

PUBLIC NOTICE

City of Lockhart
Planning and Zoning Commission
7:00 PM, January 11, 2023
Municipal Building – Glosserman Room
308 W. San Antonio St.

AGENDA

1. Call meeting to order.
2. Citizen comments not related to an agenda item.
3. Consider the Minutes of the December 14, 2022, meeting.
4. SUP-23-01. Hold a PUBLIC HEARING and consider a request by Jim Meredith for a **Specific Use Permit** to allow the *MF-2 Residential Development Type* on 14.57 acres in the Byrd Lockhart League, Abstract No. 17, zoned *RHD Residential High Density District* and located at 102 East China Street.
5. SUP 23-02: Hold a PUBLIC HEARING and consider a request by Epi Quintana on behalf of Brian Rodgers for a **Specific Use Permit** to allow a *Church* on 2.49 acres in the Cornelius Crenshaw League and Labor, Abstract No. 68, zoned *CHB Commercial Heavy Business District* and located at 2000 West San Antonio Street (Pecan Plaza, Unit 6).
6. Hold a PUBLIC HEARING and consider a recommendation to City Council for proposed amendments to Chapter 64 “Zoning” of the Lockhart Code of Ordinances, revising:
 - 1) Section 64-2 Definitions, by deleting or changing existing definitions, and adding new definitions, of various land uses; and,
 - 2) Sections 64-196(b), 64-196(c), 64-196(d), 64-196(e), 64-196(f), 64-196(g), 64-196(h), 64-196(i), 64-196(j), 64-196(k), and 64-196(l), by deleting or changing existing land uses, and adding new land uses, listed as allowed by-right or as a specific use in the AO, PI, RLD, RMD, RHD, CLB, CCB, CMB, CHB, IL, and IH zoning districts.
7. Consider a recommendation to City Council for proposed amendments to Chapter 52 “Subdivision Regulations” of the Lockhart Code of Ordinances, updating, adding, deleting, correcting, or clarifying certain provisions throughout the entire chapter.
8. Discuss the date and agenda of next meeting, including Commission requests for agenda items.
9. Adjourn.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, at 12:00 PM on the 5th day of January, 2023.

**City of Lockhart
Planning and Zoning Commission
December 14, 2022**

MINUTES

Members Present: Philip Ruiz, Phil McBride, Bradley Lingvai, Rick Arnic, Ron Peterson, Chris St. Ledger

Member Absent: Manuel Oliva

Staff Present: Dan Gibson, David Fowler, Christine Banda, Kevin Waller

Visitors/Citizens Addressing the Commission: Alan Balsler, Bobby Ross, Robert Mendez, Jr., Diane Bernal

1. Call meeting to order. Chair Ruiz called the meeting to order at 7:00 p.m.
2. Citizen comments not related to an agenda item. None
3. Consider the Minutes of the November 9, 2022, meeting.

Commissioner McBride moved to approve the November 9, 2022, minutes. Commissioner St. Ledger seconded, and the motion passed by a vote of 6-0.

4. ZC-22-30. Hold a PUBLIC HEARING and consider a request by Alan Balsler for a Zoning Change from AO Agricultural-Open Space District and RLD Residential Low Density District to RLD Residential Low Density District on a total of 17.228 acres in the Lockhart Byrd League, Abstract No. 17, located at 1107 Silent Valley Road (FM 2001).

David Fowler presented the staff report. He described the property as being located north of Silent Valley Road and having a driveway that is also used as a shared access easement by neighboring homes. The applicant requested subject property to be rezoned to RLD Residential Low Density District. The site has adequate water service, but the wastewater line would need to be upgraded along the railroad tracks and extended northward along Stueve Lane to the property. Staff had not received any response to the notifications sent to surrounding property owners or the sign placed on the site.

Chair Ruiz opened the public hearing and asked for the applicant to come forward.

Alan Balser, of 11166 Lawnhaven Road, Dallas, TX 75230, said he is requesting the RLD zoning district to be consistent with the future land use plan. There are currently no development plans for the property. He mentioned that Stueve Lane would be extended to SH 130 when a neighboring development is built.

Chair Ruiz asked for any other speakers, and seeing none, he closed the public hearing and asked for staff recommendations.

Mr. Fowler stated that staff recommended approval.

Commissioner St. Ledger moved to recommend approval of ZC-22-30 to City Council. Commissioner Arnic seconded, and the motion passed by a vote of 6-0.

5. ZC-22-31. Hold a PUBLIC HEARING and consider a request by Diane Bernal on behalf of Michael Wes Masur and Mandy Masur Holcomb, for a Zoning Change from RLD Residential Low Density District to CMB Commercial Medium Business District on Lot 1, Masur Subdivision, consisting of 2.256 acres located at 1708 West San Antonio Street (SH 142).

Mr. Fowler explained that the subject property was located between a single-family neighborhood located on Richland Drive and the Kelley Villas duplex community to the west along West San Antonio Street. The zoning request was consistent with the future land use plan. No objections had been received in response to the notifications sent to surrounding property owners.

Diane Bernal of 11917 Oak Knoll Dr, Austin, identified herself as a co-applicant. She stated that the tract of land is ideal for transition from commercial to residential. She also stated they would submit their driveway proposal to TxDOT for approval and to see if any safety improvements were required. Upon approval of a driveway location, the applicants will submit their site plan proposal to city staff. She stated the mix of commercial uses on the site had not been determined as of the meeting date.

Chair Ruiz asked if anyone else would like to speak, and seeing no volunteers, he closed the public hearing and moved to staff recommendations.

Mr. Fowler stated that staff recommends approval.

Commissioner McBride moved to recommend approval for ZC-22-31 to City Council. Commissioner Peterson seconded, and the motion passed by a vote of 6-0.

6. As provided in Chapter 12, "Buildings and Building Regulations", Section 12-491(3), of the Lockhart Code of Ordinances for fences within the front building setback area in nonresidential zoning districts, consider a request by Robert Mendez, Sr., for approval of a four-foot high wrought-iron fence along the front property line and six-foot high wrought-iron fences along the side property lines of a property zoned CLB Commercial Light Business District and located at 908 South Main Street.

Mr. Fowler presented the case, showing the subject property and neighboring properties in the context of the site and its surroundings, which is a transitional area between single-family residential and commercial uses. The property in question was a single-family structure in the CLB Zoning District. Mr. Fowler stated that the fence is built already, and that the application is coming before the Commission after the owner received a violation notice regarding the fence being built without a permit. The fence is wrought iron which is four feet high with a five-foot gate. The fence was higher along the side property lines. He explained that all commercial property requires approval from the planning and zoning commission for any fence in the front yard.

Chair Ruiz asked the applicant to come forward and speak.

Robert Mendez, Jr., of 908 S. Main Street spoke. He said that he was not aware that his contractor did not obtain a fence permit. He wanted to put a fence in place because there have been issues with trespassing in the area. He was not sure why the contractor did not obtain their permit but once he received the violation letter, he immediately came in to resolve the issue.

Commissioner Peterson moved to approve the fence in the front yard setback within the CLB zoning district request for 908 South Main Street. Commissioner Arnic seconded, and the motion passed by a vote of 6-0.

7. FP-22-08. Continue consideration of a request by Bobby Ross of Doucet & Associates, on behalf of Lockhart Economic Development Corporation, for approval of a Final Plat for Lockhart Industrial Park III, Section 2, consisting of 37.82 acres in the Cornelius Crenshaw Survey, Abstract No. 68, zoned IL Industrial Light District, and located in the 500 block of FM 2720. [Tabled 11-9-22]

Kevin Waller presented the plat. He stated it would have four lots with one for drainage. There would be sidewalks along all street frontages and the area would be the site of an industrial park. A hike and bike trail was shown on the plat.

Chair Ruiz asked if anyone would like to speak.

Bobby Ross with Doucet & Associates introduced himself as one of the engineers on the project and stated he was available to answer any questions.

There were no questions of Mr. Ross.

Chair Ruiz asked if anyone else wished to speak. With no one else volunteering, he asked for staff recommendation.

Kevin said that staff recommends approval

Commissioner Arnic moved to recommend approval of FP-22-08. Commissioner St. Ledger seconded, and the motion passed by a vote of 6-0.

8. PV-22-04. Consider a request by Casey Stevenson of VMP Lockhart Properties, LLC, for Variances to Chapter 52 "Subdivision Regulations", of the Lockhart Code of Ordinances, Sections 52-31(a) and 52-205(c) to allow a building permit to be issued for construction prior to recording the final plat, and Sections 52-31(a) and 52-205(b,d,e) to allow for the provision of utility services prior to recording the final plat, and Section 52-204 to allow for the recording of the final plat prior to inspection and acceptance of the public improvements by the City, for Lockhart Farms Addition, Phase Two, consisting of 36.18 acres in the Cornelius Crenshaw Survey, Abstract No. 68, zoned RMD Residential Medium Density District and CMB Commercial Medium Business District, located in the 2000 block of West San Antonio Street (SH 142).

Mr. Waller presented the case, stating that the plat would have two commercial lots along West San Antonio Street and a residential subdivision north of the commercial lots. The applicant is requesting three variances: They wanted to allow for utility services to be provided prior to recording the plat, to allow building permits prior to the recording of the final plat, and to allow the recording of the plat prior to inspection and acceptance of the public improvements by the city. He went over the criteria for the variances to be met. He explained that they need a crane to put the homes in place and believe the crane would destroy a newly paved road.

Commissioners were concerned about the variances and the type of homes being proposed in the development.

Mr. Waller explained that the modular homes would meet the city building code requirements. Mr. Fowler cited a definition from the Zoning Code that stated that modular homes are considered the equivalent of site-built homes.

Chair Ruiz asked if the applicant was present.

Casey Stevenson of 485 Millwood Drive, Highland Village, Texas came forward with a presentation for the commissioners. The homes would be brought in with cranes and then assembled on the lot. They would construct all the curbing except the road itself to preserve it. They would assemble 15 homes a month. The homes would be all wood panel construction, with different elevations. The homes would be a quality product. They would like to propose a letter of credit to make sure all is completed.

The commissioners had questions and concerns about the quality of the homes and when exactly folks would be able to move into the homes.

Mr. Stevenson said that they would not be able to move in until a certification of occupancy is received from the city.

Robert Caravella of 6326 River Place Blvd, Austin, Texas said that he was skeptical at first but after going to see the homes in the factory and how they are assembled, his concerns were addressed. He stated the homes are a high-quality product assembled without the weather conditions facing site-built homes, making for a more consistent product. He stated that the homes are equivalent materials to other site-built homes and are not similar to manufactured or mobile homes.

Paul Leventis, of 2554 Emerald Ridge, College Station, said that he was in favor of the development, as modular developments are becoming the new norm. He thinks it is in everybody's best interest to have a quality product because they would be leased homes. The applicant would just like to maintain the integrity of the street by not having a crane drive over a finished asphalt street.

Mr. Waller said that staff recommends approval if the commission finds the variances meet the criteria.

There was discussion about our ordinances not allowing for other ways to help certain developments.

Commissioner Lingvai moved to recommend approval of PV-22-04 subject to fiscal security. Commissioner St. Ledger seconded, and the motion was denied by a vote of 3-3 with Commissioners Ruiz, McBride and Arnic against.

9. Discuss the date and agenda of next meeting, including Commission requests for agenda items.

It was announced that the Commission's next regular meeting date would be January 11, 2023.

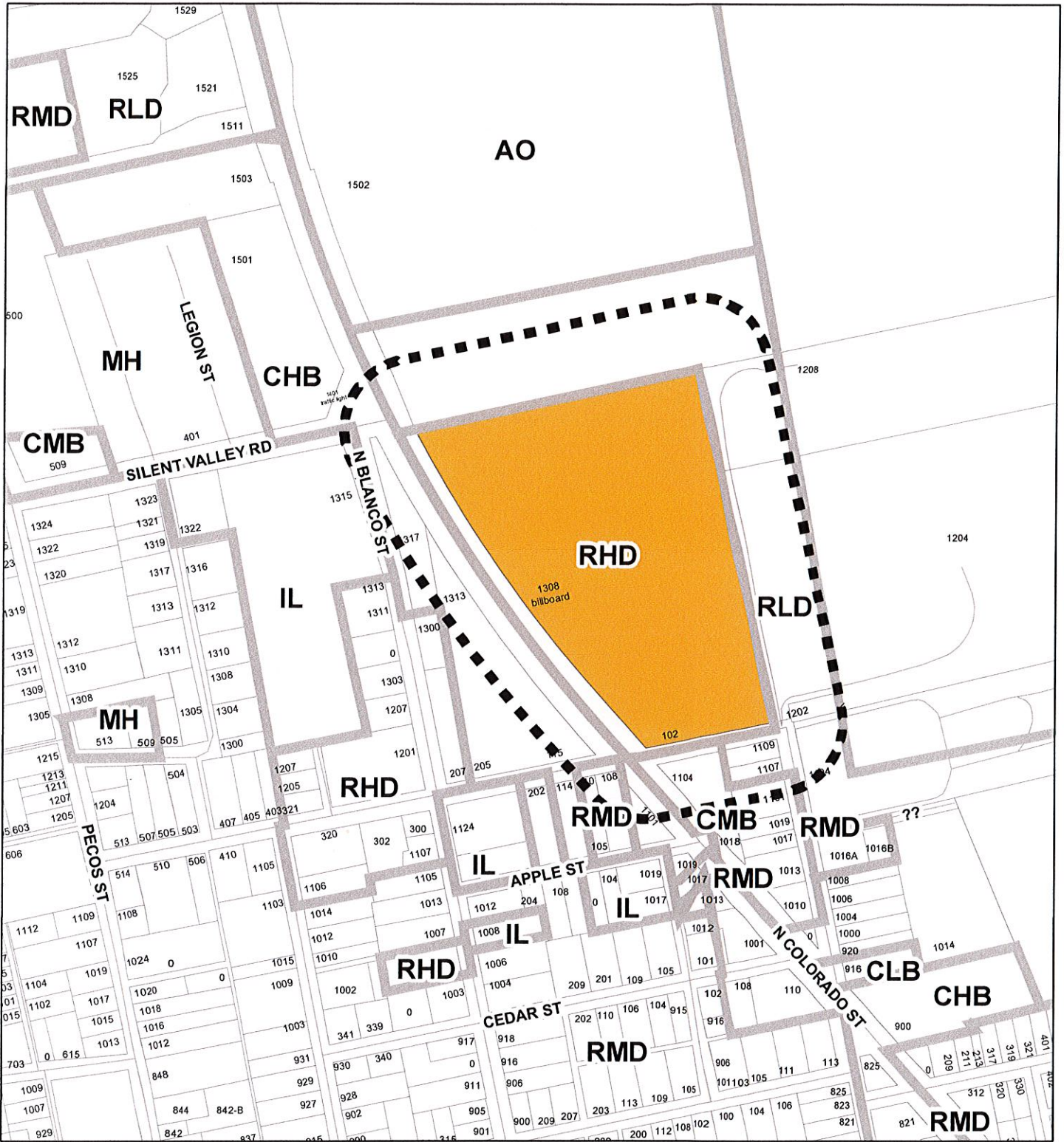
10. Adjourn.

Commissioner McBride moved to adjourn, and Commissioner Arnic seconded. The motion passed by a unanimous vote, and the meeting adjourned at 8:22 p.m.

Approved: _____
(date)

Christine Banda, Recording Secretary

Philip Ruiz, Chair



SUP-23-01

102 E CHINA ST

MF-2 RESIDENTIAL DEVELOPMENT TYPE

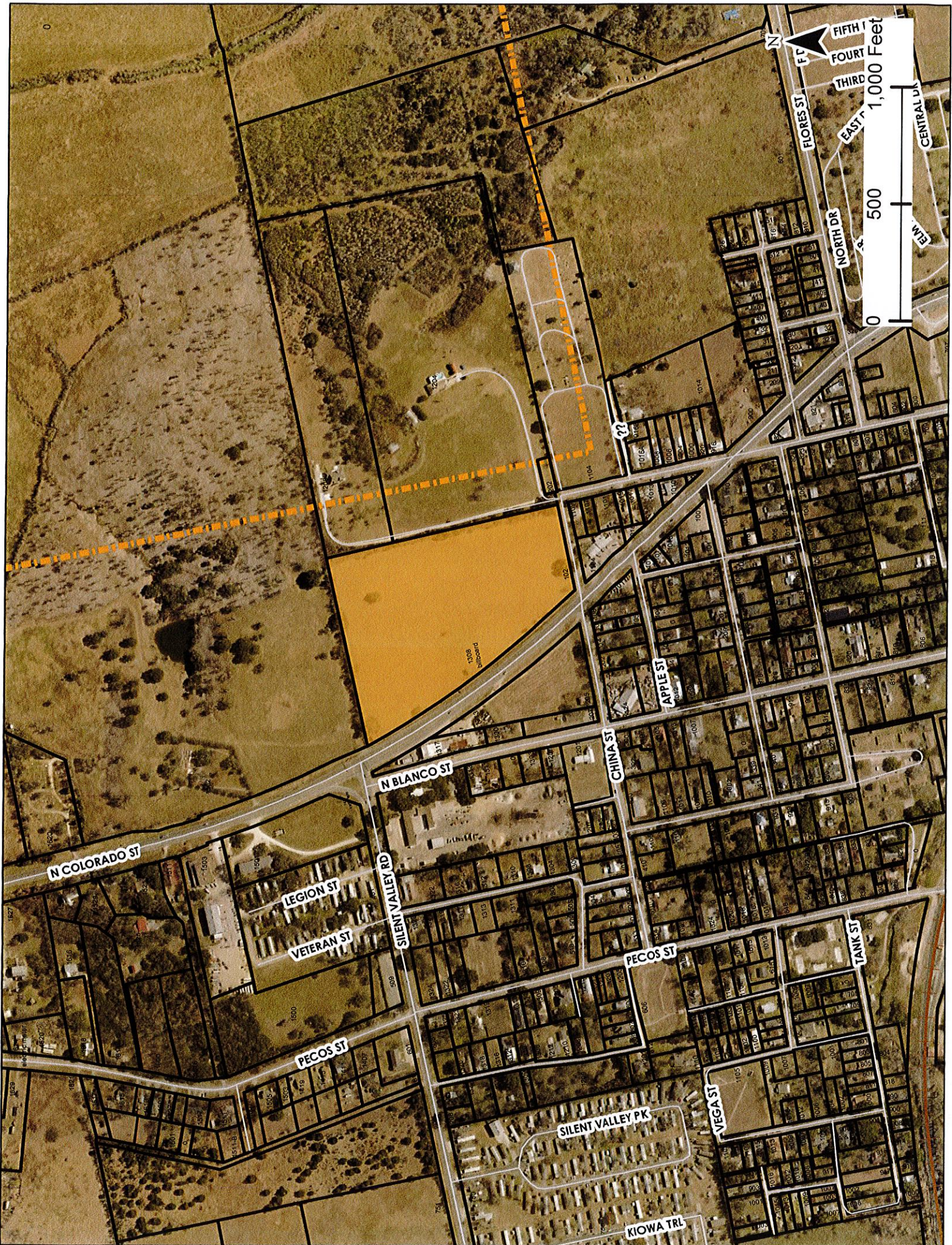


 SUBJECT PROPERTY

 ZONING BOUNDARY

 200 FT. BUFFER

scale 1" = 400'



N COLORADO ST

LEGION ST

VETERAN ST

PECOS ST

N BLANCO ST

SILENT VALLEY RD

CHINA ST

APPLE ST

PECOS ST

SILENT VALLEY PK

KIOWA TRL

VEGA ST

TANK ST

FIFTH ST

FOURTH ST

THIRD ST

NORTH DR

FLORES ST

CENTRAL DR

500

1,000 Feet

N

CASE SUMMARY

STAFF CONTACT: David Fowler, Senior Planner
REPORT DATE: January 5, 2023
PUBLIC HEARING DATE: January 11, 2023
APPLICANT'S REQUEST: MF-2 Residential Development Type
STAFF RECOMMENDATION: **Approve**
SUGGESTED CONDITIONS: None.

CASE NUMBER: SUP-23-01

BACKGROUND DATA

APPLICANT(S): Jim Meredith
OWNER(S): Bobby Schmidt
SITE LOCATION: 102 East China Street
LEGAL DESCRIPTION: Metes and bounds
SIZE OF PROPERTY: 14.57 acres
EXISTING USE OF PROPERTY: Vacant
ZONING CLASSIFICATION: RHD

ANALYSIS OF ISSUES

CHARACTERISTICS OF PROPOSED USE: The subject site was rezoned from RMD Residential Medium Density District to RHD on July 19, 2022. The applicant proposes to build a 348-unit apartment complex on the site. The applicant has proposed the MF-2 development type, which allows for up to 24 units per acre. This development type requires and SUP in the RHD zoning district. The proposed development shows 348 dwelling units in 15 buildings, for a density just under 24 units per acre.

NEIGHBORHOOD COMPATIBILITY: Considering the mixture of existing land uses, zoning classifications, and future land use designations on the Land Use Plan map in the area around the property, the characteristics of high density multi-family residential would not have unusual adverse impacts. Currently, the closest existing uses are a convenience store to the south, several single-family residences to the southeast and a number of businesses along the North Colorado Street Corridor. The parcels to the north and west are both currently vacant. The area to the west is large-lot rural residential development.

COMPLIANCE WITH STANDARDS: The site plan is still conceptual at this early stage but does include all major elements required to meet the applicable zoning standards. The site plan has been proposed to meet the required 2.25 parking spaces per residential unit, while also providing 12 spaces for the clubhouse. The permit set for the complex will be required to have accessible spaces equal to two percent of the overall amount of parking spaces. The subject parcel is not platted, so subdivision plans, including streets, sidewalks and utility extensions must be approved and the improvements constructed prior to a building permit set being submitted.

ADEQUACY OF INFRASTRUCTURE: The site plan shows one planned entrance on East China Street and another on a planned extension of Silent Valley Road. The applicant must work with TxDOT on the extension of Silent Valley Road, including the effects of the planned extension on the existing intersection with North Colorado Street (US 183). TxDOT may also likely require improvements to mitigate the impact of traffic at the intersection of North Colorado Street and East China Street. There is a twelve-inch water line in the North Colorado Street right-of-way that currently serves the subject property. There are two six-inch wastewater lines near the property, but these would not be adequate to serve the proposed development. The applicant's engineers have been working with City staff and engineers to determine the best option for conveying wastewater from the site to the main sewer line near the railroad tracks.

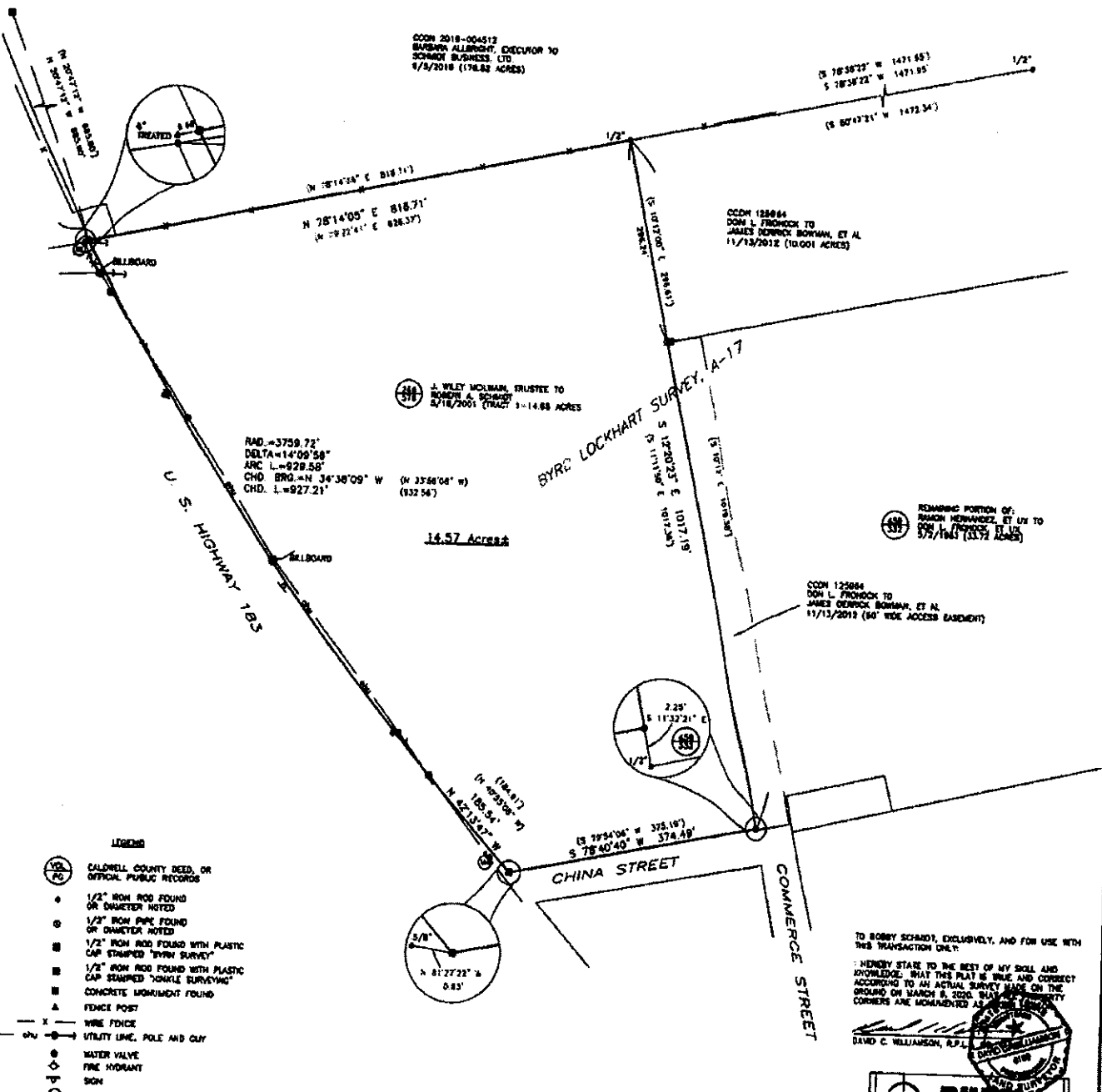
RESPONSE TO NOTIFICATION: None as of the date of this report.

STAFF RECOMMENDATION: Staff recommends ***Approval***.

DISCLAIMER INDEX

1. FENCES MEASOR.
2. BEARINGS, DISTANCES AND AREAS IN PARENTHESES OR BRACKETS ARE FROM RECORD INFORMATION.
3. S. ACCORDING TO SCALING FROM THE CURRENT F.E.M.A. FLOOD INSURANCE RATE MAP NO. 4802201202, DATED 8/18/2012, A PORTION OF THIS TRACT LIES WITHIN ZONE A (NO BASE FLOOD ELEVATIONS DETERMINED) AND A PORTION OF THIS TRACT LIES WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).
4. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE OR EASEMENT. THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON.
5. THIS SURVEY PLAT WAS PREPARED IN CONJUNCTION WITH A LAND DESCRIPTION DATED MARCH 8, 2020 PREPARED BY BYRN AND ASSOCIATES, INC. OF SAN MARCOS, TEXAS.
6. THE BEARING BASIS FOR THIS SURVEY PLAT WAS DETERMINED FROM GPS OBSERVATIONS AND REFERS TO GRID NORTH OF THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, SOUTH CENTRAL ZONE.

ORIGINAL SCALE
1" = 100'



- LEGEND**
- ⊙ CALDWELL COUNTY DEED, OR OFFICIAL PUBLIC RECORDS
 - 1/2" IRON ROD FOUND OR DIAMETER NOTED
 - 1/2" IRON PIPE FOUND OR DIAMETER NOTED
 - 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "BYRN SURVEY"
 - 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "DONKLE SURVEY"
 - CONCRETE MONUMENT FOUND
 - ▲ FENCE POST
 - X — WIRE FENCE
 - ○ — UTILITY LINE, POLE AND GUY
 - WATER VALVE
 - ◇ FIRE HYDRANT
 - ▽ SIGN
 - ⊙ MOUND

TO BOBBY SCHMIDT, EXCLUSIVELY, AND FOR USE WITH THIS TRANSACTION ONLY.

I HEREBY STATE TO THE BEST OF MY SKILL AND KNOWLEDGE, THAT THIS PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND ON MARCH 8, 2020. THAT ALL PROPERTY CORNERS ARE MONUMENTED AS SHOWN.

DAVID C. WILLIAMS, R.P.L.S.

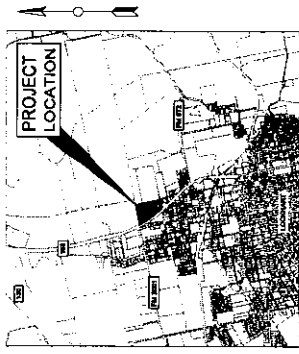
BYRN & ASSOCIATES, INC.

SURVEYING

P.O. BOX 1433 SAN MARCOS, TEXAS 78687
PHONE 512-398-2270 FAX 512-392-2848
FIRM NO. 10070500

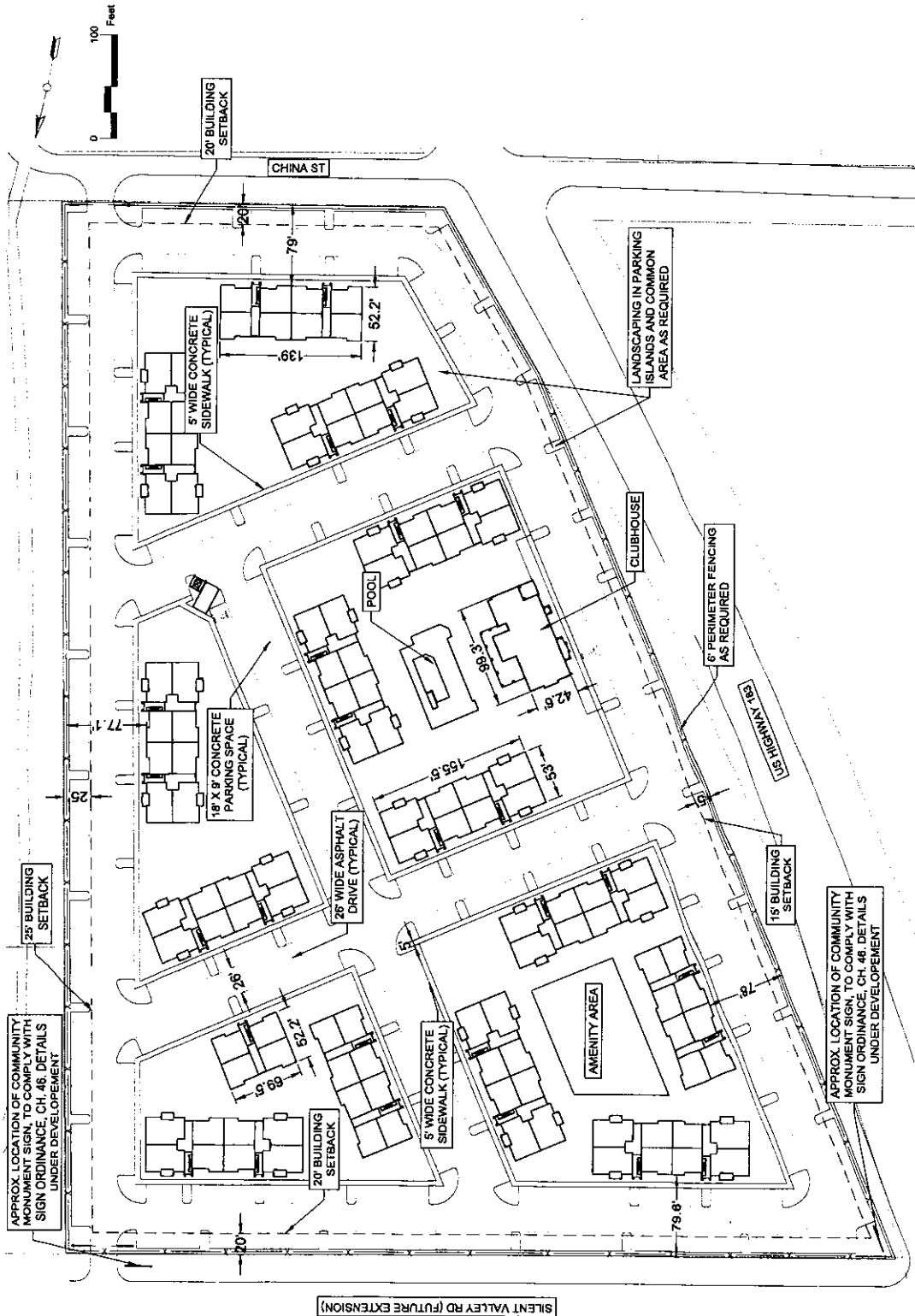
CLIENT: SCHMIDT, BOBBY
DATE: MARCH 9, 2020
OFFICE: MADON
CREW: C. SMITH, MADON
FB/PR: 784/34
PLAT NO. 27791-20-2-1

PLAT OF 14.57 ACRES, MORE OR LESS, IN THE BYRD LOCKHART SURVEY, ABSTRACT NO. 17, CITY OF LOCKHART, CALDWELL COUNTY, TEXAS



VICINITY MAP
SCALE: NTS

SITE DATA	
4 1/2 STORY BUILDING	14.57
TOTAL UNITS	348
UNITS/ACRE	23.86
NO KNOWN EASEMENTS	
NO KNOWN FLOODPLAIN	
UNIT TABULATION	
TYPE	# UNITS
A - ONE BEDROOM	216 (62%)
B - TWO BEDROOM	132 (38%)
TOTAL	348 (100%)
PARKING REQUIRED	
2 PER DWELLING UNIT	696
1 PER 4 DWELLING UNIT	87
TOTAL	783
PARKING PROVIDED	
CLUBHOUSE	12
STANDARD SPACES	796
TOTAL	808
PARKING RATIO = 2.25	



MOODY ENGINEERING, INC.
 9225 BEE CAVES ROAD
 BLDG A, SUITE 200
 AUSTIN, TEXAS 78733
 (512) 502-4333
 TYPE FIRM REG. NO. F-18330



SPECIFIC USE PERMIT SITE PLAN
SILENT VALLEY MULTIFAMILY
 LOCKHART, TX

NOV. 2022 2022-614

SPECIFIC USE PERMIT APPLICATION

CITY OF

Lockhart
TEXAS

(512) 398-3461 • FAX (512) 398-3833
P.O. Box 239 • Lockhart, Texas 78644
308 West San Antonio Street

APPLICANT/OWNER

APPLICANT NAME Jim Meredith
DAY-TIME TELEPHONE 512-658-9700
E-MAIL jim@masonwoodtx.com

ADDRESS 4301 Westbank Dr
Bldg A110
Austin, TX 78746

OWNER NAME Bobby Schmidt
DAY-TIME TELEPHONE 512-924-0387
E-MAIL Bobby@schmidtranch.net

ADDRESS 3595 Schvelke Rd.
Niederwald, TX
78640-4122

PROPERTY

ADDRESS OR GENERAL LOCATION 102 East China St Lockhart TX
LEGAL DESCRIPTION (IF PLATTED) 78644
SIZE 14.6 ACRE(S) ZONING CLASSIFICATION RHD
EXISTING USE OF LAND AND/OR BUILDING(S) raw land

REQUESTED SPECIFIC USE

PROPOSED USE REQUIRING PERMIT MF-2

CHARACTERISTICS OF PROPOSED USE, INCLUDING INDOOR AND OUTDOOR FACILITIES, ANTICIPATED OCCUPANCY (NUMBER OF DWELLING UNITS, RESIDENTS, EMPLOYEES, SEATS, OR OTHER MEASURE OF CAPACITY, AS APPLICABLE), GROSS FLOOR AREA, HOURS OF OPERATION, AND ANY OTHER RELEVANT INFORMATION. ATTACH ADDITIONAL SHEETS, IF NECESSARY.

342-unit apartment complex

SUBMITTAL REQUIREMENTS

IF THE APPLICANT IS NOT THE OWNER, A LETTER SIGNED AND DATED BY THE OWNER CERTIFYING THEIR OWNERSHIP OF THE PROPERTY AND AUTHORIZING THE APPLICANT TO REPRESENT THE PERSON, ORGANIZATION, OR BUSINESS THAT OWNS THE PROPERTY.

IF NOT PLATTED, A METES AND BOUNDS LEGAL DESCRIPTION OF THE PROPERTY.

SITE PLAN, SUBMITTED ON PAPER NO LARGER THAN 11" X 17", SHOWING: 1) Scale and north arrow; 2) Location of site with respect to streets and adjacent properties; 3) Property lines and dimensions; 4) Location and dimensions of buildings; 5) Building setback distances from property lines; 6) Location, dimensions, and surface type of off-street parking spaces and loading areas; 7) Location, dimensions, and surface type of walks and patios; 8) Location, type, and height of free-standing signs; fences, landscaping, and outdoor lighting; 9) utility line types and locations; and, 10) any other proposed features of the site which are applicable to the requested specific use.

APPLICATION FEE OF \$ 442.00 PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:

Fee= \$170 + \$20x13.6 = \$442

1/4 acre or less	\$125
Between 1/4 acre and one acre	\$150
One acre or greater	\$170 plus \$20.00 per each acre over one acre

TO THE BEST OF MY KNOWLEDGE, THIS APPLICATION AND ASSOCIATED DOCUMENTS ARE COMPLETE AND CORRECT, AND IT IS UNDERSTOOD THAT I OR ANOTHER REPRESENTATIVE SHOULD BE PRESENT AT ALL PUBLIC MEETINGS CONCERNING THIS APPLICATION.

SIGNATURE *Bobby Schmitt*

DATE 11/16/22

OFFICE USE ONLY

ACCEPTED BY D. Fowler

RECEIPT NUMBER 201193379

DATE SUBMITTED 12/12/2022

CASE NUMBER SUP - 23 - 01

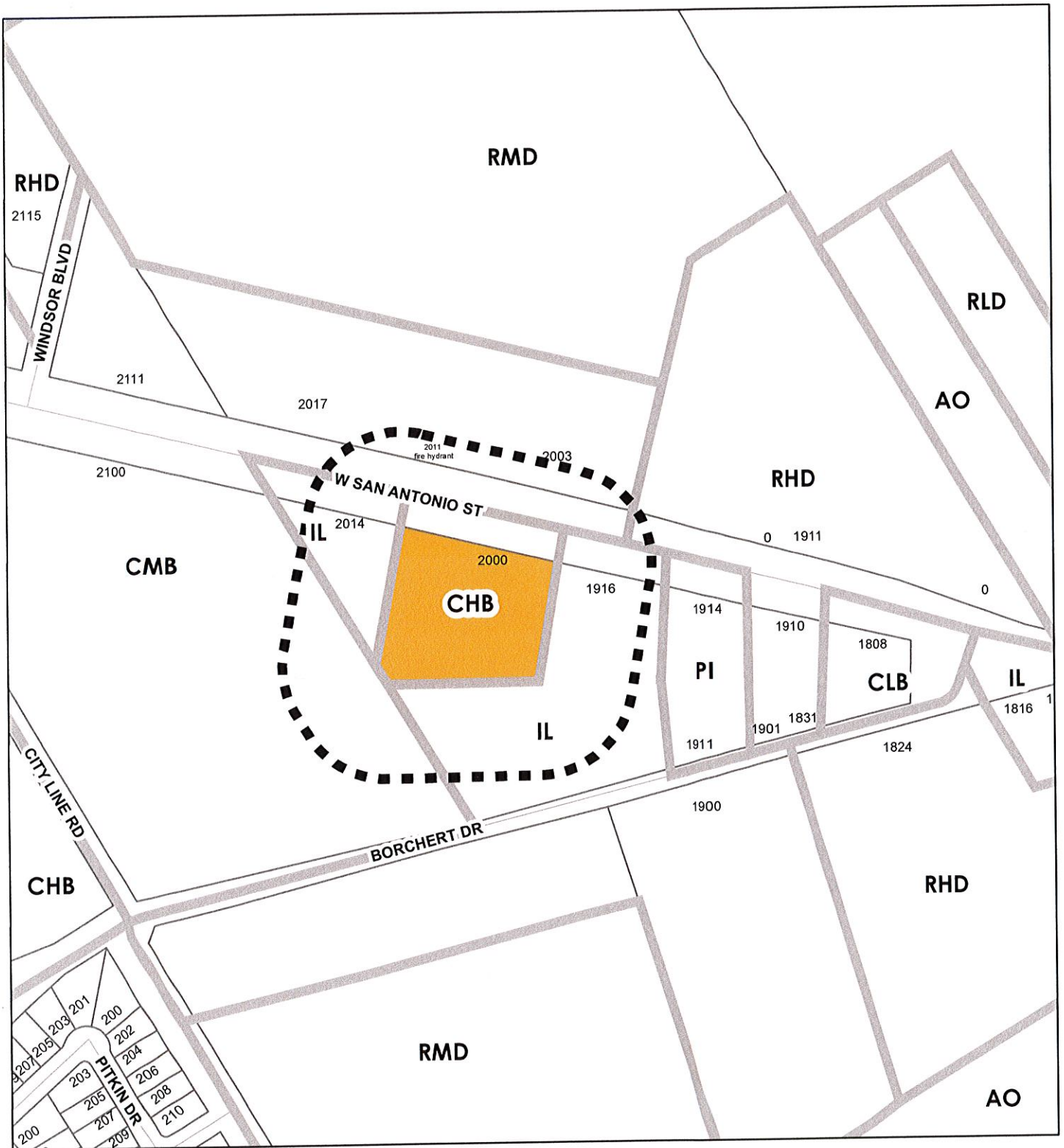
DATE NOTICES MAILED 12-23-2022

DATE NOTICE PUBLISHED 12-29-2022

PLANNING AND ZONING COMMISSION MEETING DATE 1/14/23

DECISION _____

CONDITIONS _____






SUP-23-02

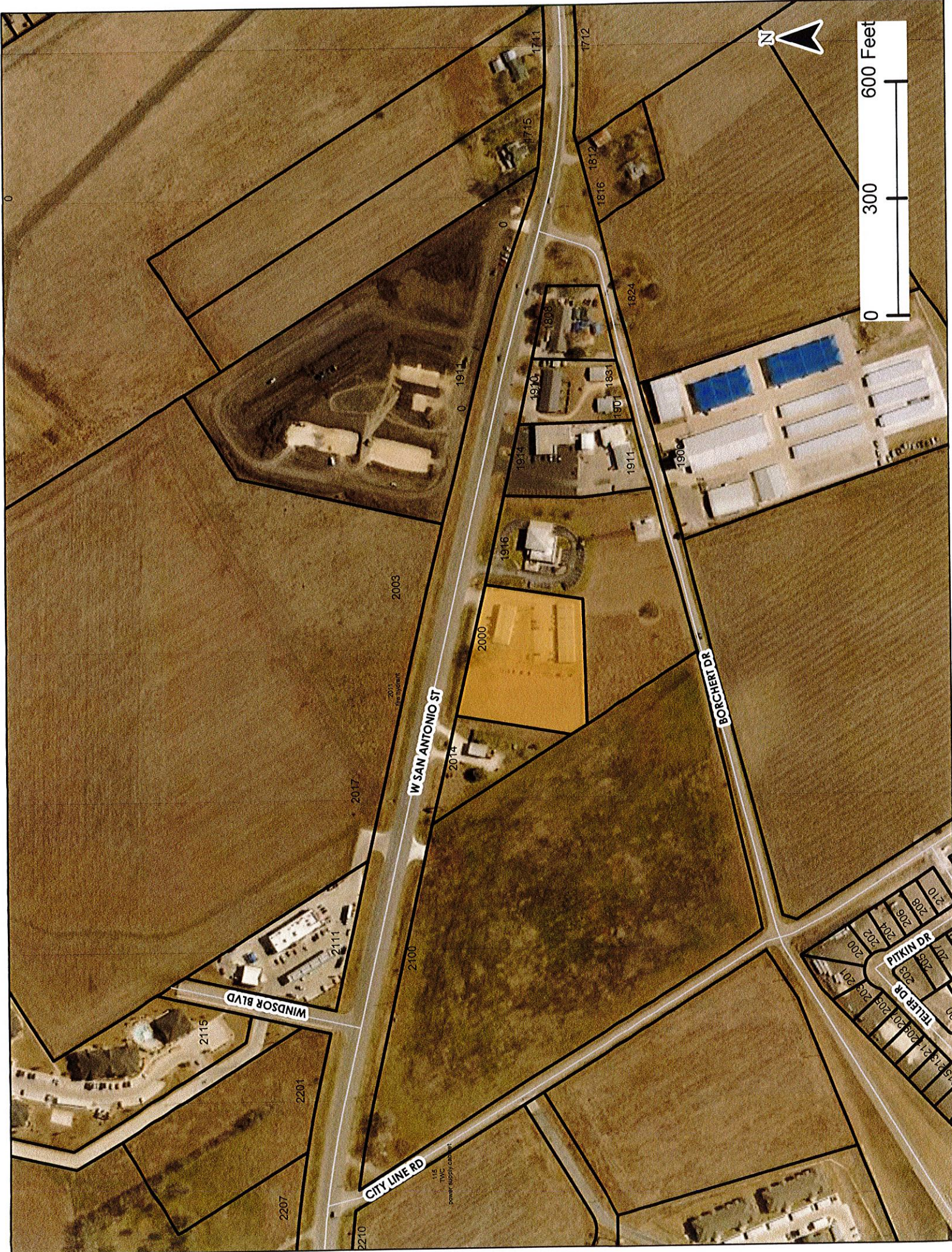
2000 W SAN ANTONIO ST
UNIT 6

CHURCH



-  SUBJECT PROPERTY
-  ZONING BOUNDARY
-  200 FT. BUFFER

scale 1" = 300'



W SAN ANTONIO ST

WINDSOR BLVD

CITY LINE RD

BORCHERT DR

PITKIN DR

TELLER DR

2003

2000

1911

1916

1914

1910

1901

1831

1911

1900

1824

1816

1812

1712

1741

1715

2017

2100

2201

2207

2115

2111

210

208

206

204

203

202

200

201

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205

207

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CASE SUMMARY

STAFF: David Fowler, Senior Planner

CASE NUMBER: SUP-23-02

REPORT DATE: January 5, 2023

PUBLIC HEARING DATE: January 11, 2023

APPLICANT'S REQUEST: Church in the CHB Commercial Heavy Business District

STAFF RECOMMENDATION: **Approval**

SUGGESTED CONDITIONS: None

BACKGROUND DATA

APPLICANT: Epi Quintana

OWNER: Brian Rodgers

SITE LOCATION: 2000 West San Antonio Street, #6

LEGAL DESCRIPTION: Metes and bounds

SIZE OF PROPERTY: 2.49 acres

EXISTING USE OF PROPERTY: Vacant Commercial Space

ZONING CLASSIFICATION: Commercial Heavy Business

ANALYSIS OF ISSUES

CHARACTERISTICS OF PROPOSED USE: A church is proposed in a 1,000 square foot commercial space located in the rear building of the Pecan Plaza commercial development. An SUP is required for this use because any use permitted in the PI Public and Institutional District requires an SUP within the CHB District.

NEIGHBORHOOD COMPATIBILITY: The proposed location of the church would be in the rear or southernmost of the two buildings at Pecan Plaza. The site does not abut any residential areas, so a church should not be disruptive to any existing neighborhoods.

COMPLIANCE WITH STANDARDS: There are no listed parking standards for uses permitted in the PI District. However, through past actions the Planning and Zoning Commission has established a standard for churches of one parking space per 4 seats. The applicant expects 10-20 people to be in attendance during services. As the adjacent parking lot has 18 spaces, parking should be adequate for the proposed use, especially as the planned Sunday and Wednesday night services would not be held during the business hours typical of other uses in the center.

ADEQUACY OF INFRASTRUCTURE: Existing vehicular access from West San Antonio Street would continue. Water and wastewater service is adequate.

RESPONSE TO NOTIFICATION: Staff has not received any response to notification letters.

STAFF RECOMMENDATION: Approval.

SPECIFIC USE PERMIT APPLICATION

CITY OF
Lockhart
TEXAS

(512) 398-3461 • FAX (512) 398-3833
P.O. Box 239 • Lockhart, Texas 78644
308 West San Antonio Street

APPLICANT/OWNER

APPLICANT NAME Epi Quintana

ADDRESS 661 foster LN

DAY-TIME TELEPHONE 512-216-1654

San Marcos Tx 78666

E-MAIL Epi electric@yahoo.com

OWNER NAME Brian Rodgers

ADDRESS 1112W 9th Street

DAY-TIME TELEPHONE 512 496 5838

Austin Tx 78703

E-MAIL Brianx19rodgers@gmail.com

PROPERTY

ADDRESS OR GENERAL LOCATION 2000 W San Antonio St. # 6

LEGAL DESCRIPTION (IF PLATTED) _____

SIZE _____ ACRE(S) ZONING CLASSIFICATION CHB

EXISTING USE OF LAND AND/OR BUILDING(S) Vacant

REQUESTED SPECIFIC USE

PROPOSED USE REQUIRING PERMIT Church

CHARACTERISTICS OF PROPOSED USE, INCLUDING INDOOR AND OUTDOOR FACILITIES, ANTICIPATED OCCUPANCY (NUMBER OF DWELLING UNITS, RESIDENTS, EMPLOYEES, SEATS, OR OTHER MEASURE OF CAPACITY, AS APPLICABLE), GROSS FLOOR AREA, HOURS OF OPERATION, AND ANY OTHER RELEVANT INFORMATION. ATTACH ADDITIONAL SHEETS, IF NECESSARY.

Church services, on Wednesday, and Sunday At
11:00 AM And 7:00 PM

SUBMITTAL REQUIREMENTS

IF THE APPLICANT IS NOT THE OWNER, A LETTER SIGNED AND DATED BY THE OWNER CERTIFYING THEIR OWNERSHIP OF THE PROPERTY AND AUTHORIZING THE APPLICANT TO REPRESENT THE PERSON, ORGANIZATION, OR BUSINESS THAT OWNS THE PROPERTY.

IF NOT PLATTED, A METES AND BOUNDS LEGAL DESCRIPTION OF THE PROPERTY.

SITE PLAN, SUBMITTED ON PAPER NO LARGER THAN 11" X 17", SHOWING: 1) Scale and north arrow; 2) Location of site with respect to streets and adjacent properties; 3) Property lines and dimensions; 4) Location and dimensions of buildings; 5) Building setback distances from property lines; 6) Location, dimensions, and surface type of off-street parking spaces and loading areas; 7) Location, dimensions, and surface type of walks and patios; 8) Location, type, and height of free-standing signs; fences, landscaping, and outdoor lighting; 9) utility line types and locations; and, 10) any other proposed features of the site which are applicable to the requested specific use.

APPLICATION FEE OF \$ ~~100~~ PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:

1/4 acre or less	199.80	\$125 <i>✓</i>
Between 1/4 acre and one acre		\$150
One acre or greater		\$170 plus \$20.00 per each acre over one acre <i>+</i>

TO THE BEST OF MY KNOWLEDGE, THIS APPLICATION AND ASSOCIATED DOCUMENTS ARE COMPLETE AND CORRECT, AND IT IS UNDERSTOOD THAT I OR ANOTHER REPRESENTATIVE SHOULD BE PRESENT AT ALL PUBLIC MEETINGS CONCERNING THIS APPLICATION.

SIGNATURE Epi Quintana DATE 12-05-22

OFFICE USE ONLY

ACCEPTED BY D. Fowler RECEIPT NUMBER D01191553

DATE SUBMITTED 12/5/2022 CASE NUMBER SUP - 23 - 02

DATE NOTICES MAILED 12-23-2022 DATE NOTICE PUBLISHED 12-29-2022

PLANNING AND ZONING COMMISSION MEETING DATE 1-11-2023

DECISION _____

CONDITIONS _____

**2000 West San Antonio LLC
Pecan Plaza**

December 1, 2022

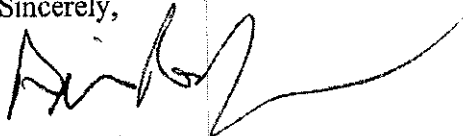
City of Lockhart
308 W San Antonio
Lockhart, TX 78644

Re: Church tenant for Unit 6

Dear City of Lockhart,


Epi Quintana and the Potter's House Church would like to rent Unit #6 at the Pecan Plaza for his church. He understands that there is a process that he needs to complete regarding zoning use before that is possible. This letter from me, the owner, shall serve as my agreement to allow him to sign a lease if the City of Lockhart approves

Sincerely,



Brian Rodgers
1112 West 9th Street
Austin, TX 78703
(512) 496-5838
Brianx19rodgers@gmail.com

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Dan Gibson, City Planner 
SUBJECT: Zoning text amendment, Agenda item #6
DATE: January 5, 2023

Section 64-93(c)(7) of the Zoning Ordinance allow the Commission to determine the appropriate zoning or use classification where a proposed activity is not listed as a use permitted by-right or as a specific use in any zoning district. The Commission's determination is enforceable until it can be codified by the City Council adopting an actual Zoning Ordinance amendment. The Commission has made many such determinations over the years, and staff has waited simply because it's more efficient to adopt a large number at once.

This item is for approval of determinations that have been made from 2011 through 2022, but which have not yet been codified. In addition, staff has added several changes to clarify some other uses that are already listed in the Zoning Ordinance, but which have occasionally led to confusion due to the way they are worded. Also included, are changes and additions to definitions associated with some of the uses being added or clarified. Keep in mind that in the commercial zoning districts, most of the uses listed as permitted by-right or as a specific use in a particular district automatically carry over to the next higher commercial district as allowed by-right. Therefore, there was no need to list them again in the higher districts.

Two exhibits are attached. The **Notice of Public Hearing**, which was published in the Lockhart Post Register, gives an overview of the proposed changes, and **Ordinance 2023-02** lists the changes in detail. Existing wording not shown remains unchanged. Because this amendment affects all of the conventional zoning districts, you may wish to refer to your copy of the entire current zoning ordinance for context. Staff will provide additional explanation as needed at the Commission meeting.

Your recommendation will be forwarded to the City Council for a public hearing and approval at their January 17th meeting.

NOTICE OF PUBLIC HEARING

The **City of Lockhart Planning and Zoning Commission** will hold a Public Hearing on Wednesday, January 11, 2023, at 7:00 PM in the Glosserman Room at City Hall, 308 West San Antonio Street, Lockhart, Texas, to receive public comments regarding a proposed ordinance amending Chapter 64 "Zoning", of the Lockhart Code of Ordinances to revise:

1. Section 64-2 Definitions, by deleting the existing definition for "Boarding house", revising the existing definition for "Hotel", and adding new definitions for "Lodging or boarding House", "Bed and breakfast inn", "Cabin resort", "Mixed-use building", and "Special events center".
2. Section 64-196(b) Agricultural–Open Space District (AO), Paragraph (2), by adding "m." "Cabin resort" as a specific use.
3. Section 64-196(b) Agricultural–Open Space District (AO), Paragraph (2), by adding "n." "Veterinary hospital, wildlife rehabilitation, and kennels with outside pens or stables for birds, domestic animals, and small wildlife" as a specific use.
4. Section 64-196(b) Agricultural–Open Space District (AO), Paragraph (2), by adding "o." "Zoo or other outdoor facility for all types of wildlife" as a specific use.
5. Section 64-196(c) Public and Institutional District (PI), Paragraph (1), by adding "o." "Special events center" as a use allowed by-right.
6. Section 64-196(c) Public and Institutional District (PI), Paragraph (2), by adding "d." "Zoo or other outdoor facility for all types of wildlife" as a specific use.
7. Section 64-196(d) Residential Low Density District (RLD), Paragraph (3), by adding "c." "Temporary real estate sales office in a structure intended for permanent occupancy as a dwelling in a new subdivision" as a use allowed by-right.
8. Section 64-196(e) Residential Medium Density District (RMD), by Paragraph (3), by adding "d." "Temporary real estate sales office in a structure intended for permanent occupancy as a dwelling in a new subdivision" as a use allowed by-right.
9. Section 64-196(f) Residential High Density District (RHD), Paragraph (3), by adding "g." "Temporary real estate sales office in a structure intended for permanent occupancy as a dwelling in a new subdivision" as a use allowed by-right.
10. Section 64-196(g) Commercial Light Business District (CLB), Paragraph (1), by adding "j." "Fitness center" as a use permitted by-right.
11. Section 64-196(g) Commercial Light Business District (CLB), Paragraph (1), by adding "k." "Financial institution with no drive-up service other than ATM" as a use permitted by-right.

12. Section 64-196(g) Commercial Light Business District (CLB), Paragraph (2), by changing "a." to "Eating establishments, not of the drive-in or drive-up type, and excluding on-premise consumption of alcoholic beverages" as a specific use.
13. Section 64-196(g) Commercial Light Business District (CLB), Paragraph (2), by changing "c." to "Retail stores, excluding sales of vehicle fuel and excluding sales of alcoholic beverages except in grocery stores for off-premises consumption, and where all inventory is within an enclosed building" as a specific use.
14. Section 64-196(g) Commercial Light Business District (CLB), Paragraph (2), by changing "g." to "Mixed-use building" as a specific use.
15. Section 64-196(g) Commercial Light Business District (CLB), Paragraph (2), by changing "h." to "Financial institution with drive-up service" as a specific use.
16. Section 64-196(h) Commercial Central Business District (CCB), Paragraph (1), by changing "a." to "All uses allowed by-right or with a specific use permit in the CLB district except those listed in subsections (g)(2)e, (g)(2)f, (g)(2)i, and (g)(2)g."
17. Section 64-196(h) Commercial Central Business District (CCB), Paragraph (2), by changing "a." to "Mixed-use building" as a specific use.
18. Section 64-196(h) Commercial Central Business District (CCB), Paragraph (2), by adding "k." "Cabinet or upholstery shop" as a specific use.
19. Section 64-196(h) Commercial Central Business District (CCB), Paragraph (2), by adding "l." "Hotel" as a specific use.
20. Section 64-196(i) Commercial Medium Business District (CMB), Paragraph (1), by changing "a." to "All uses allowed or permitted in the CLB district except those listed in subsections (g)(2)e, (g)(2)f, (g)(2)i, and (g)(2)g."
21. Section 64-196(i) Commercial Medium Business District (CMB), Paragraph (1), by changing "b." to "Retail stores, including sale of vehicle fuel and/or alcoholic beverages" as a use allowed by-right.
22. Section 64-196(i) Commercial Medium Business District (CMB), Paragraph (1), by changing "e." to "Eating establishments of any type, including on-premise consumption of alcoholic beverages" as a use allowed by-right.
23. Section 64-196(i) Commercial Medium Business District (CMB), Paragraph (2), by changing "a." to "Mixed-use building" as a specific use.
24. Section 64-196(i) Commercial Medium Business District (CMB), Paragraph (2), by adding "n." "Home improvement center with outside display and storage" as a specific use.
25. Section 64-196(i) Commercial Medium Business District (CMB), Paragraph (2), by adding "o." "Self-storage warehouse facility" as a specific use.

26. Section 64-196(j) Commercial Heavy Business District (CHB), Paragraph (1), by changing “b.” to “Hotel” as a use allowed by-right.
27. Section 64-196(j) Commercial Heavy Business District (CHB), Paragraph (1), by deleting “h.” “Self-storage warehouse facility” as a use allowed by-right.
28. Section 64-196(j) Commercial Heavy Business District (CHB), Paragraph (2), by adding “q.” “Cabin resort” as a specific use.
29. Section 64-196(j) Commercial Heavy Business District (CHB), Paragraph (2), by adding “r.” “Wild game processing” as a specific use.
30. Section 64-196(k) Industrial Light District (IL), Paragraph (1), by adding “m.” “Wild game processing” as use allowed by-right.
31. Section 64-196(k) Industrial Light District (IL) Paragraph (2), by adding “i.” “Wholesale auto auction” as a specific use.
32. Section 64-196(k) Industrial Light District (IL) Paragraph (2), by adding “j.” “Outdoor vehicle storage facility” as a specific use.
33. Section 64-196(l) Industrial Heavy District (IH) Paragraph (1), by adding “f.” “Outdoor vehicle storage facility” as a use allowed by-right.
34. Section 64-196(l) Industrial Heavy District (IH), Paragraph (2), by changing “c.” to “Bulk storage of petroleum, chemical products or compounds, or agricultural commodities” as a specific use.
35. Section 64-196(l) Industrial Heavy District (IH), Paragraph (2), by adding “e.” “Wholesale auto auction” as a specific use.

The **City of Lockhart City Council** will hold a Public Hearing on Tuesday, January 17, 2023, at 7:30 PM in the City Council Chamber, 3rd floor of the Clark Library-Masonic Building, 217 South Main Street, Lockhart, Texas, to consider these zoning text amendments, public comments, and the recommendations of the Planning and Zoning Commission.

All interested persons wishing to state their support or opposition may do so at either of these public hearings; or they may submit a written statement to the City Planner or his designee for presentation to the Planning and Zoning Commission and/or City Council before the time the public hearing begins. Additional information is available from the City Planner at the telephone number listed below, or in person at the Planning Department in City Hall.

Dan Gibson, AICP
City Planner
512-376-2454
dgibson@lockhart-tx.org

ORDINANCE 2023-02

AN ORDINANCE OF THE CITY OF LOCKHART, TEXAS, AMENDING CHAPTER 64 "ZONING" OF THE CODE OF ORDINANCES, SECTION 64-2 "DEFINITIONS", TO DELETE OR REVISE EXISTING DEFINITIONS, AND TO ADD NEW DEFINITIONS, OF VARIOUS LAND USES; AND TO REVISE SECTIONS 64-196(b), 64-196(c), 64-196(d), 64-196(e), 64-196(f), 64-196(g), 64-196(h), 64-196(i), 64-196(j), 64-196(k), AND 64-196(l), TO DELETE OR REVISE EXISTING LAND USES, AND ADD NEW LAND USES, LISTED AS ALLOWED BY-RIGHT OR AS A SPECIFIC USE IN THE AO, PI, RLD, RMD, RHD, CLB, CCB, CMB, CHB, IL AND IH ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PENALTY; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Sections 64-93(c)(3)(7) and 64-196(a) authorize the Planning and Zoning Commission to determine the appropriate zoning classification for unlisted land uses to be allowed by-right and or as a specific use; and,

WHEREAS, a large number of such determinations have not yet been codified by adoption of an ordinance; and,

WHEREAS, additional unlisted land uses have been proposed since the Planning and Zoning Commission made the above-referenced determinations; and,

WHEREAS, some land uses require clarification by deleting or revising existing definitions, or by adding new definitions; and,

WHEREAS, the Lockhart Planning and Zoning Commission held a public hearing on January 11, 2023, to consider proposed amendments to the applicable sections of Chapter 64 "Zoning", and voted to recommend said amendments; and,

WHEREAS, the City Council has determined that such amendments serve a public purpose and desires to amend the Code of Ordinances accordingly.

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

- I. The foregoing recitals are approved and adopted herein for all purposes.
- II. Chapter 64 "Zoning", Section 64-2, is hereby amended as follows, with all existing provisions not shown remaining unchanged:

Sec. 64-2. Definitions.

Bed and breakfast inn: An owner occupied dwelling that is typically historic or otherwise architecturally unique, where the owner provides, for compensation, sleeping accommodations and breakfast for transient guests. One off-street parking space shall be provided for each guest room, plus two parking spaces for the portion of the dwelling occupied by the owner.

~~*Boarding house:* [ENTIRE TERM AND DEFINITION DELETED]~~

Cabin resort: A business that provides overnight quarters for transient guests in the form of detached cabins, cottages, or other small permanent structure rented by the day or week, where the primary attraction is generally a natural setting and/or recreational features and activities, and which may include a caretakers quarters and office, recreation hall, one or more meeting rooms, restaurant, or other common facilities for guests.

Hotel: A building or group of buildings offering transient lodging accommodations to the general public at a daily rate and which provides guest rooms or units with linen and housekeeping service, and may also provide additional services such as restaurants, meeting rooms, entertainment, and recreational facilities. This term includes motels.

Lodging or boarding house: A dwelling, other than a hotel or motel, containing individual sleeping rooms that are rented for compensation, and where meals may be provided by the proprietor. One off-street parking space shall be provided for each sleeping room available for rent, plus one parking space for the proprietor's dwelling unit, if any.

Mixed use building: A building containing both residential and nonresidential uses, where the nonresidential use occupies at least the front 50 percent of the ground floor area of a single-story building, and occupies at least the entire ground floor area of a multi-story building. The nonresidential use(s) may include any that are allowed separately in the same zoning district classification that allows mixed-use buildings. Except for mixed-use buildings in the CCB district, at least one off-street parking space must be provided for each dwelling unit in addition to parking spaces required for the nonresidential use(s).

Special events center: A private indoor and/or outdoor facility that is available for rental by the public for weddings, receptions, reunions, seminars, parties, and other similar occasions of limited duration.

III. Chapter 64 "Zoning", Section 64-196, is hereby amended as follows, with all existing provisions not shown remaining unchanged:

Sec. 64-196. Establishment of zoning districts.

(b) Agricultural—open space district (AO). [*DESCRIPTION REMAINS UNCHANGED*]

(2) The following uses require a specific use permit:

- m. Cabin resort.
- n. Veterinary hospital, wildlife rehabilitation, and kennels with outside pens or stables for birds, domestic animals, and small wildlife.
- o. Zoo or other outdoor facility for all types of wildlife.

(c) Public and institutional district (PI).

(1) The following uses are allowed by-right:

- o. Special events center.

(2) The following uses require a specific use permit:

- c. Zoo or other outdoor facility for all types of wildlife.

(d) Residential low density district (RLD). [*DESCRIPTION REMAINS UNCHANGED*]

(3) The following uses are allowed by-right:

- c. Temporary real estate sales office in a structure intended for permanent occupancy as a dwelling in a new subdivision.

(e) Residential medium density district (RMD). [*DESCRIPTION REMAINS UNCHANGED*]

(3) The following uses are allowed by-right:

- c. Temporary real estate sales office in a structure intended for permanent occupancy as a dwelling in a new subdivision.

(f) Residential high density district (RHD). [*DESCRIPTION REMAINS UNCHANGED*]

(3) The following uses are allowed by-right:

- g. Temporary real estate sales office in a structure intended for permanent occupancy as a dwelling in a new subdivision.

(g) Commercial light business district (CLB).

(1) The following uses are allowed by right:

- j. Fitness center.
- k. Financial institution with no drive-up service other than ATM

(2) The following uses require a specific use permit:

- a. Eating establishments, not of the drive-in or drive-up type, and excluding on-premise of alcoholic beverages.
- c. Retail stores, excluding sales of vehicle fuel and excluding sales of alcoholic beverages except in grocery stores for off-premise consumption, and where all inventory is within an enclosed building.

- g. Mixed-use building.
 - h. Financial institution with drive-up service.
- (h) Commercial central business district (CCB).
- (1) The following uses are allowed by-right:
 - a. All uses allowed by-right or with a specific use permit in the CLB district except those listed in subsection (g)(2)e, (g)(2)f, (g)(2)l, and (g)(2)g.
 - (2) The following uses require a specific use permit:
 - a. Mixed use building.
 - k. Cabinet or upholstery shop.
 - l. Hotel.
- (i) Commercial medium business district (CMB).
- (1) The following uses are allowed by-right:
 - a. All uses allowed by-right or with a specific use permit in the CLB district except those listed in subsection (g)(2)e, (g)(2)f, (g)(2)l, and (g)(2)g.
 - b. Retail stores, including sale of vehicle fuel and/or alcoholic beverages.
 - e. Eating establishments of any type, including on-premise consumption of alcoholic beverages.
 - (2) The following uses require a specific use permit:
 - a. Mixed-use building.
 - n. Home improvement center with outside display and storage.
 - o. Self-storage warehouse facility.
- (j) Commercial heavy business district (CHB).
- (1) The following uses are allowed by-right:
 - b. Hotel.
 - ~~h. Self-storage warehouse facility. [DELETED]~~

(2) The following uses require a specific use permit:

- q. Cabin resort.
- r. Wild game processing.

(k) Industrial light district (IL).

(1) The following uses are allowed by-right:

- m. Wild game processing.

(2) The following uses require a specific use permit:

- p. Wholesale auto auction.
- q. Outdoor vehicle storage facility.

(l) Industrial heavy district (IH).

(1) The following uses are allowed by-right:

- f. Outdoor vehicle storage facility.

(2) The following uses require a specific use permit:

- c. Bulk storage of petroleum, chemical products or compounds, or agricultural commodities.
- e. Wholesale auto auction.

IV. Severability: If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or un-enforced, the validity of the remainder of this ordinance or its application shall not be affected, it being the intent of the City Council in adopting and of the Mayor in approving this ordinance that no portion, provision, or regulation contained herein shall become inoperative or fail by way of reasons of any unconstitutionality or invalidity of any other portion, provision or regulation.

V. Repealer: That all other ordinances, sections, or parts of ordinances heretofore adopted by the City of Lockhart in conflict with the provisions set out above in this ordinance are hereby repealed or amended as indicated.

VI. Penalty: Any person who violates any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined as provided in Section 1-8 of the City Code.

VII. Publication: That the City Secretary is directed to cause the caption of this ordinance to be published in a newspaper of general circulation according to law.

VIII. Effective Date. That this ordinance shall become effective and be in full force ten days from the date of its passage.

**PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS,
ON THIS THE 17th DAY OF JANUARY, 2023.**

CITY OF LOCKHART

Lew White
Mayor


ATTEST:

APPROVED AS TO FORM:

Connie Constancio, TRMC
City Secretary

Monte Akers
City Attorney

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Dan Gibson, City Planner 
SUBJECT: Subdivision text amendment, Agenda item #7
DATE: January 5, 2023

The long-awaited amendments to the Subdivision Regulations have been completed. They affect the majority of sections in the ordinance, so the proposed draft consists of the entire Chapter 52. Essentially, we'll be replacing the old Subdivision Regulations with a new document.

Many of the changes will look familiar as they were reviewed by the Commission two years ago. However, further revisions were made following input from the city attorney's office, with some additional fine-tuning by staff to improve consistency and readability. Following is a list of some of the more significant changes:

1. Several definitions were added or modified. For example, the definition of the term "city planner" is modified, including changing the term to "director of planning"
2. The current Variance and Appeals sections in Article I are moved to a new Article III "Relief Procedures" that also contains a new provision regarding vested rights.
3. An exemption to platting requirements (called Family Transfer Exemption) is added for "family land-grants" in the ETJ.
4. Provisions are added or modified throughout the ordinance for compliance with State law, primarily addressing the processing of plats (the "shot clock"), but also addressing notice requirements for replatting without vacation of the preceding plat, the aforementioned vested rights provision, and a new Article IV "Public Facilities" concerning the apportionment of municipal infrastructure costs between the City and developers.
5. In Article V "Design Standards" (previously Article III), a new provision is added for bicycle facilities in the Streets section, as well as a new provision requiring perimeter screening of certain new subdivisions.
6. The sidewalk standards are expanded to include a new requirement that public sidewalks along arterial streets and expressway frontage roads be a minimum of six feet wide.
7. The minimum percentages are raised for the amounts of land to be dedicated or for payment of a fee in lieu of land dedication for community facilities (parks, schools, etc.).

8. A new section is added providing guidelines for “Community facility improvements”, which primarily applies to parks.
9. The guarantee period for subdivision infrastructure construction is increased from one year to two years.

Two exhibits are attached. The first is a marked up (annotated) version of Chapter 52 with deleted words crossed out and added words underlined. The second exhibit is a “clean” version of the text that results from the changes. There is a lot to digest, and staff will provide additional explanation as needed at the Commission meeting.

Your recommendation will be forwarded to the City Council for consideration and approval at their January 17th meeting.

CHAPTER 52. SUBDIVISION REGULATIONS
DRAFT AMENDMENTS (Annotated)

ARTICLE I. ~~IN~~ GENERAL PROVISIONS

Sec. 52-1. Purpose.

- (a) In the interpretation and application of the provisions of this chapter, it is the intention of the council that the principles, standards, and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions in the city and its extraterritorial jurisdiction (ETJ), as authorized by Chapter 212, Subchapter A and Subchapter B, Texas Local Government Code. Where other ordinances of the city are more restrictive in their requirements, such other ordinances shall control.
- (b) The procedure and standards for the development, layout, and design of subdivisions of land are intended to:
- (1) Promote and develop the utilization of land in a manner to assure the best possible community environment in accordance with the comprehensive master plan of the city.
 - (2) Guide and assist the developers in the correct procedures to be followed and to inform them of the design criteria and standards required.
 - (3) Protect the public interest by controlling the location, design, class, type of streets, sidewalks, utilities, and of essential areas and services required.
 - (4) Protect and promote the health, safety, and general welfare.
 - (5) Provide through the planning and platting process for the protection and notification of individuals that those properties which are to be developed are provided with ~~land development which provides for~~ adequate access, solid waste collection, utility services, and ~~guards~~ protection against potential flood hazards.
 - (6) Provide for the public welfare those essential areas required for educational, recreational, industrial, and commercial purposes.

Sec. 52-2. Definitions.

For the purpose of this chapter the following terms, phrases, words, and their derivations shall have the meaning given herein. When consistent with the context, words used in the present tense include the future, words in the plural include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory, while the word "may" is merely directory. Definitions not expressly prescribed herein are to be determined in accordance with the law. Definitions expressly prescribed herein are to be construed in accordance with the city's zoning ordinance, or other applicable ordinances of the city, or in the absence of such ordinances, then in accordance with customary usage in municipal planning, surveying, and engineering practices.

~~Alleys are minor dedicated ways rights-of-way which that are used primarily for utility lines and/or secondarily for vehicular service access to the back rear or the side of properties otherwise abutting on a street.~~

Applicant is the owner of a tract or parcel of land, or the subdivider, developer, surveyor, engineer, or other authorized agent representing the owner as appropriate, who submits a plat or who is otherwise subject to the requirements of this chapter.

Block is a contiguous area of land that may contain one or more lots, and which is bounded by any combination of streets, highways, railroad rights-of-way, parks or other public land, waterways, other physical barrier, or exterior boundary of a subdivision.

Building setback line is the line within a property and parallel to a property line defining the minimum required horizontal distance between a building and adjacent street right-of-way line or adjacent property lines.

City means the City of Lockhart, Caldwell County, Texas.

City administrative official or city manager is the city official, or his authorized representative, designated to take action as prescribed in this chapter for, or in, the name of the city.

City manager is the chief administrative officer designated to take action for, or in, the name of the City of Lockhart.

~~*City planner* is the authorized staff representative delegated by the city manager to take action as prescribed in this chapter.~~

City staff are those various persons working for the city, either through direct employment or contract employment, who are so authorized to represent various work elements related to their specific expertise.

Commission means the planning and zoning commission of the city, and is the authority for the approval of plats under this chapter, unless otherwise stated.

Comprehensive master plan:

- (1) A statement of public policy containing the goals and objectives of the community.
- (2) Capital improvements programs.
- (3) Land use plan.
- (4) Thoroughfare plan.
- (5) Community facilities plan.
- (6) Subdivision and zoning regulations and other development codes, ordinances, policies, and plans promulgated by the council for the quality and orderly growth of the community.

Community facility development plan is a document listing the various elements and associated cost estimates of proposed improvements for required community facilities or public open space.

Concept plan is a scale drawing showing the overall development concept of a tract or parcel of land that is prepared for an initial application conference before a plat is submitted.

Council is the City Council of the City of Lockhart.

Day means calendar day unless otherwise specified.

Developer is a person or corporation who provides for the development of a tract or parcel of land into an area where building lots or sites are delineated and provided with street access, utilities and drainage facilities.

Development plat is a boundary survey and site plan for development of a tract of land submitted in accordance with ~~V.T.C.A., section 212.045 of the Texas~~ Local Government Code ~~§ 212.045 subch. B,~~ showing existing and proposed structures and improvements, streets, alleys, sidewalks, easements, and areas for public use.

Director of planning is the staff representative authorized by the city manager to administer and enforce this chapter.

Easement is a grant by the property owner to the public, a corporation, or persons for the use of a strip or tract of land for specific purpose.

Engineer is a person duly authorized ~~by under the provisions of~~ the Texas Engineering Practice Act (~~Vernon's Ann. Civ. St. art. 3271a~~), as provided in chapter 1001 of the Texas Occupations Code heretofore or hereafter amended, to practice the profession of engineering.

Extraterritorial jurisdiction (ETJ) means the statutory unincorporated area, not a part of any other city, which is contiguous to the corporate limits of the city and further determined ~~under V.C.T.A., in section 42.121 of the Texas~~ Local Government Code ~~ch. 22.~~

File or Filed is the city's acceptance of a proposed plat or plan for review when it is determined to be complete and all application requirements, including the payment of applicable fees, have been met to place among the official records as prescribed by this chapter.

Land use planner or city planner is a person having an occupation classified as city or land planning, capable of designing the proposed subdivision, or use of real estate, and capable of professionally drawing the proposals into map or plan form.

Lot is a designated parcel of land established by a recorded subdivision plat or development plat and which may be separately owned and used, developed or built upon.

Market value is the market value of a property as listed in the most recent tax roll of the Caldwell County Appraisal District.

Minor plat or minor replat is a recordable plat involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities.

Plat is a complete and exact subdivision plan submitted to the city for consideration and which ~~will be~~ is submitted to the county clerk for recording, subsequent to the fulfillment of all provisions of this chapter. Plat includes replat, in accordance with ~~V.T.C.A., section 212.001 of the Texas~~ Local Government Code ~~§ 212.001.~~

Preliminary plat is an initial form of a subdivision plat required whenever public infrastructure must be constructed within the subdivision by the applicant, and is the basis for the engineering plans.

Public facilities are the water, wastewater, roadway, drainage or park facilities owned or operated by or on behalf of the City for the purpose of providing services to the public, including existing and new developments.

Record is to file an official copy of a document in the Office of the Caldwell County Clerk.

Record drawing is a revised set of drawings submitted by a contractor upon completion of a subdivision or other project that reflect all changes made in the specifications and working drawings during the construction process, and show the exact dimensions, geometry, and location of all elements of the work completed under the contract.

Recordable plat is a final plat, replat, resubdivision plat, minor plat, or amending plat, all of which are in a form containing certificates of authorization, dedication and approval in accordance with the requirements of this chapter for final plats, and which is intended to be ~~filed for record~~ recorded in the Office of the Caldwell County Clerk.

Resubdivision plat is a replat that includes adjacent land that is unplatted, or which is a combination of contiguous lots in adjacent but separate recorded subdivisions.

Right-of-way (R.O.W.) is a strip of land used or intended to be used, wholly or in part, as a public street, alley, crosswalk way, sidewalk or drainageway.

Standards are the official maps, master plans, ordinances and specifications of the city.

Streets are that portion of the dedicated right-of-way to be used for vehicle traffic and may be designated as street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.

- (1) *Major road/arterial streets* are those which are used primarily for fast or heavy traffic and which are designated in the comprehensive master plan as such.
- (2) *Collector streets* are those which carry traffic from minors streets to major systems of arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development and which are designated in the comprehensive master plan as such.
- (3) *Minor streets* are those which are used primarily for access to abutting properties.
- (4) *Marginal access streets* are minor streets which are parallel to and adjacent to arterial streets and which provide access to abutting properties and protection from through traffic.

- (5) *Cul-de-sac* is a short minor street having but one vehicular access to another street and terminated by a vehicular turnaround.
- (6) *Dead-end street* is a street, other than a cul-de-sac, with only one outlet.
- (7) The *street width* is measured from back of curb to back of curb; where no curb exists, it is measured from edge of pavement to edge of pavement.

Structure is any manmade construction composed of parts joined together, either built or moved onto a site for use, occupancy or ornamentation, and located below or on the ground or attached to something having a location on the ground.

Subdivider is any person or any agent thereof dividing or proposing to divide land so as to constitute a subdivision; in any event the term "subdivider" shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner, of land sought to be subdivided.

Subdivision includes the following when done for the present or future purpose of sale or building development of a tract of land located within the corporate limits or in the ETJ of the city:

- (1) The division of any tract of land into two or more parts for the purpose of creating one or more new lots for development, or to modify an existing boundary of ownership whether or not for the purpose of development. This includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.
- (2) The assembly of two or more existing adjacent platted lots in a recorded subdivision into one lot to be under the same ownership and use, where: (a) such lots are the minimum necessary to accommodate all facilities required by city ordinance; and (b) the area encompassed by one or more of the original lots is not proposed to be occupied by any portion of a principal building.
- (3) A resubdivision of all or part of a recorded subdivision, including the expansion of a platted lot to include adjacent unplatted land, or the creation of a new lot encompassing portions of two or more adjacent platted subdivisions.
- (4) Any change in the size or shape of a previously unplatted tract through acquisition of adjacent unplatted land except, however, where the parcel of land being conveyed between the tracts is vacant or contains an inadvertent existing encroachment, and is not developable by itself due to size, shape, or lack of street frontage, the acquisition shall not constitute a subdivision.
- (5) Any change in the size, shape or number of lots in a recorded subdivision.
- (6) The relocation of any street or other feature dedicated by a recorded plat, where the relocation alters the boundary of adjacent lots included in the same original plat, and where such lots have not been sold by the owner since the plat was recorded. This does not include simple abandonment or sale by the city of the land included in such dedicated street or other feature.

Subdivision development plan is a plan prepared in accordance with section 52-34, to show the overall future development of a tract of land when it is proposed to be subdivided and developed in phases and only a portion of the tract is to be platted initially.

Subdivision plat is a map of a subdivision submitted in accordance with ~~V.T.C.A., section 212.04 of the Texas~~ Local Government Code ~~§ 212.04 subch. A,~~ showing the exact location and boundaries of individual parcels of land subdivided into lots, and showing blocks, streets, alleys, easements and areas for public use, as applicable. For the purpose of this chapter, the term plat is used in reference to any recordable plat. No subdivision plat is effective until approved by the city and filed for record in the Office of the Caldwell County Clerk.

Surveyor is a registered professional land surveyor authorized by the Land Surveying Practices Act (~~Vernon's Ann. Civ. St. art. 5282e~~), as provided in chapter 1071 of the Texas Occupations Code, to practice surveying within the State of Texas.

Thoroughfare plan is the thoroughfare plan map and associated text and graphics contained in the transportation element of the adopted comprehensive plan.

Utilities include all those various facilities and elements of construction which relate to water, sanitary sewer, electrical, telephone, cable television, and gas distribution, collection, or transmission lines.

~~Sec. 52-3. Variances.~~

- ~~(a) Concurrently with or separately from consideration of a preliminary plat or recordable plat, the commission may authorize a variance from this chapter when, in its opinion, undue hardship will result from requiring strict compliance. In considering a variance the commission shall allow only conditions that it deems necessary or desirable to the public interest. The commission shall take into account the nature of the proposed use of land involved and existing uses of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions, public health, safety, convenience and welfare in the vicinity. No variance shall be approved unless the following is established:~~
- ~~(1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.~~
 - ~~(2) That the variances are necessary for the preservation and enjoyment of a substantial property right of the applicant, that the granting of the variance will not be detrimental to the public health, safety, or welfare, and will not be injurious to other property in the area.~~
 - ~~(3) That the variance shall not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this chapter.~~
- ~~(b) Findings of the commission, together with the specific facts on which such findings are based, shall be incorporated under the official minutes of the commission meeting at which a variance is granted. Variances shall be granted only when in harmony with the general purpose and intent of this chapter, so that the public health, safety and welfare may be secured, and substantial justice done. The commission shall not authorize a variance to this chapter that would constitute a violation of any other valid ordinance of the city.~~

~~Sec. 52-4. Appeals.~~

- ~~(a) The commission may consider appeals where the applicant alleges that there is an error in an order, requirement, decision or determination made by the city staff in the enforcement of this chapter. The commission may reverse or affirm, in whole or in part, or modify the city staff's order, requirement, decision or determination.~~
- ~~(b) Any person or persons aggrieved by any decision of the commission with respect to subdivision plats, subdivision variances, and appeals of administrative determinations may appeal to the city council by submitting to the city planner, within ten days after the date of the commission's action, a written request specifying the grounds for the appeal, together with any supporting evidence. The appeal shall be forwarded to the council together with a copy of the approved minutes of the commission meeting at which the decision in question was made, and shall be considered at the earliest regular meeting for which all required materials are available. The council shall uphold, modify, or reverse the decision of the commission.~~

Sec. 52-5 3. Enforcement.

- (a) Any subdivision of land being developed in violation of the terms and provisions of these regulations is hereby declared to be a public nuisance, and the city shall institute any action that may be necessary to restrain or abate such violations.
- (b) Any person violating any provision of this chapter, within the corporate limit of the city, shall be guilty of a misdemeanor. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violations of this chapter.
- (c) Any person violating any provision of this chapter, outside the corporate limits of the city, but within the city's extraterritorial jurisdiction, shall not be considered as committing a misdemeanor, nor shall any fine be applicable; however, the city shall have the right to institute an action in the district court to enjoin the violation of any provision of this chapter
- (d) On behalf of the city, the city attorney shall institute appropriate action to enforce the provisions of this chapter, or the standards referred to herein, with respect to any violation thereof which occurs within any area subject to the provisions of this chapter.
- (e) The city attorney, or any other attorney representing the city, may at the city's request file an action in a court of competent jurisdiction to enjoin the violation or threatened violation by an owner of a tract of land of a requirement regarding the tract established by this chapter or to recover damages from the owner of a tract of land in an amount adequate for the city to undertake any construction or other activity necessary to bring about compliance with this chapter. An "owner of a tract of land" does not include the owner of an individual lot in a subdivided tract of land.

Secs. 52-6 4—52-30. Reserved.

ARTICLE II. PROCEDURE

Sec. 52-31. Plat required.

- (a) *Subdivision plat.* The owner of a tract of land located within the city limits or extraterritorial jurisdiction who creates a subdivision, as defined in this chapter, shall prepare and submit a subdivision plat to the city for approval and recording according to the procedures and requirements of this chapter. No owner or agent of the owner of any land located within a subdivision shall sell or convey any land by reference to, exhibition of, or by the use of a plan or plat of a subdivision, nor shall a building permit be issued for or utility service be provided to any development on a tract of land requiring a recordable plat, before such plat is filed for review and approval by the city, and record recorded with the county clerk. The conveyance of real property included within the subdivision shall be by a lot and block. A subdivision plat is not required for the division or assembly of tracts of land into parts greater than five acres within the city limits, or greater than ten acres in the extraterritorial jurisdiction, where each part has access and no public improvement is being dedicated. For the purposes of this section, "access" means abutting an improved public street right-of-way along at least one property line for a distance of at least 25 feet. For the purposes of this section, "public improvement" means a right-of-way or easement, or other land, dedicated to and accepted by a taxing entity or public utility company for infrastructure or other public uses.
- (b) *Development plat.* The owner of a tract of land located within the city limits or extraterritorial jurisdiction where no subdivision plat is required who proposes to construct a new building, or a structural addition exceeding 50 percent of the floor area of an existing building, on a tract that is not part of a recorded subdivision, ~~and where no subdivision plat is required,~~ shall prepare and submit a development plat to the city for approval according to the applicable standards and procedures for preliminary subdivision plats. No owner or agent of the owner of a tract of land shall undertake any construction, nor shall a building permit be issued for or utility service be provided to any development on a tract of land requiring a development plat, before such plat is approved in accordance with this chapter. A development plat is not required for:
- (1) The construction or expansion of one single-family or duplex dwelling, or the installation of one manufactured home, on the tract.
 - (2) The construction of buildings not intended for human occupancy and as an accessory to any existing use provided such structures ~~are in conformance with~~ conform to all other applicable city regulations.
 - (3) The construction of buildings for storage of equipment, materials, or harvested products, or for the shelter of animals, where the sole use of the property is for agricultural purposes.
- (c) *Family transfer exemption.* The owner of a tract of land located within the city's extraterritorial jurisdiction who wishes to subdivide the tract into four or fewer parcels for agricultural use and/or a single-family dwelling or manufactured home on each parcel is exempt from the requirement to submit a subdivision plat or development plat, subject to the following conditions:
- (1) A Family Transfer Exemption application, including a survey showing the proposed subdivision lots, is submitted for administrative review and approved by the director of planning.

- (2) The original owner of the tract must reside on one of the parcels, and the other new parcels (the "second parcels") must be sold, given, or otherwise transferred by deed to individuals who are related to the original owner within the first or second degree of consanguinity or first degree of affinity, as defined in Chapter 573 of the Texas Government Code.
- (3) An affidavit attesting to the familial relationship must be signed by the original owner and each owner of a second parcel, and must be provided to the director of planning along with a completed Family Transfer Exemption application form and fee.
- (4) A deed restriction must be recorded by the original owner with the deeds prohibiting a secondary sale or further subdivision of the second parcels, or transfer of a parcel back to the owner of the original tract, for a period of five years unless in compliance with this chapter.
- (5) All parcels must abut an existing public street right-of-way improved to Caldwell County road standards along at least one property line for a distance of at least 50 feet.
- (6) All parcels must be at least one acre in area.
- (7) Development on each lot shall comply with Caldwell County development regulations pertaining to construction permits, driveway permits, on-site sewage facilities, floodplain hazard management, 911 addressing, and setbacks from water wells and septic systems, as applicable.
- (8) If the subdivision does not or cannot comply with the foregoing requirements, either a subdivision plat must be submitted in accordance with section 52-31, above, or a subdivision variance may be requested as provided in section 52-3.

Sec. 52-32. ~~Initial application~~ Concept plan.

The applicant ~~shall~~ may prepare a concept plan and arrange with the ~~city planner~~ director of planning for an informal conference with city officials for advice and assistance prior to preparing and submitting ~~the~~ a preliminary plat, subdivision development plan, or recordable plat if no preliminary plat or subdivision development plan is required. Seven copies of the concept plan, prepared in accordance with section 52-171, ~~will~~ shall be delivered to the ~~city planner~~ director of planning not less than five business days prior to the conference. Because no application form is required, and no formal approval action is involved, the time limits for the review of plats and plans as provided in section 52-32.5 do not apply to concept plans. A concept plan is typically not applicable for a replat, resubdivision plat, minor plat, or amending plat.

Sec. 52-32.5. Plat/plan review and approval process.

- (a) Submission of any plat or plan as provided in sections 52-33 through 52-40, and section 52-174, of this chapter, or as provided in chapter 64 "Zoning" for PDD development plans in the Planned Development District, shall be subject to an administrative completeness review prior to being accepted for technical review. A complete application shall consist of an application form with all sections completed and any required exhibits attached, preapplication approvals as described in section 52-34.5, payment of the application and/or review fee, and one full-size paper copy of the plat or plan containing all required information. The applicant shall be notified within ten business days whether the plat or plan is complete or not complete, with reasons given in writing if it is determined

to be not complete. Engineering plans shall be submitted to the city engineer in a format determined by the city engineer, and the applicant shall be notified within ten business days whether the plans are complete or not complete, with reasons given in writing if it is determined to be not complete.

- (b) When notified of an incomplete plat or plan, the applicant must resubmit their application correcting all deficiencies within 45 days of the date they are notified that it is not complete. Failure to resubmit a complete plat or plan within 45 days of the notice of incompleteness shall be deemed a withdrawal of the application, and the plat or plan may not be resubmitted except as a new application. Submittal of a plat or plan, including any required application form, is not accepted nor considered to be filed as defined in this chapter until it is determined to be complete.
- (c) Once the application is deemed complete, the plat or plan is filed with the city in accordance with the procedures provided in sections 52-33 through 52-40, and section 52-174, of this chapter, or as provided in chapter 64 "Zoning" for PDD development plans in the Planned Development District, for the technical review. The plat or plan must be approved, approved with conditions, or disapproved within 30 calendar days after the date the plat or plan is filed. A plat or plan is deemed approved unless it is disapproved within that period, or unless it is extended for one additional period of 30 calendar days by mutual agreement of the city and the applicant, whereby the applicant requests the extension in writing prior to the end of the first 30-day period, and the city approves the extension request.
- (d) If the technical review of the plat or plan for accuracy reveals deficiencies that will likely result in disapproval if the deficiencies are not corrected, written comments identifying such deficiencies shall be provided to the applicant, and the applicant shall resubmit the plat or plan with the deficiencies corrected. If this occurs one or more times, and the plat or plan is not resubmitted without deficiencies by the date that would allow it to be approved prior to the applicable deadline provided in subsection (b), the director of planning may recommend that the plat or plan be approved with conditions or be disapproved.
- (e) If a plat or plan is approved, the city shall endorse the plat or plan with a certificate indicating the approval. If the city fails to approve, approve with conditions, or disapprove the plat or plan within the initial 30-day period or the 30-day extension, as applicable, the city shall issue a certificate stating the date the plat or plan was filed and that the city failed to act on it within that period. Such certificate is effective in place of the endorsement indicating approval.
- (f) If a plat or plan is approved with conditions or is disapproved, the applicant shall be provided a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulate each specific condition or reason. Each condition or reason must include a citation to the provision of: 1) this chapter; 2) chapter 64 "Zoning" for PDD development plans in the Planned Development District; 3) the City of Lockhart Construction Standards; or, 4) chapter 212 "Municipal Regulation of Subdivisions and Property Development" of the Texas Local Government Code, that is the basis for the conditional approval or disapproval, as applicable.
- (g) After the conditional approval or disapproval of a plat or plan, the applicant may submit a written response that satisfies each condition for the conditional approval, or remedies each reason provided for disapproval. Once such response is received, the revised plat or plan must be approved or disapproved not later than the 15th calendar day after the date the response was submitted. The revised plat or plan is deemed approved unless it is disapproved within that period, in which case the

city shall issue a certificate stating the date the revised plat or plan was submitted and that the city failed to act on it within 15 calendar days. Such certificate is effective in place of the endorsement indicating approval.

(h) If the revised plat or plan adequately addresses the reasons for the original conditional approval or disapproval, the city shall endorse it with a certificate indicating the approval as provided in subsection (d). If the revised plat or plan is disapproved, the applicant shall be provided a written statement of the reasons for disapproval as provided in subsection (f). Following such disapproval, the plat or plan may not be resubmitted except as a new application.

Sec. 52-33. Preliminary plat procedure.

(a) Following the ~~initial application~~ concept plan conference and ~~staff review of the concept plan, if any,~~ the applicant shall prepare a preliminary plat in accordance with section 52-172, if the subdivision involves new public infrastructure. The plat is subject to the review and approval process provided in section 52-32.5. When determined to be complete, six full-size copies shall then be submitted in seven prints to the city planner director of planning for staff technical review, along with the application form and fee, at least three weeks prior to the commission meeting at which it is to be considered. Upon receipt of staff comments, the applicant shall make any requested corrections or other changes to the plat or plan, and resubmit one full-size copy or digital file in the PDF format for review. Once the director of planning determines that the plat or plan is correct, the applicant shall submit 12 11 copies prints of the revised preliminary plat to the city planner director of planning, who will then refer it to the commission for approval within three weeks of the submission of revisions. In addition, the applicant shall provide a digital file in the PDF format. All plat prints shall be folded to a size no larger than nine inches by 12 inches at the time of submittal. If one or more variances are desired, they shall be requested concurrent with the preliminary plat application.

(b) The city engineer, ~~city planner director of planning,~~ or commission may require the applicant to submit additional topographic information, detailed plans for proposed uses, or other information to determine possible flood or erosion hazards, the effect of the subdivision uses upon flows, and the adequacy of proposed flood protection measures. Such request will be in writing and shall specify the type of additional data required and its format. The city may employ, at the city's expense, outside consultants for technical assistance and advice upon request of the commission or city staff.

(c) The preliminary plat shall be reviewed as follows:

(1) City engineer, public works, water/wastewater and electric departments as appropriate:

- a. Drainage system.
- b. Street layout, paving grades, type of paving.
- c. Boundary lines.
- d. Monuments and benchmarks.
- e. Location and size of alleys.

- f. Availability of adequate water, sanitary sewer and electric service to the subdivision, including required water flow for fire suppression.
- g. Water utility system and fire hydrant locations.
- h. Sanitary sewer utility system.
- i. Electrical distribution system and street lighting.
- j. Utility easements.

(2) ~~City planner~~ Director of planning:

- a. General plat format and content.
- b. Lot and block numbers.
- c. Street layout.
- d. Street names.
- e. Lot dimensions and building lines.
- f. Subdivision name.

(3) Police department:

- a. Traffic safety devices.
- b. Street names and design.
- c. Public access.

(4) Fire department/EMS:

- a. Water utilities system and fire hydrant locations.
- b. Street names.
- c. Fire protection access.

(d) The ~~city planner~~ director of planning shall forward the preliminary plat, and accompanying data to the commission with staff recommendations as to any further modifications.

(e) The commission shall:

- (1) Approve or disapprove the preliminary plat and/or variances; or,
- (2) Approve the preliminary plat and/or variances with modifications.

- (f) Within ten days of the commission's decision, the city shall issue to the applicant a certificate stating the date that the preliminary plat was approved, approved with modifications, or denied, and state the reasons for denial, if applicable.
- (g) If the commission disapproves, or approves with modification, the preliminary plat and/or variances, the applicant may elect one of the following:
 - (1) In the case of disapproval, make any changes necessary to address the commission's reason for denial, resubmit the plat to the ~~city planner~~ director of planning with revisions for review and reconsideration by the commission in accordance with the same procedural requirements as for the original submission. If a revised preliminary plat is not resubmitted within 90 days of the commission's denial, it shall be considered withdrawn.
 - (2) In the case of approval with modification, make the changes requested by the commission and provide the ~~city planner~~ director of planning with two revised copies of the preliminary plat. If the revised copies are not resubmitted within 90 days of the commission's approval, the preliminary plat shall be considered withdrawn.
 - (3) In either case of disapproval or approval with modification, not change or resubmit the plat, and appeal as provided in this chapter.
- (h) After approval of the preliminary plat and/or variances by the commission, and submittal of revised copies, if applicable, the applicant may proceed with the final plat and engineering plans.
- (i) Approval of the preliminary plat shall be effective for no more than 12 months before the final plat and engineering plans are submitted for approval. If no circumstances have occurred which would affect the preliminary plat during that period, the commission may consider, upon written request by the applicant, extending the approval of a maximum of two additional six-month time periods. At the end of this extension period, the approval is automatically revoked. The city reserves the right to review the condition of the project area to make a determination whether or not each six-month extension is justified or if modification should be made thereto. A preliminary plat that has expired can be reactivated only by resubmittal in accordance with all normal procedures for the original submission.

Sec. 52-34. Subdivision development plan procedure.

When only a portion of a tract is to be platted initially, with one or more additional phases of the same subdivision to be platted sequentially at a later date, and where a preliminary plat is not submitted for the entire original tract, the following provisions apply:

- (1) A subdivision development plan for the entire tract and a preliminary plat, if required, for that phase to be immediately developed shall be submitted together for review and approval in accordance with the procedures in section 52-33 for preliminary plats. The subdivision development plan is a scale drawing including a vicinity map and legal description of the property, and showing proposed street rights-of-way, easements, building sites or lots, areas for parks or other public facilities, school sites, utilities, drainage features, contour intervals of not less than five feet, and proposed phase boundaries for the subdivision to be developed in sections.

- (2) Upon approval, or approval with modifications, of the subdivision development plan and preliminary plat by the commission, a final plat for that portion to be immediately developed shall be submitted in accordance with this chapter. Additional phases conforming with the approved subdivision development plan may then be platted sequentially in accordance with the requirements for preliminary and final plats. No changes to the subdivision development plan shall be made without approval of the commission.
- (3) The first phase subdivided shall be labeled "Section One" following the name of the subdivision, with subsequent phases numbered sequentially thereafter.

Sec. 52-34.5. Final plat preapplication approvals.

Applicable preapplication approvals must be completed before a final plat is filed. Documents subject to preapplication approval may include one or more of the following: 1) engineering plans in accordance with section 52-174; 2) a public facility development plan as provided in section 52-114; 3) a FEMA conditional letter of map revision (CLOMR) as provided in section 52-80(a); and, 4) a traffic impact analysis as provided in section 52-72(p).

Sec. 52-35. Final plat procedure.

- (a) A final plat, which is a recordable plat, ~~and engineering plans, if required,~~ shall be prepared in accordance with the approved preliminary plat, if any, and with ~~sections~~ section 52-173 and 52-174. Following completion of preapplication approvals, the plat is subject to the review and approval process provided in section 52-32.5. When determined to be complete, Seven prints six full-size copies of the plat and two full-size copies of the engineering plans, if applicable, along with a written application, shall be submitted to the city planner director of planning for staff technical review. Two additional copies of the engineering Engineering plans shall be submitted to the city engineer in a format determined by the city engineer. Upon receipt of staff comments, the applicant shall make any requested corrections or other changes to the plat and/or plan, and resubmit one full-size copy or digital file in the PDF format for review. Once the director of planning determines that the plat or plan is accurate and is consistent with the approved preliminary plat, if applicable, the applicant shall submit 12 11 full-size copies prints of the revised plat (two prints copies of revised minor plats) and engineering plans to the city planner director of planning. The plat shall be considered "filed" with the city on the date that the revisions are submitted along with the application fee as provided herein. The revised plat will be accepted only if the engineering plans, if any, have been approved by the city engineer. In addition, if the subdivision involves improvements that are subject to a FEMA letter of map revision (LOMR), the approved conditional letter of map revision (CLOMR) shall be provided to the city prior to acceptance of the plat. All plat prints shall be pre-folded to a size no larger than nine inches by 12 inches at the time of prior to submittal. If no preliminary plat was required and one or more variances are desired, they shall be requested concurrent with the final plat application.
- (b) ~~Within 30 days after the final plat is filed with the city planner, the commission shall approve or disapprove the plat and variance(s), if any. Within ten days of the commission's decision, the city shall issue to the applicant a certificate stating the date that the final plat was approved or denied, and state the reasons for denial, if applicable. If the plat complies with all standards and requirements of this chapter, it shall be approved. A final plat that is denied may be resubmitted as a continuance of the same application if the necessary changes are made to address the reasons for the commission's~~

~~denial. If a revised final plat is not resubmitted within 90 days of the commission's denial, it shall be considered withdrawn. The commission shall approve, approve with conditions, or deny the plat and variances, if any, in accordance with the process provided in section 52-32.5.~~

- (c) After approval of the final plat, the applicant shall submit a set of digital drawing files of the plat on compact disc or flash drive, or by e-mail or cloud storage, in a digital PDF format, ~~and as a DXF, DWG, or ESRI shape file projected within the parameters of the Texas State Plane Coordinate System, South Central Zone, NAD 83, in survey feet,~~ and shall also submit two coated, non-smearing Vellum or Mylar reproducible sets of the plat containing the notarized signature of the owner(s), and the signatures and seals of the surveyor and engineer, as applicable. The chairman of the commission, or designee, will sign the approval certificate on the reproducible sets. In the case of amending plats and minor plats or minor replats not requiring a variance, the city manager will sign the approval certificate. The ~~city planner~~ director of planning shall cause the final plat to be recorded with the county clerk within five business days after acceptance by the city of all improvements, as provided in section 52-202, and upon receipt of the items listed in section 52-204. After recording, one reproducible set shall be retained by the ~~city planner~~ director of planning.
- (d) Changes made to a final plat subsequent to being recorded and not eligible for an amending plat as set forth in section 52-39, shall be submitted as a replat in accordance with section 52-38. Other corrections or changes made to a final plat subsequent to being recorded, shall be submitted as an amending plat in accordance with section 52-39. Upon approval of the replat or amending plat, it shall be recorded with the county clerk, who shall mark the previously recorded plat as ~~"void"~~ "Void".
- (e) Construction by the applicant of any required public improvements shall commence within 12 months of the commission's approval of a final plat. Upon written request by the applicant, the ~~city planner~~ director of planning may extend approval for one ~~additional~~ six-month period. At the end of this extension period, the approval is automatically revoked. A final plat that has expired can be reactivated only by resubmittal in accordance with the normal procedures for the original submission, including payment of applicable fees.

Sec. 52-36. Minor plat or minor replat procedure.

A minor plat does not require prior approval of a preliminary plat, and is prepared and processed in accordance with the requirements for final plats as specified in section 52-35, except that it may be approved administratively by the city manager or the city manager's designee. The city manager or designee may for any reason, elect to present the plat to the commission or, if the city manager or designee refuses to approve the plat, it shall be referred to the commission for approval or denial, in accordance with the procedures for final plats within three weeks of the city manager's denial. If one or more variances are requested by the applicant, the plat ~~is considered a final plat and~~ must be referred to the commission for approval or denial of both the variance and the plat in accordance with the procedure for final plats.

Sec. 52-37. Vacating plat.

- (a) The proprietors of the tract covered by a plat may vacate the plat any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.

- (b) If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all owners of lots in the plat with approval obtained in the manner prescribed for the original plat.
- (c) The county clerk shall write legibly on the vacated plat the word "vacated" and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded.
- (d) On the execution and recording of the vacating instrument, the vacated plat has no effect.

Sec. 52-38. Replatting without vacating preceding plat.

- (a) A replat is a recordable plat other than a minor replat as provided in section 52-36 that does not require prior approval of a preliminary plat and is prepared and processed in accordance with the requirements for final plats as specified in section 52-35, ~~subject to additional public hearing requirements, if applicable, as set forth in this section.~~ A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of the plat if the replat:
 - (1) Is signed and acknowledged by only the owners of the property being replatted;
 - (2) Is approved by the commission, after ~~a public hearings~~ hearing at which parties in interest and citizens have an opportunity to be heard; and,
 - (3) Does not attempt to amend or remove any covenants or restrictions.
- (b) If during the preceding five years, any of the area to be replatted without vacation of the preceding plat was limited by zoning classification or deed restrictions to residential use for not more than two units per lot, and the replat requires a variance, then approval of the replat is subject to a public hearing, and notice of the public hearing required in subsection (a) shall be given before the 15th day before the date of the hearing by:
 - (1) Publication in the city's official newspaper/publication of record; and,
 - (2) Written notice by mail, with a copy of subsection (c) of this section attached, to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved city tax roll or, in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property on which the replat is requested.
- (c) If the proposed ~~plat~~ replat requires a variance and is protested in accordance with this subsection, the proposed plat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members of the commission present. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, ~~but within the~~ excluding areas outside the original subdivision, must be ~~filed with~~ submitted to the director of planning or the commission prior to the close of the public hearing. In computing the percentage of land under this subsection, the area of streets and alleys shall be included.
- (d) Compliance with ~~the subsection~~ subsections (b) and (c) is not required if the area to be replatted was designated or reserved for other than single-family or duplex-family residential by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

(e) If during the preceding five years, any of the area to be replatted without vacation of the preceding plat was limited by zoning classification or deed restrictions to residential use for not more than two units per lot by-right, and does not require a variance, then notice by mail shall be given not later than the 15th day after the date the replat is approved to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent city tax roll, or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property on which the replat is requested. The notice shall include the zoning designation of the property after the replat, and the telephone number and e-mail address an owner of a lot may use to contact the city about the replat.

Sec. 52-39. Amending plat.

(a) An amending plat is a recordable plat prepared and processed in accordance with the requirements for final plats as specified in section 52-35, except that it may be approved administratively by the city manager or the city manager's designee. It is controlling over the preceding plat without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:

- (1) To correct an error in a course or distance shown on the preceding plat.
- (2) To add a course or distance that was omitted on the preceding plat.
- (3) To correct an error in a real property description shown on the preceding plat.
- (4) To indicate monuments set after the death, disability, or retirement from practice of the surveyor responsible for setting monuments.
- (5) To show the location or character of a monument that has been changed in location or that is shown incorrectly as to location or character on the preceding plat.
- (6) To correct any other type of scrivener or clerical error or omission previously approved by the city including lot numbers, acreage, street names and identification of adjacent recorded plats.
- (7) To correct an error in courses and distances of lot lines between two adjacent lots if:
 - a. Both lot owners join in the application for amending the plat;
 - b. Neither lot is abolished;
 - c. The amendment does not attempt to remove recorded covenants or restrictions; and,
 - d. The amendment does not have a material adverse effect on the property rights of the other owners in the plat.
- (8) To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement.
- (9) To relocate one or more lot lines between one or more adjacent lots 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; and,
- c. The amendment does not increase the number of lots.

(10) To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:

- a. The changes do not affect applicable zoning and other regulations of the city;
- b. The changes do not attempt to amend or remove any covenants or restrictions; and,
- c. The area covered by the changes is located in an area that the commission and council have approved, after a public hearing, as a residential improvement area.

(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) Notice, a hearing, and the approval of other lot owners are not required by the approval and issuance of an amending plat.

(c) Amending plats shall be presented to the city manager or the city manager's designee for approval. If, for any reason, the city manager or designee does not wish to approve the plat, it shall be presented to the commission for approval or denial in accordance with the procedures for final plats in section 52-35, within three weeks of the city manager's denial. If a variance is requested by the applicant, the amending plat must be referred to the commission for approval or denial of both the variance and the plat.

Sec. 52-40. Procedure for approval of development plat.

(a) Development plats for which it is determined that no dedication of land or easements, dedications or nor construction of public improvements other than sidewalks is required, may be approved administratively by the city planner director of planning. The plat is subject to the completeness review and approval process provided in section 52-32.5. If one or more variances are requested by the applicant, the plat must be referred to the commission for approval or denial of both the variance and the plat in accordance with the procedure for final plats. A building permit shall not be issued for the development prior to endorsement of the city planner's director of planning's or the commission's approval on the plat, as applicable.

(b) Development plats requiring the construction of public ~~sidewalks~~, streets, or alleys, and/or the dedication of land or easements to accommodate such facilities as required to comply with city standards, shall be prepared and processed in accordance with the requirements for final plats as specified in section 52-35 provided, however, that when there is no dedication of land or easements, or where the applicant chooses to dedicate such land or easements by separate instrument instead of on the plat, recording of the development plat with the county clerk is not required. A building permit shall not be issued for the development prior to approval of the development plat by the commission. The development shall not pass final inspection or receive a certificate of occupancy until any required construction of public facilities is completed and accepted by the city, and any required dedications are recorded with the county clerk on the development plat or by separate instrument.

Sec. 52-41. Application fees.

Application fees for preliminary plats and all recordable plats, shall be as established by separate resolution of the city council. Such fees, which are collected for the purpose of defraying the costs administrative, clerical and inspection services necessary to implement this chapter, shall be collected by the city at the time the plat is submitted. No action by the city shall be valid unless and until the required fees have been paid to the city.

Sec. 52-42. Dedication and construction of public infrastructure.

- (a) The approval of a plat is not considered an acceptance of any proposed dedication and does not impose on the city any duty regarding the maintenance or improvement of any dedicated parts until the city accepts the required improvements in accordance with section 52-202, or until the plat is recorded.
- (b) To ensure that it will not incur liabilities, the city may require, before it gives approval of the engineering plans for a development, that the owner provide sufficient surety and warranty to guarantee that claims against the development will be satisfied if a default or construction failure occurs. A nonrevocable bond in the amount of ten percent of the total construction cost shall continue in force until the one-year warranty of construction has expired. This subsection does not preclude a claimant from seeking recovery by other means.
- (c) The disapproval of a plat is considered a refusal by the city of the offered dedication indicated on the plat.

Secs 52-43—52-70 ~~49~~. Reserved.

ARTICLE III. RELIEF PROCEDURES

Sec. 52-50. Variances.

- (a) Concurrently with or separately from consideration of a preliminary plat or recordable plat, the commission may authorize a variance from this chapter when, in its opinion, undue hardship will result from requiring strict compliance. In considering a variance the commission shall allow only conditions that it deems necessary or desirable to the public interest. The commission shall take into account the nature of the proposed use of land involved and existing uses of the land in the vicinity,

the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions, public health, safety, convenience and welfare in the vicinity. No variance shall be approved unless the following is established:

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.
- (2) That the variances are necessary for the preservation and enjoyment of a substantial property right of the applicant, that the granting of the variance will not be detrimental to the public health, safety or welfare, and will not be injurious to other property in the area.
- (3) That the variance shall not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this chapter.

(b) Findings of the commission, together with the specific facts on which such findings are based, shall be incorporated under the official minutes of the commission meeting at which a variance is granted. Variances shall be granted only when in harmony with the general purpose and intent of this chapter, so that the public health, safety and welfare may be secured, and substantial justice done. The commission shall not authorize a variance to this chapter that would constitute a violation of any other valid ordinance of the city.

Sec. 52-51. Appeals.

- (a) The commission may consider appeals where the applicant alleges that there is an error in an order, requirement, decision or determination made by the city staff in the enforcement of this chapter. The commission may reverse or affirm, in whole or in part, or modify the city staff's order, requirement, decision or determination.
- (b) Any person or persons aggrieved by any decision of the commission with respect to subdivision plats, subdivision variances, and appeals of administrative determinations may appeal to the city council by submitting to the director of planning, within ten days after the date of the commission's action, a written request specifying the grounds for the appeal, together with any supporting evidence. The appeal shall be forwarded to the council together with a copy of the approved minutes of the commission meeting at which the decision in question was made, and shall be considered at the earliest regular meeting for which all required materials are available. The council shall uphold, modify, or reverse the decision of the commission.

Sec. 52-52. Vested Rights.

The city shall consider the approval, disapproval or conditional approval of a subdivision or development plat solely on the basis of any orders, regulations, ordinances, rules, expirations dates, or other properly adopted requirements in effect at the time the original application is submitted for review, including review for administrative completeness, in accordance with chapter 245 "Issuance of Local Permits" of the Texas Local Government Code, as well as any similar chapter, section, or provision of the Lockhart Code of Ordinances pertaining to vested rights related to development regulations and permits that is not in conflict with chapter 245. This includes application for establishment of development rights, subsequent determination, and appeal, if any.

Secs. 52-53—52-59. Reserved.

ARTICLE IV. PUBLIC FACILITIES

Sec. 52-60. Proportionality.

In accordance with section 212.904 “Apportionment of Municipal Infrastructure Costs” of the Texas Local Government Code, it is the intent of this chapter that the regulations and standards herein achieve proportionality between the demands created by the proposed subdivision on public facilities and the obligation to provide adequate public facilities, assuring that development impacts are mitigated through contributions of land dedications, construction of capital improvements, and/or payment of fees, and that a development project contribute its fair share of such costs. A proportionality determination assures that a requirement to dedicate, construct, or pay a fee in lieu of dedication or construction imposed on a proposed plat as a condition of approval does not result in a disproportionate cost burden on the property owner, taking into consideration the nature and extent of demands created by the proposed development on the city’s public facilities systems. Required land or easement dedication, construction of public facilities, or payment of a fee, by the applicant is an exaction.

Sec. 52-61. Capital Improvements.

Land proposed for development in the city and in the city’s extraterritorial jurisdiction must be served adequately by essential public facilities and services, including streets, sidewalks/trails, bikeways, stormwater drainage, water, wastewater, open space, and parks. A subdivision plat or development plat shall not be approved until and unless adequate public facilities exist or provision has been made for the facilities, whether the facilities are to be located within the property or off-site. A public facility shall be considered sufficient where it is demonstrated to have available capacity to accommodate the service demand generated by the proposed development, as well as other approved developments that would impact the service capacity.

Sec. 52-62. Land Dedication.

A subdivision plat or development plat shall not be approved until and unless it includes dedication of easements, rights-of-way, and other land as necessary to accommodate the essential public facilities and services required to fulfill the development’s obligation as provided in section 52-61.

Sec. 52-63. Determination.

(a) Upon request by the director of planning or director of public works, the city engineer may make a determination as to whether or not an exaction requirement to be imposed as a condition of plat approval is roughly proportionate to the demand created by the subdivision or development on the essential public facility system of the city. In making this determination, the city engineer may consider:

(1) The proposed and potential use of the land.

(2) The timing and sequence of development in relation to availability of adequate levels of public facilities systems.

- (3) Studies conducted to measure the demand for services create by the subdivision or development and its impact on the city's public facilities system.
- (4) The function of the public infrastructure improvements in serving the proposed subdivision or development.
- (5) The degree to which public infrastructure improvements necessary to serve the proposed subdivision or development are supplied by other developments.
- (6) The anticipated participation by the city in the costs of necessary public infrastructure improvements.
- (7) The degree to which acceptable private infrastructure improvements to be constructed and maintained by the applicant will offset the need for public infrastructure improvements.
- (8) Any reimbursements for the costs of public infrastructure improvements for which the proposed subdivision or development is eligible.
- (9) Any other information relating to the impacts created by the proposed subdivision or development on the city's public facilities systems.

(b) The Planning and Zoning Commission shall consider the city engineer's report, if any, in making a decision on a plat application, including conditional approval. The commission may also consider the report in granting a variance to one or more provisions of this chapter.

Sec. 52-64. Appeal.

An applicant for a subdivision plat or development plat which imposes an exaction requirement may file an appeal to contest any proportionality determination, other than impact fees, imposed as a condition of approval or in which the failure to comply is grounds for denying the application. The appeal is processed as provided in section 52-51.

Secs 52-43 65—52-70 71 Reserved.

ARTICLE III V. DESIGN STANDARDS

Sec. 52-71. Reserved.

Sec. 52-72. Streets.

(a) The arrangement, character, extent, width, grade, and location of all streets shall conform to the thoroughfare plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. A plat of property in the path of a future collector or arterial street shown on the thoroughfare plan map shall dedicate the right-of-way corresponding to its classification, and the street shall be constructed at the subdivider's expense for all segments within the boundary of the subdivision.

- (b) When a street is not on the thoroughfare plan, the arrangement of streets in a subdivision shall provide for the continuation of existing streets in surrounding areas. If there are no streets existing on adjacent vacant and unsubdivided land, the arrangement of streets in the subdivision shall make provision for the proper extension of streets into such area. The length of any dead end street projections intended for future extension beyond the limits of the subdivision shall not exceed the depth of one lot unless a cul-de-sac is constructed no further than one lot from the subdivision perimeter. Consideration shall be given to efficient internal distribution of traffic by maximizing connectivity with multiple streets and intersections in a grid pattern or similar arrangement of blocks.
- (c) All subdivisions with a potential to serve more than ~~100~~ 75 dwelling units, or more than ~~25~~ 15 nonresidential lots, shall have at least two points of vehicular access consisting of improved streets connected to the city's thoroughfare system; or, a single entrance street divided by a median where the median extends to the nearest internal street which provides at least two routes to the interior of the subdivision. Residential driveways shall not be located on the sides of the divided street parallel to and within the length of an entrance median.
- (d) Where a subdivision adjoins or contains an existing or proposed major road, arterial street, or collector street, the commission may require marginal access streets, reverse frontage, deep lots with rear service alleys, or such treatment as may be necessary for adequate protection to residential properties and to afford separation of through and local traffic. No side lot access to residential corner lots shall be allowed from any arterial street.
- (e) ~~Where the a proposed new subdivision, or replat of an existing subdivision that creates additional lots,~~ abuts upon an existing street that does not conform to the corresponding classification in the thoroughfare plan, the subdivider shall dedicate one-half of the right-of-way ~~sufficient needed~~ needed to make the ultimate full right-of-way width conform. Where the dedication of right-of-way is not feasible due to topographic or other physical obstructions, the subdivider may, at the city's discretion, dedicate a public access easement with corresponding utility or drainage easements as necessary in lieu of dedicating public street right-of-way.
- (f) Reserve strips controlling access to streets, rights-of-way, or other land dedicated or intended to be dedicated to public use shall be prohibited, except where the city is given control, under conditions approved by the commission.
- (g) Street jogs with centerline offsets of less than 125 feet are prohibited ~~shall be avoided~~.
- (h) Arterial street intersections shall be at 90-degree angles. Other street intersections shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect at less than 75 degrees nor more than 105 degrees.
- (i) Street right-of-way and pavement widths shall be as shown on the thoroughfare plan and, where not shown therein, shall be not less than as follows:
- (1) *Arterial streets:* Minimum right-of-way width 80 feet to a maximum of 140 feet, with the pavement width section to be based on standard details for the specific street class, depending upon the location and existing streets with which said street is to be connected.

(2) *Collector streets:* Right-of-way width 60 feet, and pavement width of 41 feet back-to-back of curb. The right-of-way width may be required to be wider or supplemented with abutting easements where all utilities are to be located in the front of lots.

(3) *Minor streets:*

a. *Residential street:* Right-of-way width 50 feet, and pavement width of 31 feet back-to-back of curb. The right-of-way width shall be wider or supplemented with abutting easements where all utilities are to be located in the front of lots.

b. *Local street in multifamily, commercial or industrial areas:* Right-of-way width 60 feet, with pavement width section as identified in standard details or greater if required for drainage. The right-of-way may be required to be wider or supplemented with abutting easements where all utilities are to be located in the front of lots.

(j) Half-width streets shall be prohibited.

(k) A cul-de-sac shall not be longer than 500 feet measured from the connecting street centerline to the center radius point of the closed end having a paved street turnaround diameter of at least 80 feet with a right-of-way diameter of at least 100 feet for in residential areas, and at least 180-foot a paved street turnaround diameter of at least 100 feet with a 200-foot right-of-way diameter of at least 120 feet in commercial and industrial nonresidential areas. Greater diameters may be required where the cul-de-sac would serve industrial or other development that uses tractor-trailer trucks. Center islands may be provided subject to approval by the city.

(l) Traffic circles (roundabouts) are encouraged in appropriate locations and may be used in accordance with the following conditions:

(1) The design shall be in accordance with Chapter 6 "Geometric Design" of Federal Highway Administration Publication No. FHWA-RD-00-067 "Roundabouts: An Informational Guide", as applicable to the type, width and design speeds of intersecting streets.

(2) Pavement markings, "Traffic Circle Ahead" or international graphic circular intersection signs, "Yield" signs and "One-Way" signs pointing to the right shall be provided and installed in locations approved by the public works department for each location where a street connects to the traffic circle in accordance with Chapter 7 "Traffic Design and Landscaping" of Federal Highway Administration Publication No. FHWA-RD-00-067 "Roundabouts: An Informational Guide", as amended.

(3) The center island shall consist of a circular curbed area within the public street right-of-way that is landscaped or developed to be aesthetically attractive while requiring a minimum of maintenance, as approved by the planning and zoning commission. Where right-of-way, topography, or other constraints preclude the ability to provide a curbed center island, a mountable curb with a traversable concrete apron may be required around the outer edge of the center island.

(4) A note on the plat shall state how the center island is to be developed and maintained, and that the subdivider or developer is responsible for maintenance during the first year following the date the plat is recorded.

- (m) New streets of like alignment shall bear the names of existing streets and shall be dedicated at equal or greater widths than the existing streets. No street names shall be used which will duplicate or be confused with the name of existing streets.
- (n) Names of new streets being constructed as part of a subdivision are subject to approval of the commission. Once a street is accepted by the city and the subdivision plat is recorded designating the name of such street, any subsequent change in the name of the street is subject to approval by the council.
- (o) All new streets dedicated within a subdivision shall be improved in accordance with the construction standards of the city.
- (p) If an existing public street ~~or unimproved right-of-way~~ not meeting city standards for its classification designated in the thoroughfare plan with respect to width, drainage, or surface type abuts the perimeter of a subdivision having an internal street intersecting the perimeter street where the internal street provides the sole vehicular access to the subdivision or section thereof being platted, the subdivider shall pay an amount it shall be improved at the subdivider's expense to comply with such standards prior to acceptance of the subdivision by the city. The length of the improvement shall extend to the nearest existing street or portion thereof that meets city standards. Where the substandard perimeter street is already paved with a durable all-weather surface and has an adequate width for at least two lanes of traffic, the city may accept, as an alternative to the subdivider improving the street, a payment equal to one-half the estimated cost of improvement to city standards, as determined by the city engineer, for the length of the subdivision's frontage along the perimeter street. Such payment shall be made concurrently with acceptance of the subdivision improvements by the city, and the city shall deposit the funds in an account reserved for future improvement of the substandard perimeter street. This option is available only when it is determined that the existing perimeter street, in its current state, is capable of carrying the expected traffic upon full development of the subdivision. The city or the Texas Department of Transportation may require a traffic impact study to be prepared at the subdivider's expense to document the existing capacity of the street and/or to determine the need for off-site street improvements. If the existing perimeter street right-of-way is unimproved, or if the existing street does not have an adequate width for two lanes of traffic, or if it is determined that the street, in its current state, is otherwise not capable of safely carrying the expected traffic upon full development of the subdivision, it shall be improved by the subdivider at the subdivider's expense to comply with the city's street standards for its classification or to comply with safety improvements required by the Texas Department of Transportation, prior to acceptance of the subdivision by the city. The length of the improvement shall extend to the nearest existing improved street that has an adequate width for at least two lanes of traffic, and which is capable of carrying the expected traffic upon full development of the subdivision. If the substandard perimeter street is listed in the city's road impact fee capital improvements plan, the city shall contribute to the required improvements as provided in section 52-143.
- (q) If bicycle facilities are shown on an adopted bikeway plan element of the city's comprehensive plan in a location along one or more streets within a new subdivision, the dedicated street right-of-way shall provide bicycle facilities based on best practices in the latest addition of the NACTO Urban Bikeway Design Guide, with pavement markings, signage, and physical barriers in conformance with the latest addition of the AASHTO Guide for the Development of Bicycle Facilities as referenced in the TxDOT Roadway Design Manual. The bicycle facility may be in the form of: 1) designated bike lanes in the

street where the speed limit is 35 or 40 miles per hour; 2) spatially buffered bike lanes in the street where the speed limit is 45 or 50 miles per hour; or, 3) physically protected bike lanes (cycle track) in the street, or shared-use paths for pedestrians and bicycles separate from the street, where the speed limit is 55 miles per hour or greater. A bicycle facility required for a higher speed limit range can voluntarily be used in any lower speed limit range in lieu of its specified facility. Streets with a speed limit not greater than 30 miles per hour may have signage and pavement markings designating a bike route.

Sec. 52-73. Alleys.

- (a) Right-of-way for service alleys in commercial and industrial districts shall be a minimum of 25 feet in width, with a 20-foot wide pavement section.
- (b) Alleys in residential districts shall be parallel, or approximately parallel, to the frontage street, and shall have a minimum right-of-way width of 15 feet, with a ten-foot wide pavement section.
- (c) Alleys shall be optional in all new developments and replatted existing subdivisions, unless expressly required by the commission because of drainage, topographical features, circulation, or existing conditions which may necessitate the use of an alley in a particular location. Any right-of-way for alleys shall be dedicated to the city.
- (d) Alleys shall be paved in accordance with the construction standards of the city.
- (e) Where the deflection of alley alignment exceeds 30 degrees, a cutback of a minimum 15 feet, or of such greater distance to provide safe vehicular movement, shall be established on the inside property line and the paving of the alley shall be cut back in the same manner.
- (f) Where the deflection of an alley alignment exceeds 15 degrees, a five-foot-wide pole guy easement shall be provided at the exterior of each point of deflection and normal hereto. The easement length shall be 15 feet for a deflection from 15 degrees to 30 degrees and 25 feet for deflection greater than 30 degrees.
- (g) Dead-end alleys are prohibited.
- (h) Access to residential property may be permitted from the alley. Access from the alley shall not exclude another means of access from the front or side.

Sec. 52-74. Easements.

- (a) Easements across lots, along and abutting front lot lines, or centered on rear or side lot lines shall be provided for utilities and drainage where necessary. Drainage easements must be exclusive and no improvements may be constructed therein. When such easements are shown on a subdivision plat, this exclusivity and restriction will be noted on the plat and included in any restrictive covenants. Drainage and utility easements will not be superimposed.
- (b) Where a subdivision is traversed by a watercourse, drainage way or channel, a storm drain easement or drainage right-of-way, conforming substantially with such course and of a width to fulfill the requirements of the city's flood hazard area ordinance and drainage ordinance, as calculated by the

developer's engineer, will be provided. Nonrestricted access shall be provided to all drainage ways and storm system easements for maintenance by the responsible parties. Access shall be provided within 500 feet of all points where drainage easements exist, and parallel streets or parkways may be required for access to the easement.

- (c) Where alleys are not provided in a residential subdivision and utilities are to be provided in the rear of lots, a minimum seven and one-half-foot-wide utility easement shall be provided where needed along the rear of all lots within the subdivision. When one or more lots are located such that there is no similar easement in adjoining tracts, a minimum 15-foot wide easement will be provided.
- (d) When the tract to be subdivided includes an easement of the blanket form or is a portion of a tract which includes such an easement, the subdivider shall take such action as is necessary prior to submission of the preliminary plat to have such easement removed or to have such easement redefined to a specific location and to a specific size or width.
- (e) Public access easements may be provided to accommodate a required public sidewalk along and adjacent to the public street right-of-way where conflicts with natural features, utility equipment, or other appurtenances make the location of the sidewalk within the right-of-way impractical. Private access easements may be provided to accommodate joint vehicular access to adjacent lots in the subdivision.

Sec. 52-75. Blocks.

- (a) The length, width and shapes of blocks shall be determined with due regard to:
 - (1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - (2) Zoning requirements as to lot sizes and dimensions.
 - (3) Needs for convenient access, circulation, control and safety of street traffic.
- (b) In general, intersecting streets determining the block length and width shall be provided at such intervals as to serve cross-traffic adequately and to meet existing streets or in accordance with customary subdivision practices. Where no existing subdivision controls, the block lengths shall generally not exceed 800 feet along minor streets, 1,000 feet along collector streets, or 1,200 feet along arterial streets. Where no existing subdivision controls, the blocks shall generally not be less than 400 feet along minor or collector streets, or 500 feet along arterial streets. However, in cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety. Where opposite sides of a block are along different classifications of streets, the length shall generally conform to the maximum and minimum limits applicable to the higher classification.
- (c) Where blocks in the vicinity of a school, park or shopping center are 1,000 feet or longer, the commission may require a six-foot public pedestrian access easement near the middle of the block or at a street that terminates between streets at the ends of the block.

- (d) Where no existing subdivision controls, the block depth shall be platted to give lots with a depth to width ratios of generally not more than two and one-half to one and in no case more than four to one, and the design shall be such that the block depth generally shall not exceed 350 feet. When possible, the block width and length shall be such to allow tiers of lots back to back.
- (e) Blocks shall be labeled sequentially, from One or from A in each subdivision or section thereof.

Sec. 52-76. Lots.

- (a) Lots shall conform to the minimum requirements of the applicable zoning district, except where a variance is approved by the zoning board of adjustment. Lots in the extraterritorial jurisdiction shall conform to the minimum requirements ~~for the AO Agricultural-Open Space District~~ of the current Caldwell County Development Ordinance.
- (b) Each lot shall abut an improved public street right-of-way along at least one property line, except where private streets are approved in a planned development having the PDD zoning classification.
- (c) Key lots or irregular shaped lots shall have sufficient width at the front building line to meet frontage requirements of the appropriate zoning district. Also, the rear width shall be sufficient to provide access for all utilities, but in no case less than ten feet.
- (d) Flag lots, which have minimal or panhandle-type frontage, shall not be allowed in lieu of providing access to lots on the interior of a subdivision with one or more public streets except, however, that one flag lot may be approved in the subdivision of ~~an extremely long and relatively narrow previously~~ an unplatted tract having a length to width ratio of 3:1 or greater into two lots provided that the street frontage of ~~each the flag lot~~ each the flag lot is at least 25 feet and the width of ~~the each lot where any building is constructed~~ each lot is at least the minimum required by the applicable zoning district.
- (e) Side lot lines shall be substantially at right angles or radial to street lines.
- (f) Double frontage and reverse frontage lots will be avoided, except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantage of topography and orientation. Where lots have double frontage, a front building line shall be established for each street.
- (g) Each lot in each block shall be labeled sequentially from one.

Sec. 52-77. Sidewalks.

- (a) In those instances when a six-foot pedestrian access easement is provided in accordance with subsection 52-75(c), the applicant shall construct a sidewalk not less than four feet wide therein.
- (b) Public sidewalks, not less than four feet wide, shall be provided on each side of ~~major road/arterial streets and collector streets~~ and minor nonresidential streets, and on one side of ~~local minor residential streets~~, including culs-de-sac exceeding 350 feet in length as measured in accordance with subsection 52-72(k). Public sidewalks not less than six feet wide shall be provided on each side of arterial streets and on the subdivision side of expressway frontage roads. Required sidewalks shall be

constructed by the builder for each lot before a certificate of occupancy will be issued for any structure thereon. Sidewalks required along public streets abutting property that is already developed, abutting the side or rear of a vacant lot that has primary frontage on another street, or abutting land areas dedicated for a public park, drainage facility, open space, or other community facility in accordance with subsection 52-112, shall be constructed by the subdivider as a subdivision improvement, and accepted by the city, prior to the plat being recorded.

(c) The location of sidewalks shall be noted on the subdivision plat.

(d) Sidewalks are not required:

(1) On culs-de-sac 350 feet or less in length, as measured from the connecting street centerline to the center radius point of the closed end.

(2) Along minor streets in residential subdivisions where no lot is less than one acre in size.

(3) When no more than four lots are being replatted where there was no requirement for sidewalks at the time the subdivision was originally platted.

(4) ~~Where the commission authorizes a variance waiving all or a portion of the sidewalk requirement in accordance with section 52-3.~~ For a minor plat of four or fewer residential lots along a minor residential street within an existing developed residential area not previously platted, where lots or parcels abutting the side or sides of the parcel being platted are developed and have no existing public sidewalk along their street frontages.

(5) Where the commission authorizes a variance waiving all or a portion of the sidewalk requirement in accordance with section 52-50.

(e) In instances where construction of a required sidewalk in the public right-of-way is not feasible due to drainage considerations, topography, or lack of adequate unobstructed right-of-way width as determined by the city engineer, director of public works or designee, the sidewalk requirement may be satisfied by one of the following alternatives:

(1) The sidewalk may be constructed in a dedicated public access easement inside the private property of one or more lots along the street right-of-way; or

(2) The subdivider may, at the city's discretion, pay a fee in lieu of constructing the sidewalk based upon an estimated cost per linear foot provided by the director of public works, city engineer or designee; or provided by the subdivider's engineer and accepted by the director of public works, city engineer or designee.

(f) Curb ramps for the ~~handicapped~~ disabled shall be constructed to comply with the most recently adopted edition Section 4.7 of the Texas Accessibility Standards ~~of the Architectural Barriers Act, Article 9102, Texas Civil Statutes (April 1, 1994).~~

(g) Rights-of-way or easements for hike and bike trails or similar shared-path sidewalks at least ten feet wide shall be dedicated on the plat where shown on the adopted Sidewalk/Trail Plan, and such trails or shared-path sidewalks shall be constructed at the subdivider's expense. Where aligned with a property's street frontage, such trails and sidewalks shall serve as a required public sidewalk.

Sec. 52-78. Streetlights.

Streetlights shall be installed by the subdivider in accordance with the current streetlight policy, as adopted by the city council, and shall conform to the construction standards of the city.

Sec. 52-79. Street signs.

- (a) *Street name signs.* Street name signs approved by the city shall be furnished and installed by the subdivider, at the subdivider's expense, at each intersection within or abutting the subdivision.
- (b) *Traffic control signs.* Appropriate traffic control signs, required by the Uniform Traffic Control Manual and approved by the State of Texas, shall be furnished and installed by the subdivider, at the subdivider's expense.

Sec. 52-80. Flood hazard.

- (a) ~~The city may attach conditions to the approval of plats for areas subject to development problems~~ Subdivision development in flood hazard areas shall be in accordance with chapter 22 "Floods", of the Lockhart Code of Ordinances. Increases in stormwater runoff created by expected additional impervious surface shall require stormwater detention as provided in article III, chapter 22. For changes in base flood elevation or flood hazard boundary, approval of a FEMA conditional letter of map revision (CLOMR) is required prior to acceptance of the final plat for technical review, and approval of a FEMA letter of map revision (LOMR) is required following completion and acceptance of all required subdivision improvements.
- (b) Lots shall be graded and structures designed such that the ground level floor of buildings shall be a minimum of 12 inches above the highest point of the adjacent street top of curb, or above the crown of the street where there is no curb. Where the building is on a corner lot, this provision will apply to the highest top of curb or crown of the intersecting streets. Under special circumstances where such floor level is demonstrated by the subdivider's or developer's engineer to be impractical, one or more lots may be provided with drainage swale adjustment to prevent flooding of structures upon approval of a variance by the construction board of appeals.

Sec. 52-81. Electric utility.

Electric lines and facilities shall be in conformance with the requirements of the electrical provider. All electric lines, both primary and secondary, shall be underground in subdivisions consisting of more than ten lots or more than ten acres.

Sec. 52-82. Perimeter screening.

Residential subdivisions having six or more contiguous lots with rear yards abutting a collector or arterial perimeter street shall have a fence or wall no less than 67 percent opaque, and at least six feet but not greater than eight feet tall, constructed along but not encroaching into the perimeter street right-of-way prior to City acceptance of the subdivision improvements. Screening material shall consist of masonry, warp and rot resistant wood, or engineered/composite wood, with masonry columns measuring at least 16 inches square located no greater than 130 feet apart on-center, including angle and endpoints.

Masonry columns shall extend at least eight inches from the street-side face of the fence or wall. Perimeter screening shall not block access to any fire hydrant or utility equipment, nor block any corner sight-triangle as defined in section 50-5 "Landscaping which constitutes traffic hazard", of the Lockhart Code of Ordinances. Perimeter screening shall be located in a fence easement at least as wide as the masonry columns, and shall be maintained by a homeowner's association or other permanent subdivision management established for the subdivision by the subdivider or developer.

Sec. ~~52-82~~ 52-83—52-110. Reserved.

ARTICLE ~~IV~~ VI. COMMUNITY FACILITIES AND OPEN SPACES

Sec. 52-111. Areas for public use.

The subdivider shall ~~give consideration to~~ consider one or more suitable sites for public parks, playgrounds, and other public community facilities in accordance with the comprehensive plan and associated plans and policies of the city. A school site approved by the Lockhart Independent School District for purchase by the district shall be considered an eligible community facility for the purpose of this article. Any provision for ~~schools, parks, etc.,~~ community facilities shall be indicated on the plat. Where land dedication or payment of fees in lieu of land dedication is required for a subdivision being platted in sequential phases, the entire land dedication or fee payment requirement shall be satisfied at the time that the plat of completion of the first phase or section is recorded. ~~If the requirement is met through land dedication, it must have frontage on a dedicated and improved public street right-of-way.~~

Sec. 52-112. Land dedication.

- (a) Except as provided in section 52-113 ~~or for nonresidential subdivisions,~~ land shall be dedicated by the subdivider in the amounts listed below or greater for community facilities or public open space in any subdivision within the city limits, greater than five acres in size, and zoned or intended to contain residential uses.
- (1) *Subdivision size over five acres up to and including 20 acres:* ~~5%~~ Five percent of the total land area zoned or intended for residential use up to and including a gross density of seven units per acre, or ten percent of the total land area zoned or intended for residential use above seven units per acre.
- (2) *Subdivision size over 20 acres:* ~~8%~~ Eight percent of the total land area zoned or intended for residential use up to and including a gross density of seven units per acre, or fifteen percent of the total land area zoned or intended for residential land use above seven units per acre.
- (b) The location, size, and functions of the land to be dedicated for community facilities or public open space must be: 1) deemed by the city to be suitable for the intended use; 2) have appropriate pedestrian, bicycle, and motor vehicle access, including parking; 3) graded and provided with turf or other ground cover that is appropriate for the intended use; and, 4) be provided with water, wastewater, and electric service as determined by the city as necessary for the proposed use and public facility improvements. Utilities are considered part of the subdivision infrastructure, and shall not apply to the value of any required public facility improvement as provided in section 52-114. #

~~the subdivider develops the site for the approved public use at the subdivider's expense and with approval of the city, the land area dedicated may be decreased to the extent that the value of the improvements is equal to or more than the market value of the land area prior to development, as determined by the Caldwell County Tax Appraisal District, that is the difference between the minimum amount required and the amount actually dedicated. The subdivider shall either construct all required improvements for the intended use at their expense, or may, at the city's discretion, pay a fee in lieu of constructing such improvements, as provided in section 52-114. If the dedicated land area is a donation for a community facility involving buildings to be constructed by the school district or a governmental entity, the fee shall be paid in lieu of construction and shall be used by the school district or governmental entity for the community facility.~~

- (c) No property required to be dedicated for community facilities or public open space shall be in the 100-year floodplain except, however, that natural areas may include 100-year floodplain up to a maximum of 50 percent of the minimum required land dedication if determined by the city to be suitable for leisure activities such as hiking, bicycling, picnicking, and wildlife observance, and such area is deemed by the city as needed or acceptable for such use in that location. Ineligible land area may be dedicated as parkland, but shall not apply toward the minimum amount necessary to meet community facility or public open space dedication requirements.
- (d) Stormwater detention ponds and conservation easements shall not apply to the minimum required land dedication except, however, that such areas may be included up to a maximum of 50 percent of the minimum required dedication if determined by the city to be suitable for leisure or recreational activities and not in conflict with the primary functions of the stormwater detention pond or conservation easement. Ineligible land area may be dedicated as parkland, but shall not apply toward the minimum amount necessary to meet community facility or public open space dedication requirements.
- (e) Land area dedicated as a greenbelt for a public hike/bike trail designated on the city's land use and sidewalk/trail plans may apply toward the required land dedication where such greenbelt is determined by the city as being in a location and alignment that is generally consistent with the city's comprehensive plan.
- (f) Land for community facilities or public open space not exceeding one acre shall have at least 100 feet of frontage on an improved public street right-of-way, with parking provided in the street right-of-way on or adjacent to the paved street as parallel, angled, or perpendicular spaces depending on the right-of-way width available. Land for community facilities or public open space over one acre shall have frontage on an improved public street right-of-way equal to at least 25 percent of the land's perimeter with paved and marked off-street parking provided in a parking lot on the site configured such that vehicles can be maneuvered without backing into a street unless the street is an internal park street. In all cases parking areas shall contain a number of spaces appropriate for the intended use or activities on the site as approved by the director of parks and recreation for parks, or as approved by the director of planning for other community facilities, and shall comply with the Texas Accessibility Standards for the number and configuration of parking spaces for the disabled.
- (g) At the city's discretion, the land area dedication requirement may be satisfied by a privately owned and maintained amenity approved by the city in a multifamily development or in any part or parts of a Planned Development District (PDD) containing residential land uses.

Sec. 52-113. Fee in lieu of land dedication.

- (a) In instances where dedication of land for community facilities or public open space is unacceptable, unsuitable, unneeded, or infeasible within a subdivision, the subdivider may, at the city's discretion, pay a fee in lieu of required land dedication specified in section 52-112 in the amounts listed below based upon the market value prior to development. The fee in lieu of land dedication is mandatory for subdivisions in the Lockhart Extraterritorial Jurisdiction.
- (1) *Subdivision size over five acres up to and including 20 acres:* 5% Five percent of market value of land area that is zoned or intended for residential use up to and including seven units per acre, or ten percent of the market value of land that is zoned or intended for residential use above seven units per acre.
- (2) *Subdivision size over 20 acres:* 8% Eight percent of market value of land area that is zoned or intended for residential use up to and including seven units per acre, or fifteen percent of the market value of land that is zoned or intended for residential use above seven units per acre.
- (b) For subdivisions greater than one acre in size up to five acres in size, where no land dedication is required, a fee shall be paid equal to 5% five percent of the market value of land area that is zoned or intended for residential use. No fee or land dedication is required for subdivisions one acre or less in size.
- (c) If a fee is paid in lieu of land dedication, a fee shall also be paid in lieu of constructing community facility improvements, in accordance with section 52-114(d).
- (d) Fees paid to meet the community facility and public open space requirements shall be deposited by the city in an account for use only in the acquisition of land, purchase of equipment, or construction of improvements for public open space, including parks, playgrounds, and natural areas.

Sec. 52-114. Community facility improvements.

- (a) Where the subdivider constructs community facility improvements, a community facility development plan shall be prepared by the subdivider and approved by the city, and the improvements shall be considered part of the subdivision infrastructure for the purpose of acceptance by the city prior to recordation of the subdivision plat. Improvements may include, but are not limited to, trees, pedestrian/bicycle paths, motor vehicle and bicycle parking, fencing, lighting, benches, picnic tables, shade structures, playscapes, sport courts or fields, exercise stations, water features, drinking fountains, and restrooms. Trees or other landscaping shall not be the only improvements. A children's playscape having at least four functions must be provided where the minimum required community facility or public open space is a park over one-half acre in size.
- (b) Any privately owned and maintained amenities proposed in a Planned Development District must be specified on the PDD Development Plan, constructed as a condition of the adopted PDD zoning, and inspected and approved by the city prior to the plat being recorded. In a multifamily development, any privately owned and maintained amenities proposed in lieu of dedication of land for a community facility shall be specified on the construction plans for the development as a condition of the building permit, and inspected and approved by the city prior to issuance of a certificate of occupancy for any structure in the development.

(c) The value of public or private improvements must be equal to or more than the market value of the facility land area prior to development, up to a maximum of five acres. Any amount of dedicated land area over the first five acres is not subject to a corresponding improvement value.

(d) Where the subdivider pays a fee in lieu of constructing required improvements for the intended use, the amount due is equal to the market value of the dedicated land area prior to development, up to a maximum of five acres. Any amount of dedicated land area over the first five acres is not subject to a corresponding fee in lieu of construction. Fees paid in lieu of constructing required community facility improvements shall be deposited by the city in an account for use only in the community facility or public open space being dedicated.

Secs. ~~51-114~~ 115—140. Reserved.

ARTICLE ~~V-VI~~ VII. PUBLIC INFRASTRUCTURE ENGINEERING AND CONSTRUCTION

Sec. 52-141. Standards for construction.

(a) The sanitary sewers and lift stations, storm sewers, drainage features, water utility mains, street improvements, sidewalks and electrical facilities and street lighting, with all appurtenances pertaining to the above, shall be designed, constructed and installed in each new subdivision at the expense of the developer in accordance with the construction standards of the city as may be revised from time to time. Variances to the construction standards must be approved in writing by the city engineer and city manager or designee before construction begins.

(b) All construction work, such as street paving, storm sewers, curb and/or gutter work, sidewalks, sanitary sewers, water mains, and electrical construction performed by the owner, developer, or contractor, shall be subject to inspection during construction by the property authority of the city, and shall be constructed in accordance with the construction standards of the city except for certain subdivisions in the extraterritorial jurisdiction as provided in the ~~April 1, 2002~~, current interlocal agreement between Caldwell County and the City of Lockhart, and available in the city secretary's office.

(c) The developer's engineer shall be responsible for inspection of all construction, and provide written documentation of such inspections for certification in accordance with section 52-202.

Sec. 52-142. Guarantee of performance.

The developer shall require guarantee of materials and workmanship of his construction contractors, with whom he contracts for furnishing materials and installing the improvements, required under this chapter and shall himself be responsible for guaranteeing that all materials and workmanship in connection with such improvements are free of defects for a period of ~~one year~~ two years after the date of acceptance of the improvements by the city manager, director of public works or designee.

Sec. 52-143. Responsibility for payment of infrastructure costs.

- (a) The developer must pay for any required extensions of off-site water mains, wastewater mains, and electric primary lines unless otherwise negotiated by authorized city staff and approved by the city council. The city may pay for oversizing of mains and electric primary lines above the size required of the developer to provide sufficient domestic and fire protection water, wastewater service and electric primary lines for the development and any subsequent phases. All development costs associated with the subdivision shall be borne by the developer. The city shall have the right to recover all or part of the costs associated with in-place utility main or primary line extensions that will benefit development. Such cost recovery shall be based on proportionate use of such extensions or associated infrastructure.
- (b) The city may pay, providing funds are available, for street right-of-way in excess of that required by the thoroughfare plan, except where such extra widths are in commercial developments, or where they're not required by the city. The city may participate, provided funds are available, in the extra cost of large drainage structures on major road/arterial streets shown on the thoroughfare plan.
- (c) If a substandard perimeter street, as described in section 52-72, is listed in the city's road impact fee capital improvement plan, the city shall reimburse the subdivider for up to one-half the cost of the improvements to the extent that the funds are available in the road impact fee account. If, in such case, there are insufficient funds available in the road impact fee account, credit shall be given in the form of waiver of road impact fees for development in the subdivision equal to the amount of shortfall in the road impact fee account. The city's responsibility for reimbursement extends only to the road impact fee funds and/or credit available at the time the subdivision improvements are accepted by the city.

Sec. 52-144. Existing nonconforming subdivisions.

No building permit shall be issued by the city for any undeveloped lot in a previously platted subdivision where water, wastewater, street or other necessary public infrastructure to serve such lot does not meet current city standards unless such facilities are engineered and upgraded or constructed at the developer's expense in accordance with city's construction standards as provided in this chapter. If an undeveloped lot in an existing subdivision does not have frontage on a dedicated street right-of-way and is served only by a public or private access easement, where such lot is the only lot served by the easement, then no building permit shall be issued by the city unless paved access is constructed, at a minimum, in accordance with the current city standards for driveways. If an undeveloped lot in an existing subdivision does not have frontage on a dedicated street right-of-way and is served by a public access easement, where more than one lot is served by the same easement, then no building permit shall be issued by the city unless paved access is engineered and constructed in accordance with the city's construction standards for public streets as provided in this chapter.

Secs. 52-145—52-170. Reserved.

ARTICLE ~~VI~~ VII VIII. PLATS AND ENGINEERING PLANS

Sec. 52-172. Concept plan.

- (a) The ~~initial~~ concept plan ~~will~~ should show the following information:

- (1) Location within the city and with respect to adjoining property.
 - (2) Approximate acreage.
 - (3) Approximate location of streets.
 - (4) Approximate location of lot lines.
 - (5) Intended use(s), i.e., residential, multifamily, commercial, industrial, stormwater detention, park, etc.
 - (6) Approximate location of any flood hazard boundary area.
 - (7) The location, description, and size of existing ~~Existing~~ utility and drainage infrastructure in the area, and the proposed infrastructure to serve all lots of the subdivision.
- (b) The ~~initial~~ concept plan may be to any scale and need not be finely drafted.

Sec. 52-172. Preliminary plat.

- (a) A preliminary plat shall be submitted on sheets no greater than 24 inches by ~~32~~ 36 inches, including a ~~one-inch margin~~ margins of not less than three-fourths inch, and to a scale of not less than 100 feet to the inch or larger. Where more than one sheet is required to encompass the subdivision, an index drawing on the cover sheet showing the entire subdivision at a reduced scale, with a sheet index overlay, ~~will~~ shall be included.
- (b) The following shall be shown on the preliminary plat:
 - (1) Name and address of the subdivider, record owner of land to be subdivided, surveyor preparing the plat, designer of the plat if not the surveyor, and the date of preparation.
 - (2) Proposed name of the subdivision, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision currently located within the city or within the extraterritorial jurisdiction of the city. The subdivision name shall include the word "Subdivision", "Addition", or "Planned Development" at the end.
 - (3) A north arrow.
 - (4) Scale of the plat in feet per inch and a bar scale.
 - (5) A location map of the proposed subdivision in the city and with respect to existing streets. This map need not be to scale, but should be drawn neatly using a means other than screen-capture.
 - (6) Patent survey of which the subdivision is a part and location of patent survey lines if adjoining or intersecting the subdivision.
 - (7) Names of contiguous subdivisions and the owners and general use of contiguous parcels of unsubdivided land, with deed references.

- (8) ~~Description by metes and bounds and total~~ Total acreage of the subdivision ~~boundaries, including reference to at least one existing benchmark, survey monument or subdivision corner.~~
- (9) Subdivision boundary lines indicated by heavy lines.
- (10) Section boundaries with sections labeled if subdivision is to be platted in phases.
- (11) Existing conditions, as follows:
- a. The exact location, width, name, and description of all existing above or below ground utility lines, and of all existing or recorded streets, alleys, reservations, easements, or other public rights-of-way within or abutting any portion of the perimeter of the subdivision, ~~intersecting or contiguous, with its boundaries or forming such boundaries.~~
 - b. Zoning district classification of land to be subdivided. If there is more than one classification, the dividing lines shall be shown. If there is only one classification, it may be stated in a plat note.
 - c. Flood hazard areas, if any, and documentation from which derived. If there is more than one floodplain zone, the dividing lines shall be shown. If there is only one zone for the entire subdivision, it may be stated in a plat note.
 - d. Topography with elevations labeled and contours at intervals not greater than two feet, and identification of natural water or drainage courses.
 - e. Location of city limits if adjoining or intersecting the subdivision.
- (12) The location, dimensions, description and name of all proposed streets, alleys, sidewalks, parks or other public areas, stormwater detention areas, easements, blocks, lots and other sites within the subdivision, as appropriate.
- (13) A number to identify each lot or site, with lots numbered consecutively within each block, and a number or letter to identify each block if there is more than one block.
- (14) Building setback lines on fronts of all lots and sites, and side yard building setback lines along the side street of corner lots.
- (15) Lot summary table indicating total number and acreage of lots in four categories of use: Residential, nonresidential, park, and stormwater detention, as applicable.
- (16) The following plat notes:
- a. General building setback requirements for front yards and for street side yards on corner lots, if such information is not otherwise depicted on the plat drawing.
 - b. Floodplain zone(s), and flood insurance rate map date and community panel number, if such information is not otherwise depicted on the plat drawing. If developable lots are within the 100-year floodplain, the minimum permissible floor elevation shall be specified in accordance with the city floodplain regulations.

- c. Zoning classification(s) of land to be subdivided, if such information is not otherwise depicted on the plat drawing.
- d. Description and location of sidewalks to be constructed, if such information is not otherwise depicted on the plat drawing, who is responsible for sidewalk construction, and timing of sidewalk construction.
- e. Amount of fee to be paid in lieu of parkland construction, if applicable.
- f. Any other notes deemed necessary by the surveyor.

(17) Legend containing symbols used on the plat drawing, and a written description of each symbol.

~~(c) The design of utilities, drainage, sidewalk, and street facilities is to be shown in the engineering plans submitted with the final plat.~~

Sec. 52-173. Final Recordable plat.

(a) A ~~final~~ recordable plat shall be submitted on sheets no greater than 24 inches by ~~32~~ 36 inches, including ~~a one-inch margin~~ margins of not less than three-fourths inch, and to a scale of not less than 100 feet to the inch or larger. Where more than one sheet is required to encompass the subdivision, an index drawing on the cover sheet showing the entire subdivision at a reduced scale, with a sheet index overlay, ~~will~~ shall be included. Space shall be provided for the ~~complete~~ required dedications, attestations, dates, titles, and seals ~~will be provided~~. Lettering and line-work shall not have a micro-thin weight, and shall be black, with no gray or colors used. Signatures shall be written with a permanent black ink marker or pen with a medium tip.

(b) The following shall be shown on the ~~final~~ recordable plat:

(1) Name and address of the subdivider, record owner of land to be subdivided, surveyor preparing the plat, designer of the plat if not the surveyor, and the date of preparation.

(2) Proposed name of the subdivision, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision currently located within the city or within the extraterritorial jurisdiction of the city. The subdivision name shall include the word "Subdivision", "Addition", or "Planned Development" at the end.

(2) A north arrow.

(3) Scale of the plat in feet per inch and a bar scale.

(5) A location map of the proposed subdivision in the city and with respect to existing streets. This map need not be to scale, but should be drawn neatly using a means other than screen-capture.

(5) Patent survey of which the subdivision is a part and location of patent survey lines if adjoining or intersecting the subdivision.

- (6) Names of contiguous subdivisions and the owners of contiguous parcels of unsubdivided land, with deed references.
- (7) Description by metes and bounds and total acreage of the subdivision boundaries, including reference to at least one existing benchmark, survey monument or subdivision corner.
- (9) Subdivision boundary lines indicated by heavy lines.
- (10) Section identification if subdivision is a phase of a larger subdivision.
- (11) Existing conditions as follows:
 - a. The exact location, width, name and description of all existing above or below ground utility lines, and of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within or abutting any portion of the perimeter of the subdivision,~~intersecting or contiguous, with its boundaries, or forming such boundaries.~~
 - b. Zoning district classification of land to be subdivided. If there is more than one classification, the dividing lines shall be shown. If there is only one classification, it may be stated in a plat note.
 - c. Flood hazard areas, if any, and documentation from which derived. If there is more than one floodplain zone, the dividing lines shall be shown. If there is only one zone for the entire subdivision, it may be stated in a plat note.
 - d. Location of city limits if adjoining or intersecting the subdivision.
- (12) The exact location, dimensions, description and name of all proposed streets, alleys, sidewalks, parks or other public areas, stormwater detention areas, easements, blocks, lots and other sites within the subdivision, as appropriate.
- (13) A number to identify each lot or site, with lots numbered consecutively within each block, and a number or letter to identify each block if there is more than one block.
- (14) The square footage or acreage of each lot.
- (15) Building setback lines on fronts of all lots and sites, and side yard building setback lines along the side street of corner lots.
- (16) Lot summary table indicating total number and acreage of lots in four categories of use: Residential, nonresidential, park, and stormwater detention, as applicable.
- (17) The length and bearing of all straight lines, and the length, radius, arc length and chord bearing of all curves shall be indicated along the lines of each lot. The curve data pertaining to block or lot boundaries may be placed in a curve table at the base of the plat and prepared in the following manner:

Curve Table

Curve Number	Curve Length	Radius	Chord Length and Bearing
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(18) The description and location of all survey ~~monuments and markers~~ monumentation placed in the subdivision, in accordance with section 52-201.

(19) The following plat notes:

- a. General building setback requirements for front yards and for street sideyards on corner lots, if such information is not otherwise depicted on the plat drawing.
- b. Floodplain zone(s), and flood insurance rate map date and community panel number, if such information is not otherwise depicted on the plat drawing. If developable lots are within the 100-year floodplain, the minimum permissible floor elevation shall be specified in accordance with the city floodplain regulations.
- c. Zoning classification(s) of land to be subdivided, if such information is not otherwise depicted on the plat drawing.
- d. Description and location of sidewalks to be constructed, if such information is not otherwise depicted on the plat drawing, who is responsible for sidewalk construction, and timing of sidewalk construction.
- e. Amount of fee to be paid in lieu of parkland construction, if applicable.
- f. Any other notes deemed necessary by the surveyor.

(20) Legend containing symbols used on the plat drawing, and a written description of each symbol.

(c) The following certifications shall be included and signed on the plat, as applicable:

- (1) The owner's certificate, with a separate signature block and notary statement for each person authorized to sign as an owner. If there is a lien-holder, a separate signature block shall be added for the name of the lien-holder's authorized representative or officer, including their title, business name, address, and date; and the label "Lien-holder".

STATE OF TEXAS
CALDWELL COUNTY

I (We), the undersigned owner(s) of the land shown on this plat and described and designated as *(name of subdivision as shown on the final plat)* of the City of Lockhart, do hereby subdivide such property and dedicate to the use of the public forever, the ~~streets~~ street and ~~alleys~~ alley rights-of-way shown hereon, unless otherwise noted on the plat, and further reserve to the public all easements for the mutual use of all public utilities desiring to use the same; that any ~~public utility~~ authorized owner of a facility within such easement shall have the right to remove and keep removed all or part of any growth or construction for maintenance or efficient use of its respective system in such easements.

DATE

NAME

ADDRESS

Before me, the undersigned authority, personally appeared (*name*), known to me to be the person whose name is subscribed to the foregoing document, and acknowledged to me that he executed the same for the purpose and considerations stated hereon.

Seal

NOTARY PUBLIC
STATE OF TEXAS

My Commission Expires _____

(2) The surveyor's certificate.

I, _____, registered professional land surveyor, State of Texas, hereby certify that this plat is based on a survey made under my supervision and is true and correct to the best of my knowledge, and that all required monuments and markers were properly placed under my supervision.

IN WITNESS THEREOF, my hand and seal, this the _____ day of _____, 20__.

NAME
Registered Professional Land Surveyor

Seal

(3) The engineer's certificate, if applicable.

I, _____, a registered professional engineer, State of Texas, hereby certify that proper engineering considerations have been given to the design of engineering aspects of this subdivision in compliance with applicable city and state standards and regulations.

IN WITNESS THEREOF, my hand and seal, this the _____ day of _____, 20__.

NAME
Registered Professional Engineer

Seal

(4) The Commission's approval, if a final plat or replat other than a minor plat or amending plat.

I, _____, Chairman of the Planning and Zoning Commission of the City of Lockhart, do hereby certify that this plat was approved by the City of Lockhart on the _____ day of _____, 20__.

CHAIRMAN

(5) Administrative approval, if a minor plat or replat, or amending plat.

I, _____, City Manager of the City of Lockhart, do hereby certify that this plat was approved by the City of Lockhart on the _____ day of _____, 20__.

CITY MANAGER, CITY OF LOCKHART

(6) The county clerk's certificate for recording.

STATE OF TEXAS
COUNTY OF CALDWELL

I, _____, County Clerk in and for Caldwell County, Texas, do hereby certify that the foregoing instrument with its certificates of authentication was filed for record in my office the _____ day of _____, 20__, at _____ o'clock _____ M., and duly recorded on the _____ day of _____, 20__, in the Plat Records of Caldwell County, Texas, in Plat Cabinet _____ at Slide _____.

NAME
County Clerk, Caldwell County, Texas

(d) The final design of utilities, drainage, sidewalk, and street facilities is to be shown in the engineering plans submitted with the final plat.

Sec. 52-174. Engineering plans.

(a) *General.*

(1) The developer shall have prepared a complete set of engineering plans showing details of all streets, alleys, drainage structures, water utility, sanitary sewer utility and electrical distribution system, combined with construction standards, specifications and related details, which are to be included for development. All costs related to the preparation of these plans shall be paid for by the developer. The engineering plans shall be prepared by a registered professional engineer, duly authorized to perform the specific type of design required for this task.

- (2) The engineer shall design and prepare engineering plans to utilize the construction standards of the city. When no specific policy, standard, or ordinance exists, then he shall use the standard of the practices for similar conditions. The plans shall be signed and sealed by the professional engineer responsible for the design.
- (3) All engineering plans shall be submitted on sheets 24 inches by 36 inches, including a minimum one-half inch margin except on the left border where a minimum two-inch binding margin will be provided, ~~and when appropriate will show an overlay of the subdivision lines.~~ When appropriate, standard printed plan-profile sheets may be used. The initial submission of plans to the city engineer shall be in a format determined by the city engineer include two complete sets. In addition, two full-size printed sets shall be submitted to the director of planning.
- (4) If the subdivision involves improvements that are subject to a FEMA letter of map revision (LOMR), the approved conditional letter of map revision (CLOMR) shall be submitted to the city engineer as a condition of approval of the engineering plans.
- (5) Once the engineering plans have been approved by the city engineer, one complete set shall be provided to the city engineer in a digital PDF format, and two full-size printed sets of the approved plans shall be provided to the director of planning for distribution to other city departments.

(b) *The engineering plans will contain, as a minimum:*

- (1) Title, index and certification page, as applicable.
- (2) Existing detail:
 - a. The exact location, dimensions, description and flow lines of existing watercourses and drainage structures within the subdivision and contiguous thereto.
 - b. All existing improvements within the subdivision, except structures to be removed and interior fences.
 - c. Type and size of all public utilities and roads within the subdivision and contiguous thereto.
 - d. Characteristics for soil bearing, shrink/swell, permeability and percolation.
- (3) A topographic base map, showing contours with elevations labeled at intervals not greater than two feet. All topographic maps shall be based on the National Geodetic Vertical Datum, and a benchmark shall be shown giving its location and elevation. This sheet may be combined with the existing detail sheet.
- (4) Drainage area map and calculations in accordance with the drainage ordinance.
- (5) Street plan and profiles as follows:
 - a. Drawn at a scale of one inch equals 50 feet horizontal, with an appropriate vertical scale. All horizontal and vertical curve data shall be shown.

- b. When the street right-of-way property lines are not curved chordally with the street, but the constructed street will have curves, the PC and PT stationing, radius and length of each street curve, as a minimum, shall be given.
 - c. Street centerline stationing shall reference the subdivision boundary, as appropriate.
- (6) Sanitary sewer utility lines shall be shown on a standard plan-profile sheet with a scale of one inch equals 50 feet horizontal and an appropriate vertical scale. Stationing shall reference the subdivision boundary, as appropriate.
 - (7) The water utilities system will generally be at a horizontal scale of one inch equals 50 feet in the form of a general plan with appropriate scale plan-profile sheets and details. Fire hydrants shall be included as part of the water utilities system.
 - (8) Drainage channels, lines and structure(s), including bridges and culverts, shall be shown at a horizontal scale of one inch equals 50 feet in the form of a general plan with appropriate scale plan-profile sheets and details.
 - (9) Electrical distribution system plans shall be at a scale of one inch equals 100 feet and all appurtenances, including streetlights, shall be shown. Particular care shall be taken to ensure that guy line easements and streetlight easements shown on the plat correspond with the system.
 - (10) Required utility system improvements and streets which are not immediately adjacent to the subdivision, shall be shown as "off-site" plan and profiles, as appropriate.
 - (11) When improvement details shown in the construction standards of the city are sufficient to provide for proper construction, no additional details need to be shown on the plans.

Secs. 52-175—52-200. Reserved.

ARTICLE VII ~~VIII~~ IX. REQUIREMENTS FOR ACCEPTANCE AND RECORDING OF SUBDIVISIONS

Sec. 52-201. ~~Monuments and Markers~~ Monumentation.

- (a) Stable monumentation consisting of A monument is a primary horizontal control point consisting of a minimum one-half-inch diameter ferrous rod, a minimum of two feet in length, set in the center of a concrete cylinder a minimum of six inches in diameter and 36 inches deep, with the top flush with the ground surface, and marked with an aluminum or plastic cap stamped with the surveyor's registered number or firm name. shall be set at each subdivision corner and ~~Monuments shall be set at a minimum of two subdivision boundary corners, one of which shall be along a perimeter street right-of-way boundary, plus at one street intersection corner for each internal block. Additional monuments consisting of a minimum one-half inch diameter ferrous rod, a minimum of 15 inches in length, shall be set~~ may be required above the minimum specified such that no monument is further than 1,300 feet from another monument. If a concrete monument exists where the corner of an adjacent platted subdivision coincides with a corner of the new subdivision, it may serve as a required monument for the new subdivision.

~~(b) A marker consists of a minimum one-half inch diameter ferrous rod, a minimum of three feet in length and driven flush with the ground surface. Markers shall be set at all subdivision lot corners, angle points, and curve points that are not otherwise marked with a concrete monument two-foot long rod. All rods shall be set with the top flush with the ground surface and marked with an aluminum or plastic cap stamped with the surveyor's registered number or firm name. If a record monument is found where a new monument would be placed, the existing monument may serve as the required monument for the new subdivision. All monumentation shall be set in accordance with the Texas Board of Professional Land Surveyor's rules and regulations.~~

Sec. 52-202. Final acceptance.

- (a) When construction of public infrastructure provided by the developer has been completed: 1) the developer shall furnish to the director of public works an affidavit of bills paid or releases of lien for all contractors who constructed the improvements; and 2) the developer's engineer shall furnish a certified statement to the city manager, director of public works or designee that the improvements are constructed in accordance with the approved plans and the construction standards of the city. The city staff shall then make final inspections and, if the work is satisfactory and in accordance with the approved engineering plans and the construction standards of the city, the director of public works or designee shall provide a letter of acceptance to the ~~city planner~~ director of planning. The date of the letter of acceptance shall constitute the beginning of the developer's ~~one-year~~ two-year guarantee period, as provided in section 52-142.
- (b) Upon completion by the developer, and upon acceptance by the city, all improvements, installations and all dedicated lands become the property of the city. The city will not be responsible or liable for any portion of such lands or improvements until final acceptance.
- (c) In addition to the items listed in subsection (a) above, if a subdivision involves improvements that are subject to a FEMA letter of map revision (LOMR), the approved LOMR shall be provided to the city prior to final acceptance of the subdivision.

Sec. 52-203. ~~As-built plans or record~~ Record drawings.

The developer or the developer's engineer shall ~~present~~ submit complete "~~as-built~~" sets of ~~construction plans~~ record drawings, consisting of one photographic mylar reproducible set, three sets of prints, and one set of digital drawing files of the plans on compact disc or flash drive, or by e-mail or cloud storage, in a PDF format in the ASCII version of a DXF file, and where appropriate projected within the parameters of the Texas State Plane Coordinate System, South Central Zone, NAD 83, in survey feet, upon or after the city's acceptance of the public improvements, and prior to the plat being recorded.

Sec. 52-204. Plat recordation.

Following approval of the plat, and construction and acceptance of the required ~~infrastructure~~ public improvements if any, the subdivider shall provide, in addition to the plat documents required elsewhere in this chapter, the following to the ~~city planner~~ director of planning for recording the plat with the county clerk:

- (1) A check or checks payable to the county clerk in the amount of the recordation fee for ~~filig~~ recording the final plat.

- (2) A tax certificate from the Caldwell County Appraisal District showing that no taxes are currently ~~due or~~ delinquent against the property.
- (3) Sufficient evidence that the subdivider holds fee simple title to the property being subdivided, if there are no lien-holders listed as a signatory on the plat.

Sec. 52-205. Services withheld until plat recorded.

- (a) No permit shall be issued for the installation of septic tanks upon any lot in a subdivision unless such septic tank system meets the requirements of the Caldwell County Private Sewage Facilities Regulation Rules, and of ~~section 3.3.7 of the Subdivision Regulations of~~ applicable provisions of the current Caldwell County Development Ordinance.
- (b) Public utility companies shall not make service connections for any lot in a subdivision for which a ~~final~~ plat has not been recorded.
- (c) No building, repair, plumbing, or electrical permit shall be issued by the city for any structure on a lot in a subdivision for which a ~~final~~ plat has not been recorded.
- (d) The city shall not repair, maintain, install, or provide any streets or public utility services in any subdivision for which a ~~final~~ plat has not been recorded.
- (e) The city shall not sell or supply any electricity, water, sewerage, or garbage service within a subdivision for which a ~~final~~ plat has not been recorded.

Secs. 52-206—52-235. Reserved.

~~ARTICLE VIII. RESERVED~~

~~Sec. 52-236. Reserved.~~

CHAPTER 52. SUBDIVISION REGULATIONS
DRAFT AMENDMENTS (Clean)

ARTICLE I. GENERAL PROVISIONS

Sec. 52-1. Purpose.

- (a) In the interpretation and application of the provisions of this chapter, it is the intention of the council that the principles, standards, and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions in the city and its extraterritorial jurisdiction (ETJ), as authorized by Chapter 212, Subchapter A and Subchapter B, Texas Local Government Code. Where other ordinances of the city are more restrictive in their requirements, such other ordinances shall control.
- (b) The procedure and standards for the development, layout, and design of subdivisions of land are intended to:
- (1) Promote and develop the utilization of land in a manner to assure the best possible community environment in accordance with the comprehensive master plan of the city.
 - (2) Guide and assist the developers in the correct procedures to be followed and to inform them of the design criteria and standards required.
 - (3) Protect the public interest by controlling the location, design, class, type of streets, sidewalks, utilities, and of essential areas and services required.
 - (4) Protect and promote the health, safety, and general welfare.
 - (5) Provide through the planning and platting process for the protection and notification of individuals that those properties which are to be developed are provided with adequate access, solid waste collection, utility services, and protection against potential flood hazards.
 - (6) Provide for the public welfare those essential areas required for educational, recreational, industrial, and commercial purposes.

Sec. 52-2. Definitions.

For the purpose of this chapter the following terms, phrases, words, and their derivations shall have the meaning given herein. When consistent with the context, words used in the present tense include the future, words in the plural include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory, while the word "may" is merely directory. Definitions not expressly prescribed herein are to be determined in accordance with the law. Definitions expressly prescribed herein are to be construed in accordance with the city's zoning ordinance, or other applicable ordinances of the city, or in the absence of such ordinances, then in accordance with customary usage in municipal planning, surveying, and engineering practices.

Alleys are minor dedicated rights-of-way that are used for utility lines and/or vehicular service access to the rear or the side of properties otherwise abutting on a street.

Applicant is the owner of a tract or parcel of land, or the subdivider, developer, surveyor, engineer, or other authorized agent representing the owner as appropriate, who submits a plat or who is otherwise subject to the requirements of this chapter.

Block is a contiguous area of land that may contain one or more lots, and which is bounded by any combination of streets, highways, railroad rights-of-way, parks or other public land, waterways, other physical barrier, or exterior boundary of a subdivision.

Building setback line is the line within a property and parallel to a property line defining the minimum required horizontal distance between a building and adjacent street right-of-way line or adjacent property lines.

City means the City of Lockhart, Caldwell County, Texas.

City administrative official or city manager is the city official, or his authorized representative, designated to take action as prescribed in this chapter for, or in, the name of the city.

City manager is the chief administrative officer designated to take action for, or in, the name of the City of Lockhart.

City staff are those various persons working for the city, either through direct employment or contract employment, who are so authorized to represent various work elements related to their specific expertise.

Commission means the planning and zoning commission of the city, and is the authority for the approval of plats under this chapter, unless otherwise stated.

Comprehensive master plan:

- (1) A statement of public policy containing the goals and objectives of the community.
- (2) Capital improvements programs.
- (3) Land use plan.
- (4) Thoroughfare plan.
- (5) Community facilities plan.
- (6) Subdivision and zoning regulations and other development codes, ordinances, policies, and plans promulgated by the council for the quality and orderly growth of the community.

Community facility development plan is a document listing the various elements and associated cost estimates of proposed improvements for required community facilities or public open space.

Concept plan is a scale drawing showing the overall development concept of a tract or parcel of land that is prepared for an initial application conference before a plat is submitted.

Council is the City Council of the City of Lockhart.

Day means calendar day unless otherwise specified.

Developer is a person or corporation who provides for the development of a tract or parcel of land into an area where building lots or sites are delineated and provided with street access, utilities and drainage facilities.

Development plat is a boundary survey and site plan for development of a tract of land submitted in accordance with section 212.045 of the Texas Local Government Code, showing existing and proposed structures and improvements, streets, alleys, sidewalks, easements, and areas for public use.

Director of planning is the staff representative authorized by the city manager to administer and enforce this chapter.

Easement is a grant by the property owner to the public, a corporation, or persons for the use of a strip or tract of land for specific purpose.

Engineer is a person duly authorized by the Texas Engineering Practice Act, as provided in chapter 1001 of the Texas Occupations Code, to practice the profession of engineering.

Extraterritorial jurisdiction (ETJ) means the statutory unincorporated area, not a part of any other city, which is contiguous to the corporate limits of the city and further determined in section 42.121 of the Texas Local Government Code.

File or Filed is the city's acceptance of a proposed plat or plan for review when it is determined to be complete and all application requirements, including the payment of applicable fees, have been met.

Land use planner or city planner is a person having an occupation classified as city or land planning, capable of designing the proposed subdivision, or use of real estate, and capable of professionally drawing the proposals into map or plan form.

Lot is a designated parcel of land established by a recorded subdivision plat or development plat and which may be separately owned and used, developed or built upon.

Market value is the market value of a property as listed in the most recent tax roll of the Caldwell County Appraisal District.

Minor plat or minor replat is a recordable plat involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities.

Plat is a complete and exact subdivision plan submitted to the city for consideration and which is submitted to the county clerk for recording, subsequent to the fulfillment of all provisions of this chapter. Plat includes replat, in accordance with section 212.001 of the Texas Local Government Code.

Preliminary plat is an initial form of a subdivision plat required whenever public infrastructure must be constructed within the subdivision by the applicant, and is the basis for the engineering plans.

Public facilities are the water, wastewater, roadway, drainage or park facilities owned or operated by or on behalf of the City for the purpose of providing services to the public, including existing and new developments.

Record is to file an official copy of a document in the Office of the Caldwell County Clerk.

Record drawing is a revised set of drawings submitted by a contractor upon completion of a subdivision or other project that reflect all changes made in the specifications and working drawings during the construction process, and show the exact dimensions, geometry, and location of all elements of the work completed under the contract.

Recordable plat is a final plat, replat, resubdivision plat, minor plat, or amending plat, all of which are in a form containing certificates of authorization, dedication and approval in accordance with the requirements of this chapter for final plats, and which is intended to be recorded in the Office of the Caldwell County Clerk.

Resubdivision plat is a replat that includes adjacent land that is unplatted, or which is a combination of contiguous lots in adjacent but separate recorded subdivisions.

Right-of-way (R.O.W.) is a strip of land used or intended to be used, wholly or in part, as a public street, alley, crosswalk way, sidewalk or drainageway.

Standards are the official maps, master plans, ordinances and specifications of the city.

Streets are that portion of the dedicated right-of-way to be used for vehicle traffic and may be designated as street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.

- (1) *Major road/arterial streets* are those which are used primarily for fast or heavy traffic and which are designated in the comprehensive master plan as such.
- (2) *Collector streets* are those which carry traffic from minors streets to major systems of arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development and which are designated in the comprehensive master plan as such.
- (3) *Minor streets* are those which are used primarily for access to abutting properties.
- (4) *Marginal access streets* are minor streets which are parallel to and adjacent to arterial streets and which provide access to abutting properties and protection from through traffic.
- (5) *Cul-de-sac* is a short minor street having but one vehicular access to another street and terminated by a vehicular turnaround.
- (6) *Dead-end street* is a street, other than a cul-de-sac, with only one outlet.
- (7) The *street width* is measured from back of curb to back of curb; where no curb exists, it is measured from edge of pavement to edge of pavement.

Structure is any manmade construction composed of parts joined together, either built or moved onto a site for use, occupancy or ornamentation, and located below or on the ground or attached to something having a location on the ground.

Subdivider is any person or any agent thereof dividing or proposing to divide land so as to constitute a subdivision; in any event the term "subdivider" shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner, of land sought to be subdivided.

Subdivision includes the following when done for the present or future purpose of sale or building development of a tract of land located within the corporate limits or in the ETJ of the city:

- (1) The division of any tract of land into two or more parts for the purpose of creating one or more new lots for development, or to modify an existing boundary of ownership whether or not for the purpose of development. This includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.
- (2) The assembly of two or more existing adjacent platted lots in a recorded subdivision into one lot to be under the same ownership and use, where: (a) such lots are the minimum necessary to accommodate all facilities required by city ordinance; and (b) the area encompassed by one or more of the original lots is not proposed to be occupied by any portion of a principal building.
- (3) A resubdivision of all or part of a recorded subdivision, including the expansion of a platted lot to include adjacent unplatted land, or the creation of a new lot encompassing portions of two or more adjacent platted subdivisions.
- (4) Any change in the size or shape of a previously unplatted tract through acquisition of adjacent unplatted land except, however, where the parcel of land being conveyed between the tracts is vacant or contains an inadvertent existing encroachment, and is not developable by itself due to size, shape, or lack of street frontage, the acquisition shall not constitute a subdivision.
- (5) Any change in the size, shape or number of lots in a recorded subdivision.
- (6) The relocation of any street or other feature dedicated by a recorded plat, where the relocation alters the boundary of adjacent lots included in the same original plat, and where such lots have not been sold by the owner since the plat was recorded. This does not include simple abandonment or sale by the city of the land included in such dedicated street or other feature.

Subdivision development plan is a plan prepared in accordance with section 52-34, to show the overall future development of a tract of land when it is proposed to be subdivided and developed in phases and only a portion of the tract is to be platted initially.

Subdivision plat is a map of a subdivision submitted in accordance with section 212.04 of the Texas Local Government Code showing the exact location and boundaries of individual parcels of land subdivided into lots, and showing blocks, streets, alleys, easements and areas for public use, as applicable. For the purpose of this chapter, the term plat is used in reference to any recordable plat. No subdivision plat is effective until approved by the city and filed for record in the Office of the Caldwell County Clerk.

Surveyor is a registered professional land surveyor authorized by the Land Surveying Practices Act, as provided in chapter 1071 of the Texas Occupations Code, to practice surveying within the State of Texas.

Thoroughfare plan is the thoroughfare plan map and associated text and graphics contained in the transportation element of the adopted comprehensive plan.

Utilities include all those various facilities and elements of construction which relate to water, sanitary sewer, electrical, telephone, cable television, and gas distribution, collection, or transmission lines.

Sec. 52-3. Enforcement.

- (a) Any subdivision of land being developed in violation of the terms and provisions of these regulations is hereby declared to be a public nuisance, and the city shall institute any action that may be necessary to restrain or abate such violations.
- (b) Any person violating any provision of this chapter, within the corporate limit of the city, shall be guilty of a misdemeanor. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violations of this chapter.
- (c) Any person violating any provision of this chapter, outside the corporate limits of the city, but within the city's extraterritorial jurisdiction, shall not be considered as committing a misdemeanor, nor shall any fine be applicable; however, the city shall have the right to institute an action in the district court to enjoin the violation of any provision of this chapter
- (d) On behalf of the city, the city attorney shall institute appropriate action to enforce the provisions of this chapter, or the standards referred to herein, with respect to any violation thereof which occurs within any area subject to the provisions of this chapter.
- (e) The city attorney, or any other attorney representing the city, may at the city's request file an action in a court of competent jurisdiction to enjoin the violation or threatened violation by an owner of a tract of land of a requirement regarding the tract established by this chapter or to recover damages from the owner of a tract of land in an amount adequate for the city to undertake any construction or other activity necessary to bring about compliance with this chapter. An "owner of a tract of land" does not include the owner of an individual lot in a subdivided tract of land.

Secs. 52-4—52-30. Reserved.

ARTICLE II. PROCEDURE

Sec. 52-31. Plat required.

- (a) *Subdivision plat.* The owner of a tract of land located within the city limits or extraterritorial jurisdiction who creates a subdivision, as defined in this chapter, shall prepare and submit a subdivision plat to the city for approval and recording according to the procedures and requirements of this chapter. No owner or agent of the owner of any land located within a subdivision shall sell or

convey any land by reference to, exhibition of, or by the use of a plan or plat of a subdivision, nor shall a building permit be issued for or utility service be provided to any development on a tract of land requiring a recordable plat, before such plat is filed for review and approval by the city, and recorded with the county clerk. The conveyance of real property included within the subdivision shall be by lot and block. A subdivision plat is not required for the division or assembly of tracts of land into parts greater than five acres within the city limits, or greater than ten acres in the extraterritorial jurisdiction, where each part has access and no public improvement is being dedicated. For the purposes of this section, "access" means abutting an improved public street right-of-way along at least one property line for a distance of at least 25 feet. For the purposes of this section, "public improvement" means a right-of-way or easement, or other land, dedicated to and accepted by a taxing entity or public utility company for infrastructure or other public uses.

(b) *Development plat.* The owner of a tract of land located within the city limits or extraterritorial jurisdiction where no subdivision plat is required who proposes to construct a new building, or a structural addition exceeding 50 percent of the floor area of an existing building, on a tract that is not part of a recorded subdivision, shall prepare and submit a development plat to the city for approval according to the applicable standards and procedures for subdivision plats. No owner or agent of the owner of a tract of land shall undertake any construction, nor shall a building permit be issued for or utility service be provided to any development on a tract of land requiring a development plat, before such plat is approved in accordance with this chapter. A development plat is not required for:

- (1) The construction or expansion of one single-family or duplex dwelling, or the installation of one manufactured home, on the tract.
- (2) The construction of buildings not intended for human occupancy and as an accessory to any existing use provided such structures conform to all other applicable city regulations.
- (3) The construction of buildings for storage of equipment, materials, or harvested products, or for the shelter of animals, where the sole use of the property is for agricultural purposes.

(c) *Family transfer exemption.* The owner of a tract of land located within the city's extraterritorial jurisdiction who wishes to subdivide the tract into four or fewer parcels for agricultural use and/or a single-family dwelling or manufactured home on each parcel is exempt from the requirement to submit a subdivision plat or development plat, subject to the following conditions:

- (1) A Family Transfer Exemption application, including a survey showing the proposed subdivision lots, is submitted for administrative review and approved by the director of planning.
- (2) The original owner of the tract must reside on one of the parcels, and the other new parcels (the "second parcels") must be sold, given, or otherwise transferred by deed to individuals who are related to the original owner within the first or second degree of consanguinity or first degree of affinity, as defined in Chapter 573 of the Texas Government Code.
- (3) An affidavit attesting to the familial relationship must be signed by the original owner and each owner of a second parcel, and must be provided to the director of planning along with a completed Family Transfer Exemption application form and fee.

- (4) A deed restriction must be recorded by the original owner with the deeds prohibiting a secondary sale or further subdivision of the second parcels, or transfer of a parcel back to the owner of the original tract, for a period of five years unless in compliance with this chapter.
- (5) All parcels must abut an existing public street right-of-way improved to Caldwell County road standards along at least one property line for a distance of at least 50 feet.
- (6) All parcels must be at least one acre in area.
- (7) Development on each lot shall comply with Caldwell County development regulations pertaining to construction permits, driveway permits, on-site sewage facilities, floodplain hazard management, 911 addressing, and setbacks from water wells and septic systems, as applicable.
- (8) If the subdivision does not or cannot comply with the foregoing requirements, either a subdivision plat must be submitted in accordance with section 52-31, above, or a subdivision variance may be requested as provided in section 52-3.

Sec. 52-32. Concept plan.

The applicant may prepare a concept plan and arrange with the director of planning for an informal conference with city officials for advice and assistance prior to preparing and submitting a preliminary plat, subdivision development plan, or recordable plat if no preliminary plat or subdivision development plan is required. Seven copies of the concept plan, prepared in accordance with section 52-171, shall be delivered to the director of planning not less than five business days prior to the conference. Because no application form is required, and no formal approval action is involved, the time limits for the review of plats and plans as provided in section 52-32.5 do not apply to concept plans. A concept plan is typically not applicable for a replat, resubdivision plat, minor plat, or amending plat.

Sec. 52-32.5. Plat/plan review and approval process.

- (a) Submission of any plat or plan as provided in sections 52-33 through 52-40, and section 52-174, of this chapter, or as provided in chapter 64 "Zoning" for PDD development plans in the Planned Development District, shall be subject to an administrative completeness review prior to being accepted for technical review. A complete application shall consist of an application form with all sections completed and any required exhibits attached, preapplication approvals as described in section 52-34.5, payment of the application and/or review fee, and one full-size paper copy of the plat or plan containing all required information. The applicant shall be notified within ten business days whether the plat or plan is complete or not complete, with reasons given in writing if it is determined to be not complete. Engineering plans shall be submitted to the city engineer in a format determined by the city engineer, and the applicant shall be notified within ten business days whether the plans are complete or not complete, with reasons given in writing if it is determined to be not complete.
- (b) When notified of an incomplete plat or plan, the applicant must resubmit their application correcting all deficiencies within 45 days of the date they are notified that it is not complete. Failure to resubmit a complete plat or plan within 45 days of the notice of incompleteness shall be deemed a withdrawal of the application, and the plat or plan may not be resubmitted except as a new application. Submittal of a plat or plan, including any required application form, is not accepted nor considered to be filed as defined in this chapter until it is determined to be complete.

- (c) Once the application is deemed complete, the plat or plan is filed with the city in accordance with the procedures provided in sections 52-33 through 52-40, and section 52-174, of this chapter, or as provided in chapter 64 "Zoning" for PDD development plans in the Planned Development District, for the technical review. The plat or plan must be approved, approved with conditions, or disapproved within 30 calendar days after the date the plat or plan is filed. A plat or plan is deemed approved unless it is disapproved within that period, or unless it is extended for one additional period of 30 calendar days by mutual agreement of the city and the applicant, whereby the applicant requests the extension in writing prior to the end of the first 30-day period, and the city approves the extension request.
- (d) If the technical review of the plat or plan for accuracy reveals deficiencies that will likely result in disapproval if the deficiencies are not corrected, written comments identifying such deficiencies shall be provided to the applicant, and the applicant shall resubmit the plat or plan with the deficiencies corrected. If this occurs one or more times, and the plat or plan is not resubmitted without deficiencies by the date that would allow it to be approved prior to the applicable deadline provided in subsection (b), the director of planning may recommend that the plat or plan be approved with conditions or be disapproved.
- (e) If a plat or plan is approved, the city shall endorse the plat or plan with a certificate indicating the approval. If the city fails to approve, approve with conditions, or disapprove the plat or plan within the initial 30-day period or the 30-day extension, as applicable, the city shall issue a certificate stating the date the plat or plan was filed and that the city failed to act on it within that period. Such certificate is effective in place of the endorsement indicating approval.
- (f) If a plat or plan is approved with conditions or is disapproved, the applicant shall be provided a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulate each specific condition or reason. Each condition or reason must include a citation to the provision of: 1) this chapter; 2) chapter 64 "Zoning" for PDD development plans in the Planned Development District; 3) the City of Lockhart Construction Standards; or, 4) chapter 212 "Municipal Regulation of Subdivisions and Property Development" of the Texas Local Government Code, that is the basis for the conditional approval or disapproval, as applicable.
- (g) After the conditional approval or disapproval of a plat or plan, the applicant may submit a written response that satisfies each condition for the conditional approval, or remedies each reason provided for disapproval. Once such response is received, the revised plat or plan must be approved or disapproved not later than the 15th calendar day after the date the response was submitted. The revised plat or plan is deemed approved unless it is disapproved within that period, in which case the city shall issue a certificate stating the date the revised plat or plan was submitted and that the city failed to act on it within 15 calendar days. Such certificate is effective in place of the endorsement indicating approval.
- (h) If the revised plat or plan adequately addresses the reasons for the original conditional approval or disapproval, the city shall endorse it with a certificate indicating the approval as provided in subsection (d). If the revised plat or plan is disapproved, the applicant shall be provided a written statement of the reasons for disapproval as provided in subsection (f). Following such disapproval, the plat or plan may not be resubmitted except as a new application.

Sec. 52-33. Preliminary plat procedure.

- (a) Following the concept plan conference, if any, the applicant shall prepare a preliminary plat in accordance with section 52-172—if the subdivision involves new public infrastructure. The plat is subject to the review and approval process provided in section 52-32.5. When determined to be complete, six full-size copies shall then be submitted to the director of planning for technical review. Upon receipt of staff comments, the applicant shall make any requested corrections or other changes to the plat or plan, and resubmit one full-size copy or digital file in the PDF format for review. Once the director of planning determines that the plat or plan is correct, the applicant shall submit 11 copies of the revised preliminary plat to the director of planning, who will then refer it to the commission for approval. In addition, the applicant shall provide a digital file in the PDF format. All plat prints shall be folded to a size no larger than nine inches by 12 inches at the time of submittal. If one or more variances are desired, they shall be requested concurrent with the preliminary plat application.
- (b) The city engineer, director of planning, or commission may require the applicant to submit additional topographic information, detailed plans for proposed uses, or other information to determine possible flood or erosion hazards, the effect of the subdivision uses upon flows, and the adequacy of proposed flood protection measures. Such request will be in writing and shall specify the type of additional data required and its format. The city may employ, at the city's expense, outside consultants for technical assistance and advice upon request of the commission or city staff.
- (c) The preliminary plat shall be reviewed as follows:
- (1) City engineer, public works, water/wastewater and electric departments as appropriate:
- a. Drainage system.
 - b. Street layout, paving grades, type of paving.
 - c. Boundary lines.
 - d. Monuments and benchmarks.
 - e. Location and size of alleys.
 - f. Availability of adequate water, sanitary sewer and electric service to the subdivision, including required water flow for fire suppression.
 - g. Water utility system and fire hydrant locations.
 - h. Sanitary sewer utility system.
 - i. Electrical distribution system and street lighting.
 - j. Utility easements.

(2) Director of planning:

- a. General plat format and content.
- b. Lot and block numbers.
- c. Street layout.
- d. Street names.
- e. Lot dimensions and building lines.
- f. Subdivision name.

(3) Police department:

- a. Traffic safety devices.
- b. Street names and design.
- c. Public access.

(4) Fire department/EMS:

- a. Water utilities system and fire hydrant locations.
- b. Street names.
- c. Fire protection access.

(d) The director of planning shall forward the preliminary plat, and accompanying data to the commission with staff recommendations as to any further modifications.

(e) The commission shall:

- (1) Approve or disapprove the preliminary plat and/or variances; or,
- (2) Approve the preliminary plat and/or variances with modifications.

(f) Within ten days of the commission's decision, the city shall issue to the applicant a certificate stating the date that the preliminary plat was approved, approved with modifications, or denied, and state the reasons for denial, if applicable.

(g) If the commission disapproves, or approves with modification, the preliminary plat and/or variances, the applicant may elect one of the following:

- (1) In the case of disapproval, make any changes necessary to address the commission's reason for denial, resubmit the plat to the director of planning with revisions for review and reconsideration by the commission in accordance with the same procedural requirements as for the original submission. If a revised preliminary plat is not resubmitted within 90 days of the commission's denial, it shall be considered withdrawn.
 - (2) In the case of approval with modification, make the changes requested by the commission and provide the director of planning with two revised copies of the preliminary plat. If the revised copies are not resubmitted within 90 days of the commission's approval, the preliminary plat shall be considered withdrawn.
 - (3) In either case of disapproval or approval with modification, not change or resubmit the plat, and appeal as provided in this chapter.
- (h) After approval of the preliminary plat and/or variances by the commission, and submittal of revised copies, if applicable, the applicant may proceed with the final plat and engineering plans.
- (i) Approval of the preliminary plat shall be effective for no more than 12 months before the final plat and engineering plans are submitted for approval. If no circumstances have occurred which would affect the preliminary plat during that period, the commission may consider, upon written request by the applicant, extending the approval of a maximum of two additional six-month time periods. At the end of this extension period, the approval is automatically revoked. The city reserves the right to review the condition of the project area to make a determination whether or not each six-month extension is justified or if modification should be made thereto. A preliminary plat that has expired can be reactivated only by resubmittal in accordance with all normal procedures for the original submission.

Sec. 52-34. Subdivision development plan procedure.

When only a portion of a tract is to be platted initially, with one or more additional phases of the same subdivision to be platted sequentially at a later date, and where a preliminary plat is not submitted for the entire original tract, the following provisions apply:

- (1) A subdivision development plan for the entire tract and a preliminary plat, if required, for that phase to be immediately developed shall be submitted together for review and approval in accordance with the procedures in section 52-33 for preliminary plats. The subdivision development plan is a scale drawing including a vicinity map and legal description of the property, and showing proposed street rights-of-way, easements, building sites or lots, areas for parks or other public facilities, school sites, utilities, drainage features, contour intervals of not less than five feet, and proposed phase boundaries for the subdivision to be developed in sections.
- (2) Upon approval, or approval with modifications, of the subdivision development plan and preliminary plat by the commission, a final plat for that portion to be immediately developed shall be submitted in accordance with this chapter. Additional phases conforming with the approved subdivision development plan may then be platted sequentially in accordance with the requirements for preliminary and final plats. No changes to the subdivision development plan shall be made without approval of the commission.

- (3) The first phase subdivided shall be labeled "Section One" following the name of the subdivision, with subsequent phases numbered sequentially thereafter.

Sec. 52-34.5. Final plat preapplication approvals.

Applicable preapplication approvals must be completed before a final plat is filed. Documents subject to preapplication approval may include one or more of the following: 1) engineering plans in accordance with section 52-174; 2) a public facility development plan as provided in section 52-114; 3) a FEMA conditional letter of map revision (CLOMR) as provided in section 52-80(a); and, 4) a traffic impact analysis as provided in section 52-72(p).

Sec. 52-35. Final plat procedure.

- (a) A final plat, which is a recordable plat, shall be prepared in accordance with the approved preliminary plat, if any, and with section 52-173. Following completion of preapplication approvals, the plat is subject to the review and approval process provided in section 52-32.5. When determined to be complete, six full-size copies of the plat and two full-size copies of the engineering plans, if applicable, shall be submitted to the director of planning for technical review. Engineering plans shall be submitted to the city engineer in a format determined by the city engineer. Upon receipt of staff comments, the applicant shall make any requested corrections or other changes to the plat and/or plan, and resubmit one full-size copy or digital file in the PDF format for review. Once the director of planning determines that the plat or plan is accurate and is consistent with the approved preliminary plat, if applicable, the applicant shall submit ten full-size copies of the revised plat (two copies of revised minor plats) to the director of planning. All plat prints shall be pre-folded to a size no larger than nine inches by 12 inches prior to submittal. If no preliminary plat was required and one or more variances are desired, they shall be requested concurrent with the final plat application.
- (b) The commission shall approve, approve with conditions, or deny the plat and variances, if any, in accordance with the process provided in section 52-32.5.
- (c) After approval of the plat, the applicant shall submit a set of digital drawing files of the plat on compact disc or flash drive, or by e-mail or cloud storage, in a digital PDF format, and shall also submit two coated, non-smearing Vellum or Mylar reproducible sets of the plat containing the notarized signature of the owner(s), and the signatures and seals of the surveyor and engineer, as applicable. The chairman of the commission, or designee, will sign the approval certificate on the reproducible sets. In the case of amending plats and minor plats or minor replats not requiring a variance, the city manager will sign the approval certificate. The director of planning shall cause the final plat to be recorded with the county clerk within five business days after acceptance by the city of all improvements, as provided in section 52-202, and upon receipt of the items listed in section 52-204. After recording, one reproducible set shall be retained by the director of planning.
- (d) Changes made to a final plat subsequent to being recorded and not eligible for an amending plat as set forth in section 52-39, shall be submitted as a replat in accordance with section 52-38. Other corrections or changes made to a final plat subsequent to being recorded, shall be submitted as an amending plat in accordance with section 52-39. Upon approval of the replat or amending plat, it shall be recorded with the county clerk, who shall mark the previously recorded plat as "Void".

- (e) Construction by the applicant of any required public improvements shall commence within 12 months of the commission's approval of a final plat. Upon written request by the applicant, the director of planning may extend approval for one six-month period. At the end of this extension period, the approval is automatically revoked. A final plat that has expired can be reactivated only by resubmittal in accordance with the normal procedures for the original submission, including payment of applicable fees.

Sec. 52-36. Minor plat or minor replat procedure.

A minor plat does not require prior approval of a preliminary plat, and is prepared and processed in accordance with the requirements for final plats as specified in section 52-35, except that it may be approved administratively by the city manager or the city manager's designee. The city manager or designee may for any reason, elect to present the plat to the commission or, if the city manager or designee refuses to approve the plat, it shall be referred to the commission for approval or denial, in accordance with the procedures for final plats within three weeks of the city manager's denial. If one or more variances are requested by the applicant, the plat must be referred to the commission for approval or denial of both the variance and the plat in accordance with the procedure for final plats.

Sec. 52-37. Vacating plat.

- (a) The proprietors of the tract covered by a plat may vacate the plat any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.
- (b) If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all owners of lots in the plat with approval obtained in the manner prescribed for the original plat.
- (c) The county clerk shall write legibly on the vacated plat the word "vacated" and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded.
- (d) On the execution and recording of the vacating instrument, the vacated plat has no effect.

Sec. 52-38. Replatting without vacating preceding plat.

- (a) A replat is a recordable plat other than a minor replat as provided in section 52-36 that does not require prior approval of a preliminary plat and is prepared and processed in accordance with the requirements for final plats as specified in section 52-35. A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of the plat if the replat:
 - (1) Is signed and acknowledged by only the owners of the property being replatted;
 - (2) Is approved by the commission, after a public hearing at which parties in interest and citizens have an opportunity to be heard; and,
 - (3) Does not attempt to amend or remove any covenants or restrictions.

- (b) If during the preceding five years, any of the area to be replatted without vacation of the preceding plat was limited by zoning classification or deed restrictions to residential use for not more than two units per lot, and the replat requires a variance, then approval of the replat is subject to a public hearing, and notice of the hearing shall be given before the 15th day before the date of the hearing by:
- (1) Publication in the city's official newspaper/publication of record; and,
 - (2) Written notice by mail, with a copy of subsection (c) of this section attached, to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved city tax roll or, in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property on which the replat is requested.
- (c) If the proposed replat requires a variance and is protested in accordance with this subsection, the proposed plat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members of the commission present. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, excluding areas outside the original subdivision, must be submitted to the director of planning or the commission prior to the close of the public hearing. In computing the percentage of land under this subsection, the area of streets and alleys shall be included.
- (d) Compliance with subsections (b) and (c) is not required if the area to be replatted was designated or reserved for other than single-family or duplex-family residential by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.
- (e) If during the preceding five years, any of the area to be replatted without vacation of the preceding plat was limited by zoning classification or deed restrictions to residential use for not more than two units per lot by-right, and does not require a variance, then notice by mail shall be given not later than the 15th day after the date the replat is approved to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent city tax roll, or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property on which the replat is requested. The notice shall include the zoning designation of the property after the replat, and the telephone number and e-mail address an owner of a lot may use to contact the city about the replat.

Sec. 52-39. Amending plat.

- (a) An amending plat is a recordable plat prepared and processed in accordance with the requirements for final plats as specified in section 52-35, except that it may be approved administratively by the city manager or the city manager's designee. It is controlling over the preceding plat without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:
- (1) To correct an error in a course or distance shown on the preceding plat.
 - (2) To add a course or distance that was omitted on the preceding plat.

- (3) To correct an error in a real property description shown on the preceding plat.
- (4) To indicate monuments set after the death, disability, or retirement from practice of the surveyor responsible for setting monuments.
- (5) To show the location or character of a monument that has been changed in location or that is shown incorrectly as to location or character on the preceding plat.
- (6) To correct any other type of scrivener or clerical error or omission previously approved by the city including lot numbers, acreage, street names and identification of adjacent recorded plats.
- (7) To correct an error in courses and distances of lot lines between two adjacent lots if:
 - a. Both lot owners join in the application for amending the plat;
 - b. Neither lot is abolished;
 - c. The amendment does not attempt to remove recorded covenants or restrictions; and,
 - d. The amendment does not have a material adverse effect on the property rights of the other owners in the plat.
- (8) To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement.
- (9) To relocate one or more lot lines between one or more adjacent lots 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; and,
 - c. The amendment does not increase the number of lots.
- (10) To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
 - a. The changes do not affect applicable zoning and other regulations of the city;
 - b. The changes do not attempt to amend or remove any covenants or restrictions; and,
 - c. The area covered by the changes is located in an area that the commission and council have approved, after a public hearing, as a residential improvement area.
- (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) Notice, a hearing, and the approval of other lot owners are not required by the approval and issuance of an amending plat.
- (c) Amending plats shall be presented to the city manager or the city manager's designee for approval. If, for any reason, the city manager or designee does not wish to approve the plat, it shall be presented to the commission for approval or denial in accordance with the procedures for final plats in section 52-35, within three weeks of the city manager's denial. If a variance is requested by the applicant, the amending plat must be referred to the commission for approval or denial of both the variance and the plat.

Sec. 52-40. Procedure for approval of development plat.

- (a) Development plats for which it is determined that no dedication of land or easements, nor construction of public improvements other than sidewalks is required, may be approved administratively by the director of planning. The plat is subject to the completeness review and approval process provided in section 52-32.5. If one or more variances are requested by the applicant, the plat must be referred to the commission for approval or denial of both the variance and the plat in accordance with the procedure for final plats. A building permit shall not be issued for the development prior to endorsement of the director of planning's or the commission's approval on the plat, as applicable.
- (b) Development plats requiring the construction of public streets or alleys, and/or the dedication of land or easements to accommodate such facilities as required to comply with city standards, shall be prepared and processed in accordance with the requirements for final plats as specified in section 52-35 provided, however, that when there is no dedication of land or easements, or where the applicant chooses to dedicate such land or easements by separate instrument instead of on the plat, recording of the development plat with the county clerk is not required. A building permit shall not be issued for the development prior to approval of the development plat by the commission. The development shall not pass final inspection or receive a certificate of occupancy until any required construction of public facilities is completed and accepted by the city, and any required dedications are recorded with the county clerk on the development plat or by separate instrument.

Sec. 52-41. Application fees.

Application fees for preliminary plats and all recordable plats, shall be as established by separate resolution of the city council. Such fees, which are collected for the purpose of defraying the costs administrative, clerical and inspection services necessary to implement this chapter, shall be collected by the city at the time the plat is submitted. No action by the city shall be valid unless and until the required fees have been paid to the city.

Sec. 52-42. Dedication and construction of public infrastructure.

- (a) The approval of a plat is not considered an acceptance of any proposed dedication and does not impose on the city any duty regarding the maintenance or improvement of any dedicated parts until the city accepts the required improvements in accordance with section 52-202, or until the plat is recorded.
- (b) To ensure that it will not incur liabilities, the city may require, before it gives approval of the engineering plans for a development, that the owner provide sufficient surety and warranty to guarantee that claims against the development will be satisfied if a default or construction failure occurs. A nonrevocable bond in the amount of ten percent of the total construction cost shall continue in force until the one-year warranty of construction has expired. This subsection does not preclude a claimant from seeking recovery by other means.
- (c) The disapproval of a plat is considered a refusal by the city of the offered dedication indicated on the plat.

Secs 52-43—52-49. Reserved.

ARTICLE III. RELIEF PROCEDURES

Sec. 52-50. Variances.

- (a) Concurrently with or separately from consideration of a preliminary plat or recordable plat, the commission may authorize a variance from this chapter when, in its opinion, undue hardship will result from requiring strict compliance. In considering a variance the commission shall allow only conditions that it deems necessary or desirable to the public interest. The commission shall take into account the nature of the proposed use of land involved and existing uses of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions, public health, safety, convenience and welfare in the vicinity. No variance shall be approved unless the following is established:
 - (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.
 - (2) That the variances are necessary for the preservation and enjoyment of a substantial property right of the applicant, that the granting of the variance will not be detrimental to the public health, safety or welfare, and will not be injurious to other property in the area.
 - (3) That the variance shall not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this chapter.
- (b) Findings of the commission, together with the specific facts on which such findings are based, shall be incorporated under the official minutes of the commission meeting at which a variance is granted. Variances shall be granted only when in harmony with the general purpose and intent of this chapter, so that the public health, safety and welfare may be secured, and substantial justice done. The commission shall not authorize a variance to this chapter that would constitute a violation of any other valid ordinance of the city.

Sec. 52-51. Appeals.

- (a) The commission may consider appeals where the applicant alleges that there is an error in an order, requirement, decision or determination made by the city staff in the enforcement of this chapter. The commission may reverse or affirm, in whole or in part, or modify the city staff's order, requirement, decision or determination.
- (b) Any person or persons aggrieved by any decision of the commission with respect to subdivision plats, subdivision variances, and appeals of administrative determinations may appeal to the city council by submitting to the director of planning, within ten days after the date of the commission's action, a written request specifying the grounds for the appeal, together with any supporting evidence. The appeal shall be forwarded to the council together with a copy of the approved minutes of the commission meeting at which the decision in question was made, and shall be considered at the earliest regular meeting for which all required materials are available. The council shall uphold, modify, or reverse the decision of the commission.

Sec. 52-52. Vested Rights.

The city shall consider the approval, disapproval or conditional approval of a subdivision or development plat solely on the basis of any orders, regulations, ordinances, rules, expirations dates, or other properly adopted requirements in effect at the time the original application is submitted for review, including review for administrative completeness, in accordance with Chapter 245 "Issuance of Local Permits" of the Texas Local Government Code, as well as any similar chapter, section, or provision of the Lockhart Code of Ordinances pertaining to vested rights related to development regulations and permits that is not in conflict with Chapter 245. This includes application for establishment of development rights, subsequent determination, and appeal, if any.

Secs. 52-53—52-59. Reserved.

ARTICLE IV. PUBLIC FACILITIES

Sec. 52-60. Proportionality.

In accordance with section 212.904 "Apportionment of Municipal Infrastructure Costs" of the Texas Local Government Code, it is the intent of this chapter that the regulations and standards herein achieve proportionality between the demands created by the proposed subdivision on public facilities and the obligation to provide adequate public facilities, assuring that development impacts are mitigated through contributions of land dedications, construction of capital improvements, and/or payment of fees, and that a development project contribute its fair share of such costs. A proportionality determination assures that a requirement to dedicate, construct, or pay a fee in lieu of dedication or construction imposed on a proposed plat as a condition of approval does not result in a disproportionate cost burden on the property owner, taking into consideration the nature and extent of demands created by the proposed development on the city's public facilities systems. Required land or easement dedication, construction of public facilities, or payment of a fee, by the applicant is an exaction.

Sec. 52-61. Capital Improvements.

Land proposed for development in the city and in the city's extraterritorial jurisdiction must be served adequately by essential public facilities and services, including streets, sidewalks/trails, bikeways, stormwater drainage, water, wastewater, open space, and parks. A subdivision plat or development plat shall not be approved until and unless adequate public facilities exist or provision has been made for the facilities, whether the facilities are to be located within the property or off-site. A public facility shall be considered sufficient where it is demonstrated to have available capacity to accommodate the service demand generated by the proposed development, as well as other approved developments that would impact the service capacity.

Sec. 52-62. Land Dedication.

A subdivision plat or development plat shall not be approved until and unless it includes dedication of easements, rights-of-way, and other land as necessary to accommodate the essential public facilities and services required to fulfill the development's obligation as provided in section 52-57.

Sec. 52-63. Determination.

- (a) Upon request by the director of planning or director of public works, the city engineer may make a determination as to whether or not an exaction requirement to be imposed as a condition of plat approval is roughly proportionate to the demand created by the subdivision or development on the essential public facility system of the city. In making this determination, the city engineer may consider:
- (1) The proposed and potential use of the land.
 - (2) The timing and sequence of development in relation to availability of adequate levels of public facilities systems.
 - (3) Studies conducted to measure the demand for services create by the subdivision or development and its impact on the city's public facilities system.
 - (4) The function of the public infrastructure improvements in serving the proposed subdivision or development.
 - (5) The degree to which public infrastructure improvements necessary to serve the proposed subdivision or development are supplied by other developments.
 - (6) The anticipated participation by the city in the costs of necessary public infrastructure improvements.
 - (7) The degree to which acceptable private infrastructure improvements to be constructed and maintained by the applicant will offset the need for public infrastructure improvements.
 - (8) Any reimbursements for the costs of public infrastructure improvements for which the proposed subdivision or development is eligible.
 - (9) Any other information relating to the impacts created by the proposed subdivision or development on the city's public facilities systems.

- (b) The Planning and Zoning Commission shall consider the city engineer's report, if any, in making a decision on a plat application, including conditional approval. The commission may also consider the report in granting a variance to one or more provisions of this chapter.

Sec. 52-64. Appeal.

An applicant for a subdivision plat or development plat which imposes an exaction requirement may file an appeal to contest any proportionality determination, other than impact fees, imposed as a condition of approval or in which the failure to comply is grounds for denying the application. The appeal is processed as provided in section 52-51.

Secs 52-~~63~~ 65—52-71 Reserved.

ARTICLE V. DESIGN STANDARDS

Sec. 52-72. Streets.

- (a) The arrangement, character, extent, width, grade, and location of all streets shall conform to the thoroughfare plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. A plat of property in the path of a future collector or arterial street shown on the thoroughfare plan map shall dedicate the right-of-way corresponding to its classification, and the street shall be constructed at the subdivider's expense for all segments within the boundary of the subdivision.
- (b) When a street is not on the thoroughfare plan, the arrangement of streets in a subdivision shall provide for the continuation of existing streets in surrounding areas. If there are no streets existing on adjacent vacant and unsubdivided land, the arrangement of streets in the subdivision shall make provision for the proper extension of streets into such area. The length of any dead end street projections intended for future extension beyond the limits of the subdivision shall not exceed the depth of one lot unless a cul-de-sac is constructed no further than one lot from the subdivision perimeter. Consideration shall be given to efficient internal distribution of traffic by maximizing connectivity with multiple streets and intersections in a grid pattern or similar arrangement of blocks.
- (c) All subdivisions with a potential to serve more than 75 dwelling units, or more than 15 nonresidential lots, shall have at least two points of vehicular access consisting of improved streets connected to the city's thoroughfare system; or, a single entrance street divided by a median where the median extends to the nearest internal street which provides at least two routes to the interior of the subdivision. Residential driveways shall not be located on the sides of the divided street parallel to and within the length of an entrance median.
- (d) Where a subdivision adjoins or contains an existing or proposed major road, arterial street, or collector street, the commission may require marginal access streets, reverse frontage, deep lots with rear service alleys, or such treatment as may be necessary for adequate protection to residential properties and to afford separation of through and local traffic. No side lot access to residential corner lots shall be allowed from any arterial street.

- (e) Where a proposed new subdivision, or replat of an existing subdivision that creates additional lots, abuts upon an existing street that does not conform to the corresponding classification in the thoroughfare plan, the subdivider shall dedicate one-half of the right-of-way needed to make the ultimate full right-of-way width conform. Where the dedication of right-of-way is not feasible due to topographic or other physical obstructions, the subdivider may, at the city's discretion, dedicate a public access easement with corresponding utility or drainage easements as necessary in lieu of dedicating public street right-of-way.
- (f) Reserve strips controlling access to streets, rights-of-way, or other land dedicated or intended to be dedicated to public use shall be prohibited, except where the city is given control, under conditions approved by the commission.
- (g) Street jogs with centerline offsets of less than 125 feet are prohibited.
- (h) Arterial street intersections shall be at 90-degree angles. Other street intersections shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect at less than 75 degrees nor more than 105 degrees.
- (i) Street right-of-way and pavement widths shall be as shown on the thoroughfare plan and, where not shown therein, shall be not less than as follows:
 - (1) *Arterial streets*: Minimum right-of-way width 80 feet to a maximum of 140 feet, with the pavement width section to be based on standard details for the specific street class, depending upon the location and existing streets with which said street is to be connected.
 - (2) *Collector streets*: Right-of-way width 60 feet, and pavement width of 41 feet back-to-back of curb. The right-of-way width may be required to be wider or supplemented with abutting easements where all utilities are to be located in the front of lots.
 - (3) *Minor streets*:
 - a. *Residential street*: Right-of-way width 50 feet, and pavement width of 31 feet back-to-back of curb. The right-of-way width shall be wider or supplemented with abutting easements where all utilities are to be located in the front of lots.
 - b. *Local street in multifamily, commercial or industrial areas*: Right-of-way width 60 feet, with pavement width section as identified in standard details or greater if required for drainage. The right-of-way may be required to be wider or supplemented with abutting easements where all utilities are to be located in the front of lots.
- (j) Half-width streets shall be prohibited.
- (k) A cul-de-sac shall not be longer than 500 feet measured from the connecting street centerline to the center radius point of the closed end having a paved street turnaround diameter of at least 80 feet with a right-of-way diameter of at least 100 feet in residential areas, and a paved street turnaround diameter of at least 100 feet with a right-of-way diameter of at least 120 feet in nonresidential areas. Greater diameters may be required where the cul-de-sac would serve industrial or other development that uses tractor-trailer trucks. Center islands may be provided subject to approval by the city.

- (l) Traffic circles (roundabouts) are encouraged in appropriate locations and may be used in accordance with the following conditions:
- (1) The design shall be in accordance with Chapter 6 "Geometric Design" of Federal Highway Administration Publication No. FHWA-RD-00-067 "Roundabouts: An Informational Guide", as applicable to the type, width and design speeds of intersecting streets.
 - (2) Pavement markings, "Traffic Circle Ahead" or international graphic circular intersection signs, "Yield" signs and "One-Way" signs pointing to the right shall be provided and installed in locations approved by the public works department for each location where a street connects to the traffic circle in accordance with Chapter 7 "Traffic Design and Landscaping" of Federal Highway Administration Publication No. FHWA-RD-00-067 "Roundabouts: An Informational Guide", as amended.
 - (3) The center island shall consist of a circular curbed area within the public street right-of-way that is landscaped or developed to be aesthetically attractive while requiring a minimum of maintenance, as approved by the planning and zoning commission. Where right-of-way, topography, or other constraints preclude the ability to provide a curbed center island, a mountable curb with a traversable concrete apron may be required around the outer edge of the center island.
 - (4) A note on the plat shall state how the center island is to be developed and maintained, and that the subdivider or developer is responsible for maintenance during the first year following the date the plat is recorded.
- (m) New streets of like alignment shall bear the names of existing streets and shall be dedicated at equal or greater widths than the existing streets. No street names shall be used which will duplicate or be confused with the name of existing streets.
- (n) Names of new streets being constructed as part of a subdivision are subject to approval of the commission. Once a street is accepted by the city and the subdivision plat is recorded designating the name of such street, any subsequent change in the name of the street is subject to approval by the council.
- (o) All new streets dedicated within a subdivision shall be improved in accordance with the construction standards of the city.
- (p) If an existing public street not meeting city standards for its classification designated in the thoroughfare plan with respect to width, drainage, or surface type abuts the perimeter of a subdivision having an internal street intersecting the perimeter street where the internal street provides the sole vehicular access to the subdivision or section thereof being platted, the subdivider shall pay an amount equal to one-half the estimated cost of improvement to city standards, as determined by the city engineer, for the length of the subdivision's frontage along the perimeter street. Such payment shall be made concurrently with acceptance of the subdivision improvements by the city, and the city shall deposit the funds in an account reserved for future improvement of the substandard perimeter street. This option is available only when it is determined that the existing perimeter street, in its current state, is capable of carrying the expected traffic upon full development of the subdivision. The city or the Texas Department of Transportation may require a traffic impact study to be prepared at the subdivider's expense to document the existing capacity of the street and/or to determine the need for

off-site street improvements. If the existing perimeter street right-of-way is unimproved, or if the existing street does not have an adequate width for two lanes of traffic, or if it is determined that the street, in its current state, is otherwise not capable of safely carrying the expected traffic upon full development of the subdivision, it shall be improved by the subdivider at the subdivider's expense to comply with the city's street standards for its classification or to comply with safety improvements required by the Texas Department of Transportation, prior to acceptance of the subdivision by the city. The length of the improvement shall extend to the nearest existing improved street that has an adequate width for at least two lanes of traffic, and which is capable of carrying the expected traffic upon full development of the subdivision. If the substandard perimeter street is listed in the city's road impact fee capital improvements plan, the city shall contribute to the required improvements as provided in section 52-143.

- (q) If bicycle facilities are shown on an adopted bikeway plan element of the city's comprehensive plan in a location along one or more streets within a new subdivision, the dedicated street right-of-way shall provide bicycle facilities based on best practices in the latest addition of the NACTO Urban Bikeway Design Guide, with pavement markings, signage, and physical barriers in conformance with the latest addition of the AASHTO Guide for the Development of Bicycle Facilities as referenced in the TxDOT Roadway Design Manual. The bicycle facility may be in the form of: 1) designated bike lanes in the street where the speed limit is 35 or 40 miles per hour; 2) spatially buffered bike lanes in the street where the speed limit is 45 or 50 miles per hour; or, 3) physically protected bike lanes (cycle track) in the street, or shared-use paths for pedestrians and bicycles separate from the street, where the speed limit is 55 miles per hour or greater. A bicycle facility required for a higher speed limit range can voluntarily be used in any lower speed limit range in lieu of its specified facility. Streets with a speed limit not greater than 30 miles per hour may have signage and pavement markings designating a bike route.

Sec. 52-73. Alleys.

- (a) Right-of-way for service alleys in commercial and industrial districts shall be a minimum of 25 feet in width, with a 20-foot wide pavement section.
- (b) Alleys in residential districts shall be parallel, or approximately parallel, to the frontage street, and shall have a minimum right-of-way width of 15 feet, with a ten-foot wide pavement section.
- (c) Alleys shall be optional in all new developments and replatted existing subdivisions, unless expressly required by the commission because of drainage, topographical features, circulation, or existing conditions which may necessitate the use of an alley in a particular location. Any right-of-way for alleys shall be dedicated to the city.
- (d) Alleys shall be paved in accordance with the construction standards of the city.
- (e) Where the deflection of alley alignment exceeds 30 degrees, a cutback of a minimum 15 feet, or of such greater distance to provide safe vehicular movement, shall be established on the inside property line and the paving of the alley shall be cut back in the same manner.
- (f) Where the deflection of an alley alignment exceeds 15 degrees, a five-foot-wide pole guy easement shall be provided at the exterior of each point of deflection and normal hereto. The easement length shall be 15 feet for a deflection from 15 degrees to 30 degrees and 25 feet for deflection greater than 30 degrees.

(g) Dead-end alleys are prohibited.

(h) Access to residential property may be permitted from the alley. Access from the alley shall not exclude another means of access from the front or side.

Sec. 52-74. Easements.

(a) Easements across lots, along and abutting front lot lines, or centered on rear or side lot lines shall be provided for utilities and drainage where necessary. Drainage easements must be exclusive and no improvements may be constructed therein. When such easements are shown on a subdivision plat, this exclusivity and restriction will be noted on the plat and included in any restrictive covenants. Drainage and utility easements will not be superimposed.

(b) Where a subdivision is traversed by a watercourse, drainage way or channel, a storm drain easement or drainage right-of-way, conforming substantially with such course and of a width to fulfill the requirements of the city's flood hazard area ordinance and drainage ordinance, as calculated by the developer's engineer, will be provided. Nonrestricted access shall be provided to all drainage ways and storm system easements for maintenance by the responsible parties. Access shall be provided within 500 feet of all points where drainage easements exist, and parallel streets or parkways may be required for access to the easement.

(c) Where alleys are not provided in a residential subdivision and utilities are to be provided in the rear of lots, a minimum seven and one-half-foot-wide utility easement shall be provided where needed along the rear of all lots within the subdivision. When one or more lots are located such that there is no similar easement in adjoining tracts, a minimum 15-foot wide easement will be provided.

(d) When the tract to be subdivided includes an easement of the blanket form or is a portion of a tract which includes such an easement, the subdivider shall take such action as is necessary prior to submission of the preliminary plat to have such easement removed or to have such easement redefined to a specific location and to a specific size or width.

(e) Public access easements may be provided to accommodate a required public sidewalk along and adjacent to the public street right-of-way where conflicts with natural features, utility equipment, or other appurtenances make the location of the sidewalk within the right-of-way impractical. Private access easements may be provided to accommodate joint vehicular access to adjacent lots in the subdivision.

Sec. 52-75. Blocks.

(a) The length, width and shapes of blocks shall be determined with due regard to:

(1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.

(2) Zoning requirements as to lot sizes and dimensions.

(3) Needs for convenient access, circulation, control and safety of street traffic.

- (b) In general, intersecting streets determining the block length and width shall be provided at such intervals as to serve cross-traffic adequately and to meet existing streets or in accordance with customary subdivision practices. Where no existing subdivision controls, the block lengths shall generally not exceed 800 feet along minor streets, 1,000 feet along collector streets, or 1,200 feet along arterial streets. Where no existing subdivision controls, the blocks shall generally not be less than 400 feet along minor or collector streets, or 500 feet along arterial streets. However, in cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety. Where opposite sides of a block are along different classifications of streets, the length shall generally conform to the maximum and minimum limits applicable to the higher classification.
- (c) Where blocks in the vicinity of a school, park or shopping center are 1,000 feet or longer, the commission may require a six-foot public pedestrian access easement near the middle of the block or at a street that terminates between streets at the ends of the block.
- (d) Where no existing subdivision controls, the block depth shall be platted to give lots with a depth to width ratios of generally not more than two and one-half to one and in no case more than four to one, and the design shall be such that the block depth generally shall not exceed 350 feet. When possible, the block width and length shall be such to allow tiers of lots back to back.
- (e) Blocks shall be labeled sequentially, from One or from A in each subdivision or section thereof.

Sec. 52-76. Lots.

- (a) Lots shall conform to the minimum requirements of the applicable zoning district, except where a variance is approved by the zoning board of adjustment. Lots in the extraterritorial jurisdiction shall conform to the minimum requirements of the current Caldwell County Development Ordinance.
- (b) Each lot shall abut an improved public street right-of-way along at least one property line, except where private streets are approved in a planned development having the PDD zoning classification.
- (c) Key lots or irregular shaped lots shall have sufficient width at the front building line to meet frontage requirements of the appropriate zoning district. Also, the rear width shall be sufficient to provide access for all utilities, but in no case less than ten feet.
- (d) Flag lots, which have minimal or panhandle-type frontage, shall not be allowed in lieu of providing access to lots on the interior of a subdivision with one or more public streets except, however, that one flag lot may be approved in the subdivision of an unplatted tract having a length to width ratio of 3:1 or greater into two lots provided that the street frontage of each lot is at least 25 feet and the width of each lot is at least the minimum required by the applicable zoning district.
- (e) Side lot lines shall be substantially at right angles or radial to street lines.
- (f) Double frontage and reverse frontage lots will be avoided, except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantage of topography and orientation. Where lots have double frontage, a front building line shall be established for each street.

(g) Each lot in each block shall be labeled sequentially from one.

Sec. 52-77. Sidewalks.

- (a) In those instances when a six-foot pedestrian access easement is provided in accordance with subsection 52-75(c), the applicant shall construct a sidewalk not less than four feet wide therein.
- (b) Public sidewalks, not less than four feet wide, shall be provided on each side of collector streets and minor nonresidential streets, and on one side of minor residential streets, including culs-de-sac exceeding 350 feet in length as measured in accordance with subsection 52-72(k). Public sidewalks not less than six feet wide shall be provided on each side of arterial streets and on the subdivision side of expressway frontage roads. Required sidewalks shall be constructed by the builder for each lot before a certificate of occupancy will be issued for any structure thereon. Sidewalks required along public streets abutting property that is already developed, abutting the side or rear of a vacant lot that has primary frontage on another street, or abutting land areas dedicated for a public park, drainage facility, open space, or other community facility in accordance with subsection 52-112, shall be constructed by the subdivider as a subdivision improvement, and accepted by the city, prior to the plat being recorded.
- (c) The location of sidewalks shall be noted on the subdivision plat.
- (d) Sidewalks are not required:
- (1) On culs-de-sac 350 feet or less in length, as measured from the connecting street centerline to the center radius point of the closed end.
 - (2) Along minor streets in residential subdivisions where no lot is less than one acre in size.
 - (3) When no more than four lots are being replatted where there was no requirement for sidewalks at the time the subdivision was originally platted.
 - (5) For a minor plat of four or fewer residential lots along a minor residential street within an existing developed residential area not previously platted, where lots or parcels abutting the side or sides of the parcel being platted are developed and have no existing public sidewalk along their street frontages.
 - (5) Where the commission authorizes a variance waiving all or a portion of the sidewalk requirement in accordance with section 52-50.
- (e) In instances where construction of a required sidewalk in the public right-of-way is not feasible due to drainage considerations, topography, or lack of adequate unobstructed right-of-way width as determined by the city engineer, director of public works or designee, the sidewalk requirement may be satisfied by one of the following alternatives:
- (1) The sidewalk may be constructed in a dedicated public access easement inside the private property of one or more lots along the street right-of-way; or

- (2) The subdivider may, at the city's discretion, pay a fee in lieu of constructing the sidewalk based upon an estimated cost per linear foot provided by the director of public works, city engineer or designee; or provided by the subdivider's engineer and accepted by the director of public works, city engineer or designee.
- (f) Curb ramps for the disabled shall be constructed to comply with the most recently adopted edition of the Texas Accessibility Standards.
- (g) Rights-of-way or easements for hike and bike trails or similar shared-path sidewalks at least ten feet wide shall be dedicated on the plat where shown on the adopted Sidewalk/Trail Plan, and such trails or shared-path sidewalks shall be constructed at the subdivider's expense. Where aligned with a property's street frontage, such trails and sidewalks shall serve as a required public sidewalk.

Sec. 52-78. Streetlights.

Streetlights shall be installed by the subdivider in accordance with the current streetlight policy, as adopted by the city council, and shall conform to the construction standards of the city.

Sec. 52-79. Street signs.

- (a) *Street name signs.* Street name signs approved by the city shall be furnished and installed by the subdivider, at the subdivider's expense, at each intersection within or abutting the subdivision.
- (b) *Traffic control signs.* Appropriate traffic control signs, required by the Uniform Traffic Control Manual and approved by the State of Texas, shall be furnished and installed by the subdivider, at the subdivider's expense.

Sec. 52-80. Flood hazard.

- (a) Subdivision development in flood hazard areas shall be in accordance with chapter 22 "Floods", of the Lockhart Code of Ordinances. Increases in stormwater runoff created by expected additional impervious surface shall require stormwater detention as provided in article III, chapter 22. For changes in base flood elevation or flood hazard boundary, approval of a FEMA conditional letter of map revision (CLOMR) is required prior to acceptance of the final plat for technical review, and approval of a FEMA letter of map revision (LOMR) is required following completion and acceptance of all required subdivision improvements.
- (b) Lots shall be graded and structures designed such that the ground level floor of buildings shall be a minimum of 12 inches above the highest point of the adjacent street top of curb, or above the crown of the street where there is no curb. Where the building is on a corner lot, this provision will apply to the highest top of curb or crown of the intersecting streets. Under special circumstances where such floor level is demonstrated by the subdivider's or developer's engineer to be impractical, one or more lots may be provided with drainage swale adjustment to prevent flooding of structures upon approval of a variance by the construction board of appeals.

Sec. 52-81. Electric utility.

Electric lines and facilities shall be in conformance with the requirements of the electrical provider. All electric lines, both primary and secondary, shall be underground in subdivisions consisting of more than ten lots or more than ten acres.

Sec. 52-82. Perimeter screening.

Residential subdivisions having six or more contiguous lots with rear yards abutting a collector or arterial perimeter street shall have a fence or wall no less than 67 percent opaque, and at least six feet but not greater than eight feet tall, constructed along but not encroaching into the perimeter street right-of-way prior to City acceptance of the subdivision improvements. Screening material shall consist of masonry, warp and rot resistant wood, or engineered/composite wood, with masonry columns measuring at least 16 inches square located no greater than 130 feet apart on-center, including angle and endpoints. Masonry columns shall extend at least eight inches from the street-side face of the fence or wall. Perimeter screening shall not block access to any fire hydrant or utility equipment, nor block any corner sight-triangle as defined in section 50-5 "Landscaping which constitutes traffic hazard", of the Lockhart Code of Ordinances. Perimeter screening shall be located in a fence easement at least as wide as the masonry columns, and shall be maintained by a homeowner's association or other permanent subdivision management established for the subdivision by the subdivider or developer.

Sec. 52-83—52-110. Reserved.

ARTICLE VI. COMMUNITY FACILITIES AND OPEN SPACES

Sec. 52-111. Areas for public use.

The subdivider shall consider one or more suitable sites for public parks, playgrounds, and other public community facilities in accordance with the comprehensive plan and associated plans and policies of the city. A school site approved by the Lockhart Independent School District for purchase by the district shall be considered an eligible community facility for the purpose of this article. Any provision for community facilities shall be indicated on the plat. Where land dedication or payment of fees in lieu of land dedication is required for a subdivision being platted in sequential phases, the entire land dedication or fee payment requirement shall be satisfied at the time that the plat of the first phase or section is recorded.

Sec. 52-112. Land dedication.

- (a) Except as provided in section 52-113, land shall be dedicated by the subdivider in the amounts listed below or greater for community facilities or public open space in any subdivision within the city limits, greater than five acres in size, and zoned or intended to contain residential uses.
 - (1) *Subdivision size over five acres up to and including 20 acres:* Five percent of the total land area zoned or intended for residential use up to and including a gross density of seven units per acre, or ten percent of the total land area zoned or intended for residential use above seven units per acre.

- (2) *Subdivision size over 20 acres*: Eight percent of the total land area zoned or intended for residential use up to and including a gross density of seven units per acre, or fifteen percent of the total land area zoned or intended for residential land use above seven units per acre.
- (b) The location, size, and functions of the land to be dedicated for community facilities or public open space must be: 1) deemed by the city to be suitable for the intended use; 2) have appropriate pedestrian, bicycle, and motor vehicle access, including parking; 3) graded and provided with turf or other ground cover that is appropriate for the intended use; and, 4) be provided with water, wastewater, and electric service as determined by the city as necessary for the proposed use and public facility improvements. Utilities are considered part of the subdivision infrastructure, and shall not apply to the value of any required public facility improvement as provided in section 52-114. The subdivider shall either construct all required improvements for the intended use at their expense, or may, at the city's discretion, pay a fee in lieu of constructing such improvements, as provided in section 52-114. If the dedicated land area is a donation for a community facility involving buildings to be constructed by the school district or a governmental entity, the fee shall be paid in lieu of construction and shall be used by the school district or governmental entity for the community facility.
- (c) No property required to be dedicated for community facilities or public open space shall be in the 100-year floodplain except, however, that natural areas may include 100-year floodplain up to a maximum of 50 percent of the minimum required land dedication if determined by the city to be suitable for leisure activities such as hiking, bicycling, picnicking, and wildlife observance, and such area is deemed by the city as needed or acceptable for such use in that location. Ineligible land area may be dedicated as parkland, but shall not apply toward the minimum amount necessary to meet community facility or public open space dedication requirements.
- (d) Stormwater detention ponds and conservation easements shall not apply to the minimum required land dedication except, however, that such areas may be included up to a maximum of 50 percent of the minimum required dedication if determined by the city to be suitable for leisure or recreational activities and not in conflict with the primary functions of the stormwater detention pond or conservation easement. Ineligible land area may be dedicated as parkland, but shall not apply toward the minimum amount necessary to meet community facility or public open space dedication requirements.
- (e) Land area dedicated as a greenbelt for a public hike/bike trail designated on the city's land use and sidewalk/trail plans may apply toward the required land dedication where such greenbelt is determined by the city as being in a location and alignment that is generally consistent with the city's comprehensive plan.
- (f) Land for community facilities or public open space not exceeding one acre shall have at least 100 feet of frontage on an improved public street right-of-way, with parking provided in the street right-of-way on or adjacent to the paved street as parallel, angled, or perpendicular spaces depending on the right-of-way width available. Land for community facilities or public open space over one acre shall have frontage on an improved public street right-of-way equal to at least 25 percent of the land's perimeter with paved and marked off-street parking provided in a parking lot on the site configured such that vehicles can be maneuvered without backing into a street unless the street is an internal park street. In all cases parking areas shall contain a number of spaces appropriate for the intended use or activities on the site as approved by the director of parks and recreation for parks, or as approved by the director of planning for other community facilities, and shall comply with the Texas Accessibility Standards for the number and configuration of parking spaces for the disabled.

- (g) At the city's discretion, the land area dedication requirement may be satisfied by a privately owned and maintained amenity approved by the city in a multifamily development or in any part or parts of a Planned Development District (PDD) containing residential land uses.

Sec. 52-113. Fee in lieu of land dedication.

- (a) In instances where dedication of land for community facilities or public open space is unacceptable, unsuitable, unneeded, or infeasible within a subdivision, the subdivider may, at the city's discretion, pay a fee in lieu of required land dedication specified in section 52-112 in the amounts listed below based upon the market value prior to development. The fee in lieu of land dedication is mandatory for subdivisions in the Lockhart Extraterritorial Jurisdiction.
 - (1) *Subdivision size over five acres up to and including 20 acres:* Five percent of market value of land area that is zoned or intended for residential use up to and including seven units per acre, or ten percent of the market value of land that is zoned or intended for residential use above seven units per acre.
 - (2) *Subdivision size over 20 acres:* Eight percent of market value of land area that is zoned or intended for residential use up to and including seven units per acre, or fifteen percent of the market value of land that is zoned or intended for residential use above seven units per acre.
- (b) For subdivisions greater than one acre in size up to five acres in size, where no land dedication is required, a fee shall be paid equal to ~~5%~~ five percent of the market value of land area that is zoned or intended for residential use. No fee or land dedication is required for subdivisions one acre or less in size.
- (c) If a fee is paid in lieu of land dedication, a fee shall also be paid in lieu of construction community facility improvements, in accordance with section 52-114(d).
- (d) Fees paid to meet the community facility and public open space requirements shall be deposited by the city in an account for use only in the acquisition of land, purchase of equipment, or construction of improvements for public open space, including parks, playgrounds, and natural areas.

Sec. 52-114. Community facility improvements.

- (a) Where the subdivider constructs community facility improvements, a community facility development plan shall be prepared by the subdivider and approved by the city, and the improvements shall be considered part of the subdivision infrastructure for the purpose of acceptance by the city prior to recordation of the subdivision plat. Improvements may include, but are not limited to, trees, pedestrian/bicycle paths, motor vehicle and bicycle parking, fencing, lighting, benches, picnic tables, shade structures, playscapes, sport courts or fields, exercise stations, water features, drinking fountains, and restrooms. Trees or other landscaping shall not be the only improvements. A children's playscape having at least four functions must be provided where the minimum required community facility or public open space is a park over one-half acre in size.
- (b) Any privately owned and maintained amenities proposed in a Planned Development District must be specified on the PDD Development Plan, constructed as a condition of the adopted PDD zoning, and inspected and approved by the city prior to the plat being recorded. In a multifamily development, any privately owned and maintained amenities proposed in lieu of dedication of land for a community

facility shall be specified on the construction plans for the development as a condition of the building permit, and inspected and approved by the city prior to issuance of a certificate of occupancy for any structure in the development.

- (c) The value of public or private improvements must be equal to or more than the market value of the facility land area prior to development, up to a maximum of five acres. Any amount of dedicated land area over the first five acres is not subject to a corresponding improvement value.
- (d) Where the subdivider pays a fee in lieu of constructing required improvements for the intended use, the amount due is equal to the market value of the dedicated land area prior to development, up to a maximum of five acres. Any amount of dedicated land area over the first five acres is not subject to a corresponding fee in lieu of construction. Fees paid in lieu of constructing required community facility improvements shall be deposited by the city in an account for use only in the community facility or public open space being dedicated.

Secs. 51-115—140. Reserved.

ARTICLE VII. PUBLIC INFRASTRUCTURE ENGINEERING AND CONSTRUCTION

Sec. 52-141. Standards for construction.

- (a) The sanitary sewers and lift stations, storm sewers, drainage features, water utility mains, street improvements, sidewalks and electrical facilities and street lighting, with all appurtenances pertaining to the above, shall be designed, constructed and installed in each new subdivision at the expense of the developer in accordance with the construction standards of the city as may be revised from time to time. Variances to the construction standards must be approved in writing by the city engineer and city manager or designee before construction begins.
- (b) All construction work, such as street paving, storm sewers, curb and/or gutter work, sidewalks, sanitary sewers, water mains, and electrical construction performed by the owner, developer, or contractor, shall be subject to inspection during construction by the property authority of the city, and shall be constructed in accordance with the construction standards of the city except for certain subdivisions in the extraterritorial jurisdiction as provided in the current interlocal agreement between Caldwell County and the City of Lockhart, and available in the city secretary's office.
- (c) The developer's engineer shall be responsible for inspection of all construction, and provide written documentation of such inspections for certification in accordance with section 52-202.

Sec. 52-142. Guarantee of performance.

The developer shall require guarantee of materials and workmanship of his construction contractors, with whom he contracts for furnishing materials and installing the improvements, required under this chapter and shall himself be responsible for guaranteeing that all materials and workmanship in connection with such improvements are free of defects for a period of two years after the date of acceptance of the improvements by the city manager, director of public works or designee.

Sec. 52-143. Responsibility for payment of infrastructure costs.

- (a) The developer must pay for any required extensions of off-site water mains, wastewater mains, and electric primary lines unless otherwise negotiated by authorized city staff and approved by the city council. The city may pay for oversizing of mains and electric primary lines above the size required of the developer to provide sufficient domestic and fire protection water, wastewater service and electric primary lines for the development and any subsequent phases. All development costs associated with the subdivision shall be borne by the developer. The city shall have the right to recover all or part of the costs associated with in-place utility main or primary line extensions that will benefit development. Such cost recovery shall be based on proportionate use of such extensions or associated infrastructure.
- (b) The city may pay, providing funds are available, for street right-of-way in excess of that required by the thoroughfare plan, except where such extra widths are in commercial developments, or where they're not required by the city. The city may participate, provided funds are available, in the extra cost of large drainage structures on major road/arterial streets shown on the thoroughfare plan.
- (c) If a substandard perimeter street, as described in section 52-72, is listed in the city's road impact fee capital improvement plan, the city shall reimburse the subdivider for up to one-half the cost of the improvements to the extent that the funds are available in the road impact fee account. If, in such case, there are insufficient funds available in the road impact fee account, credit shall be given in the form of waiver of road impact fees for development in the subdivision equal to the amount of shortfall in the road impact fee account. The city's responsibility for reimbursement extends only to the road impact fee funds and/or credit available at the time the subdivision improvements are accepted by the city.

Sec. 52-144. Existing nonconforming subdivisions.

No building permit shall be issued by the city for any undeveloped lot in a previously platted subdivision where water, wastewater, street or other necessary public infrastructure to serve such lot does not meet current city standards unless such facilities are engineered and upgraded or constructed at the developer's expense in accordance with city's construction standards as provided in this chapter. If an undeveloped lot in an existing subdivision does not have frontage on a dedicated street right-of-way and is served only by a public or private access easement, where such lot is the only lot served by the easement, then no building permit shall be issued by the city unless paved access is constructed, at a minimum, in accordance with the current city standards for driveways. If an undeveloped lot in an existing subdivision does not have frontage on a dedicated street right-of-way and is served by a public access easement, where more than one lot is served by the same easement, then no building permit shall be issued by the city unless paved access is engineered and constructed in accordance with the city's construction standards for public streets as provided in this chapter.

Secs. 52-145—52-170. Reserved.

ARTICLE VIII. PLATS AND ENGINEERING PLANS

Sec. 52-172. Concept plan.

- (a) The concept plan should show the following information:
- (1) Location within the city and with respect to adjoining property.

- (2) Approximate acreage.
- (3) Approximate location of streets.
- (4) Approximate location of lot lines.
- (5) Intended use(s), i.e., residential, multifamily, commercial, industrial, stormwater detention, park, etc.
- (6) Approximate location of any flood hazard boundary area.
- (7) The location, description, and size of existing utility and drainage infrastructure in the area, and the proposed infrastructure to serve all lots of the subdivision.

(b) The concept plan may be to any scale and need not be finely drafted.

Sec. 52-172. Preliminary plat.

- (a) A preliminary plat shall be submitted on sheets no greater than 24 inches by 36 inches, including margins of not less than three-fourths inch, and to a scale of not less than 100 feet to the inch or larger. Where more than one sheet is required to encompass the subdivision, an index drawing on the cover sheet showing the entire subdivision at a reduced scale, with a sheet index overlay, shall be included.
- (b) The following shall be shown on the preliminary plat:
 - (1) Name and address of the subdivider, record owner of land to be subdivided, surveyor preparing the plat, designer of the plat if not the surveyor, and the date of preparation.
 - (2) Proposed name of the subdivision, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision currently located within the city or within the extraterritorial jurisdiction of the city. The subdivision name shall include the word "Subdivision", "Addition", or "Planned Development" at the end.
 - (3) A north arrow.
 - (4) Scale of the plat in feet per inch and a bar scale.
 - (5) A location map of the proposed subdivision in the city and with respect to existing streets. This map need not be to scale, but should be drawn neatly using a means other than screen-capture.
 - (6) Patent survey of which the subdivision is a part and location of patent survey lines if adjoining or intersecting the subdivision.
 - (7) Names of contiguous subdivisions and the owners and general use of contiguous parcels of unsubdivided land, with deed references.
 - (8) Total acreage of the subdivision.

- (9) Subdivision boundary lines indicated by heavy lines.
- (10) Section boundaries with sections labeled if subdivision is to be platted in phases.
- (11) Existing conditions, as follows:
- a. The exact location, width, name, and description of all existing above or below ground utility lines, and of all existing or recorded streets, alleys, reservations, easements, or other public rights-of-way within or abutting any portion of the perimeter of the subdivision.
 - b. Zoning district classification of land to be subdivided. If there is more than one classification, the dividing lines shall be shown. If there is only one classification, it may be stated in a plat note.
 - c. Flood hazard areas, if any, and documentation from which derived. If there is more than one floodplain zone, the dividing lines shall be shown. If there is only one zone for the entire subdivision, it may be stated in a plat note.
 - d. Topography with elevations labeled and contours at intervals not greater than two feet, and identification of natural water or drainage courses.
 - e. Location of city limits if adjoining or intersecting the subdivision.
- (12) The location, dimensions, description and name of all proposed streets, alleys, sidewalks, parks or other public areas, stormwater detention areas, easements, blocks, lots and other sites within the subdivision, as appropriate.
- (13) A number to identify each lot or site, with lots numbered consecutively within each block, and a number or letter to identify each block if there is more than one block.
- (14) Building setback lines on fronts of all lots and sites, and side yard building setback lines along the side street of corner lots.
- (15) Lot summary table indicating total number and acreage of lots in four categories of use: Residential, nonresidential, park, and stormwater detention, as applicable.
- (16) The following plat notes:
- a. General building setback requirements for front yards and for street side yards on corner lots, if such information is not otherwise depicted on the plat drawing.
 - b. Floodplain zone(s), and flood insurance rate map date and community panel number, if such information is not otherwise depicted on the plat drawing. If developable lots are within the 100-year floodplain, the minimum permissible floor elevation shall be specified in accordance with the city floodplain regulations.
 - c. Zoning classification(s) of land to be subdivided, if such information is not otherwise depicted on the plat drawing.

- d. Description and location of sidewalks to be constructed, if such information is not otherwise depicted on the plat drawing, who is responsible for sidewalk construction, and timing of sidewalk construction.
 - e. Amount of fee to be paid in lieu of parkland construction, if applicable.
 - f. Any other notes deemed necessary by the surveyor.
- (17) Legend containing symbols used on the plat drawing, and a written description of each one, as applicable.

Sec. 52-173. Recordable plat.

- (a) A recordable plat shall be submitted on sheets no greater than 24 inches by 36 inches, including margins of not less than three-fourths inch, and to a scale of not less than 100 feet to the inch or larger. Where more than one sheet is required to encompass the subdivision, an index drawing on the cover sheet showing the entire subdivision at a reduced scale, with a sheet index overlay, shall be included. Space shall be provided for the required dedications, attestations, dates, titles, and seals. Lettering and line-work shall not have a micro-thin weight, and shall be black, with no gray or colors used. Signatures shall be written with a permanent black ink marker or pen with a medium tip.
- (b) The following shall be shown on the recordable plat:
 - (1) Name and address of the subdivider, record owner of land to be subdivided, surveyor preparing the plat, designer of the plat if not the surveyor, and the date of preparation.
 - (2) Proposed name of the subdivision, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision currently located within the city or within the extraterritorial jurisdiction of the city. The subdivision name shall include the word "Subdivision", "Addition", or "Planned Development" at the end.
 - (2) A north arrow.
 - (3) Scale of the plat in feet per inch and a bar scale.
 - (5) A location map of the proposed subdivision in the city and with respect to existing streets. This map need not be to scale, but should be drawn neatly using a means other than screen-capture.
 - (6) Patent survey of which the subdivision is a part and location of patent survey lines if adjoining or intersecting the subdivision.
 - (7) Names of contiguous subdivisions and the owners of contiguous parcels of unsubdivided land, with deed references.
 - (8) Description by metes and bounds and total acreage of the subdivision boundaries, including reference to at least one existing benchmark, survey monument or subdivision corner.
 - (9) Subdivision boundary lines indicated by heavy lines.

(10) Section identification if subdivision is a phase of a larger subdivision.

(11) Existing conditions as follows:

- a. The exact location, width, name and description of all existing above or below ground utility lines, and of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within or abutting any portion of the perimeter of the subdivision.
- b. Zoning district classification of land to be subdivided. If there is more than one classification, the dividing lines shall be shown. If there is only one classification, it may be stated in a plat note.
- c. Flood hazard areas, if any, and documentation from which derived. If there is more than one floodplain zone, the dividing lines shall be shown. If there is only one zone for the entire subdivision, it may be stated in a plat note.
- d. Location of city limits if adjoining or intersecting the subdivision.

(12) The exact location, dimensions, description and name of all proposed streets, alleys, sidewalks, parks or other public areas, stormwater detention areas easements, blocks, lots and other sites within the subdivision, as appropriate.

(13) A number to identify each lot or site, with lots numbered consecutively within each block, and a number or letter to identify each block if there is more than one block.

(14) The square footage or acreage of each lot.

(15) Building setback lines on fronts of all lots and sites, and side yard building setback lines along the side street of corner lots.

(16) Lot summary table indicating total number and acreage of lots in four categories of use: Residential, nonresidential, park, and stormwater detention, as applicable.

(17) The length and bearing of all straight lines, and the length, radius, arc length and chord bearing of all curves shall be indicated along the lines of each lot. The curve data pertaining to block or lot boundaries may be placed in a curve table at the base of the plat and prepared in the following manner:

Curve Table

Curve Number	Curve Length	Radius	Chord Length and Bearing
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(18) The description and location of all survey monumentation placed in the subdivision, in accordance with section 52-201.

(19) The following plat notes:

- a. General building setback requirements for front yards and for street sideyards on corner lots, if such information is not otherwise depicted on the plat drawing.
- b. Floodplain zone(s), and flood insurance rate map date and community panel number, if such information is not otherwise depicted on the plat drawing. If developable lots are within the 100-year floodplain, the minimum permissible floor elevation shall be specified in accordance with the city floodplain regulations.
- c. Zoning classification(s) of land to be subdivided, if such information is not otherwise depicted on the plat drawing.
- d. Description and location of sidewalks to be constructed, if such information is not otherwise depicted on the plat drawing, who is responsible for sidewalk construction, and timing of sidewalk construction.
- e. Amount of fee to be paid in lieu of parkland construction, if applicable.
- f. Any other notes deemed necessary by the surveyor.

(20) Legend containing symbols used on the plat drawing, and a written description of each symbol.

(c) The following certifications shall be included and signed on the plat, as applicable:

- (1) The owner's certificate, with a separate signature block and notary statement for each person authorized to sign as an owner. If there is a lien-holder, a separate signature block shall be added for the name of the lien-holder's authorized representative or officer, including their title, business name, address, and date; and the label "Lien-holder".

STATE OF TEXAS
CALDWELL COUNTY

I (We), the undersigned owner(s) of the land shown on this plat and described and designated as (*name of subdivision as shown on the plat*) of the City of Lockhart, do hereby subdivide such property and dedicate to the use of the public forever, the street and alley rights-of-way shown hereon, unless otherwise noted on the plat, and further reserve to the public all easements for the mutual use of all public utilities desiring to use the same; that any authorized owner of a facility within such easement shall have the right to remove and keep removed all or part of any growth or construction for maintenance or efficient use of its respective system in such easements.

DATE

NAME

ADDRESS

Before me, the undersigned authority, personally appeared (*name*), known to me to be the person whose name is subscribed to the foregoing document, and acknowledged to me that he executed the same for the purpose and considerations stated hereon.

Seal

NOTARY PUBLIC
STATE OF TEXAS

My Commission Expires _____

(2) The surveyor's certificate.

I, _____, registered professional land surveyor, State of Texas, hereby certify that this plat is based on a survey made under my supervision and is true and correct to the best of my knowledge, and that all required monuments and markers were properly placed under my supervision.

IN WITNESS THEREOF, my hand and seal, this the _____ day of _____, 20__.

NAME
Registered Professional Land Surveyor

Seal

(3) The engineer's certificate, if applicable.

I, _____, a registered professional engineer, State of Texas, hereby certify that proper engineering considerations have been given to the design of engineering aspects of this subdivision in compliance with applicable city and state standards and regulations.

IN WITNESS THEREOF, my hand and seal, this the _____ day of _____, 20__.

NAME
Registered Professional Engineer

Seal

(4) The Commission's approval, if a final plat or replat other than a minor plat or amending plat.

I, _____, Chairman of the Planning and Zoning Commission of the City of Lockhart, do hereby certify that this plat was approved by the City of Lockhart on the _____ day of _____, 20__.

CHAIR

(5) Administrative approval, if a minor plat or replat, or amending plat.

I, _____, City Manager of the City of Lockhart, do hereby certify that this plat was approved by the City of Lockhart on the _____ day of _____, 20__.

CITY MANAGER, CITY OF LOCKHART

- (6) The county clerk's certificate for recording.

STATE OF TEXAS
COUNTY OF CALDWELL

I, _____, County Clerk in and for Caldwell County, Texas, do hereby certify that the foregoing instrument with its certificates of authentication was filed for record in my office the _____ day of _____, 20 __, at _____ o'clock __. M., and duly recorded on the _____ day of _____, 20 __, in the Plat Records of Caldwell County, Texas, in Plat Cabinet ___ at Slide ___.

NAME

County Clerk, Caldwell County, Texas

- (d) The final design of utilities, drainage, sidewalk, and street facilities is to be shown in the engineering plans submitted with the final plat.

Sec. 52-174. Engineering plans.

(a) *General.*

- (1) The developer shall have prepared a complete set of engineering plans showing details of all streets, alleys, drainage structures, water utility, sanitary sewer utility and electrical distribution system, combined with construction standards, specifications and related details, which are to be included for development. All costs related to the preparation of these plans shall be paid for by the developer. The engineering plans shall be prepared by a registered professional engineer, duly authorized to perform the specific type of design required for this task.
- (2) The engineer shall design and prepare engineering plans to utilize the construction standards of the city. When no specific policy, standard, or ordinance exists, then he shall use the standard of the practices for similar conditions. The plans shall be signed and sealed by the professional engineer responsible for the design.
- (3) All engineering plans shall be submitted on sheets 24 inches by 36 inches, including a minimum one-half inch margin except on the left border where a minimum two-inch binding margin will be provided. When appropriate, standard printed plan-profile sheets may be used. The initial submission of plans to the city engineer shall be in a format determined by the city engineer. In addition, two full-size printed sets shall be submitted to the director of planning.
- (4) If the subdivision involves improvements that are subject to a FEMA letter of map revision (LOMR), the approved conditional letter of map revision (CLOMR) shall be submitted to the city engineer as a condition of approval of the engineering plans.

(5) Once the engineering plans have been approved by the city engineer, one complete set shall be provided to the city engineer in a digital PDF format, and two full-size printed sets of the approved plans shall be provided to the director of planning for distribution to other city departments.

(b) *The engineering plans will contain, as a minimum:*

(1) Title, index and certification page, as applicable.

(2) Existing detail:

- a. The exact location, dimensions, description and flow lines of existing watercourses and drainage structures within the subdivision and contiguous thereto.
- b. All existing improvements within the subdivision, except structures to be removed and interior fences.
- c. Type and size of all public utilities and roads within the subdivision and contiguous thereto.
- d. Characteristics for soil bearing, shrink/swell, permeability and percolation.

(3) A topographic base map, showing contours with elevations labeled at intervals not greater than two feet. All topographic maps shall be based on the National Geodetic Vertical Datum, and a benchmark shall be shown giving its location and elevation. This sheet may be combined with the existing detail sheet.

(4) Drainage area map and calculations in accordance with the drainage ordinance.

(5) Street plan and profiles as follows:

- a. Drawn at a scale of one inch equals 50 feet horizontal, with an appropriate vertical scale. All horizontal and vertical curve data shall be shown.
- b. When the street right-of-way property lines are not curved chordally with the street, but the constructed street will have curves, the PC and PT stationing, radius and length of each street curve, as a minimum, shall be given.
- c. Street centerline stationing shall reference the subdivision boundary, as appropriate.

(6) Sanitary sewer utility lines shall be shown on a standard plan-profile sheet with a scale of one inch equals 50 feet horizontal and an appropriate vertical scale. Stationing shall reference the subdivision boundary, as appropriate.

(7) The water utilities system will generally be at a horizontal scale of one inch equals 50 feet in the form of a general plan with appropriate scale plan-profile sheets and details. Fire hydrants shall be included as part of the water utilities system.

- (8) Drainage channels, lines and structure(s), including bridges and culverts, shall be shown at a horizontal scale of one inch equals 50 feet in the form of a general plan with appropriate scale plan-profile sheets and details.
- (9) Electrical distribution system plans shall be at a scale of one inch equals 100 feet and all appurtenances, including streetlights, shall be shown. Particular care shall be taken to ensure that guy line easements and streetlight easements shown on the plat correspond with the system.
- (10) Required utility system improvements and streets which are not immediately adjacent to the subdivision, shall be shown as "off-site" plan and profiles, as appropriate.
- (11) When improvement details shown in the construction standards of the city are sufficient to provide for proper construction, no additional details need to be shown on the plans.

Secs. 52-175—52-200. Reserved.

ARTICLE IX. REQUIREMENTS FOR ACCEPTANCE AND RECORDING OF SUBDIVISIONS

Sec. 52-201. Monumentation.

Stable monumentation consisting of a minimum one-half-inch diameter ferrous rod, a minimum of two feet in length, shall be set at each subdivision corner and at one street intersection corner for each internal block. Additional monuments consisting of a minimum one-half inch diameter ferrous rod, a minimum of 15 inches in length, shall be set at all subdivision lot corners, angle points, and curve points that are not otherwise marked with a two-foot long rod. All rods shall be set with the top flush with the ground surface and marked with an aluminum or plastic cap stamped with the surveyor's registered number or firm name. If a record monument is found where a new monument would be placed, the existing monument may serve as the required monument for the new subdivision. All monumentation shall be set in accordance with the Texas Board of Professional Land Surveyor's rules and regulations.

Sec. 52-202. Final acceptance.

- (a) When construction of public infrastructure provided by the developer has been completed: 1) the developer shall furnish to the director of public works an affidavit of bills paid or releases of lien for all contractors who constructed the improvements; and 2) the developer's engineer shall furnish a certified statement to the city manager, director of public works or designee that the improvements are constructed in accordance with the approved plans and the construction standards of the city. The city staff shall then make final inspections and, if the work is satisfactory and in accordance with the approved engineering plans and the construction standards of the city, the director of public works or designee shall provide a letter of acceptance to the director of planning. The date of the letter of acceptance shall constitute the beginning of the developer's two-year guarantee period, as provided in section 52-142.
- (b) Upon completion by the developer, and upon acceptance by the city, all improvements, installations and all dedicated lands become the property of the city. The city will not be responsible or liable for any portion of such lands or improvements until final acceptance.

- (c) In addition to the items listed in subsection (a) above, if a subdivision involves improvements that are subject to a FEMA letter of map revision (LOMR), the approved LOMR shall be provided to the city prior to final acceptance of the subdivision.

Sec. 52-203. Record drawings.

The developer or the developer's engineer shall submit complete record drawings, consisting of one photographic mylar reproducible set, three sets of prints, and one set of digital drawing files of the plans on compact disc or flash drive, or by e-mail or cloud storage, in a PDF format, upon or after the city's acceptance of the public improvements, and prior to the plat being recorded.

Sec. 52-204. Plat recordation.

Following approval of the plat, and construction and acceptance of the required public improvements if any, the subdivider shall provide, in addition to the plat documents required elsewhere in this chapter, the following to the director of planning for recording the plat with the county clerk:

- (1) A check or checks payable to the county clerk in the amount of the recordation fee for recording the plat.
- (2) A tax certificate from the Caldwell County Appraisal District showing that no taxes are currently delinquent against the property.
- (3) Sufficient evidence that the subdivider holds fee simple title to the property being subdivided, if there are no lien-holders listed as a signatory on the plat.

Sec. 52-205. Services withheld until plat recorded.

- (a) No permit shall be issued for the installation of septic tanks upon any lot in a subdivision unless such septic tank system meets the requirements of the Caldwell County Private Sewage Facilities Rules, and of applicable provisions of the current Caldwell County Development Ordinance.
- (b) Public utility companies shall not make service connections for any lot in a subdivision for which a plat has not been recorded.
- (c) No building, repair, plumbing, or electrical permit shall be issued by the city for any structure on a lot in a subdivision for which a plat has not been recorded.
- (d) The city shall not repair, maintain, install, or provide any streets or public utility services in any subdivision for which a plat has not been recorded.
- (e) The city shall not sell or supply any electricity, water, sewerage, or garbage service within a subdivision for which a plat has not been recorded.

Secs. 52-206—52-235. Reserved.