

## CHAPTER 36: PLANNING AND ZONING COMMISSION

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### **§ 36.01 CREATION AND PURPOSE.**

A Planning and Zoning Commission is created in order to accomplish the following purposes:

- (a) To identify community needs and to advise the City Council of their short-range and long-range implications for the total development of the City;
- (b) To recommend achievable community goals as a basis for long-range planning and development programs;
- (c) To recommend plans, programs, and policies that will aid the entire community in achieving its defined goals; and
- (d) To interpret the adopted plans and programs to concerned citizens so that private activities and desires may be accomplished in harmony with public needs and policies.

(Ordinance 2006-22, passed 9-5-06)

### **§36.02 MEMBERSHIP AND APPOINTMENT.**

The Planning and Zoning Commission shall be composed of five (5) persons with at least three being qualified electors of the City and two may be residents in the extraterritorial jurisdiction. The City Council will consider for appointment to the Commission only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, interest in planning and zoning, and availability to prepare for and attend meetings. It is the intent of the City Council that members shall, by reason of diversity of their individual occupations, constitute a Commission, which is broadly representative of the community. A person serving on the Planning and Zoning Commission is prohibited from serving concurrently as a member of the City Council. A person

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serving on the Planning and Zoning Commission is also prohibited from serving concurrently as a member of the Building Committee.  
(Ordinance 2006-22, passed 9-5-06; Am. Ord. 2010-06, passed 5-11-10)

### **§ 36.03 TERMS OF OFFICE; FILLING OF VACANCIES.**

The terms of three of the members shall expire on August 31 of each odd-numbered year and the terms of two of the members shall expire on August 31 of each even-numbered year. The members of the Commission shall be identified by place numbers one through five. The odd-numbered places shall expire in the odd-numbered years; the even-numbered places shall expire in the even-numbered years. Commission members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms, but no member shall be appointed for a term in excess of two years. Newly-appointed members shall be installed at the first regular commission meeting after their appointment. In the event Council fails to appoint a member upon expiration of member's term, the affected member shall continue to serve until such time that Council completes an appointment, or upon voluntary resignation by the member.  
(Ordinance 2006-22, passed 9-5-06; Am. Ord. 2006-23, passed 9-26-06; Am. Ord. 2006-23, passed 9-26-06; Am. Ord. 2010-06, passed 5-11-10)

### **§ 36.04 APPOINTMENT OF CHAIRPERSON AND VICE-CHAIRPERSON.**

The Chairperson and Vice-Chairperson shall be appointed by the Mayor with approval of the Council.  
(Ordinance 2006-22, passed 9-5-06)

### **§ 36.05 ORGANIZATION; ELECTION OF OFFICERS; RECORD OF PROCEEDINGS.**

The Commission shall hold an organization meeting in October of each year. The Commission shall elect a Secretary and such other officers as it deems necessary either from its membership or from staff representatives assigned by the Mayor to work with the Commission. The Commission shall meet regularly and shall designate the time and place of its meetings. The Commission shall keep a record of its proceedings consistent with the provisions of this Code and the requirements of law.  
(Ordinance 2006-22, passed 9-5-06)

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### § 36.06 DUTIES AND POWERS.

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

- (a) Inspect property and premises at reasonable hours when required to discharge its responsibilities under the laws of the state and of the City.
- (b) Formulate and recommend to the City Council for its adoption a comprehensive plan for the orderly growth and development of the City 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 City.
- (c) Formulate a zoning plan as may be deemed best to carry out the goals of the comprehensive plan; hold public hearings and make recommendations to the City Council relating to the creation, amendment, and implementation of zoning regulations and districts as provided by ordinance, Local Government Code, as amended, authorizing cities to pass regulations.
- (d) Exercise all the powers of a commission as to approval or disapproval of plans, plats, or replats and vacations of plans, plats or replats set out in the subdivision ordinance and 212 (Municipal Regulation of Subdivisions and Property Development), Local Government Code.
- (e) Study and make recommendations on the location, extension, planning, vacating, and closing of public rights-of-way, public parks, and other public places, if any.
- (f) Study and make recommendations concerning the capital improvements program, including the construction of public buildings, bridges, viaducts, street fixtures, and other structures and appurtenances, if any. Study and make recommendations on the design or alteration and on the location or relocation of works of art which are, or may become, the property of the City.
- (g) Initiate, in the name of the City, for consideration at public hearings, all proposals: for the opening, vacating, or closing of public rights-of-way, public parks, or other public places, if any; for the original zoning of annexed areas; and for the change of zoning district boundaries on an area-wide basis. No fee shall be required for the filing of any such proposal in the name of the City.
- (h) Formulate and recommend to the City Council policies and regulations consistent with the adopted comprehensive plan governing the location and/or operation of utilities, public facilities, and services owned or under the control of the City.

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- (i) Review and make recommendations concerning annexation of land into the City.
- (j) Keep itself informed with references to the progress of City planning in the United States and other countries and recommend improvements in the adopted plans of the City.
- (k) Submit an annual progress report to the City Council each June that summarizes its activities, major accomplishments for the past year, and a proposed work program for the coming year. The report shall contain the attendance record of all members and the identity of Commission officers for the year.  
(Ordinance 2006-22, passed 9-5-06)

#### **§36.07 MEETINGS AND QUORUM.**

- (a) A motion may be made by any member other than the presiding officer.
- (b) A motion to approve any matter before the Commission or to recommend approval of any request requiring City Council action shall require a majority vote of the quorum of the members present. When fewer than all the members are present for the voting and when all motions to recommend on a given application fail to carry by a majority of the quorum of members present, consideration of the application shall be continued to the next regular meeting upon motion carried by a majority of those present. However, a request or application shall not be continued to the next regular meeting and shall be recorded in the minutes as a denial if all the members are present for the vote and a motion fails to carry by a majority vote.
- (c) The Commission and the City Council may hold joint public hearings regarding the adoption of or amendment to zoning regulations or zoning district boundaries after providing the notice required by Chapter 211, Tex. Local Gov't Code, as amended from time to time.  
(Ordinance 2006-22, passed 9-5-06; Am. Ord. 2006-32, passed 11-7-06)

#### **§ 36.08 DISQUALIFICATION FROM VOTING.**

- (a) A member shall disqualify themselves from voting whenever they find that they have a personal or monetary interest in the property under appeal, or that they will be directly affected by the decision of the Commission.
- (b) A member may disqualify himself or herself from voting whenever any applicant, or his or her agent, has sought to influence the vote of the member on the application, other than in the public hearing.  
(Ordinance 2006-22, passed 9-5-06)

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### §36.09 RULES OF PROCEDURE.

- (a) Organization and officers. In the absence of both the Chairperson and Vice-Chairperson, the Commission shall elect an Acting Chairperson.
- (b) Meetings.
  - (1) Quorum. A quorum shall consist of three members.
  - (2) Agenda. The Secretary shall prepare an agenda for each meeting of the Commission, and shall attach to each agenda a report of matters pending further action by the Commission. The Secretary shall post a copy of the agenda in the City Hall as required by law for a period of three full calendar days, not counting the day of posting, but which may count the day of the meeting. The agenda shall also be posted outside the City Security Gate and remain posted concurrent with City Hall posting.
  - (3) Regular meetings. Regular meetings shall be in the Council chambers of the City Hall, unless otherwise determined by the Commission.
  - (4) Special meetings. Special meetings for any purpose may be held: on the call of the Chairperson, or on request of two or more members and by giving notice to all members at least 72 hours before the meeting, or as may be scheduled by a majority of the Commission at any previous meeting. The time and place of the special meeting shall be determined by the convening authority.
  - (5) Public meetings. Any party in interest may appear in his own behalf or be represented by council or agent.
- (c) Official records.
  - (1) Official records. The official records shall be the minutes of the Commission, together with all findings, decisions, and other official records of the Commission.
  - (2) Recording of vote. The minutes of the Commission's proceedings shall show the vote of each member, or indicate a member's absence or failure to vote.
  - (3) Files - retention. All matters coming before the commission shall be filed in the city's records. Original papers of all requests and proposals shall be retained as a part of the permanent record.

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(4) Public record. The official records and citizen requests filed for Commission action in regular or special meetings shall be on file in the City Hall and shall be open to public inspection during customary working hours.

(d) Application procedures.

(1) Written request required. Every proposal submitted for Commission action shall be made in writing. Where appropriate, the City shall provide application forms. The proposal shall be filed on City-provided forms, shall be accompanied by all prescribed fees, and shall be complete in all respects before the City shall accept it for filing.

(2) Schedules and instructions. Every proposal or request for Commission action or recommendation shall be filed, processed, and considered in accordance with this section.

(3) Submission of supporting information. Information supporting a request or recommendation to approve or disapprove any proposal before the Commission shall be submitted through the Secretary in writing or to the Commission in public meeting.

(4) Withdrawal of proposal. When any applicant desires to withdraw his or her proposal he or she may do so by filing a written request with the Secretary. Such request shall be effective upon the date of its official receipt, provided, however, that no such request shall be valid after notices have been mailed, except on action of the Commission. Withdrawal of a proposal at any stage of its processing shall terminate all consideration of it by the City, and the case file shall be closed.

(5) Zoning. Every proposal submitted for the purpose of amending zoning requirements shall be accompanied by a fee prior to the proposed being considered for processing by the City. The associated fee is defined in Appendix A. The fee is non-refundable subject to the time of City scheduling the amendment for review by either the Zoning Commission or the City Council, whichever occurs first.

(Ordinance 2006-22, passed 9-5-06; Am. Ord. 2010-04, passed 2-9-10)