



1 a written statement, signed by the owner, authorizing the agent to submit the application on the  
2 owner's behalf. Such application shall be accompanied by a submission fee as established by the  
3 city council. The application shall not be considered as having been submitted until the submission  
4 fee has been paid.

5 (b) *Determination of Application Completeness.*

6 (1) All submitted development applications shall be subject to a determination of  
7 completeness by the City Administrator or his/her designee.

8 (2) No application shall be deemed complete and accepted for filing unless it is  
9 accompanied by all documents required by, and prepared in accordance with, the  
10 requirements of this Code and the required fees have been paid.

11 (3) The City Administrator or his/her designee may, from time to time, identify  
12 additional requirements for a complete application that are not contained within but are  
13 consistent with the application contents and standards set forth in this Code.

14 (4) A determination of completeness shall not constitute a determination of compliance  
15 with the substantive requirements of this Code.

16 (5) Not later than the tenth (10th) business day after the date an application is submitted,  
17 the City Administrator or his/her designee shall make a written determination whether the  
18 application constitutes a complete application. This shall include a determination that all  
19 information and documents required by this Code for the type of permit being requested or  
20 other requirements have been submitted. A determination that the application is incomplete  
21 shall be sent to the applicant within such time period by email to the address listed on the  
22 application or by United States mail at the address listed on the application with the date  
23 the submission is considered filed. The determination shall specify the documents or other  
24 information needed to complete the application and shall state that the application will  
25 expire if the documents or other information are not submitted within forty-five (45) days  
26 after the date the application was submitted.

27 (6) The processing of an application by any City employee prior to the time the  
28 application is determined to be complete shall not be binding on the City as the official  
29 acceptance of the application for filing. However, this application may be denied for  
30 incompleteness within the forty-five (45) day period.

31 (7) A Development Application shall be deemed to expire on the forty-fifty (45th) day  
32 after the application is submitted to the City Administrator or his/her designee for  
33 processing if the applicant fails to provide documents or other information necessary to  
34 meet the requirements of this Code or other requirements as specified in the determination  
35 provided to the applicant. Upon expiration, the application will be discarded, and a new  
36 application must be submitted.

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

40 (c) *Application Withdrawal.* Any request for withdrawal of an application must be submitted in  
41 writing to the City Administrator or his/her designee. If notification is required for the application  
42 and has been properly given via publication in the newspaper and/or written notification to

1 surrounding property owners, such application must be placed on the agenda. The staff  
2 representative shall notify the Board, Commission, Committee or the City Council of the request  
3 for withdrawal. The Board, Commission, Committee or the City Council may, at its discretion,  
4 accept the request for withdrawal of the application by general consent of the members.  
5 Application fees are not refundable unless reimbursement is otherwise authorized by the City  
6 Administrator or his/her designee.

7 ~~(a) *Subdivision.* A preliminary plat of any proposed subdivision shall be filed with the planning~~  
8 ~~and zoning commission by delivery of the preliminary plat and the required formal~~  
9 ~~application and filing fee to the city building official in accordance with the official filing~~  
10 ~~date schedule adopted by the planning and zoning commission. An application not~~  
11 ~~submitted in accordance with the official filing date schedule may be subject to disapproval,~~  
12 ~~and in any case shall be deemed submitted on the next official filing date following the date~~  
13 ~~of submission if not submitted on an official filing date.~~

14 ~~(b) *Platting for purposes of obtaining a building permit.* A preliminary plat of a single existing~~  
15 ~~parcel or tract, zoned residential and conforming to section 105-34, subject to section 105-~~  
16 ~~29(b) for the purposes of obtaining a building permit shall be filed with the planning and~~  
17 ~~zoning commission by delivery of the plat and the required formal application and filing fee~~  
18 ~~to the city building official in accordance with the official filing date schedule adopted by~~  
19 ~~the planning and zoning commission. An application not submitted in accordance with the~~  
20 ~~official filing date schedule may be subject to disapproval.~~

21 ~~(c) *Application filed.* Pursuant to V.T.C.A., Local Government Code ch. 245, the rights to~~  
22 ~~which an applicant is entitled under chapter 245 shall accrue on the filing of an application~~  
23 ~~that gives the city fair notice of the project and the nature of the permit sought, regardless~~  
24 ~~whether it is filed on an official filing date. For purposes of V.T.C.A., Local Government~~  
25 ~~Code ch. 245, an application under this article is considered filed on the date the applicant~~  
26 ~~mails by certified mail or delivers the application to the city building official.~~

27 ~~(d) *Expiration of application.* An application under this article shall expire 45 days after the~~  
28 ~~date the application is filed if:~~

29 ~~(1) The applicant fails to provide the documents or other information necessary to~~  
30 ~~comply with the city's technical requirements relating to the form and content of the~~  
31 ~~application;~~

32 ~~(2) The city provides the applicant no later than ten business days after the date the~~  
33 ~~application is filed written notice of the failure that specifies the necessary documents~~  
34 ~~or other information and the date the application will expire if the documents or other~~  
35 ~~information is not provided; and~~

36 ~~(3) The applicant fails to provide the specified documents or other information within~~  
37 ~~the 45-day period.~~

38 **Sec. 105-24. Filing of preliminary plat application.**

39 Such plat shall be accompanied by a filing fee as established by the city council. The plat  
40 shall not be considered as having been filed with the planning and zoning commission, and no  
41 action of the commission with respect to the plat shall be valid, until the filing fee has been paid.

1 This fee shall not be refunded if the subdivider fails to make formal application for plat approval  
2 or if the plat is subsequently disapproved.

3 **Sec. 105-245. Information and Evidence of no Material Impact ~~Formal application.~~**

4 ~~Formal application for a preliminary plat approval shall be made in writing, addressed to the~~  
5 ~~planning and zoning commission and filed with the city building official in accordance with the~~  
6 ~~official filing date schedule. The plat shall not be considered as having been filed with the~~  
7 ~~commission, and no action of the commission with respect to the plat shall be valid, until the~~  
8 ~~formal application has been filed with the city building official.~~ Unless waived by the city council,  
9 for any property not zoned as residential district, the preliminary plat application must be  
10 accompanied by information demonstrating to the satisfaction of the city, consistent with generally  
11 accepted engineering principles that providing water or wastewater service to the improvements  
12 located on that property will not materially impact water or centralized wastewater service to:

- 13 (1) Areas in the city that are residentially zoned as of the date of the application.
- 14 (2) Existing or previously approved use on commercially zoned property in the city; or
- 15 (3) Undeveloped areas in the city zoned for commercial use as of the date of the  
16 application.

17 **Sec. 105-25 [RESERVED]**

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

19 (a) A preliminary plat shall be prepared by a registered professional engineer, a licensed land  
20 surveyor, or a registered public surveyor who is registered, licensed and authorized to practice  
21 such profession in the state, and shall consist of the original, drawn on a reproducible medium,  
22 and eight blue or black line copies, drawn on sheets 18 inches in vertical dimension and 24  
23 inches in horizontal dimension, with margins of not less than one-half inch on all sides of the  
24 sheet. Plats encompassing an area larger than an acre shall be drawn to a scale of 100 feet to  
25 one inch or larger. Plats encompassing an area of an acre or less shall be drawn to a scale of  
26 50 feet to one inch or larger. When more than one sheet is required to accommodate the entire  
27 subdivision area, an index sheet showing the entire area of the subdivision at an appropriate  
28 scale shall be attached to the plat. The plat shall show the following:

- 29 (1) Names and addresses of the subdivider, the record owner, and the engineer or surveyor;
- 30 (2) Proposed name of the subdivision, which shall not have the same spelling as or be  
31 pronounced similar to the name of any other subdivision located within the city or within  
32 one-half mile of the city;
- 33 (3) Description of the subdivision, by metes and bounds;
- 34 (4) Primary control points or descriptions, and ties to such control points to which all  
35 dimensions, angles, bearings, block numbers and similar data shall be referred;
- 36 (5) Subdivision boundary lines, indicated by heavy lines, and the computed acreage of the  
37 subdivision;
- 38 (6) Existing sites as follows:

- 1 a. The exact location, dimensions, name and description of all existing or recorded  
2 streets, alleys, reservations, easements or other public rights-of-way within the  
3 subdivision, intersecting or contiguous with its boundaries or forming such  
4 boundaries;
- 5 b. The exact location, dimensions, description and names of all existing or recorded  
6 residential lots, parks, public areas, permanent structures and other sites within or  
7 contiguous with the subdivision;
- 8 c. The exact location, dimensions, description and flow line of existing watercourses  
9 and drainage structures within the subdivision or on contiguous tracts; and
- 10 d. Regulatory flood elevations and boundaries of floodprone areas, including  
11 floodways, if known.
- 12 (7) The exact location, dimensions, description and name of all proposed streets, alleys,  
13 parks, other public areas, reservations, easements or other rights-of-way, blocks, lots and  
14 other sites within the subdivision;
- 15 (8) A preliminary plan for on-site sewage disposal systems, including disposal sites for land  
16 subject to flooding or sanitary sewers, if any, with grade, pipe size, and points of  
17 discharge;
- 18 (9) A preliminary plan of the drainage system with grade, pipe size, and location of outlets;
- 19 (10) A preliminary plan for proposed fills or other structure-elevating techniques, levees,  
20 channel modifications, and other methods to overcome flood- or erosion-related hazards;
- 21 (11) Date of preparation, scale of plat and north arrow;
- 22 (12) Topographical information shall include contour lines on a basis of five vertical feet in  
23 terrain with a slope of two percent or more, and on a basis of two vertical feet of terrain  
24 with a slope of less than two percent;
- 25 (13) A number or letter to identify each lot or site and each block;
- 26 (14) Front building setback lines on all lots and sites, side yard building setback lines at street  
27 intersections; and
- 28 (15) Location of city limits line, the outer border of the city's extraterritorial jurisdiction, and  
29 zoning district boundaries, if they traverse the subdivision, form part of the boundary of  
30 the subdivision, or are contiguous to such boundary.
- 31 ~~(b) Notice of application.~~
- 32 ~~(1) Written notice of plat, replat, vacation, or subdivision application shall be given to~~  
33 ~~owners, as they appear on the last approved tax roll of the city, of real property lying~~  
34 ~~within 250 feet of the boundaries of tracts to be subdivided or platted according to section~~  
35 ~~105-2. Written notice shall also be given to all lot owners in an existing subdivision for~~  
36 ~~which platting, replatting, or vacation of all or part of the plat or subdivision is proposed.~~  
37 ~~Such notice shall be given not less than 15 days prior to the date set for the first scheduled~~  
38 ~~hearing on the application.~~
- 39 ~~(2) Every notice required by this subsection may be served by delivering a copy of the notice~~  
40 ~~to the person to be served, or their duly authorized agent, either in person, by registered~~

1 or certified mail and by U.S. First Class Mail, postage prepaid to their last known  
2 address, or it may be given in such other manner reasonably calculated to give notice  
3 and approved by the city. Whenever the notice is served by mail, three days shall be  
4 added to the prescribed period.

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

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

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

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

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

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

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

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

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

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

40 (1) Names and addresses of the subdivider, the owner of record, and the engineer or  
41 surveyor;

- 1 (2) Proposed name of the subdivision, which shall not have the same spelling as or be  
2 pronounced similar to the name of any other subdivision located within the city or within  
3 one-half mile of the city;
- 4 (3) Description of the subdivision, by metes and bounds;
- 5 (4) Primary control points or descriptions, and ties to such control points to which all  
6 dimensions, angles, bearings, block numbers and similar data shall be referred;
- 7 (5) Subdivision boundary lines, indicated by heavy lines, and the computed acreage of the  
8 subdivision;
- 9 (6) Existing sites as follows:
  - 10 a. The exact location, dimensions, name and description of all existing or recorded  
11 streets, alleys, reservations, easements or other public rights-of-way contiguous  
12 with the subdivision boundaries or forming such boundaries;
  - 13 b. The exact location, dimensions, description and names of all existing or recorded  
14 parks, public areas, permanent structures and other sites within the subdivision;
  - 15 c. The exact location, dimensions, description and flow line of existing watercourses  
16 and drainage structures within the subdivision. Regulatory flood elevations and  
17 boundaries of floodprone areas, including floodways, if known.
- 18 (7) The exact location, dimensions, description and name of all reservations, easements or  
19 other rights-of-way within the subdivision;
- 20 (8) A preliminary plan for on-site sewage disposal systems, including disposal sites for land  
21 subject to flooding or sanitary sewers (if any) with grade, pipe size, and points of  
22 discharge;
- 23 (9) A preliminary plan of any drainage features or structures required to comply with section  
24 103-233(b);
- 25 (10) A preliminary plan for proposed fills or other structure-elevating techniques, levees,  
26 channel modifications, and other methods to overcome flood or erosion-related hazards;
- 27 (11) Date of preparation, scale of plat and north arrow;
- 28 (12) Topographical information shall include contour lines on a basis of five vertical feet in  
29 terrain with a slope of two percent or more, and on a basis of two vertical feet of terrain  
30 with a slope of less than two percent;
- 31 (13) A number or letter to identify each lot or site and each block;
- 32 (14) Front building setback lines on all lots and sites, side yard building setback lines at street  
33 intersections; and
- 34 (15) Location of city limits line the outer border of the city's extraterritorial jurisdiction and  
35 zoning district boundaries, if they traverse the subdivision, form part of the boundary of  
36 the subdivision, or are contiguous to such boundary.

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

- 38 ~~(1) Written notice of plat, replat, vacation, or subdivision application shall be given to~~  
39 ~~owners, as they appear on the last approved tax roll of the city, of real property lying~~

1 within 250 feet of the boundaries of tracts to be subdivided or platted according to section  
2 105-2. Written notice shall also be given to all lot owners in an existing subdivision for  
3 which platting, replatting, or vacation of all or part of the plat or subdivision is proposed.  
4 Such notice shall be given not less than 15 days prior to the date set for the first scheduled  
5 hearing on the application.

6 ~~(2) Every notice required by this subsection may be served by delivering a copy of the notice  
7 to the person to be served, or their duly authorized agent, either in person, by registered  
8 or certified mail and by U.S. First Class Mail, postage prepaid to their last known  
9 address, or it may be given such other manner reasonably calculated to give notice and  
10 approved by the city. Whenever the notice is served by mail, three days shall be added  
11 to the prescribed period. The burden shall be upon the applicant to give notice as required  
12 in this subsection. A sworn written statement by the applicant showing service of a notice  
13 shall be required to be submitted with the plat application. Such sworn statement shall  
14 also serve as prima facie evidence of the fact of service. A copy of this statement shall  
15 be attached to the plat application.~~

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

22 ~~(4) The notice, document or paper shall consist of:~~

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

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

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

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

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

33 **Sec. 105-35. Notice Requirements for Certain Replats.**

34  
35 (a) Any replat without vacation of the preceding plat must conform to the requirements of this  
36 section if:

37  
38 (1) during the preceding five years, any of the area to be replatted was limited by an interim  
39 or permanent zoning classification to residential use for not more than two residential units  
40 per lot; or

41  
42 (2) any lot in the preceding plat was limited by deed restrictions to residential use for not  
43 more than two residential units per lot.

1  
2 (b) If a proposed replat described by Subsection (a) requires a variance or exception, a public  
3 hearing must be held by the planning and zoning commission. Notice of the hearing required  
4 under this Subsection shall be given before the 15th day before the date of the hearing by:  
5

6 (1) publication in an official newspaper or a newspaper of general circulation in Travis  
7 County; and  
8

9 (2) by written notice, with a copy of Subsection (c) attached, forwarded by the City to the  
10 owners of lots that are in the original subdivision and that are within 200 feet of the lots to  
11 be replatted, as indicated on the most recently approved tax roll. The written notice may  
12 be delivered by depositing the notice, properly addressed with postage prepaid, in a post  
13 office or postal depository within the boundaries of the City.  
14

15 (c) If the proposed replat requires a variance and is protested in accordance with this subsection,  
16 the proposed replat must receive, in order to be approved, the affirmative vote of at least three-  
17 fourths of the members present of the municipal planning commission or governing body, or both.  
18 For a legal protest, written instruments signed by the owners of at least 20 percent of the area of  
19 the lots or land immediately adjoining the area covered by the proposed replat and extending 200  
20 feet from that area, but within the original subdivision, must be filed with the municipal planning  
21 commission prior to the close of the public hearing.  
22

23 (d) In computing the percentage of land area under Subsection (c), the area of streets and alleys  
24 shall be included.  
25

26 (e) Compliance with Subsections (c) and (d) is not required for approval of a replat of part of a  
27 preceding plat if the area to be replatted was designated or reserved for other than single or duplex  
28 family residential use by notation on the last legally recorded plat or in the legally recorded  
29 restrictions applicable to the plat.  
30

31 (f) If a proposed replat described by Subsection (a) does not require a variance or exception, the  
32 City shall, not later than the 15th day after the date the replat is approved, provide written notice  
33 by mail of the approval of the replat to each owner of a lot in the original subdivision that is within  
34 200 feet of the lots to be replatted according to the most recent tax roll. This subsection does not  
35 apply to a proposed replat if the municipal planning commission holds a public hearing and gives  
36 notice of the hearing in the manner provided by Subsection (b).  
37

38 (g) The notice of a replat approval required by Subsection (f) must include:  
39

40 (1) the zoning designation of the property after the replat; and  
41

42 (2) a telephone number and e-mail address an owner of a lot may use to contact the City  
43 about the replat.  
44  
45  
46

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

5  
6 **Section 3.** This Ordinance shall be effective immediately upon approval and adoption by the  
7 City Council.

8  
9 PASSED AND APPROVED BY THE CITY COUNCIL OF ROLLINGWOOD, TEXAS, on the  
10 \_\_\_\_ day of \_\_\_\_\_ 2021.

11  
12  
13 \_\_\_\_\_  
14 Michael R. Dyson, Mayor

15 ATTEST:

16  
17 \_\_\_\_\_  
18 Ashley Wayman, City Secretary  
19