

ORDINANCE NO. 2019-09-01

AN ORDINANCE OF THE CITY OF WESTON, AMENDING ORDINANCE NUMBER 2016-03-02, THE CITY'S SUBDIVISION REGULATIONS, BY AMENDING ARTICLE III PROCEDURE TO AMEND THE PLATTING PROCEDURES AND SECTION 52.D. PROVIDING FOR MAINTENANCE OF STREET LIGHTING; PROVIDING A PENALTY FOR VIOLATION; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; 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;

WHEREAS, City Council has previously adopted Ordinance No. 2016-03-02 adopting subdivision regulations and Ordinance No. 2019-05-01 amending Article III setting out the subdivision procedures;

WHEREAS, the City Council now desires to amend said ordinances to address certain changes in state law that have affected these procedures; and

WHEREAS, the City Council has determined that this amendment is in the best interest of the public health, safety, and general welfare.

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

SECTION 1 AMENDMENT ARTICLE III PROCEDURE

Article III. Procedures of Ordinance 2016-03-02, as amended by Ordinance 2019-05-01, is hereby amended to read as follows:

"ARTICLE III PROCEDURE

SECTION 33 PREDESIGN CONFERENCE

A. 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. No plat application shall be accepted for processing until a predesign conference has occurred.

SECTION 34 LETTER OF INTENT

A. 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 a review of a Preliminary Plat.

SECTION 35 PRELIMINARY PLAT

A. The City Council or its designee 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 preliminary engineering studies. No The Preliminary pPlat will not be considered filed with by the City Council until and unless the prescribed filing fees have been paid-A and all staff comments have been addressed so that the Preliminary Plat is found to conform to these regulations. The plan administrator shall send a written notice to the applicant when the Preliminary Plat is found to conform to these regulations. The official filing date for a Preliminary Plat

application and all supporting documents filed therewith shall be the date that the Preliminary Plat is found to conform to these regulations.

B. The developer shall obtain a checklist to be furnished by the City. Such checklist shall be attached to the Plat Submittal.

C. 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 City Council setting forth his findings, and file such report, together with the plat, with the City Council or its designee 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. Concept Plan. When a subdivision is a portion of a tract larger than 40 acres in size to be subdivided later in its entirety, a Concept Plan of the entire tract shall be submitted with the Preliminary Plat of the portion to be first subdivided. The Concept 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 Concept Plan.

a) The Concept 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, drainage ways, utility trunk lines, location of sites for parks, schools and other public uses, present and proposed zoning, and such other information as the City Council or its designee finds to be necessary for making a decision on the approval of the Preliminary Plat.

b) A Concept Plan shall be considered to be a detailing of the comprehensive plan and shall become effective upon adoption by the City Council; providing, however, that no Concept Plan shall be approved other than in substantial conformity with the comprehensive plan. Every Concept Plan adopted by the City Council or its designee shall be so certified by the Mayor and a copy thereof shall be placed on file with the City Secretary as part of the public record. A Concept Plan is to continue in force until amended or rescinded by the City Council or its designee and shall be the official guide to the owners of all property within its area of coverage. Where multi-ownerships preclude the preparation of a Concept Plan by a single owner, the City Council or its designee is authorized to prepare or to cause such plan to be prepared. No Preliminary Plat within an area for which a Concept Plan has been adopted shall be approved except in substantial conformity with such adopted plan.

c) City Council 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 City Council or its designee 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 Plat submittal shall be drawn to a scale of 100 feet to the inch. The drawing shall be 24"x 36". A Plat will be the same as that for the Record Plat, the sheet size should be the same as the Final Record Plat.

3. Existing features inside subdivision.

a) Topography to be shown with contour intervals of five 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 un-subdivided 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 shall be submitted on separate sheets at the same scale as the Preliminary Plat.

6. Location map. A location map of the proposed subdivision showing existing and proposed major features covering an area of at least one mile in all directions from the proposed subdivision, as requested by the 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.

- a) The following notice shall be placed on the face of each Plat and utility plan by the subdivider:

“PRELIMINARY PLAT FOR REVIEW PURPOSES ONLY”

- b) The following certificate shall be placed on the Plat by the subdivider:

“Approved for Preparation of ~~Record~~Final Plat”

Mayor
City of Weston, Texas

Date

- c) When a ~~Ppreliminary Final~~ Record Plat is being submitted, the approval block shall state:

“Approved for Preparation of Record Plat”

9. Approval and expiration. ~~When a~~ Preliminary Plat shall be forwarded to the City Council for action within thirty (30) days of the date that the Preliminary Plat is found to conform to these regulations, ~~or may be made to conform by making certain changes directed by the City Council, a copy of the Preliminary Plat with such changes if any made thereon, and the approval thereof by the City Council, conditioned as necessary on said changes, shall be transmitted to the subdivider.~~ The City Council shall take action to approve, approve with conditions, or disapprove the Preliminary Plat. If the City Council conditionally approves or disapproves the Preliminary Plat, the City shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval, including a citation to the law that is the basis for the conditional approval or disapproval, if applicable. Approval of a Preliminary Plat shall be approval of a Concept Plan and any other supporting documentation submitted along with the Preliminary Plat application. Approval of the Preliminary Plat as such shall in no way constitute final acceptance or approval of the subdivision.

10. Response. If the City Council conditionally approves or disapproves a Preliminary Plat, the applicant may submit to the City a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided to the applicant. There is no deadline for when the applicant may submit this response. If the applicant submits a response under this section, the response shall be reviewed by the plan administrator and forwarded to the City Council for action within fifteen (15) days of the date the response is submitted. The City Council shall take action to approve or disapprove of the applicant's previously conditionally approved or disapproved Preliminary Plat. The City Council shall approve the Preliminary Plat if the applicant's response adequately addresses each condition of the conditional approval or each reason for disapproval. The City Council shall disapprove the Preliminary Plat if the applicant's response fails to adequately address each condition of the conditional approval or each reason for the disapproval. The City Council may only disapprove the Preliminary Plat for a specific condition or reason previously provided to the applicant. If the City Council disapproves the Preliminary Plat, the City shall provide the applicant a written statement of the reasons for disapproval that clearly articulates each specific reason for disapproval, including a citation to the law that is the basis for the disapproval, if applicable. If the Preliminary Plat is disapproved after the applicant files a response under this subsection, the disapproval is final.

11. Expiration. When a Preliminary Plat has been approved by the City Council, the 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 Record 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.

12. Extension of time. The time for the City Council to take action on a Preliminary Plat under this section may be extended for a period of up to thirty (30) days if the applicant requests an extension in writing and the City Council approves the extension request.

11. ~~When the City Council 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 City Council 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.~~

b) ~~The subdivider may, within fourteen (14) days of the City Council decision, submit a letter 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.~~

**SECTION 36
RECORD PLAT**

A. When a Preliminary Plat has been approved by the City Council, ~~or changes designated by same have been made by the subdivider~~, the subdivider may prepare his a Record Plat for all or a portion of the area in form for approval. If a preliminary Final Record Plat has been approved by the City Council, the same submission and documentation requirements shall apply for a Record Plat, but a Record Plat shall be approved according to the requirements stated ~~earlier~~ in Section 37.

B. The Record 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 City Council and these regulations. Ten direct prints of the Record Plat shall be delivered to the plan administrator. No Record Plat may be considered by the City Council until the prescribed filing fees have been paid and all staff comments are met so that the Record Plat is found to conform to these regulations. The plan administrator shall send a written notice to the applicant when the Record Plat is found to conform to these regulations. The official filing date for a Record Plat application and all supporting documents filed therewith shall be the date that the Record Plat is found to conform to these regulations.

1. If the Record Plat is incomplete, the Record Plat shall be deemed not to have been submitted or filed until any and all deficiencies are corrected.

2. If the Record Plat is complete but does not substantially conform to the Preliminary Plat as approved by the City Council, the Record Plat shall be deemed not to have been submitted or filed, and a conforming plat shall be submitted, or a preliminary re-plat shall be submitted.

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 City Council scheduled for review of the Record Plat. Said written confirmation shall be deemed the date of submission of the Record Plat by the subdivider. The plan administrator shall prepare a report of the Record Plat and shall submit the Record Plat, with his report, for review at the next scheduled meeting of the City Council.

C. The Record Plat may constitute all or only a portion of the land covered by the approved Preliminary Plat, but any portion thereof shall conform to all of the requirements of these regulations. If Record 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 Record Final Plat shall be drawn on sheets measuring 22 by 34 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.

2. Features to be shown. All necessary data to locate and reproduce the Record Plat on the ground must be shown on the Record 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 Record 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 Record 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 of 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 Record 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 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. Drawings. Applicant shall submit Record Plat drawings digitally on a CD-ROM or a Flash Drive in a CAD program pdf & dwg 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) An original 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-Record Plat in a manner that will allow the filling of the certificate by the proper party:

“APPROVED AND ACCEPTED”

Mayor
City of Weston, Texas

Date

ATTEST:

City Secretary
City of Weston, Texas

Date

7. Certified construction plans. Construction plans and profile sheets for all public improvements for the subdivision shall be ~~submitted with~~ reviewed by the City Engineer prior to submitting the Record Plat application. After review, the City Engineer shall certify that the construction plans for the subdivision are in conformance with these regulations and shall affix the certification to the certified construction plans. The certified construction plans must be submitted with the Record Plat application. The Record Plat application shall not be accepted by the City without certified construction plans. ~~The approval of the Record 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 24x36 inches, and shall be the same size as the Record Plat. Each sheet shall include north point, scales, date and benchmark description to sea level datum. Each sheet shall show the preliminary 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 Design Standards Manual, by reference NCTCOG Roadway Standards.
- 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 storm water 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. The City may require a drainage area analysis. 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 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 Record Plat, and the City Secretary shall be directed to certify to its acceptance. A Record Plat shall be forwarded to the City Council for action within thirty (30) days of the date that the Record Plat is found to conform to these regulations. The City Council shall take action to approve, approve with conditions, or disapprove the Record Plat. If the City Council conditionally approves or disapproves of the Record Plat, the City shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval, including a citation to the law that is the basis for the conditional approval or disapproval, if applicable. Approval of a Record Plat shall be an approval of any construction plans and other supporting documentation submitted along with the Record Plat application.~~

9. Response. If the City Council conditionally approves or disapproves a Record Plat, the applicant may submit to the City a written response that satisfies each condition for the conditional approval or remedies each

reason for disapproval provided to the applicant. There is no deadline for when the applicant may submit this response. If the applicant submits a response under this section, the response shall be reviewed by the plan administrator and forwarded to the City Council for action within fifteen (15) days of the date the response is submitted. The City Council shall take action to approve or disapprove of the applicant's previously conditionally approved or disapproved Record Plat. The City Council shall approve the Record Plat if the applicant's response adequately addresses each condition of the conditional approval or each reason for disapproval. The City Council shall disapprove the Record Plat if the applicant's response fails to adequately address each condition of the conditional approval or each reason for the disapproval. The City Council may only disapprove the Record Plat for a specific condition or reason previously provided to the applicant. If the City Council disapproves the Record Plat, the City shall provide the applicant a written statement of the reasons for disapproval that clearly articulates each specific reason for disapproval, including a citation to the law that is the basis for the disapproval, if applicable. If the Record Plat is disapproved after the applicant files a response under this subsection, the disapproval is final.

9. _____

10. Dedications. Disapproval of a Record Plat by the City Council shall be deemed a refusal by the City to accept the offered dedications shown thereon. Approval of a Record 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.

110. 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.

124. Development permit. A development permit, as described in section 32, shall be issued by the Director of Development Services prior to initiation of improvements. Before issuance of a development permit, the developer or his designated representative shall be requested to meet with the City Engineer and/or project inspector in a pre-construction conference.

132. Recording of Record Plat. The Record 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~~ Record Plat shall not be returned or released to the subdivider until recorded as provided above. The cost of recording the Record Plat shall be paid by the applicant.

143. Release of covenants. Upon satisfactory completion of the required improvements, the Mayor or designee shall issue release of covenants to the subdivider.

154. 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 Mayor shall accept such improvements in writing and make payments to the developer as specified in the facilities agreement, if applicable.

16. Extension of time. The time for the City Council to take action on a Record Plat under this section may be extended for a period of up to thirty (30) days if the applicant requests an extension in writing and the City Council approves the extension request.

SECTION 37 COMBINATION PRELIMINARY AND ~~FINAL~~ RECORD PLAT

A. The subdivider may, at his/her option, elect to combine his/her ~~Preliminary~~-Plat and ~~Record~~ Final-Plat whenever the tract of land:

1. is to be re-subdivided to affect no more than three lots, and:

- a) no change of street locations would be required; and
- b) the proposed development will be of the same type of use and of comparable intensity as adjacent existing or planned development.

2. The preliminary ~~Final Record~~ Plat documentation submitted for approval shall meet the ~~Final Record~~ Plat requirements as stated previously.

B. In all cases not filed under the previous sections, the preliminary and ~~Final Record~~ Plat approval shall be combined and considered by the City Council at a single meeting.

1. The preliminary ~~Final Record~~ Plat submitted for City Council approval shall meet the requirements for ~~Preliminary~~ Plat documentation and approval.

2. Approval of the preliminary ~~Final Record~~ Plat by the City Council shall include the condition that a Record Plat conforming to the approved preliminary ~~Final Record~~ 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 Record~~ Plat.

C. After approval of the preliminary ~~Final Record~~ Plat by the City Council, ~~Record~~Final Plat documentation shall be completed as follows:

1. A Record Plat meeting the requirements for ~~Final Record~~ Plats as described previously shall be submitted to the plan administrator after City Council approval of the preliminary Final Plat.

2. 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.

3. 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 City Council for approval according to the procedures for Final Plat approval.

4. The plan administrator may for any reason elect to present the Record Plat to the ~~Planning and Zoning Commission or~~ City Council for approval.

5. The plan administrator shall not approve any Record Plat which does not substantially conform to the approved preliminary ~~Final Record~~ Plat.

6. 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 City Council, according to the procedures for ~~Final Record~~ Plat approval.

7. If the plan administrator refers any Record Plat to the City Council, the City Council shall act within thirty (30) days of the date that the Record Plat is referred to the City Council. The City Council shall take action to approve, approve with conditions, or disapprove the Record Plat. If the City Council conditionally approves or disapproves of the Record Plat, the City shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval, including a citation to the law that is the basis for the conditional approval or disapproval, if applicable.

8. If the City Council conditionally approves or disapproves a Record Plat, the applicant may submit to the City a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided to the applicant. There is no deadline for when the applicant may submit this response. If the applicant submits a response under this section, the response shall be reviewed by the plan administrator and forwarded to the City Council for action within fifteen (15) days of the date the response is submitted. The City Council shall take action to approve or disapprove of the applicant's previously conditionally approved or disapproved Record Plat. The City Council shall approve the Record Plat if the applicant's response adequately addresses each condition of the conditional approval or each reason for disapproval. The City Council shall

disapprove the Record Plat if the applicant's response fails to adequately address each condition of the conditional approval or each reason for the disapproval. The City Council may only disapprove the Record Plat for a specific condition or reason previously provided to the applicant. If the City Council disapproves the Record Plat, the City shall provide the applicant a written statement of the reasons for disapproval that clearly articulates each specific reason for disapproval, including a citation to the law that is the basis for the disapproval, if applicable. If the Record Plat is disapproved after the applicant files a response under this subsection, the disapproval is final. If the City Council denies the Record Plat, the subdivider may, within fourteen (14) days of the City Council decision, submit a letter appealing the decision of 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 time for the City Council to take action on a Record Plat under this section may be extended for a period of up to thirty (30) days if the applicant requests an extension in writing and the City Council approves the extension request.

ED. The City Council may, for any reason, at the time of preliminary Final Record Plat consideration, approve only the Preliminary Plat and stipulate that a Final Plat be submitted for approval by the City Council.

SECTION 38 ADMINISTRATIVE MINOR PLATS

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

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

B. Documentation submitted for approval of administrative minor plats shall meet the Record Plat requirements.

C. The Plan administrator may, for any reason, elect to present the minor plat to the City Council for approval.

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

ED. Documentation submitted for approval of administrative minor plats shall meet the Record Plat requirements. If the plan administrator refers any minor plat to the City Council, the City Council shall act within thirty (30) days of the date that the minor plat is referred to the City Council. The City Council shall take action to approve, approve with conditions, or disapprove the minor plat. If the City Council conditionally approves or disapproves of the minor plat, the City shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval, including a citation to the law that is the basis for the conditional approval or disapproval, if applicable.

F. If the City Council conditionally approves or disapproves a minor plat, the applicant may submit to the City a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided to the applicant. There is no deadline for when the applicant may submit this response. If the applicant submits a response under this section, the response shall be reviewed by the plan administrator and forwarded to the City Council for action within fifteen (15) days of the date the response is submitted. The City Council shall take action to approve or disapprove of the applicant's previously conditionally approved or disapproved minor plat. The City Council shall approve the minor plat if the applicant's response adequately addresses each condition of the conditional approval or each reason for disapproval. The City Council shall disapprove the minor plat if the applicant's response fails to adequately address each condition of the conditional approval or each reason for the disapproval. The City Council may only disapprove the minor plat for a specific condition or reason previously provided to the applicant. If the City Council disapproves the minor plat, the City shall provide the applicant a written statement of the reasons for disapproval that clearly articulates each

specific reason for disapproval, including a citation to the law that is the basis for the disapproval, if applicable. If the minor plat is disapproved after the applicant files a response under this subsection, the disapproval is final.

G. The time for the City Council to take action on a minor plat under this section may be extended for a period of up to thirty (30) days if the applicant requests an extension in writing and the City Council approves the extension request.

SECTION 39 AMENDING PLATS

A. In accordance with the Texas Local Government Code, Section 212.0065, the City of Weston ~~may delegates~~ 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; and.
2. ~~The plan administrator may, for any reason, elect to present the amending plat to the 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 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:
 - 1) both lot owners join in the application for amending the plat;
 - 2) neither lot is abolished;
 - 3) the amendment does not attempt to remove recorded covenants or restrictions; and
 - 4) 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:
 - 1) the owners of all those lots join in the application for amending the plat;
 - 2) the amendment does not attempt to remove recorded covenants or restrictions; and
 - 3) the amendment does not increase the number of lots; or
 - j) to re-plat one or more lots fronting on an existing street if:
 - 1) the owners of all those lots join in the application for amending the plat;
 - 2) the amendment does not attempt to remove recorded covenants or restrictions;

- 3) the amendment does not increase the number of lots; and
- 4) 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.~~

B. 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 an amending plats shall meet the Record Plat requirements of Section 54.

C. The plan administrator shall provide a complete report of all administratively approved lots on a monthly basis.

D. The plan administrator may, for any reason, elect to present the amending plat to the City Council for approval.

E. 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 City Council for consideration.

F. If the plan administrator refers an amending plat to the City Council, the City Council shall act within thirty (30) days of the date that the amending plat is referred to the City Council. The City Council shall take action to approve, approve with conditions, or disapprove the amending plat. If the City Council conditionally approves or disapproves of the amending plat, the City shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval, including a citation to the law that is the basis for the conditional approval or disapproval, if applicable.

G. If the City Council conditionally approves or disapproves an amending plat, the applicant may submit to the City a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided to the applicant. There is no deadline for when the applicant may submit this response. If the applicant submits a response under this section, the response shall be reviewed by the plan administrator and forwarded to the City Council for action within fifteen (15) days of the date the response is submitted. The City Council shall take action to approve or disapprove of the applicant's previously conditionally approved or disapproved amending plat. The City Council shall approve the amending plat if the applicant's response adequately addresses each condition of the conditional approval or each reason for disapproval. The City Council shall disapprove the amending plat if the applicant's response fails to adequately address each condition of the conditional approval or each reason for the disapproval. The City Council may only disapprove the amending plat for a specific condition or reason previously provided to the applicant. If the City Council disapproves the amending plat, the City shall provide the applicant a written statement of the reasons for disapproval that clearly articulates each specific reason for disapproval, including a citation to the law that is the basis for the disapproval, if applicable. If the amending plat is disapproved after the applicant files a response under this subsection, the disapproval is final.

H. The time for the City Council to take action on an amending plat under this section may be extended for a period of up to thirty (30) days if the applicant requests an extension in writing and the City Council approves the extension request.

SECTIONS 40 THROUGH 44 RESERVED"

**SECTION 2
AMENDMENT SECTION 52D STREET LIGHTING**

Subsection D. "Street Lighting" of Section 52 of Ordinance 2016-03-02, as amended by Ordinance 2019-05-01, is hereby amended to read as follows

"D. 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. Where ownership of street lighting facilities such as poles and standards, luminaries, lamps, etc., will be retained by the subdivider or developer, and subsequently the Property Owner's Association, the type of street lighting facilities to be installed shall be acceptable to the City of Weston.

1. Standard Lighting. 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 on standard lighting upon acceptance of the subdivision and/or system. The subdivider or developer shall enter into a Facilities Agreement with the City of Weston for payment of the~~

~~energy consumption on standard lighting for an agreed upon period upon acceptance of the subdivision and/or system.~~

- a) Standard lighting not set out herein but is available for inspection in the office of the City Secretary.
- b) Acceptable fixtures may be proposed by applicant and approval by City Council.

2. Maintenance. The City of Weston shall be responsible for light maintenance beginning one (1) year following acceptance of the subdivision and/or system. For the one (1) year period between acceptance of the subdivision and/or system and the City assuming maintenance, the subdivider or developer shall provide maintenance on the lighting system in its entirety.

3. Energy Consumption Cost. The sub-divider or developer shall be responsible for the cost of energy consumption on standard lighting for a period of eight (8) years following the acceptance of the subdivision or system. If desired, the subdivider or developer may enter into a Facilities Agreement with the City of Weston, prior to acceptance of the subdivision and/or system, for payment of the energy consumption for a lesser period as agreed upon by both the subdivider and/or developer and the City.

4.e) Non Standard Lighting. Systems using non-standard may be approved if payment is made, at the time of platting or development prior to the acceptance of the subdivision and/or system, for the difference in the cost between operating and maintaining the proposed system for a period of eight (8) years following the acceptance of the subdivision and/or system. The subdivider or developer and the City of Weston shall enter into a Facilities Agreement for energy consumption on non-standard lighting for an agreed upon period.

- a) The sub-divider or developer and the City of Weston shall enter into a Facilities Agreement for energy consumption on non-standard lighting for a lesser period as agreed upon by both the subdivider and/or developer and the City., following the acceptance of the subdivision and/or system, such facilities agreement to be reviewed and approved by the City Council prior to the acceptance of the subdivision and/or system. In the event that a non-standard system is installed and no facilities agreement is obtained, the subdivider or developer, and subsequently the Property Owner's Association, shall be responsible for the difference in the cost between operating and maintaining the proposed system for a period of 8 years following the acceptance of the subdivision and/or system.

5.d) Other Areas Lighting. The subdivider or developer, and subsequently the Property Owner's Association, will be responsible for the installation, maintenance, and power consumption for all landscape lighting or any other device or fixture requiring electrical power in common areas or in public rights of way, as applicable.

- a) Where street lighting facilities such as poles and standards, luminaries, lamps, etc., will be retained by the subdivider or developer, and subsequently the Property Owner's Association, the maintenance and power consumption costs shall be the responsibility of the subdivider or developer, and subsequently the Property Owner's Association in perpetuity."

SECTION 3 PENALTY

Any person, firm or corporation who shall violate any of the provisions of this article 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 Five Hundred Dollars (\$500.00), and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.

SECTION 4 CUMULATIVE REPEALER CLAUSE

This ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances, except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5 SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, 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 and 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
SAVINGS CLAUSE**

All rights and remedies of the City of Weston are expressly saved as to any and all violations of the provisions of any ordinance that has accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 7
PUBLICATION CLAUSE**

The City Secretary of the City of Weston is directed to publish the caption, penalty clause, and effective date of this Ordinance in the official City newspaper in accordance with the provisions of Section 52.011 of the Texas Local Government Code.

**SECTION 7
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage by the City Council.

PASSED AND APPROVED by Council this 10th day of September, 2019.

APPROVED

Patti Harrington

Patti Harrington, Mayor

ATTEST

Susan M. Coffey

Susan Coffey, City Secretary



WESTON TEXAS

Oldest City in Collin County