

CHAPTER 118 - PLATTING

ARTICLE III. - GENERAL PLATTING PROCEDURES

Sec. 118-22. - Subdivision master plan.

- a. *[Master plan submittal.]* Where the proposed subdivision constitutes a unit of a larger tract that is to be subsequently subdivided, the applicant is required to submit a subdivision master plan of the entire area. The subdivision master plan shall be submitted in sufficient copies as determined by the planning director and drawn at a scale of not less than one inch to 500 feet on a topographic map. The master plan shall include:
- (1) Names and addresses of the developers/subdividers, record owner, engineer and/or surveyor;
 - (2) Proposed name of the subdivision;
 - (3) Location in relation to the rest of the city and boundaries of proposed subdivision;
 - (4) A schematic layout of the entire tract and its relationship to adjacent property and existing adjoining development, including tentative proposed layouts of streets, blocks, drainage and utilities, if determined to be necessary by the planning director;
 - (5) The phases of development of the tract;
 - (6) Proposed major categories of land use and proposed zonings;
 - (7) Number of dwelling units per acre;
 - (8) Arterial, collector and local street layout;
 - (9) Location of sites for parks, schools and public uses as shown in the master plan where applicable;
 - (10) Significant natural features, including floodplains and wooded areas;
 - (11) Significant manmade features, such as railroads, buildings and utilities; ~~and~~
 - (12) Master drainage plan report including existing drainage site plan, existing watershed map, preliminary drainage site plan and master drainage plan summary.

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Sec. 118-25. - Preliminary street and utility drawings; schematic layout.

In addition to that provided in section 118-24, the following shall be provided on the preliminary plat or on separate paper:

- (1) A preliminary street plan with right-of-way and paving widths of all streets, alleys and the location of all sidewalks.
- (2) A preliminary plan of the water system showing the approximate location and size of existing and proposed water lines, fire hydrants, and the location and size of existing mains to which the system will be connected.
- (3) A preliminary plan for wastewater disposal systems including the location of wastewater lines pipe size, and points of discharge or any disposal sites, including lands subject to flooding.
- (4) A preliminary drainage report including preliminary drainage site plan and conformance with the master drainage plan report as required in this chapter.

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If a preliminary plat is not submitted, the information in this section and section 118-24 will be required to be submitted with a final plat.

Sec. 118-27. - Final plat.

Within the applicable period of the planning commission approval of the subdivision master plan or preliminary plat, the applicant shall cause to be prepared a final plat for all or part of that land shown on the subdivision master plan and/or preliminary plat, and incorporating any and all changes, modifications, alterations, corrections and conditions imposed by the planning commission in approving the subdivision master plan and/or preliminary plat. ~~The preliminary plat and final plat and all accompanying data and plans may be submitted together, or the applicant may submit a final plat and all accompanying data and plans required by this chapter without submitting a preliminary plat.~~

Deleted: construction plans and site improvement data if required by this chapter may be submitted with the final plat, but they are not required to be submitted with the final plat.

Sec. 118-28. - Filing and fees.

- (a) Formal application for final plat approval shall be made to the planning director by the applicant on forms prescribed by the planning director.
- (b) Copies of the final plat in sufficient quantities as determined by the planning director shall be tendered to the planning director in accordance with the commission's meeting calendar as approved by the planning commission.
- (c) The final plat shall be accompanied by an application fee, which is nonrefundable.
- (d) If the applicant proposes street names whose names have not been previously approved by the applicable street name approval authorities, the application shall include a street name approval letter from the applicable street name approval authorities.

(e) An application for a final plat shall be accompanied by a letter of approval from the city engineer and/or the public works director approving the public infrastructure improvement construction plans showing details of streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers and other engineering details of the proposed subdivision. Such plans shall be prepared by a registered professional engineer and shall conform to the standard specifications established by the city. Approval of any public infrastructure improvement plans is required prior to final plat application.

Sec. 118-30. - Certificates and statements.

- (a) A surveyor's certificate in the following form shall be placed on the subdivision plat:

KNOW ALL MEN BY THESE PRESENTS:

I, the undersigned _____, a Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat is true and correctly made under my supervision and in compliance with City and State survey regulations and laws and made on the ground and that the corner monuments were properly placed under my supervision.

(Seal) _____

Registered Professional Land Surveyor No. _____

- (b) An engineer's certificate in the following form shall be placed on the subdivision construction plans:

KNOW ALL MEN BY THESE PRESENTS:

I, the undersigned _____, a Professional Engineer Registered in the State of Texas, hereby certify that proper engineering consideration has been given to these plans and all engineering aspects are in compliance with City and State engineering regulations and laws.

(Engineer Seal) _____

Registered
P.E. Registration No. _____

Professional

Engineer

- (c) An owner's acknowledgement and certificate of dedication in the following form shall be placed on the subdivision plat:

Owner's acknowledgement:
State _____ of _____ Texas
County of _____

I (We) the undersigned owner(s) of the land shown on this plat, and designated herein as the _____ subdivision to the City of New Braunfels, County of _____, Texas, and whose name is subscribed hereto, do hereby subdivide such property and dedicate to the use of the Public all streets, alleys, parks, drains, easements, and public places thereon shown for the purposes and consideration therein expressed.

	_____ (Owner)
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State _____ of _____ Texas
County _____ of _____
This instrument was acknowledged before me on this _____ day of _____, 20_____, by _____.

	_____ Notary Public
	State of _____
	My Commission Expires: _____

This owner's acknowledgement may be omitted if there is also filed with the plat a dedication deed adopting such plat as a part thereof, executed by such owner in recordable form and incorporating therein all of the pertinent provisions of such owner's acknowledgement.

- (d) A certificate of approval and acceptance by the planning commission shall be placed on the subdivision plat, as follows:

Approved this the _____ day of _____, 20_____, by the Planning Commission of the City of New Braunfels, Texas.

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	Chairman
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Approved for Acceptance

_____/_____/_____ Date	_____ Planning Director
_____/_____/_____ Date	_____ City Engineer
_____/_____/_____ Date	_____ New Braunfels Utilities

(e) A certificate of recordation in the following form shall be placed on the subdivision plat:

For Comal County

I, _____, do hereby certify that the foregoing instrument was filed for record in the Map and Plat Records, Doc # _____ of Comal County on the _____ day of _____, 20_____, at _____ m.

Witness my hand official seal, this the _____ day of _____, 20_____.

	County Clerk, Comal County, Texas
	_____ Deputy

For State _____ and _____ County
County of _____ of _____ Texas

I, _____ County Clerk of said County, do hereby certify that the foregoing instrument of writing with its certificate of authentication was filed for record in my office, on the _____ day of _____, A.D. 20_____ at _____ m. and duly recorded the _____ day of _____ A.D. 20_____ at _____ m. in the map and plat records of _____ County, Texas in Volume _____, Page _____, in

testimony whereof, witness my hand and official seal of office this _____ day of _____, A.D. 20 _____.

County Clerk, _____ County, Texas

- (f) Any certifications, acknowledgements, approvals or statements required by and in a format approved by the county or counties within which the subdivision lies shall be attached to the subdivision plat.
- (g) A statement or statements for any subdivision in which a lot or lots are not connected to water or wastewater system owned or franchised by the city shall be attached to the subdivision plat.
- (h) A statement shall be added on the subdivision plat declaring whether sidewalks are required, upon which streets sidewalks are required, and who is responsible for installation.
- (i) A statement shall be added on the subdivision plat stating whether all or a portion of the subdivision falls within the one percent chance floodplain, and if so, the engineer's or surveyor's statement of the minimum permissible floor elevation for each lot together with a statement that all buildings must be constructed above that minimum floor elevation.
- (j) If no portion of any lot on a plat is within an indicated special flood hazard zone, then the plat shall state this:

No portion of any lot on this plat is within an indicated special flood hazard zone according to the adopted flood maps of the City of New Braunfels.

(k) A statement shall be added on the subdivision plat stating that finished floor elevation must be a minimum of ten (10) inches above final adjacent grade and the lot be graded in accordance with the approved grading plan.

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Sec. 118-32. - Processing of final plat.

- (a) The planning director shall check the final plat as to its conformity with the master plan, major street plan, land use plan, zoning districts, and the standards and specifications set forth in this chapter or referred to in this chapter.
- (b) The planning director shall submit the final plat to the city engineer, New Braunfels Utilities, and any other utility providers, and they shall check the same for conformity with the standards and specifications contained or referred to in this chapter.
- (c) The planning director shall make sure that all interested parties, including other governmental entities, regulatory agencies, and public utilities, shall review the plat and utility layout within ten days of their submission for the purpose of determining their conformity with this chapter and applicable city standards giving consideration to sound engineering practices and design criteria.
- (d) Within the applicable period of planning commission approval of the subdivision master plan or preliminary plat, the subdivider shall cause to be prepared a final plat for all or part of that land shown on the subdivision master plan and/or preliminary plat, and incorporating any and all changes, modifications, alterations, corrections, and conditions imposed by the planning commission in approving the subdivision master plan and/or preliminary plat.
- (e) Construction plans and site improvement data shall be approved by the city engineer and/or public works director prior to final plat application. ~~The applicant may submit a final plat without submitting a preliminary plat.~~
- (f) The planning director shall submit the final plat data to the planning commission with any recommendations as to modifications, additions or alterations of the plat data.

Deleted: , if required by this chapter, may be submitted with the final plat, but they are not required to be submitted with the final plat. The preliminary plat, final plat, and all accompanying data and plans may be submitted together, or

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- (g) The planning commission shall approve or disapprove such plat, or conditionally approve it with modifications in accordance with the planning commission approved meeting schedule.
- (h) If a plat is not disapproved within 30 days from the filing date, unless waived, or within the planning commission meeting schedule outlined below, it shall be deemed to have been approved by the planning commission. A certificate showing the filing date and the failure to take action thereon within the periods prescribed in this section shall, on demand by the applicant, be issued by the planning commission. Such certificate shall be sufficient in lieu of the written endorsement or other evidence of approval required in this section for recordation.
- (i) Meeting calendar. The commission shall approve a meeting calendar for every calendar year. Such calendar shall prescribe at minimum the "application deadline date" for submission of plans and plats, the "staff review meeting date", and the "commission's meeting date" on which plans and plats will be considered.
- (j) Approval or conditional approval of a final plat shall be effective for five years.
- (k) The plat shall expire and be void within five years of approval by the commission if progress toward completion is not being made. Progress towards completion of the development for which the final plat was approved includes the following:
 - (1) A good faith effort is made to file with a regulatory agency an application for a permit necessary to begin or continue towards completion of the project;
 - (2) Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;
 - (3) Subdivision development has begun.
 - (4) Security is posted with the city to ensure performance of an obligation required by the city; or
 - (5) Utility connection fees or impact fees for the project have been paid to the city or New Braunfels Utilities.
- (l) The planning director may upon application extend approval of a final plat for an additional 12 months. At the end of this 12-month extension the final plat approval shall be revoked in writing by the city to the applicant unless:
 - (1) Extended by the planning commission upon application by the applicant in accordance with the planning commission approved meeting schedule;
 - (2) Subdivision development has begun; or
 - (3) Surety has been provided for in accordance with this chapter.
- (m) Revisions to approved final plat prior to filing at the county. Occasionally minor revisions are needed before the final plat can be filed at the applicable county(s). Such minor revisions as correction of bearings or distances, correction of minor labeling errors, addition of erroneously omitted informational items and labels, etc. may occur on the record plat prior to filing it without the planning commission having to re-approve the final plat. Determination of whether or not revisions are "minor" in nature is subject to the judgment of the city's planning director and the city engineer. Revisions such as obvious corrections, reconfiguration of lot lines or easements, relocation of roads or driveways or access easements, any modification to the perimeter or boundary of the property, and relocation or addition or deletion of any public improvement (including corresponding easement), may necessitate re-submission and re-approval of the plat as a "revised final plat" unless otherwise approved by the planning director and the city engineer as applicable. If the planning director or city engineer consider revisions to be other than minor revisions the plat shall be re-submitted to the planning commission as a "revised final plat".

Sec. 118-42. - Planned developments (PD).

- (a) *Regulations for PD subdivision.* The regulations set forth in this section or as set forth elsewhere in this chapter when referred to in this section are regulations in the planned development (PD) subdivision. They may be created only within the city limits.
- (b) *Purposes of planned development.* In certain instances the purposes of this chapter may be achieved by the development of planned developments which do not conform in all respects with the land use pattern designated on the zoning map, the district regulations prescribed by the zoning ordinance, or the requirements of this chapter. A planned development (PD) may include a combination of different dwelling types and/or a variety of land uses which creatively complement each other and harmonize with existing and proposed land uses in the vicinity. In order to encourage creative development of the land, provide locations for well-planned comprehensive developments, and provide for variety in the development pattern of the city which conform with the purposes of the comprehensive plan, the planning commission is empowered to approve planned development subdivisions.
- (c) *Planned development subdivision requirements.*
 - (1) It is the intent of this section that subdivision review under the subdivision regulations be carried out simultaneously with the review of a planned development plan under the zoning ordinance.
 - (2) The detail plans required in the zoning ordinance must be submitted in a form which will satisfy the requirements of this chapter for final plats.
 - (3) The final plat must be in conformance with the approved detail plans before they may be approved by the planning commission. Approval and recording of the final plat and construction of an approved subdivision shall be in accordance with the applicable provisions of this chapter.
 - (4) The planning commission may vary the specific requirements of this chapter if, on the basis of the PD concept and detail plan and the evidence submitted, the planning commission makes the following findings:
 - a. That the proposed modifications to the requirements of this chapter for the planned development are in accord with the purposes of this chapter and meet the objectives of the comprehensive plan;
 - b. That the proposed modification provides for better project design;
 - c. That the standards of population density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between structures, usable open space and off-street parking and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload the utilities;
 - d. That the development is planned with adequate provisions for light, air, vehicular and pedestrian circulation and recreational facilities equal to or better than the requirements of this chapter;
 - e. That the combination of different dwelling types and/or the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity;
 - f. Financial reasons shall not be the sole reason for modification of standards.

(5) Master drainage plan report including existing drainage site plan, existing watershed map, preliminary drainage site plan and master drainage plan summary.

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