

ORDINANCE 2006-09-04

AN ORDINANCE OF THE CITY OF WESTON, TEXAS AMENDING ORDINANCE NUMBER 2002-06-01, THE SUBDIVISION ORDINANCE OF THE CITY, AS AMENDED; ESTABLISHING REQUIREMENTS RELATING TO COMPLETENESS DETERMINATIONS FOR PLAT AND DEVELOPMENT APPLICATIONS; PROVIDING FOR PROCEDURES; AMENDING THE SUBDIVISION ORDINANCE TO PROVIDE THAT THE PROVISIONS OF THIS ORDINANCE SHALL APPLY TO APPLICATIONS FOR PLAT APPROVAL; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Weston, Texas is a Type A general-law municipality located in Collin County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City desires to adopt the completeness determination requirements provided in Senate Bill 848 relating to vesting of development applications; and

WHEREAS, the City Council has held a public hearing on the regulations contained herein below, as required by law;

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

SECTION 1. That the Subdivision Regulations of the City of Weston, Texas are amended by adding a new Section 10 (13), which section shall read as follows:

(13) *Plan for Development.* A plan outlining the proposed use(s) of a tract or tracts of land, which provides fair notice of the project and the nature of the permit sought. It includes, but is not limited to the following: an application for approval of a plat, an application for approval of a planned development district or specific use permit, site plan, or a graphic depiction or sketch of the tract(s) which reflects the proposed uses of land and their location within the tract(s) and the general layout of streets and parks or other open spaces.

SECTION 2. That the Subdivision Regulations of the City of Weston, Texas are amended by the addition of a new Article VIII, which article shall read as follows:

ARTICLE VIII. COMPLETENESS DETERMINATION

Sec. 180. Requirements for Completeness Determination.

- (1) Every application for approval of a preliminary plat, final plat or any other type of plat or development plan submitted after the effective date of this Article shall be subject to a determination of completeness by the Director of Planning or designee.
- (2) No application shall be deemed complete and accepted for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of the Subdivision Regulations. For a determination of completeness to be issued, an application must include the following:
 - (a) A completed application form signed by the owner or the owner's authorized agent;
 - (b) Every item, study and document required by the Subdivision Regulations for the type of plat being submitted, or required for a development plan; and
 - (c) A non-refundable application submittal fee, as specified in the fee schedule.
- (3) The Director of Planning or designee may from time to time identify additional requirements for a complete application that are not contained within but are consistent with the application contents and standards set forth in the Subdivision Regulations.
- (4) A determination of completeness shall not constitute a determination of compliance with the substantive requirements of the Subdivision Regulations.

Sec. 181. Determination of Completeness; Expiration.

- (1) Not later than the tenth business day after the date an application for plat approval or a plan for development is submitted, the Director of Planning or designee shall make a written determination whether the application constitutes a complete application. This shall include a determination that all information and documents required by the Subdivision Regulations or other applicable ordinances

have been submitted. A determination that the application is incomplete shall be mailed to the applicant within such time period by United States Certified Mail or regular mail at the address listed on the application, or hand delivered to the applicant or the applicant's representative. The determination shall specify the documents or other information needed to complete the application and shall state that the application will expire if the documents or other information is not submitted within 45 days after the date the application was submitted.

(2) An application for approval of a plat or plan for development plan filed on or after the effective date of this Article shall be deemed complete on the 11th business day after the application has been received, if the applicant has not otherwise been notified that the application is incomplete. For purposes of this Section, the applicant shall be deemed to have been notified if the City has mailed or delivered a copy of the determination as provided in subsection (1).

(3) The processing of an application by any City employee prior to the time the application is determined to be complete shall not be binding on the City as the official acceptance of the application for filing. The incompleteness of an application shall be grounds for denial of the application regardless of whether a determination of incompleteness was mailed to the applicant.

(4) An application for approval of a plat or plan for development shall be deemed to expire on the 45th day after the application is submitted to the Director of Planning or designee for processing if the applicant fails to provide documents or other information necessary to meet the requirements of the Subdivision Regulations or other requirements as specified in the determination provided to the applicant. Upon expiration, the application will be returned to the applicant together with any accompanying documents. Thereafter, a new application must be submitted.

(5) No vested rights accrue solely from the filing of an application that has expired pursuant to this section, or from the filing of a complete application that is subsequently denied.

SECTION 3. That the Subdivision Regulations of the City of Weston, Texas are amended by adding a new Section 104(3), which section shall read as follows:

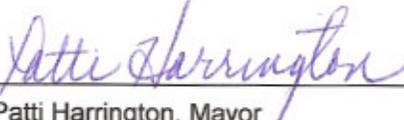
(3) The application fee for an application completeness review shall be \$50.00.

SECTION 4. This ordinance shall be cumulative of all provisions of ordinances of the City of Weston, Texas, as amended, and the Subdivision Regulations of the City of Weston, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 5. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase 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 sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 6. This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED this the 12 day of September 2006.



Patti Harrington, Mayor

ATTEST:



Susan M Coffey, City Secretary

