

## **ORDINANCE NO. 96-A**

**AN ORDINANCE OF THE TOWN OF ANNETTA, TEXAS, AMENDING ORDINANCE 96 TO ESTABLISH TWO ALTERNATE POSITIONS FOR THE PLANNING AND ZONING COMMISSION AND TO CLARIFY THE AUTHORITY AND DUTIES OF THE ALTERNATES AND REGULAR MEMBERS OF THE PLANNING AND ZONING COMMISSION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Annetta, Texas is a Type A general law municipality located in Parker County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the Town has previously adopted Ordinance 96 which, among other things, established the Town's Planning and Zoning Commission; and

**WHEREAS**, the Town Council wishes to amend Ordinance 96 to create two alternate positions for the Planning and Zoning Commission and to clarify the authority and duties of the alternates and of the regular members of the commission; and

**WHEREAS**, the Town Council does hereby deem it advisable and in the public interest to amend Ordinance 96 as described herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ANNETTA, TEXAS:**

### **SECTION 1.**

Section 1 of Ordinance 96 of the Town of Annetta is hereby amended to read as follows:

“Section 1: There is hereby created and established for the Town of Annetta, Texas a Planning and Zoning Commission, which shall be composed of five (5) regular members and two (2) alternate members. All members shall be resident citizens and qualified voters of the Town, and shall be appointed by the Town Council to serve terms of two (2) years; provided, however, two of the original appointments of the regular members shall be for a period of one (1) year only in order to provide for staggered

terms of office. All vacancies shall be filled for the unexpired term in the same manner as provided in an original appointment. Members of the Commission may be removed by a majority vote of the Council after public hearing for cause and signed in writing. Members of the Commission shall serve without compensation. An alternate member of the Commission shall serve in the place of a regular member when the regular member is absent from the meeting of the Commission and shall have the full authority of the regular member to participate and vote on all matters brought before the Commission. When not acting in the place of an absent regular member of the Commission, alternate members may participate in the discussion and may ask questions, but may not vote on the matters brought before the Commission.”

## **SECTION 2.**

Section 3 of Ordinance 96 of the Town of Annetta is hereby amended to read as follows:

“Section 3: The Planning and Zoning Commission shall have those powers and duties established by Sections 211.007 and 211.0075 of the Texas Local Government Code, as well as other duties that may be prescribed by ordinance or by state law for planning and zoning commissions. The first duty of the Planning and Zoning Commission shall be to recommend the boundaries of various original districts and appropriate regulations to be enforced therein. The Commission shall make a preliminary report and hold a public hearing thereon before submitting its filing report to the Town Council. The Commission shall also hear all applications for zoning changes after written notice of a public hearing before the Commission is sent to the owners of real property within two hundred (200) feet of the property on which the classification is proposed, such notice to be given not less than ten (10) days before the date set for the public hearing.

## **SECTION 3.**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the Town of Annetta, Texas, 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.**

All rights and remedies of the Town of Annetta, Texas, are expressly saved as to any and all violations of the provisions of any other ordinances and of the Code of Ordinances of the Town of Annetta 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 and of such Code, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 5.**

It is hereby declared to be the intention of the Town 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 Town Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 6.**

This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

**PASSED AND APPROVED** on this 16<sup>th</sup> day of October, 2014.

  
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Bruce Pinckard, Mayor

ATTEST:

  
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Chad Roberts, Town Secretary

