

CITY OF ANNETTA NORTH, TEXAS

ORDINANCE NO. 2003-1

ZONING ORDINANCE

AN ORDINANCE OF THE CITY OF ANNETTA NORTH, TEXAS, ADOPTING A COMPREHENSIVE ZONING PLAN AND ZONING MAP; ESTABLISHING AND PROVIDING FOR ZONING REGULATIONS AND CREATING A ZONING DISTRICT IN ACCORDANCE WITH A COMPREHENSIVE PLAN; WITHIN SUCH DISTRICT REGULATING THE USE OF LAND; IDENTIFYING PLANNING AND ZONING COMMISSION DUTIES; DEFINING CERTAIN TERMS; PROVIDING A METHOD OF AMENDMENT; PROVIDING A PENALTY FOR VIOLATION OF SUCH ORDINANCE AND FOR INJUNCTIVE RELIEF TO PERSONS AFFECTED BY THE VIOLATION OF SAID ORDINANCE; PROVIDING A SAVING CLAUSE.

WHEREAS, in order to promote the utilization of land in a manner to assure the best possible community environment in accordance with the master plan of the Town of Annetta North, Texas; and

WHEREAS, the Town of Annetta North, Texas, is a general law city operating pursuant to the laws of the State of Texas, by and through the action of its duly elected council members;

WHEREAS, the Town is authorized and empowered to enforce ordinances necessary to protect welfare of its inhabitants (51.012, Texas Local Government Code); and

WHEREAS, the Town Board of Aldermen has determined that it is necessary to enact this ordinance to protect the health and welfare of its residents.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF ANNETTA NORTH, TEXAS, that the comprehensive zoning ordinance and maps are hereby enacted and adopted, which shall provide as follows:

SECTION 1: AUTHORITY

This ordinance is prepared under the authority of Chapter 211, Texas Local Government Code, of the State of Texas, to promote health, safety, and morals, and for the protection and preservation of places and areas of historical and cultural importance and significance, or the general welfare of the community, and the legislative body is empowered to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of the yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purpose; and, in the case of designated places and areas of historic and cultural importance, to regulate and restrict the construction, alteration, reconstruction or razing of buildings and other structures.

## SECTION 2: PURPOSE

These zoning regulations are made in accordance with the spirit of the comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. These regulations are made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town.

## SECTION 3: ADMINISTRATION, ENFORCEMENT AND FEES

### A. ADMINISTRATION

The Town Secretary, or designee, is hereby designated by the Town Board of Aldermen as the administrative official to supervise the administration and enforcement of this ordinance.

If the administrative official finds that any of the provisions of this ordinance are being violated, the official shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Town Secretary, or designee, shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings or structures or of illegal additions,

alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

#### B. INTERPRETATION AND APPEALS

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, and that such questions shall be presented to the Board of Alderman.

#### C. BOARD OF ALDERMEN DUTIES

It is further the intent of this ordinance that the duties of the Town Board of Aldermen in connection with this ordinance shall include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this ordinance.

#### D. FEES

The Town Board of Aldermen shall, by resolution, establish a schedule of fees, charges, and expenses and a collection procedure for the administration of zoning change requests. The schedule of fees may be altered or amended only by action of the Town Board of Aldermen. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

### SECTION 4: DEFINITIONS

For the purpose of this ordinance, certain terms and words are defined and shall have the meanings ascribed in this ordinance unless it is apparent from the context that different meanings are intended.

- (1) Accessory Building - means a subordinate building, the use of which is incidental to that of the main building on the same lot.
- (2) Administrative Official - is the Town Secretary or other designated authority charged with the administration and enforcement of this Ordinance, or duly authorized representative.
- (3) Block - means that property abutting on one side of a street and lying between the nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier to or gap in the continuity of development along such street.

- (4) Building - is any roofed structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind. When such structure is divided into separate parts by one (1) or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yards.
- (5) Building Line - a line parallel or approximately parallel to the street line, at a specific distance there from, marking the minimum distance from the street line that a building may be erected.
- (6) Building Official - See Administrative Official.
- (7) Town - is the Town of Annetta North, Parker County, Texas.
- (8) Conditional Use - means any building, structure, and use which complies with the applicable regulations and standards governing conditional uses of the zoning district in which such building, structure, and use is located, and for which a permit is granted.
- (9) Display Sign - is a structure that is arranged, intended, designed or used as an advertisement, announcement or direction, including sign, billboard and advertising device of any kind.
- (10) District - means a portion of the territory of the Town, within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this ordinance.
- (11) Essential Services - means the erection, construction, alteration, or maintenance by public utilities or by governmental departments or commissions of such underground or overhead gas, electrical, steam, or water transmission or distribution systems and structures, collection, communication, supply or disposal systems and structures, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, street lights, traffic signals, hydrants and other similar equipment, and accessories in connection therewith, but not including buildings or microwave radio relay structures, as are reasonably necessary for the furnishing of adequate service by such public utilities or governmental departments or commissions, or as are required for protection of the public health, safety, or general welfare. For the purpose of this definition, the word "building" does not include "structures" for essential services.
- (12) Family - means one (1) or more persons, related by blood, marriage or adoption, occupying a dwelling unit as a single, nonprofit housekeeping unit, but not including a group occupying a hotel,

boarding-house, club, dormitory, fraternity or sorority house.

- (13) Flood Plain - is the relatively flat, low lands adjoining the channel of a river, stream or watercourse which has been, or may be, covered by flood water. Any land covered by the water of a one-hundred (100) year frequency storm is considered in the flood plain and must comply with the Corp of Engineers requirements.
- (14) Frontage - is all the property abutting on one (1) side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or Town boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street, which it intercepts. Where a lot abuts more than one (1) street, the Zoning Commission shall determine the frontage for purposes of this ordinance.
- (15) Grade - when used as a reference point in measuring height of building, the "grade" shall be the average elevation of the finished ground at the exterior walls of the main building.
- (16) Home Occupation - means any occupation, customarily conducted for gain or support, entirely within a dwelling, by a member or members of a family while residing therein, and which is clearly incidental and secondary to the residential use of the premises, and does not change the character thereof.
- (17) Hospital - may be a public or private, profit or nonprofit institution for the reception and treatment of the physically or mentally handicapped, sick or injured, and shall be distinguished by its in-patient facilities. It may also be an institutional sanctuary for the reception of the aged, or for the physically or mentally ill, retarded, infirm or deficient. Permitted accessory uses shall include medical and psychiatric clinics, doctors' offices, sale of medical and surgical specialties and supplies, crutches, artificial members and appliances, training in the use of artificial members and appliances, patient and out-patient services, pharmacies, gift shops, flower shops and similar uses; provided, however, that any such accessory use is so use-wide related to the principal use as to be in fact an integral part of the total purpose, and is incorporated within the same building or building complex; and provided further, that the floor area occupied by all accessory uses does not exceed one-third (1/3) of the total floor area. Whether or not a questionable use is "similar" or an "integral" part of the total purpose shall be subject to determination by the Board of Alderman. Hospital related x-ray and laboratory facilities shall not be considered accessory uses in computation or area occupancy.

- (18) Junkyard - means any area used for the careless storage, keeping or abandonment of junk, including scrap metals or other scrap materials or goods, or used for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery, or parts thereof.
- (19) Land Use Plan - is the long-range plan for the desirable use of land in the Town, as officially adopted, and as amended from time to time, by the Town Board of Aldermen; the purpose of such plan being, among other things, to serve as a guide in the zoning and progressive changes in the zoning of land to meet the changing needs, in the subdividing and use of undeveloped land, and in the acquisition of rights-of-way or sites for public purposes, such as, streets, parks, schools and public buildings.
- (20) Lot - means the entire parcel of platted land occupied, or to be occupied, by a main building and its accessory buildings, or by a group, such as, a dwelling group or automobile court and their accessory buildings, including the yards and open spaces required there-fore by this title and other applicable law.
- (21) Lot, Corner - means a lot abutting on two (2) intercepting or intersecting streets where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees (135°).
- (22) Lot Lines - means the property lines bounding the lot as defined herein.
- (23) Lot of Record - is a lot which is part of a sub-division, the plat of which has been recorded in the office of the County Clerk of Parker County, or a parcel of land, the deed for which was recorded in the Office of the County Clerk, Parker County, prior to the effective date of this Ordinance.
- (24) Nonconformity Use - means use of a building or land, which existed previously, that does not conform to the present regulations as to use for the district in which it is situated.
- (25) School, Elementary and High - means an institution of learning which offers instruction in several branches of learning and study required to be taught in the public schools. High schools include junior and senior grades.
- (26) Screening Element (Device) - or suitably screened, as herein referred, shall mean any of the following:

- (a) Any solid material constructed of brick, masonry, or of a concrete or metal frame, or wood, or base which supports a permanent type material, the vertical surface of which is not more than 30 percent open; or
  - (b) Any dense evergreen hedge or plant material suitable for providing a visual barrier, for which such material shall be maintained in a healthy growing condition.
  - (c) Landscaped earth berms may, when appropriate in scale, be considered and used as a screening element in lieu of a fence, wall, hedge, or other dense planting material.
- (27) Street - means a public or private thoroughfare which affords the principal means of access to abutting property.
- (28) Towers - Radio, Television or Microwave - means structures supporting commercial antennae for transmitting or receiving any of the radio spectrum (includes structures used for satellite dishes).
- (29) Thoroughfare - means an officially designated, federal, state, or county numbered highway or other road or street designated as a primary thoroughfare on the official thoroughfare plan of the Town.
- (30) Use - means the purpose for which land, or a building or structure thereon, is designed, arranged, intended or maintained, or for which it is or may be used or occupied.
- (31) Use, Accessory - means a subordinate use on the same lot, with the principal use and incidental and accessory thereto.
- (32) Zoning Map - means the official zoning map of the Town, together with all amendments subsequently adopted.

## SECTION 5: GENERAL PROVISIONS

### A. ESTABLISHMENT OF DISTRICTS

For the purpose of this ordinance, the Town has one district as follows:

AG Agricultural District

There will be no commercial or industrial uses or junkyards within the

Town.

**B. FLOODPLAIN DESIGNATION OVERLAY**

Notwithstanding the foregoing, there shall be a district known as a "FP" floodplain district, which may be coextensive with, or overlap any or all of the foregoing districts, or portions thereof, and any tract of land or portion thereof may, at the same time, be zoned for the uses in one of the foregoing district and be zoned FP" floodplain.

Where a tract of land or portion thereof is zoned for the uses of one of the foregoing districts and is also zoned "FP" floodplain, the restrictions contained in the "FP" floodplain district shall be applicable to said tract or portion thereof and shall take precedence over the other zoning districts.

**C. OFFICIAL ZONING MAP**

The Town is hereby divided into zones, or districts, as shown on the official zoning map, which together with all explanatory matter thereon, is in existence and is hereby adopted and declared to be a part of this ordinance.

**D. MAP CERTIFIED**

The official zoning map shall be identified by the signature of the mayor, attested by the Town Secretary, and bearing the seal of the Town under the following words:

"This is to certify that this is the official zoning map adopted as part of Ordinance No. \_\_\_\_ of the Town of Annetta North, Texas".

**E. LOCATION OF MAP**

The official zoning map shall be in the custody of, and shall remain on file in the office of, the Town Secretary.

**F. PUBLIC INSPECTION OF MAP**

The official zoning map, or a copy, shall be available for public inspection for all matters, which are of public record.

**G. AMENDMENT OF OFFICIAL ZONING MAP**

When changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the Town Board of Aldermen has approved



the amendment.

#### H. OFFICIAL ZONING MAP REPLACEMENT

The Town Board of Aldermen may, by ordinance, adopt a new official zoning map should the original reproducible tracing of the official zoning map be damaged, destroyed, lost or become ambiguous because of the nature or number of changes and additions. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor, attested by the Town Secretary, and bearing the seal of the Town under the following words:

This is to certify that this official zoning map supersedes and replaces the official zoning map adopted (date of adoption of map being replaced) as a part of the Zoning Ordinance of the Town of Annetta North, Texas.

#### I. INTERPRETATION

- (1) When the district boundaries are either roads or streets, unless otherwise shown, and where the designation of the district map indicates that the various districts are bounded by a road or street line, the centerline of such road or street shall be construed to be the district boundary line.
- (2) Where the district boundaries are not otherwise indicated and where property has been subdivided into lots and blocks, the subdivision boundaries shall be construed to be the boundary of the district.
- (3) Where the district boundaries are not otherwise indicated for unsubdivided property, the district boundaries are property lines or section lines, or quarter section lines, or quarter-quarter section lines.
- (4) Where district boundaries are disputed or not otherwise clearly designated, or where the physical or structural features are at variance with the official zoning map, or in other circumstances not covered in this section, the Board of Alderman shall interpret the district boundaries.

#### J. RULES FOR WORDS AND PHRASES

For the purposes of this ordinance, words used in the present tense include the future tense; words in the singular number include the plural

number, and words in the plural number include the singular number; the word "shall" is mandatory, not directory; the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, foundation, company, or corporation, as well as, an individual; the word "used" includes designed and intended or arranged to be used; the word "building" includes the word "structure"; the word "lot" includes "building lot" or parcel. Wherever this ordinance imposes a greater restriction than imposed by other ordinances, laws, or regulations, the provisions of this ordinance shall govern.

K. COMPLIANCE WITH REGULATIONS

The regulations set by the ordinance within each district shall be minimum regulations and shall apply uniformly to each class and kind of structure or land, except as hereinafter provided.

- (1) No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, repaired, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

L. STRUCTURES TO HAVE ACCESS

Every building, hereafter erected or moved, shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for fire protection.

M. VISIBILITY AT INTERSECTIONS

On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially interfere with traffic visibility across the corner at an intersection. This visibility area shall be a triangle measured twenty-five feet (25') from the point of right-of-way line intersection. All objects on the ground in said triangle should not exceed two feet (2') in height and vegetation should not droop to less than ten feet (10') from the ground. Existing trees shall be exempt from this section, if they are trimmed to a height to prevent visibility interference.

N. HOME OCCUPATIONS

The purpose of the home occupation provision is to permit the conduct of home occupations, which are compatible with the neighborhoods in which they are located. Home occupations are a permitted accessory

use in AG, and are subject to the requirements of the district in which the use is located, in addition to the following:

- (1) Only the members of the immediate family occupying the dwelling shall be engaged in the home occupation.
- (2) The home occupation shall be conducted only within the enclosed area of the dwelling unit or the garage.
- (3) No more than twenty-five percent (25%) of the area of one (1) story of the principal building shall be devoted to the home occupation.
- (4) There shall be no exterior alterations which change the character thereof as a dwelling, other than those signs permitted in the district.
- (5) No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.
- (6) No use shall create smoke, smell, glare, noise, dust, vibration, fire hazard, small electrical interference, or any other nuisance, health hazard or general public safety not normally associated with the average residential use in the district.
- (7) The home occupation shall not create any increase in vehicular flow or parking by more than two (2) additional vehicles at a time and shall not create greater pedestrian traffic than normal for the district.
- (8) No more than one (1) advertising sign with a maximum of four (4) square feet of a non-illuminating nature may be placed on the main building.

- (9) Examples of home occupations:

The following are examples of uses that can often be conducted within the limits of this section. Uses listed in this paragraph do not automatically qualify as a home occupation, nor does this listing limit the uses that may qualify as home occupations: handicraft, dressmaking, preserving, accountant, artist, author, consultant, individual tutoring (music lessons included), millinery, attorney, and realtor.

- (10) Prohibited uses:

The following uses have a tendency to violate the provisions for home occupations, and thereby, impair the character of residential areas. Therefore, the uses specified shall not be permitted: auto repairs, animal feed lots, painting of vehicles or boats, private schools (excluding home schooling), photo studios, dance instruction, television repair, gravel pits, oil and gas wells and child day care center.

(11) Interpretation of home occupations:

The Board of Alderman shall interpret the provisions of this section to determine the validity of a home occupation.

## SECTION 6: ANNEXED TERRITORY

### A. ANNEXED TERRITORY TO BE ZONED AG

All territory, hereafter annexed to the Town, shall be classified as AG Agricultural.

## SECTION 7: AG AGRICULTURAL DISTRICT

### A. PURPOSE

The AG District is intended as the primary land use in Town.

### B. USES PERMITTED

The following uses shall be permitted:

- (1) Any customary agricultural use, building, or structure, including nurseries, greenhouses, orchards, truck farms and animal farms.
- (2) Only single-family detached residential dwellings.
- (3) Churches and parish houses; cemeteries and crematories for the human dead; school(s) and colleges, including dormitories; public buildings and structures of the recreational, cultural, administrative and public service type; parks, playgrounds, and neighborhood recreational centers.
- (4) Private noncommercial recreation areas, including country clubs, riding stables, swim clubs, and similar uses.

- (5) Public utilities and railroad right-of-way and tracks, not including terminals, railroad yards, reservoirs, water towers pumping plants, or storage yards.

#### C. CONDITIONAL USES

The following uses shall be permitted only if expressly authorized by the Town Board of Aldermen:

- (1) Hospitals for human care and veterinary hospitals of any kind, provided that the hospital grounds shall be distant at least two hundred (200) feet from any residence.
- (2) Utility stations and communications. Static transformer stations, booster stations, transmitters and utility stations, when operating requirements necessitate locating in the district, provided there is no yard or garage for service or storage, and provided further that the premises upon which the utility station is erected and maintained shall be appropriately landscaped and screened so as to be in harmony with the general appearance of the neighborhood, and not objectionable as to noise, odor, vibration or other disturbances.
- (3) Radio, cellular and television transmitter tower, or any other tower that transmits or receives.
- (4) Satellite dishes (home entertainment, not commercial).
- (5) Essential services. Defined in Section 4 (13).

#### D. ACCESSORY USES

Accessory uses, buildings, or structures customarily incidental to any aforesaid permitted or conditionally permitted uses, including the following:

- (1) Temporary fruit stands on any premises used for agricultural purposes.
- (2) Swimming pools.

### SECTION 8: NON-CONFORMING USES

All existing non-conforming uses are hereby authorized.

## SECTION 9: FP FLOODPLAIN DISTRICT

### A. FLOODPLAIN PREFIX TO DISTRICT DESIGNATION

The FP prefix designation constitutes a zoning overlay district, and the addition or removal of the FP prefix constitutes zoning action requiring due process provided under State law. Further public notice to all downstream property owners within the Town with like FP zoning is required prior to any such zoning action.

To provide for the appropriate use of land which has a history of inundation or is determined to be subject to flood hazard, and to promote the health, safety and general welfare of the community, portions of certain districts are designated with a floodplain prefix FP and shall be subject to the following provisions.

### B. PERMITTED USES

In this district, no land shall be used except for one or more of the following permitted uses, to the extent that they are not prohibited by other regulations or ordinances, and provided that such uses do not require above ground structures, filling or storage of material or equipment, except as herein specifically authorized.

- (1) Agricultural activities including the ordinary cultivation of land or legal forms of animal husbandry.
- (2) Electrical substation.
- (3) All types of local utilities, including, but not limited, to water distribution and waste water collection systems, water and waste water treatment facilities and water quality/monitoring stations or other structures required to provide water and sewage, telephone, gas and electrical services.
- (4) Parks, community centers, playgrounds, public golf courses.
- (5) Private commercial open area amusements such as golf courses, driving ranges, archery courses and similar uses when approved by conditional use zoning action.
- (6) Facilities that would warrant no flood protection, such as accessory

private open space in conjunction with commercial or residential development, community unit recreational areas or recreation developments.

(7) Parking areas associated with a part of contiguous land use.

No building or structure shall be erected in that portion of a district designated with a floodplain FP prefix other than those listed in this section. There shall be no dumping, excavation, storage or filling operations within that portion of a district having a floodplain FP prefix designation except under conditions of this ordinance.

C. CONDITIONS FOR ADDING FP PREFIX DESIGNATION

The Town Board of Aldermen may, after a public hearing, amend the zoning classification of any property by adding the floodplain FP prefix designation based on hydraulic engineering studies indicating new boundaries of the area that is subject to inundation by floodwaters. The Town Board of Aldermen shall provide for the addition of such floodplain FP prefix designation to the zoning district maps.

D. CONDITIONS FOR REMOVAL OF FP PREFIX DESIGNATION

The Town Board of Aldermen, in considering and determining its decision relative to any application for the removal of the floodplain FP prefix designation, shall require the applicant to furnish, to the Town, fill and development plans, and data concerning the operation, location, function and characteristics of any use of land or building proposed. The application will not be scheduled for public hearing until the Town Engineer certifies information furnished is adequate for review and comment as required in this section.

SECTION 10: SUPPLEMENTARY DISTRICT REGULATIONS

A. SCREENING ELEMENTS AND FENCES

In order to provide maximum safety to pedestrians and motorists at intersections and at ingress and egress points from public streets, highways, and alleys to private property, to conserve and protect the value of adjacent land and buildings; to protect aesthetic views and vistas, to secure hazardous areas from unauthorized entry, to contain livestock and other agricultural activities, and to screen and protect permitted outside materials storage areas, the following regulations are prescribed for the location, type, and height of regulated required and non-required screening elements and fences. The term "screening element" as used herein is defined in Section 4.

- (1) Traffic Visibility at Intersections--On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two feet (2') and ten feet (10') above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty-five feet (25') from the point of the intersection.

## SECTION 11 PLANNING AND ZONING COMMISSION

### A. DUTIES AND POWERS

The Zoning Commission is authorized and if created the Zoning Commission is hereby charged with the duty and invested with the authority to:

- (1) Inspect property and premises at reasonable hours where required in the discharge of its responsibilities under the laws of the State of Texas and of the Town.
- (2) Recommend to the Town Board of Aldermen approval or disapproval of proposed changes in the zoning plan.

### B. BOARD OF ALDERMEN

The Town Board of Aldermen may serve as the Zoning Commission under authority of State law and additional notice requires therein stated are hereby adopted.

## SECTION 12: AMENDMENTS

### A. GENERAL

The zoning regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified or repealed. Such amendments, supplements, changes, modification, or repeal shall be deemed to amend, supplement, change, modify, or repeal the Comprehensive Plan of the Town and shall become a part of such comprehensive plan. The Zoning Commission and its composition and duties are established by the Town Board of Aldermen.

### B. AMENDMENT INITIATION

An amendment to this ordinance may be initiated by:



- (1) Town Board of Aldermen on its own motion;
- (2) Zoning Commission; or
- (3) Request by owner or agent of owner of property to be changed.

#### C. PROCEDURE

All requests for amendments to zoning district boundaries shall be submitted, together with required fees, to the administrative official, which officer shall cause notices to be sent and the petition placed on the Zoning Commission agenda.

The Town Board of Aldermen may not enact any proposed amendment until the Zoning Commission makes its final report to the Town Board of Aldermen. The Town Board of Aldermen may refer proposed amendments to the Zoning Commission for recommendation. Requests for changes in zoning districts shall include the proposed designation or designations for the area concerned. Alternative proposals may be made at the time of filing the original request for amendment; however, all hearings and deliberations shall be limited to the request as submitted by the applicant at the time of original filing.

#### D. PUBLIC HEARING AND NOTICE

Prior to making its report to the Town Board of Aldermen, the Zoning Commission shall hold at least one (1) public hearing thereon. Written notice of all public hearings on proposed changes in district boundaries shall be sent not less than ten (10) days before such hearing is held to all owners of property which is located within the area proposed to be changed, within two hundred feet (200') of such property or within two hundred feet (200') of any other adjacent property under the same ownership as the tract to be rezoned. Measurements shall be taken inclusive of public streets. Such notice may be served by using the last known address as listed on the Town tax roll and depositing the notice, postage paid, in the United States Mail. No notice of hearings before the Zoning Commission on proposed changes in zoning regulations need be given except as may be required by state law. If the Town Board of Aldermen sits as the Zoning Commission the Local Government Code Section 211.006 controls notice.

#### E. COMMISSION REPORT

The Zoning Commission, after the public hearing is closed, shall vote on its recommendations on the proposed change to be sent in a report to

the Town Board of Aldermen. Such report may recommend for or against such proposed change and may but need not include reasons for such decision. The Commission may defer its report for not more than sixty (60) days until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. If the Commission fails to finally report after sixty (60) days, it would be deemed to have recommended negatively to the proposal.

F. FORWARDING FINAL REPORT

Every proposal, receiving a final report by the Commission, shall be forwarded to the Board of Aldermen for setting and holding of public hearing thereon. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.

G. WITHDRAWAL

Any proposal or application may be withdrawn by the proponent after the Commission makes its final report, and such proposal or application shall not be subject to the provision hereof that a period of time must pass before a new application is considered. If such proposal is withdrawn, the Board of Aldermen will not consider it. Any proposal or application withdrawn may be resubmitted and shall be subject to all fees and notice requirements as an original application.

H. BOARD HEARING AND NOTICE

The Town may, from time to time, amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established. A public hearing on such amendment, supplement, or change shall be held by the Board of Aldermen. Notice of Board of Aldermen hearing shall be given by publication one (1) time in the official newspaper of the Town, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publication. No such amendment, supplement, or change shall be considered unless and until the Commission makes its final report thereon. Publication of such change shall be accomplished by publishing the descriptive caption and penalty clause of the ordinance amending the comprehensive plan to incorporate the change.

I. APPLICATION NOT TO BE CONSIDERED FOR ANOTHER SIX MONTHS AFTER DENIAL OF REQUEST FOR REZONING

No application for rezoning shall be considered within six (6) months of denial of a request by the Town Board of Aldermen for the same

classification on the same property.

J. PROTEST AGAINST CHANGE

In case of a protest against such change, signed by the owners of twenty percent (20%) or more either of the land included in such proposed change, or of the land within two hundred feet (200') thereof, including any intervening public street, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the Town Board of Aldermen.

K. BOARD ACTION ON APPLICATION

The proponent of any zone change shall satisfy the Town Board of Aldermen that either the general welfare of the Town affected by the area to be changed will be enhanced, or that the property is unusable for the purposes allowed under existing zoning. If such is proved to the Board of Aldermen's satisfaction, it may grant the requested zone change; or it may change the zone's designation of a portion of such property; or it may initiate a request to consider changing all or a portion of such property to a district other than that requested and of a different character.

L. SITE PLAN AND SUPPORTING DOCUMENTS REQUIRED; PETITION FOR ZONING DISTRICT CHANGE OR CONDITIONAL USE

When in the opinion of the Zoning Commission or Town Board of Aldermen that greater information is required from the petitioner concerning the nature, extent, and impact of his request than supplied with his application for a change in zoning or conditional use permit, in order for such Commission, Board of Aldermen, or Board to properly review and evaluate all relevant factors thereof, said Commission, Board of Aldermen, or Board may require the applicant to submit a site plan and supporting documents conforming with all or a portion of the requirements set forth in this subsection, prior to rendering a decision thereon.

The petitioner is encouraged to meet with the appropriate Commission, Board of Aldermen, or Board in an informal work session to ascertain the exact extent of plans and documents required, if any, prior to the Town initiating the advertisement for public hearing on the petition.

The general type and extent of plans and supporting documents which may be required of the petitioner include, but are not necessarily limited to:

(1) Site Plan

Meeting all of the requirements of a “preliminary plat”, as described in the Town’s subdivision regulations, except that topographic and drainage map information provisions may be waived by the reviewing body when the inclusion of such data would not materially contribute to the necessary evaluation of the project’s petition. Additional site plan drawing information which the reviewing body may require include:

- (a) Existing and proposed zoning district;
- (b) General outline of extensive tree cover areas;
- (c) Drainage ways and 100-year flood plain limits;
- (d) Proposed treatment for screening the perimeter of the land embraced by the petition, including screening of internal separations of land use where required;
- (e) Proposed internal, non-vehicular circulation linkages, such as, pedestrian paths and hike trails, bike trails, and equestrian bridle paths, where applicable, including their interrelationships with vehicular circulation systems and proposed handling of points of conflict;
- (f) A tabular summary schedule indicating:
  - (i) The gross acreage and percent of each type of zoning category proposed;
  - (ii) The gross acreage and percent of each type of land use proposed, with streets and open space categories listed separately, and residential uses further stratified as to type, i.e., single family, two-family, multi-family townhouse, etc., including the total gross project acreage;
  - (iii) The gross residential density of residential land use proposed, expressed in dwelling units per acre; and based on net residential land use plus one-half (1/2) of any abutting street;
  - (iv) The quantitative number of dwelling units proposed for each residential dwelling type (i.e., single family, two-family, etc.);

(2) Architectural Drawings

Elevations, concept sketches, or renderings depicting building types and other significant proposed improvements including the treatment and use of open spaces, etc., where the submission of such drawings would more clearly portray the nature and character of the applicant's land use and development proposals.

(3) Written Documents

In narrative form on 8 ½" X 11" sheets, including:

- (a) Statement(s) on planning objectives to be achieved in use/development proposal, including a narrative description of the character of the proposed development and rationale behind the assumptions and choices made by the applicant, including use and ownership of open spaces, etc;
- (b) Legal description of the total site area proposed for rezoning, development, or conditional use permit;
- (c) A development schedule indicating the approximate dates(s) when construction of the proposed development, and subsequent stages or phases thereof, if any, can be expected to begin and be completed, to the best of the applicant's knowledge and belief;
- (d) A statement as to the present and proposed ownership of the site or parcels thereof embraced by the application;
- (e) Economic feasibility and/or market analysis studies, when deemed necessary by the reviewing body to adequately assess the necessity for zoning certain parcels to the sizes indicated by the applicant, or to evaluate the need for granting a conditional use permit;
- (f) Environmental assessment statement, prepared pursuant to the National Environmental Policy Act of 1969, and any subsequent amendments thereto, when deemed necessary by the reviewing body to properly assess the impact of the proposed development/land use on the existing environment;
- (g) Statement(s) as to how and when the applicant proposes to provide water and sewer to the development; and

- (h) Signature, title, and date of the applicant, at the conclusion of the written documents certifying the information presented in the plans and supporting documents reflecting a reasonably accurate portrayal of the general nature and character of the proposals.

#### SECTION 13: REPEALER

All ordinances or parts of ordinances not consistent, or conflicting with, the provisions of this ordinance are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency, and in all other respects, this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this ordinance. Any cause of action accruing prior to the passage of this ordinance shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

#### SECTION 14: SEVERABILITY

That it is hereby declared that the sections, articles, subsections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph, subsection, article, or section of this ordinance shall be declared void, ineffective, or unconstitutional by a valid judgment or final decree of a court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, paragraphs, subsections, articles, or sections of this ordinance since the same would have been enacted by the Town Board of Aldermen without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, subsection, article, or section.

#### SECTION 15: ENGROSSMENT AND ENROLLMENT CLAUSE.

The Town Secretary of the Town is hereby directed to engross and enroll this ordinance by copying the caption, penalty clause (if any), publication clause and effective date clause in the minutes of the Town Board of Aldermen and filing the ordinance in the ordinance records of the Town.

#### SECTION 16: PUBLICATION CLAUSE

The Town Secretary is hereby directed to post or publish in the official newspaper of the Town, the caption, penalty clause (if any), publication clause and effective date clause of this ordinance in one issue of the official newspaper of the Town, provided that the official newspaper is a weekly paper, as authorized by Section 52.011 of the Texas Local Government Code.

#### SECTION 17: VIOLATION AND PENALTIES

The owner or general agent of a building, premises, lot or parcel where a violation of any provision of the regulations of this ordinance has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee, or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than one dollar (\$1.00) or not more than two thousand dollars (\$2,000.00), and each day any violation of non-compliance continues shall constitute a separate and distinct offense.

SECTION 18: EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and the publications of the caption as the law in such cases provides.

PASSED AND APPROVED on this the \_\_\_\_\_ day of \_\_\_\_\_, 2003, by the Town Board of Aldermen of the Town of Annetta North, Texas, by the following vote:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Secretary