

ORDINANCE NO. 2007-01

REPEALING ORDINANCE 1992-14 AND 1992-15 CREATING THE PLANNING AND ZONING COMMISSION FOR THE CITY OF INGLESIDE ON THE BAY; APPROVING PROCEDURES FOR APPOINTING MEMBERS OF THE COMMISSION; DEFINING THEIR POWERS AND DUTIES; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE ON THE BAY:

That Ordinance 1992-14 and Ordinance 1992-15 be, and the same hereby are, repealed.

PLANNING AND ZONING COMMISSION

SECTION 1. CREATED; MEMBERSHIP

There is hereby created a Planning and Zoning Commission. There shall be seven members. The City Council shall consider for appointment to the Commission only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, interest in planning and zoning, and availability to prepare for and attend meetings. It shall be the intent of the City Council to appoint only those persons that shall, by reason of diversity of their individual occupations, constitute a commission which is broadly representative of the community.

SECTION 2: TERMS OF OFFICE

The members of the Planning and Zoning Commission shall be appointed to serve for two-year terms, limited to two (2) consecutive terms, unless no qualified applications are on file. The members of the Commission shall be identified by place numbers one (1) through seven (7). Positions 1, 3, 5, and 7 shall end on February 28 of odd numbered years and Positions 2, 4, and 6 shall end on February 28 of even numbered years. Newly appointed members shall be installed at the first regular Commission meeting after their appointment.

SECTION 3 APPOINTMENT AND REMOVAL OF MEMBERS TO THE PLANNING AND ZONING COMMISSION.

- (1) The Mayor or City Council shall have the authority to nominate members of the Planning and Zoning Commission upon expiration of the above terms and to fill unexpired terms of any member who resigns or who no longer meets the qualifications of the office. Nominations will be made from current applications on file with the City Secretary. The City Council shall vote on those nominations. Such nomination and

- (2) votes shall be made during a regular council meeting. Whenever any member of said Commission shall move from Ingleside on the Bay, his/her membership on said Commission shall terminate automatically, without prejudice. Members of the Commission may be removed by the City Council after a public hearing and for cause documented in writing. The members shall serve with no compensation.
- (3) Any member missing three (3) consecutive meetings shall be removed for cause.

SECTION 4: DUTIES OF PLANNING AND ZONING COMMISSION.

The duties of the Planning and Zoning Commission shall include:

- (1). Formulate and recommend to the City Council for adoption, a city plan for the orderly growth and development of the city and its environs, and from time to time recommend changes in the plan which will facilitate the movement of people and goods and the health recreation, safety, and general welfare of the citizens of the city;
- (2) Exercise all the powers of the Commission by making preliminary reports and holding public hearings on requests for variances, plats, or replats prior to submitting recommendation to City Council for it's approval or disapproval of such requests, as set out in section 211.007, Texas Local Government Code;
- (3) Study and make recommendations as to location, extension, and planning of public rights-of-way and other public places, and on the vacating or closing of same;
- (4) Study and make recommendations as to the general design and location of public buildings, bridges, viaducts, street fixtures, and other structures;
- (5) Initiate in the name of the City for consideration at public hearings all proposals for: (a) the opening or closing of public right-of-way or other public places and; (b) the original zoning of annexed areas;
- (6) Submit annually each April a progress report and budget request to the city council summarizing its activities, major accomplishments for the past year, a proposed work program for the coming year. The report shall contain for the year the attendance record of all members and the identity of commissioned officers;
- (7) Submit each month a progress report of activities;
- (8) Perform other duties as allowed by state law.

SECTION 5. MEETING AND QUORUM

- (1) A motion may be made by any member other than the presiding officer

- (2) A motion to recommend approval of any request requiring City Council action shall require four (4) favorable votes of the members present. When fewer than all the members are present for the voting and when all motions to recommend on a given application fail to carry by majority 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 four (4) concurring votes to recommend approval at said next regular meeting shall be recorded in the minutes as a denial of the proposal under this rule.

SECTION 6 DISQUALIFICATION FROM VOTING

- (1) A member shall disqualify himself/herself from voting whenever he/she has a personal or monetary interest in the property under consideration for action, or that he/she will be directly affected by the decision of the Commission.
- (2) A member shall disqualify himself/herself from voting whenever any applicant, or agent, has sought to influence the vote of the member on such application other than in the public hearing

SECTION 7 REGULAR, SPECIAL and PUBLIC MEETINGS

- (1) The Commission shall meet regularly each month and shall designate the time and place of its meetings at its first organization meeting at the beginning of each calendar year. Said organization meeting shall be held at the first meeting in March, at which time the members shall elect a Chairperson, Vice-Chairperson and Secretary.
- (2) Special meetings for any purpose may be held; (1) on the call of two or more members and by giving written notice to all members deposited in the mail, or by email, at least seventy-two (72) hours before the meeting, or (2) as may be scheduled by a majority of the Commission at any previous meeting. The time and place of the special meeting shall be determined by the convening authority.
- (3) All meetings shall be held in full compliance with the provisions of state law, ordinances of the city and Roberts Rules of Order.
- (4) The Chairperson, or in his absence the Vice-Chairperson, shall decide all points of order or procedure. All letters of transmittal from the Commission to the City Council shall be over the signature of the Chairperson.
- (5) An agenda shall be prepared by the Secretary of Planning and Zoning for each meeting of the Commission. There shall be attached to each agenda a report of matters pending further action by the Commission. A copy of the agenda shall be posted in the City Hall as required by law, for a period of seventy-two (72) hours.

SECTION 8 OFFICIAL RECORDS

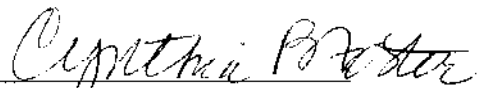
- (1) The official records shall be these rules and regulations and the minutes of the Commission, together with all findings, decisions and other official records of the Commission.
- (2) the minutes of the Commission's proceeding shall show the vote of each member, or if absent or failing to vote shall indicate that fact.
- (3) All matters coming before the commission shall be filed in the city's records. Original papers of all request and proposals shall be retained as part of the permanent record.
- (4) The Secretary shall be the custodian of the minutes and other official records, shall attend to the correspondence of the Commission, shall cause to be given such notices as are required and in the manner prescribed by law, and shall see that all records are properly filed in the City's records.

Section 9. All Ordinances, rules and regulations in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 10. In the event any section, part or paragraph of this Ordinance is held to be invalid or unenforceable by any Court of competent jurisdiction, the remaining parts of this Ordinance shall be and remain in full force and effect, it being the intention of the City Council to pass each part of this Ordinance irrespective of any other section, part or paragraph.

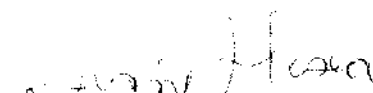
Section 11. This Ordinance shall be effective from and after its passage and the publication of the caption hereof in the official newspaper of the City and the City Secretary is hereby authorized and directed to make such publication.

Passed this the 16th day of January, 2007.


Cynthia Foster

Mayor

ATTEST:



Diane Hosea
City Secretary