

AN ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS, AMENDING ORDINANCE 2018-03 BY REMOVING THE REAL PROPERTY OWNERSHIP REQUIREMENT IN SECTION 1 PLANNING AND ZONING COMMISSION, ITEM #3; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to the review of recommended amendments to the Planning and Zoning Rules of Procedure at the March 21, 2024 City Council meeting, the City Council requested that staff research Rule 2.2 which states that Commissioners be real property owners, and,

WHEREAS, at the April 4, 2024 Council Meeting, staff reported that this requirement was consistent with Ordinance 2018-03, establishing the Planning & Zoning Commission, Sec. 1 (3) which states “Members serve at the will of the City Council and shall be resident citizens, real property owners, and qualified voters of the City of Fair Oaks Ranch”, and,

WHEREAS, this condition is not a requirement under Local Government Code Sec. 211.007, the code which establishes the municipal regulatory authority in the creation of a zoning commission, and,

WHEREAS, the City Council has determined that it is in the best interest of the City of Fair Oaks Ranch, Texas to remove the requirement of real property ownership.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:

- Section 1.** Ordinance 2018-03, Section 1 “Planning and Zoning Commission (3) is hereby amended as set forth in the attached Exhibit A.
- Section 2.** That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.
- Section 3.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.
- Section 4.** That it is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.
- Section 5.** The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein.

Section 6. If any provision of this ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this ordinance would have been enacted without such invalid provision.

Section 7. All ordinances, or parts thereof, which are in conflict or inconsistent with any provision of this ordinance are hereby repealed to the extent of such conflict, and the provisions of this ordinance shall be and remain controlling as to the matters ordained herein.

Section 8. This ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 9. The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein.

Section 10. This ordinance shall take effect immediately from and after its second reading, passage and any publication requirements as may be required by governing law.

PASSED and APPROVED on first reading by the City Council of the City of Fair Oaks Ranch, Texas, on this 2nd day of May 2024.

PASSED, APPROVED, and ADOPTED on second and final reading by the City Council of the City of Fair Oaks Ranch, Texas, on reading this 16th day of May 2024.

Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, TRMC
City Secretary

Denton Navarro Rodriguez Bernal Santee & Zech
P.C., City Attorney

EXHIBIT A

Ordinance 2018-03, Section 1 “Planning and Zoning Commission;” 3 is hereby amended as follows:

[Deletions shown as strikethrough and additions shown as underscore]

Ordinance 2018-03

Section 1 - Planning and Zoning Commission

3. Members serve at the will of the City Council and shall be resident citizens, ~~real property~~owners, and qualified voters of the City of Fair Oaks Ranch.