

ORDINANCE NO. 2023-14

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 98 (ENTITLED "SUBDIVISIONS"); SEC. 98-7 and 98-20 and 98-21 (ENTITLED "DEFINITIONS" AND "GENERAL PROCEDURE" AND "PRE-APPLICATION PROCEDURE") PROVIDING FOR COMPLIANCE WITH TEXAS HOUSE BILL 3167 PROCESS FOR REVIEWING AND APPROVING PLAT APPLICATIONS; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Texas Local Government Code Chapter 212, City Code Chapter 98 (entitled "Subdivisions") was adopted to regulate the subdivision of land within the city's corporate and extraterritorial jurisdiction to protect the health, safety, and welfare of the public; and

WHEREAS, in Section 98-22 thereof City Council has adopted procedures for the submission and disposition of subdivision plan and plat applications; and

WHEREAS, in order to facilitate an efficient and effective process of plat applications, City Council deems it appropriate to amend the plat application and notification process to conform with state law requirements; and

WHEREAS, City Council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and

WHEREAS, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

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

Section one. Findings. The City Council finds all matters stated hereinabove are true and correct and are incorporated herein by reference as if copied in their entirety.

Section two. Amendment. The Code of Ordinances, Chapter 98 (entitled "Subdivisions") Section 98-7 (entitled "*Definitions*"), is hereby amended by adding the definition language that follows:

Alternative Development Review means review of submitted applications in accordance with voluntary alternative approval process in accordance with Texas Local Government Code Section 212.0096

Section three. Amendment. The Code of Ordinances, Chapter 98 (entitled "Subdivisions") Section 98-20 (entitled "*General Procedure*"), Section 98-21 (entitled "*Pre-application procedure*"), and Section 98-22 (entitled "*Preliminary Plat*") is hereby amended by replacing the existing language with the language that follows:

Sec. 98-20. – General Procedure.

(a) Plans for the development of land within the scope of this chapter shall be drawn and submitted to the Planning and Zoning Commission for their recommendation and to the City Council for their approval or disapproval, as provided for herein.

(b) Notwithstanding any provision of this chapter to the contrary, a developer shall not commence construction activities within the city's jurisdiction, including clearing and/or rough grading, before first obtaining all the city approvals required by this chapter.

(c) Generally, the subdivision process is comprised of four individual steps, including the pre-application meeting and LOC obtention, the preliminary plat, construction plans, and the final plat. Each step of the development process has established deadlines and expirations that must be met in order for the application and any approval(s) granted to remain valid, in effect, and eligible to continue to the next step of, or to complete, the development process. Compliance with each such established deadline constitutes a separate required performance and approval. In the case of minor plats/replats, vacating plats and amending plats, only a final plat is required to be submitted.

(d) Approval Procedures: The municipal authority shall approve, approve with conditions, or disapprove the application. If the application is approved with conditions or disapproved, the Municipal Authority shall provide a written statement to the applicant in accordance with TLGC 212.0091.

(1) Approval: Meets all requirements of the Code of Ordinances, applicable statutes, form for recording, and other rules and regulations of the City or other applicable law.

(2) Approval with Conditions: Has deficiencies in substance or form that the City, in its sole discretion, determines that can be fully corrected or revised without requiring additional review for compliance, without necessitating additional comments for revision, or without substantive modifications to previously reviewed plat-related plans.

(3) Disapproval: Does not meet requirements of the Code, applicable statutes,

form for recording, or other Rules and Regulations of the City or other applicable law.

- (4) Denial: Has previously been disapproved, and the 212.0093 response fails to correct the deficiencies enumerated in the City's written statement of reasons for disapproval.

(e) Resubmittal Applications: Resubmittal Applications are subject to the completeness review process set forth in this Chapter. A Resubmittal Application that modifies the original application beyond what is required to satisfy a conditional approval or to remedy reasons for disapproval shall be considered a new application and must be accompanied by any required application fee and will be reviewed and processed in accordance with the deadlines and procedures applicable to initial applications, including but not limited to the 30 day approval deadlines.

(f) Standard Development Review: For the purposes of the processing timelines described in Texas Local Government Code Chapter 212, such processing timelines for 30 day approval, conditional approval or disapproval of subdivision-related plats and plans and 15-day plan resubmission review timelines for subdivision-related plans shall begin on the date the application is deemed complete with required LOC and any and all prerequisite applications and processes have been approved. The date the application is deemed complete shall be considered the "filed" date for the purpose of Texas Local Government Code Chapter 212.

(g) Alternative Development Review: The applicant may request in writing that an application submitted under this Ordinance be reviewed under the Alternative Review Procedure described in this Section by electing the Alternative Review Procedure at the time an application is submitted. Each application of a plat and/or plans must submit the city-required form or letter which elects the alternative review and approval process in accordance with Texas Local Government Code 212.0096. The Alternative Review Procedure shall consist of the following:

- (1) Submission of the application and completeness review in accordance with this chapter.
- (2) Review of the application by staff and return of comments to the applicant in accordance with a review schedule prepared by the Director of Development Services and approved by the Council. The comments shall consist of the reasons that the application does not comply with City ordinances or state law and references to applicable City ordinances or state law.
- (3) Submission of the application to the municipal authority after the applicant has corrected all deficiencies in the application and city staff certifies that the application complies with applicable City ordinances.

(4) If an applicant requests the Alternative Review Procedure, then the deadlines for action on Plats or Plans, the requirement for a pre-development meeting, and the requirement for payment of Resubmittal Application Fees will not apply.

(h) The application will expire on or after the 45th day after the date the application is filed

if:

(1) The applicant fails to provide documents or other information necessary to comply with the City's technical requirements relating to the form and content of the application.

(2) The City provides to the applicant not later than the 10th business day after the date the application is filed written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided.

(3) The applicant fails to provide the specified documents or other information within the time provided in the notice.

(i) The director of development services is authorized to approve minor plats, but may, for any reason, elect to present the plat to the planning and zoning commission for approval. However, the director shall not disapprove the plat and shall be required to refer those which he refuses to approve to the planning and zoning commission.

(j) No final plat or construction plans shall be accepted until the preliminary plat has been approved as provided in Section 98-22.

(k) All submittals requiring notice to neighboring properties must include a list of the names and addresses of all property owners within the required distance and a preprinted mailing label for each.

(l) Standards. All subdivisions, plats, master plans, and replats are to be approved, approved with conditions or denied by the City in accordance with the requirements of V.T.C.A., Local Government Code Chapter 212 as amended.

(m) Zoning requirements. A property within the city's corporate limits that is being proposed for platting or development may be the subject of a rezoning application either before or at the same time as the submission of an application for a master plan or plat. The City may consider a master plan or any type of plat simultaneously with a zoning district change application or an application for a variance from the standards in the zoning ordinance and may condition approval of a master plan or any type of plat upon final council approval of the zoning district change or board of adjustment approval of a zoning ordinance variance which would cause the master plan or plat to be consistent with the zoning. Noncompliance with the requirements of the zoning district in which the

subject property is located, or lack of the proper zoning, may constitute grounds for denial of the master plan or plat.

(n) Administrative procedures. In addition to the requirements outlined herein for each type of application, the city may maintain separate policies and procedures for the submission and processing of applications consistent with the provisions of this chapter including, but not limited to, application forms, fee schedules, checklists, language blocks for plats, and other similar items. These policies and procedures may be amended from time to time, and it is the applicant's responsibility to be familiar with, and to comply with, these policies and procedures.

Sec. 98-21. – Pre-application Procedure & Processing of Plats.

(a) The developer or the developers authorized agent(s) shall schedule a Pre-Development Meeting (PDM) to meet with the city planning department staff at least two weeks or more prior to submitting the required subdivision application packet. The purpose of this meeting is to discuss the requirements of these regulations, to familiarize the developer with the applicable goals and objectives of the City's comprehensive plan and the governing body, to identify policies which create opportunities and pose significant constraints for the proposed development, and to discuss the proposed subdivision in relation to these matters.

(b) The director of development services may notify the developer of the option of concurrent review of the subdivision by local government and the Lower Colorado River Authority (LCRA).

(c) The developer shall provide a concept plan of the proposed subdivision for review and discussion. This concept plan shall be legibly drawn and show in simple form the layout of the proposed features in relation to existing site conditions. This concept plan may be a rough draft of the proposed preliminary plat, including the scale dimensions. Include the following information in this plan:

(1) Approximate locations of lot and tract boundaries, utility lines and facilities, easements, rights-of-way, existing structures and improvements, and parks and open space.

(2) General description of the terrain and of all natural features, e.g., streams and lakes.

(3) Proposed public improvements.

(d) Processing of subdivision plats.

(1) Letters of Certification and Completeness:

Prior to the City accepting an application to have a plat, site development or master plan considered by the City, the applicant shall secure a Letter of Certification and

Completeness (LOC) from all applicable reviewing entities, including but not limited to the planning department, engineering department, public works departments, water and wastewater utility providers, local counties and pertinent county, state, or regulatory agencies including the Lower Colorado River Authority (LCRA) and Texas Department of Transportation (TxDOT). This is obtained by submitting a complete application and payment of any applicable fees to the planning department, which will then route it for completeness review to all applicable City departments. Each applicable City department shall notify the planning department and either issue or deny the issuance of an LOC w/in 30 calendar days of days application being received by that department. Letters from outside agencies must be obtained by the applicant and provided to the city with their application to the planning department.

(A) Acceptance requirements. Any request for an LOC shall be accompanied by a complete application, fees and associated documents required with the application.

(B) Review and issuance. After the City has determined whether the request for LOC and required technical data is complete, the City shall route and review the application and associated documents and either issue or deny the LOC. Whenever the City determines that the application and associated documents do not conform with City requirements, the City will issue notification to the applicant of the deficiencies and the applicant may at his/her option revise any nonconforming aspects. The review timeline of 30 days pauses during any time which the applicant is correcting deficiencies. If any data is revised and resubmitted, the City shall resume review of the application to issue or deny the LOC.

(C) Scope of issuance. An LOC will specify the items associated with the subdivision plat or master plan that comply with the applicable development requirements. An LOC does not authorize the development or subdivision of land nor approves items not specified and reviewed by other reviewing entities. An LOC shall remain valid for one year from the date of issuance. After that time period, a new LOC shall be required to apply for a subdivision plat or master plan.

(D) Amendments. An LOC may be amended prior to submitting an application for subdivision plat or master plan if the proposed amendment:

(i.) Does not change the boundary of the subdivision.

(ii.) Does not change the peak hour trips by more than ten percent or traffic impact analysis submittal type.

(iii.) Does not change the drainage area, development discharge location or floodplain/floodway boundary.

(E) Recording Procedures. LOCs are not recorded. An LOC shall be maintained by the applicant and presented with the formal application for subdivision plat or master plan.

(F) Filing Date. An application will be considered accepted and filed on the date that the complete LOC is issued to the applicant.

(2) The applicant shall submit the plat to the planning department in accordance with the approved submittal calendar, which will be established in accordance with an approved commission meeting calendar. In addition, such plat shall be accompanied by an application, nonrefundable application fee, and associated documents required on the application checklists including approved LOCs.

(3) The planning department will conduct a review of the plat as to its conformity with any associated master plan, the major thoroughfare plan, future land use plan, zoning ordinance, the City's comprehensive plan or other applicable city plans, and the standards and specifications set forth in this chapter or referred to in this chapter, and other city ordinances. Any other applicable city departments shall perform a technical review of the submittals where required.

(4) The planning commission shall meet in accordance with the approved commission meeting calendar.

(5) If the planning commission does not approve, approve with conditions, or disapprove the plat within 30 days from the filing date, the plat shall be deemed to have been approved by the planning commission. A certificate showing the filing date and the failure to take action thereon within the periods prescribed in this section shall, on demand by the applicant, be issued by the planning commission. Such certificate shall be sufficient in lieu of the written endorsement or other evidence of approval required in this section for recordation.

(6) Meeting calendar. The commission shall approve a meeting calendar for every calendar year. Such calendar shall prescribe at a minimum the "application deadline date" for submission of plats and the "commission's meeting date" on which plats will be considered.

(7) If a plat is approved with conditions or disapproved, the planning and development services department shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval. Each condition or reason must be directly related to the requirements of the local ordinance or state statute and include citations to the specific law/ordinance.

(8) To obtain approval after a conditional approval or disapproval, an applicant shall submit a written response demonstrating how they have satisfied each condition or remedied each reason for disapproval.

(9) The City and all reviewing entities shall determine whether to approve or deny a previously conditionally approved or disapproved plat within 15 days of receipt of the applicant's response.

(A) The City may deny the plat only for a specific condition or reason provided to the applicant in response to the initial conditional approval or disapproval.

(B) If the applicant's response adequately addresses each condition or reason for disapproval, then the City shall approve the plat.

(C) If the City does not approve or disapprove the plat within 15 days, the plat is deemed approved.

(e) Proof of land ownership.

The City requires proof of land ownership prior to approval of any application involving real property. Along with the application submission, the applicant shall provide written verification, such as a notarized statement or a power of attorney or other evidence satisfactory to the planning director, that the applicant is the owner of record of the subject land parcel or parcels or is the property owner's duly authorized agent. The planning director shall have the authority to determine what document(s) the City will require to prove ownership, such as one of the following: deed; (2) title policy; (3) tax receipt; (4) notarized signature(s) on the application form; or (5) some other documentation that is acceptable to the planning director.

If ownership cannot be conclusively established prior to the meeting date on which the application will be heard, the city shall have the authority to deny the application on the basis of protecting the public interest. The applicant may resubmit a new application for the property at any time following such denial.

Sec. 98-22. - Preliminary plat.

(a) Purpose. The preliminary plat provides detailed graphic information and associated text indicating property boundaries, easements, land use, streets, utilities, drainage, and other information required to evaluate proposed subdivisions of land. A preliminary plat shall be required for any subdivision of land, except as otherwise provided for in this chapter.

(b) Format. One 24X36 copy of the preliminary plat shall be provided and drawn at a scale of one-inch equals 100 feet with all dimensions labeled accurately to the nearest foot. When more than one sheet is necessary to accommodate the entire area, an index sheet

showing the entire subdivision at a scale of one inch equals 400 feet shall be attached to the plat.

(c) Representation of plat. The developer and/or his agent is encouraged to attend the public hearings during which the subdivision application is to be considered. The planning and zoning commission may deny the request if the application is not represented by the developer and/or his agent and city staff does not have the information required to satisfy questions raised by commission members.

(d) Content. The preliminary plat shall include all of the land intended to be developed and any off-site improvements required to accommodate the project. If the subdivision is to be developed in phases, each phase shall be identified on the preliminary plat. The preliminary plat shall contain or have attached thereto:

(1) General information.

(A) Name, address, and phone numbers of the developer, record owner, and authorized agents (engineer, land planner, etc.).

(B) The proposed name of the subdivision, which shall not have the same spelling or be pronounced similarly to the name of any other subdivision located within the city or within the extraterritorial jurisdiction of the city, provided however that use of the same base names for different sections or phases is required when the units are contiguous with their namesakes and individually identified by a section or phase number.

(C) The date, scale, and north indicator.

(D) A location map showing the relation of the subdivision to streets and other prominent features in all directions for a radius of at least one-mile using a scale of one-inch equals 2,000 feet or as approved by city staff. The latest edition of the USGS 7.5 minute quadrangle map is recommended.

(E) The owner's name, deed or plat reference and property lines of property within 300 feet of the subdivision boundaries as determined by the most recent tax rolls.

(F) Certification and signature blocks as required by the city and the county. The city planning director will sign the preliminary plat showing that the plat is the document approved by the city council.

(G) The total acreage of the property to be subdivided and the subtotals by land use.

(H) A closure run sheet demonstrating an adjusted mathematical closure is in compliance with "The Texas Board of Professional Land Surveying General Rules of Practice."

(I) Developers that elect to phase in sections of a subdivision project shall provide a phasing plan for the entire land area encompassed within the subdivision for review and approval in conjunction with the plat. Subsequent changes to the phasing may be approved by the director of planning and development, after review by the city engineer, without being considered by the planning and zoning commission or city council.

(2) Existing conditions.

(A) The existing property lines, including bearings and distances, of the land being subdivided. Property lines shall be drawn sufficiently wide to provide easy identification.

(B) The location of existing water courses, dry creek beds, wells, sinkholes and other similar topographic features.

(C) Significant trees, within the boundaries of the subdivision and of eight-inch caliper and larger, shall be shown accurately to the nearest one foot. Critical root zones of these trees shall also be shown.

(D) Centerline of water courses, creeks, existing drainage structures and other pertinent data shall be shown.

(E) Areas subject to flooding shall be shown, delineating the regulatory 100-year floodplain, annotating the base flood elevation (BFE), and any other floodplains identified in the FIRM maps as developed by FEMA. If neither encroaches upon the subject property, a note to that effect must be placed upon the drawing.

(F) Topographic data indicating two-foot contour intervals for slopes less than ten percent and five-foot contour intervals for slopes exceeding ten percent. The contoured area shall extend outward from the property boundary for a distance equal to 25 percent of the distance across the tract, but not fewer than 50 feet nor more than 200 feet.

(G) The locations, sizes, and descriptions of all existing utilities, including but not limited to wastewater lines, lift stations, wastewater and storm sewer manholes, water lines, water storage tanks, and wells within the subdivision, and/or adjacent thereto.

(H) The location, dimensions, names, and descriptions of all existing or recorded streets, alleys, reservations, railroads, easements, or other public

rights-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries, as determined from existing deed and plat records.

The existing right-of-way width of any boundary street to the proposed subdivision shall also be shown.

(I) The location of city limit lines and/or outer border of the city's extra-territorial jurisdiction, as depicted on the city's most recent base map, if either traverses the subdivision or is contiguous to the subdivision boundary.

(3) Improvements.

(A) The location, size and description of any proposed drainage appurtenances, including storm sewers, detention ponds and other drainage structures proposed to be constructed on and off the site, and designed in accordance with the requirements of this and other applicable ordinance or law.

(B) The developer shall include a copy of the complete application for flood plain map amendment or revision, as required by the Federal Emergency Management Agency (FEMA), if applicable.

(C) The location, dimensions, names, and descriptions of all proposed streets, alleys, parks, open spaces, blocks, lots, reservations, easements and rights-of-way; and areas within the subdivision indicating the connection to or continuation of other improvements in adjacent subdivisions.

(D) If applicable, the location of building setback lines indicated by dashed lines on the plat.

(E) Numbers to identify each lot and each block.

(F) The lengths of each proposed property line of all lots. The area of each lot shall be provided.

(G) Significant trees to remain during construction showing the critical root zones as solid circles, and significant trees designated to be removed showing the critical root zones as dashed circles utilizing a separate aerial view of the area to be subdivided.

(H) The developer shall be responsible for providing replacement trees as shown in the application submittal documents based on a replacement ratio (inches removed to inches planted) of:

(i.) One to two for significant trees 18 inches in caliper and larger, and

(ii.) One to one for significant trees between 8 and 18 [inches] in caliper.

(iii.) Replacement trees shall not be required for the removal of trees smaller than eight inches in caliper. The removal of significant trees larger than 18 inches in caliper shall require commission approval.

(l) Developer shall contact the postmaster for the U.S. Postal Service in the city to discuss requirements for the delivery of mail to residents of the subdivision and any other requirements they may have.

(4) Support documents.

(A) A drainage study, consisting of a drainage area map with contours, location and capacities of existing and proposed drainage features, and calculations in accordance with this chapter and good engineering practices, shall be provided to ensure the property will be developed in accordance with city drainage policies and LCRA regulatory requirements.

(B) Utility demand data, consistent with the proposed uses indicated on the preliminary plat, to determine the adequacy and the consistency of proposed utility improvements.

(C) If a subdivision is located in an area served by any utility other than the city, the developer shall furnish a letter from such utility certifying their approval of the location of the utility easements shown on the plat and indicating the utility's intent to serve the property.

(5) Accuracy of data.

The applicant shall be responsible for verifying the accuracy of all data submitted, including that which might be obtained from the City, excepting that data which can only be obtained from the City.

(6) Procedure.

A preliminary plat for any proposed subdivision of land shall be submitted to the City planning department for commission review and subsequent City Council approval.

(1) Legible prints as indicated on the application form, shall be submitted in accordance with the city's adopted submittal calendar, along with the following:

(A) Completed application and the payment of all applicable fees.

(B) A summary letter briefly stating the type of street surfacing, drainage, electrical, water and wastewater facilities proposed.

(C) A petition requesting annexation, if applicable.

(D) A letter of form as required by the City requesting any variances from the provisions of this chapter with the payment of any administrative fees.

(E) Any attendant documents needed to supplement the information provided on the preliminary plat.

(2) All applicable city staff shall review all preliminary plat applications in accordance with Sec. 98-21. If it meets the requirements as outlined in this Chapter, a Letter of Certification & Completeness (LOC) will be issued to the applicant in accordance with Sec. 98-21. If, in the judgment of city staff, the preliminary plat submittal substantially fails to meet the requirements as outlined in this Chapter, it will not be accepted, and the preliminary plat application shall be deemed incomplete. The developer shall remedy all deficiencies, or the preliminary plat shall be rejected for filing and new filing fees will be required for subsequent submittals.

(3) After the preliminary plat application is determined to be accepted and filed upon issuance of an LOC in accordance with Sec. 98-21, an action letter will be provided to the applicant within 30 days of the filing date. The action letter will be included in the agenda packet for all items that are reviewed by the Planning and Zoning Commission, or by email if the application is only reviewed administratively.

(4) If the developer chooses to withdraw the preliminary plat, in writing, by noon of the third working day preceding the meeting, the submittal may appear on the next commission or council agenda, as applicable, after repayment of the applicable fees if notices of public hearing are required or more than 60 days elapse between the voluntary withdrawal of the preliminary plat and the commission or council agenda for which the preliminary plat was ready for consideration.

(f) Notification.

(1) Except as provided in subsection (2), immediately below, notice of the commission's consideration of a preliminary plat application or preliminary replat application shall comply with the Texas Open Meeting Act.

(2) Notification of commission consideration of an application to replat property zoned within the preceding five years as single family/duplex residential shall comply with the public notice/hearing requirements of V.T.C.A. Local Government Code § 212.015.

(g) Approval. The commission shall make a recommendation to the city council on the preliminary plat application. The plat will be considered at the next regularly scheduled public hearing of the city council.

(1) The municipal authority shall act within 30 days of the preliminary plat filing date to either recommend approval, conditional approval, or disapproval of the application. Failure of the municipal authority to act within the 30 days shall be deemed an approval of the plat, except as otherwise agreed to by the developer.

(2) Zoning of the tract, if applicable, that shall permit the uses proposed by the preliminary plat, or any zoning amendment necessary to permit the proposed uses shall have been adopted prior to or concurrently with the approval of the preliminary plat by the council.

(3) Approval of the preliminary plat shall not constitute approval of the final plat but shall constitute a vesting of the right to develop under city ordinances, codes and policies in effect on the date the requested permit is filed, provided that neither the preliminary plat nor any subsequent plat or permit has been, or is, allowed to expire.

(4) The developer may elect to phase the subdivision project.

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

(6) Upon approval of the preliminary plat and all signatures having been executed, the developer shall furnish one Mylar reproducible copy of the approved plat to be kept on file at the city as public record.

(h) Expiration.

(1) The approval of the preliminary plat or any subsequent plan or plat shall expire no earlier than the 5th anniversary of the date the first permit application was filed for if no progress has been made towards completion of the project or; an extension is granted by the commission in accordance with this chapter.

(2) If a preliminary plat expires, it may be reinstated only upon resubmittal of the unaltered, approved plat to the commission and council and the approval by both bodies. All fees shall be repaid as if the plat were initially being submitted.

(i) Extension. The developer may apply for an extension, in writing, prior to the 5th anniversary of the first permit application filing date, stating reasons for needing the extension and demonstrating pursuit of approvals for construction plans and/or final plat in accordance with this chapter. Upon receipt of this written request, the commission may, at its discretion, grant up to a two-year extension so long as the preliminary plat remains consistent with the master plan and/or ordinances of the City.

(j) Revision. If a revision to a previously approved preliminary plat is required, then no application for final plat shall be accepted until the revised preliminary plat has been submitted and approved by the commission. This signed, approved document shall be kept on file as public record in the offices of the City.

(k) Responsibility. Notwithstanding the approval of any preliminary plat by the council commission or the city engineer, the developer and the engineer that prepares and submits such plats shall be and remain responsible for the adequacy of the design and nothing in this chapter shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any plat submitted.

(l) Unlawful to record. It shall be unlawful to cause to be recorded, any preliminary plat of land within the city limits or extraterritorial jurisdiction of the city, with the county clerk and recorder's office.

Section four. Findings. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section five. Penalty. A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled "*general penalty*").

Section six. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event Section 7, (entitled "*Repealer*") shall be controlling.

Section seven. Repealer. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section eight. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section nine. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof.

Passed on first reading on the 25th day of April, 2023.

Passed, Approved and Adopted on the 9th day of May, 2023.

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary