

SECTION 3: Plat Submittal and Review Procedures

Section 3.1 General Process

3.1.1 Subdivision Process: The subdivision planning process consists of two (2) separate phases. The initial phase is the preparation and submittal of the preliminary plat of the proposed subdivision; this is the most significant phase in the planning process, as approval of the preliminary plat by the Planning and Zoning Commission will allow for the construction and/or financing of the required public improvements with construction plans approved by the City Engineer. The second and final phase is the preparation and submittal of a final plat.

The final plat becomes the recording instrument in the office of the County Clerk when approved by the Planning and Zoning Commission and containing all applicable signatures. Minor plats, replats, and development plats are considered final plats not requiring preliminary approval.

The following are major steps in the subdivision process:

1. Developer and/or Engineer/Surveyor may schedule a preliminary conference with City Staff and the Developer (optional).
2. Preparation and timely submittal of a preliminary plat. Deadlines for submittal are available for the calendar year at the Planning Department, and are generally at least 24 days prior to the monthly P&Z meeting. City staff will distribute submitted copies to all City departments for review. The applicant is responsible for submittal of preliminary plat to the appropriate Drainage District, if applicable.
3. Review of plat by Subdivision Review Committee (along with applicant and/or representative) and subsequent notification to Engineer/Surveyor and property owner of plat deficiencies by Planning Department.
4. Timely submittal of revised plats by Engineer/Surveyor; revised submittal should address all plat deficiencies described in notification.
5. Review of revised submittal by City Staff for completeness. If not complete, loop back to step four (4.) until plat requirements are met. Completion of this step “5.” constitutes a formal plat submittal (plat filing as defined in Section 212.009).
6. Preliminary plat is placed on P&Z agenda for consideration.
7. If approved, submit three copies of construction plans and profiles with cost estimates to the Planning Department. Construction plans will be routed to

the City engineer for review/approval. Construction plans released for construction by the City Engineer allow for the commencement of construction or for the submittal of an appropriate financing mechanism (i.e. letter of credit) in lieu of said construction.

8. Once construction is complete, a letter of acceptance by the public entity will be issued to the Engineer and copied to the Planning Department. Subsequently, a maintenance agreement contract shall be filed with the Planning Department. Submit a diskette containing “as-built” plans in .dwg or .dgn format.
 8. Submittal of the final plat shall be subsequent to preliminary plat approval; however, said submittal is not considered a formal plat submittal unless:
 - a. the plat conforms significantly to the approved preliminary plat, and
 - b. the required public improvements are completed and accepted by the City or an appropriate financing mechanism has been submitted and accepted by the City, and
 - c. at least two original mylars of the final plat with all signatures other than those that must be obtained by the City of Harlingen (or those that must be obtained after approval by the City if in etj) have been submitted .
 9. Final plat is placed on P&Z agenda for consideration. The mylar copies of the plat for recordation shall be signed by the Chair of the P&Z at the meeting in which the plat is approved.
 10. All approved final plats for subdivisions located within the City limits will be filed with the Cameron County Clerk by Harlingen City Staff on a pre-established schedule (available at the Planning Department).
 11. Final plats for subdivisions located outside city limits, but within the ETJ will be delivered to Cameron County Engineering Office on a pre-established schedule (available at the Planning Department).
 12. Other approvals may be necessary prior to recordation (such as Drainage District or Cameron/Willacy County). Time frames, ability to receive approvals concurrently, and approval processes for such are not included in this ordinance and are the responsibility of the applicant.
- 3.1.2 Responsibility of the Subdivider. It is the subdivider’s responsibility to satisfy all outside agency requirements including, but not limited to Drainage and Irrigation Districts, Cameron County, Texas Department of Transportation, the Environmental Protection Agency, Texas Commission on Environmental Quality and the Agency on International Boundaries Water Commission. Approval of subdivision by the Planning & Zoning Commission does not represent that the subdivider has met the requirements of any other agency.

3.1.3 Series of Permits. Approval of a subdivision plat is not tied to nor guarantees issuance of a building permit or zoning. The subdivision process constitutes a separate series of permits and completion of a subdivision plat does not vest a building permit or any other type of action.

3.1.4 Number of Dwellings Per Lot on Residential Subdivisions. No more than one single family detached dwelling shall be located on each tract. A notation of this restriction shall be placed on the face of the final plat. This restriction shall be placed in all deeds and contracts for deeds for real estate sold within the subdivision. Notice of this restriction must be given by the seller to purchasers prior to execution of any binding agreement for sale or conveyance of any real estate. Proposals which include multi-family residential may note this on the plat and therefore not restrict the dwellings to one. They shall also include adequate, detailed planning materials as required for determination of proper water and wastewater utility type and design.

Section 3.1.5 Minor Plat Approval Delegation

Any person proposing to subdivide a property under the conditions set out below may file a plat directly with the Director of Planning. The Director of Planning, upon the receipt of a plat filed under this section, shall verify the conditions set out below and upon verification thereof is hereby authorized to approve such plat as specified in V.T.C.A. Local Govt. Code Chapter 212.0065. Upon such approval, the signature and recording requirements for other plats covered by this section shall be carried out.

In order to qualify for approval under this section, the plat must conform to the following requirements:

- A. There will be no more than four lots in the subdivision;
- B. All lots front on an existing dedicated public street;
- C. The subdivision does not require the creation of any new street
- D. All lots will be served by existing municipal facilities (water, sewer, drainage); and
- E. The plat must limit the use of lots for single family residential units or be limited under appropriate zoning limitations, if in city limits;

All information necessary to make this determination must be provided to the Director for consideration. If the Director of Planning determines that any of the foregoing conditions will not be met in such subdivision, then the subdivision shall be processed as otherwise provided under this chapter.

Section 3.2 Plat Required

A subdivision plat is required under nearly all circumstances for the purposes specified in Section 1.2. For specific exemptions to platting requirements see Section 3.9.

- 3.2.1. The owner of a tract of land located within the corporate limits of Harlingen or within the five mile extraterritorial jurisdiction that divides the tract in any manner that creates one or more lots of five acres or less must have a plat of the subdivision prepared or the owner of a tract that has been previously split and inadequately subdivided.
- 3.2.2. A division of a tract is defined as any division regardless of whether it is made by using a metes and bounds description, or any description of less than a whole parcel, in a deed of conveyance or in a contract for a deed, using a contract of sale or other executory contract, lease/purchase agreement, or using any other method to convey property.
- 3.2.3. The owner of a tract of land located inside the city limits of Harlingen or its extraterritorial jurisdiction who divides the tract into two or more parts to lay out a subdivision of the tract, including an addition, or to lay out suburban lots or building lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a Plat prepared.
- 3.2.4. No subdivided land shall be sold or conveyed until the subdivider:
 - A. Has received approval of a final plat of the tract; and
 - B. Has filed and recorded a legally approved plat with the county clerk of the county in which the tract is located.
- 3.2.5. These rules and any preceding rules shall apply to land that has been divided on or after November 1, 1978.

Section 3.3 Preliminary Conference

Prior to the official filing of a preliminary plat, the subdivider may consult with and present a proposed plan of subdivision to the (Director of Planning, City Planner, City Engineer or other official) for comments and advice on the procedures, specifications, and standards required by the City for the subdivision of land.

Section 3.4 Preliminary Plat

- 3.4.1. General: The subdivider shall cause to be prepared a preliminary plat by a surveyor or engineer in accordance with this Ordinance.
- 3.4.2. Time for filing and Copies Required: The subdivider shall file with the P & Z Commission (through the Planning Department) fifteen (15) blue-line copies of the preliminary plat, folded with the name of the subdivision showing and an application on a form specified by the City (See Exhibit B). Deadlines for submission are available on a yearly basis at the Planning Department.

- 3.4.3. Preliminary Plat Form and Content: The plat shall be drawn to a scale of not smaller than 100 feet to one (1) inch on a sheet 24” x 36” and shall contain the following:
- A. Proposed name of the subdivision printed across the lots and blocks, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision within the City or within its extraterritorial jurisdiction;
 - B. Names of adjoining subdivisions and an indication of whether or not adjoining properties are platted;
 - C. Subdivision boundary lines, indicated by heavy lines and the computed acreage of the subdivision;
 - D. Primary control points with description and location of said points with ties to original block corners;
 - E. Existing site information as follows:
 - 1. The location, dimensions, name and description of all existing or recorded streets, centerline and pavement width of existing roads, alleys, reservations, easements or other public rights-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries, all existing or recorded residential lots, parks, public areas, permanent structures, existing water courses, irrigation canals, drainage structures, and other sites within or contiguous with the subdivision;
 - 2. The location of all existing utilities within and immediately adjacent to the proposed subdivision;
 - 3. Cross section of any ditches and canals on the proposed subdivision with ties to the property line;
 - 4. Regulatory flood elevations and boundaries of floodprone areas, including floodways, if known;
 - F. The location, R-O-W and pavement dimensions, description and name of all *proposed* streets, alleys, parks, other public areas, reservations, easements or other rights-of-way, lots with net square footage (net and gross acreage if septic tanks and/or wells are being proposed), blocks and other sites within the subdivision;
 - G. Date of preparation, scale of plat and north arrow;
 - H. Topographical information shall include high and low elevations within the subdivision, elevations on 100-foot centers each way on the property based on USGS datum and the location of the benchmark shall be shown (topographic and utility information may be shown on a separate sheet). Aerial photographs may be substituted at the City Engineers’ approval.

- I. A number or letter to identify each lot or site and each block;
- J. Building setback lines (if different from zoning ordinance standards);
- K. Fire hydrants must be shown (existing and proposed) that together create a coverage of not more than 600' intervals not to exceed 500' of hose length measured along streets or other public access right-of-way for single family residential subdivisions. (In other subdivisions this distance must be 300' intervals.) Standard hydrants shall be installed as per specifications of the state board of insurance and Harlingen Waterworks (See Exhibit R).
- L. Street lighting plan (existing and proposed) that indicate placement of a standard streetlight at all street intersections, cul-de-sac ends and where a block exceeds 600' in length mid-block lighting shall be required;
- M. Location of city limits lines, the City's extraterritorial jurisdiction boundary and/or zoning district boundaries, if they traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary;
- N. A vicinity map at a scale of not more detail than one inch to two thousand feet (1"=2000') that shall show existing subdivisions and streets, city limits and/or etj boundary;

3.4.4 Along with the preliminary plat, the following shall be submitted:

- A. Preliminary plans for the drainage system showing the location and flow direction of the discharge. (This information should also be submitted to the Drainage District where applicable.)
- B. Proposed fills or other structure elevating techniques, levels, channel modifications, seawalls and other methods to overcome flood or erosion related hazards.
- C. A non-refundable plat review fee in the amount of \$100 (subject to change upon City Commission approval).
- D. An 8-1/2" x 11" reduced copy.

3.4.5 Simultaneous Submission:

Plats shall be simultaneously submitted by the applicant to the appropriate drainage/irrigation district for review (where applicable).

3.4.6 Approval Time Limit:

The preliminary approval shall be good for a period of twenty-four (24) months from the date of the Planning & Zoning Commission's approval.

If the development is a phased type development, then preliminary approval for the entire development shown, is secured upon recordation of the first phase, and preliminary approval shall remain until such time as a revised preliminary plan submitted for the development is approved.

After the file has been inactive for twelve (12) months, the Planning Department will issue a letter to the subdivider or authorized agent that the file is no longer valid and will be discarded in three months if no response from the subdivider or authorized agent is made. Such letter is informational and failure to issue such will not grant extension or further approval for said preliminary plat.

3.4.7 Processing of Preliminary Plat

- A. A preliminary plat can be considered concurrently with a final plat if all items normally required for consideration of a final plat have been met.
- B. If all information and other required submittals are contained within the submittal package and the preliminary plat is complete in every respect, the plat shall be recommended to the Planning & Zoning Commission for approval.

Section 3.5 Final Plat

3.5.1. General: The subdivider shall cause to be prepared a final plat by a surveyor or engineer in accordance with this Ordinance.

No Final Plat shall be approved until:

- A. The property is zoned in accordance with the City of Harlingen Zoning Ordinance for the uses intended; and
- B. Public improvements required by this ordinance have been approved and accepted by the City or an appropriate financing mechanism (i.e. letter of credit) has been submitted and accepted by the City in lieu of the required improvements.

3.5.2 Time for filing and Copies Required: The subdivider shall file with the P&Z Commission (through the Planning Department) fifteen (15) blue-line copies of the plat, folded with the name of the subdivision showing and an application on a form specified by the City. (See Exhibit B) Two original signed copies will be required after P&Z approval for all subdivisions within the city limits.

3.5.3 Final Plat Form and Content:

The final plat and accompany data shall substantially conform to the preliminary plat as conditionally approved by the P & Z Commission, incorporating any and all changes, modifications, alterations, corrections and conditions imposed by the P & Z Commission.

The plat shall be drawn in ink on mylar sheets with a minimum of a one and one half (1-1/2") inch margin on the binding side of the sheet, and margins of not less than one (1") inch on the other three sides. The plat shall be drawn to a scale of not smaller than one inch to 100 feet (1"=100') on a sheet 24" x 36" and shall contain the following:

- A. Where more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale be attached to the plat.
- B. Proposed name of the subdivision printed across the lots and blocks, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision within the City or within its extraterritorial jurisdiction;
- C. Names of adjoining subdivisions and an indication of whether or not adjoining properties are platted and recording information for properties not platted;
- D. Subdivision boundary lines, indicated by heavy lines, a metes and bounds description and the computed acreage of the subdivision;
- E. Primary control points (set concrete monuments on each corner of the subdivision) with description and location of said points with ties to original block corners including dimensions, angles, bearings and other similar data as per the requirements of the appropriate state statutes;
- F. Existing site information as follows:
 - 1. The exact location, dimensions, name and description of all existing or recorded streets, right-of-way existing, alleys, reservations, easements or other public rights-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries, all existing or recorded residential lots, parks, public areas, permanent structures, existing water courses, irrigation canals, drainage structures, and other sites within or contiguous with the subdivision;
 - 2. The exact location of all existing utilities within and immediately adjacent to the proposed subdivision;
 - 3. Cross section of any ditches and canals on the proposed subdivision with ties to the property line;
 - 4. Regulatory flood elevations and boundaries of floodprone areas, including floodways, if known;

- G. The exact location, dimensions, description and name of all *proposed* streets with full right-of-way dedication indicated, alleys, parks, other public areas, easements or other rights-of-way, lots with net square footage, blocks and other sites within the subdivision;
- H. Date of preparation, scale of plat and north arrow;
- I. A number or letter to identify each lot or site and each block;
- J. Building setback lines (if different from the zoning ordinance standards).
- K. Location of city limits lines, etj boundary and/or zoning district boundaries, if they traverse the subdivision or form part of the boundary of the subdivision;
- L. Vicinity map at a scale of not more detail than one inch to two thousand feet (1" = 2000') that shall show existing subdivisions and streets, city limits and/or etj with true north arrow if different from overall plat;
- M. Names of the subdivider, record owner, lienholders, engineer and/or surveyor with signature lines as appropriate;
- N. Owner's acknowledgement of the dedication to public use of all streets, alleys, easements, parks, and other public places, as applicable shown on such final plat (See Exhibit F);
- O. The certification of the surveyor and/or engineer responsible for surveying the subdivision area, attesting to its accuracy, and for the preparation of the final plat an supporting data, attesting to its accuracy (See Exhibit F);
- P. A blank statement for the certification of the Director of Public Works, City Engineer or other designated city official that the final plat conforms to all requirements of the subdivision regulations of the City of Harlingen; to be executed upon final approval. (See Exhibit F);
- Q. A blank statement for the P & Z Commission Chairman that the final plat has been approved by such Commission; to be executed upon final approval. (See Exhibit F);
- R. A blank statement for the appropriate Waterworks official that the final plat has been approved by such department; to be executed upon final approval. (See Exhibit F);
- S. A blank statement for the Mayor of Harlingen that the final plat has been approved and conforms to the requirements of the subdivision regulations of the City of Harlingen; to be executed upon final approval. (See Exhibit F);

- T. A signed statement for the appropriate Drainage or Irrigation District official that the final plat has been approved by such department; to be executed upon final approval by such District (where applicable);
- U. An engineer's statement of the minimum permissive finished floor elevation that will protect improvements from the average flood waters in the flood zone location.

3.5.4 Along with the final plat the following shall be submitted:

- A. Written statements from the various utilities that they have reviewed the subdivision, that they can provide service and are prepared to do so when requested by the subdivider.
- B. Any restrictive covenants that will be imposed on the subdivision complete with recording information must also be submitted if information is not included on the plat.
- C. Tax certificates showing that all taxes payable shall have been previously paid in full.
- D. Subdivider shall submit with the final plat the opinion of an attorney, licensed to practice law in the State of Texas, showing good recorded liens and encumbrances affecting the title to said land as of the date of submission of the record plat for approval. A title commitment may be substituted for the attorney's opinion. Such opinion or title commitment may not be older than six months at the date of plat consideration by the Planning & Zoning Commission.

If any liens appear of record, the subordination of such liens to the plat and dedications contained therein shall be secured by the subdivider prior to final approval through a statement on the final plat (See Exhibit F).

- E. A reduced copy 8-1/2" x 11" of the plat.
- F. When the final plat is submitted to City Staff for review and P & Z Commission approval, it shall be accompanied by a non-refundable plat review fee of \$50 (subject to change upon City Commission approval).
- G. Any drainage or street assessments, street sign deposits, street light deposits, or other fees due must be submitted prior to recording of the final plat.
- H. A check or checks payable to the County Clerk in the amount of the recording fee for filing the final plat (of subdivisions located inside city limits).

- I. A 3-1/2” computer floppy disk with the final plat shall be submitted with control points for incorporation into the City map. Such submission shall be of a .dxf or .dgn format.

If the applicant chooses not to submit a digital plat file, or if the digital file submitted does not meet the specified standards, then the plat information will be entered by the Planning Department and a fee of \$50 will be charged to the applicant for this work. This fee shall be paid to the City prior to the plat being recorded with the County Clerk.

3.5.5 Simultaneous Submission:

Plats shall be simultaneously submitted by the applicant to the appropriate drainage/irrigation district for review (where applicable).

3.5.6 Processing of Final Plat:

- A. No final plat will be considered unless a preliminary plat has been approved. However, if a preliminary plat has been approved by P&Z and the subdivider wishes to change the final plat by combining two or more lots or by combining one lot with a portion of the adjacent lot in such manner that no portion of a lot remains smaller than the original lots, no preliminary replat will be necessary.
- B. If all information and other required submittals are contained within the submittal packet and the Final plat is complete in every respect, the plat shall be recommended to the Planning & Zoning Commission for their approval. If the application is incomplete, the Planning Director or his agent shall make note of such requirements in a letter to the engineer or surveyor. Upon submittal of the requested additional information, the process of review will continue, and this process of review and resubmission shall continue until the application is complete in every respect.
- C. Within thirty (30) days after the final plat is formally submitted, the P & Z Commission shall approve or disapprove such plat. Formal submission occurs at the time a plat is complete as determined by Planning staff as indicated in B above.

- 3.5.7 Recording of Final Plat. After the final plat has been approved, the Director of Planning or other designated official shall cause the final plat to be recorded with the County Clerk in the county in which the subdivision lies. They shall also cause the check or checks for the recording fee or fees deposited at the time the final plat was filed for approval to be delivered with the final plat to the County Clerk.

3.6 Unsubdivided Land

- 3.6.1 No subdivided land shall be sold or conveyed until the subdivider:
- A. has received approval of the final subdivision plat; and
 - B. has filed and recorded with the county clerk of Cameron County a legally approved plat.
- 3.6.2 No building, repair, plumbing or electrical permit shall be issued by the City for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained herein have not been complied with in full. No such permit shall be issued until all public improvements/utilities have been installed and accepted by the City of Harlingen or where appropriate, the governing utility, provided however, if the final plat has been approved and recorded and the subdivider has complied with the requirements of the performance guarantees of Section 5 herein, a building permit may be issued prior to final installation of public improvements and utilities. However, no certificate of occupancy shall be issued until all public improvements have been installed and accepted by the various agencies involved.
- 3.6.3 The City shall not repair, maintain, install or provide any streets or public utility services in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained or referred to herein have not been complied with in full, except as provided for above.
- 3.6.4 The City, nor any other utility, shall sell or supply any water, gas, electricity, or sewage service within a subdivision for which a final plat has not been approved or filed for record, nor in which the standards contained or referred to herein have not been complied with in full, except as provided for above.
- 3.6.5 Provided, however, that the provisions of this Section shall not be construed to prohibit the issuance of permits for any lots upon which a residence building exists and was in existence prior to passage of this subdivision ordinance, nor to prohibit the repair, maintenance, or installation of any street or public utility services for, to or abutting any lot, the last recorded conveyance of which prior to passage of this Ordinance was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to the passage of this Ordinance.

Section 3.7 Amendments to Preliminary Plat

At any time after preliminary plat approval and before submission of a final plat, the applicant may request of the Planning Director that an amendment be made in the approval of the preliminary plat. Under regulations established by this ordinance, the staff may agree to proposed amendments that are deemed to be minor as indicated in

V.T.C.A Local Govt. Code Chapter 212.016. If the proposed amendment is major, the subdivider shall follow the same requirements for preliminary plat approval found in Section 3.4.

Section 3.8 Amendments to Final Plat

A plat of a subdivision must accurately reflect the subdivision as it develops. If there is any change, either by the intentional act of the subdivider or by the forces of nature, including changes in the size or dimension of lots or the direction or condition of roads or streets, a plat must be revised in accordance with this section and Texas Local Government Code Section 212.016 as amended. All costs associated with replatting shall be borne by the person(s) requesting the replat.

Any public hearing on a proposed major amendment shall be limited to whether the proposed major amendment should or should not be approved. The P&Z Commission shall approve or disapprove any proposed major amendment and may make any modifications in the terms and conditions of the preliminary plat approval reasonably related to the proposed amendment. If the applicant is unwilling to accept the proposed major amendment under the terms and conditions required by the P&Z, the applicant may withdraw the proposed major amendment. A major amendment shall include, but is not limited to, any amendment that results in or has the effect of decreasing open space in the subdivision by ten percent (10%) or more.

An applicant may not propose more than two (2) amendments, whether major or minor, to any preliminary plat.

Amendments to a final recorded plat may take place only as a replat of the original plat and shall be reviewed and recorded in the same manner as an original plat.

Exceptions to this may occur as specified in Texas Local Government Code Section 212.016 as amended and may include amendments only for the purposes as stated in that Section, and as noted in Section 3.10.

Section 3.9 Exemptions to Platting Requirements

- 3.9.1 Property that was divided into its current configuration prior to November 1, 1978 and has not had a change in boundaries since such time can be exempted from platting requirements if owner can provide proof of such. A recorded property deed dated prior to that date with a metes and bounds or legal description exactly matching the current property holding can constitute necessary proof.
- 3.9.2 Property that is divided into tracts larger than five acres where each part has public access and no public improvement is being dedicated may also be exempted from platting requirements.

- 3.9.3 The Director of Planning shall determine the subdivision exemption status of a tract of land upon receipt of a completed application form (see Exhibit J) and accompanying documents by the property owner or authorized agent. The application form shall be accompanied by the following documents:
- A. Warranty deeds for the subject tract(s) indicating date of last conveyance;
 - B. Evidence of a building on the subject tract prior to the effective date indicated above, if applicable;
 - C. Current tax certificates;
 - D. Survey of the tracts showing property line, right-of-way widths, easements, proposed partition and existing improvements, signed and sealed by a registered public surveyor;
 - E. Separate instruments dedicating additional right-of-way along perimeter streets in accordance with the Major Thoroughfare Plan with appropriate recording fees (or provide recorded copy);
 - F. Upon receipt of all applicable data and upon determination that such tract is exempt from subdivision, the Director of Planning can issue a letter of determination that the tract satisfies the exemption requirements of this section.

3.10 Lot Line Adjustment

- (A) When a replat is not required. When any lot and a portion of a lot or portions of lots aggregating a larger tract in width and /or size than the average lot in the block in which same is situated are conveyed as a single unit for a single use purpose from previously legally platted subdivision, no replat thereof shall be required.
- (B) Exceptions:
 - (1) This exception shall not apply to any extension across an easement or public way, nor permit changing the facing of the original lots.
 - (2) This exception is not to be construed as a waiver of any requirement of the zoning ordinance, as amended, or other applicable ordinance or recorded covenant and restriction, and for such interpretations, the integrated tract shall thereafter be considered as a single lot.