

CITY OF ANNETTA SOUTH, TEXAS

ORDINANCE NO. 2018-06-12

A Zoning Ordinance Amendment to Site Plan Requirement Procedures

AN ORDINANCE OF THE CITY OF ANNETTA SOUTH, TEXAS AMENDING THE ZONING ORDINANCE NO. 2018-4-10 OF THE CITY OF ANNETTA SOUTH TO CORRECT AND CHANGE THE SITE PLAN APPROVAL REQUIREMENTS; PROVIDING A SAVINGS CLAUSE; A CUMULATIVE REPEALER CLAUSE; A SEVERABILITY CLAUSE; 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, a site plan application and approval is required prior to the issuance of a building permit for a building within the City of Annetta South; and

WHEREAS, there is a need to amend and streamline the site plan approval procedure; and

WHEREAS, the Planning and Zoning Commission of the City of Annetta South and the City Council of the City of Annetta South, in compliance with the laws of the State of Texas, have given the requisite notices by publication, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of Annetta South is of the opinion and finds that said changes should be granted and that the Comprehensive Zoning Ordinance should be amended;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNETTA SOUTH, TEXAS, THAT:

SECTION 1. AMENDMENT

Ordinance No. 2018-4-10, Chapter 7-Site Plan Requirements 1.7.2 Site Plan Application and Approval B) shall be replaced and amended by: The Zoning Administrator shall consider approving the site plan upon receipt of the City Engineer's review and recommendation. However, the Zoning Administrator may also refer the site plan for consideration and to the Planning and Zoning Commission. The Planning and Zoning Commission shall then make their recommendation for further consideration by City Council.

SECTION 2. SAVINGS

That all rights and remedies of the City of Annetta South are expressly saved as to any and all violations of the provisions of any Ordinances regulating, affecting, or relating to 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 3. 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 5. 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 6. 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 Annetta South 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.

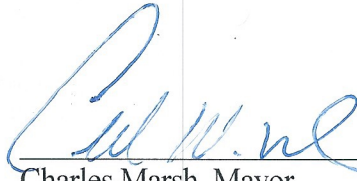
SECTION 7. PUBLICATION

The City Secretary of the City of Annetta South 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.

SECTION 8. 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.

DULY PASSED and APPROVED by the City Council of the City of Annetta South, Texas, on the ____ day of _____ 2018.


Charles Marsh, Mayor

ATTEST:


Ellen Woodard, City Secretary