

City of Lorena Amending 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 APPROVED
BY CONSULTANTS: _____ STAFF SIGNATURE: _____

FILED BY DATE: _____ STAFF SIGNATURE: _____

DATE SIGNED: _____ 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

Amending 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 Full Size Paper Copy and (1) PDF Electronic Version of the Plat

*** Once Plat has been approved one (1) signed and notarized mylar; 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) 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.

- Plats shall be drawn on a sheet size of eighteen inches (18") by twenty-four inches (24")
- Scale: One inch (1") = One Hundred Feet (100'). In cases of large developments which would exceed the dimensions of the sheet as one hundred-foot (100') scale, plats may be on multiple sheets or to another known engineering scale, as approved by the Administrative Official
- Should more than one (1) sheet be required for the layout, there shall be included a key map showing the entire subdivision, drawn at a smaller scale, with block numbers 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
- _____ 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."
- _____ The following approvals shall be placed on an amending or minor plat:

Approved:

City Manager

Date

Attest:

City Secretary

Date

City of Lorena Amending Plat Regulations

SECTION 2.06 - AMENDING PLATS

An amending plat may be submitted in accordance with Texas Local Government Code 212.016, as amended and may be approved by an Administrative Official so long as the plat is in accordance with Texas Local Government Code and no dedication of ROW is required. Any corrections or conditions not listed in the statutory criteria for an amending plat will require full resubmittal of the plat and will be treated as a replat.

SECTION 4.10 - AMENDING PLAT SUBMITTAL REQUIREMENTS

A. **Purpose.** An amending plat is a plat which is solely for one or more of the following purposes:

1. To alter the interior lot line or change building setback lines for purposes of a more buildable area without increasing the number of lots;
2. To correct an error in course or distance;
3. To add any course or distance that was omitted;
4. To correct an error in the description of the real property;
5. To indicate monuments set after death, disability or retirement from practice of the engineer or surveyor charged with responsibility for setting monuments;
6. To show location or character of any monument which has been changed in location or character or was incorrectly shown;
7. To correct scrivener or clerical error or omission; may include, but are not limited to lot numbers, acreage, street names and identification of adjacent recorded plats;
8. To correct error in course or distances of lot lines between two (2) adjacent lots where both lot owners join in the proposed revision and neither lot is abolished but does not attempt to remove recorded covenants or restrictions;
9. To relocate a lot line in order to cure an encroachment of a building improvement on a lot line or an easement;
10. To relocate lot lines where all owners join in the application for the plat amendment provided that the amendment does not attempt to remove recorded restrictions or covenants or change the number of lots;
11. To replat one or more lots fronting on an existing street if:

- a) The owners of all those lots join in the application for amending the plat;
- b) The amendment does not attempt to remove recorded covenants or restrictions;
- c) The amendment does not increase the number of lots; and
- d) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

B. **Note on Plat.** Amending plats shall contain a note describing the correction, framed in a bold line so as to be distinctly visible on the face of the plat.

C. **Requirements.** All requirements of Sections 4.02 and 4.06 shall be satisfied for submittal of an application for approval of an amending plat and the following minimum certification shall be added to the owner's dedication on all amending plats: "This plat does not increase the number of lots or alter or remove existing deed restrictions or covenants, if any, on this property."

D. **Conditions.** No conditions except those pertaining to the accuracy or clarity of the face of the plat or the provision of adequate utilities or payment of delinquent fiscal charges shall be added as a condition of filing an amending plat and no changes may be shown other than as specified in this Ordinance.

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 5.09 - AMENDING PLAT PROCESSING

- A. **Generally.** An amending plat will be accepted for review in accordance with Section 4.02. After an application for approval of an amending plat has been determined to be complete, the Administrative Official shall forward the application to other City departments for review to determine whether the application complies with applicable Ordinances. The Administrative Official shall, within a reasonable time, generate plat review comments, notify the applicant of same. It is the applicant's responsibility to revise the application to meet the requirements of the Ordinance.
- B. **Approval.** The Administrative Official shall take action upon the application. Upon approval, the Administrative Official shall sign the plat. If the plat meets the requirements of Section

5.10 hereof, the Administrative Official will record the plat. If the plat does not meet with requirements of this Ordinance, the Administrative Official shall deny the plat.

C. **Alternative.** Should any of the conditions imposed pursuant to this Ordinance prove unacceptable to the applicant, the applicant may submit an application for a replat. An amending plat may be submitted and processed as a replat.

SECTION 5.10 - RECORDING OF PLAT

A. **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.

- B. **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.
- C. **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.
- D. **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.
- E. **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.