

## **B. Planning and Zoning Commission<sup>1</sup>**

### **2.9. General.**

The planning and zoning commission (also referred to as the "P&Z") shall function according to the following criteria that establish membership and operating procedures.

### **2.10. Creation.**

- 2.10.1. There is created, in accordance with chapter 211 of the Texas Local Government Code, the "planning and zoning commission," hereafter sometimes referred to as the "P&Z," which shall consist of seven members. A minimum of two of the members shall be residents and registered voters of the City of Dripping Springs. As many as two of the members may be ETJ residents who are registered voters of Hays County. The remaining three members of the P&Z shall be at-large, and may either be residents and registered voters of the City of Dripping Springs, or ETJ residents who are registered voters of Hays County.
- 2.10.2. Members of the P&Z may serve simultaneously on any other city board or commission, except for the city council or the board of adjustment.
- 2.10.3. Members shall be nominated by City Council Members, and each person so nominated must be approved by a simple majority vote of the city council.
- 2.10.4. All appointments to the P&Z shall serve a term of office of two years, except as noted below. Expiration of terms shall be staggered so that an overlapping occurs (in the first one-year period, the terms of three members shall expire during that year, and the term of four members shall expire in the second year). Members may be reappointed with no limitation on the number of terms one member may serve.
- 2.10.5. Any vacancy(s) on the P&Z shall be filled for the unexpired term(s) via appointment by a simple majority vote of the city council for the remainder of the term.
- 2.10.6. A P&Z member's position is automatically considered vacant if the member is absent for:
- (a) Three consecutive, regular meetings; or
  - (b) Four regular meetings (cumulative) during the preceding 12-month period.
- Exceptions shall be granted if the member first requests and obtains a written leave of absence from the chairperson of the P&Z, and absences are due to unusual circumstances beyond the member's control (such as sickness of the member or someone in the member's immediate family).
- 2.10.7. Members of the P&Z may be removed from office by the city council at any time by a simple majority vote of the full city council (3/5), either:
- (a) Upon its own motion;
  - (b) Upon recommendation of a simple majority (3/5) of the P&Z; or

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<sup>1</sup>State law reference(s)—Authority of municipality to establish planning and zoning commission, V.T.C.A., Local Government Code, § 211.007.

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(c) Upon recommendation of the P&Z chairperson and one other P&Z member.

2.10.8. The city council shall appoint a chairman from among the membership of the P&Z. The P&Z shall elect from among its membership, a vice-chairperson. The P&Z may elect from among its membership a secretary. Each officer shall hold office for one year or until replaced. The P&Z, at its first meeting on or after June, shall select all the positions.

2.10.9. The P&Z shall have the power to make rules, regulations and bylaws for its own governance, which shall conform with those set forth by the city council. Such rules, regulations and bylaws shall be subject to approval by the city council. Such rules and bylaws shall include, among other items, provisions for the following:

- (a) Regular and special meetings (other than executive sessions);
- (b) A record of its proceedings, to be open for inspection by the public;
- (c) Reporting to the city council regularly; and
- (d) Reviewing the comprehensive plan regularly.

## **2.11. Voting procedures.**

2.11.1. The P&Z will follow the parliamentary procedure adopted by the city council, such as Robert's Rules of Order, Newly Revised, and procedures shall not be in conflict with the laws applicable to the P&Z (Refer to chapters 171 and 211 of the Texas Local Government Code, and any applicable city ethics policies).

2.11.2. The P&Z shall have the power to make the rules, regulations and bylaws for its own governance, consistent with state law and rules promulgated by the city council.

2.11.3. Quorum. A quorum shall consist of a majority of members of the P&Z. Motions shall carry with a simple majority vote.

2.11.4. Voting. All P&Z members, including the chairperson, shall be entitled to one vote each upon any question. Voting procedures shall be in accordance with the parliamentary procedures adopted by the P&Z, with reference to Robert's Rules of Order. Refer to chapter 171 of the Texas Local Government Code and any applicable city ethics policies or regulations.

[2.11.5. Reserved.]

2.11.6. Conflict of interest.

- (a) A P&Z member shall not vote or participate in any deliberations regarding a matter before the P&Z if the member has any substantial interest in any tract within 200 feet of the property in question.
- (b) The P&Z member is considered to have a substantial interest if the P&Z member is related within the first degree of consanguinity (blood or adoption) or affinity (marriage) to a person who has a substantial interest.
- (c) In any case where the question of a member's interest is raised, the P&Z chairperson shall rule on whether the member shall be disqualified.
- (d) Under this section, a substantial interest exists in the following situations:
  - (1) The P&Z member has an equitable or legal ownership interest in a tract with a fair market value of \$2,500.00 or more;
  - (2) The P&Z member acts as a developer of the tract;
  - (3) The P&Z member receives in a calendar year funds exceeds [exceeding] ten percent of the P&Z member's gross annual income for the previous year from a business that:

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- [a] Has an equitable or legal ownership interest in the tract with a fair market value of \$2,500.00;
  - [b] Acts as a developer of the tract; or
- (4) The P&Z member has an ownership interest in a business entity and:
- [a] The business entity:
    - (i) Has an equitable or legal ownership interest in the tract with a fair market value of \$2,500.00; or
    - (ii) Acts as a developer of the tract; and
  - [b] The P&Z member:
    - (i) Owns ten percent or more of the voting stock or shares;
    - (ii) Owns ten percent more of the fair market value; or
    - (iii) Five thousand dollars or more of the fair market value.

## **2.12. Meetings.**

- 2.12.1. The P&Z shall meet in the municipal building or in some other specified location as may be designated by the chairperson, and at such intervals as may be necessary to orderly and properly transact the business of the P&Z.
- 2.12.2. The members of the P&Z shall regularly attend meetings and public hearings of the P&Z.
- 2.12.3. P&Z members shall serve without compensation, and shall not hold any other office within the city, or serve as an employee of the city while serving on the P&Z.
- 2.12.4. Meetings of the P&Z shall be held at least once a month at the call of the chairperson or secretary, and at such other times as the P&Z may determine. If there have been no applications filed for review by the P&Z, the city secretary shall notify the chairperson and no meeting shall be required for that month. Meetings of the BOA shall be held at the call of the chairperson or secretary and at such other times as the BOA may determine.
- 2.12.5. Meetings shall be conducted in accordance with the Texas Open Meetings Act. Refer to chapter 551 of the Texas Government Code.

## **2.13. Authority in ETJ.**

Statutes of the State of Texas authorizing and empowering cities to regulate the platting and recording of subdivisions or additions within the city's corporate limits and establishing ETJ are hereby adopted. The P&Z, acting through its duly authorized officials, shall have all the rights, powers, privileges and authority authorized and granted by and through said statutes and any lawfully executed agreements by the city pertaining to regulation of subdivisions in the city limits and ETJ.

## **2.14. Powers and duties.**

- 2.14.1. The P&Z shall have all the rights, powers, privileges and authority authorized and granted by the city council and through the statutes of the State of Texas authorizing and granting cities the power of zoning and subdivision regulation as found in chapters 211 and 212 of the Texas Local Government Code, as may be amended.

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2.14.2. The P&Z shall be an advisory body and adjunct to the city council, and shall make recommendations regarding amendments to the comprehensive plan, changes of zoning, zoning ordinance amendments, and zoning to be given to newly annexed areas, and shall make recommendations regarding the approval of plats of subdivisions as may be submitted to it for review and other planning related matters delegated to the P&Z by the city council.

### **2.15. Joint meetings.**

Whenever the city council and the P&Z are required by the laws of the State of Texas to conduct public hearings in matters pertaining to planning, zoning or subdividing property, and at other times when it is in the best interest of the city to do so, the city council and the P&Z are hereby authorized, after published notice as required by law, to hold joint meetings and to conduct joint public hearings.

(Ordinance 1220.10, adopted 9/12/06)