



CITY OF  
**BORGER**  
— TEX★S —

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Development  
Guidebook  
**2022** edition

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# INTRODUCTION TO THE DEVELOPMENT REVIEW PROCESS

## Part 1

### Purpose of the Guidebook

This Guidebook is designed to be used by residents, developers, contractors, public leaders, and City staff. The Guidebook summarizes land development processes and procedures of Borger’s Unified Land Development Ordinance (ULDO) in a comprehensive manner but is not a substitute for and does not supersede the ULDO itself.

The Guidebook includes tables and figures that logically groups land development review procedures. In this way, the reader has a better understanding of the various processes administered by the City and clarity about which processes may be approved by staff or another approval body.

### Development Review Process

Borger’s land development review process is designed to provide applicants with a clear path forward to complete high-quality projects.

### Types of Development Review Applications

There are four categories of development review applications:

- **Administrative** (Part 3, Pg. 3.1): Decisions made in the implementation, administration, or enforcement of the ULDO that involve the determination of facts and the application of objective standards by administrative officials (City staff).
- **Legislative** (Part 4, Pg. 4.1): Decisions involving the adoption, amendment, or repeal of a regulation in the ULDO and decisions to establish or change the way the use, design, or development of land will occur on a site-specific, City-wide, or intermediate scale. Final decisions are characterized by the exercise of broad discretion and made

## Introduction

This Development Guidebook is a reference guide that summarizes all land development applications, permits, and processes of the City of Borger to help facilitate the development, redevelopment, and improvements of property.

The Guidebook lists the various application types, processes and procedures, and the information to submit with applications. The staff or review body responsible for the approval of each is provided.

City staff is available to meet with applicants to discuss their projects and the requirements and processes of the City. We believe that this Guidebook will be helpful to aid applicants in the successful completion of the development processes of the City.

by elected and appointed review bodies.

- **Quasi-Judicial** (Part 5, Pg. 5.1): Decisions involving the finding of facts regarding a specific application of a development regulation in the ULDO and that requires the exercise of discretion by administrative officials and development review bodies.
- **Subdivision** (Part 6, Pg. 6.1): Decisions related to dividing larger tracts of land into smaller lots. Administrative officials and development review bodies make final decision based on regulations in the ULDO and on technical requirements of various local and state agencies. Such final decisions are characterized by limited discretion.

Review, recommendation, and final decisions on applications covered in this Guidebook are made by official and administrative bodies outlined in Part 2.

### Sequence of Multiple Development Approvals

To initiate, continue, or complete development projects, multiple development review applications may be required by Borger's ULDO. When this situation occurs, the official and administrative bodies shall make final decisions generally in the following sequence:

1. Legislative applications prior to final decisions on all other applications;
2. Quasi-judicial applications prior to final decisions on subdivision or administrative applications; and
3. Subdivision applications prior to final decisions on administrative applications.

Figure 1.1, *Development Project Flow Diagram* diagrams questions to help instruct potential applicants on which approvals may be needed to complete their development project.

### Steps in the Development Review Process

Not every development project will require all of the steps detailed in this section. Table 1.1, *Review Steps Required by Application Type* denotes which steps are required for which applications.

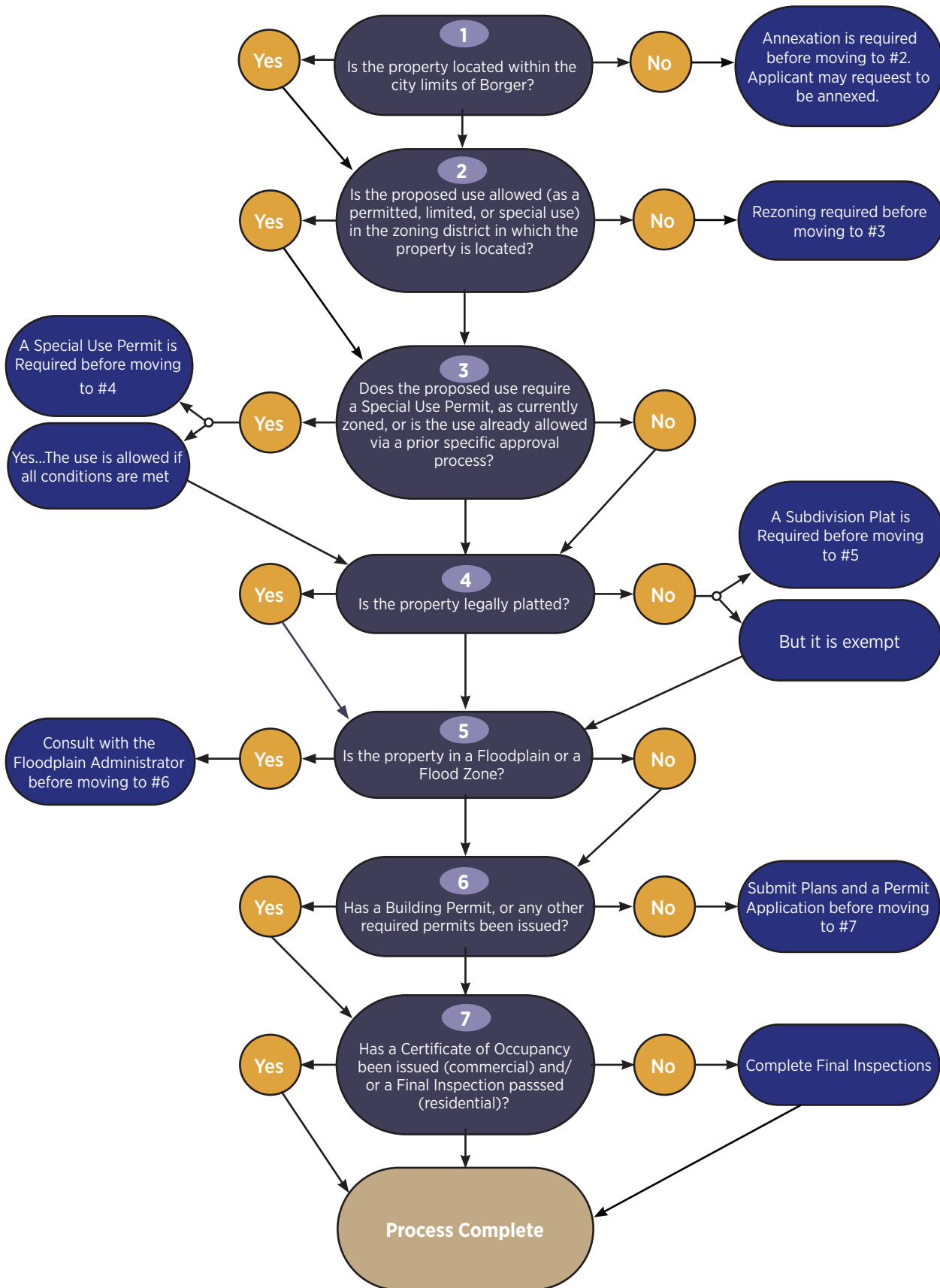
#### Pre-Application Conferences

Some development applications require applicants to have at least one pre-application conference prior to submittal. Even when not mandatory, they are highly encouraged by the City. The conferences allow applicants to receive initial feedback from the City about the proposed project and confirm which applications, steps, and sequencing are required to complete the development process.

The conference will benefit the applicant by avoiding unnecessary processing delays, determining the proper application sequencing, and clarifying the information that must be submitted with applications.

Multiple meetings can be scheduled, as necessary, to answer questions or address issues prior to the submittal of a development application. The applicant may submit a Concept Plan prior to the meeting as a basis for discussion.

Figure 1.1  
DEVELOPMENT PROJECT  
FLOW DIAGRAM



## Application Submittal and Completeness

Table 1.2, *Summary of Procedures* (page 1.5) lists development applications, when they are required, the timing for each submittal, and who has final approval authority. The table also shows any applicable public notice requirement. Application forms for the processes and procedures described in this Guidebook and a list of the applicable fees are provided in the Appendices.

To ensure timely plan review by all referral agencies, applicants must submit complete and sound applications. Doing so will allow adequate time for staff and referral agency review of the application for compliance with all utility and engineering specifications and code requirements, and to allow time for applicants to correct any application deficiencies. Incomplete submittals cannot be reviewed or approved.

If an application is deemed incomplete, the Director of Planning (the Director) will notify the applicant in writing of all missing or incomplete items and provide the applicant a 10-day period to resubmit the missing or incomplete items. If the missing or incomplete items are not submitted within this period, the application will be rejected. If rejected, a new application and fee shall be required if the applicant wishes to apply again.

## Staff Review and Distribution

Complete applications will be referred to appropriate staff for review and comments. The Director may provide comments to the applicant to revise and resubmit the application with the requested change(s). The Director will then either make a final decision on the application, provide the application to the City staff member who makes the final decision according to the ULDO, or provide a staff report to the appropriate City staff or decision making body as denoted in Table 1.2, *Summary of Procedures* for recommendation and a final decision on the application.

## Public Notice

Table 1.2, *Permits and Procedures* (page 1.5) denotes which applications require public notice and the type of public notice required. Complete details regarding public notice requirements can be found in Subsection 14.06.205, *Public Notice* of the ULDO.

## Public Meetings and Public Hearings

Generally, there are two types of gatherings related to the applications within the ULDO—Public Meetings and Public Hearings. Public Hearings to receive and review public input are required by the ULDO and Texas Local Government Code (TLGC) for decisions on Legislative, Quasi-Judicial, and some Subdivision applications. Public Meetings typically also include the opportunity for public comment on applications, but it is not legally mandated. Both Public Meetings and Public Hearings are open to the public so anyone is able to attend, unless otherwise provided for in TLGC Chapter 552.



Table 1.1 Review Steps

Review Steps	Administrative Applications		Legislative Applications	Quasi-Judicial Applications	Subdivision Applications	
	Minor or Amending Plat	All Other			Replat	All Other
● = Review Step Required						
-- = Review Step Not Required						
Pre-Application Conference	●	--	--	--	●	●
Application Submittal and Completeness	●	●	●	●	●	●
Staff Review and Distribution	●	●	●	●	●	●
Public Notice	--	--	●	●	●	
Public Meetings and Hearings	--	--	●	●	●	

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**Table 1.2 Summary of Procedures**

Application	Submittal Timing	Expiration	Approval Authority		Public Notice
			Recommendation	Final Decision	
<b>Administrative Applications</b>					
Administrative Adjustment	In order to make a limited modification to any numerical standard on an application that has already been approved but that has not received a Certificate of Occupancy	Same as application being adjusted	Director		--
Site Development Plan	Prior to development, redevelopment, substantial improvement or expansion of development	2 years	Director		--
Minor or Amending Plat	Prior to developing a minor subdivision or make a minor modification to a record plat	2 years; None after recordation	Director		--
Construction Plans	Concurrent with a Preliminary Plat	2 years	Director		--
Building Permit	Prior to construction, alteration, or operation of a structure	2 years	Building Official		--
Pu = Published in newspaper in accordance with Subsection 14.06.205, <i>Public Notice</i> in the ULDO M = Mailed notification to owners of abutting and adjacent properties in accordance with Subsection 14.06.205, <i>Public Notice</i> in the ULDO.					

**Table 1.2 Summary of Procedures**

Application	Submittal Timing	Expiration	Approval Authority		Public Notice
			Recommendation	Final Decision	
Floodplain Development Permit	Prior to initiating or continuing any development or substantial improvement within a regulatory floodplain as shown on a Flood Insurance Rate Map (FIRM)	2 years	Floodplain Administrator		--
Driveway Permit	Prior to beginning construction	2 years	Director		--
On-Site Water or Wastewater Facility Permit	Prior to beginning construction	2 years	Director		--
Sign Permit	Prior to installing or substantially modifying a sign	2 years	Director		--
Temporary Use Permit	Prior to establishing a temporary use related to a public or commercial event with expected attendance of 50-500	2 years	Director		--
Certificate of Occupancy	Upon completion of construction or before a change in occupancy	None	Building Official		--

Pu = Published in newspaper in accordance with Subsection 14.06.205, *Public Notice* in the ULDO  
M = Mailed notification to owners of abutting and adjacent properties in accordance with Subsection 14.06.205, *Public Notice* in the ULDO.



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Table 1.2 Summary of Procedures					
Application	Submittal Timing	Expiration	Approval Authority		Public Notice
			Recommendation	Final Decision	
Written Interpretation	None	None	Director		--
Minor Modification of an Approved Application	In order to make a limited modification to a legislative or quasi-judicial application that has already been approved but that has not received a Certificate of Occupancy	Same as the application being modified	Administrative body that made initial approval		--
<b>Legislative Applications</b>					
ULDO Text Amendment	Prior to amending the ULDO	None	Planning and Zoning Commission	City Council	Pu
Zoning Map Amendment (Rezoning)	Prior to a change in land use	None	Planning and Zoning Commission	City Council	Pu M
Special Use Permit	Prior to establishing a special use	None	Planning and Zoning Commission	City Council	Pu M
<b>Quasi-Judicial Applications</b>					
Variance	Prior to or concurrent with submittal of a Site Development Plan, Building Permit, or Sign Permit	None	Director	Board of Adjustment	Pu M
Floodplain Variance	Prior to or concurrent with submittal of a Floodplain Development Permit	None	Floodplain Administrator	Board of Adjustment	Pu M
Pu = Published in newspaper in accordance with Subsection 14.06.205, <i>Public Notice</i> in the ULDO M = Mailed notification to owners of abutting and adjacent properties in accordance with Subsection 14.06.205, <i>Public Notice</i> in the ULDO.					

**Table 1.2 Summary of Procedures**

Application	Submittal Timing	Expiration	Approval Authority		Public Notice
			Recommendation	Final Decision	
Appeal of Administrative Decision	Within 20 days after a decision	None	Board of Adjustment		M
<b>Subdivision Applications</b>					
Development Plat	Prior to developing a minor subdivision or making a minor modification to a recorded plat	2 years; None after recordation	Director	Planning and Zoning Commission	--
Preliminary Plat	Prior to Final Plat submittal	2 years	Director	Planning and Zoning Commission	--
Final Plat	Prior to recordation and starting development	2 years; None after recordation	Director		--
Replat	Prior to changing the number of lots on a recorded plat	2 years; None after recordation	Planning and Zoning Commission	City Council	Pu M
Vacating Plat	Prior to removing the force of a recorded plat covering a property or properties	2 years; None after recordation	Director	City Council	--
Waiver	Concurrent with submittal of a Preliminary Plat or Replat	When associated plat expires	Director	Planning and Zoning Commission	--
Pu = Published in newspaper in accordance with Subsection 14.06.205, <i>Public Notice</i> in the ULDO M = Mailed notification to owners of abutting and adjacent properties in accordance with Subsection 14.06.205, <i>Public Notice</i> in the ULDO.					



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## DEVELOPMENT REVIEW BODIES

### Part 2

2

Part 2 of the Guide describes each of the development review bodies and the City staff that are responsible for the administration, review, and final decision of applications set out in this Guide. The respective roles and responsibilities of each of the Development Review Bodies (both elected and appointed bodies) and City staff positions are also identified.

### Development Review Bodies

#### City Council

The City Council has all powers conferred upon it by Texas state law, Borger's Code of Ordinances, and the ULDO. These powers and duties include, but are not limited to the following:

- To initiate, adopt, and amend the texts and maps of the Comprehensive Plan;
- To initiate amendments to the text of the ULDO and the Official Zoning Map (rezonings);
- To review recommendations of the Planning and Zoning Commission and make final decisions on applications for amendments to the text of the ULDO;
- To hear, review, and approve, conditionally approve, or deny amendments to the Official Zoning Map after a recommendation of the Planning and Zoning Commission has been submitted; and
- To hear, review, and approve or disapprove certain subdivision applications.

The City Council may also take any other actions that are not delegated to an appointed Board, Commission, or City staff as necessary to implement the provisions in the ULDO.

The City Council consists of five members and meet regularly on the first Tuesday of each month at 6:30 pm and the third Tuesday of each month at 1:30 pm. Meetings are held in the City Council Chambers at City Hall.

#### Planning and Zoning Commission

The Planning and Zoning Commission (the Commission) provides an advisory function to assist in making decisions pertaining to amendments to the Comprehensive Plan or the ULDO. The Commission is responsible for reviewing, deliberating, making recommendations to the City Council, and making final decisions on development review applications, as denoted in Table 1.2, *Summary of Procedures* of this guidebook, and the following:

- To initiate preparation of and/or amendments to the Comprehensive Plan;
- To initiate, hear, review, and make recommendations to the City Council on applications for text amendments of this ULDO or to the Official Zoning Map (rezonings);
- To hear, review, and make recommendations to the City Council on all applications for Replats;
- To review recommendations of the Director or other City staff to make final decisions on applications for Development Plats, Preliminary Plats, and Waivers.
- To adopt bylaws, policies, procedures, and regulations for the conduct of its meetings, the consideration of applications for development approval, and for any other purposes deemed necessary for the functioning of the Commission.

The Planning and Zoning Commission consists of seven members appointed by the City Council and meet regularly on the fourth Monday of the month at 7:00 pm. Meetings are held in the City Council Chambers at City Hall.

### **Board of Adjustment**

The Board of Adjustment (the BOA) is created and authorized by TLGC §211.008, and further outlined in ULDO Subsection 14.05.103, *Board of Adjustment*. The BOA has the power to hear and make final decisions on Quasi-Judicial applications, which include Variances, Floodplain Variances, and Appeals of Administrative Decisions.

The BOA is composed of five members and two alternative members and meet regularly on the second Thursday of each month at 3:00 pm. The meetings are held in the City Council Chambers at City Hall.

## **City Staff**

### **Director of Planning**

The Planning Director (Director) is a senior member of the City staff or their designee who is ultimately responsible for processing an application to a final decision (in case of most administrative review applications) or making a recommendation to another review body (in case of all other applications), as denoted in Table 1.2, *Summary of Procedures* of this guidebook.

Other powers and duties of the Director of Planning include:

- Establishing deadlines for how far in advance an initial application must be submitted to be reviewed by either the City Council and/or the Planning and Zoning Commission;
- Providing application materials for applicants;
- Submitting in writing the outcome of an application to an applicant and specific conditions required as a part of conditional approval for any and all applications.

### **Floodplain Administrator**

The Director of Planning also serves as the Floodplain Administrator to administer and enforce the relevant provisions of the ULDO. The Floodplain Director is responsible for reviewing, making recommendations, and making final decisions for applications as denoted in as denoted in Table 1.2, *Summary of Procedures* of this guidebook. Other powers and duties are outlined in the ULDO in Section 14.05.107, *Floodplain Director*.



**Building Official**

The Building Official is responsible for the review of building construction plans and verifying code compliance for all building construction in the City, to the extent permitted by state law. The Building Official reviews building plans and other administrative permits and applications to verify that the building or structure design meets the minimum Building, Mechanical, Plumbing, Electrical, Irrigation, and Fire Code requirements of the City, conducts inspections to ensure code compliance, and issues Certificates of Occupancy to certify that an applicant has complied with all applicable City codes and requirements and may commence operating a use and occupy a building for the purposes that were intended.

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## ADMINISTRATIVE APPLICATIONS AND REVIEW PROCEDURES

### Part 3

3

This section describes each of the Administrative Applications, which are permits, plans, and certificates that are reviewed by City staff for their conformance with the standards and regulations of the ULDO and other applicable City codes. Any property owner (or their agent) can submit an Administrative Application. The final decision on these types of applications are made by appropriate City staff and do not require public notice or a public meeting/hearing.

Types of Administrative Applications are listed below, but may not include all of the various building construction permits, licenses, certifications, and other miscellaneous procedures that may be issued by the City:

- Administrative Adjustment
- Site Development Plan
- Minor and Amending Plats
- Construction Plans
- Building Permit
- Floodplain Development Permit
- Driveway Permit
- On-Site Water or Wastewater Facility Permit
- Sign Permit
- Temporary Use Permit
- Certificate of Occupancy
- Written Interpretation
- Minor Modification of an Approved Application

## Summary of Administrative Review Processes and Application Types

**Figure 3.1**  
**Typical Administrative Review Process**



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### Administrative Adjustment

- An Administrative Adjustment may allow small changes (up to 10%) or modifications to certain standards of a proposed development that may be approved by the Director when there are practical difficulties in applying the development standards for a project that otherwise complies with the standards of this ULDO.
- The Director reviews and makes final decision on application.

### Site Development Plan

- A Site Development Plan ensures that applicable developments comply with all development and design standards of this ULDO and, if applicable, with the approved Special Use Permit for the subject property.
- The Director reviews and makes final decision on application.

### Minor and Amending Plats

- A Minor Plat allows for the administrative approval of the subdivision of property into four or fewer lots if the subject property fronts on an existing public street with no need to dedicate new public right-of-way or extend public utilities.
- An Amending Plat allows for the correction of minor errors on an approved and recorded Final or Minor Plat or Replat.

### Construction Plans

- Construction Plans ensure compliance with specifications for all existing or proposed streets, sidewalks, drainage and utility improvements, and any other public improvements that are required or proposed to be constructed, reconstructed, improved, or modified to serve a development proposed.
- The Director reviews and makes final decision on application.

### Building Permit

- A Building Permit ensures that applicable structures are built in conformance with the ULDO, the approved Site Development Plan, and the City's Building Code
- The Building Official reviews and makes final decision on application and is subject to inspections as it is being completed.

## Floodplain Development Permit

- A Floodplain Development Permit ensures that all development proposed within a special flood hazard area and all development constructed, installed, commenced, improved, or maintained within a special flood hazard area, complies with the applicable provisions of the ULDO.
- The Floodplain Administrator reviews and makes final decision on application.

## Driveway Permit

- A Driveway Permit ensures that driveways are designed and installed in conformance with the ULDO, the approved Site Development Plan, if applicable, and the specifications as adopted by the City.
- Required to remove, alter, or construct any curb, driveway approach, gutter, pavement, or perform any other improvement in any public street or other property owned by or dedicated to the City.
- The Director reviews and makes final decision on application.

## On-Site Water or Wastewater Facility Permit

- An On-Site Water or Wastewater Permit ensures on-site and wastewater facilities (wells and septic systems) are located and installed in a manner that preserves public health and safety.
- The Director reviews and makes the final decision on application.

## Sign Permit

- A Sign Permit ensures that a sign is built in conformance with the ULDO, including Section 14.02.500, *Signs*.
- Required to erect, substantially modify, place, or install a sign or to otherwise make a sign visible, except for signs that are expressly prohibited or that are exempt from permitting, as set out in the ULDO in Section 14.02.500, *Signs*.
- Some sign types may also require other permits such as an electrical permit, which are outside the purview of the ULDO.
- The Director reviews and makes final decision on application.

## Temporary Use Permit

- A Temporary Use Permit ensures that temporary uses comply with the requirements of the ULDO, including Subsection 14.01.308, *Temporary Uses and Structure Standards*, and that they do not become permanent uses or structures.
- The Director reviews and makes final decision on application.

## Certificate of Occupancy

- A Certificate of Occupancy certifies that a completed project adheres to the ULDO, the City's Building Code, approval conditions, the Site Development Plan and Building Permit, and all other pertinent City of Borger Code of Ordinances.
- It is unlawful to occupy any building or structure unless a Certificate of Occupancy has been issued.
- The Building Official reviews and makes final decision on application.

## Written Interpretation

- A Written Interpretation provides any applicant with an administrative interpretation

of the terms, provisions, or requirements of the ULDO if the application of the terms, provisions, or requirements are not obvious.

- No written interpretation shall be construed as legal advice.
- Director reviews and makes final decision on application.

### **Minor Modification of an Approved Application**

- Minor Modifications of an Approved Application allows an applicant to make insignificant changes to an approved application that has not yet received a Certificate of Occupancy, without requiring the application to go through the entire review process again.
- Modifications cannot exceed 10% of the previously approved height, gross floor area, or position of a structure, change the density of the project, or violate a condition of approval.
- Director reviews and makes final decision on application.

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## LEGISLATIVE APPLICATIONS AND REVIEW PROCEDURES

### Part 4

The procedures outlined in Part 4 involve the adoption, amendment, or repeal of a regulation in the UDLO and the decision to establish or change the way the use, design, or development of land will occur on a site-specific, City-wide, or intermediate scale.

These types of applications are reviewed by appropriate City staff and a recommendation given to elected and appointed bodies, such as the Planning and Zoning Commission to make final decisions. Such final decisions are characterized by the exercise of broad discretion based on general considerations of fostering and preserving the public health, safety, and general welfare, including the City's fiscal well-being.

For certain applications, including those specified by state statutes, a public hearing must be held to allow the public an opportunity to be heard regarding the application. All legislative applications are listed below:

- Unified Land Development Ordinance (ULDO) Text Amendment
- Zoning Map Amendment (Rezoning)
- Special Use Permit

# Summary of Legislative Review Processes and Application Types

## Zoning Map Amendment (Rezoning)

- A Zoning Map Amendment, also known as a Rezoning, changes the zoning district of a property on the official zoning map from one zoning district to another.
- May be initiated by the owner of a property, including their authorized agent or representative, by the City Council, or by the Planning and Zoning Commission.
- A request for a Zoning Map Amendment (rezoning) should ideally conform to the recommendations of the Comprehensive Plan.
- A rezoning request is decided by the City Council after a public hearing and recommendation of the Planning and Zoning Commission and a public hearing by the City Council.

## Special Use Permit

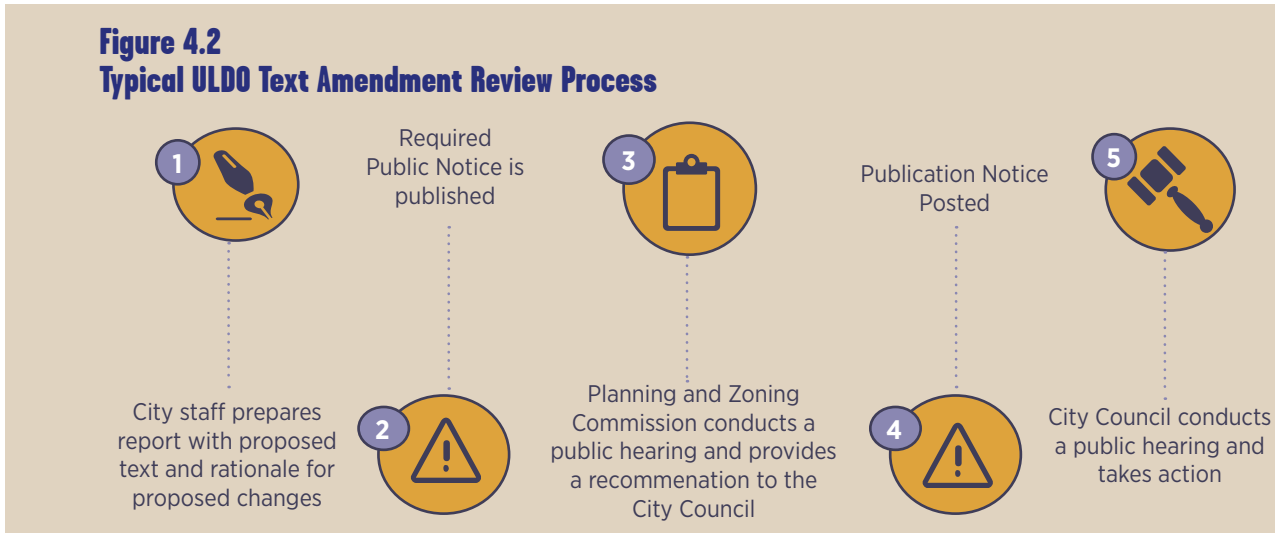
- A Special Use Permit allows a special use (as designated in Subsection 14.01.301, *Use Table*) should on a property subject to standards in Subsection 14.01.304, *Special Use Standards*.
- The approval criteria is set out in ULDO Subsection 14.06.403, *Special Use Permits*. Specific requirements and guidelines for consideration of an SUP application are available upon request from the City and can be discussed during an optional pre-application conference.
- A Special Use Permit is decided by the City Council after a public hearing and recommendation of the Planning and Zoning Commission and a public hearing by the City Council. The Commission and Council may add additional conditions as described in Subsection 14.06.403, *Special Use Permits*.

**Figure 4.1**  
**Typical Review Process for Zoning Map Amendments and Special Use Permits**





**Figure 4.2**  
**Typical ULDO Text Amendment Review Process**



**Unified Land Development Ordinance (ULDO) Text Amendment**

- Amendments to the ULDO are necessary from time to time to implement the Comprehensive Plan, conform to state or federal legal requirements, address changing or changed conditions, or to advance the public health, safety, and general welfare of the City.
- Text amendments are decided by the City Council after a public hearing and recommendation of the Planning and Zoning Commission and a public hearing by the City Council.

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## QUASI-JUDICIAL APPLICATIONS AND REVIEW PROCEDURES

### Part 5

The approvals outlined in Part 5 of the Guide are those that require approval by the Zoning Board of Adjustment. For certain applications, including those specified by state statutes, a public hearing must be held to allow the public an opportunity to be heard regarding the application. These types of applications are reviewed and recommended by staff, but final decisions are made by the Board of Adjustment. Below is a list of all Quasi-Judicial Applications:

- Variance
- Floodplain Variance
- Appeal of Administrative Decision

## Summary of Quasi-Judicial Review Processes and Application Types

**Figure 5.1**  
**Typical Review Process for Variance and Variance, Floodplain**



### Variance

- A Variance may allow limited relief from the requirements of the ULDO in cases where strict application of a particular requirement will create an unnecessary hardship by preventing the use and development of land in a reasonable manner that is otherwise allowed.
- The unnecessary hardship must be related to the land itself and may not be a financial hardship to the applicant.
- A Variance should not be contrary to the public interest, the spirit of the ULDO, public health, or safety.
- Variances are authorized on a case-by-case basis. Just as no two lots will have the same development constraints, no two Variances are exactly the same.
- The Board of Adjustment (BOA) decides on Variance requests after a public hearing and recommendation from the Director. The BOA may impose

conditions and restrictions to uphold the spirit of the ULDO or to reduce or minimize the effect of the variance on adjacent properties.

### Variance, Floodplain

- A Floodplain Variance may allow limited relief from the requirements of Article 14.04, *Environmental Management* in cases where strict application of a particular requirement will create an unnecessary hardship by preventing the use and development of land in a reasonable manner that is otherwise allowed.
- The Floodplain Variance, if granted, cannot result in a rise in the regulatory floodplain or in any material up-stream or down-stream impacts on public health and safety.
- Floodplain Variances are decided by the BOA after a public hearing and recommendation from the Floodplain Administrator.

**Figure 5.2  
Typical Appeals Process**



**Appeal of Administrative Decision**

- An Appeal of Administrative Decision is a vehicle for appeal of any final decision of the Director, Building Official, or Floodplain Administrator on an administrative application.
- Any person aggrieved by a decision or interpretation of the Director or other City staff that enforces the ULDO may appeal that decision to the BOA.
- As long as final action on the Appeal conforms to the ULDO, the BOA can reverse or affirm, wholly or partly, or may modify the decision, or determination of the City. In deciding appeal from the ULDO, the BOA may prescribe supplementary conditions, limitations, and safeguards deemed to be necessary to protect the public health, safety, and the neighboring properties.

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## SUBDIVISION APPLICATIONS AND REVIEW PROCEDURES

### Part 6

The approvals outlined in Part 6 of this Guide are those that require approval to subdivide land (other than Minor and Amending Plats). The City of Borger regulates the subdivision of land to ensure compliance with the ULDO with respect to lot size requirements, percentage of open space, street alignments, rights-of-way standards, and the provision and improvement of public infrastructure. For certain applications, including those specified by state statutes, a public hearing must be held to allow the public an opportunity to be heard regarding the application. Below is a list of all Subdivision Applications:

- Development Plat
- Preliminary Plan
- Final Plat
- Replat
- Vacating a Plat
- Waiver

A subdivision plat is a legally recorded document that provides important property information about the legal division of land. Among others, it includes information as to lot line locations, dimensions, and bearings; the locations and widths of easements; street rights-of-way requirements and alignments; and limits of floodplains.

## Summary of Subdivision Review Processes and Application Types

### Minor Plat and Amending Plat

Minor Plat and Amending Plat overview and procedures are located in Part 3, Administrative Application and Procedures of this guidebook.

**Figure 6.1**  
**Typical Review Process for Development Plat, Preliminary Plat, and Waiver**



### Development Plat

- A Development Plats allows the development of a property for non-agricultural purposes in accordance with TLGC 212.041 through 212.050.
- Development Plats are decided by the Planning and Zoning Commission after recommendation from the Director.

### Preliminary Plan

- A Preliminary Plan allows the subdivision of land into more than four lots or any number of lots if dedication of new right-of-way or extension public utilities is required.
- A Preliminary Plan is decided by the Planning and Zoning Commission after recommendation from the Director.

### Waivers

- A Waiver may allow relief from the subdivision design standards to address unforeseen circumstances or other difficulties in developing a property under the specific provisions of the ULDO.
- Waiver requests may be considered concurrently with a Preliminary or Final Plat, Minor Plat, or Replat.
- Waivers are decided by the Planning and Zoning Commission after recommendation from the Director.



**Figure 6.2**  
**Typical Final Plat Review Process**



**Final Plat**

- A Final Plat serve as the official recorded map of the property to be developed, showing the boundaries, lots, public streets, easements, and other significant facilities and features that are necessary to serve the development.
- Final Plats have to be submitted after approval of a Preliminary Plat and cannot contain significant changes to the approved Preliminary Plat.
- If development will be constructed in phases, a Final Plat may include only a portion of land included in the approved Preliminary Plat.
- A Final Plat is decided the Director.

**Replats**

- A Replat allows a property owner to add additional lots or public rights-of-way to a recorded plat without prior vacation in accordance with TLGC 212.014, 212.015, and 212.0145.
- Replats sometimes require public hearings as detailed in TLGG 212.015
- Replats are decided by City Council after recommendation from the Planning and Zoning Commission.

**Figure 6.3**  
**Typical Replat Review Process**



\*if a public hearing is required by TLGC 212.015

**Figure 6.1**  
**Typical Review Process for Vacating a Plat**



**Vacating a Plat**

- Vacating a Plat allows an applicant to eliminate the subdivision of a prior recorded plat, so the property would return to a single unit in accordance with TLGC 212.013.
- May be initiated by property owner(s) or the City Council.
- Requires written consent of all property owners within the plat to be vacated.
- Requests to Vacate a Plat are decided by the City Council after a public hearing and recommendation from the Director.

## FEE SCHEDULE

### Part 7

The fees listed on the following pages are current, but are subject to change pursuant to the Borger Code of Ordinances. Please contact the Planning and Development Department for the most recent fee schedule or visit the City's website at [www.borgertx.gov](http://www.borgertx.gov).

Table 7.1 Fees	
Application Type	Fee
<b>Administrative Applications</b>	
Administrative Adjustment	
Site Development Plan	\$150 + \$15 technology fee
Minor or Amending Plat	
Construction Plans	
Building Permit	Fee varies depending on proposed project. See City of Borger Fee Schedule.
Floodplain Development Permit	
Driveway Permit	Residential - no charge Nonresidential - \$40
On-Site Water or Wastewater Facility Permit	
Sign Permit	\$40 + \$0.12 per sq ft (based on outer dimension of surface area and rounded up to the nearest dollar)
Temporary Use Permit	
Certificate of Occupancy (CO)	
Written Interpretation	
Minor Modification of an Approved Application	
<b>Legislative Applications</b>	
Zoning Map Amendment (Rezoning)	\$150 + \$15 technology fee
ULDO Text Amendment	
Special Use Permit	\$150 + \$15 technology fee
<b>Quasi-Judicial Applications</b>	
Variance	\$75 + \$15 technology fee
Variance, Floodplain	
Appeal of Administrative Decision	
<b>Subdivision Applications</b>	
Development Plat	
Preliminary Plat	
Final Plat	
Replat	
Vacating Plat	
Waiver	\$100 + \$15 technology fee

Table 7.1 Fees

Application Type	Fee
<b>Other Fees</b>	
Public Notice	Mailed Notices - \$1 per mailed notice Published Notice - \$75

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## DEVELOPMENT APPLICATION AND FORMS

### Appendix

The following pages contain the applications and forms that are used to apply for permits and procedures outlined in this guidebook. Required attachments are subject to change and applicants should verify requirements with City staff.

Applications and forms included:

- Universal Development Application
- Required Attachments

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City of Borger Department of  
Planning and Development  
600 N. Main Street  
Borger, TX 79007  
(806) 273-0908  
www.borgertv.gov

# Universal Development Application

## 1. Application Type (select all that apply)

### a. Administrative Review Procedures

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Administrative Adjustment | <input type="checkbox"/> Certificate of Occupancy                    | <input type="checkbox"/> Construction Plans                     |
| <input type="checkbox"/> Driveway Permit           | <input type="checkbox"/> Floodplain Development Permit               | <input type="checkbox"/> Minor Modification of an Approved Plan |
| <input type="checkbox"/> Minor or Amending Plat    | <input type="checkbox"/> On-Site Water or Wastewater Facility Permit | <input type="checkbox"/> Sign Permit                            |
| <input type="checkbox"/> Site Development Plan     | <input type="checkbox"/> Temporary Use Permit                        | <input type="checkbox"/> Written Interpretation                 |

### b. Legislative Review Procedures

- Special Use Permit     ULDO Text Amendment     Zoning Map Amendment (rezoning)

### c. Quasi-Judicial Review Procedures

- Appeal of Administrative Decision     Floodplain Variance     Variance

### d. Subdivision Review Procedures

- Development Plat     Final Plat     Preliminary Plan     Replat     Vacating Plat     Waiver

## 2. Project Information

- a. Project Name: \_\_\_\_\_
- b. Project Location/Address: \_\_\_\_\_
- c. Tax Map and Parcel Number (PIN): \_\_\_\_\_
- d. Zoning: Existing: \_\_\_\_\_ Proposed: \_\_\_\_\_
- e. Land Use: Existing: \_\_\_\_\_ Proposed: \_\_\_\_\_
- f. Total Estimated Project Cost: \_\_\_\_\_
- g. Description of Request (attach separate sheet if needed):

## 3. Contact Information

- a. Project Manager/Contact Person: \_\_\_\_\_
- Company: \_\_\_\_\_
- Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_
- Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_
- b. Applicant Name (if different than above): \_\_\_\_\_
- Company: \_\_\_\_\_
- Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_
- Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

### 3. Contact Information (cont'd.)

c. Owner Name: \_\_\_\_\_  
Company: \_\_\_\_\_  
Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

### 4. Owner's Consent

\_\_\_\_\_ (“Owner”) certifies that it is the owner of the property located at \_\_\_\_\_ (“Subject Property”) and expressly consents to the use of the Subject Property as described in this application and to all conditions that may be agreed to as a part of the approval of this application, which may be imposed by the decision making board.

Owner hereby authorizes, \_\_\_\_\_ as agent, to file this application and represent Owner at any and all meetings and hearings required for the approval of this application.

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### 5. Affidavit of Completeness and Accuracy (to be completed by the individual submitting the application)

Project Name: \_\_\_\_\_ Submittal Date: \_\_\_\_\_

#### STATEMENT OF COMPLETENESS AND ACCURACY:

I hereby certify all property owners have full knowledge the property they own is the subject of this application. I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related application material and all attachments become official records of the Planning and Zoning Department of Borger, Texas, and will not be returned.

I understand that any knowingly false, inaccurate or incomplete information provided by me will result in the denial, revocation or administrative withdrawal of this application, request, approval or permit. I further acknowledge that additional information may be required to process this application. I further consent to the City of Borger to publish, copy or reproduce any copyrighted documents submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

**6. Staff Use Only:**

**Record of Process**

Date Received: \_\_\_\_\_

Application Number: \_\_\_\_\_

Is Application Complete?  Yes  No

Public Hearing Date(s): \_\_\_\_\_

Published Notice Date: \_\_\_\_\_

Mailed Notice Date: \_\_\_\_\_

Posted Notice Date: \_\_\_\_\_

Final Action Applicant Notification Mailed Date: \_\_\_\_\_

City Staff Signature: \_\_\_\_\_

**Record of Decision**

Reviewed By: \_\_\_\_\_

Recommendation:  Approve  Deny

Final Action:  Approve  Deny

Board/Commission Chairman Signature: \_\_\_\_\_

Board/Commission Secretary Signature: \_\_\_\_\_

## Required Attachments for Administrative Review Procedures

### All development application submittals must be accompanied by:

- Applicable fee(s) (see Part 7, *Schedule of Fees* of the Development Guidebook);
- Attachments listed in under the pertinent application;
- Case numbers of other related development applications; and
- Any additional information or attachments required by the Director, Building Inspector, or other City staff, Planning and Zoning Commission, Board of Adjustment, or City Council.

### **Administrative Adjustment**

1. Written letter describing the request in detail including the reasoning (must be submitted along with primary application)

### **Site Development Plan**

1. 3 paper copies and one digital (PDF) copy of a complete site-specific development plan that includes:
  - a. Lot Area (sq. ft.)
  - b. Existing structures shown with dimensions (including area and height)
  - c. Proposed structures shown with dimensions (including area and height)
  - d. Property lines with dimensions
  - e. Streets and Right-of-ways
  - f. Distances between buildings and property lines, as well as distances between buildings and other buildings
  - g. If determined required at the pre-application meeting:
    - i. Landscape plan (with number, location, and type of proposed plantings)
    - ii. Parking Plan (with number, location, average stall size, and striping of proposed spaces shown)
    - iii. Proposed building elevations
    - iv. Building materials details
    - v. Lighting Plan
  - h. Copies of the Traffic Impact Analysis (TIA) (if determined required at the pre-application meeting)

### **Minor or Amending Plat**

1. 1 paper copy and 1 digital (PDF) of proposed plat. Plats shall include the following elements:
  - a. Title
  - b. Vicinity map
  - c. North arrow and declaration
  - d. Scale in feet per inch and bar graph
  - e. Legal description including township, county, and state
  - f. Date(s) of survey
  - g. Date of any revisions to the plat
  - h. Name and address of the owner(s)
  - i. Name, address, registration number and seal of engineer and/or surveyor
  - j. Tract boundaries shown by a heavy line including all bearings and distances
  - k. Intersecting boundaries of adjoining lands
  - l. Location, purpose, and dimensions of areas to be used for other than residential purposes
  - m. Total acreage
  - n. Total number of lots
  - o. Lots numbered consecutively throughout the subdivision
  - p. Names of owners of adjoining properties
  - q. Building setbacks in table format
  - r. Boundaries of floodways and one hundred-year flood plains (if applicable)

### **Construction Plans**

1. Plans shall be submitted on 24" x 36" plan sheets with scale, north arrow, and project name clearly displayed on all plan sheets
2. Scale shall be 1"=4' or 1"=5' vertical; 1"=40' or 1"=50' horizontal
3. Construction documents including site plan, grading plan, erosion and sediment control plan, road plan and profiles, storm drainage profiles, landscaping and signage plans shall be combined into one submittal
4. Road plan and profiles shall be shown with the profile above the road, displayed on the same sheet
5. Water and sewer plans shall be combined into one submittal

## Required Attachments for Administrative Review Procedures (cont'd.)

### ***Floodplain Development Permit***

1. 3 paper copies and one digital (PDF) copy of a complete site-specific development plan that includes:
  - a. Lot Area (sq. ft.)
  - b. Existing structures shown with dimensions (including area and height)
  - c. Proposed structures shown with dimensions (including area and height)
  - d. Property lines with dimensions
  - e. Streets and Right-of-ways
  - f. Distances between buildings and property lines, as well as distances between buildings and other buildings
  - g. Locations of all water bodies
  - h. Extent of water relocation or landform alterations
  - i. Specifications including details for anchoring structures (if applicable)
2. Proposed elevations of lowest floor (including basement)
3. Details of water resistant materials used, floodproofing of utilities, and enclosures located below first floor
4. Certification from a registered engineer that the proposed activity in a regulatory floodway will not result in any increase in the height of the 100-year flood. A copy of all data and calculations supporting this finding must also be submitted.

### ***Driveway Permit***

1. Sketch plan showing the following:
  - a. Location of the property, including street name and address
  - b. Location of all existing and proposed buildings
  - c. Pavement and right-of-way width
  - d. Location of existing utilities, retaining walls, storm drainage facilities, poles, and other physical features which affect the driveway location
  - e. All existing driveways, property lines, and driveways to be closed
  - f. All proposed driveways, including all parcels reserved for future development
  - g. Location of existing and proposed sidewalks, curbs, and wheelchair ramps on or adjacent to the property
  - h. Driveways on the opposite side of the street

### ***On-Site Water or Wastewater Facility Permit***

## Required Attachments for Administrative Review Procedures (cont'd.)

### ***Sign Permit***

1. Number of signs proposed
2. Sign type(s) (see ULDO Subsection 14.02.504 Permanent Signs for types)
3. Sign(s) dimensions (height, width, and area in square feet)
4. Weight of sign
5. Type of Anchoring
6. Scaled building elevation with proposed signage
7. Site plan showing where sign(s) will be located
8. Detailed drawing/rendering of sign showing dimensions
9. Number of existing signs to remain and their dimensions

### ***Temporary Use Permit***

1. Temporary use type (see ULDO Subsection 14.01.308 for Temporary Uses)
2. Names/Cell Numbers/Emails for two individuals present on-site during temporary use
3. Dates of operation
4. Start and end time
5. Estimated attendance/number of employees
6. Details on parking area and number of expected vehicles (if applicable)
7. Size and details of tents (if applicable)
8. Explanation of event (if applicable) which includes if alcohol will be served or if amplified sound (music, performances, speakers, etc.) will be used
9. Detailed layout map/site plan (including parking areas, tents, road closures, structures, bathrooms, stages, etc.)
10. Proof of liability insurance (if applicable)

### ***Certificate of Occupancy***

1. An approved site plan (if new construction)
2. A plot plan showing all exterior improvements (if no new exterior construction is proposed)

### ***Minor Written Interpretation***

1. Written description of request.

### ***Minor Modification of an Approved Application***

1. Written description of the minor modifications being requested.
2. Updated copies of required attachments for original approval

## Required Attachments for Legislative Review Procedures

### All development application submittals must be accompanied by:

- Applicable fee(s) (see Part 7, *Schedule of Fees* of the Development Guidebook);
- Attachments listed in under the pertinent application;
- Case numbers of other related development applications; and
- Any additional information or attachments required by the Director or, Building Inspector, or other City staff, Planning and Zoning Commission, Board of Adjustment, or City Council.

### ***ULDO Text Amendment***

1. Proposed text of amendment ordinance
2. Written rationale for the change

### ***Zoning Map Amendment (rezoning)***

1. Recent survey or legal description of property requested to be rezoned

### ***Special Use Permit***

1. Include which Special Use denoted in ULDO Subsection 14.01.301, *Use Table*, is being requested.
2. Land use of all abutting properties
3. Explanation of how request meets the specific review criteria in ULDO Subsection 14.06.403, *Special Use Permit*

## Required Attachments for Quasi-Judicial Review Procedures

### All development application submittals must be accompanied by:

- Applicable fee(s) (see Part 7, *Schedule of Fees* of the Development Guidebook);
- Attachments listed in under the pertinent application;
- Case numbers of other related development applications; and
- Any additional information or attachments required by the Director or, Building Inspector, or other City staff, Planning and Zoning Commission, Board of Adjustment, or City Council.

### Variance

1. Sketch plan showing:
  - a. Boundaries of property
  - b. Size and location of all existing building(s)
  - c. Size and location of all proposed buildings, parking facilities, and accessory structures
  - d. Number, location, and type of any proposed screening or buffering
2. List of the ULDO provision(s) seeking relief from
3. Provide reasons for seeking variance
4. Explanation of how request meets the specific review criteria in ULDO Subsection 14.06.501, *Variance*

### Floodplain Variance

1. Sketch plan showing:
  - a. Boundaries of property
  - b. Size and location of all existing building(s)
  - c. Size and location of all proposed buildings, parking facilities, and accessory structures
  - d. Number, location, and type of any proposed screening or buffering
2. List of the specific section(s) in ULDO Article 14.04, *Environmental Management*, seeking relief from
3. Provide reasons for seeking variance
4. Explanation of how request meets the specific review criteria in ULDO Section 14.06.502, *Variance, Floodplain*

### Appeal of Administrative Decision

1. A written request of appeal including all ground for the appeal. Applicant may be required to prove any facts included in the request. The applicant has the burden of proof to justify reversal of decision being appealed.



## Required Attachments for Subdivision Review Procedures

### All development application submittals must be accompanied by:

- Applicable fee(s) (see Part 7, *Schedule of Fees* of the Development Guidebook);
- Attachments listed in under the pertinent application;
- Case numbers of other related development applications; and
- Any additional information or attachments required by the Director or, Building Inspector, or other City staff, Planning and Zoning Commission, Board of Adjustment, or City Council.

### Development Plat, Final Plat, Replat, and Vacating Plat

1. 2 folded paper copies (36"x24"), 1 digital (PDF) copy, and CADD line file (DXF, DWG, DGN, etc) of proposed subdivision, which shall include the following elements:
  - a. Title block with the following information:
    - i. Plat Title (Final Plat of..., Amending Plat of...,etc.)
    - ii. Subdivision unit or addition if applicable
    - iii. Borger/Hutchinson County/Texas
    - iv. Name and address of the owner(s)
    - v. Name, address, registration number and seal of engineer and/or surveyor
    - vi. Date of preparation (including date the plan was submitted and dates of any revisions)
    - vii. Total acreage to be developed
    - viii. Number of Lots, Blocks, Reserves in Plat Statement
    - ix. The statement "PRELIMINARY PLAN - NOT FOR RECORD" (in .5" high letters)
  - b. Vicinity map
  - c. North arrow and declaration
  - d. Scale in feet per inch and bar graph
  - e. Legal description including township, county, and state
  - f. Tract boundaries shown by a heavy line including all bearings and distances
  - g. Intersecting boundaries of adjoining lands
  - h. Contour lines (5' interval dashed lines) for final buildout
  - i. Total acreage
  - j. Total Right-of-Way acreage
  - k. Location and description with accurate dimensions (bearing, length, curve, data, etc.) of all streets (continuous or ends in a cul-de-sac), public and private rights-of-way, street offsets and/or intersection angles, alleys, and easements
  - l. Well site locations
  - m. Name(s) of proposed street(s)
  - n. Location, purpose, and dimensions of areas to be used for other than residential purposes
  - o. Lots numbered consecutively throughout the subdivision
  - p. Building setbacks in table format
  - q. Information pertaining to adjacent or adjoining properties:
    - i. Names of owners of adjoining properties
    - ii. The location and description of adjacent property within 200' of proposed plat identified within a thin solid line. Include all existing platting information, such as deed records, location of existing streets, blocks, lots, alleys, easements or other significant features
  - r. If any part of the proposed subdivision is within floodway/floodplain:
    - i. Total Floodplain acreage
    - ii. Location and boundaries of floodways and one hundred-year flood plain(according to the most recent available FEMA data or best information available)
    - iii. FEMA Flood Insurance Rate Map Number (according to the most recent available data)
2. Original tax certificate for each parcel indicating no taxes are due (Feb. 1st - Aug. 31st) or a \$0.00 balance (Sept. 1st - Jan. 31st). **TAX RECEIPTS ARE NOT ACCEPTABLE.**
3. Approved public improvement construction plans for new or extended public utilities that have been constructed or acquired.

## Required Attachments for Subdivision Review Procedures

### Preliminary Plan

1. 1 folded paper copy and 1 digital (PDF) of proposed subdivision, which shall include the following elements:
  - a. Title block with the following information:
    - i. Name of proposed subdivision
    - ii. Subdivision unit or addition if applicable
    - iii. Borger/Hutchinson County/Texas
    - iv. Name and address of the owner(s)
    - v. Name, address, registration number and seal of engineer and/or surveyor
    - vi. Date of preparation (including date the plan was submitted and dates of any revisions)
    - vii. Total acreage to be developed
    - viii. Number of Lots, Blocks, Reserves in Plat Statement
    - ix. The statement "PRELIMINARY PLAN – NOT FOR RECORD" (in .5" high letters)
  - b. Vicinity map
  - c. North arrow and declaration
  - d. Scale in feet per inch and bar graph
  - e. Legal description including township, county, and state
  - f. Tract boundaries shown by a heavy line including all bearings and distances
  - g. Intersecting boundaries of adjoining lands
  - h. Contour lines (5' interval dashed lines) for final buildout
    - i. Total acreage
    - j. Total Right-of-Way acreage
  - k. Location and description with accurate dimensions (bearing, length, curve, data, etc.) of all streets (continuous or ends in a cul-de-sac), public and private rights-of-way, street offsets and/or intersection angles, alleys, and easements
  - l. Well site locations
  - m. Name(s) of proposed street(s)
  - n. Location, purpose, and dimensions of areas to be used for other than residential purposes
  - o. Lots numbered consecutively throughout the subdivision
  - p. Building setbacks in table format
  - q. Information pertaining to adjacent or adjoining properties:
    - i. Names of owners of adjoining properties
    - ii. The location and description of adjacent property within 200' of proposed plat identified within a thin solid line. Include all existing platting information, such as deed records, location of existing streets, blocks, lots, alleys, easements or other significant features
  - r. If any part of the proposed subdivision is within floodway/floodplain:
    - i. Total Floodplain acreage
    - ii. Location and boundaries of floodways and one hundred-year flood plain(according to the most recent available FEMA data or best information available)
    - iii. FEMA Flood Insurance Rate Map Number (according to the most recent available data)

### Waiver

1. Concurrent application for associated plat or plan application
2. List of the ULDO provision(s) seeking relief from
3. Provide reasons for seeking variance
4. Explanation of how request meets the specific review criteria in ULDO Subsection 14.06.501, *Variance*