

CITY OF GUNTER, TEXAS

ORDINANCE NO. 2019-08-15-2

AN ORDINANCE OF THE CITY OF GUNTER, TEXAS SUSPENDING APPLICATION OF ORDINANCE PROVISIONS CONTAINED IN THE CITY'S SUBDIVISION ORDINANCE, AS IT NOW EXISTS OR AS IT MAY BE AMENDED, THAT CONFLICT WITH THE PROVISIONS OF HB 3167 PASSED BY THE 86TH LEGISLATURE OF THE STATE OF TEXAS AND SIGNED BY GOVERNOR GREG ABBOTT ON JUNE 14, 2019; DIRECTING CITY STAFF TO PROCESS ALL PLANS AND PLATS AS DEFINED IN HB 3167 IN ACCORDANCE WITH THE PROVISIONS OF HB 3167; PROVIDING FOR A CONFLICT/SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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 and the Planning & Zoning Commission; and

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

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

SECTION 1. The recitals set forth above are incorporated as if fully set forth herein.

SECTION 2. 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.

SECTION 3. 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 plans, as defined in the Act, in accordance with the provisions and requirements of the Act.

SECTION 4. Conflict/Savings Clause. In the event of a conflict between the provisions of this Ordinance and any other regulation or rule prescribed by charter, another ordinance, resolution or authorization of the City, the provisions of this ordinance shall control. Notwithstanding the foregoing, all rights and remedies of the City are expressly saved as to any and all complaints, actions, claims, or lawsuits, which have been initiated or have arisen under or pursuant to such conflicting Ordinance, or portion thereof, on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the conflicting Ordinance shall remain in full force and effect.

SECTION 5. Effective Date. This Ordinance shall take effect immediately from and after its date of passage.

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DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GUNTER, TEXAS on this 15th day of August, 2019, by the following vote:

AYES	<u>3</u>
NAYS	<u>0</u>
ABSTENTIONS	<u>0</u>

APPROVED:

Mark Millar
Mark Millar, Mayor

ATTEST:

Detra Gaines
Detra Gaines, City Secretary

