### 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.

(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 themselves from the room and shall refrain from discussing and/or voting only on the item for which a conflict exists.

(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; Ord. No. 22-305 , 3-9-2022)

§ 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 PROCEDURES GOVERNING ADOPTION OF ZONING REGULATIONS AND DISTRICT BOUNDARIES.

A regulation or boundary is not effective until after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard. (Tex. Local Gov't. Code § 211.006)

Before the 15th day before the date of the hearing, notice of the time and place of the hearing must be published in an official newspaper or a newspaper of general circulation in the municipality. (Tex. Local Gov't. Code § 211.006)

The Zoning Commission shall recommend boundaries for the original zoning districts and appropriate zoning regulations for each district. (Tex. Local Gov't. Code § 211.007)

The Zoning Commission shall make a preliminary report and hold public hearings on that report before submitting a final report to the governing body. The governing body may not hold a public hearing until it receives the final report of the Zoning Commission unless the governing body creates a joint public hearing with the zoning commission, to be held after the public notice required has been given. In either case, the governing body may not take action on the matter until it receives the final report of the Zoning Commission. (Tex. Local Gov't. Code § 211.007)

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. If the property within 200 feet of the property on which the change is proposed is located in territory annexed to the municipality and is not included on the most recently approved municipal tax roll, the notice shall be given before the 15th day before the date of the hearing, notice of the time and place of the hearing must be published in an official newspaper or a newspaper of general circulation in the municipality. (Tex. Local Gov't. Code § 211.007)

( Ord. No. 22-305 , 3-9-2022)

Editor's note(s)—Ord. No. 22-305 , adopted March 9, 2022, added a new § 30.41 to read as set out herein, and subsequently renumbered the former §§ 30.41 and 30.42 as §§ 30.42 and 30.43.

§ 30.42 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, change may be made in the zoning regulations or in the boundaries of the zoning districts:

(a) To correct any error in the regulations or map;

(b) To change the property to uses in accordance with the City's adopted municipal Comprehensive Plan; or

(c) To align with Texas statutes.

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

(1) Whether the request purposes to promote the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance and significance. (Tex. Local Gov't Code § 211.001)

(2) Zoning Regulations Generally. The governing body of a municipality may regulate:

(a) The height, number of stories, and size of buildings and other structures;

(b) The percentage of a lot that may be occupied;

(c) The size of yards, courts, and other open spaces;

(d) Population density;

(e) The location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; and

(f) The pumping, extraction, and use of groundwater by persons other than retail public utilities, as defined by Tex. Local Gov't. Code § 13.002, Water Code, for the purpose of preventing the use or contact with groundwater that presents an actual or potential threat to human health.

(3) In the case of designated places and areas of historical, cultural, or architectural importance and significance, the governing body of a municipality may regulate the construction, reconstruction, alteration, or razing of buildings and other structures. (Tex. Local Gov't. Code § 211.003)

(4) Compliance with Comprehensive Plan. Zoning regulations must be adopted in accordance with a comprehensive plan and must be designed to:

(a) Lessen congestion in the streets;

(b) Secure safety from fire, panic, and other dangers;

(c) Promote health and the general welfare;

(d) Provide adequate light and air;

(e) Prevent the overcrowding of land;

(f) Avoid undue concentration of population; or

(g) Facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements. (Tex. Local Gov't. Code § 211.004)

(5) Districts.

(a) The governing body of a municipality may divide the municipality into districts of a number, shape, and size the governing body considers best for carrying out Tex. Local Gov't. Code Ch. 211. Within each district, the governing body may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land (in accordance with Texas Statues including 212, 214, the International Building Code, the International Residential Code, and the International Swimming Pools and Spa Code.)

(b) Zoning regulations must be uniform for each class or kind of building in a district, but the regulations may vary from district to district. The regulations shall be adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land in the municipality. (Tex. Local Gov't. Code § 211.005)

(Ord. 13-179, 5-20-2013; Ord. No. 22-305 , 3-9-2022)

Editor's note(s)—Former § 30.41, see Editor's Note at § 30.41.

§ 30.43 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; Ord. No. 22-305 , 3-9-2022)

Editor's note(s)—Former § 30.42, see Editor's Note at § 30.41.