

City of Lorena Final Plat Application

SUB-DIVISION NAME: _____

PROPOSED LEGAL DESCRIPTION: _____ ACRES: _____

CURRENT ZONING: _____ PROPOSED ZONING: _____

BEING PLATTED AS: LOTS: _____ BLOCKS: _____ PHASES: _____

CURRENT LEGAL DESCRIPTION: _____

TOTAL DENSITY (UNITS/ACRE): _____ AVERAGE LOT SIZE: _____

*PROPERTY OWNER: _____ EMAIL: _____

ADDRESS: _____ PHONE: _____

CITY, STATE, & ZIP: _____

SIGNATURE: _____ DATE: _____

SURVEYOR: _____ EMAIL: _____

ADDRESS: _____ PHONE: _____

CITY, STATE, & ZIP: _____

SIGNATURE: _____ DATE: _____

DEVELOPER: _____ EMAIL: _____

ADDRESS: _____ PHONE: _____

CITY, STATE, & ZIP: _____

SIGNATURE: _____ DATE: _____

ENGINEER: _____ EMAIL: _____

ADDRESS: _____ PHONE: _____

CITY, STATE, & ZIP: _____

SIGNATURE: _____ DATE: _____

***If the property owner is not the applicant, the owner's signature is required and a "Letter of Authorization" from the property owner is required giving permission for the applicant to represent him/her. A Letter of Authorization will be required to be notarized.**

NOTICE: The City of Lorena will no longer provide copies of plats to franchise utility companies. It will be the responsibility of the applicant to submit the plat to each of the utility companies for review and approval. The plat will not be filed without approval letters from each utility company being, electric, gas, & phone.

APPLICANT SIGNATURE: _____

STAFF USE ONLY:

DATE SUBMITTED: _____ STAFF SIGNATURE: _____

DATE SENT _____
TO CONSULTANTS: _____ STAFF SIGNATURE: _____

DATE SUBMITTAL IS APPROVED
BY CONSULTANTS: _____ STAFF SIGNATURE: _____

DATE OF PLANNING & ZONING
COMMISSION MEETING: _____ STAFF SIGNATURE: _____

APPLICATION ACCEPTED AS ADMINISTRATIVELY COMPLETE ON : _____
(DATE)

*Will not be considered complete application until case is goes before the Planning and Zoning Commission.

The City will notify the applicant after the submittal has been reviewed and will note what is deficient, if any. The applicant will have 45 days in which to resubmit the application with all of the deficiencies addressed. Otherwise, the application will be deemed expired.

NOTES:

City of Lorena Final Plat Check List

If the following is on the Plat Document, please put an “X”, if it is not applicable please write in N/A.

REQUIRED DOCUMENTS

- Plat application signed by Property Owner
- Signed & Dated Completed Check List & Date Sheet by Applicant & City Staff
- Application Fee & Consultant Deposit
- Certified Tax Certificates from Tax Assessor showing no taxes owed for each parcel on the plat document
- (1) Folded Black Line 18”X 24” Paper Copy & (1) PDF Version of the Plat
- (1) Folded Black Line 18” X 24” Paper Copy & (1) PDF Version of the following:
(City Engineer may waive the requirements for any of the following; however a written request stating the reason(s) for the requirement being waived must be submitted in place of the study and an approval letter signed by the City's Engineering Consultant must be submitted prior to the application being considered complete)
- Final Drainage Study or written waiver request
- Final Paving Plan or written waiver request
- Final Water & Wastewater Utility Plans or written waiver request
- Traffic Impact Analysis or written waiver request
- Developer's Agreement
- Proposed or existing deed covenants/restrictions
- Preliminary Plat Approval Date _____

*** Once Plat has been approved one (1) signed and notarized mylars; one (1) full size paper copy and four (4) photographically reduced eight and a half (8.5) inches by eleven (11) inches after obtaining original signatures for filing with the County will be required - one (1) for McClellan County, and one (1) paper for the City and four (4) reduced size paper copies, and one (1) will be returned to the property owner once recorded. ***

TECHNICAL REQUIREMENTS

If the following is on the Plat Document, please put an “X”, if it is not applicable please write in N/A.

- Scale.** The permissible scale: one inch (1") = one hundred feet (100'). In cases of large developments which would exceed the dimensions of the sheet at one hundred-foot (100') scale, plats may be on multiple sheets or to another known engineering scale, as approved by the Administrative Official (or designee), and in a format that will be acceptable for eventual filing at McClellan County.
- Should more than one sheet be required for the layout, there shall be included a key map showing the entire subdivision, drawn at a smaller scale, with block number and street names. The key map is to be included upon the first sheet or presented separately as a cover sheet the same size as the large-scale sheet.
- The names, addresses, phone numbers, and e-mail addresses of the owner and, if different, the subdivider and of the surveyor and/or engineer responsible for preparing the plat.

- ____ The name of the subdivision and adjacent subdivisions, the names of streets (to conform whenever possible to existing street names) and numbers of lot and blocks, in accordance with alphabetical block arrangements and numerical lot arrangement, with accurate dimensions in feet and decimals fractions of feet, with the length of radii and of arcs of all curves, all angles, and with all other engineering information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points.
- ____ An accurate boundary survey and description of the property, with bearings and distances referenced to survey lines and established subdivisions and showing the lines of adjacent lands and the lines of adjacent streets and alleys, with their width and names. Streets, alley and lot lines in adjacent subdivisions shall be shown in dashed lines.
- ____ The case number, as provided by the staff, shall be shown in the lower left-hand corner of the plat.
- ____ North arrow, graphic and written scale in close proximity.
- ____ Location map showing location of tract by references to existing streets or highways.
- ____ Appropriate title, i.e., "final plat", to include subdivision name, City, County, State, Survey and Abstract, total gross acreage, number of lots, and date of preparation.
- ____ Name of record owner and corresponding deed record volume and page for all adjacent un-platted tracts within one hundred feet (100), to include owners across any adjacent ROW.
- ____ All adjacent platted property within one hundred feet (100) shown in dashed lines, labeling lot and block numbers, subdivision name, street names and plat record reference.
- ____ Location of City limit lines and/or extraterritorial jurisdiction lines, all survey lines with survey names labeled.
- ____ All existing easements on or adjacent to the tract shown and labeled as to type and size with dimensional ties to property corners and centerline or boundary dimensions and bearings.
- ____ The locations, street names and dimensional centerline references to existing or approved street intersections on the perimeter of the subdivision or within one hundred feet (100) of the perimeter.
- ____ Point of beginning labeled on plat.
- ____ Two boundary corners geo-referenced by state plane coordinates in accordance with Section 10.03. (Monumentation)
- ____ Street ROW and ROW centerline dimensioned with bearings, all streets having street names as approved by preliminary plat or names dissimilar from any existing street names.
- ____ Physical features relative to the property boundary, including survey markers, and existing encroachments.
- ____ The location and dimensions of all drainage and utility easements and pedestrian access easements.
- ____ All building setback lines (on all streets) labeled or noted per the appropriate zoning.
- ____ Lots to be dedicated for public use labeled as such, i.e. schools, parks, open spaces, etc., showing acreage and calculated perimeter dimensions, and the entity responsible for maintenance. Show any private uses in same manner.
- ____ Calculated dimensions of all lots, street ROW, easements, or common area lots, etc. All curve data should be labeled including delta, radius, length and tangent. All lots must meet the minimum lot width, depth, and area requirements of the zoning district.
- ____ Floodplain limit shown and labeled. Floodway limit shown and labeled with dimensional ties to all lot corners.
- ____ Minimum finish floor elevations shown on all lots impacted by drainage easements or intended to be filled. Finish floor note shown on plat.
- ____ For amending plats or replats, certification signed by all owners concerning deed restrictions shown.
- ____ Sight triangle note shown on the face of the plat. if applicable.

- _____ Driveway access limitation note provided, if applicable.
- _____ The following note shall appear on the face of the plat:
"Selling a portion of any lot within this addition by metes and bounds is a violation of state law and City ordinance and is subject to fines and withholding of utility services and building permits."
- _____ For collector or arterial streets which have limited or no individual access, the following note may be required on the face of any plat intended to be filed in the county plat records. "No lot within this addition shall be allowed driveway access onto _____ Street".
- _____ Temporary paved turn-arounds which meet the requirements of the Design Standards are to be provided at ends of streets more than one lot deep that will be extended in the future. The following note should be placed on the plat: "Cross-hatched area is temporary easement for turn-around until street is extended [insert direction] in recorded plat."

SECTION 4.07 - FINAL PLAT DEDICATION, STATEMENTS, AND WAIVERS

Requirements. The final plat shall contain a statement of dedication, signed and acknowledged by the owner or owners and by all other parties who have a mortgage or lienholder interest in the property, showing all restrictions, reservations, and/or easements, if any, to be imposed and reserved in connection with the addition.

- _____ **Certificate of Dedication.** The plat shall contain a certificate of dedication of all streets, public highways, alleys, parks and other land intended for public use, signed by the owner or owners and by all other parties who have mortgage or lien interests in the property and acknowledged before a notary public. All deed restrictions that are to be filed with the plat shall be shown or filed separately. The certificate of dedication shall be substantially in the following form:

Individual Owner(s).

STATE OF TEXAS
COUNTY OF _____

I (we) the undersigned owner(s) of the land shown on this plat, and designated herein as the _____ addition to the City of Lorena, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all rights-of-way, streets, alleys, parks, water courses, drains, easements and public places thereon shown for the purpose and consideration therein expressed. I (we) further certify that all other parties who have a mortgage or lien interest in the _____ addition have been notified and signed this plat.

I (we) further acknowledge that the dedications and / or exactions made herein are proportional to the impact of the subdivision upon the public services required.

Owner for _____

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated.

Given upon my hand and seal of office this _____ day of _____, 2_____.

Notary Public in and for the State of Texas

My Commission Expires:

Lienholder's Ratification.

STATE OF TEXAS
COUNTY OF _____

Whereas (Lien Holder Name), acting by and through the under signed, its duly authorized agent, is (are) the lien holder(s) of the property described hereon, does (do) hereby ratify all dedications and provisions of this plat as shown.

(typed name of authorized agent, title, Lien Holder)

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration expressed and in the capacity therein stated and as the act and deed of said _____.
Given upon my hand and seal of office this _____ day of _____, 2_____.

Notary Public in and for the State of Texas

My Commission Expires:

****If no liens exist, add the following statement to the end of the plat dedication:**

There are no liens against the property.

Corporate or partnership dedication.

STATE OF TEXAS
COUNTY OF _____

Whereas _____, acting by and through the under signed, its duly authorized agent, is the sole owner of a tract of land situated in the _____ Survey, Abstract _____, County of _____, according to the deed recorded in Volume ___, Page ___, Deed Records, _____ County, Texas, and more particularly described as follows:

[Insert legal description here]

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That, _____ by and through the undersigned, its duly authorized agent, does hereby adopt this plat designating the hereinabove described property as _____, an addition to the City of Lorena, McClellan County, Texas, and I (we) do hereby dedicate the rights of way, (alleys, parks) and easements shown thereon to the public's use unless otherwise noted.

WITNESS my (our) hand(s) at Lorena, McClellan County, Texas this the _____ day of _____,
20____.

STATE OF TEXAS
COUNTY OF

Before me, the undersigned authority, on this day personally appeared _____, _____ of _____ a corporation (partnership, JV) known to me to be the person(s) whose name(s) subscribed to the above and foregoing instrument, and acknowledged to me that he/they executed the same for the purpose and consideration expressed and in the capacity therein stated and as the act and deed of said corporation (partnership, JV).

Given upon my hand and seal of office this _____ day of _____, 20____.

Notary Public in and for the State of Texas

My Commission Expires:

____ **Surveyor Certificate.** The plat shall contain the following certification by a surveyor to the effect that the plan represents a survey made by him, and that all the necessary survey monuments are correctly shown thereon:

This is to certify that I, _____, a Registered Professional Land Surveyor of the State of Texas, have prepared this plat of the above subdivision from an actual survey on the ground; and that all monuments for lot corners, angle points, and points of curvature shown thereon as "set" were placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Lorena.

(print name), Surveyor _____

Texas R.P.L.S. No. _____

Date: _____

(seal)

Utility Easement Restriction Statement. The plat shall contain the following statement:

"Any public utility, including the City of Lorena, shall have the right to remove all or part of any building, fences, trees, shrubs, other growths or improvements which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements shown on the plat: and any public utility, including the City of Lorena, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone."

Public Open Space Easement Restriction Statement. The following full statement of restrictions shall be placed in the dedication instrument or on the face of the plat:

"No structure, object or plant of any type may obstruct vision from a height of thirty inches (30) to a height of ten feet (10) above the top of the curb, including, but not limited to buildings, fences, walks, signs, trees, shrubs, cars, trucks, etc., in the public open space easement as shown on the plat."

Drainage and Floodplain Easement Restriction Statement. The following statement shall be placed in the Dedication Instrument or on the face of the plat:

"No construction or filling, without the written approval of the City of Lorena, shall be allowed within a drainage easement or a floodplain easement, and then only after detailed engineering plans and studies show that no flooding will result, that no obstruction to the natural flow of water will result; and subject to all owners of the property affected by such construction becoming a party to the request. Where construction is permitted, all finished floor elevations shall be a minimum of one foot (1) above the 100-year flood elevation."

Waivers. The final plat shall contain a waiver of claim for damages against the City occasioned by the establishment of grades or the alteration of the surface of any portion of existing streets and alleys to conform to the grades established in the subdivision.

Approvals. The following approval blocks shall be executed after final approval:

I hereby certify that the above and foregoing plat of _____ Addition to the City of Lorena, Texas, was approved by the City Council of the City of Lorena on the _____ day of _____, 2_____.

This approval shall be invalid unless the approved plat for such addition is recorded in the office of the County Clerk of _____, County, Texas, within two (2) years from said date of final approval. Said addition shall be subject to all the requirements of the Subdivision Regulations of the City of Lorena.

WITNESS OUR HAND, this _____ day of _____, 2_____.

City Secretary

The following approvals shall be placed on a final plat, in a manner that will allow the filing of the certificates by the proper party.

Recommended for final approval:	
Chairman, Planning & Zoning Commission	Date
Attest:	
City Secretary	Date
Approved:	
Mayor, City of Lorena, Texas	Date
Attest:	
City Secretary	Date

SECTION 4.08 - CONSTRUCTION PLANS FOR PUBLIC IMPROVEMENTS

Generally. The applicant shall submit construction plans and profile sheets for all public works improvements for review with the application for approval of the final plat. Incomplete plans shall be returned to the applicant. Design Standards of the City in effect at the time of submission of the plat shall be used, subject to the approval of the City Engineer..

Specifically.

- ____ Construction plans and profiles shall be prepared by an engineer and drawn on eleven inch (11") by seventeen inch (17") sheets, and shall include a cover sheet with index, general site layout and required calculations.
- ____ Each sheet shall include north point, scale, and date. Bench mark description to sea level datum shall be included with the plans.
- ____ Each sheet shall show the seal and signature of the engineer who prepared the plans and shall include the following, unless specifically approved otherwise by the Administrative Official:
- ____ A plan and profile of each street with top of curb grades shown. Scale shall be one inch (1") = forty feet (40') horizontally, and one inch (1") = four feet (4') vertically; one inch (1") = twenty

feet (20') horizontally, and one inch (1") = four feet (4') vertically; or one inch (1") = fifty feet (50') horizontally, and one inch (1") = five feet (5') vertically.

_____ The cross-section of proposed streets, alleys, and sidewalks showing the width and type of pavement, base and sub-grade, and location within the right-of-way. These plan-profiles shall show the existing ground and the proposed grade at five (5) points of cross section; that is, at the center line, the back-of-curb lines, and the property lines.

_____ A plan and profile of proposed wastewater lines, with grades and pipe sized indicated and showing locations of manholes, clean-outs, and other appurtenances, and a cross section of embedment.

_____ A plan of the proposed water distribution system showing pipe sizes and location of valves, fire hydrants, fittings and other appurtenances, with a section showing embedment.

_____ A plan to scale of all areas contributing storm water runoff or drainage within and surrounding the proposed subdivision. Such plan shall indicate size of areas, storm frequency and duration data, amounts of runoff, points of concentration, and other data necessary to adequately design drainage facilities for the area. This should analyze upstream and/or downstream impacts to ensure that the development does not adversely affect upstream or downstream properties.

_____ A plan and profile showing size and location of proposed storm sewers, showing hydraulic data, pipe grades and sizes, manholes, inlets, pipe connections, culverts, outlet structures, bridges, and other structures.

_____ Profile views of individual improvements shall have no more than two improvements on one sheet unless specifically approved by the City Engineer.

Responsibility. The purpose of the City review is to assure conformance to City policies and standards. However, the City review is limited to facts as presented on submitted plans. The City takes no project engineering responsibility. The engineer certifying the plans is the engineer responsible for the accuracy and completeness of the documents submitted for review and actual construction.

Corrections. The City reserves the right to require plan corrections when actual conditions in the field which are found to be contrary to or omitted from the previously submitted plan.

Approval. If construction plans are approved, the plans shall be marked "approved" and one set shall be returned to the applicant, and at least two sets shall be retained in the City's files. The developer shall provide additional sets of the approved plans to the City, as specified by the City Engineer, for use during construction. A full set of the City-approved and stamped construction plans must be available for inspection on the job site at all times.

Revisions. If the conditions of approval require revision(s) to the construction plans, one set shall be marked with objections noted (on the plans themselves and/or in memo format) and returned to the applicant for correction, whereupon the applicant's engineer shall correct the plans as requested and resubmit them for decision. A properly revised set of construction plans shall be submitted to the City Engineer within 30 working days of receipt of the notice of the City's Engineer's decision.

City of Lorena Final Plat Regulations

SECTION 4.05 - FINAL PLAT - SUBMITTAL REQUIREMENTS

- A. **Purpose.** The purpose of a final plat is to assure that the division or development of the land subject to the plat is consistent with all standards of this Ordinance, zoning regulations, and all other applicable ordinances, that public improvements to serve the subdivision or development have been installed and accepted by the City or that provision for such installation has been made.
- B. **Applicability.** Approval of a final plat shall be required prior to any non-exempt subdivision of land and prior to any site preparation or grading activities for a lot or tract of land that requires installation of public improvements on or adjacent thereto. A final plat application shall not be required for any land division that may be approved through the minor plat procedures.
- C. **Effect.** Approval of a final plat authorizes the Administrative Official to record the plat upon completion of public improvements or posting of security and authorizes the subdivider to install any public improvements under approved construction plans.
- D. **Application.** After obtaining approval or conditional approval of a preliminary plat and if required, fulfilling all requirements of the preliminary plat approval, the applicant may submit an application for approval of a final plat. The final plat shall be accompanied by a completed application and shall be in accordance with all Ordinance requirements.
- E. **Phases.** A final plat may include all or only a portion of the area of the approved preliminary plat. If a final plat is approved in sections or phases, each final plat of each section is to carry the name of the entire subdivision but is to be distinguished from each other section by a distinguishing letter, number or subtitle designating the Phase. Block numbers shall run consecutively throughout the entire subdivision, even though such subdivision may be finally approved in sections.

SECTION 4.01 - SUBMITTAL

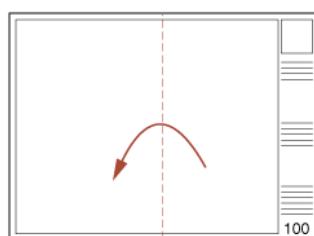
- A. **Pre-application Conference.** A property owner or applicant may request a pre-application conference with the Administrative Official for purposes of identifying requirements that are applicable to a proposed plat. The conference between a developer and City staff is intended to be of mutual benefit to the developer and the community by determining the suitability and type of development of a tract of land. This step also involves considerable planning which precedes actual preparation of the preliminary plat. The request shall be made in writing on a form prepared by the Administrative Official and shall state that any proposed development concept discussed at the pre-application conference is not intended as a plan for development or application for plat approval. If the request for the meeting is to present a plan for development or application presenting a plan for development or plat that describes the property, the proposed uses for the property and the permit which is sought, the Administrative Official shall process the plan or application unless the applicant executes a form that the plan is submitted only for the purpose of requesting information and is not intended to constitute an application.

B. **General Development Plan.** The applicant shall prepare a general development plan for all subdivisions of five (5) lots or greater which will require public infrastructure improvements, or the tract initially proposed for platting is only a portion of a larger landholding of the development; or the tract is complicated by unusual physical, utility, land use, ownership, or other conditions. The general development plan shall include: The arrangement and correlation of street pattern, particularly collector streets and major street system, to provide good traffic circulation throughout the neighborhood and impact on existing streets. The general location and size of school sites, park and recreation areas, and other public areas. The location of shopping centers, multi-family residential, and other land uses. The proposals for water, wastewater, drainage and retention/detention systems in relation to master plans where they exist for these facilities. The proposals for service as furnished by private utility companies. A summary of uses by type, number, and acreage. Identification of any flood prone areas and general proposals for such areas.

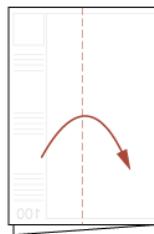
C. **Processing of General Development Plan.** The Administrative Official shall process the general development plan as an application unless the applicant executes a form that the plan is submitted only for the purpose of requesting information and is not intended to constitute an application. A preliminary plat may not be submitted until the City has accepted the General Development Plan.

D. **Application.** An applicant shall submit a written application for plat approval to the Administrative Official on forms prepared by the City, together with all required documents, such as studies, drawings, exhibits, or other ordinance requirements, in sufficient size and number as required by the Administrative Official, and any reasonable information requested by the Administrative Official to assist the City in its review of the application. The owner, applicant, or other authorized agent shall sign the application. Proof of agency shall be submitted by affidavit signed by all owners. The City may require evidence of fee simple title to the property.

E. **Preparation and Reproductions.** Each plat shall be prepared by an engineer or surveyor, trained and experienced in subdivision design. In addition to prints, the applicant shall also provide final plats in .pdf format. It shall be the responsibility of the applicant to verify the number of prints and mylars required for all submittals. A mylar of the final plat to be recorded bearing all appropriate signatures shall be submitted to the City for its records. Large format documents submitted for review shall be printed in landscape format with the title block located on the lower right corner. All large format documents shall be folded in the following manner:



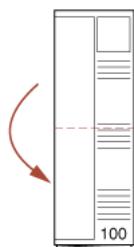
Step 1: Fold the drawing in half so that the content is concealed inside the fold.



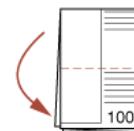
Step 2: Fold the top leaf back over itself, which will be 1/4 of the original width.



Step 3: Fold the bottom leaf back under the top leaves. You now have an accordion folded sheet that is 1/4 the width of the full sheet and full height.



Step 4: Fold the top half of the sheet under the bottom half.



Step 5: For extra-large drawings, the drawing can be folded in half again.

F. Fees. The applicant shall consent in the application to be responsible for payment of legal and engineering and any other professional fees incurred by the City in connection with the processing of the application. Approval of the final plat or minor or amending plat shall be

conditional until the applicant has paid the fees or has given security such as posting a deposit or bond.

SECTION 4.02 - DOCUMENTS REQUIRED FOR PROCESSING APPLICATIONS

- A. Requirements for Processing Applications.** Every application for approval of a plat or plan for development shall include the following:
 1. A completed application form signed by the owner or the owner's authorized agent;
 2. Every item, study and document required by this Ordinance or other applicable ordinances for the type of plat being submitted, or required for a plan for development;
 3. An application for approval of a plat or plan for development for property located within the City shall be accompanied by a copy of the zoning ordinance or other certification verifying that the proposed use for which the application is submitted is authorized by the zoning district in which the property is located;
 4. A plat or plan for development application must conform to the zoning regulations applicable to the property at the time of the application, except as otherwise provided herein; and
 5. An agreement to pay all fees incurred with the review and processing of the application, and a deposit, if payment has not been timely made for previous applications.
- B. Proper Zoning Required.** If a zoning change is contemplated for the property, the zoning change must be completed before the approval of any preliminary plat of the property. The City Council shall not approve a plat or plan for development which does not comply with the zoning requirements until any available relief from the Board of Adjustment has been obtained.
- C. Additional Requirements.** The Administrative Official and the City Engineer may from time to time identify additional requirements for applications that are not contained within but are consistent with the application contents and standards set forth in this Ordinance.
- D. Incomplete Application.** The processing of an application by any City employee prior to the time the application is determined to be administratively complete shall not be binding on the City as the official acceptance of the application for filing.
- E. Expiration of Application.** An application for approval of a plat or plan for development shall be deemed to expire on the forty-fifth (45th) day after the application is submitted to the Administrative Official for processing if the applicant fails to provide documents or other information necessary to meet the requirements of this Ordinance as specified in the determination provided to the applicant.
- F. Denial of Application.** No vested rights accrue solely from the filing of an application that has expired pursuant to this section, or from the filing of a complete application that is subsequently denied.

SECTION 5.01 - GENERAL PROVISIONS FOR PLAT APPROVAL

- A. **Authority for Approval of Minor and Amending Plats.** The Administrative Official is authorized to approve all minor plats and amending plats. The filing date of a minor plat or amending plat is the date on which the applicant receives the City's initial comments on the minor plat or amending plat. An applicant who is dissatisfied with the decision of the Administrative Official may request that the plat be referred to the Commission, and then the Council, for decision. If such a request is made, the filing date shall be in accordance with Subsection (F) of this Section.
- B. **Recommendation of Commission.** The Commission shall review and recommend approval, approval with conditions or disapproval on all preliminary plats, replats and final plats.
- C. **Approval by City Council.** The City Council shall receive a recommendation from the Commission on each preliminary plat, final plat and replat and shall then make a final decision as to the approval, approval with conditions or disapproval of these plats.
- D. **Conformance.** All preliminary plats, final plats and replats shall substantially conform to any concept plan or plan for development or planned development plan approved in accordance with the requirements of the Zoning Ordinance, as well as all other applicable Ordinances, including but not limited to the Comprehensive Plan and all standards for adequacy of public facilities, where applicable. No final plat shall be approved until the City has received a Letter of Approval from the City Engineer confirming its approval of water and wastewater construction plans. Further, a final plat shall conform to the approved preliminary plat except for minor changes authorized under Subsection (G) of this Section.
- E. **Plat Review and Conditional Approval or Disapproval.** In the event the Commission or Council conditionally approves or disapproves a preliminary plat, final plat or replat, the Commission or Council shall provide an applicant a written statement of the conditions for the conditional approval or reasons for disapproval, in accordance with Section 212.0091 of the Texas Local Government Code, as amended. After the conditional approval or disapproval of a preliminary plat, final plat or replat, an applicant may submit to the Commission or Council a written response that satisfies each condition for the conditional approval or remedies each reason provided for the disapproval, in accordance with Section 212.0093 of the Texas Local Government Code, as amended. In the event the Commission or Council receives such a response from an applicant, the Commission or Council shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plat not later than the 15th day after the date the response was submitted, in accordance with Section 212.0095 of the Texas Local Government Code, as amended.
- F. **Filing Date.** The thirty (30) day period for approval, approval with conditions or disapproval of a plat, as established in Chapter 212 of the Texas Local Government Code, as amended, shall be the date the plat application is heard by either the Planning and Zoning Commission or City Council. Pursuant to Section 212.009(b-2) of the Texas Local Government Code, as amended, upon application in writing by an applicant, the Commission or City Council may approve one (1) Extension of the 30-day action requirement; however, such Extension shall not to exceed 30 additional days.

G. Minor Changes to Preliminary Plat. Minor changes in the design of the subdivision subject to a preliminary plat may be incorporated in an application for approval of a final plat without the necessity of filing a new application for approval of a preliminary plat. Any substantial deviation in street layout or alignment, lot size or configuration, utility and/or drainage layout, or easements shall require submittal for consideration of a new preliminary plat. All other proposed changes to the design of the subdivision subject to an approved preliminary plat shall be deemed major amendments that require submittal and approval of a new application for approval of a preliminary plat before approval of a final plat.”

SECTION 5.02 - EXPIRATION OF PLATS

- A. Preliminary Plat.** Approval of the preliminary plat expires two (2) years after the approval date. For a phased subdivision, any part of the preliminary plat which has not been final platted shall expire after two (2) years from the completion of the previous phase if a new phase is not started.
- B. Other Plats.** A final plat, replat, amending or minor plat which has not been recorded in the County Records within two (2) years from the date of approval shall expire.
- C. Re-submittal.** Upon the expiration of a plat, unless the City makes a determination that the applicant has made progress, as that term is defined by Section 5.03, the applicant must resubmit an application for approval, including payment of a fee and complete the review process.
- D. Extension and Reinstatement Procedure.**
 - 1. Not later than sixty (60) days prior to the lapse of approval for a preliminary or final plat, the property owner may petition the City Council to extend or reinstate the approval. The petition shall be considered at a public meeting of the City Council.
 - 2. In determining whether to grant such request, the City Council shall take into account the reasons for lapse, the ability of the property owner to comply with any conditions attached to the original approval, the extent to which the property owner agrees to abide by newly adopted subdivision regulations, and any changed conditions in the surrounding area which would make an extension undesirable. The City Council shall extend its approval of the plat or deny the request. In the event the City Council denies extension of the preliminary or final plat, the property owner must submit a new application for approval.
 - 3. The City Council may specify a shorter time for lapse of the extended plat that is applicable to original approvals but shall not extend the period that a preliminary or final plat approval is valid to more than one (1) year from the date the original approval expires.

SECTION 5.03 - PROJECT EXPIRATION

A project shall expire on the fifth anniversary of the date the application for the first permit application for the project was filed with the City if no progress has been made towards completion of the project. For purposes of this Section, “project” means an endeavor over which a regulatory agency exerts its jurisdiction and for which one or more permits are required to initiate, continue, or complete the endeavor. A project shall expire on the fifth anniversary of the date the application for the first permit

for the project was filed with the City if no progress has been made towards completion of the project. Progress towards completion of the project shall include any one of the following:

- A. An application for a final plat or plan for development is submitted to a regulatory agency.
- B. A good-faith attempt is made to file with a regulatory agency an application for a permit necessary to begin or continue towards completion of the project.
- C. Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located.
- D. Fiscal security is posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency.
- E. Utility connection fees or impact fees for the project have been paid to a regulatory agency.

SECTION 5.10 - RECORDING OF PLAT

F. **Requirements.** For a plat to be recorded after approval, all conditions of approval must be satisfied, including, but not limited to, the following:

- 1. All required fees shall be paid, including park dedication, if required and tree replacement fees.
- 2. All plats shall be provided in an electronic format approved by the Administrative Official.
- 3. All covenants required by ordinances shall be reviewed and approved by the City.
- 4. On-site easements and rights-of-way shall be properly described and noted on the plat.
- 5. Off-site easements and rights-of-way shall be dedicated by the respective owners, approved by the City and filed of record with the county.
- 6. All required abandonments of public rights-of-way or easements that must be approved by the City Council and the abandonment ordinance numbers shall be shown on the plat.
- 7. Original tax certificates showing that all taxes are paid, as well as a statement from the City that no outstanding monies are owed to the City shall be presented from each taxing unit with jurisdiction of the real property.
- 8. A copy of the ownership and dedication statement from the plat shall be submitted on separate letter or legal-size paper, executed before a notary public, with all original signatures.
- 9. A copy of the executed developer's agreement, if one was required to be executed, shall be submitted.

10. For proposed improvements that have yet to be constructed, the required financial assurance and contractor's proof of insurance for any proposed public improvements.
11. Monumentation required by Section 10.03.
12. For proposed improvements that have yet to be constructed, evidence of approval of any necessary permits from the Texas Department of Transportation, any utility district, the U.S. Army Corps of Engineers, or any other state or federal agency shall be submitted.
13. Any lienholder of the property to be platted must execute a statement on the plat or a separate instrument subordinating the lienholder's interest to the plat and the dedications thereon.

G. **Proof of Ownership.** The applicant shall furnish the City proof of ownership, covering the platted area dedicated to the City. The documents shall reflect that the applicant has fee simple title to the property to be dedicated with no encumbrances except for those liens for which consents have been filed and shall be updated to the date the City Engineer releases the plat to be filed with the county clerk.

H. **Recording.** Within fourteen (14) days after plat approval and compliance with all stipulations of approval and the requirements of this Section, the City shall record the plat in the county plat records. The final plat shall not be returned or released to the developer until recorded.

I. **Original Signatures on Mylar.** All revisions to the plat shall be made prior to running the black-line mylars which are to be signed by the owner, notary, surveyor, and City representatives. The City will then obtain signatures of the appropriate City representatives.

J. **Special Filings.** In the event that the applicant requests a special filing with the County, a check payable to the City shall be submitted to the City Secretary in the amount of the appropriate fee and expenses. Fees for special filings of plats shall be set by the City Council.

SUBDIVIDING PROPERTY IN GENERAL

SECTION 1.02 - PURPOSE AND POLICY

A. **Generally.** These subdivision regulations are designed and intended to achieve the following purposes and shall be administered so as to achieve the following purposes:

1. To promote the health, safety, morals and general welfare of the community and the safe, orderly and healthful development of the City;
2. To establish adequate policies and procedures to guide development of the City and its extraterritorial jurisdiction;
3. To provide for the establishment of minimum specifications for construction and engineering design criteria for public works improvements to maintain land values, reduce inconveniences to residents of the area, and to reduce related unnecessary costs to the City for correction of inadequate facilities that are designed to serve the public;

4. To ensure that development of land and subdivisions shall be of such nature, shape and location that utilization will not impair the general welfare;
5. To ensure against the dangers of fires, floods, erosion, landslides, or other such menaces;
6. To preserve the natural beauty and topography of the City and to ensure appropriate development with regard to these natural features;
7. To realistically and harmoniously relate new development of adjacent properties;
8. To provide the most beneficial circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways, and pedestrian traffic movements; and to provide for the proper location and width of streets;
9. To ensure that public facilities for water supply, drainage, disposal of sanitary and industrial waste, and parks are available for every building site and with adequate capacity to serve the proposed development before issuance of a certificate of occupancy or release of utility connections or final inspection within the boundaries of the plat;
10. To assure that new development adequately and fairly participates in the dedication and construction of public works improvements that are necessitated by or attributable to the development or that provide value or benefit that makes the development feasible;
11. To help prevent pollution, assure the adequacy of drainage facilities, control storm water runoff, safeguard the water table, and encourage the wise use and management of natural resources throughout the City and its extraterritorial jurisdiction in order to preserve the integrity, stability, and beauty of the community and the value of the land; and
12. To provide for open spaces through the most efficient design and layout of the land, while preserving the land use intensity as established in the Zoning Ordinance of the City.

B. **Policy.** To carry out the purposes hereinabove stated, it is the policy of the City to guide and regulate the subdivision and development of land in such a manner as to promote orderly growth both within the City, and where applicable, within its extraterritorial jurisdiction.

C. **Disapproval.** Proposed plats or subdivisions which do not conform to the policies and regulations shall be denied, or, in lieu of denial, disapproved conditioned on conformance with conditions.

D. **Nexus.** There shall be an essential nexus between the requirement to dedicate rights-of-way and easements and/or to construct public works improvements in connection with a new subdivision and the need to offset the impacts on the City's public facilities systems created by such new development.

E. **Compliance with Federal Regulations.** The applicant is responsible for compliance with applicable federal regulations which may apply to a development, including any required permits or approvals from the United States Army Corps of Engineers, the Environmental Protection Agency and the Texas Commission on Environmental Quality.

SECTION 1.03 - ADEQUATE PUBLIC FACILITIES

- A. **Generally.** Land proposed to be subdivided must be served adequately by essential public facilities and services, including water and sanitary sewer facilities, roadway and pedestrian facilities, drainage facilities and park facilities. An application for a plat or development may be denied unless adequate public facilities necessary to support and serve the development exist or provision has been made for the facilities, whether the facilities are to be located within the property being platted or offsite. Further, no person shall construct or cause to be constructed any streets, utilities, buildings or other improvements to any tract of land, and the City shall not issue any permit for such improvements or to serve or connect said land, or any part thereof, with any public utilities or improvements, unless and until a plat, plan or replat shall have been first approved in the manner provided in this Subdivision Ordinance.
- B. **Dedication.** It is necessary and desirable to provide for dedication of rights-of-way and easements for public works improvements to support new development at the earliest stage of the development process.
- C. **Mitigation.** The City desires to assure that impacts of new development are mitigated through contributions of rights-of-way, easements and construction of capital improvements, and that a new development be required to contribute not more than its proportionate share of such costs.
- D. **Conformance.** Proposed public works improvements serving new development shall conform to and be properly related to the public facilities elements of the City's adopted Comprehensive Plan, other adopted master plans for public facilities and services, and applicable capital improvements plans, and shall meet the service levels specified in such plans.

SECTION 1.04 - MINIMUM STANDARDS

- A. **Generally.** The standards established in this Ordinance for dedication and construction of public works improvements are based upon engineering studies and historical usages and demands by different categories of development. These regulations identify certain minimum requirements and sizes for utilities, roadways, parks and other facilities that the City Council has determined to be necessary in order to provide the minimum level of service necessary to protect or promote the public health, safety, and welfare and to assure the quality of life currently enjoyed by the citizens of Lorena. It is the intent of these regulations that no development occurs until and unless these minimum levels of service are met. Therefore, each subdivision in the City shall be required to dedicate, construct and/or upgrade required facilities and infrastructure to a capacity that meets these minimum levels.
- B. **Basis for Standards.** For each category of public infrastructure, a minimum standard of infrastructure, and in some cases, service level, has been developed based upon historic studies and construction projects of the City and other cities. These minimum standards take into consideration the soil conditions and topographic configuration of the City, and other historical use and performance experiences of the City that reflect the minimum level of facilities and services that must be built to meet the health, safety and welfare of the citizens of Lorena.
- C. **Denial If Adequate Levels Not Met.** In order to maintain prescribed levels of public facilities and services for the health, safety and general welfare of its citizens, the City may require the dedication of easements and rights-of-way for or construction of on-site or off-site public works improvements for water, sanitary sewer, road, drainage or park facilities to serve a proposed

development, or require the payment of fees in lieu thereof. If adequate levels of public facilities and services cannot be provided concurrent with the schedule of development proposed, the City may deny the subdivision until the public facilities and services can be provided or require that the development be phased so that the availability and delivery of facilities and services coincides with the demands for the facilities created by the development.

D. **Reimbursement.** Whenever the City Council determines that levels of service in excess of these minimum standards are necessary in order to promote the orderly development of the City, the owner shall qualify for reimbursement for any costs in excess of the minimum levels of service through City participation, to the extent funds are available by a pro rata reimbursement agreement or other means adopted by the City.

SECTION 1.05 - ADEQUACY OF SPECIFIC FACILITIES

A. **Water.** All lots, tracts or parcels on which development is proposed shall be connected to a public water system which has capacity to provide water for domestic use and fire protection. Minimum fire flow pressures shall be as required by the City. Additional standards and requirements are defined in Article 8 hereof.

B. **Wastewater.** All lots, tracts or parcels on which development is proposed shall be served by an approved means of wastewater collection and treatment. The City Engineer shall be responsible for determining the approved means of wastewater collection and treatment. The City may require the phasing of development and/or improvements in order to maintain adequate wastewater capacity. Additional standards and requirements are defined in Article 8 hereof.

C. **Streets and Thoroughfares.** 1. New development within the City must be supported by an adequate network of thoroughfares. Thoroughfares are an essential component of the City's street network and are necessary to accommodate the continuing growth and development. It is necessary and desirable to obtain rights-of-way for off-site, abutting and internal thoroughfares to support new development at the time of platting or development of the land. The City desires to assure both that development impacts are mitigated through contributions of thoroughfare rights-of-way and improvements and that a subdivision contribute not more than its fair share of thoroughfare costs. 2. Proposed roads shall provide a safe, convenient and functional system for vehicular, bicycle and pedestrian circulation and shall be properly related to the applicable thoroughfare plan and any amendments thereto and shall be appropriate for the particular traffic characteristics of each proposed subdivision or development.

D. **Drainage.** Drainage improvements serving new development shall be designed to prevent overloading the capacity of the downstream drainage system. The City may require the phasing of development, the use of control methods such as retention or detention or the construction of off-site drainage improvements, in order to mitigate the impacts of the proposed subdivision. Drainage improvements serving new development shall accommodate runoff from the entire upstream drainage area and shall be designed to prevent overloading the capacity of the downstream drainage system. Additional standards and requirements are defined in Section 10.08 hereof.

SECTION 10.07 - EXCEPTIONS

- A. **Generally.** The Commission may recommend and the City Council may authorize an exception from these regulations when, in its opinion, extraordinary hardship will result from requiring strict compliance.
- B. **Request.** The applicant seeking an exception shall submit to the Administrative Official a written request stating the justification for such exception, accompanied by engineering data or other evidence supporting the applicant's request for relief. The Commission may recommend and the City Council may grant an exception in conjunction with the application for approval of the plat. The applicant bears the burden of proof to demonstrate that an exception to the standards applicable to a development application should be granted.
- C. **Evidence.** The Commission and City Council may require engineering studies and displays from the applicant to support the request for an exception. The decision of the Council shall be final.

SECTION 10.08 - FACTORS TO CONSIDER.

The City Council shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed development, and the probable effect of the requested exception upon traffic conditions, City services, and upon the public health, safety, convenience and welfare, and whether:

- A. The requirement places an unreasonable burden on the development and does not bear a rough proportionality to the requirements necessary to serve the development; or
- B. Hardships or practical difficulties will result from strict compliance with these regulations, and/or the purpose of these regulations may be served to a greater extent by an alternative proposal; and
- C. The conditions upon which the request for an exception is based are unique to the property and are not applicable to other properties, or the tract has severe topographical conditions or unique environmental qualities worthy of protection.

Financial hardship, alone, to the applicant shall not be deemed to constitute unreasonable burden or hardship.

SECTION 10.09 - AUTHORITY TO IMPOSE CONDITIONS.

The City Council may impose conditions relating to the exception as will, in its judgment, substantially secure the objectives of the standards or requirements to which the exception was granted.

SECTION 10.11 - PARKLAND DEDICATION POLICY

- A. **Purpose.** This Section is to provide dedication of park land and/or fees in lieu for neighborhood or community park facilities in accordance with the City's Comprehensive Plan and Park Master Plan as amended.
- B. **Neighborhood and Community Parks.** Neighborhood and community parks provide for a variety of outdoor recreational opportunities that are within convenient distances from the majority of residences to be served thereby.

- C. **Application.** These requirements shall apply to subdivision plats on residentially zoned land which is to be used for residential purposes. Developers shall dedicate park land or pay fees in lieu as required by this Ordinance.
- D. **Dedication of Land.** At the City's discretion, developers shall dedicate park land for each residential subdivision plat, at a minimum of one (1) acre of land per one hundred (100) of projected subdivision population. Population shall be calculated based upon 2.8 persons per dwelling unit.
- E. **Fees in Lieu of Dedication.** At the City's discretion, payment of fees in lieu of park land dedication may be required. The amount of such payment shall be equal to the fair market value of the land that would be required to be dedicated for park land according to this Ordinance.
- F. **Fair Market Value Determined.** The fair market value of the land shall be calculated as determined on the most recent appraisal made by the McClellan County Central Appraisal District of all or part of the property being subdivided at the time of preliminary plat approval. If there is no preliminary plat required, then at the time of final plat approval. If the Developer/Owner objects to the fair market value determination, the Developer/Owner at his own expense, may obtain an appraisal by a State of Texas certified real estate appraiser, mutually agreed upon by the City and the Developer/Owner.
- G. **Use of Fees.** Parkland dedication fees paid in lieu of land dedication will be deposited in a fund referenced to specific future neighborhood or community parks or existing neighborhood or community parks as identified on the City's Comprehensive Plan or Parks Master Plan as amended. Funds deposited into a particular park fund may only be expended for land or improvements within that particular future or existing neighborhood or community park.
- H. **Accounting of Fees.** The City shall account for all fees in lieu of land and all development fees paid under this Section with reference to the individual plat(s) involved. Any fees paid for such purposes must be expended by the City within ten (10) years from the date received by the City for acquisition and/or development of a neighborhood or community park as required herein. Such funds shall be considered to be spent on a first-in, first-out basis. If not expended, the landowners of the property on the expiration of such period shall be entitled to a prorated refund of each sum, computed on a square footage of area basis. The owners of such property must request such refund within one (1) year of entitlement, in writing, or such right shall be barred.
- I. **Minimum Acreage.** Unless otherwise determined by the City, the minimum park land dedication that will be accepted by the City shall be three (3) acres.
- J. **Usable Park Land.** Any land dedicated to the City for park purposes in accordance with this ordinance shall be appropriate for neighborhood or community park purposes as determined by the Administrative Official.