

**ORDINANCE NUMBER 2019 - 004**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, TEXAS AMENDING THE "PLANNING AND ZONING ORDINANCE" NUMBER 2016 - 000; AMENDING THE NUMBER OF MEMBERS; AMENDING THE PROCESS OF APPOINTMENT OF MEMBERS; AND AMENDING THE QUORUM REQUIREMENT.**

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

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

**WHEREAS**, the City of Santa Clara Texas determines that it is necessary to establish a mission statement, guidelines, duties and structure for the Planning and Zoning Commission;

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

**Section 1. SHORT TITLE**

This ordinance shall be known as the "PLANNING AND ZONING ORDINANCE."

**Section 2. PURPOSE**

*A. Mission Statement.*

The Planning and Zoning Commission; hereafter, known as the Commission; is responsible for planning, zoning and recommending to the City Council future developments and related projects for the City of Santa Clara, Texas.

*B. 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:

1. Members shall be familiar with the current ordinances, resolutions and policies of the City of Santa Clara, Texas.
2. The Commission shall encourage and incentive citizenship within the City of Santa Clara, Texas.
3. 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 Plats.
- v. Zoning.
- vi. Matters presented to it by the Mayor.

Any recommendation made by the Commission shall be subject to the approval of the City Council.

4. 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 at least five (5) and no more than eight (8) members.

2. *Non-Voting Member, Voting Exception.*

The Mayor shall serve as a non-voting member of the commission from the date elected to office. If there is a tie vote among the appointed members on any subject, the Mayor shall vote to then break the present tie.

3. *Compensation.*

Members shall serve without compensation.

4. *Member Qualification.*

Members shall reside within the corporate City limits of the City of Santa Clara, Texas or within the Extraterritorial Jurisdiction of the City of Santa Clara, Texas; and be qualified voters of the City of Santa Clara, Texas. Proof of residency shall be verified by voter registration. Members may not be related within the second (2<sup>nd</sup>) degree of consanguinity to any other Planning and Zoning Commission members.

5. *Officers.*

The appointed Commission members will nominate and elect a Chairperson and Vice-Chairperson at the first (1<sup>st</sup>) Planning and Zoning Commission meeting in January of each year. Except for the beginning of the first meeting in January of each year, the Chairperson shall preside over each Planning and Zoning 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>) Planning and Zoning Commission meeting in January 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.*

To have a quorum, either, four (4) appointed members of the Commission and the Mayor must be present, or five (5) appointed members of the Commission must be present.

**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 November of each year. Each City Councilperson, elected or re-elected to a full two (2) year during the immediate prior election cycle, may appoint one (1) member to the Commission. The Mayor, elected or re-elected to a full two (2) year term during the immediate prior election cycle, may appoint up-to three (3) members to the Commission.

**Section 5. TERM**

Appointed Commission members shall serve two (2) year terms; from the date of the first (1<sup>st</sup>) January Planning and Zoning Commission meeting after the November City Council meeting in which they could have been appointed through to the start of the first (1<sup>st</sup>) January Planning and Zoning Commission meeting at the expiration of two (2) years.

**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 un-appointed 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 Council shall appoint the replacement Commission member.

**Section 7. TERMINIATION**

Where an appointed Commission member does not attend three 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 as to the reason(s) for non-attendance or submit a written resignation the member's appointment to the Commission will be terminated in accordance with the following:

1. The Commission Chairperson shall notify, in writing, the City Councilperson or Mayor who appointed the member to the Commission; and

2. 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
3. The City Councilmember or Mayor who made the appointment shall appoint a new Commission member to fill the vacancy.

Should the City Councilperson or Mayor who appointed the member take no action within 45 days after notification by the Commission Chairperson, the Chairperson shall notify the City Council in writing and the City Council shall terminate the appointment and may 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. MEETINGS OPEN TO PUBLIC**

It is hereby found and determined that the meeting at which this Ordinance is passed is the second reading of the Ordinance and 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 AND APPROVED this 23<sup>rd</sup> day of August, 2019.

ATTEST:  
  
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Donna White, City Secretary



  
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Jeff Hunt, Mayor