

# CITY OF HOUSTON

## PLANNING & DEVELOPMENT DEPARTMENT

### **<sup>1</sup>REPLAT NOTIFICATION AND PUBLIC HEARINGS**

#### **I. Notification and Public Hearing**

All replats, without vacation of the preceding plat, must comply with the following requirements for notification and public hearings under the provisions of the Local Government Code Chapter 212.015<sup>2</sup>, Additional Requirements for Certain Plats:

- A. During the preceding five years, any portion of the area proposed to be replatted was limited by either an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
- B. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

#### **II. Submittal Requirements Along with the standard plat submittal requirements, the following information must be attached to the submitted electronic application (if items are too large to attach, please submit them to [pcagenda@cityofhouston.net](mailto:pcagenda@cityofhouston.net)) no later than Monday at 11:00 am of submittal week:**

- A. **Letter of Intent** indicating intent to seek commission approval under the requirements of Chapter 212 of the Local Government Code. (See sample A-1)
- B. An **Owner Affidavit** in separate writing signed by all owners of property within the proposed replat which attests that the proposed replat “does not attempt to alter, amend or remove any covenants or restrictions” (see sample “B-1”).
- C. Provide **one copy of the required notice** for adjacent property owners for staff review. (see sample “C-1”).
- D. Provide **one copy of Legal Notice** for staff review. (see samples “D-1” and “D-2”)
- E. A **current title report, or city planning letter** (less than 30 days old) for the property to be replatted and **any applicable deed restrictions**.
- F. **Copy of the original subdivision plat** for the area being replatted.

**In addition to the submittal requirements listed above, the following information must be submitted no later than Wednesday at noon, the week of plat submittal:**

- G. Provide **one map** identifying the proposed replat and all surrounding properties of Owner(s) to be notified with in 200’ of the original plat.
- H. A **Certified List** (not more than 30 days old) of all owners of property as such Ownership appears on the last approved ad valorem tax rolls of either the city or county within which such property is located, which are required to be given written notice of such replat under the provisions of Chapter 212 of the Local Government Code. A certified list may be a Title Report or a list compiled from the Harris County Appraisal District Tax Statements (you must include a copy of the tax statement for each property owner).

<sup>1</sup> Please see the remaining package and examples for further description of the items listed above.  
Resource: <http://tlo2.tlc.state.tx.us/statutes/lg.toc.htm>

## REPLAT NOTIFICATION AND PUBLIC HEARINGS

- I. **One stamped envelope** addressed to each landowner indicated on either the title report or the tax roll list as required above. *Indicate the lot and block numbers, or reserve letters, corresponding to each landowner on the front lower left-hand corner of each envelope. Do not put a return address on it, i.e. company name or personal address. Do not stuff the envelope with a copy of the adjacent property owner notice.* Metered mail will not be accepted. (See IV, B for more information)

### III. Establishing the Public Hearing

- A. Once an **application has been submitted** and staff determines that all required documents and related information are **correct and complete**, the Director will place the request to establish a public hearing date on the next Houston Planning Commission meeting agenda.
- B. **In order to allow sufficient time for notification**, the Houston Planning Commission will establish the public hearing **to be held on or about four (4) weeks** from the date of the meeting at which the hearing is established.

### IV. Notification

Notification of the public hearing shall be sent in letter form and post marked (by staff), posted in the newspaper and a sign(s) shall be placed facing each right-of-way along plat boundary no later than **16 days before the hearing**.

- A. **Newspaper:** The Director will authorize the publication of the required notification of public hearing after the Commission establishes a date for said hearing. After this authorization is given, **the applicant** must provide for the publication of notification (see sample “D-1” and “D-2”) in the Houston Chronicle for one day. The Department must be provided with a publication affidavit from said newspaper within one (1) week after authorization.
- B. **Letters:** The City is required to mail out written notice of the public hearing to owners of property **within the original plat boundary and that are within 200 feet** of the property to be replatted (See Sample “G-1”).
  1. Public Hearings **within the city limits requesting a variance or special exception** require notification to **250 feet of the property** being replatted, regardless of subdivision. All properties will receive a **variance or special exception letter** (see sample “C-2” and C-3). Public Hearings outside the city limits requesting a variance or special exception require notification of property owners within 200’ of the original plat boundary. All Public Hearings with a variance or special exception will have to comply with the additional submittal requirements for variances and special exceptions.
  2. The applicant will differentiate between those property owners that will receive a public hearing letter and those that will receive a variance or special exception letter by marking each envelope appropriately (See Sample “G-1”).
- C. **Sign:** The **applicant** is responsible for posting signs on the property to be replatted by the 16<sup>th</sup> day before the date of the public hearing (See Samples “F-1” and “F-2”). A sign (See requirements, “F-3”) shall be placed within fifteen feet **from each right-of-way** bordering the site. Each sign shall face the R-O-W with print large enough to be legible from the ROW. **The applicant is responsible for emailing staff a picture of the signs depicting their location from the R-O-W once they are in place.** The applicant shall make reasonable efforts to maintain the sign(s).

**V. Protests**

- A. For a legal protest, written instruments signed by the respective owners must be submitted to the Houston Planning Commission prior to the close of the public hearing. A written instrument is considered to be a signed letter with a statement indicating that the property owner objects to the proposed replat.
  
- B. **When the proposed replat requires a variance** and is protested by owners of at least 20% of the land area located within 200 feet of the proposed replat yet within the original plat boundary, the Commission can only approve the replat by an affirmative vote of at least three-fourths (3/4) of the commission members present. As with all plats containing variance request, the Commission has discretion to approve or disapprove the plat.
  
- C. For purposes of calculating the 20% land area threshold, the following will apply:
  - (1) The total land area shall include only those lots, reserves, or others officially recognized land parcels which are or were part of the original subdivision plat, and are within 200 feet of the proposed replat;
  - (2) Where the 200-foot demarcation splits a lot, reserve or other officially recognized land parcel, only the portion that lies within the 200-foot demarcation will be included within the total land area calculation;
  - (3) The area will also include all right-of-ways (streets and alleys). For purposes of these calculations, right-of-way will be apportioned proportionately to the respective abutting properties;
  - (4) The proposed replat is excluded from the calculations;
  - (5) Upon computing the total land area, 20% of this total shall constitute the threshold for the protest to require the three-fourths (3/4) favorable vote;
  - (6) For purposes of protest, each lot, reserve, and officially recognized land parcel shall have one vote which is proportionately equal to the total land area of said lot, reserve, or officially recognized land parcel. This means that each vote is “weighed” proportionally to the land area it represents;
  - (7) For properties held in common, such as condominiums, the association shall have one (1) vote.

**VI. Exclusions**

- A. Compliance with Section V above does not apply to replats that are not of single family lots.

**Public Hearing Events  
Sequence**

- Monday (Day 1)**            **DEADLINE:** 11:00 am, Application and supporting documents is submitted (see II, A-G).
- Wednesday (Day 3)**       **DEADLINE:** 12:00 noon, additional (non-electronic) Public Hearing information (see II, H & I) is submitted. Package reviewed by staff for completeness.
- Thursday (Day 11)**        Public hearing, to be heard in 4 weeks, is established at The planning commission meeting.
- Friday (Day 12)**            The applicant is emailed verifying that the application has been established for the appropriate public hearing date and to authorize the applicant to publish legal notice and post sign(s)
- Tuesday (Day 22)**        **DEADLINE:** Legal notice must be published no later than this date by applicant, and written notices to be mailed out to property owners, by staff. **DEADLINE:** Sign(s) must be posted on property.
- Friday (Day 33)**           **DEADLINE:** Applicant submits, to staff, newspaper notice affidavit. (Must submit within ten (10) days of publication.)
- Thursday (Day 39)**        Public hearing is held (for preliminary plat approval). All written protests must be submitted before the close of the public hearing.

**SAMPLE "A-1"  
Letter of Intent**

Dear City of Houston Staff member,

(name of applicant company), as the agent for, (Property Owner) intends to seek Houston Planning Commission approval under the requirements of Chapter 212 of the Local Government Code for the (partial replat of Proposed Subdivison Name).

Please contact me (name of applicant contact person).

SAMPLE "B-1"  
Affidavit for Owner

THE STATE OF TEXAS COUNTY OF  
HARRIS

WHEREAS, the undersigned (*name of owner and address*) is the owner of (*Legal Description by Lot/Reserves & Blocks*), (*name of subdivision*), an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume \_\_\_\_\_, page \_\_\_\_\_, of the Map Records  
\_\_\_\_\_.

and

WHEREAS, (*name of owner / company*) desires to establish (*name of subdivision*).

NOW, THEREFORE, know all men by these presents that the undersigned confirms that \_\_\_\_\_ will not alter, amend, or remove any of the covenants or restriction set forth on the record plat described above or in any recorded deed restriction applicable to the above referenced property.

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 20XX.

\_\_\_\_\_  
(name of company)

By: \_\_\_\_\_

(print name)

THE STATE OF TEXAS COUNTY OF  
HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL this the \_\_\_\_\_ day of \_\_\_\_\_, 20XX.

\_\_\_\_\_  
Notary Public in and for  
the State of Texas

REPLAT NOTIFICATION AND PUBLIC HEARINGS

This is available once you have check the public hearing box on the first page of the application. Once you have filled out the document, hit the request completed button and save the application.

SAMPLE "C-1"  
Adjacent Property Owners Notice for Public Hearings *Without* Variance



Dear Property Owner:

The Houston Planning and Development Department has received a subdivision plat application to allow the replatting (or partial replatting) of \_\_\_\_\_ subdivision.

This proposal includes the replatting of all or part of lots \_\_\_ block \_\_\_ as recorded in Volume \_\_, Page \_\_, of the Harris County Map Records. The new subdivision name is \_\_\_\_\_.

The property is located (*site address, side of street between what street intersections, or a.k.a.*) \_\_\_\_\_.

The purpose of the replat is to \_\_\_\_\_.

The applicant, \_\_\_\_\_, on behalf of \_\_\_\_\_ can be contacted at (*telephone number*). \_\_\_\_\_.

Pursuant to Local Government Code 212.015 and the City of Houston's Code of Ordinances, Chapter 42 the Planning Commission has established a public hearing date for this item. As required, the Planning Department is sending you written notice of the public hearing. The requirements for notification specify that notice be mailed to owners of property within the \_\_\_\_ (*original subdivision*)\_ subdivision boundary that are within 200 feet of the proposed replat.

**A sign has been posted on site indicating the public hearing date, location and time. There are no variances being requested with this item. It appears that this replat conforms with all Chapter 42 requirements.**

You may speak regarding this replat at the public hearing on:

Thursday,      (*Month, day, year*)  
2:30 p.m. City Hall Annex Building, 900 Bagby Street  
City Council Chamber, Public Level  
Houston, Texas

For additional information contact Planning Department personnel at 713/837-7701 and ask for Dorianne Powe-Phlegm or Suvudha Bandi.

Be advised that state law requires the Houston Planning Commission to approve each subdivision plat and replat that complies with the provisions of Chapter 42 and any other applicable laws and requirements.

REPLAT NOTIFICATION AND PUBLIC HEARINGS

This form is available once you have checked the public hearing and variance box on the first page of the application. Once you have filled out the document, hit the request completed button and save the application.

SAMPLE "C-2"

Adjacent Property Owners Notice For Public Hearings Requiring Variance(s) or Special Exception(s)

Variance Notice



Dear Property Owner:

The Houston Planning and Development Department has received a subdivision plat application to allow the replatting (or partial replatting) of \_\_\_\_\_ subdivision. This proposal includes the replatting of all or part of lots \_\_\_ block \_\_\_ as recorded in Volume \_\_, Page \_\_, of the Harris County Map Records. The new subdivision name is \_\_\_\_\_.

The property is located (*site address, side of street between what street intersections, or a.k.a.*) \_\_\_\_\_.

The purpose of the replat is to \_\_\_\_\_.

The applicant, \_\_\_\_\_, on behalf of \_\_\_\_\_ can be contacted at (*telephone number*). \_\_\_\_\_

Pursuant to Local Government Code 212.015 and the City of Houston's Code of Ordinances, Chapter 42 the Planning Commission has established a public hearing date for this item. As required, the Planning Department is sending you written notice of the public hearing. Public Hearings within the city limits requesting a variance, or special exception require notification to properties lying within 250' of the plat boundary regardless of the subdivision.

**Attached you will find a copy of the variance(s) being requested by the applicant. Additionally, a sign has been posted on the site indicating the date, location and time that the Planning Commission will meet to consider this item.**

You may speak regarding this replat at the public hearing on:

**Thursday,            (*Month, day, year*)  
2:30 p.m. City Hall Annex Building, 900 Bagby Street  
City Council Chamber, Public Level  
Houston, Texas**

For additional information contact Planning Department personnel, at 713/837-7701 and ask for Dorianne Powe-Phlegm or Suvudha Bandi.

• When a variance is requested:

(c) If the proposed replat requires a variance and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the municipal planning commission or governing body, or both. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the municipal planning commission or governing body, or both, prior to the close of the public hearing.

REPLAT NOTIFICATION AND PUBLIC HEARINGS

This form is available once you have checked the public hearing and special exception box on the first page of the application. Once you have filled out the document, hit the request completed button and save the application.

SAMPLE "C-3"

Adjacent Property Owners Notice For Public Hearings Requiring Special Exception(s)

Special Exception Notice



Dear Property Owner:

The Houston Planning and Development Department has received a subdivision plat application to allow the replatting (or partial replatting) of \_\_\_\_\_ subdivision. This proposal includes the replatting of all or part of lots \_\_\_ block \_\_\_ as recorded in Volume \_\_, Page \_\_, of the Harris County Map Records. The new subdivision name is \_\_\_\_\_.

The property is located (*site address, side of street between what street intersections, or a.k.a.*).

The purpose of the replat is to \_\_\_\_\_.

The applicant, \_\_\_\_\_, on behalf of \_\_\_\_\_ can be contacted at (*telephone number*).

Pursuant to Local Government Code 212.015 and the City of Houston's Code of Ordinances, Chapter 42 the Planning Commission has established a public hearing date for this item. As required, the Planning Department is sending you written notice of the public hearing. Public Hearings within the city limits requesting a variance, or special exception require notification to properties lying within 250' of the plat boundary regardless of the subdivision.

**Attached you will find a copy of the special exception(s) being requested by the applicant. Additionally, a sign has been posted on the site indicating the date, location and time that the Planning Commission will meet to consider this item.**

You may speak regarding this replat at the public hearing on:

**Thursday,      (*Month, day, year*)  
2:30 p.m. City Hall Annex Building, 900 Bagby Street  
City Council Chamber, Public Level  
Houston, Texas**

For additional information contact Planning Department personnel, at 713/837-7701 and ask for Dorianne Powe-Phlegm or Suvitha Bandi.

• When a special exception is requested:

(c) If the proposed replat requires a variance and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the municipal planning commission or governing body, or both. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the municipal planning commission or governing body, or both, prior to the close of the public hearing.

**REPLAT NOTIFICATION AND PUBLIC HEARINGS**

**SAMPLE "D-1"**

**Legal Notice for Replats *Without* Variance**

The Houston Planning Commission has received an application to allow the replatting of \_\_\_\_\_ being all or part of lot \_\_\_\_\_ block \_\_\_\_\_ as recorded in Volume \_\_\_\_\_ Page \_\_\_\_\_ of the Harris County Map Records for the purpose of \_\_\_\_\_. The new subdivision name is \_\_\_\_\_.

The City will send out written notice of a public hearing to owners of property within the original plat boundary that is within 200 feet of the proposed replat.

You may speak on this replat at the public hearing on \_\_\_\_\_ at 2:30 p.m. in the City Council Chamber, City Hall Annex, Public Level, 900 Bagby Street, Houston, Texas. Contact the applicant at \_\_\_\_\_ or the City of Houston Planning Department at (713) 837-7701 for any additional information.

**SAMPLE "D-2"**

**Legal Notice for Replats Requiring Variance(s), or Special Exception(s)**

The Houston Planning Commission has received an application to allow the replatting of \_\_\_\_\_ being all or part of lot \_\_\_\_\_ block \_\_\_\_\_ as recorded in Volume \_\_\_\_\_ Page \_\_\_\_\_ of the Harris County Map Records for the purpose of \_\_\_\_\_. The new subdivision name is \_\_\_\_\_.

The City will send out written notice of a public hearing with variance(s), or special exception(s) to owners of property within the 250' of the plat boundary.

State law allows for protest when the proposed replat requires a variance. The protest must be filed in writing prior to the close of the public hearing. If owners of 20% of the land area within the original plat boundary that is within 200 feet of the replat protest the replat, approval of the replat must receive an affirmative vote of at least three-fourth (3/4) of the Houston Planning Commission Members present. In computing the percentage of land area for the purpose of protest, streets and alleys are included.

You may speak on this replat at the public hearing on \_\_\_\_\_ at 2:30 p.m. in the City Council Chamber, City Hall Annex, Public Level, 900 Bagby Street, Houston, Texas. Contact the applicant at \_\_\_\_\_ or the City of Houston Planning Department at (713) 837-7701 for any additional information.

**SAMPLE "F-1"**  
**SIGN –Public Hearing Only**

**NOTICE OF PUBLIC HEARING:**

The Houston Planning Commission has received an application to allow the replatting of this property within the subdivision of

**FULL SUBDIVISION NAME**

(lot #, block # recorded at Volume ###, Page ### of the Harris County Map Records).

THE NEW SUBDIVISION NAME IS: \_\_\_\_\_

A public hearing will be held on MONTH, DAY YEAR at 2:30 p.m.  
City Council Chamber, City Hall Annex, Public Level, 900 Bagby Street, Houston, Texas.

You may contact the applicant at \_\_\_\_\_ or the Houston Planning and Development Department at (713) 837-7701 for information.

**SAMPLE "F-2"**  
**SIGN – Public Hearing AND Variance/Special Exception**

**NOTICE OF PUBLIC HEARING:**

The Houston Planning Commission has received an application to allow the replatting of this property within the subdivision of

**FULL SUBDIVISION NAME**

(lot #, block # recorded at Volume ###, Page ### of the Harris County Map Records).

THE NEW SUBDIVISION NAME IS: \_\_\_\_\_

A VARIANCE, OR SPECIAL EXCEPTION is being requested with this item.

A public hearing will be held on MONTH, DAY YEAR at 2:30 p.m.  
City Council Chamber, City Hall Annex, Public Level, 900 Bagby Street, Houston, Texas.

You may contact the applicant at \_\_\_\_\_ or the Houston Planning and Development Department at (713) 837-7701 for information.

REPLAT NOTIFICATION AND PUBLIC HEARINGS

**SAMPLE "F-3"  
SIGN REQUIREMENTS**

- Signs must be posted on the property to be replatted no later than 16 days before the public hearing.
- The applicant is responsible for e-mailing a picture of the sign to staff once the signs are in place.
- Minimum size: 4' x 8'
- One sign shall be placed within fifteen feet from each right-of-way bordering the site.
- Each sign shall face the R-O-W with print large enough to be legible from the R-O-W.
- The applicant shall use reasonable efforts to maintain the signs.

REPLAT NOTIFICATION AND PUBLIC HEARINGS

**SAMPLE "G-1"  
Areas of Notification and Related Letters**

