

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE OF THE CITY OF FORT WORTH, CODIFIED AS CHAPTER 31 "SUBDIVISION ORDINANCE" OF THE CODE OF THE CITY OF FORT WORTH, TO AMEND ARTICLE I, "PLAN COMMISSION", TO PROVIDE FOR THE DELEGATION BY THE PLAN COMMISSION TO THE DIRECTOR OF THE DEVELOPMENT SERVICES DEPARTMENT OR THE DIRECTOR'S DESIGNEE THE AUTHORITY TO CONDITIONALLY APPROVE PLATS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND NAMING AN EFFECTIVE DATE.**

**WHEREAS**, on September 12, 2006, the City Council of Fort Worth adopted Ordinance Number 17154 which combined the Subdivision Regulations of Chapter 31 of the City Code and the Plan Commission Rules and Regulations into one revised subdivision ordinance adopted by the City Council as Appendix C, "Subdivision Ordinance" to the City Code; and

**WHEREAS**, on October 30, 2007, the City Council adopted Ordinance Number 17851 which repealed the contents of Chapter 31 "Subdivision Regulations", replaced with the contents of Appendix C, "Subdivision Ordinance" and repealed Appendix C; and

**WHEREAS**, the 86th Legislature of the State of Texas passed House Bill 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 amended Chapter 212, "Municipal Regulation of Subdivisions and Property Development," of the Texas Local Government Code (TLGC) to require, in part, that the municipal authority responsible for approving plats must approve, approve with conditions, or disapprove a plat within 30 days after the date the plat is filed or the plat is considered approved by operation of law; and

**WHEREAS**, the City Council adopted Ordinance No. 23932-11-2019 amending the Subdivision Ordinance to conform with the Act; and

**WHEREAS**, the City Council adopted Ordinance No. 24457-09-2020 amending the Subdivision Ordinance to authorize the delegation of the approval, conditional approval, and disapproval of construction plans and the delegation of the authority to act on waivers and continuances for construction plans from the City Plan Commission to the Director of the Development Services Department, or the Director's designee; and

**WHEREAS**, the City Council finds it desirable to amend the Subdivision Ordinance to delegate the authority to conditionally approve plats to the Director of the Development Services Department or the Director's designee; and

**WHEREAS**, the City Plan Commission has reviewed the proposed amendments and recommends amending the Subdivision Ordinance as proposed.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS**

**SECTION 1.**

Chapter 31, “Subdivision Ordinance” of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby further amended by amending Article I, “Plan Commission” to amend subsection 31-1, to read as follows:

**Sec. 31-1 RESPONSIBILITY.**

The city plan commission, referred to as “commission,” shall exercise all of the powers of approval, disapproval and vacation of plats and plans, as provided by state statutes and the City Charter and ordinances. The commission may delegate to the Director or the Director’s designee, the authority to conditionally approve plats, the authority to approve, disapprove, and conditionally approve construction plans, and the authority to grant waivers of the provisions of this chapter and continuances for construction plans. The Director may refer any matter delegated to the Director to the commission for a decision.

**SECTION 2.**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (2015), 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 such Code are hereby repealed.

**SECTION 3.**

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, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality 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 in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4.**

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Code of the City of Fort Worth 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 5.**

This ordinance shall take effect after adoption.

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
Richard A. McCracken  
Senior Assistant City Attorney

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Mary Kayser  
City Secretary

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_