

ORDINANCE NO. 2009-O-1B

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF ANGLETON TO PROVIDE FOR PROCEDURES GOVERNING ADOPTION OF ZONING REGULATIONS AND DISTRICT BOUNDARIES, INCLUDING TYPE OF NOTICE REQUIRED; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A SEVERANCE CLAUSE AND FOR OTHER PURPOSES.

WHEREAS, The Texas Local Government Code Section 211.006 authorizes home rule municipalities to establish procedures for adopting and enforcing zoning regulations and zoning district boundaries and for the home rule municipality to prescribe the type of notice required for adopting and enforcing these regulations and boundaries; and;

WHEREAS, the City of Angleton, is a home rule municipality currently considering adoption of a new "Zoning Ordinance",

NOW, THEREFORE, be it ORDAINED by the City Council of the CITY OF ANGLETON that:

SECTION 1. The following procedures are hereby adopted for the adoption and enforcement of zoning regulations and zoning boundaries, including, but not limited to the adoption of a new "Zoning Ordinance":

- (A) The proposed regulation or boundary shall not be effective until after a public hearing is conducted, allowing all parties in interest and citizens to have an opportunity to be heard on said proposal.
- (B) Prior to the public hearing, the city secretary shall publish in the official newspaper of the city, or a newspaper of general circulation in the city, a Notice of the time and place of the public hearing. Said notice shall be published at least 15 days prior to the public hearing, but not more than 45 days prior to the public hearing.
- (C) Additional notice of the time and place of said public hearing shall be: by regular mail to all city utility billing customers in the water/sewer/garbage bills mailed out at least 15 days prior to the public hearing; by posting on the city website; and by posting on the city notice bulletin board located at city hall.

SECTION 2: Protest procedures for any proposed change to a regulation or boundary are as follows:

- (A) The protest must be written and signed by the owners of at least 20 percent of either:
 - (1) The area of the lots or land covered by the proposed change; or
 - (2) The area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

(3) In computing the percentage of land area under Subsections (A) (1) and (2) the area of streets and alleys shall be included.

(B) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the city council.

SECTION 3: On all recommendations from the Angleton Planning and Zoning Commission regarding a proposed change to a zoning regulation or boundary, in order to override that recommendation, the affirmative vote of three fourths of all members of the city council shall be required.

SECTION 4: If any section or part of this Ordinance is unconstitutional, illegal, or invalid, then such unconstitutionality, illegality, or invalidity of such section or part shall in no way effect, impair, or invalidate the remaining portion thereof, but such remaining portion shall remain in full force and effect.

SECTION 5: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 6: This ordinance shall become effective as of January 27, 2009.

PASSED AND APPROVED THIS 27TH DAY OF JANUARY, 2009.

J. PATRICK HENRY, MAYOR

ATTEST:

SHELLY DEISHER, CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY