

CITY OF HIGHLAND HAVEN

ORDINANCE #087 (Revision 2)

June 4, 2024

AN ORDINANCE OF THE CITY OF HIGHLAND HAVEN, TEXAS PROVIDING THE REQUIREMENTS FOR RE-PLATTING OF LOTS; PROVIDING AN EFFECTIVE DATE AND OTHER RELATED MATTERS.

Whereas, the City of Highland Haven, Texas (herein “City”) was developed and subdivided in 1962 and incorporated in 1995; and

Whereas, the Board of Aldermen of the City of Highland Haven have determined that the size requirements for re-plats for on-site sewage facilities (OSSF) installations changed.

Whereas, The BOA has determined that property owners sometimes subdivide lots between existing lots to expand those lots with no intention to construct a SFR or OSSF.

Whereas, The City of Highland Haven has determined that notice should be served to the Highland Haven Property Owners Assn. should any HHPOA property be located within 200 ft. of any lots proposed for re-platting.

Whereas, The City of Highland Haven Board of Aldermen may appoint one or more designees to approve “Simple Re-Plat”

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HIGHLAND HAVEN, TEXAS THAT:

Section 1.

Highland Haven requires all single-family residential (SFR) lots to be served by an on-site sewage facility (OSSF).

On-site sewage facilities (OSSF) are regulated by:

Texas Commission on Environmental Quality (TCEQ)

- Title 30, Part 1, Chapter 285, Subchapter A, Rule 285.4
- <http://www.tceq.state.tx.us/assets/public/legal/rules/rules/pdflib/285a.pdf>

AND the

Lower Colorado River Authority (LCRA)

- LCRA, On-Site Sewage Facilities Rules, Effective April 5, 2010
- http://www.lcra.org/water/quality/on-site-sewage/Documents/water_OSSFOderandFee.pdf

TCEQ and LCRA OSSF regulations require re-platted lots to be:

- no less than ½ acre in size, if served by a public water supply,
- OR,**
- no less than 1 acre, if not served by a public water system.

SFR lots platted in the original Highland Haven subdivision are grandfathered and exempt from the ½ acre minimum lot size requirement for an OSSF.

Section 2. RE-PLAT REQUIREMENTS

1. Lots proposed for re-platting must be zoned for Single Family Residence (SFR).
2. A lot may be combined with all or part of an adjacent lot(s) or tract(s) of land as long as all lots are zoned SFR.
3. Any lot(s) subdivided with a resulting area of less than ½ acre with public water system service (or 1 acre without public water system service) must be re-platted AND combined with adjacent properties.
4. A Texas licensed surveyor must prepare the following re-plat survey documents to be included with the re-plat application.
 - a. Original survey for each lot being considered for re-platting
 - b. Survey documents indicating new proposed lot lines and setbacks
5. SFR zoned lots must be in compliance with the subdivision regulations in place at the time of re-platting:
 - a. Must meet all setback requirements
 - b. Can be no smaller than the minimum size to meet LCRA approval
 - c. Lots must retain all easements of record

Section 3. RE-PLAT PROCESS FOR “SFR” ZONED LOTS

1. If owner is planning to construct a SFR or OSSF on the re-platted property, owner must contact LCRA at ossf@lcra.org or call 512-578-3216, and request approval for an OSSF on the properties being proposed for re-platting.
2. The owner is responsible for all costs, including public notice, postage and filing fees.
3. After LCRA OSSF approval has been granted, Owner must process a City of Highland Haven Re-plat Request.
 - a. Complete and submit Highland Haven “Re-Plat Request Form”.
 - b. Submit a copy of the LCRA OSSF permit(s) for each lot (if required).
 - c. Submit certified surveys for the lots being considered for re-plat.
 - d. Submit a certified survey indicating requested results of re-plat:
 - i. property line boundaries
 - ii. required setbacks
 - iii. easements
 - iv. lot sizes
4. Certified survey of the re-platted property must include space for all necessary signature approvals including but not limited to:
 - a. Surveyor seal and signature
 - b. Property Owner(s), notarized signatures

- c. Planning and Zoning Commission
 - d. Mayor
 - e. City Secretary
 - f. Burnet County Clerk
5. If owner has no intention to construct a SFR or OSSF on the re-platted property, Owner must indicate such and then process a City of Highland Haven Re-plat Request.
 - a. Complete and submit Highland Haven “Re-Plat Request Form”.
 - b. Submit a copy of the LCRA OSSF permit(s) for each lot (if required).
 - c. Submit certified surveys for the lots being considered for re-plat.
 - d. Submit a certified survey indicating requested results of re-plat:
 - i. property line boundaries
 - ii. required setbacks
 - iii. easements
 - iv. lot sizes
 - e. Present a check to the City of Highland Haven for Re-plat Fee.
 6. City must notify all property owners, including Highland Haven Property Owners Assn., who own property within 200 ft. of the property being considered for re-platting. Specific requirements are set out in the Texas Local Government Code Chapter 212 for publication of Public Notices and for mail notification of owners of property located nearby.
 7. City of Highland Haven will advertise required public notices for the Re-Plat Request.
 8. If a Re-Plat Request does not require a variance or exception to the Zoning Ordinance and the Re-Plat does not result in a multi-family residential unit nor more than one residential unit on the resulting plat, the Re-Plat Request is considered a “Simple Re-Plat” and may be approved or denied by the designee of the Highland Haven Board of Alderman.
 - a. The unit on the resulting plat, the Re-Plat Request is considered a “Simple Re-Plat” and may be approved or denied by the designee of the Highland Haven Board of Alderman.
 - b. The designee may, for any reason, elect to present the Re-Plat for approval to the Board of Aldermen.
 - c. The decision rendered by the designee may be appealed to the Board of Alderman.
 9. If the Re-Plat Request is not a simple Replat as described above, the City will submit Re-Plat Request to the Highland Haven Planning and Zoning Committee for review and recommendations.
 10. P&Z will submit recommendations to the Board of Aldermen.
 11. Board of Aldermen will schedule a Public Hearing.
 12. Board of Aldermen will consider approval of the re-plat request following Public Hearing.
 - a.

13. After city officials have approved and signed the certified final re-plat survey, property owner-must file the survey with Burnet County Clerk's Office and return one original final survey with official Burnet County recording notes to the city within 30 days. No construction or building permit will be issued until fully executed and filed original is returned to the City.

Section 4. REPLATTING IN PLANNED UNIT DEVELOPMENT DISTRICT B AND AGRICULTURAL DISTRICT C - Tracts of land located in these districts are required to be re-zoned before an application to re-plat can be processed.

Section 5. SEVERABILITY - Should any section or part of this ordinance be held unconstitutional, illegal or invalid or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair, or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 6. PENALTY FOR VIOLATION - SEE ORDINANCE #043

Section 7. EFFECTIVE DATE - This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

Section 8. OPEN MEETING - It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that the public notice of the time, place and purpose of said meeting was given as required by the Open Meeting Act, Chapter 551, Texas Local Government Code.

PASSED AND APPROVED on the 4th day of June 2024 during a scheduled meeting by the Board of Aldermen of The City of Highland Haven, Texas.

Olan Kelley

Olan Kelley, Mayor

ATTEST:
Lezley Baum

Lezley Baum, City Secretary

