

PUBLIC NOTICE

**City of Lockhart
Planning and Zoning Commission
7:00 PM, Wednesday, November 18, 2020
Municipal Building – Glosserman Room
308 W. San Antonio St.**

COMMISSION MEMBER AUDIO CONFERENCE PARTICIPATION

One or more members of the Lockhart Planning and Zoning Commission may participate in a meeting remotely. The member of the Commission presiding over the meeting will be physically present at the above public location. Audio conference equipment providing two-way audio communication with each member participating remotely will be made available, and each portion of the meeting held by audio conference that is required to be open to the public can be heard by the public at the location specified.

CITIZEN AUDIO CONFERENCE PARTICIPATION

- *Call-in number: 1-408-418-9388. Attendee Access Code: 626-304-323#.*
- *Citizens wishing to listen or participate must call in prior to the start of the meeting, and should identify themselves. Attendees may call in to listen only, if desired.*
- *Those wishing to speak will be called upon to address the Commission.*
- *Planning and Zoning Commission agenda packets can also be viewed on-line at www.lockhart-tx.org starting two days before the meeting. Navigate from the Departments tab at the top to Development Services – Meeting Minutes/Schedules (on left side) – Agendas & Minutes – Planning & Zoning Commission Agendas & Minutes – Agenda Packets.*

AGENDA

1. Call meeting to order.
2. Citizen comments not related to an agenda item.
3. Consider the Minutes of the October 28, 2020, meeting.
4. Discuss proposed amendments to Chapter 52 “Subdivision Regulations” for the purpose of updating, adding, deleting, correcting, or clarifying certain provisions, and make a recommendation to City Council.
5. Discuss the date and agenda of next meeting, including Commission requests for agenda items.
6. Adjourn.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, at 11:00 AM on the 12th day of November, 2020.

**City of Lockhart
Planning and Zoning Commission
October 28, 2020**

MINUTES

Members Present: Philip Ruiz, Philip McBride, Rick Arnic, Chris St. Leger, Manuel Oliva, Bradley Lingvai (via phone), Paul Rodriguez (via phone)

Member Absent: None

Staff Present: Dan Gibson, Christine Banda, Kevin Waller

Visitors/Citizens Addressing the Commission: Winn Smith, Sterling Yates, Mike Kamerlander, Brandon Alexander, Jonathan McNamara, Victor Ostiguin

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 September 23, 2020, meeting.

Commissioner McBride moved to approve the September 23, 2020 minutes. Commissioner Arnic seconded, and the motion passed by a vote of 7-0.

4. SUP-20-13. Hold a PUBLIC HEARING and consider a request by Winn Smith, on behalf of Countywide, L.P., for a Specific Use Permit to allow Construction of a single-family dwelling in the FH Flood Hazard Overlay District on Lot 21, Block 1, Lakeview Addition Section II, consisting of 0.187-acre zoned RHD Residential High Density District, and located at 1509 Lakeview Drive.

Mr. Gibson explained that this is the first time this type of specific use permit application has been considered by the Commission. The applicant proposed to construct a single-family dwelling on a vacant lot that is partially in the 100-year floodplain. The FH Flood Hazard Overlay District requires Commission approval of an SUP before a floodplain development permit can be issued. The floodplain development permit is a prerequisite to obtaining a building permit. The floodplain ordinance requires the lowest habitable floor to be at least one foot above the base flood elevation. The applicant must also submit with the application a pre-construction elevation certificate prepared by an engineer, architect, or surveyor, documenting the base flood elevation and the proposed floor elevations. Mr. Gibson said that a correct and complete elevation certificate had been submitted.

Chair Ruiz opened the public hearing and asked for any speakers.

Winn Smith, of 8406 Avocet Drive in Austin, said he is the property owner and building contractor for the home. He mentioned that the subject lot is the last vacant one along Lakeview Drive, in a subdivision his grandfather and father built in the 1970's. The home will be similar in size and style to the existing homes in the neighborhood.

Chair Ruiz asked for any other speakers and, seeing or hearing none, he asked for the staff recommendation.

Mr. Gibson said staff recommended approval.

Commissioner Lingvai asked if the existing homes south of the property that are also in the floodplain have been flooded before.

Mr. Smith replied that he had spoken to the neighboring property owners and they said that stormwater had never gotten inside their homes. He also mentioned that the new home would be two and half feet higher than those homes.

Commissioner Oliva moved to approve SUP-20-13. Commissioner St. Ledger seconded, and the motion passed by a vote of 5-1-1, with Chair Ruiz against and Commissioner Rodriguez abstaining.

5. FP-20-02. Consider a request by Sterling Yates on behalf of Blackjack Block I, LLC for approval of a Final Plat for the Iron Ox Addition, consisting of 24.575 acres in the James George Survey, Abstract No. 9, zoned AO Agricultural-Open Space District and located at 1205 Reed Drive, including a Variance to waive the requirement in Section 52-77(b) of the Subdivision Regulations for a four-foot wide public sidewalk along the Reed Drive frontage, and a Variance to waive the requirement in Section 52-201(a) for concrete monuments at two subdivision boundary corners.

Kevin Waller explained that the applicant proposes to plat two lots into one so that they can utilize it for a new commercial greenhouse facility. They requested two variances to the subdivision standards. The first was to waive the four-foot sidewalk requirement along Reed Drive. The applicant would construct the five-foot wide public sidewalk along Blackjack Street, as required. The other variance request is to waive the requirement to set concrete monuments at two subdivision boundary corners, one of which must be at a street right-of-way boundary. The applicant had explained that all corners have established survey markers, and that to replace or otherwise remove these markers would violate Texas Administrative Code (TAC) Section 663.17, which required existing markers be left as found. If the existing markers were replaced it would create uncertainty for future retracements of the survey or adjoining properties.

Chair Ruiz asked for if the applicant was present.

Sterling Yates was on the phone, but he preferred that the engineer address the Commission.

Mike Kamerlander, the City of Lockhart Economic Development Director, said that the City is offering incentives for the project and requested approval of the plat and the variances.

Brandon Alexander with Iron Ox, Inc, of 955 Terminal Way in San Carlos, California, said that he grew up in Texas and found this property to work well for what they propose. The company develops high tech green houses where robotics is used to grow produce, and it's their desire that the Lockhart location be the flagship for Texas. The proposed building is over 150,000 square feet with a construction cost of \$10 million. The plan is to hire 150 people initially, with room for expansion in the future. He explained their reasoning for the sidewalk variance, and stated that it would not be detrimental to the overall Lockhart community if no sidewalk was constructed along Reed Drive.

Chair Ruiz said that no matter where sidewalks are constructed he believes that pedestrians would eventually use them.

Mr. Kamerlander said he agrees with the overall importance of sidewalks, but in this case it would only lead to the rear of the business property and the adjacent gravel pit. He supported the staff's recommendation.

Chair Ruiz asked for any other speakers and, seeing or hearing none, he asked for the staff recommendation.

Mr. Waller recommended approval of the plat and the two variances.

Commissioner Arnic moved to approve FP-20-02. Commissioner McBride seconded, and the motion passed by a vote of 6-1, with Chair Ruiz against.

6. FP-20-03. Consider a request by Joshua Valenta on behalf of Lockhart II Partners, LTD, for approval of a Final Plat for Heritage Place Subdivision, consisting of 8.465 acres in the Francis Berry Survey, Abstract No. 2, zoned PDD Planned Development District and located at 1501 Clear Fork Street.

Mr. Waller explained that the preliminary plat was approved by the Commission in January 2020, and now the applicant is ready to move ahead with the final plat. He mentioned that the Public Works Director, Sean Kelley, originally had some concerns about the drainage but that they have been addressed by the city engineer's review of the construction plans. He said that no variances were requested, and that a public sidewalk would be constructed along Clear Fork Street as well as along the internal street.

Johnathan McNamara, of 8 Spencer Road in Boerne, said he represents Matkin-Hoover Engineers, who are designing Heritage Place Subdivision. He expressed their excitement about working on the project, and with the City of Lockhart.

Chair Ruiz asked for any questions from the commissioners, and there were none.

Chair Ruiz asked for any other speakers and, seeing or hearing none, he asked for the staff recommendation.

Mr. Waller said that staff recommended approval.

Commissioner McBride moved to approve FP-20-03. Commissioner Oliva seconded, and the motion passed by a vote of 7-0.

7. FP-20-05. Consider a request by Dane Braun on behalf of Lockhart I Partners, LTD, for approval of a Final Plat for Summerside Subdivision, Section 3A, consisting of 21.972 acres in the Esther Berry Survey, Abstract No. 1, zoned RMD Residential Medium Density District and located at 2219 FM 1322.

Mr. Waller explained that the final plat for Section 3A was originally approved in April 2019. The approval of final plats is valid for a maximum of one year before construction of the public infrastructure starts, with an additional six months upon approval by the city planner of a written request for an extension. The year was going to expire, so the applicant requested the six-month extension, which was granted. That time period had just expired and construction had not been started, so a new application was submitted to begin the process again. He explained that there were no changes to the plat, and that all of the suggested conditions under form and content are still applicable. In addition, a Letter of Map Revision (LOMR) application must be submitted to FEMA and approved prior to recordation of the plat. It was supposed to be done when Section 2 was platted and constructed because the floodplain was altered for an off-site stormwater detention facility as well as the on-site public park. Section 3A will involve enlarging the same detention facility, so it's an appropriate time to enforce the LOMR requirement. And finally, it was noted that the Commission had approved the initial final plat for Section 3A subject to a condition that a note be put on the plat providing for a contribution of funds by the subdivider to be used by the City for amenities in the Section 3A parkland. Mr. Waller said he would make sure that note is on the plat before it is recorded.

Chair Ruiz asked the applicant to come forward.

Victor Ostiguin with Doucet & Associates, Inc., of Gonzales, said that nothing had been changed on the plat from the one that was already approved, and that he was present to answer any questions the Commission may have. He said he agreed with the staff's conditions for approval of the plat.

Chair Ruiz asked for any other speakers and, seeing or hearing none, he asked for the staff recommendation.

Mr. Waller said that staff recommended approval of the plat subject to the stated conditions.

Commissioner Oliva moved to approve FP-20-05. Commissioner Rodriguez seconded, and the motion passed by a vote of 7-0.

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

Mr. Gibson announced that the next regular meeting would be held on November 18th, which is the third Wednesday of the month and would be the only Commission meeting in November.


9. Adjourn.

Commissioner Arnic moved to adjourn, and Commissioner St. Ledger seconded. The motion passed by a unanimous vote, and the meeting adjourned at 8:10 p.m.

Approved: _____
(date)

Christine Banda, Recording Secretary

Philip Ruiz, Chair

TO: Planning and Zoning Commission
FROM: Dan Gibson, City Planner 
SUBJECT: Subdivision Regulation amendments
DATE: November 13, 2020

City of Lockhart
MEMO

Attached are two versions of draft amendments to Chapter 52 "Subdivision Regulations". The first version is annotated with added text underlined, and deleted text crossed-out. The second one is the "clean" version with the underlining and crossed-out text removed. These drafts contain primarily just the provisions being amended, with unaffected text provided for context in a few places where it was most necessary. So, even though these drafts are lengthy, they are less than half the number of pages as the entire existing ordinance. Please bring your copy of the current subdivision regulations to the meeting so that you can refer to other parts of the chapter as needed.

The amendments accomplish three main goals. One is to address changes necessitated by new State legislation adopted in the 2019 session. The second goal is to address various issues that have arisen where either the staff or the Commission have identified the need for clarification of existing provisions or the addition of entirely new provisions. The third goal is general "housekeeping" to clean up, delete, or relocate existing text to improve readability, to better express the intent of certain provisions, or to otherwise facilitate enforcement of the chapter.

The proposed changes are too numerous and complex to list or explain in detail in this memo. Staff will lead the discussion during the meeting and address each change. Please be prepared with any questions you may have after reading the draft amendments. If there is too much to discuss and digest in one meeting, the Commission may decide to table discussion of remaining sections until your next meeting (which looks like it may already have a full agenda of other items). Ultimately, when you have reviewed and discussed the entire draft, you can vote for a recommendation to the City Council. That vote can be subject to any changes you request as a result of your review.

CHAPTER 52. SUBDIVISION REGULATIONS
DRAFT AMENDMENTS (Annotated)

ARTICLE I. ~~IN~~ GENERAL PROVISIONS

Sec. 52-1. Purpose.

- (b) The procedure and standards for the development, layout, and design of subdivisions of land are intended to:
- (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.

Sec. 52-2. Definitions.

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 ~~or of~~ properties otherwise abutting on a street.

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

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.

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

Record drawing is a revised set of drawings submitted by a contractor upon completion of a 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.

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

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 who proposes to construct a new building or 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) 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.
- (2) 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 city planner along with a completed Family Transfer Exemption application form and fee.
- (3) 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 ten years unless in compliance with this chapter.
- (4) All parcels must abut a public street right-of-way improved to Caldwell County road standards along at least one property line for a distance of at least 25 feet.
- (5) All parcels must meet the dimensional and area standards of the AO Agricultural–Open space District.
- (6) 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 prepare a concept plan and arrange with the city planner for an informal conference with city officials for advice and assistance prior to preparing and submitting the 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 not less than five 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 does not apply to concept plans. A concept plan is not required for a replat, resubdivision plat, minor plat, or amending plat.

Sec. 52-32.5. Plat and plan completeness 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", section 64-166 "Planned Development District (PDD)", shall be subject to a completeness review before it is filed. A complete application shall consist of an application form with all sections completed and any required exhibits attached, payment of the application or review fee, and one full-size copy of the plat or plan containing all required information. The applicant shall be notified within ten days whether the plat or plan is complete or not complete, with reasons given in writing if it is determined to be not complete. For engineering plans, one digital and one full-size paper set shall be submitted to the city engineer, and the applicant shall be notified within 15 days whether the plans are complete or not complete, with reasons given in writing if it is determined to be not complete. Once notified

of an incomplete plat or plan, the applicant must resubmit their application correcting all deficiencies within 30 days of the date they are notified that it is not complete. Failure to resubmit a complete plat or plan within 30 days of the notice of incompleteness shall be deemed a withdrawal of the 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.

- (b) Once determined to be complete, the applicant shall file the plat or plan(s) 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", section 64-166 "Planned Development District (PDD)". The plat or plan must be approved, approved with conditions, or disapproved within 30 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 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.
- (c) If the staff 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 city staff may recommend that the plat or plan be approved with conditions or be disapproved.
- (d) 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.
- (e) 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", section 64-166 "Planned Development District (PDD)"; 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.
- (f) 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 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 days. Such certificate is effective in place of the endorsement indicating approval.

(g) 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 (e). 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 conference and staff review of the concept plan, 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 completeness 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 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 city planner determines that the plat or plan is correct, the applicant shall submit 12 ten copies prints of the revised preliminary plat to the city planner, 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 pre-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.

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 52-173 and 52-174. The plat is subject to the completeness 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 for staff technical review. Two additional copies In addition, one digital and one full-size paper set of the engineering plans shall be submitted to the city engineer. 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 city planner determines that the plant or plan is correct, the applicant shall submit 12 ten full-size copies prints of the revised plat (two prints copies of revised minor plats) and engineering plans to the city planner. 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 eligible for approval 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 approval of the plat. If the plat is not eligible for approval due to the lack of city engineer approval of engineering plans or lack of approval of a CLOMR, and the timeframes provided in section 52-32.5 will expire before the plat can be approved or reasonably approved with conditions, the plat shall be denied as provided in section 52-32.5. All plat prints shall be pre-folded to a size no larger than nine inches by 12 inches at the time of 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.~~
- (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 not requiring a variance, the city manager will sign the approval certificate. The city planner 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.

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

A 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. 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. 52-38. 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 hearing~~ 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 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 city planner no later than two business days prior to the posted beginning ~~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.

Section 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. 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 approval on the plat.

- (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.

ARTICLE III. 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.
- (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.
- (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 to make the ultimate full right-of-way width conform. Where the dedication of right-of-way is not feasible, 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.
- (g) Street jogs with centerline offsets of less than 125 feet are prohibited ~~shall be avoided.~~

- (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 feet 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.
- (p) If an existing public street ~~or unimproved rights-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 and 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 may require a traffic impact study to be prepared at the subdivider's expense to document the existing capacity of the street. 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 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 prior to acceptance of the subdivision by the city. The length of the improvement shall extend to the nearest existing street that meets city standards. 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) The dedicated street right-of-way for new or expanded collector and arterial streets, as designated in the thoroughfare plan, 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 at least 35 miles per hour and not greater than 40 miles per hour; 2) spatially buffered bike lanes in the street where the speed limit is at least 45 miles per hour and not greater than 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 if it is in a location shown on an adopted bikeway plan element of the City's comprehensive plan.

Sec. 52-76. Lots.

- (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 is at least 25 feet and the width of ~~the each~~ each lot ~~where any building is constructed~~ is at least the minimum required by the applicable zoning district.

Sec. 52-77. Sidewalks.

- (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 five 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.

- (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 52-3.

- (f) Curb ramps for the handicapped 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) Right-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. 52-80. Flood hazard.

(a) The city may attach conditions to the approval of plats for areas ~~subject to development problems~~ in flood hazard areas in accordance with chapter 22 "Floods", of the Lockhart Code of Ordinances.

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 three or more contiguous lots with rear or side yards abutting a collector or arterial perimeter street shall have a fence or wall no less than 90 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 or rot and warp 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. 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 maintained by a homeowner's association established for the subdivision.

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

ARTICLE IV. COMMUNITY FACILITIES AND OPEN SPACES

Sec. 52-111. Areas for public use.

The subdivider shall give consideration to 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., 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 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; and, 3) 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. If 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 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 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 approved 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 the street. In all cases the parking area shall contain a number of spaces appropriate for the intended use or activities on the site, as approved by the city planner or director of public works, and comply with the Texas Accessibility Standards for the number and configuration of handicapped parking spaces.
- (g) Land dedication for public use may be allowed at the city's discretion where the land area requirement is 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) 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. Public facility improvements.

- (1) Where the subdivider constructs improvements, a public 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, grading, turf, 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. 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 public 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.
- (2) 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. Dedicated land area above five acres is not subject to a corresponding improvement value.
- (3) 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. Dedicated land area above five acres is not subject to a corresponding fee in lieu of construction.

ARTICLE VI. PLATS AND ENGINEERING PLANS

Sec. 52-172. Concept plan.

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

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~~ 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:
- (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.
- (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.~~
- (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.
- (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.
- (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~~ 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.
- (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.

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

(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.

(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.

(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.*

- (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 include ~~two complete sets~~ one full-size printed set, and one set in a digital PDF format sets. In addition, two full-size printed sets shall be submitted to the city planner.
- (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 city planner for distribution to other city departments.

ARTICLE VII. 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. 52-203. ~~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 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 ~~file~~ 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.

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.

CHAPTER 52. SUBDIVISION REGULATIONS
DRAFT AMENDMENTS (Clean)

ARTICLE I. GENERAL PROVISIONS

Sec. 52-1. Purpose.

- (b) The procedure and standards for the development, layout, and design of subdivisions of land are intended to:
 - (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.

Sec. 52-2. Definitions.

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.

City planner is the staff representative authorized by the city manager to administer and enforce this chapter.

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.

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

Record drawing is a revised set of drawings submitted by a contractor upon completion of a 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.

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

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 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 who proposes to construct a new building or 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 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) 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.

- (2) 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 city planner along with a completed Family Transfer Exemption application form and fee.
- (3) 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 ten years unless in compliance with this chapter.
- (4) All parcels must abut a public street right-of-way improved to Caldwell County road standards along at least one property line for a distance of at least 25 feet.
- (5) All parcels must meet the dimensional and area standards of the AO Agricultural–Open space District.
- (6) 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 shall prepare a concept plan and arrange with the city planner for an informal conference with city officials for advice and assistance prior to preparing and submitting the 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 city planner not less than five 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 does not apply to concept plans. A concept plan is not required for a replat, resubdivision plat, minor plat, or amending plat.

Sec. 52-32.5. Plat and plan completeness 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”, section 64-166 “Planned Development District (PDD)”, shall be subject to a completeness review before it is filed. A complete application shall consist of an application form with all sections completed and any required exhibits attached, payment of the application or review fee, and one full-size copy of the plat or plan containing all required information. The applicant shall be notified within ten days whether the plat or plan is complete or not complete, with reasons given in writing if it is determined to be not complete. For engineering plans, one digital and one full-size paper set shall be submitted to the city engineer, and the applicant shall be notified within 15 days whether the plans are complete or not complete, with reasons given in writing if it is determined to be not complete. Once notified of an incomplete plat or plan, the applicant must resubmit their application correcting all deficiencies within 30 days of the date they are notified that it is not complete. Failure to resubmit a complete plat or plan within 30 days of the notice of incompleteness shall be deemed a withdrawal of the 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.

- (b) Once determined to be complete, the applicant shall file the plat or plan(s) 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", section 64-166 "Planned Development District (PDD)". The plat or plan must be approved, approved with conditions, or disapproved within 30 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 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.
- (c) If the staff 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 city staff may recommend that the plat or plan be approved with conditions or be disapproved.
- (d) 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.
- (e) 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", section 64-166 "Planned Development District (PDD)"; 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.
- (f) 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 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 days. Such certificate is effective in place of the endorsement indicating approval.
- (g) 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 (e). 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 conference and staff review of the concept plan, 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 completeness 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 city planner 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 city planner determines that the plat or plan is correct, the applicant shall submit ten copies of the revised preliminary plat to the city planner, 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 pre-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.

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 52-173 and 52-174. The plat is subject to the completeness 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 city planner for technical review. In addition, one digital and one full-size paper set of the engineering plans shall be submitted to the city engineer. 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 city planner determines that the plant or plan is correct, the applicant shall submit ten full-size copies of the revised plat (two copies of revised minor plats) to the city planner. The revised plat will be eligible for approval 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 approval of the plat. If the plat is not eligible for approval due to the lack of city engineer approval of engineering plans or lack of approval of a CLOMR, and the timeframes provided in section 52-32.5 will expire before the plat can be approved or reasonably approved with conditions, the plat shall be denied as provided in section 52-32.5. All plat prints shall be pre-folded to a size no larger than nine inches by 12 inches at the time of 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) If the plat complies with all standards and requirements of this chapter, it shall be approved.
- (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 not requiring a variance, the city

manager will sign the approval certificate. The city planner 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.

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

A 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. 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. 52-38. 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 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 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 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 city planner no later than two business days prior to the posted beginning 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.

Section 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 city planner. 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 approval on the plat.
- (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.

ARTICLE III. 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.
- (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.
- (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, 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.
- (g) Street jogs with centerline offsets of less than 125 feet are 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.
- (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 and 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. The city may require a traffic impact study to be prepared at the subdivider's expense to document the existing capacity of the street. 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 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 prior to acceptance of the subdivision by the city. The length of the improvement shall extend to the nearest existing street that meets city standards. 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) The dedicated street right-of-way for new or expanded collector and arterial streets, as designated in the thoroughfare plan, 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 at least 35 miles per hour and not greater than 40 miles per hour; 2) spatially buffered bike lanes in the street where the speed limit is at least 45 miles per hour and not greater than 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 if it is in a location shown on an adopted bikeway plan element of the City's comprehensive plan.

Sec. 52-76. Lots.

- (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.

Sec. 52-77. Sidewalks.

- (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 five 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.

(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) 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 52-3.

(f) Curb ramps for the handicapped shall be constructed to comply with the most recently adopted edition of the Texas Accessibility Standards.

(g) Right-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. 52-80. Flood hazard.

(a) The city may attach conditions to the approval of plats for areas in flood hazard areas in accordance with chapter 22 "Floods".

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 three or more contiguous lots with rear or side yards abutting a collector or arterial perimeter street shall have a fence or wall no less than 90 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 or rot and warp 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. 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 maintained by a homeowner's association established for the subdivision.

Sec. 52-83—52-110. Reserved.

ARTICLE IV. COMMUNITY FACILITIES AND OPEN SPACES

Sec. 52-111. Areas for public use.

The subdivider shall give consideration to 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., 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 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; and, 3) 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 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 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 approved 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 the street. In all cases the parking area shall contain a number of spaces appropriate for the intended use or activities on the site, as approved by the city planner or director of public works, and comply with the Texas Accessibility Standards for the number and configuration of handicapped parking spaces.
- (g) Land dedication for public use may be allowed at the city's discretion where the land area requirement is 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 as determined by the Caldwell County Tax Appraisal District. 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 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) 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. Public facility improvements.

- (1) Where the subdivider constructs improvements, a public 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, grading, turf, 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. 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 public 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.
- (2) 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. Dedicated land area above five acres is not subject to a corresponding improvement value.

- (3) 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. Dedicated land area above five acres is not subject to a corresponding fee in lieu of construction.

ARTICLE VI. PLATS AND ENGINEERING PLANS

Sec. 52-172. Concept plan.

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

- (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.

Sec. 52-172. Preliminary plat.

- (a) A preliminary plat shall be submitted on sheets no greater than 24 inches by 36 inches, including a 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:

- (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.

- (8) Total acreage of the 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.

- (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.

Sec. 52-173. Recordable plat.

- (a) A recordable plat shall be submitted on sheets no greater than 24 inches by 36 inches, including a 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.

(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.

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

(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.

(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.

(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.*

- (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 include one full-size printed set, and one set in a digital PDF format. In addition, two full-size printed sets shall be submitted to the city planner.
- (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 city planner for distribution to other city departments.

ARTICLE VII. 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. 52-203. 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 city planner 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.

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.