

# Subdivision





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## 23-5A-1010 Intent

The provisions of this chapter are intended to implement the policies of the Austin Comprehensive Plan; Create a built-environment that is visually interesting, livable, environmentally sustainable, supported by a strong foundation of infrastructure, and promotes healthy lifestyles; Establish a development process that is cost-effective, market-driven, predictable and flexible; and create a development pattern that supports an intermodal, connected, and reliable transportation system that is safe for all users.

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## 23-5A-1020 Compliance

- (A) Except as provided in Subsection (C), in the zoning jurisdiction, a subdivision shall comply with all requirements of this title.
- (B) Except as provided in Subsection (C), in the extraterritorial jurisdiction, a subdivision shall comply with the requirements of:
  - (1) Chapter 23-1, (General Requirements And Procedures);
  - (2) Chapter 23-6, (Reservation And Dedication Of Right-Of-Way), (Street Design) and (Sidewalks);
  - (3) Article 23-7B (Drainage);
  - (4) Article 23-7C (Water Quality);
  - (5) Article 23-8E (Tree And Natural Area Protection);
  - (6) Division 23-7A-1 (Utility Service); and
  - (7) the portions of the Development Criteria Manuals that relate to the City Code provisions described in this subsection.
- (C) In the portion of the city's extraterritorial jurisdiction that is within Travis County, a subdivision shall comply with Title 30 (Austin/Travis County Subdivision Regulations).

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## 23-5A-1030 Exception from Platting Requirements

- (A) The applicable Director may except a parcel of land from the requirement to plat if the Director determines that the parcel existed in its current configuration before becoming subject to the City's jurisdiction over subdivision of land.

- (B) The Director may except a parcel of land from the requirement to plat if the Director determines that the parcel:
  - (1) contains a health or safety hazard associated with a private sewage facility or private water well or other conditions that adversely affect public health, safety or welfare; and
  - (2) existed in its current configuration on August 8, 1992; and
  - (3) was served by a private sewage facility or private water well on August 8, 1992; and
  - (4) is located on an existing street; and
  - (5) complies with the requirements of this title for roadway frontage.
- (C) The Director may except a parcel of land from the requirement to plat if the Director determines that the parcel:
  - (1) is five acres or less, and
  - (2) existed in its current configuration on August 31, 1987; and
  - (3) was receiving utility service that was authorized under the rules of the utility provider on August 31, 1987; and
  - (4) is located on an existing street; and
  - (5) complies with the requirements of this title for roadway frontage.
- (D) In the full-purpose limits of the city, the Director may except a parcel of land from the requirement to plat if the Director determines that the parcel:
  - (1) is five acres or less; and
  - (2) existed in its current configuration on January 1, 1995; and
  - (3) was receiving utility service that was authorized under the rules of the utility provider on January 1, 1995; and
  - (4) is located on an existing street; and
  - (5) complies with the requirements of this title for roadway frontage.
- (E) An applicant shall demonstrate to the Director that a parcel is excepted under this section from the requirement to plat. An applicant shall provide the Director with the current deed to the property, an adequate legal description, and proof of ownership.
- (F) If the Director excepts a parcel from the requirement to plat, the Director shall certify the parcel's exception. The exception shall become void with the recordation of a legal plat.
- (G) An approval to extend or change utility service to a parcel is not a certification under this section or an approval of a plat.

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## **23-5A-1040    Temporary Exemption from Platting Requirements**

- (A) The Director may temporarily exempt a parcel of land from the requirement to plat if the Director determines that the sole use of the parcel is as a community garden. An applicant shall provide the Director with the information and documentation necessary to establish the exemption.



- (B) If the sole use of an exempted parcel changes from a community garden, an exemption under this section expires.
- (C) A parcel temporarily exempted under this section shall be platted before it may be used for a purpose other than as a community garden.

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### 23-5B-1010 Land Use Commission Rules

The Planning Commission and the Zoning and Platting Commission may each adopt rules of procedure in accordance with Chapter 1-2 of the Austin City Code. Adopted rules are effective when filed with the City Clerk.

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### 23-5B-1020 Action Within 30 Days

- (A) The requirements of this section are mandated by Local Government Code, Section 212.009 and supersede any contrary provisions of the City Code.
- (B) The Director shall schedule an application for preliminary plan or plat approval for consideration by the Land Use Commission or Council not later than the 30th calendar day after the application is filed.
- (C) The Land Use Commission or Council shall act on an application for preliminary plan or plat approval not later than the 30th calendar day after the application is filed.
- (D) The Council shall act on an appeal of Land Use Commission action on an environmental variance that is associated with a preliminary plan not later than the 30th calendar day after the Land Use Commission action.

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### 23-5B-1030 Original Tract Requirement

- (A) An original tract is a tract that:
  - (1) is a legal lot or tract; or
  - (2) was a legal lot or tract before being subdivided in violation of ordinance requirements.
- (B) An applicant shall include all land in the original tract in an application for preliminary plan or plat approval.



- (C) The Land Use Commission may waive the requirement of Subsection (B) if the Land Use Commission determines that granting the waiver will comply with Subsections (D)(1)-(4).
- (D) The Director may waive the requirement of Subsection (B) if the Director determines that:
  - (1) subdividing only a portion of the original tract will not substantially impair the orderly planning of roads, utilities, drainage, and other public facilities;
  - (2) the portion of the original tract contiguous to the area to be subdivided has direct access to a public street, or the applicant has provided access to a public street by dedicating right-of-way at least 50 feet wide;
  - (3) a reasonable use of the balance of the original tract is possible; and
  - (4) the applicant has mailed, by certified mail, to all owners of land that is a portion of the original tract and contiguous to the land included in the application a request that each owner provide written confirmation to the Director that:
    - (a) the owner's land is not a legal lot or tract; and
    - (b) the owner shall plat the land before the City may approve a development permit or a utility company may provide initial or additional service.
- (E) In making a determination under Subsection (D)(3) that a reasonable use of the balance of the original tract is possible, the Director may require that the applicant provide a schematic land plan of the balance of the original tract. The Director may not require that the applicant provide detailed engineering information.
- (F) An interested party may appeal the Director's determination under this section to the Land Use Commission.
- (G) An applicant who satisfies the requirement of Subsection (D)(2) by dedicating right-of-way to provide access to a public street is not required to construct improvements within the right-of-way, but shall provide an approved street name for the right-of-way.

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## **23-5B-1040 Board and Commission Review of Requests associated with Subdivision Application**

- (A) The Director shall determine whether Board or Commission review of a request associated with an application for preliminary plan or plat approval is required under this section. The Director shall schedule an associated request for Board or Commission review on the earliest available date after expiration of the initial review period for the application for preliminary plan or plat approval.
- (B) The following Board or Commission shall review an associated request before the Land Use Commission may consider the application or the associated request:
  - (1) the Urban Transportation Commission and the Environmental Board shall review a request for an amendment to the Transportation Plan;
  - (2) the Water and Wastewater Commission and, if requested by the City Council, the Environmental Board shall review a request for an amendment to the City's water or wastewater service area boundary; and
  - (3) the Water and Wastewater Commission shall review a request for City cost participation in construction of water or wastewater facilities.

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**23-5B-1050 Variance Filing and Consideration**

- (A) An applicant may request a variance from Article 23-4C (Platting Requirements), in accordance with the procedures in Article 23-2M (Variance Process).
- (B) An applicant shall file an application for a variance from a subdivision requirement when the applicant submits an application for preliminary plan approval, or if a preliminary plan is not required, when the applicant files an application for final plat approval.
- (C) An applicant may file an application for a variance after filing an application for approval of a preliminary plan or plat if the need for the variance becomes apparent after staff review.
- (D) An applicant may not file an application for a variance less than seven days before a deadline for placing the application for preliminary plan or plat approval on the agenda of a Board or Commission.
- (E) The Land Use Commission shall concurrently consider an application for a variance and an application for preliminary plan or plat approval, unless the applicant requests a separate public hearing on the application for a variance and pays the required notice fee. The Director shall schedule a requested separate hearing on an application for a variance for the first available meeting of the Land Use Commission after Board or Commission review of the application for a variance is complete.
- (F) The requirement of Article 23-2D (Public Hearings) that the Land Use Commission hold a public hearing not later than 45 days after the date an application for a variance is filed does not apply to an application for a variance from a subdivision requirement.

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**23-5B-1060 Variance Determination**

- (A) The Land Use Commission shall grant a variance from a requirement of Article 23-4C (Platting Requirements) if the Land Use Commission determines that:
  - (1) enforcement of the requirement would deny the owner all reasonable use of the land; and
  - (2) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the applicant has no control; and
  - (3) The variance is necessary so the applicant can enjoy a property right, the nature of which owners of properties in the same zone or vicinity possess; and
  - (4) The variance is not materially detrimental to the purposes of this Ordinance, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any City plan or policy; and
  - (5) The variance requested is the minimum variance which would alleviate the hardship.
- (B) For a mass housing project, a planned unit development, or similar neighborhood unit, the Land Use Commission may grant a variance from a requirement of Article 23-4C (Platting Requirements) if the Land Use Commission determines the development will provide light and air, vehicular and pedestrian circulation, and recreational facilities that are at least equal to the requirements of this title. An applicant shall provide the Land Use Commission with a written report documenting compliance with this subsection.

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### **23-5B-1070     Infrastructure Construction or Fiscal Surety for Plat Approval**

- (A) Before the Land Use Commission or Council may approve a plat, the subdivider shall:
  - (1) construct the streets, utilities, and drainage facilities in compliance with the requirements of this title; or
  - (2) provide fiscal security under Section 23-2B-4 (Fees and Fiscal Security) for subdivision improvements that serve the public interest as determined under Subsection (B) or (C).
- (B) after receiving the recommendation of the Director, the Land Use Commission shall determine the subdivision improvements that serve the public interest, except as provided in Subsection (C).
- (C) if the council may approve a plat, after receiving the recommendation of the Director, the council shall determine the subdivision improvements that serve the public interest.
- (D) Fiscal security provided under this section may be used by the City to construct the subdivision improvements that serve the public interest.

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### **23-5B-1080     Acceptance of Offered Dedication**

- (A) Approval of a plat is not an acceptance by the City of an offered dedication. Disapproval or denial of a plat is a refusal by the City to accept an offered dedication shown on a plat.
- (B) The City may accept an offered dedication only by the action of an authorized official.
- (C) The Director and the Director of the Public Works Department may accept for the City an offered dedication of a street by jointly issuing a certificate of acceptance.
- (D) A street may not be accepted unless it is surfaced, curbed, and guttered with the required utilities and drainage facilities installed. The City's entry, use, or improvement under a fiscal security agreement is not an acceptance of an offered dedication.
- (E) Except as provided in a fiscal security agreement, an officer or employee of the City may not use or improve a street unless the street has been accepted by the City.

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### **23-5B-1090     Withdrawal and Resubmittal**

An applicant may request the withdrawal and resubmittal of a preliminary plan application or final plat application. The request may be approved if the request complies with the following:

- (1) A written request was received by the Case Manager prior to the expiration date, and
- (2) The applicant submits the application back to the city within 10 business days from the date the application would expire.

## Division 23-5B-2: Preliminary Plans

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### 23-5B-2010 Preliminary Plan Requirement

- (A) A preliminary plan shall be approved before a final plat may be approved, except as provided in Subsection B.
- (B) A plat may be approved without a preliminary plan if each lot abuts an existing dedicated public street and the Director determines that:
  - (1) a new street or an extension of a street is not necessary to provide adequate traffic circulation;
  - (2) the applicant has dedicated additional right of way necessary to provide adequate street width for an existing street abutting a lot; and
  - (3) drainage facilities are not necessary to prevent flooding, or if necessary, the applicant has arranged for the construction of drainage facilities.
- (C) A preliminary plan shall not be submitted unless required by the Land Development Code.

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### 23-5B-2020 Master Development Plan

- (A) If a preliminary plan is part of an applicant's plan for a larger development, the applicant shall file a master development plan with the Director when the first application for preliminary plan approval is filed.
- (B) A master development plan may be in schematic form, shall include the applicant's entire development, and shall provide for the safe and orderly extension of roads, utilities, drainage, and other public facilities.

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**23-5B-2030 Concurrent Applications**

- (A) An applicant shall file the following applications, if required, concurrently with an application for preliminary plan approval:
  - (1) zoning or rezoning to a planned unit development district;
  - (2) amendment to the Comprehensive Plan;
  - (3) amendment to the city's water and wastewater service area boundary;
  - (4) city cost participation in facilities associated with the preliminary plan;
  - (5) waiver or variance from the requirements for dedication or reservation of right-of-way; and
  - (6) extension of water or wastewater service.
- (B) Council approval is required for a preliminary plan that requires a concurrent rezoning to a planned unit development district.

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**23-5B-2040 Previously Approved Preliminary Plan**

- (A) Approval of a preliminary plan supersedes a previously approved preliminary plan for the same land.
- (B) An applicant may not include land from a previously approved preliminary plan in a subsequent application for approval of a preliminary plan unless all the land, except land contained in an approved plat, is included in the application.
- (C) The Director may waive the requirement of Subsection (B) if the Director determines that including only a portion of the previously approved preliminary plan does not substantially impair the orderly planning of roads, utilities, drainage, or other public facilities.
- (D) An interested party may appeal the Director's decision under Subsection (C) to the Land Use Commission.

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**23-5B-2050 Staff Review of Application for Preliminary Plan Approval**

- (A) The Director shall promptly deliver a copy of an application for preliminary plan approval to each reviewing department or agency.
- (B) A reviewing department or agency shall prepare and deliver to the Director a written report of comments and recommendations regarding an application for preliminary plan approval before the expiration of the staff review period described in this section.
- (C) Initial staff review period for an application for preliminary plan approval is established by the Director by administrative rule under Article 23-2B (Application and Review).
- (D) An applicant may file with the Director an update to an application for preliminary plan approval not later than one year after the application was filed, unless days have been added under Article 23-2B (Application and Review).



- (E) The staff review period of an update to an application for preliminary plan approval is established by the Director by administrative rule, under Article 23-2B (Application and Review).

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#### **23-5B-2060 Commission Action on Preliminary Plan**

- (A) The Director shall schedule an application for preliminary plan approval for public hearing and consideration by the Land Use Commission on the first available meeting after the Director determines that:
  - (1) staff review and Board or Commission review is complete;
  - (2) if applicable, the applicant has obtained a commitment for water or wastewater service from the entity providing the service; and
  - (3) for land located in the zoning jurisdiction, the land is zoned for the uses proposed.
- (B) Except as provided in Subsection (C), the Land Use Commission shall approve an application for preliminary plan approval that complies with the Comprehensive Plan and the requirements of this title.
- (C) If an application for preliminary plan approval was filed concurrently with concurrent rezoning to a planned unit development district, the Land Use Commission shall recommend approval or disapproval of the preliminary plan and the concurrent application to Council.

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#### **23-5B-2070 Council Action on Preliminary Plan**

- (A) If a concurrent rezoning to a planned unit development district was filed with a preliminary plan, the Council shall consider and act on the preliminary plan and the concurrent application after receiving a recommendation from the Land Use Commission.
- (B) The Land Use Commission's decision on an application for preliminary plan approval that is connected with a request for a variance from an environmental regulation may be reviewed by Council if the Land Use Commission's decision on the variance is appealed to the Council.
- (C) The Council shall approve a proposed preliminary plan that complies with the Comprehensive Plan and the requirements of this title.

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#### **23-5B-2080 Effect of Preliminary Plan Approval**

Approval of a preliminary plan establishes a mutual commitment on behalf of the City and the applicant to:

- (A) the subdivision layout for plat approval, including the location and width of proposed streets, lots, blocks, and easements shown on the preliminary plan; and
- (B) the availability of utilities to serve the subdivided land to the extent shown on the preliminary plan.

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### **23-5B-2090 Denial of Preliminary Plan Approval**

The Director shall deny an application for preliminary plan approval that does not comply with the criteria for approval, one year after the application is filed, unless the applicant has submitted a written request to the Director for review of the application by the Land Use Commission. If the applicant submits a request for review by the Land Use Commission, the Director shall schedule the application for consideration by the Land Use Commission, and the Land Use Commission shall determine whether the preliminary plan satisfies the criteria for approval.

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### **23-5B-2100 Changes to an Approved Preliminary Plan**

- (A) The owners of all land within an approved preliminary plan that is not included in an approved final plat and that is affected by a proposed change shall request the change.
- (B) Except as provided in Subsections (C) and (D), Land Use Commission approval is required for a change to an approved preliminary plan. An applicant shall file a new application if a change requires Land Use Commission approval.
- (C) The Director may approve a minor deviation from an approved preliminary plan if the Director determines that the minor deviation complies with the requirements of this subsection. An applicant shall identify the proposed minor deviation on a copy of the preliminary plan submitted to the Director. A formal application is not required.
  - (1) minor deviation may not:
    - (a) remove a property restriction or subdivision note;
    - (b) modify a waiver or variance;
    - (c) change an easement, except with the Director's approval;
    - (d) increase impervious cover;
    - (e) modify a conservation easement, common area, green space, or other open space shown on the preliminary plan;
    - (f) affect property outside the proposed plat;
    - (g) increase the number of lots;
    - (h) change the use of a lot; or
    - (i) change the basic street layout.
  - (2) Except as provided in Subsection (C)(1), a minor deviation may:
    - (a) change lot size or configuration;
    - (b) change street width or alignment; or
    - (c) change a utility or access easement.
- (D) The Director may approve a minor revision to an approved preliminary plan if the Director determines that the minor revision complies with the requirements of this subsection. An applicant shall request a minor revision in an application submitted to the Director.
  - (1) A minor revision may not:
    - (a) remove a property restriction or subdivision note;

- (b) modify a waiver or variance;
    - (c) change an easement, except with the Director's approval;
    - (d) increase impervious cover;
    - (e) modify a conservation easement, common area, green space, or other open space shown on the preliminary plan;
    - (f) affect property outside the preliminary plan; or
    - (g) increase the number of dwelling units.
  - (2) Except as provided in Subsection (D)(1), a minor revision may:
    - (a) include a minor deviation;
    - (b) change the street layout;
    - (c) increase in the number of lots; or
    - (d) modify a subdivision to accommodate a change in use resulting from rezoning or land acquisition through eminent domain.
  - (3) The Director may determine that other changes similar in scope and effect to those described in Subsection (D)(2) are minor revisions.
- (E) The Director shall provide the Land Use Commission with an approved minor deviation or minor revision before the Land Use Commission considers approval of the plat.

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## **23-5B-2110      Expiration of Approved Preliminary Plan**

An approved preliminary plan expires five years after the date the application is submitted.

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## Division 23-5B-3: Final Plats and Plat Vacations

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### 23-5B-3010 Land Included in Plat

An application for approval of a plat may include all or a portion of the land included in an approved preliminary plan. If platted in phases, each phase shall comply with Section 23-4C-204 "Subdivision Access Streets".

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### 23-5B-3020 Review of Application for Plat Approval; Expiration

- (A) The Director shall promptly deliver a copy of an application for plat approval to each reviewing department or agency.
- (B) After the application is filed, a reviewing department or agency shall prepare and deliver to the Director a written report of comments and recommendations regarding an application for plat approval not later than the deadline established by the Director under Article 23-2B (Application and Review).
- (C) After the application is filed, the Director shall determine whether an application for plat approval complies with the criteria for approval and give notice under Article 23-2C (Notice) of the determination not later than the deadline established by the Director under Article 23-2C (Notice). If the Director recommends disapproval, the notice shall state the reasons for the recommendation.
- (D) An applicant may file with the Director an update to an application for plat approval not later than one year after the application is filed, unless days have been added under Division 23-2B-2 (Review Procedures).
- (E) After the update is filed, the Director shall determine whether an update to an application for plat approval complies with the criteria for approval and give notice under Article 23-2C (Notice) of the determination no later than the deadline established by the Director under Article 23-2B (Application and Review). If the Director recommends disapproval, the notice shall state the reasons for the recommendation.



- (F) An application for plat approval expires one year after filing if the Director determines that the application does not comply with the criteria for approval, unless the applicant has submitted a written request to the Director for review of the application by the Land Use Commission. If the applicant requests review by the Land Use Commission, the Land Use Commission shall determine whether the application complies with the criteria for approval and approve or deny the application.

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### **23-5B-3030      Scheduling of Application for Plat Approval; Expiration**

- (A) The Director shall schedule an application for plat approval for consideration by the Land Use Commission or Council after:
- (1) the Director determines that the application complies with the criteria for approval;
  - (2) the Director determines under Division 23-2B-4 (Fees and Fiscal Security) the amount of fiscal security required as a condition of plat recordation;
  - (3) the owners of the land included in the proposed plat sign the plat and each owner's signature is acknowledged; and
  - (4) the Director approves subdivision construction plans for the proposed plat, or the applicant includes the following note on the proposed plat:  
*"The owner of this subdivision and the owner's successors and assigns are responsible for construction of subdivision improvements that comply with City of Austin regulations. The owner understands that plat vacation or replatting may be required, at the owner's expense, if plans to construct this subdivision do not comply with the regulations."*
- (B) An application for plat approval expires on the 90th day after the Director's determination under Subsection (A)(1) unless Subsections (A)(2) through (4) are satisfied.

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### **23-5B-3040      Plat Approval Authority and Criteria**

- (A) Approval authority is as follows:
- (1) The Land Use Commission may approve a plat, except as provided in Subsections (A)(2) and (3).
  - (2) The Council may approve a plat if an applicant files with the Director a request for concurrent consideration by the Council of a preliminary plan and a plat.
  - (3) The Director may approve a plat:
    - (a) that consists of four or fewer lots fronting on an existing street and does not create a new street, or is an amending plat described in Chapter 212 of the Local Government Code;
    - (b) for which water and wastewater service for development on the proposed lots is available within 200 feet of the site; and
    - (c) for which a variance is not required.
- (B) To approve a plat vacation, the approval authority shall find:

- (1) The resulting lots comply with the minimum dimensional standards of the applicable zoning district, including but not limited to lot size, lot width, lot depth, frontage and setbacks; and
  - (2) A concurrent replat application has been submitted, if the vacation will create any unplatted land.
- (C) To approve an amending plat, the approval authority shall find:
- (1) The amended lots comply with the minimum dimensional standards of the applicable zoning district, including but not limited to lot size, lot width, lot depth, frontage and setbacks; and
  - (2) The amending plat does not contain any unplatted land.
- (D) The Director shall approve a resubdivision plat that consists of four or fewer lots fronting on an existing street and does not create a new street, after notice is sent as pursuant to Article 23-3C (Notice).
- (E) The Director, Land Use Commission, or Council shall approve a plat that complies with the Comprehensive Plan and the requirements of this title.
- (F) Approval of a plat is conditioned on the applicant's posting the fiscal security required by this title in the amount determined by the Director. After the Director certifies on the plat that the applicant has posted the fiscal security:
- (1) the presiding officer of the Land Use Commission shall endorse the plat to certify the Land Use Commission's approval;
  - (2) the Mayor shall endorse the plat to certify the Council's approval; or
  - (3) the Director shall endorse the plat to certify the Director's approval.
- (G) Approval of a plat expires on the 90th day after the approval date if the Director has not certified that the applicant has posted fiscal security.

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#### **23-5B-3050      Recordation**

- (A) The Director shall record an approved plat in each county where land included in the plat is located.
- (B) The Director may not record a plat located in the extraterritorial jurisdiction unless the appropriate county has approved the plat.
- (C) An applicant shall provide all of the items and fees required to record the plat with the County Clerk within 80 business days from the date of plat approval.
- (D) An application for plat approval expires on the 81st business day after such approval unless Subsection (C) of this section is satisfied.

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#### **23-5B-3060      Effect of Preliminary Plan Expiration.**

When an approved preliminary plan expires, a pending application for plat approval expires.

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**23-5B-3070      Expiration of Plat Vacations.**

An application to vacate a plat expires one year after approval.

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**23-5B-3080      Replat Required**

A replat shall be submitted concurrently with a plat vacation application if that vacation would result in unplatted land.

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**23-5B-3090      Documenting Exemptions from Parkland Dedication**

- (A) In approving a subdivision or site plan that is required to dedicate parkland under Article 23-8F (Parkland Dedication), the Director may require a notation on the plat or site plan indicating that land has been dedicated or a fee in-lieu paid as required by this article.
- (B) If an application for a preliminary plan or final plat is submitted for a non-residential development that is exempt from this chapter under Division 23-8F-1(Applicability), the Director may require a plat notation stating that any subsequent residential development within the subdivision is required to dedicate parkland or make payment in-lieu of dedication as required by Article 23-8F(Parkland Dedication) or other applicable ordinance.
- (C) If a plat note prohibiting residential uses was required by the City of Austin in order to document an exemption from parkland dedication for a non-residential subdivision on or after July 25, 1985, the applicant may amend the plat in order to conform the notation with the plat note authorized under Subsection (A) or (B) of this section.

## Division 23-5B-4: Subdivision Construction Plan

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### 23-5B-4010 Updates and Release of Subdivision Construction Plan

- (A) An applicant may file an update to a subdivision construction plan application not later than one year after the date the application is filed.
- (B) The Director may release a subdivision construction plan if:
  - (1) the Director approves the subdivision construction plan; and
  - (2) the applicant posts the required fiscal security as required by the Director.
- (C) The Director's release of a subdivision construction plan authorizes the applicant to begin development in accordance with the plan.

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### 23-5B-4020 Expiration of Subdivision Construction Plan

- (A) A subdivision construction plan expires three years after the date of its approval unless:
  - (1) the Land Use Commission sets a later expiration date when it approves the plat;
  - (2) before the plan expires, site work is commenced and diligently pursued to completion; or
  - (3) the Director extends the expiration date under Subsection (B).
- (B) An applicant may request that the Director extend the expiration date of a subdivision construction plan by filing a written request and justification with the Director before the expiration date.
  - (1) The Director may extend the expiration date of the plan once for a period of one year if the Director determines:
    - (a) there is good cause for the extension;
    - (b) there has not been a significant change in development conditions affecting the plan; and
    - (c) the plan continues to comply with the criteria for its approval and release.
  - (2) An interested party may appeal the Director's decision under this subsection to the Land Use Commission.
  - (3) The Director shall give notice under Division 23-2C-4 (Notice Of Public Hearings or Public Meetings) of the Land Use Commission's consideration of an appeal.
  - (4) The Land Use Commission shall conduct a public hearing on an appeal before taking action.

- (5) An interested party may appeal the Land Use Commission's decision under this subsection to the Council

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**23-5B-4030 Construction Management and Certification**

- (A) Construction management for a subdivision is governed by Article 23-2H (Construction Management and Certificates).
- (B) Issuance of a certificate of compliance for a subdivision is governed by Division 23-2H-4 (Certificates of Compliance and Occupancy).



# Article 23-5C: Platting Requirements

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# Division 23-5C-1: Property Markers, Easements, and Alleys

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### 23-5C-1010 Property Markers

A surveyor shall mark each boundary corner, intermediate property corner, curve point, and angle point of a subdivision with a permanent marker identified in the most recent edition of the Manual of Practice for Land Surveying in Texas, published by the Texas Society of Professional Surveyors. One boundary corner shall be marked with a concrete monument, unless a concrete monument exists on an adjacent platted subdivision within 1,300 feet of the proposed plat. Permanent markers along boundary lines may be spaced not more than 1,300 feet apart.

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### 23-5C-1020 Easements and Alleys

Easements for public utilities and drainage ways shall be retained in all subdivisions in the widths and locations determined necessary by the Director. All easements shall be dedicated to public use for the named purpose and shall be aligned to minimize construction and future maintenance costs.

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### 23-5C-1030 Easements in Areas Adjoining Proposed Subdivision

If the Director determines that easements in areas adjoining a proposed subdivision are necessary to provide adequate drainage or utility service, the subdivider shall obtain the easements or make arrangements with the City to obtain them.

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### 23-5C-1040 Hazardous Pipelines

- (A) A subdivider shall determine whether a hazardous pipeline crosses a proposed subdivision.
- (B) A subdivider shall depict on the plat a restricted pipeline area, if any.
- (C) A residential lot that is less than one acre in size may not include a restricted pipeline area.
- (D) In calculating minimum lot area under this chapter, a restricted pipeline area is excluded.
- (E) A person may not place a structure or excavate within a restricted pipeline area.
  - (1) This prohibition does not apply to:

- (a) The pipeline or an appurtenance;
  - (b) A facility that produces, consumes, processes, or stores the product transported by the pipeline, including a power generation facility;
  - (c) A utility line that crosses the restricted pipeline area, including an appurtenance to the line;
  - (d) A utility service connection;
  - (e) A road;
  - (f) Surface parking lot; or
  - (g) A structure or excavation that the Director determines does not disturb the pipeline or impede its operation.
- (2) Before a person may place a road, surface parking lot, or utility line in a restricted pipeline area, the person shall deliver to the Director a certification by a registered engineer stating that the proposed construction activity and structure are designed to prevent disturbing the pipeline or impeding its operation.
- (F) A person who seeks to convey a lot containing a restricted pipeline area shall, before title is transferred, deliver to the proposed grantee a document describing the restricted pipeline area, the limitations on its development, and the name and address of the pipeline owner or operator.
- (G) For a plat that includes a restricted pipeline area, a plat note restating Subsection (E) is required.

## Division 23-5C-2: Lots

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### 23-5C-2010 Access to Lots

Each lot in a subdivision shall abut a dedicated public street.

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### 23-5C-2020 Through Lots in a Single-Family Subdivision.

A through lot in a single-family residential subdivision is permitted if access to one of the abutting streets is prohibited. If one of the streets abutting a through lot is an arterial, access to the arterial is prohibited unless the Director determines that topography or property size justify access to the arterial.

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### 23-5C-2030 Lot Arrangement

The side lines of lots shall be approximately at right angles to straight street lines or radial to curved street lines. An arrangement placing adjacent lots at right angles to each other may be disallowed by the Director.

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### 23-5C-2040 Lot Size

- (A) In the zoning jurisdiction, the site development regulations for the zoning district or the transect in which a lot is located determine minimum lot area and minimum lot width.
- (B) In the extraterritorial jurisdiction, residential lot requirements are as follows:
  - (1) Minimum lot area is:
    - (a) In a subdivision served by a public wastewater system or central wastewater disposal unit:
      - (i) 5,750 square feet; or

- (ii) 6,900 square feet for a corner lot; or
  - (b) In a subdivision with private on-site sewage facilities, as determined by Texas Administrative Code Title 30, Chapter 285 (On-Site Sewage Facilities);
- (2) Minimum lot width is:
  - (a) 50 feet for an interior lot;
  - (b) 60 feet for a corner lot; or
  - (c) 33 feet for a lot on a cul-de-sac or curved street; and
- (3) Minimum lot frontage is:
  - (a) 20 feet; or
  - (b) 30 feet, if a culvert is required for a driveway approach.
- (C) The Director may reduce the minimum lot frontage prescribed by Subsection (B) if the Director determines that access to the lot is restricted to a joint use driveway.

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## 23-5C-2050    **Flag Lots**

- (A) The minimum width of a flag lot is:
  - (1) 20 feet; or
  - (2) 15 feet if:
    - (a) Two or more contiguous lots share a common driveway and sufficient area is available outside the drive on each lot for utility installation; or
    - (b) The applicant can demonstrate access through an alternative route.
- (B) Limitations on shared driveways:
  - (1) In single-family or duplex subdivisions, flag lot designs may be used where no more than two dwelling units utilize a shared driveway.
  - (2) For property zoned for uses other than single-family residential or duplex residential, flag lot designs are permitted if the Director determines that the subdivision conforms to the fire code, utility design criteria, plumbing code and requirements for access.
- (C) All residential subdivisions utilizing a flag lot design shall submit a driveway plan and a utility plan for review and approval with the final plat application.
- (D) All addresses for residential lots utilizing a flag lot design shall be displayed at their closest point of access to a public street for emergency responders. The final plat shall contain a note to this effect.

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## 23-5C-2060    **Townhouse Lots**

- (A) This section applies to a subdivision with townhouse lots.
- (B) Common areas shall be identified on the plat. An applicant shall provide for maintenance of and payment of taxes on common areas.



- (C) An applicant shall submit to the Director a legal opinion that describes the rights and duties of the owners, the legal status of common areas and facilities, and the provisions for taxation and maintenance of the common areas.
- (D) In the extraterritorial jurisdiction, an applicant shall submit to the Director a site plan showing the locations and dimensions of buildings, accessory uses, and other improvements.

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## 23-5C-2070    **Small Lots**

- (A) Applicability
  - (1) This Section applies to a subdivision with small lots.
- (B) A small lot subdivision may not be approved unless service is available to each lot in the subdivision from public water and wastewater systems.
- (C) A small lot subdivision shall comply with the following requirements:
  - (1) Minimum lot area is:
    - (a) 3,600 square feet, except for a corner lot; and
    - (b) 4,500 square feet for a corner lot.
  - (2) Minimum lot width is:
    - (a) 40 feet for an interior lot, or 35 feet if access to the lot is provided by a joint access driveway at the front of the lot or by a paved alley or paved private access easement at the rear of the lot;
    - (b) 50 feet for a corner lot, or 45 feet if access to the lot is provided by a joint access driveway at the front of the lot or by a paved alley or paved private access easement at the rear of the lot; and
    - (c) 40 feet for a lot on a cul-de-sac or curved street, except it may be 33 feet at the front lot line.
  - (3) A lot may have one zero lot line.
    - (a) A zero lot line is not allowed on a front or street-side lot line.
    - (b) A maintenance easement is required in the dominant side yard of a lot.
    - (c) A use easement is required in the subordinate side yard of a lot.
  - (4) A lot that is less than 50 feet wide and that fronts on a collector street shall have a paved alley or paved private access easement along the rear property line.
  - (5) A lot may not front on an arterial street.
  - (6) Underground utility service to all lots is required.
  - (7) Maintenance of a common area or access easement is the responsibility of the adjoining property owner or the homeowners' association, in accordance with the required Declaration of Covenants, Easements, and Restrictions.
- (D) The Director may not record a plat of a small lot subdivision unless a Declaration of Covenants, Easements, and Restrictions or similar document has been approved by

the city attorney, recorded, and referenced on the plat. The document shall contain the following:

- (1) A statement that the subdivision is developed under this section (23-4C-2070, as amended) and incorporating the requirements of this section by reference;
- (2) Provisions for the maintenance easements and use easements required by this section; and
- (3) Provisions obligating the adjoining property owner or the homeowners' association to maintain common areas and access easements.

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## **23-5C-2080    Single-Family Attached Lots**

- (A) Applicability
  - (1) This Section applies to new single-family attached lots and to the conversion of existing structures to single-family attached units.
- (B) Single-family attached lots may be created only in multiples of two lots per site, and each lot shall be served by public water and wastewater systems.
- (C) A lot may have one zero lot line.
  - (1) A zero lot line is not allowed on a front or street-side lot line.
  - (2) A maintenance easement is required in the dominant side yard of a lot.
  - (3) A use easement is required in the subordinate side yard of a lot.
- (D) A lot shall comply with the following requirements:
  - (1) Minimum lot width is:
    - (a) 25 feet, except for a lot on a cul-de-sac or curved street; and
    - (b) 20 feet on a cul-de-sac or curved street.
- (E) A plat of a single family attached subdivision may not be recorded unless a Declaration of Covenants, Easements, and Restrictions or similar document has been approved by the city attorney, recorded, and referenced on the plat. The document shall:
  - (1) Require that development and use of the lots comply with this title;
  - (2) Require that construction of a dwelling unit comply with Article 23-10B, Division 1 (Building Code), Division 4 (Electrical Code), Division 5 (Mechanical Code), Division 6 (Plumbing Code), and Division 7 (Fire Code).

## Division 23-5C-3: Utilities

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### 23-5C-3010 Water Lines

- (A) A subdivision within 100 feet of a public water system shall be connected to the public water system. The Director may waive this requirement.
- (B) If a subdivision is to be served by a public water system:
  - (1) approval of the water system plans by the applicable Director is required;
  - (2) installation of the water system shall comply with the requirements of this title, the Utilities Criteria Manual, details, specifications, standard products lists, and applicable State regulations; and
  - (3) water lines, service connections, and water meters to serve each lot shall be installed before a lot may be occupied.

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### 23-5C-3020 Wastewater Lines

- (A) A subdivision within 100 feet of a public wastewater system shall be connected to the public wastewater system. In the extraterritorial jurisdiction, the Director may waive this requirement. In the zoning jurisdiction, this requirement may be waived under Section 23-7A (Water and Wastewater).
- (B) If a subdivision is to be served by a public wastewater system, the following is required before a lot may be occupied
  - (1) Approval of the wastewater system plans by the applicable Director;
  - (2) Installation of the wastewater system in compliance with the requirements of this title, the Utilities Criteria Manual, standard details, specifications, standards products list, and applicable State regulations; and
  - (3) Installation and acceptance by the City of the wastewater lines, service lines and cleanouts.

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**23-5C-3030 Gas Lines**

If natural gas from a public utility is available within 2,000 feet of a subdivision, the subdivider shall:

- (A) prepare plans for installation of natural gas lines to serve each lot and install the portions of the lines that are under a street or alley; or
- (B) place a note on the plat stating that natural gas lines have not been installed.

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**23-5C-3040 Installation of Lines**

A subdivider shall arrange with the appropriate utility departments and utility companies for the construction of water, wastewater, and gas utility lines unless the city manager approves the installation of utility lines by another entity.

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**23-5C-3050 Requests for Utility Service**

- (A) To have municipal water or wastewater service extended to land within the extraterritorial jurisdiction, a landowner shall file with the Director of the Water and Wastewater Utility a written request for:
- (B) Extension of service; and
  - (1) If the land is not covered by the utility's certificate of convenience and necessity, annexation by the City.
- (C) The City may record an owner's request in the county deed records.

---

**23-5C-3060 Independent Utility Districts and Private Water and Sewer Corporations.**

- (A) This section applies to a subdivision that is to receive retail water or wastewater service from an entity other than the City's Water and Wastewater Utility.
- (B) A plat may not be approved unless the subdivider has complied with the requirements of this subsection.
  - (1) The subdivider shall provide the Director with a copy of a contract between the subdivider and the utility service provider that provides for installing utility lines and furnishing adequate utility service.
  - (2) Water or wastewater system plans shall comply with the requirements of this title and the Utilities Criteria Manual.
  - (3) Approval of water or wastewater system plans by the Director of the Water and Wastewater Utility and the Texas Natural Resource Commission is required.
- (C) Approval of the construction of water or wastewater facilities by the Director of the Water and Wastewater Utility is required. A City inspector may inspect the facilities during construction. The Director of the Water and Wastewater Utility may require that the subdivider pay an inspection fee.

---

**23-5C-3070 Subdivisions Where Water or Wastewater Services are not Available**

- (A) A plat may not be approved unless the subdivider has complied with the requirements of this section, if applicable.
- (B) If a subdivision is not to be served by a water utility, the subdivider shall provide the Director with evidence that water suitable for human consumption may be obtained from surface or subsurface sources on the land. The evidence may include the results of tests and borings, and statements from local and state health authorities, water engineers, and other competent authorities. If the subdivider proposes a private water supply for the subdivision, the plans and specification shall be prepared by a registered professional engineer and approved by the Director of the Water and Wastewater Utility and the Texas Natural Resource Conservation Commission.
- (C) If a subdivision is not to be served by a sanitary sewer utility and the use of private on-site sewage facilities has not been approved by the local health authority, the subdivider shall construct a community sewage collection and treatment system that serves each lot. The system shall be designed and located in accordance with the regulations of the Texas Natural Resource Conservation Commission and the local health authority. Approval by the Director of the Water and Wastewater Utility of the plans for the system is required.

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**23-5C-3080 Private On-Site Sewage Facility**

A subdivision that is to be served by private on-site sewage facilities shall comply with Chapter 15-5 (Private Sewage Facilities) of the City Code.

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**23-5C-3090 Street Lights**

- (A) A plat may not be approved unless the subdivider has complied with the requirements of this section, if applicable.
- (B) This section applies to the residential portion of a subdivision if the subdivision is located:
  - (1) At least partially inside the City limits; or
  - (2) Outside the City limits, and the subdivider has requested annexation.
- (C) A subdivider shall pay street lighting charges to the Electric Utility Department. The Director may waive this requirement if the Director determines that street lighting is not necessary, the requirement imposes an unreasonable hardship on the applicant, or obtaining payment for street lighting is impractical.
- (D) The City shall use a payment collected under this section to install street lights in the residential areas of the subdivision for which it was collected.
- (E) The City shall refund a payment collected under this section to the subdivider if the City does not install street lights within two years after the date the subdivider makes the payment.
- (F) This section does not require the City to install street lights in a subdivision that has not been annexed.

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