

CITY OF WILLOW PARK, TEXAS

ORDINANCE NO. 683-14

AN ORDINANCE AMENDING CHAPTER 12 “ZONING”, ARTICLE 12.1500 “COMMISSIONS”, PROVIDING FOR PROCEDURES FOR APPOINTMENTS, OFFICE TERM, VOTING, DUTIES, REPORTS, AND MEETINGS; AND, PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City of Willow Park (“City”) may promote the public health, safety, morals, or general welfare and protect and preserve places of historical, cultural, or architectural importance and significance pursuant to Section 211.001 and TEXAS LOCAL GOVERNMENT CODE; and,

WHEREAS, the city has authorized and created a planning and zoning commission (“commission”) which acts according to law; and,

WHEREAS, the governing body of City may direct, specify or establish the structure of the Commission or the manner in which the officers of the Commission are appointed; Pursuant to Section 211.007 TEXAS LOCAL GOVERNMENT CODE.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF WILLOW PARK, TEXAS THAT:

SECTION 1. AUTHORIZATION.

The Mayor, or the Mayor’s designee, is hereby authorized and directed to implement the applicable provisions of this Resolution.

SECTION 2. 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 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.,~~ TEXAS 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 the ordinance.~~

12.1502 Membership and Terms

1. Membership.

(a) The Planning and Zoning Commission, (“Commission,”) shall consist of five voting Commissioners separately appointed to specific offices designated as: Place 1, Place 2, Place 3, Place 4, and Place 5. Appointments shall be made by the Mayor with the consent of the City Council.

(b) The Commission shall consist of the five Commissioners and two Alternates appointed by the Mayor. The Alternates shall be appointed to specific offices designated as: Alternate 1 and Alternate

2. Alternate Commissioners may attend and participate in all Commission meetings and discussions. Only in the absence of one or more Commissioners can an Alternate be counted for quorum determination or vote on Commission business or matters appearing on the Agenda. A vote cast by an Alternate Commissioner, when eligible to vote, shall be cast first by Alternate Place 1 and by Alternate Place 2, only in the absence two or more Commissioners or the Alternate Place 1 person.

(c) The City Secretary shall maintain a list of the names, addresses, telephone numbers and terms of each Commissioner and Alternates and shall make such list available to the Commission and City Council after each Commission appointment. The City Secretary shall also provide the City Council at least 60 days notice of the expiration of a Commissioner's term of office.

(d) To qualify as a Commissioner the person must have been a resident of the City for one year.

(e) The City will make training opportunities available for each Commissioner and allow attendance at seminars and workshops relating to the basics of municipal planning and zoning in Texas, with tuition, if any, paid by the City.

(f) Commissioners may resign their office at any time by submitting written notice to the City Secretary. The City may remove a Commissioner or Alternate at any time for any reason by a majority vote of the City Council.

2. Term

(a) Each member of the Commission will be appointed to a one-year term, with the term beginning on September 1st of each year.

(b) A Commissioner vacancy shall be filled by appointment by the mayor with consent of the City Council for the unexpired term of the office vacated.

15.1503 Procedure

1. Meetings

The Commission shall schedule regular monthly meeting not less than five days before the regular, monthly City Council Meeting.

2. Quorum

A majority of the Commissioners shall constitute a quorum to conduct business. An affirmative vote of a majority of those present and qualified to vote at any meeting, shall be necessary to pass any motion, recommendation or resolution.

3. Presiding Officers

(a) Each year during its first meeting in September, the Commission shall elect presiding officers from the Commissioners, including, at a minimum, a Chair and a Vice-Chair. An Alternate Commissioner is not eligible to be an officer.

(b) The Chair, or in absence of the Chair, the Vice-Chair shall preside at all meetings of the Commission.

4. Rules and Regulations

The City Staff shall recommend, in consultation with the Commission, and the City Council will consider Rules and Regulations for the practical and efficient transaction of Commission business. Such Rules and Regulations may address but is not limited to items such as: rules of order, plat application requirements, production of documents, ethics and special meetings.

12.1504. Duties and Powers

1. General

The Commission shall exercise all powers necessary and appropriate to recommend the approval or disapproval of plans, plats, replats, or other regulation of land as authorized by

Chapters 211 and 212, TEXAS LOCAL GOVERNMENT CODE, subject to final approval by the City Council.

2. Enumerated Duties and Powers

(a) Recommend approval or disapproval of boundaries for the original zoning districts, proposed changes to a zoning district or map, or changes to zoning regulations for any district.

(b) Recommend approval or disapproval of the platting of land within the corporate limits and extraterritorial jurisdiction of the City as permitted by law, with the exception of amending plats and minor plats as provided in Chapters 212.0065 TEXAS LOCAL GOVERNMENT CODE.

(c) Recommend to the City Council a Comprehensive Plan for the orderly development of the City. The Commission shall, from time to time, recommend changes or updates to the Comprehensive Plan as necessary and appropriate.

(d) Under Council direction, and with input from city staff, study and make recommendations on the location, extension and planning of public rights-of-way, parks or other public places, including the vacating or closing of same.

(e) Under Council direction, and with input from city staff, study and make recommendations on the general design and location of public buildings, bridges, viaducts, street fixtures and other structures and appurtenances.

(f) Notice and conduct public hearings or motions for the City:

i. For the opening, vacating or closing of public rights-of-way, parks or other public places;

ii. For the zoning of recently annexed areas; or,

iii. For a change of zoning district boundaries or regulations.

(g) Submit each June a Progress Report to the City Council summarizing the work and major accomplishments of the Commission during the past year, accompanied with a proposed work program for the next Fiscal Year. The Report shall contain a meeting attendance record for all members of the Commission.

12.1505. Staff Support

1. Staff Liason

A city employee will be designated as staff liaison by the City Administrator to handle routine correspondence for the Commission, prepare and post all required Agendas, notices, maintain documents and files on all matters to be considered by the Commission, prepare reports for the Commission, provide relevant information to be considered by the Commission to assist them in performing their functions, ensure proper agenda item wording, notification and compliance with Texas Open Meetings Act.

2. Minutes

A recording secretary shall be designated by the City Administrator to keep complete and accurate minutes of the Commission meetings. The City Secretary shall be the custodian of Commission records. Minutes shall include, at a minimum, a written narrative of all motions and votes taken as well as all relevant discussions, recommendations, findings and resolutions of the Commission. After approval by a majority of the Commission, the Minutes shall be made public.

3. Reporting

For each regular City Council meeting, city staff shall provide a written report to each member of City Council summarizing any

recommendations of the Commission to be presented to Council at that meeting. Such written report shall identify the matter in question, the date when the matter was declared administratively complete, the timeline for review, any unresolved issues, the recommendation of the Commission, and the individual votes cast by the Commissioners or Alternates.

SECTION 3. SEVERABILITY.

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this Resolution shall be held invalid, it shall not affect any valid provisions of this or any other Ordinance of the City of Willow Park to which these rules and regulations relate.

SECTION 4. REPEALER.

To the extent any other ordinances or resolution is inconsistent with the provisions herein it is hereby repealed and superseded by the provisions herein.

SECTION 5. RECITALS.

The City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Resolution.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect from and after the date of its publication in the official newspaper.

PASSED AND ADOPTED this the 10th day of June, 2014.

Richard Neverdousky, Mayor

ATTEST

Candy Scott, Interim-City Secretary

APPROVED AS TO FORM

Rider Scott, City Attorney

The Willow Park City Council in action on Ordinance No. 683-14 did on the 10th day of June, 2014, vote as follows:

	FOR	AGAINST
Richard Neverdousky, Mayor	_____	_____
Brian Thornburg, Place 1	_____	_____
Gene Martin, Place 2	_____	_____
Greg Runnebaum, Place 3	_____	_____
James E. Mullins, Place 4	_____	_____
Tim Griffiths, Place 5	_____	_____