

Division 4. Planning and Zoning Commission*

Sec. 1.02.101 Created; appointment of members; terms

(a) This division creates the planning and zoning commission (“commission”) appointed by the city council. The commission shall consist of seven (7) members who shall reside either in the incorporated city limits or its extraterritorial jurisdiction.

(b) The members of the commission shall serve two-year staggered terms, with four (4) members being appointed in January of even-numbered years and three (3) members being appointed in January of odd-numbered years.

(c) On the initial commission, four (4) of the members shall be appointed for one-year terms and three (3) of the members shall be appointed for two-year terms. Thereafter, all terms shall be two-year terms.

(d) Unless otherwise approved by the city council, members of the commission shall serve a maximum of three (3) consecutive terms. After a member serves his or her three (3) maximum consecutive terms, such ex-member cannot immediately reapply for the planning and zoning commission; however, such ex-member can apply immediately for positions to other boards or commissions that may have vacancies or reappointments. An appointment to fill a vacancy shall be for the unexpired term. A member serving to fill an unexpired term shall be eligible for reappointment to serve two (2) full two-year terms.

(e) Unless otherwise required by state law, all members serve at the pleasure of the city council and may be removed at any time with or without cause.

Sec. 1.02.102 Qualifications of members

(a) Unless otherwise determined by city council, at least five (5) of the members of this commission shall reside within the corporate limits of the city and no more than two (2) members shall be residents of the city’s extraterritorial jurisdiction.

(b) If a city resident member of the commission ceases to reside in the city and his or her relocation reduces the number of city resident commission members below four (4), that person shall give such notice of such fact and may be deemed to have resigned from the commission as of the date his or her residence changed, and the city council shall appoint a resident commission member to fill the remainder of the resigning member’s term. The temporary lack of four (4) resident members created by the vacancy shall not impair the ability of the commission to perform its duties nor the actions taken by the commission. If a resident commission member moves to the city’s extraterritorial jurisdiction and the relocation leaves at least four (4) resident members on the commission, the relocated member shall continue to hold his or her place on the commission. A quorum of the commission shall be required to open meetings, conduct business and take action on any agenda items.

(c) The city council may take into consideration an applicant’s history on delinquency in payment of any city taxes, utility bills, citations, municipal court judgments and assessments and so forth in qualifying the applicant.

(d) Notwithstanding any city ad hoc committees or except where duplicate appointments are authorized by ordinance, city charter or by state law, a person may not be appointed as a member of the planning and zoning commission if he or she is currently serving on the city zoning board

of adjustment and appeals, historic preservation commission, parks and recreation commission, library commission, economic development corporation board of directors, local government corporation or any other permanent city board or commission.

Sec. 1.02.103 Officers; rules; meetings; quorum; record; conflict of interest

(a) The commission shall have a chairperson and a vice-chairperson elected from its membership to serve for a one-year term, officers shall be elected annually by the commission. Such officers shall be residents within the city limits.

(b) The chairperson shall preside over the commission and shall have the right to vote on all items before the commission. The vice-chairperson shall fulfill the duties of the chairperson when the chairperson is not available for any reason.

(c) The city manager or his or her designee shall be an ex officio member of the commission.

(d) The commission may establish rules or bylaws as necessary for the orderly conduct of its business, subject to approval by the city council.

(e) The commission shall meet at least monthly, if there is business at hand, at a time and place established by the commission. Special meetings may be called by the chairperson or interim chairperson of the commission, city manager or his or her designee or upon the request of any three (3) commission members. All meetings of the commission shall be open to the public and shall conform with the Texas Open Meetings Act, section 551 of the Government Code.

(f) A quorum shall consist of a majority of the members of the commission except that when a vacancy exists, a quorum shall consist of a majority of the remaining members.

(g) The commission shall keep a record, which shall be reasonably available to the public, of its resolutions, proceedings and actions.

(h) A commission member shall be required to complete any state-mandated training, to include but not limited to Open Meetings Act training, within ninety (90) days after appointment. Any training expenses incurred by the member may be eligible for reimbursement by the city subject to the city's travel and training policy.

(i) A commission member having any potential conflict of interest on any policy, decision, or determination before the commission shall disclose to each of the other members the nature of his potential conflict and shall abstain from voting on such policy, decision or determination. In the event that the commission member recognizes a conflict or clear potential for conflict of interest, he or she shall recuse him or herself from discussion and action on the topic involving such conflict. The disclosure shall be recorded in the commission's minutes. Intentional or knowing failure to disclose a conflict of interest shall be governed under the general penalty section as set forth in [section 1.01.009](#) of this code.

Sec. 1.02.104 Powers and duties

The commission shall serve in an advisory capacity to the mayor and city council and shall have the following purposes and duties, as well as other duties as assigned by the city council, as necessary to perform the business of the commission:

- (1) Develop, support, and recommend updates and amendments to the city's comprehensive plan, at the direction and with the approval of the mayor and city

council;

(2) Advise the mayor, city council and staff on matters related to the creation of and amendments to the Land Development Code for the city;

(3) Propose regulations governing the subdivision and zoning of land within the planning and platting jurisdiction of the city;

(4) Review and recommend consent, denial, or conditional consent to zoning and subdivision platting and zoning and site development applications within the platting and planning jurisdiction of the city; and

(5) Perform such other functions as the city council may from time to time grant to the commission for the purpose of promoting the health, safety, morals or general welfare of the city.

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