

hold public hearings on that report before submitting a final report to the city council. The city council may not hold a public hearing until it receives the final report of the planning and zoning commission. The city council may not take action on the matter until it receives the final report of the planning and zoning commission. Before the 10th day before the hearing date, written notice of each public hearing before the zoning commission on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property on which the change in classification is proposed. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail.

(d) A public hearing shall be held by the city council before adopting any proposed supplement, amendment or change. Notice of such hearing shall be given by publication two times in the official publication of the city stating the time and place of such hearing, which time shall not be earlier than 15 days from the first day of such publication.

(e) Unless such proposed amendment, supplement or change has been approved by the city planning commission or if a protest against such amendment, supplement or change has been filed with the 20 percent or more, either of the area of the lots included in such proposed change, or those immediately adjacent in the rear thereof, extending 200 feet therefrom, or of those directly opposite thereto extending 200 feet from the street frontage of such opposite lots, such amendments, supplements or change shall not become effective except by a three-fourths vote of the city council.

Secs. 98-37—98-44. Reserved.

DIVISION 2. PLANNING AND ZONING COMMISSION

Sec. 98-45. Creation and purpose.

A planning and zoning commission is hereby 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;
- (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; and
- (5) To comply with the provisions of chapters 78 and 98 of the Code of Ordinances of the City of Montgomery concerning enforcement and application of the provisions of said chapters.

Sec. 98-46. Membership and appointment.

The planning and zoning commission shall be composed of five qualified individuals. These individuals shall be residents of the city, and be registered to vote in city elections. 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 their diversity, constitute a commission, which is broadly representative of the community. For purposes of planning, the membership is encouraged to regularly include non-voting individuals, as may be appropriate, at their meetings to provide specific areas of expertise. Any member of the commission who has two consecutive absences without justification may be removed from the commission by the city council and the vacancy treated as an unexpired term. Any member of the commission may be removed for just cause upon recommendation from the chairman of the commission and approval of the city council and the vacancy treated as an unexpired term. At least one member of the commission shall be a member of the board of adjustment.

Sec. 98-47. Terms of office.

The terms of three of the members shall expire on October 1 of each odd-numbered year and the terms of two members shall expire on October 1 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; and 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.

Sec. 98-48. Organization.

The commission shall, in each October, elect a chairperson and vice-chairperson from among its members before proceeding to any other matters of business. 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 chief executive of the city to work with the commission. The commission shall meet regularly and shall designate the time and place of its meetings. The commission shall conduct meetings, 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.

Sec. 98-49. Duties and powers.

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

- (1) Inspect property and premises at reasonable hours where required in the discharge of its responsibilities under the laws of the State of Texas 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) Make recommendations to the city council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in Vernon's Texas Civil Statutes, as amended, authorizing cities to pass regulations. All powers granted under said statutes are specifically adopted and made a part hereof.
- (4) Exercise all powers of a commission as to approval or disapproval of plans, plats, or replats and vacations of plans, plats or replats as set out in Vernon's Texas Civil Statutes and/or the city's subdivision ordinance(s).
- (5) Study and recommend on the location, extension and planning of public rights-of-way, parks or other public places, and on the vacating or closing of same.
- (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 recommend 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: (1) for the opening, vacating or closing of public rights-of-way, parks or other public places; (2) for the original zoning of annexed areas; and (3) 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.
- (8) Formulate and recommend to the city council for its adoption 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 the annexation of land into the city.
- (10) 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.
- (11) Submit each month a progress report to the city council summarizing its activities, major accomplishments, and a proposed work program. The report shall also contain the attendance record of all members and the identity of commission officers.
- (12) Develop a working knowledge of applicable regulations governing the execution of the duties of the commission and perform these duties in a fair, honest and consistent manner.

(13) Administer and enforce the city's Zoning Ordinance.

Sec. 98-50. Meeting and quorum.

(a) A quorum shall be a majority of the Members of the commission.

(b) A motion may be made by any member other than the presiding officer.

(c) A motion to approve any matter before the commission or to recommend approval of any request requiring city council action shall require a majority of favorable votes of the members present provided a quorum is present.

Sec. 98-51. Disqualification from voting.

(a) A member shall disqualify himself from voting whenever he finds that he has a personal or monetary interest in the property under appeal, or that he will be directly affected by the decision of the commission.

(b) A member may disqualify himself from voting whenever any applicant, or his agent, has sought to influence the vote of the member on his application, other than in the public hearing.

ARTICLE III. DISTRICTS AND ZONING MAP

DIVISION 1. GENERALLY

Sec. 98-61. Establishment of districts and boundaries.

(a) For the purposes of this chapter, the city is hereby divided into six districts as follows:

District R-1	Single-Family Residential District
District R-2	Multifamily Residential District
District B	Commercial District
District ID	Industrial District
District I	Institutional District
District PD	Planned Development District

(b) The location and boundaries of the districts established in this section are shown upon the official zoning map. The zoning map, together with all notations, references and other information shown thereon and all amendments thereto, shall be as much a part of this chapter as if fully set forth and described in this chapter. The zoning map, property attested, is on file in the office of the city secretary. Any zoning regulations cannot supersede valid deed restrictions, but shall supplement any such restrictions.

Sec. 98-62. Official zoning map.

The official zoning map of the city shall be kept in the office of the city secretary. The official map shall be kept current and the copies thereof, therein provided for, by entering on such maps any changes which the city council may from time to time order by amendments to the zoning ordinance and map. The city secretary, on the adoption of the