

**CITY OF ROLLINGWOOD, TEXAS**

**ORDINANCE NO. 2008-08-20-1**

**AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS, AMENDING CHAPTER 11, SUBCHAPTER E; SECTIONS 2, 3, 5, AND 8 REGARDING SCHEDULING OF PLAT APPLICATION FILING; TO AMEND THE DEFINITIONS; TO REQUIRE THE FILING ALL PLAT APPLICATIONS ON SPECIFIED DATES; PROVIDING FOR EXPIRATION OF APPLICATIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the City Council wishes to provide for an orderly process in plat applications; and

**WHEREAS,** the current process is less efficient and more wasteful of city time and resources; and

**WHEREAS,** the City Council finds that the revisions contained within the ordinance will assist in the orderly process of plat applications in the City;

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLINGWOOD, TEXAS THAT:**

**SECTION 1.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2.** Chapter 11, Subchapter E, Section 2 is hereby amended by adding the definition of "Official Filing Date Schedule" to the current definitions to read as follows:

\* \* \*

**Official Filing Date Schedule:** The schedule approved and amended by the City of Rollingwood Planning and Zoning Commission which sets the dates on which an individual or entity shall submit a plat application, as well as determining additional dates incident to such plat application.

\* \* \*

**SECTION 3.** Chapter 11, Subchapter E, Sections 3 is hereby amended by deleting the existing provision in its entirety and replacing it with the following:

\* \* \*

### Section 3      Filing of Preliminary Plat/Application

(a)    Subdivision. A preliminary plat of any proposed subdivision shall be filed with the Planning and Zoning Commission by delivery of the preliminary plat and the required formal application and filing fee to the City Building Official in accordance with the Official Filing Date Schedule adopted by the Planning and Zoning Commission. An application not submitted in accordance with the Official Filing Date Schedule may be subject to disapproval.

(b)    Platting for Purposes of Obtaining a Building Permit: A preliminary plat of a single existing parcel or tract, zoned Residential and conforming to Subchapter E, Section 25, subject to 9(b), of this Ordinance for the purposes of obtaining a building permit shall be filed with the Planning and Zoning Commission by delivery of the plat and the required formal application and filing fee to the City Building Official in accordance with the Official Filing Date Schedule adopted by the Planning and Zoning Commission. An application not submitted in accordance with the Official Filing Date Schedule may be subject to disapproval.

(c)    Application Filed. Pursuant to Texas Local Government Code, Chapter 245, as amended, the rights to which an applicant is entitled shall accrue on the filing of an application that gives the City fair notice of the project and the nature of the permit sought. For purposes of Chapter 245, an application under this Subchapter is considered filed on the date the applicant mails by certified mail or delivers the application to the City Building Official.

(d)    Expiration of Application. An application under this Subchapter shall expire forty-five (45) days after the date the application is filed if:

- (1)    the applicant fails to provide the documents or other information necessary to comply with the City's technical requirements relating to the form and content of the application;
- (2)    the City provides the applicant no later than ten (10) business days after the date the application is filed written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided; and
- (3)    the applicant fails to provide the specified documents or other information within the aforesaid forty-five (45) day period.

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**SECTION 4.** Chapter 11, Subchapter E, Section 5 is hereby amended by deleting the existing provision in its entirety and replacing it with the following:

\*           \*           \*

## Section 5 Formal Application

Formal application for a preliminary plat approval shall be made in writing, addressed to the Planning and Zoning Commission and filed with the City Building Official in accordance with the Official Filing Date Schedule. The plat shall not be considered as having been filed with the Commission, and no action of the Commission with respect to the plat shall be valid, until the formal application has been filed with the City Building Official. Unless waived by the City Council, for any property not zoned as Residential District, the preliminary plat application must be accompanied by information demonstrating to the satisfaction of the City, consistent with generally accepted engineering principles that providing water or wastewater service to the improvements located on that property will not materially impact water or centralized wastewater service to:

- (a) areas in the City that are residentially zoned as of the date of the application,
- (b) existing or previously approved use on commercially zoned property in the City, or
- (c) undeveloped areas in the City zoned for commercial use as of the date of the application.

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**SECTION 5.** Chapter 11, Subchapter E, Section 8 is hereby amended by deleting subsection (a) of section 8 and replacing it with the following:

\* \* \*

- (a) In conformance with Section 212.009, Local Government Code, the Planning and Zoning Commission shall conditionally approve or disapprove such plat or conditionally approve it with modification.

\* \* \*

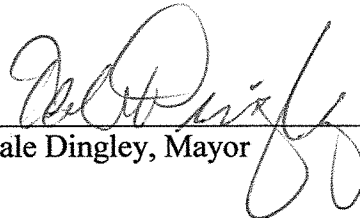
**SECTION 6.** All provisions of the ordinances of the City of Rollingwood in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and all other provisions of the ordinances of the City of Rollingwood not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 7.** Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

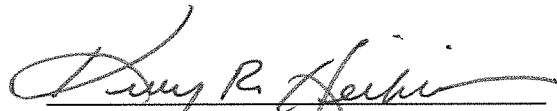
**SECTION 8.** This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

**DULY PASSED AND ADOPTED** by the City Council of the City of Rollingwood, Texas, on the 20th day of August 2008.

APPROVED:

  
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Dale Dingley, Mayor

ATTEST:

  
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Kelly Heikkila, City Secretary