

Proposed UDC Amendment for MDP, Plat and Site Plan Applications

Sec. 21.3.3. - Planning and zoning commission.

- A. *Structure of the Commission* . The Planning and Zoning Commission is established in accordance with the City Charter and Commission members are appointed by the City Council.
- B. *Duties and Approval Authority* .
1. The Planning and Zoning Commission shall have the authority to review and make a recommendation to the City Council on the following applications:
 - a. amendment to the Comprehensive Land Plan;
 - b. establish or amend a zoning district map classification, including creation or amendment of an overlay district;
 - c. rezoning requests including an application for a Specific Use Permit.
 - d. amendment to the UDC; and
 - e. a Development Agreement as set forth in the LGC and this UDC;
 2. The Planning and Zoning Commission shall have final approval authority on the following applications:
 - a. Subdivision Master Plan.
 - b. Site Plan; if forwarded by the City Manager or his/her designee
 - ~~b.c.~~ preliminary plat;
 - ~~c.d.~~ final plat;
 - ~~d.e.~~ amending plat; if forwarded by the City Manager or his/her designee.
 - ~~e.f.~~ minor plat; if forwarded by the City Manager or his/her designee.
 - ~~f.g.~~ replat; and
 - ~~g.h.~~ waivers relating to [Article 12](#), Subdivisions.
 3. The Planning and Zoning Commission shall have the authority to make final determinations relating to appeals of staff determinations on the following items:
 - a. Required Conditions for Home Occupations and denial of a Home Occupation permit.
 - b. Site Design Standards including Tree Preservation & Mitigation, Revisions to Approved Site Plans.
 - c. Signs & Advertising Devices including general requirements, removal of signs.
 - d. Additional Design Requirements including off street parking, building setback lines, and landscape buffers.
 - e. An appeal of a driveway waiver determination.

Sec. 21.3.5. - Administrative authority.

- A. *Authority Granted* . The City Manager or his/her designees shall have such powers and authority as granted by State law, the City Charter, the Code of Ordinances, and this UDC to initiate, undertake, and decide any matters pertaining to the regulation of the use and development of land as identified in this UDC and are authorized to take all actions necessary to carry out their responsibilities in accordance with the requirements and limitations prescribed therein.
- B. *Administrative Structure* . The City Manager is designated as the chief administrative official of the City. The City Manager, at his/her discretion, may designate the director of any department or other employee as the administrative authority responsible for consideration of any item deemed appropriate by the City Manager.

C. *Duties and Approval Authority* .

1. The City Manager or his/her designee shall have the authority to review and make a recommendation to the appropriate approval body on the following applications:
 - a. amendment to the Comprehensive Land Plan;
 - b. establish or amend a zoning district map classification, including creation or amendment of an overlay district;
 - c. rezoning requests including an applications for a Specific Use Permit;
 - d. amendment of this UDC;
 - e. annexation;
 - f. a Development Agreement within the City's corporate boundaries and in the City's ETJ;
 - g. Historic Landmark or District Designation;
 - h. an appeal of the decision of any City Board, Commission, Committee or staff as authorized by this UDC;
 - i. Subdivision Master Plan;
 - j. preliminary plat;
 - k. final plat;
 - l. replat;
 - m. a variance, appeal or other application to be considered by the BOA;
 - n. an interpretation, appeal or other application to be considered by the Building and Standards Commission; and
 - o. an interpretation, waiver, appeal or other application to be considered by the Planning & Zoning Commission.
2. The City Manager or his/her designee shall have final approval authority on the following applications:
 - a. a minor plat, as authorized by this UDC and LGC Section 212.0065. However, the City Manager or his/her designee may forward the plat to the Planning and Zoning Commission for approval;
 - b. an amending plat, as authorized by this UDC, and LGC Section 212.0065. However, the City Manager or his/her designee may forward the plat to the Planning and Zoning Commission for approval;
 - c. a Certificate of Determination, as authorized by this UDC and LGC Section 212.0115. However, the City Manager or his/her designee may forward the request to the Planning and Zoning Commission for determination;
 - d. a site plan, as authorized by this UDC. However, the City Manager or his/her designee may forward a site plan to the Planning and Zoning Commission for approval; and
 - e. other applications as authorized by this UDC.

Sec. 21.4.2. - Initiation of Application.

- A. *Application Submittal.* All development applications to be considered by any Board, Commission or Committee, or by the City Council shall be initiated by the filing of the application by the owner of the property on which the permit is applicable or by the owner's designated agent. In the event an application is submitted by a designated agent, the application must be accompanied by a written statement, signed by the owner, authorizing the agent to file the application on the owner's behalf.
- B. *Determination of Application Completeness.*
 1. All development applications shall be subject to a determination of completeness by the ~~director of the appropriate City department~~City Manager or his/her designee.
 - ~~2.—~~No application shall be deemed complete and accepted for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of this UDC and the Development Manual. ~~For a determination of completeness to be issued, an application must include the following:~~

- ~~3. Payment of the appropriate fee;~~
- ~~4. An accurate metes and bounds description of the subject property (or other suitable legal description, identifying the property as a lot of record);~~
- ~~5. A survey exhibit and other appropriate exhibits as identified in this Article for the individual permit; and~~
- ~~6.2. Any additional documents, forms or other materials required by the City Manager or his/her designee or identified in this UDC for the processing of a specific Development Application.~~
- ~~7.3. The director of the appropriate City department~~City Manager or his/her designee may from time to time identify additional requirements for a complete application that are not contained within but are consistent with the application contents and standards set forth in this UDC.
- ~~8.4.~~ A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this UDC.
- ~~9.5.~~ Not later than the tenth (10th) business day after the date an application is submitted, the ~~director of the appropriate City department~~City Manager or his/her designee shall make a written determination whether the application constitutes a complete application. This shall include a determination that all information and documents required by this UDC and the Development Manual for the type of permit being requested or other requirements have been submitted. A determination that the application is incomplete shall be ~~sent -mailed~~ to the applicant within such time period by email to the address listed on the application or by United States mail at the address listed on the application. The determination shall specify the documents or other information needed to complete the application and shall state that the application will expire if the documents or other information are not submitted within forty-five (45) days after the date the application was submitted.
- ~~10.6.~~ An application filed on or after the effective date of this amended and restated UDC shall be deemed complete on the eleventh (11th) business day after the application has been received, if the applicant has not otherwise been notified that the application is incomplete. For purposes of this section, the applicant shall be deemed to have been notified if the City has emailed or mailed a copy of the determination as provided in subsection B.5. above.
- ~~11.7.~~ The processing of an application by any City employee prior to the time the application is determined to be complete shall not be binding on the City as the official acceptance of the application for filing. However, this application may be denied for incompleteness within the forty-five (45) day period.
- ~~12.8.~~ A Development Application shall be deemed to expire on the forty-fifty (45th) day after the application is submitted to the City Manager or his/her designee for processing if the applicant fails to provide documents or other information necessary to meet the requirements of this UDC, the Development Manual or other requirements as specified in the determination provided to the applicant. Upon expiration, the application will be ~~discarded and returned to the applicant together with any accompanying documents. Thereafter,~~ a new application must be submitted.
- ~~13.9.~~ No vested rights accrue solely from the filing of an application that has expired pursuant to this section, or from the filing of a complete application that is subsequently denied.

C. Application for Letters of Certification

1. Certifying Departments. - Prior to filing an application for Subdivision Plat, Master Development Plan, or Site Plan approval the applicant shall secure letters of certification as required by this UDC. A request for letters of certification and required items shall be filed by the applicant with the following entities as required by the Development Manual:
 - a. Planning and Community Development Department
 - b. Engineering Department
 - c. Fire Department

d. Parks and Recreation

e. Public Works Department

2. Application Requirements. Any request for a Letter of Certification shall be accompanied by an application prepared in accordance with the Development Manual.
3. Completeness Review. Upon receipt of a request for letters of certification, the City Manager or his/her designee shall preform a determination of application completeness pursuant to Section 21.4.2.B.
4. Decision. The following procedures shall apply to the issuance of a letter of certification:
 - a. After the City Manager or his/her designee has determined whether the request for letters of certification and required technical data is complete, each certifying department shall issue or deny a letter of certification within ninety (90) days. When a certifying department determines that the proposed plan, plat or any of the required accompanying data does not conform with the requirements of this UDC or other applicable regulations, ordinances or laws, the applicant may at his/her option revise any nonconforming aspects. If any data is revised and resubmitted, the certifying department/agency shall have up to thirty days (30) days from the latest date of submission to issue or deny a letter of certification.
 - b. Failure to Submit Letter of Certification. If a letter of certification is not issued or denied within the time periods prescribed in subsection C.4.a. above, the same shall be deemed issued and the applicant may submit an application for master development plan, subdivision plat, or site plan approval, without submitting the letter of certification.
- 4.5. Issuance Criteria. The letter of certification request is a process for compiling a complete application for master development plan, subdivision, or site plan review. The City Manager or his/her designee, in considering action on a Letter of Certification request should consider the following criteria:
 - a. the certification request complies with all applicable regulations, ordinances and laws including but not limited to the Unified Development Code, Code of Ordinances, Development Manual, Public Works Technical Specifications, and Public Works Design Guide.

A letter of certification does not authorize any subdivision or development activity, and any action by the certifying department shall constitute only a recommendation as to whether the activities subject to the request for letters of certification would comply with the applicable development requirements.
6. Scope of Issuance. A letter of certification does not authorize the development or subdivision of land. Upon receipt of all letters of certification, the applicant may submit an application for master development plan, subdivision plat, or site plan approval. Letters of certification shall remain valid for one (1) year from the date of issuance by the certifying department/agency. After that time period, new or updated letters of certification shall be required to file a proposed plat with the planning commission. Each new proposed plat to be filed will be required to obtain new letters of certification prior to application submittal.
7. Amendments. A letter of certification may be amended prior to filing an application for subdivision approval if the proposed amendment:
 - a. Does not increase the number of lots subject to the application
 - b. Does not increase by more than five percent (5%) the lineal footage of roadways or the areas within the paved surface of the street right-of-way

c. Does not reduce the amount of open space within the proposed subdivision

5-8. Recording Procedures. A letter of certification is not recorded. A letter of certification shall be maintained by the applicant and presented with the proposed application for master development plan, subdivision plat, or site plan approval.

D. *Application Withdrawal.* Any request for withdrawal of an application must be submitted in writing to the ~~director of the appropriate City department~~ City Manager or his/her designee. If notification is required for the application and has been properly given via publication in the newspaper and/or written notification to surrounding property owners, such application must be placed on the agenda. The staff representative shall notify the Board, Commission, Committee or the City Council of the request for withdrawal. The Board, Commission, Committee or the City Council may, at its discretion, accept the request for withdrawal of the application by general consent of the members. Application fees are not refundable unless reimbursement is otherwise authorized by the City Manager or his/her designee ~~director of the appropriate City department~~.

Sec. 21.12.5. - Subdivision Master Plan

A. *General.* Where required by section 21.12.6, a Subdivision Master Plan shall be prepared and submitted in accordance with this Article.

B. *Submittal Requirements for Subdivision Master Plan.* An application for a Subdivision Master Plan shall include the information required by the Development Manual ~~following information and documents:~~

1. Completeness Requirements

- a. appropriate fees;
- b. application signed and notarized by owner;
- c. agent authorization letter;
- d. Legal metes and bounds description;
- e. subdivision Master Plan checklist;
- f. traffic Impact Analysis Determination form;
- g. 15 folded black line or blue line copies at 18"X24" or 24"X36";
- h. one (1) folded 11"X17" reduction of exhibit;
- i. one (1) CD containing a digital copy of the plan in PDF format; and
- j. completed application for street name approval acknowledged by Bexar Metro 911, the United States Postal Service, and the applicable county Clerk's Office.

2. Technical Requirements

- a. location/vicinity map with north arrow;
- b. title block located in lower right corner including subdivision name, acreage, survey name and abstract number, City, County and preparation date;
- c. legend, if abbreviations or symbols are used;
- d. name, address and phone number of owner, developer, applicant, and surveyor;
- e. north arrow;
- f. graphic and written scale (minimum 1"=100');
- g. surveyed property boundaries with bearings and distances;
- h. legal metes and bounds description with calls matching boundary dimensions and distances;

- ~~i. lot dimensions;~~
- ~~j. location of significant natural features, including floodplains, water courses and wooded areas;~~
- ~~k. location of significant manmade features, including railroads, buildings, utilities, or physical features;~~
- ~~l. for residential subdivisions, a minimum of two (2) points of public access to existing public streets;~~
- ~~m. right of way dedications or reservations;~~
- ~~n. location of existing and proposed Federal Emergency Management Agency (FEMA) 100-year floodplain limits with elevations;~~
- ~~o. existing and proposed topography at five foot (5') contour intervals including drainage channels and creeks;~~
- ~~p. outline of all property offered to be dedicated to the City for parkland dedication;~~
- ~~q. outline of all property to be maintained as private parkland;~~
- ~~r. land use, zoning, subdivision name, owner name and address, and recording information for all adjacent properties;~~
- ~~s. schematic layout of tract to be subdivided, any remainder tract, and relationship of proposed subdivision to adjacent properties and existing adjoining development;~~
- ~~t. designation of each phase of development, the order of development, and a schedule for the development of each phase;~~
- ~~u. table indicating the phasing, acreage, land uses, zoning, and anticipated dwelling units for each phase;~~
- ~~v. arterial, collector, and local street layout;~~
- ~~w. provision for water, wastewater and storm drainage facilities to serve the development;~~
- ~~x. any additional information as requested to clarify the proposed development;~~
- ~~y. provide the following notes:~~
 - ~~i. "The thoroughfare alignments shown on this exhibit are for illustration purposes and do not set the alignment. Alignment is determined at time of final plat";~~
 - ~~ii. "According to Flood Insurance Rate Map, Panel _____, dated _____, a 100-year floodplain {does or does not} exist on this site";~~
 - ~~iii. "All private open space, common areas, greenbelts, drainage easement etc. are the responsibility of the developer or its successors and/or assigns"; and~~
 - ~~iv. State any and all waivers requested for the master plan; and~~
- ~~z. Provide the following acknowledgement and certificate:~~

~~"This master plan of the _____ development has been submitted to and considered by the Planning and Zoning Commission of the City of Schertz, Texas and is hereby approved by such Commission.~~

~~Dated this _____ day of _____, 20____~~

 - ~~i. By: Chairperson _____~~
 - ~~Secretary _____"~~

Sec. 21.12.6. - Subdivision Master Plan Process

A. *Applicability*

1. The provisions of this section are authorized under LGC Chapter 212 and shall be applicable to all areas within the City limits and throughout the City's ETJ. A Subdivision Master Plan is required to provide for review of certain developments for compliance with the Comprehensive Land Plan, this UDC, 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.
2. A Subdivision Master Plan is required for any development meeting the following criteria:
 - a. the property is undeveloped, is under one (1) ownership, and is greater than fifty (50) acres in size;
 - b. the proposed subdivision of land is to occur in phases;
 - c. the proposed subdivision will require off-site road, drainage or utility connections or improvements that will have a substantial impact or effect on other properties or developments; or
 - d. the property is part of a Development Agreement under [section 21.4.10](#).
3. If a preliminary plat encompasses the entire development, a Subdivision Master Plan will not be required.

B. *Application Requirements*

1. *Application Required* . Any request for a Subdivision Master Plan shall be accompanied by an application prepared in accordance with the Development Manual.
2. *Accompanying Applications*. An application for a Subdivision Master Plan may be accompanied by an application for a Preliminary Plat for the first phase of development.

C. *Processing of Application and Decision*

1. *Submittal* An application for a Subdivision Master Plan shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with [section 21.4.2](#). The City Manager or his/her designee shall forward a copy of the proposed plan to other appropriate departments for review and recommendation. ~~The City Manager or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application.~~ After appropriate review, the City Manager or his/her designee shall forward a written recommendation to the Planning and Zoning Commission for consideration.
2. *Recommendation by the Parks and Recreation Advisory Board*. Prior to [application submission consideration by the Planning and Zoning Commission](#), the Subdivision Master Plan shall be reviewed by the Director of Parks, Recreation and Community Services for consistency with the Parks and Open Space Master Plan and any other applicable plans of the City. The Parks and Recreation Advisory Board shall provide a written recommendation ~~to the Planning and Zoning Commission~~ with respect to the acceptability of any area proposed for dedication as public parkland.
3. *Decision by the Planning and Zoning Commission* . The Planning and Zoning Commission shall receive the written recommendation of the Director of Parks, Recreation and Community Services and the City Manager or his/her designee and shall consider the proposed Subdivision Master Plan. [The Planning and Zoning Commission shall act on the plat within thirty \(30\) days after the date a complete application is filed.](#) The Planning and Zoning Commission may vote to approve, approve with conditions, or deny the proposed Subdivision Master Plan. ~~The applicant may appeal the decision of the Planning and Zoning Commission to the City Council for consideration. The City Council shall act on an appeal within thirty (30) days after the date of the Planning and Zoning Commission's action.~~

4. Conditional Approval and Denial. If the Commission conditionally approves or denies the 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.

5. Applicant Response to Conditional Approval or Denial. After the conditional approval or denial of a plan, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The Planning and Zoning Commission shall determine whether to approve or deny the applicant's previously conditionally approved or denied plan no later than the fifteenth (15th) day after the date the response was submitted.

~~3-6.~~ *Acceptance of Subdivision Master Plan* Approval of a Subdivision Master Plan by the Planning and Zoning Commission 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 this UDC.

D. *Criteria for Approval.* The 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 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. if the land lies within a Planned Development (PDD) zoning district or is part of an approved Development Agreement, the proposed Subdivision Master Plan conforms to the PDD district regulations and is consistent with the incorporated Conceptual Plan or any development regulations contained in the approved Development Agreement; and
5. the location, size and sequence of the phases of development proposed assures orderly and efficient development of the land subject to the plan.

E. *Expiration and Extension.*

1. *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 or conditionally approved by the Planning and Zoning Commission, 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.

~~2. *Extension.* At the request of the property owners or their representative, the expiration date for approval of a Subdivision Master Plan may be extended by the Planning and Zoning Commission for a period not to exceed one (1) year. A Subdivision Master Plan is not subject to reinstatement following expiration.~~

F. *Revisions Following Approval of 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 paving details,~~ 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. *Amendments.* 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 approval of a revised Subdivision Master Plan before approval of a Preliminary Plat.

Sec. 21.12.8. - Preliminary Plat Process

A. Applicability.

1. The provisions of this section are authorized under LGC Chapter 212 and shall be applicable to all areas within the City's limits and throughout the City's ETJ. 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 requirements of this UDC.
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.

1. *Application Required .* Any request for a Preliminary Plat shall be accompanied by an application prepared in accordance with the Development Manual.
2. *Accompanying Applications.* An application for a Preliminary Plat may be accompanied by an application for a Master Plan for the entire area to be platted or for any portion of the proposed Preliminary Plat.

C. Processing of Application and Decision.

1. *Submittal.* An application for a Preliminary Plat shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with [section 21.4.2](#). The City Manager or his/her designee shall forward a copy of the plat to other appropriate departments for review and recommendation. ~~The City Manager or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application.~~ After appropriate review, the City Manager or his/her designee shall forward a written recommendation to the Planning and Zoning Commission for consideration.
2. *Decision by the Planning and Zoning Commission.* The Planning and Zoning Commission shall receive the written recommendation of the City Manager or his/her designee and shall consider the proposed Preliminary Plat. The Planning and Zoning Commission shall act on the plat within thirty (30) days after the date a complete application is filed. The Planning and Zoning Commission must approve a Preliminary Plat that is required to be prepared in accordance with this section and that satisfies all applicable regulations of this UDC. The Planning and Zoning Commission may vote to approve with conditions or deny a Preliminary Plat that does not satisfy all applicable regulations of this UDC. ~~The applicant may appeal the decision of the Planning and Zoning Commission to the City Council for consideration. The City Council shall act on an appeal within thirty (30) days after the date of the Planning and Zoning Commission's action.~~
3. *Conditional Approval and Denial.* If the 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 Manager or his/her designee is authorized to approve revisions required for conditional approval of the Preliminary Plat. The Planning and Zoning Commission shall determine whether to approve or deny the applicant's previously denied plat or conditionally approved, if forwarded to the commission by the City Manager or his/her designee, no later than the fifteenth (15th) day after the date the response was submitted.

2.5. Acceptance of Preliminary Plat. Approval of a Preliminary Plat by the Planning and Zoning Commission 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 UDC.

- D. *Criteria for Approval.* The Planning and Zoning Commission, in considering final action on a Preliminary Plat, should consider the following criteria:
1. the plat is consistent with all zoning requirements for the property or any approved Development Agreement;
 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 conform to the master facilities plans for the facilities, including without limitation the water facilities, wastewater facilities, transportation, drainage and other master facilities plans; and
 4. 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.
- 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 or conditionally approved by the Planning and Zoning Commission, 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 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 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 Following Approval of 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, ~~paving details~~, 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 include 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, changes to flood plain data, and any other changes that may not be included herein as determined by the Planning Department. Major changes shall require submittal of a revised master plan and Preliminary Plat which is submitted and processed the same as a new Master Development Plan application and new Preliminary Plat application.

3. *Amendments.* All other proposed changes to the design of the subdivision subject to an approved Preliminary Plat shall be deemed major amendments that require submittal and approval of a new application for approval of a Preliminary Plat before approval of a Final Plat. ~~Approval of major revisions to an approved Preliminary Plat shall occur prior to the date any approved Subdivision Master Plan would have expired for the same land.~~

Sec. 21.12.10. - Final Plat Process

A. Applicability.

1. The provisions of this section are authorized under LGC Chapter 212 and shall be applicable to all areas within the City's limits and throughout the City's ETJ. 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 UDC 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 UDC 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

1. *Application Required* . Any request for a Final Plat shall be accompanied by an application prepared in accordance with the Development Manual.
2. *Accompanying Applications.* An application for a Final Plat shall be accompanied by a letter of approval from the City Engineer and/or the Director of Public Works approving the public infrastructure improvement construction plans showing details of streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers and other engineering details of the proposed subdivision. Such plans shall be prepared by a registered professional engineer and shall conform to the standard specifications established by the City. Approval of any public infrastructure improvement plans is required prior to Final Plat application.

C. Processing of Application and Decision.

1. *Submittal.* An application for a Final Plat shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with [section 21.4.2](#). The City Manager or his/her designee shall forward a copy of the plat to other appropriate departments for review and recommendation. ~~The City Manager or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application.~~ After appropriate review, the City Manager or his/her designee shall forward a written recommendation to the Planning and Zoning Commission for consideration.
2. *Decision by the Planning and Zoning Commission.* The Planning and Zoning Commission shall receive the written recommendation of the City Manager or his/her designee and shall consider the proposed Final Plat. The Planning and Zoning Commission shall act on the plat within thirty (30) days after the date a complete application is filed. The Planning and Zoning Commission must approve a Final Plat that is required to be prepared in accordance with this section and that satisfies all applicable regulations of this UDC. The Planning and Zoning Commission may vote to approve with conditions or deny a Final Plat that does not satisfy all applicable regulations of this UDC. ~~The applicant may appeal the decision of the Planning and~~

~~Zoning Commission to the City Council for consideration. The City Council shall act on an appeal within thirty (30) days after the date of the Planning and Zoning Commission's action.~~

3. Conditional Approval and Denial. If the 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 Manager or his/her designee is authorized to approve revisions required for conditional approval of the Final Plat. The Planning and Zoning Commission shall determine whether to approve or deny the applicant's previously denied plat or conditionally approved, if forwarded to the commission by the City Manager or his/her designee, no later than the fifteenth (15th) day after the date the response was submitted.

D. *Criteria for Approval.* The Planning and Zoning Commission, in considering final action on a Final Plat, should consider the following criteria:

1. the Final Plat conforms to the approved Preliminary Plat, except for minor changes that may be approved without the necessity of revising the approved Preliminary Plat; and
2. the final layout of the subdivision or development meets all standards for adequacy of public facilities contained in this UDC.

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 or conditionally approved by the 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, 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 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 Manager or his/her designee 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.* Major changes include 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, changes to flood plain data, and any other changes that may not be included herein as determined by the City Manager or his/her designee. Major changes shall require submittal of a revised Final Plat which is submitted and processed the same as a new final plat application.

3. Amendments. All other proposed changes to the design of the subdivision subject to an approved Final Plat shall be deemed major amendments that require submittal and approval of a new application for approval of a Preliminary Plat before approval of a Final Plat. Approval of major revisions to an approved Preliminary Plat shall occur prior to the date any approved Subdivision Master Plan would have expired for the same land.

G. Recording Procedures. After approval of a Final Plat and acceptance of required public improvements or execution of an Improvement Agreement pursuant to Sec.21.4.15, the applicant may submit all necessary items to the City to record the plat in the County Land Records. Upon receipt of the plat recording submittal and notification of acceptance of required public improvements or execution of an Improvement Agreement, the City Manager or his/her designee shall procure the signature of the chair of the Planning and Zoning Commission on the plat and shall promptly cause the plat to be recorded.

No Final Plat will be received for recording until all back taxes owed to the City have been paid in full and a certified copy of a Tax Certificate from the applicable school district and county tax office has been received for the subject property.

1. ~~Approved Final Plat.~~ 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 Manager or his/her designee 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.
2. ~~Conditionally Approved or Denied Plat.~~ Following conditional approval or denial of a Final Plat application, the applicant may submit a revised Final Plat application, together with any revised public infrastructure improvement construction plans, for approval. The City Manager or his/her designee is authorized to approve revisions required for conditional approval of the Final Plat. Revisions to a plat which was denied shall be approved by the Planning and Zoning Commission. Approval of a revised plat is required prior to the original expiration date of any approved Preliminary Plat for the same land.
 - a. ~~Filing of security in lieu of completing construction shall be in accordance with section 21.4.15.~~ Where public infrastructure improvements have been installed prior to recording of the plat, the property owner shall submit a warranty bond in accordance with section 21.4.15 from each contractor, three sealed sets of "as built" plans or record drawings, and one (1) CD containing a digital copy of all plans (in a format as determined by the Department of Public Works), together with a letter stating the contractors' compliance with section 21.4.15, and bearing sealed certification by the design engineer that all public improvements have been constructed in compliance with all City construction standards. The property owner also shall submit copies of the approved Final Plat with any required revisions on mylars and in the format and number required by the Planning Division. Where public improvements have yet to be completed in connection with an approved Final Plat, the property owner shall submit in the format and number required by the City Manager or his/her designee, copies of the approved Final Plat with any required revisions on mylars and in the format and number required by the Planning Division for signing and recording.
 - b. ~~Upon notification of acceptance of required public improvements or filing of security in lieu of infrastructure construction, the City Manager or his/her designee shall procure the signature of the chair of the Planning and Zoning Commission on the plat and shall promptly cause the plat to be recorded.~~

~~G. No Final Plat will be received for recording until all back taxes owed to the City have been paid in full and a certified copy of a Tax Certificate from the applicable school district and county tax office has been received for the subject property.~~

Sec. 21.12.11. - Minor Plat Process.

- A. *Applicability.* The provisions of this section are authorized under LGC Chapter 212 and shall be applicable to all areas within the City's limits and throughout the City's ETJ. 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 Development Manual.
- C. *Processing of Application and Decision.*
1. *Submittal.* An application for a minor plat shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with [section 21.4.2](#). The City Manager or his/her designee ~~shall may, at his/her option,~~ forward a copy of the plat to other appropriate departments for review and recommendation. ~~The City Manager or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application.~~
 2. *Minor Plat Approval.* In accordance with LGC Section 212.0065, the City Manager or his/her designee may approve a minor plat. The City Manager or his/her designee may, for any reason, elect to present the plat for approval to the Planning and Zoning Commission. The City Manager or his/her designee shall not ~~approve with conditions or~~ disapprove a minor plat and shall be required to refer any plat for which approval is refused to the Planning and Zoning Commission. ~~The City Manager or his/her designee or the Planning and Zoning Commission shall act on the plat within thirty (30) days after the date a complete application is filed. If a minor plat is referred to the Planning and Zoning Commission, the Planning and Zoning Commission shall act on the plat within thirty (30) days after the date of the City Manager or his/her designee's determination.~~
 3. *Conditional Approval and Denial.* ~~If the 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 Manager or his/her designee is authorized to approve revisions required for conditional approval of the Final Plat. The Planning and Zoning Commission shall determine whether to approve or deny the applicant's previously conditionally approved or denied plat no later than the fifteenth (15th) day after the date the response was submitted.~~
 2. ~~Contents of Minor Plat.~~ ~~An application for a minor plat shall include the same information and documents required for approval of a Final Plat in accordance with [section 21.12.9](#).~~
- D. *Criteria for Approval.* The City Manager or his/her designee in considering final action on a minor plat should consider the following criteria:
1. the minor plat is consistent with all zoning requirements for the property, all other requirements of this UDC that apply to the plat, and any regulations contained in an approved Development Agreement;
 2. all lots to be created by the plat already are adequately served by all required City utilities and infrastructure; and

3. the plat does not require the extension of any municipal facilities to serve any lot within the subdivision.
- 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 or conditionally approved by the City Manager or his/her designee or the Planning and Zoning Commission ~~on appeal, during which period the applicant shall submit any required revisions for approval and recordation of the plat.~~ 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 Planning and Zoning Commission for a period not to exceed six (6) months. A minor plat is not subject to reinstatement following expiration.
- F. *Plat Recordation.* The property owner shall submit the approved minor plat and any other required items, following any required revisions, to the City Manager or his/her designee, who shall cause the plat to be recorded in the property records of the county in which the land is located. No Minor Plat will be received for recording until all back taxes owed to the City have been paid in full and a certified copy of a Tax Certificate from the applicable school district and county tax office has been received for the subject property.

Sec. 21.12.12. - Amending Plat Process

- A. *Applicability.* The provisions of this section are authorized under LGC Chapter 212 and shall be applicable to all areas within the City's limits and throughout the City's ETJ. An amending plat may be filed in accordance with the procedures and requirements set forth in LGC section 212.016 and may be recorded and 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 the 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 Planning and Zoning Commission or City Council has approved, after a public hearing, as a residential improvement area; or
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 Development Manual.
- C. *Processing of Application and Decision*.
1. *Submittal*. An application for an amending plat shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with [section 21.4.2](#). The City Manager or his/her designee may, at his/her option, forward a copy of the plat to other appropriate departments for review and recommendation. ~~The City Manager or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application.~~
 2. *Amending Plat Approval*. In accordance with LGC section 212.0065, the City Manager or his/her designee may approve an amending plat. The City Manager or his/her designee may, for any reason, elect to present the plat for approval to the Planning and Zoning Commission. The City Manager or his/her designee shall not disapprove an amending plat and shall be required to refer any plat for which approval is refused to the Planning and Zoning Commission. ~~The City Manager or his/her designee or the Planning and Zoning Commission shall act on the plat within thirty (30) days after the date a complete application is filed. If an amending plat is referred to the Planning and Zoning Commission, the Planning and Zoning Commission shall act on the plat within thirty (30) days after the date of the City Manager or his/her designee's determination.~~
 3. *Conditional Approval and Denial*. ~~If the 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 Manager or his/her designee is authorized to approve revisions required for conditional approval of the Final Plat. The Planning and Zoning Commission shall determine whether to approve or deny the applicant's previously denied plat or conditionally approved, if forwarded to the Commission by the City Manager or his/her designee, no later than the fifteenth (15th) day after the date the response was submitted.~~
 2. ~~*Planning and Zoning Commission Review of Administratively Approved Plats*. The City Manager or his/her designee shall provide a quarterly report to the Planning and Zoning Commission containing a summary of plats that have been administratively approved during that quarter and shall include a copy of the approved plat for review by the Planning and Zoning Commission.~~

~~D. Contents of Amending Plat. An application for an amending plat shall include the same information and documents required for approval of a Final Plat in accordance with section 21.12.9.~~

~~E.D. 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 or conditionally approved by the City Manager or his/her designee or the Planning and Zoning Commission, on appeal, during which period the applicant shall submit any required revisions for approval and recordation of the plat. If the amending plat has not been recorded within the two (2) year period, the plat approval 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 Planning and Zoning Commission for a period not to exceed six (6) months. An amending plat is not subject to reinstatement following expiration.~~

~~F.E. Plat Recordation. The property owner shall submit the approved Amending Plat and any other required items, following any required revisions, to the City Manager or his/her designee, who shall cause the plat to be recorded in the property records of the county in which the land is located. No Amending Plat will be received for recording until all back taxes owed to the City have been paid in full and a certified copy of a Tax Certificate from the applicable school district and county tax office has been received for the subject property.~~

Sec. 21.12.13. - Replat Process.

- A. *Applicability.* The provisions of this section are authorized under LGC Chapter 212 and shall be applicable to all areas within the City's limits and throughout the City's ETJ. 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. A replat does not itself constitute approval for development of the property.
- B. *Application Requirements.* Any request for a replat shall be accompanied by an application prepared in accordance with the Development Manual.
- C. *Processing of Application and Decision.*
 1. *Submittal.* An application for a replat shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with [section 21.4.2](#). The City Manager or his/her designee shall forward a copy of the plat to other appropriate departments for review and recommendation. ~~The City Manager or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application.~~ After appropriate review, the City Manager or his/her designee shall forward a recommendation to the Planning and Zoning Commission for consideration.
 2. *Notification Requirements.* An application for a replat which is accompanied by a waiver or variance request requires notification in accordance with LGC section 212.015. Published notice and written notice to property owners within 200 feet who are also within the original subdivision shall be provided in accordance with the requirements of LGC.
 3. *Decision by the Planning and Zoning Commission.* The Planning and Zoning Commission shall ~~hold a public hearing and~~ receive the recommendation of the City Manager or his/her designee and shall consider the proposed replat. 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 Planning and Zoning Commission shall act on the plat within thirty (30) days after the date a complete application is filed. The 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 this UDC. The Planning and Zoning Commission may vote to approve with conditions or deny a replat that does not satisfy all applicable regulations of this UDC. ~~The applicant may appeal the decision of the Planning and Zoning Commission to the City Council for consideration. The City Council shall act on an appeal within thirty (30) days after the date of the Planning and Zoning Commission's action.~~

4. Conditional Approval and Denial. ~~If the 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.~~

5. 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 Manager or his/her designee is authorized to approve revisions required for conditional approval of the Final Plat. The Planning and Zoning Commission shall determine whether to approve or deny the applicant's previously conditionally approved or denied plat no later than the fifteenth (15th) day after the date the response was submitted.~~

~~D. Contents of Replat.~~ ~~An application for a replat shall include the same information and documents required for approval of a final plat in accordance with section 21.12.9.~~

E.D. Criteria for Approval. The Planning and Zoning Commission in considering final action on a replat should consider the following criteria:

1. the replat is consistent with all zoning requirements for the property, all other requirements of this UDC that apply to the plat, and any regulations contained in an approved Development Agreement;
2. the replat is signed and acknowledged by only the owners of the property being replatted;
3. a public hearing was held and parties in interest and citizens have had an opportunity to be heard; and
4. the replat does not attempt to amend or remove any covenants or restrictions.

F.E. Protests. If the replat application is accompanied by a variance petition and is protested in accordance with this section, approval of the replat shall require the affirmative vote of at least three-fourths ($\frac{3}{4}$) of the members of the Planning and Zoning Commission present at the meeting. For a legal protest, written instruments signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the replat application 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. In computing the percentage of land area under this section, the area of streets and alleys shall be included.

G.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 or conditionally approved by the Planning and Zoning Commission, during which period the applicant shall submit any required revisions for approval and recordation of the plat. If the replat has not been recorded within the two (2) year period, the plat approval 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 Planning and Zoning Commission for a period not to exceed six (6) months. A replat is not subject to reinstatement following expiration.

G. Plat Recordation. ~~The property owner shall submit the approved replat, following any required revisions, to the City Manager or his/her designee, who shall cause the plat to be recorded in the~~

property records of the county in which the land is located. After approval of a Replat Plat and acceptance of required public improvements or execution of an Improvement Agreement pursuant to Sec.21.4.15, if applicable, the applicant may submit all necessary items to the City to record the plat in the County Land Records. Upon receipt of the plat recording submittal and notification of acceptance of required public improvements or execution of an Improvement Agreement, the City Manager or his/her designee shall procure the signature of the chair of the Planning and Zoning Commission on the plat and shall promptly cause the plat to be recorded

Sec. 21.12.14. – Vacating Plat Process.

A. *Applicability.* The provisions of this section are authorized under LGC Chapter 212 and shall be applicable to all areas within the City's limits and throughout the City's ETJ. A vacating plat does not itself constitute approval for development of the property.

B. *Application Requirements .* Any request for a vacating plat shall be accompanied by an application prepared in accordance with the Development Manual as well as an application for a replat.

C. *Processing of Application and Decision.*

1. *Submittal.* An application for a vacating plat shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with section 21.4.2. The City Manager or his/her designee shall forward a copy of the plat to other appropriate departments for review and recommendation. After appropriate review, the City Manager or his/her designee shall forward a recommendation to the Planning and Zoning Commission for consideration.

1. *Decision by the Planning and Zoning Commission.* The Planning and Zoning Commission shall receive the written recommendation of the City Manager or his/her designee and shall consider the proposed vacating plat. The Planning and Zoning Commission shall act on the plat within thirty (30) days after the date a complete application is filed. The Planning and Zoning Commission must approve a vacating plat that is required to be prepared in accordance with this section and that satisfies all applicable regulations of this UDC. The Planning and Zoning Commission may vote to approve with conditions or deny a replat that does not satisfy all applicable regulations of this UDC.

2. *Conditional Approval and Denial.* If the 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.

3. *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 Manager or his/her designee is authorized to approve revisions required for conditional approval of the Final Plat. The Planning and Zoning Commission shall determine whether to approve or deny the applicant's previously conditionally approved or denied plat no later than the fifteenth (15th) day after the date the response was submitted.

D. *Criteria for Approval.* The Planning and Zoning Commission in considering final action on a replat should consider the following criteria:

1. the vacating plat is consistent with all zoning requirements for the property, all other requirements of this UDC that apply to the plat, and any regulations contained in an approved Development Agreement;

2. the vacating plat is signed and acknowledged by all owners of lots in the original plat.

E. *Expiration and Extension.*

1. Expiration. The approval of a vacating plat shall remain in effect for a period of two (2) years after the date the application was approved or conditionally approved by the Planning and Zoning Commission, during which period the applicant shall submit any required revisions for approval and recordation of the plat. If the vacating plat has not been recorded within the two (2) year period, the plat approval 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 vacating plat may be extended by the Planning and Zoning Commission for a period not to exceed six (6) months. A vacating plat is not subject to reinstatement following expiration.

B. Recording Procedures. After approval of a Vacating Plat and associated Replat, acceptance of required public improvements or execution of an Improvement Agreement pursuant to Sec.21.4.15, if applicable, the applicant may submit all necessary items to the City to record the vacating plat and replat in the County Land Records. Upon receipt of the plat recording submittal and notification of acceptance of required public improvements or execution of an Improvement Agreement, the City Manager or his/her designee shall procure the signature of the chair of the Planning and Zoning Commission on the plat and shall promptly cause the plat to be recorded.

No Final Plat will be received for recording until all back taxes owed to the City have been paid in full and a certified copy of a Tax Certificate from the applicable school district and county tax office has been received for the subject property.

Sec. 21.9.12. - Site plan process.

A. Purpose and Applicability.

1. *Purpose.* This section establishes a Site Plan review process for certain proposed residential, nonresidential, and mixed-use developments. The purpose of Site Plan approval is to:
 - a. ensure compliance with the requirements of this UDC;
 - b. promote better site design;
 - c. integrate projects more effectively into their surrounding environment;
 - d. prevent the impairment or depreciation of property values;
 - e. improve internal vehicular and pedestrian circulation;
 - f. encourage quality and innovative site planning techniques;
 - g. project and enhance the overall general public health, safety and welfare;
 - h. ensure efficient and safe land development;
 - i. ensure harmonious use of land;
 - j. ensure compliance with the Comprehensive Land Plan and other appropriate design standards; and
 - k. ensure adequate parking and loading, water supply, drainage and storm water management, sanitary sewer facilities, and other utilities and services.
2. *Applicability.* Site Plan review and approval shall be required as follows:
 - a. for any development that contains two (2) or more residential dwelling units on a single tract, lot, or parcel of land;
 - b. for any development that contains single-family attached dwelling units;
 - c. for any non-residential development;
 - d. any increase in an existing non-residential structure or a residential structure that contains two (2) or more residential dwelling units that is greater than twenty-five percent (25%) of the existing building square footage;
 - e. for any PDD or SUP;

- f. for any single-family residential development that includes a private amenity or facility or a golf course; and
 - g. no building permit shall be issued for any of the above developments until a Site Plan and all other required engineering/construction plans are first approved by the City. No certificate of occupancy shall be issued until all construction and development conforms to the approved Site Plan and associated engineering/construction plans. The Site Plan review process shall include, but not be limited to, the following steps:
 - i. pre-application conference;
 - ii. site Plan review and approval; and
 - iii. construction of project (after City approval of required Site Plan and other associated plans, including platting and engineering plans).
3. *Exempted Uses.* The following land use activities are exempted from the requirements of this Article:
- a. construction of one- or two-family dwellings, ordinary accessory structures and related land use activities;
 - b. ordinary repair and maintenance of existing structures or uses;
 - c. agricultural land use;
 - d. incidental landscaping or grading;
 - e. individual manufactured homes; and
 - f. interior alterations that do not substantially change the nature or use of the structure.
- B. *Application Requirements* . Any request for Site Plan approval shall be accompanied by an application prepared in accordance with the Development Manual.

C. *Processing of Application and Decision.*

1. *Submittal.* An application for a Site Plan shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with [section 21.4.2](#). The City Manager or his/her designee shall forward a copy of the proposed plan to the other appropriate departments for review and recommendation. may, at his/her option, request a recommendation from any other City Department or consultant. The City Manager or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application.
2. *Site Plan Approval.* The City Manager or his/her designee may approve a site plan. The City Manager or his/her designee may, for any reason, elect to present the site plan for approval to the Planning and Zoning Commission. The City Manager or his/her designee shall not approve with conditions or disapprove a site plan and shall be required to refer any site plan for which approval is refused to the Planning and Zoning Commission. The City Manager or his/her designee or the Planning and Zoning Commission shall act on the plan within thirty (30) days after the date a complete application is filed.
3. *Conditional Approval and Denial.* If the Commission conditionally approves or denies the 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 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 Manager or his/her designee is authorized to approve revisions required for conditional approval of the site plan. The Planning and Zoning Commission shall determine whether to approve or deny the applicant's previously denied plan or conditionally approved plan, if forwarded to the

commission by the City Manager or his/her designee, no later than the fifteenth (15th) day after the date the response was submitted.

~~Contents of a Site Plan. An application for a Site Plan shall include the information required by the Development Manual.~~

C.D. Criteria for Approval. The City Manager or his/her designee ~~Development Services Department and City administrative staff,~~ in considering final action on a Site Plan, should consider the following criteria:

1. the Site Plan is consistent with the general purpose and intent of the applicable zoning district regulations;
2. the Site Plan is compatible with adjacent developments and neighborhoods and includes improvements to mitigate development related adverse impacts;
3. the Site Plan does not generate pedestrian or vehicular traffic which will be hazardous or conflict with the existing traffic patterns in the area;
4. the Site Plan incorporates features to minimize adverse effects on adjacent properties;
5. adequate capacity of public or private facilities for water, sewer, electricity and transportation to and through the development are provided to the site;
6. the proposed use and associated Site Plan promote the health, safety or general welfare of the City and the safe, orderly, efficient and healthful development of the City.

D.E. Revisions to Approved Site Plan. Changes to an approved Site Plan shall be processed in the same manner as the original approved Site Plan; however, changes of details within a Site Plan which do not alter the basic physical relationship of the property to adjacent property, do not alter the use permitted, increase the density, floor area, height, or reduce the yards provided at the boundary of the site as indicated on the approved Site Plan, may be authorized by the City Manager or his/her designee. ~~An aggrieved party may appeal the decision of the City Manager or his/her designee to the Planning and Zoning Commission in accordance with the provisions of this UDC.~~

E.F. Expiration of Site Plan. A Site Plan shall expire if any of the following occurs:

- ~~1. a building permit, if any, for the use has not been approved within two (2) years after the approval of a Specific Use Permit;~~
- ~~2. a building permit has not been approved within two (2) years after the approval of a Site Plan as part of a planned development district;~~
- 3.1. a building permit has not been approved within two (2) years for the construction of any building on the property for which the Site Plan was approved; and
- 4.2. a building permit that was approved as a result of an approved Site Plan expires within two (2) years after approval of the Site Plan.

Clean Version of Proposed Text

Proposed UDC Amendment for MDP, Plat and Site Plan Applications:

Sec. 21.3.3. - Planning and zoning commission.

- A. *Structure of the Commission* . The Planning and Zoning Commission is established in accordance with the City Charter and Commission members are appointed by the City Council.
- B. *Duties and Approval Authority* .
1. The Planning and Zoning Commission shall have the authority to review and make a recommendation to the City Council on the following applications:
 - a. amendment to the Comprehensive Land Plan;
 - b. establish or amend a zoning district map classification, including creation or amendment of an overlay district;
 - c. rezoning requests including an application for a Specific Use Permit.
 - d. amendment to the UDC; and
 - e. a Development Agreement as set forth in the LGC and this UDC;
 2. The Planning and Zoning Commission shall have final approval authority on the following applications:
 - a. Subdivision Master Plan.
 - b. Site Plan; if forwarded by the City Manager or his/her designee
 - c. preliminary plat;
 - d. final plat;
 - e. amending plat; if forwarded by the City Manager or his/her designee.
 - f. minor plat; if forwarded by the City Manager or his/her designee.
 - g. replat; and
 - h. waivers relating to [Article 12](#), Subdivisions.
 3. The Planning and Zoning Commission shall have the authority to make final determinations relating to appeals of staff determinations on the following items:
 - a. Required Conditions for Home Occupations and denial of a Home Occupation permit.
 - b. Site Design Standards including Tree Preservation & Mitigation, Revisions to Approved Site Plans.
 - c. Signs & Advertising Devices including general requirements, removal of signs.
 - d. Additional Design Requirements including off street parking, building setback lines, and landscape buffers.
 - e. An appeal of a driveway waiver determination.

Sec. 21.3.5. - Administrative authority.

- A. *Authority Granted* . The City Manager or his/her designees shall have such powers and authority as granted by State law, the City Charter, the Code of Ordinances, and this UDC to initiate, undertake, and decide any matters pertaining to the regulation of the use and development of land as identified in this UDC and are authorized to take all actions necessary to carry out their responsibilities in accordance with the requirements and limitations prescribed therein.
- B. *Administrative Structure* . The City Manager is designated as the chief administrative official of the City. The City Manager, at his/her discretion, may designate the director of any department or

other employee as the administrative authority responsible for consideration of any item deemed appropriate by the City Manager.

C. *Duties and Approval Authority* .

1. The City Manager or his/her designee shall have the authority to review and make a recommendation to the appropriate approval body on the following applications:
 - a. amendment to the Comprehensive Land Plan;
 - b. establish or amend a zoning district map classification, including creation or amendment of an overlay district;
 - c. rezoning requests including an applications for a Specific Use Permit;
 - d. amendment of this UDC;
 - e. annexation;
 - f. a Development Agreement within the City's corporate boundaries and in the City's ETJ;
 - g. Historic Landmark or District Designation;
 - h. an appeal of the decision of any City Board, Commission, Committee or staff as authorized by this UDC;
 - i. Subdivision Master Plan;
 - j. preliminary plat;
 - k. final plat;
 - l. replat;
 - m. a variance, appeal or other application to be considered by the BOA;
 - n. an interpretation, appeal or other application to be considered by the Building and Standards Commission; and
 - o. an interpretation, waiver, appeal or other application to be considered by the Planning & Zoning Commission.
2. The City Manager or his/her designee shall have final approval authority on the following applications:
 - a. a minor plat, as authorized by this UDC and LGC Section 212.0065. However, the City Manager or his/her designee may forward the plat to the Planning and Zoning Commission for approval;
 - b. an amending plat, as authorized by this UDC, and LGC Section 212.0065. However, the City Manager or his/her designee may forward the plat to the Planning and Zoning Commission for approval;
 - c. a Certificate of Determination, as authorized by this UDC and LGC Section 212.0115. However, the City Manager or his/her designee may forward the request to the Planning and Zoning Commission for determination;
 - d. a site plan, as authorized by this UDC. However, the City Manager or his/her designee may forward a site plan to the Planning and Zoning Commission for approval; and
 - e. other applications as authorized by this UDC.

Sec. 21.4.2. - Initiation of Application.

- A. *Application Submittal.* All development applications to be considered by any Board, Commission or Committee, or by the City Council shall be initiated by the filing of the application by the owner of the property on which the permit is applicable or by the owner's designated agent. In the event an application is submitted by a designated agent, the application must be accompanied by a written statement, signed by the owner, authorizing the agent to file the application on the owner's behalf.
- B. *Determination of Application Completeness.*
 1. All development applications shall be subject to a determination of completeness by the City Manager or his/her designee.

2. No application shall be deemed complete and accepted for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of this UDC and the Development Manual.
3. The City Manager or his/her designee may from time to time identify additional requirements for a complete application that are not contained within but are consistent with the application contents and standards set forth in this UDC.
4. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this UDC.
5. Not later than the tenth (10th) business day after the date an application is submitted, the City Manager or his/her designee shall make a written determination whether the application constitutes a complete application. This shall include a determination that all information and documents required by this UDC and the Development Manual for the type of permit being requested or other requirements have been submitted. A determination that the application is incomplete shall be sent to the applicant within such time period by email to the address listed on the application or by United States mail at the address listed on the application. The determination shall specify the documents or other information needed to complete the application and shall state that the application will expire if the documents or other information are not submitted within forty-five (45) days after the date the application was submitted.
6. An application filed on or after the effective date of this amended and restated UDC shall be deemed complete on the eleventh (11th) business day after the application has been received, if the applicant has not otherwise been notified that the application is incomplete. For purposes of this section, the applicant shall be deemed to have been notified if the City has emailed or mailed a copy of the determination as provided in subsection [B.5](#) above.
7. The processing of an application by any City employee prior to the time the application is determined to be complete shall not be binding on the City as the official acceptance of the application for filing. However, this application may be denied for incompleteness within the forty-five (45) day period.
8. A Development Application shall be deemed to expire on the forty-fifth (45th) day after the application is submitted to the City Manager or his/her designee for processing if the applicant fails to provide documents or other information necessary to meet the requirements of this UDC, the Development Manual or other requirements as specified in the determination provided to the applicant. Upon expiration, the application will be discarded and a new application must be submitted.
9. No vested rights accrue solely from the filing of an application that has expired pursuant to this section, or from the filing of a complete application that is subsequently denied.

C. Application for Letters of Certification

1. *Certifying Departments.* - Prior to filing an application for Subdivision Plat, Master Development Plan, or Site Plan approval the applicant shall secure letters of certification as required by this UDC. A request for letters of certification and required items shall be filed by the applicant with the following entities as required by the Development Manual:
 - a. Planning and Community Development Department
 - b. Engineering Department
 - c. Fire Department
 - d. Parks and Recreation
 - e. Public Works Department
2. *Application Requirements.* Any request for a Letter of Certification shall be accompanied by an application prepared in accordance with the Development Manual.

3. *Completeness Review.* Upon receipt of a request for letters of certification, the City Manager or his/her designee shall preform a determination of application completeness pursuant to Section 21.4.2.B.
4. *Decision.* The following procedures shall apply to the issuance of a letter of certification:
 - a. After the City Manager or his/her designee has determined whether the request for letters of certification and required technical data is complete, each certifying department shall issue or deny a letter of certification within ninety (90) days. When a certifying department determines that the proposed plan, plat or any of the required accompanying data does not conform with the requirements of this UDC or other applicable regulations, ordinances or laws, the applicant may at his/her option revise any nonconforming aspects. If any data is revised and resubmitted, the certifying department/agency shall have up to thirty days (30) days from the latest date of submission to issue or deny a letter of certification.
 - b. Failure to Submit Letter of Certification. If a letter of certification is not issued or denied within the time periods prescribed in subsection C.4.a. above, the same shall be deemed issued and the applicant may submit an application for master development plan, subdivision plat, or site plan approval, without submitting the letter of certification.
5. *Issuance Criteria.* The letter of certification request is a process for compiling a complete application for master development plan, subdivision, or site plan review. The City Manager or his/her designee, in considering action on a Letter of Certification request should consider the following criteria:
 - a. the certification request complies with all applicable regulations, ordinances and laws including but not limited to the Unified Development Code, Code of Ordinances, Development Manual, Public Works Technical Specifications, and Public Works Design Guide.

A letter of certification does not authorize any subdivision or development activity, and any action by the certifying department shall constitute only a recommendation as to whether the activities subject to the request for letters of certification would comply with the applicable development requirements.

6. *Scope of Issuance.* A letter of certification does not authorize the development or subdivision of land. Upon receipt of all letters of certification, the applicant may submit an application for master development plan, subdivision plat, or site plan approval. Letters of certification shall remain valid for one (1) year from the date of issuance by the certifying department/agency. After that time period, new or updated letters of certification shall be required to file a proposed plat with the planning commission. Each new proposed plat to be filed will be required to obtain new letters of certification prior to application submittal.
7. *Amendments.* A letter of certification may be amended prior to filing an application for subdivision approval if the proposed amendment:
 - a. Does not increase the number of lots subject to the application
 - b. Does not increase by more than five percent (5%) the lineal footage of roadways or the areas within the paved surface of the street right-of-way
 - c. Does not reduce the amount of open space within the proposed subdivision
8. *Recording Procedures.* A letter of certification is not recorded. A letter of certification shall be maintained by the applicant and presented with the proposed application for master development plan, subdivision plat, or site plan approval.

- D. *Application Withdrawal.* Any request for withdrawal of an application must be submitted in writing to the City Manager or his/her designee. If notification is required for the application and has been properly given via publication in the newspaper and/or written notification to surrounding property owners, such application must be placed on the agenda. The staff representative shall notify the Board, Commission, Committee or the City Council of the request for withdrawal. The Board, Commission, Committee or the City Council may, at its discretion, accept the request for withdrawal of the application by general consent of the members. Application fees are not refundable unless reimbursement is otherwise authorized by the City Manager or his/her designee.

Sec. 21.12.5. - Subdivision Master Plan

- A. *General.* Where required by [section 21.12.6](#), a Subdivision Master Plan shall be prepared and submitted in accordance with this Article.
- B. *Submittal Requirements for Subdivision Master Plan.* An application for a Subdivision Master Plan shall include the information required by the Development Manual.

Sec. 21.12.6. - Subdivision Master Plan Process

A. Applicability

1. The provisions of this section are authorized under LGC Chapter 212 and shall be applicable to all areas within the City limits and throughout the City's ETJ. A Subdivision Master Plan is required to provide for review of certain developments for compliance with the Comprehensive Land Plan, this UDC, 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.
2. A Subdivision Master Plan is required for any development meeting the following criteria:
 - a. the property is undeveloped, is under one (1) ownership, and is greater than fifty (50) acres in size;
 - b. the proposed subdivision of land is to occur in phases;
 - c. the proposed subdivision will require off-site road, drainage or utility connections or improvements that will have a substantial impact or effect on other properties or developments; or
 - d. the property is part of a Development Agreement under [section 21.4.10](#).
3. If a preliminary plat encompasses the entire development, a Subdivision Master Plan will not be required.

B. Application Requirements

1. *Application Required* . Any request for a Subdivision Master Plan shall be accompanied by an application prepared in accordance with the Development Manual.
2. *Accompanying Applications.* An application for a Subdivision Master Plan may be accompanied by an application for a Preliminary Plat for the first phase of development.

C. Processing of Application and Decision

1. *Submittal* An application for a Subdivision Master Plan shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with [section 21.4.2](#). The City Manager or his/her designee shall forward a copy of the proposed plan to other appropriate departments for review and recommendation. After appropriate review, the City Manager or his/her designee

shall forward a written recommendation to the Planning and Zoning Commission for consideration.

2. *Recommendation by the Parks and Recreation Advisory Board.* Prior to application submission, the Subdivision Master Plan shall be reviewed by the Director of Parks, Recreation and Community Services for consistency with the Parks and Open Space Master Plan and any other applicable plans of the City. The Parks and Recreation Advisory Board shall provide a written recommendation with respect to the acceptability of any area proposed for dedication as public parkland.
 3. *Decision by the Planning and Zoning Commission.* The Planning and Zoning Commission shall receive the written recommendation of the Director of Parks, Recreation and Community Services and the City Manager or his/her designee and shall consider the proposed Subdivision Master Plan. The Planning and Zoning Commission shall act on the plat within thirty (30) days after the date a complete application is filed. The Planning and Zoning Commission may vote to approve, approve with conditions, or deny the proposed Subdivision Master Plan.
 4. *Conditional Approval and Denial.* If the Commission conditionally approves or denies the 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.
 5. *Applicant Response to Conditional Approval or Denial.* After the conditional approval or denial of a plan, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The Planning and Zoning Commission shall determine whether to approve or deny the applicant's previously conditionally approved or denied plan no later than the fifteenth (15th) day after the date the response was submitted.
 6. *Acceptance of Subdivision Master Plan Approval of a Subdivision Master Plan by the Planning and Zoning Commission 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 this UDC.*
- D. *Criteria for Approval.* The 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 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. if the land lies within a Planned Development (PDD) zoning district or is part of an approved Development Agreement, the proposed Subdivision Master Plan conforms to the PDD district regulations and is consistent with the incorporated Conceptual Plan or any development regulations contained in the approved Development Agreement; and
 5. the location, size and sequence of the phases of development proposed assures orderly and efficient development of the land subject to the plan.
- E. *Expiration and Extension.*
1. *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 or conditionally approved by the

Planning and Zoning Commission, 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 Following Approval of 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. *Amendments.* 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 approval of a revised Subdivision Master Plan before approval of a Preliminary Plat.

Sec. 21.12.8. - Preliminary Plat Process

A. *Applicability.*

1. The provisions of this section are authorized under LGC Chapter 212 and shall be applicable to all areas within the City's limits and throughout the City's ETJ. 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 requirements of this UDC.
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.*

1. *Application Required* . Any request for a Preliminary Plat shall be accompanied by an application prepared in accordance with the Development Manual.
2. *Accompanying Applications.* An application for a Preliminary Plat may be accompanied by an application for a Master Plan for the entire area to be platted or for any portion of the proposed Preliminary Plat.

C. *Processing of Application and Decision.*

1. *Submittal.* An application for a Preliminary Plat shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with [section 21.4.2](#). The City Manager or his/her designee shall forward a copy of the plat to other appropriate departments for review and recommendation. After appropriate review, the City Manager or his/her designee shall forward a written recommendation to the Planning and Zoning Commission for consideration.
2. *Decision by the Planning and Zoning Commission.* The Planning and Zoning Commission shall receive the written recommendation of the City Manager or his/her designee and shall consider the proposed Preliminary Plat. The Planning and Zoning Commission shall act on the plat within thirty (30) days after the date a complete application is filed. The Planning and Zoning Commission must approve a Preliminary Plat that is required to be prepared in accordance with this section and that satisfies all applicable regulations of this UDC. The Planning and Zoning Commission may vote to approve with conditions or deny a Preliminary Plat that does not satisfy all applicable regulations of this UDC.

3. *Conditional Approval and Denial.* If the 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 Manager or his/her designee is authorized to approve revisions required for conditional approval of the Preliminary Plat. The Planning and Zoning Commission shall determine whether to approve or deny the applicant's previously denied plat or conditionally approved, if forwarded to the commission by the City Manager or his/her designee, no later than the fifteenth (15th) day after the date the response was submitted.
 5. *Acceptance of Preliminary Plat.* Approval of a Preliminary Plat by the Planning and Zoning Commission 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 UDC.
- D. *Criteria for Approval.* The Planning and Zoning Commission, in considering final action on a Preliminary Plat, should consider the following criteria:
1. the plat is consistent with all zoning requirements for the property or any approved Development Agreement;
 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 conform to the master facilities plans for the facilities, including without limitation the water facilities, wastewater facilities, transportation, drainage and other master facilities plans; and
 4. 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.
- 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 or conditionally approved by the Planning and Zoning Commission, 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 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 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 Following Approval of 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 include 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, changes to flood plain data, and any other changes that may not be included herein as determined by the Planning Department. Major changes shall require submittal of a revised master plan and Preliminary Plat which is submitted and processed the same as a new Master Development Plan application and new Preliminary Plat application.
3. *Amendments.* All other proposed changes to the design of the subdivision subject to an approved Preliminary Plat shall be deemed major amendments that require submittal and approval of a new application for approval of a Preliminary Plat before approval of a Final Plat.

Sec. 21.12.10. - Final Plat Process

A. Applicability.

1. The provisions of this section are authorized under LGC Chapter 212 and shall be applicable to all areas within the City's limits and throughout the City's ETJ. 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 UDC 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 UDC 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

1. *Application Required* . Any request for a Final Plat shall be accompanied by an application prepared in accordance with the Development Manual.
2. *Accompanying Applications.* An application for a Final Plat shall be accompanied by a letter of approval from the City Engineer and/or the Director of Public Works approving the public infrastructure improvement construction plans showing details of streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers and other engineering details of the proposed subdivision. Such plans shall be prepared by a registered professional engineer and shall conform to the standard specifications established by the City. Approval of any public infrastructure improvement plans is required prior to Final Plat application.

C. Processing of Application and Decision.

1. *Submittal.* An application for a Final Plat shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with [section 21.4.2](#). The City Manager or his/her designee shall forward a copy of the plat to other appropriate departments for review and recommendation. After appropriate review, the City Manager or his/her designee shall forward a written recommendation to the Planning and Zoning Commission for consideration.
2. *Decision by the Planning and Zoning Commission.* The Planning and Zoning Commission shall receive the written recommendation of the City Manager or his/her designee and shall consider the proposed Final Plat. The Planning and Zoning Commission shall act on the plat within thirty (30) days after the date a complete application is filed. The Planning and Zoning Commission must approve a Final Plat that is required to be prepared in accordance with this

section and that satisfies all applicable regulations of this UDC. The Planning and Zoning Commission may vote to approve with conditions or deny a Final Plat that does not satisfy all applicable regulations of this UDC.

3. *Conditional Approval and Denial.* If the 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 Manager or his/her designee is authorized to approve revisions required for conditional approval of the Final Plat. The Planning and Zoning Commission shall determine whether to approve or deny the applicant's previously denied plat or conditionally approved, if forwarded to the commission by the City Manager or his/her designee, no later than the fifteenth (15th) day after the date the response was submitted.
- D. *Criteria for Approval.* The Planning and Zoning Commission, in considering final action on a Final Plat, should consider the following criteria:
1. the Final Plat conforms to the approved Preliminary Plat, except for minor changes that may be approved without the necessity of revising the approved Preliminary Plat; and
 2. the final layout of the subdivision or development meets all standards for adequacy of public facilities contained in this UDC.
- 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 or conditionally approved by the 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, 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 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 Manager or his/her designee 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.* Major changes include 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, changes to flood plain data, and any other changes that may not be included herein as determined by the City Manager or his/her

designee. Major changes shall require submittal of a revised Final Plat which is submitted and processed the same as a new final plat application.

3. *Amendments.* All other proposed changes to the design of the subdivision subject to an approved Final Plat shall be deemed major amendments that require submittal and approval of a new application for approval of a Preliminary Plat before approval of a Final Plat. Approval of major revisions to an approved Preliminary Plat shall occur prior to the date any approved Subdivision Master Plan would have expired for the same land.

- G. *Recording Procedures.* After approval of a Final Plat and acceptance of required public improvements or execution of an Improvement Agreement pursuant to Sec.21.4.15, the applicant may submit all necessary items to the City to record the plat in the County Land Records. Upon receipt of the plat recording submittal and notification of acceptance of required public improvements or execution of an Improvement Agreement, the City Manager or his/her designee shall procure the signature of the chair of the Planning and Zoning Commission on the plat and shall promptly cause the plat to be recorded.

No Final Plat will be received for recording until all back taxes owed to the City have been paid in full and a certified copy of a Tax Certificate from the applicable school district and county tax office has been received for the subject property.

Sec. 21.12.11. - Minor Plat Process.

- A. *Applicability.* The provisions of this section are authorized under LGC Chapter 212 and shall be applicable to all areas within the City's limits and throughout the City's ETJ. 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 Development Manual.
- C. *Processing of Application and Decision.*
 1. *Submittal.* An application for a minor plat shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with [section 21.4.2](#). The City Manager or his/her designee shall forward a copy of the plat to other appropriate departments for review and recommendation.
 2. *Minor Plat Approval.* In accordance with LGC Section 212.0065, the City Manager or his/her designee may approve a minor plat. The City Manager or his/her designee may, for any reason, elect to present the plat for approval to the Planning and Zoning Commission. The City Manager or his/her designee shall not approve with conditions or disapprove a minor plat and shall be required to refer any plat for which approval is refused to the Planning and Zoning Commission. The City Manager or his/her designee or the Planning and Zoning Commission shall act on the plat within thirty (30) days after the date a complete application is filed.
 3. *Conditional Approval and Denial.* If the 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 Manager or his/her designee is authorized to approve revisions required for conditional approval of the Final Plat. The Planning and Zoning Commission shall determine whether to approve or deny

the applicant's previously conditionally approved or denied plat no later than the fifteenth (15th) day after the date the response was submitted.

- D. *Criteria for Approval.* The City Manager or his/her designee in considering final action on a minor plat should consider the following criteria:
1. the minor plat is consistent with all zoning requirements for the property, all other requirements of this UDC that apply to the plat, and any regulations contained in an approved Development Agreement;
 2. all lots to be created by the plat already are adequately served by all required City utilities and infrastructure; and
 3. the plat does not require the extension of any municipal facilities to serve any lot within the subdivision.
- 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 or conditionally approved by the City Manager or his/her designee 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 Planning and Zoning Commission for a period not to exceed six (6) months. A minor plat is not subject to reinstatement following expiration.
- F. *Plat Recordation.* The property owner shall submit the approved minor plat and any other required items, to the City Manager or his/her designee, who shall cause the plat to be recorded in the property records of the county in which the land is located. No Minor Plat will be received for recording until all back taxes owed to the City have been paid in full and a certified copy of a Tax Certificate from the applicable school district and county tax office has been received for the subject property.

Sec. 21.12.12. - Amending Plat Process

- A. *Applicability.* The provisions of this section are authorized under LGC Chapter 212 and shall be applicable to all areas within the City's limits and throughout the City's ETJ. An amending plat may be filed in accordance with the procedures and requirements set forth in LGC section 212.016 and may be recorded and 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 the 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 Planning and Zoning Commission or City Council has approved, after a public hearing, as a residential improvement area; or
 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 Development Manual.
- C. *Processing of Application and Decision*.
1. *Submittal*. An application for an amending plat shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with [section 21.4.2](#). The City Manager or his/her designee may, at his/her option, forward a copy of the plat to other appropriate departments for review and recommendation.
 2. *Amending Plat Approval*. In accordance with LGC section 212.0065, the City Manager or his/her designee may approve an amending plat. The City Manager or his/her designee may, for any reason, elect to present the plat for approval to the Planning and Zoning Commission. The City Manager or his/her designee shall not disapprove an amending plat and shall be required to refer any plat for which approval is refused to the Planning and Zoning Commission. The City Manager or his/her designee or the Planning and Zoning Commission shall act on the plat within thirty (30) days after the date a complete application is filed
 3. *Conditional Approval and Denial*. If the 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 Manager or his/her designee is authorized to approve revisions required for conditional approval of the Final Plat. The Planning and Zoning Commission shall determine whether to approve or deny the applicant's previously denied plat or conditionally approved, if forwarded to the Commission by the City Manager or his/her designee, no later than the fifteenth (15th) day after the date the response was submitted.
- D. *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 or conditionally approved by the City Manager or his/her designee or the Planning and Zoning Commission. If the amending plat has not been recorded within the two (2) year period, the plat approval 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 Planning and Zoning Commission for a period not to exceed six (6) months. An amending plat is not subject to reinstatement following expiration.
- E. *Plat Recordation.* The property owner shall submit the approved Amending Plat and any other required items, to the City Manager or his/her designee, who shall cause the plat to be recorded in the property records of the county in which the land is located. No Amending Plat will be received for recording until all back taxes owed to the City have been paid in full and a certified copy of a Tax Certificate from the applicable school district and county tax office has been received for the subject property.

Sec. 21.12.13. - Replat Process.

- A. *Applicability.* The provisions of this section are authorized under LGC Chapter 212 and shall be applicable to all areas within the City's limits and throughout the City's ETJ. 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. A replat does not itself constitute approval for development of the property.
- B. *Application Requirements.* Any request for a replat shall be accompanied by an application prepared in accordance with the Development Manual.
- C. *Processing of Application and Decision.*
1. *Submittal.* An application for a replat shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with [section 21.4.2](#). The City Manager or his/her designee shall forward a copy of the plat to other appropriate departments for review and recommendation. After appropriate review, the City Manager or his/her designee shall forward a recommendation to the Planning and Zoning Commission for consideration.
 2. *Notification Requirements.* An application for a replat which is accompanied by a waiver or variance request requires notification in accordance with LGC section 212.015. Published notice and written notice to property owners within 200 feet who are also within the original subdivision shall be provided in accordance with the requirements of LGC.
 3. *Decision by the Planning and Zoning Commission.* The Planning and Zoning Commission shall receive the recommendation of the City Manager or his/her designee and shall consider the proposed replat. 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 Planning and Zoning Commission shall act on the plat within thirty (30) days after the date a complete application is filed. The 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 this UDC. The Planning and Zoning Commission may vote to approve with conditions or deny a replat that does not satisfy all applicable regulations of this UDC.
 4. *Conditional Approval and Denial.* If the 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.

5. *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 Manager or his/her designee is authorized to approve revisions required for conditional approval of the Final Plat. The Planning and Zoning Commission shall determine whether to approve or deny the applicant's previously conditionally approved or denied plat no later than the fifteenth (15th) day after the date the response was submitted.
- D. *Criteria for Approval.* The Planning and Zoning Commission in considering final action on a replat should consider the following criteria:
1. the replat is consistent with all zoning requirements for the property, all other requirements of this UDC that apply to the plat, and any regulations contained in an approved Development Agreement;
 2. the replat is signed and acknowledged by only the owners of the property being replatted;
 3. a public hearing was held and parties in interest and citizens have had an opportunity to be heard; and
 4. the replat does not attempt to amend or remove any covenants or restrictions.
- E. *Protests.* If the replat application is accompanied by a variance petition and is protested in accordance with this section, approval of the replat shall require the affirmative vote of at least three-fourths ($\frac{3}{4}$) of the members of the Planning and Zoning Commission present at the meeting. For a legal protest, written instruments signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the replat application 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. In computing the percentage of land area under this section, the area of streets and alleys shall be included.
- 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 or conditionally approved by the Planning and Zoning Commission, during which period the applicant shall submit any required revisions for approval and recordation of the plat. If the replat has not been recorded within the two (2) year period, the plat approval 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 Planning and Zoning Commission for a period not to exceed six (6) months. A replat is not subject to reinstatement following expiration.
- G. *Plat Recordation.* After approval of a Replat Plat and acceptance of required public improvements or execution of an Improvement Agreement pursuant to Sec.21.4.15, if applicable, the applicant may submit all necessary items to the City to record the plat in the County Land Records. Upon receipt of the plat recording submittal and notification of acceptance of required public improvements or execution of an Improvement Agreement, the City Manager or his/her designee shall procure the signature of the chair of the Planning and Zoning Commission on the plat and shall promptly cause the plat to be recorded

Sec. 21.12.14. – Vacating Plat Process.

- A. *Applicability.* The provisions of this section are authorized under LGC Chapter 212 and shall be applicable to all areas within the City's limits and throughout the City's ETJ. A vacating plat does not itself constitute approval for development of the property.

- B. *Application Requirements* . Any request for a vacating plat shall be accompanied by an application prepared in accordance with the Development Manual as well as an application for a replat.
- C. *Processing of Application and Decision*.
1. *Submittal*. An application for a vacating plat shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with [section 21.4.2](#). The City Manager or his/her designee shall forward a copy of the plat to other appropriate departments for review and recommendation. After appropriate review, the City Manager or his/her designee shall forward a recommendation to the Planning and Zoning Commission for consideration.
 1. *Decision by the Planning and Zoning Commission*. The Planning and Zoning Commission shall receive the written recommendation of the City Manager or his/her designee and shall consider the proposed vacating plat. The Planning and Zoning Commission shall act on the plat within thirty (30) days after the date a complete application is filed. The Planning and Zoning Commission must approve a vacating plat that is required to be prepared in accordance with this section and that satisfies all applicable regulations of this UDC. The Planning and Zoning Commission may vote to approve with conditions or deny a replat that does not satisfy all applicable regulations of this UDC.
 2. *Conditional Approval and Denial*. If the 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.
 3. *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 Manager or his/her designee is authorized to approve revisions required for conditional approval of the Final Plat. The Planning and Zoning Commission shall determine whether to approve or deny the applicant's previously conditionally approved or denied plat no later than the fifteenth (15th) day after the date the response was submitted.
- D. *Criteria for Approval*. The Planning and Zoning Commission in considering final action on a replat should consider the following criteria:
1. the vacating plat is consistent with all zoning requirements for the property, all other requirements of this UDC that apply to the plat, and any regulations contained in an approved Development Agreement;
 2. the vacating plat is signed and acknowledged by all owners of lots in the original plat.
- E. *Expiration and Extension*.
1. *Expiration*. The approval of a vacating plat shall remain in effect for a period of two (2) years after the date the application was approved or conditionally approved by the Planning and Zoning Commission, during which period the applicant shall submit any required revisions for approval and recordation of the plat. If the vacating plat has not been recorded within the two (2) year period, the plat approval 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 vacating plat may be extended by the Planning and Zoning Commission for a period not to exceed six (6) months. A vacating plat is not subject to reinstatement following expiration.
- B. *Recording Procedures*. After approval of a Vacating Plat and associated Replat, acceptance of required public improvements or execution of an Improvement Agreement pursuant to Sec.21.4.15,

if applicable, the applicant may submit all necessary items to the City to record the vacating plat and replat in the County Land Records. Upon receipt of the plat recording submittal and notification of acceptance of required public improvements or execution of an Improvement Agreement, the City Manager or his/her designee shall procure the signature of the chair of the Planning and Zoning Commission on the plat and shall promptly cause the plat to be recorded.

No Final Plat will be received for recording until all back taxes owed to the City have been paid in full and a certified copy of a Tax Certificate from the applicable school district and county tax office has been received for the subject property.

Sec. 21.9.12. - Site plan process.

A. Purpose and Applicability.

1. *Purpose.* This section establishes a Site Plan review process for certain proposed residential, nonresidential, and mixed-use developments. The purpose of Site Plan approval is to:
 - a. ensure compliance with the requirements of this UDC;
 - b. promote better site design;
 - c. integrate projects more effectively into their surrounding environment;
 - d. prevent the impairment or depreciation of property values;
 - e. improve internal vehicular and pedestrian circulation;
 - f. encourage quality and innovative site planning techniques;
 - g. project and enhance the overall general public health, safety and welfare;
 - h. ensure efficient and safe land development;
 - i. ensure harmonious use of land;
 - j. ensure compliance with the Comprehensive Land Plan and other appropriate design standards; and
 - k. ensure adequate parking and loading, water supply, drainage and storm water management, sanitary sewer facilities, and other utilities and services.
2. *Applicability.* Site Plan review and approval shall be required as follows:
 - a. for any development that contains two (2) or more residential dwelling units on a single tract, lot, or parcel of land;
 - b. for any development that contains single-family attached dwelling units;
 - c. for any non-residential development;
 - d. any increase in an existing non-residential structure or a residential structure that contains two (2) or more residential dwelling units that is greater than twenty-five percent (25%) of the existing building square footage;
 - e. for any PDD or SUP;
 - f. for any single-family residential development that includes a private amenity or facility or a golf course; and
 - g. no building permit shall be issued for any of the above developments until a Site Plan and all other required engineering/construction plans are first approved by the City. No certificate of occupancy shall be issued until all construction and development conforms to the approved Site Plan and associated engineering/construction plans. The Site Plan review process shall include, but not be limited to, the following steps:
 - i. pre-application conference;
 - ii. site Plan review and approval; and
 - iii. construction of project (after City approval of required Site Plan and other associated plans, including platting and engineering plans).

3. *Exempted Uses.* The following land use activities are exempted from the requirements of this Article:
 - a. construction of one- or two-family dwellings, ordinary accessory structures and related land use activities;
 - b. ordinary repair and maintenance of existing structures or uses;
 - c. agricultural land use;
 - d. incidental landscaping or grading;
 - e. individual manufactured homes; and
 - f. interior alterations that do not substantially change the nature or use of the structure.
- B. *Application Requirements .* Any request for Site Plan approval shall be accompanied by an application prepared in accordance with the Development Manual.
- C. *Processing of Application and Decision.*
 1. *Submittal.* An application for a Site Plan shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with [section 21.4.2](#). The City Manager or his/her designee shall forward a copy of the proposed plan to the other appropriate departments for review and recommendation.
 2. *Site Plan Approval.* The City Manager or his/her designee may approve a site plan. The City Manager or his/her designee may, for any reason, elect to present the site plan for approval to the Planning and Zoning Commission. The City Manager or his/her designee shall not approve with conditions or disapprove a site plan and shall be required to refer any site plan for which approval is refused to the Planning and Zoning Commission. The City Manager or his/her designee or the Planning and Zoning Commission shall act on the plan within thirty (30) days after the date a complete application is filed.
 3. *Conditional Approval and Denial.* If the Commission conditionally approves or denies the 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 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 Manager or his/her designee is authorized to approve revisions required for conditional approval of the site plan. The Planning and Zoning Commission shall determine whether to approve or deny the applicant's previously denied plan or conditionally approved plan, if forwarded to the commission by the City Manager or his/her designee, no later than the fifteenth (15th) day after the date the response was submitted.
- D. *Criteria for Approval.* The City Manager or his/her designee in considering final action on a Site Plan, should consider the following criteria:
 1. the Site Plan is consistent with the general purpose and intent of the applicable zoning district regulations;
 2. the Site Plan is compatible with adjacent developments and neighborhoods and includes improvements to mitigate development related adverse impacts;
 3. the Site Plan does not generate pedestrian or vehicular traffic which will be hazardous or conflict with the existing traffic patterns in the area;
 4. the Site Plan incorporates features to minimize adverse effects on adjacent properties;

5. adequate capacity of public or private facilities for water, sewer, electricity and transportation to and through the development are provided to the site;
 6. the proposed use and associated Site Plan promote the health, safety or general welfare of the City and the safe, orderly, efficient and healthful development of the City.
- E. *Revisions to Approved Site Plan.* Changes to an approved Site Plan shall be processed in the same manner as the original approved Site Plan; however, changes of details within a Site Plan which do not alter the basic physical relationship of the property to adjacent property, do not alter the use permitted, increase the density, floor area, height, or reduce the yards provided at the boundary of the site as indicated on the approved Site Plan, may be authorized by the City Manager or his/her designee.
- F. *Expiration of Site Plan.* A Site Plan shall expire if any of the following occurs:
1. a building permit has not been approved within two (2) years for the construction of any building on the property for which the Site Plan was approved; and
 2. a building permit that was approved as a result of an approved Site Plan expires within two (2) years after approval of the Site Plan.