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**CITY OF WOODCREEK**

**ORDINANCE NO. 2024-02-28-02**

**AN ORDINANCE AMENDING THE CITY OF WOODCREEK CODE OF ORDINANCES AT TITLE III (“ADMINISTRATION”), CHAPTER 30 (“PLANNING AND ZONING COMMISSION”); PROVIDING FOR AMENDMENTS TO THE OPERATION AND STRUCTURE OF THE PLANNING AND ZONING COMMISSION.**

**WHEREAS**, the City of Woodcreek (“City”) is a Texas General Law Municipality operating under the laws of the State of Texas; and

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

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

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

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

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

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

**Section 2.** The City Code of Ordinances Title III, Chapter 30 (the “Code”), is hereby amended as follows with underlines being additions to the Code and ~~strikethroughs~~ being deletions from the code:

36 **§ 30.38 CREATION; MEMBERSHIP; OFFICERS; RULES AND BYLAWS.**

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

41  
42 (B) Commission members shall reside within the City Limits. Members and  
43 alternates shall be nominated by the Mayor and appointed by the City Council.

44  
45 (C) All appointments to the Commission shall serve as a member of the  
46 Commission for a term of office of three ~~two~~ years. Members may be reappointed  
47 with no limitation on the number of terms one may serve. When a term expires  
48 without request for renewal or resignation from the member, the City Council  
49 may, at its discretion, extend the member's term for a one-year period. Each of  
50 Woodcreek's five Councilmembers shall make one regular member appointment  
51 to the Planning and Zoning Commission. The Mayor will make two regular  
52 member appointments to the Planning and Zoning Commission. All appointments  
53 shall be confirmed by a majority vote of the City Council. In the event any  
54 Councilmembers or the Mayor fails or refuses to make an appointment, the  
55 vacancy may be filled by the majority vote of the remaining members of the City  
56 Council.

57  
58 (1) The terms of each regular member of the Planning and Zoning  
59 commission shall coincide with the term of the appointing officer and shall expire  
60 upon the end of the appointing Officer's term of office. One year, the three newly  
61 elected members of council shall make recommendation for a regular member of  
62 the Planning and Zoning commission. The next year, the two newly elected  
63 members of council shall make a recommendation for a regular member of the  
64 commission, and the newly elected Mayor shall make recommendation for two  
65 regular voting members.

66  
67 (2) In order to be considered for appointment to the Commission, a  
68 Volunteer Application shall be filled out and submitted to the City Records  
69 Management Officer. City staff shall present all volunteer applications to City  
70 Council for their consideration.

71  
72 (D) Any vacancy(s) on the Commission shall be filled via appointment by a  
73 simple majority vote of the City Council. Any member of the Commission may  
74 resign by submitting written notice to the City Records Management Officer.  
75 Resignation will be effective when received. Upon receipt of written notice of  
76 resignation, the City Records Management Officer shall within 48 hours send  
77 such resignation to the Mayor, the Chair of Planning and Zoning and the  
78 Commission liaison.

79  
80 (E) If a vacancy occurs on the Planning and Zoning Commission, that vacancy  
81 shall be filled by a recommendation from the Council member who appointed the

82 resigning member. Upon confirmation by a simple majority vote of council, the  
83 newly appointed member shall fulfill the unexpired term of that Planning and  
84 Zoning Commission seat. All members may serve until their successor is  
85 properly appointed.

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

96  
97 ~~(F)~~(G) The members of the Commission shall regularly attend meetings and  
98 public hearings of the Commission, shall serve without compensation and shall  
99 not hold any other office within, or serve as an employee of, the City while  
100 serving on the Commission. Appointments to non-voting commissions and/or  
101 boards seats ~~(e.g., the Beautification Committee)~~ shall be permitted. The  
102 Commission shall meet a minimum of twice per year at a time established by ~~the~~  
103 ~~City Council~~ the Planning and Zoning Chairperson. If there have been no  
104 applications filed for review by the Commission, the City Secretary shall notify  
105 the Chairperson and no meeting shall be required.

106  
107 ~~(G)~~(H) The Commission shall elect a Chairperson and a Vice-Chairperson from  
108 among the Commission membership, ~~and each officer shall hold office for a term~~  
109 ~~of three years upon or until replaced by a two-thirds vote of the full Commission.~~  
110 ~~The City Manager's/Administrator's designee shall serve as Secretary to the~~  
111 ~~Commission, and shall keep minutes of all meetings held by the Commission as~~  
112 ~~well as the full record of all recommendations made by the Commission to the~~  
113 ~~City Council.~~

114  
115 (1) Chairpersons shall be elected for terms of one year by simple majority  
116 vote of its membership present, or until replaced by a two-thirds vote of the full  
117 Commission. Chairpersons shall include Chairperson and Vice-Chairperson.

118  
119 (2) The Chairperson's sole duty shall be to preside over all meetings in  
120 accordance with any rules the Commission may establish. If the Chairperson fails  
121 or refuses to act, the Vice-Chairperson shall perform the duties of the  
122 Chairperson. If the Chairperson and Vice-Chairperson are absent, any committee  
123 member may be appointed by the committee to preside over the meeting.

124  
125 (3) Chairpersons retain all rights given to them as regular voting  
126 members.

127

128 ~~(H)~~(I) The Commission shall have the power to make rules, regulations and  
129 bylaws for its own governance, which shall conform with those set forth by the  
130 City Council, and such rules, regulations and bylaws shall be subject to approval  
131 by the City Council. Such rules and bylaws shall include, among other items,  
132 provisions for the following:

- 133 (1) Regular and special meetings, open to the public;
- 134 (2) A record of its proceedings, to be open for inspection by the public;
- 135 (3) Reporting to the City Council and the public, from time to time and  
136 annually; and
- 137 (4) Reporting to the City Council and the public, from time to time and  
138 annually; and  
139 (3) Reporting to the City Council and the public, from time to time and  
140 annually; and  
141 (4) Reviewing the City's municipal Comprehensive Plan on a biennial  
142 basis.

143  
144 (J) The City Manager's/Administrator's designee shall serve as Secretary to  
145 the Commission and shall keep minutes of all meetings held by the Commission  
146 as well as the full record of all recommendations made by the Commission to the  
147 City Council.  
148

#### 149 **§ 30.39 PARLIAMENTARY PROCEDURE; QUORUM; VOTING.**

150 The Commission will follow the parliamentary procedure adopted by the City  
151 Council, and procedures shall not be in conflict with the laws applicable to the  
152 Commission on the following.

153  
154 (A) *Quorum.* A quorum shall consist of a majority of the membership of the  
155 Commission, and any issue to be voted upon shall be resolved by a majority of  
156 those members present.

157  
158 (B) *Voting.* All Commission members, including the Chairperson, shall be  
159 entitled to one vote each upon any question, upon a quorum being present. Voting  
160 procedures shall be in accordance with the parliamentary procedures adopted by  
161 the City Council.  
162

163  
164 **Section 3.** If any provision of this Ordinance is illegal, invalid, or unenforceable under  
165 present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each  
166 illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid,  
167 or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this  
168 Ordinance.

169 **Section 4.** This Ordinance shall be cumulative of all provisions of ordinances of the City

170 except where the provisions of the Ordinance are in direct conflict with the provisions of such  
171 ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

172

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

175

176 **Section 6.** It is officially found, determined, and declared that the meeting at which this  
177 Ordinance is adopted was open to the public as required and that public notice of the time, place,  
178 and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter  
179 551, Texas Government Code, as amended.

180

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

184

185 **PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by a vote of \_\_\_\_  
186 ayes to \_\_\_\_ nays to \_\_\_\_ abstentions of the City Council of Woodcreek, Texas.

187

188

CITY OF WOODCREEK, TEXAS

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191

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

192

193 ATTEST:

194

195 \_\_\_\_\_

196 Suzanne Mac Kenzie, City Secretary

197