

1 (2). Application Requirements. Any request for a minor plat shall be accompanied by an
2 application prepared in accordance with the City’s application rules in effect at the time
3 of submittal.

4 (3) Processing of Application and Decision.

5 (i). Submittal. An application for a minor plat shall be submitted to the City
6 Administrator or his/her designee. The City Administrator or his/her designee shall
7 review the application for completeness. The City Administrator or his/her designee
8 shall forward a copy of the plat to other appropriate departments for review and
9 recommendation.

10 (ii) Minor Plat Approval. In accordance with LGC Section 212.0065, the City
11 Administrator or his/her designee may approve a minor plat. The City Administrator
12 or his/her designee may, for any reason, elect to present the plat for approval to the
13 Planning and Zoning Commission. The City Administrator or his/her designee shall
14 not approve with conditions or disapprove a minor plat and shall be required to refer
15 any plat for which approval is refused to the Planning and Zoning Commission. The
16 City Administrator or his/her designee or the Planning and Zoning Commission shall
17 act on the plat within thirty (30) days after the date a complete application is filed.

18 (iii) Conditional Approval and Denial. If the Planning and Zoning Commission
19 conditionally approves or denies the plat, a written statement must be provided to the
20 applicant clearly articulating each specific condition for the conditional approval or
21 reason for denial. Each condition or reason specified in the written statement may
22 not be arbitrary and must include a citation to the regulation, ordinance, or law that
23 is the basis for the conditional approval or denial.

24 (iv) Applicant Response to Conditional Approval or Denial. After the conditional
25 approval or denial of a plat, the applicant may submit a written response that satisfies
26 each condition for the conditional approval or remedies each reason for denial
27 provided. The City Administrator or his/her designee is authorized to approve
28 revisions required for conditional approval of the Final Plat. The Planning and
29 Zoning Commission shall determine whether to approve or deny the applicant's
30 previously conditionally approved or denied plat no later than the fifteenth (15th) day
31 after the date the response was submitted.

32 (4) Criteria for Approval. The City Administrator or his/her designee in considering final
33 action on a minor plat should consider the following criteria:

34 (i) the minor plat is consistent with all zoning requirements for the property, all other
35 requirements of this UDC that apply to the plat, and any regulations contained in an
36 approved Development Agreement;

37 (ii) all lots to be created by the plat already are adequately served by all required City
38 utilities and infrastructure; and

39 (iii) the plat does not require the extension of any municipal facilities to serve any lot
40 within the subdivision.

41 (5) Expiration and Extension.

1 (i) Expiration. The approval of a minor plat shall remain in effect for a period of two
2 (2) years after the date the application was approved or conditionally approved by
3 the City Administrator or his/her designee or the Planning and Zoning Commission.
4 If the minor plat has not been recorded within the two (2) year period, the plat
5 approval, unless extended, shall expire and the plat shall be deemed null and void.

6 (ii) Extension. At the request of the property owners or their representative, the
7 expiration date for approval of a minor plat may be extended by the Planning and
8 Zoning Commission for a period not to exceed six (6) months. A minor plat is not
9 subject to reinstatement following expiration.

10 (6) Plat Recordation. The property owner shall submit the approved minor plat and any
11 other required items, to the City Administrator or his/her designee, who shall cause the
12 plat to be recorded in the property records of the county in which the land is located. No
13 Minor Plat will be received for recording until all back taxes owed to the City have been
14 paid in full and a certified copy of a Tax Certificate from the applicable school district
15 and county tax office has been received for the subject property.

16 (b) Amending Plat Approval Process

17 (1) Applicability. The provisions of this section are authorized under LGC Chapter 212 and
18 shall be applicable to all areas within the City's limits and throughout the City's ETJ. An
19 amending plat may be filed in accordance with the procedures and requirements set forth
20 in LGC section 212.016 and may be recorded and is controlling over the preceding plat
21 without vacation of that plat and without notice and hearing, if the amending plat is signed
22 and acknowledged by the owners of the property being replatted and is solely for one (1)
23 or more of the following purposes:

24 (i) to correct an error in a course or distance shown on the preceding plat;

25 (ii) to add a course or distance that was omitted on the preceding plat;

26 (iii) to correct an error in a real property description shown on the preceding plat;

27 (iv) to indicate monuments set after the death, disability, or retirement from practice of
28 the engineer or surveyor responsible for setting monuments;

29 (v) to show the location or character of a monument which has been changed in location
30 or character or that is shown incorrectly as to location or character on the preceding
31 plat;

32 (vi) to correct any other type of scrivener or clerical error or omission previously
33 approved by the municipal authority responsible for approving plats, including lot
34 numbers, acreage, street names, and identification of adjacent recorded plats;

35 (vii) to correct an error in courses and distances of lot lines between two (2) adjacent
36 lots if:

37 a. both lot owners join in the application for amending the plat;

38 b. neither lot is abolished;

39 c. the amendment does not attempt to remove recorded covenants or restrictions;
40 and

1 d. the amendment does not have a materially adverse effect on the property rights
2 of the other owners in the plat;

3 (viii) to relocate a lot line to eliminate an inadvertent encroachment of a building or
4 other improvement on a lot line or easement;

5 (ix) to relocate one or more lot lines between one or more adjacent lots if:

6 a. the owners of all those lots join in the application for amending the plat;

7 b. the amendment does not attempt to remove recorded covenants or restrictions;
8 or

9 c. the amendment does not increase the number of lots;

10 (x) to make necessary changes to the preceding plat to create six (6) or fewer lots in
11 the subdivision or a part of the subdivision covered by the preceding plat if:

12 a. the changes do not affect applicable zoning and other regulations of the
13 municipality;

14 b. the changes do not attempt to amend or remove any covenants or restrictions;
15 and

16 c. the area covered by the changes is located in an area that the Planning and
17 Zoning Commission or City Council has approved, after a public hearing, as a
18 residential improvement area; or

19 (xi) to replat one or more lots fronting on an existing street if:

20 a. the owners of all those lots join in the application for amending the plat;

21 b. the amendment does not attempt to remove recorded covenants or restrictions;

22 c. the amendment does not increase the number of lots; and

23 d. the amendment does not create or require the creation of a new street or make
24 necessary the extension of municipal facilities.

25 (2) Application Requirements. Any request for an amending plat shall be accompanied by
26 an application prepared in accordance with the City's application rules in effect at the
27 time of submittal.

28 (3) Processing of Application and Decision.

29 (i) Submittal. An application for an amending plat shall be submitted to the City
30 Administrator or his/her designee. The City Administrator or his/her designee shall
31 review the application for completeness. The City Administrator or his/her designee
32 may, at his/her option, forward a copy of the plat to other appropriate departments
33 for review and recommendation.

34 (ii) Amending Plat Approval. In accordance with LGC section 212.0065, the City
35 Administrator or his/her designee may approve an amending plat. The City
36 Administrator or his/her designee may, for any reason, elect to present the plat for
37 approval to the Planning and Zoning Commission. The City Administrator or his/her
38 designee shall not disapprove an amending plat and shall be required to refer any plat
39 for which approval is refused to the Planning and Zoning Commission. The City

1 Administrator or his/her designee or the Planning and Zoning Commission shall act
2 on the plat within thirty (30) days after the date a complete application is filed.

3 (iii) Conditional Approval and Denial. If the Commission conditionally approves or
4 denies the plat, a written statement must be provided to the applicant clearly
5 articulating each specific condition for the conditional approval or reason for denial.
6 Each condition or reason specified in the written statement may not be arbitrary and
7 must include a citation to the regulation, ordinance, or law that is the basis for the
8 conditional approval or denial.

9 (iv) Applicant Response to Conditional Approval or Denial. After the conditional
10 approval or denial of a plat, the applicant may submit a written response that satisfies
11 each condition for the conditional approval or remedies each reason for denial
12 provided. The City Administrator or his/her designee is authorized to approve
13 revisions required for conditional approval of the Final Plat. The Planning and
14 Zoning Commission shall determine whether to approve or deny the applicant's
15 previously denied plat or conditionally approved, if forwarded to the Commission by
16 the City Administrator or his/her designee, no later than the fifteenth (15th) day after
17 the date the response was submitted.

18 (4) Expiration and Extension.

19 (i) Expiration. The approval of an amending plat shall remain in effect for a period of
20 two (2) years after the date the application was approved or conditionally approved
21 by the City Administrator or his/her designee or the Planning and Zoning
22 Commission. If the amending plat has not been recorded within the two (2) year
23 period, the plat approval shall expire and the plat shall be deemed null and void.

24 (ii) Extension. At the request of the property owners or their representative, the
25 expiration date for approval of an amending plat may be extended by the Planning
26 and Zoning Commission for a period not to exceed six (6) months. An amending plat
27 is not subject to reinstatement following expiration.

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

34 (c) Vacating plat approval process.

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

38 (2) Application Requirements. Any request for a vacating plat shall be accompanied by an
39 application prepared in accordance with the City's application rules in effect at the time
40 of submittal, as well as an application for a replat.

41 (3) Processing of Application and Decision.

1 (i) Submittal. An application for a vacating plat shall be submitted to the City
2 Administrator or his/her designee. The City Administrator or his/her designee shall
3 review the application for completeness. The City Administrator or his/her designee
4 shall forward a copy of the plat to other appropriate departments for review and
5 recommendation. After appropriate review, the City Administrator or his/her
6 designee shall forward a recommendation to the Planning and Zoning Commission
7 for consideration.

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

17 (iii) Conditional Approval and Denial. If the Commission conditionally approves or
18 denies the plat, a written statement must be provided to the applicant clearly
19 articulating each specific condition for the conditional approval or reason for denial.
20 Each condition or reason specified in the written statement may not be arbitrary and
21 must include a citation to the regulation, ordinance, or law that is the basis for the
22 conditional approval or denial.

23 (iv) Applicant Response to Conditional Approval or Denial. After the conditional
24 approval or denial of a plat, the applicant may submit a written response that satisfies
25 each condition for the conditional approval or remedies each reason for denial
26 provided. The City Administrator or his/her designee is authorized to approve
27 revisions required for conditional approval of the Final Plat. The Planning and
28 Zoning Commission shall determine whether to approve or deny the applicant's
29 previously conditionally approved or denied plat no later than the fifteenth (15th) day
30 after the date the response was submitted.

31 (4) Criteria for Approval. The Planning and Zoning Commission in considering final action
32 on a replat should consider the following criteria:

33 (i) the vacating plat is consistent with all zoning requirements for the property, all other
34 requirements of this UDC that apply to the plat, and any regulations contained in an
35 approved Development Agreement;

36 (ii) the vacating plat is signed and acknowledged by all owners of lots in the original
37 plat.

38 (5) Expiration and Extension.

39 (i) Expiration. The approval of a vacating plat shall remain in effect for a period of two
40 (2) years after the date the application was approved or conditionally approved by
41 the Planning and Zoning Commission, during which period the applicant shall submit
42 any required revisions for approval and recordation of the plat. If the vacating plat

1 has not been recorded within the two (2) year period, the plat approval shall expire
2 and the plat shall be deemed null and void.

3 (ii) Extension. At the request of the property owners or their representative, the
4 expiration date for approval of a vacating plat may be extended by the Planning and
5 Zoning Commission for a period not to exceed six (6) months. A vacating plat is not
6 subject to reinstatement following expiration.

7 (6) Recording Procedures. After approval of a Vacating Plat and associated Replat, and
8 processing of applicable public dedications, if relevant, the applicant may submit all
9 necessary items to the City to record the vacating plat and replat in the County Land
10 Records. Upon receipt of the plat recording submittal and notification of acceptance of
11 required public improvements or execution of an Improvement Agreement, the City
12 Administrator or his/her designee shall procure the signature of the chair of the Planning
13 and Zoning Commission on the plat and shall promptly cause the plat to be recorded. No
14 Final Plat will be received for recording until all back taxes owed to the City have been
15 paid in full and a certified copy of a Tax Certificate from the applicable school district
16 and county tax office has been received for the subject property.

17
18 **Section 2.** If any provision of this Ordinance is found by a court of competent jurisdiction to be
19 void or unenforceable, such void or unenforceable provision shall be severed as though it never
20 formed a part of this Ordinance, and all other provisions hereof shall remain in full force and
21 effect.

22
23 **Section 3.** This Ordinance shall be effective immediately upon approval and adoption by the
24 City Council.

25
26 PASSED AND APPROVED BY THE CITY COUNCIL OF ROLLINGWOOD, TEXAS, on the
27 ____ day of _____ 2021.

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29
30 _____
31 Michael R. Dyson, Mayor

32 ATTEST:
33
34 _____
35 Ashley Wayman, City Secretary
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