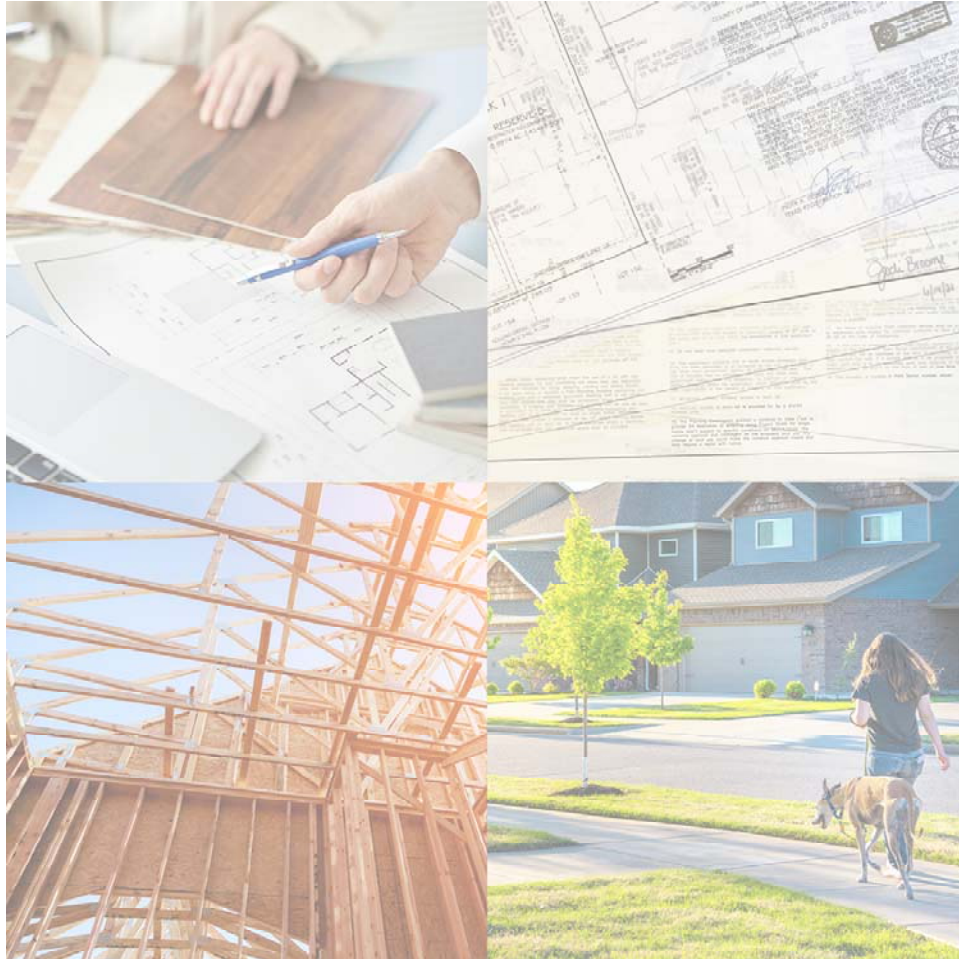


City of Houston Planning & Development Department  
**INFORMATION & REFERENCE GUIDE**

**Public Hearing – Replat with Notification**



**PLANNING &  
DEVELOPMENT  
DEPARTMENT**

[www.houstonplanning.com](http://www.houstonplanning.com)

Last Updated, May 2024

**CITY OF HOUSTON**  
PLANNING & DEVELOPMENT DEPARTMENT

**I. Notification and Public Hearing**

A subdivision plat that is a replat must provide notification to adjacent property owners pursuant to Chapter 42-49 if any lot in any preceding plat was limited by deed restrictions, separately filed restrictions, or plat restrictions to single family residential use or restricted to residential use for not more than two single family residential units per lot. The commission shall establish the public hearing date for replats requiring notification at the next meeting for which proper notice can be met on a complete application.

A. Click this link for Replats requiring notification of adjacent property owners [Chapter 42-49](#)

**II. Submittal Requirements: Along with the standard plat submittal requirements, the following information must be attached to the submitted electronic application no later than Monday at 11:00 AM of submittal week:**

- A. **Affidavit of Owner** is a separate letter 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” (Appendix B)
- B. Provide **one copy of Legal Notice** for staff review. (Appendix D-1 and D-2)
- C. Provide **one copy of Sign** for staff review. (Appendix F-1 and F-2)
- D. **A Warranty Deed and Deed Restrictions for properties not located in Harris County** (less than 30 days old) for the property to be replatted and **all applicable Deed Restrictions**.
- E. **Copy of the Original Subdivision Plat** for the area being replatted.
- F. **Provide the number of mail-out notices per Appraisal District in Plat Tracker** under the Plat Data tab for all surrounding properties in the notification area and make the necessary fee payments. Reference the online [Fee Schedule](#) for more details. The notification area per 42-49(d) includes all parcels within 300’ of the boundary of the plat. (Appendix C). For guidance in identifying the notification areas refer to (Appendix C-1, C-2 or C-3).
- G. **Title and Deed Review Fee** is required and paid through plat tracker for all public hearing applications.
- H. **Existing Condition Survey:** Each Class 2 or Class 3 Preliminary plat providing for single – family residential use on a tract within the city shall provide an existing conditions survey signed and sealed per 42-56 showing, paving width of all streets, curbs, driveways, utilities, trees and sidewalks.
- I. **Proposed Site Plan:** If requesting variance or special exception.
- J. **Protest area Map:** If requesting a variance or special exception, provide a protest area map along with the Notification Map identifying the protest area that will require a three-fourths affirmative vote of Planning Commission per 212.015 (Appendix H).

## REFERENCE GUIDE: PUBLIC HEARING – REPLAT WITH NOTIFICATION

Stamped Envelopes for notification are no longer required for Public Hearing applications. Staff will generate the notification map, certified list and mail out notices to property owners within the notification area.

Applicants are required to enter the number of Mail-Out Notices per Appraisal District in Plat Tracker. The number of envelopes can be determined by creating a notification map and printing an excel sheet and counting the number of property owners located within the notification area.

### 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), The applicant shall cause notice of the required public hearing to be published a minimum of 20 days before the date of the public hearing in a newspaper of general circulation in Harris, Fort Bend and Montgomery Counties upon authorization by the director which shall be given after the commission establishes the date for the public hearing and notification sign(s) shall be placed facing each right-of-way along plat boundary no later than **20 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 publish the notification (Appendix C-1 and C-2) in the Houston Chronicle or a newspaper of general circulation in Harris, Fort Bend and Montgomery Counties for one day. Applicant must provide Planning Department with an affidavit of publication from said newspaper within one (1) week after authorization. Applicant must provide proof of posting of the notification sign and advertisement of the public hearing to staff 20 days before the hearing.
- B. **Letters:** The City is required to mail out written notice of the public hearing to owners of property **within the notification area** (Appendix B) as described in **section II-E** of this document **no later than 20 days before the public hearing date**.
  - 1. Public Hearings **requesting a variance or special exception** (inside the city or outside the city) require notification to all the property owners **within the notification area** (Appendix B) as described in **Section II-E** of this document. All properties will receive a **variance or special exception notification letter along with drawing and variance or special exception request** (Appendix J or K).
  - 2. All Public Hearings with a variance or special exception will have to comply with the additional submittal requirements for variances and special exceptions.
- C. **Sign:** The **applicant** is responsible for posting signs on the property to be replatted **no later than 20 days before the public hearing date** (Appendix F-1, F-2). A sign adhering to the **Sign Requirements** (Appendix E) shall be placed within **15 ft. from each right-of-way** bordering the site. Each sign shall face the ROW with print large enough to be legible from the ROW. The **applicant** will **email staff, pictures of the sign** depicting their location from the ROW once they are in place. Refer to Site Signage

## REFERENCE GUIDE: PUBLIC HEARING – REPLAT WITH NOTIFICATION

Location Map as shown in (Appendix D). The **applicant shall make reasonable efforts to maintain the sign(s)** including updating the date, time and/or place of the meeting if the public hearing is deferred by the Planning Commission or postponed for any reason. **If deferred, a photo of the updated sign must be submitted to staff by 5:00 PM the Monday following Planning Commission action or if Monday is a city holiday, the Tuesday following Planning Commission action or** staff will recommend disapproval.

### 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 a signed letter with a statement indicating that the property owner objects to the proposed replat.
- B. **When the proposed replat requires a variance or special exception** 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. Protest Area Map (Appendix L)
- 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 or partial replats of single-family residential lots (Public Hearing Applications) **not requesting a variance or special exception.**

**DATES AND DEADLINES**

- Monday (Day 1)**      **DEADLINE:** 11:00 am, Application and all required supporting documents are submitted.
- Thursday (Day 4)**      **DEADLINE:** 4:00 pm, Application reviewed by staff for completeness.
- Friday (Day 5)**      **If the application is complete, Notice will be given that the Public Hearing will be established at the next Planning Commission meeting.**
- Thursday (Day 11)**      Public hearing, date is established at the Planning Commission meeting.
- Friday (Day 19)**      **DEADLINE:** Legal notice must be published no later than this date by applicant, **DEADLINE:** Written notices to be mailed out to property owners, by staff. **DEADLINE:** Sign(s) must be posted on property. Applicant must provide picture of the sign and proof the newspaper AD was posted 20 days prior to the public hearing date.
- Monday (Day 29)**      **DEADLINE:** Applicant submits, Affidavit of publication to staff. (Must submit within ten (10) days of publication.),
- Wednesday (Day 38)**      **Submit written comments or sign up as speakers at least 24 hours in advance of the meeting, so staff may compile them in order of the agenda items. ALL comments submitted by the deadline will be made part of the meeting record. Speakers who signed up to speak will be allowed to make their comments during the meeting**
- Thursday (Day 39)**      Public hearing is held (for preliminary plat approval). ALL comments submitted by the deadline will be made part of the meeting record. Speakers who signed up to speak will be allowed to make their comments during the meeting. For Public Hearings with variance and or special exception, all written protests must be submitted before the close of the public hearing.



APPENDIX A
AFFIDAVIT OF OWNER

THE STATE OF TEXAS
COUNTY OF (print name of county)

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 Harris County 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: (signature of president)
Print name, title

THE STATE OF TEXAS
COUNTY OF (print name of county)

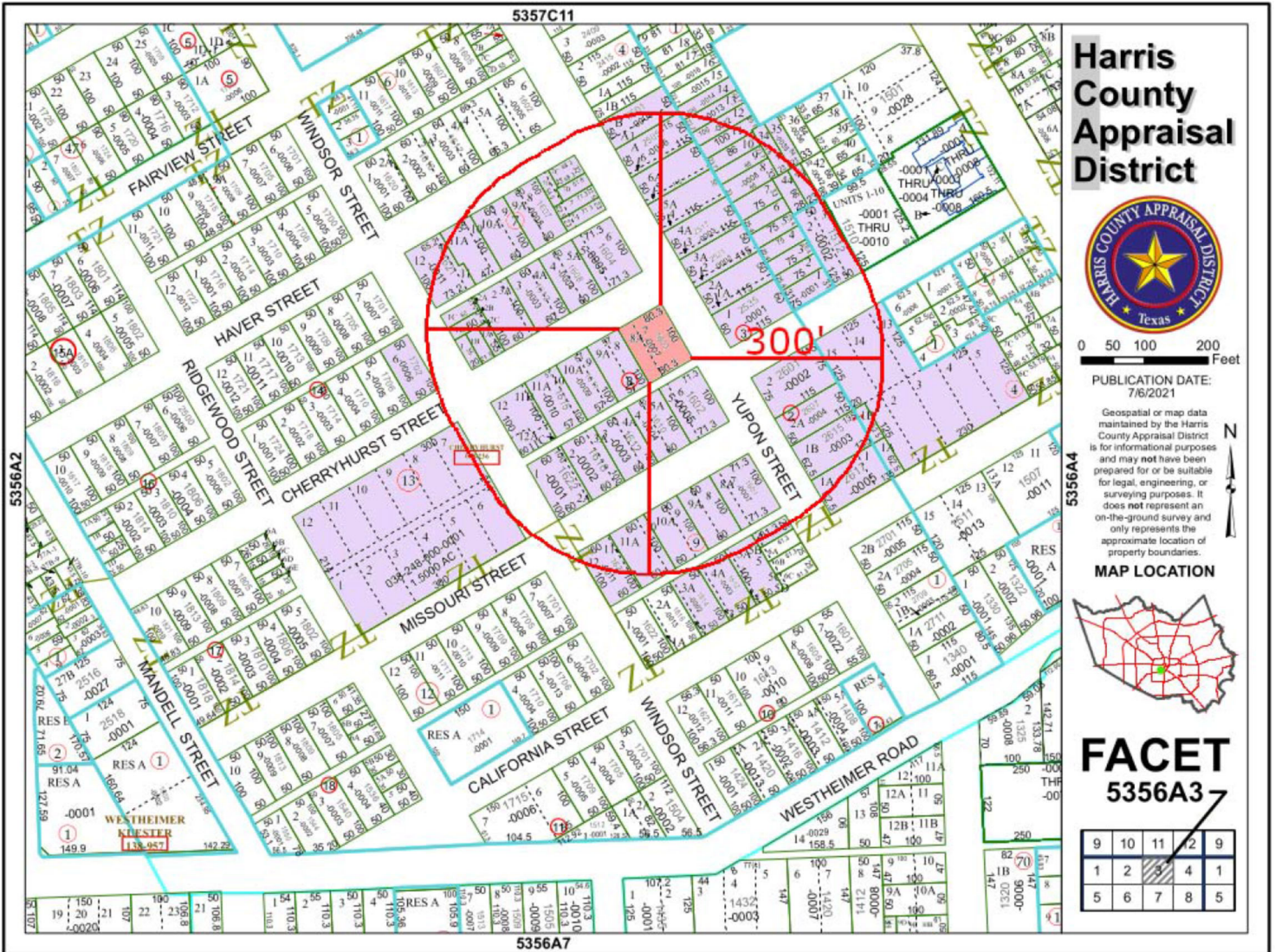
BEFORE ME, the undersigned authority, on this day personally appeared known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

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

(Signature of Notary public) Print name
Notary Public in and for (name of county) County, Texas
(Affix Notary Seal)

APPENDIX B

(Example: County Appraisal District Map  
Identifying the Notification Area)





**APPENDIX C-1 LEGAL NOTICE FOR  
PUBLIC HEARING WITHOUT VARIANCE OR SPECIAL  
EXCEPTION**

**LEGAL NOTICE TEMPLATE FOR PUBLIC HEARING**

The Houston Planning Commission has received an application to allow the replatting (or partial replatting) of \_\_\_\_\_ being all or part of lot \_\_\_ block \_\_\_ as recorded in Volume \_\_\_ Page \_\_\_ of the Harris County Map/Deed Records for the purpose of \_\_\_\_\_.

The new subdivision name is \_\_\_\_\_.

This is the written notice of a public hearing the City sends to all owners of property within 300' of the boundary of the plat.

The Houston Planning Commission will hold a public meeting and public hearing on this replat. The Commission is the non-legislative body authorized to review and render decisions on subdivision applications and requests. The meeting at which this item will first be considered is listed below. A sign with this information has also been posted on the project site.

**PLANNING COMMISSION MEETING INFORMATION:**

Thursday, (Month, day, year), beginning at 2:30 p.m.

City Hall Annex Building, 900 Bagby Street

City Council Chamber, Public Level, Houston, Texas

Members of the public may make comments or express concerns about the proposed project by attending the meeting at City Council Chamber listed above or send email to: [speakercomments.pc@houstontx.gov](mailto:speakercomments.pc@houstontx.gov) or call the Planning Department at: 832-393-6624 at least 24 hours in advance of the meeting.

Contact the applicant at \_\_\_ or the City of Houston Planning Department at (832)393-6600 for any additional information.

**APPENDIX C-2 LEGAL NOTICE FOR  
PUBLIC HEARING WITH VARIANCE OR SPECIAL EXCEPTION**

**LEGAL NOTICE TEMPLATE FOR  
PUBLIC HEARING WITH SPECIAL REQUEST  
(RECONSIDERATION REQUEST, VARIANCE OR SPECIAL EXCEPTION)**

The Houston Planning Commission has received an application to allow the replatting (or partial replatting) of \_\_\_\_\_ being all or part of lot \_\_\_ block \_\_\_ as recorded in Volume \_\_\_ Page \_\_\_ of the Harris County Map/Deed Records for the purpose of \_\_\_\_\_.

The new subdivision name is \_\_\_\_\_.

Reconsideration of requirement, variance(s), and/or special exception(s) is/are being requested with this application.

This is the written notice of a public hearing the City sends to all owners of property within 300' of the boundary of the plat.

State law allows for protest when the proposed replat requires a variance or special exception. 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.

The Houston Planning Commission will hold a public meeting and public hearing on this replat. The Commission is the non-legislative body authorized to review and render decisions on subdivision applications and requests. The meeting at which this item will first be considered is listed below. A sign with this information has also been posted on the project site.

**PLANNING COMMISSION MEETING INFORMATION:**

Thursday, (Month, day, year), beginning at 2:30 p.m.

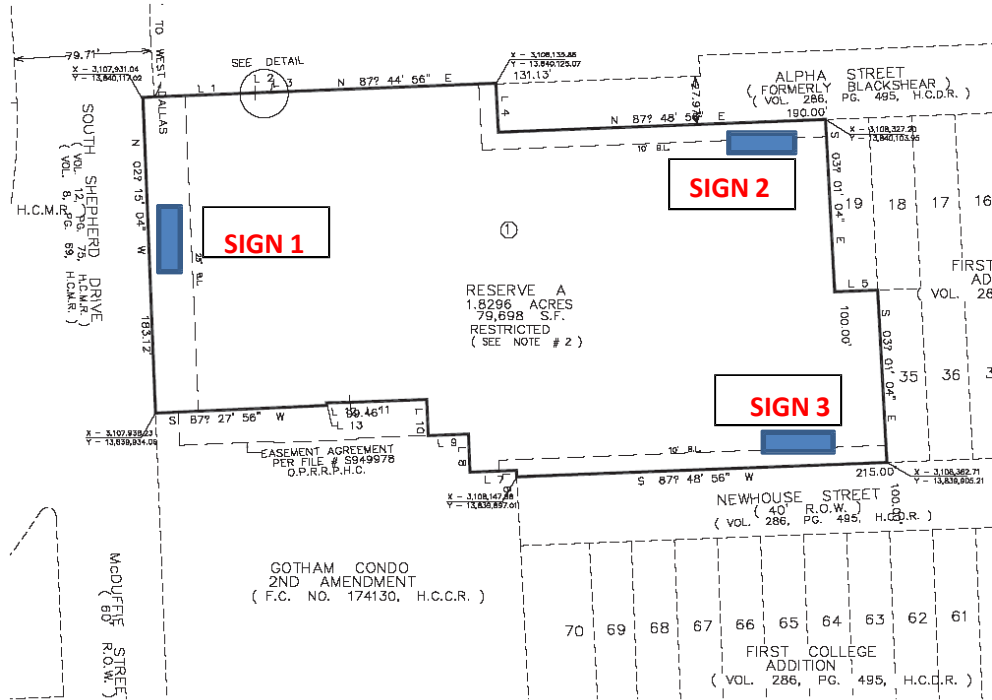
City Hall Annex Building, 900 Bagby Street

City Council Chamber, Public Level, Houston, Texas

Members of the public may make comments or express concerns about the proposed project by attending the meeting at City Council Chamber listed above or send email to: [speakercomments.pc@houstontx.gov](mailto:speakercomments.pc@houstontx.gov) or call the Planning Department at: 832-393-6624 at least 24 hours in advance of the meeting.

Contact the applicant at \_\_\_ or the City of Houston Planning Department at (832)393-6600 for any additional information.

**APPENDIX D**  
**Example: Site Signage Locator Map**



**APPENDIX E**  
**SIGN REQUIREMENTS**

- Signs must be posted on the property to be replatted and it shall face each public street or private roadway, 20 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 of the sign: 4' x 8'
- One sign shall be placed within 15' from each the public street or private roadway bordering the site.
- Each sign shall face the R-O-W with print large enough to be legible from the ROW.
- The applicant shall use reasonable efforts to maintain the sign.

APPENDIX F-1  
SIGN FOR PUBLIC HEARING WITHOUT VARIANCE

**NOTICE OF PUBLIC HEARING:**  
**Subdivision Name (Ref.#)**

The Houston Planning Commission has received an application to allow the partial replatting or replatting of this property within the subdivision of the FULL ORIGINAL SUBDIVISION NAME, LOT#, BLOCK #, recorded in Volume #####, Page ##### of the County Map/Deed Records

THE REASON FOR REPLAT IS: \_\_\_\_\_

The Houston Planning Commission will hold a public meeting and public hearing on this application.

**Meeting time: Thursday, Month Day, 20XX, beginning at 2:30 p.m.**  
City Hall Annex Building, 900 Bagby Street  
City Council Chamber, Public Level, Houston, Texas

Submit comments 24 hours prior: [Speakercomments.pc@houstontx.gov](mailto:Speakercomments.pc@houstontx.gov)

For information regarding this application, please contact:  
**Applicant's Contact Name with Applicant's Company Name at (###) ###-####**  
- or -  
The Houston Planning & Development Department at (832)393-6600.

APPENDIX F-2  
SIGN FOR PUBLIC HEARING WITH VARIANCE/SPECIAL EXCEPTION

**NOTICE OF PUBLIC HEARING:**

**Subdivision Name (Ref.#)**

The Houston Planning Commission has received an application to allow the partial replatting or replatting of this property within the subdivision of the FULL ORIGINAL SUBDIVISION NAME, LOT#, BLOCK #, recorded in Volume #####, Page ##### of the County Map/Deed Records

THE REASON FOR REPLAT: \_\_\_\_\_

PROPOSED USE OF THE PROPERTY: \_\_\_\_\_

SPECIAL REQUEST: \_\_\_\_\_

The Houston Planning Commission will hold a public meeting and public hearing on this application.

**Meeting time: Thursday, Month Day, 20XX, beginning at 2:30 p.m.**  
City Hall Annex Building, 900 Bagby Street  
City Council Chamber, Public Level, Houston, Texas

Submit comments 24 hours prior: [Speakercomments.pc@houstontx.gov](mailto:Speakercomments.pc@houstontx.gov)

For information regarding this application, please contact:  
**Applicant's Contact Name with Applicant's Company Name at (###) ###-####**

- or -

The Houston Planning & Development Department at (832)393-6600.

APPENDIX G-1  
EXAMPLE: VARIANCE REQUEST FORM



PLANNING &  
DEVELOPMENT  
DEPARTMENT

VARIANCE  
Request Information Form

Plat Name: [Redacted]  
Applicant: [Redacted]  
Date Submitted: [Redacted]

(Sec. 42-47 and Sec. 42-81)

**Specific variance is being sought and extent of variance:**

Clearly identify the specific requirement for which the variance is being sought and state the extent of the variance. Provide details as to what is required by the ordinance and what is being proposed. Applicants are required to provide sufficient detail to create an overview of the conditions surrounding the request. Information provided below will be used to review the merits of the request.

**Chapter 42 Reference:**

Identify the section of Chapter 42 the requirement is found. Example: "42-XXX"

**STATEMENT OF FACTS:**

(1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land;

Provide a detailed statement of facts surrounding the variance request that would meet the abovementioned criteria. Information must be complete and accurate. A simple "yes" and "no" response will not be accepted. [The applicant may provide a state for either (1a) or (1b)]

(1b) Strict application would make this project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

Provide a detailed statement of facts surrounding the variance request that would meet the abovementioned criteria. Information must be complete and accurate. A simple "yes" and "no" response will not be accepted. [The applicant may provide a state for either (1a) or (1b)]

(2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

Provide a detailed statement of facts surrounding the variance request that would meet the abovementioned criteria. Information must be complete and accurate. A simple "yes" and "no" response will not be accepted.

(3) The intent and general purposes of this chapter will be preserved and maintained;

Provide a detailed statement of facts surrounding the variance request that would meet the abovementioned criteria. Information must be complete and accurate. A simple "yes" and "no" response will not be accepted.

(4) The granting of the variance will not be injurious to the public health, safety or welfare;

Provide a detailed statement of facts surrounding the variance request that would meet the abovementioned criteria. Information must be complete and accurate. A simple "yes" and "no" response will not be accepted.

(5) Economic hardship is not the sole justification of the variance.

Provide a detailed statement of facts surrounding the variance request that would meet the abovementioned criteria. Information must be complete and accurate. A simple "yes" and "no" response will not be accepted.

APPENDIX G-2  
EXAMPLE: SPECIAL EXCEPTION REQUEST FORM



PLANNING &  
DEVELOPMENT  
DEPARTMENT

SPECIAL EXCEPTION  
Request Information Form

Plat Name: [Redacted]  
Applicant: [Redacted]  
Date Submitted: [Redacted]

(Sec. 42-48 and Sec. 42-82)

**Specific requirement for which the special exception is being sought:**

Clearly identify the specific requirement for which the special exception is being sought and state the extent of the special exception. Provide details as to what is required by the ordinance and what is being proposed. Applicants are required to provide sufficient detail to create an overview of the conditions surrounding the request. Information provided below will be used to review the merits of the request.

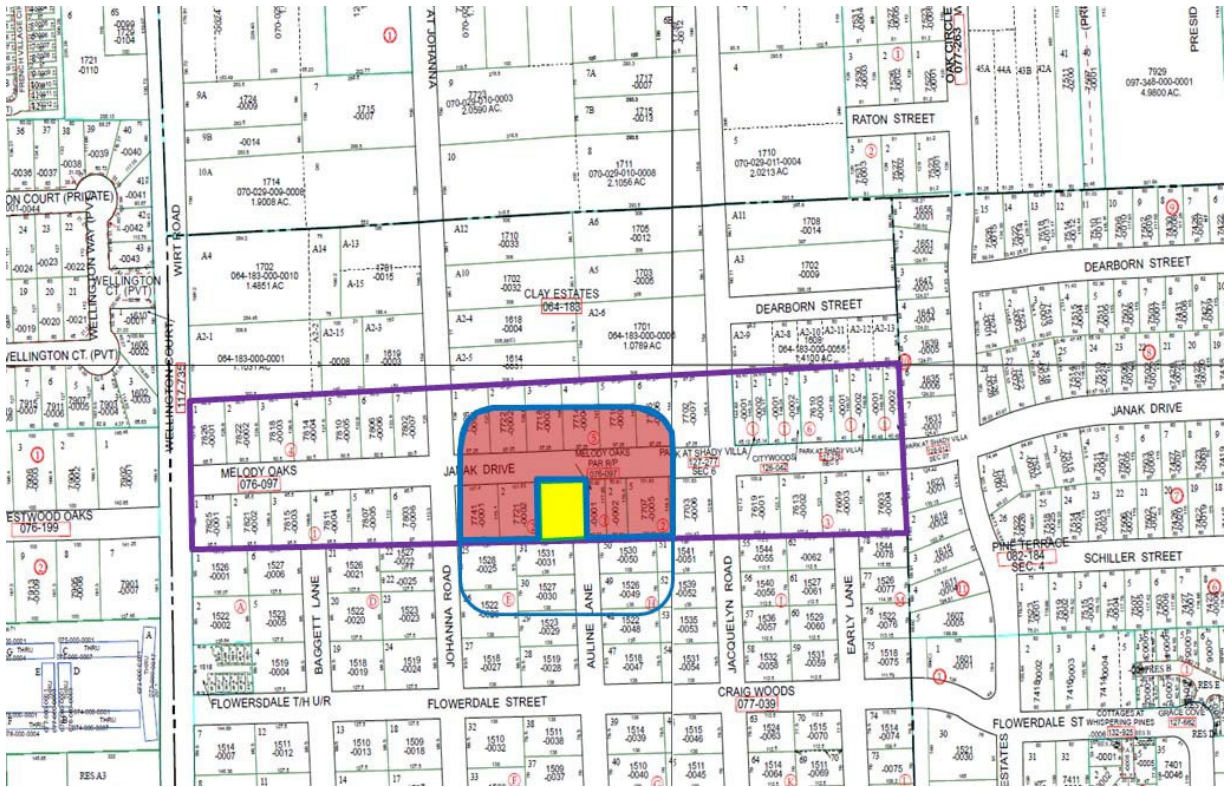
**Chapter 42 Reference:**





Identify the section of Chapter 42 the requirement is found. Example: "42-XXX"

**STATEMENT OF FACTS:**

- (1) Special circumstances exist that are unique to the land or the proposed subdivision or development and that are not generally applicable to all other land, subdivision for development in the city or its extraterritorial jurisdiction that justify modification of the standards that would otherwise apply;  
Provide a detailed statement of facts surrounding the special exception request that would meet the abovementioned criteria. Information must be complete and accurate. A simple "yes" and "no" response will not be accepted.
- (2) The proposed special exception will achieve a result contemplated by the standard in article III of Chapter 42 (Planning Standards);  
Provide a detailed statement of facts surrounding the special exception request that would meet the abovementioned criteria. Information must be complete and accurate. A simple "yes" and "no" response will not be accepted.
- (3) The modification of the standard requested is not disproportionate to the requirement of the standard;  
Provide a detailed statement of facts surrounding the special exception request that would meet the abovementioned criteria. Information must be complete and accurate. A simple "yes" and "no" response will not be accepted.
- (4) The intent and general purposes of this chapter will be preserved and maintained; and  
Provide a detailed statement of facts surrounding the special exception request that would meet the abovementioned criteria. Information must be complete and accurate. A simple "yes" and "no" response will not be accepted.
- (5) The granting of the special exception will not be injurious to the public health, safety or welfare.  
Provide a detailed statement of facts surrounding the special exception request that would meet the abovementioned criteria. Information must be complete and accurate. A simple "yes" and "no" response will not be accepted.

APPENDIX H  
PROTEST AREA MAP



-  ORIGINAL PLAT
-  PROPOSED REPLAT
-  200' RADIUS
-  PROTEST AREA QUALIFIED FOR  
TH  
3/4 AFFIRMATIVE VOTE OF  
PLANNING COMMISSION



