

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE CODE OF ORDINANCES, APPENDIX A – ZONING, ARTICLE XXIV (BOARD OF ADJUSTMENT), SECTION 1 (CREATED) TO REMOVE THE PROVISIONS PERTAINING TO THE APPOINTMENT AND TERM OF MEMBERS; AMENDING APPENDIX A - ZONING, ARTICLE XXIX (CHANGES AND AMENDMENTS) TO DELETE SECTION 16 (COMMISSION; MEMBER REMOVED, VACANCY AND REAPPOINTMENT); AND AMENDING CHAPTER 2 (ADMINISTRATION) TO CREATE A NEW ARTICLE VII (PLANNING AND ZONING COMMISSION) TO ESTABLISH NEW TERMS FOR EXISTING AND FUTURE MEMBERS; AND AMENDING CHAPTER 2 (ADMINISTRATION) TO CREATE A NEW ARTICLE VIII (BOARD OF ADJUSTMENT) TO ESTABLISH NEW TERMS FOR EXISTING AND FUTURE MEMBERS; AND PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Addison, Texas (the “City”) has adopted a new policy regarding appointments to members of the Planning and Zoning Commission and the Board of Adjustment to create an annual consistent appointment date; and

**WHEREAS**, in order to implement the new appointment policy, it is necessary to adjust the terms of current board members.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS THAT:**

**Section 1.** The Code of Ordinances of the Town of Addison, Texas Appendix A - Zoning, Article XXIV (Board of Adjustment), Section 1 (Created) is hereby amended to read in its entirety as follows:

**Section 1. – Created.**

There is hereby created a board of adjustment which is hereby vested with power and authority, in appropriate cases and subject to appropriate conditions and safeguards, to make such exceptions to the terms of this appendix in harmony with its general purpose and intent and in accordance with general or special rules therein contained for the purpose of rendering full justice and equity to the general public. The board may adopt rules to govern its proceedings; provided, however, that such rules are not inconsistent with this appendix. Meetings of the board shall be held at the call of the chairman, who may administer oath and compel the attendance of witnesses. All meetings of the board shall be opened to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be of public record.

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**Section 2.** The Code of Ordinances of the Town of Addison, Texas Appendix A – Zoning, Article XXIX (Changes and Amendments), Section 16 (Commission; member removed, vacancy and reappointment) is hereby deleted in its entirety.

**Section 3.** The Code of Ordinances of the Town of Addison, Texas Chapter 2 – Administration is hereby amended to create a new Article VII (Planning and Zoning Commission) which shall read in its entirety as follows:

**Article VII. – PLANNING AND ZONING COMMISSION**

**Sec. 2-310. - Appointment; removal, vacancy and reappointment.**

The planning and zoning commission shall consist of seven members, each to be appointed by a majority of the city council for a term of two years, except for the initial appointments which shall serve an initial term as set forth in Section 2-311. Commissioners are removable for cause by the city council. Vacancies shall be filled by the city council to serve the remainder of the unexpired term for the vacant place. Members may not be appointed to serve more than three consecutive terms, not including any unexpired term of 12 months or less.

**Sec. 2-311. – Initial appointments and terms.**

The initial places, appointments and terms for members of the planning and zoning commission shall be as follows:

<b><u>Place</u></b>	<b><u>Appointment</u></b>	<b><u>Term #</u></b>	<b><u>Term Ending Date</u></b>
Place 1	Marshall (Skip) Robbins	1	12-31-2016
Place 2	Jason Ennis	1	12-31-2016
Place 3	Randy Smith	1	12-31-2016
Place 4	Jim Robinson	1	12-31-2017
Place 5	Stacey Griggs	1	12-31-2017
Place 6	Debra Morgan	1	12-31-2017
Place 7	Tom Schaeffer	1	12-31-2017

Following the expiration of the initial terms as set forth herein, members to Places 1, Place 2 and Place 3 shall be appointed in even numbered years and members to Place 4, Place 5, Place 6 and Place 7 shall be appointed in odd numbered years.

**Sec. 2-312 -2-314. – Reserved.**

**Section 4.** The Code of Ordinances of the Town of Addison, Texas Chapter 2 – Administration is hereby amended to create a new Article VIII (Board of Adjustment) which shall read in its entirety as follows:

**Article VII. – BOARD OF ADJUSTMENT**

**Sec. 2-315. – Appointment; removal, vacancy and reappointment.**

The board of adjustment shall consist of seven members, each to be appointed by a majority of the city council for a term of two years, except for the initial appointments which shall serve an initial term as set forth in Section 2-316. Board members are removable for cause by the city council. Vacancies shall be filled by the city council to serve the remainder of the unexpired term for the vacant place. Members may not be appointed to serve more than three consecutive terms, not including any unexpired term of 12 months or less.

**Sec. 2-316. – Initial appointments and terms.**

The initial places, appointments and terms for members of the planning and zoning commission shall be as follows:

<u>Place</u>	<u>Appointment</u>	<u>Term #</u>	<u>Term Ending Date</u>
Place 1	Juli Branson	1	12-31-2016
Place 2	Jan Haas	1	12-31-2016
Place 3	Troy Cooper	2	12-31-2016
Place 4	Burk Burkhalter	3	12-31-2017
Place 5	Lynn Stofer	1	12-31-2017
Place 6	Jeff King	1	12-31-2017
Place 7	Reggie Carney	1	12-31-2017

Following the expiration of the initial terms as set forth herein, members to Places 1, Place 2 and Place 3 shall be appointed in even numbered years and members to Place 4, Place 5, Place 6 and Place 7 shall be appointed in odd numbered years.

**Sec. 2-317. - Selection for Service at a Meeting.**

Five members of the board shall serve at every meeting of the board and shall be selected on a first-come-first-served basis when responding to a call for a meeting. The remaining two members shall serve as alternates for that meeting.

**Sec. 2-318 -2-319. – Reserved.**

**Section 5.** Recitals. The above and foregoing recitals are true and correct and are incorporated herein and made a part hereof for all purposes.

**Section 6. Savings; Repealer.** This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Provided, however, that the repeal of such ordinances or parts of such ordinances and the amendments and changes made by this Ordinance, shall not affect any right, property or claim which was or is vested in the City, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes affect any offense committed, or an penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the ordinances or sections thereof so repealed, amended or changed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.

**Section 7. Severability.** The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstances 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 that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 8. Effective Date.** This Ordinance shall take from and after its adoption and publication as required by law.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Todd Meier, Mayor  
Town of Addison, Texas

ATTEST:

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Laura Bell, City Secretary

APPROVED AS TO FORM:

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Brenda N. McDonald, City Attorney