

Ordinance No. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS (“CITY”) RELATING TO APPROVALS, PROCESSING, AND REQUIREMENTS FOR PLATS AND PLANS PURSUANT TO CHAPTER 212 OF THE LOCAL GOVERNMENT CODE; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, House Bill 3167, enacted by the Texas Legislature on May 21, 2019 and signed into law by the Governor on June 14, 2019, requires the municipal authority responsible for approving plats to approve, approve with conditions, or disapprove a subdivision plan, subdivision construction plan, site plan, land development application, site development plan, preliminary plat, general plan, final plat, or replat within 30 days of the date the application is filed, beginning September 1, 2019; and

WHEREAS, House Bill 3167 requires the municipal authority responsible for approving plats to issue a written statement that sets forth the conditions of a conditional approval or reasons for a denial, to which the applicant may submit a response that purports to address said conditions or reasons, and the municipal authority must approve, approve with conditions, or disapprove the application within 15 days of the date the response is filed; and

WHEREAS, the Planning and Zoning Commission (the “Commission”) is the municipal authority responsible for approving plats within the city limits or the ETJ of the City; and

WHEREAS, site development plans, subdivision construction plans, and other land development applications that are not plats currently only require administrative approval under the City’s Unified Development Code (“UDC”); and

WHEREAS, the City strives to provide comments on all complete development applications within four weeks of submittal, a metric attained 90% of the time in 2018, and comments on all resubmissions within two weeks of resubmittal, a metric also attained 90% of the time in 2018; and

WHEREAS, House Bill 3167’s requirement that the Commission must approve, conditionally approve, or deny all plats, plans, and other land development applications would have required the Commission to have acted upon over 500 additional applications in 2018; and

WHEREAS, in order to bring all plats, plans, and other development applications to the Commission for final action within 30 days of the date the application is filed, as well as all resubmissions to the Commission within 15 days of the date the response is filed, the City will be required to limit the days on which said applications can be filed; and

WHEREAS, in order to bring all plats, plans, and other land development applications to the Commission for final action within 30 days of the date the application is filed, as well as all resubmissions to the Commission within 15 days of the date the response is filed, the City will be required to dedicate additional resources to the review of said applications; and

WHEREAS, in the near future the City intends to amend various provisions of the UDC to comply with House Bill 3167, but the imminence of the September 1, 2019 effective date of House Bill 3167 requires the City Council to forthwith enact an omnibus ordinance that establishes new procedures relating to approvals, processing, and requirements for plats and plans that comply with the legislation and that supersedes any conflicting provisions in the UDC; and

WHEREAS, the City Council finds it necessary to adopt the provisions regarding certain development applications in order to comply with House Bill 3167 as set out herein.

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

Section 1. The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

Section 2. The following provisions shall apply to all applicable applications filed with the City after September 1, 2019.

- A. Notwithstanding any provisions of the City's Unified Development Code ("UDC") or the Commission's Bylaws to the contrary, the Commission shall be the final authority for the following applications:
1. Subdivision Plat (UDC Section 3.08)
 2. Site Development Plan (UDC Section 3.09)
 3. Stormwater Permit (UDC Section 3.17)
 4. Driveway Access Permit (UDC Section 3.19)
 5. Subdivision Variances (UDC Section 3.22)
 6. Heritage Tree Removal Permit (UDC Section 3.23)
 7. Heritage Tree Pruning Permit (UDC Section 3.24)
 8. Construction Plans approval (UDC Section 3.08.100)
 9. Traffic Impact Analysis approval (UDC Section 12.09)

- B. Notwithstanding any provisions of the UDC or the Commission’s Bylaws to the contrary, the Commission shall approve, conditionally approve, or deny the applications set forth in Section 2.A. of this Ordinance within 30 days of the date the application is filed with the City, as well as any resubmittals within 15 days of the date the response is filed with the City, and the UDC Development Manual adopted pursuant to Section 1.11 of the UDC and the bylaws of the Commission shall be amended accordingly.
- C. Notwithstanding any provisions of the UDC to the contrary, for purposes of this Ordinance and Section 212.009 of the Texas Local Government Code, an application is considered “filed” on the date it is submitted to the City and all application fees have been paid, so long as the application is administratively complete.
- D. Notwithstanding any provisions of the UDC to the contrary, an application is considered “administratively complete” if the application contains all of the documents and other information necessary to comply with the City’s technical requirements relating to the form and content of the application, as set forth in the UDC Development Manual.
- E. Pursuant to Section 212.009(b-1) of the Texas Local Government Code, an applicant may request in writing that the Commission extend the 30-day review period by an additional 30-days, and the Commission shall approve or deny the extension request at the next-available Commission meeting.
- F. Beginning September 1, 2019, and notwithstanding any provisions of the UDC or the UDC Development Manual to the contrary, the applications set forth in Section 2.A. of this Ordinance may only be filed with the City not more than once per calendar month, and responses to conditional approval or denial of said applications may only be filed with the City not more than twice per calendar month.
- G. The Director of the City’s Planning Department shall, prior to September 1, 2019, publish a calendar of the dates within the next calendar year on which the applications set forth in Section 2.A. of this Ordinance may be filed with the City, as well as the dates within the next calendar year on which responses to the conditional approval or denial of such applications may be filed with the City, and the UDC Development Manual shall be amended accordingly.
- H. The Director of the City’s Planning Department shall, prior to September 1, 2019, bring before City Council a resolution for the adoption of a new application fee schedule, effective September 1, 2019, that will cover the additional cost to the City in order to comply with House Bill 3167.

Section 3. All ordinances or resolutions that are in conflict with the provisions of this ordinance are, and the same are hereby, repealed and all other ordinances or resolutions of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 4. If any provision of this ordinance, or application thereof, to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 5. The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This Ordinance shall become effective and be in full force and effect in accordance with the provisions of the City Charter of the City of Georgetown.

PASSED AND APPROVED on First Reading on the _____ of _____, 2019.

PASSED AND APPROVED on Second Reading on the _____ of _____, 2019.

ATTEST:

THE CITY OF GEORGETOWN

Robyn Densmore, City Secretary

Dale Ross, Mayor

APPROVED AS TO FORM:

Charlie McNabb, City Attorney