

## ORDINANCE NO. 250

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF UHLAND, TEXAS REPEALING AND REPLACING ORDINANCE NO. 228 GOVERNING THE PLANNING AND ZONING COMMISSION OF THE CITY OF UHLAND, TEXAS; PROVIDING FOR MEMBERSHIP REQUIREMENTS AND THE APPOINTMENT OF MEMBERS TO THE PLANNING AND ZONING COMMISSION; AND SETTING THE MISSION STATEMENT, GUIDELINES, DUTIES AND STRUCTURE OF THE PLANNING AND ZONING COMMISSION.**

**WHEREAS**, the City of Uhlend, Texas intends to ensure the orderly and coordinated development of the municipality, and

**WHEREAS**, the City of Uhlend, Texas determines that it is necessary to establish and maintain a Planning and Zoning Commission, and

**WHEREAS**, on the 17<sup>th</sup> day of July 2019, the City Council of the City of Uhlend, Texas established a Planning and Zoning Commission by adopting Ordinance No. 228; and

**WHEREAS**, the City of Uhlend, Texas determines that from time-to-time it is necessary to review, amend and restate the membership requirements, appointment process, mission statement, guidelines, duties and structure of the City's Planning and Zoning Commission; and

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UHLAND, TEXAS:**

### **SECTION 1. SHORT TITLE; REPEAL AND REPLACE ORDINANCE NO. 228**

This Ordinance shall repeal and replace the Planning and Zoning Ordinance No. 228. This Ordinance shall be known as the "PLANNING AND ZONING COMMISSION ORDINANCE."

### **SECTION 2. PURPOSE**

1. *Mission Statement.*  
The Planning and Zoning Commission (the "Commission") is responsible for planning, zoning and recommending to the City Council future developments and related projects for the City of Uhlend, Texas (the "City").
2. *Duties.*  
The Commission shall have and execute the following duties to the best of their ability in accordance with the City ordinances, resolutions and policies:

- A. Members shall be familiar with the current ordinances, resolutions and policies of the City.
- B. The Commission shall encourage and incentive citizenship within the City.
- C. The Commission shall review the following and make recommendations to the City Council in accordance with the City ordinances, resolutions and policies:
  - i. Master Plan.
  - ii. Road Projects.
  - iii. Subdivision Requests.
  - iv. Development.
  - v. Plats.
  - vi. Zoning.
  - vii. Additional items as may from time to time be delegated by the City Council.

Any recommendation made by the Commission shall be subject to the approval of the City Council and are not binding on the City Council.

- D. The Commission may approve / disapprove or take other action including, but not limited to, authorizing purchases and expenditures, without making further recommendation to the City Council, ONLY when specifically authorized by City ordinance or resolution to take such action.

Nothing in this ordinance shall require the Commission to take any action other than making a recommendation to the City Council.

### **SECTION 3. STRUCTURE**

The Commission shall be structured within the following guidelines:

1. *Appointed Members.*  
The Commission shall consist of six (6) appointed members.
2. *Ex-Officio Non-Voting Member.*  
The Mayor shall serve as an ex-officio non-voting member of the commission from the date elected to office. The Mayor's presence or absence at a meeting on the Commission shall not count towards or against a quorum required to hold a meeting of the Commission.
3. *Compensation.*  
Members shall serve without compensation.
4. *Member Qualification.*  
Members must meet and maintain each of the following qualifications.



A. Residency.

Members shall reside:

- i. within the corporate City limits of the City; or
- ii. within the Extraterritorial Jurisdiction of the City; or
- iii. within one (1) of the counties in which the City is located and own property in the corporate limits of the City.

Proof of residency qualification shall be submitted to the City Secretary upon application to the Commission and must include a valid state issued ID and two (2) of the following:

- i. valid voter registration; or
- ii. current month utility bill; or
- iii. current year tax statement for real property.

B. Familial Relation.

Members may not be related within the second (2<sup>nd</sup>) degree of consanguinity to any City Councilperson or any other Commission member.

C. Oath of Office, Training and Conflicts of Interest.

Upon appointment or re-appointment all members shall execute an oath of office form, a conflicts of interest form and complete the following basic training:

- i. Open Meetings Act;
- ii. Public Information Act; and
- iii. Conflict of Interest.

Members may from time-to-time be required to attend and complete other training as directed by the Mayor. Additional trainings may be individual or group format and will be scheduled in advance. All required training will be paid for by the City and attendance is mandatory at all training after the member has committed to attendance (confirmed the training). If a member fails to attend a confirmed training, they shall reimburse the City for the expense of the training.

5. Officers.

The appointed members will nominate and elect a Chairperson and Vice-Chairperson at the first (1<sup>st</sup>) Commission meeting in August of each year. Except for the beginning of the first meeting in August of each year, the Chairperson shall preside over each Commission meeting, and unless otherwise designated shall be the point of contact for the Commission to the City Council and the public. The Vice-Chairperson shall serve in the same capacity as the Chairperson when the elected Chairperson is unable.

At the first (1<sup>st</sup>) Commission meeting in August of each year the Mayor shall preside over the beginning of the meeting as honorary Chairperson until the

election of a Chairperson. The Mayor may not otherwise be elected or serve as Chairperson or Vice- Chairperson of the Commission.

6. *Quorum.*

Four (4) appointed members of the Commission shall constitute a quorum.

#### **SECTION 4. APPOINTMENT**

Members of the Commission are appointed by the City Council and the Mayor at the first (1<sup>st</sup>) City Council meeting in August of each year. Each City Councilperson and the Mayor elected or re-elected to a full two (2) year term during the immediate prior election cycle, may appoint one (1) member to the Commission. Each appointment shall be ratified by a vote of the City Council and a slate of appointments may be voted on as a whole.

#### **SECTION 5. TERM**

Appointed Commission members shall serve two (2) year terms; from the date of the first (1<sup>st</sup>) Commission meeting after the August City Council meeting in which they were appointed through to the start of the first (1<sup>st</sup>) Commission meeting at the expiration of two (2) years. The term of the initial members shall be for staggered terms corresponding to the term of the appointing Councilperson; therefor, if a member is appointed by a Councilperson who has only one year left in their term the appointed member's term shall coincide with the councilpersons term.

#### **SECTION 6. VACANCY**

Should an appointed Commission member, during his/her term of appointment, vacate his/her position for any reason, except in the event of termination, or should there be an unappointed Commission vacancy, the selecting Councilperson or Mayor shall appoint a replacement as soon as possible to fill the vacancy on the Commission. The appointment shall occur at a City Council meeting and the replacing Commission member shall serve from appointment through the remainder of the unexpired term. If the City Councilperson or Mayor who made or could have made the vacant Commission appointment is no longer in office, the replacing City Councilperson or Mayor shall appoint the replacement Commission member.

#### **SECTION 7. RESIGNATION AND TERMINATION**

1. *Failure to Maintain Member Qualification.*

When an appointed member fails to meet or maintain the qualifications as stated herein that member shall be considered inactive and shall be subject to termination as described in this section. Upon self-reported or third-party notice of a member's potential failure to meet or maintain member qualification the City Secretary shall notify such member in writing of such and request proof of qualification or continued qualification as required herein. If a member is unable to provide proof of qualification, they shall resign in writing from the Commission



within fifteen (15) days of the City Secretary's written notice to provide such proof or shall be terminated as follows herein this section.

2. *Failure to Attend Meetings.*

Where an appointed Commission member fails to attend three (3) consecutive regularly scheduled monthly Commission Meetings in a row or where a Commission member does not attend a majority of the Commission meetings in a rolling twelve (12) months, and does not notify the Commission Chairperson and the City Secretary as to the reason(s) for non-attendance or submit a written resignation, the member's appointment to the Commission shall be terminated as follows herein this section.:

3. *Resignation.*

A member may resign by written notice to the Commission Chairperson and the City Secretary at any time and for any reason. If a member fails to resign and is terminated for failure to maintain member qualification or failure to attend meetings as follows herein this section, such member shall not be eligible to serve on the Commission again for a term of no less than five (5) years.

4. *Termination.*

The process for termination of a Commission member shall be as follows:

- A. The City Secretary shall notify, in writing, the City Councilperson or Mayor who appointed the member to the Commission; and
- B. The City Councilperson or Mayor who appointed the member shall terminate the appointment of the Commission member by notifying the member and the City Council in writing of the termination of appointment; and
- C. The City Councilperson or Mayor who made the appointment shall appoint a new Commission member to fill the vacancy per the appointment process stated herein above.

Should the City Councilperson or Mayor who appointed the member take no action within thirty (30) days after notification by the City Secretary, the City Secretary shall notify the City Council in writing and the City Council shall terminate the appointment and appoint a new member to fill the vacancy.

## **SECTION 8. CONFLICT**

All Ordinances, Resolutions, Policies or parts thereof in conflict with the provisions of this Ordinance are hereby repealed. Any reference to either the Planning Commission or the Zoning Commission in any other Ordinance, Resolution or Policy shall be considered a reference to the Planning and Zoning Commission.

## **SECTION 9. SEVERABILITY**

If any provision, section, paragraph, sub-paragraph, clause or phrase of this ordinance or the application of such to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications thereof which can be given effect

without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 10. SAVINGS CLAUSE**

This Ordinance shall remain in full force and effect, save and except as amended or repealed.


**SECTION 11. MEETING OPEN TO PUBLIC**

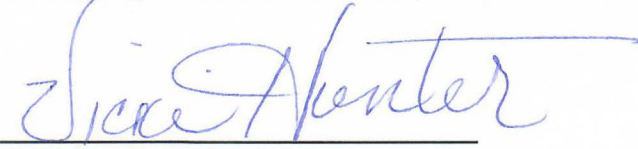
It is hereby found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that the public notice of the time, place and purpose of said meeting was given as required.

**SECTION 12. EFFECTIVE DATE**

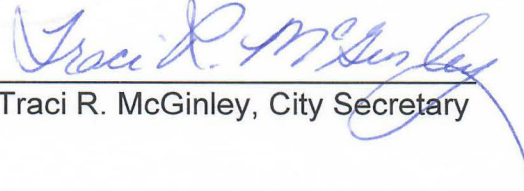
This Ordinance shall be effective upon passage as provided by law.

PASSED, APPROVED AND ADOPTED this 2<sup>nd</sup> day of September 2020, by a vote of 4 ayes, 0 nays, 0 abstentions and with 1 absent of the City Council of Umland, Texas.



  
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Vicki Hunter, Mayor

ATTEST:

  
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Traci R. McGinley, City Secretary