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## *UDC 2021 Proposed Amendment*

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**Amendment 5-47****Applicant:** Development Services**Amendment Title** – ‘Sec. 35-440. – Replatting Without Vacating Preceding Plat.’**Amendment Language:**

(a) **Applicability.** Pursuant to V.T.C.A. Local Government Code § 212.014, a replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if either:

- (1) The replat is the only instrument by which any covenants and restrictions therein are recorded, and the replat:

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B. Is approved in one of the following manners: ~~Is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the municipal authority responsible for approving plats; and~~

- (1) Residential single-family and duplex replat without any variances or exceptions may be approved by the Director of Development Services without a public hearing before the Planning Commission so long as the notification procedures in Texas Local Government Code § 212.015(f) and (g) are met.
- (2) Residential single-family and duplex replat with any variances or exceptions must be considered by the Planning Commission at a public hearing and requires advertisement in a newspaper of general circulation and mailed notices in accordance with Texas Local Government Code § 212.015(b).
- (3) Nonresidential single-family and duplex replats must be considered by the Planning Commission at a public hearing and requires advertisement in a newspaper of general circulation and mailed notices in accordance with Texas Local Government Code § 212.015(b).

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- (2) Or the replat is NOT the only instrument by which any covenants and restrictions therein are recorded, and

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B. ~~Is approved in one of the following manners: The municipal authority responsible for approving plats holds a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard;~~

- (1) Residential single-family and duplex replat without any variances or exceptions may be approved by the Director of Development Services without a public hearing before the Planning Commission so long as the notification procedures in Texas Local Government Code § 212.015(f) and (g) are met. **Review for Appeal Tier and Standing.** Upon receipt of a complete appeal submittal, the director of development services shall make an initial determination as to the appropriate tier of the appeal as defined in Subsection (1) above. Upon determination of the appropriate tier, the director of development services shall also make a determination as to whether the appellant has standing to bring the appeal filed.
- (2) Residential single-family and duplex replat with any variances or exceptions must be considered by the Planning Commission at a public hearing and requires advertisement in a newspaper of general circulation and mailed notices in accordance with Texas Local Government Code § 212.015(b).

Non residential single-family and duplex replats must be considered by the Planning Commission at a public hearing and requires advertisement in a newspaper of general circulation and mailed notices in accordance with Texas Local Government Code § 212.015(b).

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- (d) **Decision.** Pursuant to V.T.C.A. Local Government Code §§ 212.002, 212.014, ~~and~~ 212.0146, and 212.015 the municipal authority responsible for approving plats shall approve the replat after determining that the replat complies with this chapter and rules adopted under § 212.002 and this section in effect at the time the application for the replat is filed.

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