

CITY OF SANDY OAKS, TEXAS

ORDINANCE NO. 2026-265

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS AMENDING ORDINANCE NO. 2020-162 PROVIDING PROCEDURES FOR ADOPTION AND AMENDMENTS TO THE COMPREHENSIVE MASTER PLAN TO PROVIDE FOR ENFORCEMENT AND PENALTIES 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") adopted 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;

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; and

WHEREAS, the City Council desires to amend Ordinance No. 2020-162 to provide for enforcement and penalties for use of land within the City contrary to or in violation of the Plan;

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 Administrator. Each application shall be accompanied by the following:

- (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 Administrator shall submit the same to the Commission for its review and recommendation and report to the City Council. If the Commission is at any time abolished by the City Council or lacks the appointed number of members sufficient to act in a time imposed by ordinance or rule of the City or by state law, the duties and obligations of the Commission as set forth in this Ordinance are effectively waived without further action from 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. ENFORCEMENT PROCEDURES

(A) *Compliance Required.* No person may use, occupy, or develop land, buildings, or other structures or authorize or permit the use, occupancy, or development of land, buildings, or other structures, except in accordance with all the provisions of the Plan.

(B) *Continuation of Prior Enforcement Actions.* Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions undertaken by the City pursuant to regulations in effect before the effective date of this Ordinance. Enforcement actions initiated before the effective date of or amendments to this Ordinance may be continued to completion or settlement under the terms of the regulations in effect prior to the effective date of this Ordinance.

(C) *Enforcement Authority.*

- (1) *Citations.* The City's Code Enforcement shall have the authority to issue citations for any violation of this Ordinance in accordance with Section (D), *Violations*.
- (2) *Appropriate Action.* In addition to the penalties and remedies provided in this Ordinance, the City Administrator may, in case of any violation of this Ordinance, institute on behalf of the City any appropriate action to prevent, restrain, correct, or abate such violation(s) or prevent any illegal act, conduct, business, or use on or about the premises.
- (3) *Right to Entry.* The City's Code Enforcement, Building Official, and City Administrator are empowered to enter any building, structure, or premises in the City upon which a development or land use is located, as follows:
 - a. *Inspection.* Entry shall be for the purpose of inspection to ensure compliance;
 - b. *Hours.* Inspection shall be performed during business hours, unless an emergency exists; and
 - c. *Permission.* Inspection shall be made only after:
 - i. Permission is granted by the owner or tenant; or
 - ii. An order is given from a court of competent jurisdiction.

(D) *Violations.*

- (1) Violations of this Ordinance subject to the enforcement remedies of this Ordinance include, but are not limited to, the following:
 - a. *Development or Use without, or Inconsistent with, a Permit or Approval.* Any activity that is not authorized by or is inconsistent with all of the permits, approvals, certificates, and authorizations this Ordinance requires, as set out in Sections 4, 5, or 6;
 - b. *Development or Use Inconsistent with this Ordinance.* Any activity that is inconsistent with any applicable regulation of this Ordinance or land use regulation of the City, unless this Ordinance expressly provides an exception;
 - c. *Development or Use Inconsistent with Conditions.* Any activity that violates, by act or omission, any term, condition, or qualification the City places upon a required permit, certificate, plan approval, or other forms of authorization that the City granted to allow the use, development, or other activity upon land or improvements of land;
 - d. *Making a Lot or Yard Nonconforming.* Any activity that reduces any lot area so that the yards or open spaces are smaller than that required by this

Ordinance, a final plat, site plan, Plan, or development regulation of the City, except in accordance with the procedural and substantive requirements of this Ordinance.

- e. *Increasing Use Intensity.* Any activity that increases the intensity or density of use of any land or structure, except in accordance with the procedural and substantive requirements of this Ordinance.
- f. *Removing, Defacing, or Obscuring Notice.* Any activity that removes, defaces, obscures, or interferes with any sign or notice required by this Ordinance.

(2) *Complaints.* Any person may file a written complaint to the City Administrator on a suspected violation of this Ordinance. The City Administrator shall record the complaint upon filing and forward the complaint to the appropriate City department to investigate and take action as provided in this Ordinance.

(3) *Notice of Violation.*

- a. *Mailed Notice.* If it is determined there may be a violation of this Ordinance or the Plan, or any other ordinance of the City of which the procedures of the Ordinance may apply, the City's Code Enforcement shall send a violation notice by certified mail to the property owner of record on which the violation is taking place.
- b. *Contents of Notice.* The notice shall contain:
 1. *Address.* The address or location of property where the violation is alleged;
 2. *Violation Description.* A description of the alleged violation with a reference of the Section(s), Subsection(s), or paragraph(s) of this Ordinance, the Plan, or any other ordinance of the City of which the procedures of the Ordinance may apply, and/or conditions of approval being violated;
 3. *Required Actions.* A statement of the action(s) that shall be taken to correct the violation;
 4. *Timeframe.* The timeframe not to exceed 14 days to correct the violation. The City's Code Enforcement may grant an extension if the property owner is diligently working towards compliance with this Ordinance, the Plan, or any other ordinance of the City of which the procedures of the Ordinance may apply.
 5. *Contact Information.* Contact information for a person or department who can answer questions about the violation notice.
- c. *Exemption.* The City's Code Enforcement shall not be required to issue written notice and may continue the enforcement process if the violation is likely to create an imminent hazard to life or property.

(4) *Successive Days and Cumulative Penalties.* Each violation of this Ordinance and each day that the violation exists shall constitute a distinct and separate offense.

(5) *Associated Parties.* The owner or tenant of any full or partial building, structure, or premises, any architect, builder, contractor, agent, or any other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties and/or remedies provided in this Ordinance.

(6) *Correction.* Correction of the violation in the manner stipulated by the violation notice at any point during this enforcement process shall deem the notice null and void, and enforcement activity shall cease by the City.

SECTION 8. PENALTIES AND REMEDIES

(A) *Penalties.* An offense under this Ordinance is a Class C misdemeanor. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of Five Hundred Dollars (\$500.00), unless specifically stated herein. Upon a finding that the violation constitutes a danger to public health and sanitation, other than the dumping of refuse, such fine shall be no less than Five Hundred Dollars (\$500) and shall not exceed Two Thousand Dollars (\$2,000.00), unless otherwise specifically stated herein. Upon a finding that a violation constitutes a dumping of refuse, such fine shall be no less than Five Hundred Dollars (\$500) and shall not exceed Four Thousand Dollars (\$4,000.00), unless otherwise specifically stated herein. Each occurrence shall be deemed to be a separate violation. Each day that a violation is permitted to exist shall constitute a separate offense.

(B) *Non-Judicial Remedies.* The City's Code Enforcement may enforce any violation of this Ordinance prior to and without judicial process by:

- (1) *Withholding Permits.* The City's Code Enforcement, Building Official, or City Administrator may deny or withhold permits, approvals, or other forms of authorization for failure to comply with the requirements of this Ordinance.
- (2) *Suspension of Permits.* The City's Code Enforcement or another administrative official may suspend any permits to allow for the correction of a violation or in response to a judgment of a court of competent jurisdiction.
- (3) *Temporary Revocation of Permits.* The City's Code Enforcement or another administrative official may temporarily revoke permits for due cause to address an imminent danger to public health, public safety, or public or private property or to prevent irreparable harm.
- (4) *Revocation of Permits and Approvals.*
 - a. *Generally.* The City's Code Enforcement or City Administrator may revoke a permit or approval that has been approved by the City if they find that:
 - i. There is a violation of any provision of this Ordinance;
 - ii. The approval was issued in error or based on false representation;
 - iii. Upon the request of an outside agency with jurisdiction and due cause; or
 - iv. There is a departure from the approved plans required under the permit, this Ordinance, or the City's construction requirements.
 - b. *Notice.* Written notice of revocation shall state a timeframe to correct the violation.
 - c. *Effect of Notice.* No work or construction may proceed after service of the revocation notice except work necessary to correct a violation.

d. *Failure to Correct.* If the period to correct the violation lapses and arrangements acceptable to the City's Code Enforcement or City Administrator that revoked the approval have not been made, the City's Code Enforcement or City Administrator may:

- i. File litigation in a court of competent jurisdiction; or
- ii. Remove or correct such violation and place a lien upon the property or improvements to the property in an amount to cover all costs related to correction or abatement of the violation.

(5) *Stopping Work.* The City's Code Enforcement or City Administrator shall have the authority to stop any or all construction activity necessary to halt, correct, or prevent a violation under this Ordinance by issuing a written stop-work order.

(6) *Cease and Desist Orders.* The City's Code Enforcement or City Administrator may issue a cease-and-desist order to close unlawful uses or to halt a violation of this Ordinance.

(C) *Judicial Remedies.* The City's Code Enforcement or City Administrator may seek the following judicial remedies or any other judicial remedy as permitted by law to enforce this Ordinance in any court of competent jurisdiction:

- (1) *Injunctive Relief.* The City may seek an injunction in a court of competent jurisdiction to stop any violation of this Ordinance. Such relief may include revocation or termination of permits for any reason. In any court proceeding in which the City seeks a preliminary injunction, it shall be presumed that a violation of this Ordinance is, or could be, an injury to the public health, safety, or general welfare.
- (2) *Abatement.* The City may seek a court order in the nature of mandamus, abatement, or other action to abate or remove a violation, or to otherwise restore the premises in question to the condition in which it existed prior to a violation.

SECTION 9. REPEAL OF CONFLICTING ORDINANCES. All City ordinances or parts of ordinances inconsistent or in conflict herewith, to the extent of such inconsistency or conflict, are hereby repealed.

SECTION 10. 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.

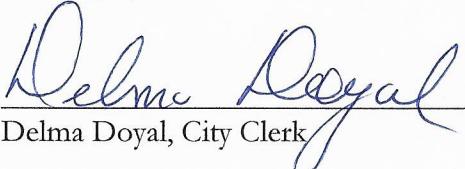
SECTION 11. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage.

PASSED AND APPROVED on this 29th day of January, 2026.

CITY OF SANDY OAKS, TEXAS


Michael Martinez, Jr., Mayor

ATTEST:


Delma Doyal, City Clerk