

ORDINANCE NO. 2019-685

AN ORDINANCE SUSPENDING APPLICATION OF PROVISIONS CONTAINED WITHIN CHAPTER 20 ENTITLED "SUBDIVISION REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS, THAT CONFLICT WITH HOUSE BILL 3167 PASSED BY THE 86TH LEGISLATURE OF THE STATE OF TEXAS AND SIGNED BY GOVERNOR GREG ABBOTT ON JUNE 14, 2019; DIRECTING THE CITY STAFF TO PROCESS ALL PLATS AND SUBDIVISION CONSTRUCTION PLANS IN ACCORDANCE WITH THE PROVISIONS OF HB 3167; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the 86th Legislature of the State of Texas passed HB 3167 which was signed by Governor Abbott on June 14, 2019, with an effective date of September 1, 2019 (the "Act"); and

WHEREAS, the Act requires extensive revisions to the Subdivision Ordinance and to the way in which the plats and plans, as defined in the Act, are processed by the staff, the Planning and Zoning Commission, and City Council; and

WHEREAS, the City Council of the City of Cedar Hill urges the Texas Legislature to reconsider the provisions of the Act at its earliest opportunity.

WHEREAS, on August 4, 2019, due notice of public hearings before the Planning and Zoning Commission and City Council was published in the City's official newspaper, which included the time and place of the public hearings, to consider and hear public comment on the proposed amendment; and

WHEREAS, on August 20, 2019, the City's Planning and Zoning Commission held a public hearing regarding this matter; and

WHEREAS, following the public hearing, the Planning and Zoning Commission considered the request and rendered its recommendation which was conveyed to the City Council; and

WHEREAS, on August 27, 2019, the City Council held a public hearing and accepted comments from the public regarding the requested amendment; and

WHEREAS, the City Council finds that this Ordinance substantially advances the public health, safety and general welfare of the citizens of the City, Texas;

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

SECTION 1. INCORPORATION OF RECITALS.

The foregoing recitals hereby are incorporated by reference and made a part hereof as if fully set forth.

SECTION 2. SUSPENSION OF CONFLICTING REGULATIONS.

The City Council hereby acknowledges the provisions of the Act and suspends the application of any ordinance or process contained in the Subdivision Ordinance, as it now exists or as it may be amended, that conflict with the provisions and requirements of the Act after its effective date.

SECTION 3. PROCESSING OF APPLICATIONS.

The City Council further directs the City's Planning & Zoning Commission, staff and outside consultants to process, approve, approve with conditions or deny all plats and subdivision construction plans, as defined in the Act, in accordance with the provisions and requirements of the Act.

SECTION 4. SAVINGS CLAUSE.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances for the City of Cedar Hill, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event, conflicting provisions of such ordinances and Code are hereby superseded.

SECTION 5. SEVERANCE CLAUSE.

Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 6. EFFECTIVE DATE.

Because of the nature of the interests sought to be protected and of the safeguards sought to be provided by this Ordinance, and in the interest of the health, safety, and welfare of the citizens of Cedar Hill, Texas, this Ordinance shall take effect immediately after its passage, approval, and publication as required by law.

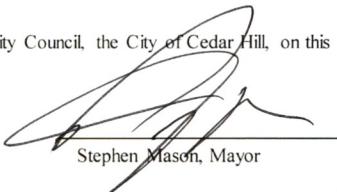
SECTION 7. PUBLICATION.

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

SECTION 8. FINDINGS INCORPORATED.

The findings set forth above at the beginning of this Ordinance are legislative findings of the City Council and are incorporated as if fully set forth herein. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this Ordinance are reasonable and necessary to protect the public health, safety and quality of life.

PASSED, APPROVED and ADOPTED by the City Council, the City of Cedar Hill, on this the 27th day of August, 2019.



Stephen Mason, Mayor

ATTEST:



Belinda Berg, City Secretary

APPROVED AS TO FORM:



Ron MacFarlane
City Attorney