

AN ORDINANCE AMENDING THE CITY CODE OF ORDINANCES, PART 1I, CHAPTER 105, SUBDIVISIONS, ARTICLE II PROCESS PROVIDING NOTICE REQUIREMENTS CONSISTENT WITH STATE LAW.

WHEREAS, Chapter 212 of the Texas Local Governmental Code permits, after a public hearing on the matter, a governing body of a municipality to adopt rules governing plats and subdivisions of land within its 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 Rollingwood City Council has held a public hearing on amendments to existing regulations governing plats and subdivisions of land; and

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

Sec. 105-26. Form and content of preliminary plat for multi-lot subdivisions.

- (a) A preliminary plat shall be prepared by a registered professional engineer, a licensed land surveyor, or a registered public surveyor who is registered, licensed and authorized to practice such profession in the state, and shall consist of the original, drawn on a reproducible medium, and eight blue or black line copies, drawn on sheets 18 inches in vertical dimension and 24 inches in horizontal dimension, with margins of not less than one-half inch on all sides of the sheet. Plats encompassing an area larger than an acre shall be drawn to a scale of 100 feet to one inch or larger. Plats encompassing an area of an acre or less shall be drawn to a scale of 50 feet to one inch or larger. When more than one sheet is required to accommodate the entire subdivision area, an index sheet showing the entire area of the subdivision at an appropriate scale shall be attached to the plat. The plat shall show the following:

- (1) Names and addresses of the subdivider, the record owner, and the engineer or surveyor;
- (2) Proposed name of the subdivision, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within the city or within one-half mile of the city;
- (3) Description of the subdivision, by metes and bounds;
- (4) Primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred;
- (5) Subdivision boundary lines, indicated by heavy lines, and the computed acreage of the subdivision;
- (6) Existing sites as follows:
 - a. The exact location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries;
 - b. The exact location, dimensions, description and names of all existing or recorded residential lots, parks, public areas, permanent structures and other sites within or contiguous with the subdivision;
 - c. The exact location, dimensions, description and flow line of existing watercourses and drainage structures within the subdivision or on contiguous tracts; and
 - d. Regulatory flood elevations and boundaries of floodprone areas, including floodways, if known.
- (7) The exact location, dimensions, description and name of all proposed streets, alleys, parks, other public areas, reservations, easements or other rights-of-way, blocks, lots and other sites within the subdivision;
- (8) A preliminary plan for on-site sewage disposal systems, including disposal sites for land subject to flooding or sanitary sewers, if any, with grade, pipe size, and points of discharge;
- (9) A preliminary plan of the drainage system with grade, pipe size, and location of outlets;
- (10) A preliminary plan for proposed fills or other structure-elevating techniques, levees, channel modifications, and other methods to overcome flood- or erosion-related hazards;
- (11) Date of preparation, scale of plat and north arrow;
- (12) Topographical information shall include contour lines on a basis of five vertical feet in terrain with a slope of two percent or more, and on a basis of two vertical feet of terrain with a slope of less than two percent;
- (13) A number or letter to identify each lot or site and each block;
- (14) Front building setback lines on all lots and sites, side yard building setback lines at street intersections; and

1 (15) Location of city limits line, the outer border of the city's extraterritorial jurisdiction, and
2 zoning district boundaries, if they traverse the subdivision, form part of the boundary of
3 the subdivision, or are contiguous to such boundary.

4 ~~(b) Notice of application.~~

5 ~~(1) Written notice of plat, replat, vacation, or subdivision application shall be given to~~
6 ~~owners, as they appear on the last approved tax roll of the city, of real property lying~~
7 ~~within 250 feet of the boundaries of tracts to be subdivided or platted according to section~~
8 ~~105-2. Written notice shall also be given to all lot owners in an existing subdivision for~~
9 ~~which platting, replatting, or vacation of all or part of the plat or subdivision is proposed.~~
10 ~~Such notice shall be given not less than 15 days prior to the date set for the first scheduled~~
11 ~~hearing on the application.~~

12 ~~(2) Every notice required by this subsection may be served by delivering a copy of the notice~~
13 ~~to the person to be served, or their duly authorized agent, either in person, by registered~~
14 ~~or certified mail and by U.S. First Class Mail, postage prepaid to their last known~~
15 ~~address, or it may be given in such other manner reasonably calculated to give notice~~
16 ~~and approved by the city. Whenever the notice is served by mail, three days shall be~~
17 ~~added to the prescribed period.~~

18 ~~(3) The burden shall be upon the applicant to give notice as required in this subsection. A~~
19 ~~sworn written statement by the applicant showing service of a notice shall be required to~~
20 ~~be submitted with the plat application. Such sworn statement shall also serve as prima~~
21 ~~facie evidence of the fact of service. A copy of this statement shall be attached to the~~
22 ~~plat application.~~

23 ~~(4) Nothing in this subsection shall preclude any person from offering proof that the notice~~
24 ~~or document was not received, or, if service was by mail, that it was not received within~~
25 ~~three days from the date of deposit in a post office or official depository under the care~~
26 ~~and custody of the United States Postal Service, and, upon so finding, the zoning and~~
27 ~~planning commission may extend the time for taking the action required of such person~~
28 ~~or grant such other relief as it deems just.~~

29 ~~(5) The notice, document or paper shall consist of:~~

30 ~~a. A written statement in plain and concise language sufficient to give fair notice of~~
31 ~~the proposed subdivision or plat application and any variance requested;~~

32 ~~b. Information as to where the application may be inspected; and~~

33 ~~c. The date, time and location of the hearing on such application.~~

34 ~~(6) The city administrative secretary shall provide applicants with a sample form of the~~
35 ~~notice, a copy of which is set forth in appendix B to the ordinance from which this article~~
36 ~~is derived, and a copy of the planning and zoning meeting schedule.~~

37 ~~(7) Notice of replats shall also be required to be published in the official newspaper in~~
38 ~~accordance with the provisions of V.T.C.A., Local Government Code § 212.015, as may~~
39 ~~be amended.~~

Sec. 105-27. Form and content of preliminary plat for purpose of obtaining a building permit for a single-family residential lot.

(a) A preliminary plat under this section shall be prepared by a registered professional engineer, a licensed land surveyor, or a registered public surveyor who is registered, licensed and authorized to practice such profession in the state, and shall consist of the original, drawn reproducible media, and eight blue or black line copies, drawn on sheets 18 inches in vertical dimension and 24 inches in horizontal dimension, with margins of not less than one-half inch on all sides of the sheet. Plats encompassing an area larger than an acre shall be drawn to a scale of 100 feet to one inch or larger. Plats encompassing an area of an acre or less shall be drawn to a scale of 50 feet to one inch or larger. When more than one sheet is required to accommodate the entire subdivision area, an index sheet showing the entire area of the subdivision at an appropriate scale shall be attached to the plat. The plat shall show the following:

- (1) Names and addresses of the subdivider, the owner of record, and the engineer or surveyor;
- (2) Proposed name of the subdivision, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within the city or within one-half mile of the city;
- (3) Description of the subdivision, by metes and bounds;
- (4) Primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred;
- (5) Subdivision boundary lines, indicated by heavy lines, and the computed acreage of the subdivision;
- (6) Existing sites as follows:
 - a. The exact location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way contiguous with the subdivision boundaries or forming such boundaries;
 - b. The exact location, dimensions, description and names of all existing or recorded parks, public areas, permanent structures and other sites within the subdivision;
 - c. The exact location, dimensions, description and flow line of existing watercourses and drainage structures within the subdivision. Regulatory flood elevations and boundaries of floodprone areas, including floodways, if known.
- (7) The exact location, dimensions, description and name of all reservations, easements or other rights-of-way within the subdivision;
- (8) A preliminary plan for on-site sewage disposal systems, including disposal sites for land subject to flooding or sanitary sewers (if any) with grade, pipe size, and points of discharge;
- (9) A preliminary plan of any drainage features or structures required to comply with section 103-233(b);

- 1 (10) A preliminary plan for proposed fills or other structure-elevating techniques, levees,
2 channel modifications, and other methods to overcome flood or erosion-related hazards;
3 (11) Date of preparation, scale of plat and north arrow;
4 (12) Topographical information shall include contour lines on a basis of five vertical feet in
5 terrain with a slope of two percent or more, and on a basis of two vertical feet of terrain
6 with a slope of less than two percent;
7 (13) A number or letter to identify each lot or site and each block;
8 (14) Front building setback lines on all lots and sites, side yard building setback lines at street
9 intersections; and
10 (15) Location of city limits line the outer border of the city's extraterritorial jurisdiction and
11 zoning district boundaries, if they traverse the subdivision, form part of the boundary of
12 the subdivision, or are contiguous to such boundary.

13 ~~(b) Notice of application:~~

- 14 ~~(1) Written notice of plat, replat, vacation, or subdivision application shall be given to~~
15 ~~owners, as they appear on the last approved tax roll of the city, of real property lying~~
16 ~~within 250 feet of the boundaries of tracts to be subdivided or platted according to section~~
17 ~~105-2. Written notice shall also be given to all lot owners in an existing subdivision for~~
18 ~~which platting, replatting, or vacation of all or part of the plat or subdivision is proposed.~~
19 ~~Such notice shall be given not less than 15 days prior to the date set for the first scheduled~~
20 ~~hearing on the application.~~
- 21 ~~(2) Every notice required by this subsection may be served by delivering a copy of the notice~~
22 ~~to the person to be served, or their duly authorized agent, either in person, by registered~~
23 ~~or certified mail and by U.S. First-Class Mail, postage prepaid to their last known~~
24 ~~address, or it may be given such other manner reasonably calculated to give notice and~~
25 ~~approved by the city. Whenever the notice is served by mail, three days shall be added~~
26 ~~to the prescribed period. The burden shall be upon the applicant to give notice as required~~
27 ~~in this subsection. A sworn written statement by the applicant showing service of a notice~~
28 ~~shall be required to be submitted with the plat application. Such sworn statement shall~~
29 ~~also serve as prima facie evidence of the fact of service. A copy of this statement shall~~
30 ~~be attached to the plat application.~~
- 31 ~~(3) Nothing in this subsection shall preclude any person from offering proof that the notice~~
32 ~~or document was not received, or, if service was by mail, that it was not received within~~
33 ~~three days from the date of deposit in a post office or official depository under the care~~
34 ~~and custody of the United States Postal Service, and, upon so finding, the zoning and~~
35 ~~planning commission may extend the time for taking the action required of such person~~
36 ~~or grant such other relief as it deems just.~~
- 37 ~~(4) The notice, document or paper shall consist of:~~
- 38 ~~a. A written statement in plain and concise language sufficient to give fair notice of~~
39 ~~the proposed subdivision or plat application and any variance requested;~~
- 40 ~~b. Information as to where the application may be inspected; and~~
- 41 ~~c. The date, time and location of the hearing on such application.~~

1 ~~(5) The city administrative secretary shall provide applicants with a sample form of the~~
2 ~~notice, a copy of which is set forth in appendix B to the ordinance from which this article~~
3 ~~is derived, and a copy of the planning and zoning meeting schedule.~~

4 ~~(6) Notice of replats shall also be required to be published in the official newspaper in~~
5 ~~accordance with the provisions of V.T.C.A., Local Government Code § 212.015, as may~~
6 ~~be amended.~~

7 **Sec. 105-35. Notice Requirements for Certain Replats.**
8

9 (a) Any replat without vacation of the preceding plat must conform to the requirements of this
10 section if:

11
12 (1) during the preceding five years, any of the area to be replatted was limited by an interim
13 or permanent zoning classification to residential use for not more than two residential units
14 per lot; or

15
16 (2) any lot in the preceding plat was limited by deed restrictions to residential use for not
17 more than two residential units per lot.

18
19 (b) If a proposed replat described by Subsection (a) requires a variance or exception, a public
20 hearing must be held by the planning and zoning commission. Notice of the hearing required
21 under this Subsection shall be given before the 15th day before the date of the hearing by:

22
23 (1) publication in an official newspaper or a newspaper of general circulation in Travis
24 County; and

25
26 (2) by written notice, with a copy of Subsection (c) attached, forwarded by the City to the
27 owners of lots that are in the original subdivision and that are within 200 feet of the lots to
28 be replatted, as indicated on the most recently approved tax roll. The written notice may
29 be delivered by depositing the notice, properly addressed with postage prepaid, in a post
30 office or postal depository within the boundaries of the City.

31
32 (c) If the proposed replat requires a variance and is protested in accordance with this subsection,
33 the proposed replat must receive, in order to be approved, the affirmative vote of at least three-
34 fourths of the members present of the municipal planning commission or governing body, or both.
35 For a legal protest, written instruments signed by the owners of at least 20 percent of the area of
36 the lots or land immediately adjoining the area covered by the proposed replat and extending 200
37 feet from that area, but within the original subdivision, must be filed with the municipal planning
38 commission prior to the close of the public hearing.

39
40 (d) In computing the percentage of land area under Subsection (c), the area of streets and alleys
41 shall be included.

42
43 (e) Compliance with Subsections (c) and (d) is not required for approval of a replat of part of a
44 preceding plat if the area to be replatted was designated or reserved for other than single or duplex
45 family residential use by notation on the last legally recorded plat or in the legally recorded
46 restrictions applicable to the plat.

1
2 (f) If a proposed replat described by Subsection (a) does not require a variance or exception, the
3 City shall, not later than the 15th day after the date the replat is approved, provide written notice
4 by mail of the approval of the replat to each owner of a lot in the original subdivision that is within
5 200 feet of the lots to be replatted according to the most recent tax roll. This subsection does not
6 apply to a proposed replat if the municipal planning commission holds a public hearing and gives
7 notice of the hearing in the manner provided by Subsection (b).

8
9 (g) The notice of a replat approval required by Subsection (f) must include:

10
11 (1) the zoning designation of the property after the replat; and

12
13 (2) a telephone number and e-mail address an owner of a lot may use to contact the City
14 about the replat.
15

16 **Section 2.** If any provision of this Ordinance is found by a court of competent jurisdiction to be
17 void or unenforceable, such void or unenforceable provision shall be severed as though it never
18 formed a part of this Ordinance, and all other provisions hereof shall remain in full force and
19 effect.

20
21 **Section 3.** This Ordinance shall be effective immediately upon approval and adoption by the
22 City Council.

23
24 PASSED AND APPROVED BY THE CITY COUNCIL OF ROLLINGWOOD, TEXAS, on the
25 ____ day of _____ 2021.

26
27
28 _____
29 Michael R. Dyson, Mayor

30 ATTEST:

31
32 _____
33 Ashley Wayman, City Secretary
34