

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANOR, TEXAS AMENDING CHAPTER 10, SUBDIVISION REGULATION, OF THE CODE OF ORDINANCES OF THE CITY OF MANOR, TEXAS BY PROVIDING FOR THE AMENDMENT OF GENERAL PROCEDURES; NOTIFICATION AND PUBLIC HEARING REQUIREMENTS; THE IMPACT FEE ADVISORY COMMITTEE; 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 of Fact. 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, of the Manor Code of Ordinances (the “Subdivision Ordinance”), to amend the general procedures for actions on plats and plans; notification and public hearing requirements for concept plans; notification and public hearing requirements for preliminary plats; and advisory committee regulations as provided for in Sections 3 through 7 of this Ordinance.

SECTION 3. Amendment of Section 20, General Procedures. Article 10.02 Subdivision Ordinance, Ordinance 263B, Exhibit A, Section 20 of the Subdivision Ordinance is hereby amended to delete subsection (a) in its entirety to read as follows:

~~(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.~~

“(a) Action on Plats and Plans.

- (i) Plats and Plans for the development of land within the scope of this Chapter shall be drawn and submitted to the Municipal Authority for approval, conditional approval, or disapproval, as provided herein and in accordance with Chapter 212, Texas Local Government Code. The Municipal Authority shall approve, approve with conditions, or disapprove a Plat or Plan within the time required by Chapter 212, Texas Local Government Code, as amended.
- (ii) 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 of the conditions for approval or reasons for disapproval that clearly articulates each specific condition for 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.
- (iii) Failure of the Planning and Zoning Commission, City Council, or other Municipal Authority subject to quorum requirements to act on an application due to lack of a quorum shall not extend the applicable statutory deadline unless an extension is authorized and approved in accordance with Chapter 212, Texas Local Government Code.
- (iv) Pursuant to Section 212.0065, Texas Local Government Code, if the Municipal Authority responsible for acting on a Plat or Plan is unable to act due to lack of a quorum, the City Council delegates to the City Manager, or the City Manager’s designee, the authority to approve, approve with conditions, or disapprove the Plat or Plan before expiration of the applicable statutory deadline. The City Manager or designee may refer the Plat or Plan to the Municipal Authority for action if the referral will not result in approval by operation of law. If the City Manager or designee disapproves a Plat or Plan under this subsection, the applicant may appeal the disapproval in accordance with Section 212.0065, Texas Local Government Code.

- (v) Administrative approval authority under subsection (iv) does not include authority to approve a variance under Section 72 unless such authority is expressly delegated to the City Manager or designee by this Chapter. If approval of a Plat or Plan depends on a variance that has not been approved by the body or official authorized to grant such variance, the City Manager or designee may approve the Plat or Plan with conditions requiring variance approval before filing or recordation, or may disapprove the Plat or Plan based on noncompliance with the applicable subdivision standard for which the variance is requested.
- (vi) If the Municipal Authority, or the City Manager or designee when action under subsection (iv), does not approve, approve with conditions, or disapprove the application within the applicable statutory period, the application shall be approved by operation of law as provided by Chapter 212, Texas Local Government Code.
- (vii) Upon the applicant's request, if the Municipal Authority responsible for approving a Plat or Plan fails to approve, approve with conditions, or disapprove the Plat or Plan within the applicable statutory period, the Municipal Authority shall issue a certificate stating the date the Plat or Plan was filed and that the Municipal Authority failed to act within the applicable statutory period. The certificate shall be effective in place of the endorsement otherwise required for approval, to the extent required by Chapter 212, Texas Local Government Code."

SECTION 4. Amendment of Section 21, Concept Plan. Article 10.02 Subdivision Ordinance, Ordinance 263B, Exhibit A, Section 21 of the Subdivision Ordinance is hereby amended to delete subsection (e) in its entirety to read as follows:

- ~~(e) Notification. All owners of property (as determined by the most recent tax rolls from the County Appraisal District), any part of which is located within 300 feet of the perimeter of the land to be developed, shall be notified by mail.~~
 - ~~(1) The developer shall post signs along contiguous rights of way at each corner of the development and at intervals that do not exceed 300 feet between said corners. Signs must be in accordance with the City Standard Details and Specifications.~~
 - ~~(2) The City shall publish a public notice at least once in a newspaper of general circulation in the City not fewer than 15 nor more than 30 days prior to said public hearing.~~
 - ~~(3) The City shall mail public notification forms, postmarked no fewer than 15 days prior to the appropriate Commission hearing, to the owners of all property, any part of which is located within 300 feet of the perimeter of the property included within the Concept Plan.~~
- "(e) Public notification and public hearings shall not be required for a Concept Plan."

SECTION 5. Amendment of Section 21, Concept Plan. Article 10.02 Subdivision Ordinance, Ordinance 263B, Exhibit A, Section 21, subsection (f) is hereby amended 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.~~

“(f) *Approval.* The Commission and Council shall take action on the Concept Plan.”

SECTION 6. Amendment of Section 22, Preliminary Plat. Article 10.02 Subdivision Ordinance, Ordinance 263B, Exhibit A, Section 22 of the Subdivision Ordinance is hereby amended to delete subsection (e) in its entirety to read as follows:

~~(e) *Notification.* Public notification for a Preliminary Plat shall be the same as the notification procedures for the Concept Plan.~~

~~(1) *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.~~

~~(2) 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).~~

~~(3) Zoning of the tract, if applicable, that shall permit the uses proposed by the Preliminary Plat, or any pending zoning amendment necessary to permit the proposed uses shall have been adopted by the Council prior to approval of the Preliminary Plat.~~

~~(4) Approval of the Preliminary Plat shall not constitute approval of the Final Plat, but shall constitute a vesting of the right to develop under City ordinances, codes and policies in effect on the date of the approval provided that neither the Preliminary Plat nor any subsequent plat or permit has been, or is, allowed to expire.~~

~~(5) The developer should be aware that specific approvals from other agencies may be required.~~

~~(6) Upon approval of the Preliminary Plat, the developer shall furnish one mylar reproducible copy of the approved Plat to be kept on file at the City as public record.~~

“(e) Public notification and public hearings shall not be required for a Preliminary Plat.”

SECTION 7. Amendment of Article 10.03.007. Article 10.03.007 is hereby amended to delete Article 10.03.007 in its entirety to read as follows:

- ~~(a) The advisory committee shall consist of the city planning and zoning commission (the "commission") and other citizens of the city appointed by the city council. If the commission does not include at least one representative of the real estate, development or building industry who is not an employee or official of a governmental entity, the city council shall appoint at least one representative having such qualifications as a voting member of the advisory committee. If any impact fee is to be applied to the extraterritorial jurisdiction of the city, a representative from that area shall be appointed by the city council.~~
 - ~~(b) The duties of the advisory committee shall be as follows:
 - ~~(1) Advise and assist in the adoption of land use assumptions;~~
 - ~~(2) Review the capital improvements plan and file written comments;~~
 - ~~(3) Monitor and evaluate implementation of the capital improvements plan;~~
 - ~~(4) File semi-annual reports with respect to the progress of the capital improvements plan and report to the city council any perceived inequities in implementing the plan or imposing the impact fee; and~~
 - ~~(5) Recommend to the city council as necessary and required the timely amendment and/or update of the capital improvements plan and the impact fees.~~~~
 - ~~(c) All information and professional reports concerning the development and implementation of the capital improvements plan shall be made available to the advisory committee, and the city staff and contract officers of the city shall provide the committee with such support and assistance as may be required.~~
- “(a) The advisory committee shall consist of not less than five members appointed by majority vote of the city council. Not less than 50 percent of the membership of the advisory committee must be representatives of the real estate, development, or building industries who are not employees or officials of a political subdivision or governmental entity. If any impact fee is to be applied to the extraterritorial jurisdiction of the city, the membership must include a representative from that area appointed by the city council.
- (b) The duties of the advisory committee shall be as follows:
- (1) Advise and assist in the adoption of land use assumptions;
 - (2) Review the capital improvements plan and file written comments;
 - (3) Monitor and evaluate implementation of the capital improvements plan;

- (4) File semi-annual reports with respect to the progress of the capital improvements plan and report to the city council any perceived inequities in implementing the plan or imposing the impact fee; and
 - (5) Recommend to the city council as necessary and required the timely amendment and/or update of the capital improvements plan and the impact fees.
- (c) All information and professional reports concerning the development and implementation of the capital improvements plan shall be made available to the advisory committee, and the city staff and contract officers of the city shall provide the committee with such support and assistance as may be required.
- (d) The advisory committee shall perform all duties required by Chapter 395, Texas Local Government Code, as amended, including any duties related to the review of land use assumptions, the capital improvements plan, impact fees, reports, written comments, and any independent financial audit required by state law.”

SECTION 8. 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 9. 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 10. 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 11 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 12. 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 _____ day of _____, 2026.

THE CITY OF MANOR, TEXAS

Christopher Harvey, Mayor

Attest:

Lluvia T. Almaraz, City Secretary