

**CITY OF SANDY OAKS, TEXAS**

**ORDINANCE NO. 2020-162**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS PROVIDING FOR PROCEDURES FOR ADOPTION AND AMENDMENTS TO THE COMPREHENSIVE MASTER PLAN AND OTHER MATTERS RELATED THERETO.**

**WHEREAS**, section 213.002 of the Local Government Code authorizes the governing body of a municipality to adopt a comprehensive plan for the long-range development of the municipality; and

**WHEREAS**, section 213.003(a) of the Local Government Code provides a comprehensive plan may be adopted or amended by ordinance following a hearing at which the public is given the opportunity to give testimony and present written evidence and review by the municipality's planning commission or department; and

**WHEREAS**, section 213.003(b) of the Local Government Code provides a municipality may establish, in its charter or by ordinance, procedures for adopting and amending a comprehensive plan; and

**WHEREAS**, the City of Sandy Oaks, Texas (“City”) is in the process of adopting a Comprehensive Master Plan (“Plan”) as a policy framework for the Mayor and City Council, the Planning and Zoning Commission (“Commission”), City management and staff, property owners, residents, developers and other community stakeholders with a long-range guide for the future growth of the City; and

**WHEREAS**, the Plan is an expression of what the community wants, a vision of what it might be, and a working document representing the goals, objectives, assumptions, standards, principles, and policies as agreed upon by the citizens of the community; and

**WHEREAS**, in an effort to preserve the primary goals and objectives of the Plan while acknowledging the community’s changing vision of the City as the City grows and develops, the City Council finds it should adopt procedures for adopting and amending the Plan to keep the community informed of the adoption and proposed amendments to the Plan and provide for opportunity for citizen input;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS THAT:**

**SECTION 1. FINDINGS OF FACT.** The recitals set forth above in this Ordinance are true and correct and are hereby adopted as findings of the City Council and are incorporated into the body of this Ordinance as if fully set forth herein.


**SECTION 2. PROCEDURES FOR ADOPTION OF THE COMPREHENSIVE MASTER PLAN.** Prior to the adoption of the Plan by the City Council, the Commission shall

hold a public hearing, review the proposed Plan, and submit a recommendation to the City Council on the adoption of the Plan. A copy of the Plan with the recommendations of the Commission, or any part thereof, shall be forwarded to the City Council, which may adopt the Plan, in whole or in parts, and may adopt any amendments thereto after at least one (1) public hearing on the proposed Plan. If such Plan, or part thereof, is rejected by the City Council, the Council may request the Commission modify such Plan, or part thereof, and again forward it to the City Council for consideration. Upon adoption, the Plan shall be the Comprehensive Master Plan for the City and serve such purposes as stated in the Plan document.

**SECTION 3. LEGAL EFFECT OF PLAN.** Upon the adoption of a Plan by the City Council, no subdivision, street, park or any public way, ground, or space, building or structure, or public utility, whether publicly or privately owned, which is in conflict with the Plan shall be constructed or authorized by the City, until and unless the location and extent thereof shall have been submitted to the Commission for review. No zoning change shall be approved to any zoning district that is inconsistent with the land use designation for the property in the Plan until a request for a change to the land use consistent with the Plan for the proposed zoning district has been submitted to the Commission for review and approval.

**SECTION 4. APPLICATION FOR PLAN AMENDMENT.**

(A) *Application by Interested Person.* Any person having a proprietary interest in any property within the corporate limits of the City, requesting a change or amendment to the Plan, shall file an application applying for such change or amendment with the City Clerk. Each application shall be accompanied by the following:

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- (1) A clear statement or description of the requested change or amendment.
  - (2) A drawing, at a scale of not less than one inch to 200 feet, indicating the following: (a) Existing land use categories; (b) Proposed land use categories in a format that identifies boundaries between different land use categories; and (c) Plan features, whether existing or proposed, from any or all of the following elements: land use plan, urban design plan, parks and open space plan, trail network and thoroughfare plan.
  - (3) A vicinity map indicating the general location of the subject property.
  - (4) A filing fee of \$250.00.
  - (5) If the City determines that the proposed amendment may have an impact on the water, wastewater or thoroughfare plan components of the Plan, due to changes in population density or other factors, the City may require an evaluation of such impacts as it deems necessary.
  - (6) If applicable, consent of the property owner(s) for submission of the application for the proposed amendment(s) to the Plan affecting a particular property.

(B) *Request by City Council or Commission.* The Commission or the City Council may on its own motion, institute study and proposals for changes and amendments in the public interest to the Plan indicating the requested changes and amendments and reasons for the requested changes or amendments.

## **SECTION 5. REVIEW BY PLANNING AND ZONING COMMISSION**

(A) *Generally.* Before acting on any proposed Plan change or amendment, the City Clerk shall submit the same to the Commission for its review and recommendation and report to the City Council.

(B) *Hearing.* The Commission shall hold a public hearing on any application or request for any such change or amendment prior to making its recommendation and report to the City Council approving or denying the application or request for change or amendment.

(C) *Notification Requirements for Plan Amendment.* Prior to a public hearing on any such application or request for a change or amendment to the Plan, notice of the public hearing of the Commission shall be given by publication in the City's newspaper of record or a newspaper of general circulation in the City. Such notice shall state the time and place of such hearing, the nature of the subject to be considered, and property affected (if applicable), which time shall not be earlier than ten days from the date of publication.

## **SECTION 6. ACTION BY CITY COUNCIL.**

(A) *Hearing to be held.* After receipt of a recommendation and report by the Commission, the City Council shall hold a public hearing and consider the recommendation and report of the Commission before adopting any proposed change or amendment.

(B) *Notice of hearing.* Notice of such hearing shall be given by publication in the City's newspaper of record or a newspaper of general circulation in the City stating the time and place of such hearing, the nature of the subject to be considered, and property affected (if applicable), which time shall not be earlier than 15 days from the date of publication.

(C) *Vote by the City Council.* A proposed Plan amendment shall not become effective except by a three-fourths vote of the City Council qualified to vote. The City Council may adopt, in whole or in part, the recommendation of the Commission to approve or deny the application or request for change or amendment to the Plan.

**SECTION 7. SEVERABILITY.** If any portion of this Ordinance shall, for any reason be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof or any other ordinance of the City and the Council hereby determines that it would have adopted this Ordinance without the invalid provision.

**SECTION 8. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its passage.

**PASSED AND APPROVED** on this 28<sup>th</sup> day of May, 2020.

**CITY OF SANDY OAKS, TEXAS**

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Micki L. Ball, Mayor

**ATTEST:**

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Katherine Yelton, City Clerk

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