

PLANNING AND ZONING COMMISSION

§ 30.35 ENACTING CLAUSE.

This subchapter is hereby enacted and adopted as the "Planning and Zoning Commission Ordinance of the City of Woodcreek, Texas", in its entirety to provide for membership and operating procedures as follows.

(Ord. 13-179, 5-20-2013)

§ 30.36 GENERAL.

The Planning and Zoning Commission (also referred to as the "Commission") shall function according to the following criteria that establish membership and operating procedures.

(Ord. 13-179, 5-20-2013)

§ 30.37 POWERS AND DUTIES.

- (A) The Commission shall have all the rights, powers, privileges and authority authorized and granted by the City Council and through the statutes of the state authorizing and granting cities the power of zoning and subdivision regulation as found in Tex. Local Gov't. Code Ch. 211 and 212, as amended from time to time.
- (B) (1) The Commission shall be an advisory body and adjunct to the City Council, and shall make recommendations regarding 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. The Commission shall conduct an biennial review (every two years) of the City's municipal Comprehensive Plan and shall be prepared to make recommendations to the City Council as deemed necessary to keep the City's plan current with changing conditions and trends and with the planning needs of the City.
- (2) The Commission shall also serve in an advisory capacity on any planning related item(s) in the City.

(Ord. 13-179, 5-20-2013)

§ 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 five people (and two alternates) residing within the City limits.
- (B) Members and alternates shall be nominated by the Mayor and appointed by the City Council.
- (C) All appointments to the Commission shall serve as a member of the Commission for a term of office of three years. Members may be reappointed with no limitation on the number of terms one may serve. When a term expires without request for renewal or resignation from the member, the City Council may, at its discretion, extend the member's term for a one-year period.

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- (D) Any vacancy(s) on the Commission shall be filled via appointment by a simple majority vote of the City Council.
 - (E) Members of the Planning and Zoning Commission may be removed from office at any time by a simple majority vote of the full City Council either upon its own motion or upon recommendation of the Commission. Failure to attend three consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control such as sickness of the member or someone within the member's immediate family, or if the Commission or Council approves the absence(s) as excused. A vote to remove a Commission member shall be placed on the appropriate agenda as a regular item, and shall be voted upon accordingly.
 - (F) The members of the Commission shall regularly attend meetings and public hearings of the Commission, shall serve without compensation and shall not hold any other office within, or serve as an employee of, the City while serving on the Commission. Appointments to non-voting commissions and/or boards (e.g., the Beautification Committee) shall be permitted. The Commission shall meet a minimum of twice per year at a time established by the City Council. If there have been no applications filed for review by the Commission, the City Secretary shall notify the Chairperson and no meeting shall be required.
 - (G) The Commission shall elect a Chairperson and a Vice-Chairperson from among the Commission membership, and each officer shall hold office for a term of three years or until replaced by a two-thirds vote of the full Commission. The City Manager's/Administrator's designee shall serve as Secretary to the Commission, and shall keep minutes of all meetings held by the Commission as well as the full record of all recommendations made by the Commission to the City Council.
 - (H) The Commission 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, and 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:
 - (1) Regular and special meetings, open to the public;
 - (2) A record of its proceedings, to be open for inspection by the public;
 - (3) Reporting to the City Council and the public, from time to time and annually; and
 - (4) Reviewing the City's municipal Comprehensive Plan on a biennial basis.

(Ord. 13-179, 5-20-2013)

§ 30.39 PARLIAMENTARY PROCEDURE; QUORUM; VOTING.

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

- (A) *Quorum.* A quorum shall consist of a majority of the membership of the Commission, and any issue to be voted upon shall be resolved by a majority of those members present.
- (B) *Voting.* All Commission members, including the Chairperson, shall be entitled to one vote each upon any question, a quorum being present. Voting procedures shall be in accordance with the parliamentary procedures adopted by the City Council.
- (C) *Conflict of interest.*
 - (1) If any member has a conflict of interest regarding any item on the Commission's agenda, that member may remove himself or herself from the room and shall refrain from discussing and/or voting only on the item for which a conflict exists.

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- (2) Refer to Tex. Local Gov't. Code Ch. 171 and any applicable City policies or regulations governing the same.

(Ord. 13-179, 5-20-2013)

§ 30.40 MEETINGS; PUBLIC RECORDS.

(A) Unless otherwise provided for, the Planning and Zoning Commission shall meet in City Hall or in some other specified location as may be designated by the presiding Chairperson and at such intervals as may be necessary to orderly and properly transact the business of the Commission, but not less than twice each year.

(B) Meetings shall be conducted in accordance with the Open Meetings Law. Refer to Tex. Gov't. Code Ch. 551.

(Ord. 13-179, 5-20-2013)

§ 30.41 PROCEDURE ON ZONING HEARINGS.

(A) (1) The City declares the enactment of zoning regulations governing the use and development of land, buildings and structures as a measure necessary to the orderly development of the community.

(2) Therefore, no change shall be made in the zoning regulations or in the boundaries of the zoning districts, except:

- (a) To correct any error in the regulations or map;
- (b) To recognize changed or changing conditions or circumstances in a particular locality;
- (c) To recognize changes in technology, the style of living or manner of conducting business; or
- (d) To change the property to uses in accordance with the City's adopted municipal Comprehensive Plan.

(B) In making a recommendation regarding a requested zoning change, the Planning and Zoning Commission shall consider the following factors:

- (1) Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the City as a whole;
- (2) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers and other utilities to the area;
- (3) The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development;
- (4) The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;
- (5) How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved;
- (6) Any other factors that will substantially affect the public health, safety, morals or general welfare; and
- (7) Whether the request is consistent with the municipal Comprehensive Plan.

(Ord. 13-179, 5-20-2013)

§ 30.42 JOINT MEETINGS WITH CITY COUNCIL.

Whenever the City Council and the Commission are required by the laws of the state to conduct public hearings in matters pertaining to planning, zoning or subdividing property, and at such other times when it is in the best interest of the City to do so, the City Council and the Commission are hereby authorized, after publishing notice as required by law, to hold joint meetings and to conduct joint public hearings.

(Ord. 13-179, 5-20-2013)