

PROPOSED CHANGES ARE HIGHLIGHTED IN **YELLOW**;

EXISTING TEXT IS SHOWN IN BLACK;

TEXT THAT IS PROPOSED TO BE DELETED IS SHOWN IN **RED**;

PROPOSED TEXT IS SHOWN IN **BLUE**; AND

TEXT CHANGES RECOMMENDED BY THE PLANNING AND ZONING COMMISSION AT THE **12/3/2018** MEETING ARE SHOWN IN **ORANGE**

SECTION 02. DEFINITIONS:

City: The City of Boerne, Texas.

City Manager: The City Manager and/or his/her duly authorized representative.

Clear Cutting: The indiscriminate cutting of trees and vegetation.

Commission: The Planning and Zoning Commission.

Developer: Any person or any agent thereof, proposing to develop land as defined in Section 212.043 of the Texas Local Government Code. In any event, the term "developer" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land sought to be developed. Also referred to as Applicant.

Development: Any new construction or the enlargement of any exterior dimension of any building, structure, or improvement.

ETJ: A municipality's extraterritorial jurisdiction as determined under Chapter 42.021 of the Texas Local Government Code.

Fire Protection Plan: A set of civil plans illustrating the proposed layout of an internal vehicular circulation system including the number of access points, inside turning radius specifications at intersections, roadway width throughout the development, specifications of any gated entry and egress systems, cul-de-sac dimensions, proposed fire hydrant locations, and the number of proposed dwelling units.

Heritage Tree: A Legacy tree species that has a trunk circumference (TC) larger than 75 inches.

Kelvin: A measurement used to describe the color temperature of a light source. This is the specification that gives a description of the warmth or coolness of a light source.

Legacy Tree: The following species of trees. Cottonwood, Sycamore, and all species of Cypress, Elm, Maple and Oak (with the exception of all varieties of red oaks), Pecan and Texas Ash.

Minor Development Plat Residential: A plat that establishes the boundaries of a residential parcel that was previously created by metes and bounds and not by formal replat.

Minor Development Plat Commercial: A commercial parcel that was previously created by metes and bounds and not by formal replat and does not incorporate additional improvements on the site that are greater than 10 percent of the existing site improvements.

SECTION 06. PROCEDURES FOR DEVELOPMENT PLAT

Following a pre-application conference, the developer may submit a development plat to the City Manager. In order to be prepared for submission, the developer shall deliver the following at least 30 calendar days prior to the date the plat is to be considered.

A. Submittal for a Development Plat

1. Five separate blue or black line 18" x 24" copies of the development plat for staff review meeting the requirements of sub-section B, one black and white copy 8.5" by 11" suitable for making overhead copies and a pdf.
2. Formal application and appropriate filing fee established by the City Council. No action shall be taken by the staff or Commission until the filing fee has been paid. The fee shall not be refunded should the developer fail to make formal filing of the development plat, or should the plat be disapproved.
3. Two copies of a Traffic Impact Analysis meeting the requirements of the City's TIA ordinance.
4. Letters/memos/emails from all the following agencies that either have jurisdiction over improvements required or desired in the development plat or that need to be notified that development is occurring, including:
 - a. City of Boerne Fire Code Official (if in the ETJ city limits);
 - b. Bandera Electric Co-op and/or Pedernales Electric Co-op;
 - c. Texas Department of Transportation (if any state right-of-way is involved in streets or access points);
 - d. Cow Creek Ground Water Conservation District (if in the county);
 - e. Cable and telephone wire services;
 - f. Kendall County (if any county right-of-way is involved in streets or access points);
 - g. Kendall County Development office verifying approval of the On-site sewage facilities (OSSF) design for the intended use (if in the county);
and
 - h. any other State or public agency approval with jurisdiction over improvements desired in the subdivision.

5. An illumination Plan (Appendix A).
6. An Open Space System Plan meeting the requirements of the Subdivision Ordinance, Article 3, Section 3.03, and showing the location, Open Space Types, and proposed area of all public or common open space, including a table of requirements based on the proposed development and typical service areas for each Type.
7. Identify on the plat the location and species of all Heritage trees. ~~Legacy trees that are one half the TC for that species as listed in Texas Forest Service. (<http://txforests-service.tamu.edu>) Champion list in the Texas Big Tree registry; or a Live Oak Tree that has 113 TC inches or larger.~~
8. A tree survey for all property subject to the application that documents the presence of all Legacy Standard and Heritage Trees (Appendix B).
9. Three complete bound sets of design and construction documents required by Subdivision Ordinance, Article 2, Section 2.03 each bound with a copy of the plat (deliver to Public Works).
10. A minimum of two (2) copies of the drainage study per the Subdivision Ordinance, Article 6, Section 02.
11. If in the city limits and a steep slope is present on the site, provide a Slope Map.
12. If in the city limits, a Fire Protection Plan shall be submitted with the plat. If in the ETJ, a County approved Fire Protection Plan shall be submitted with the plat.

B. Submittal for a Minor Development Plat are as follows:

1. Five separate blue or black line 18" x 24" copies of the development plat for staff review.
2. Formal application and appropriate filing fee for an administrative development plat established by the City Council.
3. Letters/memos/emails from all agencies that either have jurisdiction over improvements or that need to be notified that development is occurring.

B. C. Form and Content of Plat.

The development plat shall be prepared by a registered public surveyor and bear his/her seal. The plat shall show or be accompanied by the following information:

1. The plat shall be drawn to a scale of one inch to 100 feet or one inch to 50 feet. The development plat shall generally include the entire tract intended to be developed at one time. When more than one sheet is necessary, an index sheet showing the entire subdivision at a scale of one inch to 400 feet shall be attached to the plat.
2. Each existing or proposed building, structure, or improvement or proposed modification of the external configuration of the building, structure, or improvement involving a change of the building, structure, or improvement;
3. The name of the development, which shall be approved by the City Manager or his designee.
4. The names and addresses of owners of record.
5. A location map showing the relation of the development to well known streets in all directions.
6. North point, with north to the top of the sheet if possible, and the bearing of record.
7. Name and location of adjacent subdivisions, watercourses on or adjacent to the proposed development, and the property lines and names of the property owners in all adjoining unsubdivided tracts.
8. The total acreage in the proposed development.
9. The location, right-of-way width, name and description of all existing or recorded streets, alleys, or other transportation features or similar reservations which are adjacent to the development, as determined from existing records.
10. Two-foot contour interval surveys tied to City Control Monuments or USGS Bench Marks. Where conditions exist that make the use of two-foot contours impractical, alternate intervals may be used upon approval of the City Manager or his designee.
11. The location of the City limit lines and the outer border of the City's ETJ if either traverse the development or are contiguous to the development boundary.
12. ~~If the property is a commercial development, the location of all setback lines shall be demonstrated, shown by dashed lines.~~

13. The centerline of watercourses, creeks and existing drainage structures within and adjacent to the development. Pertinent drainage data and the limits of areas subject to flooding shall be shown, delineating the 25-year and the 100-year flood limits if applicable.
14. A note as to whether any part of the development is located within a drainage basin which is upstream from a City water supply lake, and if so, a map at a convenient scale showing the location of the entire development in relation to the drainage basin.
15. If the development is located within a drainage basin which is upstream from a City water supply lake, calculations showing the maximum allowable area covered by impervious surfaces in the area of the subdivision.
16. The locations, dimensions and purposes of all recorded and proposed easements to include necessary sanitary control easement (100') required by Kendall County.
17. The total acreage of open space required by the City's Subdivision Ordinance.
18. If applicable, areas identified as steep slope with a slope of 15% or greater
19. Applicable Notes required under Exhibit A of the Subdivision Ordinance.

Formal Filing with the Planning and Zoning Commission.

A minimum of 14 days prior to the Planning and Zoning Commission meeting, and upon receipt of the review comments by staff, or upon failure of the City to provide written comments, the developer may make formal filing to the Planning and Zoning Commission, or after completion and acceptance of the submittal including any revisions or corrections suggested by staff. The formal filing shall contain the following:

- A. Twenty (20) folded copies of the final plat plus one 8½ x 11 black and white copy suitable for making overheads;
- B. At least three (3) original signed and sealed Mylars of the final plat for recording, plus an original, notarized affidavit showing the taxes have been paid, including copies of the paid tax statement from the Kendall County Appraisal District;
- C. If the plat is approved unconditionally, a check for recording fees as determined by Kendall County is required. If the plat is approved conditionally, the recording fee is paid prior to recordation; and

- D. Two copies of the digital file of the final plat in a format specified by the City Manager, and one copy of the final plat in .pdf format.

Plat Approval Options.

The developer or engineer of record may seek unconditional or conditional approval of the development plat by the Planning and Zoning Commission. If conditional approval is sought, the development plat will not be recorded until the condition of approval is satisfied. A Minor Development Plat shall only be approved unconditionally.

SECTION 07. PROCEDURES FOR ADMINISTRATIVE PLAT

Eligibility.

A plat that meets the following criteria may be determined to be an administrative plat and is eligible for an abbreviated administrative review as an alternative to the procedures in Section 06:

A. Development Plat that meets any of the following requirements:

1. Any infrastructure improvements required by these regulations are routine in design and in conformance with all other plans and specifications of the City;
2. The proposed lot and lot configurations will comply with this ordinance and the zoning ordinance, or if not subject to zoning is in conformance with the Master Plan;
3. The development does not necessitate widening of streets or the extension of any municipal utilities, other than the installation of service lines to the individual lots, because either existing mains of adequate capacity are accessible or the subdivision is suitable for on-site water supply and wastewater disposal; or

4. Minor Development Plat as defined by this ordinance.

Procedures.

The submittal of an application for an administrative plat shall be made to the Director of Planning, after a pre-application conference.

- A. Upon a determination of eligibility for an administrative plat, the developer shall submit a plat with all information required of development plats in Section 06.

~~B. Within 21 calendar days after the date of application, an administrative plat shall be returned to the developer with written comments. If changes are requested by staff, the application shall~~

B. A Minor Development Plat is exempt from the full submittal requirements of Section 06. The Director shall submit the proposed plat to other City departments or agencies for review and comment.

C. Within 21 calendar days after the date of application, an administrative plat shall be returned to the developer with written comments. If changes are requested by staff, the application shall not be considered officially filed with the City until such changes are made and the application re-submitted to the City.

~~C.~~ D. Upon completion of plat review by City staff and corrections by the developer, the applicant shall submit the items listed below within 14 calendar days after receiving staff comments:

1. Three original, signed Mylars of the plat;
2. Original tax certificates and affidavit stating that no taxes are delinquent against the property; and
3. The appropriate filing fees for final plats as specified by the City Council.

If the items listed above are not submitted within 14 calendar working days after receipt of staff comments, the administrative plat application will be considered null and void.

~~D.~~ E. The City Manager or designee may approve an administrative plat provided it meets the eligibility criteria in Section 07 and all requirements of this ordinance. The City Manager or designee may elect to forward the application to the Planning and Zoning Commission at any time in the review process. The City Manager or designee's decision on the administrative plat, or inaction by the City Manager or designee may be appealed to the Planning and Zoning Commission for action within thirty (30) days after the date of application and shall be considered in the same manner and procedures as preliminary plat.