

**CITY OF DECATUR, TEXAS  
ORDINANCE NO. 2020-10-15**

**AN ORDINANCE OF THE CITY OF DECATUR, TEXAS REPEALING APPENDIX “D” ENTITLED “COMPREHENSIVE PLAN” OF THE CODE OF ORDINANCES OF THE CITY OF DECATUR, TEXAS IN ITS ENTIRETY, INCLUDING APPENDICES AND ADOPTING A NEW APPENDIX “D”, ENTITLED “COMPREHENSIVE PLAN”, SECTION I, ENTITLED “DECATUR 2050 COMPREHENSIVE PLAN – VOLUME ONE” AND SECTION 2, ENTITLED “DECATUR 2050 COMPREHENSIVE PLAN APPENDICES – VOLUME TWO”; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS TO ADOPT A NEW APPENDIX “D” ENTITLED “COMPREHENSIVE PLAN”, SECTION I, ENTITLED “DECATUR 2050 COMPREHENSIVE PLAN – VOLUME ONE ” AS SPECIFICALLY SET FORTH IN ATTACHMENT “A,” HERETO AND SECTION 2, ENTITLED “DECATUR 2050 COMPREHENSIVE PLAN APPENDICES – VOLUME TWO”, AS SPECIFICALLY SET FORTH IN ATTACHMENT “B,” ATTACHED HERETO; PROVIDING A SAVINGS CLAUSE; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to The Texas Local Government Code, § 213.003. Adoption or Amendment of Comprehensive Plan may be adopted or amended by ordinance following a public hearing and review by the City’s Planning and Zoning Commission; and

**WHEREAS**, the City Council in accordance with the City’s Home Rule Charter reaffirmed and adopted the City of Decatur Comprehensive Plan by Ordinance 2014-06-06; and

**WHEREAS**, the City Charter requires all land development regulations, including zoning regulations and districts, subdivision regulations, roadway and thoroughfare plans, all public improvements, public facilities, public utilities projects and all City regulatory actions relating to land use, subdivision, and development approval shall be consistent with the comprehensive master plan, element or portion thereof, as adopted or modified; 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 Decatur; and

**WHEREAS**, after extensive study of the existing Long Range Master Plan Ordinance, codified as Appendix “D” of the Decatur Code of Ordinances, the Planning and Zoning Commission determined that the amendments set forth in Attachment “A”, “Decatur 2050 Comprehensive Plan, Volume 1” and Attachment “B” thereto, “Decatur 2050 Comprehensive Plan, Volume 2 – Appendices,” to this Ordinance (collectively referred to as the “Decatur 2050 Comprehensive Plan”) are beneficial to the orderly development of the City of Decatur; and

**WHEREAS**, after all legal notices required by Chapter 213 of the Texas Local Government Code, the required public hearing on the proposed Decatur 2050 Comprehensive Plan Ordinance was held by the Planning and Zoning Commission on the 6<sup>th</sup> day of October, 2020, and after consideration of the comments and input received, the Planning and Zoning Commission recommended approval of the proposed Decatur 2050 Comprehensive Plan as set forth in Attachment “A” and Attachment “B” hereto; and

**WHEREAS**, after compliance with all legal notices required by Chapter 213 of the Texas Local Government Code, the required public hearing on the proposed Decatur 2050 Comprehensive Plan Ordinance was held by the City Council on the 12<sup>th</sup> day of October, 2020, after first consideration of the Comprehensive Plan Ordinance at its lawfully posted open meeting on the 12<sup>th</sup> day of October, 2020, and after second consideration of the Decatur Zoning Ordinance at its lawfully posted open meeting on the 26<sup>th</sup> day of October, 2020, the City Council finds and determines that the proposed regulations are consistent with state law, are reasonable and that the best interests of the public are served by adoption of the Decatur 2050 Comprehensive Plan as more specifically set forth herein.

**WHEREAS**, the City Council finds that the adoption of the City of Decatur Comprehensive Plan as set forth in Attachment “A” and Attachment “B” serves the health, safety, and welfare of the public.

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

**SECTION 1.  
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2.  
FINDINGS**

After due deliberations and consideration of the recommendation of the Planning & Zoning Commission and the information and other materials received at the public hearing and public meetings, the City Council has concluded that the adoption of the Decatur 2050 Comprehensive Plan Ordinance serves the best interests of the City of Decatur, Texas, serves the health, safety, welfare and aesthetic concerns of the public, and is consistent with state law.

### **SECTION 3. AMENDMENT**

Appendix “D” entitled “Comprehensive Plan” of the Code of Ordinances of the City of Decatur, Texas is hereby repealed in its entirety, including Appendices thereto, and a new Appendix “D”, entitled Comprehensive Plan is hereby adopted and shall be and read as follows:

#### **“Appendix D – Comprehensive Plan**

##### **Section I. Decatur 2050 Comprehensive Plan – Volume One.**

Attachment “A”, entitled “Decatur 2050 Comprehensive Plan – Volume One” a copy of which is attached hereto and incorporated herein, is hereby adopted and shall be set forth in its entirety in Section 1 of Appendix D of the Code of Ordinances of the City of Decatur.

##### **Section 2. Decatur 2050 Comprehensive Plan Appendices – Volume Two.**

Appendix A: “Focus Group Interview Notes”, Appendix B: “Community Charrette Notes”, Appendix C: “A Touch of Rust Notes”, Appendix D: “Community Open House Notes”, Appendix E: “Scenario Implications”, Appendix F: “Evaluation of Growth Trends”, Appendix G: “Top Tapestry Segments Additional Information”, Appendix H: “Comprehensive Plan Advisory Committee Meeting #1 Notes”, Appendix I: “Comprehensive Plan Advisory Committee Meeting #2 Notes”, Appendix J: “Comprehensive Plan Advisory Committee Meeting #3 Notes”, Appendix K: “City Staff/Joint City Council-Planning and Zoning Commission Work Session Notes”, Appendix L: “National Night Out Flyer”, Appendix M: “Community Survey #1 Results”, and Appendix N: “Community Survey #2 Results”, as set forth in Attachment B, entitled “Decatur 2050 Comprehensive Plan Appendices”, a copy of which is attached hereto and incorporated herein, is hereby adopted. A copy of Attachment B shall be maintained on file as a public record in the office of the City Secretary of the City of Decatur, Texas.

### **SECTION 4. SAVINGS**

That all rights and remedies of the City of Decatur are expressly saved as to any and all violations of the provisions of any Ordinances regulating, affecting, or relating to the comprehensive plan, zoning, land use and/or development 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 5.  
CUMULATIVE REPEALER**

That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

**SECTION 6.  
SEVERABILITY**

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 7.  
PENALTY**

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day or part of a day during or on which a violation occurs or continues. Further, if the governing body of the City of Decatur determines that a violation of this Ordinance creates a threat to the public safety, the City may bring suit in the District Court to enjoin such violation and may exercise all available remedies as allowed by law.

**SECTION 8.  
PUBLICATION**

The City Secretary of the City of Decatur is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code and City Charter.

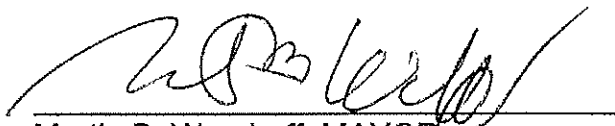
**SECTION 9.  
EFFECTIVE DATE**

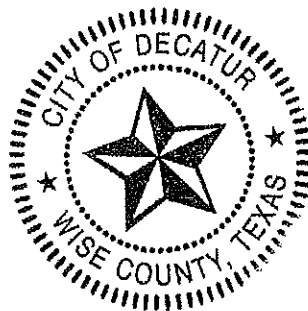
That this Ordinance shall be in full force and effect from and after its date of passage, in accordance with law, and it is so ordained.

**PRESENTED ON FIRST READING THIS 12<sup>th</sup> day of October, 2020.**

**PASSED AND APPROVED** by the City Council of the City of Decatur, Texas this 26<sup>th</sup> day of October, 2020, by a vote of 7 ayes, 0 nays, and 0 abstentions, at a regular meeting of the City Council of the City of Decatur.

**APPROVED:**

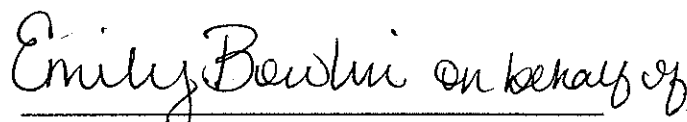
  
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Martin B. Woodruff, MAYOR



**ATTEST:**

  
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Diane Cockrell, TRMC, CITY SECRETARY

**APPROVED AS TO CONTENT AND FORM:**

  
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Patricia Adams, CITY ATTORNEY