

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS ADOPTING A NEW COMPREHENSIVE PLAN FOR THE TOWN; PROVIDING THAT THE ADOPTED COMPREHENSIVE PLAN SHALL SUPERSEDE AND REPLACE ANY COMPREHENSIVE PLAN PREVIOUSLY ADOPTED; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison (“City”) City Charter provides in Section 7.03 – Master Plan that the “official master plan of the Town shall be used as a guide by the City Council and the City Planning and Zoning Commission for development of the Town with respect to land use, thoroughfares and streets, buffer zones, parks, and other matters affecting development”; and

WHEREAS, the current comprehensive plan of the City was approved by the City Council on May 3, 1991, and although the plan has been amended four times, it has not been completely updated since 1991 (the said plan, as amended, being sometimes referred to hereinafter as the “1991 comprehensive plan”); and

WHEREAS, Addison’s population and other demographic characteristics have changed significantly since 1991, and the City Council previously directed by the City’s Planning and Zoning Commission to examine the Town’s 1991 comprehensive plan to determine whether there should be changes to it, including but not limited to changes regarding land use and transportation, that will, among other things, facilitate the movement of people and goods, and the health, recreation, safety and general welfare of the citizens of the City; and

WHEREAS, over a period of many months and after numerous discussions and public hearings (at which members of the public were given the opportunity to give testimony and present written evidence) regarding the review of the 1991 comprehensive plan by the Planning and Zoning Commission, the Planning and Zoning Commission approved and has recommended for the City Council’s consideration of approval a new comprehensive plan to replace the 1991 comprehensive plan, and the same has also been reviewed and recommended by the City’s planning department; and

WHEREAS, the City Council has, over a number of meetings open to the public and at which public input could be provided to the Council, reviewed the new comprehensive plan proposed by the Planning and Zoning Commission and the City’s planning department, and has made modifications to the same, and has conducted a public hearing (at which members of the public were given the opportunity to give testimony and present written evidence) regarding the proposed new comprehensive plan (attached hereto); and

WHEREAS, Section 213.003 of the Local Government Code provides that a comprehensive plan may be adopted (or amended) by ordinance following (a) a hearing at which

the public is given the opportunity to give testimony and present written evidence; and (b) review by the municipality's planning commission or department (if one exists), and each of the foregoing items has been satisfied and complied with in connection with the new comprehensive plan and the adoption of it by this Ordinance; and

WHEREAS, the adoption of the new comprehensive plan by this Ordinance, attached hereto, will promote the sound development of the City and is in the best interests of and will promote the public health, safety, and welfare.

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

Section 1. The Comprehensive Plan attached hereto as Exhibit 1 ("Comprehensive Plan") and incorporated herein is hereby adopted, and the same supercedes and replaces the 1991 comprehensive plan. The Comprehensive Plan adopted hereby reflects the goals, objectives, and strategies of the City Council for the long-range development of the City.

Section 2. As set forth in more detail in the Comprehensive Plan, the Comprehensive Plan shall serve as a guideline for the City's adoption of, or amendment(s) to the City's various development regulations. To the extent required by state law, zoning regulations and amendments thereto shall hereafter be adopted in accordance with the Comprehensive Plan, and any zoning regulation(s) or part thereof that may deviate in any way from or add to the Comprehensive Plan shall be deemed to automatically amend the Comprehensive Plan, whether or not reference be made to the Comprehensive Plan in the ordinance adopting or amending such zoning regulation(s). With respect to any such zoning regulation that automatically amends the Comprehensive Plan, any requirement under state law that a comprehensive plan be amended after public hearing and after review by the P&Z shall be deemed to have been satisfied by the public hearing(s) and P&Z review-and-recommendation procedures set forth in the City's zoning regulations, as amended, in accordance with Chapter 211 of the Texas Local Government Code, as amended. The Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries.

Section 3. The above and foregoing recitals of this Ordinance are all true and correct and are incorporated into and made a part of this Ordinance for all purposes.

Section 4. All ordinances of the City in conflict with the provisions of this Ordinance are repealed to the extent of that conflict, except that this Ordinance by itself shall not affect any change to any existing zoning districts, zoning classifications, or other zoning regulations or any designations of current zoning. If any provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof; and the City Council declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

Section 5. This Ordinance shall take effect upon its passage and approval and the posting and/or publication, if required by law, of its caption or any portion hereof.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the _____ day of _____, 2013.

Todd Meier, Mayor

ATTEST:

By: _____
Matt McCombs, City Secretary

APPROVED AS TO FORM:

By: _____
John Hill, City Attorney

EXHIBIT 1

[attach Comprehensive Plan]