



## Ordinance Amendment Staff Report

Planning & Zoning Commission Public Hearing Date: August 8, 2022

City Council Public Hearing Date: August 15, 2022

**Case:** P22-268  
**Section(s):** 40-28 & 40-30  
**Subject:** Remove/Revise Plat Review Schedule

### **BACKGROUND**

The City of Tomball Code of Ordinance specifies an application deadline for plat reviews which gives staff 7 days to review plats prior to the Planning & Zoning Commission's consideration of the plat. State law grants municipalities 30 days to act on plats, whether it is to approve, approve with conditions or deny the plat based on findings by City staff and the Planning & Zoning Commission. Further, the current process has City staff recommending approval of plats to the Planning & Zoning Commission with a list of graphic revisions. Therefore the plat that is ultimately recorded may differ graphically from the plat that is approved by the Commission. This amendment is to provide ample time for the review of plats, as well as ensure that the plat that is presented to the Planning & Zoning Commission is the plat that is going to be recorded if approved.

### **NOTICE OF PUBLIC HEARING:**

A notice of public hearing was published in the paper on July 27, 2022.

### **PROPOSED ORDINANCE AMENDMENT(s):**

Code of Ordinance Section(s):

#### **40-28 – Application for Preliminary Plat Approval:**

##### **REMOVE:**

~~(1) Submittal date and time. All plats, maps, reproductions, fees, applications, and related materials shall be submitted to the city secretary no later than 12:00 noon, seven days prior to the next regularly scheduled commission meeting. Materials received after 12:00 noon on the date specified in this article shall automatically be placed on the agenda of the second regularly scheduled planning and zoning commission meeting following submittal.~~

~~(2) Copies required. The applicant shall provide 20 24 inch by 36 inch paper prints from the original drawing of the plat reproduced on white paper with blue or black lines, each of which shall be folded to 8½ inches by 12 inches, and indicating the title block in the lower right hand corner of the plat.~~

~~(3) *Filing fees.* An application for final plat approval shall be accompanied by a nonrefundable application fee tendered in the form of a certified check and made payable to the "City of Tomball, Texas," in the amount as is specified in the city's schedule of fees as currently established or as hereafter adopted by resolution of the city council from time to time.~~

~~(4) *Encumbrances information.* An application for preliminary plat approval shall be accompanied by a title opinion or a statement or certificates, either in a separate writing or on the face of the plat, and properly executed by the applicant or the person who prepared the plat, certifying that all existing encumbrances other than liens, such as various types of easements, fee strips, or significant topographical features such as lakes, ponds, bayous or other bodies of water; creeks, streams, gullies, ravines, ditches, or other natural drainageways; and any known fault lines, on the land being platted, are fully shown and accurately identified on the face of the plat, and further stating whether the plat being submitted includes all of the contiguous land that the subdivider owns directly or indirectly, or has a legal or beneficial interest in, or whether the subdivider owns or has a legal interest in any adjacent property. If the subdivider owns or has a legal interest in any adjacent property, the extent of such ownership and a boundary description of the land involved shall also be provided.~~

~~(5) *Notice to utilities.* Evidence of notice to all utility companies that provide service to the area encompassed by the proposed subdivision, whether public or private, shall accompany each application for preliminary plat approval. Such notice shall contain a statement of the intent to subdivide, the intended use of the property within the subdivision, and shall have attached to such notice a copy of the preliminary plat that is filed within the city.~~

***ADD:***

(1) *Submittal date and time.* All plats, maps, reproductions, fees, applications, and related materials shall be submitted to the Community Development Director or their designee. The Community Development Director or their designee shall determine the completeness of all plat applications. A Plat application submitted by the application deadline specified on the Plat Review Calendar kept by the Community Development Office that is deemed to be complete by the Community Development Director or their designee shall be placed on the agenda for the next regularly scheduled meeting of the Planning & Zoning Commission for consideration.

(2) *Time Period for Action.* All preliminary plat applications shall be acted upon within thirty (30) days from the official filing date unless a waiver is submitted in accordance with Subsection (a).

(a) *Waiver of Right to 30-day Action.*

(1) The Community Development Director or their designee shall be the official decision-maker for a Waiver of Right to 30-Day Action.

(2) An applicant may request a Waiver of Right to 30-day Action relating to the decision time of thirty (30) days mandated by State law. Such requests must be submitted on the official

Waiver of Right to 30-day Action form provided by the Community Development Office.

- (3) Waiver requests must be received by the Community Development Director or their designee prior to the Planning & Zoning Commission meeting at which action would have to be taken (based on the 30-day State law requirement).
- (4) The granting of a Waiver of Right to 30-day Action shall not be deemed in any way a waiver to any requirement within this Code of Ordinances.
- (5) The Waiver of Right to 30-day Action may postpone consideration of plats for a period not to exceed 30 days from the date that the waiver is received by the City. In the event that the Waiver of Right to 30-day Action expires, the plat shall be considered void by the City of Tomball and a separate plat application will be required for review by the City and consideration by the Planning & Zoning Commission.

(3) City Review.

- a) The City staff shall meet to review each preliminary plat application to be placed on the agenda of the forthcoming meeting of the Planning & Zoning Commission. The City shall make comments on either.
  - i. Approval of the plat
  - ii. Denial of the plat
  - iii. Approval of the Plat with conditions
- a) All comments detailing necessary conditions/revisions, or reasons for denial of the plat will be returned to the applicant following the official city review of the plat.

(4) Resubmittal Following City Review.

- a) At least five (5) days prior to the meeting of the Planning & Zoning Commission during which the plat is scheduled for action, the applicant shall provide to the Community Development Director or their designee a revised plat. The Community Development Director or their designee shall review the revised plat for compliance with comments from previous review(s) by the City.
- b) Revised plats submitted to the Community Development Director or their designee at least five (5) days prior to the meeting of the Planning & Zoning Commission during which the plat is scheduled for action will be placed on the agenda for consideration by the Commission, for approval, approval with conditions, or denial based on staff findings.
- c) In the event that a revised plat is not submitted at least five (5) days prior to the meeting of the Planning & Zoning Commission and no Waiver of Right for 30-Day Action is submitted by the applicant, the plat shall be subject to denial by the Planning & Zoning Commission due to insufficient time for review by staff.

- (5) Filing fees. An application for preliminary plat approval shall be accompanied by a nonrefundable application fee tendered in the form of a check and made payable to the "City of Tomball, Texas," in the amount as is

specified in the city's schedule of fees as currently established or as hereafter adopted by resolution of the city council from time to time.

- (6) *Encumbrances information.* An application for preliminary plat approval shall be accompanied by a title opinion or a statement or certificates, either in a separate writing or on the face of the plat, and properly executed by the applicant or the person who prepared the plat, certifying that all existing encumbrances other than liens, such as various types of easements, fee strips, or significant topographical features such as lakes, ponds, bayous or other bodies of water; creeks, streams, gullies, ravines, ditches, or other natural drainageways; and any known fault lines, on the land being platted, are fully shown and accurately identified on the face of the plat, and further stating whether the plat being submitted includes all of the contiguous land that the subdivider owns directly or indirectly, or has a legal or beneficial interest in, or whether the subdivider owns or has a legal interest in any adjacent property. If the subdivider owns or has a legal interest in any adjacent property, the extent of such ownership and a boundary description of the land involved shall also be provided.
- (7) *Notice to utilities.* Evidence of notice to all utility companies that provide service to the area encompassed by the proposed subdivision, whether public or private, shall accompany each application for preliminary plat approval. Such notice shall contain a statement of the intent to subdivide, the intended use of the property within the subdivision, and shall have attached to such notice a copy of the preliminary plat that is filed within the city.

#### **40-30 – Application for final plat approval:**

##### **REMOVE:**

- ~~(1) *Time for filing.* All plats, maps, reproductions, fees, applications, and related materials shall be submitted to the city secretary no later than 12:00 noon, seven days prior to the next regularly scheduled commission meeting. Materials received after 12:00 noon on the date specified in this section shall automatically be placed on the agenda of the second regularly scheduled commission meeting following submittal.~~
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- ii. An applicant may request a Waiver of Right to 30-day Action relating to the decision time of thirty (30) days mandated by State law. Such requests must be submitted on the official Waiver of Right to 30-day Action form provided by the Community Development Office.
- iii. Waiver requests must be received by the Community Development Director prior to the Planning & Zoning Commission meeting at which action would have to be taken (based on the 30-day State law requirement).
- iv. The granting of a Waiver of Right to 30-day Action shall not be deemed in any way a waiver to any requirement within this Code of Ordinances.

(6) The Waiver of Right to 30-day Action may postpone consideration of plats for a period not to exceed 30 days from the date that the waiver is received by the City. In the event that the Waiver of Right to 30-day Action expires, the plat shall be considered void by the City of Tomball and a separate plat application will be required for review by the City and consideration by the Planning & Zoning Commission.

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