

**AN ORDINANCE OF THE CITY OF MANOR, TEXAS**

**ORDINANCE NO. 548**

**AN ORDINANCE OF THE CITY OF MANOR, TEXAS AMENDING CHAPTER 10, SUBDIVISION REGULATION, ARTICLE 10.02 SUBDIVISION ORDINANCE, ORDINANCE 263B, EXHIBIT A OF THE CODE OF ORDINANCES OF THE CITY OF MANOR, TEXAS TO ADOPT PROCEDURES FOR REVIEW, PROCESSING, AND APPROVAL OF PLATS, CONCEPT PLANS, AND CONSTRUCTION PLANS; PROVIDING ALTERNATIVE REVIEW PROCEDURES; PROVIDING A SEVERABILITY CLAUSE, PROVIDING SAVINGS, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES, AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the City of Manor, Texas (the “City”) is a home-rule City authorized to regulate subdivisions within its city limits and extraterritorial jurisdiction; and

**WHEREAS**, the City Council of the City of Manor, Texas (the “City Council”) considered amendments to the subdivision ordinance to implement the changes adopted by the Texas Legislature as House Bill 3167; and

**WHEREAS**, the City finds it necessary to amend the subdivision ordinance and adopt the amendments set forth in this ordinance;

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

**SECTION 1. Findings.** The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

**SECTION 2. Amendment of Code of Ordinances.** The City Council hereby amends Chapter 10, Subdivision Regulation, Article 10.02 Subdivision Ordinance, Ordinance 263B, Exhibit A of the Manor Code of Ordinances (the “Subdivision Ordinance”) and other sections of the Manor Code of Ordinances to amend definitions, and adopt procedures for review, processing, and approval of plats, concept plans, and construction plans; as provided for in Sections 3. through 15. of this Ordinance.

**SECTION 3. Amendment of Article I. General, Section 1. Definitions.** Article I. General, Section 1. Definitions. of the Subdivision Ordinance is amended to revise the following definitions:

- (a) The definition of “Filing Date” is hereby amended in its entirety to read as follows:

**“Filed or Filing Date** means, with respect to Plans or Plats, the date that Plans or Plats are determined to be complete and are accepted for review by the City.”

- (b) The definition of “Preliminary Plan” is hereby replaced with “Preliminary Plat” to read as follows:

**“Preliminary Plat** means a map of a proposed land subdivision showing the character and proposed layout of the property in sufficient detail to indicate the suitability of the proposed subdivision of land.”

**SECTION 4. Amendment of Chapters and Sections in the Manor Code of Ordinances to replace Preliminary Plan.** The Manor Code of Ordinances is amended to revise the following sections to replace “Preliminary Plan” with “Preliminary Plat”:

- (a) Chapter 6 - Health and Sanitation, Article 6.06 - Erosion and Sedimentation Control, Section 6.06.004(a) and (b).
- (b) Appendix A - Fee Schedule, Article A2.000. Building and Related Fees, A2.003(1).
- (c) Section 22. - Preliminary Plat. (c) of the Subdivision Ordinance.
- (d) Section 23. - Construction Plans. (c)(10) of the Subdivision Ordinance.

**SECTION 5. Amendment of Article I. General, Section 1. Definitions.** Article I. General, Section 1. Definitions. of the Subdivision Ordinance is amended by adding the following definitions:

**“Alternative Review Procedure** means the procedures set forth in Section 20B that modify the Plan or Plat application review process as described in Section 20B.

**Application** refers to an application for a plan or plat approval under this Chapter, which includes the plan or plat package, and unless context dictates otherwise, will include the Resubmittal Application for a plan or plat.

**Municipal Authority** means the entity responsible for approving plats or plans governed by this Chapter. The Commission is responsible for approving Concept Plans, Preliminary Plats, and Final Plats. The City Council is responsible for approving Concept Plans. The City Engineer is responsible for approving Amended Plats and Construction Plans.

***Plan or Plat.*** The phrase “plan or plat” or “plat or plan” when used in this Chapter refers to Concept Plans, Preliminary Plats, Construction Plans, Final Plats, Short Form Final Plats, and Amended Plats. Specifically, the term “plan” refers to Construction Plans and the term “plat” refers to Concept Plans, Preliminary Plats, Final Plat, Short Form Final Plats, and Amended Plats.

***Resubmittal Application*** means the application for a plan or plat resubmitted to the City following the disapproval or conditional approval of the original application or a Resubmittal Application that satisfies each condition of a conditional approval or remedies the reasons for disapproval.

***Resubmittal Date*** means the date that a Resubmittal Application is determined to be complete and is accepted for review by the City.

***Standard Approval Procedure*** means the procedure for review, processing and approval of plans or plats set forth in this Chapter other than the Alternative Review Procedure.”

**SECTION 6. Amendment of Section 6, Application.** Section 6. of the Subdivision Ordinance is hereby amended to add subsection (c) to read as follows:

“(c) This Ordinance applies to Concept Plans, Preliminary Plats, Construction Plans, Final Plats, Short Form Final Plats, and Amended Plats.”

**SECTION 7. Amendment of Section 20, General Procedures.** Section 20. of the Subdivision Ordinance is hereby amended in its entirety to read as follows:

**“Sec. 20. - General Procedures.**

- (a) **Action on Plats and Plans.** Plats and Plans for the development of land within the scope of this Chapter shall be drawn and submitted to the Municipal Authority for their approval, conditional approval, or disapproval, as provided herein. If an application is approved with conditions or disapproved, the Municipal Authority shall provide or cause to be provided to the applicant a written statement for the conditions for approval or reasons for disapproval that clearly articulate each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the written statement shall include a citation to the law or ordinance that is the basis for the conditional approval or disapproval, as applicable. In the event that a Municipal Authority subject to quorum requirements fails to act due to lack of a quorum at the meeting at which an application is posted for action, then: (i) the application will be deemed approved if the City Staff review letter for the application states that the application meets the requirements of this Chapter and applicable state law and recommends approval of the application; or (ii) the presiding officer of the Municipal Authority is authorized to disapprove an application that is recommended by City staff to be disapproved due to failure to comply with this Chapter or applicable law.

- (b) **Commencement of Construction.** Notwithstanding any provision of this Chapter to the contrary, a developer shall not commence construction activities within the City's jurisdiction, including clearing and/or rough grading, before first obtaining all of the City approvals required by this Chapter.
- (c) **Pre-Development Meeting.** The applicant is required to attend a pre-development meeting with city staff to help familiarize the applicant with applicable codes and regulations before the first application is submitted. The Director of Development Services may waive this requirement if they deem that the meeting is not necessary.
- (d) **General Subdivision Process.** Generally, the subdivision process is comprised of four (4) individual steps, consisting of the Concept Plan, the Preliminary Plat, Construction Plans, and the Final Plat. Each step of the development process has established deadlines and expirations that must be met in order for the application and any approval(s) granted to remain valid, in effect and eligible to continue to the next step of, or to complete, the development process. Compliance with each such established deadline constitutes a separate required performance and approval.
- (e) **Submittal Schedule.** The Director of Development Services shall prepare an application submittal schedule. This submittal schedule shall be reviewed and approved by the Commission annually. Applications will only be accepted for submittal or resubmittal on the days authorized by the schedule approved by the Commission. The Director of Development Services is authorized to adjust an approved schedule to accommodate holidays, City Hall closures, and cancelled or special called meetings.
- (f) **Application Forms.** The Director of Development Services shall prepare application forms which shall include a checklist of the required information and documents that are required to be submitted by applicants in order for an application to be accepted as complete for review and processing under this Chapter. The Director of Development Services shall update the application from time to time as required due to amendments to this Chapter, state law, or applicable technical codes and manuals. The Commission shall review and approve the application forms and amendments prepared by the Director of Development Services from time to time.
- (g) **Application Completeness Review.**
  - (i) City staff shall review all applications, for completeness and either accept the application as complete or reject the application and provide the applicant with written notice of rejection that specifies the reasons for rejection within ten (10) business days of the date the application is submitted. An application will be considered complete if it is submitted in the required form, includes all information certificates, plans, documents, and instruments required in the application and by this Chapter, and is accompanied by the applicable fees. All applications shall also include a list of any requested variance or exceptions from the ordinance.

Resubmittal Applications are also subject to Section 72. An application that is not complete, does not include the information or documents required in the application, or is not accompanied by the applicable fees may not be accepted by the City. If the application is determined to be incomplete, the Director of Development Services or his/her designee shall provide written notice of the rejection of the application that includes a description of the application's deficiencies. No further processing of the application will occur until the deficiencies are corrected.

(ii) Acceptance of an application are also subject to:

- a. City Standard Details on file with the City Secretary and as provided on the City's website. The City Engineer is authorized to provide updates as deemed necessary.
- b. City Standard Notes on file with the City Secretary and as provided on the City's website. The City Engineer is authorized to provide updates as deemed necessary.

(i) **Order of Acceptance.** No Preliminary Plat shall be accepted for filing until the Concept Plan has been approved as provided in Section 21. No Final Plat or Construction Plans shall be accepted for filing until the Preliminary Plat has been approved as provided in Section 22. Any plans or plats tendered to the City prior to receiving the appropriate approvals as provided in this section shall not be accepted as received.

(j) **Notices.** All submittals requiring notice to neighboring properties must include a list of the names and addresses of all property owners within the required distance and a preprinted mailing label for each.

(k) **Resubmittal Applications.**

- (i) Resubmittal Applications are subject to the completeness review process set forth in this section. In addition to containing the portions of the original application that are being modified, the Resubmittal Application shall include a transmittal letter that describes how each reason for disapproval of the particular Plat or Plan that is the subject of the resubmittal application is being remedied or how each condition of a conditional approval is being satisfied, as applicable, and identifying the location in the Resubmittal Application where each remedy or response to a condition can be found. The transmittal letter shall further identify whether any other changes to the application have been made other than those necessary to respond to the reasons for disapproval. A Resubmittal Application that modifies the original application beyond what is required to satisfy a conditional approval or to remedy reasons for disapproval shall be considered a new application and must be accompanied by the required application fee and will be reviewed and processed in accordance with the deadlines and procedures applicable to initial applications, including but not limited to the thirty (30) day approval deadlines. Except for Construction Plan applications, Resubmittal Applications submitted for the purpose of satisfying a conditional approval or to

remedy the reasons for disapproval of a Resubmittal Application shall be accompanied by the applicable Resubmittal Application Fee.

- (ii) If an application is disapproved because a variance or waiver is required and the applicant wishes to obtain a variance or waiver instead of modifying the original application, the Resubmittal Application will not be accepted until the waiver or variance is approved or the applicant modifies the application to comply with applicable regulations.

(l) **Incomplete Application Expirations.** An application shall expire on the 45<sup>th</sup> day after the date the application is submitted to the City if:

- (i) the applicant fails to provide documents or other information necessary to comply with requirements relating to the form and content of the application set forth in this Chapter;
- (ii) within ten (10) business days of the date the application is submitted to the City, the City provides the applicant written notice of the failure that specifies the necessary documents or other information that are missing from the application and the date the application will expire if the documents or other information is not provided; and
- (iii) the applicant fails to provide the specified documents or other information within the time provided in the notice.

(m) **Disapproval, Conditional Approval.**

- (i) **Resubmittal Application.** After disapproval or conditional approval of an application, the applicant may submit a Resubmittal Application that addresses each condition of approval or remedies each reason for disapproval provided. The Resubmittal Application that has been accepted as complete shall be reviewed and processed in accordance with Sections 21., 22., 23., 24., 27., 28. and 30, as applicable.
- (ii) **Action on Resubmittal Application.** The Municipal Authority shall take action on the Resubmittal Application within fifteen (15) days of Resubmittal Date. If the City Council also approves an application, the Council, within fifteen (15) days of the date of action on the application by the Commission, shall take action on the Concept Plan application. The failure of either the Municipal Authority to act within fifteen (15) days of the Resubmittal Date (or the Council to act within fifteen (15) days of action on the Resubmittal Application by the Commission, as applicable), shall be deemed an approval of the plan or plat by the Municipal Authority, if the Resubmittal Application satisfies all conditions of a conditional approval or remedies all reasons for disapproval, except as otherwise requested by the applicant and approved by the Municipal Authority pursuant to Section 20A(b).

(n) **Application Expiration.**

- (i) An application shall expire six (6) months after the date that all initial staff review comments from all reviewing departments have been issued on the application if the application is not approved due to the applicant's failure to cause the application to

- comply with applicable city regulations.
- (ii) The Planning Department may grant one six (6) month extension if the applicant can show substantial progress in obtaining approval of the application. Substantial progress shall consist of, at a minimum, a resubmission of the application and all relevant materials by the applicant that address all initial staff review comments from all reviewing departments.
  - (iii) After expiration of an application, any new application will be required to be re-submitted as a new application including re-paying all of the fees associated with this process.
- (o) **Approval Does Not Waive Compliance.** Approval of a Plan or Plat under this Chapter does not waive any requirement or regulation under this Chapter or an applicable City Code unless a waiver, exemption, or variance to such requirement or regulation is granted by the City employee, official, or body authorized to grant such waiver, exemption, or variance."

**SECTION 8. Addition of Article II. Section 20A. and 20B.** Article II. of the Subdivision Ordinance is hereby amended by adding Sections 20A. and 20B. to read as follows:

**"SECTION 20A. - REQUESTS FOR EXTENSION OF APPROVAL DEADLINE OR WAIVERS OF PROCEDURES.**

- (a) The applicant may request an extension of the thirty (30) day approval deadlines set forth in this Chapter by requesting an extension on the application form. The extension request will be considered by the Municipal Authority responsible for approving the particular Plan or Plat application. Approval of an extension request will extend the deadline for approval of a Plan or Plat by thirty (30) days.
- (b) An applicant may also request in writing the waiver of a deadline or procedure set forth in this Chapter. If approved by the Municipal Authority, the waiver shall be documented by letter agreement or other form of agreement approved by the Municipal Authority.

**SECTION 20B. - ALTERNATIVE REVIEW PROCEDURE; WAIVER OF APPROVAL PROCEDURE.**

- (a) The applicant may request in writing that an application submitted under this Chapter be reviewed under the Alternative Review Procedure described in this Section by electing the Alternative Review Procedure at the time an application is submitted. The applicant may at anytime request that the Alternative Review Procedure be terminated and the application be reviewed under the standard approval procedures set forth in this Chapter. The Alternative Review Procedure shall consist of the following:
  - (i) Submission of the application and completeness review in accordance with Section 20 (e)-(g).
  - (ii) Review of the application by Staff and return of comments to the applicant in accordance with the review schedule prepared by the Director of Development Services and approved by the Commission. The comments shall consist of the reasons that the application does not comply with City ordinances or state law and

references to applicable City ordinances or state law.

- (iii) Submission of the application to the Municipal Authority after the applicant has corrected all deficiencies in the application and City Staff certifies that the application complies with applicable City ordinances.
- (iv) If an applicant requests the Alternative Review Procedure, then the deadlines for action on plats or plans, the requirement for a pre-development meeting, and the requirement for payment of Resubmittal Application Fees will not apply unless the applicant requests in writing submitted on a date established for submission of plats or plans for an application to be moved back into the Standard Approval Procedure.

- (b) An applicant who applies for PUD Zoning may request that the Concept Plan and the Preliminary Plat be reviewed and processed at the same time that the PUD zoning application is being reviewed and processed. If accepted for review in connection with the PUD zoning application, the Concept Plan and the Preliminary Plat will be processed and reviewed with the PUD zoning application in accordance with the submittal procedures, review processes, and approval deadlines applicable to PUD zoning applications. If an applicant requests use of this Alternative Review Procedure, then deadlines for action on the Concept Plan and Preliminary Plat will not apply.”

**SECTION 9. Amendment of Section 21. – Concept Plan.** Section 21. of the Subdivision Ordinance is hereby amended to delete, add or revise the following subsections as follows:

- (a) Subsection (c) *Content*. is hereby amended to add subsection (17) to read as follows:

“(17) For Resubmittal Applications, in addition to containing the information and documents required by this subsection (c), a transmittal letter that describes how each reason for disapproval of the Concept Plan is being remedied or how each condition of a conditional approval is being satisfied, as applicable, and identifying the location in the Concept Plan application where each remedy or response to a condition can be found. The transmittal letter shall further identify whether any other changes to the application have been made other than those necessary to respond to the reasons for disapproval.”

- (b) Subsection (d) *Procedure*. is hereby amended to delete subsection (2) in its entirety and renumber subsection (3) as subsection (2); and add a new subsection (3) to read as follows:

“(3) The application shall be scheduled for consideration by the Commission within thirty (30) days of the application Filing Date (or within the applicable extension period if an extension is granted), or within fifteen (15) days of the Resubmittal Date, as applicable. The application shall be scheduled for consideration by the Council thirty (30) days of the Commission’s action on the application (or within the applicable extension period if an extension is granted), or within fifteen (15) days of Commission’s action on a Resubmittal Application, as applicable.”



(c) Subsection (d) *Procedure*. subsection (4) is hereby amended in its entirety to read as follows:

“(4) City staff shall prepare a report analyzing the Concept Plan submittal, as well as any comments received concerning the Concept Plan, and recommending action on the Concept Plan. If the recommended action is denial or conditional approval, the report shall include the reasons for denial or the conditions for approval, as applicable, and citations to the law or ordinance that is the basis for disapproval or the conditional approval. This report shall be available at least five (5) business days prior to the Commission meeting.”

(d) Subsection (d) *Procedure*. subsection (5) is hereby amended in its entirety to read as follows:

“(5) If the developer chooses to withdraw the Concept Plan, he/she may do so in writing delivered by noon of the third working day preceding the Commission meeting. A withdrawn Concept Plan may be resubmitted and appear on the next Commission agenda after repayment of the applicable fees and public notification.”

(e) Subsection (f) *Approval*. is hereby amended in its entirety to read as follows:

“(f) *Approval*. The Commission and Council, after holding public hearings in accordance with City ordinances and codes, shall take action on the Concept Plan.

- (1) The Commission shall take action on the application within thirty (30) days of the Filing Date. The failure of either the Commission to act within thirty (30) days of the Filing Date (or within sixty (60) days of the Filing Date where an extension has been granted), or the Council to act within thirty (30) days of action on the Concept Plan by the Commission (or within sixty (60) days where an extension has been granted) shall be deemed an approval of the plan by the respective body, except as otherwise agreed to by the applicant pursuant to Section 20A(b).
- (2) The Council, within thirty (30) days of the date of approval action of the Concept Plan application by the Commission (or within sixty (60) days of the date of action by the Commission where an extension has been granted), shall take action on the Concept Plan application.
- (3) If applicable, zoning of the tract shall permit the uses proposed by the Concept Plan, or a zoning amendment necessary to permit the proposed uses shall be required prior to approval of the Concept Plan.
- (4) Approval of a Concept Plan constitutes acceptance of the general development and arrangement of lots indicated on the plan; the classification and arrangement of streets indicated; the proposed phasing plan; and the nature of utility service proposed. Subsequent zoning approvals cannot be guaranteed.

- (5) Concept Plan approval does not ensure approval of a Preliminary Plat failing to meet specific requirements of this Ordinance, and approval does not comprise any vesting of development rights or any assurance that permits of any kind will be issued.
- (6) Upon approval of the Concept Plan, the developer shall submit one (1) mylar copy of the approved Concept Plan to be kept on file as a public record in the office of the City.”

(f) Subsection (g) *Expiration*. is hereby amended to replace the expiration period from “one (1) year” to “two (2) years”.

**SECTION 10. Amendment of Section 22. – Preliminary Plat.** Section 22. of the Subdivision Ordinance is hereby amended to delete, add or revise the following subsections as follows:

- (a) Subsection (c) *Content*. is hereby amended to add subsection (6) to read as follows:

“(6) For Resubmittal Applications, in addition to containing the information and documents required by this subsection (c), a transmittal letter that describes how each reason for disapproval of the Preliminary Plat is being remedied or how each condition of a conditional approval is being satisfied, as applicable, and identifying the location in the Preliminary Plat application where each remedy or response to a condition can be found. The transmittal letter shall further identify whether any other changes to the application have been made other than those necessary to respond to the reasons for disapproval.”

- (b) Subsection (d) *Procedure*. (1) is hereby amended in its entirety to read as follows:

“(1) Legible prints, as indicated on the application form, shall be submitted, along with the following:

- (i) Completed application forms and the payment of all applicable fees.
- (ii) A summary letter stating briefly the type of street surfacing, drainage, water and wastewater facilities proposed, and declaring the intent to either dedicate park land or pay fees in lieu of said dedication if such dedication or fees apply.
- (iii) A petition requesting annexation, if applicable.
- (iv) A letter requesting any variances from the provisions of this Ordinance.
- (v) Any attendant documents needed to supplement the information provided on the Preliminary Plat.”

(c) Subsection (d) *Procedure*. is hereby amended to delete subsection (3) in its entirety; subsection (4) is renumbered as subsection (3); and a new subsection (4) is added to read as follows:

“(4) The application shall be scheduled for consideration by the Commission within thirty (30) days of the application Filing Date (or within the applicable extension period if an extension is granted), or within fifteen (15) days of the Resubmittal Date, as applicable.”

(d) Subsection (d) *Procedure*. subsection (5) is hereby amended in its entirety to read as follows:

“(5) City staff shall prepare a report analyzing the Preliminary Plat submittal, as well as any comments received concerning the Concept Plan, and recommending action on the Preliminary Plat. If the recommended action is denial or conditional approval, the report shall include the reasons for denial or the conditions for approval, as applicable, and citations to the law or ordinance that is the basis for disapproval or the conditional approval. This report shall be available at least five (5) working days prior to the Commission meeting.”

(e) Subsection (d) *Procedure*. subsection (6) is hereby amended in its entirety to read as follows:

“(6) If the developer chooses to withdraw the Preliminary Plat, he/she may do so in writing delivered by noon of the third working day preceding the Commission meeting. A withdrawn Preliminary Plat may be resubmitted and appear on the next Commission agenda after repayment of the applicable fees and public notification.”

(f) Subsection (e) *Notification*. subsection (1) is hereby amended in its entirety to read as follows:

“Approval. The Commission, after holding public hearings in accordance with City ordinances and codes, shall act on the request for Preliminary Plat approval within thirty (30) days of the Filing Date, or within sixty (60) days of the Filing Date if the applicant’s extension request has been granted.”

(g) Subsection (e) *Notification*. subsection (2) is hereby amended in its entirety to read as follows:

“The failure of the Commission to act within 30 days of the Preliminary Plat Filing Date (or within 60 days of the Filing Date when an extension has been granted) shall be deemed an approval of the plat, except as otherwise agreed to by the applicant pursuant to Section 20A(b).”

(h) Subsection (f) *Expiration*. is hereby amended to replace the expiration period from “12 months” to “two (2) years”.

- (i) Subsection (g) *Expiration*. is hereby amended in its entirety to read as follows:

"Extension. The developer may apply for an extension, in writing, prior to the end of the initial two (2) year period, stating reasons for needing the extension and demonstrating pursuit of approvals for Construction Plans and/or Final Plat in accordance with this Ordinance. Upon receipt of this written request, the Commission may, at its discretion, grant up to a one-year extension so long as the Preliminary Plat remains consistent with the Master Plan and/or ordinances of the City."

- (j) Subsection (h) *Revision*. is hereby amended to add subsections (1), (2), and (3) to read as follows:

- "(1) Content. The content for a revision to a Preliminary Plat shall be the same as the Preliminary Plat.
- (2) Procedure. The procedure, including approval, disapproval, and conditional approval for a revision to a Preliminary Plat shall be the same as the Preliminary Plat.
- (3) Support Documents. The support documents for a revision to a Preliminary Plat shall be the same as the Preliminary Plat unless the Director of Development Services deems that they are unnecessary.

**SECTION 11. Amendment of Section 23. – Construction Plans.** Section 23. of the Subdivision Ordinance is hereby amended to delete, add or revise the following subsections as follows:

- (a) Subsection (c) *Content*. is hereby amended to add subsection (15) to read as follows:

"(15) For Resubmittal Applications, in addition to containing the information and documents required by this subsection (c), a transmittal letter that describes how each reason for disapproval of the Construction Plans are being remedied or how each condition of a conditional approval is being satisfied, as applicable, and identifying the location in the Construction Plan application where each remedy or response to a condition can be found. The transmittal letter shall further identify whether any other changes to the application have been made other than those necessary to respond to the reasons for disapproval."

- (b) Subsection (d) *Procedure*. and subsection (1) are hereby amended in their entirety to read as follows and the rest of the subsections remain as is:

"(d) *Procedure*. After all necessary approvals of the Preliminary Plat have been granted, Construction Plans, together with a completed application form and review fee, shall be submitted to the Director of Development Services or his/her designee for review by City Staff.

(1) Construction Plans may be submitted for review and approval simultaneously with a Final Plat only if the applicant elects to seek approval under the Alternative Review Procedure set forth in Section 20B(a) of the Subdivision Ordinance at the time of submittal. Otherwise, the Final Plat shall not be accepted for review or approved until the Construction Plans have been approved. If the Construction Plans and the Final Plat are to be reviewed simultaneously, a complete application for Construction Plans and a complete application for Final Plat must be submitted to the City simultaneously and the Alternative Review Procedure described in Section 20B(a) will govern review, processing, and approval of the applications.”

(c) Subsection (d) *Procedure*. (2) is hereby amended in its entirety to read as follows:

“(2) City staff shall review all Construction Plan submittals for completeness at the time of application. If in the judgment of the City, the Construction Plan submittal substantially fails to meet the minimal informational requirements as outlined above, it will not be accepted for review.”

(d) Subsection (e) *Approval*. and subsection (1) are hereby amended in their entirety to read as follows; and the rest of the subsections remain as is:

“(c) *Approval*. Within thirty (30) days of the Filing Date (or within 60 days of the Filing Date if an extension request has been approved), the City Engineer shall either approve or disapprove the Construction Plans.

(1) If the Construction Plans are disapproved, the City Engineer shall notify the applicant, in writing by the thirtieth (30th) day following the Filing Date, of disapproval, state the reasons for disapproval, and cite to the law or ordinance that is the basis for disapproval. The failure of either the City Engineer to act within thirty (30) days of the Filing Date (or within sixty (60) days of the Filing Date where an extension has been granted), shall be deemed an approval of the Construction Plans, except as otherwise agreed to by the applicant pursuant to Section 20A(b).”

**SECTION 12. Amendment of Section 24. – Final Plat.** Section 24. of the Subdivision Ordinance is hereby amended to delete, add or revise the following subsections as follows:

(a) Subsection (c) *Content*. is hereby amended to add subsection (7) to read as follows:

“(7) For Resubmittal Applications, in addition to containing the information and documents required by this subsection (c), a transmittal letter that describes how each reason for disapproval of the Final Plat is being remedied or how each condition of a conditional approval is being satisfied, as applicable, and identifying the location in the Final Plat application where each remedy or response to a

condition can be found. The transmittal letter shall further identify whether any other changes to the application have been made other than those necessary to respond to the reasons for disapproval.”

(b) Subsection (d) *Procedure*. subsection (1) is hereby amended in its entirety to read as follows:

“(1) A Final Plat may be submitted for review and approval simultaneously with Construction Plans only if the applicant elects to seek approval under the Alternative Review Procedure set forth in Section 20B(a) of the Subdivision Ordinance at the time of submittal, provided however that the Final Plat shall not be approved until the Construction Plans have been approved and all required improvements have been determined by the City Engineer to be complete or fiscal surety is posted for such improvements including any required park improvements. If the Final Plat and Construction Plans are to be reviewed simultaneously, a complete application for Final Plat and a complete application for Construction Plans must be submitted to the City simultaneously and the Alternative Review Procedure described in Section 20B(a) will govern review, processing, and approval of the applications.”

(c) Subsection (d) *Procedure*. (2) is hereby amended in its entirety to read as follows; and subsections (i) – (vii) that follows subsection (2) remain as is:

“(2) Legible prints, as indicated on the application form, shall be submitted prior to the regular meeting of the Commission at which the Final Plat is to be heard, along with the following:”

(d) Subsection (d) *Procedure*. subsection (4) is hereby deleted in its entirety; subsection (5) is renumbered as subsection (4); and a new subsection (5) is added to read as follows:

“(5) The Commission meeting shall be scheduled within thirty (30) days of the application Filing Date, or within fifteen (15) days of the Resubmittal Date, as applicable.”

(e) Subsection (d) *Procedure*. subsection (6) is hereby amended in its entirety to read as follows:

“(6) City staff shall prepare a report analyzing the Final Plat submittal, as well as any comments received concerning the Preliminary Plat, and recommending action on the Final Plat. If the recommended action is denial or conditional approval, the report shall include the reasons for denial or the conditions for approval, as applicable, and citations to the law or ordinance that is the basis for disapproval or the conditional approval. This report shall be available at least five (5) working days prior to the Commission meeting.”

(f) Subsection (d) *Procedure*. subsection (7) is hereby amended in its entirety to read as follows:

“(7) If the developer chooses to withdraw the Final Plat, he/she may do so in writing delivered by noon of the third working day preceding the Commission meeting. A withdrawn Final Plat may be resubmitted and appear on the next Commission agenda after repayment of the applicable fees and public notification, if required.”

(g) Subsection (f) *Approval*. and subsection (1) are hereby amended in their entirety to read as follows; and the subsections that follow remain as is:

“(f) *Approval*. The Commission shall act on the request for Final Plat approval within thirty (30) days of the Filing Date, or within 60 days of the Filing Date if the applicant’s extension request has been granted.

(1) The failure of the Commission to act within thirty (30) days of the Final Plat Filing Date (or within sixty (60) days of the Filing Date where an extension has been granted) shall be deemed an approval of the plat, except as otherwise agreed to by the applicant pursuant to Section 20A(b).”

(h) Subsection (f) *Approval*. subsection (2) is hereby deleted in its entirety and the subsections that follow are renumbered accordingly.

(i) Subsection (g) *Revision*. is hereby amended in its entirety to read as follows:

“(g) *Revision*. If revision of the Final Plat is required by the Commission, then the Final Plat shall not be recorded until the revised Final Plat has been resubmitted and reviewed by City staff for compliance with the Commission's requirements, and the Council's requirements, if any, established by the Council during its consideration of the Concept Plan.

- (1) Content. The content for a revision to a Final Plat shall be the same as the Final Plat.
- (2) Procedure. The procedure, including approval, disapproval, and conditional approval for a revision to a Final Plat shall be the same as the Final Plat.
- (3) Support Documents. The support documents for a revision to a Final Plat shall be the same as the Final Plat unless the Director of Development Services deems that they are unnecessary.”

**SECTION 13. Amendment of Section 27. – Amended Plats.** Section 27. of the Subdivision Ordinance is hereby amended to delete, add or revise the following subsections as follows:

- (a) Subsection (f) *Approval*. is hereby amended in its entirety to read as follows:

“(f) *Approval*. The City Engineer shall take action on any Amended Plat meeting the requirements of this Ordinance within thirty (30) days the Filing Date (or within sixty (60) days of the Filing Date if an extension request has been approved). If the Amended Plat is disapproved, the City Engineer shall notify the applicant, in writing by the thirtieth (30th) day following the Filing Date, of disapproval, state the reasons for disapproval, and cite to the law or ordinance that is the basis for disapproval. The failure of the City Engineer to act within thirty (30) days of the Filing Date (or within sixty (60) days of the Filing Date where an extension has been granted), shall be deemed an approval of the Amended Plat, except as otherwise agreed to by the applicant pursuant to Section 20A(b). If in the City Engineer's determination, the Amended Plat does not qualify to be revised as an Amended Plat under this Ordinance or state law, the City Engineer shall disapprove the application in writing, state the specific reason for disapproval, cite to the law or ordinance that is the basis for disapproval, and may require the plat to be processed in accordance with the Final Plat procedures of this Ordinance. An Amended Plat shall not be approved if it is not in conformance with the Zoning Ordinance.”

**SECTION 14. Amendment of Section 28. – Short Form Final Plats.** Section 28. of the Subdivision Ordinance is hereby amended to delete, add or revise the following subsections as follows:

- (a) Subsection (d) *Procedure*. (2) is hereby amended in its entirety to read as follows; and subsections (i) – (vi) that follows subsection (2) remain as is:

“(2) Legible prints, as indicated on the application form, shall be submitted prior to the regular meeting of the Commission at which the Short Form Final Plat is to be heard, along with the following:”

**SECTION 15. Amendment of Section 73.** Section 73 of the Subdivision Ordinance is hereby amended in its entirety to read as follows:

**“SECTION 73. CONDITIONS FOR ISSUING A BUILDING PERMIT, ISSUING A SITE DEVELOPMENT PERMIT, OR ACCEPTING IMPROVEMENTS.**

No improvements to be accepted by the City for ownership, maintenance and operation shall be accepted; no building permit shall be issued for any new structure or change, improvement or alteration of any existing structure, on any lot or tract of land; no site development permit shall be issued for any lot or tract of land; and no municipal utility service will be furnished to such lot



or tract which does not comply with the provisions of this Chapter and all applicable provisions of the City's Code of Ordinances, except as herein exempted or specifically exempted by the City Council or upon the written application and approval of a variance. Every official and employee of the city vested with the duty or authority to issue an approval, permit or certificate shall not issue an approval, permit or certificate for any application, plan, plat, use, building, improvement, or purpose that conflicts with any provision of this Chapter. Any approval, permit, or certificate issued in conflict with the provisions of this Chapter shall be null and void."

**SECTION 16. Conflicting Ordinances.** The Manor Code of Ordinances is amended as provided herein. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

**SECTION 17. Savings Clause.** All rights and remedies of the City of Manor are expressly saved as to any and all violations of the provisions of any ordinances affecting subdivision within the City which have 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 18. Effective Date.** This ordinance shall take effect September 1, 2019 and in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter. This ordinance shall apply to Plat or Plan applications filed on or after September 1, 2019.

**SECTION 19. Severability.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity 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 of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 20. Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

**PASSED AND APPROVED** on the 21<sup>st</sup> day of August of 2019.



**ATTEST:**

**THE CITY OF MANOR, TEXAS**

Lluvia T. Almaraz, City Secretary

Rita G. Jonse, Mayor

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Veronica Rivera, Assistant City Attorney