
Section 10.05. Planning and Zoning Commission Powers and Duties.

The planning and zoning commission shall serve as the planning and the zoning commission of the city, and:

- (a) Review and make recommendations to the council regarding the adoption and implementation of a comprehensive plan, or elements or portions thereof, prepared under authorization of the city council and under the direction of the city manager and responsible staff.
- (b) After a comprehensive plan, or element or portion thereof, has been adopted in conformity with this Article:
 - (1) Review and make recommendation to the council on all amendments to such plan, or elements or portions thereof.
 - (2) Review and make recommendations to the council on all proposals to adopt or amend land development regulations for the purpose of establishing the relationship of such proposal to, and its consistency with, the adopted comprehensive plan or elements or portions thereof. For purposes of this Article "land development regulations" includes zoning, subdivision, building and construction, environmental including water conservation, and other police power regulations controlling, regulating, or affecting the use or development of land.
- (c) Pursuant to ordinances adopted by the council, exercise control over platting and subdividing land within the corporate limits and the extraterritorial jurisdiction of the city to insure the consistency of any such plats or subdivision with the ordinances and comprehensive plan, or element or portion thereof.
- (d) Pursuant to ordinances adopted by the council, make recommendations to the council regarding the zoning of land and land uses within the corporate limits of the city to insure the consistency of any such land use with the adopted comprehensive plan, or element or portion thereof.
- (e) May submit annually to the city manager, at least five months prior to the beginning of the budget year, a list of recommended capital improvements, which in the opinion of the planning and zoning commission are necessary or desirable to implement the adopted comprehensive plan, or element or portion thereof, during the forthcoming five-year period.
- (f) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend annually to the council any changes in or amendments to the comprehensive plan as may be desired or required.
- (g) Prepare periodic evaluation and appraisal reports on the comprehensive plan, which shall be sent to the council at least once every five years after the adoption of the comprehensive plan, or element or portion thereof.
- (h) Obtain information relative to its duties from the city manager.
- (i) Act as an advisory body to the council and perform such additional duties and exercise such additional powers as may be prescribed by ordinance of the council not inconsistent with the provisions and intent of this charter.

(Ordinance 326 adopted 8/15/07; Ordinance 426, prop. 16, adopted 2/24/15)

Section 10.06. Duties.

The council shall prescribe the duties of the planning and zoning commission by ordinance. The duties so established shall not be inconsistent with this charter and such duties shall include, but not be limited to, those prescribed herein.

(Ordinance 326 adopted 8/15/07)

Division 2. Planning and Zoning Commission¹

Sec. 1.05.030 Creation; purpose.

A planning and zoning commission is created in order to accomplish the following purposes:

- (1) 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;
- (2) To recommend achievable community goals as a basis for long-range planning and development programs;
- (3) To recommend plans, programs, and policies that will aid the entire community in achieving its defined goals; and
- (4) 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.

Sec. 1.05.031 Membership.

The planning and zoning commission shall be composed of seven persons with at least five 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.

Sec. 1.05.032 Quorum and attendance.

Four members of the commission shall constitute a quorum for transacting business and no action of the commission shall be valid or binding unless taken in an open meeting with a quorum present. Less than a quorum may adjourn any meeting, or order and compel the attendance of absent members. It shall be the duty of each member of the commission to attend each regular and special commission meeting and the failure of any member to attend three consecutive, regular meetings, without good and sufficient cause, shall constitute misconduct in office.

(Ordinance 508 adopted 1/17/18)

¹Charter reference(s)—Planning and zoning commission, secs. 10.04—10.06.

State law reference(s)—Zoning commission, V.T.C.A., Local Government Code, sec. 211.007 .

Sec. 1.05.033 Terms of members; vacancies; removal of members.

The terms of four of the members shall expire on January 1 of each odd-numbered year and the terms of three of the members shall expire on January 1 of each even-numbered year. The members of the commission shall be identified by place numbers one through seven. 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. A majority vote of the city council may remove members at any time, with or without cause.

(Ordinance 449, sec. 3, adopted 9/21/16)

Sec. 1.05.034 Election of chairperson and vice-chairperson.

The commission shall annually elect a chairperson and vice-chair, to serve in the absence of the chairperson, from among its membership.

(Ordinance 449, sec. 4, adopted 9/21/16)

Sec. 1.05.035 Organization; election of officers; record of proceedings.

The commission shall hold an organization meeting in February 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 449, sec. 5, adopted 9/21/16)

Sec. 1.05.036 Powers and duties.

The planning and zoning commission is charged with the duty and invested with the authority to:

- (1) Inspect property and premises at reasonable hours when required to discharge its responsibilities under the laws of the state and of the city.
- (2) 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.
- (3) 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 and the Local Government Code, as amended, authorizing cities to pass regulations.
- (4) Exercise all the powers of a commission to provide recommendations to the city council for approval or disapproval of the plans, plats, or replats and vacations of plans, plats or replats set out in the subdivision ordinance and chapter 212 (Municipal Regulation of Subdivisions and Property Development), Local Government Code.

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- (5) Study and make recommendations on the location, extension, planning, vacating, and closing of public rights-of-way, parks, and other public places.
 - (6) Study and make recommendations concerning the capital improvements program, including the construction of public buildings, bridges, viaducts, street fixtures, and other structures and appurtenances. 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.
 - (7) 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, parks, or other public places, for the original zoning of annexed areas, and for the change of zoning district boundaries on an area-wide basis, and forward its recommendations regarding same to the city council. No fee shall be required for the filing of any such proposal in the name of the city.
 - (8) 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.
 - (9) Review and make recommendations concerning annexation of land into the city.
 - (10) Keep itself informed with reference to the progress of city planning in the United States and other countries and recommend improvements in the adopted plans of the city.

(Ordinance 449, sec. 6, adopted 9/21/16)

Sec. 1.05.037 Motions; deferring action.

- (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.

(Ordinance 449, sec. 7, adopted 9/21/16)

Sec. 1.05.038 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 449, sec. 8, adopted 9/21/16)

Sec. 1.05.039 Meetings and rules of procedure; records; application procedures.

- (a) *Acting chairperson.* 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 a majority of the appointed members holding office shall be required for a quorum [sic]. In case of more than one vacancy, no less than three members shall be required for a quorum.
- (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.
- (3) *Regular meetings.* Regular meetings shall be 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 written notice to all members deposited in the mail 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 counsel or agent.

(c) *Official records.*

- (1) *Generally.* 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) *Retention of records.* 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.
- (4) *Public records.* 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 a 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.

(Ordinance 449, sec. 9, adopted 9/21/16)

Secs. 1.05.040—1.05.060 Reserved.