

## ORDINANCE 2021-07-01

**AN ORDINANCE OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS, AMENDING SECTIONS 35 AND 36 OF ORDINANCE NO. 2016-03-02, THE CITY'S SUBDIVISION REGULATIONS; PROVIDING FOR A PENALTY NOT TO EXCEED TWO-HUNDRED DOLLARS (\$200) PER DAY, PROVIDING FOR CUMULATIVE REPEALER, SEVERABILITY, AND SAVINGS CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Texas Local Government Code Chapter 212.002 states that "the governing body of a municipality may adopt rules governing plats and subdivisions of land within the municipality's 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**, City Council has previously adopted Ordinance Nos. 2017-02-01, 2018-07-02, 2019-05-01, 2019-08-02, 2019-09-01, 2020-03-01, 2020-07-02, 2021-03-01 and 2021-05-01; and

**WHEREAS**, the City of Weston has adopted a Future Land Use Plan for the City; and

**WHEREAS**, the City of Weston now wishes to amend or establish certain development regulations to insure orderly growth.

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

### **SECTION 1 AMENDMENTS**

1. Ordinance No. 2016-03-02, Section 35 Preliminary Plat, is hereby deleted in its entirety and replaced with the following:

#### **"Section 35 Preliminary Plat**

- A. To facilitate and clarify the conceptual development of a subdivision, a preliminary plat may be necessary. The submittal of a preliminary plat will, at a minimum:
1. preclude the duplication of subdivision names;
  2. assure proper street alignments;
  3. provide for satisfactory drainage;
  4. assure compliance with regulations for provisions of potable water and wastewater disposal; and
  5. confirm jurisdictional plat approval.
- B. If the location of the subdivision is within the extraterritorial jurisdiction of Weston and within Collin County, Texas, the owner shall consult with the municipality and the county to determine if the municipality or the county has exclusive jurisdiction and authority to approve subdivision plats. If it is determined that Weston has platting jurisdiction, the developer shall comply with Weston's regulations and comply with County regulations for onsite sewage facilities (OSSF), if applicable, and for any other County maintained facilities, to include, but not limited to, streets, roads, and drainage, all of which are incorporated as part of this Ordinance as if set forth herein.
- C. The applicant shall prepare and submit a preliminary plat of any proposed subdivision of two (2) or more tracts to the Weston City Council for approval at least thirty (30) days prior to the meeting for which approval is requested. The Preliminary Plat shall remain valid for twelve (12) months from the date of approval, after which, it will be automatically void. The Weston City Council may, in its sole discretion, waive the requirement of a preliminary plat provided that the final plat is prepared in accordance with the provisions of the preliminary and final plats.

D. The plat shall conform to the following City of Weston regulations:

1. Zoning;
2. Comprehensive Plan;
3. Capital Improvements Plan;
4. Engineering Design Standards;
5. Thoroughfare Plan;
6. Master Park Plan; and
7. All other applicable regulations as required by the City of Weston

E. If a zoning change is requested for the property, it shall be completed prior to the approval of the preliminary plat of the property. Any plat reflecting a condition not in accordance with the zoning regulations shall not be approved until any available relief from the board of adjustment has been obtained.

F. Preliminary Plat Submittal Requirements

1. The Weston City Council or its designee shall be furnished with six (6) legible prints and one (1) electronic copy of the Preliminary Plat and all necessary supporting documents describing the type of development, provision of services, access to potable water, satisfactory drainage, wastewater disposal, electric and gas utility service, development procedure and timing, and preliminary engineering studies. The Preliminary Plat will not be considered filed with the City until, and unless, the prescribed filing fees have been paid, and all staff comments have been addressed so that the Preliminary Plat is found to conform to all appropriate regulations.

2. The City Engineer shall send a written notice to the applicant when the Preliminary Plat is found to conform to the submittal 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.

3. The applicant shall attach the Preliminary Plat Checklist, as described in this Ordinance as Exhibit A, to the Plat submittal to verify that all required items have been completed.

G. Concept Plan

1. When a subdivision is a portion of a tract larger than twenty (20) 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 the adjacent property within the neighborhood unit. When appropriate, more than one tract or subdivision may be included within the Concept Plan.

2. 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 Weston City Council or its designee finds to be necessary for making a decision on the approval of the Preliminary Plat of any subdivision section of the property.

3. A Concept Plan shall be considered to be a detailing of the comprehensive plan and shall become effective upon adoption by the Weston 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 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 Weston 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 Plat within an area for which a Concept Plan has been adopted shall be approved except in substantial conformity with such adopted plan.

4. 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 Weston 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.

## H. Drawing Requirements

1. The drawing requirements for the Preliminary Plat are as follows. The Plat shall be drawn to a scale of 100 feet to the inch. The drawing shall be a 24" x 36" sized document. The sheet size should be the same as the Record Plat.
2. The name of the subdivision and proposed street names shall be shown on the plat.
3. The names, addresses and telephone numbers of the developer(s) of the subdivision and the name, address and telephone number of the Engineer and Surveyor responsible for the preparation of the preliminary plat shall be included.
4. The plat shall show the location of boundary lines and their relation to an original corner of the original survey and a vicinity map showing the subdivision location within the city and/or ETJ.
5. The Preliminary Plat shall include:
  - a) The accurate location and dimension of existing and proposed streets, roads, lots and alleys, building lines, easements, parks, school sites, street signs and any other features relating to the proposed subdivision;
  - b) The outline of adjacent properties for a distance of at least one hundred (100) feet;
  - c) The way the streets, alleys or highways in the proposed subdivision connect with adjacent land or with adjacent recorded subdivisions;
  - d) The total acreage of the proposed subdivision, including the estimated acreage of each lot.

## I. Drainage & Topography

1. The preliminary plat shall include a drainage plan, including locations for detention, if required by the calculation results, prepared by a Texas Licensed Professional Engineer. The preliminary plat shall show the Local (calculated by the development engineer) and FEMA 100-year flood plain elevation and boundaries, existing bridges, culverts and other drainage structures, and physical features of the property related to street and lot drainage and layout. The drainage plan shall show existing drainage areas upstream and downstream including drainage calculations determining the quantity of run off coming by means of land, entering, crossing and exiting the proposed subdivision. The drainage calculations shall be sufficiently detailed to determine adverse impacts and changes in the 2, 5, 10, 25 and 100-year flood plain elevation, water discharge and velocities within the subdivision and upstream and downstream of the subdivision, and pre and post construction Runoff values and means of mitigating any increased runoff.
2. Topography of the development shall be shown on the preliminary plat. Pre and post construction contour intervals will be shown for assessment and determination of proper drainage requirements. The intervals will be as follows:
  - a) Land with less than five percent (5%) overall slope, the contour interval shall not be greater than two (2) feet. Unless otherwise requested by the City Engineer.
  - b) Land with more than five percent (5%) slope, the contour interval shall not be greater than five (5) feet. Locations of drainage easements will be shown. Drainage easements shall generally be located along the existing drainage way, and shall meet the following standards:
    - 1) Open channels with top widths from 0' to 50' requires top width plus 25'.
    - 2) Open channels with top widths greater than 50' requires, top width plus 25' each side.
    - 3) Enclosed pipe requires 20' minimum width.
  - c) All easements shall be so designed to allow maintenance equipment to enter the easement, and be able to perform the necessary work. Unless otherwise requested by the City Engineer.

## J. Land Use

Designation of the proposed uses of land within the subdivision shall be shown whether for residential, commercial, industrial, recreational or public use, such as parks, churches, or other specific uses.

## K. Utility Service

1. The applicant shall submit plans for providing water, sewer, electric, and gas utility service within the proposed subdivision and shall show the same on the plat.
2. The proposed water supply shall clearly indicate whether it is municipal water, rural water supply corporation, privately owned water system or individual wells. Water Construction plans shall show:

- a) The location and size of all proposed water lines in relation to the right-of-way, and/or easements in which the lines are to be located.
- b) The location of all appurtenances proposed to be installed.
- c) The depth to which the water lines are to be installed.
- d) Location of proposed hydrants – in accordance with the current Fire and Safety Code adopted by Collin County, Texas..

3. The applicant shall furnish a certified letter from an approved Texas Commission on Environmental Quality (TCEQ) utility service provider stating that water is available to the subdivision sufficient in quality and quantity to meet minimum state standards required by Section 16.343, Texas Water Code, and consistent with the certification in the letter, and that water of that quality and quantity will be made available to the point of delivery to all lots in the subdivision. If the source of the water supply intended for subdivision is groundwater under that land, the plat shall have attached to it a statement that certifies, by a licensed engineer, that adequate groundwater is available for the subdivision.

4. The utility provider shall indicate that the utility plans have been reviewed and approved. If a separate utility easement is required by the water provider, it shall be indicated on the plat. Approximate fire flow available to the subdivision shall be provided in this letter.

5. The plan for sewage disposal shall clearly indicate municipal sewer service or privately owned/organized on-site sewage disposal systems. All proposed on-site sewage facilities shall be in accordance with the rules of Collin County, Texas for On-site Sewage Facilities (OSSF). The county will be required to do an OSSF review that will be performed concurrent to the municipality plat review. This review will result in additional plat notes and an On-Site Sewage Facilities (OSSF) application approved by the county, before the Preliminary Plat is approved.

6. If the sewage disposal is to be provided by a municipal or private sewer system, the applicant shall furnish a certified letter from an approved Texas Commission on Environmental Quality (TCEQ) utility service provider stating that sewer is available to the subdivision and meets minimum state standards required by Section 16.343, Texas Water Code, and consistent with the certification in the letter, and that sewer will be made available to the point of delivery to all lots in the subdivision.

#### L. Preliminary Plat Approval

1. The Preliminary Plat shall be delivered to the plat administrator (the City Engineer) who shall cause the same to be checked and verified, prepare a report to the Weston City Council setting forth their findings, and file such report, together with the plat, with the Weston 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 plat administrator, may designate his land planner, engineer, surveyor, or like agent for the processing of his subdivision.

#### 2. 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 Plat"  
Mayor City of Weston, Texas Date
- c) When a Preliminary Record Plat is being submitted, the approval block shall state: "Approved for Preparation of Record Plat"

#### 3. Approval Time-line and Conditions.

A Preliminary Plat shall be forwarded to the Weston City Council for action within thirty (30) days of the date that the Preliminary Plat is found to conform to these regulations. The Weston City Council shall take action to approve, approve with conditions, or disapprove the Preliminary Plat. If the Weston 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

#### 4. Applicant Response.

a) If the Weston 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. This response needs to be made before submittal of a Final/Record Plat. If the applicant submits a response under this section, the response shall be reviewed by the plan administrator and forwarded to the Weston City Council for action within fifteen (15) days of the date the response is submitted. The Weston City Council shall take action to approve or disapprove of the applicant's previously conditionally approved or disapproved Preliminary Plat. The Weston City Council shall approve the Preliminary Plat if the applicant's response adequately addresses the condition of the conditional approval or each reason for disapproval. The Weston 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 Weston City Council may only disapprove the Preliminary Plat for a specific condition or reason previously provided to the applicant. If the Weston 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.

b) When the Weston 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 Plat with a report of such findings to the subdivider.

The time for the Weston 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."

#### 2. Ordinance 2016-03-02, Section 36 Record Plat, C.6. Certificates Required, is hereby amended to read as follows:

##### "e) Utility Service Certificates

- 1) A certificate of approval, or formal letter to the City of Weston, from a Texas Commission on Environmental Quality (TCEQ) approved water provider that the Record Plat has been reviewed and approved by that water provider, and will meet the minimum state standards required by Section 16.343, Texas Water Code, and that water of that quality and quantity will be made available to the subdivision and meet the County fire flow requirements.
- 2) A certificate of approval, or formal letter to the City of Weston, from a TCEQ sewer provider that the Record Plat has been reviewed and approved by that sewer provider, and will meet minimum state standards required by Section 16.343, Texas Water Code, and that sewer will be made available to the point of delivery to all lots in the subdivision."

#### 3. Ordinance 2016-03-02, Exhibit A, is added as follows:

**“EXHIBIT A  
PRELIMINARY PLAT CHECKLIST**

---

To be incorporated at a later date”





**SECTION 2  
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 two-hundred dollars (\$200.00), and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.

**SECTION 3  
PUBLICATION IN OFFICIAL NEWSPAPER**

The City Secretary of the City of Weston is hereby directed to publish this ordinance or its caption and penalty in the official City newspaper as required by Section 52.011 of the Texas Local Government Code.

**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 the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect

**SECTION 5  
PROVISIONS SEVERABLE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, 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 or 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  
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED by Council this, the 28th day of July, 2021.



APPROVE

James M Marischen, Mayor

ATTEST

Susan Coffey, City Secretary