
C41	30.00'	31.42'	N 70°00'00" E	28.38'
C42	30.00'	31.42'	N 70°00'00" E	28.38'
C43	30.00'	31.42'	N 70°00'00" E	28.38'
C44	30.00'	31.42'	N 70°00'00" E	28.38'
C45	30.00'	31.42'	N 70°00'00" E	28.38'
C46	30.00'	31.42'	N 70°00'00" E	28.38'
C47	30.00'	31.42'	N 70°00'00" E	28.38'
C48	30.00'	31.42'	N 70°00'00" E	28.38'
C49	30.00'	31.42'	N 70°00'00" E	28.38'
C50	30.00'	31.42'	N 70°00'00" E	28.38'

SHEET 2 OF 3

PRELIMINARY PLAT
HERITAGE RIDGE
10.578 ACRES, situated in the
J. B. ROBINSON SURVEY, ABSTRACT NO. 521,
LIBERTY HILL, WILLIAMSON COUNTY, TEXAS

Plot Date: 07-01-2020
Survey completed 08-20-2020
Scale: 1" = 100'
Job No. M20212
Dwg No. M20212
Drawn by JSH
Surveyor GG, SB

Copyright 2020 All County Surveying, Inc.

ALL COUNTY SURVEYING, INC
Tx. Firm No. 10023600
4380 South 24th Street
Temple, Texas 76502
254-778-2213 Killeen 254-634-4686
Fax 254-774-3628
www.allcountysurveying.com

PRELIMINARY PLAT
HERITAGE RIDGE
10.578 ACRES, situated in the
J. B. ROBINSON SURVEY, ABSTRACT NO. 521,
LIBERTY HILL, WILLIAMSON COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF WILLIAMSON KNOW BY ALL MEN BY THESE PRESENTS.

I MICHAEL DEEVERS, PRESIDENT OF HERITAGE RIDGE INVESTMENTS, LLC, A LIMITED LIABILITY COMPANY IN THE STATE OF TEXAS, BEING MORE PARTICULARLY DESCRIBED BEING ALL OF THAT CALLED X.XX ACRE TRACT OF LAND CONVEYED TO HERITAGE RIDGE INVESTMENTS, LLC, IN DOCUMENT NUMBER XXXXXXXXX AND 1.366 ACRES, BEING A PORTION OF THAT CALLED OF THAT CALLED 94.50 ACRE TRACT OF LAND OWNED BY LIBERTY HILL INDEPENDENT SCHOOL DISTRICT, IN DOCUMENT NUMBER 1995048##, BOTH OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, DO HEREBY SUBDIVIDE SAID TRACT AS SHOWN HEREON, AND DO CONSENT TO ALL PLAT NOTE REQUIREMENTS SHOWN HEREON, AND DO FOREVER DEDICATE TO THE PUBLIC THE ROADS, ALLEYS, RIGHTS-OF-WAYS, EASEMENTS AND PUBLIC SPACES SHOWN HEREON FOR SUCH PUBLIC PURPOSES AS LIBERTY HILL, WILLIAMSON COUNTY MAY DEEM APPROPRIATE, AND DO HEREBY STATE THAT ALL PUBLIC ROADWAYS AND EASEMENTS SHOWN ON THIS PLAT IS TO BE KNOWN AS HERITAGE RIDGE.

TO CERTIFY WHICH, WITNESS MY HAND THIS ____ DAY OF ________________, 2020, AD.

________________________ ________________________
HERITAGE RIDGE INVESTMENTS, LLC — STEVEN SNELL
By: MICHAEL DEEVERS, PRESIDENT — LHISD SUPERINTENDENT

STATE OF TEXAS
COUNTY OF WILLIAMSON

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED MICHAEL DEEVERS, PRESIDENT OF HERITAGE RIDGE INVESTMENTS, LLC., KNOWN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED

WITNESS MY HAND AND SEAL IN MY OFFICE, THIS________ DAY OF
________________________, 2020

____
NOTARY PUBLIC, STATE OF TEXAS

________________________ ________________________
PRINTED NAME — MY COMMISSION EXPIRES

STATE OF TEXAS
COUNTY OF WILLIAMSON

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED STEVEN SNELL, SUPERINTENDENT OF LIBERTY HILL INDEPENDENT SCHOOL DISTRICT, KNOWN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED

WITNESS MY HAND AND SEAL IN MY OFFICE, THIS________ DAY OF
________________________ 2020.

____
NOTARY PUBLIC, STATE OF TEXAS

________________________ ________________________
PRINTED NAME — MY COMMISSION EXPIRES

STATE OF TEXAS
COUNTY OF WILLIAMSON

That I, Roy Michael Smith, do hereby certify that I prepared this plat from an actual and accurate on the ground survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with Chapter 5, Subdivisions, Public Improvements, City of Liberty Hill Unified Development Code.

Roy Michael Smith — 7-1-2020
Roy Michael Smith — DATE
REGISTRATION NO. 6748

STATE OF TEXAS ★ REGISTERED ROY MICHAEL SMITH 6748 PROFESSIONAL LAND SURVEYOR

••

STATE OF TEXAS
COUNTY OF WILLIAMSON

That I, ____________________, do hereby certify that the information on this plat complies with Chapter 5, Subdivisions, Public Improvements, City of Liberty Hill Unified Development Code and the Design and Construction Standards adopted by the City of Liberty Hill, Texas.

________________________ ________________
Licensed Engineer — Date

••

Approved this ____ day of ________________ 2020, by the Planning and Zoning Commission of the City of Liberty Hill, and authorized to be filed for record by the County Clerk of Williamson County, Texas.

________________________ ________________
Wes Griffin — Date
Chairman

••

Approved this ____ day of ________________ 2020, by the City Council of the City of Liberty Hill, and authorized to be filed for record by the County Clerk of Williamson County.

________________________ ________________________
Rick Hall — ATTEST: Nancy Sawyer
Mayor — City Secretary

Surveyor's Field Notes for HERITAGE RIDGE, being:

10.578 ACRES, situated in the John B. Robinson Survey, Abstract 521, Williamson County, Texas, being all of a called 4.01 acre tract of land conveyed to Liberty Hill Investments, LLC in Document No. 2005##251, Official Public Records of Williamson County, Texas and a portion of a called 94.50 acre tract of land owned by Liberty Hill Independent School District and described in a Constable's Deed Under Order of Sale in Tax Suit, of record in Document No. 1995048##, of said Official Public Records, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with "SDS" cap found on the south line of State Highway 29, being the northeast corner of said 4.01 acre tract, same being the northwest corner of a called 0.451 acre tract of land conveyed to Uoc K. Nguyen in Document No. 2002056##, of said Official Public Records, for the northeast corner of this tract of land;

THENCE in a southerly direction, with the east line of said 4.01 acre tract (Deed S. 16° 54' 55" E., 508.21 feet), same being the west line of said 0.451 acre tract, S. 14° 22' 34" E., 502.29 feet, to a 1/2" iron rod found on a north line of a called 10.01 acre tract of land conveyed to Uoc K. Nguyen in Document No. 2002080044, of said Official Public Records, being the southeast corner of said 4.01 acre tract, same being the southwest corner of said 0.451 acre tract, for the southeast corner of this tract of land;

THENCE in a generally westerly direction, with the south lines of said 4.01 acre tract, same being the north line of said 10.01 acre tract, the following two (2) courses and distances:
1. S. 86° 03' 48" W., 120.72 feet (Deed S. 84° 06' 24" W., 123.36 feet), to a ½" metal pipe found, for a corner of this tract of land;
2. N. 65° 47' 00" W., 204.38 feet (Deed 63° 00' 51" W., 204.56 feet), to a ½" iron rod with "3 DS" cap found, being the northwest corner of said 10.01 acre tract, same being the most easterly northeast corner of said 94.50 acre tract, for a corner of this tract of land;

THENCE continuing in a westerly direction, with the south line of said 4.01 acre tract, same being a north line of said 94.50 acre tract, the following three (3) courses and distances:
1. N. 65° 41' 14" W., 64.14 feet (Deed N. 62° 54' 51" W., 64.16 feet), to a 5/8" iron rod with "ACS" cap set, for a corner of this tract of land;
2. N. 66° 43' 32" W., 268.35 feet (Deed N. 65° 54' 51" W., 268.55 feet), to a 3/4" metal pipe found, for a corner of this tract of land;
3. N. 54° 34' 22" W., passing a 3/4" metal pipe found at the southwest corner of said 4.01 acre tract (Deed N. 56° 50' 56" W., 112.66 feet), same being an angle corner of said 94.50 acre tract at 112.75 feet, and continuing over and across said 94.50 acre tract a total distance of 316.24 feet, to a 5/8" iron rod with "ACS" cap set on the west side of Championship Drive, for the southwest corner of this tract of land;

THENCE in a northerly direction, continuing over and across said 94.50 acre tract west of and parallel to Championship Drive, the following three (3) courses and distances:
1) N. 13° 29' 56" E., 116.84 feet, to a 5/8" iron rod with "ACS" cap set at the beginning of a curve to the right, for a corner of this tract of land;
2) 71.71 feet, with said curve to the right, having a radius of 321.44 feet, a delta angle of 12° 47' 43" and a chord which bears N. 19° 43' 19" E., 71.56 feet, to a 5/8" iron rod with "ACS" cap set at the end of a curve to the right, for a corner of this tract of land;
3) N. 26° 07' 41" E., 163.78 feet, to a 5/8" iron rod with "ACS" cap set on a north line of said 94.50 acre tract, same being the south line of State Highway 29, for the northwest corner of this tract of land, from which a ½" iron rod found at the northwest corner of said 94.50 acre tract bears N. 63° 31' 07" W., 824.50 feet;

THENCE in an easterly direction with the north lines of said 94.50 acre tract and said 4.01 acre tract, same being the south line of State Highway 29, the following three (3) courses and distances:
1) S.63° 31' 07" E., 103.49 feet (94.50 acre Deed S. 60° 45' 00" E., 443.14 feet), to a concrete highway monument found (broken) at the beginning of a curve to the left, for a corner of this tract of land;
2) 303.41 feet, with said curve to the left, having a radius of 11,541.20 (R.O.W. radius 11,541.20 feet), a delta angle of 1° 40' 06" and a chord which bears S. 64° 21' 05" E., 303.40 feet, to a concrete highway monument found at the end of said curve to the left, for a corner of this tract of land;
3) S. 65° 08' 24" E., 662.98 feet (4.01 acre Deed S. 62° 08' 44" E., 650.52 feet), to the POINT OF BEGINNING and containing 10.578 Acres of Land.

COUNTY CLERK'S CERTIFICATION

STATE OF TEXAS |
COUNTY OF WILLIAMSON |

I, NANCY E. RISTER, CLERK OF COUNTY COURT, WITH AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING, AND ITS AUTHENTICATION, WAS FILED FOR RECORD IN MY OFFICE ON THE ____________ DAY OF ________ 2020, A.D., AT ______ O'CLOCK, ____________M., AND WAS DULY RECORDED ON THIS THE ____________ DAY OF ________ ____________ 2020, A.D., AT ________ O'CLOCK, ___M., IN THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY IN DOCUMENT NO.________________

BY:________________________
NANCY E. RISTER
CLERK, COUNTY COURT
WILLIAMSON COUNTY, TEXAS

NOTES:

1. Developer will construct an eight (8) foot wide, concrete Shared Use Sidepath in accordance with the City of Liberty Hill's Master Trails Plan at developer's expense.
2. The proposed landscape islands along State Highway 29 will need to contain trees and low-level ground cover (can be either inert [mulch or crusher fines] or vegetation. Trees must be 3" minimum caliper and 6' minimum height at time of planting. Trees must be region-suitable, as designated by the Texas A&M Agricultural Extension Service. Street tree mix shall be 60% deciduous/40% evergreen mix. The developer will get credit for saving existing trees.
3. Street tree coverage along Championship Drive shall consist of one [illegible] street tree placed at 50' intervals with similar height and caliper requirements as those along State Highway 29. Trees must be region-suitable, as designated by the Texas A&M Agricultural Extension Service. Tree mix will not be regulated. The developer will get credit for saving existing trees.
4. A continuous hedge or shrubbery will be installed along the State Highway 29 frontage between the parking lot pavement and the shared use sidepath trail, at time of construction. Plantings must be region-suitable, as designated by the Texas A&M Agricultural Extension Service.
5. Trash enclosures shall be constructed of opaque and durable materials, preferably masonry. The use of chain-link fencing with plastic slats is not acceptable.
6. Wheel stops shall be installed within parking spaces along any landscape strip or buffer area.
7. Some form of distinct pedestrian access between State Highway 29 and the overall development shall be provided.
8. Water and Sewer impact fees will be collected at the time of building permit.

PRELIMINARY PLAT
HERITAGE RIDGE
10.578 ACRES, situated in the
J. B. ROBINSON SURVEY, ABSTRACT NO. 521,
LIBERTY HILL, WILLIAMSON COUNTY, TEXAS

Plat Date: 07-1-2020
Survey completed: 05-29-2020
Scale: 1" = 100'
Job No.: 192882
Dwg No.: 192882P
Drawn by: MPM
Surveyor: CCL 8409

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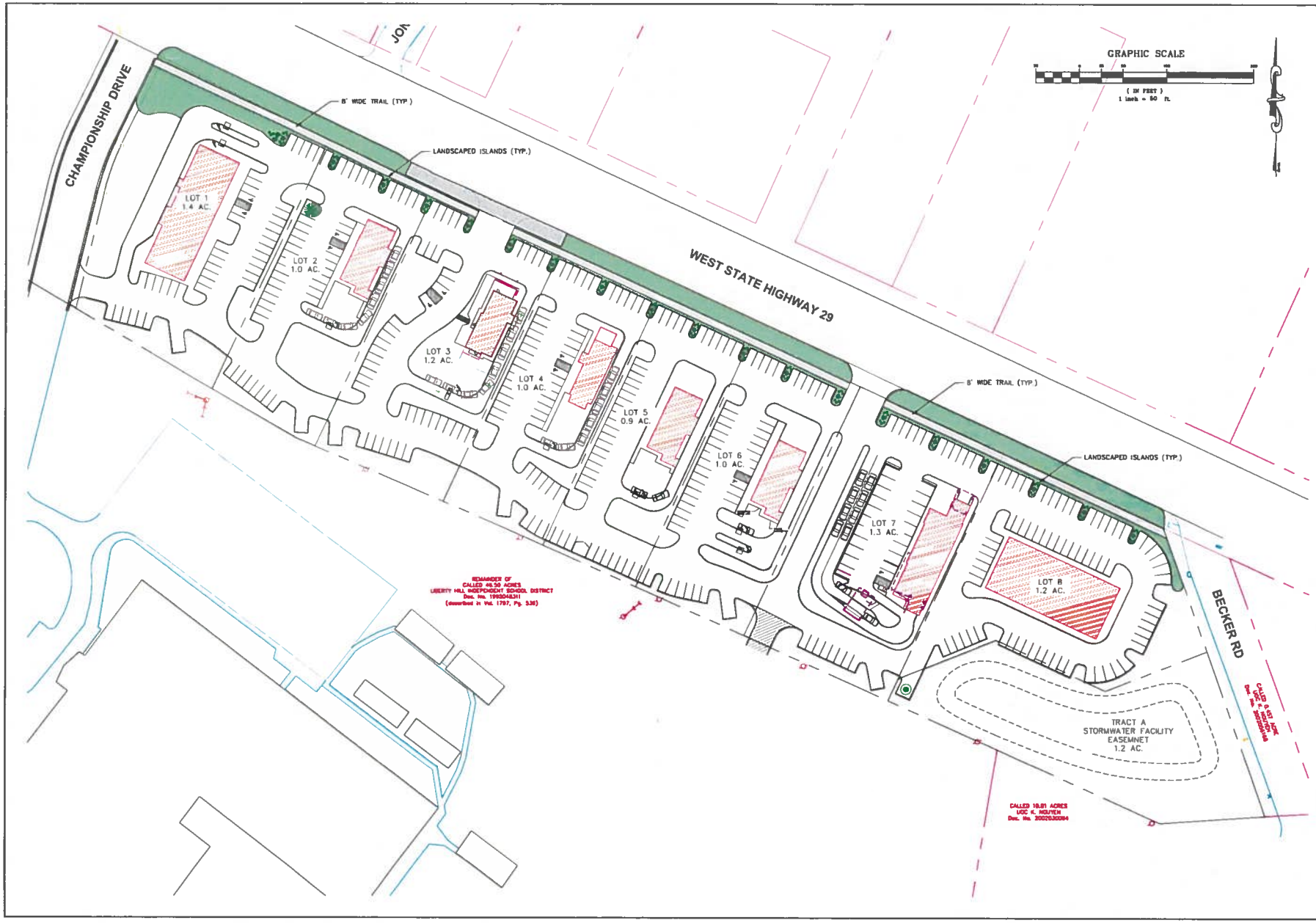

Project Title:
9 ACRE TRACT SUBDIVISION
HERITAGE INVESTMENTS
LIBERTY HILL, WILLIAMSON COUNTY

Drawing Title:
CONCEPTUAL SITE PLAN

No.	Revisions and Descriptions	By	Date

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Drawn By: JF & LF
Checked By: LF
Scale: 1" = 50'
Date: 1/2/20

THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF INTERIM REVIEW UNDER THE AUTHORITY OF THOMAS J. FROMBERGER TEXAS LICENSE #108584 11/05/2019 THIS DOCUMENT IS NOT INTENDED FOR BIDDING, PERMITTING AND/OR CONSTRUCTION PURPOSES

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Sheet No. G-1
- of -

Project No. 3491.19001

AGENDA ITEM #2.c

APPENDIX A
UNIFIED DEVELOPMENT CODE

1.00 General Provisions*

1.01 Purposes and Intent

The purpose of the Unified Development Code (UDC or Code) is to promote the public health, safety, general welfare and quality of life of the present and future citizens of the City of Liberty Hill.

1.02 Consistency with Comprehensive Plan

The City of Liberty Hill's Comprehensive Plan, as adopted and as amended and periodically updated, is the policy guide for the development of the Unified Development Code. The following General Land Use Policies from the Comprehensive Plan have been used in the development of this Code in order to ensure that land development within the City of Liberty Hill jurisdictional area is in accordance with the City of Liberty Hill Comprehensive Plan:

1.02.01 Manage Growth that is compatible with the Vision of Liberty Hill

A. New developments must be compatible with existing development and community character.

B. New development must maintain small town character, look and feel of community.

C. Priority Growth Areas should be recognized and planned for by developing an infrastructure plan to encourage development in specific areas of the community.

D. New development must occur in a fiscally responsible manner for the City.

E. The City should encourage desirable development and construct infrastructure in the following Priority Growth Areas:

F. Downtown

G. Highway 29

H. Highway 183

1.02.02 Protect the environment

A. Preserve and protect waterways and floodplains.

B. Preserve and protect surface and groundwater resources and hydrologically-active areas.

C. Cooperate with area governmental entities to ensure water quantity.

D. Preserve and protect air quality.

E. Promote and incentivize water conservation practices.

F. Promote awareness and implementation of Best Management Practices (BMPs) for purposes of water quality and land conservation.

1.02.03 Design of Buildings should be compatible with existing buildings and Vision for Liberty Hill

A. Architectural control is important, within reason, and should encourage growth by giving protection to investors who are considering investing in commercial development in Liberty Hill.

B. Regulations on commercial development should be intelligently crafted, so as to encourage economic development by providing predictability, continuity, and protection for investments that would be enhanced by orderly and attractive growth.

1.02.04 Signage should not deter from the beauty of the City

A. Do not allow new off-premises signs.

B. On-premises signs should have size and height restrictions, and signs in the "downtown" should be regulated differently from the signs on Hwy 29 and Hwy 183 in order to preserve the "small town"/"quaint village" concept of the "old town" area.

1.02.05 Promote Clean Industrial Development in Appropriate Locations
1.02.06 Promote and Appropriate Levels and Location of Multifamily Housing Development
1.02.07 Effectively Manage Manufactured Housing Development
1.02.08 Preserve and protect Liberty Hill's rich heritage.

A. Preserve and enhance historic areas throughout the City[.]

B. Preserve the community character (e.g., residential street setbacks and layouts)[.]

C. Preserve significant archaeological sites throughout Liberty Hill.

D. Downtown development should be clean, under any scenario.

E. Develop incentives for improving and maintaining historic structures.

F. Designate a Downtown District.

G. Develop Compatibility Standards.

H. Develop a Downtown District Sign Ordinance.

1.03 Authority

Chapter 2 sets forth the specific responsibilities and authority for each administrative official and review entity as it relates to the implementation of this Code. Chapters 211 and 212 of the Texas Local Government Code together with the general police powers of municipalities empower the City to adopt this Unified Development Code.

1.04 Jurisdiction
1.04.01 Within City Limits and Extraterritorial Jurisdiction (ETJ)

Williamson County shall be the primary platting authority in the City's ETJ, until such time as the City of Liberty Hill and Williamson County enter into an interlocal agreement which stipulates the division of review authority. Further information about how procedures and regulations of this Code apply to the extraterritorial jurisdiction is found in Chapter 3.

1.04.02 Within City Limits

The City of Liberty Hill has the statutory authority to exercise a broad range of powers within its city limits. Pursuant to such authority, all chapters and sections of the UDC shall apply to all areas within the city limits of Liberty Hill. All structures, land uses constructed or commenced after the effective date of the UDC and all enlargements of, additions to, changes in and relocations of existing structures and uses occurring after the effective date of the UDC are therefore subject thereto.

1.05 Applicability
1.05.01 Future Development

This Code shall apply to all matters pertaining to the use and development of land within the jurisdiction described in Section 1.04 above. The Code applies to all public buildings and private land(s), and use(s) thereon, over which the City has jurisdiction under the constitution(s) and law(s) of the State of Texas and of the United States.

1.05.02 Existing Development

Hereafter, no building or structure shall be erected, demolished, remodeled, reconstructed, altered, enlarged, or relocated in the City of Liberty Hill except in compliance with the provisions of this Code; and then only after securing all required permits and licenses. Any building, structure, or use lawfully existing at the time of passage of this Code, although not in compliance therewith, may be maintained as provided in Chapter 4, Zoning, Section 4.14, Nonconforming Uses.

1.06 Minimum Requirements

The provisions of this Code shall be interpreted and applied as the minimum requirements for the promotion of public health, safety, and general welfare.

Whenever the requirements of this Code are in conflict with the requirements of any other lawfully adopted rules, regulations, or ordinances, the requirement that is most restrictive or that imposes higher standards as determined by the City Council will apply.

The issuance of any permit, certificate or approval in accordance with the standards and requirements of this Code shall not relieve the recipient of such permit, certificate or approval from the responsibility of complying with all other applicable requirements of any other municipality, special district, state or federal agency having jurisdiction over the structures or land uses for which the permit, certificate or approval was issued.

1.07 Effective Date

This Code shall become effective and be in full force and effect immediately following its passage and approval by the City Council, as duly attested by the Mayor and City Secretary.

1.08 Severability

If any section or part of this Code is held by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Code but shall be confined in its operation to the specific sections of this Code that are held unconstitutional or invalid. The invalidity of any section of this Code in any one or more instances shall not affect or prejudice in any way the validity of this Code in any other instance.

1.09 Projects in Transition

The purpose of this section is to provide guidance to those development projects that have received some form of municipal approval prior to the date of enactment of this Code. More detailed information regarding Vested Rights and Nonconforming uses can be found in Chapter 4.

1.09.01 Projects in Construction

A. Building Permits - Nothing in this Code shall require any change in plans, construction, size or designated use of any building, structure or part thereof that has been granted a building permit prior to the effective date of this Code, or any amendment to this Code, provided construction shall begin consistent with the terms and conditions of the building permit and proceed to completion in a timely manner.

B. Approved Site Plans - Nothing in this Code shall require a change in site plan approved prior to the effective date of this Code, provided a building permit is issued prior to expiration of the site plan, and construction begins consistent with the terms and conditions of the building permit and proceeds to completion in a timely manner.

C. Violations Continue - Any violation of the previous zoning and sign ordinances or subdivision and site development regulations of the City shall continue to be a violation under this Code and shall be subject to penalties and enforcement under Chapter 6 [7], Enforcement, unless the use, development, construction or other activity is consistent with the express terms of this Code, in which case enforcement action shall cease, except to the extent of collecting penalties for violations that occurred prior to the effective date of this Code.

1.09.02 Expiration of Plats

Any minor plat, replat, amending plat, preliminary plat, or final plat approved pursuant to Subdivision Regulations in effect prior to the date of enactment of this Code that is dormant according to the provisions of Texas LGC §245.005 will expire within three years of the adoption of this Code.

1.10 Annual Updates or Amendments

The purpose of this section is to provide guidance for annual updates to the Code in order to modify procedures and standards for workability and administrative efficiency, eliminate unnecessary development costs, and to update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design.

In the sixty (60) day period prior to September 1st of each year, any person may provide a request for amendment to the Code to the City Secretary. The request for amendment shall be labeled an "Annual Update Request" and shall include a summary of the proposed changes, the reason for the proposed changes, and suggested text amendments. Annual Update Requests shall serve a legitimate purpose.

The City Secretary shall receive the proposed amendments within the sixty (60) days preceding September 1st and shall refer the proposed amendments to the Planning and Zoning Commission by October 1st of each year.

The Planning and Zoning Commission may conduct workshops to informally discuss the Annual Update Requests with interested neighborhoods, developers, homebuilders, design professionals, and other stakeholders in the development process.

The Planning and Zoning Commission shall refer the Annual Update Requests to the City Council with recommendations for amendments to the Code by December 1st of each year.

1.11 Violations

See Chapter 7, Enforcement.

1.12 Validity

The issuance or granting of a permit or approval of plans or plats, site or facility designs, or specifications shall not be construed to be a permit for, or an approval of, any violation of any provision of this Code or any other City ordinance. No permit purporting to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use that it authorizes is lawful and conforms to the requirements of this Code or a variance or modification granted pursuant to this Code.

2.00 Review Authority and Procedures

2.01 General

2.01.01 Purpose

The purpose of this Chapter is to establish the responsibilities and structure for administering and enforcing this Code, including the reviewing authority and minimum review procedures that will be followed by each reviewing authority. Chapter 3 provides supplemental information to the review procedures described in Chapter 2.

2.01.02 Conformity with Development Regulations

All City officials and employees with the responsibility or authority to issue a permit, certificate or license are prohibited from issuing a permit or license for any use, building, or purpose that conflicts with any provision of this Code. Any permit, certificate or license issued in conflict with the provisions of this Code is null and void.

2.02 Responsibility of Property Owner and/or Applicant

It is the responsibility of an applicant to provide accurate and complete information and plans to comply with the requirements of this Code and all applicable laws and regulations. The City of Liberty Hill is not responsible for the accuracy of information or plans provided to the City for its review or approval.

The City or its representatives may inspect any development activity to enforce the provisions of this Code. By submitting an application to the City, the applicant consents to entry upon the site by the City or its representatives during regular business hours for the purpose of making reasonable inspection to verify information provided by the applicant and to verify that work is being performed in accordance with the approved plans and permits and the requirements of this Unified Development Code.

The use of the following terms in this Code refers to the person, entity, or agent thereof who may apply for an approval or a permit or another decision of the City under this Code. All such terms shall be considered interchangeable. The terms include the following: owner, owner's agent, landowner, property owner, applicant, developer, and subdivider.

2.03 Administrative Officials and Review Entities

2.03.01 City Administrator

The administrative official for the purposes of this Chapter shall be the City Administrator and his assistants, deputies, and department heads insofar as they may be charged by the City Administrator and the provisions of this chapter with duties and responsibilities referenced in this Chapter and Chapter 3. The City Administrator or his designee shall ordinarily administer and enforce the provisions of this Code. The City Administrator shall serve as staff to the Planning and Zoning Commission, Board of Adjustments (BOA), Parks and Recreation Board, and the City Council except where otherwise provided by this Chapter.

2.03.02 City Administrator Powers and Duties

The City Administrator has the following powers to make final action and review and reporting duties regarding this Code:

A. The City Administrator is responsible for taking final action on the following procedures described in this Code and according to the specific criteria for each procedure as described in the Code.

1. Letter of Zoning Compliance
2. Subdivision Plat Compliance
3. Master Sign Plan
4. Temporary Use Permit
5. Administrative Plat Review

6. Minor Plat, Final Plat or Amending Plat. (If the City Administrator does not approve such a plat, the plat must automatically be forwarded to the Planning and Zoning Commission under the Subdivision Plat Review procedure.)

B. The City Administrator will review and make either a report or recommendation to the BOA, Planning and Zoning Commission, Parks and Recreation Board, or City Council, as required pursuant to the Code, on the following procedures:

1. Preliminary Plat Review
2. Site Development Permit
3. Conditional Use Permit
4. Planned Unit Development
5. Comprehensive Plan Amendment
6. Zoning Map Amendment (Rezoning)
7. Unified Development Code Text Amendment

C. The City Administrator shall have the following additional duties:

1. To comply with any other duty or responsibility clearly assigned to the City Administrator elsewhere in this Code;
2. To enforce all provisions of this Code;
3. To meet with potential applicants in preapplication conferences as described in this Code;
4. To act and serve as staff for each review body designated by this Code; and
5. To render advice and guidance, upon reasonable request of any property owner, or its agent, or occupant, on development or new construction or the restoration, alteration or maintenance of any building within the City.

D. The City Administrator shall comply with any specific procedures described in this Code.

E. The City Administrator may develop administrative rules or additional procedures to clarify implementation of this Code, provided that such rules or procedures are approved by the City Council prior to their implementation or enforcement, and provided further that additional procedures do not violate any other provisions of this Code.

F. The City Administrator will develop an Administrative Procedures Manual for application requirements for all procedures described within or developed pursuant to this Code. Such requirements must be sufficient to permit the Administrator to effectively review the application and for the final approving authority to render an informed decision.

G. Application requirements must be consistent with state law.

H. The City Administrator may waive application requirements when appropriate, but may not require additional submission requirements after an application has been determined to be complete.

I. Interpretation of the Code. Whenever there appears to be an uncertainty, vagueness, or conflict in the terms of the Code, the City Administrator, in consultation with the staff, city engineer, or city attorney, as may be appropriate, shall make every effort to interpret the Code in such a way that it fulfills the goals of the Comprehensive Plan and the UDC. The interpretation given by the Manager shall be final unless an appeal is made by the applicant to the City Council or Board of Adjustment to review and overturn his decision. In such a case the burden shall be on the applicant to prove that the Administrator's interpretation is unreasonable and in clear conflict with the governing law and the goals of the Comprehensive Plan.

2.03.03 City Engineer

A. The City Council will appoint a City Engineer to function as described in this Code. The City Engineer must be a registered professional engineer, licensed by the State of Texas and competent in the design and review of land development and urban public works.

B. The City Engineer is responsible for review and final action on the following plans described in this Code, subject to the specific criteria for the procedure as described in the Code:

1. Approval of Master Drainage Plans
2. Approval of Street and Drainage Plans
3. Approval of Water Distribution Plans
4. Approval of Wastewater Plans
5. Approval of Electric, Telephone and Telecommunications Plans
6. Approval of Water Quality Controls

C. The City Engineer will review and make either a report or recommendation to the City Administrator, Planning and Zoning Commission or City Council on the following procedures, subject to the terms and conditions set forth for such procedures in this Code:

1. Preliminary and Final Plat Review
2. Site Plan Review

D. The City Engineer shall comply with any specific procedures or technical criteria described in this Code.

E. The City Engineer may develop and implement additional procedures or technical criteria to clarify implementation of this Code, provided that such procedures or criteria are approved by the City Administrator prior to their implementation and enforcement, and provided further that the additional procedures do not violate any other provisions of this Code.

2.03.04 Parks and Recreation Board

A. The regulations and restrictions of the Parks and Recreation Board for the City of Liberty Hill will be pursuant to the provisions of applicable statutory requirements of the State of Texas and of the enabling ordinance establishing the Parks and Recreation Board.

B. The Parks and Recreation Board shall be an advisory body to the Planning and Zoning Commission and City Council on policies, programs, public and private parks within new developments in Liberty Hill's jurisdictional area, and park and recreation facilities that serve the citizens of Liberty Hill.

C. The Parks and Recreation Board will be constituted and conduct all activities in accordance with this Code and all other applicable codes, and any adopted Bylaws. The proposed bylaws shall be submitted to the City Council for review approval before the Parks and Recreation Board becomes effective.

D. The Parks and Recreation Board review process will be required for any permit or application that requires final action from the Parks and Recreation Board, as described in this Code. The Parks and Recreation Board shall be responsible for hearing and making recommendations to the Planning and Zoning Commission and City Council on the following:

Parks and Recreation Improvements and Amenities included with Park Land Dedications

E. The Parks and Recreation Board serves as an Advisory group to the Planning and Zoning Commission and City Council.

F. The Parks and Recreation Board will review the application or park-related project or policy, the Manager's report, and make recommendations to the Planning and Zoning Commission and City Council based on the Parks and Recreation Plan set forth in the Comprehensive Plan, or other subsequent plans that are developed related to parks and recreation.

2.03.05 Board of Adjustment (BOA or Board)

A. The regulations and restrictions of the Board of Adjustment (BOA) for the City of Liberty Hill will be pursuant to the provisions of applicable statutory requirements of the State of Texas. No BOA action may govern if in conflict with specific provisions of this Code.

B. The BOA has the powers and duties of a BOA in accordance with the Texas Local Government Code §211.008. The BOA's jurisdiction extends to and includes the following final actions:

1. Appeal of an Administrative Decision
2. Administrative Exception

C. The BOA will be constituted and conduct all activities in accordance with the Code and all other

applicable Codes, and any adopted Bylaws. The City Council of the City of Liberty Hill will act as the BOA until such time as a separate BOA has been created.

D. The BOA review process will be required for any permit or application that requires final action from the BOA, as described in this Code.

E. Initiation of a BOA process may be made upon:

1. Application by the property owner of the affected property or its authorized agent.

2. An administrative exception may only be requested by the City Administrator.

3. Appeal of an administrative decision may be initiated by any person aggrieved by the administrative decision, in compliance with §211.010 of the Texas Local Government Code.

F. Applications must be made in a format consistent with requirements determined by the City Administrator. Applications must include all materials determined necessary by the City Administrator. Information regarding format requirements and submittal materials required for the application will be made available by the City Administrator in advance of any application.

G. Appeal of an administrative decision must be made to the BOA in a format acceptable to the BOA.

H. Upon submission of an application, the City Administrator will determine whether the application is complete, as described in Chapter 3.

I. Appeals of administrative decisions will be forwarded to the BOA regardless of completeness. The BOA will determine whether the appeal is complete.

J. Once a procedure has been initiated and the application deemed complete, the City Administrator will review the application, considering any applicable criteria for approval and prepare a report to the BOA.

K. The City Administrator may establish procedures for administrative review necessary to ensure compliance with this Code and state law.

L. The City Administrator may assign staff to review the application and provide a preliminary report to the Manager.

M. The City Administrator's report may include a recommendation for final action.

N. The BOA will review the application, the City Administrator's report, conduct a hearing in accordance with the BOA's established procedures and state law, and take final action on the application. In accordance with Texas Local Government Code 211.009, the concurring vote of 75 percent of the members of the board is necessary to:

1. reverse an order, requirement, decision or determination of an administrative official[,]

2. decide in favor of an applicant on a matter on which the board is required to pass under a zoning requirement (Chapter 4 of this Code), or

3. authorize a variation from the terms of the zoning ordinance (Chapter 4) of this Code.

O. The application must be complete and the information contained within the application must be sufficient and correct enough to allow adequate review and final action.

P. Specific criteria for considering Administrative Exceptions are provided in Chapter 3.

Q. Specific procedures and criteria for considering appeals of administrative decisions are provided in Chapter 3.

R. A person aggrieved by a final action on a BOA procedure may appeal to a competent court of record within ten (10) days of the final action (see Texas Local Government Code, SS §211.011). Failure to appeal within ten (10) days shall cause the final action to be contractually agreed to and the action will become final and unappealable. The action will be abated upon request of either party for mediation if appealed within 10 days.

S. Prior to filing an appeal with a competent court of record, any party to an appeal may request that alternative resolution of the dispute be attempted.

2.03.06 Planning and Zoning Commission

A. The regulations and restrictions of the Planning and Zoning Commission for the City of Liberty Hill

will be pursuant to the provisions of applicable statutory requirements of the State of Texas. No requirement or the procedure of the Planning and Zoning Commission action may govern if it is in conflict with specific provisions of this Code.

B. The Planning and Zoning Commission has the powers and duties of a Planning and Zoning Commission in accordance with Texas Local Government Code §211.007 and §371.042, provided, however, that it serve only in an advisory capacity to City Council. The Planning and Zoning Commission's authority extends to and includes review and recommendation of the following:

1. Preliminary Plat
2. Conditional Use Permit
3. Overlay District Designation
4. Planned Unit Development
5. Comprehensive Plan Amendment
6. Zoning Map Amendment (Rezoning)
7. Variance to a zoning decision.
8. Unified Development Code Text Amendment

C. The Planning and Zoning Commission will be formed and conduct all activities in accordance with this Code and other applicable City code requirements, the ordinance creating the Commission and any adopted Bylaws.

D. The Planning and Zoning Commission review process will be required for any permit or application that requires review and recommendations from the Planning and Zoning Commission, as described in this Code.

E. Initiation of a Planning and Zoning Commission process may be made upon application by the property owner of the affected property or its authorized agent.

F. Application must be made in a format consistent with requirements determined by the City Administrator. Applications must include all materials determined necessary by the City Administrator. Information regarding the format requirements and submittal materials required for the application will be made available by the Manager in advance of any application.

G. The Planning and Zoning Commission will serve as an Advisory Body to the City Council. The Planning and Zoning Commission will have no authority for final action.

H. A preliminary or final plat, Conditional Use permit, zoning map amendment, or variance request will not be recommended for approval until the application is complete and the information contained within the application is sufficient and correct so as to allow adequate review and a decision on a recommendation by the appropriate review authority.

I. No plat shall be recommended without a determination that the plat conforms to the following:

1. The requirements of this Code and any applicable state law.
2. The City's Comprehensive Plan and any other adopted plans as they relate to:

i. The City's current and future streets, sidewalks, alleys, parks, playgrounds, and public utility facilities; and

ii. The extension of the City or the extension, improvement, or widening of its roads, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities.

iii. Any subdivision design and improvement standards adopted by the City pursuant to Texas Local Government Code §212.002 or Texas Local Government Code §212.044, governing plats and subdivision of land within the City's jurisdiction to promote the health, safety, morals, or general welfare of the City and the safe, orderly, and healthful development of the City.

iv. The tract of land subject to the application is adequately served by public improvements and infrastructure, or will be adequately served upon completion of required improvements.

J. Until the Commission has been given final action authority by the City Council, appeals shall be made to City Council.

2.03.07 City Council (Council)

The regulations and restrictions of the City Council for the City of Liberty Hill will be pursuant to the provisions of applicable statutory requirements of the State of Texas. The City Council (Council) has the following powers and duties:

A. The City Council is responsible for appointing and removing any members of the Planning and Zoning Commission, BOA, and Parks and Recreation Board. Appointments will be made on the recommendation of the Mayor and a vote of approval by the City Council.

B. The City Council has responsibility for hearing and taking final action on the following procedures described in this Code.

1. Preliminary Plat
2. Variance Request
3. Plat Amendments
4. Site Development Permit
5. Conditional Use Permit
6. Dedication of land and community facilities
7. Overlay District Designation
8. Planned Unit Development
9. Comprehensive Plan Amendment
10. Zoning Map Amendment (Rezoning)
11. Unified Development Code Text Amendment

C. Any other specific procedure or legislative action that requires City Council action as specified in this Code, or required by state or federal law.

D. The City Council membership and bylaws have been established by Texas Local Government Code.

E. Procedures for City Council review and action will be developed and adopted by the Council when appropriate.

F. The City Council shall serve as the final action authority for all development-related applications listed in Section 2.03.07(B) above, and as indicated throughout this Code.

3.00 Applications and Permits

3.01 Purpose and Intent

The purpose of this Chapter is to establish application procedures, internal review procedures, public notice and hearing procedures, and review criteria for the processing of applications and actions that affect the development and use of property subject to the jurisdiction of the City of Liberty Hill.

3.02 Application and Permit Clarification

3.02.01 Types of Applications and Permits

Application and permit types can be categorized as (A) Policy- and Legislative-Related Applications and Permits, (B) Subdivision-Related Applications and Permits, or (C) Development-Related Applications and Permits. Review authorities for applicable development applications and permits are described in Table 3-1, below. The Administrative Procedures Manual (developed by the City Administrator) establishes timelines for review and applicable fees. Certain procedures apply inside city limits that do not apply in the ETJ. Table 3-1 also provides guidelines for the procedures that apply in the city limits or ETJ.

A. Policy- and Legislative-Related Applications and Permits. Approval of applications for development is based (among other bases for consideration described in this Code) upon the proposed development's conformance with existing policies (including the Comprehensive Plan, Zoning Map, and Code). In cases where a proposed development is not in accordance with these policies changes to policies must be made by the appropriate review entity (either the City Council or Board of Adjustment for Policy- and Legislative-related applications and permits before any subdivision or development not in accordance

with existing policies may proceed). Includes: Comprehensive Plan Amendment, Planned Unit Development, Conditional Use Permit, Zoning Map Amendment, Code Text Amendment procedures, and certain Variances.

B. Subdivision-Related Applications and Permits. Subdivision-related procedures are necessary to establish how individual lots or projects may be developed. These procedures are used to establish what is commonly referred to as a "legal lot" on which development may occur. Subdivision activities and projects must be in compliance with this Code as well as the current (at the time of plat application) version of the Williamson County Subdivision Regulations. Should there be a conflict between the Code and the Williamson County Subdivision Regulations, the more stringent criteria will apply: Includes: Comprehensive Plan Consistency Review, Minor Plat, Amending Plat, Replat, Preliminary Plat, Construction Plan, and Final Plat.

C. Development-Related Applications and Permits. Development in the City must occur in compliance with all regulations of this Code. In addition, land must be appropriately subdivided and platted before any development project may occur. Includes: Zoning Verification Letter, Legal Lot Verification Letter, Written Interpretation, Master Sign Plan, Administrative Decision, Temporary Use Permit, Administrative Exception, Site Development Permit, Stormwater Permit, Certificate of Design Compliance, Appeal of an Administrative Decision, Variance, and Building Permit (sign only) procedures.

Table 3-1: Applications and Permits

Development in City Limits	Development in ETJ	City Council	Planning and Zoning Commission	Board of Adjustment	Parks and Recreation Commission	Administrative Review	Williamson County
POLICY-RELATED APPLICATIONS AND PERMITS							
Comprehensive Plan Amendment	Comprehensive Plan Amendment	X	O		O	O	
UDC Text Amendment	UDC Text Amendment	X	O		O	O	
Zoning Map Amendment		X	O		O	O	
Planned Unit Development		X	O		O	O	
Special Use Permit		X	O		O	O	
SUBDIVISION-RELATED APPLICATIONS AND PERMITS							
Plan Consistency Review	Plan Consistency Review					X	
Minor Plat	Minor Plat					X	
Amending Plat	Amending Plat					X	
Replat	Replat					X	
Development Plat	Development Plat	X	O				
Preliminary Plat	Preliminary Plat	X	O				
Construction Plan	Construction Plan					X	

Final Plat	Final Plat						
Development in City Limits	Development in ETJ	City Council	Planning and Zoning Commission	Board of Adjustment	Parks and Recreation Commission	Administrative Review	Williamson County
DEVELOPMENT-RELATED APPLICATIONS AND PERMITS							
Zoning Verification Letter						X	
Legal Lot Verification Letter	Legal Lot Verification Letter					X	
Written Interpretation	Written Interpretation					X	
Master Sign Plan	Master Sign Plan					X	
On-site Wastewater Permit	On-site Wastewater Permit						X
Site Plan Review						X	
Site Development Permit		X				O	
Certificate of Design Compliance			O			X	
Stormwater Permit	Stormwater Permit					X	
Administrative Decision						X	
Appeal of an Administrative Decision				X			
Administrative Exception				X			
Variance		X	O				
Temporary Use Permit						X	
Building Permit	Building Permit (Signs and Utility Permits Only)					X	

X Final Review Authority

O Initial Review or Recommending Authority

A Advisory Review

Note: Williamson County has review authority in the City's ETJ until the City and County have entered into an interlocal agreement which defines the authority and procedures otherwise.

3.03 Related Applications and Permits

Related applications and permits shall be submitted, reviewed, and approved/denied based on the procedures listed below. Some of these procedures may be followed concurrently, while some procedures require pre-approval of other procedures. Notify the City Administrator if the Administrative Procedures Manual does not clarify the timing of these procedures.

A. Development Requiring Multiple Approvals. The following restrictions apply to development applications requiring multiple approvals:

1. Policy- or legislative-related applications for permits required for a particular project may occur in any order, but shall be sequenced so that when final actions occur, each approval provides any requisite requirement for a subsequent related approval.

2. Subdivision applications may generally be considered concurrently.

3. Approval of the final plat shall not be granted until written approval plans for dedication of land and community facilities has been given by the City Administrator.

4. Development or permit applications may generally be considered concurrently.

5. No Development or permit application may be considered if there is pending subdivision activity for the same tract of land, except for administrative determinations.

6. Appeals of administrative decisions may only occur after a final decision by the City Administrator.

7. Consideration of development or permit applications shall be sequenced so that when an approval occurs, it will provide any requisite requirement for a subsequent related approval.

B. Simultaneous Submission of Related Applications.

Submittal of different applications related to the same development may be made simultaneously, although the review and processing of applications must remain in sequence as described in Table 3-1 above and elsewhere in this Code.

Applicants may file multiple applications for nonconcurrent actions/approvals. However, applications shall be reviewed and processed in the sequence required pursuant to this Code. After each application receives final action, the next consecutive application in the Code process will be reviewed for completeness pursuant to the appropriate process.

Any application submitted simultaneously with other applications is subject to approval of all other related applications that are prerequisite(s) to consideration of another application in the development process. Denial or disapproval of any concurrently submitted application shall prevent consideration of any related applications unless and until the denied or disapproved application is resolved or approved.

An applicant may withdraw any individual application from a group of simultaneously submitted applications.

3.04 Common Review Elements

3.04.01 Preapplication Conference

Prior to submission of an application, a preapplication conference between the applicant and the City Administrator is recommended. A preapplication conference is a meeting between a potential applicant under this Code and the City Administrator or his designee. The conference is an opportunity for an applicant to describe the development that will be submitted and for the City Administrator to explain the development process (i.e., which application is appropriate, which review body is responsible for final action, what the potential timelines for review may be, and what criteria will be used to determine whether the application may be approved). Completion of a preapplication conference does not imply or indicate subsequent City approval of the permit or application.

3.04.02 Application Forms and Fees

The following regulations shall apply to all applications.

A. Forms.

1. Applications required under this Code shall be submitted on forms, with any requested information and attachments, and in such numbers, as required by the City and/or indicated in the Administrative Procedures Manual. The City Administrator shall have the authority to request any pertinent information required to ensure compliance with this Code.

2. The City Administrator must make any submission requirements and applicable fee requirements available to the applicant as a part of the Administrative Procedures Manual.

3. The City Council may, from time to time, adopt by resolution specific forms and submission requirements. Such resolution shall be incorporated as an Appendix to this Code.

4. Submission Requirements

5. Development applications shall be prepared and submitted in a format acceptable to the City Administrator.

B. Fees.

1. Development and permit application fees shall be established from time to time by ordinance of the City Council.

2. All required fees shall be made payable to "The City of Liberty Hill", by local check, money order, or cashier's check.

3. An applicant who has paid the appropriate fee pursuant to submission of an application, but who chooses to withdraw such application prior to the formal written notification of completeness or incompleteness, shall be entitled to a refund of fifty (50) percent of the total amount paid upon written request to the City. The application fee required for all policy or legislative applications is not refundable.

3.04.03 Application Deadline

All applications shall be completed and submitted to the City Administrator in accordance with the Administrative Procedures Manual. An application shall not be considered as officially submitted or filed until it is determined to be complete as specified below.

3.04.04 Determination of Application Completeness

A determination whether an application is complete will be made by the City Administrator within fifteen (15) working days of submittal of the application.

If the application is determined to be incomplete, the City Administrator shall notify the applicant in writing. If the application is not resubmitted within a period specified by the City Administrator, a new application and fee shall be required.

3.04.05 Expiration of Inactive Permits and Approvals

Approvals and permits issued pursuant to this Code shall expire according to the following Table 3-2. The following general provisions apply:

A. Notification of the expiration of regulations shall be provided to the applicant as part of the notification of approval of the development-related permit.

B. A Letter of Regulatory Compliance or Written Interpretation stays in effect indefinitely where no related development is proposed. Upon submission of a proposed development application related to the Letter of Regulatory Compliance or Written Interpretation, the Letter of Regulatory Compliance or Written Interpretation shall expire according to Table 3-2 unless the proposed development is not pursued.

C. A development for which an approval or permit has been issued pursuant to this Code shall be considered to be in process as set forth below:

D. A complete building permit application has been submitted or, if no building permit is required, a certificate of occupancy has been issued.

E. In case of projects where more than one building or phase is to be built, the applicant may submit a series of building permit applications. The first application must be submitted within twelve (18) [sic] months from the date site plan approval is granted. Each subsequent application must be submitted within twelve (18) [sic] months from the date of issuance of a certificate of occupancy for the previous building or phase.

F. A lapse of a period equal to or greater than the period set forth in Table 3-2 shall cause the related approvals or permits to expire and be of no further force and effect.

G. The City Administrator may extend the expiration date of any permit one time for a period not to exceed one (1) year in length. Such extension may be granted at any time prior to or within the twelve

(12) months preceding the expiration date, but the extension period may not begin later than the original expiration date.

H. Reinstatement of a lapsed approval shall require the applicant to pursue the same submittal and to obtain approval as an original application.

I. Any minor plat, replat, amending plat, preliminary plat, final plat, concept plan (approved pursuant to previous Subdivision Regulations) or Detailed Development Plan (approved pursuant to previous Subdivision Regulations) that is dormant in accordance with the provisions of Texas Local Government Code §245.005 will expire within the provision for expiration described in the most current version of Texas Local Government Code §245.005.

Table 3-2: Expiration of Inactive Permits or Approvals

Procedure	Expiration
Letter of Regulatory Compliance	12 months
Plan Consistency Review	12 months
Written Interpretation	12 months
Temporary Use Permit	2 months (or as specified in Permit)
Administrative Plat	No Expiration
Site Plan Review	12 months
Building Permit (Sign-related only)	12 months
Stormwater Permit	12 months
Certificate of Design Compliance	12 months
Appeal of Administrative Decision	12 months
Administrative Exception	12 months
Variance	12 months
Master Sign Plan	12 months
Construction Plan	
Subdivision Plat	24 months
Special Use Permit	No Expiration
Conditional Use Permit	12 months
Historic District Designation	12 months

Planned Unit Development	No Expiration
Comprehensive Plan Amendment	24 months
Zoning Map Amendment (Rezoning)	No Expiration
Unified Development Code Text Amendment	No Expiration

3.04.06 Written Decision after Final Action

Within ten (10) days after a final decision is made by the authority authorized to make the final determination under the requirements of this Code, a copy of the written decision will be sent to the applicant. A copy of the notice will be filed at the Office of the City Administrator, where it will be available for public inspection during regular office hours. The written decision will also state the final action authority's findings, conclusions, and supporting reasons or facts whenever this Code requires such findings as a prerequisite to the final action.

3.04.07 Limitation on Reapplication

If any development permit application or other application for approval, any petition for a plan amendment or any petition for an amendment to this Code is disapproved by the final action authority, another application or petition for the same permit, approval, or amendment for the same property or any portion thereof may not be filed within a period of ninety (90) days or within a period of twelve (12) months for zoning change applications from the date of final disapproval, except with written approval of the City Council. Such reapplication must demonstrate:

A. There is a substantial change in circumstances relevant to the issues and/or facts considered during the original review of the application that might reasonably affect the decision-making body's review of the relevant standards to the development described in the application; or

B. New or additional information is available that was not available at the time of the original application that might reasonably affect the decision-making body's review of the relevant standards to the proposed development; or

C. A new application is proposed to be submitted that is materially different (e.g., proposes new uses, or a substantial decrease in proposed densities and intensities) from the prior application; or

D. The final decision on the application was based on a material mistake of fact.

3.05 Standard Review Period

3.05.01 Establishment of Review Period

The City Administrator is required to establish a standard time period for review and final action on all applications. This information will be published in the Administrative Procedures Manual. This review period will be used to determine the number of days for all time limits within this Code. If the City Administrator fails to establish review periods for each procedure, the default review period will be ninety (90) days unless State law imposes a shorter period, in which event the shorter period will prevail.

3.05.02 Restrictions on Review Period Serving as Time Limit

All time requirements are guidelines, and do not require final action within a specified period of time. The following rules describe administration of time requirements.

A. If a final action has not been taken on an application by the appropriate City staff, board, or commission, at the end of the time requirement for that application, there will be no penalty assessed to the applicant or final review authority. In these cases, consideration of the application continues, however the application becomes eligible for final action upon written request of the applicant.

B. Ongoing consideration of an application beyond the standard review period allows a review body or the final action authority to work in good faith with the applicant to make changes, modifications, and corrections in order to continue consideration of an application that might otherwise be disapproved without the changes, modifications, or corrections. If the applicant elects to proceed without making any changes, modifications, or corrections to the application, the applicant may request action as provided in 3.05.02.C below.

C. Once consideration of an application has continued past the standard review period and is eligible

for final action upon request of the applicant, the applicant may request in writing a final action decision from the final action authority. An administrative final action authority must respond with written notification of final action within ten (10) days.

3.05.03 Exception to Standard Review Period

The standard review period for any application may be extended one time for a period not to exceed thirty (30) days if a review body or final action authority requests additional studies or information concerning the application. Such an extension may not be granted after an applicant has requested final action. For purposes of a subdivision plat, when a 30 day extension has been issued, the application is deemed to have been denied but still subject to review by the City of the applicable review authority. Exceptions to this review period are as follows:

A. Standard review periods may be extended by the City Administrator as described below when, in the opinion of the City Administrator, conditions beyond the City's control exist that prevent the City Administrator, other administrative officials, or any final action authority from effectively reviewing and considering all applications in a timely manner. Typical conditions may include an excessive number of applications received by the City during a certain period of time, inadequate staff time due to temporary limitations of personnel resources or lack of availability of a required professional staff member such as the City Engineer.

B. The City Administrator may initially declare that such conditions exist without approval of the City Council, and must provide timely notice to all affected applicants. During these periods, all applications being considered are subject to the extended review period. No submittal of an application may be refused during the extended review period.

C. The City Administrator will report the action requiring the extended review period to the City Council at the next regular City Council meeting. In order to have the review period officially changed, the City Council must adopt a resolution establishing the extended review period at that meeting. The period must have a time limit, not to exceed ninety (90) days. If such a resolution is not adopted by the City Council, then the authority of the City Administrator to set aside standard review periods for this exception is no longer valid.

D. Review and processing of applications will continue during this extended review period, pursuant to the implementation of the extended review period.

E. If the conditions causing the delay are not resolved, the process may be repeated. An applicant may request final action, as specified in Section 3.05.02.C above if the City has not taken final action on the application one hundred and twenty (120) days after the date the standard review period would have expired.

F. The delay of standard review periods may not be implemented as a moratorium.

3.06 Public Hearing and Notice

3.06.01 Summary of Notice Required

Notice shall be required for review of an application as shown in the following table.

Table 3-3: Summary of Required Notice

Procedure	Published	Mailed	Posted
Administrative Appeal			
Variance	X	X	X
Special Use Permit	X	X	X
Conditional Use Permit	X	X	X
Comprehensive Plan Amendment	X		
Procedure	**Published**	**Mailed**	**Posted**

Historic District Designation	X	X	X
Planned Unit Development	X	X	X
Zoning Map Amendment (Rezoning)	X	X	X
Unified Development Code Text Amendment			X

3.06.02 Published Notice

The City Administrator shall publish public notice at least once in a local newspaper of general circulation within the City at least 15 days in advance of the meeting or hearing. The notice will contain the time and place of such public meeting or hearing and a description of the agenda items that may be considered or reviewed.

3.06.03 Mailed Notice

A Notice of Public Hearing shall be sent by the City through U.S. mail to owners of record of real property within 200 feet of the parcel under consideration and within the City Limits of Liberty Hill, as determined by the most recent tax rolls from the Williamson Central Appraisal District. The notice must be mailed at least ten (10) days prior to the date set for the public hearing.

3.06.04 Required Public Hearing

Table 3-4 identifies the types of procedures requiring a public hearing. Modifications of the application at the public hearing by the Applicant can be referred back to the recommending body by the decision-making body.

Table 3-4: Summary of Required Public Hearings

Type of Application	Board of Adjustment	Planning & Zoning Commission	City Council
Appeal of Administrative Decision	X		
Variance Legislative and Judicial	X		
Conditional Use Permit		X	X
Planned Unit Development		X	X
Comprehensive Plan Amendment		X	X
Zoning Map Amendment (Rezoning)		X	X
Unified Development Code Text Amendment		X	X
Appeal of Denial of Building Permit (sign-related)	X		

X - Public Hearing Required

3.06.05 Conduct of Public Hearings

All public hearings shall follow the procedures set forth by the City of Liberty Hill. Modifications of the application during a public hearing may be made if assurances can be given by the applicant that the changes will be made. The City Council or other review authority holding the public hearing may approve or recommend action on the application subject to the suggested changes being made and incorporated into the new application.

All findings and conclusions necessary to the permit or decision (crucial findings) shall be based upon reliable evidence. Competent evidence (evidence that people of ordinary prudence would rely on in conducting their own affairs.) shall be preferred whenever reasonably available, but in no case may crucial findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed.

3.07 Policy-Related Applications

This section provides specific approval criteria for the following policy-related applications:

* Comprehensive Plan Amendments

* Code Text Amendments

* Conditional Use Permits

* Zoning Changes/Rezoning

* Planned Unit Developments (PUDs)

* Variance

3.07.01 Comprehensive Plan Amendment

A. Applicability. The Comprehensive Plan reflects Liberty Hill's long-term plan for growth and development. The City Council may, from time to time, on its own motion or on petition, amend, supplement, change, modify, or repeal the regulations, restrictions, and boundaries herein established, or contained in the Comprehensive Plan.

B. Approval Criteria. The City Council may consider criteria it deems relevant and important in taking final action on the amendment, but shall generally determine that the amendment promotes the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City.

C. Responsibility for Final Action. Recommendations regarding Comprehensive Plan amendments may be by [sic] made by the Planning and Zoning Commission. The Planning and Zoning Commission shall forward their recommendation to the City Council who is responsible for final action on Comprehensive Plan Amendments.

3.07.02 Unified Development Code Text Amendment

A. Applicability. Amendments to this Code may be made from time to time in order to establish and maintain sound, stable, and desirable development within the jurisdiction of the City, or to correct errors in the text or caused by changing conditions in a particular area or in the City. All text amendments shall be in accordance with the Comprehensive Plan. If the Comprehensive Plan is amended, the Code should also be amended if found to be necessary or advisable by the Planning and Zoning Commission.

B. Approval Criteria. The City Council may consider criteria it deems relevant and important in taking final action on the amendment, but shall generally determine that the amendment promotes the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City.

C. Responsibility for Final Action. Recommendations regarding the Code text amendments shall be made by the Planning and Zoning Commission. The Planning and Zoning Commission shall forward its recommendation to the City Council who is responsible for final action on a Code Text Amendments.

3.07.03 Conditional Use Permit

A. Applicability. Conditional Use permits allow for discretionary City Council approval of uses with unique or widely varying operating characteristics or unusual site development features, subject to the terms and conditions set forth in this Code. These uses and the districts where they may locate are listed in Section 4.09. These uses may locate in districts as indicated under special conditions. No such use shall commence without prior approval of a Conditional Use permit.

B. Approval Criteria. A binding Site Plan for the Conditional Use Permit must be approved by the City Council in order to approve issuance of a Conditional Use Permit.

1. The Site Plan must be reviewed by the City Administrator for compliance with this Code.

2. In addition to the criteria for zoning changes found in Section 2.5 [sic], the City Council may approve an application for a Conditional Use Permit where it reasonably determines that there will be no significant negative impact upon residents of surrounding property or upon the general public. The City

Council will review the Conditional Use Permit application based on the potential use's impact on the health, safety and welfare of the surrounding neighborhood; its impact on public infrastructure such as roads, parking facilities and water and sewer systems; and its impact on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to adequately provide services.

3. Any modification to an approved site plan that was filed as part of a Conditional Use Permit shall cause the Conditional Use Permit to become void, regardless of its current status, including any approval previously given by the City Council.

4. Such Conditional Use Permits must be resubmitted to the City Administrator and the City Council for consideration using the modified site plan.

5. The City Administrator may determine that the modification to the site plan does not change the basis for Conditional Use Permit approval and issue a temporary approval to the modified Conditional Use Permit. In this case, the City Administrator shall report this action in writing to the City Council and place the modified Conditional Use Permit directly on the City Council agenda for action at the Council's next meeting.

6. If the City Administrator determines that the modifications to the site plan changes the basis for the initial Conditional Use Permit approval, the modified permit shall follow the regular review process for a regularly submitted Conditional Use Permit.

C. Responsibility for Final Action. The City Council is responsible for final action on applications for Conditional Use Permits.

3.07.04 Zoning Map Amendment - Rezoning

A. Applicability. For the purpose of establishing and maintaining sound, stable, and desirable development within the corporate limits of the City, the Official Zoning Map may be amended based upon changed or changing conditions in a particular area or in the City generally, or to rezone an area, or to extend the boundary of an existing zoning district. All amendments must be in accordance with the Comprehensive Plan. Newly annexed areas shall be zoned AG during the annexation process.

B. Approval Criteria (Rezoning). The City Council may consider criteria it deems relevant and important in taking final action on the amendment, but shall generally determine that the amendment promotes the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City.

C. Responsibility for Final Action. Conditions and proposed decisions regarding rezoning shall be reviewed by the Planning and Zoning Commission. The Planning and Zoning Commission shall forward its recommendation to the City Council, which is responsible for final action on Zoning Map Amendments.

3.07.05 Zoning Map Amendment - Planned Unit Development (PUD)

A. Applicability. A PUD may be used to permit new or innovative concepts in land utilization, master-planned communities, mixed use development that other zoning districts do not accommodate, and to provide site-specific compatibility standards. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, procedures are established to insure against misuse of increased flexibility. PUDs are appropriate in areas where the Comprehensive Plan reflects the specific uses proposed in the PUD or where the Comprehensive Plan reflects mixed use as a land use category.

B. Submission Requirements. The applicant is responsible for submitting an application for a PUD that must include submission of a proposed development ordinance with an attached General Development Plan. The proposed ordinance, as modified and if approved by the City Council, shall be binding on the applicant and its successors. Final action on the PUD includes final action on the proposed development agreement. Any future development permits must comply with the final approved development ordinance.

The PUD development ordinance and general development plan must provide sufficient information for the Council's evaluation. These submission items must also include development standards which shall address: uses, density, lot area, lot width, lot depth, yard depths and widths, setback requirements, building height, building elevations, building articulation, parking, access, streets and circulation, screening, landscaping, accessory

buildings, signs, lighting, project phasing or scheduling, management associations, restrictive covenants and other restrictions, fiscal surety for completion of construction of improvements, cost participation agreements, and other requirements the City Council may deem appropriate.

C. Approval Criteria (PUD). Upon receipt of the Planning and Zoning Commission's recommendation to the City Council, the Council will consider the following specific objectives and criteria in making a determination on the development ordinance and general development plan associated with the PUD. Rezoning to and development under the PUD district will be permitted only if the development ordinance and general development plan meet the following criteria:

1. Compatible with the goals and policies of the Comprehensive Plan.

2. Assurance of adequate utility infrastructure in conformance with utility and drainage plans available.

3. Assurance of a variety of housing types, employment opportunities or commercial services to achieve a balanced community for families of all ages, sizes and levels of income.

4. Provision of a comprehensive transportation system for bicycle, pedestrian and vehicular traffic that is connected and integrated with existing development.

5. Provision of a gross site area as well-designed and appropriately improved open space.

6. Development is staged in a manner that can be accommodated by the timely provision of public utilities, facilities and services.

D. Effect of Council Approval. City Council approval of a PUD also constitutes final approval of the binding PUD development ordinance and PUD general development plan that were attached to the PUD application, as modified by the City Council.

E. The PUD development ordinance, as modified and approved by the City Council, becomes, in effect, a modification to the regulations and standards of this Code that apply only to the area of land described by the PUD development ordinance. All future or ongoing development approvals or permits within the area of the PUD shall comply with the PUD development ordinance in addition to this Code.

F. The PUD general development plan, as modified and approved by the City Council, becomes, in effect, an amendment to the City's Comprehensive Plan and Zoning Map that applies only to the area of land described by the PUD. All future or ongoing development approvals or permits, including any plat-related approval, shall comply with the PUD general development plan in addition to the City's Comprehensive Plan.

G. Minimum Requirements. Unless otherwise indicated in the approved PUD development ordinance or PUD general development plan, the minimum requirements for each development shall be those stated in this Code for subdivisions and the requirements of the most restrictive standard zoning district in which designated uses are permitted.

H. Responsibility for Final Action. Decisions regarding a Planned Unit Development (PUD) shall by [be] reviewed by the Planning and Zoning Commission. The Planning and Zoning Commission shall forward its recommendation to the City Council, which is responsible for final action on a PUD.

3.08 Development Related Compliance Issues

This section applies to general compliance issues related to development within the City of Liberty Hill.

3.08.01 Letter of Regulatory Compliance (City Administrator Approval)

A. Applicability. The subdivider may obtain a Letter of Regulatory Compliance from the City Administrator prior to commencing work on any development, and may be required to do so by the City as part of an application for another procedure. The Letter of Regulatory Compliance certifies that specific uses of land and any new development is in compliance with the requirements of these development regulations.

B. Zoning Verification Letter. A Zoning Verification Letter is a letter that indicates to a property owner that a specified use, clearly identified in the application, is permitted within the zoning district. A Zoning Verification Letter does not vest the property owner with permission to proceed with a development; does not specify requirements that must be met for future development; and does not include a determination that a tract of land may be developed. The City Administrator may include additional information about the uses and standards required for a development to proceed, however, and such

additional information does not constitute permission to proceed with development.

C. Legal Lot Verification Letter. A Legal Lot Verification Letter is a letter in accordance with §212.0115 of the Texas Local Government Code that indicates whether or not a lot has been properly platted.

D. Responsibility for Final Action. The City Administrator is responsible for final action.

3.08.02 Written Interpretation of the Unified Development Code (City Administrator Approval)

The City Administrator shall have the authority to make all written interpretations of this Code. Whenever there appears to be an uncertainty, vagueness, or conflict in the terms of the Code, the Manager, in consultation with the staff, city engineer, or city attorney, as may be appropriate, shall make every effort to interpret the Code in such a way that it fulfills the goals of the Comprehensive Plan and the Code. The interpretation given by the Manager shall be final unless an appeal is made by the applicant to the Board of Adjustment to overturn his decision. In such a case the burden shall be on the applicant to prove that the Manager's interpretation is unreasonable and in clear conflict with the governing law and the goals of the Comprehensive Plan.

A. Submission requirements for written interpretations will be developed by the City Administrator.

B. In addition to the general criteria for consideration of administrative procedures in Section 2.03, the City Administrator will determine, based on analysis of the requested interpretation, and considering this Code, the correct interpretation for whatever question is raised.

C. The City Administrator will first determine that the application does not request a written interpretation that is already clear in this Code or that the application could more appropriately be decided through another procedure in this Code. If this is the case, the City Administrator shall reject the applicant's proposed written interpretation and refer the applicant to the appropriate section of the Code. This reference will serve as the written interpretation.

D. In making a written interpretation, the City Administrator may consider, but is not limited to the following:

1. Any previous written interpretations.
2. Best practices in the planning and land development professions.
3. Current practices of the City of Liberty Hill.
4. Any other relevant source.

3.08.03 Stormwater Permit (City Engineer Approval)

A. A stormwater permit is required prior to any development construction within the City limits to ensure conformance to the stormwater management provisions and other applicable requirements of this Code. Issuance of a site development permit or a final plat for a single-family residential subdivision within the City Limits constitutes approval of a Stormwater Permit for that specific development.

B. The applicant must ensure that the application for a stormwater permit was prepared or reviewed and approved in writing by a licensed professional engineer prior to submission to the City.

C. A stormwater permit will be issued after the City Engineer has determined that the development meets the stormwater and pollution management requirements of Chapter 5 of this Code.

D. Prior to issuance of a stormwater permit, the City Administrator or City Council must approve the site plan for projects in the City's ETJ to ensure any required compliance with this Code.

E. A stormwater permit approved by the City is condition[ed] upon approval of all applicable related permits required from the Texas Environmental Quality Commission (TECQ), the U.S. Environmental Protection Agency (EPA) or any other state or federal agency being issued by that agency. Permits issued by entities such as the EPA, which may issue permits closer in time to construction, shall be made available to the City within seven (7) days after having received such permit(s).

F. The City Engineer is responsible for final action.

3.08.04 Appeal of an Administrative Decision (BOA Approval)

A. Procedures including initiation of appeals of administrative decisions are explained in Chapter 2.

B. Effect of Appeal. All development activities permitted by the action being appealed, or any subsequent approval, must stop upon appeal, and remain inactive until the appeal is resolved. If the City Administrator certifies in writing that such a cessation of activity would cause imminent peril to life

and property, the development may proceed, unless a stop order is issued by the BOA, or a restraining order is issued by a competent court of record. The stop order or restraining order stopping development must indicate the reason for stopping the activity.

C. Alternative Dispute Resolution. Prior to hearing or deciding an appeal of an administrative decision, the Chairperson of the Board of Adjustment (BOA) may request that the applicant and administrative official agree to mediation or other alternative form of resolution of the dispute prior to a public hearing.

1. If the applicant refuses to accept alternative resolution of the dispute, the appeal will be heard and acted upon by the BOA no later than its next meeting.

2. If the applicant and administrative official can not agree on a format or mediator for the appeal within thirty (30) days, the Chairperson of the BOA may assign a mediator.

3. The mediator will coordinate the mediation or other alternative form of resolution with the parties, including the date, time, and place of meetings.

4. The mediator may invite any person, organization or governmental unit with relevant information to participate in the mediation. The parties may suggest persons, organizations or governmental units that should be requested to participate.

5. Both parties will equally share any costs associated with the alternative dispute resolution process, unless they agree otherwise in writing.

6. If no alternative resolution of the dispute can be agreed to by both parties, or if a party is not participating in good faith, the mediator may declare an impasse. The appeal will then be heard and decided at the next BOA meeting.

7. The Board of Adjustment (and/or City Council) must approve, in a public hearing, any alternative resolution of the appeal that involves a minimal change in development standards of this Code and consistent with all legal requirements.

D. Approval Criteria. The Board of Adjustment considers whether the City Administrator's or City Council's official action was appropriate considering the facts of the case and the requirements contained in this Code. The Board will make its decision based on this Code and the information presented to the BOA by the applicant and the City Administrator or other administrative official.

E. Basis for Appeal. An applicant may only appeal the specific reasons given for the administrative disapproval or denial. An applicant may not appeal the disapproval or denial without effectively establishing that the specific basis for the administrative disapproval or denial was incorrect.

F. Burden of Proof in Appeals. When an appeal is taken to the Board of Adjustment, the City Administrator's or other administrative official's action is presumed to be valid. The applicant shall present sufficient evidence and have the burden to justify a reversal of the action being appealed. The City Administrator may present evidence and argument to the contrary.

G. All findings and conclusions necessary to the permit or appeal decision (crucial findings) shall be based upon reliable evidence. Competent evidence will be preferred whenever reasonably available, but in no case may crucial findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed.

H. The Board of Adjustment is responsible for final action.

3.08.05 Administrative Exception (BOA Approval)

A. Applicability. Upon written receipt of an application requesting an Administrative exception or adjustment, the City Administrator may request the BOA to consider an administrative exception or adjustment.

B. In order to provide a method by which human error (e.g., miscalculations) may be corrected, administrative exceptions or adjustments may be permitted. Special exceptions are specified deviations from otherwise applicable development standards where development is proposed that would be:

1. Compatible with surrounding land uses.

2. Harmonious with the public interest.

3. Consistent with the purposes of this Code.

C. The BOA shall have the authority to authorize an adjustment of up to ten (10) percent of any numerical standard.

D. Administrative exceptions require compliance with all other elements of this Code not specifically excused or permitted by the administrative exception.

E. Application Requirements for Administrative Exceptions. Submission requirements for administrative exceptions will be developed by the City Administrator but applications must include an affidavit from the owners or authorized agents of any property abutting the area subject to the administrative exception attesting to the applicant's exception.

F. Criteria for Administrative Exceptions. To approve an application for an administrative exception, the Board of Adjustment must determine that the following criteria are met:

1. That granting the administrative exception serves an obvious and necessary purpose.

2. That granting the administrative exception will ensure an equal or better level of land use compatibility than the otherwise applicable standards.

3. That granting the administrative exception will not materially or adversely affect adjacent land uses or the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks or other land use considerations.

4. That granting the administrative exception will not adversely affect adjoining property values in any material way.

5. That granting the administrative exception will be generally consistent with the purposes and intent of this Code.

G. The Board of Adjustment is responsible for final action.

3.08.06 Variance (City Council or BOA Approval)

Procedures, including initiation of variances are explained in this Section.

A. Applicability. The City Council shall have the authority to hear and grant requests for a variance from the development standards of this Code. Waivers of the standards required for plat approval are not considered variances and must be requested from the Planning and Zoning Commission and then the City Council during the plat review process. Any variance request up to ten (10) percent of any minimum or maximum measurement required by this Code may be treated as an Administrative Exception if the City Administrator agrees to recommend the Administrative Exception. A variance to the development standards of this Code will be considered an exception to the regulations contained herein. Granting of a variance in one case does not set a precedent for a subsequent case. Each variance request will be judged on its own merit based on subparagraph (b) [B] below.

B. Criteria for Review and Required Findings. The City Council may authorize a variance from the requirements of this Code when an unnecessary hardship would result from the strict enforcement of this Code. In granting a variance, the City Council shall first review the recommendation of the Planning and Zoning Commission and then shall prescribe only conditions that it deems not prejudicial to the public interest. In making the required findings, the City Council shall take into account the nature of the proposed use of the land involved, the existing use of land in the vicinity, the number of persons who will reside or work in the proposed development, the possibility that a nuisance may be created, and the probable effect of such variance upon traffic conditions and upon public health, convenience, and welfare of the vicinity. No variance shall be granted unless the City Council finds all of the following:

1. Extraordinary Conditions. That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of this Code will deprive the applicant of a reasonable use of its land. For example, a variance might be justified because of topographic, or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage.

2. Preservation of a Substantial Property Right. That the variance is necessary for the preservation of a substantial property right of the applicant.

3. Substantial Detriment. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering this Code.

4. Other Property. That the conditions that create the need for the variance do not generally apply to

other property in the vicinity.

5. Applicant's Actions. That the conditions that create the need for the variance are not the result of the applicant's own actions.

6. Comprehensive Plan. That the granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of this Code.

7. Utilization. That because of the conditions that create the need for the variance, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

C. Insufficient Findings. The following types of possible findings do not constitute sufficient grounds for granting a variance:

1. That the property cannot be used for its highest and best use.

2. That there is a financial or economic hardship.

3. That there is a self-created hardship by the property owner or its agent.

4. That the development objectives of the property owner are or will be frustrated.

D. Limitations. The City Council may not grant a variance when the effect of the variance would be any of the following:

1. To allow the establishment of a use not otherwise permitted in the applicable zoning district.

2. To increase the density of a use above that permitted by the applicable district.

3. To extend physically a nonconforming use of land.

4. To change the zoning district boundaries shown on the Official Zoning Map.

E. Profitability Not to Be Considered. The fact that property may be utilized more profitably should a variance be granted may not be considered grounds for a variance.

F. Variances from Floodplain or Stormwater Management Regulations. The City Council shall make a final decision on any variance request from floodplain or stormwater management regulations.

G. Responsibility for Final Action. Variance requests shall by [be] reviewed by the Planning and Zoning Commission. The Planning and Zoning Commission shall forward its recommendation to the City Council, which is responsible for final action on the Variance request.

3.09 Subdivision-Related Applications

This section applies to the following subdivision-related applications:

* Administrative Plat

* Preliminary Plat

* Final Plat

* Construction Plan

3.09.01 General Requirements for Approval of Plats

A. Prior to the subdivision, resubdivision, or development of any land within the City, all plans, and plats plans for infrastructure improvements must first be approved in accordance with regulations specified in Section 3.08 except for:

1. Construction of additions or alterations to an existing building where no drainage, street, utility extension or improvement, additional parking or street access change is required to meet the standards of this Code are necessary to support such building addition or alterations.

2. Divisions of land created by order of a court of competent jurisdiction.

3. A change in ownership of a property through inheritance or the probate of an estate.

4. Cemeteries complying with all state and local laws and regulations.

B. No land may be subdivided or platted through the use of any legal description other than with reference to a plat approved by the City Council or the City Administrator in accordance with these regulations.

C. No building permit or certificate of occupancy may be issued for any parcel or tract of land until such property has received final plat approval and is in conformity with the provisions of this Code, the plat has been recorded, public improvements have been accepted by the City (if applicable), and no private improvements will take place or be commenced except in conformity with these regulations in this Code.

D. No person shall transfer, lease, sell or receive any part of a parcel before an administrative plat or final plat of such parcel and the remaining parcel have been approved by the City Council in accordance with the provisions of these regulations in this Code and filed of record with the County Clerk of Williamson County.

E. The platting or subdivision of any lot or any parcel of land, by the use of GPS as a substitute for metes and bounds for the purpose of sale, transfer, lease or development is prohibited. GPS may be used as supporting documentation only and the datum source must be referenced.

3.09.02 Administrative Plat Review

A. Applicability. Minor plats, amending plats, or replat may be approved by the City Administrator following an evaluation for plan compliance and technical compliance with this Code.

B. Minor Plat. A minor plat is any plat for five or fewer lots and that does not require any dedication of land to the City of Liberty Hill.

C. Amending Plat. A plat that complies with Texas Local Government Code §212.016, as amended, which is generally submitted to correct errors and omissions when agreed to by all adjacent property owners.

D. Replat. Any plat that complies with Texas Local Government Code §212.014, as amended, which is generally submitted to replat a subdivision or part of a subdivision without vacation of the original plat.

E. Replatting a portion of a recorded lot is not permitted.

F. A replat does not itself constitute approval for development of the property.

G. Any plat that requires a waiver from Subdivision Design and Improvement Standards, any utility dedication, or any dedication of land must be reviewed as a preliminary plat by the Planning and Zoning Commission.

H. It shall be unlawful to offer and cause to be filed any plan, plat, or replat of land within the City limits or ETJ of Liberty Hill of record with the County Clerk unless the plan, plat or replat bears the endorsement and approval of the City Administrator.

I. Approval Criteria (Administrative Plat). All subdivisions and plats of land shall be reviewed using the criteria in this Code. They must be reviewed and approved before any final action may be taken by the City Administrator or the developer.

J. Responsibility for Final Action. The City Administrator is responsible for final action on Administrative Plat Reviews. If the City Administrator determines the Administrative Plat does not meet the approval criteria, the applicant may request that the application be forwarded to the Planning and Zoning Commission for its review and for its recommendation to City Council, which will take final action.

K. Action Following Plat Approval. After approval of an administrative plat, the subdivider shall notify the City Engineer within ten (10) days which of the following construction procedure(s) the subdivider proposes to follow:

1. The subdivider may file a Construction Plan, and upon approval of the Construction Plan by the City Administrator or his designee, proceed with construction of streets, alleys, sidewalks, and utilities that the subdivider is required to install. The City will inspect the work as it progresses, and upon completion and final acceptance by the City, and upon written request of the subdivider, the final plat may be approved and filed of record with the County Clerk; or

2. The subdivider may elect to post fiscal surety and assurance of construction as provided in Chapter 6, in which case the surety of assurance shall be filed with the City, together with a request that the plat be filed for record. In this case, the final plat will be approved and filed with the County Clerk. The subdivider shall pay the record filing fee. The City will inspect the construction work as it progresses and will make the final inspection to assure compliance with City requirements; and upon completion of construction, the subdivider shall deliver to the City a one (1) year guarantee of workmanship and

materials.

3. The City Engineer's signature on the construction documents provides the requisite authority for the subdivider to proceed with the construction of streets and utilities.

L. Recordation. After the City Administrator has approved the plat, the City Engineer has approved the Construction Plan and the subdivider has either posted fiscal surety and assurance of construction (see Chapter 6) or completed required provision of infrastructure and public improvements, the final plat shall be recorded in the Office of the County Clerk. The subdivider will pay the record filing fee.

3.09.03 Preliminary Plat Review

A. Applicability. Preliminary Plat approval shall be required before any land is subdivided (or does not meet the requirements of Section 3.09.02, Administrative Plat Review).

B. Preliminary Plats are required for land being divided into separate parcels, plats with six or more lots, and any plats that require a dedication of land to the City.

C. It shall be unlawful to offer and cause to be recorded any Preliminary Plat of land within the City limits or extraterritorial jurisdiction of Liberty Hill with the County Clerk by any party other than the City Administrator or another duly authorized representative of the City of Liberty Hill.

D. Preliminary Plat Application Requirements. Submission requirements for the preliminary plat will be established by the City Administrator, and will include basic engineering information necessary for the Planning and Zoning Commission to render an informed recommendation and for the City Council to render an informed decision (Detailed engineering information will be required for the Final Plat).

E. A plat submitted for consideration as a Preliminary Plat may not have an area or signature block for any endorsement and approval by the City Council, as is required to file the final plat with the County Clerk.

F. Approval Criteria. Subdivisions and plats of land shall be reviewed using the criteria specified or referenced in State Law.

G. Waivers. The Planning and Zoning Commission may recommend to City Council the approval, approval with conditions, or disapproval of waivers of the standards required for plat approval, by using the criteria for consideration of Variances in Section 3.08.06.

H. Responsibility for Final Action. Recommendations regarding Preliminary Plat approval shall be made by the Planning and Zoning Commission. The Planning and Zoning Commission shall forward its recommendation to the City Council, which is responsible for final action on the Preliminary Plat.

I. Action Following Preliminary Plat Approval. After approval of a preliminary plat, the subdivider shall prepare and submit a final plat.

3.09.04 Final Plat Approval

A. Applicability. Final plats are technically complete versions of an already approved preliminary plat. No final plat may be considered or approved unless the preliminary plat for the same land has been approved.

B. Final plat review is required to ensure that a final recorded plat includes final engineering diagrams and descriptions that conform to the preliminary plat as approved by the City Council. The final plat must incorporate all changes from the preliminary plat that were considered and approved by the City Council.

C. Final Plat Application Requirements. Submission requirements for the final plat will be developed by the City Administrator.

D. When filed, the final plat must also provide all support documentation required by the County Clerk's office for recordation.

E. A plat submitted for consideration as a final plat must have an area or signature block for any endorsement and approval by the City Administrator, as required to file the final plat with the county clerk.

F. Estimates for posting fiscal surety for landscaping requirements, maintenance, erosion and sedimentation control, roads, and utilities are also required for final plat review.

G. Approval Criteria. Subdivisions and plats of land shall be reviewed using the criteria in this Code

and any technical criteria referenced by this Code.

H. A final plat must be determined to be consistent with a previously-approved preliminary plat.

I. A construction plan for any required or agreed improvements must be approved by the City Administrator or his designee as required in this Code.

J. Recordation. If the City Council has approved the plat, the City Administrator or his designee has approved the construction plans, and the subdivider has either posted fiscal surety and assurance of construction, or completed the required infrastructure and public improvements, the final plat becomes the instrument to be recorded in the Office of the County Clerk when all requirements have been met. The subdivider shall pay the record filing fee and the City shall file the final plat with the County Clerk.

3.09.05 Construction Plan (City Engineer Approval)

A. Applicability. Construction plans must be submitted to the City Engineer for all existing or proposed streets, sidewalks, drainage and utility improvements, water quality controls, park improvements, and any other infrastructure or public improvements that are required or proposed to be constructed, reconstructed, improved, or modified to serve the development. Where the final plat is for property being developed in phases, the required construction plans must include the improvements specified in the general development plan or preliminary plat to serve the phase being platted. The construction plans are intended to provide for the detailed engineering drawings for all improvements required to serve the development. The construction plans must be kept as a permanent record of the City. The City Engineer as referenced in this Code is acting as agent for the City Administrator, and shall have the powers specified in this Code only to the extent that the Engineer is expressly delegated those powers by the City Administrator.

B. Responsibility of Subdivider's Engineer. The registered professional engineer representing the subdivider is responsible for the accuracy, completeness and conformance of all plans to City standards and must certify (with seal) the construction plans as to accuracy and design and conformance with all applicable City requirements. The City assumes no project design or engineering responsibility. The subdivider's professional engineer certifying the plans is responsible for the accuracy and completeness of the documents and the soundness of the designs as submitted for review and actual construction.

C. Approval Criteria. The purpose of the City Engineer's review is to ensure conformance to City policies and standards. However, the City Engineer's review is limited to facts as presented on submitted plans.

D. The City Engineer will approve any Construction Plan that is submitted and sufficiently shows compliance with any city-approved or adopted design or construction criteria manuals, or in the absence of city approved or adopted design requirements, standard engineering practices.

E. The City reserves the right to require corrections to actual conditions in the field that are found to be contrary to or omitted from submitted plans.

F. The City Engineer may not approve a Construction Plan that does not adequately represent construction of the approved infrastructure and public improvements included in the approved administrative or preliminary plat, or that he knows does not comply with this Code or other applicable law.

G. The City Engineer is responsible for final action on Construction Plans.

3.10 Nonresidential Development Related Procedures

This Section describes the applicability and specific approval criteria for all Administrative Procedures necessary under this Code and applicable to the following:

A. Site Plan Review Site Development Permit

B. Master Sign Plan and Sign Permit

C. Temporary Use Permit

D. Stormwater Permit

E. Building Permit

F. On-Site Wastewater Permit

3.10.01 Site Plan Review and Site Development Permit (City Administrator and City Council Approval)

A. Applicability. Prior to any excavation, clearing, or other land alteration for the purpose of development within the City limits an applicant must submit a site plan for approval and issuance of a site development permit under this section. No such excavation or development shall be lawful or permitted to proceed without issuance of a site development permit. All improvements reflected on approved site plans must be constructed at the time of development. All terms and conditions of site development permit approval must be met at the time of development.

B. Criteria for Approval. A site plan will be approved and a site development permit issued if the development is in compliance with the general criteria for approval of administrative review procedures, the requirements of Chapter 5 [6] of this Code (Site Development Standards) and the following additional criteria:

1. Compliance with the general development plan and development agreement or ordinance governing the parcel of land to which the site plan is related.

2. Compliance with any additional site plan approval criteria required under Chapter 5 [6] of this Code, or any additional approval criteria for overlay districts, or any site plan approval criteria adopted as part of a neighborhood or special area plan.

3. Prior to final approval of any plan within the City Limits, the City Engineer must certify to the City Administrator that all requirements for a TCEQ Stormwater Permit are met by the site plan. Approval of the site plan constitutes approval of the Site Development Permit and Stormwater Permit.

C. Responsibility for Final Action. The City Administrator is responsible for final action on developments specified in Section Chapter [sic] 2 of this Code. The City Council is responsible for final action on all developments, after determination of compliance and recommendation by the City Administrator.

3.10.02 Master or Common Sign Plan (City Administrator Approval)

A. Applicability. A master sign plan shall be required for all multiple-tenant buildings, PUDs, and all multibuilding or multioccupant commercial developments before any signs for such development may be erected on the property. All owners, tenants, subtenants and purchasers of individual units within the development shall comply with the approved master sign plan.

B. Criteria for Approval. In addition to the general administrative review criteria in Section 2.03, the City Administrator must determine the following in order to approve the Master Sign Plan:

1. The plan provides for signs that meet the size and height limitations, location requirements, and other applicable requirements of Chapter 6 of this Code.

C. The City Administrator is responsible for final action.

3.10.03 Sign Permit (City Administrator Approval)

A. Applicability. No sign may hereafter be erected, moved, added to, or structurally altered within the City or the ETJ without a permit issued by the City Administrator in conformity with the provisions of this Section and Section 6.12 of this Code. No building permit issued under the provisions of this Code for signs shall be considered valid unless signed by the City Administrator.

B. Criteria for Approval.

In addition to the general criteria for approval of administrative procedures, the City Administrator shall base the final action on the following criteria:

Whether the intended sign conforms in all respects with all applicable regulations and standards of this Code and any applicable construction or safety standards of the City's building Code.

If the subject property has a Master Sign Plan, development agreement or ordinance governing it, whether the plans, specifications and intended use of such building or structures or part thereof, including the proposed sign, conform in all respects to the development agreement or ordinance.

C. The City Administrator is responsible for final action.

D. Appeals of City Administrator actions regarding sign-related building permits shall be considered and decided by the City Council.

3.10.04 Temporary Use Permit (City Administrator Approval)

A. Applicability. Temporary uses, as identified in Chapter 4, are required to obtain a temporary use

permit from the City Administrator. The permit specifies the use, the period of time for which it is approved, and any special conditions attached to the approval.

B. Approval Criteria. In addition to the general criteria for consideration of administrative procedures, the City Administrator shall consider whether the application complies with the following standards:

1. Land Use Compatibility. The temporary use must be compatible with the purpose and intent of this Code and the zoning district in where it will be located. The temporary use shall not impair the normal, safe, and effective operation of a permanent use on the same site. The temporary use shall not endanger or be materially detrimental to the public health, safety or welfare, or injurious to property or improvements in the immediate vicinity of the temporary use, given the nature of the activity, its location on the site, and its relationship to parking and access points.

2. Compliance with Other Regulations. A building permit or temporary certificate of occupancy may be required before any structure to be used in conjunction with the temporary use is constructed or modified. All structures and the site as a whole shall meet all applicable building Code, zoning district, and fire Code standards and shall be promptly removed upon the cessation of the use or event. Upon cessation of the event or use, the site shall be returned to its previous condition (including the removal of all trash, debris, signage, attention attracting devices or other evidence of the special event or use).

3. Duration. The duration of the temporary use shall be consistent with the intent of the use and compatible with the surrounding land uses. The duration shall be established by the City Administrator at the time of approval of the temporary use permit.

4. Traffic Circulation. The temporary use shall not cause undue traffic congestion or safety concerns, as determined by the City Engineer, given anticipated attendance and the design of adjacent streets, intersections and traffic controls.

5. Off-Street Parking. Adequate off-street parking shall be provided for the temporary use, and it shall not create a parking shortage for any of the other existing uses on or near the site.

6. Appearance and Nuisances. The temporary use shall not cause any temporary or permanent nuisance. The temporary use shall be compatible in intensity, appearance and operation with surrounding land uses in the area, and it shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution.

7. Other Conditions. The City Administrator shall consider any other conditions that may arise as a result of the temporary use.

C. Public Conveniences and Litter Control. Adequate on-site restroom facilities may be required. Adequate on-site solid waste containers may also be required. The applicant shall provide a written guarantee that all litter generated by the event or use shall be removed within a reasonable and appropriate timeframe at no expense to the City. The guarantee shall be in a form and substance approved by the City Administrator, which may include the requirement of a fiscal posting.

D. Signs and Attention-Attracting Devices. The City Administrator shall review all signage in conjunction with the issuance of the permit. The City Administrator may approve the temporary use of attention attracting devices that generally conform to the requirements of this Code. The City Administrator may establish any additional conditions deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including, but not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening/buffering, and guarantees for site restoration and cleanup following the temporary use.

E. The City Administrator is responsible for final action.

3.10.05 On-Site Wastewater Permit (Williamson County Approval)

A. Applicability. On-site Wastewater permits shall be required from Williamson County for any development that applies for a development permit and wishes to use a septic tank or similar type of on-site wastewater system.

B. Approval Criteria. Williamson County has established criteria for review and approval for an on-site wastewater permit application. Consult the Williamson County Health Department for further information.

C. Williamson County is responsible for final action.

4.00 Zoning Districts, Use Regulations, and Lot Design Standards

4.01 Purpose and Intent

The purpose of this Chapter is to establish zoning districts within the City Limits of Liberty Hill, allowable uses within each district, and procedures for special and temporary uses within each district. Existing usage will be allowed to continue unless the usage changes.

4.02 Official Zoning Map

4.02.01 Creation of Official Zoning Map

The City is divided into zoning districts, shown on the Official Zoning Map, which is hereby adopted by reference and declared to be a part of this Code. The Official Zoning Map shall be identified by the signature of the Mayor, attested to by the City Secretary and bear the Seal of the City of Liberty Hill under the following words:

"This is to certify that this is the Official Zoning Map referred to in Section of the Unified Development Code, Ordinance No. ____ of the City of Liberty Hill, Texas."

4.02.02 Changes to the Official Zoning Map

A. If, in accordance with the provisions of this Code and §211.006 of the Texas Local Government Code, as amended, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map, within (15) business days after the amendment has been approved by the City Council and signed by the Mayor.

B. Approved zoning changes shall be entered on the Official Zoning Map by the City Administrator and each change shall be identified on the Map with the date and number of the Ordinance making the change.

C. No change of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with procedures set forth in this Code.

4.02.03 Digital Mapping

Digital maps, created through the use of Geographical Information Systems (GIS) technology, may be used in the administration and enforcement of this Code, but will not replace the paper originals of official maps required by this Code.

4.02.04 Interpreting Zoning District Boundaries

The City Administrator or the Council's designee shall provide clarification when uncertainty exists as to the current boundaries of districts as shown on the Official Zoning Map.

4.03 Rezoning

Any decision to amend the Official Zoning Map shall be made based on the criteria in Chapter 2 and 3. No rezoning action may specifically vary from the Permitted Uses Table found in Section 4.09 or from the Future Land Use Map included in the Comprehensive Plan.

4.03.01 Newly Annexed Territory

A. Initial Default Zoning. All new territory hereinafter annexed to the City shall have the Agriculture (AG) zoning district classification. No special action or hearing will be required for zoning upon annexation into the Agriculture (AG) district.

B. Rezoning from Default Zoning. Rezoning of newly annexed territory may begin upon completion of annexation of the area, while staying within guidelines set forth by the State.

C. Exception for lots already partially within City Limits. Newly annexed territory that is part of a lot already annexed or within City Limits will be zoned directly to the zoning designation of the portion of the lot already within the City.

4.04 The Comprehensive Plan as Guidance

The Future Land Use Map should be consulted for areas located outside of the current City Limits of Liberty Hill in order to determine the recommended use(s) of land for a specific area. For example, in areas where the Future Land Use Map indicates Medium Density Residential Development, but also reflects Duplex Residential, Mixed Use and Neighborhood Commercial Districts, a developer is encouraged to consider utilizing Duplex Residential and Commercial development within proposed development in that area. Note Future Land Use Map for those areas that are designated as Mixed Use, Clustered Residential, or Duplex Residential. It is the intent of the

Comprehensive Plan and this Code to encourage a mix of uses.

4.05 Zoning Districts, Generally

The following Zoning Districts reflect the recommended future land use areas, currently included in the City of Liberty Hill's Comprehensive Plan. Special planning areas are identified in the following Zoning District Table as Overlay Districts. Each zoning district also contains lot standards that apply to those lots within the zoning district. Portions of the City of Liberty Hill, as specified on the Official Zoning Map of the City, are hereby divided into the following zoning districts. (refer to Section 4.09 for allowable uses within each Zoning District and Table 4-4 for Lot Standards per Zoning District):

Table 4-1

RESIDENTIAL DISTRICTS	
Agricultural	AG
Low Density Residential	SF1
Medium Density Residential	SF2
High Density Residential	SF3
Duplex Residential	TF
Multifamily Residential	MF1
Multifamily Residential	MF2
Manufactured Housing	MH1
NONRESIDENTIAL DISTRICTS	
Neighborhood Commercial/Retail	C1
Downtown Comm./Retail	C2
General Comm./Retail	C3
Light Industrial/Warehousing	I1
General Industrial	I2
Public/Community Facility	P
Park	PARK
SPECIAL DISTRICTS	
Planned Unit Development	PUD

Downtown Overlay OD

4.06 Residential Districts

A. Agricultural (AG). This district is intended to maintain agricultural land until such time as it is appropriate for more intense development. Any property which is annexed into the city is initially classified as AG until a rezoning request is considered (which may be considered concurrently).

B. Low Density Residential (SF1). This district is intended to provide for conventional detached single-family dwellings at a density not exceeding one dwelling unit per acre. The character of these developments is rural, protected from incompatible uses and with adequate facilities and services.

C. Medium Density Residential (SF2). This district is intended to provide for conventional detached single-family dwellings at a density not to exceed 6.7 units per acre (minimum lot size of 6,500 sf). The character of these developments is residential neighborhoods, protected from incompatible uses, and is provided with necessary and adequate facilities and services.

D. High Density Residential (SF3). This district is intended to provide for various types of residential development, including conventional single and two-family residences and higher density residences, such as triplexes, townhomes, garden homes, condominiums, and apartments. The purpose of this district is to provide for development of quality multiple-family living in a moderately dense setting, at a density not to exceed 10 units per acre. This district is further intended to encourage efficient utilization of land, affordable housing opportunities, open space preservation, and traditional neighborhood development, through pedestrian-friendly, suitable residential neighborhoods, protected from incompatible uses and with necessary facilities and services. Context-sensitive design standards and landscaping are required to ensure a quality and enjoyable living environment.

E. Duplex Residential (TF). The duplex or two-family district is intended to provide opportunities for two attached single-family residences at a maximum density of 8 units per acre. Duplexes are intended to provide affordable housing options, but should not occupy more than 20% of all units in single-family residential subdivisions.

F. Multifamily Residential (MF1). The purpose of this district is [to] provide for development of quality multiple-family living including two-family residences and higher density residences, such as triplexes, town homes, garden homes, condominiums, and apartments in a moderately dense setting, at a density of 10 units per acre. This district is further intended to encourage efficient utilization of land, affordable housing opportunities, and open space preservation.

G. Multifamily Residential (MF2). The multifamily district is intended to allow smaller and more financially-accessible dwelling units than the SF districts. The maximum density for this district is 20 units per acre.

H. Manufactured Housing (MH1). The manufactured housing base district is a residential district intended to allow HUD-code manufactured housing on subdivided, individually-owned lots, at a maximum density of 6.7 units per acre (minimum lot size 6,500 sf). Standards for the placement and anchoring of manufactured housing apply in this district.

I. Manufactured Housing Community (MH2). This district is intended for areas containing HUD-code manufactured home units arranged either on a large tract, usually under single ownership and designed to accommodate multiple manufactured home units, or on subdivided lots that are individually owned.

4.07 Nonresidential Districts

All nonresidential development shall adhere to development standards found in Chapter 6, Site Development Standards, as well as other applicable standards found in this Code. Existing Residential usage will be allowed to continue unless the usage changes. Infill will require adherence to be consistent with the stated zoning classification. All other uses will require a conditional use permit.

A. Neighborhood Commercial/Retail (C1). This district is intended to provide for small-scale, limited impact retail and office business uses that are compatible with low and medium density residential neighborhoods. The uses permitted within this district are meant to serve the retail and personal service needs of residents in adjacent and nearby neighborhoods (1/4 to 1/2 mile). The nature of the permitted uses and scale of buildings are intended to blend with adjacent and nearby properties without causing adverse visual or environmental impacts.

B. Downtown Commercial/Retail (C2). This district is intended to control and guide the development of commercial uses in downtown Liberty Hill. The standards in this district will allow continued, conforming use for existing uses as defined in the Zoning Use Table, and encourage new development in a compact, pedestrian-oriented environment.

C. General Commercial/Retail (C3). This district is intended to provide for a wide range of commercial and retail goods and services. It is primarily intended for use in high-traffic areas adjacent to arterial streets and highways and is appropriate for relatively high-volume commercial centers. To protect the abutting and surrounding residential areas, certain restrictions are placed on the intensity of uses and emphasis is placed on standards for lighting, buffering, parking and location of driveway access.

D. Light Industrial/Warehousing (I1). This district is intended to provide for low intensity, limited impact industrial uses, which may include office warehousing, wholesaling, product assembly and light manufacturing conducted primarily within the confines of a building.

E. General Industrial (I2). This district is intended to provide land for manufacturing and industrial activities with generation of nuisance characteristics greater than activities permitted in the C3 and I1 districts. Uses within this district are not compatible with residential areas and neighborhood commercial uses. Industrial operations shall be primarily conducted within the confines of a building. Other activities, including outdoor processing of materials, storage of materials, and display of products are subject to conditional use standards for potential nuisance mitigation.

F. Public/Community Facility (P). This district is intended for facilities providing governmental, religious, educational, healthcare or social services, and public infrastructure facilities such as water plants, pump stations, wastewater treatment plants, lift stations and other such utility facilities.

G. Park (PARK). The Park zoning district covers publicly and privately-owned parks facilities. Proposed development near these districts should consider including parkland within the development to provide contiguity of parkland development.

4.08 Special Districts

The overlay zoning districts address special siting, use and compatibility issues that require use and development regulations in addition to those found in the underlying zoning districts. If any regulation in an overlay zoning district requires a development standard different than the base zoning district standards, the more restrictive standard shall apply. These standards are also supplemented by standards found in other sections of this Code. When standards are in conflict, the more restrictive standard shall apply.

4.08.01 Planned Unit Development (PUD)

The purpose of the Planned Unit Development District (PUD) is to provide land for uses and developments that promote development that is more sensitive to the natural environment, creates a significantly enhanced natural setting and/or sense of place, or otherwise enhances the standard pattern of development in Liberty Hill. Development is required to provide a higher level of amenities to its users or residents than what is usually required under the normal standards of this code. A PUD may be used to permit new or innovative concepts in land use not permitted by other zoning districts in this Code or to permit development projects that existing districts cannot easily accommodate. This district is appropriate in areas where the Comprehensive Plan reflects the specific uses proposed in the PUD or mixed use as a land category. Rezoning to the PUD district requires a specific PUD ordinance and a General Development Plan from the property owner. Applicants are responsible for developing the PUD Ordinance. See Section 3.07.05 for further information on PUD applications and applicability.

4.08.02 Downtown Overlay District (O-D)

The Downtown Overlay District (O-D) is intended to create a pedestrian-friendly environment, enable a mixture of uses, promote higher residential density, and ultimately create a vibrant area as a gathering place for the community.

A. Location. This overlay applies in the area identified as the Downtown Overlay District on the Official Zoning Map. The location generally corresponds to the Town Center Plan area in the Comprehensive Plan.

B. Development Standards. Any base zoning district in the downtown overlay can be conditionally upzoned to C-2, following the procedures and criteria for a conditional use permit.

C. Building Setbacks. Building setbacks adjacent to Main Street right-of-way in the Downtown Overlay

District shall generally be assumed to be zero (0) feet, or "built to" the right-of-way line and allow for sidewalk widths of ten feet (10'), if the sidewalk is not part of the existing right-of-way. Setbacks from the Main Street right-of-way may be allowed if outdoor cafe-style seating or other intentional public, pedestrian-oriented space is to be provided and is approved by the City. Front setbacks adjacent to streets in the Downtown Overlay district shall be similar to the nearest existing adjacent principal structure on the same street. Side setbacks shall reflect the context of the most adjacent similar use. For example, if the average side building separation between the most immediate principal structures is ten (10) feet, the proposed structure shall be positioned upon the lot to provide 10 feet of separation, or a minimum of 5 feet. The rear setback shall in no case be less than three feet.

D. Building Height Restriction. In no case shall building height exceed 35 feet in the Downtown Overlay District. Revisions to this standard shall only be considered with respect to fire protection capability.

E. Site Orientation. Buildings in the Downtown Overlay District shall be oriented such that the front facade of the building faces Main Street, or another collector street within the Downtown District, in such as [a] way as to be parallel to the street. Courtyards may exist between buildings, and buildings may open up to the courtyard; however, the front facade of the building must face the street as described above.

F. Landscaping. All landscaping shall not obstruct pedestrian, bicycle or vehicular traffic. If the City Administrator determines this to not be feasible, alternative landscaping can be implemented.

G. Parking. For new developments or remodels of existing developments, off-street parking shall be provided according to the parking requirements found in Chapter 5 and 6 of this Code. When the City Administrator determines not to be feasible, an in lieu of fee may be assessed to provide adequate parking at another location.

4.09 Use Table

4.09.01 Types of Use

All of the land use categories listed in the following use table (Table 4-2, Permitted Uses by Zoning District) are defined and described in Appendix A. The following paragraphs serve as a key to the summary table and indicate how each specific use is treated.

A. Uses Permitted By Right ("P"): indicates that a use is allowed by right. Such uses are subject to all other applicable regulations of this Code.

B. Conditional Uses (Permitted Subject to Conditional Use Standards) ("C"): indicates that a Conditional Use Permit must be applied for under the provisions of Section 3.07.03. The criteria for determining conditions under this permit are described in Section 4.10. Such uses are subject to all other applicable regulations of this Code.

C. Uses Not Allowed ("-"): indicates that a use is not allowed.

D. Uses Not Listed: The City Administrator or the Council's designee shall use the descriptions found in Chapter 10 [8.00] to determine how an unlisted use should be treated. The City Administrator shall produce an administrative policy for addressing unlisted uses, consistent with all other provisions of this Code, either allowing for administrative decisions by the City Administrator or requiring legislative action by the City Council, or a combination of both the above, depending on the circumstance.

(Ordinance 09-O-02 adopted 1/28/09)

Table 4-2: Zoning Use Table

Key: (p) = permitted use

c = conditional use

		RESIDENTIAL DISTRICTS								NONRESIDENTIAL DISTRICTS					
Use Categories	Specific Use	AG	SF1	SF2	SF3	TF	MF	MH1	MH2	C1	C2	C3	I1	I2	PARK
Residential															
Household Living	Single-family, detached	P	P	P	P	P	P	P	P	P	P	-	-	-	-
	Single-famil	C	C	C	C	P	P	P	-	P	P	-	-	-	-

y, attached															
Duplex	-	-	C	C	P	P	P	-	-	C	-	-	-	-	-
Townhouse	-	-	C	C	P	P	P	-	P	P	-	-	-	-	-
Multifamily Dwelling	-	-	-	C	C	P	C	C	C	C	-	-	-	-	-
Manufactured Home	-	-	-	-	-	-	-	P	P	C	C	-	-	-	-
H	C	C	C	C	C	C	C	C	C	P	P	-	-	-	-

	omeOccupation														
GroupLiving	GroupHome(5orfewer)	C	C	C	C	C	C	C	-	P	P	-	-	-	-
	GroupHome(6ormore)	C	-	-	-	C	C	C	P	P	P	-	-	-	-
	Nursingorconv	C	-	-	-	C	C	C	-	P	P	-	-	-	-

	alescenthome														
	Retirementcenterapartment	C	-	-	-	C	C	C	-	P	P	-	-	-	-
	Allothergroupliving	C	-	-	-	C	C	C	C	P	P	-	-	-	-
Public and Civic Uses															
Commu	AllCo	P	C	C	C	-	C	-	-	C	P	-	-	-	-

nity Service	mmunity Services														
Day Care	Family home daycare	P	P	P	P	C	C	P	P	P	P	-	-	-	-
	Licensed child-care home	P	C	C	C	-	C	-	-	P	P	-	-	-	-
	Daycare centen	C	C	C	C	-		-	-	P	P	P	P	-	-

	ter															
Educational Facilities	All educational facilities	P	C	C	C	C	C	C	C	-	P	P	-	-	P	-
		RESIDENTIAL DISTRICTS								**NONRESIDENTIAL DISTRICTS**						
Use Categories	**Specific Use**	**AG**	**SF1**	**SF2**	**SF3**	**TF**	**MF**	**MH1**	**MH2**	**C1**	**C2**	**C3**	**I1**	**I2**	**P**	**PARK**
Government Facilities	Detention center	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-
	Allo	-	-	-	-	-	-	-	-	C	P	C	C	P	P	-

	therruses														
Institutions	Allinstitutions	-	-	-	-	C	C	-	-	C	P	-	-	-	P	-
MedicalFacilities	Hospitalsservices(Generaal)	-	-	-	-	-	-	-	-	C	C	P	C	-	-	-
	Hospitalservices	-	-	-	-	-	-	-	-	C	P	P	C	-	-	-

	(Limited)															
	Allotherm edicalfacilities	-	-	-	C	C	C	-	-	C	C	P	C	-	-	-
Parks and Open Areas	Golfcourse/countryclub		C	C	C	-	C	-	-	-	-	P	-	-	C	P
	Cemetery	C	-	-	-	-	-	-	-	-	-	C	C	P	P	-

	,Crematoria,Mausoleums,MemorialParks															
	Allotherparksandopen	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P
Passenger	Airportsa	C	-	-	-	-	-	-	-	-	-	C	C	P	C	-

Terminals	Indheliports															
	Railtransit	C	-	-	-	-	-	-	-	P	C	C	P	P	-
Places of Workshop	All uses	P	P	P	C	P	P	P	C	C	P	P	P	P	P	-
Utilities	All major utilities	C	C	C	C	C	C	C	C	C	P	P	P	P	P	C
	All minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

	rutilities															
	Wirelesstransmissionfacilities	C	C	C	C	-	C	-	-	C	C	C	C	P	C	C
Commercial Uses																
Eatingestablishments	Allusses	-	C	C	C	C	C	C	C	C	P	P	C	-	-	C
		RESIDENTIA								**NONRESID**						

		L DISTRICTS							ENTIAL DISTRICTS						
Use Categories	Specific Use	AG	SF1	SF2	SF3	TF	MF	MH1	MH2	C1	C2	C3	I1	I2	P	PARK
Entertainment	Barortavern	-	C	C	C	C	C	C	C	C	P	P	P	C	-	-
	Allotherindoor	-	C	C	C	C	C	C	C	C	P	P	-	-	-	-
	Alloutdoorentertainment	-	C	C	C	C	C	C	C	-	C	P	P	-	-	C

	Adult oriented business	-	-	-	-	-	-	-	-	-	-	-	C	P	-	-
Office	All uses	-	C	C	C	C	C	C	C	P	P	P	P	C	-	-
Overnight Accommodations*	Bed and Breakfast	C	C	C	C	-	C	-	-	-	P	P	-	-	-	-
	All other uses	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-
Parking	All use	-	-	-	-	-	-	-	-	-	P	C	P	P	P	-

,Commercial	s															
Retail Sales and Service	All other sale-oriented uses	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
	All personal service oriented	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
	Al	-	-	-	-	-	-	-	-	C	P	P	P	P	-	-

	lrepair-orienteduses															
SelfStorage	Allusess	-	-	-	-	-	-	-	-	C	P	C	C	-	-	
VehicleSalesandService	Fuelservice	-	-	-	-	-	-	-	-	-	P	P	-	-	-	
	Hazardousmaterialsale/	-	-	-	-	-	-	-	-	-	C	C	P	-	-	

storage															
Limited vehicles service	-	-	-	-	-	-	-	-	-	C	P	P	P	-	-
Vehicles sales, rental or	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
All other uses	-	-	-	-	-	-	-	-	-	C	P	P	P	-	-
Industrial Uses															

Heavy Industrial	All uses	-	-	-	-	-	-	-	-	-	-	-	P	-	-
Light Industrial	Research, testing, and development lab	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Warehouse and Frei	All uses	-	-	-	-	-	-	-	-	-	-	P	P	-	-

ghtMovement																
WasteRelatedServices	All uses	-	-	-	-	-	-	-	-	-	-	-	C	P	-	-
Wholesaletrade	All uses	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
		RESIDENTIAL DISTRICTS								**NONRESIDENTIAL DISTRICTS**						
UseCategories	**SpecificUse**	**AG**	**SF1**	**SF2**	**SF3**	**TF**	**MF**	**MH1**	**MH2**	**C1**	**C2**	**C3**	**I1**	**I2**	**P**	**PARK**
Other Uses																

Agriculture	Farmstand	P	-	-	-	-	-	-	-	P	P	-	-	-	-	-
	Kennel	C	-	-	-	-	-	-	-	-	-	-	P	P	-	-
	All other uses	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Resource Extraction	All uses	C	-	-	-	-	-	-	-	-	-	-	-	C	-	-

(Ordinance 14-O-11 adopted 4/14/14; Ordinance 15-O-04 adopted 1/26/15)

4.10 Conditional Use Criteria

4.10.01 Procedure and Criteria

A conditional use application follows the same procedures as a rezoning application, The Planning and Zoning Commission will review an application for conditional use with consideration of the following criteria, which may exceed the standards prescribed in Chapter 6, Site Development Standards:

A. Consistency with the Comprehensive Plan.

B. Conformance with applicable regulations in this Code and standards established by the regulations.

C. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk, scale, setbacks and open spaces, landscaping and site development, and access and circulation features.

D. Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent that such impacts exceed those which reasonably may result from use of the site by a permitted use.

E. Modifications to the site plan which would result in increased compatibility or would mitigate potentially unfavorable impacts or would be necessary to conform to applicable regulations and standards and to protect the public health, safety, morals and general welfare.

F. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use.

G. Protection of persons and property from erosion, flood or water damage, fire, noise, glare and similar hazards of impacts.

H. Location, lighting and type of signs; and relation of sills to traffic control and adverse effect on adjacent properties.

I. Adequacy and convenience of off-street parking and loading facilities.

4.10.02 Required Findings

The Planning and Zoning Commission makes a recommendation to the City Council, based upon its findings that:

A. The proposed use is in accord with the objectives of these regulations and the purposes of the district in which the site is located.

(Ordinance 14-O-11 adopted 4/14/14)

B. That the proposed use will comply [with] each of the applicable provisions of these regulations.

C. That the proposed use and site development, together with any modifications applicable thereto, will be completely compatible with existing or permitted uses in the vicinity.

D. That the conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and ensure compatibility with existing or permitted uses in the same district and the surrounding area, and that the prescribed Site Development Regulations do not provide enough mitigation of the impacts identified, thus warranting stricter standards, if so recommended.

E. The Commission has given due consideration to all technical information supplied by the applicant.

F. That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

4.10.03 Establishment of Conditions

The Planning and Zoning Commission may establish conditions for approval, including, but not limited to:

A. requirements for special yards,

B. open spaces,

C. buffers,

D. fences, walls and screening,

E. landscaping,

F. erosion control,

G. street improvements and dedications,

H. regulation of vehicle ingress and egress and traffic circulation,

I. regulation of signs, hours and other characteristics of operation,

J. requirements for maintenance of landscaping and other improvements,

K. establishment of development schedules or time limits for performance of completion, and

L. any other conditions the Commission deems necessary to insure compatibility with surrounding uses, preserving public health, safety, and welfare, and to enable the Commission to make its findings.

4.11 Lot Design Standards

4.11.01 Purpose

The purpose of this Section is to describe lot development standards for both residential and nonresidential lots. This section contains standards on lot size, minimum setback requirements, and maximum building heights in order to provide for a variety of housing and land development patterns and to meet the diverse needs of the current and future residents of Liberty Hill, all in a manner consistent with the goals and objectives set forth in the Comprehensive Plan. This Chapter also contains standards on maximum impervious cover, both for entire subdivisions as they are developed and for individual lots as they are built upon. The impervious cover standards are essential in order to manage or avoid the adverse problems of excessive quantity and degraded quality of urban stormwater runoff, increased erosion of downstream channels and waterways, reduced interception and absorption of rainfall and runoff by the soil and vegetative cover, increased reradiating of excessive heat from large pavement surfaces, and other related problems that can arise as a result of intensive urban development. Chapter 6, Site Development, has additional standards that pertain to both residential and nonresidential lots. Collectively, these standards exist in order to achieve a variety of housing and building types, as well as achieve the goals and policies identified in the City of Liberty Hill's Comprehensive Plan.

4.11.02 Applicability

This Chapter identifies minimum standards for areas both within the City limits and the ETJ. Lot design standards within the Liberty Hill City limits are categorized by Zoning District. Because zoning only applies to areas within the City limits, these standards are nonbinding guidelines for development in the ETJ. However, these lot standards shall apply to areas previously outside the City limits after they are incorporated and then zoned through annexation procedures.

Lot sizes outside the City limits are also restricted by on-site wastewater treatment standards. Williamson County is the responsible entity for review and approval of applications for on-site wastewater treatment. For developments planning to utilize on-site treatment systems, please consult the Williamson County rules for On-site treatment standards.

4.11.03 Minimum Requirements

Every building erected (or moved) and every lot platted for development must conform to the following minimum requirements:

A. Meet the minimum lot requirements of at least one type of lot described in this Chapter;

B. Have direct access to an approved public or private street or street right-of-way, as specified in this Code;

C. Provide safe parking and fire and police access; and

D. Meet the minimum dimensional, environmental, parking, landscaping, and water conservation requirements of this Code.

4.11.04 Density, Impervious Cover and Maximum Lot Coverage Standards

Table 4-4 identifies the standards for lots within each zoning district that have been identified in Section 4.05.

A. Maximum Development Density. Each Zoning District has a maximum number of dwelling units per acre that can be placed on a tract. In many cases, the total number of units that can be placed on a site, after considering the land area needed to accommodate infrastructure and environmental factors (right-of-way, drainage, floodplains, steep slopes, impervious cover limitations, minimum lot size standards, yard setbacks, and maximum lot coverage) will be less than the amount based simply on the maximum development density.

B. Maximum Lot Coverage. Each buildable residential lot has a Maximum Lot Cover, expressed as a percentage, which represents the maximum percent of impervious surface area allowed on a lot within each particular Zoning District. It is computed as the total amount of impervious surface on the lot divided by the total lot area. Impervious surfaces on a lot include buildings, driveways, garages, porches, patios, private walks, accessory buildings, and any other impervious surfaces constructed on the lot. Building coverage is measured from the faces of the walls, not the eaves of the roof.

4.11.05 Lot Dimension Standards

A. Minimum Lot Area. Minimum Lot Area is the minimum amount of square footage allowed within a lot, based on its zoning district classification.

B. Minimum Lot Width. The Minimum Lot Width is the minimum width of a lot (in feet), measured parallel to and along the front property line.

C. Reduction of Minimum Residential Lot Width. Residential lots on cul-de-sacs and eyebrows may have a reduced minimum lot width at the front property line, as follows:

Table 4-3: Reduction of Minimum Residential Lot Width

Zoning District	Cul-de-Sac and Eyebrow Minimum Lot Frontage(ft)
AG	NA
SF-1	50
SF-2	35
SF-3	35

Zoning District	Cul-de-Sac and Eyebrow Minimum Lot Frontage(ft)
TF	40
MF1	NA
MF2	NA
MH-1	35

D. Setback Measurements. Side yard setbacks are measured from the side lot line with no vertical obstructions within the setback. Front and rear yard setbacks are measured from the front and rear lot lines, respectively.

E. Width to Depth Ratio. The average depth of any lot shall not exceed four times the average width of the lot.

Table 4-4: Lot Design Standards

	Max. Develop. Density (units/ac)	Min. Lot Area (ft2)	Min. Lot Width	Min. Front Yard Setback	Min. Rear Yard Setback	Min. Side Yard Setback*	Max. Building Height
RESIDENTIAL							
AG-Agricultural	0.1	120,000	200	35	30	20	35
SF1-Low Density Residential	1	30,000	100	30	25	15	35
SF2-Medium Density Residential	6.7	6,500	55	20	10	5	35
SF3-High Density Residential	10	4,400	45	15	5	5	35
TF-Duplex	8	below	35	15	5	5	35

Residential							
MF1-Multifamily	20	below	75	25	20	15	35
MF2-Multifamily	20	below	75	25	20	15	35
MH1-Manufactured Housing*	6.7	6,500	55	20	10	5	35
MH2-Manuf. Housing	4	see below	300	20	10	see below	35
NONRESIDENTIAL							
C1-Neighborhood Comm./Retail	-	-	50	20	15	7	25
C2-Downtown Comm./Retail	-	-	50	25	15	7	45
C3-General Comm./Retail	-	-	50	25	15	7	45
I1-Light Industrial	-	-	50	40	25	15	45
I2-General Industrial	-	-	50	50	30	15	45
P-Public/ Institutional/ Civic	-	-	70	15	15	15	35
PARK	N/A	N/A	N/A	N/A	N/A	N/A	N/A

The following Notes apply to Table 4-4:

A. Impervious Cover Limitations also subject to Edwards Aquifer Rules where applicable inside the City's jurisdiction.

B. Minimum side setbacks may be waived for one side for "zero lot line" residential subdivisions (one side of each lot shall adhere to the minimum setback requirements in such case)

C. Minimum side yard and back yard and lot area requirements may be modified using PUD in a mixed-use development

D. Minimum lot sizes (and minimum lot areas):

E. 3,000 sq. ft – min. lot area per living unit in multifamily and duplex development

F. 7,500 sq. ft. – min. lot area per living unit in MH2 districts and minimum 15' side separation between homes.

G. 7,500 sq. ft. – duplex multifamily lots within a high-density urban residential neighborhood (and modify the widths and setbacks)

H. Max Lot Coverage = Total amount of impervious cover per lot (including building and impervious areas)

I. Maximum Impervious Cover = (% Coverage Allowed) X (Net Site Area). Lots have an Impervious

Cover limitation that is part of the Max Lot Coverage. In other words, maximum impervious cover applies to an entire development, whereas maximum lot coverage applies to individual lots. Nonresidential Development uses Maximum Impervious Cover only.

J. Lot size and Maximum Lot Coverage may be reduced for Clustered Residential Development.

K. Maximum of 8 living units in a row, per building

L. For corner lots, the side yard setback on side facing public right-of-way shall meet the same as front yard setback.

4.11.06 Accessory Building Standards

Accessory buildings on residential lots shall meet all front and side yard requirements for primary structures. However when the accessory building is located behind the rear facade of the primary structure, then it may meet the following setback:

A. If the accessory building is two hundred (200) square feet or less in area and eight (8) feet or less in height, then it shall be set back a minimum of three (3) feet from the property line.

B. If the accessory structure is greater than two hundred (200) square feet in area or eight (8) feet in height, then it shall be set back one (1) additional foot from the property line for each one (1) foot in height up to the minimum setback for a primary structure.

C. Notwithstanding the above, any garage or carport shall be set back a minimum of ten (10) feet from a right-of-way.

4.11.07 Portable Building Standards

No portable storage building shall be erected in any required setback area; provided, however, that a portable storage building on a single-family residential lot may be excluded from this requirement if the City Administrator or his designee determines that the portable building does not require a building permit and that a minimum unobstructed setback distance of five (5) feet is maintained between the primary residential building and the portable building. In such cases, the portable building must be located at a minimum distance of three (3) feet from the property line.

4.11.08 Residential Frontage

Residential lots with frontage on an arterial street shall also have frontage on a local street so that such lot(s) have vehicular access to a local street and not only to an arterial.

4.11.09 Lot Numbering

All lots must be numbered consecutively within each block.

4.11.10 Blocks

Blocks shall be laid out to provide effective connectivity within and among subdivisions and neighborhoods. The total block length in any case shall not exceed one thousand three hundred and twenty (1,320) feet except in Nonresidential, Multifamily, and Agricultural Residential Zoning Districts, where the block length may not exceed ten (10) times the minimum lot width permitted in the district.

4.11.11 Zero lot line buildings[2]

Zero lot line development allows single-family residential buildings (including town homes and garden apartments) as part of a subdivision to be built to the side property line. For this type of development, only one of the side yard setbacks may be waived for areas between housing units. However, the minimum setbacks shall remain for at least one side of the lot. If there are two separate residential developments, side yard setbacks between the two developments shall still apply.

4.11.12 Cluster development

For residential subdivisions using a cluster development, minimum lot standards may be decreased based on a Planned Unit Development Concept.

4.12 Accessory Uses

4.12.01 General

Any accessory use may be permitted provided there is association with a primary use that may be permitted in accordance with Section 4.8 [sic] of this Code. The establishment of such accessory uses shall be consistent with any or all of the following standards:

A. The accessory use shall be subordinate to and support a primary use or principal;

B. The accessory use shall be subordinate in area, extent or purpose to the primary use;

C. The accessory use shall contribute to the comfort, convenience or necessity of the primary use;

D. The accessory use shall be located within the same zoning district as the primary use; and/or

E. Accessory uses located in residential districts shall not be used for commercial purposes other than authorized and legitimate Home Occupations.

4.12.02 Home Occupations

A home occupation is that accessory use of a dwelling that shall constitute all or some portion of the livelihood of a person or persons living in the dwelling. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which it is a part.

A. Home Occupation Types. Home occupations are permitted provided the occupation meets the following provisions:

1. Is conducted entirely within a dwelling or integral part thereof and has no outside storage of any kind related to the home occupation;

2. Is clearly incidental and secondary to the principal use of the dwelling;

3. Does not affect the residential character of the dwelling nor cause the dwelling to be extended;

4. No identification sign or advertising of the home occupation is placed or situated on the site or structures;

5. Deliveries by commercial vehicle occur generally between the hours of 8 a.m. and 6 p.m. with the exception of package couriers;

6. Do not create disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, traffic, or parking problem;

7. Does not create a nuisance.

B. Prohibited Home Occupations. The following are prohibited as Home Occupations:

1. Animal hospitals, stables, or kennels;

2. Mortuaries;

3. Private clubs;

4. Repair shops;

5. Restaurants (excluding Bed and Breakfasts);

6. Automobile or mechanical paint or repair shops;

7. Doctor, dentist, veterinarian or other medically related office; or

8. Rooming/Boarding House.

9. Barber shops and Beauticians.

4.12.03 Day Care

All day care facilities shall meet the minimum state requirements for such facilities and shall be registered with the State of Texas.

4.12.04 Outdoor Display and Storage

Outdoor display and storage shall be allowed in nonresidential districts provided that the storage does not result in a safety hazard to subject property, adjacent property, pedestrians, or vehicles.

4.13 Wireless Transmission Facilities

A Wireless Transmission Facility (WTF) is permitted in accordance with Table 4-4. Wireless Transmission Facilities are allowed, without a Conditional Use Permit, on existing towers or tanks, utility, lighting standard, sign support or other appropriate structures provided that the antenna or related equipment or structures do not exceed, by 10 feet, the lesser of the height of the structure or the height limits of the highest permitted structure in the district in which it is located.

4.14 Nonconforming Uses

4.14.01 Purpose

Nonconforming uses are lawful uses within a zoning district that do not conform to the requirements of this Code when it is adopted, or when any amendments thereto, take effect.

4.14.02 Description

A. Any use of property existing at the time of the passage of this section of the Code that does not conform with the regulations prescribed in the preceding sections of this Code shall be deemed a nonconforming use, except that any single-family, duplex, or apartment use existing at the time of passage of this Code shall be thereafter deemed a conforming use.

B. The lawful use of land existing at the time of the passage of this Section of the Code, although such use does not conform to the provisions hereof, may be continued, but if said nonconforming use is discontinued for a period of time in excess of six (6) consecutive months, any future use of said premises shall be in conformance with the provisions of this Code.

C. The lawful use of the building at the time of the passage of this ordinance may be continued although such does not conform to the provisions hereof, and such use may be extended throughout the building provided no structural alterations except those required by law or ordinance are made therein. If no structural alterations are made, a nonconforming use of the building may be changed to another nonconforming use of the same or more restricted classification; provided, however, that in the event that a nonconforming use of a building is once changed to a nonconforming use of a more restricted classification, it shall not later be reverted to the former lower or less restricted classification (e.g., from C1 to SF2).

D. The right to maintain the nonconforming use shall be subject to such regulations as to maintenance of the premises and conditions of operation as may, in the judgment of the City Council, be reasonably required for the protection of adjacent property.

E. A nonconforming use shall not be extended or rebuilt in case of obsolescence or total destruction by fire or other cause. In cases of partial destruction by fire or other causes, not exceeding fifty (50) percent of its value, the building inspector shall issue a permit for reconstruction. If greater than fifty (50) percent and less than the total, the City Council, may grant a permit for repair after public hearing and having due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and of the conservation and preservation of property.

F. A violation of this code provision and a request for a nonconforming designation or request for relief under this designation shall not create an estoppel of the trial of any lawsuit which may be filed in any court.

G. Notwithstanding any other provisions of Chapter 4, any legal nonconforming use of property existing as of the date of adoption of this Code that does not conform with the regulations prescribed in the UDC of the City of Liberty Hill, shall be deemed a nonconforming use, subject to the provisions contained in this section.

H. The lawful conforming use of land existing at the time of the passage of this ordinance, although such use does not conform to the provisions hereof, may be continued as a conforming use, but if said use is discontinued for a period of time in excess of six (6) months, any future use of said premises shall be in conformity with the provisions of the current regulations relating to the zoning district in which the property is located.

I. If such conforming use is changed to a use otherwise authorized in said zoning district, then such premises may be used thereafter only for a use authorized in the zoning district where the premises are located.

J. The use authorized herein as a conforming use may not be changed to another use not authorized by the use regulations in the zoning district where the premises are located.

4.15 Vested Rights

A. Applicability. The provisions of this Section apply to any Application for Development Approval in which the Applicant claims an exemption from any provision of this Chapter based on common law or statutory vested rights.

B. Criteria. Common law vested rights shall be acknowledged by the City Council or its designee after consultation with the City Attorney if the applicant for common law vested rights does not demonstrate entitlement to statutory vested rights as provided in subsection C, below. A request for such an acknowledgement must include documents establishing the criteria listed below together with an application review fee to offset the City's costs. The City Administrator may request additional relevant material prior to issuing the acknowledgement. The applicant for common law vested rights must show compliance with the following criteria for the specific project to obtain such rights:

1. In reliance upon properly issued permits or approvals the applicant made substantial financial commitments or assumed substantial financial obligations within the purview of the activities authorized by said permit or approvals; and

2. The applicant proceeded in good faith, and no approvals or permits have lapsed or been revoked; and

3. The applicant has sufficiently and legally established any other factor that may demonstrate vested rights under State or Federal law.

C. Statutory Vested Rights. No Vested Rights Determination that is requested as a basis for approval of an Application for Development Approval shall be issued unless the applicant demonstrates entitlement to common law vested rights as provided in subsection B above and demonstrates compliance with the following criteria for statutory vested rights:

1. The applicant used its property or filed an application as provided in Texas Local Government Code §43.002 prior to annexation by the City of Liberty Hill, and the regulations against which vested rights are claimed are not subject to an exemption as provided in Texas Local Government Code §43.002(c).

2. The applicant filed an application as provided in Texas Local Government Code chapter 245 prior to adoption of the regulations pursuant to which vested rights are claimed, that the regulations which are the basis for the claim of vested rights are not subject to an exemption as provided in Texas Local Government Code §245.004 and that the project has not become dormant as defined in Texas Local Government Code §245.005 and this Chapter.

D. Consent Agreements. Any Applicant for a Vested Rights Determination may apply for Consent Agreement Approval provided that the requirements of 4.15.D.1 are satisfied or the required approval is for one (1) or more, but less than all phases of the proposed development. An application for Consent Agreement Approval may be approved subject to compliance with requirements of a Consent Agreement. An application for a Consent Agreement Approval may be filed concurrent with an Application for a Vested Rights Determination, or at any time prior to approval of a final decision relating to an Application for a Vested Rights Determination by the City Attorney or the City Council.

1. Terms and conditions. Consent Agreement shall be signed by the City Attorney, the City Administrator, and the Applicant and shall include the following terms and conditions:

i. A legal description of the subject property and the names of the legal and equitable owners;

ii. The duration of the consent agreement and the conditions that will result in revocation;

iii. The uses permitted on the property, including population densities and/or building intensities and height;

iv. A description of the public facilities that will service the proposed development, including who shall provide such facilities; the date any new facilities, if needed, will be constructed; and a schedule to assure that public facilities are available concurrent with the impacts of the development;

v. A description of any preservation or dedication of land for public purposes;

vi. A description of all development approvals, permits, or other local or State approvals needed for the proposed development;

vii. A finding that the proposed development is consistent with the Master Plan and the relevant provisions of this Chapter;

viii. A description of any conditions, terms, restrictions, or other requirements determined to be necessary for the preservation and protection of the public health, safety, or welfare;

ix. A statement indicating that the omission of a limitation or restriction shall not relieve the Applicant

of the necessity of complying with all applicable local, state and federal laws;

x. A phasing plan indicating the anticipated commencement and completion date of all phases of the proposed development; and

xi. A statement that the City Attorney and City Council or its designee shall review progress pursuant to the consent agreement at least once every twelve (12) months to determine if there has been demonstrated good faith compliance with the terms of the consent agreement.

2. Failure to comply with Consent Agreement. If the City Council finds, on the basis of substantial competent evidence, that the applicant has failed to comply with the terms of the Consent Agreement, the Consent Agreement may be revoked or modified by the City Council after a public hearing which has been noticed by publication, and for which written notice has been expressly provided to the Applicant.

4.16 Recognition of Vested Rights Derived From Texas Local Government Code Chapter 245

4.16.01 Purpose.

This section provides a methodology for the registration of permits, and permit applications, with the City Administrator so that a determination can be made as to whether the permit, or permit application is one that would afford a project with the "vested rights" as provided in Chapter 245 and §43.002 of the Texas Local Government Code. The purpose for such registration and determination is to assist City Staff in their review of the applicability of Chapter 245 or §43.002 to a particular project. This section shall not apply to a claim of right under common law, a federal or state statute, other than Chapter 245 or §43.002, or the state or federal constitutions. Any claim of right made under any law or authority, other than Chapter 245 or §43.002, shall be made to the City Administrator in writing. The City Administrator shall advise the City Attorney of the claim, and the City Attorney shall make a determination of the validity of the claim within twenty (20) days of its receipt by the City; provided, however, that the twenty (20) day period shall not begin to run until all requisite information to support the claim has been submitted. Additionally, as provided in subsection (g) of this section, this section shall not apply to the types of ordinances, or other governmental action, enumerated in VTCA Local Government Code §245.004 or exempt from the requirements of Local Government Code §43.002.

4.16.02 Vested rights recognition process.

A. Initiation. An application may be made to the City Administrator for recognition of vested rights for a particular project by completion of a form provided by the City Administrator that indicates which permit or permits are being relied upon by the applicant for establishment of vested rights. The applicant shall provide the City Administrator with a completed application together with a permit application review fee required by the City and two (2) copies of any documents applicant is relying upon to establish vested rights.

B. Review and Approval. After receiving an application for recognition of vested rights, the City Administrator shall review the application and approve, deny or request additional information to be provided by the applicant for consideration within twenty (20) working days. Should the permit, which is the basis for vested rights recognition, have been issued by a governmental agency other than the City, the City Administrator shall request the City Attorney to determine whether the permit establishes rights under Chapter 245 of the Texas Local Government Code. In the event the City Administrator does not respond to an application for vested rights within twenty (20) working days, the application will be considered denied. Provided, however, the time period may be extended upon the written request of the applicant. Upon review of the application, if the City Administrator finds that the applicant has provided sufficient information to establish that one (1) or more legally sufficient and applicable permit(s) exists on a project, the City Administrator shall issue a certificate to the applicant recognizing vested rights for the project which shall be dated and signed by the City Administrator. The City Administrator shall review all certificates prior to issuance to ensure it clearly indicates the term and conditions (indicated above) required for the continuation of the recognition of the vested rights. In the event the City Administrator requests additional information for consideration of an application, the applicant shall be notified in writing within the required time period of specifically what information must be submitted in order to complete the review of the application.

C. Should the application be denied, the City Administrator may enumerate in writing any and all reasons for such denial, which shall be delivered to the applicant within the time period allowed for review.

D. Recordation. The City Administrator shall create a file of all certificates issued pursuant to this

Section of the Code that will be available for the public's review during regular business hours. At a minimum the file should contain all certificates issued for a three-calendar year period and should be reviewed annually to remove certificates more than three (3) years old. Certificates more than three (3) years old may be made available in conformance with the Public Information Act.

E. Vested rights recognition process appeal. In the event an applicant for recognition of vested rights is denied recognition of a vested right by the City Administrator and is aggrieved by such action or by the application of the above requirements, the applicant may appeal the decision of the City Administrator to the City Council by filing a request for appeal with the City Administrator within fifteen (15) calendar days from the date the applicant is notified of the adverse decision or action taken. The application for appeal shall be made in writing and shall contain the applicant's factual and/or legal rationale for the appeal. The City Administrator shall place the appeal on the next agenda of the City Council and the City Council shall hold a hearing on the appeal and make its ruling within thirty (30) days from the date the hearing is held by the City Council. The city clerk shall schedule the hearing of the final appeal at the earliest regularly scheduled meeting of the City Council and comply with the requirements of the Texas Open Meetings Act. The decision of the City Council shall be final.

F. Variance. An individual, or business entity, that has applied for a vested rights determination may request a variance from the time limit, required action, or term that would otherwise cause the vested rights to expire. An individual requesting a variance shall make written application to the City Administrator and pay the required fee[.] A request for variance shall identify the specific provisions for which a variance is being requested and the reasons that justify granting the variance. The City Administrator shall review the application for variance and provide a written recommendation with regard to whether the variance should be granted, conditionally granted or denied to the City Council within thirty (30) days from the date the application for variance is filed. In the event the City Council fails to make a ruling on the variance within sixty (60) days from the date the application for variance is filed, the application for variance shall be deemed denied. Provided, however, the time period may be extended upon the written request of the applicant. In order to grant a variance from the provisions of this section, the City Council must find that:

1. The applicant would suffer a hardship in the absence of a variance that is not the result of the applicant's own negligence; and

2. The applicant has been actively and diligently attempting to pursue and complete development of the project that is the subject of the vested rights; and

3. Compliance with rules and regulations that were enacted after the application for recognition of vested rights would cause a substantial economic hardship to the developer/property owner that would preclude the capability of completing the project in a reasonable and prudent manner.

G. The City Administrator shall schedule the hearing of the appeal at the earliest regularly scheduled meeting of the City Council that will allow compliance with the requirements of the Texas Open Meetings Act. The decision of the city council shall be final.

H. Exemption from vested rights. The types of ordinances enumerated in Local Government Code §245.004 are exempt from this section and will apply to a project or development regardless of the effective date of the ordinance or the existence of vested rights for the project.

I. Future ordinances. Any ordinance that concerns the development of real property and is adopted after the adoption of this Code, which incorporates this section into the Code, may specifically state whether it is the type of ordinance that is exempted by §245.004. However, the absence of such a statement shall not be determinative as to whether the ordinance is or is not exempted.

J. Existing ordinances. This section shall not be applicable to any ordinance that concerns the development of real property; as adopted prior to the adoption of this chapter and is exempted by §245.004 from the protection provided by Chapter 245.

K. Determination by City Attorney. Should a question arise as to whether an Ordinance is exempted from Local Government Code Chapter 245 the City Administrator shall request an opinion from the City Attorney and the City Attorney shall render a decision.

L. Duration. This section shall not extend the time of validity for any permit. Any rights recognized by the application of this section shall not extend beyond the time periods prescribed for the validity of the permit or permits that were submitted for recognition except by the granting of a variance from the time

limit as provided herein.

M. Voluntary Compliance. Nothing herein would prohibit any applicant from the voluntary compliance with any future ordinance, regulation or incentive.

N. Chapter 245 of Texas Local Government Code adopted. Chapter 245 of the Texas Local Government Code, as adopted in 2001 by the 77th Legislature, Regular session is hereby adopted and incorporated by reference herein. Should Chapter 245 be repealed by the Legislature it shall remain effective as part of this Code for one year from the date of such repeal. During said period City Council shall take action it deems necessary to provide municipal protection for ongoing projects from the adverse impact of unanticipated subsequent regulations.

4.17 Dormant Projects[3]

4.17.01 Purpose

The purpose of this Section is to provide an expiration date for Permits, approved prior to this adoption of this Section, which lack an expiration date, as provided in Texas Local Government Code §245.005.

4.17.02 Applicability

The provisions of this section apply to any Permit if as of the first anniversary of the effective date of Chapter 245 of the Texas Local Government Code:

A. the permit does not have an expiration date; and

B. no progress has been made towards completion of the project, as defined in Texas Local Government Code §245.005.

4.17.03 Expiration of Dormant Projects

A dormant project, as defined in subsection 4.17.02, above, shall expire on one of the following dates, whichever comes later:

A. The fifth anniversary of the effective date of Chapter 245 of the Local Government Code; or

B. The expiration date established by applying the subsection discussing regulations pertaining to the Permit as established in Chapter 3 "Applications and Permits["]; or

C. The expiration date for a Permit subject to section 4.16 of this Chapter for any eligible Permit as set forth in section 4.16.

5.00 Subdivision, Infrastructure and Public Improvements

5.01 Purpose and Intent

The purpose of this Chapter is to assure that subdivision and site development projects constructed within the City of Liberty Hill and its extraterritorial jurisdiction (ETJ), are adequately furnished with necessary public infrastructure. These include water, wastewater, stormwater drainage, roads, and open space resources.

Design and construction of infrastructure in the City and ETJ shall be consistent with the policies and guidelines established in the most recent versions of the Liberty Hill Comprehensive Plan. Any interpretation of the requirements of this Section shall be made in a manner consistent with the Comprehensive Plan.

5.02 Conformance with the Comprehensive Plan

This chapter addresses policies contained in the Comprehensive Plan and legal requirements for the adequate provision of infrastructure for the health, safety, and welfare of the residents of the City of Liberty Hill and its surroundings.

5.03 General Standards

5.03.01 Unapproved Final Plat or Site Development

City approvals, including but not limited to building, repair, plumbing, or electrical permits, shall not be issued by the City for any structure on a lot in a subdivision or on a parcel for which a final plat or site development permit has not been approved and filed for record.

5.03.02 Compliance with Standards

Full compliance with the standards contained within this Code must be obtained before the issuance of a building repair, plumbing or electrical permit for any structure on a lot within a subdivision within the jurisdiction of the

City.

5.03.03 Review, Permit and Enforcement Authority

In fulfilling any responsibilities in this Section that require technical or other expertise, the City Administrator or designee of the Council shall rely on the assistance of City Engineer or another designee for such expertise.

5.03.04 No City Maintenance

The City shall not repair, maintain, install or provide any streets or public utilities or services in any subdivision for which a final plat has not been approved and filed for record, nor any parcel or lot for which a site development permit has not been issued, nor in which the standards contained herein or referred to herein have not been complied with in full.

5.03.05 No Utility Service

The City shall not sell or supply water, gas, electricity or sewerage within a subdivision for which a final plat has not been approved and filed for record, or parcel or lot for which a site development permit has not been issued, nor in which the standards contained herein have not been complied with in full.

5.03.06 Grandfather Provisions

The provisions of this Section shall not be construed to prohibit the issuance of permits for any lot or undivided tract or parcel of land upon which a structure exists that was in existence prior to the passage of this Code.

5.03.07 Required Improvements

In the absence of any provision to the contrary, the subdivider, developer or applicant shall provide the following improvements, as approved in the construction plans, in conformance with the standards, specifications and requirements of this Unified Development Code:

A. Streets including rights-of-way, alleys, sidewalks, bridges, signalization, and street lighting;

B. Water system including utility easements, water distribution lines, fire hydrants, valves, pumps, and water towers in conformance with the terms and regulations of the provider of said utility;

C. Sanitary sewer system including utility easements, sanitary sewer lines, manholes, and lift stations in conformance with the terms and regulations of the provider of said utility;

D. Drainage system including drainage easements, channels, storm sewer lines and inlets, basins, control structures, and landscaping;

E. Park land;

F. Permanent monument markers;

G. Utilities for electric and telephone service and associated utility easements installed in conformance with the terms and regulations of the provider of said utility;

H. Gas, cable television and other telecommunications service and associated utility easements, when provided, installed in conformance with the terms and regulations of the provider of said utility.

5.03.08 Improvement Continuity and Integration

All improvements must be designed and installed so as to provide for a logical system of utilities, drainage and streets and to create continuity of improvements for the development of adjacent properties. Pedestrian, vehicle, water, wastewater and drainage improvements must be extended to the perimeter of a subdivision.

5.03.09 Improvement Plans

Plans for the improvements required by this Chapter shall be prepared and approved in accordance with the provisions contained herein and certified for accuracy and completeness by a registered professional engineer licensed by the State of Texas.

After completion of construction, the developer shall deliver to the City as-built construction documents indicating all improvements, new construction, and upgrades. These documents shall clearly indicate the location of all improvements including the location of above-and-below ground utilities. The documents shall include a certification from a licensed Professional Engineer that all construction required by this code was performed in compliance with the standards and specifications required of this code.

5.03.10 Acceptance of Improvements

During the course of installation and construction of the required improvements, the City Engineer or another

designee of the City Administrator shall make periodic inspections of the work to insure that all improvements comply with this Code and other municipal, county and State requirements. Upon completion of installation and construction of all required improvements, the developer may seek acceptance of all public improvements by the City by submitting the required number of copies of as-built plans and a one year maintenance bond in an amount as specified at the time of final plat submittal. In addition, the developer shall provide a statement signed by a registered professional engineer that all improvements have been installed and constructed in accordance with the submitted as-built plans.

5.03.11 Maintenance and Supervision

Where a subdivision contains sewers, sewage treatment facilities, water supply systems, parks and grounds held in common, drainage facilities, or other physical facilities necessary or desirable for the welfare of the area, or that are of common use or benefit which are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made which is acceptable to the City for the proper and continuous operation, maintenance, and supervision of such facilities. A copy of the agreements providing for the proper and continuous operation, maintenance and supervision of such facilities shall be presented to the City Administrator and approved as to form by the City Attorney at the time of final plat approval or site development permit issuance and shall be filed of record with the plat or permit thereof.

5.04 Adequate Public Facilities Processing Procedures

A. A final plat or replat or site development permit will not be approved unless the land proposed for subdivision or site development is adequately served by essential public facilities and services. These services include:

1. Streets including alleys, bridges and street lighting, rights-of-way, sidewalks, signalization.

2. Water system including wells (where used), utility easements, water distribution lines, fire hydrants, valves, pumps, pressure tanks, water towers and other water facilities.

3. Sanitary sewer system including utility easements, sanitary sewer lines, manholes, and lift stations.

4. Drainage system including drainage easements, culverts, channels, storm sewer lines and inlets, basins, control structures, and landscaping.

5. Park land in accordance with parkland dedication requirements.

6. Utilities for electric and telephone service and associated utility easements shall be installed in conformance with the terms and regulations of the provider of said utility[.]

7. Gas and cable television service and other telecommunications service and associated utility easements, when provided, shall be installed in conformance with the terms and regulations of the provider of said utility.

B. The City of Round Rock's Design and Construction Standards shall apply for all public facilities within the City limits and ETJ of Liberty Hill. This policy may be further defined and supplemented by other codes adopted by the City.

C. Where appropriate, a letter from each respective utility service provider (when such utility is not provided by the City of Liberty Hill) which states that all requirements have been met, is sufficient in meeting the intent of this section.

5.05 Street Access.

A plat or replat or site development permit will not be approved unless the proposed lot(s) have safe and reliable street access for daily use and emergency purposes. A plat or replat will not be approved unless the proposed lot(s) have direct access to an improved public street, private street, or an approved public way, and connected by improved public street to an improved public thoroughfare. Except for lots which are provided access from an approved cul-de-sac, all subdivisions must have at least two means of vehicular access or approach on a paved public right-of-way. Where development phasing or constraints of the land prevent the provision of a second, separate means of access, the City may, in its sole discretion, accept a temporary street connection, or median divided street or entry to satisfy this requirement.

A site development permit will not be approved unless the parcel on which the development is proposed is a legal lot, duly recorded in the County Deed Records. Such legal lot shall have safe and reliable street access for daily use and emergency purposes. The permit will not be approved unless the lot has direct access to an improved public street, private street, or an approved public way, and connected by improved public street to an improved

public thoroughfare.

5.06 Lighting

A plat or replat or site development permit will not be approved unless lighting requirements as defined in this Code are met.

5.07 Water

A plat or replat or site development permit will not be approved unless the proposed lot(s) or development is connected to a water supply system which is capable of providing adequate water for health and emergency purposes. Except for lots along an approved cul-de-sac or where it is impracticable, all lots must be provided service connections from a looped water main providing water flow from two directions or sources. New developments or improvements of existing developments should consult the City of Liberty Hill or appropriate utility provider for compliance.

5.08 Wastewater

A plat or replat or site development permit will not be approved unless the proposed lot(s) or site developments are served by an approved means of wastewater collection and treatment. The projected wastewater discharge of a proposed development shall not exceed the proposed capacity of the proposed development's wastewater system. The City may require the phasing of development and/or improvements to the systems so as to maintain adequate wastewater capacity. New developments or improvements of existing developments should consult the City of Liberty Hill or appropriate wastewater utility service provider for compliance.

5.09 Fire Protection

Water service must be sufficient to meet the fire flow requirements of the proposed development, except where a suitable alternative means of fire protection is approved by the City Volunteer Fire Department Chief, or his designee, and the City Engineer. The City may require the phasing of development, and/or the construction of improvements to maintain adequate fire protection.

5.10 Drainage

Increased stormwater runoff attributable to new development must not exceed the capacity of the downstream drainage systems or adversely affect adjoining property. Where the projected runoff would exceed capacity based on the standards specified in this Code, the City may require the phasing of development, the use of control methods such as retention or detention, and/or the construction of off-site drainage improvements as means of mitigation. New developments or improvements of existing developments should consult the City of Liberty Hill for compliance.

5.11 Parks and Recreation

(a) The provision of adequate parkland for use as parks is necessary for the protection of public health, safety and general welfare of the community. The city has attempted to provide parks to serve the immediate recreational needs of residents near their homes, but it faces a severe shortage of local recreational space as new subdivisions are approved and the city's population grows. Accordingly, it appears that the provision of parks can best be accomplished in conjunction with the platting and development of new residential areas, which increase the need for parkland and whose residents will be direct beneficiaries of the provision of such parkland.

(b) The subdividers of all residential subdivision of more than four single-family lots shall be required to provide for the parkland needs of future residents through the clear fee simple dedication of suitable land for park and recreational purposes. Nonresidential subdivisions and residential subdivision of four or fewer single-family lots shall not be subject to the parkland dedication requirements of this section.

(c) The subdivider shall dedicate parkland to the city as a part of the final plat approval. The area to be dedicated for the purpose of parkland shall be shown on the conceptual plan, the preliminary plat, and the final plat, and shall be included in the dedication statement. The parkland shall be dedicated to the city by general warranty deed, and acceptable evidence of clear title and evidence that all taxes have been paid shall be furnished by the city.

(d) The minimum amount of land required to be dedicated as parkland shall be 8% of the total subdivision acreage proposed for residential use, excluding acreage within the 100-year floodplain.

(e) Land dedicated for park and recreational purposes shall be of size, character, and location consistent with the standards outlined below:

(1) If necessary for optimum park placement, large dedicatory requirements under this section may be accomplished by dedication of two or more separate park sites as long as each size meets the requirements set out in this section.

(2) The dedicated parkland shall provide a minimum of 200 feet of frontage on a dedicated public street or of a width acceptable to the parks board and the city.

(3) At least 50% of the dedicated parkland shall be level, well-drained, and suitable for use as an open playfield.

(4) Water and wastewater connections shall be readily available at the park site with water and wastewater lines located along the street frontage of the park. The subdivider must demonstrate that there is sufficient water and wastewater utility line capacity available to serve the park.

(5) The area shall not be subject to any reservation of record, encumbrances of any kind, or easements which will interfere with the use of the land for park or recreational purposes.

(f) All land proposed for dedication as parkland that is located in a floodplain area shall:

(1) Be easily accessible and have adequate street frontage;

(2) Have any alteration of its natural character and that of its waterway approved by the parks board and city;

(3) Be at least 100 feet in width, or of a width acceptable to the parks board and the city;

(4) Have a configuration and topography suitable for placement of facilities such as playgrounds, picnic facilities, and open playfields.

(g) If a subdivider is unable to meet the standards set out in subsections (d) and (e) above, resort may be had to one or more of the following alternatives:

(1) Dedication by the subdivider of a unique area of natural beauty or an area possessing unique natural features or biologically valuable qualities;

(2) The combination of two or more required dedications to form a single, viable park area;

(3) Land dedication that would expand existing parks or recreation facilities; and/or

(4) Transfer of required parkland dedication in one subdivision to another location owned by the same subdivider within one-half mile of the proposed subdivision.

(h) When an area is required to be dedicated, the city may require a cash payment in lieu of dedication or parkland.

(1) Where with respect to a particular subdivision the city council determines that a subdivider is unable to meet the requirements of subsections (e), (f) and (g) above, the subdivider may be required to deposit a cash payment with the city. The amount of such cash payments shall be in accordance with the provisions set out in this section. Alternatively, the city may accept a combination of parkland dedication and a cash payment in lieu of a portion of the parkland dedication.

(2) All cash payments shall be used exclusively for the acquisition and/or improvement of parks.

(i) The amount of cash payment to be made to the city shall be 8% of the fair market value of the land proposed to be subdivided, as determined by a qualified real estate appraiser employed by the city, less a credit for the value of the land actually dedicated for parkland as determined by such real estate appraiser. A subdivider, at his own expense, may obtain an additional appraisal by a qualified real estate appraiser mutually agreed upon by the city and the subdivider. In such case, the city council shall determine fair market value upon consideration of both appraisals.

(j) All required cash payments must be submitted prior to final plat approval:[.]

(k) Fifty percent of land contained within the 100-year floodplain shall be credited against the parkland dedication requirement; provided that adjoining land within the 25-year floodplain is also dedicated. Land within the 25-year floodplain shall not be credited against the parkland dedication requirement.

(l) Unless otherwise specified, the requirements of this section shall apply to all residential subdivisions. Exemptions from the provisions of this section shall be as follows:

(1) Any resubdivision of land that does not increase the allowed number of dwelling units;

(2) A subdivision for which a preliminary plat was approved on or before the effective date of this article, and which preliminary plat has not expired prior to approval of a final plat; or

(3) Where there has been entered into a special agreement with the city including specific provisions for the dedication of parkland or cash payments or in lieu of the requirements of this section.

(m) Any land that is dedicated as parkland and is disturbed during construction of the subdivision must be restored by the developer to its original condition or better prior to release of fiscal for the subdivision.

A plat or replat or site development permit will not be approved unless adequate parks and recreational requirements are provided, based on the standards specified in this Code. All residential developments will be required to comply with these standards and requirements. It is the intent of this Code that parks and recreational facilities are located and constructed to provide adequate capacity and functionality to the residents they serve and provide safe, healthy recreational opportunities to the community.

5.12 Monumentation and Survey Control

A plat or replat or site development permit will not be approved unless the following monument and ground control requirements of this Code are met:

A. All monuments and control points shall be placed by a licensed land surveyor, and must be in place prior to the installation of any roadway improvements.

B. To the extent it is practicable, monuments should be installed in locations that will prevent disturbance or destruction of the monument by construction activities. Any monuments disturbed or destroyed during roadway construction shall be reestablished in conformance with the provisions of this Code by a licensed land surveyor.

C. All corners of subdivisions and points of curvature (P.C.) and points of tangency (P.T.) along boundary lines of subdivisions shall be marked with a one-half inch iron rod, two feet in length, set in the center of a concrete monument six (6) inches in diameter and thirty (30) inches deep, with the top of the concrete monument set flush with the finished ground surface.

D. Where, due to topographic conditions, permanent structures, or other conditions, the view is obstructed between any two adjacent monuments, intermediate monuments shall be set as to assure a clear view between adjacent monuments.

E. Corner markers shall be a one-half inch iron rod, or three-fourths inch pipe, two feet in length, and shall be installed flush with the ground. Corners of all lots, block corners, street right-of-way P.C.s and P.T.s shall be marked with corner markers.

F. One permanent benchmark must be installed and referenced to the North American Datum 1983 and the State Plane Coordinate System (Texas State Plane grid coordinates, Central Zone, Feet). Surface coordinates may be provided, but should include a scale factor and convergence to reflect grid coordinates. The City Administrator may waive the requirement for installations of a bench mark for subdivisions smaller than 50 acres when at least two benchmarks are located within one-half mile of the proposed subdivision boundaries.

5.13 Fiscal Surety and Assurance of Construction and Maintenance

The landowner or developer shall be required to comply with all the requirements for Fiscal Surety relating to Construction and Maintenance as detailed in Chapter 7.

6.00 Site Development and Design Standards

6.01 Purpose and Intent

The purpose of this Chapter is to set forth site development and design standards for residential and nonresidential development and building construction. Chapter 6 contains general standards applicable to all land development, standards applicable only to nonresidential site development, and standards applicable only to residential development. The purpose of These standards exist in order [sic] is to achieve a minimum level of quality, compatibility and environmental protection in new and existing developments while maintaining significant flexibility in site layout and design. The standards also serve to implement selected goals and policies identified in the City of Liberty Hill's Comprehensive Plan.

6.02 Relation to Comprehensive Plan Policies and Guidelines

Design and construction of site developments in the City and ETJ should be consistent with the policies and guidelines established in the most recent version of the Liberty Hill Comprehensive Plan. Any interpretation of the requirements of this Section should be made and shall be interpreted in a manner consistent with the Comprehensive Plan.

6.03 Applicability

The minimum site development and site design standards apply to areas both within the City limits and the ETJ.

Standards within base zoning districts and overlay districts may be slightly different than those standards found within this Chapter. When in conflict, the more restrictive standard shall apply.

Also included in certain sections of this Chapter are recommended "guidelines" that are not mandatory and not legally enforceable outside of the city limits of Liberty Hill. Standards are mandatory when they are only enforceable within the city limits of Liberty Hill. In some cases, the words "should" or "may" are used instead of "shall" or "must" to connote this legal distinction. Applicants requesting a variance or anticipating voluntary annexation or any discretionary decision by the City are advised that compliance with these guidelines may be a factor in receiving a favorable recommendation from the Planning and Zoning Commission and City Council.

6.03.01 Thresholds of Development Requiring Site Development Permit

A site development permit shall be required for all site developments as described or exempted below:

A. Construction that involves paving or other impervious surface alteration of seventy-five hundred (7,500) square feet or more, or modifications to a drainage channel or storm drain or pipe or other storm drainage feature with a drainage area, whether on site or off site, equal to five (5) acres or more, and that does not join or abut a public right-of-way requires a site development permit.

B. Construction that involves paving or other impervious surface alteration of one thousand (1,000) square feet; or modifications to a drainage channel or pipe or other storm drainage feature with a catchment's area, whether on site or off site, less than or equal to five (5) acres, may be reviewed and permitted by the City Engineer, without requiring City Council approval.

C. Construction or expansion of a building other than a single-family or duplex residential building, with a floor area expansion of more than one thousand (1,000) square feet or more requires a site development permit.

D. Conversion of a residential or nonresidential structure to a nonresidential use in which the floor area of the building is one thousand (1,000) square feet requires a site development permit.

6.03.02 Residential.

A. Construction on single-family or duplex lots in existing subdivisions with average lot sizes greater than one-half (1/2) acre or twenty-one thousand seven hundred and eighty (21,780) square feet do not require a site development permit.

B. Conversion or expansion of a residential structure to a nonresidential use must apply for and receive a site development permit prior to commencement of construction.

6.04 Content of the Site Development Permit Application

The City Administrator shall define the content and form of the site development permit application. Until such time as the City Administrator has defined the content and form of the site development permit application more specifically in an Administrative Procedures Manual, the application shall consist of the following, demonstrating conformance with applicable provisions in this Code:

A. Applicant's name, mailing address and contact information.

B. A description of the nature of the project, including physical address.

C. A statement of the legal subdivision name, including lot, block and recording information.

D. A copy of the recorded plat

E. Copies of letters from utility providers stating that utility service is available at the site.

F. Copy of approved TxDoT Driveway permit, if applicable.

G. Five copies of a site plan, drawn at a minimum scale of 1"=60', which reflects the property boundary dimensions, all setbacks and easements, and the location of physical improvements, including buildings, parking lots, landscaping, utilities, and accessory structures. The site plan shall

indicate conformance with any applicable provisions of this Code.

H. Review fee, as applicable.

6.05 Reserved
6.06 Reserved
6.07 Tree Inventory and Protection

An inventory of existing trees greater than ten (10) inches [in] diameter measured from four (4) feet above ground level shall be inventoried and identified in the Site Plan. The Site Plan shall indicate which trees are proposed to remain, and which are to be removed. The following requirements apply:

A. Trees to remain after construction is complete shall be protected from possible injury during construction.

B. Exceptions to these requirements include the following:

1. Trees that should be removed because they pose a safety risk;

2. Trees that must be moved because of right-of-way expansion; or

3. Trees that must be moved during a fire prevention operation.

C. Land Clearing and Modification. Clear cutting of any sort (by hand, chainsaw, machine or other means) of trees greater than nineteen (19) inches in diameter measured four (4) feet from ground level from a residential or commercial property shall be prohibited. Up to 40% of trees under 19" in diameter can be removed. Trees under 10" in diameter are not included in the 40%. Exception can be granted by the City Administrator if an acceptable replacement plan is provided.

D. Exceptions to this prohibition are made for trees that pose a health and safety problem, including Hackberry, Mesquite, and Ash Juniper/Cedar.

E. Any hardwood tree 19" [in] diameter or larger shall require Planning and Zoning Commission Approval before removing.

F. No tree shall be planted in a public right-of-way without prior authorization from the City Administrator and any other applicable entity (e.g., Williamson County, TxDoT).

6.08 Buffering
6.08.01 Purpose

Buffering is intended to protect the character and stability of residential areas, to conserve the value of land and buildings of the properties and neighborhoods adjacent to nonresidential developments, and to enhance the visual and aesthetic image of the City of Liberty Hill. Buffering provides visual screening and spatial separation of two adjoining buildings and areas of intense activity.

6.08.02 Applicability

Buffering applies to all development except single-family construction adjacent to residential zoned property.

6.08.03 Location

Buffer yards shall be located on the side and rear lot lines of a parcel extending to the lot or parcel boundary line. Buffer yards shall not be located within existing streets or public rights-of-way.

6.08.04 Dimension

Buffer Width is based on the following Buffer Intensity Classifications:

Class 1: Cemeteries, golf courses, passive recreational areas, wholesale nurseries, day care homes

Class 2: Offices (3 stories or less), churches, schools, public facilities including playgrounds, ball fields, community swimming pools, and similar facilities, day care facilities.

Class 3: Neighborhood and other local commercial and service activities, including but not limited to retail operations, restaurants (without drive-up windows), banks (without drive-up windows), convenience stores (without gasoline sales), offices (over three stories), multifamily and manufactured housing.

Class 4: Commercial activities with higher vehicle activities, including but not limited to vehicle repair, service stations, drive-up window restaurants and banks, car washes, hotels and motels, shopping centers, funeral homes, schools, and child care centers. Also, light manufacturing activities and research facilities.

Class 5: Heavy industrial uses, heavy manufacturing, truck terminals, mobile home sales, vehicle sales, vehicle

storage and salvage, heavy equipment sales, facilities involving outdoor storage and outdoor commercial recreation establishments.

No buffers shall be required for property in the Downtown Overlay District although some landscaping and buffering standards may apply per the conditional use permitting process.

6.08.05 Alternate Compliance

The City Council, at time of site plan approval, may reduce buffer widths and required plantings by up to fifty percent (50%) if the site plan indicates berming, alternate landscaping, walls, opaque fence or topographic features, which will meet or exceed the buffer yard objectives of this section and are designed to complement adjacent properties. The City Council may also reduce the buffer width along a property line by an amount not to exceed fifty percent (50%) of the width of a public utility easement if the easement is located on the property line and in the same location or orientation as the buffer yard. Berms may not have a slope greater than four-to-one (4/1) and must have a crown width of at least three (3) feet. Reductions of buffer width more than fifty percent (50%) shall not be considered without written approval from the adjoining property owners, and only upon written approval by the City Council.

Table 6-1: Buffer Intensity Class

Buffer Intensity Class (BIC)	Residential Zone	Residential Use in Nonresidential Zone	Multifamily Zone
BIC 1	10'	5'	10'
BIC 2	20'	10'	20'
BIC 3	30'	15'	20'
BIC 4	50'	25'	40'
BIC 5	80'	40'	80'

6.08.06 Integration with Landscaping

Buffer requirements can be applied within the required setback spaces and can be used to satisfy any landscaping requirements of this Code.

6.09 Design of Improvements

Design of improvements shall conform to the standards and specifications of the City of Round Rock Design and Construction Standards, as amended.

6.10 General Access, Circulation and Parking Standards

6.10.01 Purpose

The purpose of this Section is to require that the parking and circulation aspects of all developments are well designed with regard to safety, efficiency and convenience for vehicles, bicycles, and pedestrians, both within the development and to and from surrounding areas.

6.10.02 Consistency with the Transportation Plan

All new roadways shall be built in accordance with any the Transportation Plan Element of the City of Liberty Hill Comprehensive Plan, the City's thoroughfare plan as may be adopted by the City Council, and any TxDot standards that may apply.

6.10.03 Safety Considerations

Pedestrian Separation. To the maximum extent feasible, pedestrians shall be separated from vehicles and bicycles. Where complete separation of pedestrians and vehicles and bicycles is not possible, potential hazards shall be minimized by the use of techniques such as special paving, grade separations, pavement marking, signs or striping, bollards, median refuge areas, traffic calming features, landscaping, lighting or other means to clearly delineate pedestrian areas, for both day and night use.

6.10.04 Added Width for Bicycles

Where pedestrians and bicyclists share walkways, the pedestrian/bicycle system shall be designed to be wide enough to easily accommodate the amount of anticipated pedestrian and bicycle traffic volumes. A minimum width of six (6) and maximum width of twelve (12) feet shall be required for all walkways and sidewalks which require shared use by pedestrians and bicyclists.

6.10.05 Curb Cuts and Ramps

Curbcuts and ramps shall be located at convenient, safe locations for the physically disabled, for bicyclists and for pedestrians pushing strollers or carts. The location and design of curbcuts and ramps shall meet the requirements of the Uniform Building Code and the Americans with Disabilities Act ramp standards and shall avoid crossing or funneling traffic through loading areas, drive-in lanes and outdoor trash storage/collection areas.

6.10.06 Corner Lot View Lines

On a corner lot in any district, nothing shall be erected, placed, or planted or allowed to grow in such a manner so as to materially impair vehicle drivers' vision at intersections, within a triangle defined by the property lines and a line joining two points located twenty-five (25) feet back from the property lines intersection; except that fences, walls, and/or hedges may be permitted provided that such fences, walls, and/or hedges do not impair vision from three (3) feet to six (6) feet above the curbline elevation.

6.10.07 Access and Parking Lot Requirements.

A. General. All vehicular use areas in any site development shall be designed to be safe, efficient, convenient and attractive, considering use by all modes of transportation that will access the site including, without limitation, cars, trucks, buses, bicycles, pedestrian, and emergency vehicles. Mutual access easements may be required during the platting process to limit the number of curb cuts along Major and Minor Arterials. In addition, cross-access easements may be required between adjacent lots to encourage a secondary circulation system.

B. Pedestrian/Vehicle Separation. To the maximum extent feasible, pedestrians and vehicles shall be separated through provision of a separate sidewalk or walkway for pedestrians. Where complete separation of pedestrian and vehicles is not feasible, potential hazards shall be minimized by using landscaping, bollards, special paving, lighting and other similar means to clearly delineate pedestrian areas.

C. Access. Unobstructed vehicular access to and from a public street shall be provided for all off-street parking spaces. Vehicular access shall be provided in such manner as to protect the safety of persons using such access or traveling in the public street from which such access is obtained.

D. Geometric Design. Parking lots shall be designed in accordance with the City of Round Rock Transportation Criteria Manual, as amended. Generally, parking lots shall be laid out to continue the street/block pattern of the area so that the lots can easily be redeveloped with buildings consistent with the urban design of the surrounding development[.]

E. Pavement. All open, off-street parking and vehicular use areas shall bear an all-weather geotechnically engineered surface to meet a loading requirement of 75,000 pounds.

F. Lighting. Light fixtures provided for any off-street parking area adjacent to a residential use or residentially zoned lot shall shield the source of light from sight and prevent the spillover of direct light onto the residential use, while still providing security to motorists, pedestrians and bicyclists. See Section 6.11 [6.13] of this Code for lighting standards.

G. Maintenance. The property owner shall be responsible for maintaining any vehicular use area in good condition and free of refuse, debris, and vehicles that have not been driven for two weeks or longer, and all landscaping in a healthy and growing condition, replacing it when necessary as specified in the approved site development permit.

H. Provision of Access Easements. The City Administrator or City Engineer may require the provision of mutual access and/or cross-access easements for circulation control.

6.11 Assessment and Improvement of Transportation Network

6.11.01 Purpose and General Policy

The purpose of this section is to require that development within the Liberty Hill jurisdictional area is supported by an adequate roadway network, including collector-level and higher capacity streets, as may be necessary to accommodate the continuing growth and development of the City and its jurisdictional area. Acquisition of new rights-of-way for off-site, abutting and internal streets to support new development is necessary and desirable. The

city requires that: (1) development impacts are mitigated through contributions of street rights-of-way and/or improvements to existing and new roadways; or (2) new developments contribute their fair share of the costs of needed transportation improvements.

6.11.02 Proportionality of Requirement

There must be a rough proportionality between the traffic impacts created by a new development and requirements placed on the property owner or applicant for new development to dedicate and improve off-site, abutting and internal street rights-of-way to City standards. The City desires to assure both that development impacts are mitigated through contributions of street rights-of-way and transportation system improvements and that new development contribute their fair share of the costs of transportation improvements. It is the City's intent to institute a procedure to assure that mandatory dedications of street rights-of-way and street construction requirements are proportional to the traffic demands created by a new development.

6.11.03 Administration

The City Administrator or his designee shall be the primary point of contact with the landowner or developer or his agents, and has considerable authority and responsibility for administering the provisions of this section of the Code. However, all final decisions concerning participation in costs and completion of improvements that may be specified in a traffic impact analysis, capital improvements plan, or mitigation plan as required in this section shall be made by the City Council and reviewed in advance by the Planning and Zoning Commission.

6.11.04 Applicability

The requirement for assessment of and improvements to the transportation network applies to existing and future transportation networks associated with land development activities, within the City limits and within the City's extraterritorial jurisdiction. Any application for subdivision approval or subdivision improvements, zoning or zoning change, or site development in accordance with this Code must comply with these standards. The City Engineer may at his professional discretion (and approval by City Council) issue a waiver to this requirement.

6.11.05 Threshold of Requirement

The threshold requirement for a TIA shall be a development or combination of developments that would result in trip generation of more than an average of one thousand (1,000) trips per day based upon the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. If the proposed development does not exceed the threshold, a TIA waiver shall be noted on the TIA Determination Worksheet. If the TIA threshold is exceeded, the applicant shall be so advised on the TIA Determination Worksheet and referred to the City Administrator or his designee for consultation concerning the preparation of a TIA.

6.11.06 Traffic Impact Analysis

When a TIA is required, the type and scope of the study shall be determined during a scoping meeting with the City Administrator or his designee. The scoping meeting may occur during any required preapplication conference, but may also be scheduled after an initial preapplication meeting. No application requiring a TIA may be made until the scope of the required study has been determined. The City Administrator or his designee may involve representatives of or request assessments from other agencies and departments and consultants. The TIA will follow the criteria outlined in the City of Round Rock Transportation Criteria Manual, Section 2, as amended.

6.11.07 Dedication and Improvement of Internal and Adjacent Thoroughfares

For thoroughfares that currently are or will in the future be located alongside a property boundary, the property owner shall dedicate and improve, as a minimum, one-half of the right-of-way necessary to meet the specification of future thoroughfares contained in the Comprehensive Plan or the City or County Thoroughfare Plan as adopted or amended by the City Council from time to time. The City may require additional land and improvements for rights-of-way for adjacent thoroughfares where necessary to achieve adequacy of the road network and where such additional land and improvements are proportional to the traffic impacts generated by the proposed development, depending on factors such as the impact of the development on the thoroughfare, the timing of development in relation to need for the thoroughfare, and the likelihood that adjoining property will develop in a timely manner. In the case of adjacent frontage or service roads for state and federally designated highways, the property owner shall dedicate sufficient right-of-way and make authorized improvements in order to provide an adequate road network to serve the development.

6.11.08 Substandard Street Improvements

Where an existing thoroughfare that does not meet the City's right-of-way or design standards abuts a proposed new development, the City may require the property owner to dedicate the right-of-way for a standard

thoroughfare width, and to improve the street according to the dimensions and specifications in this Code, depending on factors such as the impact of the development on the thoroughfare, the timing of development in relation to need for the thoroughfare, and the likelihood that adjoining property will develop in a timely manner.

6.11.09 Capital Improvements Plan for Roads

A road improvement may be considered adequate for an application if the City Administrator determines that the required improvement is included, funded, and approved in the City's, County's or State's capital improvements plan for roads, provided that the applicant agrees to phase development to conform to the date of completion of such scheduled improvement. This section shall not be construed to prevent the City from requiring dedication of rights-of-way for such roads, or from assigning trips to such roads in a TIA in order to determine a development project's proportionate costs of improvements.

6.11.10 Participation in Costs and Completion of Improvements

The City may participate in the costs of improvements required by this section in order to achieve proportionality between the traffic impacts created by the proposed development and the obligation to provide adequate roadways. In such cases, the property owner shall be responsible for the entire initial costs of road improvements, including design costs. Reimbursement of the City's agreed share of the costs shall be made as funds become available. The construction of improvements and the provisions for participation in costs by the City shall be included in a subdivision improvement agreement.

During the course of providing for improvements, the City shall cooperate with the developer in the use of its governmental powers to assist in the timely and cost effective implementation of improvements. Assistance shall not mean financial aid in actual easement acquisition, construction or engineering costs.

6.11.11 Deferral of Obligation

Upon request of the applicant or property owner, the obligation to dedicate or improve thoroughfare rights-of-way or to make intersection improvements imposed on an application may be deferred to a later stage of the development process. As a condition of deferring the obligation to dedicate rights-of-way for or to improve thoroughfares, which deferral shall be in the sole discretion of the City, the City shall require the developer to execute a subdivision or site development improvement agreement specifying the amount and timing of the rights-of-way dedication or improvements to thoroughfares, including the posting or depositing of a letter of credit or other fiscal surety, in a form and under terms acceptable to the City, in advance of approval of the development application.

6.11.12 Cash Contributions

In lieu of the obligation to dedicate or improve thoroughfares or make traffic-control improvements or post fiscal surety for subsequent construction to achieve road adequacy, the applicant may propose to make equivalent cash contributions based upon the development project's proportionate share of the costs of improvements, which the City in its sole discretion may accept in satisfaction of road adequacy standards in this section. Any funds accepted by the City shall be earmarked for construction of the improvements for which the contribution was made.

6.11.13 Options

Whenever the proposed development's share of the costs of a thoroughfare or traffic-control improvement needed to mitigate traffic generated by the development is less than one hundred percent (100%), the City in its sole discretion may do the following:

A. participate in the excess costs; or

B. aggregate the costs of improving multiple thoroughfares or intersections identified in the TIA, and require improvements to only some of the thoroughfares or intersections affected by the development.

6.11.14 Advance Funding

If the landowners determine to either fund in advance or fund more than their pro-rata share, the City shall credit the developer's future fiscal posting. For those contributions and improvements beyond the developer's pro-rata participation, the City may either credit the developer's future fiscal posting or reimburse the developer out of City funds or funds allocated from other area landowners' contributions for those specific improvements.

6.12 Sign Regulations

6.12.01 Purpose.

The purposes of regulating the placement and specifications of signs within the City's jurisdictional area are as follows:

A. To promote and protect the safety of persons and property by assuring that signs do not create traffic hazards or impair motorists' ability to see pedestrians, other vehicles, obstacles or read traffic signs;

B. To promote the aesthetics, safety, health, morals and general welfare, and the assurance of protection of adequate light and air by regulation of the position, displaying, erection, use and maintenance of signs;

C. To promote the efficient transfer of general public and commercial information through the use of signs;

D. To enhance the overall appearance and economic value of the landscape, and preserve the unique natural environment that distinguishes the City and surrounding area.

6.12.02 Applicability - Effect

A. A sign may be erected, placed, established, painted, created, or maintained in the City only in conformance with the standards, procedures, exemptions, and other requirements of the Section.

B. The effect of this Section as more specifically set forth herein, is:

1. To establish a permit system to allow a variety of types of signs in commercial and industrial zones and a limited variety of signs in other zones, subject to the standards and the permit procedures of this Section.[;]

2. To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective Lots on which they are located, subject to the substantive requirements of this Section, but without requirements for permits;

3. To provide for Temporary Signs without Commercial Messages in limited circumstances;

4. To prohibit all signs not expressly permitted by this Section; and

5. To provide for the enforcement of the provisions of this Section[.]

6.12.03 Definitions and Interpretation

Words and phrases used in this Section shall have the meanings set forth in the Reference section of this Code. Principles for computing sign area and sign height are contained in Section 6.12.04 below. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

6.12.04 Computation

A. Computation of Area of Individual Signs. The area of a sign face (which is also the sign area of a Wall Sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof, that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets Code regulations and is clearly incidental to the display itself.

B. Computation of Area of Multifaceted Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

C. Computation of Height. The height of a sign shall be computed as the distance from the ground to the top of the highest attached component of the sign. Normal grade shall be construed to be the (1) existing grade prior to construction (2) the newly established grade after construction, or (3) the crown of the adjacent roadway.

D. Computation of Maximum Total Permitted Sign Area for a Zone Lot. The permitted sum of the area of all individual signs on a Zone Lot shall be computed by applying the formula contained in Table 6-3, "Maximum Total Sign Area per Zone Lot by Zoning District," to the Lot frontage, building frontage, or wall area, as appropriate, for the zoning district in which the Lot is located. Lots fronting on two or more Streets are allowed the permitted sign area for each Street Frontage, with signs facing a maximum of two Streets. However, the total sign area that is oriented toward a particular Street may not exceed the portion of the Lot's total sign allocation that is derived from the Lot, building, or wall area frontage on

that Street.

6.12.05 Permitted and Prohibited Signs

A. Sign Permits (number/letter change). Signs shall be allowed on private property in the City or its extraterritorial jurisdiction in accordance with, and only in accordance with, Table 6-3 [6-2], "Permitted Signs by Type and Zoning District." If the letter "A" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. If the letter "P" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If no letter appears for a sign type in a column, such sign is not allowed in the zoning districts represented by that column under any circumstances. The following zoning districts are identified for the purpose of these tables:

Table 6-2 Permitted Signs by Zoning District

Sign Type	AG	Residential	C-1, C-2	C3	Industrial
Freestanding					
Other	A	A	A	A	A
Incidental					
Building	-	-	P	P	P
Banner	A	A	A	A	A
Building Marker	-	-	P	-	-
Canopy	A	A	A	A	A
Incidental	-	-	P	P	-
Marquee	-	P	P	P	P
Monument	-	-	P	P	-
Projecting	P	P	P	-	-
Residential	-	-	-	-	-
Roof	-	-	-	P	P
Roof, Integral	A	A	A	A	A
Street Address	-	-	A	A	A
Suspended	A	A	P	P	P
Temporary	-	-	P	P	P
Wall	-	-	P	P	P

Window					
Miscellaneous	A	A	A	A	A
Flag	A	A	P	P	P
Portable					

* (A) Allowed without permit (P) Permit required (-) Prohibited

B. Although permitted under the previous paragraph, a sign designation by an "A" or "P" in Table 6-2 shall be allowed only if:

1. The sum of the area of all building and Lots on the Zone Lot conforms to the maximum permitted sign area as determined by the formula for the zoning district in which the Lot is located.

2. The size, location, and number of signs on the Lot conform to the requirements of Tables 6-2, 6-3, "Number, Dimensions, and Location of Individual Signs by Zoning District."

Table 6-3 Number, Dimensions and Location of Individual Signs by Zoning District

Sign Type	Agricultural	Residential	C1, C-2	C-3	Industrial
Freestanding					
Area (sq. ft.)	72	20	30	200	200
Height (feet)	8	5	10 (Pole/Post/Arm) 5 (Monument)	30	25
Setback (feet)	10	8	8	10	10
Number Permitted					
Per Zone Lot	1	1 (per street frontage)	1 (per street frontage)	1 (per street frontage)	N/A
Per Feet of Street Frontage	N/A	N/A	N/A	1 (per 200')	1 (per 400')
Building					
Area (max. sq. ft.)	N/A	2	30 (Wall) 15 (Projecting)	45 (Wall) 16 (Projecting)	N/A
Wall Area (percent)	N/A	N/A	10	10	5

C. Permits Required.

1. If a sign requiring a permit under the provision of this Chapter is to be placed, constructed, erected, or modified on a lot either within the City limits or the City's extraterritorial jurisdiction, the owner of the Lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a

sign in accordance with the requirements of Section 6.12.05.F [6.12.05.E] below.

2. No signs shall be erected in the public right-of-way except in accordance with Section 6.12.05.J [sic] below.

3. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this Section (including those protecting existing signs) in every respect and with the Master or Common Signage Plan in effect for the property, if applicable. If a permit is administratively denied the property owner may appeal to a committee composed of the Mayor, Mayor Pro tem, and City Administrator.

D. Signs Exempt from Regulation. The following signs shall be exempt from regulation under this Chapter:

1. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;

2. Temporary real estate signs not exceeding six square feet in area and three feet in height in residential zoning districts and not exceeding 64 square feet in area and 12 feet in height in other zoning districts that advertise the property on which the sign is located for sale or lease. These signs must be removed within seven days after the property is sold or leased;

3. Works of art that do not include a Commercial Message;

4. Holiday lights and decorations with no Commercial Message;

5. Traffic-control signs on private property, such as stop, yield, and similar signs, the face of which meet Department of Transportation standards and that contain no Commercial Message of any sort;

6. Temporary signs advertising a "garage sale" not exceeding six square feet in area. These signs may not be posted earlier than three days before and must be removed within one day after the sale;

7. Temporary signs placed on construction sites to identify the contractor, engineer, architect, or developer not exceeding 64 square feet in area. These signs may not be erected prior to approval of a site plan and must be removed within seven days after the completion of the project;

8. Permanent subdivision identification signs approved by the City Council as part of the platting process;

9. Temporary signs for special events such as charitable, church, or community activities. These signs may not be posted earlier than three weeks before and must be removed within one day after the event;

10. Model home signs not exceeding 32 square feet in area and 5 feet in height.

11. No Trespassing, No Hunting, and No Fishing Signs placed by the landowner.

12. Temporary real estate signs (commonly referred to as "bandit" signs) are permitted Friday, Saturday and Sunday only, and must be removed by Monday morning, per TxDoT regulations.

E. General Permit Procedures. The following procedures shall govern the application for, and issuance of, all sign permits under this Section, and the submission and review of Common Signage Plans and Master Signage.

1. Applications. All applications for sign permits of any kind and for approval of Master or Common Signage Plan shall be submitted to the City Administrator.

2. Fees. Each application for a sign permit or for approval of a Master or Common Signage Plan shall be accompanied by the applicable fees, which shall be established by the City Council from time to time by resolution.

3. Completeness. Within five days of receiving an application for a sign permit or for a Master or Common Signage Plan, the City Administrator shall review it for completeness. If the City Administrator finds that it is complete, the application shall then be processed. If the City Administrator finds that it is incomplete, the City Administrator shall, within such five-day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of the Chapter.

4. Action on Permit. Within seven days of the submission of a complete application for a sign permit, the City Administrator shall either:

i. Issue the sign permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of the Section and of the applicable Master or Common Signage Plan; or

ii. Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform to requirements of the Section and the applicable Master or Common Signage Plan. In case of a rejection, the City Administrator shall specify in the rejection the sections of the Chapter or applicable plan with which the sign(s) is inconsistent.

5. Action on Plan. On any application for approval of a Master or Common Signage Plan, the City Administrator shall either approve the proposed plan if the sign(s) as shown on the plan and the plan itself conforms in every respect with requirements of this Section, or reject the proposed plan if the sign(s) as shown on the plan or the plan itself fails in any way to conform with the requirements of the Section. In case of a rejection, the City Administrator shall specify in the rejection the sections of the Section with which the plan is inconsistent. The City Administrator shall take action on or before the applicable one of the following dates:

i. Fourteen days after the submission of a complete application if the application is for existing buildings; or

ii. On the date of final action on any related application for building permit, site plan, or development plan for signs involving new construction.

6.12.06 Nonconforming Signs.

A. This Section shall apply to all Nonconforming Signs. All Nonconforming Signs shall be brought into compliance with this chapter in accordance with the provisions of this Section.

B. All Nonconforming Signs that were erected in violation of the ordinances of the City in existence at the time the sign was permitted or should have been permitted, and which violation was or has not been cured, shall, upon written notice, be required to be brought into compliance with this Section or removed within a reasonable time frame specified by the City Administrator, but not to exceed 30 days.

C. Nonconforming Signs that do not comply with the City Construction Code shall be subject to enforcement under the Construction Code, as well as this Section. Repairs or modifications required under the City Construction Code shall not entitle the owner of the Nonconforming Sign to compensation under this Subchapter.

D. All Nonconforming Signs shall be subject to the following provisions:

1. Any Nonconforming Sign that has been destroyed or damaged to the extent that the cost of repairing the sign is more than 50 percent of the cost of erecting a new sign shall be removed or shall be brought into compliance with this Chapter within six months from receipt of an order from the City Administrator.

2. No Nonconforming Sign shall be required to be relocated or removed unless such Nonconforming Sign is more than 50 percent destroyed or damaged as provided above.

3. Existing on-premises advertising may be replaced with like size and structure, not to exceed the square footage and height of the original sign.

E. Change of use: Whenever a land use changes, any nonconforming sign must be modified or removed so as to be in full compliance with these sign regulations.

F. Any water storage device existing at the date of this adoption would be non-conforming and would be precluded from restoring any type of signage upon repainting of the water storage device.

6.12.07 Abandoned signs and supporting structures.

A. The owner of any premises on which there is displayed or maintained an abandoned sign or abandoned supporting structure shall comply with the following requirements:

1. Any sign that is deemed dilapidated by the City Administrator on or before the adoption date of this Section, the owner shall remove the sign within 30 days after receiving written notice from the City Administrator or the adoption of this Section, whichever is later;

2. Any sign that is deemed dilapidated by the City Administrator after the adoption date of this Section, the owner shall remove the sign within 30 days after receiving written notice from the City Administrator;

3. If a supporting structure used or designed to be used with a sign is deemed dilapidated by the City Administrator on or before the adoption date of this Section, the owner shall remove the supporting structure within 30 days after receiving written notice from the City Administrator.

4. If an abandoned supporting structure does not have a can, frame, or similar part of the supporting structure that would hold the sign or to which the sign would be attached, the supporting structure shall be removed or made to comply with the provisions of the Section.

5. No sign or supporting structure that is altered under the provisions of this section shall be made more nonconforming.

B. Any dilapidated sign or dilapidated supporting structure not in compliance with this Section is an unlawful sign and may be removed by the City in compliance with Chapter 7 and the owner may be prosecuted or be enjoined from continuing such violation.

C. If any sign, which conforms to the regulations of the Section, is abandoned, the owner, user, and Persons who benefit from the sign and the owner, operator, and tenants of the property on which the sign is located shall remove it, paint out or cover the message portion of the sign, put a blank face on the sign, or otherwise bring it into compliance with this Section so as to leave the message portion and supporting structure neat and unobtrusive in appearance, within 90 days after receiving written notice from the City Administrator.

D. The following are required for the use, display, maintenance, or permitting of an alteration of any abandoned sign or supporting structure regardless of when the sign was abandoned:[.]

E. Like material. Only the same like, or better quality material as that being replaced shall be used as a face on or in the abandoned sign. The face of the supporting structure must be one that the supporting structure is designed to support.

F. Routed, embossed, or raised messages or sign copy must not be visible to the ordinary observer, if the face or message is blanked.

G. Covered Messages.

H. Abandoned signs may be painted in order to "blank" the face. However, the paint must completely cover the sign face or message portion of the structure. The covered, painted over message must not show through the paint.

I. Covered sign faces must be of a material or substance that renders the resulting sign face completely blank, opaque, and resistant to deterioration. It is a violation of the Chapter to allow a covered message to bleed or show through the paint or covering.

J. No Person shall alter an abandoned sign or supporting structure without first obtaining a permit to do so from the City Administrator.

6.13 Outdoor Lighting

[6.13.01 Reserved]

[6.13.02 Reserved]

6.13.03 Purpose and Intent

The purpose of this section is to regulate outdoor lighting in order to reduce or prevent light pollution in the City. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare, light trespass, and higher energy use. Excessive glare can be annoying and may cause safety problems. Light trespass reduces everyone's privacy, degrades the enjoyment of the night sky, and higher energy use results in increased costs for everyone. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents, and will help preserve the historic and rural character of the City in keeping with the desired objectives of the Comprehensive Plan.

6.13.04 Regulation

A. Outdoor lighting shall be designed to provide the minimum lighting necessary to ensure adequate safety, night vision, and comfort, and not create or cause excessive glare onto adjacent properties and public street rights-of-way.

B. The regulations contained in this section are binding only within the city limits of Liberty Hill.

C. Compliance with the regulations in this section is strongly encouraged for improvements and

developments within the ETJ in order to prevent light pollution and preserve the rural and historic character of the City.

6.13.05 Applicability

A. All outdoor lighting fixtures installed on private and public property within the city limits after the adoption of this Code shall be required to comply with this Code. This Code does not apply to interior lighting. However, overly bright lighting emitted from a structure will be subject to this Code if it is determined by the City Administrator that it creates a nuisance or a safety hazard as defined in the References section of this Code.

B. All outdoor lighting fixtures existing and legally installed and operating before the effective date of this Code shall be exempt from this Code unless they are determined to create a safety hazard. When an existing lighting fixture(s) become inoperable, their replacements are subject to the provisions of this Code.

C. Modifications to nonconforming lighting fixtures shall also comply with this Chapter.

D. Compliance with these requirements shall be administered by the City Administrator or his designee.

E. In the event of a conflict between this section and any other section of this Code, the more stringent requirements shall apply.

6.13.06 Exemptions

The following are exempt from the provisions of this Code:

A. Publicly maintained traffic-control devices.

B. Streetlights installed prior to the adoption of this Code.

C. Temporary emergency lighting (fire, police, repair crews).

D. Lighting fixtures and illumination requirements imposed by TxDOT within TxDOT right-of-way.

E. Moving vehicle lights.

F. Navigation lights (aircraft warning beacons on water towers and wireless transmission facilities), notwithstanding the terms as may be set forth in licensing agreements with the owners/operators of such lights.

G. Seasonal decorations with lights in place no longer than sixty (60) days.

H. Sports field lighting[.]

I. Other temporary uses approved by the City Council (festivals, carnivals, fairs, night-time construction).

J. Covered porch lighting on residences provided that each external light fixture does not exceed one hundred and fifty (150) watts (2220 lumens).

K. Security lights of any output that are controlled by a motion sensor switch provided they do not remain illuminated for a duration not to exceed ten to twelve (10–12) minutes after activation.

6.13.07 Submittals

Applications for all building permits other than single-family and duplex residential, or site development permits, including the installation of outdoor lighting fixtures for new construction, shall provide proof of compliance with this Code. The submittal shall contain the following information as part of the site plan:

A. Plans indicating the location, type, and height of lighting fixtures including both building mounted and ground mounted fixtures;

B. A description of the lighting fixtures, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer;

C. Photometric data, which may be furnished by the manufacturer, showing the angle of light emission; and

D. Additional information as may be required by the Planning and Zoning Commission in order to determine compliance with this Code.

(Ordinance 14-O-28 adopted 6/23/14)

7.00 Enforcement and Compliance

7.01 Compliance

7.01.01 General

A. It shall be unlawful for any person to begin, continue, or complete any development on any land within the territorial jurisdiction of the City to which the provisions of this Code apply, except in accordance with and upon compliance with the provisions of this Code.

B. The City and its agents shall enforce and ensure compliance with the provisions of this Code and shall take necessary and appropriate actions to prevent or cease any violations of the provisions of this Code.

C. Interpretation and Conflict.

1. Minimum requirements. The standards and provisions of this Code shall be interpreted as the minimum requirements necessary for any person to comply with the Code.

2. Private restrictions. Whenever this Chapter imposes a higher standard than that required by easements, deed restrictions, covenants or agreements, the provisions of this subchapter shall govern to the extent permitted by law. In the case of a conflict between two standards, the more restrictive shall apply.

3. Other requirements. Wherever this Code imposes a higher standard than that required by any other ordinance or requirement, the provisions of this Code shall govern to the extent permitted by law. In cases where state or federal laws supersede the City's requirements, then the applicable state or federal requirements shall apply.

4. If the City Council determines that the condition of a party's development or action of another party violates a higher standard than that required by this Code, the provisions of the applicable state or federal statute shall govern.

7.01.02 Violations

The following shall be deemed violations under this Code and constitute sufficient grounds for the City to take enforcement actions and pursue the penalties as specified below.

A. Development Without Permit. To engage in any development, use, construction, remodeling, or other activity of any nature upon any area or to make improvements thereon subject to the jurisdiction of this Code without all required permits, certificates, or other forms of authorization as set forth in this Code.

B. Development Inconsistent with Permit. To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, plat, permit, certificate, or other form of authorization granted by the City for such activity.

C. Violation by Act or Omission. To violate, by act or omission, any term, variance, modification, condition, stipulation or qualification imposed by the City Council or its authorized agents upon any required permit, plat, certificate, or other form of authorization for the use, development, or other activity upon land or improvements thereon.

D. Use in Violation. To erect, construct, reconstruct, alter, repair, convert, maintain, or use any building, structure, property, or to use any land in violation or contravention of these regulations or any other regulation established under any other applicable legal authority.

E. Continue a Violation. The continuation of any of the above violations is a distinct offense, and each day such violation continues shall be considered a separate offense.

F. Complaints Regarding Violations. Whenever a violation of this Code occurs, or is alleged to have occurred, any person who witnessed the violation may file a written complaint with the City Secretary or City Administrator. Such complaint shall state fully the causes and basis thereof and the date on which the violation began or was first observed. The complaint shall also include a description of the property on which the violation occurred and the names and addresses of the parties involved. The City shall record the complaint, investigate within a reasonable time, and take action thereon, as provided by these requirements. The City Administrator may also act upon violations that otherwise become known during the normal performance of his/her duties. A public record of the disposition shall be made and maintained in the appropriate City records.

G. Fire Access Violations.

1. A person commits an offense if the person intentionally alters, defaces, injures, knocks down, or removes or attempts to do so, any sign designating a fire lane which has been erected under the terms of this Code section.

2. A summons or notice to appear in answer to a charge of parking, standing or stopping in violation of this section shall be issued on the official form prescribed by the City of Liberty Hill. The summons or notice shall require the appearance of the violator before the Municipal Court of the City and all fines paid by the violator shall be paid to the Municipal Court Clerk.

3. A summons or notice to appear in answer to a charge of parking, standing or stopping in violation of this section must specify the location of the fire lane or accessible space in which the violation occurred. A summons or notice may be issued by any police officer or code enforcement officer employed by the City of Liberty Hill, an employee designated by the Fire Marshal, or an employee of the City authorized to issue tickets for parking violations.

4. A person authorized to issue citations for violations as provided in this section may cause to be removed any vehicle found to be in violation.

5. When a vehicle is towed, the owner shall be liable for the wrecker and the storage fees in addition to the fine for the violation of this Code section.

7.01.03 Roles and Responsibilities Concerning Compliance

A. Generally. It shall be the duty of the City Council and the City Administrator, acting on behalf of the City Council, to enforce the requirements of this Code. The City Administrator may call upon officials of the City, including the City Engineer, City Building Inspector, or other appropriate City employees, to furnish him with such information or assistance as he may deem necessary for compliance with and enforcement of this Code.

B. Land Use and Planning Matters.

1. The City shall not issue a building permit or certificate of occupancy required by any City ordinance for any land located within the jurisdictional limits to which this Code applies, until and unless the owner of the property, or its agent, is in compliance with the requirements of this Code.

2. The City shall not provide or connect City water, sewer, or other utility owned or licensed by the City to any property to which the provisions of this Code apply, unless and until the owner of the property, or its agent, is in compliance with the provisions of this Code.

C. Health and Sanitation Matters.

1. Whenever a user has violated or continues to violate any provision of this Code pertaining to water and wastewater infrastructure, an industrial wastewater discharge permit or order issued hereunder, or any other applicable waste pretreatment standard or health and sanitation requirement, water service to the user may be discontinued. Service will only be reconnected, at the user's expense, after the user has ceased the violation and satisfactorily demonstrated and established his ability to comply with this Code.

2. A violation of any provision of this Code that is dangerous to human life or health; that renders the ground, the water, the air or any food or drink unwholesome and a hazard to human life and health; that may injure or affect the public health or comfort in any manner; or a violation of a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and illegal, and shall be abated by any procedure authorized by law; further, the City shall be entitled to recover its damages, attorney fees, and expenses of litigation for enforcement or cessation of such violation.

D. Responsible parties.

1. The owner or tenant of any building, structure, premises, or any part thereof, and any architect, engineer, builder, contractor, agent or other person who knowingly commits, participates in, permits, assists with or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this Chapter; in addition, each party may also be subject to civil penalties as provided in this Chapter or applicable law.

2. Any person who opposes, obstructs, or resists any City official or any person authorized by the City

Council in the discharge of his or her duties as provided by this Code shall be in violation of this Code and may be prosecuted for a Class "C" misdemeanor.

E. Continuing or Repeat Violations. If an owner, occupant, or other person repeats the same violation, within a five-year period from the date of the initial violation, it shall be considered to be a repeat of the initial violation and shall be subject to additional penalties and remedies. Payment of a fine shall be considered admission of a violation for the purposes of a repeat violation.

7.02 Enforcement

7.02.01 Generally

A. The City may refuse to authorize or make utility connections on the grounds set forth in Tex. Loc. Govt. Code Ann. Section 212.012 (Vernon 1988 & Supp. 1994), as amended.

B. Notice of Intent to Suspend or Revoke.

1. Before the City initiates the process for suspension or revocation of a permit or other form of approval pursuant to this Code, the City Administrator or Building Official or another designee of the City Council shall give written notice of intent to suspend or revoke via certified mail, return receipt requested. The notice may specify a reasonable time for compliance with this Code.

2. If notice of intent is given, suspension or revocation shall not occur before the time for compliance has expired.

3. The City Administrator, Building Official, or another designee of the City Council shall not be required to provide notice of intent to suspend or revoke for violations of this Code that cause imminent destruction of property or injury to persons.

7.02.02 Suspension and Revocation of a Variance or Special Use Permit

A. When the City Council determines there is a failure to comply with any term, condition, or requirement that was a condition of the approval of a variance or special use permit, the City Council may direct the City Administrator, City Attorney, or another agent or official to suspend the variance or special use permit pending compliance with the terms, conditions, or requirements under which the variance or special use permit was approved.

B. Notice of suspension or revocation of a variance or special use permit shall be sent by certified mail, return receipt requested, to the permit holder of the variance or special use permit.

C. The City Council shall, if requested in writing by the permit holder, hold a public hearing no later than forty-five (45) days after notification is sent to the permit holder of the variance or special use permit of its intent to suspend. If the City Council determines there is a failure to comply with any term, condition, or requirement made a condition of the variance or special use permit, the City Council may revoke the variance or special use permit or take such action as it considers necessary to ensure compliance.

D. A decision to revoke a variance or special use permit shall be effective immediately. Notice of the decision by the City Council shall be sent by certified mail, return receipt requested to the permit holder of the variance or the special use permit.

7.02.03 Stop work orders

The City Administrator, City Inspector [or] other City official duly authorized by the City Council may order all work, including site clearing or other site preparation, stopped on any site where a significant violation of this Code or a subdivision plat or approved site plan is found. Any person, including a workman on the site, who fails to comply with a stop work order, shall be guilty of a misdemeanor, punishable as provided in this Chapter of the Code. Upon receiving an application to resume work and a declaration from the landowner or developer that any claimed violations of this Code have ceased and that the landowner or developer is currently in compliance, the City Administrator shall determine, within ten (10) working days of receipt of said application, whether the work is in compliance. If the City Administrator determines that the work or site is in compliance, he may authorize the work to proceed in writing.

7.03 Penalties

7.03.01 Generally

A. Except where otherwise provided therein, the maximum fine for violating any provision of this Code, or any ordinance, rule or police regulation that governs fire safety, zoning or public health and

sanitation, including dumping of refuse, shall not exceed two thousand dollars ($2,000.00); for all other violations, the maximum fine shall not exceed five hundred dollars ($500.00); provided, however, that no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state.

B. Each day a separate offense. Each day any violation of this Code or of any ordinance of the City continues shall constitute a separate offense.

C. Penalties are cumulative. The penalties in this section shall be cumulative and are not exclusive of any other rights or remedies the City may have or pursue.

7.03.02 Assessment of Expenses

In addition to any other remedy provided in this Code or any other ordinance of this City and cumulative thereof, the City shall have the power by resolution of the City Council to cause any of the work or improvements required to be completed by the owner or applicant under the provisions of this Code to be undertaken by the City on the account of the owner of the property on which work or improvements are done; and the City shall cause the expense thereof to be assessed upon the real estate or lot upon which such expense is incurred and/or shall place a lien on said property.

7.03.03 Land Use and Zoning

A. If the City Council finds, after notice and hearing, that a significant violation of an approved site plan has occurred, the Council may revoke its approval of such site plan. It shall be unlawful for any person to perform any work on the site pursuant to the site plan unless and until a new application for site plan approval has been filed and processed in accordance with the provisions of this Code and the City Council grants approval of a new final site plan that remedies the violations of the original site plan.

B. Any person who violates any provision of this Code or any order issued under the authority of this Code, or who causes or permits any such violation, or who fails to perform any act required under this Code, or who performs any prohibited act or takes any action contrary to the final plats or site plans approved by the City Council, or who fails to take any action required by such approved plat or site plan, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than two thousand dollars ($2,000.00). Each and every day that the violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

7.03.04 Signs

A. The City Administrator or his/her designee shall have the authority to issue a sign violation notice and shall be empowered to enter upon the premises of any person within the City or its extraterritorial jurisdiction for the purpose of enforcing the provisions herein.

B. When a sign requiring a permit under Chapter 6 of this Code is erected without a sign permit, the City Administrator shall use the following procedures.

1. The City shall give written notice of violation to the responsible party or to the occupant of the premises if the responsible party is not known. The notice shall include a description of the violation, the date such violation was noted, instructions to contact the City Administrator to apply for a permit for the sign, if applicable, and the fine schedule if the notice is not heeded, refused or unclaimed. The notice is deemed delivered when deposited in the United States Postal mail, with postage paid to the last known address of the party responsible for such sign.

2. If the City is unable to deliver written notice to the responsible party, a telephone call shall be made by the City Administrator or his designee, date and time recorded, informing the owner of the premises on which the sign is located that on a set day, a fine shall commence to be assessed to the owner of the sign for each day of the violation until the sign(s) are removed.

3. If, within fourteen (14) days, the responsible party fails to contact the City Administrator in writing, bring the sign into conformance with this Code, or apply for a permit for the sign, the City Administrator shall have the sign removed or impounded without further notice, and/or shall fine the owner on a daily basis as set forth within this Code.

4. The party responsible for the sign shall, upon conviction, be guilty of a misdemeanor and shall (a) forfeit both the sign and any permit associated with the sign; and (b) pay the fines set by the court, not to exceed the fines specified by this Code for each violation. Each day of the continued violation shall constitute a separate violation.

C. Impoundment of Signs.

1. The City Administrator shall have the authority to remove all signs, without notice to the owners thereof, placed within any street or highway right-of-way, or attached to trees, telephone and utility poles, other natural features or signs otherwise prohibited or not authorized by this Code, and to impound them for a period of fourteen (14) days.

2. The owner of an impounded sign may recover the same upon payment of an impoundment fee for each sign, and all costs associated with the removal of the sign, prior to the expiration of the fourteen (14) day impoundment period; in the event the sign is not claimed and retrieved from the City's possession within fourteen (14) days, the City Administrator shall have authority to dispose of such sign. The owner shall be responsible for all costs associated with removal and disposal of the sign.

7.04 Civil remedies

7.04.01 Civil action

A. In addition to the penalties otherwise provided, any condition caused or permitted to exist in violation of any provision of this Code or any ordinance, which provision is intended for the protection of the public health, safety or welfare, may be determined to constitute a public nuisance and may be abated by the City as provided by law.

B. Prior to taking civil action, the City shall notify the defendant of the provisions of the Code that are being violated. Upon initiation of the civil action, the City shall demonstrate that the defendant was actually notified of the provisions of the Code; and that after receiving notice, the defendant committed acts in violation of the Code or failed to take action necessary for compliance with the Code.

7.04.02 Injunction and other remedies

Any structure erected or used, or any development that is planned or implemented, contrary to any of the provisions of this Code or to any of the requirements contained in a final plat or site plan approved by the City Council, is hereby declared to be unlawful and shall constitute a violation of this Code. The City Council may initiate the legal process to obtain an injunction, mandamus, abatement or any other action available in law or equity to prevent, enjoin, abate, correct or remove such unlawful structure, use, or development, or otherwise ensure compliance with this Code.

7.04.03 Civil penalties

Any person who violates any provision of this Code is subject to a civil penalty of up to one thousand dollars ($1,000.00) and not less than one hundred dollars ($100.00), or more as permitted by law, for each act of violation and for each day of violation.

7.04.04 Penalties are cumulative

The penalties in this section shall be cumulative and not exclusive of any other rights or remedies the City may have.

7.05 Fiscal Surety and Assurance of Construction and Maintenance

7.05.01 Payment of Taxes

The landowner or developer shall provide the City Administrator with a certifiable receipt showing that all taxes have been paid in conjunction with the submittal of an application for final plat approval or site development permit issuance.

7.05.02 Letter of Credit or Performance Bond

A. Before any development or project can proceed, the City Administrator must be satisfied that the landowner or developer will be in a financial position to install or cause to be installed at his own cost, risk, and expense, all of the improvements required by this Code.

B. If the landowner or developer elects to construct the required improvements prior to recording of a subdivision plat, after such plat has been approved, all such construction shall be inspected while in progress; in addition, the construction must be approved upon completion by the City Administrator or his designee. A certificate by the City Administrator or his designee that the construction conforms to the plans and specifications and the standards contained in or referred to in this Code must be presented to the City Council by the landowner or developer prior to approval of the final plat.

C. The landowner or developer of a site development shall post fiscal surety, as provided below, to assure completion of all construction required under this Code following issuance of the site

development permit. If the landowner or developer of a subdivision decides or elects to post fiscal surety in lieu of completing construction prior to final plat approval, the landowner or developer may utilize one of the following methods of posting fiscal surety. If the landowner or developer elects to post fiscal surety for subdivision or site development related construction, the plat shall not be approved or the permit shall not be issued unless the landowner or developer has done the following:

1. The landowner's or developer's engineer shall provide the City an estimate of the total cost of all uncompleted or unaccepted improvements as may be required by this Code; and the estimate shall be acceptable to the City Administrator or his designee; and,

2. The City Administrator shall require sufficient fiscal surety to insure the orderly development within any subdivision or site development in the form of either (1) a performance bond or (2) an irrevocable letter of credit, equal to 110% of the estimated total cost of the improvements not yet completed and/or accepted as complete. Such letter of credit or bonds shall be issued by a financial institution authorized to do business in the State of Texas. Furthermore, the financial institution shall be reviewed and approved in advance and the letters of credit or bonds shall conform to forms or criteria approved in advance by the City Council.

3. The fiscal surety shall be for the purpose of securing the estimated cost of completing such improvements, should the City find it necessary to complete the improvements in lieu of the landowner or developer. The landowner or developer shall complete all such improvements specified or referenced in the subdivision plat or site development permit and the construction plans for the same, within one (1) year from the date of final plat approval or site development permit issuance unless granted an extension by the City. Failure to do so shall authorize the City to complete the improvements using the fiscal surety provided by the landowner or developer.

D. It is expressly understood that, as a condition to the approval of said subdivision or site development, no sale of any lot may be completed until all utilities are installed and all other improvements required by this Code are made within the block in which said lot is contained.

7.05.03 Requirements Prior to Final Acceptance for Maintenance

A. The landowner or developer shall ensure that all of the facilities constructed in accordance with the requirements of this Code will perform and remain in good working order and in accordance with the design performance criteria of each such facility, for one (1) year commencing on the date of approval of final completion by the City Administrator or his designee.

B. Prior to final acceptance for maintenance of the completed improvements by the City Administrator, the landowner or developer shall require any construction contractors with whom he contracts for furnishing materials and for installation of the improvements required under this Code, to provide written guarantees to the City, and shall himself be required to furnish to the City, a written guarantee, that all workmanship and materials shall be free of defects for a period of one (1) year from the date of acceptance by the City Administrator. The guarantee shall be either in the form of a one (1) year warranty bond executed by a corporate surety licensed to do business in the State of Texas, conditioned that the improvements are free from defects in materials and workmanship, or an irrevocable letter of credit from a financial institution authorized to do business in Texas, and approved by the City Administrator, committing funds for the correction and repair of any defects in materials or workmanship. Said bonds or letters of credit shall be in the amount of at least twenty (20) percent of the total construction cost. The financial institution shall be reviewed and approved in advance and the letters of credit or bonds shall conform to forms or criteria approved in advance by the City Council. The one- (1) year assurance period shall commence on the date of approval of final completion of the improvements by the City Administrator or his designee.

7.05.04 Acceptance of Improvements

A. During the course of installation and construction of the required improvements, the City Administrator or his designee shall make periodic inspections of the work to insure that all improvements comply with the requirements of this Code. Upon completion of installation and construction of all required improvements, the landowner or developer may seek acceptance of all public improvements by the City by submitting the required number of copies of as-built plans and a one- (1-) year maintenance bond as specified in the terms and conditions above. In addition, the landowner or developer shall provide a certified statement signed by a registered professional engineer that all improvements have been installed and constructed in accordance with the submitted as-built

plans.

B. After final inspection, the City Administrator shall notify the landowner or developer and the City Attorney in writing as to its acceptance or rejection. The City Administrator shall reject such construction only if it fails to comply with the standards and specifications contained or referred to herein. No release of any posted fiscal surety shall occur until the City has formally accepted the constructed improvements that are the subject of such surety.

C. If the City Administrator rejects such construction, the City Attorney shall, upon direction of the City Council, proceed to enforce the guarantees provided in this Chapter.

D. When good cause exists, the City Administrator may extend the period of time for completion. Such extension of time shall be reported to the City Council and recorded in the minutes. No such extension shall be granted unless fiscal surety, as set forth above, has been provided by the landowner or developer covering the extended period of time.

7.05.05 Maintenance and Supervision

Where a subdivision contains sewers, sewage treatment facilities, water supply systems, water quality protection facilities, streets and other transportation related improvements, parks and grounds held in common, park and recreation improvements, drainage easements and/or drainage improvements, landscape improvements or other physical facilities necessary or desirable for the welfare of the area, or that are of common use or benefit which are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made, which is acceptable to the City Council, for the proper and continuous operation, maintenance, and supervision of such facilities. A copy of the agreements providing for the proper and continuous operation, maintenance and supervision of such facilities shall be presented to the City Administrator and approved as to form by the City Attorney prior to the time of final plat approval or site development permit issuance and shall be filed of record with the plat or permit.

8.00 Appendix: References and Definitions

Purpose and Intent

The purpose of this Chapter is to define words with a special meaning relative to the goals and purposes of this Unified Development Code. Words not listed in this section shall be defined using the Webster's Third New International Dictionary, unabridged.

8.01 Use Definitions

GENERAL DESCRIPTION OF RESIDENTIAL USE TYPES. Residential use types include the occupancy of living accommodations on a wholly or primarily nontransient basis.

SINGLE-FAMILY RESIDENTIAL (DETACHED). The use of a site for only one dwelling unit, other than mobile home or modular home.

SINGLE-FAMILY RESIDENTIAL (ATTACHED). A single-family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent dwelling or dwellings by party walls or are located immediately adjacent thereto with no visible separation. Included under this use category is townhouse and condominium.

DUPLEX RESIDENTIAL. The use of site for two dwelling units, within a single building, other than a mobile home or modular home.

TOWNHOUSE RESIDENTIAL. The use of a site for two or more townhouse dwelling units, constructed with common or abutting walls each located on a separate ground parcel within the total development site, together with common area serving all dwelling units.

CONDOMINIUM RESIDENTIAL. The use of a site for four or more dwellings units intended for separate ownership, together with common area serving all dwelling units.

MULTIPLE-FAMILY RESIDENTIAL. The use of a site for three or more dwelling units, within one or more buildings.

GROUP RESIDENTIAL. The use of a site for residential occupancy of living accommodations by groups of more than six persons not defined as a family, on a weekly or longer basis. Typical uses include occupancy of fraternity or sorority houses, dormitories, residence halls, halfway houses, or boarding houses.

MODULAR HOME RESIDENTIAL. A dwelling that is manufactured in two or more modules at a location other than the home site and which is designed as residence when the modules are transported to the home site, and the modules are joined together and installed on a permanent foundation system in accordance with the appropriate Code requirements. Modular residence construction shall be in accordance with the Texas Manufactured Housing Standards Act and shall include the plumbing, heating/air conditioning and electrical systems to be contained in the structure. The term modular home or residence shall not mean nor apply to a mobile home as defined in the Texas Manufactured Housing Standards Act, nor is it to include building modules incorporating concrete or masonry as a primary component.

MANUFACTURED HOME RESIDENTIAL. The use of a site for residential occupancy of a manufactured home (or mobile home if on premises prior to the adoption of this Code) on a weekly or longer basis. Typical uses include mobile home parks or mobile home subdivisions. An incorporated city may prohibit the installation of a mobile home for use or occupancy as a residential dwelling within its corporate limits. Any such prohibition must be prospective and shall not apply to a mobile home previously legally permitted and used or occupied as a residential dwelling within the city. Permits for such use and occupancy must be granted by an incorporated city for the replacement of a mobile home within its corporate limits with a HUD-Code manufactured home." (Texas Revised Civil Statues, Article 5221 f(4A)).

GENERAL DESCRIPTION OF COMMERCIAL USE TYPES. Commercial use types include the sale, rental, service, and distribution of goods, and the provision of services other than those classified as Industrial or Civic Uses.

ADMINISTRATIVE AND BUSINESS OFFICES. Offices or private firms or organizations which are primarily used for the provision of executive, management, or administrative services. Typical uses include administrative offices, and services including real estate, insurance, property management, investment, personal, travel, secretarial services, telephone answering, photocopy and reproduction, and business offices of public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.

AGRICULTURAL SALES AND SERVICES. Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include hay, feed and grain stores, and tree service firms.

AUTOMOTIVE AND EQUIPMENT SERVICES. Establishments or places or [of] business primarily engaged in automotive related or heavy equipment sales or services. The following are automotive and equipment use types:

Automotive Washing. Washing and cleaning of automobiles and related light equipment. Typical uses include auto laundries or car washes.

Fuel Service Station. Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles.

Commercial Off-Street Parking. Parking of motor vehicles on a temporary basis within a privately owned off-street parking facility, other than accessory to a principal use. Typical uses include auto rental agencies, trailer rental agencies, and taxicab parking and dispatching.

Vehicle Sales. Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes (RVs), recreational vehicles or boats, including incidental storage, maintenance and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, and boat, trailer, and recreational vehicle dealerships.

Equipment Sales. Sale or rental of trucks, tractors, construction equipment, agricultural implements, manufactured homes, and similar heavy equipment, including storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, mobile home dealerships, and sales (but specifically excluding dismantling or salvage of vehicles).

Automotive Repair Services. Repair of automobiles[,] noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities (but specifically excluding dismantling or salvaging of vehicles).

Equipment Repair Services. Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, trucking yard terminal, tractor and farm implement repair services, and machine shops (but specifically excluding dismantling or salvaging of vehicles).

Vehicle Storage. Long term storage of operating or nonoperating vehicles. Typical uses include storage of private

parking tow-a-ways or impound yards, (but specifically excluding dismantling or salvaging of vehicles).

BUILDING MAINTENANCE SERVICES. Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.

BUSINESS SUPPORT SERVICES. Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but excludes automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops, hotel equipment and supply firms.

BUSINESS OR TRADE SCHOOL. A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

CAMPGROUND. Campground facilities providing camping and/or parking areas and incidental services for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.

COCKTAIL LOUNGE (BAR or TAVERN). Establishment or places of business engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars[,] cocktail lounges, and similar uses other than a restaurant as that term is defined herein.

COMMERCIAL RECREATION. Establishment or places of business primarily engaged in providing sports, entertainment, or recreation for participants or spectators. The following are commercial recreational use types:

Indoor Sports and Recreation. Uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks, penny arcades, electronic video games, and indoor racquetball courts.

Outdoor Sports and Recreation. Uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and outdoor racquetball courts.

Indoor Entertainment. Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls, and dance halls.

Outdoor Entertainment. Predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include sports arenas, racing facilities, and amusement parks.

COMMUNICATION SERVICES. Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excluding those classified as Major Utility Facilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, film recording, sound recording, and cable television operations.

CONSTRUCTION SALES AND SERVICES. Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures, but excluding retail sale of paint, fixture and hardware, and those classified as one of the Automotive and Equipment Service use types. Typical uses include building materials stores, tool equipment rental or sales, building, plumbing, electrical, or mechanical contractors.

CONSUMER CONVENIENCE SERVICES. Establishments which provide services, primarily to individuals, of a convenient and limited nature, often in access-controlled facilities which make twenty-four hour operation possible. Typical uses include the renting of private postal and safety deposit boxes to individuals and automated banking machines.

CONSUMER REPAIR SERVICES. Establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding Automotive and Equipment Service use types. Typical uses include appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops.

CONVENIENCE STORAGE. Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding uses such as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing and mini-storage units.

DRIVE THROUGH FACILITIES. Facilities provided by an establishment or place of business for the purpose of allowing a customer or patron to transact business, whether it be pick-up, drop-off, ordering, or service, from a motor vehicle.

EATING ESTABLISHMENTS. A use engaged in the preparation and retail sale of food and beverages, including

sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than fifty (50) percent of the gross income. A general restaurant may include live entertainment with amplified sound. Typical uses include restaurants, coffee shops, dinner houses, dinner theater, and similar establishments with incidental alcoholic beverage service.

EXTERMINATING SERVICES. Services related to the eradication and control of rodents, insects, and other pests, with incidental storage on lots other than where the service is rendered.

FINANCIAL SERVICES. Establishments primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, loan and lending activities, and similar services.

FOOD SALES. Establishments or places of business primarily engaged in the retail sale of food (with incidental sale of beer and wine) or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops. Restaurants are specifically excluded from this definition.

FUNERAL SERVICES. Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

GENERAL RETAIL SALES. Sale or rental of commonly used goods, and merchandise for personal or household use. Typical uses include providing the following products or furniture stores, and establishments providing the following products or services: household cleaning and maintenance products, drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items, flowers, plants, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics, and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing appliances, art supplies and framing, arts, and antiques, paint and wallpaper, carpeting and floor covering, interior decorating services, office supplies, bicycles, and auto parts (inside a building with no repair services).

HOTEL-MOTEL. Lodging services involving the provision of room and/or board. Typical uses include hotels, motels and inns.

KENNELS. Boarding and care services for dogs, cats and similar small animals. Typical uses include boarding kennels, pet motels, or dog training centers.

LAUNDRY SERVICES. Establishments primarily engaged in the provision of laundering, dry cleaning or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.

LIQUOR SALES. Establishments or places of business engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sale of liquor beer or wine for off-site consumption.

MEDICAL OFFICES. A use providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by doctors, dentists, medical and dental laboratories, physical therapists, optometrists, and similar practitioners of medical and healing arts for humans licensed for such practice by the State of Texas.

PAWN SHOP SERVICES. A use engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the incidental sale of such property.

PERSONAL IMPROVEMENT SERVICES. Establishment or places of business primarily engaged in providing informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

PERSONAL SERVICES. Establishments or places of business primarily engaged in providing frequently or recurrently needed services of a personal nature. Typical uses include beauty salons, barber shops, seamstresses, tailors, shoe repair shops, tanning salons, dry cleaning pick-up station services, and coin operated laundries.

PET SERVICES. Retail sales, veterinary services, grooming, boarding when totally within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small clinics, dog bathing and clipping salons, and pet grooming shops but excluding uses for livestock and large animals.

PROFESSIONAL OFFICE. A use providing professional or consulting services in the fields of law, architecture, design engineering, accounting, and similar professions.

RESEARCH SERVICES. Establishments primarily engaged in research of an industrial or scientific nature but excluding product testing. Typical uses include electronics research laboratories, space research and development

firms, and pharmaceutical research.

SCRAP AND SALVAGE SERVICES. Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junkyards or salvage yards.

SHOPPING CENTER OR MALL. An integrated grouping of commercial activity, primarily of a retail and personal service nature, in a building complex having the individual establishments joined by a common covered pedestrian mall or walkway.

STABLES. Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their nonpaying guests. Typical uses include boarding stables or public stables.

VETERINARY SERVICES. Veterinary services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, and veterinary hospitals for livestock and large animals.

GENERAL DESCRIPTION OF INDUSTRIAL USE TYPES. Industrial use types include the on-site extraction or production of goods by methods not agricultural, and storage and distribution of products.

HEAVY INDUSTRIAL. A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage, or manufacturing processes utilizing flammable or explosive materials, or storage or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions.

LIGHT INDUSTRIAL. A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Typical uses include winery, sheet metal shop, welding shop and machine shop.

WAREHOUSING AND FREIGHT MOVEMENT. Establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants. The following are wholesaling, storage and distribution use types:

Limited Warehousing and Distribution. Wholesaling, storage, warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses and moving and storage firms.

General Warehousing and Distribution. Open-air storage, distribution and handling of materials and equipment. Typical uses include monument and stone yards, grain elevators, open storage yards, and petroleum products storage and distribution.

RESOURCE EXTRACTION. A use involving the on-site extraction of surface or subsurface mineral products or natural resources. Typical uses include quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations.

STOCKYARDS. Stockyard services involving the temporary keeping of livestock for slaughter, market or shipping. Typical uses include stockyards and animal sales in auction yards.

GENERAL DESCRIPTION OF CIVIC USE TYPES. Civic use types include the performance of utility, educational, recreational, cultural, medical, productive, governmental, and other uses which are strongly vested with public or social importance.

ADMINISTRATIVE SERVICES. Offices, administrative, clerical or public contract services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, and city offices.

AVIATION FACILITIES. Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental or [of] aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.

CEMETERY. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbarium's, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

CLUB OR LODGE. A use providing meeting, recreational, or social facilities for a private or nonprofit association, primarily for use by members and guests. Typical uses include private social clubs and fraternal organizations.

COLLEGE AND UNIVERSITY FACILITIES. Educational institutions of higher learning which offer a course of

study designed to culminate in the issuance of a degree as defined by the Education Code of the State of Texas.

COMMUNITY RECREATION. A recreational facility for use by residents and guests of a particular residential development, planned unit development, church, private primary educational facility, private secondary educational facility, club or lodge, or limited residential neighborhood, including both indoor and outdoor facilities.

CONVALESCENT SERVICES. A use providing bed care and in-patient services for persons requiring regular medical attention, such as nursing home, but excluding facilities providing surgical or emergency medical services, facilities providing care for alcoholism, drug addiction, mental disease, or communicable disease.

CULTURAL SERVICES. A library, museum, or similarly registered nonprofit organizational use displaying, preserving, and exhibiting objects of community and cultural interest.

EDUCATIONAL FACILITIES.

(PUBLIC). A public school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the State of Texas.

(PRIVATE). A private or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the State of Texas.

DETENTION SERVICES. A publicly operated use providing housing and care for individuals legally confined.

GUIDANCE SERVICES. A use providing counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition, on a day time care basis.

HOSPITAL SERVICES.

Hospital Services (General). A facility providing medical, psychiatric, or surgical service for sick or injured persons, primarily on an in-patient basis, and including ancillary facilities for out-patient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.

Hospital Services (Limited). A facility providing medical, psychiatric, or surgical services for sick or injured persons exclusively on an out-patient basis, including emergency treatment, diagnostic services, training, administration, and services to out-patients, employees, or visitors.

LOCAL UTILITY SERVICES. Services which are necessary to support principal development and involve only minor structures such as lines and poles which are necessary to support principal development.

MAINTENANCE AND SERVICE FACILITIES. A facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities, including corporation yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.

MAJOR UTILITY FACILITIES. Generating plants, electrical switching facilities and primary substations, refuse collection or disposal facilities, water and wastewater treatment plants, and similar facilities.

MILITARY INSTALLATIONS. Military facilities of the federal and state governments.

PARK AND OPEN SPACE AND RECREATION SERVICES. Publicly owned and operated parks, playgrounds, recreation facilities, and open spaces.

RAILROAD FACILITIES. Railroad yards, equipment servicing facilities, and terminal facilities.

RELIGIOUS ASSEMBLY. A use located in a permanent or temporary building and providing regular organized religious worship and religious education incidental thereto, but excluding private primary or private secondary educational facilities, community recreational facilities, and parking facilities. A property tax exemption obtained pursuant to Property Tax Code of the State of Texas shall constitute prima facie evidence of religious assembly use.

SAFETY SERVICES. Facilities for the conduct of public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

TRANSPORTATION TERMINAL. A facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express between modes or [of] transportation, including bus terminals, railroad stations, airport terminals, and public transit facilities.

GENERAL DESCRIPTION OF AGRICULTURAL USE TYPES. Agricultural use types include the on-site production of plant and animal products by agricultural methods.

HORTICULTURE. The growing of horticulture and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes, but excluding retail sales. Typical uses include wholesale plant nurseries and greenhouses.

8.02 Definitions

The following section contains definitions applicable to this ordinance.

Abandoned Sign. A permitted sign erected on property in conjunction with a particular use that has been discontinued for a period of 30 days or more.

Abandoned Vehicle. Any motor vehicle, trailer or semi-trailer, or watercraft that is inoperative and left unattended on public or private property; or that has remained illegally on public or private property; or that has remained on public or private property and (a) does not display valid registration plates or (b) displays registration plates of another vehicle.

Acceleration/Deceleration Lane. A portion of a roadway designed to allow vehicles to safely decelerate for turns onto intersecting streets or safely accelerate to merge with the prevailing traffic flow.

Accessory Dwelling Unit. A residential use, structure, or building incidental to the principal permitted or conditionally approved use on a site, whether comprising a portion of the principal structure on the site or located within an accessory structure or building.

Accessory Structure, Building or Use. A building or use that is all of the following: a) constructed or located on the same zoning as the main building, or use served, except as may be specifically provided elsewhere in this Ordinance; b) clearly incidental to, subordinate in purpose to, and serving the principal use; and c) either in the same ownership as the principal structure, building or use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of the principal use.

Adjacent. Abutting and directly connected to or bordering.

Adjoining Properties. Property that touches or is directly across a street from the subject property.

Adjustment of Numerical Standard. In the case of the granting of an administrative exception, an allowance for adjustment of a numerical standard by the City Administrator or Board of Adjustment may be made, up to 10% from the minimum or maximum numerical standard. The standard is measured in decimal numbers, not percentages. For ex., a 15-foot setback could be adjusted by +/- 1.5 feet. And a 35% impervious cover limit (0.35) could be adjusted upwards by 10% up to 38.5% or 0.10 X 0.35 = 0.385, instead of the original 35%.

Administrator. That person designated by the City Council to administer and enforce the provisions of this Unified Development Code.

Administrative decisions. Those decisions that are made by the City Administrator.

Adult-Oriented Business means, but is not limited to, an adult arcade, adult bookstore, adult cabaret, adult lounge, adult novelty shop, adult service business, or adult theater.

1. *Adult Arcade* means a movie arcade, game arcade, or other business that primarily offers still or motion pictures or games that emphasize specified sexual activities or specified anatomical areas.

2. *Adult Bookstore* means a business:

a. that primarily offers books, magazines, films or videotapes, periodicals, or other printed or pictorial materials that emphasize specified sexual activities or specified anatomical areas; and

b. in which at least 35 percent of the gross floor area is devoted to offering merchandise described in above in (2) (a).

3. *Adult Cabaret* means a business that primarily offers live entertainment that emphasizes specified sexual activities or specified anatomical areas.

4. *Adult Lounge* means an adult cabaret that serves alcoholic beverages.

5. *Adult Novelty Shop* means a business that primarily sells products that emphasize specified sexual activities or specified anatomical areas, and in which at least 35 percent of the gross floor area is devoted to the sale of those products.

6. *Adult Service Business* means an adult encounter parlor, adult retreat, nude modeling studio, or a commercial enterprise that holds itself out to be primarily in the business of offering a service that is

distinguished or characterized by an emphasis on depicting, describing, or relating to specified sexual activities or specified anatomical areas.

7. *Adult Theater* means a business that primarily exhibits motion pictures that emphasize specified sexual activities or specified anatomical areas.

Agricultural Activity. Farming activities, including but not limited to plowing, tillage, cropping, installation of best management practices, seeding, cultivating, and harvesting for production of food and fiber products (except commercial logging and timber harvesting operations), the grazing and raising of livestock, aquaculture, sod production, orchards, nursery, and other products cultivated as part of a recognized commercial enterprise.

Agricultural Land. Land carried on the Williamson County Appraisal District tax rolls as agricultural land, or which is used for the purpose of conducting agricultural activities.

Agriculture. The use of land for the production and primary processing of food and fibers for sale, including cultivating, dairying, horticulture, pasturing, floriculture, silviculture, viticulture, animal and poultry husbandry, and such incidental accessory facilities as greenhouses and nurseries, provided that the operation of such accessory facilities shall be clearly secondary to normal agricultural activities. Agriculture includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting, and marketing. It also includes, but is not limited to, the activities of feeding, housing, and maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses, and poultry and handling their by-products.

Allowable Density. The total number of units permitted by the City for a tract of land. Allowable Density is based on the Gross Density and then factoring in the lot standards from Table 5.1 [4-4]).

Amending Plat. An amended plat is used to correct errors or omissions as long as it does not remove covenants Amended Plat - Any changes made to an approved preliminary or final plat. Also see grade elevation and grade-related terms.

Apartment. A multifamily dwelling unit.

Average Grade. The grade of the finished ground level at the midpoint of each exterior surface of a sign, or that of a structure to which a sign has been attached.

BSEACD. Barton Springs Edwards Aquifer Conservation District

Back-to-Back Sign.. A sign constructed on a single set of supports with messages visible on any side.

Banners and Balloons. Any animated, rotating, fluttering or nonstationary device made of flexible materials designed to attract attention.

Basement. That portion of a building having more than one-half (1/2) of its height below lot grade elevation.

Bed and Breakfast. A house that is used as a lodging facility for paying guests. A Bed and Breakfast is generally a smaller lodging facility than a hotel.

Best Management Practices (BMPs). Conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxicants, and sediment. Agricultural BMPs include, but are not limited to, strip cropping, terracing, contour stripping, grass waterways, animal waste structures, ponds, minimal tillage, grass and naturally vegetated filter strips, and proper nutrient application measures. BMPs [sic]

Block. An area of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, banks of waterways, or municipal boundary lines.

Block face. The properties abutting on one side of a street and lying between two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street, nonsubdivided land, watercourse, or municipal boundary.

Board of Adjustment (BOA). The BOA reviews and makes recommendations of on [sic] an appeal of an Administrative Decision and Administrative Exception or Variance to a zoning decision.

Boarding and Rooming House. A residential building or portion thereof, other than a motel, or hotel, which contains lodging rooms which that [sic] accommodate not more than 20 persons who are not members of the keeper's family. Lodging with or without meals is provided for compensation on a weekly or monthly basis.

Buffer. A strip or area of land, identified on a site plan or in a zoning ordinance, established to separate one type of land use from another land use. Normally, the area is landscaped or kept in open space use.

Building, Detached. A building surrounded by an open space on the same lot.

Building Height. The vertical distance measured from the finished grade elevation to the highest point of the underside of the building beams, in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the under side of rafters between the eaves and the ridge of a gable, hip, or gambrel roof.

Building Permit. A written authorization to construct, erect, or alter a structure or building as issued by the City Administrator.

Building Official. An agent of the City who inspects building construction for plan/permit compliance.

Building, Principal. Any building which houses a primary or principal use of the land on which it is located.

Building Setback Line. A line measured a distance specified by this ordinance from the front, rear, and side lot lines on which no building or structure may be erected.

Caliper. The diameter of a tree trunk measured at four feet above the root collar.

Canopy. A roof-like structure of a permanent nature which may be freestanding or projected from a wall of a building or its supports.

Canopy Sign. Any type of building sign attached to, in any manner, or made a part of a canopy.

Canopy Tree. Canopy trees are trees that occupy the uppermost layer in a forest.

Cemetery. Land used for the burial of the dead, and dedicated for cemetery purposes, including columbaria, crematories, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

Certificate of Occupancy. The certificate issued by the City Administrator or designee that permits the use of a building or premises in accordance with the approved plans or permits and the provisions of law for the use and occupancy of the building in its several parts, together with any special stipulations or conditions of the building permit.

Child Care Center (or Day Care Centers). Any place, home or institution that receives nine (9) or more children under the age of fourteen (14) years, and not of common parentage, for care apart from their natural parents, legal guardians, or custodians, when received for regular periods of time for compensation, provided that this definition shall not include public or private schools organized, operated, or approved under Texas laws, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial person, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending service, activities, or meetings.

City Council.. The Mayor and City Council for the City of Liberty Hill.

Clearing. The removal of trees and brush from the land not including the ordinary mowing of grass.

Clinic - Medical or Dental. A building in which one or more specializing physicians and/or dentists have their offices. A clinic shall not include in-patient care (i.e., no overnight accommodation of patients).

Cluster Development. A development concept which encourages and permits variations in residential developments by allowing deviation in lot size, type of dwelling, lot coverage and open space from that which is normally required in the applicable zoning district. Dwelling units are concentrated in a selected area or selected areas of the development tract in order to provide natural habitat or other open space uses (including agriculture) on the remainder.

Communication Tower. Any radio, television or communication antenna or tower for uplink, downlink, relay, broadcast or reception of communication signals, but not including either mobile transmitters and receivers or any such facilities with a transmission power of less than seven (7) watts.

Community Service. Community service is a use that can be allowed in a residential area with a special use permit. Community Service is for such uses for volunteer service organizations, church services, and other similar services for the benefit of the community (not necessarily a City service).

Community Service Signs. A sign that advertises or solicits support for a nonprofit community use, public use or social institution. Such signs may include, but shall not be limited to: seasonal holidays such as Christmas or Easter, school or religious activities, sports boosters, or events of community interest. Such signs shall be placed only by: units of local, state or federal governments; nonprofit organizations; schools, the chamber of commerce; or normally recognized religious organizations.

Community Sewerage System. Any system, whether publicly or privately owned, serving multiple lots, dwelling units, businesses, commercial or industrial establishments for the collection, transportation and disposal of sewage

or industrial wastes of liquid nature, including various devices for the treatment of such sewage and industrial wastes.

Community Water Supply. A source of water and a distribution system, including treatment and storage facilities, whether publicly or privately owned, serving or providing potable water to multiple lots, dwelling units, businesses or commercial or industrial developments.

Comprehensive Plan. The Comprehensive Plan of The City of Liberty Hill, as approved by the City Council, including any amendments. or extensions.

Comprehensive Drainage Plan. The adopted City of Liberty Hill Drainage Master Plan.

Comprehensive Utility Plan. The adopted City of Liberty Hill Utility Plan.

Competent evidence. Evidence that people of ordinary prudence would rely on in conducting their own affairs.

Conditional Use. A specific use that would not be appropriate generally or without restriction, the granting of which shall be based upon a finding by the Planning and Zoning Commission that certain conditions governing the proposed conditional use as detailed in this Ordinance Code [sic] exist, that the use conforms to the Comprehensive Plan and that it is compatible with the existing neighborhood.

Construction Plans. The maps, drawings, and specifications indicating the proposed location and design of improvements to be installed in a subdivision/site plan.

County Road. A public road or street which that [sic] is part of the Highway Maintenance System of Williamson County.

County. Williamson County, Texas.

Critical Environmental Features. Features which that [sic] have been determined to be of critical importance to the protection of one or more environmental resources. They include such features as bluffs, springs, canyon rim rocks, caves, sinkholes and wetlands.

Critical Root Zone (CRZ). A region measured outward from the trunk of the tree representing the essential area of the roots that must be conserved or preserved for the tree's livelihood. The CRZ is measured as one foot of radial distance outward from the trunk for every inch of the tree caliper, and may not be less than a radius of eight feet[.]

Culvert. A drainage structure placed beneath an embankment typically with a span of less than twenty (20) feet.

Day. Calendar day, unless otherwise specified.

Demolition by Neglect. A condition where the principal structure of a historic resource has become unsafe as a result of 1) the deterioration of the foundations, exterior walls, roofs, chimneys, doors, or windows, so as to create or permit a hazardous or unsafe condition to exist, or 2) the deterioration of the foundations, exterior walls, roofs, chimneys, doors, windows, the lack of adequate waterproofing, or the deterioration of interior features which that [sic] will or could result in permanent damage, injury, or loss of or loss to foundations, exterior walls, roofs, chimneys, doors, or windows.

Density. The allowable, proposed or existing number of dwelling units per acre within a defined and measurable area. Floodplain and areas designated for stormwater detention and retention shall not be included in density calculations.

Density Bonus. An increase in the number of units per acre not to exceed 120% of the Maximum Development Density (e.g., Maximum Density Bonus in Medium Density Residential is 4.8 units per acre).

Develop Land. To change the runoff characteristics of a parcel of land in conjunction with residential industrial, commercial, or institutional construction or alteration.

Developable Land (or Area). Land that is unconstrained by such conditions as steep slopes, floodways, floodplains, or adverse soil or water conditions that preclude development, and that does not have a significant environmental resource identified such as wetland, critical environmental features, or critical riparian habitats.

Developer. A person with freehold, possessor, or contractual interest in land proposed for development. See also "Subdivider."

Development. The construction or substantial alteration of open lands, or agricultural, residential, commercial, industrial, institutional, or transportation facilities or structures including any manmade change to improved or unimproved real estate, including, but not limited to buildings and other structures, dredging, fill, grading, paving, clearing, excavation, dumping, extraction, or storage of equipment or materials. Development includes the process of subdivision.

Development applications. Applications submitted to the City for consideration of a permit for construction.

Development Project Completion. Means, for the purposes of a forestation, reforestation, or payment of "fees-in-lieu" into a fund: A) the release of the development bond, if required; B) acceptance of the project's streets, utilities, and public services by the responsible Department(s); or C) designation by the City Council (Planning and Zoning Commission) that a development project has been completed, or a particular stage of a staged development project, including a planned unit development, has been completed.

Dilapidated Sign. Any sign that is structurally unsound, has defective parts, or is in need of painting or maintenance.

Directional Sign. A sign that is freestanding and whose primary purpose is to give directions to parking lots, exits, entrances, drive-through windows or similar locations.

Double-Faced Sign. A sign with two faces that are usually, but not necessarily, parallel.

Drive through (also Drive-up Access). A place of business operated for the retail sale of products, services, or entertainment. It is designed to allow its patrons to be served or accommodated while remaining in their motor vehicles. Such business may also be designed to accommodate pedestrian traffic.

Driveway. A private access road, drive, or lane to an individual residence, which is contained within the lot or parcel and is not intended to serve any other lot or parcel of land.

Dwelling. A building, or portion thereof, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multiple-family dwellings, (not including hotels and motels).

Dwelling, Attached. A dwelling that is joined to another dwelling at one or more sides by a wall or part walls.

Dwelling, Detached. A dwelling that is entirely surrounded by open space on the same lot.

Dwelling, Multiple-family (also multifamily). A building, or portion thereof, containing three (3) or more dwelling units.

Dwelling, Single-family. A building containing one (1) dwelling unit only.

Dwelling Unit. One room, or rooms connected together, constituting a separate, independent housekeeping establishment for human occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Engineer. Unless otherwise specified, any mention of "Engineer" refers to the City Engineer.

Easement. A right to land generally established in a real estate instrument or on a recorded plat to permit the use of land by the public, a legal entity, or particular persons for specified uses.

Ecosystem. A more or less self-contained biological community together with the physical environment in which the community's organisms occur.

Educational Facilities. An education facility is a public or private school (not a day care) for primary or secondary education. This also includes other educational services such as driver's education, beauty school, etc.

Edwards Aquifer Related Terms.

Contributing Zone. All land generally to the west and upstream of the Edwards Aquifer Recharge Zone that provides drainage into the Edwards Aquifer Recharge Zone.

Recharge Zone. The boundaries of the recharge zone shall encompass all land over the Edwards Aquifer, recharging the same, as determined by the Texas Commission on Environmental Quality (TCEQ formerly TNRCC) and the Barton Springs Edwards Aquifer Conservation District (BSEACD).

Electric Sign. A self-illuminated or externally illuminated sign or sign structure in which electric wiring, connections and/or fixtures are used, as part of the sign, to provide illumination.

Enclosed Storage. A building with walls on all sides, where items are stored for a fee.

Estoppels. A bar preventing one from making an allegation or a denial that contradicts what one has previously stated as the truth.

Excavation. Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, or relocated including the conditions resulting therefrom.

Existing Sign. Any sign erected, mounted or displayed prior to the adoption of this subchapter[.]

Exterior Features. The architectural style, design, and general arrangement of the exterior of a historic resource, including the color, nature, and texture of building materials, and the type and style of all windows, doors, light fixtures, signs, or other similar items found on, or related to, the exterior of a historic resource.

Extraterritorial Jurisdiction (ETJ). The unincorporated area that is contiguous to the corporate boundaries of the municipality and that is located within one-half mile of those boundaries (in the case of a municipality with fewer than 5,000 inhabitants). The ETJ increases as population increases.

Facade. The entire building wall (including street wall face, parapet, fascia, windows, doors, canopy and roof) on any completed building.

Facade Easement. Applies to a Certificate of Design Compliance. In the case of a request of a Demolition of a Historical Site, the Front Facade of said historic building may remain after demolition as an easement to protect the facade in perpetuity.

Family Day Care. A private residence where eight (8) or fewer children receive care and supervision for periods of less than 24 hours per day.

Family. Two or more persons occupying a dwelling unit and using common cooking facilities, provided that unless all members are related by blood or marriage, or legal adoption, no such shall contain more than four (4) nonrelated persons. Family members related by blood or marriage shall be a father, mother, son, daughter, grandfather, grandmother, grandson and granddaughter.

Farm Plan. A "Soil Conservation and Water Quality Plan" prepared by the Soil Conservation District.

Fence. A barrier made of wire, wood, metal, masonry, or other material used as a screen or enclosure for a yard or open space. It includes a wall, gate, or structure which that [sic] functions to enclose an open space or yard; however, a retaining wall, freestanding sign, or landscape structure is not considered a fence except for that portion which that [sic] functions as a fence.

Fill. A deposit of materials of any kind placed by artificial means.

Final Plat.

A final plat is a subdivision or drawing intended for recordation in the plat records of the county in which the subdivision is located. Final plat submittal will normally be consolidated with construction plan/development permit submittal. There are three types of final plats.

A final plat that requires a preliminary plan and concurrent construction plans for streets and infrastructure of the Land Development Code. The preliminary plan must be approved prior to the final plat approval.

Fiscal Surety. Fiscal surety is for the purpose of securing the estimated cost of completing capital improvements, should the City find it necessary to complete the improvements instead of the landowner or developer. Fiscal surety can be in the form of a line of credit or Assurance of Bonds.

Fixed Projection Sign. A sign, other than a flag sign, that extends outward for more than six inches from the facade of any building, and is rigidly affixed thereto.

Flashing Sign. A sign with flashing, blinking or moving lights, regardless of wattage, whether directly or indirectly illuminated, except for time and temperature signs. This includes a sign that uses traveling lights, traveling lighted messages, or flashing lights.

Flat Sign. A sign erected parallel to, attached within six inches of, and supported throughout its length by the facade of a building. A flat sign does not extend above that building.

Floodplain Related Terms:

Base Flood (Elevation)(BFE). The (flood) elevation of the lowest habitable floor of any building as established in a flood elevation certificate executed by a Texas licensed property line or land surveyor. A floor used only for storage purposes is not a habitable floor, nor is an unfinished area or enclosure usable solely for parking of vehicles or building access considered habitable. Where the boundaries of the flood and mudflow related erosion areas having special hazards have been designated as Zone A, M and/or E.

Flood Insurance Rate Map (FIRM). Map which depicts the minimum special flood hazard area to be regulated by this Ordinance Code [sic] (unless a Floodway Map is available).

Floodplain. Land typically adjacent to a body of water with ground surface elevations that are inundated by the base flood.

Flood Protection Elevation (FPE). The base flood elevation plus one foot.

Floodway. The channel of a river of or [sic] other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floodway Map. Map depicting floodways and special flood hazard areas which that [sic] are regulated by this Ordinance Code [sic].

Floodway Fringe. That portion of the floodplain outside the floodway.

100-Year Floodplain. An area along or adjacent to a stream or body of water that is capable of storing or conveying floodwaters during a 100-year frequency storm event, or a 100-year flood.

Floor Area Ratio, (FAR). See "Rules of Measurement"

Flow Attenuation. Prolonging the flow time of runoff to reduce the peak discharge.

Freestanding Sign. A sign supported by a sign structure secured in the ground, and which is wholly independent of any building, fence, vehicle or other support. Freestanding signs may have more than one section, one of which may be changeable.

Frontage. The length of all the property fronting on one side of a street between the two nearest intersecting streets, measured along the line of the street; or if dead-ended, then all of the property abutting on one side between an intersection street and dead end of the same.

General Development Plan. A map or plat designed to illustrate the general design features and street layout of a proposed subdivision which is proposed to be developed and platted in sections.

GPS. Global Positioning System - a technology used to identify exact geographical coordinates for use in surveying and planning.

Garden Apartments. A type of multifamily housing. Dwelling units share a common outside access. Ownership is not a factor in this type of unit, and may be either rental or condominium.

Geographic Information System (GIS). The City will maintain an electronic mapping system in National Geodetic Vertical Datum (NGVD) of 1929 elevation. Surveys and plats submitted for review and Flood Elevation Certificates are required to be referenced to NGVD. The GIS interface for the City is ArcView (an ESRI Product).

Grade Elevation. A measurement determined by averaging the elevations of the finished ground at all corners and/or other principal points in the perimeter wall of the building.

Grade-Related Terms.

Existing Grade. The vertical location of the existing ground surface prior to excavating or filling.

Finished Grade. The final grade or elevation of the ground surface conforming to the proposed design.

Grading. Any stripping, excavating, filling, including hydraulic fill, stockpiling or any combination thereof. Grading does not include plowing, disking and cultivating for lawn establishment or renovation.

Gross Floor Area. The total area of all floors of a building measured to the outside surfaces of the exterior walls.

Gross Residential Density. The number of dwelling units allowed per the base zoning district multiplied by the total site acreage. This number will be affected by Lot Standards in Table 5.1 [4-4].

Gross Site Area. The total amount of acreage of raw land.

[Gross Density = Gross Site Area * Maximum Development Density]

Guarantee of Performance. A credit guarantee that a prospective developer provides to the City of Liberty Hill to provide assurances to the City that the work on the development (particularly infrastructure improvements) will be made according to original plans as approved.

Health Officer. Health Officer for Williamson County.

Height. The vertical dimension measured from finished grade to the highest point of the thing being measured. See also: Building Height.

Historic Area Work Permit. A permit issued, or to be issued, by the City Administrator, authorizing work on a historic resource within a designated historic district or landmark.

Historic District. A historic resource comprised of 2 or more properties which that [sic] are significant as a cohesive unit and contribute to historical, architectural, archeological, or cultural values, which has been identified by the Historic Preservation Commission and duly classified pursuant to the procedures of the Texas Historical

Commission. A historic district includes all property within its boundaries, and may overlay any zoning district.

Historic Landmark. Any individual historic resource that is significant and contributes to historical, architectural, archeological, or cultural values, which has been identified by the Texas Historical Commission and duly classified.

Historic Resource. An area of land, building, structure, or object, or a group or combination thereof, including appurtenances and environmental setting which that [sic] may be significant in national, state, or local history, architecture, archeology, or culture.

Home Occupation. An accessory use as a personal service or profession or use customarily conducted within a dwelling carried on by a resident thereof, which does not change the residential character of the dwelling.

House Number. The coordinate number and street name assigned to any structure or parcel of land.

Illuminated Sign, External. Any sign that is directly lighted by an external source.

Illuminated Sign, Internal. Any sign that transmits light through its face or any part thereof[.]

Immediate family. A person who is the applicant's father, mother, son, daughter, grandfather, grandmother, grandson, or granddaughter.

Impervious Material. A material, that does not allow infiltration.

Impervious Surfaces. All buildings, roads, parking and driveways, paving, patios, decks, stoops, porches, steps, walkways, piers, or swimming pools constructed on a lot which that [sic] reduce the infiltration capacity of the land or result in increased stormwater runoff. Wooden decks and walkways (or portions thereof) shall be credited by fifty (50) percent of there [sic] the total square footage.

Impracticable. Not capable of being put into practice or of being done or accomplished.

Incidental Sign. A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," an address, and other similar directives limited to four square feet.

Industrial Park. A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations or government organizations.

Infiltration. The passage or movement of water into the soil surface. Also means, potable or nonpotable water from dripping or leaking pipes, valves, plumbing or fixtures, or seep water, rain water or stormwater entering in sewer lateral lines on private property through cracks, pipe joints, openings or other defects in the lateral line[.]

Inflatable Sign. A sign that is either expanded to its full dimensions or supported by gasses contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.

Ingress/Egress Sign. A sign designating only the direction of ingress or egress of a parking area or driveway, such as "in," "entrance," "exit," "one way," "do not enter" or "no exit."

Interior Sign. A sign displayed inside a building that is not within five feet of windows or doors.

Intermittent Stream. A stream which that [sic] has a period of zero flow for at least one week during most years. Where flow records are available, a stream with a 7Q2 flow of less than 0.1 ft^3/s is considered intermittent.

Intrafamily transfer. A "bona fide intrafamily transfer" means a transfer to a member of the owner's immediate family of a portion of the owner's property for the purpose of establishing a residence for that family member.

Joint Use Facilities. Any facilities owned and maintained in common by the inhabitants of the development, including, but not limited to, drives, water systems, sewer systems, parking areas, open space, club houses, amenities, and developed recreation areas.

Junk (or Salvage) Yard. An open area where waste or scrap materials (including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles) are bought, sold, exchanged, stored, baled, packed, disassembled, or handled. A "junk or salvage yard" includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

Land Clearing (or Disturbance). Any activity that removes the vegetative ground cover.

Land-Based Aquaculture. The raising of fish or shellfish in any natural or manmade, enclosed or impounded, water body.

Landfills, Sanitary. Any one of the types of landfills regulated by the Texas Commission on Environmental Quality (TCEQ), including but not limited to municipal solid waste, industrial rubble, and land clearing debris landfills.

Landscape. Any combination of trees, ground cover, shrubs, vines, flowers or lawn planted in the ground or in ground level-containers.

Landscaping Plan. A plan, showing dimensions and details for planting in a landscaped area.

Landscaping, Interior. A landscaped area or areas within the shortest line defining the perimeter or exterior boundary of the parking or loading area, or similar paved area, excluding driveways or walkways, providing access to the facility (as applied to parking and loading facilities or to similar paved areas).

Landscaping, Perimeter. A landscaped area adjoining and part of the landscaped interior[.]

Limited Access Highway. A traffic-way including toll roads for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except as may be permitted by the public authority having jurisdiction over such traffic-way.

Loading Space or Loading Zone. A space within the main building or on the same lot which that [sic] provides for the standing, loading, or unloading of trucks or other vehicles.

Logo. A trademark or company name symbol.

Lot. A portion of a subdivision or tract of land having frontage on a street or road which that [sic] is intended for development and which meets the requirements as a legal building site per this Ordinance Code [sic].

Lot Area, Gross. The area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a recorded river or stream segment.

Lot Depth. The mean horizontal distance between the front lot line and rear lot line of a lot, measured within the lot boundaries.

Lot Line, Front. That boundary of a lot that is along an existing or dedicated public street, or, where no public street exists, is along a public way.

Lot Line, Rear. Any boundary of a lot that is not a front lot line or a side lot line but generally running parallel to, and opposite of, a front lot line.

Lot Line, Side. Any boundary of a lot that is not a front lot line or a rear lot line but generally running perpendicular to the front or rear lot lines.

Lot of Record. A parcel of land which that [sic] has been legally subdivided and recorded in the official public records of Williamson County.

Lot Width. The horizontal distance between the side lot lines of a lot measured at the narrowest width within the first thirty (30) feet of lot depth immediately in back of the front yard setback line.

Lot, Corner. A lot situated at the intersection of two (2) or more streets. On a corner lot, the front lot line is defined as that lot line which contains the narrowest of all street frontages abutting a public street or public/private right-of-way. However, for lots abutting any street designated as minor collector or higher in classification, all lot lines abutting such higher order streets shall be deemed front lot lines.

Lot, Interior. A lot other than a corner or reversed corner lot.

Lot, Reversed Corner. A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

Lot, Through. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets, and which is not a corner lot. On a "through lot", both street lines shall be deemed front lot lines.

Lot, Zoning. A single tract of land located within a block under contiguous ownership that meets the lot requirements for a permitted use as set forth in Chapter 4 and 5 of this Code.

Lowest Floor. The lowest floor of the lowest enclosed area of a building or structure, including the basement. An unfinished enclosure constructed of flood resistant materials used solely for parking of vehicles, storage, or building access in an area other than a basement is not the lowest floor, as long as it is supplied with water equalizing vents.

Majority.

Simple majority. The next whole number beyond fifty percent of the members present and voting (e.g., three out of

either four or five; four out of either six or seven)[.]

Absolute majority. The next whole number beyond fifty percent of all members authorized to vote, including those not present or present but not voting.

Supermajority. The next whole number beyond a specified percent greater than fifty percent (e.g., two-thirds or three-fourths). A supermajority requirement may be either simple or absolute[.]

Manufactured Home, HUD Code. A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight (8) feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreation vehicle as that term is defined by 24 C.F.R. Section 3282.8 (g).

Marquee. Any permanent roof-like structure projecting beyond a building or extending from a facade, along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Marquee Sign. Any sign attached to, in any manner, or made a part of a marquee.

Maximum Development Density. Each Zoning District has a maximum number of units per acre that can be placed on a tract. This number ONLY provides the maximum number of units allowed on the site. The Net Yield is the total number of units that can be placed on a site after having factored in (see below) environmental constraints, right-of-way, drainage areas, impervious cover limitations, minimum lot size standards, all setbacks, and maximum lot coverage.

Mining. The act of exploring for or recovering stone, soil, peat, sand, gravel, limestone, coal, granite or other mineral resources from the ground for sale or for use off the property where it is recovered; it does not include removal of loose, surface stone, excavation related solely to agricultural activities or preparation of individual building sites.

Minor Plat.

For the purposes of these regulations, a minor plat subdivision is defined as a subdivision:

Involving not more than five (5) lots fronting on an existing approved street; and

Not involving any new street or prospectively requiring any new street for access to interior property; and

Not requiring extension of public sewage or water lines to serve properties at the rear; and

Creating no new or residual parcels not conforming to the requirements of these regulations and related ordinances.

Mixed Use Development. A development project that includes two or more types of uses.

Mobile Home Park.. Any site, lot, parcel, or tract of land that is improved, used, or intended for the accommodation of mobile homes that are used for living purposes.

Mobile Home. A structure that was constructed before June 15, 1976, transportable in one or more sections, which, transportable in one or more sections, which, in the traveling mode, is eight (8) feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

Monument Sign. A sign which is attached directly to the ground or is supported by a sign structure that is placed on or anchored in the ground and is independent from any building or other structure.

Motel, Motor Court, Motor Hotel, Lodge, or Inn. The same as hotel, except it is designed to accommodate any number of guests, the building or buildings are designed primarily to serve tourists traveling by automobile, and ingress and egress to rooms need not be through a lobby or office.

Motor Vehicle. Any passenger vehicle, truck, truck-trailer, or semi-trailer propelled or drawn by mechanical power.

Moving Message Board. Any electrical sign having a continuous message flow across its surface by utilizing lights or other electrical impulses that form various words and/or designs, including but not limited to time and

temperature signs.

Multiuse Sign. A commercial sign identifying more than one business or organization located on the premises.

Natural Features. Components and processes present in or produced by nature, including but not limited to, soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life, and wildlife.

Natural Ground Surface. The ground surface in its original state before grading, stripping, excavation, landscaping, or filling.

Natural Vegetation. Those plant communities that develop in the absence of human activities.

Nature-Dominated. A condition where landforms or biological communities, or both, have developed by natural process in the absence of human intervention.

Net Site Area. Net Site Area includes only the portions of a site that lie in an uplands zone and have not been designated for wastewater irrigation. Net Site Area is the aggregate of:

100 percent of land with a gradient of 15% or less;

40% of the land with a gradient of more than 15% and not more than 25%; and

20% of the land with a gradient of more than 25% and not more than 35%.

(Impervious Cover calculations are based on the Net Site Area.)

Net site area can include floodplains in the calculations (except for areas above the Edwards Aquifer Recharge Zone) if floodplains are used as public space for such uses as public open space, parks, or hike and bike trails.

Net Yield. The total number of units allowed (not yet permitted) based on the Preliminary Yield and Lot Standards for a tract.

NGVD. National Geodetic Vertical Datum of 1929 elevation reference points set by the National Geodetic Survey based on mean sea level. Surveys submitted for review and Flood Elevation Certificates are required to be referenced to NGVD.

Noise-Related Terms.

Sound Level. The weighted sound pressure level obtained by the use of the sound level meter and frequency-weighting network, as specified in the American National Standards Institute specifications.

Sound Pressure. The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space as produced by sound energy.

Nonconforming Structure. A structure that was lawfully erected but which does not conform to the currently applicable requirements and standards prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of this Code.

Nonconforming Sign. Except as otherwise defined herein, any sign with a valid permit that was erected or displayed prior to the effective date of this subchapter, or any subsequent amendment hereto, and does not conform with one or more of its provisions.

Nonconforming Use. Any use of land, buildings, or structures, lawfully existing at the time of the enactment of this Code, or of any amendment hereto, governing use for the zoning district in which such use is located, which does not comply with all regulations of this its [sic] amendments.

Nonpoint Source Pollution. Pollution generated by diffuse land use activities rather than from an identifiable or discrete source or facility. It is conveyed to waterways through natural processes, such as rainfall, storm runoff, or groundwater seepage rather than by deliberate discharge. Nonpoint source pollution is not generally corrected by "end-of-pipe treatment," but rather, by changes in land management practices.

Nonrenewable Resources. Resources that are not naturally regenerated.

Noxious Matter. Material which that [sic] is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

Noxious Plants. For the purposes of this Ordinance Code [sic], noxious plants include: poison ivy, poison oak, kudzu and other plants that cause harm either because they are capable of causing harm to humans and animals by chemical reaction or are nonnative invasive species which that [sic] overwhelm native species and determined to be undesirable by the county or the state.

Nursery, Commercial and/or Gardening Supplies Sales. any land used to raise or store trees, shrubs, flowers, and other plants for sale, facilities for the display and sale of those items and/or of gardening supplies, and accessory greenhouses, storage buildings, or customer parking areas.

Nuisance. A use of property or course of conduct that interferes with the legal rights of others by causing damage, annoyance, or inconvenience.

Occupancy. Any use of, or activity upon, the premises.

Odorous Matter. Any matter or material that yields an odor which that [sic] most persons find to be offensive.

Off-Premises Sign. Any sign located, or proposed to be located, at any place other than upon the property of the business or other activity identified on such a sign. For purpose of this subchapter, easements and other appurtenances shall be considered outside such property. Community service signs, as approved by the City Council, are exceptions to this definition.

Offsets. Structures or actions that compensate for undesirable impacts.

Off-street Loading Facilities. A site or portion of a site located off of a public road devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

Off-Street Parking Space. The space located off of a public road, designed, intended, used or required to park one passenger vehicle.

On-Premises Sign. Any sign located or proposed to be located at any place, if otherwise permitted by this subchapter, within the property boundaries for the business or other activity identified on such sign.

Open Space Related Terms.

Common Usable Open Space. Useable open space available for use by the occupants of more than one dwelling unit; controlled and maintained by a property owner or an incorporated nonprofit homeowner's association; or dedicated in fee to, and maintained by, a public agency and devoted to use by residents who will occupy the dwellings. It does not include any space with a dimension of less than ten (10) feet in any direction or an area of less than one hundred (100) square feet.

Open Space. Any land developed or undeveloped, reserved or dedicated, as yards, parks, landscaped green areas, and recreational areas, and is exclusive of areas developed for off-street parking, structures and streets.

Private Open Space. An open area outside of a building adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

Shared Open Space. An open area within a residential development reserved for the exclusive use of residents of the development and their guests.

Outlot. A piece or tract of land that remains within a subdivision but which that [sic] does not meet the minimum requirements of the Ordinance Code [sic] for a lot and is therefore not useable as a building site.

Outparcel. A tract of land designated on a subdivision plat for future development, or not designated for any specific purpose, that has not been evaluated for compliance with the requirements of this Ordinance Code [sic] for adequate facilities or zoning requirements and is, therefore, not useable as a legal building site. Outparcels may be the subject of a record plat or resubdivision provided the lot(s) created meet all requirements of the Ordinance Code [sic] prior to plat approval.

Parcel. In the context of subdivision platting, a parcel is either a tract of land platted for a designated purpose other than as a legal building site (e.g. to meet the open space requirements of the Ordinance Code [sic]; to provide a well site, to provide a sewerage disposal parcel,) or a tract of land that may meet zoning requirements for area, width, depth, etc., but is not intended for development due to environmental constraints, density restrictions or other legal encumbrances.

Parcel of Land. A contiguous legally-created lot, parcel, outlot, outparcel or residue owned and recorded as the property of the same persons, or controlled by a single entity.

Parapet. A vertical false front or wall extension above the roof line.

Party Responsible. The party responsible for a sign shall be:

(1) The person whose name of business is being identified on the sign, and/or

(2) The owner of the premises upon which the sign is located.

Permitted Sign. A sign for which a valid permit has been issued.

Perennial Stream. A stream containing surface water throughout an average rainfall year, as shown on the most recent 7.5 minute topographic quadrangle published by the United States Geologic Survey.

Performance Bond. A type of Fiscal Surety that can be used to guarantee site improvements.

Person. The federal government, the State, a county, municipal corporation, or other political subdivision of the State, or any of their units, or an individual, receiver, trustee, guardian, executor, Manager, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any of their affiliates, or any other entity.

Phased Project. A project developed pursuant to a subdivision or site plan, proposed to be developed in sections.

Physiographic Features. The soils, topography, land slope and aspect, and local climate that influence the form and species composition of plant communities.

Planned Development or Planned Unit Development (PUD). A Planned Unit Development District (PUD) is intended to provide a development that is more sensitive to the natural environment, creates an improved sense of place, or otherwise enhances the standard pattern of development in Liberty Hill. Development is required to provide a higher level of amenity to its users or residents than would be required under the normal standards of this code. A PUD may be used to permit new or innovative concepts in land use not permitted by other zoning districts in this code or to permit development projects that existing districts do not easily accommodate. This district is appropriate in areas where the Comprehensive Plan reflects the specific uses proposed in the PUD or mixed use as a land category. Rezoning to the PUD district requires a specific PUD ordinance and a General Development Plan from the property owner. See Section 3.6(6) [sic] for further information on PUD applications and applicability. Generally a PUD is understood as a parcel of land or contiguous parcels of land of a size sufficient to create its own environment, controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the environment of which is compatible with adjacent parcels and the intent of the zoning district or districts in which it is located; the developer or developers may be granted relief from specific land use regulations and design standards, and may be awarded certain premiums in return for assurance of any overall quality of development, including any special feature which that [sic] will be of exceptional benefit to the community as a whole and which that [sic] would not otherwise be required by this Ordinance Code [sic].

Plat. As used in this Ordinance Code [sic], plat shall be a map of a tract of land showing boundaries of individual lots, outlots, parcels, and outparcels, and streets, easements and rights-of-way prepared in accordance with this Ordinance Code [sic] as an instrument for recording in the official Public Records of Williamson County.

Plat, Final. A plat prepared by a licensed surveyor or registered engineer and submitted to the City for final approval which that [sic] is duly acknowledged by the owners or proprietors of the land, or by some duly authorized agent of such owners or proprietors, in the manner required for the acknowledgement of deeds and which that [sic] is to be filed for record in the office of the county clerk of Williamson County.

Plat, Preliminary. A tentative drawing made by a licensed surveyor or registered engineer for inspection purposes only, showing the entire tract of land for which subdivision is sought. The drawing shall accurately describe all of said subdivision or addition by metes and bounds, locating the same with respect to an original corner of the original survey of which it is a part and giving dimensions thereof of said subdivision or addition, and dimensions of all streets, alleys, squares, parks, or other portions of same intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting thereon or adjacent to.

Pole Sign. A sign that is mounted on one or more freestanding poles or other supports so that the bottom edge of the sign face is not in direct contact with a solid base or the ground.

Political Sign. A sign relating to: a political party, the election of a person to public office, or a matter to be voted upon at an election called by a public body.

Portable Sign. Any sign not permanently affixed to a building or structure, or not permanently attached to a mobile vehicle.

Postal Facilities. Postal services, including post offices, bulk mail processing or sorting centers, operated by the United States Postal Service.

Preexisting. In existence prior to the effective date of a specific regulation or Ordinance Code [sic].

Preliminary Yield. Preliminary Yield is the number of residential units can fit on the Developable Land. This does not yet factor lot standards found in Table 5.1 [4-4].

Premises. A zoning location, together with all buildings and structures thereon.

Principal Use. A main or primary use of land, as distinguished from an "accessory use". More than one principal use may exist on a tract if done so completely in accordance with this Ordinance Code [sic].

Private Harvesting. The cutting and removal of trees for personal use, generally restricted to clearing of fewer than ten (10) trees on a site.

Private Road. A private access, drive, or lane to more than one residence which that [sic] is contained within the lot or parcel and which is not dedicated to the public.

Project. Any proposal for new or changed use, or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this Ordinance Code [sic].

Project Sign. Any temporary sign, on premises, that may identify the project under construction by providing any of the following information: the project name, address and/or telephone number, the architect, the contractor, the developer, the financing organization, the subcontractor and/or materials vendor.

Projecting Sign. Any sign affixed to a wall of a building in a nonparallel manner.

Property Lines. The lines bounding a zoning area, as defined herein.

Public right-of-way. Any street, avenue, boulevard, highway, sidewalk, alley, drain, or similar place which that [sic] is owned or controlled by a governmental entity. Also, a strip of land used, or intended to be used, wholly or in part, by said governmental entity.

Public Sewerage System. The entire system of sewage collection, treatment, and disposal. Also applies to all effluent carried by sewers whether it is sanitary sewage, industrial wastes, or stormwater runoff.

Public Utility. Any transmission line or electric generating station; or water, sewer, electric, gas, telephone, and television or data cable service line.

Public Water - Oriented Recreation. Shore-dependent recreation facilities or activities provided by public agencies which that [sic] are available to the general public.

Public Water Supply System. As defined by the Texas Commission on Environmental Quality. (TECQ)

Public Way. See "Right-of-Way".

Real Estate Sign. A temporary sign erected by the owner, or his agent, advertising for the rental, leasing or sale of the real property upon which the sign is located.

Receiving Parcel. A lot or parcel of land in a zoning district where permitted, on which development rights transferred from a sending parcel, are used.

Reclamation. The reasonable rehabilitation of disturbed land for useful purposes, and the protection of the natural resources of adjacent areas, including water bodies.

Recreational Vehicle. A vehicle built on a single chassis that is four hundred (400) square feet or less at the longest horizontal projection, self propelled or tow-able, and designed primarily for temporary living while traveling or camping.

Recycling Centers. An enclosed building where recyclable materials separated from other waste materials, including, but not limited to, scrap metals, paper, textiles, glass, and plastics, are received for the purpose of processing for upgrading, particle size reduction, volume reduction, removal of undesired materials, baling, packing, disassembly, handling, or storage.

Redevelopment. The process of developing land which that [sic] is or has been developed.

Renewable Resource. A resource that can renew or replace itself and, therefore, with proper management, can be harvested indefinitely.

Residence. A residential structure occupied as a dwelling place of one or more persons in which the use and management of sleeping quarters and all appliances for cooking, ventilation, heating, or lighting are under one person's control.

Residential Sign. Any sign erected at a private residence identifying its address or the resident's name.

Residential Structure Types.

Apartment Building. A type of multifamily dwelling with a common entrance and common amenities, such as garages, yards, and utilities.

Duplex. A dwelling not a mobile home or manufactured home, on its own lot, and designed, arranged, or used

exclusively for the use and occupancy of two families living independently of each other.

Dwelling Attached. A dwelling that is joined to another dwelling at one or more sides by a party wall or walls.

Condominium. A type of ownership arrangement in which an owner has legal title over a single unit in a multifamily dwelling or nonresidential development and over an equal portion of the land upon which the structure stands. A condominium is not a type of structure per se, but rather a form of ownership.

Detached Dwelling. A dwelling that is entirely surrounded by open space on the same lot.

Efficiency Unit. A dwelling unit consisting of 1 principal room exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing such dining alcove does not exceed 125 sq. ft. in area.

Right-of-way. Any dedicated area where a street, highway, thoroughfare, parkway, road, avenue, alley or other vehicular use facility is or will be constructed for public use.

Riparian Habitat. A habitat that is strongly influenced by water and which that [sic] occurs adjacent to streams and/or wetlands.

Roadside Stand. A permanent structure used for the display and sale of locally produced agricultural products.

Roof Sign. A sign erected over or on, and wholly or partially dependent upon, the roof of any building for support.

Rotating Sign. Any sign that revolves around one or more fixed axis.

Rubbish. Any waste materials, except garbage, including but not restricted to, paper, rags, boxes, cartons, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, and the residue from the burning of combustible materials.

Seasonally Flooded Water Regime. A condition where surface water is present for extended periods, especially early in the growing season, and when surface water is absent, the water table is often near the land surface.

Sediment. Soils or other materials transported by wind or surface water as a product of erosion.

Seedling. A nonbranched woody plant, less than twenty-four (24) inches in height and having a diameter of less than one-half (1/2) inch measured at two (2) inches above the root collar.

Selection. The removal of single, scattered, mature trees or other trees from uneven-aged stands by frequent and periodic cutting operations.

Selective Clearing. The careful and planned removal of trees, shrubs, and plants using specific standards and protection measures under an approved forest conservation plan.

Shopping Center. A grouping of retail business and service uses on a single site with common parking facilities.

Sidewalk or Sandwich Sign. A moveable sign not affixed or attached to the ground or to any building or structure.

Sign. Any device or representation that is used to visually communicate its subject to others. Customary displays of merchandise, objects or materials placed, without lettering, behind a store window are neither signs nor parts of signs.

Sign Area. The square foot area enclosed by the perimeter of the sign. Sign area shall include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and "cutouts" or extensions. However, sign area shall not include any sign structures that are esthetically pleasing.

Sign Structure. A supporting structure erected, used or intended for identification or to attract attention, with or without a sign thereon, situated upon or attached to the premises, upon which any sign may be fastened, affixed, displayed or applied, provided, however, this definition shall not include a building, fence, wall or earthen berm.

Significantly Eroding Areas. Areas that erode two (2) feet or more per year.

Single Business Use. A business or organization being the sole business occupant of a premises.

Site. Any tract, lot or parcel of land or combination of tracts, lots or parcels of land, which are in one ownership, or are contiguous and in diverse ownership and where development is to be performed as part of a unit, subdivision, or project as shown on an application.

Snipe Sign. A sign (made of any material) that is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or other objects, with the subject matter appearing thereon not being applicable to the use of the premises upon which such sign is located.

Spoil Pile. The overburden and reject materials as piled or deposited during surface mining.

Stabilization. The prevention of soil movement by any of various vegetative and/or structural means of soil movement.

Stable, Commercial. Any stable for the housing of horses or mules, operated for remuneration, hire, sale, or stabling, or any stable, not related to the ordinary operation of a farm.

Stable, Private. An accessory building, not related to the ordinary operation of a farm, for the housing of horses or mules owned by a person or persons living on the premises and which horses or mules are not for hire or sale.

Start of Construction. The date of issue of the building permit for any development, including new construction and substantial improvements, provided that the actual start of the construction or improvement was within three hundred and sixty-five (365) days of permit issuance. The actual start of construction is the placement of slab or footings, piles, columns, or actual placement of a manufactured home. For substantial improvement, the start of construction is the first alteration of any structural part of the building.

Steep Slope. A slope of over fifteen percent (15%) grade or greater incline, which is characterized by increased runoff, erosion and sediment hazards for slopes.

Stormwater Management. For quantitative control, a system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by manmade changes to the land; and for qualitative control, a system of vegetative, structural, and other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff.

Story. Part of a building between any floor and the floor next above, and if there be no floor above, then the ceiling above. A basement is a story if its ceiling is five (5) feet or more above the finished grade, or if it is used for business purposes, or if it contains any dwelling units other than one (1) dwelling unit for the caretaker of the premises.

Stream Buffer. All lands lying within a measured distance from the top of each bank of a perennial or intermittent stream, intended to protect the stream, its water quality, and riparian habitat.

Street. A public or private right-of-way which that [sic] affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane throughway, or however otherwise designated, but does not include driveways to buildings.

Structure. Anything constructed or erected, other than a fence or retaining wall, which requires location on the ground or if attached to something having a location on the ground, including but not limited to, buildings, advertising boards, poster boards, mobile homes, manufactured homes, gas and liquid storage tanks, garages, barns, and sheds.

Subdivision, Farmstead. Minor subdivisions in which all lots are fifteen (15) acres or larger.

Subdivision. Subdivision means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other division of land for the purpose, whether immediate or future, of sale or of building development provided that this definition of a subdivision shall not include a bona fide division or partition of agricultural land not for development purposes.

Subdivision, Major. Any subdivision not defined as a minor, or farmstead, subdivision.

Subdivision, Minor. The division of a parcel or lot of record which that [sic] creates one (1) to five (5) lots or any number of farmsteads, which do not have frontage on a public road, or private right-of-way.

Subdivision Preliminary Plan. Subdivision Preliminary Plan is a map or drawing of a proposed subdivision plan which upon approval establishes an agreement to the layout. This agreement includes the location and width of proposed streets, lots, blocks, floodplains, and easements. A preliminary plan approval is required prior to final plat approval, except under certain conditions[.]

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its beforedamaged-condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure (less land value) either: (a) before the improvement or repair is started; or (b) if the structure has incurred substantial damage and been restored, before the damage occurred. Substantial improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences. The minimum repairs needed to correct previously identified violations of local health, safety, or sanitary codes, and alterations to historic structures which that [sic] do not preclude their

continued designation as historic structures are not considered substantial improvements.

Suspended Sign. A type of building sign that is suspended from the underside of a predominantly horizontal plane surface and is supported by such surface.

Swinging Sign. A sign installed on an arm, mast or spar that is also not permanently fastened to an adjacent wall or an upright pole.

Time and Temperature Sign. An electrical sign utilizing lights going on and off periodically to display the current time and temperature in the community.

Traditional Neighborhood Development (TND). A Traditional Neighborhood Development (TND) is a human scale, walk able community with moderate to high residential densities and a mixed use core. Compared with conventional suburban developments, TNDs have a higher potential to increase modal split by encouraging and accommodating alternate transportation modes. TNDs also have a higher potential for capturing internal trips, thus reducing vehicle miles traveled. That the development encourage walking and biking, enhance transit service opportunities, and improve traffic safety through promoting low speed, cautious driving while fully accommodating the needs of pedestrians and bicyclists.

Topography. The existing configuration of the earth's surface including the relative relief, elevation, and position of land features.

Townhouse. One of a group of attached, single-family dwellings that are designed as single structures, with each dwelling unit separated by firewalls, fire separations, or similar party walls. No more than two (2) dwellings units shall be contained within said separation.

Transfer of Development Rights Terms:

Transfer. A transfer of development rights from a transferor parcel to a receiving parcel by instrument(s) of transfer.

Transferee. A person to whom development rights are transferred and all persons who have any lien, security interest, or other interest with respect to development rights held by the transferee.

Transferor. A person who transfers development rights and all persons who have any lien, security interest, or other interest with respect to development rights held by a transferor.

Transferor Parcel. A parcel of land from which development rights may be transferred. A transferor parcel may be less than all of a lot owned by an original transferor.

Transfer Station (or see also "Waste Disposal Services"). An outdoor facility or enclosed building that receives municipal solid waste and/or rubble from collection vehicles and reloads the materials into trailers or other containers for the purpose of transporting it to a processing or final disposal facility.

Transitional Habitat. A plant community whose species are adapted to the diverse and varying environmental conditions that occur along the boundary that separates aquatic and terrestrial areas.

Transportation Facilities. Anything that is built, installed, or established to facilitate or provide a means of transport from one place to another.

Transportation-Related Terms.

Alley. A narrow roadway for access to an area of commercial, multifamily or industrial structures.

Arterial. An interregional road conveying traffic between growth areas. Efficient movement is the primary function of arterial roads; hence private access and frontage should be controlled and limited to high-volume generators of vehicle trips.

Major Collector. A principal traffic artery within residential areas that may provide routes to local facilities, serves as the main entrance to a sizeable development, or a combination of developments.

Minor Collector. A street which, in addition to providing access to properties abutting thereon, carries traffic to an activity center or higher classification street. It may be a loop street or may link local and/or collector streets.

Street Direction. The direction any street or road travels the longest in distance (i.e., north-south or east-west).

TxDOT. Texas Department of Transportation

TCEQ. Texas Commission on Environmental Quality (formerly Texas Natural Resources Conservation Commission TNRCC)

Under Canopy Sign. A sign suspended from a building and located under a permanent canopy projecting from a

building.

Uplands Zone. All sites above floodplains and away from them.

Upper Story Residential. Upper story residential is a secondary use to a commercial use, where the commercial use is on the first floor and the upper story is used for residential purposes. This is allowed with a Special Use Permit.

Use of Property. The purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Utility. A public corporation, company or special district organized to provide a service to the subdivision. As used herein, "utility" shall include, but not be limited to, electric, gas, or telephone companies and water and sanitation districts.

Vacation. The termination of, or termination of an interest in, an easement, right-of-way, or public dedication of land.

Variances. A grant of relief to a person from the requirements of this Ordinance Code [sic] when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Ordinance Code [sic]. The Board of Adjustment (BOA) shall review Variance requests.

Vehicle. Every device, including major parts thereof, in, on, or by which any person or property is or may be transported or drawn on a transportation facility, except devices moved by human or animal power, or devices used exclusively on stationary rails or tracks.

Vehicle Sign. A permanent or temporary sign affixed to a vehicle. The primary purpose of this display is to attract the public's attention to the subject matter identified on the sign, rather than to serve the customary purpose of a vehicle.

Visible. Capable of being seen (whether or not legible) by a person of normal height and visual acuity while walking or driving on a public road.

Wash Plant. A facility where sand and gravel is are [sic] washed during processing.

Waste. Ashes, discarded wood, abandoned, discarded, or unused objects or equipment such as furniture, appliances, cans, or containers; garbage or refuse of any kind, whether liquid or solid; or any accumulation of any foul, decaying, or putrescent substances.

Watercourse. Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including any area adjacent thereto, which is subject to inundation by reason of overflow or flood water.

Waterfowl. Birds that frequent and often swim in water, nest, and raise their young near water, and derive at least part of their food from aquatic plants and animals.

Watershed. All land lying within an area which that [sic] drains into a river, river system, or other water course.

Wetlands. Land transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Classification of areas as wetlands shall follow the "Classification of Wetlands and Deep-water habitats of the United States" as published by the U.S. Fish and Wildlife Service (FWS/OBS-79/3 1).

Wildlife Corridor. A strip of land having vegetation that provides habitat and a safe passageway for wildlife.

Window Sign. Any sign painted on, applied to, projected upon or within the exterior or interior of a building glass area, including doors, or located within five feet of the interior of a building glass area, including doors, whose identification, message, symbol, insignia, visual representation, logo type, or any other form of information can be read from off premises or from the public right-of-way. Merchandise displays shall not be considered window signs.

Yard. A "yard" extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which such zoned area is located. Also, the area between the lot line and the building setback line.

Corner side yard. A side yard on the street side of a corner lot.

Front Yard. A yard extending along the full length of the front lot line of the zoned area.

Rear Yard. A yard extending along the full length of the rear lot line of the zoned area.

Side Yard. A yard extending along a side lot line measured from the front yard to the rear yard.

Side Yard, Corner. A side yard which that [sic] adjoins a public street.

Side Yard, Interior. A side yard that is located immediately adjacent to another zoned area or to an alley separating such yard from another zoned area.

Zoning Overlay District. A special district that is placed over the base zoning area which imposes additional restrictions.

Zoning Floating Zone. A district that is fixed on the base zoning area only upon City Council approval of a specific development application meeting the requirement of this Ordinance Code [sic].

Zoning Permit. A written statement or certificate issued by the City Administrator (or his designee) authorizing buildings, structures, or uses in accordance with the provisions of this Ordinance Code [sic].

8.03 Rules of Measurement

This section shall describe standards and procedures for determining measurements for various items described in this Ordinance Code [sic].

1 acre = 43,560 ft^2

1/2 acre=21,780 ft^2

1/4 acre=10,890 ft^2

1 mile = 5,280 feet

Build-to Line. The build-to line shall be measured from an exterior wall to the property line such that the accuracy of the building placement shall be within a foot, as authorized.

Building Height. The building height shall be measured from finished grade to the highest point on a flat roof or a mansard or the midpoint between the cornice and the eave on a pitched roof.

Density, Residential. The number of dwelling units divided by the gross area of the lot reflected as a number of units per acre.

Floor Area Ratio (FAR). The gross floor area of the building or buildings on a zoning area divided by the total area of such zoning area. The "floor area ratio" requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning area.

Floor Area, Gross. The sum of the gross horizontal areas of all floors of the building measured from the exterior faces of the exterior walls, or from the centerline of walls separating two buildings but excluding areas where the floor to ceiling height is less than six (6) feet. The "floor area" of structures devoted to bulk storage of materials, including, but not limited to grain elevators and petroleum storage tanks, multilevel storage racks shall be determined on the basis of height in feet, i.e., ten (10) feet in height shall equal one (1) floor.

Floor Area, Net. The Gross Floor Area minus the area of stairwells, elevator shafts, equipment rooms, interior vehicular parking or loading, areas devoted exclusively to storage; and minus all floors below the first floor level, except when these used for human habitation or service to the public. Net floor area shall be used for calculating parking requirements.

Lot Area. The total horizontal area included within the lot lines of a site.

Lot Coverage. The total land area covered by all principal and accessory structures on a site, including projections, shall be considered in determining lot coverage except the following: Eaves projecting less than 2.5 feet from a building. Trellises and similar structures which that [sic] do not have solid roofs. Uncovered and unenclosed decks, porches, landings, balconies, and stairways (the portion of which is less than thirty [30] inches above grade).

Lot Depth. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line or to the most distant point on any other lot line where there is no rear lot line.

Lot Width. The average horizontal distance between the side lot lines measured at right angles to the lot depth from the required front yard setback and from the required rear yard setback or from the rearmost point of the lot depth in cases where there is no rear lot line.

Setbacks. The minimum distance, extending across the full width of the lot, between the property line and the

nearest exterior wall or structure. Rules for setback averaging are shown in the diagrams.

Wall area. Wall area shall be measured by calculating the continuous uninterrupted wall area (not including windows) on the elevation where a sign is to be placed.

Yards. Yards include the required setbacks and open space for individual lots. No yard for one lot shall be considered a yard for another lot as well, except in planned developments. Yards shall be measured from the property line of the site or street line to the nearest exterior wall of a structure.