

**CITY OF COCKRELL HILL, TEXAS**

**ORDINANCE NO. 2005-M**

**AN ORDINANCE OF THE CITY OF COCKRELL HILL, TEXAS, AMENDING THE CITY OF COCKRELL HILL CODE OF ORDINANCES, CHAPTER 153, "ZONING CODE," BY ADOPTING AN ARTICLE ENTITLED "PLANNING AND ZONING COMMISSION" SECTIONS 153.015 TO 153.019; SETTING FORTH A PURPOSE; ESTABLISHING PROCEDURES FOR APPOINTMENT OF MEMBERS; PROVIDING FOR THE ELECTION OF OFFICERS OF THE PLANNING AND ZONING COMMISSION; ADOPTING MEETING REQUIREMENTS; ESTABLISHING POWERS AND DUTIES OF THE PLANNING AND ZONING COMMISSION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 153 of the City of Cockrell Hill Code of Ordinance sets forth the requirements and procedures regarding zoning in the City of Cockrell Hill ("City"), and

**WHEREAS**, the City desires to adopt rules, regulations and policies under the authority granted pursuant State law regarding a Planning and Zoning Commission for the betterment of the City; and

**WHEREAS**, the City Council has determined that it is in the best interest of the health, safety and general welfare of the public to amend Chapter 153 of the Code by establishing a Planning and Zoning Commission.

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

**Section 1.** That all of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**Section 2.** The Code of Cockrell Hill, Chapter 153, is hereby amended to adopt an Article to be entitled "Planning and Zoning Commission" to include Sections 153.015 to 153.019 and shall read as follows:

**"PLANNING AND ZONING COMMISSION**

**§ 153.015 PURPOSE.**

There is hereby created a Planning and Zoning Commission ("Commission") which shall be organized, appointed, and function as provided in this chapter. The purpose of the Planning and Zoning Commission is to serve in an advisory capacity to the City Council concerning policies and matters related to the land use issues for the

City. The Board's role shall be advisory with respect to policy recommendations, and the Board shall have no administrative duties or authority.

The Commission shall perform such other duties as may be prescribed by ordinances or state law.

**§ 153.016 ESTABLISHMENT.**

A. Membership: The planning and zoning commission shall consist of five (5) members. All of these members shall be resident citizens and qualified voters of the city. All members are appointed by the city council and will have overlapping two (2) year terms. The terms are to be staggered so that three (3) terms expire in odd numbered years and two (2) terms expire in even numbered years. Each new term shall commence on September 1st. All members shall have full voting powers. The City Council may also appoint two (2) alternate members. The terms of the alternate members shall be concurrent with and staggered in accordance with the terms of the regular members of the Commission. The Mayor and the City Administrator, or their designees, shall serve as ex-officio members of the Planning and Zoning Commission.

B. Vacancies: All members can be removed for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause in the same manner as the original appointment was made.

C. Compensation: The members of the Planning and Zoning Commission shall serve without compensation.

**§ 153.017: OFFICERS:**

The officers of the Planning and Zoning Commission shall be the Chairperson, Vice-Chairperson and Secretary. These Chairperson and Vice-Chairperson shall be chosen by the commission for one year terms each October. The Secretary shall be the City Administrator or his designee.

A. Chairperson.

1. The Chairperson shall preside at all meetings, appoint special committees as needed and authorize calls for any specially-called meetings;

2. The Chairperson may appoint special committees for the study and investigation of special problems and such are to serve until the completion of the work for which they were appointed. All committees must make a progress report to the Commission at each meeting; and

3. The Chairperson shall ensure representation of the Commission to the City Council and the administrative staff.

B. Vice-Chairperson. The Vice-Chairperson assumes the duties of Chairperson in the absence of the Chairperson.

C. Secretary. The Secretary shall keep a true and accurate account of all Commission meeting proceedings and shall have custody of the minutes of the Commission. The Secretary shall distribute a typed copy of the minutes to the Commission's for approval. A copy shall be maintained by the City Administrator.

#### **§ 153.018. MEETINGS; QUORUM.**

1. Scheduled meetings shall be held not less than once a month at the designated meeting place, except as otherwise called by the Chairperson. The day and time of these meetings will be decided by the Commission each year immediately after election of officers. Special meetings may be called by the Chairperson provided that notice thereof shall be given to each member seventy two (72) hours prior to the time of the meeting. All meetings shall be open to the public.

2. All cases to be heard by the Commission will always be heard by a minimum of three (3) members.

3. A member shall not vote or participate in any matter before the Commission if the member has any interest in this matter, whether such interest is direct or indirect and financial or otherwise. Where a question of a member's interest is raised, the Chairperson shall rule on whether the member should be disqualified.

4. The Commission may, at its option, consult with the City Administrator regarding a recommendation or on technicalities of any zoning application under review. Such recommendation or comments offered by the City Administrator shall be a part of the official minutes of the meeting.

#### **§ 153.019. GENERAL POWERS AND DUTIES:**

The Commission shall exercise all powers vested in such bodies by state law. In addition, in order to effectuate and carry out the purposes of the zoning chapter, the Commission is also vested with the following powers and/or duties:

A. Act in an advisory capacity to the City Council in all matters pertaining to land usage;

B. Make recommendations to the City Council regarding land use issues, including zoning requests, subdivision plats, changes to the Zoning Ordinance, amendments to and updates of the Comprehensive Master Plan and other items included in the physical development of Cockrell Hill;

C. Preparation and adoption of zoning regulations and the recommendation of zoning district boundaries, including the power to hold public hearings, enforce the regulations and recommend changes in the regulations and district boundaries;

D. Reporting on planning and zoning problems that are referred to it for review by the City Administrator or by the City Council;

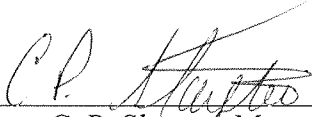
E. Recommend to the City Council policies and programs for advancement of the City; and

F. Preparation of such surveys, reports and studies as are required for the above and other authorized purposes.”

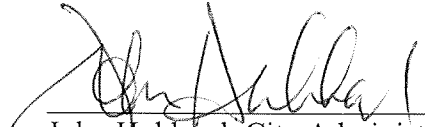
**Section 3.** If any section, article, paragraph, sentence clause, phrase or word in this ordinance or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 4.** This ordinance shall become effective, and be in full force and effect, from and after the date of its passage, and it is accordingly so ordained.


**PASSED AND APPROVED** the 26 day of July, 2005.

  
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C. P. Slayton, Mayor

ATTEST:

  
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John Hubbard, City Administrator

APPROVED AS TO FORM:

  
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Robert F. Brown, City Attorney