

1 city council. The application shall not be considered as having been submitted until the submission
2 fee has been paid.

3 (b) *Determination of Application Completeness.*

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

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

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

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

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

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

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

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

38 (c) *Application Withdrawal.* Any request for withdrawal of an application must be submitted in
39 writing to the City Administrator or his/her designee. If notification is required for the application
40 and has been properly given via publication in the newspaper and/or written notification to
41 surrounding property owners, such application must be placed on the agenda. The staff
42 representative shall notify the Board, Commission, Committee or the City Council of the request

1 for withdrawal. The Board, Commission, Committee or the City Council may, at its discretion,
2 accept the request for withdrawal of the application by general consent of the members.
3 Application fees are not refundable unless reimbursement is otherwise authorized by the City
4 Administrator or his/her designee.

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

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

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

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

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

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

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

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

37 Such plat shall be accompanied by a filing fee as established by the city council. The plat
38 shall not be considered as having been filed with the planning and zoning commission, and no
39 action of the commission with respect to the plat shall be valid, until the filing fee has been paid.
40 This fee shall not be refunded if the subdivider fails to make formal application for plat approval
41 or if the plat is subsequently disapproved.

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

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

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

15 **Section 105-25 [RESERVED]**

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

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

25
26 PASSED AND APPROVED BY THE CITY COUNCIL OF ROLLINGWOOD, TEXAS, on the
27 _____ day of _____ 2021.

30 _____
31 Michael R. Dyson, Mayor

32 ATTEST:

33
34 _____
35 Ashley Wayman, City Secretary
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