

CITY OF HIGHLAND HAVEN

ORDINANCE #087

February 16, 2016

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 1996; 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 have been changed.

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_OSSFOOrderandFee.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 1962 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-plating 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. A Texas licensed surveyor must prepare the re-plat survey documents.
 - a. Original survey for each lot being considered
 - b. Survey documents indicating new proposed lot lines and setbacks
4. 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 retain all easements of record

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

1. 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 will 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.
 - c. Submit certified surveys for the lots being considered for re-plat.
 - d. Submit a proposed survey/site plan indicating requested results of re-plat:
 - i. property line boundaries
 - ii. required setbacks
 - iii. easements
 - iv. existing improvements on the lots
 - v. lot sizes
 - e. Present a check to the City of Highland Haven for re-plat Fee.
4. City must notify all property owners within 200 ft. of the property being considered for re-platting. Specific requirements are set out in the Texas Local Government Code for publication of Public Notices and for mail notification of owners of property located nearby.
5. City of Highland Haven will advertise required public notices for the Re-Plat Request.
6. City will submit Re-Plat Request to the Highland Haven Planning and Zoning Committee for review and recommendations.
7. P&Z will submit recommendations to the Board of Aldermen.
8. Board of Aldermen will schedule a Public Hearing.
9. Board of Aldermen will consider approval of the re-plat request following Public Hearing.
10. Once proposed re-plat is approved, owner must submit a final certified survey of the approved re-platted property to the City.
11. Once city officials have signed the certified final re-platted survey, property owner is responsible to file the survey with Burnet County 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 filed original is returned.

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 *16th* day of *February* 2016 during a scheduled meeting by the Board of Aldermen of The City of Highland Haven, Texas.

Olan Kelley, Mayor

ATTEST:

Seal

Dana Turner, City Secretary