ARTICLE 2. PLANNING AND ZONING COMMISSION

Sec. 2-1. Creation and purpose.

In accordance with the provisions of the Texas Local Government Code Chapter 212.001-.017 and Chapter 211.001-.013, 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; and
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.

Sec. 2-2. Membership and appointment.

The said commission shall consist of five regular members and two alternate members to be appointed by the city council. All regular and alternate members shall be qualified electors of the city who have resided in the city six months prior to appointment. Alternate members should attend all meetings of the board, and may participate in discussions, but shall have no right to make motions or vote except when acting in the absence or disqualification of a regular member. Alternates shall be designated on their appointment as first and second alternate. On absence or disqualification of one or more regular members, alternates shall be requested by the chair of the board to act in place of the absent or disqualified member in numerical order of their respective alternate designations.

The Planning and Zoning Commission (P&Z) also serves as members of the Capital Improvements Advisory Committee (CIAC) established for the purposes set forth in V.T.C.A., Local Government Code § 395.058. The city council's action of appointing the P&Z members shall be deemed to be their simultaneous appointment as members of the CIAC. If the P&Z does not have at least one representative from the real estate, development, or building industries, then one such representative shall be appointed by the city council as an ad hoc voting member of the CIAC. (REF: Ord 2020-23)

Sec. 2-3. Terms of office.

The terms of three of the regular members shall expire on June 30 of each even-numbered year and the terms of two of the regular members shall expire on June 30 of each odd-numbered year. The regular members of the commission shall be identified by place numbers one through five. The odd numbered places shall expire in the odd-numbered years; the even-numbered places shall expire in the even-numbered years. No member shall be appointed for a term in excess of two years. Members may apply to be re-appointed to succeed themselves. Newly appointed members shall be installed in the first regular commission meeting after their appointment.

The term for an ad hoc voting member fulfilling requirements for CIAC, who is not a member of the P&Z, shall be for two years and shall expire on June 30.

Sec. 2-4. Vacancies.

Any vacancies of regular members, shall be filled for the unexpired term by appointment of the Chair. Alternates shall be filled for the unexpired term by appointment of the City Council. .

Sec. 2-5. Removal from office.

Members shall be removable from office for cause after formal written charges and public hearing by the city council. If a regular member is absent in excess of three consecutive regular meetings or is inexcusably absent in excess of three regular meetings in any calendar year, the member may be removed and replaced with an alternate, without formal written charges and public hearing,.

Sec. 2-6. Organization and conduct of business.

The commission shall hold an annual organizational meeting and shall elect a chair and vice-chair from among its members before proceeding to any other matters of business. The enforcing officer shall be the secretary of the commission. The commission shall, as established by the City Charter adopt its own rules of procedure and keep a record of its proceedings in accordance with the state statutes and these regulations. Newly appointed members shall be installed at the first regular meeting after their appointment.

Members shall complete the statutorily mandated open government training within 90 days of having been sworn in to service or from the date by which the member otherwise assumes responsibilities for the board, whichever is sooner.

Sec. 2-7. Duties and powers.

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

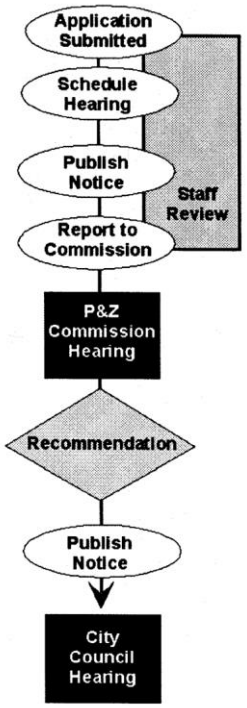
1. Inspect property and premises at reasonable hours where required in the discharge of its responsibilities under the laws of the State of Texas and of the city.
2. Formulate and recommend to the city council for its adoption a city plan for the orderly growth and development of the city and its environs, 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. Formulate a zoning plan as may be deemed best to carry out the goals of the city plan; hold public hearings and make recommendations to the city council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in Vernon's Texas Codes Annotated, Local Government Code # 211.001-211.013, as amended, authorizing cities and incorporated villages to pass regulations; all powers granted under said Act are specifically adopted and made a part hereof.
4. Exercise all the powers of a commission as to approval or disapproval of plans, plats, or replats and vacations of plans, plats or replats set out in The Local Government Code Chapter 212.001-212.017.
5. Study and recommend on the location, extension and planning of public rights-of-way, parks and other public places, and on the vacating or closing of same.

6. Study and recommend on the general design and location 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 hearing 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 city plan governing the location and/or operation of utilities, public facilities and services owned or under the control of the city.

9. Keep itself informed with reference to the progress of city planning in the United States and other countries and recommend improvements in the adopted plans of the city.



Duties and Powers

Sec. 2-8. Meeting and quorum.

The board shall hold at least one regular meeting each quarter. Special meetings may be called as necessary.

A quorum for the conduct of business shall consist of three members of the commission. The members of the commission shall regularly attend meetings and public hearings of the commission and shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties. The board shall post agendas, minutes and attendance on the board's webpage on the city's website.

The board shall provide an annual report to the city council and may be required to provide additional reports upon request of the city council.

Sec. 2-9. Commission actions.

A motion may be made by any member other than the presiding officer or alternates.

A motion to approve any matter before the commission or to recommend approval of any request requiring council action shall require three favorable votes of the members present for the voting. When all motions to recommend application fail to carry by three votes, consideration of the application shall be continued to the next regular meeting upon motion carried by a majority of those present. Provided further that no request or application shall be continued under this rule beyond the next regular meeting. Failure of the commission to secure three concurring votes to approve or recommend approval at said next regular meeting shall be recorded in the minutes as a denial of the proposal under this rule.

Sec. 2-10. Disqualification from voting.

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.

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.