



CITY OF OVILLA

Planning &
Development
105 Cockrell Hill Road
Ovilla, Texas 75154

Plat Application Submittal Requirements

The following list of submission requirements should be used by the applicant as a guide in preparing a complete application. The City will also use the checklist to verify the completeness of the application at the time it is submitted.

Applicants are responsible for submitting complete applications. Incomplete applications will result in plans being rejected for acceptance or lengthen the development review process.

Requirement for Completeness Determination

Every application for approval of any type of plat or development plan shall be subject to a determination of completeness by the city administrator.

No application for any type of plat approval or development plan shall be deemed complete and accepted for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of this division. For a determination of completeness to be issued, an application must include the following:

- A completed application form signed by the owner or the owner's authorized agent, as shown by affidavit or power of attorney;
- Every item, study and document required by this chapter for the type of plat being submitted, or required for a development plan; and
- A non-refundable application submittal fee, as specified in the fee schedule.
- The city administrator may from time to time identify additional requirements for a complete application that are not contained within but are consistent with the application contents and standards set forth in the subdivision ordinance.
- A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this chapter.

Determination of Completeness and Expiration

- Not later than the tenth (10th) business day after the date an application for plat approval or a plan of development is submitted, the city administrator shall make a written determination whether the application constitutes a complete application. This shall include a determination that all information and documents required by this subdivision ordinance for the type of plat being submitted or other requirements have been submitted.
- A determination that the application is incomplete shall be mailed to the applicant within such time period by United States Certified Mail at the address listed on the application. The determination shall specify the documents or other information needed to complete the

application and shall state that the application will expire if the documents or other information is not submitted within 45 days after the date the application was submitted.

- An application for approval of a preliminary or final plat or development plan filed on or after the effective date of this ordinance shall be deemed complete on the eleventh (11th) business day after the application has been received, if the applicant has not otherwise been notified that the application is incomplete.
- For purposes of this section, the applicant shall be deemed to have been notified if the city has mailed a copy of the determination as provided, notwithstanding the city administrator's failure to mail the notice by the tenth day, the official filing date for the plat application shall be the date that the city administrator determines the application is complete for submission to the planning and zoning commission.
- The processing of an application by any city employee prior to the time the application is determined to be complete shall not be binding on the city as the official acceptance of the application for filing. The incompleteness of an application shall be grounds for denial of the application regardless of whether a determination of incompleteness was mailed to the applicant.
- An application for preliminary or final plat approval shall be deemed to expire on the 45th day after the application is submitted to the city administrator for processing if the applicant fails to provide documents or other information necessary to meet the requirements of the subdivision ordinance or other requirements as specified in the determination provided to the applicant. Upon expiration, the application will be returned to the applicant together with any accompanying documents. Thereafter, a new application for approval of the plat must be submitted, together with a new fee.
- No vested rights accrue solely from the filing of an application that has expired pursuant to this section, or from the filing of a complete application that is subsequently denied.

Procedure for Preliminary Plat Approval

- Subsequent to the pre-application conference, the subdivider shall have prepared a preliminary plat of the proposed subdivision for submission to the planning and zoning commission.
- Before an application is presented to the planning and zoning commission for a plat or replat of any property located within the city limits and/or the city's extraterritorial jurisdiction (ETJ), the party requesting the plat or replat shall obtain tax certificates showing all taxes when due have been paid on the property being platted or replatted.
- The preliminary plat shall be considered officially filed after it is examined by the city engineer and found to be in compliance with the general provisions of these regulations and the date of such findings shall be considered the official filing date. At this time, the subdivider shall submit fifteen (15) copies of the revised preliminary plat with any changes made based on the city engineer's review.
- The preliminary plat shall be distributed to the franchise authorities and the independent school district affected by the plat. At least three (3) working days prior to the meeting of the planning and zoning commission at which the plat is to be considered, each of these

agencies may submit their written recommendations concerning the plat in question to the planning and zoning commission for their consideration.

- Whenever a preliminary plat involves land in Ovilla's extraterritorial jurisdiction (ETJ), the city shall act upon the plat in the same manner as a plat in the city limits.
- Following review of the preliminary plat and other materials submitted for conformity thereof to these regulations and the subdivision chapter of the city code, the planning and zoning commission shall, within thirty (30) days of the official filing date, act thereon as submitted or modify [modified], and if approved by the planning and zoning commission shall express its approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefor.
- The commission shall, at the next regularly scheduled city council meeting, submit the preliminary plat approved by the planning and zoning commission, with the conditions established, if any, by the planning and zoning commission to the city council for final action on approval or disapproval.
- The city council shall approve or disapprove the preliminary plat either with or without special provisions.
- Approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat.
- Preliminary approval of the subdivision shall be valid for a period of twelve (12) months from the date of approval and the general terms and conditions under which the preliminary approval was granted will not be changed. The planning and zoning commission shall withdraw its preliminary approval of a subdivision unless the final plat is submitted within the twelve (12) month period unless the twelve (12) month period is extended by the planning and zoning commission on the written request of the subdivider. Only one such extension shall be granted.

Preliminary Plat Data Requirement Checklist

- ☐ A completed application form signed by the owner or the owner's authorized agent, as shown by affidavit or power of attorney;
- ☐ Every item, study and document required for the type of plat being submitted, or required for a development plan
- ☐ A non-refundable application submittal fee, as specified in the fee schedule.
- ☐ Tax certificates showing all taxes when due have been paid on the property being platted or replatted.
- ☐ The plat of the subdivision of any lot, tract or parcel of land located within the city and/or its ETJ shall be filed in the office of the city secretary at least thirty (30) days prior to the meeting of the planning and zoning commission at which it is to be considered.

- ☐ The proposed preliminary plat shall be submitted on sheets a maximum size of twenty-four (24) inches by thirty-six (36) inches.
- ☐ The subdivider or owner shall file fifteen (15) copies of the plat along with the appropriate filing fee and each copy shall show or be accompanied by the following information:
 - ☐ The property owner's name, address, and telephone number.
 - ☐ The name of the licensed land surveyor, registered professional engineer or land planner responsible for the design of the plat.
 - ☐ The title or name of the subdivision (which must not be so similar to that of an existing subdivision as to cause confusion).
 - ☐ North point, date, scale (not to exceed one inch (1") to one hundred feet (100')), and the approximate acreage of the proposed subdivision with an accurate boundary survey of the land to be subdivided including a metes and bounds description.
 - ☐ The location and width of all existing and dedicated streets, alleys, and easements within or adjacent to the proposed subdivision for a distance of two hundred feet (200') from the proposed subdivision. If there are no adjacent existing or dedicated streets, or alleys within two hundred feet (200') of the proposed subdivision on any side, then a map on a smaller scale must accompany the preliminary plat showing the outline and ownership of adjacent properties, locations of the nearest subdivisions and existing or dedicated streets and alleys.
 - ☐ All physical features of the property to be subdivided, including location and size of all watercourses, ravines, bridges, culverts, existing structures, drainage areas in acres of any areas draining into subdivision, floodplain boundaries or boundaries of flood prone areas and other important features pertinent to subdivision. The outline of wooded areas or the location of important individual trees may be required.
 - ☐ The location, size and approximate depth of all existing utilities shall be shown.
 - ☐ Contours at five (5) foot intervals and except on terrain with less than two (2) percent grade in which contours at two (2) foot intervals are required.
 - ☐ The plat shall show the actual boundary survey, however, the layout of the proposed subdivision lots, blocks and streets may be scaled dimensions.
 - ☐ The proposed plat for the subdivision shall be shown, including all proposed streets and their names, addresses, alleys, easements, blocks, lots, building lines, etc., with principal dimensions. Street names shall conform to existing streets when they are logical extensions. Proposed street names must meet the approval of the city.

- ☐ The location of the city limits line, the outer border for the city's extraterritorial jurisdiction and zoning district boundaries if they traverse the subdivision, form part of the boundary of the subdivision or are contiguous to such boundary.
- ☐ A designation of the proposed uses of land within the subdivision and any zoning amendments requested. If a change in zoning is proposed, a boundary survey of the proposed area to be rezoned must be submitted. Approval of any requested or required zoning change shall be obtained prior to approval of final plat.
- ☐ If the proposed subdivision is a portion of a tract which is later to be subdivided in its entirety, then a tentative master plat of the entire subdivision shall be submitted with the plat of the portion to be subdivided. The master plat shall conform in all respects to the requirements of the plat; except, it may be on a scale of not more than one inch (1") to four hundred feet (400').
- ☐ The proposed plan of improvements to be constructed in the subdivision shall be shown on a preliminary utility plan and a preliminary drainage system plan which shows the proposed drainage system with both on-site and off-site considerations with preliminary drainage calculations. The preliminary plans shall include both the size and type of material to be used for proposed utility lines and drainage pipe. The accurate location of any existing utilities within the subdivision shall be shown on the preliminary utility plan.
- ☐ The following certificate shall be placed on the plat in a manner that will allow it to be clearly visible on the preliminary plat:

APPROVED BY THE PLANNING AND ZONING COMMISSION OF OVILLA, TEXAS, on the _____ day of _____, 20____.

Chairperson,
Planning and Zoning Commission

City Secretary

APPROVED BY THE CITY COUNCIL OF OVILLA, TEXAS, on the _____ day of _____, 20____.

Mayor

City Secretary

Procedure for Final Plat Approval

- After approval of the preliminary plat by the planning and zoning commission and city council and within twelve (12) months of the approval date, unless extended by action of the planning and zoning commission, the subdivider may submit the final plat for approval.

- The final plat shall conform substantially to the preliminary plat as approved and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he or she proposes to record and develop at the time, provided however, that such portion conforms to all requirements of these regulations.
- The final plat shall be considered officially filed after it is examined by the city engineer and found to be in compliance with the general provisions of these regulations and the date of such findings shall be considered the official filing date. At this time, the subdivider shall submit fifteen (15) copies of the revised final plat with any changes made based on the city engineer's review, together with a reproducible transparent drawing. The subdivider shall also submit an AutoCAD readable diskette of the final plat.
- The final plat shall be distributed to the franchise authorities and the independent school district affected by the plat. At least three (3) working days prior to the meeting of the planning and zoning commission at which the plat is to be considered, each of these agencies may submit their written recommendations concerning the plat in question to the planning and zoning commission for their consideration.
- The final plat shall be presented to the planning and zoning commission at its next regular meeting with any appropriate recommendation by the city engineer. The planning and zoning commission shall act on the final plat within thirty (30) days after the official filing date, unless such time is extended by agreement with the subdivider or his or her agent. If no action is taken by the planning and zoning commission within thirty (30) days after filing or such longer period as may have been agreed upon, the final plat shall be deemed approved by the inaction of the planning and zoning commission.
- After the planning and zoning commission has determined that the plat is in proper form, that the arrangement of the development proposed for the property being subdivided is consistent with zoning regulations and that the subdivision complies with the provisions of this article, it shall enter an order approving the plat, subject to action by the city council.
- The city council shall consider all proposals with respect to the dedication of right-of-way for public use, the construction of utilities, streets, drainage, and other improvements, and when satisfied with the proposals, approve the action of the planning and zoning commission relative to the final plat. The city council shall act on the final plat within thirty (30) days after the date the plat is approved by the planning and zoning commission. If no action is taken by the city council within thirty (30) days after the planning and zoning commission approval or such longer period as may have been agreed upon, the final plat shall be deemed approved by the inaction of the city council.
- A certificate showing the approval date of the planning and zoning commission and failure to take action thereon within thirty (30) days of the commission's approval date shall, on demand, be issued by the city council and this certificate shall be sufficient in lieu of a written endorsement or other evidence of approval.
- The city council's approval of the final plat shall authorize the chairperson of the planning and zoning commission and mayor to execute the certificate of approval on the reproducible transparency copy of the final plat.

- The final plat shall then be caused to be filed on record in the plat records of Ellis County, but only after the city council has officially acted upon the final plat with reference to improvements, dedications, and utilities.
- Final plats located in the extraterritorial jurisdiction of the city shall be submitted to the commissioner's court of Ellis County, following approval by the city council.
- The city council shall not approve a final plat until:
 - It has approved the plans and specifications after city engineer's review and approval, for the subdivision improvements;
 - It is satisfied that there are, or will be adequate utilities to serve the area proposed to be subdivided, taking into consideration past utility commitments, as well as those reasonably anticipated in the future;
 - It is satisfied the subdivider will be in a financial position to install, or cause to be installed, at his or her own cost, risk and expense all of the improvements required for the proposed subdivision; the city council shall require such security as it, in its sole and absolute direction, may deem best in order to ensure the orderly development of the subdivision; and
 - Final action has been taken on an application for zoning change or petition for annexation, if either a zoning change or annexation was requested by a subdivider following the preliminary plat review process.

Final Plat Data and Agreements Requirement Checklist

After the preliminary plat has been approved, a final plat in the form of a record plat shall be prepared in accordance with the conditions of approval and submitted to the city secretary for review and transmission to the planning and zoning commission. The required prints of such plat shall be filed in the office of the city secretary at least thirty (30) days prior to the planning and zoning commission meeting at which consideration is desired.

The plat shall be submitted at a scale of 100 feet to one inch and the final plat shall show the following information:

- ☐ The names of the owner and/or subdivider and of the licensed surveyor or registered engineer responsible for the plat.
- ☐ The name of the subdivision and adjacent subdivisions, the names of streets (to conform whenever possible to existing street names) and numbers of lots and blocks, in accordance with a systematic arrangement, and the right-of-way width of each street or other right-of-way.
- ☐ A written legal description of the entire property by metes and bounds on the face of the plat, with bearings and distances referenced to survey lines and established subdivisions and showing the lines of adjacent lands and the lines of adjacent streets and alleys, with their width and names. Street, alley, and lot lines in adjacent subdivisions shall be shown in dashed lines.

- ☐ Location of proposed lots, streets, public highways, alleys, parks, and other features, with accurate dimensions in feet and decimal fractions of feet, with the length of radii and of arcs of all curves, all angles, and with all other engineering information necessary to reproduce the plat on the ground. Contours, with an interval of five feet or less as governed by the topography, shall be shown as light, dashed lines. The location of the city limits line and the limits of the extraterritorial jurisdiction line, if applicable.
- ☐ The location and dimensions of all easements.
- ☐ Minimum building setback lines shall be reflected.
- ☐ Purposes for which sites, other than residential lots, are dedicated or reserved.
- ☐ The title, graphic scale, and north arrow.
- ☐ A copy of any protective or restrictive covenants whereby the subdivider proposes to regulate land use and construction in the subdivision shall be included with the plat.
- ☐ Certification by a surveyor, licensed by the State of Texas, or a professional engineer, registered in the State of Texas, placed on the plat as follows:

KNOW ALL MEN BY THESE PRESENTS:

That I, _____ do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Ovilla, Texas.
(Seal)

- ☐ The following certificate shall be placed on the plat in a manner that will allow it to be clearly visible on the final plat:

APPROVED BY THE PLANNING AND ZONING COMMISSION OF OVILLA, TEXAS, on the _____ day of _____, 20____.

Chairperson,
Planning and Zoning Commission

City Secretary

APPROVED BY THE CITY COUNCIL OF OVILLA, TEXAS, on the _____ day of _____, 20____.

Mayor

City Secretary

- ☐ An instrument of dedication signed and acknowledged by the owner or owners and by all other parties who have a mortgage or lien interest in the property, showing all restrictions, reservations and/or easements, if any, to be imposed and reserved in connection with the addition. Such restrictions shall contain the following provisions, along with any other restrictions which may be imposed:

“NO HOUSE, DWELLING UNIT OR OTHER STRUCTURE SHALL BE CONSTRUCTED ON ANY LOT IN THIS ADDITION BY THE OWNER UNTIL:

- Such time as the developer and/or owner has complied with requirements of the platting ordinance of the city regarding improvements with respect to the entire block on the street and/or streets on which the property abuts, including the actual installation of streets with the required base and paving, curb and gutter, all utilities, drainage structures, and storm sewers and alleys, all according to the specifications and standards of the city and such improvements have been inspected by the city and accepted for title, use and maintenance, or
 - Until an escrow deposit, sufficient to pay for the cost of such improvements, as determined by the city engineer, computed on a private commercial rate basis, has been made with the city accompanied by an agreement signed by the developer and/or owner, authorizing the city to make such improvements at prevailing private commercial rates, or have the same made by a contractor and pay for the same out of the escrow deposit, should the developer and/or owner fail or refuse to install the required improvements within the time stated in such written agreement, but in no case shall the city be obligated to make such improvements itself. Interest on an escrow deposit shall be accumulated in the account and may be used as needed to cover increases in construction costs and any surplus resulting at completion shall be refunded to the developer and/or owner. Such deposit may be used by the developer and/or owner as progress payments as the work progresses in making such improvements by making certified requisitions to the city, supported by evidence of work completed, or
 - Until the developer and/or owner files a corporate surety bond with the city in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the city council.
 - The requirements with respect to street, drainage and utility improvements are made to insure the installation of such street improvements and to give notice to each owner and to each prospective owner of lots in this subdivision that no house or building can be constructed on any lot in this subdivision until said street improvements are actually made or provided for on the entire block on the street and/or streets on which the property abuts as described herein.”
- ☐ A certificate of dedication of all streets, public highways, parks and other land intended for public use, signed by the owner or owners and by all other parties who have a mortgage or lien interest in the property. All deed restrictions that are to be filed with the plat shall be submitted with the final plat.

- ☐ Receipt showing that all taxes are paid.
- ☐ Final plats shall be accompanied by three (3) sets of plan and profile sheets for all streets and required utilities drawn at a scale of 100 feet to one inch horizontal and 10 feet to one inch vertical or better. For each proposed street in the subdivision, the plan-profile sheets shall show right-of-way of the street and portions of the right-of-way of intersecting streets in the plan portion. The street profile portion shall show the existing ground and the proposed grade at five points of cross section; namely, at the centerline, the back of curb lines and the property lines. The plan portion shall show the size and location of all drainage structures, storm sewers, curb inlets, utilities, and the direction of stormwater.
- ☐ Final plats shall be accompanied by a lot grading plan drawn at a scale of 100 feet to one inch.
- ☐ Typical cross sections shall be shown for the type and width of paving proposed for all streets and/or alleys.
- ☐ A waiver of claim for damages against the city occasioned by the establishment of grades or the alteration of the surface of any portion of existing streets and alleys to conform to the grades established in the subdivision.
- ☐ The subdivider will be responsible for all stormwater discharge from the proposed site and shall obtain all easements down to a designated watercourse. Designated watercourses shall be determined by the city engineer. The subdivider will also be responsible for notifying the Environmental Protection Agency (EPA) with a notice of intent (NOI). When the subdivision is seventy (70) percent complete, the subdivider will be responsible for notifying the EPA with a notice of termination (NOT).

Replats

Any person who wishes to revise a subdivision plat which has been previously filed for record must make an application of the proposed revised plat to the city council. The replat of the subdivision shall meet all the requirements for a subdivision that may be pertinent.

However, if the subdivision as replatted does not require any appreciable alteration or improvement of utility installations, streets, alleys, building setback lines, etc., then no engineering plans or preliminary plat will be required.

In the event the proposed replat involves property which has been previously developed or zoned as single-family or duplex residential use, then special requirements are triggered as follows:

- After an application is filed for a replat affecting single-family and duplex property, the city secretary shall give notice of the application to be published in the official newspaper of the city at least fifteen (15) days before the date of the city council meeting at which it is to be considered.
- Such notice must include a statement of the time and place at which the city council will meet to consider the replat and to hear protests to the revision at a public hearing.

- Additionally, written notice must be sent to all owners of property located within the two hundred feet (200') of the property upon which the replat is requested. Such notice may be served by depositing the notice, properly addressed and postage paid, at the local post office.
- If twenty percent (20%) or more of the property owners to whom notice has been required to be given file a written protest of the replatting before or at the public hearing, then the affirmative vote of at least three-fourths (3/4) of the city council members is required to approve the replat.

Compliance with HB 3167 and HB 2497

The following definitions apply to the provisions of this article:

- **Planning commission.** The city authority responsible for recommending the approval of plats, and includes the term “planning and zoning commission,” where the city has combined the functions of a zoning commission and a planning commission pursuant to Tex. Loc. Gov’t Code section 211.007.
- **Plat.** A preliminary plat, general plan (including a master plan or plat), final plat, and replat.
- **Subdivision application.** A request for approval of a plat or subdivision plan required to initiate the division or development of land pursuant to Tex. Loc. Gov’t Code Ch. 212, Subchapters A or B.
- **Subdivision ordinance or subdivision regulations.** Ordinance 06-022, as amended, prior to the effective date of this article.
- **Subdivision plan.** A subdivision development plan, subdivision plan, subdivision construction plan, land development application, site development plan or site plan required for approval of a plat, which is authorized under Tex. Loc. Gov’t Code Ch. 212, Subchapters A or B. A subdivision plan excludes a zoning plan.
- **Zoning plan.** A concept plan, site plan or similar document required to determine compliance with land use regulations which are authorized under Tex. Loc. Gov’t Code, Ch. 211.

Applicability

- This article applies to the procedures for approval of plats and subdivision plans for the division or development of property pursuant to Tex. Loc. Gov’t Code Ch. 212, Subchapters A or B.
- This article does not apply to the procedures for approval of zoning plans or plans required to accompany applications for building permits.
- This article does not apply to any plat or subdivision plan filed before September 1, 2019.

Stages of plat approval

Notwithstanding any other provision of the subdivision ordinance to the contrary, the stages of plat approval shall be as follows:

- Except for minor plats, replats and amending plats, all applications for plat approval shall consist of an application for preliminary plat approval, followed by an application for final plat approval.
- Applications for preliminary plat approval and final plat approval shall not be submitted nor processed simultaneously. Each plat application shall require the approval of the planning and zoning commission and the city council, as hereinafter provided.
- Any procedure in the subdivision ordinance that provides for a shorter time for approval of a plat application than that required for approval of a preliminary or final plat application is superseded by the procedures of this article.
- Except as hereinafter provided, any appeal from a planning commission decision on a plat to the city council is superseded by the procedures of this article.
- Procedures for review of an application for completeness authorized by the subdivision ordinance or to be undertaken pursuant to Tex. Loc. Gov't Code section 245.002(e) are superseded by the procedures in sections 10.03.004 and 10.03.005 of this article, except as otherwise provided in section 10.03.006 of this article.
- A subdivision plan must be submitted for approval with an application for preliminary or final plat approval, unless approval of the subdivision plan is required prior to submittal of a plat application. Any procedure for approval of a subdivision plan before the commission or council approves or disapproves a plat application is superseded by the procedures of this article.
- Conditional approval of a preliminary plat application shall mean that each such condition must be satisfied prior to final plat approval.
- Because the technical requirements for submittal of a plat or subdivision plan application are essential for determining whether the application should be approved, conditionally approved, or disapproved, any deficiency in the submittal requirements for such application shall be grounds for disapproval of the application, unless the plat or subdivision plan application is to be reviewed by alternative procedures.

Procedures for approval of plats and subdivision plans

- a.) Initial approval by commission.** The planning commission shall recommend approval, approval with conditions, or disapproval of a preliminary plat, final plat, or subdivision plan application within 30 days after the date the plat or subdivision plan application is filed. A plat or subdivision plan application is deemed recommend for approval by the commission unless it is recommended to be conditionally approved or disapproved within that period in the manner provided in subsection (e).

b.) Initial approval by council. The city council shall approve, approve with conditions, or disapprove a preliminary plat, final plat, or subdivision plan application within 30 days after the date the commission approves the plat or subdivision plan application. A plat or subdivision plan application is deemed approved by the city council unless it is conditionally approved or disapproved within that period in the manner provided in subsection and documented pursuant to subsection (e).

c.) Extension by agreement. The applicant may request in writing and the planning commission or the city council, as the case may be, may approve the request for an extension of the time for plat or subdivision plan approval required by subsections (a) or (b) for a period not to exceed 30 days. The written request must be made within 15 days of the date the application is filed and approved by the commission or council prior to the time for a decision on the application required by subsections (a) or (b).

d.) Limitation on submittals. Following the filing of the plat or subdivision plan application, the applicant may not submit additional materials in support of the application during the initial 30-day period during which the commission or the council must decide the application, unless the applicant withdraws the original application and submits a new application with the additional materials. If an extension is sought and granted under subsection (c), the applicant may submit additional materials in support of the application no later than 15 days from the date the commission or council is scheduled to review the application without filing a new application.

e.) Documentation for conditional approval or disapproval. The planning commission or the city council, as the case may be, shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the written statement must be directly related to the requirements of the subdivision ordinance and include a citation to the applicable law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval. The conditions or reasons cannot be arbitrary.

Post-decision procedures

a.) Applicant's response. After the conditional approval or disapproval of a plat or subdivision plan, the applicant may submit to the council a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The council may not establish a deadline for an applicant to submit the response.

b.) Reply to applicant's response. The city council shall determine whether to approve, conditionally approve or disapprove the applicant's previously conditionally approved or disapproved plat or subdivision plan not later than the 15th day after the date the response was submitted. The city council may further conditionally approve or disapprove the application for a specific condition or reason that is provided to the applicant in the manner prescribed in section 10.03.004(e) of this article. The city council must approve the plat or subdivision plan application if the response adequately addresses each condition of the conditional approval or each reason for the disapproval.

- c.) **Delegation to administrative official.** The administrative official(s) designated by the Subdivision Ordinance for reviewing and evaluating plat and/or subdivision plan applications, or his delegee(s), hereby is delegated authority to reply to an applicant's response. The applicant may appeal the administrative official's decision within 15 days thereof to the planning commission or the city council, as the case may be, which shall hear the appeal at its next scheduled regular meeting. The applicant may also request a delay in the reply in order to have the response considered and decided by the planning commission or city council, as the case may be, at its next scheduled regular meeting.
- d.) **Failure to timely reply.** If the response meets the criteria in subsection (a) and the administrative official, or the planning commission or city council, as the case may be, fails to act upon the response within the time provided in subsections (b) or (c), the plat or subdivision plan application shall be deemed approved.
- e.) **New application required.** In the event that the administrative official, or the planning commission or city council, as the case may be, timely disapproves the plat or subdivision plan application, a new application shall be required.

Alternative review procedures

In lieu of the procedures, every applicant for approval of a plat or subdivision plat may elect in writing to follow the procedures in this section, if the election is made at the time the application is first submitted for filing.

Election for alternative review procedures

- 1.) Within 10 business days of the time the application is submitted for filing, the official(s) responsible for administering the subdivision ordinance or his designee shall make his determination whether the application meets the technical requirements for submittal. The official or his designee shall notify the applicant in writing not later than the tenth (10th) business day after the application is submitted whether the application is complete or incomplete. If the application is incomplete, the notice shall specify the documents or information that are necessary to complete the application and also shall state that the application is subject to expiration, as provided in subsection (2).
- 2.) Following the receipt of written notice, the applicant shall have 45 days from the time the application was submitted for filing to submit the necessary documents or information to render the application complete. If the applicant fails to do so, the application shall expire on the 45th day after the application was submitted for filing. An applicant may request a conference with the administrative official to assist in completing the application. If the application expires, the applicant may submit a new plat or subdivision plan application without prejudice. If the new application is submitted within 10 days after the expiration of the original application, review fees will be waived.
- 3.) The procedures for review of an application for plat or subdivision plan approval in sections shall commence on one of the following dates:
 - (a.) The date of the notice required by subsection (1) if the application is determined to be complete.

- (b.) The date the applicant submits documents or information necessary to complete the application within the 45-day period specified in subsection (2).
- (c.) The date the applicant submits a new application in the event the original application has expired.

Procedures for approval of replats.

Notwithstanding any other provision of the subdivision ordinance to the contrary, the procedures for replats hereby are amended as follows:

(1) A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of the plat if the replat is

- (a.) signed and acknowledged by only the owner of the property being replatted,
- (b.) is approved by the planning commission and
- (c.) does not attempt to amend or remove any covenants or restrictions. A public hearing is not required before approval of the plat.

(2) A replat without vacation of the preceding plat must conform to the requirements of Tex. Loc. Gov't Code section 212.015(a), in addition to the provisions of section 212.014, as amended.

If such replat requires a variance or exception, a public hearing must be held by the planning commission or the city council. If such replat does not require a variance or exception, the city shall, not later than the 15th day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent municipal or country tax roll.

The notice must include:

- (a.) the zoning designation of the property after the replat and
- (b.) a telephone number and e-mail address an owner of a lot may use to contact the municipality about the replat.

This requirement does not apply if the to a proposed replat if the city holds a public hearing and gives notice of the hearing pursuant to Tex. Loc. Gov't Code section 212.015(b).

Plat Application and Review Fee Schedule

****Costs as detailed plus 100% of all legal costs associated with item****

Pre-Application conference: \$200.00.

Preliminary plat:

a.) Application fee: \$400.00.

b.) Engineering fee(s): \$50.00 per lot (residential); \$50.00 per acre (nonresidential).

(i.) Plus \$50.00 per acre not designated as a subdivision lot (residential).

(ii.) Plus 100% of engineering costs associated with review in excess of amount paid in subsections (b) and (b)(i) above.

Final plat:

a.) Application fee: \$400.00.

b.) Engineering fee(s): \$50.00 per lot (residential); \$50.00 per acre (nonresidential).

(i.) Plus \$50.00 per acre not designated as a subdivision lot (residential).

(ii.) Plus 100% of engineering costs associated with review in excess of amount paid in subsections (b) and (b)(i) above.

Inspection fee(s) (inspection of utilities, infrastructure, etc.): Four percent (4%) of the improvement cost or \$5,000.00, whichever is greater.

Plat amendment:

a.) Application fee: \$400.00.

b.) Engineering fee(s): \$50.00 per lot (residential); \$50.00 per acre (nonresidential).

(i.) Plus 100% of engineering costs associated with review in excess of amount paid in subsection (b) above.

Short-form plat or replat:

a.) Application fee: \$200.00.

b.) Engineering fee(s): \$20.00 per lot (residential); \$20.00 per acre (nonresidential).

Plat vacation: \$275.00.

Traffic impact analysis review: \$450.00.

a.) Plus 100% of engineering costs associated with the review of the traffic impact analysis.

Tree Plan review fee(s): \$25.00 per lot.

County Filing Fee(s): Actual cost