

# City of Lorena Preliminary 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)

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

## Preliminary 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)
- Preliminary Drainage Study or written waiver request
- Preliminary Paving Plan or written waiver request
- Preliminary Water & Wastewater Utility Plans or written waiver request
- Traffic Impact Analysis or written waiver request
- A written statement signed by the subdivider stating the developer will comply with all City requirements in the proposed subdivision and all such proposals shall conform to or exceed the standards for such improvements prescribed by the City.

\*\*\* 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, one (1) mylar 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.

- The case number in the lower left-hand corner of the plat. (The case number shall be provided by staff after the first submittal.)
- North arrow, graphic and written scale in close proximity. The preferred scale is one inch (1") = one hundred feet (100').
- Appropriate title, i.e., "Preliminary Plat", to include subdivision name, which shall not duplicate that of another subdivision, City, county, state, survey and abstract, total gross acreage, number of lots and date of preparation.
- Name and address and phone number and email address of record owner(s), and subdivider, if different. Note volume and page of current deed record ownership.
- Name, address and phone numbers and e-mail addresses of engineer, planner, and/or surveyor responsible for preparing the plat.

- \_\_\_\_ Name of record owner and corresponding deed record volume and page for all adjacent unplatted 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.
- \_\_\_\_ Existing zoning noted on this tract and adjacent tracts and any proposed zoning labeled as such with appropriate setback lines.
- \_\_\_\_ All existing easements on or adjacent to this tract shown and labeled as to type and size.
- \_\_\_\_ The location of existing or approved street intersections on the perimeter of the subdivision or within one hundred feet (100') of the perimeter.
- \_\_\_\_ Legal description of the land to include the current owner's deed record reference, survey and abstract, county, state, point of beginning tied to survey corner or previously filed subdivision corner, or USGS monument.
- \_\_\_\_ Graphic depiction of all boundary lines shown in heavy lines with deed record dimensions or field surveyed dimensions if available. These should match legal description.
- \_\_\_\_ Existing ROW shown, labeled and dimensioned, i.e. public streets, highways, alleys, private drives, railroads, etc.
- \_\_\_\_ Permanent structures and uses within the subdivision that will remain.
- \_\_\_\_ Lots and blocks labeled with numbers in consecutive order.
- \_\_\_\_ Drainage, utility and pedestrian access easements labeled and dimensioned.
- \_\_\_\_ The proposed uses of the property and the proposed location of the uses on the tract(s) including uses to be dedicated for schools, parks, open spaces and other public uses, showing acreage.
- \_\_\_\_ Approximate flood plain and floodway limits shown.
- \_\_\_\_ The location and width of the proposed streets, roads, lots, alleys, easements, widening of existing thoroughfares, and other features, and their location in relation to platted streets, alleys and easements in adjacent subdivisions for a distance of one hundred feet (100') beyond the boundaries of the tract shall be shown consistent with the Thoroughfare Plan or other adopted plan for roads and streets.
- \_\_\_\_ Present physical features on the tract, including natural and artificial watercourses, ditches, ravines, culverts, and bridges.
- \_\_\_\_ A topographical map with contour intervals not greater than two feet with all elevations shown thereon tied to the sea level datum plane.
- \_\_\_\_ Profiles and cross sections of proposed streets and roads sufficient to ascertain that the preliminary plat proposals will function in accordance with the standards of the City.
- \_\_\_\_ A complete and corrected preliminary water and wastewater layout. This may be combined with the drainage study and should show all intended easements and other information required by the Design Standards.
- \_\_\_\_ A final drainage study which shall include all information specified in the Design Standards and support the drainage improvements proposed in the final construction documents. The final drainage study shall be prepared by an engineer and shall be signed, sealed, and dated by the person preparing the study. The City may waive the requirement of the final drainage study or may limit certain requirements where the City Engineer determines that such requirements are not necessary for review of the development.
- \_\_\_\_ The following certifications shall be placed on the preliminary plat:

Reviewed for Preliminary Approval:

Planning & Zoning Commission Chairman      Date

Attest:

City Secretary      Date

Approved for Preparation of Final Plat:

Mayor, City of Lorena      Date

Attest:

City Secretary      Date

# City of Lorena Preliminary Plat Regulations

## SECTION 2.02 - PRELIMINARY PLAT REQUIRED

- A. **Generally.** Approval of a preliminary plat is required for any proposed subdivision within the City which proposes five (5) or more lots or proposes any public works improvements prior to approval of a final plat. When subdividing a tract which proposes four (4) or fewer lots, the owner may elect to submit an application for approval of a final plat or a minor plat without obtaining approval of a preliminary plat. Any re-subdivision of existing platted lots shall require the submittal and approval of a replat or an amending plat.
- B. **Inside City.** Within the City limits, a plat may be approved in two stages: a preliminary plat and a final plat.
- C. **Within ETJ.** Within the extraterritorial jurisdiction of the City, only a final plat is authorized, unless the land to be platted is subject to an approved developer's or development agreement, in which case a preliminary plat may be authorized by the agreement.

## SECTION 4.03 - PRELIMINARY PLAT SUBMITTAL REQUIREMENTS

- A. **Applicability.** A preliminary plat must be prepared and approved for all subdivisions within the corporate limits of the City which do not meet the requirements for a minor plat or amending plat. A preliminary plat is neither authorized nor required in the City's extraterritorial jurisdiction, unless expressly authorized by an agreement between the City and the developer.
- B. **Submission.** The developer shall prepare and submit copies of the preliminary plat to the Administrative Official in the quantity as is determined, from time to time by the Administrative Official. An application lacking required documentation or information shall be returned to the applicant as provided by Section 4.02.
- C. **Phasing.** The preliminary plat shall be submitted on the entire tract proposed to be subdivided, regardless of whether the applicant intends to final plat only a portion of the tract. Any phasing must be shown on the preliminary plat. Any portion of a final plat that developed in sections or phases must correspond to the sections or phases on the preliminary plat. In the event the developer chooses to submit a final plat that does not agree with the phasing plan contained on an approved preliminary plat, the City Planner may require the preliminary plat must be resubmitted with amended phasing indicated

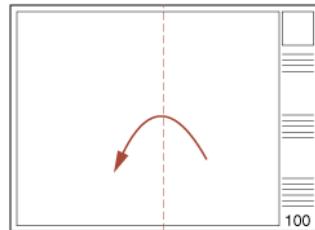
## SECTION 4.04 - REVISED PRELIMINARY PLAT

When, in the opinion of the Administrative Official, a final plat deviates substantially from the approved preliminary plat, the applicant must obtain approval of a revised preliminary plat prior to the submission of a final plat. If an owner proposes substantive changes to a preliminary plat after the City Council has approved it, a revised preliminary plat shall be prepared, processed and approved before preparation of the final plat.

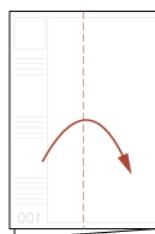
## SECTION 4.01 - SUBMITTAL

- 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.



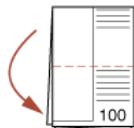
**Step 2:** Fold the top leaf back over itself, which will be 1/4 of the original width.



**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

- B. **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.

C. **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.

D. **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.

E. **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.

F. **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.