

## CHAPTER 3: SUBDIVISION REGULATIONS

### Division 3.1: General Provisions; Enforcement

#### **Sec. 3.100 Authority, Applicability of Land Development Code Chapter 1, Division 1.6 (Amended 02/07/06)**

- (a) This Chapter is adopted under the authority of the Constitution and laws of the State of Texas, including particularly, but not limited to, Chapters 231, Acts of the 40th Legislature, Regular Session, 1927, as heretofore or hereafter amended, and the provisions of Chapter 212 of the Texas Local Government Code as heretofore or hereafter amended. This Chapter is adopted pursuant to the provisions of the general law of the city.
- (b) In addition to the requirements of this Chapter, the provisions of Land Development code Chapter 1, Division 1.6 apply to applications required by this Chapter.

#### **Sec. 3.101 Purpose**

The purpose of this Chapter is to provide for the orderly, safe and healthful development of the area within the corporate limits of Sunset Valley and the City's extraterritorial jurisdiction and to promote the health, safety, morals and general welfare of the community.

#### **Sec. 3.102 Special Provisions**

- (a) No land in the City of Sunset Valley or its extraterritorial jurisdiction shall be divided into one or more lots until such subdivision of land has been approved by the City Council in accordance with the regulations herein.
- (b) No permit shall be issued pursuant to any City ordinance for any structure or for the repair, modification or installation of Public or Private Sewage Facility upon any lot in a subdivision, resubdivision or Confirming Plat for which a final plat has not been approved and filed for record by the City of Sunset Valley, Texas, or upon any lot in a subdivision or confirming plat in which the standards contained herein or referred to herein have not been complied with in full. For purposes of this paragraph, the term "structure" does not include signs. **(Amended 03/06/01)**
- (c) No building, repair, plumbing or electrical permit shall be issued by the City for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained herein have not been complied with in full.
- (d) The City shall not repair, maintain, install or provide any streets or public utility services in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.
- (e) Any right, privilege or remedy granted by this Ordinance to the person obtaining or holding plat or plan approval shall also run in favor of such person's successors in interest and assigns. Any

duty or obligation of or remedy against such person arising from this Chapter shall also inure as to such person's successors in interest, assigns, agents, employees, representatives, or any person acting pursuant to the direction of any of the foregoing, or under color of same.

- (f) The City shall not sell or supply any water, gas, electricity, or sewage service within a subdivision for which a final plat has not been approved or filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.
- (g) In behalf of the City, the City attorney shall, when directed by the City Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Chapter or the standards referred to herein with respect to any violation thereof which occurs within the City, within the extraterritorial jurisdiction of the City as such jurisdiction as determined under the Texas Local Government Code, or within any area subject to all or a part of the provisions of this Chapter.
- (h) If any subdivision exists for which a final plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, and the City Council of the City shall pass a resolution reciting the fact of such noncompliance or failure to secure final plat approval, and reciting the fact that the provisions of paragraphs (a), (b), (c), and (d) of this Section will apply to the subdivision and the lots therein, the Secretary for the City shall, when directed by the City Council of the City, cause a certified copy of such resolution under the corporate seal of the City to be filed in the deed records of Travis County in which such subdivision or part thereof lies. If full compliance and final plat approval are secured after the filing of such resolution, the Secretary for the City shall forthwith file an instrument in the deed records of Travis County stating that paragraphs (a), (b), (c), and (d) no longer apply.
- (i) The provisions of this Section shall not be construed to prohibit the issuance of permits for any lots upon which a residence building exists and was in existence prior to passage of this Chapter, nor to prohibit the repair, maintenance, or installation of any street or public utility services for, to or abutting any lot, the last recorded conveyance of which prior to February 15, 1985 was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to February 15, 1985.

**Sec. 3.103      Fiscal Security Requested**

- (a) All plans and actual construction of required improvements shall be inspected by a registered professional engineer retained by the City. No plans or completed construction shall be considered for approval or acceptance by the City Council without certification from said engineer that such plans and calculations and such construction is complete and that they are in accordance with specifications and standards contained or referenced herein, and/or with plans previously approved for the subject subdivision. The engineer shall make frequent field inspections during the construction period and arrange for testing in accordance with accepted civil engineering practice. The engineer shall submit periodic progress reports to the City Council during the construction period. The final responsibility for the adequacy and acceptability of all construction shall rest with the subdivider.
- (b) Maintenance of Improvements. The subdivider shall maintain such improvements in good condition and in a manner acceptable to the City's engineer and without cost to the City for a

period of two (2) years after acceptance of completed construction. Upon completion of construction and final acceptance, the subdivider shall either deposit money in escrow or file with the City Council a letter of credit or other such guarantee acceptable to the City Council, executed by a bank or a surety company holding a license to do business in the State of Texas, and acceptable to the City Council, in an amount equal to ten percent (10%) of the construction costs of the improvements required, and approved by the City. Such money or surety shall be irrevocable for two (2) years from the date of acceptance of completed construction. Such surety shall guarantee that, in the event of failure of the subdivider to maintain such improvement as provided above, the subdivider's credit shall be encumbered so as to cause the improvements to be repaired or restored without cost to the City. Such money in escrow or bond shall be approved as to form and legality by the City Attorney.

- (c) Construction Guarantee. The subdivider shall file the security and the maintenance guarantee if all construction is not completed prior to requesting final plat approval. The security shall be either money in escrow or a letter of credit, irrevocable for a period of two (2) years from the date of approval of the final plat, in escrow or in a form approved by the City Attorney, in the amount equal to the total estimated cost of constructing and installing all the improvements required by this Chapter. Such letter of credit shall guarantee that, in the event of failure of the subdivider to make such improvements, within two (2) years from the date of approval of the final plat, the subdivider's credit shall be encumbered so as to cause the improvements to be constructed and installed without cost to the City.
- (d) Construction Inspection. The City's engineer shall inspect such improvements while in progress and upon completion of construction shall notify the subdivider, the City Council, and the Attorney for the City in writing as to his acceptance or rejection of the construction. He shall reject such construction if it fails to comply with the standards and specifications contained or referred to herein. If he rejects such construction, the Attorney for the City shall, on direction of the City Council, proceed to enforce the guarantees provided in this Chapter.
- (e) Extensions. Where good cause exists, the City Council may extend the period of time for completion under subsection (c) of this section for an additional period of time not to exceed six (6) months if the subdivider has not completed the required site improvements or completed such improvements in compliance with this Chapter. No such extension shall be granted unless security and maintenance guarantees as required herein have been provided by the subdivider covering the extended period of time.
- (f) Release of Escrow. Security and/or maintenance guarantees shall not be released by the City until all the requirements for approval and acceptance of improvements have been met. Money in escrow may be drawn from time to time in relation to the percent of construction completed. Completion of construction phases shall be approved by the City's engineer and submitted to the City Council for approval and release of funds. If it becomes apparent that the subdivider is not going to complete the construction of any or all of the required improvements in accordance with the previously approved plans and Code requirements, or provide the necessary maintenance within the stipulated two (2) year period or any extension thereof granted under subsection (e) of this Section, the City's engineer shall so inform the City Council in writing and the City Council shall take necessary action against the guarantees and security posted by the subdivider to complete such construction or maintenance at no cost to the City.

The City Council may also file appropriate proceedings in District Court against the subdivider and his/her security as set forth above.

**Sec. 3.104 Variances**

- (a) All requests for variances must be submitted in writing to the City Council. The City Council may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In making the findings herein required, the City Council shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience, and the welfare in the vicinity. No variance shall be recommended unless the City Council finds:
  - (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of his land; and
  - (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
  - (3) 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; and
  - (4) That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provision of this Code; and
  - (5) That the variance request is of such a minor nature that the spirit and intent of this Code is not to be violated.
- (b) Such findings of the City Council together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the City Council meeting at which such variance is recommended. Variances may be recommended only when in harmony with the general purposes and intent of this Chapter so that the public health, safety, and welfare may be secured and substantial justice done. Pecuniary hardships to the subdivider, standing alone, shall not be deemed to constitute undue hardship.
- (c) No variance of the lot dimensional requirements shall be granted by the City Council except after a public hearing wherein notice is given to owners of real property within five hundred feet (500') of the boundaries of the subject property.
- (d) Where such conditions are found, the variance permitted shall be the minimum departure from the terms of this Chapter necessary to avoid such deprivation of privileges enjoyed by such other property to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences. The City Council may not grant a variance if it would provide the applicant with any special privileges not enjoyed by other similarly situated property with the similarly timed development, or if based on a special or unique condition which was

created as a result of the method by which a person voluntarily subdivides land after the effective date of this Chapter.

- (e) Any application for a variance shall be accompanied by the fees set by the City Council by ordinance or resolution.

**Sec. 3.105 Authority of the City Council**

The City Council is hereby authorized and directed to promulgate rules, regulations, fees, standards and specifications for the construction, installation, design, location and arrangement of streets, curbs, street lights, street signs, alleys, utility layouts, utility easements, gates for utility easements, sidewalks, water supply and water distribution systems, fire hydrants, sewage disposal systems, septic tanks, water wells, monuments, criteria for drainage easement requirements, drainage facilities, and crosswalk ways. It shall file same with the City Clerk at least fourteen (14) days before it becomes effective. It may amend the same from time to time, provided that an amendment must be filed with the City Clerk at least fourteen (14) days before it becomes effective. No such rules, regulations, standards and specifications shall conflict with the provisions of this Code or any Ordinance of the City of Sunset Valley, Texas. All such improvements shall be constructed, installed designed, located and arranged by the subdivider in accordance with such rules, regulations, standards and specifications.

**Division 3.2: Subdivision Procedures**

**Sec. 3.200 Subdivision Fair Notice (*Amended 02/07/06*)**

An applicant filing an application or request for a permit under this Chapter must file a "Subdivision Fair Notice" or similar form promulgated and in use by the City of Sunset Valley at the time the applicant files the application or request for a permit under this Chapter.

**Sec. 3.201 Preliminary Plat and Accompanying Data**

- (a) General. The subdivider shall cause to be prepared a preliminary plat by a surveyor or engineer in accordance with this Ordinance.
- (b) Time for Filing and Copies Required. The subdivider shall file eight (8) blue or black line copies of the plat, along with all accompanying data and exhibits, with the Secretary for the City at least fifteen (15) days prior to the date at which formal application for the preliminary plat review is made to the City Council. The application must be complete before any review by the City can begin.
- (c) Filing Fees. Such plat shall be accompanied by a filing fee set forth in the fee schedules adopted by ordinance or resolution. The filing fee is non-refundable and no review or action by the City Council shall be made until the fee is paid.
- (d) (1) Once formal application for preliminary plat approval has been made, any substantial changes to the form or content of any preliminary plat submissions shall be deemed to constitute a new submission, superceding and replacing any prior filing of a preliminary

plat or application for preliminary plat approval governing the same tract. **(Amended 03/03/98)**

(A) If an applicant makes substantial changes to a preliminary plat solely in response to requests for such changes made in writing by the City, a checking entity, or the City Council, no new filing fee is required. **(Amended 03/06/01)**

(2) Hearing dates, deadlines or filing fees applicable to earlier preliminary plat applications or submissions do not apply to new submission or application made pursuant to § 3.201(d)(1). A new filing fee is required for each new submission. New deadlines and hearing schedules shall be established for each new submission or application. New deadlines and hearing schedules shall be established for each new submissions or application. **(Amended 03/03/98)**

(e) Form and Content. The plat shall be drawn on 24" x 36" sheets or 18" x 24" sheets with a binding margin of not less than 1½ inches on the left side of the sheet and margins on the other three sides of not less than a half (½") inch. The plat shall be drawn to scale of one hundred (100') feet to one (1) inch. When more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat. The plat shall show the following:

(1) Names and addresses of the subdivider, record owner, engineer and/or surveyor.

(2) A copy of the deed shall be attached.

(3) Proposed name of the subdivision, which shall not have the same spelling or be pronounced similar to the name of any other subdivision located within the City.

(4) Names of contiguous subdivisions and the owners of contiguous parcels of unsubdivided land, and an indication of whether or not contiguous properties are platted.

(5) Description, by metes and bounds, of the subdivision.

(6) Primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar dates shall be referred.

(7) Subdivision boundary lines, indicated by heavy lines, and the computed acreage of the subdivision.

(8) Existing features as follows:

(A) The exact location, scaled dimensions, name and description of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries.

- (B) The exact location, scaled dimensions, description and name of all existing or recorded residential lots, parks, public areas, permanent structures and other sites within or contiguous with the subdivision.
  - (C) Location of all trees having a diameter of four (4) inches measured four and one half (4 ½) feet above the natural grade. **(Amended 2 /19/2013)**
- (9) A topographic map, with two (2) foot contour intervals, meeting national map accuracy standards, showing:
- (A) Each location of each major, intermediate and minor waterway, as defined herein; and each type of waterway shall be distinguished from others;
  - (B) The one-hundred (100) year and twenty-five (25) year flood elevations and flood plain boundaries;
  - (C) The two (2) year flood plain where needed to determine the critical water quality zone required by the provisions of this Code;
  - (D) Critical water quality zones as required by the provisions of this Code;
  - (E) Existing topographical features including but not limited to existing faults and fractures along waterways, and sinkholes;
- (10) A map or maps showing soil map units, surficial and bedrock geology, faults, sinkholes and other geologic units. Maps may be based on compiled data available from the Soil Conservation Service, U.T. Bureau of Economic Geology, City of Austin Environmental Resource Management Office and U.S. Geological Survey, and shall be complemented by an onsite geological survey conducted by a professional geologist.
- (11) A report that includes the following items:
- (A) A description of existing topography;
  - (B) Geologic, soil, and vegetation characteristics;
  - (C) General description of the proposed changes to the site;
  - (D) A general description of the temporary measures which shall be utilized for the control of erosion;
  - (E) General sequencing of construction;
  - (F) A description and calculation of all impervious cover on the site and for each commercial lot.

- (12) General plans for wastewater lines or onsite sewage treatment systems' installation shall be submitted with the preliminary plan and shall include:
  - (A) The use of minimum construction corridor widths that might disturb subsurface faults and fractures; and
  - (B) The use of environmental protection measures and vegetative restorations as provided for in the Watershed provisions of this Code.
- (13) The exact location, scaled dimensions, description and name of all proposed streets, alleys, parks, other public areas, reservations, easements or other rights-of-way, blocks, lots, and other sites within the subdivision.
- (14) A preliminary plan of the proposed drainage systems with grade, pipe size, and location of outlet.
- (15) A preliminary plan of proposed fills or other structure-elevating techniques, levees, channel modifications, floodwalls, and other methods to overcome flood or erosion-related hazards.
- (16) Date of preparation, scale of plat, and north arrow.
- (17) A number or letter to identify each lot or site and each block.
- (18) Front building setback lines on all lots and sites; side yard building setback lines at street intersections and crosswalk ways.
- (19) Landscaping setbacks and buffer zones on all lots except single family residential.
- (20) Location of the city limits line, the outer border of the City's extraterritorial jurisdiction, and zoning district boundaries, if they traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary.
- (21) Vicinity sketch or map at a scale of not more than five hundred (500') feet to an inch which shall show existing subdivisions, streets, easements, rights-of-way, parks and public facilities in the vicinity, the general drainage plan and ultimate destination of water, and possible storm sewer, water, gas, electric and sanitary sewer connection by arrows.
- (22) The certification of a registered professional engineer that the plans and specifications included with the preliminary plat are accurate and of adequate design, and that the preliminary plat is complete.
- (23) Special notes or attachments as may be required by other Section of this Code.
- (24) Description of permanent water quality controls to be established pursuant to Section 4.402 or other applicable law. This description would include, but not be limited to, an

identification of the location of any controls, the capture depth and volumes to be attained, and the construction material and treatment technology to be used.  
**(Amended March 3, 1998)**

(f) Processing of Preliminary Plat.

- (1) The City Council shall appoint an entity to check the preliminary plat as to its conformity with the prevailing master plan, major street plan, land use plan, zoning districts, the standards and specifications set forth by Ordinance and code, and the result of the conceptual presentation between the subdivider and the City pertaining to said plat. The appointed person shall determine whether the proposed plat and all required supporting materials are complete and fees paid.
- (2) Within thirty days after a complete preliminary subdivision application has been filed and the required fees paid, the City Council shall consider and take action on the application. **(Amended 03/06/01)**
- (3) If the City Council disapproves a proposed preliminary plat, it shall reference, in writing, any and all deficiencies of the proposed preliminary plat which were cause for disapproval. The subdivider shall be allowed to submit a revised preliminary plat which resolves the deficiencies on or before 180 days after the disapproval of the preliminary plat. The City Council shall approve or disapprove the revised preliminary plat within thirty days after the complete revised preliminary plat is formally filed. If the subdivider fails to file a revised preliminary plat on or before 180 days after the disapproval of the proposed preliminary plat, the application for review shall be conclusively presumed to have been withdrawn by the applicant. **(Amended 03/06/01)**
- (4) Approval of a preliminary plat by the City Council shall be deemed an expression of approval of the layout submitted on the preliminary plat as a guide to the installation of streets, water, sewer and other required improvements and utilities and to the preparation of the final or record plat. Approval of a preliminary plat shall not constitute automatic approval of the final plat.
- (5) Approval of a preliminary plat by the City Council shall be effective for six (6) months. Any portion or all of the preliminary plat may be subject to modification or revision in light of information previously not brought to the attention of the City Council. If in the light of new or significant information, the City Council should require revisions to a previously approved preliminary plat, it shall so inform the subdivider in writing.
- (6) If no development has occurred which would affect the proposed plat, after six (6) months of effective approval, the City Council may, upon the application of the subdivider, extend the approval for an additional six (6) months.
- (7) In no case shall any development commence prior to City Council approval of the preliminary plat.

(8) Notice.

- (A) Written notice of a proposed subdivision or confirming plat shall be given to owners of real property lying within five hundred feet (500') of the boundaries of the property to be subdivided. Such notice shall be given not less than ten (10) days prior to the date set for City Council review to all owners who have rendered their said property for City Taxes as the ownership appears on the last approved City Tax Rolls.
- (B) Every notice required by this Chapter may be served by delivering a copy of the notice to the person to be served, or his duly authorized agent either in person or by registered or certified mail to his last known address, or it may be given in such other manner reasonably calculated to give notice, if approved by the City Council. Whenever the notice is served by mail, three (3) days shall be added to the prescribed period.
- (C) The notice, document, or paper shall consist of:
  - (i) A written statement in plain and concise language sufficient to give fair notice of the proposed subdivision and any variance requested; and
  - (ii) Information as to where the plat or variance of such subdivision may be inspected; and
  - (iii) The date, time, and location of the City Council review on such application.
- (D) Should the City Council deem it necessary, ten (10) days prior to the hearing of any application for a subdivision, the applicant shall place a sign(s) on the property easily visible to the public for the purposes of advising the public of the subdivision proposed. All required signs shall remain on the property until after final disposition of the application.

**Sec. 3.202 Final Plat**

(a) Requirements.

- (1) The final plat and accompanying data shall conform to the preliminary plat as approved by the council, incorporating any and all changes, modifications, alterations, corrections and conditions imposed by the City Council.
- (2) The final plat shall be drawn in indelible ink on a durable reproducible and permanent medium acceptable to the City Council. It shall be at least 24 inches wide and 18 inches long with a margin of at least one and one-half (1½) inches on the left side of the sheet and margins of not less than one-half (½) inch on the other three sides. The plat shall be drawn at a scale of one hundred (100) feet to one (1) inch. When more than one sheet

is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.

- (3) The final plat shall be submitted in such number as is required by the City Council, and shall contain all of the features required for the preliminary plats in Section 3.201(e) above.
- (4) The final plat shall also include the following information on the plat or as an attachment to the plat:
  - (A) description, by metes and bounds, of the subdivision, including location of all monuments and primary control points to which dimension, angles, bearing, etc., in the description are referenced.
  - (B) The location, scaled dimensions, name and description of all existing or recorded streets, alleys, reservations, easements, or other public rights-of-way within the subdivision, intersecting or contiguous with its boundary forming such boundary, with accurate dimensions, bearing or deflecting angles and radii, area, and central angle, degree of curvature, tangent distance and length of all curves where appropriate.
  - (C) The exact location, dimension, description and name of all proposed streets, alleys, parks, other public areas, reservations, easements or other rights-of-way, blocks, lots, and other sites within the subdivision with radii, area, and central angles, degree of curvature, tangent distance and length of all curves where appropriate. These proposed improvements shall comply with the standards and specifications in, or referenced in, Section 3.203 of this Chapter.
  - (D) The final plat shall also be accompanied by a complete list of restrictive covenants which are intended to be recorded along with the plat and all plat notes which are required by this Code.
- (5) In addition, the final plat shall be accompanied by detailed construction plans and detailed cost estimates for all proposed site improvements. The plat and all plans and engineering calculations shall bear the seal and signature of an engineer, certifying their completeness and accuracy. These site improvements shall include, but not be limited to, the following:
  - (A) Streets, alleys, walks, and monuments;
  - (B) Sanitary sewer systems, including, where appropriate, treatment and disposal systems;
  - (C) Water supply systems, including pipes and hydrants and, where appropriate, wells and reservoirs, and pumping stations; and
  - (D) A detailed drainage plan and street layout, as follows:

- (i) Grades and runoff figures on the inlet and outlet side of all channels and storm sewers.
  - (ii) Drainage easements.
  - (iii) A general location map of the subdivision showing the watershed sub-areas.
  - (iv) Calculations showing the anticipated storm water flow, including watershed area, percent runoff, and time of concentration. When a drainage ditch or storm sewer is proposed, calculations shall be submitted showing the basis for design.
  - (v) When a drainage channel or storm sewer is proposed, complete plans, profiles, and specifications shall be submitted, showing complete construction details.
  - (vi) When conditions upstream or downstream from a proposed channel or storm sewer do not permit maximum design flow, high water marks based on a twenty-five (25) year frequency, shall be indicated based on existing conditions.
  - (vii) Identification of all critical water quality zones with notation of restrictions pertaining to such zones as required by the provisions of this Code.
- (E) A documentation of compliance with water quality control strategies as required by the Watershed provisions of this Code as amended.
  - (F) A final erosion-sedimentation control plan and construction sequencing plan as required by the Watershed provisions of this Code, as amended.
  - (G) A statement signed and acknowledged by the owner dedicating all streets, easements, water distribution and wastewater collection systems, parks and other open access to public use, or where, with the approval of the City Council, the owner has made provisions for perpetual maintenance thereof to the inhabitants of the subdivision. Disapproval of the plat shall indicate refusal to accept any offered dedications. Approval of the plat shall not be deemed acceptance of such dedications until such time as the City has appropriated same by entry, use, or maintenance.
  - (H) The certification statement to be signed by the Mayor upon approval of the City Council that the final plat conforms to all requirements of the subdivision regulations and other relevant regulations of the City of Sunset Valley, Texas.
  - (I) A certification by the surveyor responsible for surveying the subdivision area, attesting to its accuracy;

- (J) The certification of the engineer responsible for the preparation of the final plat and supporting data, attesting to its completeness and accuracy.

(b) Processing of Final Plat.

- (1) General. A final plat shall not be filed for recording with the County Clerk until the City Council has approved the final plat and the accompanying construction plans and cost estimates. Processing for final plat approval shall parallel that described in Section 3.201(f) of this Code for processing preliminary plats. Within thirty (30) days after the complete application for final plat approval is formally filed, the City shall approve or disapprove such plat. If the City Council disapproves a proposed final plat, it shall reference, in writing, any and all deficiencies of the proposed final plat which were cause for disapproval. The subdivider shall be allowed to submit a revised final plat which resolves the deficiencies on or before 180 days after the disapproval of the proposed final plat. The City Council shall approve or disapprove the revised final plat within thirty (30) days after the complete revised final plat is formally filed. If the subdivider fails to file a revised final plat on or before 180 days after the disapproval of the proposed final plat, the application for review shall be conclusively presumed to have been withdrawn by the applicant.
- (2) If desired by the subdivider and approved by the council, the final plat may constitute only that portion of the approved preliminary plat which he proposes to record and develop. However, such portion shall conform to all the requirements of this Code.
- (3) As soon as practical after the subdivider is notified of the approval of the preliminary plat, his engineer shall submit to the City Council at an official meeting the final plat of the subdivision or portion thereof.
- (4) (A) Once formal application for final plat approval has been made, any substantial changes to the form or content of any final plat submissions shall be deemed to constitute a new submission, superceding and replacing any prior filing of a final plat or application for final plat approval governing the same tract. **(Amended March 3, 1998)**
  - (i) Substantial changes to a final plat that have been requested in writing by the City, a checking entity or the City Council do not create a new submission within the meaning of the foregoing paragraph (A).  
**(Amended March 3, 1998)**
- (B) Hearing dates, deadlines or filing fees applicable to earlier final plat applications or submissions do not apply to any new submission or application made pursuant to § 3.202(b)(4)(A). A new filing fee is required for each new submission. New deadlines and hearing schedules shall be established for each new submission or application.  
**(Amended 03/03/98)**
- (5) No final plat will be considered unless a preliminary plat has been submitted and approved. However, if an approved plat has been duly recorded and the subdivider

wishes to increase the size of the lots by combining two or more lots or by combining one lot with a portion of the adjacent lot in such manner that no portion of a lot remains smaller than the original lots, no preliminary plat will be necessary. Major changes from the development proposed on the preliminary plat may necessitate filing and approval of an amended preliminary plat.

- (6) A final plat of an approved preliminary plat or a portion thereof shall be submitted to the City Council within six (6) months of the date of approval of the preliminary plat; otherwise, the approval of the City Council shall become null and void, unless an extension of time is applied for and granted by the City Council.
- (7) If no development has occurred which would affect the proposed plat, after six (6) months of effective acceptance, the City Council may, upon the application of the subdivider, extend the acceptance for one (1) additional six (6) month period. After review by the City Council, further modification may be required by the City Council at that time of review. No additional filing fee shall be required if modifications are requested by the City Council.
- (8) City Council Approval or Disapproval of Final Plat. The City Council shall disapprove the proposed final plat unless;
  - (A) The plat complies with the provisions of this Chapter; and
  - (B) The uses proposed for the property being subdivided are consistent with its zoning.
- (9) Disapproval of the final plat shall indicate refusal to accept any offered dedications. If the final plat is disapproved, the City Council shall inform the subdivider in writing of the reasons for disapproval.
- (10) Approval of the plat shall not be deemed acceptance of such dedications until such time as the City has appropriated same by entry, use, or maintenance and by the approval of the constructed improvements therein. Approval of the final plat, plans, and specifications required herein shall not prevent the City Council or the entity responsible for checking such documents from thereafter requiring the correction of errors in said plans and specifications and in the construction of the associated improvements.
- (11) When the final plat is filed with the City Council for approval, it shall be accompanied by all relevant fees as set forth in the fee schedules adopted by ordinance or resolution. Filing fees are non-refundable.
- (12) Recording of Plat.
  - (A) A final plat shall not be filed for recording with the County Clerk until the City Council has approved the final plat and the accompanying construction plans, cost estimates and security and maintenance guarantees as hereinafter

required, and certificates have been received stating that all taxes on the land being subdivided have been paid to the current year.

- (B) After the final plat has been finally approved and the subdivider has constructed all the required improvements and such improvements have been approved and accepted by the City and a maintenance guarantee filed as hereinafter provided; or after the final plat has been finally approved and the subdivider has filed the security and maintenance guarantees as hereinafter provided, the Secretary for the City shall cause the final plat to be recorded with the County Clerk within two (2) weeks after consent for filing has been received from the subdivider. The City Council shall also cause the check or checks from the recordation fee or fees deposited at the time the final plat was filed for approval to be delivered with the final plat to the County Clerk.
- (C) No plat shall be filed for record without the written consent of the subdivider. If the subdivider fails to give such written consent within thirty (30) days of the date of the final approval of the plat, the City Council may at any time thereafter cancel such approval.

**Sec. 3.203 Standards and Specifications**

No preliminary or final plat shall be approved by the City Council, and no completed improvements shall be accepted by the City Council unless they conform to the following standards and specifications:

- (a) Conformity with a Comprehensive Plan. The subdivision shall conform to any comprehensive plans, codes and ordinances of the City.
- (b) Provision for Future Subdivisions. If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow the opening of future streets.
- (c) Reserve Strips Prohibited. There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use.

**Sec. 3.204 Vacation of Plat or Subdivision**

- (a) General. Any plat or replat may be vacated or resubdivided or corrected by the owner of the land, provided that the council approves the action and the owner complies with applicable State law. No plat shall be allowed to be resubdivided until the original plat has been vacated.
- (b) Plat Vacation. If no lots in the subdivision have been sold or conveyed by any other means to another owner, the owner of the subdivision shall be allowed to vacate said plat by submitting a written instrument to and approved by the City Attorney and the County Clerk, and recording the same with the County Clerk. In cases where lots in the subdivision have been sold or otherwise conveyed to the owner, the plat shall only be allowed to be vacated upon the application of all the owners of lots in said subdivision and with the approval, as provided above, of the City Attorney and County Clerk.

- (c) Plat Correction. Plat corrections may be allowed by the City Attorney without complying with the procedure for vacation and resubdivisions as provided above. However, the correcting documents must be approved by the City Council and City Attorney and recorded by the County Clerk.
- (d) Fees. Any application for plat vacation or resubdivision or correction shall be accompanied by fees set by the City Council in the fee schedules adopted by ordinance or resolution set forth in this Code.

**Sec. 3.205 Burden of Proof**

Any subdivider applying for a subdivision plat approval under this Chapter must establish that the plat complies with the requirements of this Chapter.

**Division 3.3: Platting Requirements**

**Sec. 3.300 Monuments**

- (a) Monuments shall be located at centerline intersections and at points of curvature and points of tangency of the centerline of interior streets and at the intersection of street centerlines with the perimeter boundary.
- (b) In addition to the requirements specified herein, the requirements of the County for monumentation shall apply.
- (c) Where, due to topographic conditions, permanent structures, or other conditions, the view is obstructed between any two adjacent monuments, intermediate monuments shall be so set as to assure a clear view between adjacent monuments.

**Sec. 3.301 Alleys**

No alleys will be permitted, except to serve commercial sites, as required by the City Council. Where required by the City Council, consideration shall be given to intersection of alleys and overhang easements, among others. In no case shall dead end alleys be permitted.

**Sec. 3.302 Utility Easements**

- (a) Each block shall have utility easements reserved for the use of all public utility lines, conduits, and equipment. These utility easements shall be a minimum of fifteen feet (15') in width, taking feet from each lot where appropriate, and shall be adequate to provide service to the entire length of the block. All utilities must be underground. The subdivider shall be responsible for placing the easements in locations acceptable to utility companies.
- (b) Normal ribbon curb exposure shall be required where utility easements intersect streets.

### Sec. 3.303 Streets

- (a) Street Layout. Adequate streets shall be provided by the subdivider and the arrangement, character, extent, width, grade, and location of each shall conform to the comprehensive plan of the City and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by such streets. The street layout shall be devised for the most advantageous development of the entire neighborhood and shall minimize the opportunity for through traffic in neighborhoods. Trees which are required to be shown on the preliminary plat shall be avoided whenever possible in the construction of streets.
- (b) Relation to Adjoining Street System. Where necessary to the neighborhood pattern, existing streets in adjoining areas shall be continued, and shall be at least as wide as such existing streets and in alignment therewith.
- (c) Projection of Streets. Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into such unsubdivided areas.
- (d) Street Jogs. Whenever possible, street jogs with center line offsets of less than 150 feet shall be avoided.
- (e) Half-streets or Adjacent Streets. Street intersections shall be as nearly at right angles as practicable, giving due regard to terrain and topography. In no case will intersections at angles more acute than seventy degrees (70°) be permitted.
- (f) Street Intersections. Street intersections shall be as nearly at right angles as practicable, giving due regard to terrain and topography. In no case will intersections at angles more acute than seventy degrees (70°) be permitted.
- (g) Dead-End Streets. Dead-end streets as defined in Section 1.201 shall be allowed with sufficient turning radius for emergency vehicles.
- (h) Cul-de-sacs. Cul-de-sac streets shall have a turnaround of not less than 45 feet in diameter of pavement in residential areas, and not less than 50 feet in diameter of pavement in commercial.
- (i) Streets on Comprehensive Plan. Where a subdivision embraces a street as shown on the comprehensive plan of the City, such street shall be platted in the location and of the width indicated by the comprehensive plan. Areawide needs shall be addressed through the procedures specified in Section 3.200 of Chapter 3 of this Code.
- (j) Design and Construction Standards. Street design proposals shall be certified by a registered professional engineer as to maintainability, operation, safety and traffic design with due regard to subgrade conditions, base and pavement specifications, grades, curves, speed limits and adequacy of drainage. The subdivider shall excavate, fill, grade and pave all streets, including sidewalk areas. No street shall be surfaced until the underground utilities which are to be installed in the portions of the streets intended for vehicular traffic have been so installed and

inspected. The City's engineer shall be responsible for approving the specifications for design and construction. Texas Highway Department Standard Specifications shall be the minimum standard.

(k) Pavement Widths and Right-of-Way. Pavement widths and rights-of-way shall be as follows:

- (1) Major arterial streets shall have a right-of-way width of at least ninety (90) feet, with a pavement width of at least two (2) divided twenty-seven (27) foot lanes.
- (2) Minor arterial streets shall have a right-of-way of at least seventy (70) feet and a pavement width of at least thirty-six (36) feet.
- (3) Collector streets shall have a right-of-way of at least sixty (60) feet and a pavement width of at least twenty-four (24) feet.
- (4) Local streets shall have a right-of-way width of at least sixty (60) feet and a pavement width of at least eighteen (18) feet with ribbon curbing causing a total width of twenty (20) feet.

(l) Pavement widths and rights-of-way of streets forming part of the subdivision. Pavement widths and rights-of-way of streets forming part of the subdivision shall be as follows:

- (1) The subdivider shall dedicate a right-of-way of ninety (90) feet in width for new adjacent major arterial streets, and two (2) lanes each with twenty-seven (27) foot widths shall be paved.
- (2) New major arterials, minor arterials, collector, and local streets shall conform to Section 3.303(j) of this Chapter.
- (3) Where the proposed subdivision abuts upon an existing street or half-street that does not conform to the requirements of this subsection, the subdivider shall dedicate right-of-way sufficient to make the full right-of-way width conform to such Paragraph, and there shall be paved so much of such right-of-way as to make the full pavement width comply with such Paragraph. Before any pavement is laid to widen existing pavement, the existing pavement shall be cut back at least two (2) feet to assure an adequate sub-base and pavement joint.

(m) Curbs. Ribbon curbs shall be installed by the subdivider on both sides of all interior streets, and on the subdivision side of all streets forming part of the boundary of the subdivision. In lieu of curbs and gutters, ribbon curbs shall be constructed of Portland cement concrete at least twelve (12) inches in width, and eighteen (18) inches in depth and flush with the pavement. Materials shall conform to the City of Austin Standard Specifications for Public Works Construction as amended.

(n) Roadway Drainage.

- (1) As a general rule, drainage carried in roadside channels shall be minimized and off-roadway locations shall be used as the primary drainage network whenever practicable.
- (2) When roadside channels are required, they shall be contained within a dedicated right-of-way or right-of-way easement. Channel sideslopes shall be no steeper than four:one (4:1), except for curves and transitions where slope stabilization acceptable to the City's engineer may be allowed. Roadways shall be designed for fordable driveway approaches whenever practical. All driveways shall be designed such that drainage flow from a twenty-five (25) year storm shall not exceed a depth of twelve (12) inches on any portion of the driveway. Should driveway culverts be required, the culvert design, capacity, and general location shall be shown on the construction plans. In no case shall driveway approaches constitute a blockage of roadway drainage.

(o) Street Names. Names of new streets shall not duplicate or cause confusion with the names of existing streets in the cities of Sunset Valley and Austin unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used.

(p) Street Lights. Street lights shall be installed by the subdivider at major street intersections within the subdivision and at major intersections on the boundaries of the subdivision inside the corporate limits of the City, as deemed appropriate by the City Council.

(q) Street Signs. Street signs shall be installed by the subdivider at all intersections within or abutting the subdivision. Such signs shall be of a type approved by the City, and shall be installed in accordance with standards of the City.

(r) Street Striping. Striping shall be applied by the subdivider in compliance with State and City guidelines.

**Sec. 3.304      Blocks**

Block lengths shall not exceed 2,000 feet, nor be less than 400 feet unless approved by the City Council.

**Sec. 3.305      Crosswalk Ways**

Crosswalk ways four (4) feet in width shall be dedicated where deemed necessary by the City Council to provide circulation or access to schools, playgrounds, shopping centers, and transportation and other community facilities, or to provide pedestrian circulation within the subdivision. Crosswalk ways shall be provided with concrete or other approved sidewalk material at least four (4) feet wide.

**Sec. 3.306      Lots**

(a) The minimum and average sizes of lots shall be in accordance with Sections 4.201(c) and 4.202(c) of Chapter 4. Lots shall not be located within the Critical Water Quality Zone.

- (b) In case of irregularly shaped lots, the minimum width shall be measured at the front building setback line. Corner lots shall be at least one hundred (100) feet wide. Lots abutting on crosswalk ways shall be treated as corner lots.
- (c) Each single family lot shall front upon a public street. Lots of irregular shape shall not be allowed unless they have a street frontage of at least one hundred (100) feet. Lots on a cul-de-sac street shall have a minimum street frontage of sixty (60) feet.
- (d) Side lot lines shall be substantially at right angles to straight street lines and radial to curved street lines.
- (e) The minimum front building setback line shall be required of at least fifty (50) feet from the front property line. Where a corner lot is a key lot (where lots face the frontage street and other lots face the side street), the corner lot shall have at least the minimum building setback line on both streets. Where a corner lot is not a key lot, it shall have a minimum building setback line from the side street of at least twenty (20) feet. Lots abutting a crosswalk way shall be treated as corner lots.
- (f) Minimum rear yard depths shall be thirty (30) feet from the rear lot line.
- (g) The minimum side yard width on each side of buildings on interior lots and on the building side of corner lots shall be at least fifteen (15) feet. Lots abutting on crosswalk ways shall be treated as corner lots.
- (h) Where a lot in a residential area backs up to a railroad right-of-way, a high-pressure gasoline, oil or gas line, an arterial street, an industrial area, or other land use which has a depreciating effect on the residential use of property, and where no street is provided at the rear of such lot, additional depth shall be required by the City Council. In no case shall a depth in excess of twenty (20) additional feet be required. where a lot sides to any of the above, additional width shall be required by the City Council, but in no event shall a width in excess of twenty (20) additional feet be required.
- (i) The minimum setback lines, minimum yard depths, side yard widths, and other such features as required by the council and by this Chapter shall be clearly indicated on the final plat, either by delineation or by statement.

**Sec. 3.307 Sidewalks**

Sidewalks shall be constructed in the following locations:

- (a) On the subdivision side of all through streets adjacent to the subdivision;
- (b) As deemed necessary by the City Council in commercial, public, and residential areas.
- (c) Sidewalks shall be designed and constructed in accordance with accepted civil engineering practice, and with approval of the City Council. Consideration should be given to use of porous asphalt and other permeable, stable materials.

**Sec. 3.308 Short Form Subdivisions**

- (a) General. A short form procedure may be followed for the approval of a subdivision only when the land proposed to be subdivided or resubdivided meets the following conditions and requirements:
- (1) Such land abuts upon a street of adequate width and is so situated that no additional streets and no easements or other public property, other than public utility easements, are required in order to meet the requirements of this Code.
  - (2) The perimeter of the tract being subdivided has been surveyed and marked on the ground and plat thereof prepared and filed with the City Council, and the nearest corner of each lot or parcel of such proposed subdivision is within two hundred (200) feet of a known corner which is adequately marked by a concrete monument or iron stake.
  - (3) The topography of the tract and the surrounding lands is such that no regard need be given in such subdivision to drainage, or, where drainage facilities are required, arrangements have been made for the construction of such facilities and noted as conditions on the plat upon which approval is predicated.
  - (4) The utilities, as required in this Code, are in place to serve each parcel or lot of such subdivision or resubdivision, or arrangements to provide such utilities have been made and their construction and maintenance guaranteed as required by this Chapter.
  - (5) Written notice of a proposed subdivision or confirming plat shall be given to owners of real property lying within five hundred (500) feet of the boundaries of the property to be subdivided in accordance with Article V, Section 3.201(f)(8) of Chapter 3 of this Code.
- (b) Plat Filing.
- (1) When the land proposed to be subdivided meets the requirements and conditions of the preceding subsection, the owner of such tract of land may deliver to the City a plat of the same, accompanied by a fee as specified by ordinance or resolution for the final plat not less than fifteen (15) days prior to the next regularly scheduled City Council meeting.
  - (2) The plat shall be signed and acknowledged by the owner of the land and shall be accompanied by tax certificates indicating that all taxes are current.
  - (3) This procedure shall not be used if the uses proposed for any part of the land are inconsistent with existing zoning regulations.

- (c) Plat Contents. The plat of a subdivision under this Chapter shall be drawn in indelible ink on a durable, permanent, and reproducible medium acceptable to the City Council at a scale of one hundred (100) feet to one (1) inch and shall show the following information:
- (1) Existing streets, alleys, easements and other public property serving the land being subdivided.
  - (2) Adjoining tracts of land.
  - (3) Known marked or monumented corners.
  - (4) Length of lot lines and, where necessary, their courses.
  - (5) Certification by a registered professional engineer as specified in Section 3.202(a)(5)(j) of Chapter 3 of this Code.
- (d) Plat Approval or Disapproval.
- (1) The City Council shall cause the plat filed under this Code to be checked as specified in Section 3.202(b)(4) of Chapter 3 of this Code.
  - (2) The City Council shall consider the plat filed under this Code, and shall approve or disapprove such plat within thirty (30) days from the date of its filing with the City Council.

**Sec. 3.309 Parks and Other Public Uses**

All land within the critical water quality zone in the property to be subdivided shall be dedicated in fee simple to the City to protect water quality. A space equal to at least three (3) percent of the total property to be subdivided shall be dedicated in fee simple to the City for recreational or conservational use. The subdivider shall receive a credit on meeting this three (3) percent requirement for all land dedicated in the critical water quality zone, provided there will be no credit for any land used for roadway or utility easements.

In lieu of land within the property to be subdivided, the City shall have the option to arrange for the acquisition and dedication of other land of similar value if mutually agreeable to the subdivider and the City, or to accept a deposit of money in a trust account in the amount equal to the market value, as reflected on an appraisal prepared within twelve months of making application to subdivide the property, of three (3) percent of the total property to be subdivided. These funds are to be used by the City for acquisition of park land, recreational facilities or conservation in another area. No area or facility shall be dedicated for such public purposes unless approved and accepted by the Council.

**Sec. 3.310 Wastewater System Installation**

- (a) All subdivisions shall be provided with City approved sewage treatment and disposal systems. Pursuant to the Wholesale Water Service Agreement executed on or about October 2, 1987 and amended on February 27, 2003 between the City of Sunset Valley and the City of Austin and

pursuant to the Wholesale Wastewater Service Agreement executed on or about December 27, 1985 and amended on February 27, 2003 between the City of Sunset Valley and the City of Austin, all public wastewater facilities must be constructed according to City of Austin Water and Wastewater Utility standards and specifications in effect on the effective date of this ordinance. The City of Austin's Water and Wastewater Utility standards and specifications shall include those regulations contained in following chapters of the City of Austin Code of Ordinances: Chapter 15-2 Drainage Facility; Chapter 15-3 Fire Hydrant Regulation; Chapter 15-7 Use of City-Owned Infrastructure; Chapter 15-9 Utility Service Regulations; Chapter 15-10 Wastewater Regulations; and Chapter 15-9, Article 1 Utility Service. All public wastewater facilities must also be constructed according to the City of Sunset Valley Master Water Line Plan in effect on the effective date of this ordinance.

- (b) Connection with a sanitary sewer system shall be required by the City Council.
- (c) Alternative sewage systems may be allowed upon approval of the City Council.
- (d) If the subdivision is not to be served immediately by a sewage-collecting system connected to a community septic tank system or treatment plant or to a public sewer system, and if disposal of domestic sewage through an onsite system has not been approved by the City or another duly authorized official, a restriction shall be filed with the Secretary for the City and the County Clerk which states that occupancy of any lot shall be prohibited until a wastewater system is installed in accordance with the rules and regulations of the State Department of Health and the County Health Department and has been inspected and approved by the City.

**Sec. 3.311      Responsibility for Payment of Installation Costs**

- (a) All expenses for installation of utilities, water, sewer extensions, street lights, signs, streets, and all other installation expenses associated with the subdivision or confirming plat shall be borne by the subdivider.
- (b) The subdivider is responsible for the water and sewer extensions, tap fees, and any other charges which may be assessed against the improvements by the subdivider on water and sewer improvements.
- (c) All street construction costs and installation of street appurtenances are to be paid by the subdivider.

**Sec. 3.312      Drainage**

- (a) The interpretation of the requirements set forth in this Section shall be made by the City's engineer or designate, unless specified otherwise by the City Council. The subdivider shall be responsible for the conveyance of all storm drainage flowing through or abutting the subject property, including drainage directed to the property by prior development as well as that naturally flowing by reason of topography.
- (b) Where new drainage improvements are required along the boundary of a subdivision, the owner proposing development shall be responsible for designing and constructing all the

required improvements at or before the time of development, including the dedication of all necessary rights-of-way or easements necessary to accommodate the improvements. Where the subdivider proposes to subdivide only a portion of the property, only the drainage improvements for the portion being subdivided shall be required to be installed, except as drainage improvements outside the portion being subdivided are deemed necessary by the City for proper drainage of the portion being subdivided.

- (c) The responsibility of the subdivider shall extend to the provision of adequate off-site drainage facilities and improvements to accommodate the full effects of the development of said property.
- (d) When the subdivider certifies by affidavit that a bona fide attempt to acquire property rights to meet off-site drainage requirements was not successful, the City may assist at its discretion in the acquisition of necessary property rights to provide for the construction of off-site drainage improvements. In such cases, the subdivider shall make adequate guarantees that he will stand the full cost of acquiring said property rights and constructing the off-site improvements and facilities.
- (e) Unless otherwise specified herein, the design of all storm drainage facilities shall at least meet the requirements of the City of Austin Drainage Criteria Manual. **(Amended 03/03/98)**
- (f) Computation of runoff shall be based on a fully developed drainage area, or watershed, in accordance with City of Austin drainage criteria. The drainage system shall be designed to convey the theoretical twenty-five (25) year storm as predicted in the Drainage Criteria Manual. The design shall further provide for system overflows from larger storms up to the intensity of the one-hundred (100) year storm without increasing the risk of flood damages to development. **(Amended 03/03/98)**
  - (1) Natural drainage channels shall be preserved whenever possible. Open surface drainage through grass-lined swales shall be preferred over the use of enclosed sewers, streets and street right-of-way as the central drainage network. The provisions of Section 3.303 shall apply in regard to street drainage. Drainage into or across sinkholes, faults and other areas of rapid groundwater recharge shall be avoided whenever practicable.
  - (2) The rate of runoff after construction shall not exceed the site's runoff rate prior to construction. Rate of runoff shall be computed on a twenty-five (25)-year storm peak flow using the City of Austin Drainage Criteria Manual as of the effective date of this Code.
  - (3) In the event that stormwater drainage systems and/or culverts are necessary, such systems shall be designed to mitigate their impact on water quality through the use of approved control strategies to control sediment and dissipate energy and through the use of multiple smaller outlets whenever practical and by locating discharges to maximize overland flow.

- (4) Surface drainage channels shall be designed to reduce velocity, minimize potential erosion and to maximize the bottom width to flow depth ratio, in accordance with the following criteria:
- (A) Channel cross-sections shall be trapezoidal in configuration.
  - (B) Side slopes of channels shall be no steeper than four (4) horizontal to one (1) vertical.
  - (C) For a six-month design storm assuming wet antecedent conditions, channel bottom flow depth shall not exceed four (4) inches and design flow velocity shall be two and one-half (2½) feet per second.
  - (D) All constructed and altered drainage channels shall be stabilized and vegetated immediately after final grading.
  - (E) The City Council may allow exceptions to the design flow velocities or depths in the following situations in conformance with the purpose of Section 3.312(f)(3) hereof.
    - (i) On lands with greater than fifteen (15) percent slope, or less than two (2) percent slope; provided that the design flow velocity shall never be greater than three (3) feet per second or design depth greater than six (6) inches.
    - (ii) In limited transitional channel sections (such as culverts, culvert entries and exits, drop sections, sharp bends, and water quality basin entries).
- (g) Public easements or rights-of-way shall include all drainage at least to the limits of the twenty-five (25) year flood as indicated on the flood plain maps or as determined on the basis of the Drainage Criteria Manual. The minimum drainage easement or right-of-way width shall be twenty-five (25) feet. All drainage easements across private property shall contain the necessary language to permit the required unobstructed water flow, require maintenance of vegetation by the property owner(s), and permit the necessary access by City officials for inspection and repairs. All easements, twenty-five (25) and one hundred (100) year flood plain boundaries and water quality zones shall be clearly shown on drainage plans and the final plat.
- (h) As a general rule, drainage carried in roadside channels shall be minimized and off-roadway locations shall be used as the primary drainage network whenever practicable.
- (i) When roadside channels are required, they shall be contained within a dedicated right-of-way or right-of-way easement. Channel side slopes shall be no steeper than four:one (4:1), except for curves and transitions where slope stabilization acceptable to the City's engineer may be allowed. Roadways shall be designed for fordable driveway approaches whenever practical. All driveways shall be designed such that drainage flow from a one hundred (100) year storm shall not exceed a depth of twelve (12) inches on any portion of the driveway. Should driveway culverts be required, the culvert design, capacity, and general location shall be shown on the

construction plans. Minimum driveway culvert diameter shall be twelve (12) inches. In no case shall driveway approaches constitute a blockage of roadway drainage.

- (j) All drainage facilities located in the street rights-of-way shall be maintained by the appropriate jurisdiction. All drainage facilities located on private property shall be maintained by the property owner.
- (k) Duly authorized inspectors of the City shall have the right of entry on the land or premises where property owners are required to maintain drainage facilities or detention facilities, at reasonable times, for the purpose of inspection of writing that the property owner comply. This notice shall describe the measures required to be taken. If, within three (3) months of the notice the maintenance required is not accomplished, the City shall either:
  - (1) Cause the necessary restoration to be accomplished and assess the property owner for the City's actual cost; or
  - (2) Bring an action for mandatory injunction to require the property owner to accomplish the necessary maintenance.
- (l) The required maintenance by private landowners and the power of the City shall be noted on the plat.

**Sec. 3.313 Water System Installation**

- (a) All subdivisions shall be provided with water supply and water distribution systems approved by the City Council. Pursuant to the Wholesale Water Service Agreement executed on or about October 2, 1987 and amended on February 27, 2003 between the City of Sunset Valley and the City of Austin, all public water facilities must be constructed according to City of Austin Water and Wastewater Utility standards and specifications in effect on the effective date of this ordinance. The City of Austin's Water and Wastewater Utility standards and specifications shall include those regulations contained in following chapters of the City of Austin Code of Ordinances: Chapter 15-2 Drainage Facility; Chapter 15-3 Fire Hydrant Regulation; Chapter 15-7 Use of City-Owned Infrastructure; Chapter 15-9 Utility Service Regulations; Chapter 15-10 Wastewater Regulations; and Chapter 15-9, Article 1 Utility Service. All public wastewater facilities must also be constructed according to the City of Sunset Valley Master Water Line Plan in effect on the effective date of this ordinance. Connection with the Municipal Water Supply System shall be required. Isolated lots may be served by a private well if permitted by the City Council. In no event shall a water well be dug without a permit from the City.
- (b) If the subdivision is not to be served immediately by the existing system, the subdivider shall be required to make necessary improvements to the system.
- (c) Before the City Council may approve a final plat for a subdivision located outside of or beyond the existing water supply system, the subdivider shall furnish the City Council and the City's engineer with statements from the State Health Department that water satisfactory for human consumption may be obtained from sources on the land.

- (d) All subdivisions shall provide for, as a minimum, 130 gallons per capita of additional ground storage or 55 gallons per capita of additional elevated storage. The calculated storage volume for a residential subdivision shall be based on three (3) persons per single family living unit. In addition, as a minimum, a firm pumping capacity of 500 gallons per minute, with 20 pounds per square inch of residual pressure, shall be provided.

**Sec. 3.314 Regional Water Quality Control Facilities for Single Family Residential Subdivisions  
(Amended entire section Sept. 17, 1996)**

- (a) For property to be subdivided into single family residential lots, where at least one of such lots is less than five acres, the subdivision shall be provided with adequate water quality control facilities that comply with the requirements of the Watershed Development Chapter of this Code. Those facilities shall be reflected on all subdivision applications required in the subdivision regulations of this Code.
- (b) The subdivider shall designate a reasonable number of water quality control facilities, each of which of sufficient design to serve as much of the area of the subdivision as is practical for each individual facility; the total number of facilities shall, however, be sufficient to serve the entire subdivision.
- (c) Notwithstanding any other provision of this Code, such water quality control facilities may be designed, at the subdivider's option, to cross lot lines, provided that the facilities lie entirely within the subdivision; and provided that the subdivider complies with all other applicable regulations and standards in this Code regarding water quality control facilities; and provided further that the facilities comply with any other applicable minimum setbacks for structures, including but not limited to setbacks from streets, water quality zones, adjacent property that is not part of the subdivision, and critical environmental features.