

CITY OF LIBERTY HILL

ORDINANCE NO. 24-O-21

UTILITY EVALUATIONS FOR DEVELOPMENT APPLICATIONS

AN ORDINANCE OF THE CITY OF LIBERTY HILL, TEXAS, AMENDING SECTION 5.04 ADEQUATE PUBLIC FACILITIES PROCESSING PROCEDURES, EXHIBIT 9A UNIFIED DEVELOPMENT CODE; AMENDING SECTION 6.04 CONTENT OF THE SITE DEVELOPMENT PERMIT APPLICATION, EXHIBIT 9A UNIFIED DEVELOPMENT CODE.

WHEREAS, the City of Liberty Hill (the “City”) is a Type A general law city located in Williamson County;

WHEREAS, the City Council of the City (“City Council”) has the authority to adopt and amend a Unified Development Code pursuant to Chapters 211 and 212 of the Texas Local Government Code (the “Code”) together with the general police powers municipalities possess;

WHEREAS, the City’s Unified Development Code requires a proposed subdivision or site development to be adequately served by essential public facilities and services before the City may approve a final plat, replat, or site development permit;

WHEREAS, a letter from each respective utility service provider, which states all requirements of adequate service have been met, must be provided before the City will issue certain approvals;

WHEREAS, City Council desires to provide an opportunity to allow development when physical capacity exists in the City’s utility systems, but due to other future potential or planned developments, the City is unable to provide a letter confirming that unreserved capacity exists in the City’s utility systems to serve the applicant; and

WHEREAS, City Council desires to create uniformly-applicable standards to determine when the City may approve such development when the public benefit would be served by such development.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY HILL, TEXAS THAT:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

The City Code of Ordinances Exhibit 9A, Chapter 5, Section 5.04 Adequate Public Facilities Processing Procedures, and Chapter 6, Section 6.04 Content of the Site Development Permit Application, is hereby amended to read as provided in the attached Exhibit “A”.

3. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the amendment provided in this Ordinance in the City's Code of Ordinances as authorized by Section 52.001 of the Code. In so codifying, the City Secretary is hereby authorized to make non-substantive changes, such as formatting and capitalization corrections, to promote uniformity and legibility of the City's Code of Ordinance.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication or as later required by state law.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, and Chapter 551. Notice was also provided as required by Chapter 52 of the Code.

PASSED & APPROVED 7.10.2024 by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Liberty Hill, Texas.

CITY OF LIBERTY HILL
by: Crystal Mancilla
Crystal Mancilla, Mayor

Attest:
Elaine Simpson
Elaine Simpson, City Secretary



Exhibit "A"

CODE OF ORDINANCES

EXHIBIT 9A: UNIFIED DEVELOPMENT CODE

CHAPTER 5.00 SUBDIVISION, INFRASTRUCTURE AND PUBLIC IMPROVEMENTS

Sec. 5.04. Adequate Public Facilities Processing Procedures.

- A. A final plat or replat or site development permit will not be approved unless the land proposed for subdivision or site development is adequately served by essential public facilities and services. These services include:
1. Streets including alleys, bridges and street lighting, rights-of-way, sidewalks, signalization.
 2. Water system including wells (where used), utility easements, water distribution lines, fire hydrants, valves, pumps, pressure tanks, water towers and other water facilities.
 3. Sanitary sewer system including utility easements, sanitary sewer lines, manholes, and lift stations.
 4. Drainage system including drainage easements, culverts, channels, storm sewer lines and inlets, basins, control structures, and landscaping.
 5. Park land in accordance with parkland dedication requirements.
 6. Utilities for electric and telephone service and associated utility easements shall be installed in conformance with the terms and regulations of the provider of said utility.
 7. Gas and cable television service and other telecommunications service and associated utility easements, when provided, shall be installed in conformance with the terms and regulations of the provider of said utility.
- B. The City of Round Rock's Design and Construction Standards shall apply for all public facilities within the City's corporate limits and ETJ of Liberty Hill. This policy may be further defined and supplemented by other codes adopted by the City.
- C. Where appropriate, a letter from each respective utility service provider (when such utility is not provided by the City of Liberty Hill) which states that all requirements have been met, is sufficient ~~in meeting the intent of this section~~ to meet the requirements of this section as to the utility service provided. In the event that the City will provide water or sewer services to the land proposed for subdivision or site development, and the City's engineer determines that there is insufficient unreserved capacity in such systems to serve the property, City Council may determine, by ordinance, that the proposed development meets the conditions provided in Section 6.04(E), below, and authorize approval of the final plat, replat, or site development permit.

CHAPTER 6.00 SUBDIVISION, INFRASTRUCTURE AND PUBLIC IMPROVEMENTS

Sec. 6.04. Adequate Public Facilities Processing Procedures.

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

- A. Applicant's name, mailing address and contact information.
- B. A description of the nature of the project, including physical address.
- C. A statement of the legal subdivision name, including lot, block and recording information.
- D. A copy of the recorded plat.
- E. Copies of letters from utility providers stating that utility service is available at the site. In the event that the City will provide water or sewer services to the site, and the City's engineer determines that there is insufficient unreserved capacity in such systems to serve the site, then City Council may, by ordinance, authorize approval of the site development permit despite such insufficient unreserved capacity upon a determination that the proposed development meets the following required criteria:
 1. Required Criteria
 - a. Located within the City Limits of the City of Liberty Hill
 - b. Classified as a "preferred" or "priority" project under the City's Development Matrix;
 - c. Consistent with the City's Comprehensive Plan;
 - d. Likely to provide adequate sales and use tax, property tax, and utility fee payments in light of the costs of providing service to the site; and
 - e. Unlikely, in light of the amount of capacity requested, to cause the City to be unable to serve other properties that have reserved capacity, or to whom the City has committed capacity.
 2. Special considerations may be recommended by the Planning and Zoning Commission and considered by the City Council on a case-by-case basis for a proposed development that will foster economic development and job creation, but such considerations may not supersede any of the required criteria above.
- F. Copy of approved TxDOT Driveway permit, if applicable.
- G. Five copies of a site plan, drawn at a minimum scale of 1" = 60', which reflects the property boundary dimensions, all setbacks and easements, and the location of physical improvements, including buildings, parking lots, landscaping, utilities, and accessory structures. The site plan shall indicate conformance with any applicable provisions of this Code.
- H. Review fee, as applicable.