

ORDINANCE NO. 2005-101

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF TALTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN BY ADDING A NEW ARTICLE 6A, “PLANNING AND ZONING COMMISSION,” CREATING AND ESTABLISHING A PLANNING AND ZONING COMMISSION; PROVIDING FOR THE DUTIES AND POWERS OF THE PLANNING AND ZONING COMMISSION; PROVIDING FOR THE APPOINTMENT, QUALIFICATIONS AND TERMS OF OFFICE OF MEMBERS; PROVIDING FOR MEETINGS OF THE COMMISSION AND ATTENDANCE BY MEMBERS; PROVIDING FOR THE SELECTION OF A CHAIRPERSON, VICE CHAIRPERSON, AND SECRETARY OF THE COMMISSION; PROVIDING TRANSITIONAL PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Aldermen of the of the Town of Talty, in compliance with the laws of the State of Texas with reference to the promulgation and adoption of zoning classifications and regulations, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally, and the Board of Aldermen of the Town of Talty is of the opinion and finds that the Comprehensive Zoning Ordinance should be amended; Now, Therefore

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF TALTY, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the Town of Talty be and the same is hereby amended by adding a new Article 6A to read in its entirety as follows:

“ARTICLE 6A

PLANNING AND ZONING COMMISSION

Section 6A-101. Creation of the Planning and Zoning Commission

There is hereby created and established a Planning and Zoning Commission for the Town consisting of seven (7) members appointed by the Board of Aldermen

Section 6A-102. Duties

The Planning and Zoning Commission shall be responsible for the development and implementation of plans for the future growth and the development and redevelopment of the Town. The Commission shall also be responsible for the review and consideration and recommendation for approval or rejection to the Board of Aldermen of all development plans and proposals, zoning requests, subdivision plats and replats, site plans and zoning regulations and ordinances. The Commission shall further be responsible for the review and consideration of the adoption, updating, and revision of land use assumptions.

Section 6A-103. Powers

The Planning and Zoning Commission shall have the following powers:

- (A) To conduct, after notice as required by law, hearings required by this article and the laws of this state; to recommend to the Board of Aldermen the boundaries of the various zoning districts and appropriate regulations to be enforced therein; to recommend to the Board of Aldermen the approval or denial of zoning changes sought under this article or initiated by the Commission on its own motion or by the Board of Aldermen under its own motion.
- (B) To hear and recommend to the Board of Aldermen for approval or rejection all development plans and proposals, subdivision plats and replats, and site plans.
- (C) To hear, recommend, or determine any matter relating to zoning, planning, or subdivision control, as may be specified or required under this article, other ordinances of the Town, or the laws of the State of Texas.
- (D) To exercise such duties and powers as may be now or hereafter conferred by this article, other ordinances of the Town, or the laws of the State of Texas.
- (E) Except in the case of a joint public hearing the Board of Aldermen shall not hold a public hearing or take action on a zoning change or change to boundaries of the zoning districts or the regulation of a zoning district until it receives the final report of the Planning and Zoning Commission. However, any public hearing required to be held by the Planning and Zoning Commission or the Board of Aldermen by this article or the laws of the state may be held jointly by the Board of Aldermen and the Planning and Zoning Commission. The Board of Aldermen shall not, however, take any action at such joint hearing until it has received the final report of the Planning and Zoning Commission.

Section 6A-104. Qualifications

Each member shall be a resident of the Town, shall be qualified to vote, and shall forfeit his office should he cease to reside in the Town during his term of office. Each member must have been, as of his date of appointment, a resident of the Town for a continuous period of not less than six (6) months, hold no other paid, incompatible, or elected public office for the Town, and shall not be in arrears in the payment of taxes or any liability due the Town.

Section 6A-105. Terms of Office; Vacancies

The term of office of members of the Commission shall be for two (2) years. Four (4) members shall be appointed for terms beginning on July 1 in even numbered years and three (3) members shall be appointed for terms beginning on July 1 in odd numbered years.

In the event of any vacancy on the Commission, the Board of Aldermen shall appoint new members to fill the vacant offices as soon as practicable to fill such vacancies for the remainder of the unexpired terms of office. Members of the Commission may be removed from office by the Board of Aldermen by majority vote.

Section 6A-106. Meetings; Attendance

Meetings of the Commission shall be held as often as necessary to conduct the business of the Commission at the call of the Chairperson or Mayor and at such other times as the Commission may determine. All meetings of the Planning and Zoning Commission shall be public, unless otherwise authorized by law, and the Commission shall keep minutes of the proceedings showing the vote of each member upon each question coming before the Commission. The minutes of the Commission shall be public record. The Town Secretary shall be the custodian and possessor of the records and minutes of the Planning and Zoning Commission.

A majority of four (4) members of the Commission shall constitute a quorum to do business. The affirmative vote of a majority of those attending any meeting at which there is a quorum present shall be necessary to pass any motion, recommendation or resolution of the Planning and Zoning Commission.

A member shall automatically forfeit his seat on the Commission if that member is absent from three (3) consecutive regular meetings of the Commission and the absences are

unexcused, in the discretion of the Commission, or if that member is absent from at least fifty percent (50%) of the meetings of the Commission in any calendar year.

Section 6A-107. Election of Chairperson

The Planning and Zoning Commission shall select one of its members to serve as the Chairperson, and one of its members to be Vice Chairperson to serve in the absence of the Chairperson. The Commission may appoint a secretary in the absence of such person having been appointed by the Board of Aldermen. Preference in the selection of a chairperson shall be given to more senior members and those having served as vice chairperson.

SECTION 2. That the Board of Aldermen shall, as soon as practicable, appoint members to serve as temporary, transitional members until July, 2005. The Board of Aldermen shall, at the regular meeting in June 2005 or as soon thereafter as practicable, appoint four (4) members to one (1) year terms beginning on July 1, said terms to expire on July 1, 2006; and the Board of Aldermen shall, at the regular meeting in June 2005 or as soon thereafter as practicable, appoint three (3) members to serve for two (2) year terms beginning on July 1, 2005.

SECTION 3. That if any section, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, the Comprehensive Zoning Ordinance, or the Code of Ordinances as an entirety, it being the legislative intent that the provisions of this ordinance are severable and that the ordinance shall continue in effect notwithstanding the invalidity of such section, sentence, clause, or phrase.

SECTION 4. This Ordinance shall take effect immediately from and after its passage

and the publication of the caption as the law in such cases provides.

DULY ADOPTED AND APPROVED by the Board of Aldermen of the Town of Talty,

Texas, on this the 8th day of March, 2005.

APPROVED:

Allison Weaver, Mayor

ATTEST:

Roberta Owens, Town Secretary

APPROVED AS TO FORM:

Town Attorney

(71377)

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