

**ORDINANCE NO. 590**

**AN ORDINANCE OF THE CITY OF MANOR, TEXAS AMENDING CHAPTER 10, SUBDIVISION REGULATION, ARTICLE 10.02 SUBDIVISION ORDINANCE, ORDINANCE 263B, EXHIBIT A, AS AMENDED, OF THE CODE OF ORDINANCES OF THE CITY OF MANOR, TEXAS PROVIDING FOR THE AMENDMENT OF GENERAL PROCEDURES, ALTERNATIVE REVIEW PROCEDURES AND APPROVAL OF CONCEPT PLANS; ESTABLISHING EXPIRATION AND EXTENSION DATES; PROVIDING FOR THE APPROVAL OF EASEMENTS AND LICENSE AGREEMENTS; PROVIDING PROCEDURES FOR WATER AND WASTEWATER SERVICES IN THE ETJ; ESTABLISHING LOT WIDTHS IN THE ETJ; 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”) reviews the City’s subdivision regulations from time to time to consider amendments to the City’s subdivision ordinance; 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”) to amend the general procedures, alternative review procedures and approval of concept plans, establish expiration and extension dates, provide for the approval of easements and license agreements, provide procedures for water and wastewater services in the ETJ and establish lot widths in the ETJ; as provided for in Sections 3. through 13. of this Ordinance.

**SECTION 3. Amendment of Section 20, General Procedures.** Section 20. of the Subdivision Ordinance is hereby amended to delete subsection (c) in its entirety to read as follows:

“(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. If the first application is not filed within six (6) months after the date of the pre-development meeting with city staff, the applicant shall be required to schedule a new pre-development meeting to satisfy the meeting requirement set out herein.”

**SECTION 4. Amendment of Section 20B, Alternative Review Procedure; Waiver of Approval Procedure.** Section 20B. of the Subdivision Ordinance is hereby amended to revise the following subsections as follows:

(a) Subsection (a)(ii) is hereby amended in its entirety to read as follows:

“(a)(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. 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.”

(b) Subsection (a)(iv) is hereby amended in its entirety to read as follows:

“(a)(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. Under the Alternative Review Procedure, if requested by the applicant, the City Engineer may, at his/her discretion, approve an application as complete for processing without the need for an applicant to submit documents listed on an application, including but not limited to, Geotech and SWPPP documents.”

**SECTION 5. Amendment of Section 21. – Concept Plan.** Section 21. of the Subdivision Ordinance is hereby amended to revise the following subsections as follows:

(a) Subsection (d)(3) is hereby amended in its entirety 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 approval or conditional approval action on the application (or within the applicable extension period if an extension is granted), or within fifteen (15) days of Commission’s approval or conditional approval action on a Resubmittal Application, as applicable.”

(b) Subsection (f)(1) is hereby amended in its entirety to read as follows:

“(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 approval 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).”

(c) Subsection (f)(2) is hereby amended in its entirety to read as follows:

“(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 approval action by the Commission where an extension has been granted), shall take action on the Concept Plan application.”

**SECTION 6. Amendment of Section 22. – Preliminary Plat.** Section 22. of the Subdivision Ordinance is hereby amended to revise the following subsections as follows:

(a) Subsection (c)(3)(viii) is hereby amended in its entirety to read as follows:

“(viii) Replacement Trees shall be shown on the Preliminary Plat based on the replacement tree ratio in Section 15.03.036 Tree Removal.”

(b) Subsection (c)(4)(iii) is hereby amended to replace “the County Health District” to “Travis County Transportation and Natural Resources”.

**SECTION 7. Amendment of Section 23. – Construction Plans.** Section 23. of the Subdivision Ordinance is hereby amended to add the following subsections as follows:

(a) Subsection (h) is hereby added to read as follows:

“(h) *Expiration.*

(1) The approval of the Construction Plans shall expire two (2) years after the filing date, unless an extension is granted by the Commission in accordance with this Ordinance.

(2) If the Construction Plans expire, all fees shall be repaid as if the Construction Plans were initially being submitted.”

(b) Subsection (i) is hereby added to read as follows:

“(i) *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 a 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.”

**SECTION 8. 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)(1)(viii) is hereby amended in its entirety to read as follows:

“(viii) Certification from the Travis County Transportation and Natural Resources that a subdivision is located in an area which cannot reasonably be served by an organized wastewater collection system and that the use of septic tank or other means of disposal has been approved by the Travis County Transportation and Natural Resources. Said certificate shall show the limitations, if any, of such approval.”

(b) Subsection (f) *Approval.* is hereby amended to delete subsection (3) in its entirety and renumber subsections (4), (5) and (6) as subsections (3), (4), (5) respectively.

(c) Subsection (j) is hereby added to read as follows:

“(j) *Expiration.*

(1) Unless the Final Plat is recorded in the Official County Records within two (2) years after approval by the Commission, such approval of the Final Plat shall be void, unless an extension is granted by the Commission in accordance with this Ordinance.

(2) If the Final Plat expires, all fees shall be repaid as if the Final Plat was initially being submitted.”

(d) Subsection (k) is hereby added to read as follows:

“(k) *Extension.* The developer may apply for an extension, in writing, prior to the end of the initial two (2) year period, stating just cause for needing the extension. Upon receipt of this written request, the Commission may, at its discretion, grant up to a one-year extension.”

**SECTION 9. Amendment of Section 27. – Amended Plats.** Section 27. of the Subdivision Ordinance is hereby amended to add or revise the following subsections as follows:

(a) Subsection (g) is hereby amended in its entirety to read as follows:

“(g) *Expiration.* Approval of an Amended Plat shall expire if said plat is not recorded in the plat records of the County within two (2) years of City approval.”

(b) Subsection (j) is hereby added to read as follows:

“(j) *Extension.* The developer may apply for an extension, in writing, prior to the end of the initial two (2) year period, stating just cause for needing the extension. Upon receipt of this written request, the Commission may, at its discretion, grant up to a one-year extension.”

**SECTION 10. Amendment of Section 28. – Short Form Final Plats.** Section 28. of the Subdivision Ordinance is hereby amended to add the following subsections as follows:

(a) Subsection (j) is hereby added to read as follows:

“(j) *Expiration.*

(1) Unless the Short Form Final Plat is recorded in the Official County Records within two (2) years after approval by the Commission, such approval of the Short Form Final Plat shall be void, unless an extension is granted by the Commission in accordance with this Ordinance.

(2) If the Short Form Final Plat expires, all fees shall be repaid as if the Short Form Final Plat was initially being submitted.”

(b) Subsection (k) is hereby added to read as follows:

“(k) *Extension.* The developer may apply for an extension, in writing, prior to the end of the initial two (2) year period, stating just cause for needing the extension. Upon receipt of this written request, the Commission may, at its discretion, grant up to a one-year extension.”

**SECTION 11. Amendment of Section 45. – Blocks and Lots.** Section 45. of the Subdivision Ordinance is hereby amended to delete subsection (b)(9) to read as follows:

“(9) All lots shall face and have contiguous frontage on a usable, dedicated public road right-of-way except lots within a PUD which may have similar frontage on a private street under common ownership. The extent of this frontage (front line) shall conform to the minimum lot width requirements set forth in the City's Zoning Ordinance. Lots in the ETJ shall have a minimum lot width of sixty (60) feet of frontage.”

**SECTION 12. Amendment of Section 46 Easements.** Section 46. of the Subdivision Ordinance is hereby amended to revise the section and to add subsections as follows:

(a) The title of Section 46 is hereby amended to replace “Easements” to “Easements and License Agreements”.

(b) Subsections (f) and (g) are hereby added to read as follows:

“(f) The City Manager is authorized to sign approval and acceptance of easements granted outside of the subdivision platting process that have been reviewed and approved by the City Engineer and that are granted using a form substantially similar to the form approved by the City Attorney.

“(g) The City Manager is authorized to enter into and execute license agreements as may be required by a plat note or granted outside the subdivision platting process and that are granted using a form substantially similar to the form approved by the City Attorney.”

**SECTION 13. Addition of Section 49. Water and Wastewater Services in the ETJ.** The Subdivision Ordinance is hereby amended to add Section 49. to read as follows:

**“SECTION 49. WATER AND WASTEWATER SERVICES IN THE ETJ.**

(a) *Applicability.* This Section applies to the extension of water and wastewater services to property not within the City Certificate of Convenience and Necessity (“CCN”) but within the extraterritorial jurisdiction of the City (“ETJ”). The use of term “services” in this Section shall mean City water and/or wastewater services on a retail or wholesale basis.

(b) *Annexation Required.* No property in the ETJ, but not in the City’s CCN, shall receive services until it is first annexed into the City limits, except as pursuant to subsection (c), herein. A property owner requesting the extension of services to a property located in the ETJ shall first request in writing that the City annex the area proposed to be serviced and shall comply with any and all requirements for annexation under the Texas Local Government Code, as amended, to authorize the City to annex the property. If the City Council agrees to initiate proceedings on the requested annexation, such annexation shall be completed prior to the extension of City services to the property.

(c) *Conditions Under Which Services May Be Provided In The ETJ Prior To Annexation.* The City Council may determine, in its sole discretion, to provide services in the ETJ without first annexing the property upon: (i) compliance with the conditions set forth below; and (ii) a determination by the City Council that the provision of services is in the best interest of the City.

(1) Adequate capacity exists. There is adequate capacity of City services available for the purpose of servicing residential and commercial users outside the City without impairing services within the City's service area. Whether such adequate capacity exists shall be determined solely by the City Engineer, and the determination of the City Engineer shall be final.

(2) Protection of resources. The extension of services shall not lead to significant degradation of water quality or other environmental resources, or cause or have the potential to cause the City's non-compliance with any local, State, or federal regulations or statutes.

(3) Owners outside City limits to bear costs of service facilities and furnish easements. The property owner requesting service shall be responsible for all costs relating to the design and construction of service facilities. The property owner shall also furnish suitable construction and permanent easements and rights-of-way for utility lines.

(4) Construction to conform to City standards. All design and construction of service facilities shall be in accordance with City standards and specifications.

(5) New subdivisions to comply with City subdivision regulations. New subdivisions recorded after the date of passage of this section desiring services shall comply with the subdivision regulations of the City of Manor, Texas, in effect at the time such new subdivision is approved.

(6) City to have right of review. The City shall have the right to review and approve all plats and plans where service is to be provided. The property owner requesting the service shall pay for all reviews in accordance with the Manor Code of Ordinances Appendix A - Fee Schedule, as amended.

(7) Water and sewer facility requirements. Water service will not be provided to residential and commercial users who utilize private sewage facilities.

(8) Service lines to meet ultimate requirements of the City. All service lines shall be sized to serve the ultimate requirements of the City.

(9) City may reimburse owner for oversized service lines. Where the service lines required to meet the ultimate requirements for the City are larger than the total capacity required to serve the tract of land to be developed, the City may enter into a contract with the property owner constructing the service lines for reimbursement for the excess capacity.

(10) Extended service lines to be inspected by the City. All service lines and facilities extending from existing City facilities to any tract of land outside the City limits requesting service shall be inspected by the City's Engineering Department. The property owner requesting the service shall pay for inspections in accordance with the Manor Code of Ordinances, Appendix A - Fee Schedule, as amended.

(11) Wholesale service to another retail public utility. Any provision of City services on a wholesale basis to another retail public utility in the City's ETJ will be governed by a separate wholesale service agreement approved by the City Council incorporating terms and conditions determined by the City Council to be in the best interest of the City. Expenses incurred by the City in the negotiation and execution of a wholesale service agreement shall be reimbursed by the property owner or retail public utility requesting the wholesale service.

(12) Development agreement. The property owner shall enter into a development agreement with the City identifying specific design standards, use restrictions, connection of public infrastructure as deemed necessary by the Director of Engineering, commitment to allow annexation of the property and to comply with any and all requirements to facilitate the annexation under the Texas Local Government Code, and any other terms determined by the City Council to be in the best interest of the City.

(d) *Rates.* The rates paid by residential and commercial users located in the ETJ for services shall be in accordance with the Manor Code of Ordinances, Appendix A – Fee Schedule, as amended.”

**SECTION 14. 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 15. 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 16. Effective Date.** This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.



**SECTION 17. 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 18. 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 this 4<sup>th</sup> day of November 2020.

**THE CITY OF MANOR, TEXAS**

---

Dr. Larry Wallace, Jr., Mayor

**ATTEST:**

---

Lluvia T. Almaraz,  
City Secretary