

ORDINANCE NO. 2014-75

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PLEAK ESTABLISHING AND CREATING A PLANNING AND ZONING COMMISSION AND DEFINING THE POWERS AND DUTIES OF THE PLANNING AND ZONING COMMISSION.

WHEREAS, pursuant to Section 211.007 of the Texas Local Government Code, the Village of Pleak Planning and Zoning Commission is hereby created; and

WHEREAS, the Planning and Zoning Commission's is hereby created for the purpose of recommending boundaries for the original zoning districts and appropriate zoning regulations for each district; and

WHEREAS, the Planning and Zoning Commission shall make recommendations to the Village Council on building code, subdivision planning, and all other relevant building standards for construction and reconstruction within the Village of Pleak's incorporated limits, and if applicable within the Village of Pleak's extraterritorial jurisdiction.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PLEAK, TEXAS:

Section 1. – Creation of Planning and Zoning Commission.

- A. Pursuant to Section 211.007 of the Texas Local Government Code, the Village of Pleak Planning and Zoning Commission is hereby created for the purpose of recommending boundaries for the original zoning districts and appropriate zoning regulations for each district.
- B. The Planning and Zoning Commission shall make recommendations to the Village Council on building code, subdivision planning, and all other relevant building standards for construction and reconstruction within the Village of Pleak's incorporated limits, and if applicable within the Village of Pleak's extraterritorial jurisdiction.

Section 2. – MEMBERSHIP; OFFICERS; RULES & BYLAWS:

- A. Planning and Zoning Commission hereafter sometimes referred to as the "Commission", which shall consist of five (5) members who are resident citizens, and qualified voters of the Village of Pleak.
- B. Members shall be nominated for appointment by the Mayor, and each person so nominated must be approved by a simple majority vote of the Village Council.
- C. All appointments to the Commission shall be for terms of two (2) years. Terms of office of Commission members shall expire on the first (1st) day of May of any given year.

- D. Any vacancy(s) on the Commission shall be filled for the unexpired term(s) via appointment by a simple majority vote of the Village Council for the remainder of the term(s).
- E. Members of the Planning and Zoning Commission may be removed from office at any time by a simple majority vote of the full Village Council upon its own motion or upon recommendation of the Planning and Zoning Commission. Failure to attend three (3) 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.
- 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 or position with the Village while serving on the Commission.
- G. The Commission shall elect a Chairperson and a Vice-Chairperson, from among its membership, and each officer shall hold office for one (1) year or until replaced by a simple majority vote of the full Commission.
- H. The Commission shall have the power to make the rules, regulations and bylaws for its own government, which shall conform as nearly as possible with those governing the Village Council, and the rules, regulations and bylaws shall be subject to approval by the Village Council. Such rules and bylaws shall include, among other items, provisions for:
 - 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 governing body and the public, from time to time and annually;
and
 - 4. The holding of public hearings on its recommendations.

Section 3. – PARLIAMENTARY PROCEDURE; QUORUM; VOTING:

- A. The Commission will follow the parliamentary procedure adopted by the Village Council:
 - 1. **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.
 - 2. **Voting** - All Commission members, including the presiding Chairperson, shall be entitled to one vote each upon any question, a quorum being present.
 - 3. **Conflict of Interest** - If any member has a conflict of interest regarding any item on the Commission's agenda, he/she shall remove himself/herself from the room and shall refrain from voting only on the item for which a conflict exists.

Section 3. – MEETINGS; PUBLIC RECORD:

- A. The Planning and Zoning Commission shall meet in the Village Hall and at such intervals as may be necessary to orderly and properly transact the business of the Commission but not less than once each month.
- B. Meetings shall be open to the public, and minutes shall be kept and shall be treated as public record.

Section 4. – ESTABLISHING EXTRATERRITORIAL JURISDICTION:

- A. Statutes of the State of Texas authorizing and empowering cities to regulate the platting and recording of subdivisions or additions within the City's corporate limits and establishing extraterritorial jurisdiction are hereby adopted, and the Commission, acting through its duly authorized officials, shall have all the rights, powers, privileges and authority authorized and granted by and through said statutes pertaining to regulation of subdivisions and extraterritorial powers.

Section 5. – ESTABLISHING POWERS AND DUTIES:

- A. The Commission shall have all the rights, powers, privileges and authority authorized and granted by and through the Statutes of the State of Texas authorizing and granting cities the power of zoning as found in Chapter 211 of the Texas Local Government Code, as amended.
- B. In general, the Planning and Zoning Commission shall be an advisory body, and shall make recommendations to the Village Council regarding amendments to the Comprehensive Plan, changes of zoning and zoning to be given to newly annexed areas, and shall make recommendations regarding the approval of plats of subdivisions as may be submitted to it for review and other planning related matters. The Planning and Zoning Commission shall conduct an annual review of the City's Comprehensive Plan and shall be prepared to make recommendations to the Village Council as deemed necessary to keep the Village's Comprehensive Plan current with changing conditions and trends and with the planning needs of the Village. The Planning and Zoning Commission shall also serve in an advisory capacity on any planning related item(s) in the Village.

Section 6. – JOINT MEETINGS WITH BOARD OF COMMISSIONERS:

Whenever the Village Council and the Planning and Zoning Commission are required by the laws of the State of Texas to conduct public hearings in matters pertaining to planning, zoning and/or subdividing property, and at other times when it is in the best interest of the Village to do so, the Village Council and the Planning and Zoning Commission are hereby authorized, after published notice as required by law, to hold joint meetings and to conduct joint public hearings, provided that the Village Council shall not take action on any matter heard until it has received the recommendation of the Planning and Zoning Commission.

Section 7. – Adoption of ordinance.

This ordinance shall become effective upon its approval and passage.


PASSED by a majority vote of the members of the Village Council this 15 day of October 2014.

APPROVED:



Mayor, Larry Bittner

ATTEST:



City Secretary, Ruth Elster

