



ORDINANCE NO. 309

AN ORDINANCE OF THE CITY OF UHLAND, TEXAS AMENDING THE CITY'S SUBDIVISION ORDINANCE KNOWN AS ORDINANCE 299 AS AMENDED, RELATED TO THE PROCEDURES FOR APPLICATION PROCESSING AND APPROVING SUBDIVISION MASTER PLANS AND PLATS, AND OTHER MATTERS IN CONNECTION THEREWITH; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Uhland ("City") is a Texas General Law Municipality operating under the laws of the State of Texas; and

WHEREAS, the City is empowered by Chapter 212 of the Texas Local Government Code to establish subdivision regulations within the incorporated limits of the City and within the City's Extraterritorial Jurisdiction (ETJ); and

WHEREAS, the City has given appropriate and reasonable consideration to the amendments to the subdivision regulations contained herein and found them to be the most appropriate for the City; and

WHEREAS, the City Council of the City of Uhland, Texas, finds that the amendments to the subdivision regulations as depicted in this Ordinance are compliant with the requisites of state law, including Texas Local Government Code; and

WHEREAS, the City Council finds that the amendments to the subdivision regulations depicted in this Ordinance are necessary for the orderly development of this community and represents the best interest of all citizens of the City of Uhland, Texas and promotes the aesthetics, health, safety, general welfare and convenience of the people.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UHLAND, TEXAS, AS FOLLOWS:

SECTION 1. The foregoing recitals are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

SECTION 2. Ordinance 299 as amended of the City of Uhland, is hereby amended as shown on Exhibit A attached hereto.

SECTION 3. If any provisions of this Ordinance is illegal, invalid, unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid or unenforceable provisions, a provision as similar in terms to the illegal, invalid or unenforceable provision as is possible and is legal, valid and enforceable will be added to this Ordinance.

SECTION 4. This Ordinance shall be cumulative of all provisions of ordinances of the City except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 5. This Ordinance shall be construed and enforced in accordance with the laws of the state of Texas and the United States of America.

SECTION 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION 7. That all rights and privileges of the City and individual landowners are expressly saved as to any and all pending permits or violations of the provision of any ordinances repealed by this ordinance which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violation and all pending litigation, both civil and criminal, whether pending in court or note, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 8. This Ordinance shall be in full force and effect after its final passage and approval by the City Council, as duly attested by the Mayor and City Secretary.

PASSED, APPROVED, and ADOPTED on the 7th day of February, 2024.

Ayes- 2 Nay- 2 Abstain- _____

Due to tie Mayor Voted

Ayes- 1 Nay- _____ Abstain- _____



Lacey Duke, Mayor

ATTEST:



Kimberly Weatherford, City Secretary



EXHIBIT A

The City of Umland, Texas Ordinance 299, Exhibit A, Article II, Sections 5 through 10 are hereby repealed and replaced with the following:

SECTION 5. SUBDIVISION MASTER PLAN

A. Applicability

1. A subdivision master plan is required to provide for review of certain developments for compliance with, this ordinance, any additional adopted plans (i.e. water, wastewater, transportation, drainage), the compatibility of land uses, and the coordination of improvements within and among individual parcels of land or phases of development prior to approval of a preliminary or final plat. A subdivision master plan is required for any development meeting one or more following criteria:
 - (a) The property is undeveloped and is greater than fifty (50) acres in size; or
 - (b) The proposed subdivision of land is to occur in phases.
2. If a preliminary plat encompasses the entire development and tract of land, a subdivision master plan will not be required.

B. Application requirements. Any request for a subdivision master plan shall be accompanied by an application prepared in accordance with the City's Development Manual.

C. Processing of application and decision.

1. **Submittal.** An application for a subdivision master plan shall be submitted to the City Administrator. The City Administrator shall review the application for completeness. The City Administrator may request a review and recommendation from any other city department or consultant.
2. **Subdivision master plan approval.** The City Administrator may approve, approve with conditions, or disapprove a subdivision master plan. The City Administrator may, for any reason, elect to present the subdivision master plan for approval to the Planning and Zoning Commission. The City Administrator or Planning and Zoning Commission shall act on the subdivision master plan within thirty (30) calendar days after the date a complete application is filed.
3. **Conditional approval and denial.** If the City Administrator or Planning and Zoning Commission conditionally approves or denies the subdivision master plan, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.
4. **Applicant response to conditional approval or denial.** After the conditional approval or denial of a subdivision master plan, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The City Administrator is authorized to approve, approve with conditions, or disapprove the subdivision master plan. The City Administrator may, for any reason, elect to present the subdivision master plan for approval to the Planning and Zoning Commission. Action shall be taken by the City

Administrator or Planning and Zoning Commission no later than the fifteenth (15th) calendar day after the date the response was submitted.

5. Appeal to City Council. Any decision to disapprove a plat made by the City Administrator may be appealed to the City Council.
 6. Subdivision master plan authorization. Approval of a subdivision master plan shall be deemed as an expression of the approval of the layout submitted on the master plan as a guide to the final design of streets, water, sewer and other required improvements and utilities and to the preparation of a preliminary plat in accordance with the requirements of the City.
- D. Criteria for approval. The City Administrator or Planning and Zoning Commission, in considering final action on a subdivision master plan, should consider the following criteria:
1. the subdivision master plan is consistent with all city requirements including zoning requirements for the property or any development regulations approved as part of a development agreement;
 2. the proposed provision and configuration of roads, water, wastewater, drainage and park facilities are adequate to serve each phase of the subdivision;
 3. the schedule of development is feasible and prudent and assures that the proposed development will progress to completion within the time limits proposed;
 4. the location, size and sequence of the phases of development proposed assures orderly and efficient development of the land subject to the plan; and
 5. all applicable fees, including any city consultant fees, have been paid.
- E. Expiration. The approval of a subdivision master plan shall remain in effect for a period of two (2) years after the date the application was approved, during which period the applicant shall submit and receive approval for a preliminary plat for any portion of the land subject to the subdivision master plan. If a preliminary plat has not been approved within the two (2) year period, the subdivision master plan approval shall expire and the plan shall be null and void.
- F. Revisions to an approved subdivision master plan.
1. Minor changes. Minor changes in the design of the subdivision subject to a subdivision master plan may be incorporated in an application for approval of a preliminary plat without the necessity of filing a new application for approval of a subdivision master plan. Minor changes shall include adjustment in street or alley alignments, lengths, and adjustment of lot lines that do not result in creation of additional lots, provided that such changes are consistent with any approved prior applications.
 2. Major Changes. All other proposed changes to the design of the subdivision subject to an approved subdivision master plan shall be deemed major amendments that require submittal and approval of a new application for a subdivision master plan before approval of a preliminary plat.

SECTION 6. PRELIMINARY PLAT

A. Applicability

1. A preliminary plat is required to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development and the overall compliance of the land division with applicable City requirements.
 2. A preliminary plat may be submitted for any phase of development consistent with an approved subdivision master plan. Where a subdivision master plan is not required and the area to be platted is part of a larger tract of land, the preliminary plat must encompass the entire tract of land under ownership of the subdivider and shall provide a preliminary layout of streets, lots, blocks, utilities and drainage for the larger tract. A final plat may be submitted for individual lots to be platted out of the larger parcel.
- B. Application requirements. Any request for a preliminary plat shall be accompanied by an application prepared in accordance with the City's Development Manual.
- C. Processing of application and decision.
1. Submittal. An application for a preliminary plat shall be submitted to the City Administrator. The City Administrator shall review the application for completeness. The City Administrator may request a review and recommendation from any other city department or consultant.
 2. Preliminary plat approval. The City Administrator may approve, approve with conditions, or disapprove a preliminary plat. The City Administrator may, for any reason, elect to present the plat for approval to the Planning and Zoning Commission. The City Administrator or Planning and Zoning Commission shall act on the preliminary plat within thirty (30) calendar days after the date a complete application is filed.
 3. Conditional approval and denial. If the City Administrator or Planning and Zoning Commission conditionally approves or denies the plat, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.
 4. Applicant response to conditional approval or denial. After the conditional approval or denial of a plat, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The City Administrator is authorized to approve, approve with conditions, or disapprove the preliminary plat. The City Administrator may, for any reason, elect to present the preliminary plat for approval to the Planning and Zoning Commission. Action shall be taken by the City Administrator or Planning and Zoning Commission no later than the fifteenth (15th) calendar day after the date the response was submitted.
 5. Appeal to City Council. Any decision to disapprove a plat made by the City Administrator may be appealed to the City Council.
 6. Preliminary plat authorization. Approval of a preliminary plat shall be deemed as an expression of the approval of the layout submitted on the plat as a guide to the final design of streets, water, sewer and other required improvements and utilities and to the preparation of a final plat in accordance with the requirements of this ordinance.
- D. Criteria for approval. The City Administrator or Planning and Zoning Commission, in considering final action on a preliminary plat, should consider the following criteria:
1. the plat is consistent with all city requirements including zoning requirements for the property;

2. the plat conforms to the general layout of the subdivision master plan (if applicable) and is consistent with the phasing plan approved therein;
3. the proposed provision and configuration of roads, water, wastewater, drainage and park facilities, and easements and rights-of-way are adequate to serve the subdivision; and
4. all applicable fees, including any city consultant fees, have been paid.

E. Expiration and extension.

1. Expiration. The approval of a preliminary plat shall remain in effect for a period of two (2) years after the date the application was approved, during which period the applicant shall submit and receive approval for a final plat for any portion of the land subject to the preliminary plat. If a final plat has not been approved within the two (2) year period, the preliminary plat approval, unless extended, shall expire and the plat shall be null and void.
2. Extension. At the request of the property owners or their representative, the expiration date for approval of a preliminary plat may be extended by the City Administrator or Planning and Zoning Commission for a period not to exceed six (6) months. A preliminary plat is not subject to reinstatement following expiration.

F. Revisions to an approved preliminary plat.

1. Minor changes. Minor changes in the design of the subdivision subject to a preliminary plat may be incorporated in an application for approval of a final plat without the necessity of filing a new application for approval of a preliminary plat. Minor changes shall include a revision to plat notes, a revision to street or alley lengths, scrivener's errors, adjustment of lot lines that do not result in the increase or creation of additional lots or additional acreage, or changes or clarifications to easements, provided that such changes are consistent with any approved prior applications.
2. Major Changes. All other proposed changes to the design of the subdivision shall be deemed major changes which includes but is not limited to the reconfiguration of street or alley alignments, the addition of streets or alleys, an increase in the number of lots or acreage, the addition or revision of a unit previously approved by the preliminary plat, any change to the open space dedication requirement, changes to drainage. The City Administrator shall determine if a change is minor or major. Major changes shall require submittal of a revised subdivision master plan (if applicable) and preliminary plat which is submitted and processed the same as a new subdivision master plan application and new preliminary plat application.

SECTION 7. FINAL PLAT

A. Applicability

1. A final plat is required to assure that the division or development of the land subject to the plat is consistent with all standards of this ordinance pertaining to the adequacy of public facilities, that public improvements to serve the subdivision or development have been installed and accepted by the City or that provision for such installation has been made, that all other requirements and conditions have been satisfied or provided for to allow the plat to be recorded, and to assure that the subdivision or development meets all other standards of this ordinance to enable initiation of site preparation activities for any lot or tract subject to the plat. Approval of a final plat shall be required prior to any non-exempt division of land and prior to

any site preparation activities for a lot or tract of land that requires installation of public improvements on or adjacent thereto.

2. A final plat may be submitted for any phase of development consistent with an approved preliminary plat.
- B. Application requirements. Any request for a final plat shall be accompanied by an application prepared in accordance with the City's Development Manual.
- C. Processing of application and decision
1. Submittal. An application for a final plat shall be submitted to the City Administrator. The City Administrator shall review the application for completeness. The City Administrator may request a review and recommendation from any other city department or consultant.
 2. Final plat approval. The City Administrator may approve, approve with conditions, or disapprove a final plat. The City Administrator may, for any reason, elect to present the plat for approval to the Planning and Zoning Commission. The City Administrator or Planning and Zoning Commission shall act on the final plat within thirty (30) calendar days after the date a complete application is filed.
 3. Conditional approval and denial. If the City Administrator or Planning and Zoning Commission conditionally approves or denies the final plat, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.
 4. Applicant response to conditional approval or denial. After the conditional approval or denial of a plat, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The City Administrator is authorized to approve, approve with conditions, or disapprove the final plat. The City Administrator may, for any reason, elect to present the final plat for approval to the Planning and Zoning Commission. Action shall be taken by the City Administrator or Planning and Zoning Commission no later than the fifteenth (15th) calendar day after the date the response was submitted.
 5. Appeal to City Council. Any decision to disapprove a plat made by the City Administrator may be appealed to the City Council.
- D. Criteria for approval. The City Administrator or Planning and Zoning Commission, in considering final action on a final plat, should consider the following criteria:
1. the plat is consistent with all city requirements including zoning requirements for the property;
 2. the final plat conforms to the approved preliminary plat, or a phase of the approved preliminary plat, except for minor changes that may be approved without the necessity of revising the approved preliminary plat;
 3. the proposed provision and configuration of roads, water, wastewater, drainage and park facilities, and easements and rights-of-way are adequate to serve the subdivision; and
 4. all applicable fees, including any city consultant fees, have been paid.
- E. Expiration and extension.

1. Expiration. The approval of a final plat shall remain in effect for a period of two (2) years after the date the application was approved by the City Administrator or Planning and Zoning Commission, during which period the applicant shall submit any required revisions for approval and recordation of the plat. If the final plat has not been recorded within the two (2) year period, the final plat approval, unless extended or otherwise stated in a subdivision improvement agreement, shall expire and the plat shall be null and void.
2. Extension. At the request of the property owner or their representative, the expiration date for approval of a final plat may be extended by the City Administrator or Planning and Zoning Commission for a period not to exceed six (6) months. A final plat is not subject to reinstatement following expiration.

F. Revisions following approval of final plat

1. Minor Changes. An applicant may make minor changes to an approved final plat to reflect changes arising from installation of public improvements thereafter, provided that the approved final plat has not been recorded and that approval of the revised final plat occurs prior to expiration of approval of the initial final plat application. The City Administrator is authorized to approve minor changes to an approved final plat. If the approved final plat has been recorded, an amending plat or replat must be approved and recorded. Minor changes shall include a revision to plat notes, a revision to street or alley lengths, scrivener's errors, adjustment of lot lines that do not result in the increase or creation of additional lots or additional acreage, or changes or clarifications to easements, provided that such changes are consistent with any approved prior applications.
2. Major Changes. All other proposed changes shall be deemed major changes which includes but is not limited to the reconfiguration of street or alley alignments, the addition of streets or alleys, an increase in the number of lots or acreage, the addition or revision of a unit previously approved by the preliminary plat, any change to the open space dedication requirement, changes to drainage. The City Administrator shall determine if a change is minor or major. Major changes shall require submittal of a revised final plat which is submitted and processed the same as a new final plat application. Major changes may also require the submittal of a new application for approval of a preliminary plat before approval of a revised final plat.

SECTION 8. MINOR PLAT

- A. Applicability. A minor plat may be submitted for approval where the proposed division of land involves four (4) or fewer lots fronting onto an existing street and not requiring the creation of any new street or the extension of municipal facilities.
- B. Application Requirements. Any request for a minor plat shall be accompanied by an application prepared in accordance with the City's Development Manual.
- C. Processing of Application and Decision
 1. Submittal. An application for a minor plat shall be submitted to the City Administrator. The City Administrator shall review the application for completeness. The City Administrator may request a review and recommendation from any other city department or consultant.
 2. Minor plat approval. The City Administrator may approve, approve with conditions, or disapprove a minor plat. The City Administrator may, for any reason, elect to present the plat for approval to the Planning and Zoning Commission. The City Administrator or the Planning and

Zoning Commission shall act on the plat within thirty (30) calendar days after the date a complete application is filed.

3. Conditional Approval and Denial. If the City Administrator or Planning and Zoning Commission conditionally approves or denies the plat, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.
 4. Applicant Response to Conditional Approval or Denial. After the conditional approval or denial of a plat, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The City Administrator is authorized to approve, approve with conditions, or disapprove the plat. The City Administrator may, for any reason, elect to present the preliminary plat for approval to the Planning and Zoning Commission. Action shall be taken by the City Administrator or Planning and Zoning Commission no later than the fifteenth (15th) calendar day after the date the response was submitted.
 5. The City Administrator may, for any reason, elect to present the preliminary plat for approval to the Planning and Zoning Commission.
- D. Criteria for approval. The City Administrator in considering final action on a minor plat should consider the following criteria:
1. the plat is consistent with all city requirements including zoning requirements for the property;
 2. all lots to be created by the plat already are adequately served by all required public utilities and infrastructure;
 3. the plat does not require the extension of any municipal facilities to serve any lot within the subdivision; and
 4. all applicable fees, including any city consultant fees, have been paid.
- E. Expiration and extension
1. Expiration. The approval of a minor plat shall remain in effect for a period of two (2) years after the date the application was approved by the City Administrator or the Planning and Zoning Commission. If the minor plat has not been recorded within the two (2) year period, the plat approval, unless extended, shall expire and the plat shall be deemed null and void.
 2. Extension. At the request of the property owners or their representative, the expiration date for approval of a minor plat may be extended by the City Administrator or Planning and Zoning Commission for a period not to exceed six (6) months. A minor plat is not subject to reinstatement following expiration.

SECTION 9. AMENDING PLAT

- A. Applicability. An amending plat may be submitted for approval, and if approved and recorded is controlling over the preceding plat without vacation of that plat and without notice and hearing, if the amending plat is signed and acknowledged by all owners of the property being replatted and is solely for one (1) or more of the following purposes:

1. to correct an error in a course or distance shown on the preceding plat;
 2. to add a course or distance that was omitted on the preceding plat;
 3. to correct an error in a real property description shown on the preceding plat;
 4. to indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
 5. to show the location or character of a monument which has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
 6. to correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
 7. to correct an error in courses and distances of lot lines between two (2) adjacent lots if:
 - (a) both lot owners join in the application for amending the plat;
 - (b) neither lot is abolished;
 - (c) the amendment does not attempt to remove recorded covenants or restrictions; and
 - (d) the amendment does not have a materially adverse effect on the property rights of the other owners in the plat;
 8. to relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
 9. to relocate one or more lot lines between one or more adjacent lots if:
 - (a) the owners of all those lots join in the application for amending the plat;
 - (b) the amendment does not attempt to remove recorded covenants or restrictions; or
 - (c) the amendment does not increase the number of lots;
 10. to make necessary changes to the preceding plat to create six (6) or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
 - (a) the changes do not affect applicable zoning and other regulations of the municipality;
 - (b) the changes do not attempt to amend or remove any covenants or restrictions; and
 - (c) the area covered by the changes is located in an area that the City Council has approved, after a public hearing, as a residential improvement area;
 11. to replat one or more lots fronting on an existing street if:
 - (a) the owners of all those lots join in the application for amending the plat;
 - (b) the amendment does not attempt to remove recorded covenants or restrictions;
 - (c) the amendment does not increase the number of lots; and
 - (d) the amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- B. Application Requirements. Any request for an amending plat shall be accompanied by an application prepared in accordance with the City's Development Manual.

C. Processing of Application and Decision

1. Submittal. An application for an amending plat shall be submitted to the City Administrator. The City Administrator shall review the application for completeness. The City Administrator may request a review and recommendation from any other city department or consultant.
2. Amending plat approval. The City Administrator may approve, approve with conditions, or disapprove an amending plat. The City Administrator may, for any reason, elect to present the plat for approval to the Planning and Zoning Commission. The City Administrator or the Planning and Zoning Commission shall act on the plat within thirty (30) calendar days after the date a complete application is filed.
3. Conditional Approval and Denial. If the City Administrator or Planning and Zoning Commission conditionally approves or denies the plat, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.
4. Applicant Response to Conditional Approval or Denial. After the conditional approval or denial of a plat, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The City Administrator is authorized to approve, approve with conditions or disapprove the plat. The City Administrator may, for any reason, elect to present the plat for approval to the Planning and Zoning Commission. Action shall be taken by the City Administrator or Planning and Zoning Commission no later than the fifteenth (15th) calendar day after the date the response was submitted.
5. Appeal to City Council. Any decision to disapprove a plat made by the City Administrator may be appealed to the City Council.

D. Criteria for approval. The City Administrator or Planning and Zoning Commission in considering final action on an amending plat should consider the following criteria:

1. the plat is consistent with all city requirements including zoning requirements for the property;
2. all lots to be created by the plat already are adequately served by all required public utilities and infrastructure;
3. the plat does not require the extension of any municipal facilities to serve any lot within the subdivision; and
4. all applicable fees, including any city consultant fees, have been paid.

E. Expiration and extension

1. Expiration. The approval of an amending plat shall remain in effect for a period of two (2) years after the date the application was approved by the City Administrator or the Planning and Zoning Commission. If the amending plat has not been recorded within the two (2) year period, the plat approval, unless extended, shall expire and the plat shall be deemed null and void.
2. Extension. At the request of the property owners or their representative, the expiration date for approval of an amending plat may be extended by the City Administrator or Planning and Zoning Commission for a period not to exceed six (6) months. An amending plat is not subject to reinstatement following expiration.

SECTION 10. REPLAT

- A. Applicability. A replat is any plat that complies with LGC sections 212.014, 212.0145, and 212.015, as amended, which is generally submitted to replat a subdivision or part of a subdivision without vacation of the original plat. Replatting a portion of a recorded lot is not permitted.
- B. Application requirements. Any request for a replat plat shall be accompanied by an application prepared in accordance with the City's Development Manual.
- C. Processing of application and decision
 - 1. Submittal. An application for a replat shall be submitted to the City Administrator. The City Administrator shall review the application for completeness. The City Administrator may request a review and recommendation from any other city department or consultant.
 - 2. Notification requirements for certain replats.
 - (a) Applicability. An application for a replat which is also accompanied by a waiver or variance request requires a public hearing and notice if:
 - (i) during the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
 - (ii) any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.
 - (b) Public hearing notice. Notice of the public hearing shall be given at least sixteen (16) calendar days before the date of the public hearing by:
 - (i) publication in an official newspaper or a newspaper of general circulation in the county in which the municipality is located; and
 - (ii) written notice with a copy of LGC Sec. 212.015(c) attached, mailed to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested.
 - (c) Protests. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the Planning and Zoning Commission, prior to the close of the public hearing. If the proposed replat is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the Planning and Zoning Commission members present.
 - (i) In computing the percentage of land area for protest, the area of streets and alleys shall be included.
 - 3. Decision by City Administrator or Planning and Zoning Commission. The City Administrator may approve, approve with conditions, or disapprove a replat. The City Administrator may elect to defer the replat to the Planning and Zoning Commission. A public hearing shall be held if the proposed replat is accompanied by a waiver or variance request in accordance with LGC Sec. 212.015. The City Administrator or Planning and Zoning Commission shall act on the replat within thirty (30) calendar days after the date a complete application is filed. The City

Administrator or Planning and Zoning Commission must approve a replat that is required to be prepared in accordance with this section and that satisfies all applicable regulations of the City. The City Administrator or Planning and Zoning Commission may approve with conditions or deny a replat that does not satisfy all applicable regulations of the City.

4. Conditional Approval and Denial. If the City Administrator or Planning and Zoning Commission conditionally approves or denies the replat, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.
 5. Applicant Response to Conditional Approval or Denial. After the conditional approval or denial of a replat, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The City Administrator is authorized to approve, approve with conditions, or disapprove the replat. The City Administrator may, for any reason, elect to present the replat for approval to the Planning and Zoning Commission. Action shall be taken by the City Administrator or Planning and Zoning Commission no later than the fifteenth (15th) calendar day after the date the response was submitted.
 6. Appeal to City Council. Any decision to disapprove a plat made by the City Administrator may be appealed to the City Council.
- D. Criteria for Approval. The City Administrator or Planning and Zoning Commission in considering final action on a replat should consider the following criteria:
1. the replat is consistent with all city requirements including zoning requirements for the property;
 2. the replat is signed and acknowledged by only the owners of the property being replatted;
 3. if required, a public hearing was held and parties in interest and citizens have had an opportunity to be heard;
 4. if required the proposed provision and configuration of roads, water, wastewater, drainage and park facilities, and easements and rights-of-way are adequate to serve the subdivision;
 5. the replat does not attempt to amend or remove any covenants or restrictions; and
 6. all applicable fees, including any city consultant fees, have been paid.
- E. Notification of approval for certain replats. If a proposed replat does not require a variance or exception, the municipality shall, not later than the 15th calendar day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent municipality or county tax roll. This subsection does not apply to a proposed replat if the Planning and Zoning Commission holds a public hearing and gives notice of the hearing in the manner provided by in Sec.2.10.C.2 above.
1. The notice of a replat approval must include:
 - (a) the zoning designation of the property after the replat; and
 - (b) a telephone number and e-mail address an owner of a lot may use to contact the City about the replat.

F. Expiration and extension

1. Expiration. The approval of a replat shall remain in effect for a period of two (2) years after the date the application was approved by the City Administrator or Planning and Zoning Commission. If the replat has not been recorded within the two (2) year period, the plat approval, unless extended, shall expire and the plat shall be deemed null and void.
2. Extension. At the request of the property owners or their representative, the expiration date for approval of a replat may be extended by the City Administrator or Planning and Zoning Commission for a period not to exceed six (6) months. A replat is not subject to reinstatement following expiration.