

ORDINANCE NO. 1455

AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, AMENDING AND UPDATING THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING THAT THIS COMPREHENSIVE PLAN SHALL SUPERSEDE AND REPLACE ANY PREVIOUSLY ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR A PURPOSE AND APPLICATION SECTION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Benbrook (the “City”) is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Chapter 211 of the Local Government Code authorizes municipalities to regulate land use, structures, businesses, and related activities within its corporate limits for the purpose of promoting the public health, safety, and general welfare of the community and protecting and preserving places and areas of historical, cultural, and architectural importance and significance; and

WHEREAS, Section 213.003 of the Local Government Code further enables municipalities to adopt a comprehensive plan for the long-range development of the City; and

WHEREAS, the City Council pursuant to state law desired to amend and update the Comprehensive Plan of the City; and

WHEREAS, the City Council appointed a seven (7) member Comprehensive Plan Steering Committee to guide the Comprehensive Plan update process and to make recommendations; and

WHEREAS, the recommendations of the Comprehensive Plan Steering Committee were made available to the public for comment and input during an open house was held on November 12, 2019, and further made available on-line or in-person through December 12, 2019; and

WHEREAS, the Planning and Zoning Commission, in accordance with Section 8.02(a) of the Benbrook City Charter and following a duly advertised public hearing held on January 9, 2020, unanimously recommended approval of the Comprehensive Plan to the City Council; and

WHEREAS, the City Council now desires to adopt the Comprehensive Plan of the City to promote and protect the health, safety, and welfare thus providing an enhanced quality of life for the citizens within the City.

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

**SECTION 1
ADOPTION OF THE COMPREHENSIVE PLAN**

The City Council hereby adopts the Comprehensive plan in its entirety, intending that said Comprehensive Plan shall amend, supersede, and replace the City's existing Comprehensive Plan and any related documents as amended.

**SECTION 2
PURPOSE AND APPLICATION**

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). The Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries.

**SECTION 3
CUMULATIVE CLAUSE**

This Ordinance shall be cumulative of all provisions of ordinances and of the Benbrook Municipal Code Texas (1985), 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 the conflicting provisions of such ordinances and such Code are hereby repealed.

**SECTION 4
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and Sections 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 5
SAVINGS CLAUSE**

All rights and remedies of the City of Benbrook are expressly saved as to any and all violations of the provisions of the Benbrook Municipal Code (1985), as amended, or any ordinances regulating platting or Zoning 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 6
PUBLICATION IN PAMPHLET FORM**

The City Secretary of the City of Benbrook is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof, as provided in Section 3.10 of the Charter of the City of Benbrook.

**SECTION 7
ENGROSSMENT AND ENROLLMENT**

The City Secretary of the City of Benbrook is hereby directed to engross and enroll the Ordinance by copying the caption, and effective date clause of this ordinance in the minutes of the City Council and by filing the Ordinance in the Ordinance records of the City.

**SECTION 8
PUBLICATION IN OFFICIAL NEWSPAPER**

The City Secretary of the City of Benbrook is hereby directed to publish the caption, publication clause, and effective date clause of this ordinance for two (2) days in the official newspaper of the City of Benbrook, as authorized by Section 52.013 of the Local Government Code.

**SECTION 9
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law.

PASSED AND APPROVED this 20th day of February 2020.

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary