

Chapter 42 Minor Technical Amendments

Summary of proposed changes:

- 1. Subdivision Naming Standards for Public Hearing applications:** Amend Sec 42-41 to remove the extra naming convention requirement for partial replats requiring public notification. Instead, like all other subdivision plat types, a unique subdivision name would be required. The name of the preceding subdivision(s) will still be required within the legal description on the face of the plat to maintain the connection to the preceding subdivision(s).

Sec. 42-41. - Additional requirements—All subdivision plats.

Each ~~preliminary or final subdivision~~ plat submittal, regardless of class, shall:

- (1) State the proposed name of the subdivision, which shall ~~conform to the following requirements:~~
 - ~~a. The name shall~~ not be a duplicate of any subdivision or development of record within the city or its extraterritorial jurisdiction; ~~and~~
 - ~~b. The name of a subdivision plat subject to the provisions of section 42-49 of this Code that is a partial replat of a preceding subdivision plat where all of the lots in the preceding plat are subject to the same separately filed deed restrictions shall be the name of the prior subdivision plat followed by "partial replat no. X", where "X" represents the next sequential number of partial replats of the prior subdivision. To illustrate, the first partial replat of "Sunny Land Subdivision" would be named "Sunny Land Subdivision partial replat no 1," the second partial replat would be named "Sunny Land Subdivision partial replat no 2," and so on;~~
- (2) Provide the legal description of the property proposed to be subdivided, including the name of all the preceding subdivisions, as applicable, the name of the county, survey and abstract number and a reference to the nearest corner or street right-of-way intersection in the general area;
- (3) Show the location of all streets, shared driveways, alleys and easements within the subdivision plat boundaries;
- (4) Show the location of all building lines required by this chapter;
- (5) State the total acreage within the subdivision and the total number of lots, blocks and reserves;
- (6) Identify the owner of the property. If the owner of the property is not a natural person, state the name of the entity along with the name of the individual authorized to execute the subdivision plat on behalf of the entity;
- (7) Identify the person or firm who prepared the plat;
- (8) Indicate the date on which the plat was drawn;

- 1 (9) Provide a north arrow;
- 2 (10) Orient the layout of the subdivision with north to the top of the drawing;
- 3 (11) Provide the numeric and graphic scale for the subdivision;
- 4 (12) Orient the subdivision within the larger area by providing a vicinity map;
- 5 (13) Draw plat boundaries with heavy lines to indicate the subdivided area;
- 6 (14) Identify adjacent areas outside the plat boundaries indicating the name of the adjacent
- 7 subdivisions, churches, schools, parks, bayous and drainage ways, acreage and all
- 8 existing streets, easements, pipelines and other restricted uses;
- 9 (15) Identify blocks and lots within a subdivision by consecutive numbers; lot numbering may
- 10 be cumulative throughout the subdivision so long as the numbering system continues
- 11 from block to block in a uniform manner; and
- 12 (16) Identify reserves by alphabetical letter.

- 13
- 14 **2. Notification Sign Requirements:** Amend Sections 42-49 and 42-83 to revise the
- 15 notification area, and to require the removal of the notification sign(s) within 30 days of
- 16 the application being acted upon by the Commission, withdrawn by the applicant, or
- 17 otherwise deemed incomplete or inactive by staff.
- 18 **3. Amend Section 42-49** to require additional days of notification.
- 19 **4. Amend Section 42-49(a)** removing the reference to the state law section, to require a
- 20 public hearing for replat and conform to amendments made in the legislature.
- 21 **5. Adding a new Section 42-84** on the process for protests on replats requiring a variance.

22
23 Sec. 42-49. - Replats requiring notification of adjacent property owners.

24
25 ~~(a) (a)~~—A subdivision plat that is a replat of a subdivision or a part of a subdivision must

26 conform to the requirements of this section if any lot in the preceding plat was limited by

27 deed restrictions to single family residential use for not more than two single family

28 residential units per lot. subject to the provisions of section 212.015 of chapter 212

29 ~~(a)(b)~~ A replat filed under this section shall provide the following:

30 ~~(1)~~ A written statement indicating the applicant's intention to seek commission approval

31 under the requirements of section 212.015 of chapter 212.

32 ~~(2)~~ The information required in the form specified by the director to provide notification in

33 accordance with this section, and-

34 ~~(3)~~ All costs for notice as set forth in the city fee schedule, associated with the notice

35 provisions of this section.

36 ~~(b)~~ The applicant shall cause notice of the required public hearing to be published before the

37 15th day a minimum of 20 days before the date of the public hearing in a newspaper of

38 general circulation in Harris, Fort Bend and Montgomery Counties upon authorization by the

39 director, which shall be given after the commission establishes the date for the public hearing.

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the Planning Commission, the City Attorney or City Council
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1 Prior to commission consideration of the subdivision replat, the applicant shall provide an
2 affidavit of publication to the department.

3 (~~ed~~) The applicant shall ~~post at least one sign on~~give notice of the proposed replat by posting at
4 ~~least one sign on each improved public street or private roadway adjacent to~~ the property
5 that is the subject of the replat ~~a minimum of 20 days before~~ ~~before the 15th day before~~ the
6 date of the public hearing. ~~sign shall face each public right-of-way bordering the site and t~~
7 The lettering on ~~each~~the sign shall be legible from ~~a vehicle within~~ the ~~public right-of-~~
8 ~~waypaved area~~. Each sign shall be a minimum of four by eight feet in size and shall be posted
9 no more than 15 feet from the public right-of-way. The applicant shall use reasonable efforts
10 to maintain each required sign on the site before the close of the public hearing. The applicant
11 shall remove the sign within 30 days of the application being acted upon by the Commission,
12 withdrawn by the applicant, or otherwise deemed inactive by the director.

13 (~~de~~) The director shall give notice of a public hearing by mailing a letter, first class, postage paid,
14 to the owners of all lots or tracts that are within 250 feet of the boundary of the subdivision
15 plat ~~as well as all lots or tracts that are along or across from a blockface that abuts any street~~
16 ~~or private roadway extending 500 feet from the plat as measured along the centerline of any~~
17 ~~street or private roadway that abuts the boundary of the plat as shown on the most current~~
18 ~~appraisal district records before the 15th day before~~ a minimum of 20 days before the first
19 meeting at which the commission will first consider the application;

20 (~~ef~~) The director shall give notice of a public hearing by mailing a letter by first class, postage
21 paid, or by electronic mail message to the following as soon as reasonably possible before
22 the first meeting at which the commission will consider the application-:

23 (1) each neighborhood association with defined boundaries, registered ~~with defined~~
24 ~~boundaries~~ with the department in whose area the subdivision plat is located;

25 (2) the councilmembers office in which district(s) the subdivision plat is located;

26 (3) all at-large councilmember offices;

27 (4) the Super-Neighborhood Alliance; and

28 (5) any management districts and tax increment reinvestment zones in which the subdivision
29 plat is located.

30 (g) If the replat requires a variance or special exception, the requirements of section 42-84 also
31 apply.

32
33 Sec. 42-83. - Notification of applications for variance or special exception.

34
35 (a) The director shall give the notice required by subsections 42-81 ~~(g)~~(f) and 42-82(f) of this
36 Code by:

37 (1) Either:

38 a. Mailing a letter to the owners of all lots or tracts that are within 250 feet of the
39 boundary of the general plan, subdivision plat or development plat ~~as well as all lots~~
40 ~~or tracts that are along or across from a blockface that abuts any street or private~~
41 ~~roadway extending 500 feet from the plat as measured along the centerline of any~~
42 ~~street or private roadway that abuts the boundary of the plat as shown on the most~~
43 ~~current appraisal district records not less than the seventh day~~ a minimum of 20 days

1 before the first meeting at which the commission will first consider the application;
2 or

3 b. By causing the information to be readily available to the public in an electronic
4 format* and

5 (2) By letter mailed first class mail, postage paid, or by electronic mail message to each
6 neighborhood association registered with defined boundaries with the department in
7 whose area the general plan or plat is located as soon as reasonably possible before the
8 first meeting at which the commission will consider the application.

9 (b) The applicant shall give the notice required by subsections 42-81 ~~(g)(f)~~ and 42-82(f) of this
10 Code by posting at least one sign on each improved public street or private roadway adjacent
11 to the property that is the subject of the general plan or plat ~~before the tenth day a minimum~~
12 of 20 days before the date of the meeting at which the commission will first consider the
13 application. ~~A sign shall face each public street or private roadway bordering the site,~~
14 ~~provided, however, that if~~ If more than four signs would be required to be posted, the applicant
15 may request the director to approve an alternative number and location of signs. The director
16 ~~shall~~ may approve an alternative to the number and location of signs required by this
17 subsection in excess of four upon determining that the alternative will provide maximum
18 visibility and obtain the objectives of this section without unduly burdening the applicant. Each
19 sign shall be a minimum of four by eight feet in size and shall be posted no more than 15 feet
20 from the public street or private roadway. The lettering on the sign shall be legible from the
21 public street or private roadway. The applicant shall use reasonable efforts to maintain each
22 required sign on the site until the close of the meeting at which the commission acts on the
23 application.

24 (c) Required ~~The signs~~ shall provide the following information:

25 (1) The application number of the plat and the fact that a variance or special exception is
26 being requested;

27 (2) The date, time, and place of the meeting at which the commission will next consider the
28 application, updated to reflect any changes in the date, time, and place of the meeting,
29 including if the applicant's plat is deferred by the commission, or if the public hearing is
30 postponed for any reason;

31 (3) The proposed land uses of the property, if known;

32 (4) A telephone number of the applicant to call for additional information; and

33 (5) A department telephone number to call for additional information.

34 (ed) The applicant shall remove the signs within 30 days of the application being acted upon by
35 the Commission, withdrawn by the applicant, or otherwise deemed inactive by the director.

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37

38 Sec. 42-84. Replats with a variance—Protest procedure, required vote.

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40 (a) If the proposed replat requires a variance or special exception and is protested in
41 accordance with this subsection, the proposed replat must receive, in order to be approved,
42 the affirmative vote of at least three-fourths of the members present of the municipal
43 planning commission.

44

- 1 (b) To constitute a legal protest, written instruments signed by the owners of at least 20 percent
2 of the area of the lots or land immediately adjoining the area covered by the proposed replat
3 and extending 200 feet from that area, but within the original subdivision, must be filed with
4 the municipal planning commission or governing body, or both, prior to the close of the public
5 hearing.
- 6
- 7 (c) In computing the percentage of land area under subsection (b), the area of streets and alleys
8 shall be included.
- 9
- 10 (d) Compliance with subsections (b) and (c) is not required for approval of a replat of part of a
11 preceding plat if the area to be replatted was designated or reserved for other than single
12 or duplex family residential use by notation on the last legally recorded plat or in the legally
13 recorded restrictions applicable to the plat.
- 14