

ORDINANCE NO. 24-01-04-06

AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING SECTION 3.110 OF CHAPTER 3 OF THE LAGO VISTA CODE OF ORDINANCES REGARDING BUILDING PERMIT APPLICATIONS, REVIEWS, AND REQUIREMENTS; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Lago Vista, Texas is a Home Rule City; and

WHEREAS, the City Council of the City of Lago Vista has previously established application and review procedures required for building permits within Section 3.110 of Chapter 3 of the Lago Vista Code of Ordinances, and

WHEREAS, the staff and members of the Building and Standards Commission of the City of Lago Vista have become aware of needed changes to the procedures and substantive requirements within Chapter 3, including improved consistency and coordination with the requirements found within Chapter 14, the Lago Vista Zoning Ordinance; and

WHEREAS, the Building and Standards Commission of the City of Lago Vista has undertaken a comprehensive review of procedures and substantive requirements within Chapter 3, including improved consistency and coordination with the requirements found within Chapter 14 that was initiated more than a year ago and which continues; and

WHEREAS, the Building and Standards Commission previously forwarded a recommendation to the City Council to amend the requirements contained in both Chapter 3 and Appendix A of the Lago Vista Code of Ordinances which specifically related to other procedures and requirements for building permit applications which was adopted as Ordinance No. 23-10-19-03; and

WHEREAS, the Building and Standards Commission were aware that largely completed portions of their comprehensive review would be needed for Ordinance No. 23-10-19-03 to become more effective and to achieve all of the desired outcomes; and

WHEREAS, the Building and Standards Commission undertook a final review of the work they had been doing on Section 3.110 of Chapter 3 of the Lago Vista Code of Ordinances at their regular meeting on December 6, 2023; and

WHEREAS, the Building and Standards Commission of the City of Lago Vista has forwarded a recommendation to the City Council to amend the requirements contained in Section 3.110 of Chapter 3 of the Lago Vista Code of Ordinances as described below; and

WHEREAS, the City Council desires to amend the Lago Vista Code of Ordinances as described below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

SECTION 1. FINDINGS OF FACT. All of the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

SECTION 2. AMENDMENT. The City Council of the City of Lago Vista, Texas, does hereby amend Section 3.110 of Chapter 3 of the Lago Vista Code of Ordinances as shown in Exhibit "A."

SECTION 3. REPEALER. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

SECTION 4. SEVERABILITY CLAUSE. If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. CODIFICATION AND PUBLICATION. The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.013 of the *Texas Local Government Code*.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the *Texas Local Government Code*.

SECTION 7. OPEN MEETINGS. 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 public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 4th day of January 2024.



Kevin Sullivan, Mayor



ATTEST:

Lucy Aldrich

Lucy Aldrich, City Secretary

On a motion by Councilor Prince, seconded by Councilor Roberts, the above and foregoing ordinance was passed and approved.

EXHIBIT "A"

CHAPTER 3

BUILDING REGULATIONS

Sec 3.110 Permits and Approvals

Permits shall only be obtained under the following rules and regulations.

(a) Work Requiring Approval and/or Permit.

- (1) It is unlawful for any person or entity to erect, construct, enlarge, alter, perform repairs, move, improve, remove, convert, demolish any building, structure, or manufactured home, or to install plumbing, electrical, mechanical, or irrigation systems governed by the aforementioned codes or state statutes, without first obtaining a city permit. An owner may make minor improvements and repairs on any structure without a permit provided such improvements and repairs are not regulated by this section or other ordinances and/or building codes. An owner planning such improvements and/or repairs shall first contact the city to determine in each instance whether or not a permit is required. The city manager, the building official, a building inspector, or their designee shall have the right to inspect all such improvements and/or repairs.
- (2) Grading/Site Development. Fill dirt may be removed from, or added to an area within the city, and grading or site development (including removal of any trees other than Ashe junipers) without a permit may occur only upon approval of the city manager or their designee in accordance with this article and/or the site development regulations. Grading plans signed and sealed by an engineer registered in the state may be required to be submitted to the city prior to obtaining such approval. Generally, no one shall be permitted to deliberately alter the topographic conditions of a lot or parcel of land in any way that would permit additional quantities of water from any source, other than what nature originally intended to flow from his property onto any adjoining property or to concentrate runoff that would cause erosion. Upon consultation and approval of the city, the owner shall direct, through the grading of the property and/or the construction of drainage facilities, drainage runoff to the nearest drainage culvert, public right-of-way with a roadside ditch, drainage easement or natural drainageway.

(b) On-Site Sewage Facility (OSSF) Approval. Before a city building permit of any type will be issued for any construction on an unimproved lot requiring an OSSF, a permit to construct a private sewage facility from all applicable governing agencies (including the city or LCRA) must accompany the plans and specifications. A private sewage operating license must be presented to the city prior to scheduling an inspection for a certificate of occupancy on new construction.

(c) Application Procedures. To obtain a permit, the applicant shall file an application on a form provided by the city with the city as provided hereinafter along with the required fee and shall:

- (1) Request a utility extension cost estimate:
 - (A) Upon receipt of a building permit application for a residential dwelling or commercial structure the city manager or their designee will initiate the preparation of a utility extension estimate for water and sewer service for the purpose of determining the availability and cost of extending water and/or sewer service to the property described in the permit application;
 - (B) The cost of preparing the estimate shall be assessed to the individual or entity submitting the application at the time the application is submitted. The fee to be assessed for the estimate shall be based on the city fee schedule, unless unusual circumstances are encountered requiring professional engineering review by the city, in which case the fee shall be determined by the city manager, or their designee based upon the actual cost of preparation plus an administrative charge designed to recover any and all costs incurred by the city for preparation of the estimate;
 - (C) The estimate requirement may be waived by the city at the discretion of the city manager or their designee on the following basis:
 - (i) A current and accurate estimate exists for the extension of water and/or sewer service to the property;
 - (ii) The applicant provides a written affidavit to the city that water and/or wastewater services will be provided to the property by other means approved by the city manager or their designee.
- (2) Submit the application with a set of appropriately scaled plans, specifications, and other documents as may be required in a digital format approved in advance by the building official, including but not limited to the items described in subsections (d) and (e) below;
- (3) Identify and describe the work to be covered by the permit for which application is made;
- (4) Describe the site on which the proposed work is to be done; by lot, section, street address, or similar description that will readily and definitively identify and locate the proposed work;
- (5) Indicate the use or occupancy for which the proposed work is intended;
- (6) Be signed by the applicant or his authorized agent (see Section 3.111 below) who may be required to submit evidence to indicate such authority;
- (7) Give supplemental information as reasonably may be required by the city after preliminary review of the application and plans; and

(8) Submit a statement by the owner or the owner's representative as to whether or not the property is within the one-percent annual chance floodplain.

(d) Site Plans.

(1) Single-Family and Two-Family Residences. All applications for single-family or two-family residential building permits shall be accompanied by a an appropriately scaled site plan in a digital format approved in advance by the building official. The site plan shall include but not be limited to the following:

- (A) A legal description of the land included on the site plan and the addresses and telephone numbers of the owner, registered contractor, and the designer or architect;
- (B) The municipal address of the property, amended as required with Travis County 911 Addressing to ensure consistency with the location of the designated front yard (see Chapter 14);
- (C) Natural drainage features such as watercourses, springs, and ponds;
- (D) Location and dimensions of easements and setbacks as described in subdivision plats, restrictive covenants, and all applicable local ordinances;
- (E) Floodplain elevations if the lot is subject to inundation by the one-percent annual chance storm. If the building foundation is within the floodplain, the following procedure will apply:
 - (i) Prior to obtaining a building permit, the applicant shall furnish the city an elevation certificate and a letter from an architect, professional engineer or surveyor, stating that an elevation control point (temporary benchmark) has been established on the property, and indicate the elevation of the temporary benchmark, along with the floodplain elevation.
 - (ii) Immediately upon completion of the first habitable floor level, the applicant shall return a properly completed FEMA elevation certificate certifying that the first habitable floor elevation is one (1) foot above the base flood elevation (BFE) (the elevation inundated by the one-percent annual chance storm).
 - (iii) Any other information required by the city flood damage prevention ordinance, including the location of proposed walks, driveways and culverts.
- (F) The shape, size, and location of all buildings, including roof overhangs, decks, or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot.
- (G) The site plan shall address the drainage patterns that affect the lot or any other lots or properties that may be adversely affected by the development of the lot. Stormwater leaving a site shall be directed to a roadside ditch or to a defined drainage ditch within

a dedicated drainage easement. The site plan shall verify that the runoff will not drain uncontrolled onto a downstream adjacent property. The site plan shall determine and show the drainage patterns coming onto the lot and leaving the lot. The drainage patterns shall be determined for an area that includes at least two lots in addition to the subject property including the depth of two lots across the street, two lots on either side, and two lots behind the lot being developed. The drainage patterns of the roadside ditch including existing and proposed drainage culverts, shall be determined, and shown on the site plan. The drainage patterns of the roadside ditch, including existing and proposed drainage culverts, shall be determined, and shown on the site plan. The city manager or their designee may require a drainage study prepared by a registered professional civil engineer with calculations for approval to ensure that there will be no adverse drainage or runoff impacts created by proposed grading or topographic changes, and constructed improvements.

- (H) A protected tree survey prepared by a registered professional land surveyor and a landscape plan in accordance with the city landscape and tree preservation ordinance. The landscape plan shall show which trees will be removed along with the trees and shrubs required for compliance with all applicable requirements.
- (I) An irrigation plan, if such is proposed, which requires a separate permit application and fee.

(2) Multifamily, Commercial and Other Development. In addition to the requirements above for a single-family or two-family residence, site plans for all other development shall be in accordance with the city's site development plan and design review ordinances as amended from time to time (see Chapter 10.5 and Section 6.105 of Chapter 14). Required site development plan and design approvals shall be secured prior to the issuance of any individual building permits.

(e) Construction Plans and Specifications. For all contemplated construction on the site, appropriately scaled plans in a digital format approved in advance by the building official shall be provided to the city and such plans shall include at least the following information:

- (1) Scaled floor plan of each floor and the basement, if any, for each building;
- (2) Plan of all attached decks, porches, covered walkways, attached garage or carport and all other structures as herein defined;
- (3) Plan shall provide the total square footage of both subsections (e)(1) and (e)(2) above;
- (4) Location of all permanently installed structures and equipment, such as closets, storage, plumbing, fixtures, appliances, etc.;
- (5) Location and symbols of all electrical equipment, including switches, outlets, fixtures, etc.;
- (6) Exterior elevations:

- (A) All exterior elevations;
- (B) Wall and roof finish materials;
- (C) Dimensions of overhang;
- (D) Finished floor elevations of the lowest floor and the maximum elevation of the roof ridge as related to the highest existing natural grade elevation on the property, with that highest existing natural grade elevation being identified on a topographic map or survey of the lot signed by a registered professional land surveyor;

(7) Structural section:

- (A) Cross section of typical wall construction details;
- (B) Scaled plan of the foundation with sections of typical beams, footings, and girders designed and sealed by a registered professional engineer;
- (C) Copy of specifications.

(8) An energy compliance certificate (REScheck or COMcheck as applicable).

(9) A schedule of all outdoor light fixtures and controls, including the manufacturer, model number and lamp specification (including color corrected temperature) of each fixture.

(f) Permit Issuance.

- (1) If the work described in an application for a building permit conform to the requirements of this section and other applicable ordinances, the city shall notify the applicant by email of the successful reviews, subject to minor corrections, if necessary.
 - (A) The applicant must pay all applicable fees and sign the issued permit within ninety (90) days of notification by email of the successful review, or the approval expires, and a new application and local review is required.
 - (B) Applications required by the expiration of a review approval submitted within one (1) year of the original approval notification shall require a local review fee that is twice the amount specified in the fee schedule.
 - (C) Applications, including those that have previously obtained expired approvals, shall be reviewed under the ordinances, building codes, and fire codes applicable at the time the new application is determined to be complete.
- (2) Building permit issuance does not include permission to install fences, swimming pools, irrigation systems, plumbing, electrical and/or mechanical systems, etc. Separate permits are required for fences, swimming pools, irrigation systems, and other similar improvements. Separate permit fees and review of credentials required by the Texas Department of Licensing and Regulations are a prerequisite for the installation of plumbing, electrical

and/or mechanical systems in a principal building for which a permit has already been issued.

- (3) Only state-licensed master plumbers, electricians, and state-licensed mechanical contractors or those designated in writing to the city by the master may be issued permits after or concurrent with the issuance of a building permit to an owner or registered contractor.
- (4) All plumbing, electrical and mechanical applicants are required to register with the city and provide the city with a copy of their valid state license. See Section 3.111 of Chapter 3 below.
- (5) Prior to the formal issuance of a building permit, the applicant shall be informed by email of a successful review, subject to any conditions or corrections specified in that approval. A copy of that review is stored in the digital project file and remains accessible to the applicant. Such approved plans, documents, and specifications shall not be changed, modified, or altered without authorization from the city being included in the digital project file. All work shall be done in accordance with the approved plans as modified.

(g) Retention of Plans. One set of approved plans, documents, and specifications shall be retained by the city and stored on the permitting website maintained by a third-party vendor, accessible using the credentials established when the application was originally submitted. All other requests for permit documents shall require an open records request through the City Secretary and include a review by the City Attorney.

(h) Validity. The issuance or granting of a permit, or approval of plans and specifications, shall not be construed to be authority for, or an approval of, any violation of any of the provisions of this section or any other city ordinance. No permit purporting to give authority, to violate or cancel the provisions of this section, shall be valid, except insofar as the work or use which it authorized is lawful and conforms to the requirements of this section or variance or modification granted pursuant to this article. The issuance of a permit based upon plans and specifications shall not prevent the city manager or their designee from thereafter requiring a correction of errors in said plans and specifications or from preventing building operations being carried on hereunder when in violation of this article or of any other ordinance of the city.

(i) Representations by Applicant. All representations, whether oral or written, made by the applicant or his agent in support of an application for any permit under this article become conditions upon which such permit is issued. It shall be unlawful for any applicant to vary from such representations without first applying to amend the permit and receiving approval by the city. Amendments to the approved permit documents shall require the review and processing fee established by the fee schedule.

(j) Permit Fees.

- (1) The city has established fees to cover the costs of applications, plan review, inspections and other expenses incurred by the city in the administration of this article. Where work, for which a permit is required by this article, is commenced prior to obtaining a required permit, the fees specified in the schedule shall be doubled. The payment of such a double fee shall

not relieve any person from fully complying with the requirements of this article in the execution of the work nor from any other penalties prescribed herein. The applicant will be required to comply with all ordinances.

- (2) In the event an applicant withdraws his application submission or does not construct under the issued permit, and has paid a plan review and permit fee, at the request of the applicant the city will refund the building permit fee less fifty (50) percent of the fee to cover the cost of administrative expenses incurred as a result of the submission. When a separate plan review component is established by the schedule of fees contained elsewhere herein, no portion of that plan review fee shall be returned, even if the plan review has not been completed. When the schedule of fees does not include a separate review and permit fee, no portion of the fee shall be refunded.
- (3) In the event the application and/or plans submitted for a building permit do not meet requirements and is rejected by the city for any reason the city shall not refund any portion of the fee that is designated for plan reviews.
- (4) The city may allow for the transference or credit of fees collected for a permit to a different party who might desire to exercise any portion of those same rights on the same property. However, the right to use any existing permit documents shall require authorization from the individual or entity that provided them, subject to the review of the City Attorney.
- (5) Re-inspections required as the result of incomplete or deficient work that does not otherwise meet the provisions below shall result in additional fees assessed in accordance with the schedule contained in Appendix A.
- (6) Site visits required to investigate, or document verified violations of any provision of any applicable chapter, specifically including any regulations intended to minimize the disturbance to adjacent property owners shall be assessed at the rate established for second or subsequent re-inspections. Such fees shall be assessed against the primary building permit, regardless of whether the violation was committed by any sub-contractor, including those that might be required to take out concurrent permits as specified above.

(k) Expirations, Extensions, Renewals, Suspensions and Revocations.

- (1) Building and subcontractor permits issued under the provisions of this chapter are valid until such time as the work authorized by that permit has been satisfactorily completed in accordance with all applicable requirements, as evidenced by a Certificate of Occupancy (not a temporary Certificate of Occupancy), or for a period as follows:
 - (A) Miscellaneous or accessory structure permits — six (6) months from the date of approval;
 - (B) Residential or site work permits — twelve (12) months from the date of approval;
 - (C) Multifamily and nonresidential permits five thousand (5,000) square feet in area and below — twelve (12) months from the date of approval; and

(D) Multifamily and nonresidential permits greater than five thousand (5,000) square feet in area — twenty-four (24) months from the date of approval.

(2) The city manager or their designee may, upon written notice, suspend or revoke a permit used under the provisions of this section whenever the permit is issued in error, is based on incorrect information, or for violations of the provisions of this chapter or any other city ordinance. Every permit issued under the provisions of this article shall expire and become null and void, with all permit and review fees forfeited in accordance with subsection (j) above if the work authorized by such permit is not commenced within ninety (90) days from the date of approval. Also see subsection (f) above. Permits shall also expire and become null and void, with all permit and review fees forfeited if the work authorized by such permit is suspended or abandoned for a period of two (2) months at any time after the work has originally commenced. Where work has stopped or been abandoned, and/or the permit has been revoked or become null and void prior to completion in accordance with all applicable requirements of this chapter, the unfinished work shall be deemed a violation of both the building and property maintenance regulations for which the permit holder and/or the property owner shall be held responsible as specified elsewhere herein. Work that has been completed and inspected in accordance with all applicable provisions of this article and best industry practices is eligible for completion pursuant to an approved new permit application and payment of fees in accordance with the schedule. See subsection (4) below for requirements related to work that has been completed without documented inspections required by this article or the applicable model building code.

(3) Subject to consistent progress or documented hardship, the permit holder may apply for extensions to the time limits specified above. Pursuant to the payment of a fee in an amount equal to the original permit fee or the scheduled renewal fee, whichever is greater, the building official may authorize a six (6) month extension to satisfactorily complete the work. Extension fees shall not include any portion of the permit fee specifically identifiable as a review fee. Pursuant to the payment of additional fees in an amount equal to the original permit fee or the scheduled renewal fee, whichever is greater, the building official may authorize additional extensions in six month increments up to a maximum time limit of thirty-six (36) months to complete the work as defined above.

(4) Any permit that has not resulted in a Certificate of Occupancy within the required deadline after issuance specified above shall be considered permanently revoked. If applicable, the code enforcement authority shall pursue all appropriate remedies applicable to dangerous or unsafe structures and property. After a permit has been permanently revoked, a new application, fee and review is required, along with an updated set of documents that completely and accurately reflect the current state of completion. Work that has been completed without documented inspections shall be subject to demolition. In addition, the approval of the City Council is required and shall be based only the basis of extraordinary hardship or circumstances. In accordance with Section 3.121 below, the City Council has the authority to require a performance bond as a prerequisite for a new permit approval.

(I) Setback and Height Verification. A form survey, prepared by a state-registered professional land surveyor, is required for any new principal building, any accessory buildings over one hundred and

twenty (120) square feet, additions to any principal or accessory buildings, swimming pools, and decks if the plans submitted indicate it will be closer than ten (10) feet to any building setback or property line. When applicable, the form survey shall be provided as a condition of the first required inspection. See Section 3.112 below. The form survey shall include the elevation of the top of each level of the forms in addition to an indication of the distance between all relevant improvements and the nearest property line or dedicated easement.

CHAPTER 3

BUILDING REGULATIONS

Sec 3.110 Permits And/Or and Approvals

Permits shall only be obtained under the following rules and regulations.

(a) Work Requiring Approval and/or Permit.

- (1) It is unlawful for any person or entity to erect, construct, enlarge, alter, perform repairs, move, improve, remove, convert, demolish any building, structure, or ~~mobile~~ manufactured home, or to install plumbing, electrical, mechanical, or irrigation systems governed by the aforementioned codes or state statutes, without first obtaining a city permit. An owner may make minor improvements and repairs on any structure without a permit provided such improvements and repairs are not regulated by this section or other ordinances and/or building codes. An owner planning such improvements and/or repairs shall first contact the city to determine in each instance whether or not a permit is required. The city manager, the building official, a building inspector, or their designee shall have the right to inspect all such improvements and/or repairs.
- (2) Grading/Site Development. Fill dirt may be removed from, or added to an area within the city, and grading or site development (~~including removal of any trees other than Ashe junipers~~) without a permit may occur only upon approval of the city manager or ~~his/her~~ their designee in accordance with this article and/or the site development regulations. Grading plans signed and sealed by an engineer registered in the state may be required to be submitted to the city prior to obtaining such approval. Generally, no one shall be permitted to deliberately alter the topographic conditions of a lot or parcel of land in any way that would permit additional quantities of water from any source, other than what nature originally intended to flow from his property onto any adjoining property or to concentrate runoff that would cause erosion. Upon consultation and approval of the city, the owner shall direct, through the grading of the property and/or the construction of drainage facilities, drainage runoff to the nearest drainage culvert, public right-of-way with a roadside ditch, drainage easement or natural drainageway.

(b) On-Site Sewage Facility (OSSF) Approval. Before a city building permit of any type will be issued for any construction on an unimproved lot requiring an OSSF, a permit to construct a private sewage facility from ~~the all applicable~~ governing ~~agency~~ agencies (~~including the city or LCRA~~) must accompany the plans and specifications. A private sewage operating license must be presented to the city prior to scheduling an inspection for a certificate of occupancy on new construction.

(c) Application Procedures. To obtain a permit, the applicant shall file an application on a form provided by the city with the city as provided hereinafter along with the required fee and shall:

- (1) Request a utility extension cost estimate:
 - (A) Upon receipt of a building permit application for a residential dwelling or commercial structure the city manager or ~~his/her~~ their designee will initiate the preparation of a utility extension estimate for water and sewer service for the purpose of determining the availability and cost of extending water and/or sewer service to the property described in the permit application;
 - (B) The cost of preparing the estimate shall be assessed to the individual or entity submitting the application at the time the application is submitted. The fee to be assessed for the estimate shall be based on the city fee schedule, unless unusual circumstances are encountered requiring professional engineering review by the city, in which case the fee shall be determined by the city manager, or ~~his/her~~ their designee based upon the actual cost of preparation plus an administrative charge designed to recover any and all costs incurred by the city for preparation of the estimate;
 - (C) The estimate requirement may be waived by the city at the discretion of the city manager or ~~his/her~~ their designee on the following basis:
 - (i) A current and accurate estimate exists for the extension of water and/or sewer service to the property;
 - (ii) The applicant provides a written affidavit to the city that water and/or wastewater services will be provided to the property by other means approved by the city manager or ~~his~~ their designee.
- (2) Submit the application with ~~two (2) sets of 1/4 inch scale~~ a set of appropriately scaled plans, ~~or other scale~~ specifications, and other documents as may be required in a digital format approved in advance by the building official ~~and specifications as may be required by the building official~~, including but not limited to the items described in subsections (d) and (e) below;
- (3) Identify and describe the work to be covered by the permit for which application is made;
- (4) Describe the site on which the proposed work is to be done; by lot, section, ~~tract, and house or structure and~~ street address, or similar description that will readily ~~and definitely~~ identify and ~~definitely relocate~~ locate the proposed work;
- (5) Indicate the use or occupancy for which the proposed work is intended;
- (6) Be signed by the applicant or his authorized agent (~~see Section 3.111 below~~) who may be required to submit evidence to indicate such authority;
- (7) Give supplemental information as reasonably may be required by the city after preliminary review of ~~the~~ application and plans; and
- (8) Submit a statement by the owner or the owner's representative as to whether or not the property is within the one-percent annual chance floodplain.

(d) Site Plans.

(1) Single-Family and Duplexes Two-Family Residences. All applications for single-family or ~~duplex~~ two-family residential building permits shall be accompanied by ~~a~~ an appropriately scaled site plan ~~for each set of plans, drawn to a scale of no less than one inch (1") equals twenty feet (20')~~ in a digital format approved in advance by the building official. The site plan shall ~~contain~~ include but not be limited to the following:

- (A) A legal description of the land included on the site plan and ~~of the lot~~, the addresses and telephone numbers of the owner, ~~builder~~ registered contractor, and the designer or architect;
- (B) ~~Lot, block, section and street number~~ The municipal address of the property, amended as required with Travis County 911 Addressing to ensure consistency with the location of the designated front yard (see Chapter 14);
- (C) Natural drainage features such as watercourses, springs, and ponds;
- (D) Location and dimensions of easements and ~~setback requirements~~ setbacks as ~~outlined described~~ in subdivision plats, restrictive covenants, and ~~this section~~ all applicable local ordinances;
- (E) Floodplain elevations; if the lot is subject to inundation by the one-percent annual chance storm. If ~~such the~~ building ~~or living unit's~~ foundation is within the floodplain, the following procedure will apply:
 - (i) Prior to obtaining a building permit, the applicant shall furnish the city an elevation certificate and a letter from an architect, professional engineer or surveyor, stating that an elevation control point (temporary benchmark) has been established on the property, and indicate the elevation of the temporary benchmark, along with the floodplain elevation.
 - (ii) Immediately upon completion of the first habitable floor level, the applicant shall return a properly completed FEMA elevation certificate certifying that the first habitable floor elevation is one (1) foot above the base flood elevation (BFE) (the elevation inundated by the one-percent annual chance storm).
 - (iii) Any other information required by the city flood damage prevention ordinance, ~~Location including the location~~ of proposed walks, driveways and culverts.
- (F) The shape, size, and location of all buildings, including roof overhangs, decks, or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot.
- (G) The site plan shall address the drainage patterns that affect the lot or any other lots or properties that may be adversely affected by the development of the lot. ~~Drainage water~~ ~~Stormwater~~ leaving a site shall be directed to a roadside ditch or to a ~~defined~~ drainage ditch within a ~~dedicated~~ drainage easement ~~with a defined ditch~~. The site plan shall verify that the runoff will not drain ~~on to~~ ~~uncontrolled~~ onto a downstream ~~neighbor's yard~~ ~~uncontrolled~~ adjacent property. The site plan shall determine and show the drainage patterns coming onto the lot and leaving the lot. The drainage

patterns shall be determined for an area that includes at least two lots away in addition to the subject property including the depth of two lots depths across the street, two lots on either side, of and two lots behind the lot being developed. The drainage patterns of the roadside ditch, including existing and proposed drainage culverts, including driveway culverts existing and proposed, shall be determined, and shown on the site plan. The city manager or his their designee may require a drainage study prepared by a registered professional civil engineer provide plans and with calculations for approval to ensure that there will be no adverse drainage or runoff impacts created by proposed grading or topographic changes, and constructed improvements or topographic change or construction.

- (H) A protected tree survey prepared by a registered professional land surveyor and a landscape plan in accordance with the city landscape and tree preservation ordinance. Show The landscape plan shall show which trees will be removed and along with the trees and shrubs to be planted required for compliance with all applicable requirements.
- (I) An irrigation plan, if such is proposed, which requires a separate permit application and fee.

(2) Multifamily, Commercial and Other Development. Site In addition to the requirements above for a single-family or two-family residence, site plans for any all other development which is not either single family or duplex shall be in accordance with the city's site development plan development and design review ordinances as amended from time to time (see Chapter 10.5 and Section 6.105 of Chapter 14). Required site development plan and design approvals shall be secured prior to the issuance of any individual building permits.

(e) Construction Plans and Specifications. For all contemplated construction on the site, at least two (2) sets of appropriately scaled plans at a scale in a digital format approved in advance by the building official shall be provided to the city and such plans shall include at least the following information:

- (1) Scaled floor plan of each floor and the basement, if any, for each building;
- (2) Plan of all attached decks, porches, covered walkways, attached garage or carport and all other structures as herein defined;
- (3) Plan shall provide the total square footage of both subsections (e),(1) and (e),(2) above;
- (4) Location of all permanently installed structures and equipment, such as closets, storage, plumbing, fixtures, appliances, etc.;
- (5) Location and symbols of all electrical equipment, including switches, outlets, fixtures, etc.;
- (6) Exterior elevations:
 - (A) All exterior elevations;
 - (B) Wall and roof finish materials;
 - (C) Dimensions of overhang;

(D) Finished floor elevations of the lowest floor and the maximum elevation of the roof ridge as related to the highest ~~existing~~ natural ~~contour point of~~ grade elevation on the property, ~~and a~~ with that highest ~~existing~~ natural grade elevation being identified on a topographic map ~~or survey~~ of the lot signed by a registered professional land surveyor ~~shall be submitted at the discretion of the city~~;

(7) Structural section:

- (A) Cross section of typical wall construction details;
- (B) ~~Sealed~~ Scaled plan of the foundation ~~and pertinent~~ with sections of typical beams, footings, and girders designed and sealed by a registered professional engineer;
- (C) Copy of specifications.

(8) ~~Submit an~~ An energy compliance certificate (REScheck or COMcheck as applicable).

(9) A schedule of all outdoor light fixtures and controls, including the manufacturer, model number and lamp specification (including color corrected temperature) of each fixture.

(f) Permit Issuance.

- (1) If the work described in an application for a building permit ~~and the plans filed therewith~~ conform to the requirements of this section and other ~~pertinent laws~~ applicable ordinances, ~~and if the required fees have been paid~~, the city shall ~~conduct a plan check and if approved may issue a permit to the applicant~~, notify the applicant by email of the successful reviews, subject to minor corrections, if necessary.
 - (A) The applicant must pay all applicable fees and sign the issued permit within ninety (90) days of notification by email of the successful review, or the approval expires, and a new application and local review is required.
 - (B) Applications required by the expiration of a review approval submitted within one (1) year of the original approval notification shall require a local review fee that is twice the amount specified in the fee schedule.
 - (C) Applications, including those that have previously obtained expired approvals, shall be reviewed under the ordinances, building codes, and fire codes applicable at the time the new application is determined to be complete.
- (2) Building permit issuance does not include permission to install fences, swimming pools, irrigation systems, plumbing, electrical and/or mechanical systems, etc. Separate permits are required for ~~that work are required~~ fences, swimming pools, irrigation systems, and other similar improvements. Separate permit fees and review of credentials required by the Texas Department of Licensing and Regulations are a prerequisite for the installation of plumbing, electrical and/or mechanical systems in a principal building for which a permit has already been issued.
- (3) Only state-licensed master plumbers, electricians, and state-licensed mechanical contractors or those designated in writing to the city by the master may be issued permits after or concurrent with ~~the~~ issuance of a building permit to ~~an~~ owner or ~~registered~~ contractor.

(4) All plumbing, electrical and mechanical applicants are required to register with the city and provide the city with a copy of their valid state license. See Section 3.111 of Chapter 3 below.

(5) ~~When the city issues~~ Prior to the formal issuance of a building permit, the ~~city shall endorse in writing and stamp on all set of plans "approved."~~ applicant shall be informed by email of a successful review, subject to any conditions or corrections specified in that approval. A copy of that review is stored in the digital project file and remains accessible to the applicant. Such approved plans, documents, and specifications shall not be changed, modified, or altered without authorization from the city ~~being included in the digital project file.~~ All work shall be done in accordance with the approved plans as modified.

(g) Retention of Plans. One set of approved plans, documents, and specifications shall be retained by the city ~~and stored on the permitting website maintained by a third-party vendor, and one (1) set of approved plans and specifications shall be returned to the applicant~~ accessible using the credentials established when the application was originally submitted. All other requests for permit documents shall require an open records request through the City Secretary and include a review by the City Attorney.

(h) Validity. The issuance or granting of a permit, or approval of plans and specifications, shall not be construed to be authority for, or an approval of, any violation of any of the provisions of this section or any other city ordinance. No permit purporting to give authority, to violate or cancel the provisions of this section, shall be valid, except insofar as the work or use which it authorized is lawful and conforms to the requirements of this section or variance or modification granted pursuant to this article. The issuance of a permit based upon plans and specifications shall not prevent the city manager or ~~his/her~~ their designee from thereafter requiring a correction of errors in said plans and specifications or from preventing building operations being carried on hereunder when in violation of this article or of any other ordinance of the city.

(i) Representations by Applicant. All representations, whether oral or written, made by the applicant or his agent in support of an application for any permit under this article become conditions upon which such permit is issued. It shall be unlawful for any applicant to vary from such representations without first applying to amend the permit and receiving approval by the city. ~~Amendments to the approved permit documents shall require the review and processing fee established by the fee schedule.~~

(j) Permit Fees. ~~The city manager or his/her designee may, in writing, suspend or revoke a permit used under the provisions of this section whenever the permit is issued in error, or on the basis of incorrect information, or for violations of the provisions of this article or any other city ordinance.~~

(1) The city has established fees to cover the costs of applications, plan review, inspections and other expenses incurred by the city in the administration of this article. Where work, for which a permit is required by this article, is commenced prior to obtaining a required permit, the fees specified ~~in the schedule~~ shall be doubled. The payment of such a double fee shall not relieve any persons from fully complying with the requirements of this article in the execution of the work nor from any other penalties prescribed herein. The applicant will be required to comply with all ordinances.

(2) In the event an applicant withdraws his application submission or does not construct under the issued permit, and has paid a plan review and permit fee, at the request of the applicant the city will refund the building permit fee less fifty (50) percent of the fee to cover the cost

of administrative expenses incurred as a result of the submission. When a separate plan review component is established by the schedule of fees contained elsewhere herein, no portion of that plan review fee shall be returned, even if the plan review has not been completed. **When the schedule of fees does not include a separate review and permit fee, no portion of the fee shall be refunded.**

- (3) In the event the application and/or plans submitted for a building permit do not meet requirements and is rejected by the city for any reason the city shall not refund any portion of the fee that is designated for plan reviews.
- (4) The city may allow for the transference or credit of fees collected for a permit to a different party who might desire to exercise any portion of those same rights on the same property. **However, the right to use any existing permit documents shall require authorization from the individual or entity that provided them, subject to the review of the City Attorney.**
- (5) Re-inspections required as the result of incomplete or deficient work that does not otherwise meet the provisions below shall result in additional fees assessed in accordance with the schedule contained in Appendix A.
- (6) Site visits required to investigate, or document verified violations of any provision of **this any applicable** chapter, specifically including any regulations intended to minimize the disturbance to adjacent property owners shall be assessed at the rate established for second or subsequent re-inspections. Such fees shall be assessed against the primary building permit, regardless of whether the violation was committed by any sub-contractor, including those that might be required to take out concurrent permits as specified above.

(k) Expirations, Extensions, Renewals, Suspensions and Revocations.

- (1) Building and subcontractor permits issued under the provisions of this chapter are valid until such time as the work authorized by that permit has been satisfactorily completed in accordance with all applicable requirements, as evidenced by a Certificate of Occupancy (not a temporary Certificate of Occupancy), or for a **time** period as follows:
 - (A) Miscellaneous or accessory structure permits — six (6) months from the date of approval;
 - (B) Residential or site work permits — twelve (12) months from the date of approval;
 - (C) Multifamily and nonresidential permits five thousand (5,000) square feet in area and below — twelve (12) months from the date of approval; and
 - (D) Multifamily and nonresidential permits greater than five thousand (5,000) square feet in area — twenty-four (24) months from the date of approval.
- (2) The city manager or **his** **their** designee may, upon written notice, suspend or revoke a permit used under the provisions of this section whenever the permit is issued in error, is based on incorrect information, or for violations of the provisions of this chapter or any other city ordinance. Every permit issued under the provisions of this article shall expire and become null and void, with all permit and review fees forfeited **in accordance with subsection (j) above** if the work authorized by such permit is not commenced within **one hundred and eighty ninety** (~~180~~ 90) days from the date of approval. **Also see subsection (f) above.**

Permits shall also expire and become null and void, with all permit and review fees forfeited if the work authorized by such permit is suspended or abandoned for a period of two (2) months at any time after the work has originally commenced. Where work has stopped or been abandoned, and/or the permit has been revoked or become null and void prior to completion in accordance with all applicable requirements of this chapter, the unfinished work shall be deemed a violation of both the building and property maintenance regulations for which the permit holder and/or the property owner shall be held responsible as specified elsewhere herein. **Work that has been completed and inspected in accordance with all applicable provisions of this article and best industry practices is eligible for completion pursuant to an approved new permit application and payment of fees in accordance with the schedule.** See subsection (4) below for requirements related to work that has been completed without documented inspections required by this article or the applicable model building code.

- (3) Subject to consistent progress or documented hardship, the permit holder may apply for extensions to the time limits specified above. Pursuant to the payment of a fee in an amount equal to the original permit fee or the scheduled renewal fee, whichever is greater, the building official may authorize a six (6) month extension to satisfactorily complete the work. Extension fees shall not include any portion of the permit fee specifically identifiable as a review fee. Pursuant to the payment of additional fees in an amount equal to the original permit fee or the scheduled renewal fee, whichever is greater, the building official may authorize additional extensions in six month increments up to a maximum time limit of thirty-six (36) months to complete the work as defined above.
- (4) Any permit that has not resulted in a Certificate of Occupancy within **thirty-six (36) months from the date of approval the required deadline after issuance specified above** shall be considered permanently revoked. If applicable, the code enforcement authority shall pursue all appropriate remedies applicable to dangerous or unsafe structures and property. After a permit has been permanently revoked, a new application, fee and review is required, along with an updated set of documents that completely and accurately reflect the current state of completion. **Work that has been completed without documented inspections shall be subject to demolition.** In addition, the approval of the City Council is required and shall be based only on the basis of extraordinary hardship or circumstances. In accordance with Section 3.121 below, the City Council has the authority to require a performance bond as a prerequisite for a new permit approval.

(1) **Setback and Height Verification.** A form survey, prepared by a state-~~licensed~~ registered professional land surveyor, is required for any new principal building, any accessory buildings over one hundred and twenty (120) square feet, additions to any principal or accessory buildings, swimming pools, and decks if the plans submitted indicate it will be closer than ten (10) feet to any building setback ~~and/or~~ property line. When applicable, the form survey shall be provided as a condition of the first required inspection. See Section 3.112 below. **The form survey shall include the elevation of the top of each level of the forms in addition to an indication of the distance between all relevant improvements and the nearest property line or dedicated easement.**
