

1 CITY OF WOODCREEK

2 ORDINANCE NO. \_\_\_\_\_

3 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
4 WOODCREEK, TEXAS, AMENDING THE CITY OF WOODCREEK  
5 CODE OF ORDINANCES AT TITLE III ("ADMINISTRATION"),  
6 CHAPTER 30 ("PLANNING AND ZONING COMMISSION"), SECTION  
7 30.38 ("CREATION; MEMBERSHIP; OFFICERS; RULES AND  
8 BYLAWS"); PROVIDING FOR AMENDMENTS TO THE OPERATION  
9 AND STRUCTURE OF THE PLANNING AND ZONING COMMISSION;  
10 REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A  
11 SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

12 WHEREAS, the City of Woodcreek ("City") is a Texas General Law Municipality operating  
13 under the laws of the State of Texas; and

14 WHEREAS, Chapter 211, Texas Local Government Code authorizes a general law  
15 municipality to appoint a zoning commission; and

16 WHEREAS, City Council has previously created a Planning and Zoning Commission the  
17 purpose of which is to: (1) advise and make recommendations to the City Council on amendments  
18 to the municipal Comprehensive Plan, changes of zoning, zoning ordinance amendments and  
19 zoning to be given to newly annexed areas, and shall consider approval of plats of subdivisions as  
20 may be submitted to it for review and other planning related matters; (2) secure public input in this  
21 process; and (3) promote transparency in the process of amendments to the municipal  
22 Comprehensive Plan, changes of zoning, zoning ordinance amendments and zoning to be given to  
23 newly annexed areas, and shall consider approval of plats of subdivisions as may be submitted to  
24 it for review and other planning related matters; and

25 WHEREAS, the City Council finds and determines it in the best interests of the City to revise  
26 the operations and structure of the Planning and Zoning Commission; and

27 WHEREAS, the City Council of the City of Woodcreek, Texas finds that these amendments  
28 to the Code of Ordinances are in compliance with state law.

29 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY  
30 OF WOODCREEK, TEXAS:

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32 Section 1. The foregoing recitals are found to be true and correct and are hereby adopted  
33 by the City Council and made a part hereof for all purposes and findings of fact.

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35 Section 2. The City Code of Ordinances Title III, Chapter 30 ("Planning and Zoning  
36 Commission") (hereinafter referred to as the "Code"), is hereby amended to revise Section 30.38  
37 ("Creation; Membership; Officers; Rules and Bylaws") as follows with underlines being  
38 additions to the Code and ~~strikethroughs~~ being deletions from the code:

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**§ 30.38 CREATION; MEMBERSHIP; OFFICERS; RULES AND BYLAWS.**

(A) There is created, in accordance with Tex. Local Gov't. Code Ch. 211, the Planning and Zoning Commission, hereafter sometimes referred to as the "Commission", which shall consist of ~~seven~~ five regular voting members.

(B) Commission members shall reside within the City Limits.

(C) Each of Woodcreek's five Councilmembers ~~shall~~ may make one regular member appointment to the Planning and Zoning Commission. In the event any Councilmember fails or refuses to make an appointment, ~~The Mayor will~~ may make ~~two~~ regular member appointments to the Planning and Zoning Commission. All appointments shall be confirmed by a majority vote of the City Council. In the event any Councilmember ~~or~~ and the Mayor fails or refuses to make an appointment, the vacancy may be filled by the majority vote of the remaining members of the City Council.

(1) The terms of each regular member of the Planning and Zoning commission shall coincide with the term of the appointing officer and shall expire upon the end of the appointing Officer's term of office. One year, the three newly elected members of council shall make recommendation for a regular member of the Planning and Zoning commission. The next year, the two newly elected members of council shall make a recommendation for a regular member of the commission, ~~and the newly elected Mayor shall make recommendation for two regular voting members.~~

(2) In order to be considered for appointment to the Commission, a Volunteer Application shall be filled out and submitted to the City Records Management Officer. City staff shall present all volunteer applications to City Council for their consideration.

(D) Any member of the Commission may resign by submitting written notice to the City Records Management Officer. Resignation will be effective when received. Upon receipt of written notice of resignation, the City Records Management Officer shall within 48 hours send such resignation to the Mayor, the Chair of Planning and Zoning and the Commission liaison.

(E) If a vacancy occurs on the Planning and Zoning Commission, that vacancy shall be filled by a recommendation from the Council member or Mayor who appointed the resigning member. Upon confirmation by a simple majority vote of council, the newly appointed member shall fulfill the unexpired term of that Planning and Zoning Commission seat. All members may serve until their successor is properly appointed.

83 (F) Members of the Planning and Zoning Commission may be removed from  
84 office at any time by a simple majority vote of the full City Council either upon its  
85 own motion or upon recommendation of the Commission. Failure to attend three  
86 consecutive scheduled meetings shall be deemed as neglect and cause for removal  
87 from office, unless such absences were due to unusual circumstances beyond the  
88 member's control such as sickness of the member or someone within the member's  
89 immediate family, or if the Commission or Council approves the absence(s) as  
90 excused. A vote to remove a Commission member shall be placed on the  
91 appropriate agenda as a regular item, and shall be voted upon accordingly.

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93 (G) The members of the Commission shall regularly attend meetings and public  
94 hearings of the Commission, shall serve without compensation and shall not hold  
95 any other office within, or serve as an employee of, the City while serving on the  
96 Commission. Appointments to non-voting commissions and/or boards seats shall  
97 be permitted. The Commission shall meet a minimum of twice per year at a time  
98 established by the Planning and Zoning Chairperson.

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100 (H) The Commission shall elect a Chairperson and a Vice-Chairperson from  
101 among the Commission membership.

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103 (1) Chairpersons shall be elected for terms of one year by simple majority  
104 vote of its membership present, or until replaced by a two-thirds vote of the full  
105 Commission. Chairpersons shall include Chairperson and Vice-Chairperson.

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107 (2) The Chairperson's sole duty shall be to preside over all meetings in  
108 accordance with any rules the Commission may establish. If the Chairperson fails  
109 or refuses to act, the Vice-Chairperson shall perform the duties of the Chairperson.  
110 If the Chairperson and Vice-Chairperson are absent, any committee member may  
111 be appointed by the committee to preside over the meeting.

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113 (3) Chairpersons retain all rights given to them as regular voting members.

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115 (I) The Commission shall have the power to make rules, regulations and  
116 bylaws for its own governance, which shall conform with those set forth by the City  
117 Council, and such rules, regulations and bylaws shall be subject to approval by the  
118 City Council. Such rules and bylaws shall include, among other items, provisions  
119 for the following:

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121 (1) Regular and special meetings, open to the public;

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123 (2) A record of its proceedings, to be open for inspection by the public;

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125 (3) Reporting to the City Council and the public, from time to time and  
126 annually; and  
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128 (4) Reviewing the City's municipal Comprehensive Plan on a biennial  
129 basis.

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131 (J) The City Manager's/Administrator's designee shall serve as Secretary to the  
132 Commission and shall keep minutes of all meetings held by the Commission as well  
133 as the full record of all recommendations made by the Commission to the City  
134 Council.

135 **Section 3.** If any provision of this Ordinance is illegal, invalid, or unenforceable under  
136 present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each  
137 illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid,  
138 or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this  
139 Ordinance.

140 **Section 4.** This Ordinance shall be cumulative of all provisions of ordinances of the City  
141 except where the provisions of the Ordinance are in direct conflict with the provisions of such  
142 ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

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144 **Section 5.** This Ordinance shall be construed and enforced in accordance with the laws of  
145 the state of Texas and the United States of America.

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147 **Section 6.** It is officially found, determined, and declared that the meeting at which this  
148 Ordinance is adopted was open to the public as required and that public notice of the time, place,  
149 and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551,  
150 Texas Government Code, as amended.

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152 **Section 7.** This Ordinance shall be in full force and effect after its final passage and  
153 approval by the City Council, as duly attested by the Mayor and City Secretary, and any publication  
154 required by law.

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156 **PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by a vote of \_\_\_\_ ayes  
157 to \_\_\_\_ nays to \_\_\_\_ abstentions of the City Council of Woodcreek, Texas.

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159 CITY OF WOODCREEK, TEXAS

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162 By: \_\_\_\_\_  
163 Jeff Rasco, Mayor

164 ATTEST:

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166 \_\_\_\_\_  
167 Kari Lebkuecher, City Secretary