
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.
2. *Preliminary Plat Approval.* In accordance with LGC Section 212.0065, the City Manager or his/her designee may approve a preliminary plat. The City Manager or his/her designee 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 City Manager or his/her designee may approve with conditions or deny a preliminary plat that does not satisfy all applicable regulations of this UDC. 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 or 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 City Manager or his/her designee or the Planning and Zoning Commission conditionally approves or denies the plat, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.
4. *Applicant Response to Conditional Approval or Denial.* After the conditional approval or denial of a plat, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The City Manager or his/her designee shall determine whether to approve or deny the applicant's response to the previously conditionally approved or denied plat. The City Manager or his/her designee may for any reason elect to present the applicant's response for approval to the Planning and Zoning Commission. Action shall be taken by the City Manager or his/her designee or the Planning and Zoning Commission no later than the fifteenth (15th) day after the date the response was submitted.

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5. *Acceptance of Preliminary Plat.* Approval of a Preliminary Plat by the City Manager or his/her designee or 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.
 6. *Appeal to Planning and Zoning Commission.* Any decision to disapprove a plat made by the City Manager or his/her designee may be appealed to the Planning and Zoning Commission.
- D. *Criteria for Approval.* The City Manager or his/her designee or 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 City Manager or his/her designee or the Planning & 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 (2) year period, the Preliminary Plat approval, unless extended, shall expire and the plat shall be null and void.
 2. *Extension.* At the request of the property owners or their representative, the expiration date for approval of a Preliminary Plat may be extended by the City Manager or his/her designee 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.

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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.

(Ord. No. 18-S-04 , § 1(Exh. A), 1-23-2018; Ord. No. 19-S-22 , § 1(Exh. A), 9-3-2019)

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.
2. *Final Plat Approval.* In accordance with LGC Section 212.0065, the City Manager or his/her designee may approve a final plat. The City Manager or his/her designee 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 City Manager or his/her designee may approve with conditions or deny a final plat that does not satisfy all applicable regulations of this UDC. 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 or 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 City Manager or his/her designee or the Planning and Zoning Commission conditionally approves or denies the plat, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.

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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 shall determine whether to approve or deny the applicant's response to the previously conditionally approved or denied plat. The City Manager or his/her designee may for any reason elect to present the applicant's response for approval to the Planning and Zoning Commission. Action shall be taken by the City Manager or his/her designee or the Planning and Zoning Commission no later than the fifteenth (15th) day after the date the response was submitted.
 5. *Appeal to Planning and Zoning Commission.* Any decision to disapprove a plat made by the City Manager or his/her designee may be appealed to the Planning and Zoning Commission.
- D. *Criteria for Approval.* The City Manager or his/her designee or 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 City Manager or his/her designee or 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 City Manager or his/her designee 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 sign the plat and shall promptly cause the plat to be recorded. If the final plat was forwarded to the Planning and Zoning Commission, 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.

(Ord. No. 17-S-41 , § 1(Exh. A), 10-24-2017; Ord. No. 18-S-04 , § 1(Exh. A), 1-23-2018; Ord. No. 19-S-22 , § 1(Exh. A), 9-3-2019)

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 may forward a recommendation to the Planning and Zoning Commission for consideration, when applicable.
 - 2. *Notification Requirements for Certain Replats.*
 - a. *Applicability.* An application for a replat which is also accompanied by a waiver or variance request requires a public hearing and notice if:
 - i. during the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
 - ii. any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.
 - b. *Public hearing notice.* Notice of the public hearing shall be given at least sixteen (16) calendar days before the date of the public hearing by:
 - i. Publication in an official newspaper or a newspaper of general circulation in the county in which the City is located; and
 - ii. Written notice with a copy of LGC Sec. 212.015(c) attached, mailed to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested.
 - 3. *Replat Approval.* In accordance with LGC Section 212.0065, the City Manager or his/her designee may approve a replat. The City Manager or his/her designee 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 City Manager or his/her designee may approve with conditions or deny a replat that does not satisfy all applicable regulations of this UDC. 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 or Planning and Zoning Commission, shall act on the plat within thirty (30) days after the date a complete application is filed.
 - 4. *Conditional Approval and Denial.* If the City Manager or his/her designee or the Planning and Zoning Commission conditionally approves or denies the plat, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial.

Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.

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 shall determine whether to approve or deny the applicant's response to the previously conditionally approved or denied plat. The City Manager or his/her designee may for any reason elect to present the applicant's response for approval to the Planning and Zoning Commission. Action shall be taken by the City Manager or his/her designee or the Planning and Zoning Commission no later than the fifteenth (15th) day after the date the response was submitted.
 6. *Appeal to Planning and Zoning Commission.* Any decision to disapprove a plat made by the City Manager or his/her designee may be appealed to the Planning and Zoning Commission.
- D. *Criteria for Approval.* The City Manager or his/her designee or the 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, if applicable; and
 4. the replat does not attempt to amend or remove any covenants or restrictions.
- E. *Protests.* If the replat application meets the applicability requirements of Subsection C.2 above and is protested in accordance with this section, approval of the replat shall be presented by the City Manager or his/her designee to the Planning & Zoning Commission and 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 to be approved. 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. *Notification of Approval for Certain Replats.* If a proposed replat does not require a variance or exception but meets the applicability of either Subsections C.2.a.i or ii above, the municipality shall, not later than the 15th calendar day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent municipality or county tax roll. This subsection does not apply to a proposed replat if the Planning & Zoning Commission holds a public hearing and gives notice of the hearing in the manner provided by in Subsection C.2.b above.
1. The notice of a replat approval must include:
 - a. the zoning designation of the property after the replat; and
 - b. a telephone number and e-mail address an owner of a lot may use to contact the City about the replat.
- G. *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 City Manager or his/her designee or 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 City Manager or his/her designee for a period not to exceed six (6) months. A replat is not subject to reinstatement following expiration.
- H. *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 sign the plat and shall promptly cause the plat to be recorded. If the final plat was forwarded to the Commission, 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.

(Ord. No. 18-S-04 , § 1(Exh. A), 1-23-2018; Ord. No. 19-S-22 , § 1(Exh. A), 9-3-2019)

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.
 - 2. *Vacating Plat Approval.* In accordance with LGC Section 212.0065, the City Manager or his/her designee may approve a vacating plat. The City Manager or his/her designee 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 City Manager or his/her designee may approve with conditions or deny a vacating plat and/or replat that does not satisfy all applicable regulations of this UDC. 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 or 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 City Manager or his/her designee or the Planning and Zoning Commission conditionally approves or denies the plat, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.
 - 4. *Applicant Response to Conditional Approval or Denial.* After the conditional approval or denial of a plat, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The City Manager or his/her designee shall determine whether to approve or deny the applicant's response to the previously conditionally approved or denied plat. The City Manager or his/her designee may for any reason elect to present the applicant's response for approval to the Planning and Zoning Commission. Action shall be taken by the City Manager or his/her designee or the Planning and Zoning Commission no later than the fifteenth (15th) day after the date the response was submitted.
 - 5. *Appeal to Planning and Zoning Commission.* Any decision to disapprove a plat made by the City Manager or his/her designee may be appealed to the Planning and Zoning Commission.
- D. *Criteria for Approval.* The City Manager or his/her designee or the Planning and Zoning Commission in considering final action on a vacating plat 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 City Manager or his/her designee

or 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 City Manager or his/her designee or the Planning and Zoning Commission, if the request is forwarded by the City Manager or his/her designee, for a period not to exceed six (6) months. A vacating plat is not subject to reinstatement following expiration.
- F. *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 sign the plat and shall promptly cause the plat to be recorded. If the vacating plat and associated replat was forwarded to the Commission, 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 vacating plat and associated replat 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.
- G. The City, at its discretion, shall have the right to retain all or specific portions of road right-of-way or easements shown on the plat being considered for vacation. However, the City shall consider a request for vacating a plat upon satisfactory conveyance of easements or right-of-way in a separate legal document using forms provided by the City Attorney's office.

(Ord. No. 19-S-22 , § 1(Exh. A), 9-3-2019)