

ORDINANCE NO. 2023-634

AN ORDINANCE OF THE CITY OF SMITHVILLE, TEXAS AMENDING CHAPTER 1, ARTICLE 1.04, DIVISION 2, CITY OF SMITHVILLE CODE OF ORDINANCES, PERTAINING TO QUALIFICATIONS AND DUTIES OF THE PLANNING AND ZONING COMMISSION; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council desires to amend Chapter 1, Article 1.04, Division 2, Code of Ordinances, City of Smithville, Texas, to add provisions regarding the qualifications and duties of the planning and zoning commission;

WHEREAS, the City Council finds and determines that adoption of this Ordinance promotes the health, safety, and welfare of the public; and

WHEREAS, the City Council finds and determines that the meeting at which this Ordinance was passed was open to the public, that public notice of the time, place and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SMITHVILLE, TEXAS THAT:

1. **Findings of Fact.** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.
2. **Enactment.** Chapter 1, Article 1.04, Division 2, Code of Ordinances, City of Smithville, Texas, is amended as set forth in Exhibit A.
3. **Repealer.** All ordinances, resolutions, or parts thereof, that are in conflict or are inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict or inconsistency, and the provisions of this Ordinance shall be and remain controlling as to the matter regulated herein.
4. **Severability.** Should any section, subsection, sentence, provision, clause or phrase be held to be invalid for any reason, such holding shall not render invalid any other section, subsection, sentence, provision, clause, or phrase of this ordinance and same are deemed severable for this purpose.
5. **Effective Date.** This Ordinance shall be effective as of the date of adoption.

PASSED, APPROVED AND ADOPTED THIS 12th DAY OF JUNE, 2023.

APPROVED:


Sharon Foerster, Mayor

ATTEST:

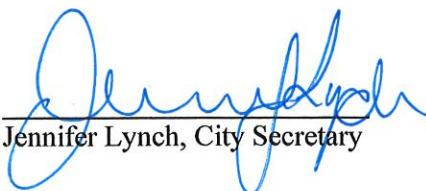

Jennifer Lynch, City Secretary

EXHIBIT A

Section 1.04.031-1.04.033, Code of Ordinances of the City of Smithville, Texas is amended as shown below, with insertions indicated by underlines (e.g. underlines) and deletions indicated by strikethroughs (e.g. ~~strikethroughs~~):

Division 2 Planning and Zoning Commission

§ 1.04.031 **Created; membership.**

There is hereby created and established for the city a planning and zoning commission, which shall be composed of five (5) members appointed by the city council after a recommendation by the city manager. The members ~~must~~shall be resident citizens, ~~taxpayers~~, and qualified voters of the city, ~~all of whom shall be appointed by the city manager subject to confirmation by the governing body.~~ All vacancies shall be filled by the city council after a recommendation by the city manager. in the same manner as provided for the original appointments. Members of the planning and zoning commission should possess expertise in the matters subject to review by the commission. Members of the commission may be removed by the city council manager, with the consent of the governing body, after public hearing and for cause assigned in writing or upon the completion of their assigned project; provided, however, a member of the commission that misses more than four (4) meetings in a twelve (12)-month period may be removed without cause assigned in writing or a public hearing.

(1987 Code, ch. 11, sec. 2; 2001 Code, art. 14.200(a))

§ 1.04.032 **Compensation of members; term.**

The members of the commission shall serve without compensation. The members of the planning and zoning commission first appointed shall continue their term of office as specified as being concurrent with the term of office of the elected mayor, and thereafter for a term of two (2) years.

(1987 Code, ch. 11, sec. 2; 2001 Code, art. 14.200(b))

§ 1.04.033 **Organization; powers and duties.**

(a) The planning and zoning commission shall elect a chairman and vice-chairman from its membership. ~~and may shall have power to employ such qualified persons as may be necessary for the proper conduct and undertakings of the commission and to pay for their services and such other necessary expenses, provided that the cost of such services and expenses shall not exceed the amount appropriated by the governing city council body for the use of the commission.~~ It shall also have the power to make rules, regulations, and ~~bylaws~~procedures for its own government, which shall conform as nearly as possible with those governing the ~~governing body~~city council, and same shall be subject to approval by the city council. ~~Such bylaws shall~~These rules, regulations and procedures must be set forth in written document and must include, among other items, provisions for:

- (1) Regular and special meetings open to the public;
- (2) Records of its proceedings to be open for inspection by the public;
- (3) Reporting to the ~~city council~~governing body and the public from time to time and annually; ~~and~~
- (4) The holding of public hearings on its recommendations;
- (5) Voting procedure and protocols; and

(6) Formal training of its members on the procedures and protocols of the commission.

- (b) The planning and zoning commission shall have the power and it shall be its duty to ~~make and recommend for:~~ (i) review the adoption a master and amendment of the City of Smithville comprehensive plan, as a whole or in parts, pursuant to Texas Local Government Code § 213.003, as a whole or in parts, for the future development and redevelopment of the municipality and its environs, ~~to;~~ (ii) make recommendations to the city council for approval or disapproval of plats, and shall have power ~~variances;~~ (iii) and it shall be its duty to prepare a comprehensive plan ~~hold public hearings and ordinance for make reports to the city council regarding the adoption or amendment of zoning the city in accordance with chapter 283, Acts of the Regular Session of the Legislature, 1927 (V.T.C.A., regulations and district boundaries pursuant to Texas Local Government Code, ch. § 211).~~ .007. The commission shall perform such other duties as may be prescribed by ordinance or state law.

(1987 Code, ch. 11, sec. 2; 2001 Code, art. 14.200(c))

§ 1.04.034 through § 1.04.060. (Reserved)