

CITY OF WILLOW PARK

ORDINANCE NO. 475-01

AN ORDINANCE AMENDING CHAPTER 9, *SUBDIVISIONS*, ARTICLE 9.200 *DEFINITIONS* AND AMENDING CHAPTER 12 *ZONING*, ARTICLE 12.1500 *COMMISSIONS*, SECTION 12.1501 *Organization and Procedure*: TO AUTHORIZE AND ESTABLISH A PLANNING AND ZONING COMMISSION, MEMBERSHIP COMPOSITION, AND LENGTH OF TERM; AND PROVIDING FOR A REPEALER AND EFFECTIVE DATE.

WHEREAS, the City of Willow Park, Texas is a municipal corporation organized under the laws of the State of Texas; and

WHEREAS, it is the intent of the City of Willow Park to provide for the public health, safety and general welfare of the citizens and their property, and;

WHEREAS, Title 7 of the TEX. LOCAL GOVT. CODE, provides for the regulation of land use, structures, businesses and related activities and in Subtitle A delegates to a municipality the authority to create a Planning and Zoning Commission;

WHEREAS, The City of Willow Park did originally create and establish a Planning & Zoning Commission in October 1969 that was composed of five members, which functioned for twenty-seven years.

NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS.

SECTION 1. AUTHORIZATION

The Mayor, or appropriate City Official or Mayor's designee is hereby authorized and directed to implement the applicable provisions of this Ordinance.

SECTION 2. AMENDMENT

Chapter 9, Article 9.200, Definitions shall be amended to read as follows:

Commission. The planning and zoning commission of the city, appointed by the Mayor with the consent of the city council, ~~that~~ performs overall city planning and administers the planning platting of subdivisions ~~by subdividers~~ in accordance with the requirements of this chapter. In the absence of an appointed commission, the city council shall constitute the commission.

SECTION 3. AMENDMENT

Chapter 12, Zoning, Article 12.1500, Commissions shall be amended to read as follows:

ARTICLE 12.1500 COMMISSIONS

The word "Commission" or "Planning Commission" or "Zoning Commission" when used in ~~this ordinance~~ Chapter 9 and 12 of this code shall be construed to mean the "Planning and Zoning Commission."

12.1501 Organization and Procedure:

~~1. Establishment:—A Planning and Zoning commission is hereby re established, in accordance with the provisions of V.T.C.A., Local Government Code, Chapters 211 and 212, regarding the Planning and Zoning of cities and their extraterritorial area and with the powers and duties as provided in said statutes.~~

~~2. Rules and Regulations:—The commission shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provision of this ordinance.~~

1. Established. There is hereby created and established a city Planning and Zoning Commission, hereinafter referred to as the "Commission" in and for the city.

2. Purpose. It will be the purpose of the Commission to plan for and guide the orderly growth and development of the city and its environs, including the recommendation to the city council of a comprehensive plan to provide for orderly and efficient growth. The plan should include adequate provision for traffic, promotion of safety from fire and other dangers, adequate light, air and open space, promote healthful, convenient and safe distribution of population, provide efficient drainage and encourage development that promotes the health, safety morals, order and convenience of the general welfare.

3. Membership. The Commission shall consist of seven members appointed by the Mayor, with consent of the city council.

- (a) The Mayor, with the consent of the city council, shall annually designate the Chairman and Vice-Chairman of the Commission from among those members appointed and approved.
- (b) The members of the Commission shall be residents and qualified voters of the city.
- (c) Each member of the Commission will be appointed for a two-year term, with the term beginning on September 1st. Three members of the Commission initially appointed under this section shall receive only a one-year term, the remaining four members a two-year term. The allocation of the initial terms shall be by the drawing of lots by the members after their appointment. All initial terms will be less than the proscribed duration due to the term ending on September 1st of specified years.

4. Vacancy. A member vacancy shall be filled by the Mayor for the remaining portion of the unexpired term of the position being filled.

5. Removal. Members of the Commission shall be subject to removal from office by the city council for cause.

6. Organization.

- (a) The Commission may ~~shall~~ select from among its members officers, other than the Chairman and Vice-Chairman, if necessary.
- (b) Members of the Commission shall adopt rules, with approval of the city council, for the practical efficient transaction of business and shall keep a record of all its meetings, deliberations and findings, which shall be public.
- (c) A majority of the Commission shall constitute a quorum to conduct business. An affirmative vote of a majority of those attending any meeting, where there is a quorum present, shall be necessary to pass any motion, recommendation or resolution.

7. Power and Duties.

- (a) The Commission shall have the authority to recommend to the city council a master or comprehensive plan for the orderly development of the city, and changes thereto;
- (b) Recommend to the city council approval or disapproval of proposed changes in the zoning map, or changes to the planning or zoning ordinances;
- (c) Approve or disapprove the platting of land within the corporate limits of the city and within adjacent areas of the city, as permitted by law, subject to final approval by the governing body; any such recommendation or report to the city council shall be in writing;

- (d) Require information from other departments of the city government in relation with its work;
- (e) Exercise all powers of a Commission as to the approval or disapproval of plans, plats or replats, vacation of plats or other regulation of land as provided in Chapter 211 or 212, TEXAS LOCAL GOVT. CODE, subject to final approval by the governing body; and
- (f) Submit each June a progress report to the city council summarizing its activities, major accomplishments for the past year, and a proposed work program for the next fiscal year. The report shall contain an attendance record for all members of the Commission.
- (g) Adopt from time to time such rules and regulations, subject to approval, as it may deem necessary to call into effect the provision of the ordinance.

of the City of Willow Park to which these rules and regulations relate.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect from and after its adoption.

PASSED AND APPROVED this 20th day of November, 2001.

/s/ James H. Poythress
Mayor

ATTEST:

/s/ Hetty Haggard
City Secretary/Clerk

/s/ Rider Scott
City Attorney

The Willow Park City Council in acting on Ordinance No. 475-01, did, on the 20th day of November 2001 vote as follows:

SECTION 4. REPEAL OF CONFLICTING ORDINANCES

All Ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict; and, Ordinance No. 121, as passed and approved by the City Council on October 25, 1969 is particularly repealed; and, Resolution passed by the city council on June 17, 1997, Agenda Item "VIII.K." is particularly repealed; §12.1500 (1)-(2) of Ordinance No. 414-91 passed by the city council December 16, 1997 is particularly repealed; and a Resolution or Ordinance passed by the city council September 15, 1998, Agenda Item "IX.D." is particularly repealed.

SECTION 5. SEVERABILITY

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be held invalid, it shall not affect any valid Provisions of this or any other Ordinance

	<u>FOR</u>	<u>AGAINST</u>
James H. Poythress, Mayor	_____	_____
Scott Rule, Place 1	√ _____	_____
Terry Skaggs, Place 2	√ _____	_____
Marvin Glasgow, Place 3	√ _____	_____
Robin Brown, Place 4	√ _____	_____
Gerald Liepert, Place 5	_____	√ _____