

**TOWN OF PONDER, TEXAS
ORDINANCE 00-20**

AN ORDINANCE AMENDING ORDINANCE 187, AS AMENDED, THE ZONING ORDINANCE OF THE TOWN OF PONDER, TEXAS", BY REVISING AND ADOPTING SECTION 3-ZONING DISTRICTS ESTABLISHED, SECTION 4-ZONING DISTRICT MAP, SECTION 5-ZONING DISTRICT BOUNDARIES, SECTION 6-ZONING OF NEWLY-ANNEXED TERRITORY, SECTION 7-COMPLIANCE WITH ZONING REGULATIONS, SECTION 8-DEFINITIONS, SECTION 9-DISTRICT REGULATIONS, SECTION 10-HEIGHT, AREA AND SETBACK REGULATIONS, SECTION 11-PD-PLANNED DEVELOPMENT REGULATIONS, SECTION 12-HISTORIC DISTRICT SUFFIX, SECTION 13-SUPPLEMENTAL DISTRICT REGULATIONS, SECTION 14-SPECIFIC USE PERMITS, SECTION 15-OFF-STREET PARKING AND LOADING REQUIREMENTS, SECTION 16-ACCESSORY BUILDING REGULATIONS, SECTION 17-SIGN REGULATIONS, SECTION 18-LANDSCAPING, SECTION 19-NON-CONFORMING USES AND STRUCTURES, SECTION 20-PLANNING AND ZONING COMMISSION, SECTION 21-ZONING BOARD OF ADJUSTMENT, SECTION 22-BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY, SECTION 23-CHANGES AND AMENDMENTS TO ALL ZONING DISTRICTS AND ADMINISTRATIVE PROCEDURES, SECTION 24-SCHEDULE OF FEES, CHARGES AND EXPENSES, SECTION 25-DEMOLITION PERMITS; PROVIDING A PENALTY OF VIOLATIONS THEREOF; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Ponder, Texas is a Type A General Law Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council of the Town of Ponder has previously adopted Ordinance 187, the Zoning Ordinance of the Town of Ponder, as amended; and

WHEREAS, the City Council now deems it necessary to amend the zoning regulations as provided herein; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the Town of Ponder on the 6th day of September, 2000, and by the City Council of the Town of Ponder on the 6th day of September, 2000, with respect to the amendment of the Zoning Ordinance as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF PONDER, TEXAS:

SECTION 1

That Ordinance Number 187, the Town of Ponder Zoning Ordinance, is hereby repealed in its entirety and replaced with the following:

SECTION 2 TITLE

This ordinance shall be known and may be cited as “The Town of Ponder Zoning Ordinance”.

SECTION 3 PURPOSE

Zoning regulations and districts are herein established in accordance with a Comprehensive Plan for the purpose of promoting the health, safety, morals and general welfare of the citizens of the Town. They are designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers, to ensure adequate light and air, to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been established with reasonable consideration for the character of each district and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town.

SECTION 21
PLANNING AND ZONING COMMISSION

21.1 Organization and Appointment

There is hereby created a Planning and Zoning Commission which shall be organized, appointed and functions as follows

- A. Membership: The Planning and Zoning Commission shall consist of seven (7) members who are residents of the Town of Ponder, each to be appointed by the Town Council for a term of two (2) years. Appointees shall fill positions which shall be designated by place numbers (e.g. place 1, place 2, etc.) Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause in the same manner as the original appointment was made. The Town Council may remove a member who has accumulated three or more unexcused absences within a twelve-month period or for other good cause as determined by the Town Council.
- B. Terms: The terms of members filling place 1,3, 5 and 7 shall expire on June 30 of each odd-numbered year and the terms of members filling places 2, 4 and 6 shall expire on June 30 of each even-number year. Commission members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms, but no members shall be appointed for a term in excess of two (2) years. Newly appointed members shall be installed at the first regular commission meeting after their appointment.
- C. Meetings and Organization: The commission shall hold an organizational meeting in July of each year. The commission shall meet regularly and shall designate the time and place of its meetings. The commission shall adopt its own rules of procedure and keep a record of its proceedings consistent with the provisions of this ordinance and the requirements of law. The Planning and Zoning Commission shall elect a chairman from its own membership at its annual organizational meeting.
- D. Quorum and Compensation: A quorum for the conduct of business shall consist of four members of the commission. The members shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties.
- E. Minutes and Voting: The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such vote, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Town Secretary and shall be public record. Each member shall have a vote in all matters.

21.2 Duties and Authority

The Planning and Zoning Commission is hereby charged with the duty and invested with the authority to:

- A. Formulate and recommend to the Town Council for its adoption a town plan for the orderly growth and development of the town and its environs and from time to time recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety and general welfare of the citizens of the town.
- B. Formulate a zoning plan as may be deemed best to carry out the goals of the town plan; hold public hearings and make recommendations to the Town Council relating to the creation, amendment and implementation of zoning regulations and districts as authorized under state law.
- C. Review and make recommendations on the approval of subdivision plats. Study and recommend the location, extension and planning public right-of-way, parks or other public places, and on the vacating or closing of same.
- D. Study and make recommendations regarding the general design and location of public buildings, bridges, products, street fixture and other structures and appurtenances.
- E. Initiate, in the name of the town, proposals for the opening, vacating or closing of public right-of-way, parks, or other public places and for the change for zoning district.
- F. Formulate and recommend to the Town Council for its adoption policies and regulations consistent with the adopted town plan governing the location and/or operation of utilities, public facilities, and services owned or under the control of the town.

**SECTION 27
PENALTY FOR VIOLATIONS**

Any person or corporation violating any of the provision of this ordinance shall upon conviction be fined a sum not to exceed two thousand dollars (\$2,000.00) per day and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district where such property owner may be affected or invaded by violation of the terms of the ordinance to bring suit in such courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

**SECTION 28
VALIDITY, SEVERANCE AND CONFLICT**

If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall be severed from and shall not affect the validity of this ordinance as a whole or any partial provision thereof other than the part so decided to be invalid or unconstitutional. To the extent any provision of this ordinance conflicts with other ordinances of the Town of Ponder the terms of this ordinance shall control.

**SECTION 29
CUMULATIVE CLAUSE**

This Ordinance shall be cumulative of all provisions of ordinances of the Town of Ponder, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 30
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the Town Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 31
SAVINGS CLAUSE**

All rights and remedies of the Town of Ponder, Texas, are expressly saved as to any and all violations of the provisions of this or any other ordinances affecting the issuance of permits and the payment of fees 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 32
ENGROSSMENT AND ENROLLMENT**

The City Secretary of the Town of Ponder is hereby directed to engross and enroll this Ordinance by copying the caption, penalty clause, and effective date clause of this Ordinance in the minutes of the Town Council and by filing the Ordinance in the Ordinance records of the City.

**SECTION 33
PUBLICATION CLAUSE**

That the City Secretary is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this Ordinance for two (2) days in the official newspaper of the Town of Ponder, Texas, as authorized by Section 52.011 of the Local Government Code.

**SECTION 34
EFFECTIVE DATE**

This ordinance shall be effective upon the posting and/or publication of its caption as required by law and the Town Secretary is hereby directed to implement such posting and/or publication.

AND IT IS SO ORDAINED:

PASSED AND APPROVED BY A VOTE OF 4 TO 0 , THIS 15th DAY OF March , 2001.

APPROVED:

MAYOR, TOWN OF PONDER, TEXAS

ATTEST:

TOWN SECRETARY

APPROVED AS TO LEGAL FORM:

ATTORNEY FOR THE TOWN OF PONDER, TEXAS

Updated 07-01-03