

ORDINANCE NO. 2023-22

**AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS
AMENDING CHAPTER 2 “BOARDS AND COMMISSIONS”, ARTICLE II
“PLANNING AND ZONING COMMISSION” TO REMOVE THE
REQUIREMENT THAT THE PLANNING AND ZONING
COMMISSION MAKE RECOMMENDATIONS REGARDING STREETS;
PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES; AND
ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City of Breckenridge (the “City”) is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code;

WHEREAS, the City has created a Planning and Zoning Commission (the “P&Z”), as required by Section 211.007(a) of the Texas Local Government Code, and has provided certain duties of the P&Z in Article II “Planning and Zoning Commission” of Chapter 2 “Boards and Commissions” of the Breckenridge Code of Ordinances;

WHEREAS, Section 2-25 of said Article provides that the P&Z “shall recommend to the governing body...whether or not any changes should be made in the width or length of any streets” which requires the P&Z to hear requests for street closures to make a recommendation to the Breckenridge City Commission (the “City Commission”) before those street closures can be approved; and

WHEREAS, the City Commission finds that making recommendations for street closures is unrelated to the P&Z’s duties regarding zoning and that it would aid in the efficient operation of City business to have only the City Commission hear requests for street closures.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS THAT:

I. Findings Incorporated. All of the above premises are found to be true and correct findings of the City Commission and are incorporated into the body of this Ordinance as if fully set forth herein.

II. Deletion of Section 2-25. Section 2-25 “Recommendations as to property for streets, changes in widths or lengths” of Article II “Planning and Zoning Commission” of Chapter 2 “Boards and Commissions” of the Breckenridge Code of Ordinances is hereby deleted and said section shall be reserved for future use.

III. Severability. The provisions of this Ordinance are declared to be severable. If any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in effect notwithstanding the validity of any part.

IV. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place,

and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Local Government Code.

V. ***Effective Date.*** This Ordinance shall take effect immediately upon its adoption by the City Commission.

The above and foregoing ordinance was duly proposed, read in full and adopted on the 5th day of December, 2023 at a regular meeting of the City Commission.

Bob Sims, Mayor

ATTEST:

Jessica Sutter, City Secretary

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