

5375 005431

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WESTON, TEXAS, ADOPTING A SUBDIVISION ORDINANCE; PROVIDING FOR REASONABLE DEVELOPER COSTS OR FEES; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Weston, Texas has made a commitment to manage the growth and development pressures of Collin County; and

WHEREAS, the Texas Local Government Code Chapter 212 Section 002 states that "the governing body of a municipality may adopt rules governing plats and sub-divisions of land within the municipality's jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality"; and

WHEREAS, the City of Weston has hired a consulting firm, Kimley-Horn and Associates, to assist with the preparation of such an ordinance; and

WHEREAS, the City of Weston adopted an ordinance which adopts a Future Land Use Plan for the City; and

WHEREAS, the City of Weston now wishes to implement certain development regulations to insure orderly growth; and

WHEREAS, the City of Weston recruited citizen participation to collect data, advertise the process, and provide public input; and

WHEREAS, the citizens of the City of Weston have had an opportunity to comment during an advertised Public Hearing in accordance with the laws of the State of Texas;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTON, TEXAS, THAT:

Section 1.

The City of Weston Subdivision Ordinance, Exhibit A, is hereby adopted as an integral tool to guide and manage future growth.

Section 2.

Fee Schedule Appendix to said Sub-division Ordinance provides for reasonable costs or fees to be paid by the developer.

After Recording Return to:
Michele Smith
City of Weston
P O Box 248
Weston TX 75097

5375 005432

Section 3.

The City Council hereby requires that any action be taken by the Mayor or the City Secretary or their appointed designee upon the passage of this ordinance to effectuate said resolution.

Section 4.

This ordinance shall be cumulative of all provisions of ordinances of the City of Weston, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions are hereby repealed.

Section 5.

It is hereby declared to be the intention of the City Council that the phrases, clauses, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 6.

This Ordinance shall be in full force from and after its date of passage in accordance with the law.

ADOPTED by the City Council of the City of Weston, Texas on this the 11th day of June, 2002.

APPROVED BY:

Patti Harrington
Patti Harrington, Mayor

ATTEST:

Michele Smith
Michele Smith, City Secretary



5375 005433

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW (COUNTY OF COLLIN) (THE STATE OF TEXAS)
I hereby certify that this instrument was FILED in the File Number Sequence on the date and the time stamped hereon by me, and was duly RECORDED in the Official Public Records of Real Property of Collin County, Texas on

MAR 14 2003

Brenda Taylor



Filed for Record in:
Collin County, McKinney TX
Honorable Brenda Taylor
Collin County Clerk

On Mar 14 2003
At 3:49pm

Doc/Num : 2003- 0047330

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SUBDIVISION REGULATIONS

ARTICLE I. IN GENERAL

Sec. 1.	Short Title	3
Sec. 2.	Purpose	3
Sec. 3.	Authority	3
Sec. 4.	Jurisdiction	3
Sec. 5.	Approval Required	3
Sec. 6.	Improvements Required	4
Sec. 7.	Annexation	4
Sec. 8.	Zoning	4
Sec. 9.	Variances and Appeals	5
Sec. 10.	Definitions	5
Sec. 11 – Sec. 30.	Reserved	8

ARTICLE II. SPECIAL PROVISIONS

Sec. 31.	Facilities Agreement	9
Sec. 32.	Development Permit	9
Sec. 33.	Pro Rata Payments	10
Sec. 34.	City Participation	12
Sec. 35.	Floodplains	12
Sec. 36 – Sec. 50.	Reserved	13

ARTICLE III. PROCEDURE

Sec. 51.	Pre-design Conference	14
Sec. 52.	Notice of Intent	14
Sec. 53.	Preliminary Plat	14
Sec. 54.	Final Plat and Record Plat	18
Sec. 55.	Combination Preliminary and Final Plat	24
Sec. 56.	Administrative Minor Plats	26
Sec. 57.	Amending Plats	26
Sec. 58 – Sec. 70.	Reserved	28

ARTICLE IV. DESIGN STANDARDS

Sec. 71.	Streets	29
Sec. 72.	Lots	29
Sec. 73.	Blocks	30
Sec. 74.	Building Lines	31
Sec. 75.	Alleys	32
Sec. 76.	Easements	32
Sec. 77.	Reservations	32
Sec. 78.	Improvements	33
Sec. 79.	Screening and Buffering of Certain Residential Lots Adjacent to Streets	37

Sec. 80.....	Drainage	42
Sec. 81.....	Common Areas and Homeowners' Association.....	42
Sec. 82 – Sec. 100.....	Reserved	43

ARTICLE V. ENFORCEMENT

Sec. 101.....	Authority of City Engineer	44
Sec. 102.....	Inspection of Construction	44
Sec. 103.....	Maintenance Bond	45
Sec. 104.....	Filing and Inspection Charges.....	45
Sec. 105.....	Penalty	46
Sec. 106 – Sec. 130.....	Reserved	46

ARTICLE VI. CONVEYANCE OF LAND FOR RECREATIONAL AREAS AND FACILITIES

Sec. 131.....	Purpose.....	47
Sec. 132.....	Scope	47
Sec. 133.....	Exemptions	47
Sec. 134.....	Definitions	47
Sec. 135.....	General Requirements	48
Sec. 136.....	Conveyance of Land Requirements.....	50
Sec. 137.....	Money in Lieu of Land	52
Sec. 138.....	Penalties, Sanctions and Redeterminations	53
Sec. 139.....	Penalties	54
Sec. 140 – Sec. 160.....	Reserved	54

ARTICLE VII. PRIVATE STREET REGULATIONS

Sec. 161.....	Intent and Purpose.....	55
Sec. 162.....	Definitions	55
Sec. 163.....	Administrative Procedure.....	57
Sec. 164.....	Guidelines for Development.....	57
Sec. 165.....	General Requirements	58
Sec. 166.....	Specific Requirements.....	59
Sec. 167.....	Conversion of Public Streets to Private Streets	60
Sec. 168.....	Relationship to the City of Weston Future Land Use Plan	60
Sec. 169.....	Property Owners' Association	62
Sec. 170.....	Conversion of Private Streets to Public Streets	64
Sec. 171.....	Design Standards	65
Sec. 172.....	Maintenance.....	65
Sec. 173.....	Sunset Review.....	66
Sec. 174.....	Miscellaneous	66
Sec. 175.....	Cluster Housing Developments	66

ARTICLE I. IN GENERAL

Sec. 1. Short Title.

This chapter may be known as and referred to as the "Subdivision Regulations" of the City of Weston, Texas.

Sec. 2. Purpose.

It is the purpose of this chapter to provide for the safe, efficient, and orderly development of the city, and the provision of adequate streets, utilities, services, and facilities, all in accordance with the Future Land Use Plan (FLUP).

Sec. 3. Authority.

These subdivision regulations are adopted under the authority of V.T.C.A., Local Government Code ch. 212, which chapter is hereby made a part of these regulations.

Sec. 4. Jurisdiction.

These regulations shall govern any and every person, firm, corporation, or organization owning any tract of land within the corporate limits of the city who may hereafter divide the same into two or more parts for the purpose of laying out any subdivision of any tract of land or any addition to said city, or for laying out suburban lots or building lots, or any lots, and street, alleys or parks or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto. These regulations shall also govern any and every person, firm, corporation, or organization constructing any street, right-of-way improvement or any related roadway improvement, whether or not a subdivision as defined herein is being created.

By the authority of the Municipal Annexation Act, 1963 and updated into 1999 and 2001, V.T.C.A., Local Government Code chs. 42, 43 and Local Government Code Ch. 212, which are hereby made a part of these regulations, these regulations shall be extended to and shall apply to all of the area outside of the corporate limits of the City of Weston but within the extraterritorial jurisdiction of the City. Such jurisdiction shall extend into and encompass all those areas not within the jurisdiction of some other municipality, as classified in V.T.C.A., Local Government Code chs. 42, 43 and 212, and extend in all directions from the corporate limits of the City of Weston and all of its extensions.

Sec. 5. Approval Required.

Unless and until any plat, plan or replat shall have been first approved in the manner provided by law, it shall be unlawful for any person, firm, corporation, or organization to construct or cause to be constructed any streets, utilities, buildings or other improvements to any tract of land; and it shall be unlawful for any official of said

city to issue any permit for such improvements or to serve or connect said land, or any part thereof, or for the use of the owners or purchasers of said land, or any part thereof, with any public utilities such as water, sewer, lights, gas, etc., which may be owned, controlled, distributed, franchised, or supplied by such city. No building permits will be issued for the construction of any building on any unplatted land within the City of Weston. Minor repair permits may be issued. When additions, alteration, or repairs within any 12-month period exceed 50 percent of the value of an existing building or structure on previously unplatted property, the land upon which such building or structure is located shall be platted in accordance with the provisions of this chapter.

Sec. 6. Improvements Required.

All of the improvements required under these regulations, or improvements specified in the Future Land Use Plan of the City of Weston, or improvements which, in the judgment of the city engineer, are necessary for the adequate provision of streets, utilities, drainage, services, and facilities to the subdivision and to surrounding areas of the city, shall be constructed at the sole expense of the developer, unless other provisions are approved by the city council. Payment for any and all improvements which are not to be made at the time of the primary construction of the subdivision or development shall be made a part of a binding contract, signed by the developer and approved by the city council.

Any rebates or other payments to the developer by the city for the cost of oversized improvements or off-site improvements required as a part of the subdivision or development and necessary for the adequate and efficient development of surrounding areas of the city, shall be paid only from monies received by the city from the subdividing or development of surrounding areas, and such rebates or payments shall not be made until such monies are received by the city, unless other provisions are approved by the city council.

Sec. 7. Annexation.

If the property is not within the city limits of Weston and the subdivision contains three or more lots, the owner shall petition the city for annexation through lawful annexation proceedings so as to qualify the subdivision to receive city services, when available, and to afford zoning protection. The city council shall consider the request for annexation within 120 days of submittal. After such time, said request is null and void, unless other provisions are made in the facilities agreement governing the development, or unless the annexation proceedings are under consideration.

Sec. 8. Zoning.

If the property is not zoned as required for the proposed subdivision, permanent zoning shall be requested. Application for zoning includes completion of required forms, payment of required fees, and performance of other requirements of the zoning ordinance and the rules and regulations of the city, as the same may be from time to

time, passed or amended. Zoning may be requested concurrent with preliminary plat review.

Sec. 9. Variances and Appeals.

These rules and regulations are the standard requirements of the City of Weston, Texas. As suspension of any of these rules and regulations may be granted by the city council upon a good and sufficient showing by the owner that there are special circumstances or conditions affecting the property in question, or that strict enforcement of the provisions of this chapter will deprive the applicant of a substantial property right, and that such suspension, if granted, will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity. Each and every application for variance shall be decided solely and entirely on its own merits; and the disposition of any prior or pending application for variance shall not be allowed to enter into or affect any decision on the application in question. Pecuniary interests standing alone shall not be justification for the granting of a variance.

The owner of any tract of land aggrieved by the decision made under these regulations by any administrator or official of the city shall first apply to the planning and zoning commission for relief from such administrative decision. Any aggrieved party having any interest in the matter may appeal the ruling by the planning and zoning commission regarding the decision to the city council.

Sec. 10. Definitions.

Words and terms used in this chapter, unless otherwise specified, shall have their normal meaning in commonly accepted usage. The word "shall" shall be deemed as mandatory; the word "may" shall be deemed as permissive. Certain words and terms shall have the meaning for the purpose of this chapter as defined following:

- (1) *City*: The municipal corporation of the City of Weston, Texas.
 - (a) *City council*: The duly elected governing body of the city.
 - (b) *Commission*: The planning and zoning commission, as appointed by the city council to administer these regulations.
 - (c) *City official or administrator*: Any person, elective or appointive, or any employee, or any board or commission authorized or constituted by city ordinance or state law to act in behalf of the municipality.
 - (d) *Plan administrator*: The city official designated to administer the provisions of these regulations.

- (e) *City engineer*: The engineer employed by the city, or the engineers retained as consultants to the city, or their duly authorized representative.
- (2) *Future Land Use Plan*: The general plan for the growth and development of the city and its environs; and including any elements of such plan, such as a land use plan, thoroughfare plan, utilities plan, schools and parks plan, and others.
- (3) *Land planner*: Any person skilled in the art and science of arranging and designing the layout of land so as to create adequate and desirable building sites, a coordinated street system, and space appropriate to the efficient removal of storm water and the provision of public services and utilities all consistent with long-range goals and the objectives of the Future Land Use Plan. A land planner may be trained in any of several specialties; and, where appropriate to his experience, the term includes architect, engineer, landscape architect, and surveyor.
- (4) *Street*: A public or private way set aside as a permanent right-of-way for the movement of vehicular traffic, to provide access to abutting property, and to provide utility service.
- (5) *Subdivider or developer*: An individual, firm, association, syndicate, copartnership, corporation, or other organization dividing or proposing to divide land, or making improvements to such land, so as to effect a subdivision of land hereunder for himself, or for itself, or for another.
- (6) *Subdivision*: The division of any lot, tract, or parcel of land into two or more lots or sites for the purpose of sale or of building development, whether immediate or future. The term includes resubdivision or replatting of an existing subdivision, building upon, or other development of land, but does not include the division of land for agricultural purposes, i.e., ranching, farming and dwelling pertaining to such uses, in tracts of ten acres or more and not involving any new street, alley or easement of access. When appropriate to context, the term subdivision shall relate to the process of subdividing or to the land subdivided. Subdivisions of mobile home spaces for sale, lease or rent shall comply with all provisions regulating mobile homes.
- (a) *General development plan*: A map, drawing or chart drawn to scale on which is shown the subdivider's proposed arrangement of streets, lots, easement, other public spaces, and general land uses on all contiguous properties owned or held under single ownership from which a proposed subdivision is intended to be made. The general development plan may be the same as a preliminary plat, if such plan complies with the requirements of a preliminary plat.

- (b) *Preliminary plat*: A map, drawing or chart drawn to scale on which is shown the subdivider's proposed arrangement of streets, lots, easements and other public spaces in the subdivision which he intends to submit in form for recording.
 - (c) *Final plat*: A map, drawing or chart prepared according to the provisions of this chapter, and containing all engineering and legal data, dedications, and certificates necessary to the recording of same in the map and plat records of the county.
 - (d) *Certified land division*: A map, drawing or chart delineating parcels of land offered for rent or lease for other than agricultural uses and which (i) is not required by statute of state regulation to be filed in the map and plat records of the county; and, (ii) does not involve or require the dedication of public street or alleys; and, (iii) has been certified by the city council as having met the conditions of this chapter. A certified land division shall be treated as a subdivision plat under these regulations, except that it is properly certified for filing with the city secretary rather than the county clerk. In addition, a final plat of the property indicating legal boundaries and any public dedications and easements shall be prepared and filed with the county clerk.
- (7) *Extraterritorial jurisdiction (ETJ)*: All land situated, as classified by V.T.C.A., Local Government Code chs. 42, 43 and 212, in all directions from the corporate boundary of the city and its extensions, and which is not in conflict with the ETJ of another municipality.
- (8) *Easement*: An area intended for restricted use on private property upon which any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or operation of any of its respective utility or drainage systems within any of these easements. Any public utility shall at all times have the right of unobstructed ingress and egress to and from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.
- (9) *Zoning ordinance*: The duly adopted ordinance of the City of Weston establishing certain districts within the city and regulating the use of land, size of lots, size and height of buildings, and other elements of development within those districts.

- (10) *Residential estate subdivision*: A subdivision of lots of no less than 1½ acres, or such greater area as may be indicated from soil percolation tests, intended for single-family use which may be determined by the city to be adequately developed and served by septic tanks, wells, and/or other facilities normally associated with rural development.
- (11) *Mobile home park*: An area or development intended for the renting or leasing, but not sales, of sites for the location and/or occupancy of mobile homes. A mobile home park shall have filed with the city a certified land division approved by the commission according to the provisions of this chapter.
- (12) *Hike and bike trail*: A hike and bike trail has a minimum twelve (12) foot surface width and is a trail which serves as a linkage for access to recreational and educational areas and facilities. Upon recommendation of the Plan Administrator or designee, the width of the hike and bike trail may be reduced to ten (10) feet if:
 - (a) Due to existing improvements or property lines, inadequate space is available, or
 - (b) the hike and bike trail section links two existing ten (10) foot sections in a single block, or
 - (c) other site limitations, including the opportunity for tree preservation, render a twelve (12) foot wide trail impractical.

These paths must be improved areas. The Plan Administrator or designee shall approve the final design and use of materials.

Secs. 11 –30. Reserved.

ARTICLE II. SPECIAL PROVISIONS

Sec. 31. Facilities Agreement.

The subdivider shall be required to enter into an agreement with the city which shall govern his subdivision if there are pro rata payments, city participation in cost, escrow deposits or other future considerations, variances granted to this chapter or other nonstandard development regulations and all improvements to be dedicated to the city are not to be completed prior to filing of the final plat in the county records. This agreement shall be based upon the requirements of this chapter; and shall provide the city with specific authority to complete the improvements required in the agreement in the event of failure by the developer, and to recover the full legal costs of such measures. The city may subordinate its facilities agreement to the prime lender if provided for in said agreement.

The facilities agreement shall be a legally binding agreement between the city and the developer specifying the individual and joint responsibilities of both the city and the developer. Unusual circumstances relating to the subdivision shall be considered in the facilities agreements such that the purpose of this chapter is best served for each particular subdivision. Such facilities agreement may stipulate pro rata payments, city participation in unusual facilities, escrow deposits or other payments for future facilities, variances granted to this chapter, and other particular aspects of the development. The developer shall include in such an agreement a hold harmless and indemnity clause agreeing to hold the city harmless against any claim arising out of the developer's subdivision or any actions taken therein.

In the event of a disagreement between the plan administrator and the developer concerning stipulations of the facilities agreement, the planning and zoning commission shall review said stipulations and make recommendation to the city council for resolving the disagreement.

The developer shall have a continuing responsibility under this facilities agreement after the filing of the final plat and until all facilities and improvements required under this facilities agreement have been completed. When the construction of required improvements has proceeded to the point that certain parts of the subdivision are adequately served, the city council may release specified portions of the subdivision for use prior to the completion of all improvements. This shall not be done if the release of such improvements will jeopardize or hinder the continued construction of required improvements, and the facilities agreements shall remain in force for all portions of the subdivision for which a release has not been executed.

Sec. 32. Development Permit.

A development permit shall be required prior to the clearing, grading, filling, dredging, construction of public streets, utilities, or drainage, or other improvements which may affect adjacent or surrounding properties. Such permit shall describe the

property and the nature of the development, and shall be accompanied by construction plans and specifications adequate to describe the improvements. All plans accompanying permits for any work within a floodplain shall be certified by a professional engineer competent to make such determination. The city engineer shall issue such development permit when all conditions of this chapter have been satisfied.

Sec. 33. Pro Rata Payments.

(1) The developer shall be fully responsible for the construction of oversize or off-site access, utilities, drainage, and other improvements necessary for his subdivision and the surrounding area, unless other provisions are approved by the city council. Provisions for reimbursement of costs in excess of those necessary to serve his subdivision, and any other provisions, shall be made a part of the facilities agreement. For any subsequent subdivision utilizing such facilities, any costs due prior to development shall be prorated as the use by the new subdivision bears to the amount due. Such prorated amounts will be made a part of any subsequent facilities agreement, collected by the city, and repaid to the original developer making such improvements.

(2) All such reimbursements or prorations shall be based on the actual cost of the improvements at the time of their construction, subject to comparison with other current unit and/or project costs. The original developer shall therefore provide the city with acceptable documentation of actual construction costs from which calculation of reimbursable amounts will be made for inclusion in the facilities agreement.

(3) In the case that the subdivision shall utilize streets, utilities, drainage, or other facilities already constructed through the use of funds of the city, the developer shall pay to the city for the use of such facilities an amount equal to that which would be required to serve the subdivision under the requirements of this chapter, based upon policies developed and approved by the city council.

(4) In the event a developer of property within the city constructs at his cost off-site roadway improvements as designated on roads on the city's thoroughfare plan, the developer shall be entitled to and shall receive reimbursement for the costs incurred in constructing or causing to be constructed such roadway improvements. Upon the event of such construction and as a condition precedent to the approval by the city of the earlier of the submission of a preliminary or final subdivision plat or the commencement of actual development (if a final plat is already filed by the owner of property adjacent to a roadway constructed by the developer), the adjacent property owner shall reimburse the developer for the adjacent owner's pro rata share (as calculated below) of the costs incurred by the developer in connection with the roadway improvements.

The reimbursable cost of the roadway improvements shall include, but shall not be limited to, acquisition of rights-of-way, easements, design, legal and engineering fees, and all costs of construction, including, but not limited to, grading, paving, curbs

and gutters, medians and improvements thereto, utilities, utility taps, drainage facilities, sidewalks, pedestrian ways, traffic signing, landscaping, and street lighting.

The road improvements shall be constructed to city specifications and standards and as found in the **City of Weston Street Design Standards Manual**. If the city disapproves any plan submitted by the developer, the city shall, in a timely manner, specify in exact detail those portions of the plans deviating from the foregoing requirements.

Each adjacent owner shall reimburse the city for such adjacent owner's pro rata share of all costs incurred from time to time by the developer in connection with the roadway improvements (the "pro rata share"), according to the following formula (the "reimbursement formula"):

$$\text{Pro rata share} = (X/Y) (Z)$$

X = The adjacent owner's total linear footage fronting the road subject to the roadway improvements.

Y = The total linear footage fronting the road subject to the roadway improvements.

Z = The total documented cost or current construction cost, whichever is greater, of the roadway improvements incurred abutting the adjacent owner's property for the period for which each assessment is calculated, in addition to other improvements benefiting the adjacent property owner.

Each adjacent owner shall be entitled to a reimbursement of or a credit against its pro rata share under the following circumstances: In the event the city, Collin County or any federal or state governmental entity provides funding to the city, the developer, or any adjacent owner, to reimburse or pay the total or partial costs of constructing the roadway improvements, all such funds provided by such governmental entity shall be paid to the developer. If any such payment is in reimbursement for costs theretofore incurred in connection with the roadway improvements, then each such payment shall be distributed pro rata to the adjacent owner; provided, that if any sum is due and payable by an adjacent owner under the reimbursement formula, the pro rata distribution to such an adjacent owner shall be reduced by the amount due and payable to the developer. The pro rata distribution to each adjacent owner shall equal: $(X/Y) (A)$:

X = The adjacent owner's total linear footage fronting the road subject to the roadway improvements.

Y = The total linear footage fronting the road subject to the roadway improvements.

A = The total payment made by a governmental entity to the developer to reimburse the costs of the roadway improvements and other improvements benefiting the adjacent property owner.

Notwithstanding the foregoing, the adjacent owner shall pay 100 percent of the costs incurred by the developer to acquire right-of-way from the adjacent owner. The pro rata share paid by the adjacent owner to the city will be forwarded to the developer within 60 days of receipt by the city. All pro rata payments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

Sec. 34. City Participation.

The city may participate with the developer on major items of construction such as lift stations, bridges or streets adjacent to the subdivision, which benefit existing or future development in addition to that being subdivided. The city shall participate in the street construction within and adjacent to new subdivisions on the following basis: All street construction not exceeding 45 feet from curb back to curb back shall be paid for and performed by the developer. If the developer's property abuts one side of a street right-of-way, the developer shall be responsible for not less than 22¹/₂ feet of paved width. Streets in excess of 45 feet in width shall be provided by the developer in accordance with the city's thoroughfare plan, or on request of the city council, but the city is to pay the cost of developing the width of the street in excess of 45 feet, not including the cost of curbs or turning lanes.

The construction of certain facilities required by the provisions of this chapter may not be possible or practical at the time the developer prepares his plans for public improvements. Such deletion or delay of improvements may be specified in the facilities agreement, together with provisions for escrow deposits or future payments by the city and/or developer. The city shall not be responsible for payment until the street is extended into or through property other than that being subdivided, and/or until funds are available, unless otherwise provided in the facilities agreement for the subdivision.

Sec. 35. Floodplains.

Prior to the clearing, grading, filling, dredging, or other improvement within a designated floodplain, application shall be made for a development permit as provided herein. Plans accompanying such development permit shall be certified by a professional engineer competent to make such certification that such improvements will not increase the elevation of the 100-year floodplain as described on maps provided by the Federal Insurance Administration or succeeding reference maps, on any adjacent or upstream property by more than one foot. A determination of other possible adverse environmental effects on adjacent properties will also be made in approving or disapproving such development permit.

Upon, and as a condition for approval of the development permit, all lands remaining within the 100-year floodway shall be dedicated as an easement; unless designated as open space under terms and conditions approved by the city council.

Secs. 36 –50. Reserved.

ARTICLE III. PROCEDURE

Sec. 51. Predesign Conference.

Prior to the filing of a preliminary plat, the subdivider shall consult with the plan administrator and the city engineer or their duly authorized representatives concerning the ultimate land use of the proposed development, the most advantageous subdivision plan, the suitability of the location of the proposed subdivision, the arrangement of streets, alleys, and lots, the layout of utility lines and availability of service from trunk mains and other regulations and policies of the city regarding development. Conditional approval as to the general land use of the proposed subdivision should be obtained from the plan administrator prior to preparation of the preliminary plat. No plat application shall be accepted for processing until a predesign conference has occurred.

Sec. 52. Notice of Intent.

The subdivider shall submit to the plan administrator a letter showing his/her name and address and that of his/her land planner and stating his intent to subdivide a particular property, briefly describing the location, amount of land, and particulars as to the intended use of the property, and requesting that the review of a preliminary plat for the property be placed on the agenda of a scheduled commission meeting. Such notice of intent shall be received no later than 28 days prior to the date of a scheduled commission meeting to be placed on the agenda for that meeting.

Sec. 53. Preliminary Plat.

The commission shall be furnished with 10 legible prints of the preliminary plat together with 10 copies of necessary supporting documents describing the type of development, provision of services, development procedure and timing, and engineering studies. Such materials shall be received no later than 28 days before the commission meeting scheduled for review of the preliminary plat. No plat will be considered by the commission until and unless the prescribed filing fees have been paid.

The developer shall obtain a checklist to be furnished by the city. Such checklist shall be attached to the preliminary and final plats, and shall be authenticated by proper officials of the city and the developer certifying that the plat has been fully and properly processed in accordance with these provisions.

The preliminary plat shall be delivered to the plan administrator who shall cause the same to be checked and verified, prepare a report to the commission setting forth his findings, and file such report, together with the plat, with the commission at the meeting scheduled for review. The subdivider should be present at the meeting; however, the subdivider, by written notice filed with the plan administrator, may designate his land planner, engineer, surveyor, or like agent for the processing of his subdivision.

- (1) *General development plan.* When a subdivision is a portion of a tract larger than 40 acres in size to be subdivided later in its entirety, a general development plan of the entire tract shall be submitted with the preliminary plat of the portion to be first subdivided. The general development plan shall show the schematic layout of the entire tract and its relationship to adjacent property within the neighborhood unit. When appropriate, more than one tract or subdivision may be included within the general development plan.

The general development plan shall delineate the proposed characteristics of the area in terms of major categories of land use, dwelling units and population densities, general layout of lots and streets, drainageways, utility trunk lines, location of sites for parks, schools and other public uses, present and proposed zoning, and such other information as the commission finds to be necessary for making a decision on the approval of the preliminary plat.

A general development plan shall be considered to be a detailing of the comprehensive plan and shall become effective upon adoption by the commission; providing, however, that no general development plan shall be approved other than in substantial conformity with the comprehensive plan. Every general development plan adopted by the commission shall be so certified by the chairperson of the commission and a copy thereof shall be placed on file with the city secretary as part of the public record. A general development plan is to continue in force until amended or rescinded by the commission and shall be the official guide to the owners of all property within its area of coverage. Where multiownerships preclude the preparation of a general development plan by a single owner, the commission is authorized to prepare or to cause such plan to be prepared. No preliminary plat within an area for which a general development plan has been adopted shall be approved except in substantial conformity with such adopted plan.

Commission approval shall include approval of the sequence of development and construction of phases of the project as can reasonably be determined. It may include such stipulations or conditions as the commission deems necessary in order to accomplish the purposes of this chapter and to protect the health, safety and welfare of the community.

- (2) *Scale and drawing size.* The preliminary plat shall be drawn to a scale of 100 feet to the inch. The drawing size is not specified; however, where property submitted on a preliminary plat will be the same as that for the final plat, the sheet size should be the same as the final plat.

- (3) *Existing features inside subdivision.*
- (a) Topography to be shown with contour intervals of two feet, or less if requested by the city engineer.
 - (b) The locations, widths, and names of all existing or platted streets, alleys, easements, existing permanent buildings, railroad rights-of-way, and other important features such as creeks, abstract lines, political subdivisions or city limits, and school district boundaries.
 - (c) Existing sewers, water mains, culverts, or other underground structures with pipe sizes, grades, and locations indicated.
- (4) Existing features outside subdivision: Similar features to subsection (3)(b) above shall be identified for a distance of 200 feet outside the proposed subdivision. Property lines and the names of adjacent subdivisions and/or the names of record of adjoining parcels of unsubdivided land shall be indicated. Features outside the subdivision should be shown in lighter or dashed lines as appropriate to distinguish from features within the subdivision.
- (5) *New features inside subdivision.*
- (a) The boundary line, accurate in scale, of the tract to be subdivided, with accurate distances and bearings indicated.
 - (b) The layout, designations, names and widths of any and all proposed streets, alleys and easements.
 - (c) The layout, lot numbers, setback lines, and approximate dimensions of proposed lots and blocks.
 - (d) All parcels of land intended to be dedicated or reserved for public use, or reserved in the deeds for the use of all property owners in the proposed subdivision, or reservations for other uses, together with the purpose or conditions and limitations of such reservations, if any.
 - (e) A schematic plan of the proposed water and sanitary sewer lines and related facilities, and proposed drainage facilities including drainage areas, preliminary estimated runoff, points of concentration, and the location of proposed lines, inlets, culverts, and bridges. Such utility and drainage plans may be submitted on separate sheets at the same scale as the preliminary plat.

- (6) *Location map.* A location map of the proposed subdivision at a scale of one inch to 2,000 feet showing existing and proposed major features covering an area of at least one mile in all directions from the proposed subdivision, as requested by city engineer.
- (7) *Title information.*
 - (a) The proposed name of the subdivision with section or sequencing designation, as appropriate.
 - (b) North point, scale, date and acreage of the proposed subdivision.
 - (c) The names and addresses of the owner, developer and land planner, engineer, and/or surveyor, as appropriate.
 - (d) The tract designation, abstract and other description according to the real estate records of the city or county.
 - (e) Total number of lots, and designation and amounts of land of the proposed uses within the subdivision.
- (8) *Approval block.* The following notice shall be placed on the face of each preliminary plat and utility plan by the subdivider:

“PRELIMINARY PLAT FOR REVIEW PURPOSES ONLY”

The following certificate shall be placed on the preliminary plat by the subdivider:

“Approved for Preparation of Final Plat”

Chairperson Planning and Zoning Commission City of Weston, Texas	Mayor City of Weston, Texas
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Date	Date
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When a preliminary-final plat is being submitted, the approval block shall state:

“Approved for Preparation of Record Plat”

- (9) *Approval and expiration.* When a preliminary plat is found to conform to these regulations, or may be made to conform by making certain changes

directed by the commission or City Council, a copy of the preliminary plat with such changes if any made thereon, and the approval thereof by the commission, conditioned as necessary on said changes, shall be transmitted to the subdivider. **Approval of the preliminary plat as such shall in no way constitute final acceptance or approval of the subdivision.**

When a preliminary plat has been approved by the commission or City Council, the final plat or record plat, as appropriate, for all or a part of the area shall be submitted within six months thereafter; otherwise the approval shall terminate and shall be void, unless prior to the expiration of said approval the time for filing of the final plat is extended at the written request of the subdivider. The first filing extension (not to exceed 90 days) shall be granted by the plan administrator. Any further extensions shall be considered by the City Council.

When the commission finds that the preliminary plat does not conform to these regulations, and that changes to make it conform are not acceptable to the subdivider, the commission shall return a copy of the preliminary plat with a report of such findings to the subdivider.

- (a) The subdivider at any time thereafter may submit a new design for approval following the same procedure as required for the original application. If the new design for the same area or a lesser part thereof is filed within 90 days following disapproval, no new filing fee will be required. No resubmittal and no new fee shall be required when disapproval is for the purpose of further study or hearing by the city on related matters such as zoning, flood control, utility service, or coordination with other governmental jurisdiction.

The subdivider may, within fourteen (14) days of the commission decision, submit a letter to the plan administrator appealing the decision of the commission to the City Council. Any appeal to City Council shall not be considered a "filing" under Section 212.009 of the Local Government Code, and thus shall not require Council action within thirty days. The plan administrator shall prepare a report and place the preliminary plat on the agenda for consideration by the City Council. This appeal procedure shall supersede and control over the appeal procedure.

Sec. 54. Final Plat and Record Plat.

When a preliminary plat has been approved by the commission, or changes designated by same have been made by the subdivider, the subdivider may prepare his final plat for all or a portion of the area in form for approval. If a preliminary-final plat has been approved by the commission City Council, the same submission and

documentation requirements shall apply for a record plat as for final plats, but a record plat shall be approved according to the requirements stated earlier.

The final plat shall be submitted to the plan administrator who shall cause the same to be checked and verified as to its conformance with the preliminary plat as approved by the commission. Twenty-five direct prints and one mylar drawing of the final plat shall be delivered to the plan administrator at least 28 days prior to the scheduled meeting of the Planning and Zoning Commission at which action is requested. No final plat may be considered by the city until the prescribed filing fees have been paid.

- (1) If the final plat is incomplete, the final plat shall be deemed not to have been submitted or filed until any and all deficiencies are corrected.
- (2) If the final plat is complete but does not substantially conform with the preliminary plat as approved by the commission, the final plat shall be deemed not to have been submitted or filed, and a conforming plat shall be submitted, or a preliminary replat shall be submitted for commission approval.
- (3) When the plan administrator has confirmed that all requirements have been complied with, he shall submit a written confirmation to the subdivider, which shall specify the meeting of the Planning and Zoning Commission scheduled for review of the final plat. Said written confirmation shall be deemed the date of submission of the final plat by the subdivider. The plan administrator shall prepare a report of the final plat and shall submit the final plat, with his report, for review at the next scheduled meeting of the Planning and Zoning Commission and/or City Council.

The final plat may constitute all or only a portion of the approved preliminary plat, but any portion thereof shall conform to all of the requirements of these regulations. If final plats are submitted for approval by portions or sections of the proposed subdivision, each portion or section shall carry the name of the entire subdivision but shall bear a distinguishing letter, number, or subtitle. Block letters shall run consecutively throughout the entire subdivision, even though such subdivisions might be finally approved in sections.

- (1) *Scale and drawing size.* The final plat shall be drawn on sheets measuring 24 inches by 36 inches, and shall be at a scale of 100 feet to the inch. In the event that more than one sheet is required, an index sheet at a reduced scale shall be provided. In addition, the Applicant shall furnish a signed mylar drawing and copies of the final plat in such number and of a size acceptable to the county for recording.

- (2) *Features to be shown*. All necessary data to locate and reproduce the final plat on the ground must be shown on the final plat.
- (a) The boundary lines with accurate distances and bearings, a metes and bounds description of the boundary with an error of closure not to exceed one in 5,000, exact acreage, and the exact location and width of all existing or platted streets intersecting the boundary of the tract. One copy of the traverse closure sheet shall accompany the final plat.
 - (b) Bearings and distances to the nearest established street lines, official monuments, or subdivision corner, which shall be found and accurately described on the final plat. Abstract lines and municipal and school district boundaries shall be shown.
 - (c) An accurate location of the subdivision in reference to the deed records of the county which shall include the volume and page of the deed of the property to be subdivided.
 - (d) The layout, width, and names of all streets and/or alleys with the bearings and distances between points of curvature.
 - (e) The length of all arcs, radii, internal angles, points of curvature, length and bearing of the tangents. Such data to be provided on a table keyed to the curves on the final plat.
 - (f) The location, width, and description of all easements for right-of-way provided for public services, utilities or fire lanes and any limitations on use of the easements.
 - (g) All lot lines with accurate dimensions in feet and hundredths and with bearings and angles to street and alley lines to the nearest second. A certification that each and every lot complies with the minimum size requirements (acreage or square footage) of either this chapter or the zoning ordinance as appropriate; lots of lesser size shall be individually identified and sized in tabular form.
 - (h) For all lots located wholly or partially within or immediately adjacent to a floodplain area, as designated on maps provided by the Federal Insurance Administration, a designation of the minimum finish floor elevation allowed, which shall be at least one foot above the 100-year flood elevation at that point.
 - (i) A continuous and sequential lettering and/or numbering of blocks and lots within the subdivision.

- (j) Required building setback lines.
 - (k) An accurate outline description and area to the nearest hundredth of an acre of all parcels of land which are offered for dedication or reserved for public use, or reserved in the deeds for the use of all property owners in the proposed subdivision or reservations for other uses, together with the purpose and conditions or limitations of such reservations and/or dedications, if any.
 - (l) The accurate location, material and approximate size of all monuments and benchmarks.
- (3) *Location map.* A location map of the proposed subdivision at a scale of one inch to 2,000 feet showing existing and proposed major features covering an area of at least one mile in all directions from the proposed subdivision if requested by the city engineer.
- (4) *Title information.*
- (a) The proposed name of the subdivision with section or sequencing designation, as appropriate.
 - (b) North point, scale and date.
 - (c) The names and addresses of the owner, developer and land planner, engineer, and surveyor responsible for the actual design of the subdivision.
- (5) Applicant shall submit Final Plat drawings digitally on a 3.5-inch floppy diskette or a CD-ROM in a CAD program or some other digitally based drafting software program. If such digital file is not submitted, the City Council may require an additional digitizing fee.
- (6) *Certificates required.*
- (a) Certification by a registered public surveyor, registered in the State of Texas, to the effect that the plat represents a survey made by him or under his direct supervision and that all the monuments shown thereon actually exist, and that their location, size and material are correctly shown.
 - (b) A certificate of ownership and dedication, of a form approved by the plan administrator, of all streets, alleys, parks, open spaces and public ways to public use forever, signed and acknowledged before a notary public by the owner and any and all lienholders of the land,

and a complete and accurate description of the land subdivided and dedications made.

- (c) A certificate, signed by the city tax assessor, stating that all taxes and assessments then due and payable on the land contained within the subdivision have been paid.
- (d) The following certificate shall be placed on the final plat in a manner that will allow the filling in of the certificate by the proper party:

“Approved and Accepted”

Mayor
City of Weston, Texas

Date

- (7) *Construction plans.* Construction plans and profile sheets for all public improvements shall be submitted with the final plat. The approval of the final plat shall be contingent upon approval of construction plans and specifications by the city engineer. Construction plans and profiles shall be drawn on sheets measuring 24 by 36 inches, and shall be the same size as the final plat. Each sheet shall include north point, scales, date and benchmark description to sea level datum. Each sheet shall show the seal and signature of the professional engineer who prepared the plans and shall include the following:
 - (a) A plan and profile of each street with top of curb grades shown. Scales shall be in one inch equals 40 feet horizontally, and one inch equals four (4) feet vertically or such other scale approved by the city engineer.
 - (b) The cross-section of proposed streets, alleys and sidewalks showing the width and type of pavements, base and subgrade and location within the right-of-way, and in accordance with the City of Weston Street Design Standards Manual.
 - (c) A plan and profile of proposed sanitary sewers with grades and pipe size indicated and showing locations of manholes, cleanouts and other appurtenances, with a section showing embedment.

- (d) A plan of the proposed water distribution system showing pipe sizes and location of valves, fire hydrants, fittings and other appurtenances, with a section showing embedment.
 - (e) A plan to scale of all areas contributing stormwater runoff or drainage within and surrounding the proposed subdivision. Such plan shall indicate size of areas, storm frequency and duration data, amounts of runoff, points of concentration, time of concentration and other data necessary to adequately design drainage facilities for the area.
 - (f) A plan and profile of proposed storm sewers, showing hydraulic data, pipe grades and sizes, manholes, inlets, pipe connections, culverts, outlet structures, bridges and other structures.
- (8) *Approval.* The Planning and Zoning Commission shall act upon the final plat within 30 days after written acceptance by the plan administrator as herein provided. In the event that there is no Planning and Zoning Commission, the City Council shall review and consider all application in conjunction with Staff's recommendation. Appeals shall go to a Zoning Board of Adjustments. Failure to act within this time shall constitute approval of the final plat, and the city secretary shall be directed to certify to its acceptance.

Disapproval of a final plat by the Planning and Zoning Commission shall be deemed a refusal by the city to accept the offered dedications shown thereon. Approval of a final plat shall not be deemed an acceptance of the proposed dedications and shall not impose any duty upon the city concerning the maintenance or improvement of any such dedication parts until the proper authorities of the city have both given their written acceptance of the improvements and have actually appropriated the same by entry, use, or improvement.

- (9) *Facilities agreement.* A facilities agreement, if required, shall be approved by the city council prior to issuance of a development permit. The executed facilities agreement shall be filed in the records of Collin County by the city secretary.
- (10) *Development permit.* A development permit, as described in section XX-32, shall be issued by the city engineer prior to initiation of improvements. Before issuance of a development permit, the developer or his designated representative may be requested to meet with the city engineer and/or project inspector in a pre-construction conference.
- (11) *Recording of final plat.* The final plat shall be recorded in the map and plat records of the county by the city secretary within 14 days of execution of a

facilities agreement or within 14 days of acceptance of public improvements in subdivisions not requiring a facilities agreement. The plan administrator shall cause prints of the record plat to be provided to the affected city offices as they may require. The final plat shall not be returned or released to the subdivider until recorded as provided above. The cost of recording the final plat shall be paid by the applicant.

- (12) *Release of covenants.* Upon satisfactory completion of the required improvements, the city manager shall issue release of covenants to the subdivider.
- (13) *Acceptance of improvements.* Following completion and final inspection of improvements, the developer shall provide the city with a statement or affidavit specifying the value of street, drainage, and other general fixed assets and the value of water, sewerage, and other utility assets being dedicated to the city. The city manager shall accept such improvements in writing and make payments to the developer as specified in the facilities agreement, if applicable.

Sec. 55. Combination Preliminary and Final Plat.

- (1) The subdivider may, at his/her option, elect to combine his/her preliminary plat and final plat whenever the tract of land:
 - (a) is to be resubdivided to affect no more than three lots, and
 - (b) and no change of street locations would be required, and
 - (c) the proposed development will be of the same type of use and of comparable intensity as adjacent existing or planned development.

The preliminary-final plat documentation submitted for approval shall meet the final plat requirements as stated previously.

- (2) In all cases not filed under the previous sections, the preliminary and final plat approval shall be combined and considered by the commission at a single meeting.
 - (a) The preliminary-final plat submitted for commission approval shall meet the requirements for preliminary plat documentation and approval.
 - (b) Approval of the preliminary-final plat by the commission shall include the condition that a record plat conforming with the approved preliminary-final plat be submitted for staff review. If a facilities agreement is required, it shall be approved by the City

Council prior to the issuance of a development permit. Approval of the facilities agreement by Council shall be included as a condition of approval of the preliminary-final plat.

- (c) After approval of the preliminary-final plat by the commission, final plat documentation shall be completed as follows:
 - (i) A record plat meeting the requirements for final plats as described previously shall be submitted to the plan administrator after commission approval of the preliminary-final plat.
 - (ii) The record plat shall be reviewed for conformance with the approved preliminary-final plat within twenty-one days of the date of submission to the plan administrator.
 - (iii) The plan administrator shall either find the record plat conforming, shall identify any non-conformity with the applicant and allow an opportunity for the applicant to correct said non-conformity, or shall refer the record plat to the Planning and Zoning Commission for approval according to the procedures for final plat approval.
 - (iv) The plan administrator may for any reason elect to present the record plat to the Planning and Zoning Commission or City Council for approval.
 - (v) The plan administrator shall not approve any record plat which does not substantially conform to the approved preliminary-final plat.
 - (vi) The plan administrator shall not disapprove the record plat and shall be required to refer any record plat which he/she does not find conforming to the Planning and Zoning Commission or City Council according to the procedures for final plat approval.
 - (vii) If the Planning and Zoning Commission denies the record plat, the subdivider may, within fourteen (14) days of the commission decision, submit a letter appealing the decision of the commission to the City Council. Any appeal to City Council shall not be considered a "filing" under Section 212.009 of the Local Government Code, and thus shall not require Council action within thirty days. The plan administrator shall prepare a report and place the record plat on the agenda for consideration by the City Council. This

appeal procedure shall supersede and control over the appeal procedure described later.

- (d) The Planning and Zoning Commission may, for any reason, at the time of preliminary-final plat consideration, approve only the preliminary plat and stipulate that a final plat be submitted for approval by the Commission.

Sec. 56. Administrative Minor Plats.

In accordance with the Texas Local Government Code, Section 212.0065, the City of Weston may delegate to the plan administrator the authority to approve minor plats and amendments to minor plats which:

- (1) involve four or fewer lots; and
- (2) front onto an existing street; and
- (3) do not require the creation of any new street or the extension of municipal facilities.

The Plan administrator may, for any reason, elect to present the plat to the Planning and Zoning Commission or City Council for approval.

The Plan administrator shall not disapprove the plat and shall be required to refer any plat which he/she refuses to approve to the Planning and Zoning Commission or City Council for consideration.

Documentation submitted for approval of administrative minor plats shall meet the final plat requirements.

Sec. 57. Amending Plats.

In accordance with the Texas Local Government Code, Section 212.0065, the City of Weston may delegate to the plan administrator the authority to approve amending plats under the following conditions:

- (1) The amending plat shall be signed only by the applicants.
- (2) The plan administrator may, for any reason, elect to present the amending plat to the Planning and Zoning Commission or City Council for approval.
- (3) The plan administrator shall not disapprove the amending plat and shall be required to refer any amending plat which he/she refuses to approve to the Planning and Zoning Commission or City Council for consideration.

- (4) The amending plat shall be solely for one or more of the following purposes:
- (a) to correct an error in a course or distance shown on the preceding plat;
 - (b) to add a course or distance that was omitted on the preceding plat;
 - (c) to correct an error in a real property description shown on the preceding plat;
 - (d) to indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
 - (e) to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
 - (f) to correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
 - (g) to correct an error in courses and distances of lot lines between two adjacent lots if:
 - (i) both lot owners join in the application for amending the plat;
 - (ii) neither lot is abolished;
 - (iii) the amendment does not attempt to remove recorded covenants or restrictions; and
 - (iv) the amendment does not have a material adverse effect on the property rights of the other owners in the plat;
 - (h) to relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
 - (i) to relocate one or more lot lines between one or more adjacent lots if:
 - (i) the owners of all those lots join in the application for amending the plat;

- (ii) the amendment does not attempt to remove recorded covenants or restrictions; and
 - (iii) the amendment does not increase the number of lots;
- (j) to replat one or more lots fronting on an existing street if:
- (i) the owners of all those lots join in the application for amending the plat;
 - (ii) the amendment does not attempt to remove recorded covenants or restrictions;
 - (iii) the amendment does not increase the number of lots; and
 - (iv) the amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- (k) Plan administrator shall provide a complete report of all administratively approved lots on a monthly basis.

Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat. The documentation submitted for approval of amending plats shall meet the final plat requirements of Section XX-54.

Secs. 58 –70. Reserved.

ARTICLE IV. DESIGN STANDARDS

Sec. 71. Streets.

(1) The planning, design, construction and standards of all streets, right-of-way improvements and any other related roadway improvements in the City of Weston or in its extraterritorial jurisdiction shall conform to the requirements of the "Standard Specifications for Public Works Construction" - Third Edition North Central Texas Council of Governments, as it may now exist or may hereafter be amended. Where a specific standard may not have been developed yet, the City Engineer shall, by using sound engineering principals, recommend alternatives to be considered.

(2) The "Standard Specifications for Public Works Construction" - Third Edition North Central Texas Council of Governments, whether adopted in whole or in part, shall become part of the official street design guidelines utilized by all persons designing streets, right-of-way improvements, and any other related roadway improvements in the City of Weston or its extraterritorial jurisdiction, whether said person is subdividing property or construction without a subdivision.

(3) Any person, firm, public utility, corporation or business proposing to construct streets, right-of-way improvements, or other related roadway improvements within City of Weston or its extraterritorial jurisdiction shall be subject to the provisions of the "Standard Specifications for Public Works Construction" - Third Edition North Central Texas Council of Governments.

Sec. 72. Lots.

Lot dimensions shall be determined by the appropriate zoning classification. For subdivisions not within the city limits, lot dimensions are determined as follows:

- (1) *Use.* All lots shown on the plat shall be for single-family Estate residential purposes, unless otherwise provided by the zoning district of the area and so noted on the plat.
- (2) *Lot size.* The size or area of the lot shall be measured in square feet, and shall conform to the zoning requirements for the area. The minimum lot size shall be 10,000 square feet, unless otherwise provided by the zoning district of the area or unless prohibited due to inadequate services.
- (3) *Lot width.* The lot width shall be the direct distance across the lot measured at the points the building line intersects the side lot lines. The minimum lot width shall be 100 feet.
- (4) *Lot depth.* The lot depth shall be the average of the length of the two side lot lines. The minimum lot depth shall be 100 feet.

- (5) *Corner lots.* Corner lots with a width of less than 125 feet are to be at least ten feet wider than the average of interior lots in the block. Corner lots with a width of less than 150 feet adjacent to a thoroughfare are to be at least 25 feet wider than the average of interior lots in the block.
- (6) *Lots on thoroughfares.* Where, in the judgment of the commission, access cannot be provided from a siding street or alley, lots facing on thoroughfares shall be at least twenty feet deeper and twenty feet wider than the average of lots facing on the adjacent local streets.
- (7) *Lots on drainage easements.* Minimum usable lot depths for lots backing on natural drainage easements shall not be less than 25 feet measured between front lot line and easement.
- (8) *Lot shape.* Lots should be rectangular insofar as practicable. Sharp angles between lot lines should be avoided. The ratio of depth to width should not ordinarily exceed 1¹/₂ to one.
- (9) *Lot facing.*
 - (a) Each lot shall be provided with adequate access to an existing or proposed street by frontage on such street.
 - (b) Double frontage lots are prohibited except where backing on thoroughfares.
 - (c) Wherever feasible, each lot should face the front of a similar lot across the street. In general, an arrangement placing facing lots at right angles to each other should be avoided.
- (10) *Lot lines.* Side lot lines should be perpendicular or radial to street frontage and the following note may be used in lieu of bearings: "All side lot lines are perpendicular or radial to street frontage unless otherwise noted."
- (11) *Lot numbering.* All lots are to be numbered consecutively within each block. Lot numbering may be cumulative throughout the subdivision if the numbering continues from block to block in a uniform manner that has been approved on an overall preliminary plat and General Development Plan.

Sec. 73. Blocks.

- (1) *Block length.* The maximum block length for residential use shall be 1,200 feet, measured along the center of the block. Six hundred feet is a desirable minimum.

Maximum block length along a thoroughfare shall be 1,600 feet, except under special conditions approved by the commission.

(2) *Block width.* Blocks shall be wide enough to allow two tiers of lots of at least minimum depth, except when prevented by the size of the property or the need to back up to a thoroughfare.

(3) *Block numbering.* Blocks are to be numbered or lettered consecutively within the overall plat and/or section of an overall plat as recorded.

Sec. 74. Building Lines.

The building line is a line beyond which buildings must be set back from a street right-of-way line or property line.

- (1) For subdivisions within the city limits, building lines shall be determined by the appropriate zoning classification.
- (2) For subdivisions not within the city limits, building lines shall be determined as follows:
 - (a) Front street. The front building line shall not be less than fifty (50) feet from the front property line.
 - (b) Side street. The building line on the side of corner lots shall not be less than twenty-five (25) feet from the side property line. Where the side of a corner lot is across the street from or adjacent to the front of other lots, the side building line of the corner lot shall be the same distance from the street as the front building line of the opposite or adjacent lots.
 - (c) Side lot lines. The side building line shall not be less than twenty-five (25) feet from the side property line.
 - (d) Rear lot lines. The rear building line shall not be less than fifty (50) feet from the rear property line.
- (3) For all subdivisions, whether within the city limits or outside the city limits, a minimum 20 foot wide common area shall be provided between all proposed or existing residential uses adjacent to any proposed or existing street with an ultimate right-of-way width of 80 feet or greater unless said street provides the only frontage for that lot. A variance may be granted to this width requirement where unique circumstances exist.

Sec. 75. Alleys.

(1) The planning, design, construction and standards of all alleys, right-of-way improvements and any other related roadway improvements in the City of Weston or in its extraterritorial jurisdiction shall conform to the requirements of the City of Weston Street Design Standards Manual, as it may now exist or may hereafter be amended. Where a specific standard may not have been developed yet, the City Engineer shall, by using sound engineering principals, recommend alternatives to be considered.

(2) The Weston Street Design Standards Manual, whether adopted in whole or in part, shall become part of the official alley design guidelines utilized by all persons designing alleys, right-of-way improvements, and any other related roadway improvements in the City of Weston or its extraterritorial jurisdiction, whether said person is subdividing property or construction without a subdivision.

(3) Any person, firm, public utility, corporation or business proposing to construct alleys, right-of-way improvements, or other related roadway improvements within City of Weston or its extraterritorial jurisdiction shall be subject to the provisions of the Weston Street Design Standards Manual.

Sec. 76. Easements.

(1) *Use.* Where necessary to provide access for the purposes of maintenance, construction, or other service, easements shall be provided for poles, wires, conduits, storm sewers, sanitary sewers, water lines, open drainage, floodplains, gas lines, or other utilities. Such easements may be required across parts of lots, including rear and side lot lines, where alleys are not provided.

(2) *Size.* Where possible, easements shall be provided fully located upon one lot. Where such is not feasible, easements shall be not less than 7¹/₂ feet on each side of the lot line. Where overhead utility service on poles is allowed, an additional easement of five feet on each side beginning at a plane 20 feet above the ground shall be provided. The full width of easements shall not be less than 15 feet at ground level nor less than 25 feet above ground.

(3) *Fire lanes.* Where adequate access for firefighting purposes may not otherwise be provided, easements for fire lanes shall be required. Fire lane easements shall be paved to a minimum of 20 feet in width, shall be maintained by the property owner, shall be marked as such on the ground, and shall be kept free and clear at all times.

Sec. 77. Reservations.

(1) *Permitted uses.* No land contained in the proposed subdivision shall be reserved for any use other than a use permitted by the zoning ordinance for the district in which the land to be reserved is located.

(2) *Designation on plat.* The specific use for which each parcel of land is to be reserved must be shown by appropriate label or description of the plat. Provision for abandonment of a reservation in the future as may be appropriate must likewise be shown on said plat.

(3) *Parks and open space.* The location and size of parks and open space areas shall be in conformance with the Future Land Use Plan. All areas retained as floodway after approved development shall be reserved for public use, unless other provisions are approved by the city council.

(4) *Schools.* The location and size of school sites shall be in conformance with the Future Land Use Plan and the recommendations of the applicable school district.

(5) *Public facilities.* The location and size of sites for public buildings, major utility facilities, and related community facilities shall be in conformance with the Future Land Use Plan and the recommendations of the plan administrator.

Sec. 78. Improvements.

(1) *Monuments and markers.*

(a) Concrete monuments six inches in diameter and 24 inches long shall be placed on at least two block corners, boundary corners or angle points for each plat or each phase of a multiplatted area or subdivision. A one-half-inch iron reinforcing bar shall be embedded at least 18 inches in the concrete monument and placed at the exact intersecting point on the monument. The iron bar should extend from one-eighth to one-quarter of an inch above the concrete. The monuments shall be tied into the plane coordinates for the Lambert Conformal Conic Projection for Texas, North Central Zone. Reference may be made to Special Publication, No. 252, Plane Coordinate Projection Tables for Texas, published and printed by United States Department of Commerce, Coast and Geodetic Survey. The monuments shall be set at such an elevation that they will not be disturbed during construction and the top of the monument shall be not less than 12 inches below the finish ground elevation.

(b) Lot markers shall be one-half-inch reinforcing bar, 18 inches long, or approved equal, and shall be placed at all lot corners flush with the ground, or below ground if necessary in order to avoid being disturbed.

- (c) Where no benchmark is established or can be found within 300 feet of the boundary of the subdivision, such benchmark shall be established as a monument, and shall be readily accessible and identifiable on the ground and shall be recorded on city bench mark datum.

(2) *Underground utilities.* All distribution and service lines of electrical, telephone, television, and other wire carrier type utilities shall be underground, except that the system of supply lines for multiple subdivision service by utilities may be overhead. Transformers, amplifiers, or similar devices associated with the underground lines shall be located upon the ground level appropriately located and screened.

(3) *Sidewalks.* Paved sidewalks shall be provided along and adjacent to both sides of all thoroughfares and collectors; and along residential or local streets which are located immediately adjacent to a school site and for a distance of one block along such streets leading directly to a school site. On streets other than those above, sidewalks on one side of the street, or other pedestrian ways approved by the commission, shall be provided. Sidewalk designs are encouraged to be functional as well as aesthetically pleasing by being incorporated into a landscaping and/or public art or street furniture package.

(4) *Street lighting.* Street lighting wires shall be underground in all subdivisions and developments. Where ownership of street lighting facilities such as poles and standards, luminaries, lamps, etc., will be retained by the electrical power supplier, the type of street lighting facilities to be installed shall be acceptable to both the City of Weston and the supplier of electrical power.

- (a) The subdivider or developer shall be fully responsible for the construction and installation of the required street light poles, fixtures and power line connections and wiring. The City of Weston shall be responsible for light maintenance and energy consumption on standard lighting upon acceptance of the subdivision and/or system.
- (b) Standard lighting is established as shown in Exhibit A, which is not set out herein but is available for inspection in the office of the city secretary.
- (c) Acceptable fixtures may be proposed by applicant and approval by City Council.
- (d) Systems using lights other than the standards set forth within this subsection may be approved if payment is made, at the time of platting or development, for the difference in the cost between operating and maintaining the proposed system and a standard system for a period of 20 years.

- (e) The subdivider or developer will be responsible for the installation, maintenance, and power consumption for all landscape lighting or any other device or fixture requiring electrical power.

(5) *Storm sewers.* An adequate storm sewer system consisting of inlets, pipes and other underground drainage structures with approved outlets shall be constructed where the runoff of stormwater and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities.

(6) *Streets.* Construction of streets and alleys shall be in conformance with the City of Weston Street Design Standards Manual, and as it may be amended.

(7) *Sanitary sewers.* Sanitary sewer facilities shall be provided to adequately service the subdivision and conform to the City of Weston sewer plan, and as it may be amended.

- (a) All sewer pipe shall be vitrified clay, PVC or approved equal.
- (b) A minimum of eight-inch sewer pipe is required except that six-inch lines will be acceptable in locations where so approved by the city engineer.
- (c) All joints shall be of the premolded type conforming to the applicable ASTM standard.
- (d) If possible, sewer lines shall be located in the alleys, streets, or easements and shall be five feet to 6¹/₂ feet deep to invert.
- (e) Should the subdivision abut and use a sewer main of the city, the developer shall pay to the City of Weston, a pro rata charge as prescribed by ordinance for use of same.
- (f) Aerobic septic tanks shall be allowed in rural estate developments. However, all improvements shall be designed with the ultimate end in mind that a public sewer system may be constructed; and hence, replace septic tanks at the appropriate time.

(8) *Water.* Water systems shall have a sufficient number of outlets and shall be of sufficient size to furnish adequate domestic water supply, to furnish fire protection to all lots, and to conform to the City of Weston water plan and as it may be amended.

- (a) Water mains shall be cement lined, ductile iron pipe AWWA specification C900 or approved equal and shall have a minimum cover of 42 inches and shall be of the mechanical joint or special

rubber gasket pipe similar or equal to Tyton as manufactured by U.S. Pipe and Foundry, Bell-Tite as manufactured by the Lone Star Steel Company, or Fastite as manufactured by the American Cast Iron Pipe Company.

Asbestos cement pipe will be allowed in certain instances for arterial mains provided that pipe and installation is in conformance with standards of City of Weston as set by the city council. Use of asbestos cement pipe must be approved by the city engineer.

(9) *Median Landscaping.* Landscaping improvements shall be installed within the medians of all proposed and planned or divided roadways within the city limits as shown on the City of Weston Thoroughfare Plan as associated with the City of Weston Future Land Use Plan.

- (a) All developments or subdivisions abutting or adjacent to a divided roadway, as such road is defined in the Master Thoroughfare Plan or Future Land Use Plan, shall be subject to this section.
- (b) The subdivider or developer shall be fully responsible for the construction and installation of the required landscaping and maintenance of the improvements for a period of one year. However, in the event that the City Engineer, in his sole discretion, determines that construction of improvements is impractical, the subdivider or developer shall pay \$20.00 per linear foot of frontage of roadway in-lieu-of constructing the required improvements. Frontage is wherever a property abuts the right-of-way of the divided thoroughfare, and separate frontages exist on each side of the thoroughfare. The fee in-lieu-of construction is collected once from each frontage. At the discretion of the City Engineer, the subdivider can install landscaping across the full width of the median, and be reimbursed by the City for the landscaping provided for the additional frontage at the per linear foot of frontage rate or the actual cost of the improvements, whichever is less, if funds are available.
- (c) Standard landscaping is established as follows:
 - (i) One crape myrtle per 15 linear feet of median, which shall be 30-gallon containerized plants, 8'-10' in height, 5'-6' in width, 3-5 canes with a minimum of one and one-half inch (1 ½") caliper per cane, full size specimen;
 - (ii) One canopy tree per 333 linear feet of median, with a minimum of 3 ½" caliper trunk, and a well-formed canopy that is typical of the species;

- (iii) Groundcover beds (partially planted) shall cover 50% of medians with turf grass for the remainder, using 14 gauge steel edging to define ground cover beds, and irrigation at the back of curb to uniformly water median interior;
 - (iv) Landscape plans and construction plans shall be subject to review and approval by the City Planner and City Engineer or their designees. The location of landscaping shall conform to the City of Weston Thoroughfare Design Standards.
- (d) The collected fee shall be applied to construction and installation of medians on divided roadways within the adjacent roadway benefit area. Any fees not expended within six years of collection shall be returned to the developer or subdivider.

Sec. 79. Screening and Buffering of Certain Residential Lots Adjacent to Streets.

(1) *Intent and purpose.* The intent of this section is to provide screening and buffering guidelines in residential subdivisions adjacent to public thoroughfares. The intent is to create an aesthetically pleasing corridor which encourages harmony and discourages monotony, while insuring safety and security and reducing noise and glare in neighborhoods. It is also the intent to encourage screening and buffering which can be provided at a reasonable (moderate) cost with low to moderate maintenance requirements and to encourage sound planting principals including the use of indigenous plant material with reduced watering requirements.

(2) *Application.* Screening and buffering as described herein shall be provided along all lots which back up to a public street. A minimum of twenty feet of open space common area shall be provided adjacent to said street in which the improvements are to be located.

(3) *Administration.* The developer shall provide three complete sets of plans to the City which shall include the following information: location of berming, fencing, walls or landscaping; sidewalks; location of the street and property line; location of the screening and buffering area within the open space common area; location of utilities (water, sanitary sewer, electric, cable, gas, etc.); construction details of the fencing or walls; specific plant materials being used (including common name, scientific name, quantity, size, spacing); planting details; berm details; and an irrigation plan as designed by a qualified irrigation design specialist.

Sheet size shall be 24 inches by 36 inches with the scale not to exceed one inch equals 40 feet. Upon approval of the final construction plans, a mylar reproducible shall be submitted to the planning department for permanent filing. This mylar shall be submitted prior to issuance of building permits.

(4) *Submittal.*

- (a) Preliminary plans for screening and buffering shall be submitted concurrently with the application for final plat approval or record plat approval. Preliminary plans will be evaluated by staff concurrently with the final plat or record plat consideration. Approval of the final plat or record plat with a lot or lots backing toward a street shall be subject to the staff's determination that said intent and purpose will be satisfied, provided that the aforementioned requirements are met.
- (b) Preliminary screening and buffering plans not in accordance with the aforementioned requirements shall be submitted concurrently with the application for preliminary plat approval or preliminary-final plat approval, and shall require consideration and approval by the Planning and Zoning Commission at the time of preliminary plat approval or preliminary-final plat approval. The preliminary screening and buffering plans shall include sufficient detail to indicate the general location of the screening and buffering alternative, materials to be used, type of construction, and appearance. The applicant shall also submit in writing sufficient justification for utilizing a non-standard screening alternative. A final screening and buffering plan conforming with the approved preliminary screening and buffering plan shall be submitted to staff prior to construction of the screening and buffering improvements.
- (c) A development permit may be issued based on approval of the preliminary screening and buffering plan; however, final installation plans, consistent with an approved preliminary plan, shall be approved prior to installation of the screening and buffering improvements. All improvements shall be installed according to the plans no later than 90 days following the city's signing of the plat for recordation, and acceptance of public improvements. If improvements are not completed within 90 days, no additional building permits or certificates of occupancy will be issued.

(5) *Standards.* Screening and buffering adjacent to backing lots shall be a minimum of six feet in height and not exceed the maximum height allowed for fences (except for living screens). In the case of a living plant screen, two full growing seasons to a maximum time of 18 months shall be allowed to attain the required height and screening characteristics specified above. Where the design of a residential subdivision along a street employs a combination of lots backing and siding toward the street, the plan shall provide for consistency of landscaping and fencing design and materials along both the backing and siding lots so as to create an overall desirable effect. Walls or fences along the sides of lots which are continuous with walls or fences along

adjacent backing lots shall be located within a common area and shall be maintained by the same entity.

The following screening alternatives (a) through (d) are the standard screening requirements. Screening and buffering plans meeting the requirements of one of these options and the related requirements below may be reviewed and approved administratively by staff.

- (a) *Masonry walls.* City Engineer to establish requirements. In addition, long uninterrupted expanses of walls greater than 300' are discouraged while offsets and open views into subdivisions at points where siding conditions exist are encouraged.
- (b) *Wrought iron or tubular steel fencing.*
- (c) *Landscaping.*
- (d) *Berms with shrubs.*

The following non-standard screening alternative, may be approved at the discretion of the Planning and Zoning Commission or City Council at the time of preliminary plat approval or preliminary-final plat approval, provided that the intent of this section is met, and provided that the developer submits sufficient justification for utilizing a non-standard screening alternative. The Planning and Zoning Commission or City Council shall consider whether such alternative meets the spirit and intent of this ordinance, and may approve such alternative if it is determined that the public health, safety and welfare will be better served by such alternative.

- (e) *Berms.*
- (f) *Wooden Fences with enhanced landscaping.*

An underground automatic irrigation system shall be provided for all landscape planting areas.

(6) *Location requirements.* Screening and buffering walls or fences shall be located within an open space common area created adjacent to the public right-of-way. Where the plan involves the side of a lot, an easement which is a part of the lot may be used. Landscaping may be located only within a common area or such easement. No improvements will be allowed to conflict with vehicular or pedestrian traffic movement. No improvements, including trees or large shrubs which do not meet the guidelines established by the utility company or the City, shall be planted over or under any existing utilities. Sidewalk or hike/bike trail locations shall be coordinated with other improvements and shall be shown on the plan.

New design concepts are encouraged and will be evaluated on a case by case basis. Existing natural screening or buffering material will be considered toward the requirements of this section and will be reviewed on a case by case basis. Specific standards for the aforementioned situations and for certain unforeseen circumstances will be evaluated in relation to the intent and purpose of this section and will be outlined in a facilities agreement as part of the final plat consideration. Construction drawings of all improvements shall be approved by planning staff prior to construction.

(7) *Maintenance.* Maintenance of the screening and buffering requirements mentioned herein shall be established prior to final plat approval and shall be clearly outlined as part of the facilities agreement or as a condition of final plat approval. A homeowners association (HOA) shall be responsible for maintenance of all landscaping, buffering, screening, irrigation and associated improvements adjacent to residential subdivisions along public thoroughfares and shall have an HOA fee to be levied against each property owner within the subdivision. The HOA covenants shall include a provision that if the HOA defaults, the city shall have the rights of the association to either file a lien on property within the subdivision or assess property owners within the subdivision. This shall include the open space common area designated for screening and buffering. The developer shall establish the HOA, which meets the approval of the city attorney, prior to the acceptance of all public improvements. An open space common area, corresponding to the width requirements described in Exhibit "A," shall be provided for this option.

(8) *City Council approval.* The applicant may propose alternatives to the provisions of this section. It shall be the responsibility of the developer to justify such a deviation. Any modification to these provisions shall be considered a variance to this ordinance and shall require approval by the City Council. The City Council shall have the right to modify any provisions of this section for a specific project if it is determined that the public health, safety and welfare will be better served by another alternative. Said modifications shall be clearly outlined in a facilities agreement which shall be approved prior to issuance of a development permit.

**EXHIBIT "A"
REQUIREMENTS**

<ul style="list-style-type: none"> ● - Mandatory requirement ○ - Additional requirement option (minimum one selection + mandatory requirement per alternative) ◆ - If Applicable 	Minimum 20' Wide Common Area	Minimum One 3" Caliper Shade Tree per 50 Lineal Feet of Frontage	Minimum 1.5 Ornamental Trees per 50 Lineal Feet of Frontage	Continuous Bed of Shrubs & Groundcover along Fence	Minimum 25% of Length of Screening to Have Bed of Shrubs & Groundcover	Minimum 50% of Length of Screening to Have Bed of Shrubs & Groundcover	Continuous Shrub Bed of Minimum 3' Height Plants	Minimum 50% of Length to Have 3' Height Earth Berm	Fence Offsets (See Note #1)	Design Element (See note #2)
Screening alternatives 1 through 4 are standard screening requirements and may be approved by staff										
1. Continuous 6' height masonry wall	●	●			●				◆	●
2. Continuous 6' height wrought iron or tubular steel fence with masonry columns @ 20' o.c.	●	●	●		●	○		○	◆	
3. Continuous 6' height landscape screen (See note #4)	●	●		●						
4. Maximum 3' height earth berming with additional 3' height shrubs (See note #3)	●	●					●			
Screening alternative 5 requires specific approval by the Planning and Zoning Commission at time of preliminary plat or preliminary-final plat approval										
5. Maximum 6' height earth berming (See note #3)	●	●	○		●	○				
6. Wooden Fences (With performance bond)	●	●			●		●			●

- (1) If 1000' or greater distance between openings – provide minimum 1'-3' offset at a minimum of 100' – maximum 300' length.
- (2) The color and style shall be consistent with the surrounding vicinity.
- (3) Maximum 4:1 slope on berms. Additional easement/common space dedication as required.
- (4) Shrubs must reach required height within two full growing seasons or 18 months.

Sec. 80. Drainage.

Storm drainage facilities shall be designed in accordance with sound engineering principals and the minimizing of erosive conditions as they now exist or as they may hereafter be amended.

Sec. 81. Common Areas and Homeowners' Associations.

(1) In the event that common areas are to be a part of a plat, the common areas shall be shown on the final plat or record plat along with an adequate form for dedication thereof. This dedication form shall accomplish the following purposes:

- (a) Save the title to common area properties for the benefit of the homeowners' association.
- (b) Express a definite undertaking by the developer to convey the common properties to the homeowners' association.
- (c) Tie the covenants and homeowners' use provisions to the plat so that collection of fees and denying use is legally supportable.

(2) Prior to recording the plat, the developer shall:

- (a) create an incorporated nonprofit homeowners' association, and
- (b) record covenants which automatically make every lot owner a member of the association, give him the right to use the common property, and establish his voting rights and his obligations to pay assessments.

(3) The homeowners' association's restrictive covenants shall provide for continuous maintenance and control of the common areas by a responsible body, in perpetuity, for the benefit of the homeowners without using public funds. Membership in the homeowners' association shall run with the title to each lot. That is, membership in the homeowners' association is not voluntary and its primary source of operating funds is a periodic assessment levied against each parcel of land within the development under recorded covenants which shall be incorporated into each deed and which shall run with the land to bind each and every owner of it and which are enforceable as a lien against the land.

(4) The articles of incorporation of the homeowners' association, its bylaws, and the restrictive covenants shall be submitted to the City Planning Division for approval along with the final plat or record plat and shall be recorded as a part thereof.

(5) In the approval of the above documents, the City shall determine that the proper legal position is ensured and that the proposed homeowners' association will function properly both during and after the time in which the developer is active in the subdivision. The City may require the association to provide ongoing reporting of budgetary actions, financial reports, and collection activity on homeowners' assessments. Should the funding of the common areas maintenance not support the level of maintenance required by applicable ordinance, the City may require additional security for the provision of such maintenance.

Secs. 82 –100. Reserved.

ARTICLE V. ENFORCEMENT

Sec. 101. Authority of the City Engineer.

The city engineer is hereby authorized and directed to promulgate rules, regulations, standards, and specifications for the construction, installation, design, location and arrangement of streets, right-of-way improvements, related roadway improvements, curbs, streetlights, street signs, alleys, utility layouts, utility easements, sidewalks, water supply and distribution systems, fire hydrants, sewage disposal systems, drainage facilities, and other public improvements. He shall file same with the city secretary at least thirty (30) days before they shall become effective. He may amend the same from time to time, provided that an amendment shall be filed with the city secretary at least 30 days before it becomes effective. No such rules, regulations, standards or specifications shall conflict with this chapter or any other ordinance of the City of Weston.

All such improvements shall be designed, constructed, installed, located, and arranged by the subdivider or person constructing streets, right-of-way improvements, or related roadway improvements in accordance with such rules, regulations, standards and specifications.

Sec. 102. Inspection of Construction.

The city engineer, or his duly authorized representatives, shall make periodic inspection of the construction of improvements for subdivisions. Inspection of improvements by the city engineer or his representative, is not intended to and does not relieve the subdivider, or his contractor, from ensuring that the improvements are constructed in accordance with approved plans and specifications. The subdivider, or his contractor, shall maintain contact with the city engineer, or his representative, during construction of improvements.

No sanitary sewer, water or storm sewer pipe shall be covered without approval of the city engineer, or his representative. No flexible base material, subgrade material, or stabilization shall be applied to the street subgrade without said approval. No concrete shall be poured nor asphaltic surface applied to the base without said approval.

The city engineer, or his representative, may at any time cause any construction, installation, maintenance, or location of improvements to cease when, in his judgment, the requirements of this chapter or the standards and specifications as hereinbefore provided have been violated and may require such reconstruction or other work as may be necessary to correct any such violation. The cost of materials testing shall be borne by the developer. The cost of any work stoppage shall be borne by the developers.

Sec. 103. Maintenance Bond.

The subdivider shall furnish a good and sufficient maintenance bond in the amount of 15 percent of the contract price of all public improvements, or in such amount as approved by the city engineer, with a reputable and solvent corporate surety in favor of the city to indemnify the city against any repairs which may become necessary to any part of the construction of public improvements in connection with the subdivision, arising from defective workmanship or materials used therein, for a full period of one year from the date of final acceptance of the improvements. Final acceptance will be withheld until said maintenance bond is furnished to the city.

Sec. 104. Filing and Inspection Charges.

The following schedule of fees and charges shall be paid to the city when any preliminary plat or final plat or other filing is tendered to the planning and zoning commission or any other authorized board or agency of the city. Each of the fees and charges provided herein shall be paid in advance, except as noted otherwise, and no action of the commission or any other board or agency of the city shall be valid until the fees and charges shall have been paid to the city.

Except as hereinbefore provided, these fees and charges shall be charged on all plats and filings, regardless of the action taken by the commission or any other board or agency of the city, and whether the plat or filing is approved or denied by the city council:

- (1) *Plat fees.*
 - (a) *Preliminary plat/replat:* \$200 per plat.
 - (b) *Preliminary final plat/replat]:* \$300.00 per plat.
 - (c) *Record plat/replat:* \$300.00 per plat.
 - (d) *Minor plat/replat:* \$300.00 per plat.
 - (e) *Final plat/replat:* \$300.00 per plat.
 - (f) *Amending plat:* \$150.00 per plat.
 - (g) If no digital files are submitted, Applicant shall pay a \$200.00 digitizing fee.
 - (h) *Refiling:* When a preliminary plat has been disapproved by the commission and the subdivider refiles a new design for all or a lesser portion of the preliminary plat within 90 days of such disapproval, no new fee shall be charged for the refiling.

(2) *Other filings.*

- (a) *General development plan:* There is no charge for filing a general development plan.
- (b) *Concept plan review:* \$200.00 per plan plus \$10.00 per acre or portion thereof contained within the concept plan tract.
- (c) *Zoning confirmation:* \$50.00 per request plus applicable document copying charges.
- (d) *Deficient plan correction:* There shall be a \$200.00 charge for each third and subsequent review of plans that is submitted without consideration to previous change recommendations made by city staff.
- (e) *Annexation proposals:* \$100.00 plus the actual total cost of public notice if an acceptable legal description is provided. Acceptability of the legal description shall be determined by the city attorney. This fee will be paid prior to final annexation action by the council.
- (f) *Alley abandonment:* \$100.00 for each application. Each lot owner will also be charged for the legal processing and filing cost for their respective lot or lots associated with the alley abandonment.

Sec. 105. Penalty.

Any person, firm or corporation who shall violate any of the provisions of this chapter or who shall fail to comply with any provisions hereof shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed \$2,000.00, and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.

Secs. 106 –130. Reserved.

ARTICLE VI. CONVEYANCE OF LAND FOR RECREATIONAL AREAS AND FACILITIES*

Sec. 131. Purpose.

This article is adopted to ensure that adequate recreational areas in the form of neighborhood and community parks are provided to meet the additional needs created by new residential development.

Sec. 132. Scope.

The provisions of this article shall apply to all new residential development within the city and all residential subdivisions within its extraterritorial jurisdiction after the effective date of the ordinance from which this article derives for which a final plat or preliminary final plat is required to be submitted to the city for approval in accordance with state law and the ordinances of the city.

Sec. 133. Exemptions.

The provisions of this article shall not apply to the following:

- (1) Residential development for property to be located on a lot of record, final plat or replat which was approved prior to the effective date of the ordinance from which this article derives.
- (2) Residential development constructed or to be constructed in accordance with a building permit issued prior to the effective date of the ordinance from which this article derives.

Sec. 134. Definitions.

For the purposes of this article, the following words, except where the context clearly indicates otherwise, shall be defined as follows:

Commission shall mean the planning and zoning commission of the city.

Community park shall mean a park of approximately 40 to 60 acres, serving an area two to three miles in diameter, serving a population of approximately 20,000 persons and encompassing the service areas of four or more neighborhood parks. Community parks may typically contain lighted athletic facilities for more active play purposes, such as ballfields for football, softball, baseball and soccer, and a recreation center or swimming pool. These parks may be located adjacent to existing or proposed greenbelt areas and proposed junior and senior high school sites.

Council shall mean the city council of the city.

Dwelling unit shall mean any building, structure or mobile home, or part thereof, which is designed, used or intended to be used for human occupancy as the living quarters, or one housekeeping unit or family.

Neighborhood park shall mean a park of approximately ten to 15 acres, serving an area one to two miles in diameter and serving a population of approximately 5,000 persons. Neighborhood parks should be designed to service a specific neighborhood area and may include playground apparatus and other space for active recreational purposes, along with some areas for passive use. Whenever possible, neighborhood parks should be located adjacent to existing or proposed greenbelt areas and proposed elementary school sites.

Residential or residential development shall mean the actual or proposed use of land for one or more buildings, structures or mobile homes which are designed or intended to be used, in whole or in part, for one or more dwelling units, but which are not motels or hotels as defined by chapter 41, zoning, of the Code of Ordinances of the City of Weston.

Subdivider or developer shall mean an individual, firm, association, syndicate, copartnership, corporation or other organization dividing or proposing to divide land, developing or making improvements to such land so as to effect a subdivision of land hereunder for himself, or for itself or for another.

Subdivision shall mean the division of any lot, tract or parcel of land into two or more lots or sites for the purpose of sale or of building development, whether immediate or future. The term includes resubdivision or replatting of an existing subdivision, building upon or other development of land, but does not include the division of land for agricultural purposes, i.e., ranching, farming and dwelling pertaining to such uses, in tracts of ten acres or more and not involving any new street, alley or easement of access. When appropriate to context, the term subdivision shall relate to the process of subdividing or to the land subdivided. Subdivisions of mobile home spaces for sale, lease or rent shall comply with all provisions of chapter 39, article III, division 2, regulating mobile home parks, as it now exists or it may hereafter be amended.

Sec. 135. General Requirements.

(1) *Conveyance or payment of money required.* The owner of any property, to which this article applies, which is to be developed for residential purposes shall convey for park purposes land or make a payment of money in lieu of land, or a combination of both, to the city at the time of rezoning or subdivision to provide for the recreational needs created by such development, in accordance with the provisions of this chapter.

(2) *Proposed number of dwelling units to be submitted.* All plats, lots of record, replats, site plans or proposed improvements of land for new residential development, required to be submitted to the commission or council, shall indicate the

number of proposed dwelling units to be constructed or placed within the development on such plat, lot of record, replat or site plan.

(3) *Determination of requirements.* In reviewing any lot of record, plat, site plan or proposed improvements of land for a new residential development, the council shall, except where a payment of money in lieu of land is automatically required to be made under subsection (6) of this section, make a determination of whether a conveyance of land, payment of money in lieu of land or a combination of both shall be made to meet the requirements of this article.

(4) *Factors considered.* In making a determination of whether a proposed conveyance of land, money in lieu of land or a combination of both shall be made to meet the requirements of this appendix, the staff shall recommend what would be in the best interest of the city, based upon relevant factors which may include, but not be limited to, the following:

- (a) Whether the proposed land to be conveyed for park purposes would be suitable as a neighborhood or community park.
- (b) The parks and recreation master plan for the area in which the development is located.
- (c) Whether the proposed land to be conveyed for park purposes is adjacent to an existing or proposed school site.
- (d) Whether there is sufficient existing public or private park land in the area of the proposed development.
- (e) Whether the park needs of the area where the proposed development is located would be best served by expanding or upgrading existing parks.
- (f) Land located adjacent to a greenbelt park.
- (g) The guidelines of the current Weston comprehensive plan.

(5) *Suitability of proposed conveyance of land for park purposes.* A proposed conveyance of land to meet the requirements of this article shall not generally be considered suitable for neighborhood or community park purposes if it has one or more of the following characteristics:

- (a) Generally, if more than 20 percent of the proposed park site is located within the 100-year floodplain, as shown on the latest flood insurance rate map or floodplain ordinance adopted by the city on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones

applicable to the community. The city may take more than the 20 percent floodplain land if it is determined in the best interest of the city (see subsection 6.06(5), credit for donation of floodplains).

- (b) The proposed park site dedication is less than ten acres for a neighborhood park or 40 acres for a community park, unless the proposed dedication is located in such a manner in which it could be combined with other dedications to create a park of adequate size.
- (c) It has unusual topography or slope which renders it unsuitable for organized recreational activities.
- (d) It does not or would not front an improved public street or would not be readily accessible, in whole or in part, to the public.

(6) *Combination of land and payment of money.* The council may, when the best interest of the city would be served, require a combination of the dedication or conveyance of land and the payment of money in lieu of land to meet the requirements of this article, or total payment in lieu of land conveyance.

Sec. 136. Conveyance of Land Requirements.

Where the council determines that a conveyance of land shall be required, in whole or in part, to meet the requirements of this article, the following provisions shall apply:

(1) *Amount.* Any required conveyance of land shall be in an amount proportionally equal to 220 square feet per capita on all proposed residential developments as defined herein.

(2) *Manner and method.* Plats of subdivisions required to be submitted for approval by the city in accordance with V.T.C.A., Local Government Code §§ 212.001-212.017, shall show thereon a fee simple conveyance to the city of the land required by this article for park purposes as a condition to approval of such plat by the council, and the city may further require the conveyance of the park property by general warranty deed. As a condition to acceptance of the plat or deed by the city, the subdivider shall provide the city with an owner's title policy of insurance in an amount equal to the value of the land conveyed, which amount shall be determined by the city.

- (a) Single-family, duplex-residential and multifamily developments. The amount of land needed shall be based on 220 square feet per capita based on the actual density allowed in each of the proposed residential zoning districts. Actual density shall be determined at the time of platting for existing zoning and at the time of rezoning

for future applicants. The city shall determine the density on a given development.

- (b) If any zoning or subdivision change results in an increase in the number of dwelling units allowed on a platted lot, the difference shall be made up by the developer as a fee in lieu of land dedicated to be paid prior to the issuance of a building permit.
- (3) *Credit for prior dedications.* Where a gift of land was made prior to the effective date of this article by the owner of land required to convey land under the provisions of this article, the former gift of land shall be credited on a per-acre basis toward the required conveyance provided by this article when the council finds that:
- (a) The gift was made within five years of the effective date of the ordinance from which this article derives;
 - (b) The land given was within one-half mile of the new development for which land is required to be conveyed;
 - (c) The land given is not being presently used for purposes incompatible with park purposes and is suitable for park purposes; and
 - (d) A credit may be given for on-site improvements that are compatible with long-range development plans for the proposed park.

The credit provided for herein shall not be transferable and shall only be given to the donor of the land who is the owner of the property being developed for which a conveyance of land is required by this article, unless said prior conveyances were included as a part of an executed facilities and/or development agreement with the city and the developer.

- (4) *Credit for private recreation facilities.* Where private recreation facilities are built for the residents for the subdivision or development, a credit may be granted by the city council. The value of these private recreation facilities shall be determined by the city council but shall not exceed 50 percent credit and shall be consistent with credit guidelines to be promulgated as part of the City of Weston Future Land Use Plan.
- (5) *Credit for conveyance of floodplains.* In cases where floodplain land or property is proposed to be conveyed to satisfy the parkland requirements, a credit will be given based upon the following formula or ratio: three acres of floodplain shall equal one acre of nonfloodplain land.

- (6) *Location.* The land required to be conveyed may be located inside or outside the boundaries of the development, as long as the land is so located and in such proximity to the development so as to serve or benefit persons residing therein, as approved by the council.
- (7) *Improvements to be made.* The person required to convey land shall be responsible for, and pay the costs of, providing convenient access by improved streets, sidewalks and, adequate drainage improvements so that the site is suitable for the purpose intended, and water, sewer and electrical utilities to the property required to be dedicated or conveyed in accordance with the procedures applicable to other public improvements as specified in the subdivision ordinance of the city; provided, however, that the council may waive, in whole or part, such required improvements where an amount of land in excess of the requirements of this article is conveyed, the value of which is equal to or greater than the cost of the improvements being waived. Such waivers shall be specified on a case-by-case basis in a facilities agreement between the developer and the city for the given subdivision.

Sec. 137. Money in Lieu of Land.

Where the council determines that a payment of money in lieu of land shall be made, the following provisions shall apply:

- (1) *Amount required to be paid.*
 - (a) Any payment of money required to be paid by this article shall be in an amount equal to the average per-acre value of the whole property included within the residential development.
 - (b) In determining the average per-acre value of the total land included within the proposed residential development, the council may base its determination on one or more of the following:
 - (i) The most recent appraisal of all or part of the property made by the central appraisal district; or
 - (ii) Confirmed sale prices of all or part of the property to be developed, or comparable property in close proximity thereof, which have occurred within two years immediately preceding the date of determination; or
 - (iii) Where, in the judgment of the council, subsection (i) or (ii) above would not, because of changed conditions, be a reliable indication of the then-current value of the land being

developed, an independent appraisal of the whole property obtained by the city and paid for by the developer.

- (2) *Time of payment.* Any payment of money required herein shall be paid as a condition to the approval of any final plat or replat. Payment shall be made prior to the signing of the plat unless otherwise stated in a facilities agreement approved by the council.
- (3) *Park development fund.* All cash payments paid to the city in accordance with this article shall be deposited in a separate park development fund. The city shall account for all such payment with reference to each development for which the payment is made.
- (4) *Use of funds.* Any payments made to the park development fund may be used solely for the acquisition, development, expansion or upgrading of neighborhood or community parks located within the same park district or general area where the proposed development for which payment was made is located.
- (5) *Right to refund.* If all or part of the payments made for a development are not expended for the purposes authorized herein within five years of the date that 95 percent of all certificates of occupancy have been issued for the completed development of the property for which the payments were made, the person or entity who made such payments shall be entitled to a refund on all unexpended funds if a request for a refund in writing has been made within one year of entitlement. If no such timely request is made, the right to a refund of the unexpended funds shall be considered waived.

Sec. 138. Penalties, Sanctions and Redeterminations.

- (1) *Requirements to be satisfied prior to development.* It shall be unlawful for any person who is required to convey land, or pay money in lieu of land as required by this article, to begin, or allow any other person or contractor to begin, any construction or improvements on any land within any development to which this article applies until the required conveyance of land, or payment of money in lieu of land, is made to the city in accordance with this article.
- (2) *Permits and services to be withheld.* No building permits shall be issued for, and no permanent utility services shall be provided to, any land within any development to which this article applies until the required conveyance of land, or payment of money in lieu of land, is made to the city in accordance with this article.

- (3) *Redetermination of requirements for proposed additional dwelling units.* After the council has made a determination of the requirements of this article, or after the requirements of this article have been met, based upon the proposed number of residential dwelling units for any land to which this article applies, any person who desires to construct a number of dwelling units in excess of the number of dwelling units for which the requirements of this article were determined or met must submit to the council a revised zoning proposal for additional dwelling units for the development. Once the council has approved a zoning ordinance increasing the number of dwelling units allowed on a platted lot, the developer shall either convey the additional park land through a plat or replat or shall pay a fee in lieu of parkland for the additional dwelling units at the issuance of the building permits. Where a payment of money was originally made to meet the requirements of this article, the person proposing to construct additional dwelling units may be required to convey land for all or part of the development. In such case, after the required conveyance is made, the payments, or portion thereof, previously made which are satisfied by the dedication of land shall be returned by the city.

Sec. 139. Penalties.

Any person violating any of the provisions of this article shall, upon conviction, be fined a sum not exceeding \$2000.00; and each day and every day that the provisions of this article are violated shall constitute a separate and distinct offense. This penalty is in addition to and cumulative of any other remedies as may be available at law and equity.

Secs. 140 –160. Reserved.

ARTICLE VII. PRIVATE STREET REGULATIONS

Sec. 161. Intent and purpose.

It is the intent of these private street regulations:

- (1) To allow private street developments to occur within the City of Weston on a limited and restrictive basis;
- (2) To provide for private street developments as one type of residential development mechanism to allow Weston to continue to be competitive in the development market; and
- (3) To provide a broader variety of residential areas to meet the needs of the residents of Weston.

There shall be no required minimum or maximum acreage size and/or number of lots within private street developments. However, minimums and maximums will be evaluated on a case-by-case basis through the specific use permit process.

The location of each private street development will be subject to the approval of the city council, through the specific use permit process, on a case-by-case basis, based on, among other matters, the criteria described in this article VII. An applicant who meets the stated criteria will not be entitled to the specific use permit as a matter of right, but shall only obtain approval for the specific use permit at the sole discretion of the city council.

Sec. 162. Definitions.

For the purposes of this section, the following words, except where the context clearly indicates otherwise, shall be defined as follows:

- (1) *Applicant* is the owner(s) of all the lots in the proposed subdivision or homeowners' association, as the context allows.
- (2) *Entry turnaround*: An esplanade opening or other accommodation provided at the entrance to a private street development in order to allow vehicles denied access to reenter the public street with a forward motion without unduly disturbing other vehicles at the entrance.
- (3) *Green belt*: An open space area consisting of primarily natural features, that may be located in a floodplain or along a creek channel or be used as a buffer between land uses or be used as an open space linkage between various land uses.

- (4) *Hike and bike trail:* A hike and bike trail has a minimum twelve (12) foot concrete surface width and is a trail which serves as a linkage for access to recreational and educational areas and facilities. Upon recommendation of the City Planner, the width of the hike and bike trail may be reduced to ten (10) feet if:
- (a) Due to existing improvements or property lines, inadequate space is available, or
 - (b) the hike and bike trail section links two existing ten (10) foot sections in a single block, or
 - (c) other site limitations, including the opportunity for tree preservation, render a twelve (12) foot wide trail impractical.
- (5) *Infrastructure:* Facilities and services needed to sustain industry, residential, commercial and all other land use activities. Infrastructure includes water, sewer lines, and other utilities, streets and roads, communications, and public facilities, such as fire houses, parks, schools, and such.
- (6) *Collector streets:* For purpose of these regulations, shall mean a C2U thoroughfare or larger, as indicated by the City of Weston or North Central Texas Council of Government street design standards.
- (7) *Park:* A tract of land, designated and used by the public (or homeowners in the case of private park area), for active and passive recreation.
- (8) *Private street:* A platted street providing limited local traffic circulation among adjacent lots which is privately owned and maintained, contained within a private street lot, and constructed in accordance with the requirements of this chapter.
- (9) *Private street lot:* A separate tract, typically termed a common area, owned by the property owners' association whereupon a private street is constructed.
- (10) *Property owners' association:* An organization established for the ownership, care, and maintenance of private streets and other private facilities.
- (11) *Public utility and storm sewer easement:* An easement upon a private street lot having the same width as the lot which is intended to contain a privately owned and maintained pavement as well as publicly owned and maintained water lines, sanitary sewer lines, storm sewers and such other utility or franchise infrastructure as can be reasonably accommodated.

- (12) *Security stations:* The facility controlling vehicular access to private street developments which may be a mechanism or a manned structure.
- (13) *Stacking area:* A setback measured from the public street right-of-way to the security station.
- (14) *Utility easement:* An easement dedicated to the public for access, construction, reconstruction, and maintenance to water lines, sanitary sewer lines, storm sewers, and those franchises granted permission by the city, utility district, or county to occupy the easement.

Unless otherwise defined herein, words contained in these regulations shall have the meanings found in section XX-10, and as such provisions may be hereafter amended.

Sec. XX – 163. Administrative Procedure.

In order to qualify for consideration of a specific use permit for private streets, the applicant must satisfy the criteria set forth below:

- (1) *Zoning ordinance.* All applications for private street developments shall be processed through the specific use permit or planned development district procedure as specified herein and as stated within chapter 41 and as such chapter may be hereafter amended.
- (2) *Subdivision ordinance.* All applications for private street development shall also be processed through this chapter, and as such chapter may be hereafter amended.
- (3) *Board of adjustment.* Denial of approval of any private street development specific use permit by the city council shall be final and shall not be appealable to the zoning board of adjustment.

Sec. 164. Guidelines for Development.

The proposed development shall be evaluated with respect to the following guidelines as part of the review and approval process for all private street developments. Paragraphs XX-164(1), (2), and (3) are mandatory and are requirements for all private street developments. Paragraphs XX-164(4) through (7), while they are recommended guidelines, and the degree to which each is satisfied should be reviewed by city staff, the planning and zoning commission, and city council, as a part of the determination of the merits of any individual proposed private street development.

- (1) The area shall be within the corporate limits of the City of Weston.

- (2) The development plan shall not impede the current or future street circulation needs of the area, especially any needed collector or arterial street route, or adequate access to any adjoining tract.
- (3) Area shall not disrupt an existing or proposed City of Weston public pedestrian pathway, hike and bike trail or park.
- (4) If the area is intended for residential use (may be an existing or proposed residential development), it should be zoned solely as a residential zoning district (that is, a zoning district the stated purpose of which is to provide for primarily residential uses), except in the case of a PD (planned development) zoning district, in which case the area should be designated solely for residential use.
- (5) The area should be bounded on all sides by natural barriers, manmade barriers such as a greenbelt, hike and bike trail, golf course or park, screening walls, or collector thoroughfares.
- (6) Except where substantial existing natural or man-made barriers would render the requirement unreasonable, each such development should have direct access to a two-lane collector street (C2U – unless a lesser width two-lane collector is determined adequate due to an absence of need for on-street parking), in addition to any access to one or more arterial streets that may be proposed. Any private street development of such limited size that it does not require direct collector street access for appropriate traffic service may instead have access to a collector street within the neighborhood by way of another local street.
- (7) The proposed private street subdivision should not result in an overconcentration of such developments, to the extent of dominating the neighborhood development pattern.

Sec. 165. General Requirements.

(1) The private street system must comply with design standards of this chapter. All references in this chapter to "public right-of-way" shall apply to private street lots.

(2) The private street system must provide access for emergency vehicles, public and private utility maintenance and service personnel, the U.S. Postal Service, and government employees in pursuit of their official duties.

The type of gate or controlled access mechanism is subject to the approval of the City of Weston's or Collin County's fire marshal.

(3) If the private street development is designated solely for residential use, the specific use permit shall be subject to termination by the city council through applicable procedures, at such time as the development ceases to be used solely for residential purposes.

Sec. XX – 166. Specific Requirements.

(1) *Required wording on plat.* Each private street development plat shall contain the following wording on the face of the plat: "The streets have not been dedicated to the public, for public access nor have been accepted by the city as public improvements, and the streets shall be maintained by the property owners association within the subdivision, and the streets shall always be open to emergency vehicles, public and private utility maintenance and service personnel, the U.S. Postal Service, and governmental employees in pursuit of their official duties."

The type of gate or controlled access mechanism is subject to the approval of the City of Weston fire marshal.

(2) *Issuance of specific use permit.* All approved specific use permits will become effective with the approval of the final plat.

(3) *Public utility and storm sewer easement.* Private streets shall be located in a "public utility and storm sewer easement." The width of the easement shall be the same as the required right-of-way for a public street.

(4) *Easements.* Private street developments shall provide the following easements:

- (a) "Public utility and storm sewer" easements containing private streets and public utilities.
- (b) Additional public utility easements required by public agencies.
- (c) Pre-existing easements unaffected by the platting process.
- (d) Such private service easements, including but not limited to utilities, fire lanes, street lighting, government vehicle access, mail collection and delivery access, and utility meter reading access, as may be necessary or convenient.

(5) *Access.* All private street developments shall be required to have a minimum of one point of access to a public street having a right-of-way width of at least 60 feet, unless specifically approved otherwise, following consideration of section 4-164(6) herein.

(6) *Site plan.* For each private street development, a site plan shall be submitted and shall conform to City of Weston's Development Policies and site plan approval. In addition, the following shall be submitted:

- (a) Rendering of elevation of proposed structures, including description of proposed building materials, roof pitches, signage, and such other items as the city staff might reasonably request (said rendering of elevation of proposed structures does not refer to residential structures, but rather to other structures that are components of the private street development);
- (b) Illustrate the relationship of the development to the qualifying criteria section of this chapter/policy;
- (c) Illustrate fencing, the guard house (if any) and entry way, and the location of any other items within the private street development;
- (d) Illustrate items outside the private street development, such as, but not limited to, entrance area, barriers, perimeter walls, exterior landscaping, and other elements as required by city staff.

(7) *Impact fees.* As applicable, impact fees will be required.

(8) *Park dedication.* As applicable, park dedication requirements shall be made.

Sec. 167. Conversion of Public Streets to Private Streets.

For existing developments to become private:

- (1) Permit application must contain signatures of all owners of existing lots that would be part of the proposed private street subdivision.
- (2) An applicant must purchase installed infrastructure and right-of-way from the City of Weston, and establish a reserve fund in accordance with section XX-169(2), reserve fund, within this chapter.
- (3) An applicant must conform to all other provisions of this section/chapter.

Sec. 168. Relationship to the City of Weston Future Land Use Plan.

The following components shall be evaluated when reviewing potential private street developments. This evaluation will aid in logical implementation of the current City of Weston comprehensive plan.

- (1) *Future land use plan.* Impact on land uses, their configuration, and function shall be examined as part of each request for a private street development.
- (2) *The master park plan (MPP) and trail system plan (TSP).* The proposed private street development shall be evaluated to assess impact of private streets on access, including ingress and egress, and continuity of the hike/bike/jogging/open space linkage system within the community, as well as the functioning of other MPP and TSP elements.
- (3) *The future master thoroughfare plan (MTP).* The proposed private street development will be evaluated to assess its impact on the efficiency, convenience, and safe functioning and implementation of the MTP.

Sec. 169. Property Owners' Association.

(1) *Property owners' association required.* Subdivisions with private streets must have a property owners' association. The property owners' association shall own and be responsible for the maintenance of private streets and appurtenances. The property owners' association shall provide for the payment of dues and assessments required to maintain the private streets. The property owners' association documents must be acceptable to the City of Weston at the time of final plat approval. The approved document must be filed for record contemporaneously with the filing of the final plat.

(2) *Reserve fund.* The property owners' association documents must establish a reserve fund for the maintenance of private streets and other improvements such as common greenbelts, security station structures and equipment, and other significant property owners' association infrastructure. This reserve fund shall not be commingled with any other property owners' association fund. The balance of the fund shall be equal to the total replacement cost of the private streets and other improvements divided by the average life expectancy of those improvements times the age of the improvements.

The property owners' association shall have an annual review performed by a certified public accounting firm verifying the amount in the reserve fund. A copy of this review shall be provided to the City of Weston.

If the specific use permit is revoked or the private streets converted to public streets the reserve fund shall become the property of the City of Weston.

(3) *Membership requirements.* Every owner of a lot within the private street development must be a member of the property owners' association.

(4) *Required disclosures.* The property owners' association documents shall address, but shall not be limited to, the following four paragraphs:

- (a) The property owners' association documents must indicate that the streets within the development are private, owned and maintained by the property owners' association and that the City of Weston has no obligation to maintain or reconstruct the private streets.
- (b) The property owners' association documents shall include a statement indicating that the City of Weston may, but is not obligated to, inspect private streets and require repairs necessary to insure that the same are maintained to city standards.
- (c) The property owners' association may not be dissolved without the prior written consent of the City of Weston.
- (d) Section XX-170(2) of these regulations shall be included in the property owners' association documents, to increase the opportunity for awareness of mandatory conversion of private streets to public streets.

(5) *Assessment for repairs – Assignment of property owners' association lien rights.* The property owners' association declaration shall provide that should the property owners' association fail to carry out its duties as specified in these regulations, the city or its lawful agents shall have the right and ability, after due notice to the property owners' association, to perform the responsibilities of the property owners' association if the property owners' association fails to do so in compliance with any of the provisions of these regulations or of any applicable city codes, regulations or agreements with the city and to assess the property owners' association or the lot owners for all costs incurred by the city in performing said responsibilities if the property owners' association fails to do so, and the city shall further have any and all liens and lien rights granted to the property owners' association to enforce the assessments required by the declaration, and/or to avail itself of any other enforcement actions available to the city pursuant to state or city codes and regulations.

No portion of the property owners' association documents pertaining to the maintenance of the private streets may be amended without the written consent of the City of Weston.

(6) *Services not provided.* The property owners' association documents shall note that certain City of Weston services shall not be provided on private streets. Among the services which will not be provided include: routine police patrols, enforcement of traffic and parking ordinances, and preparation of accident reports. Depending on the characteristics of the proposed development other services may not be provided.

(7) *Access required.* The property owners' association documents shall contain a provision that requires access to emergency vehicles, utility personnel, the U.S. Postal Service, and governmental employees in pursuit of their official duties.

Sec. 170. Conversion of Private Streets to Public Streets.

(1) *Voluntary conversion.* The City of Weston may, but is not obligated to, accept private streets for public access and maintenance. The procedure must conform to all of the following provisions:

- (a) The property owners' association must submit a petition signed by at least 51 percent of its members (or a greater number of signatures if required by the property owners' association document).
- (b) All of the infrastructure must be in a condition that is acceptable to the City of Weston.
- (c) All security stations and other structures not consistent with a public street development must be removed.
- (d) All monies in the reserve fund must be delivered to the City of Weston.
- (e) The subdivision plat shall be submitted as a replat and upon approval shall be re-filed to dedicate the public utility and storm sewer easement to the public.
- (f) The property owners' association documents must be modified and re-filed to remove requirements specific to private street subdivisions.

(2) *Mandatory conversion.* The City of Weston will notify the property owners' association of violations of the private street regulations. Failure to bring the subdivision into compliance with the regulations may cause the City of Weston to revoke the special use permit for the private streets.

If the special use permit is revoked, the City of Weston may correct all remaining violations, remove the security stations and unilaterally re-file the subdivision plat thereby dedicating the streets to the public. All monies in the reserve fund will become the property of the City of Weston and will be used to offset any costs associated with converting the private streets to public streets. In the event the balance is not sufficient to cover all expenses, the property owners' association and/or the property owners will be responsible for the unpaid amount for the work.

Sec. 171. Design Standards.

The design and construction of the infrastructure within a private street subdivision shall conform to the same rules, regulations, standards, and specifications established for public subdivisions and as regulated in the City of Weston Street Design Standards Manual. The city engineer is hereby authorized to promulgate rules, regulations, standards, and specifications for the design and construction of improvements unique to a private street subdivision. The same shall be filed with the city secretary at least 30 days before they shall become effective. An amendment may be made from time to time, provided that the amendment is filed with the city secretary at least 30 days before it becomes effective. No such rules, regulations, standards or specifications shall conflict with this or any other ordinance of the City of Weston.

(1) Structures.

- (a) Project perimeter fences at project entry access points, entry monuments, and security stations, may be erected within the public utility and storm sewer easement(s), provided they do not impede the installation, maintenance, repair, or replacement of public utilities and storm sewers within the easement.
- (b) Where security stations are a part of a larger, multipurpose structure, only that portion of the structure which functions as a security station may encroach the building line adjacent to the private street.

Sec. 172. Maintenance.

(1) The property owners' association shall be responsible for periodic inspection and maintenance of all infrastructure except utilities (water, sanitary sewer, storm sewer, gas, cable, telephone, and electric lines).

(2) The City of Weston has no obligation to inspect or maintain a private street.

(3) In the event that the property owners' association fails to make repairs required by the City of Weston, the city shall have the right, but not the obligation, to cause the repairs to be completed and collect the cost of the same from the property owners' association for said work.

(4) If the property owners' association fails to maintain access as required in this article, the City of Weston may enter the subdivision and remove any gate or device, which is a barrier to access, at the sole expense of the property owners' association.

Sec. 173. Sunset Review.

The City of Weston, Texas, recognizes that these private street regulations represent a new residential development mechanism. Therefore, city officials believe it is appropriate to monitor the effect these regulations may have regarding the physical development of the City of Weston. Hence, the city staff and officials shall review these regulations by August 1, 2003.

Sec. 174. Miscellaneous.

All references to ordinances shall also refer to all amendments to, substitutions or codifications thereof.

Sec. 175. Cluster Housing Developments.

(1) *Exceptions.* The following listed sections and subsections of this article shall not apply to certain private streets, known as motor courts, which provide access to not more than seven dwelling units each and which are within PD – Planned Development Districts for individually designed clusters of single family residence lots, and subject to specific development plans for lotting arrangement; access and circulation; parking; landscaping, transition and screening elements:

Section 164(5)

Section 165(1)

Section 166(3)

Section 166(5)

Section 171

(2) *Specific regulations.* A development with private motor courts as provided herein shall conform to the following:

- (a) Shall be specifically approved through a PD – Planned Development District, instead of through a specific use permit within another district, and shall be not more than 12 acres in total area.
- (b) Public utility and storm sewer easements shall be provided as needed for the development and surrounding area.

- (c) The city engineer is hereby authorized to establish rules, regulations, standards, and specifications for the design and construction of improvements unique to the specific private motor court subdivision, during the process of approval of the associated PD – Planned Development District or subdivision plat.

- (d) Pavement width. If a motor court has a paved area less than the usual standard for a local residential street, it shall have access from a street with a pavement width of not less than 31 feet, or such greater width as may be required by the City of Weston to provide for anticipated traffic flow or parking needs generated by the cluster housing development.

ORDINANCE 2002-06-01

AS AMENDED APRIL 8, 2003

BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS APPROVES THE AMENDMENT OF THE SCHEDULE OF FEES FOUND IN ORDINANCE 2002-06-01 TO INCLUDE NOTARY FEES TO READ AS FOLLOWS:

SCHEDULE OF FEES

Notary Fees:

City-related Business	No Charge
Non city-related Business	\$6.00 per notarized document

PASSED AND APPROVED this 8th day of April, 2003.

Patti Harrington
Patti Harrington, Mayor

ATTEST:

Michele Smith
Michele Smith, City Secretary

