

## Item H-2

**PUBLIC HEARING:** Consider an ordinance approving amendments to the City of Keller Unified Development Code (UDC), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article Four - Development Procedures and Requirements for Application Submittals, Section 4.10 - Replats, to mirror the Texas Local Government Code process for replatting; authorizing publication; provide for penalties; and establishing an effective date. City of Keller, applicant. (UDC-22-0007)

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### Background

- Staff recently discovered conflicting language in the Unified Development Code (UDC) related to the public hearing requirements for replats.
- UDC Section 4.10 (A) states that “A public hearing will be required for replatting in accordance with Section 212.014 and 212.015 of Texas Local Government Code.” These sections of state law only require a public hearing if a replat requires a variance or exception.

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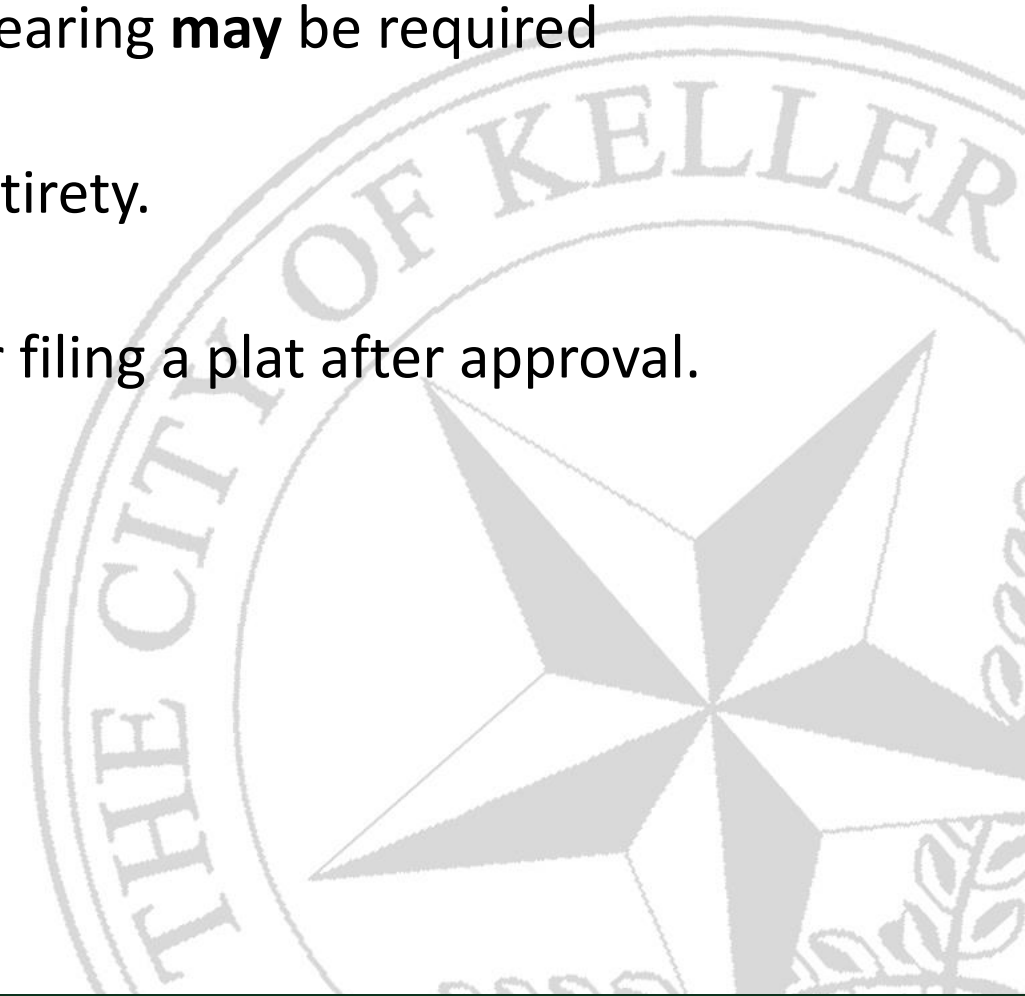
### Background

- In contrast, Section 4.10(E)(1) states “Public hearings prior to the Planning and Zoning Commission decision and the City Council decision are required for all replat cases...”
- The public hearing requirement can be misleading, since by state law the municipal authority charged with approving plats cannot deny a replat or plat that meets all applicable regulations.
- The current UDC language could create a situation where the Planning and Zoning Commission must conduct a public hearing on an item they have no option other than to approve.

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### Summary of Proposed Amendments

1. Amend Section 4.10(A) to clarify that a public hearing **may** be required
2. Remove Sections 4.10(C) and 4.10(E) in their entirety.
3. Update Section 4.10(F) to clarify the process for filing a plat after approval.



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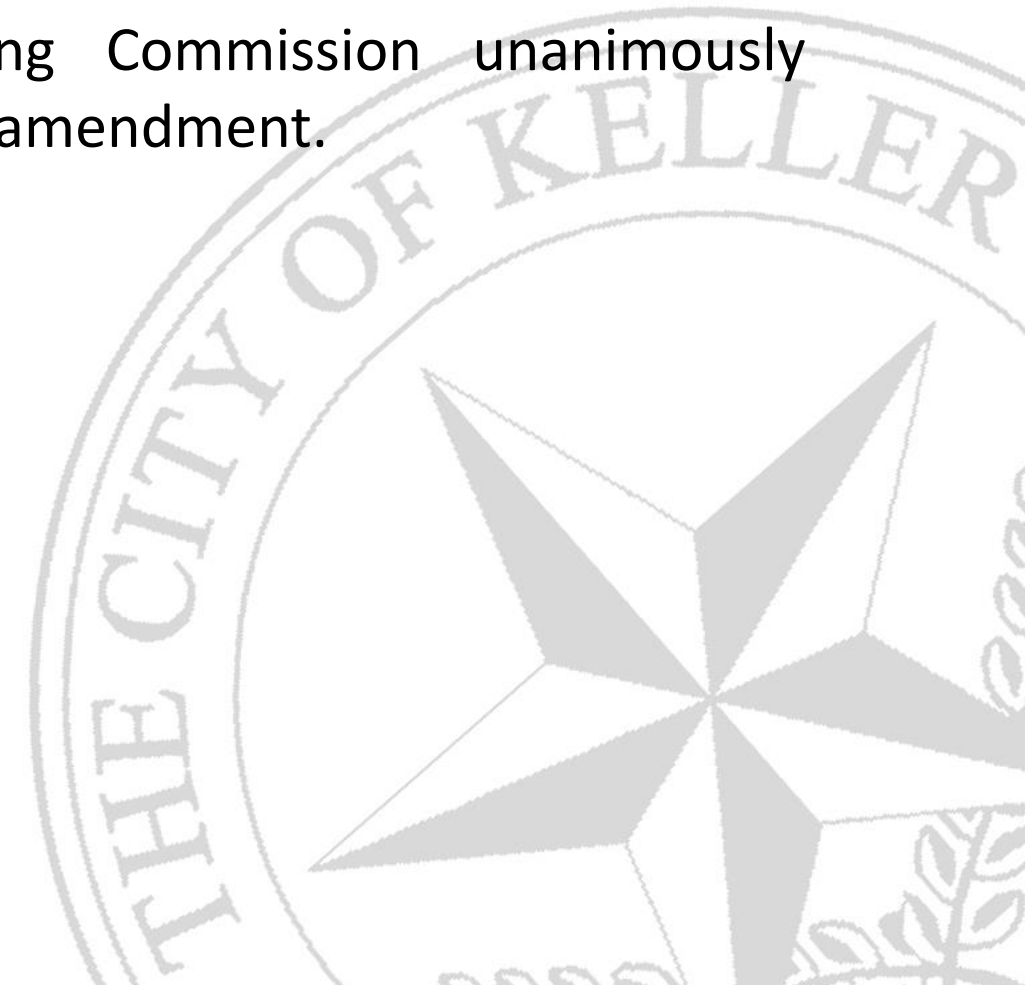
An amendment to the text of the UDC requires a public hearing notice to be published in the local newspaper ten (10) days prior to the scheduled Planning and Zoning Commission meeting date and fifteen (15) days prior to the scheduled City Council meeting date. Notices were published in the Aug. 28, 2022 and Sept. 18, 2022 editions of the *Fort Worth Star-Telegram* for the respective Planning and Zoning Commission and City Council Public Hearings.

As of today (Oct. 4), staff has not received any comments from the public.

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### **Planning & Zoning Commission Recommendation:**

On Sept. 13, 2022, the Planning and Zoning Commission unanimously recommended approval of the proposed UDC text amendment.



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The City Council has the following options when considering a Unified Development Code Amendment:

- Approve as submitted
- Approve with modifications or additional condition(s)
- Table the agenda item to a specific date with clarification of intent and purpose
- Deny



**Questions?**  
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