

# CITY OF HORSESHOE BAY

## MAJOR DEVELOPMENT PROJECT REVIEW GUIDE (DEVELOPMENT GUIDE)

### Definitions

City:	The City of Horseshoe Bay, Texas
Developer:	The owner or developer of land (or such owner's or developer's representative) that elects to subdivide or improve real property within the jurisdiction of the City.
Development Review Committee:	The City's Development Services Director, City Department Heads, the City's Development Inspector and other City staff as designated.
Engineered Record Drawing:	Engineered record drawings reflect on-site changes the contractor made to the 'final construction issue' drawings on-site using red ink, and these can then be used by the consultant team to create engineered record drawings showing the completed project.
Exempt Project:	A Project that is not subject to the Guide is a: single family, two-family or multi-family residential building of 3 or less units on a platted and zoned lot.
Impact Fee:	A fee charged by the City on a Land Use Equivalent (LUE) basis to help the City pay for additional water and wastewater infrastructure required for the Project. For the City's current Impact Fee see REFERENCE #1.
Infrastructure:	Shall include public and private utilities such as water, wastewater, gas, electrical, streets, storm drainage, etc.
Land:	Land may be either raw land to be subdivided and developed, or existing land that is zoned and platted and ready for development.
Major Project:	A development project that includes commercial, multi-family with 4 or more units, or a mix of uses as in a Planned Development, or includes new utility and/or transportation infrastructure (such as a subdivision), or a project that requires more than two City Department reviews.
Planned Development:	A designation for a development that provides for the development of land as an integral unit for single or mixed use in accordance with an approved PD concept plan. Uses, regulations and other requirements in a PD ordinance may vary from the provisions of the existing zone the property is located in.
Project:	The Developer's proposed development of land and/or a new or expanded subdivision.
Public Improvement District:	An infrastructure financing mechanism whereby the cost of development infrastructure is repaid to the developer through assessments on the properties.
Staff:	City employees.
Staff Report:	Memo from City Staff that includes information to go with technical data presented before the Council, a Board or Commission.
Steps:	The 9 Steps outlined here that are required to complete the development process for a project

### Acronyms:

AHJ = Authority Having Jurisdiction	P&Z = Planning & Zoning Commission
CUP = Conditional Use Permit	PD = Planned Development
DRC= Development Review Committee	PEC = Pedernales Electric Cooperative
FLUM = Future Land Use Map	PID=Public Improvement District
LCRA = Lower Colorado River Authority	PDO = Planned Development Ordinance
LUE = Land Use Equivalent	RRC = Railroad Commission of Texas
TCEQ = Texas Commission on Environmental Quality	TXDOT=Texas Dept. of Transportation

## **Purpose**

The purpose of this Guide is to provide all current City requirements related to development in one document to both help guide developers of major projects through the development review process and protect the City's health, safety and general welfare.

## **Introduction**

All Developers, upon initiating preliminary plans for a Major Project on their land, shall contact the City's Development Services Director to obtain a copy of the Development Guide, including all Appendices. Appendix A - Pre-Concept Planning Considerations includes an overview of information which will be helpful prior to discussing the requirements and policies of the City. All zoning, subdivision planning and platting applications must be in accordance with the policies and procedures of the City. The Developer will be responsible for payment of any costs and fees related to the reviews by the City – see REFERENCE #2.

Notes:

1. All Projects must be in conformance with all City Ordinances – see REFERENCE #3.
2. For projects that do not meet all City Ordinances, there are processes available to apply for Variances and other special approvals, including Ordinance Amendments, for projects that are considered appropriate and/or beneficial for the City.
3. No reimbursements shall be made for engineering and legal costs of the Developer.
4. No building permit application can be accepted for building construction on any phase of a project until all utilities and infrastructure (water, wastewater, emergency access streets, electricity) is completed and all City infrastructure is accepted by the City and by all AHJs and their requirements, except if an all-weather base road approved by the Fire Chief and water and sewer services are provided to the site and electrical conduit is provided under the street. Construction for sentry monuments/gates, retaining walls, etc., will be allowed on a case by case basis prior to utility infrastructure being in place.
5. No building permit shall be issued for any major development project until a Major Project and all other required engineering for building (vertical) construction plans are first approved by the City. No certificate of occupancy shall be issued until all construction and development conforms to the Major Project, and all building permits and inspections, and engineering/construction plans, as approved by the City. The Major Project review process shall include the following:
  - (A) Pre-application conference; - Step 1 below;
  - (B) DRC Major Project technical review – Step 2 below;
  - (C) Steps 3 – 5B, as required, need to be completed prior to Step 6; and
  - (D) Construction of the project after City approval of the required Major Project and other associated plans, including engineering plans – Step 8.
  - (E) Step 9 – Final Acceptance of Project.
6. Official filing date. For the purpose of this Guide, the "official filing date" shall be the date upon which a submission for approval for a Major Project, that contains all required elements mandated by City ordinances, is deemed complete by the DRC. To be considered complete, the application must contain all elements and

information required by this Guide, plus any current statutory or regulatory requirements. No application shall be deemed officially filed until the DRC determines that the submission is complete, and notification of Completeness is issued.

**Incomplete Plans.** Major Project submissions that do not include all required information and materials designated under this article will be considered incomplete. Such incomplete plans shall not be accepted for official filing by the City, and shall not be scheduled for any action by the City until all of the required information is provided to City staff, as detailed in an e-mail to the applicant.

### **9 Steps in the City Development Project Review Process**

The following are the 9 Steps that are necessary and required for the review, approval and completion of Projects within the City. Below are the descriptions of each Step.

**Step 1 – Pre-application Conference.** Prior to formal application for approval of any Major Project, the applicant(s) shall request and attend a pre-application conference with the DRC in order to become familiar with the City's development regulations and the development process. At the Pre-application Conference, the developer may be represented by the applicant(s), the land planner, engineer, and surveyor.

After the date of the Pre-application Conference, the applicant has 180 days to submit a formal application. If a submission is not deemed a complete application within that time period, an additional pre-application conference will be required unless waived by the DRC.

### **Step 2 – DRC Project Technical Review**

DRC takes 10 business days from the date an application is submitted to review and provide comments to the applicant regarding the completeness of the application. Upon official filing of an administratively complete application for Major Project approval, the DRC shall commence technical review of the development proposal. DRC members shall review the application and shall ascertain its compliance with these and other applicable City regulations. Following City staff review of the plan and supporting documents, and following discussions with the applicant on any revisions deemed advisable and the kind and extent of improvements to be installed, the DRC shall take action on the administratively complete application.

A request by a developer for the DRC Project Technical Review must be delivered to the Development Services Director at least five (5) days prior to the date of the DRC meeting. The project technical review and a second review, if required, by DRC are at no cost to the developer. Any DRC review required beyond the second one will be charged to the developer at the standard hourly rate for all staff hours involved - see REFERENCE #2. Based on the size and scale of the project, the Developer may have up to 360 days from the date of the submission of the application for DRC review to complete the review process and apply for a building permit(s). A Project that exceeds 360 days will need a new application in compliance with current Code requirements, with any applicable fee in order for review to continue.

- A. Each Project shall be reviewed, and information provided to the Developer regarding all City requirements in order for the Project to be permitted, including but not limited to subdivision platting, replatting, rezoning, Planned Development Ordinance (PD), Development Agreement, Variance, Conditional Use Permit (CUP), a Zoning Ordinance amendment, and PEC, LCRA, RRC, TCEQ, TXDOT and federal agencies approvals, as required. Developers are responsible for placing Development Service Director-approved public hearing notices in the two currently adopted City newspapers and mailing of notices to property owners, as required by the particular type of City approval being applied for.

- B. The DRC's technical review of each Project's information package shall include, but not be limited to:
- Name of Developer, address(es) and telephone number(s).
  - Name of architectural/engineering firm, architect/engineer, address and telephone number.
  - General description of the Project and its location within the City.
  - Tax Certificate or deed showing legal ownership of the property and payment of all taxes due.
- C. A map or drawing to scale showing location of the Project, with:
- Type of Project (single-family, multi-family, office, commercial, mixed use).
  - Number, layout and size of lots for a subdivision.
  - A site plan showing the layout of buildings, parking areas, dumpster enclosure(s), access drives, etc..
  - Easements required.
  - General layout and size of existing and proposed water and wastewater mains to be installed.
  - General layout and size of existing and proposed water and wastewater system facilities.
  - General layout and size of existing and proposed irrigation and landscape systems.
  - General layout and size of LP gas, electrical and cable utilities to be installed.
  - Layout of streets, ROWs and street widths as required.
- D. Estimated maximum and average water demands:
- Number of LUEs required.
  - Fire flow requirements based on Project type (residential, commercial, mixed use, etc.)
- E. Acknowledgements for Project Approval or Disapproval and Right of Access/Easements
1. No Project shall be considered for approval unless it meets all City ordinances – see REFERENCE #3, and includes payment of all related fees and charges. The Project must successfully complete all of the Steps described herein, as well as any other City Council or Boards approvals.
  2. During any Step, the City has the authority to disapprove a proposed development project, said disapproval may be made based on detrimental engineering, economic, and/or operational impact of the proposed project on the City's utility system, and for zoning, subdivision and/or other regulatory issues.
  3. The DRC may vote to withdraw a prior Step approval of a Project if such approval was based on information provided by the Developer that proves to be false or misleading or if the Developer has failed to timely comply with any City requirements.

4. In the event the Development Services Director determines that a Developer has failed to timely comply with the City requirements or that any information given by the Developer is false or misleading, the Development Services Director will deliver a written notice, by both certified and regular mail to the Developer within five (5) days of the determination that a failure to comply has occurred. The Developer shall then have ten (10) days to correct any error by the Developer and respond to the City's notice. The DRC may discuss this item, and a decision as to the continuation or withdrawal of approval shall be made by the DRC, and a letter shall be delivered to the Developer informing the Developer of the Committee's decision.
5. If the DRC withdraws approval of the Project based on wrong information provided, the project must return to the previous step until correct information is submitted and approved.
6. As a public water supply agency engaged in activities that affect the health and welfare of the residents of its service area, the City has a right to access the Project's facilities, with both personnel and equipment, for the reasonable performance of repair, maintenance, and operational duties, and this right of access shall not be abridged by anyone.
7. The City has the authority to require easements for the City's water and wastewater facilities within the City's service area boundaries – both on property owned by the Developer that is under the process of project approval and on other property owned by the Developer within the City's boundaries. Easements required in conjunction with the Project shall be granted or acquired at no cost to the City. A request for an easement or easements may be made by the DRC, the City's Development Services Director, or the City's Utilities Director, and shall be submitted during this Step. The easement(s) shall be finalized prior to the granting of Step 6 approval by the DRC.
8. Additionally, the Developer shall, at its sole cost and expense, obtain all necessary easements for any facilities, to be constructed by the Developer, that are to be installed on property not owned by the Developer, and these easements - or a letter of intent to furnish such easement or easements (as provided by the owner of the property) - shall be submitted by the Developer to the City prior to the DRC's consideration of Step 6 approval.
9. As part of the development process, the Developer shall have the easement prepared per the directions of the DRC or Staff and shall submit it to the Development Services Director. Such approved easement(s) shall be recorded on the final plat and/or filed in the Llano or Burnet County Records as required. All costs associated with the preparation and filing of the easement(s) shall be borne by the Developer.
10. A Fire Marshall approved Knox box is required for any gate required for a private entrance.

**Step 3 – Development Agreement and/or Planned Development Ordinance (If needed)**

- A. The Developer and the City shall enter into a Development Agreement, to document all of the development rights and responsibilities of both the Developer and the City regarding the Project if the Project is located in the ETJ. The Development Agreement shall act as a formal contract by and between the City and the Developer whereby each party agrees to the project development uses and policies in effect on the date of the approval of a Project, and the Developer assures the City of compliance with all applicable rules and regulations and requirements of the City. The Development Agreement shall include a covenant by the Developer to comply with any and all representations of features or attributes of the Project made to the DRC by the Developer, which are deemed material to the City's ability to meet its obligations to the Project as

completed, and which are made part of a conditional approval of the Project in Step 2. The City Council may also adopt a Planned Development Ordinance that specifies the obligations and responsibilities of the Developer in lieu of a Development Agreement.

- B. Developer shall refer to the City's standards for development.
- C. Letter of Findings from the Development Services Director, which shall include:
- Compatibility statement - relating to the comparison of the Project with the policies of the City and a list of all required City approvals,
  - Capacity statement - relating to the demands of the Project and the effect upon the existing City infrastructure,
  - Oversizing statement - relating to the necessity for any necessary oversizing of facilities to be completed by the Developer, and
  - Concluding statement - relating to the Development Services Director's findings concerning the Project.
- D. Each Project shall be considered in the order received, and a project number shall be issued to each Project.
- E. After reviewing the materials submitted for Technical Review in Step 3, and considering any additional information concerning a Project, the DRC may: (a) vote to approve the pre-design of the Project and allow the Project to proceed to the next Step; (b) vote to table approval of the feasibility of the Project until further information is provided by the Developer or Staff to answer material concerns raised by the DRC; or (c) vote to conditionally approve the Initial Project Review, subject to such changes, additions, and modifications to the Project including but not limited to, information about the Project made by the Developer at the DRC meeting, which the DRC deems material to the City's ability to meet its obligations to the Project, and which are included as Project documents.
- F. Projects which require modifications may be reconsidered by the DRC once such modifications have been completed and re-submitted to the DRC. A new set of materials must be submitted to the Development Services Director for the parts of those Projects or the entire Project to be reconsidered by the DRC. Submittals of materials for DRC reconsideration shall be submitted to the Development Services Director at least ten (10) days prior to the date of the DRC meeting in which the materials will be considered.
- G. Upon successful completion of all requirements of this Step 3, including payment of all related costs and charges, the Project may advance to Step 4, Step 5A, Step 5B or Step 6 as required.

**Step 4 – Platting, Rezoning, Variances, CUPs (If needed)**

- A. If a plat, replat, rezoning, Planned Development Ordinance, Variance, or CUP is required, the Developer shall meet with the Development Services Director to discuss the requirements for public hearing notifications, City processing of requests, and materials to be submitted with the Development Services Director. All plats and replats shall be made by a licensed land surveyor from an actual survey of the property and shall comply with all requirements of the Subdivision Plat and Replat Sections of the City Code. All rezoning requests and text amendments shall comply with all requirements of the Zoning Ordinance Amendment Sections of the City Code.

- B. All required approvals by the City Council, Board of Adjustment, and Development Services Director must be obtained, and all required filings of final plats and replats for recording and construction bonds/letters of credit must be completed prior to the Project being able to go to the next Step.
- C. Upon successful completion of all requirements of this Step 4, including payment of all costs and charges, the Project may advance to Step 5A, Step 5B or Step 6, as required.

**Step 5A– Engineering & Infrastructure Pre-Design Review (If needed)**

When construction design and engineering work is beginning, the Developer shall contact the Development Services Director to schedule a meeting of the DRC, which includes all Department Heads, to provide detailed information to the Developer related to the City’s design and engineering requirements for the Project and respond to questions and issues. At this meeting, information on utility locations is provided, public safety requirements are presented, and all other outstanding issues are discussed and resolved. The Development Services Director shall prepare a written memorandum of the design and engineering issues discussed and agreed to and shall provide a copy to the Developer.

**Step 5B – Engineering Design Review (If needed)**

When Project engineering and design is no more than 80-85% complete, the Developer shall contact the Development Services Director to schedule a meeting of the DRC to review design and engineering details of the Project to ensure that they meet all City requirements. At this meeting, any alternative methods for meeting City requirements are presented and based on their justification, either approved or denied. Any required changes shall be incorporated in the final design and engineering plans prior to requesting the DRC meeting for Pre-Construction Review. The Development Services Director shall prepare a written memorandum of the design and engineering issues discussed and agreed to, and both the Development Services Director and the Developer shall sign a written memorandum.

Three (3) copies and a digital copy of water system plans (water mains, service lines and meters, fire hydrants, and all other water system facilities), fire flow analysis, wastewater facilities plans, and street plans shall be submitted to the Development Services Director and shall be reviewed by the DRC to ensure their compliance with the ordinances, policies and standards of the City.

**Step 6 – Approval of Engineering & Infrastructure Design**

DRC members will each sign the signature block on the approved plans in order to release the plans for Step 7. Prior to initiation of Project construction, the Developer must submit the construction contract, which shall contain all required bonds and certificates of insurance. The construction plans and specifications shall include the "Infrastructure General Notes" as prepared by the Developer’s engineer and approved by the City.

**Step 7 – Pre-Construction Review Meeting**

The DRC Pre-Construction Review meeting shall be held with the Project contractor's representative(s) approximately ten (10) working days, and no less than five (5) working days, prior to commencement of construction activities within the Project. The purpose of this meeting is to give one more opportunity for a face to face meeting between site supervisors, inspectors, etc. and to discuss timelines for construction. At this meeting, a Checklist with all of the City’s requirements for construction, including parking, security, inspections, etc. shall be provided. The Development Services Director shall prepare a written memorandum of the construction issues discussed and agreed to, and both the Development Services Director and the Developer shall sign a written memorandum. An Infrastructure Permit at no cost is issued at this meeting upon DRC approval of the infrastructure plans.

### **Step 8 - Construction of Project Improvements**

- A. Approval of any contractor disruption of City services (e.g., water shut-off, etc.) shall be required from the Development Services Director or designee no less than seventy-two (72) hours, excluding weekends and City Holidays, prior to the service disruption.
- B. The Inspector for the City shall make necessary inspections of work in progress. The Developer can contract with an independent inspection firm to do required inspections, provided the City approves the firm to do the work. Periodic inspections may be made by the City's Inspector, and special inspections shall be made as required. The costs for inspections and tests completed by Staff and those special tests and inspections required by the Project shall be billed to the Developer at City cost as required in a Water & Wastewater Agreement. Before the final acceptance of construction is granted, the costs of DRC review and any engineering and legal review and all inspections and tests must be paid to the City by the Developer from the required deposit. If the deposit falls below twenty-five (25%) percent of the initial amount, the deposit must be replenished with additional funds from the Developer. If the deposit is not replenished, a Stop Work Order will be posted on the Project and no work can continue until the deposit is restored. Any excess funds in the deposit account shall be returned to the Developer along with an accounting of City costs.
- C. Bi-weekly or other on-site meetings will be scheduled with the DRC, as required.

### **Step 9 - Final Acceptance of Project**

- A. After all infrastructure facilities are released for acceptance for permanent maintenance by the City, the City must be furnished with conveyance instruments, approved by the City Attorney, transferring title to all property, right-of-way, equipment and facilities as a part of the Project system improvements.
- B. After receipt of the required items listed in #A above, the DRC shall review the "conveyance instrument" executed by the Developer for final acceptance.
- C. Prior to the final acceptance of the Project, the DRC shall prepare a "Final Project Checklist" related to the Project and shall verify the following:
  - 1. All construction items shall be in compliance with the approved plans and change orders of the Project;
  - 2. All inspections and tests shall be satisfactorily completed and pass City requirements;
  - 3. All charges and fees shall be paid to the City by the Developer;
  - 4. Three (3) sets of Engineered Record Drawings of the plans of all facilities, along with one digital set of as-built plans, shall be furnished to the City at the expense of the Developer; and,
  - 5. That the Developer has complied with all other terms and provisions of the Project's Development Agreement/PD Ordinance, and all other City Ordinances and Agreements. The DRC shall also certify that all items have been completed per the requirements of the City of Horseshoe Bay.
- D. The conveyance of title to the City, the payment of all related charges associated with the Project by the Developer, and the DRC's approval vote concerning the Project shall constitute final acceptance of the Project by the City and shall complete the development process for the Project under that particular Development Agreement/PD Ordinance.



E. A supermajority vote (4 of 5) of the City Council is required for any deviation from this Guide.

#### REFERENCES

1. Article 10.04 Impact Fees of the City Code of Ordinances on City Website – [www.horseshoe-bay-tx.gov](http://www.horseshoe-bay-tx.gov)
2. Appendix A Fee Schedule of the City Code of Ordinances on City Website – [www.horseshoe-bay-tx.gov](http://www.horseshoe-bay-tx.gov)
3. City Code of Ordinances on City Website – [www.horseshoe-bay-tx.gov](http://www.horseshoe-bay-tx.gov)