

ORDINANCE 2019-02

AN ORDINANCE OF THE CITY OF TOM BEAN, TEXAS, CREATING THE PLANNING AND ZONING COMMISSION; PROVIDING FOR THE APPOINTMENT/REMOVAL OF ITS MEMBERS AND THE METHOD OF FILLING VACANCIES; PROVIDING FOR THE ADOPTION OF RULES AND REGULATIONS; PROVIDING FOR POWERS AND AUTHORITIES; PROVIDING FOR VOTING AND PROCEDURES; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City Council of the City of Tom Bean, Texas ("City Council"), has investigated and determined that it will be advantageous and beneficial to the City of Tom Bean, Texas ("Tom Bean") and its citizens to create the Planning and Zoning Commission as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOM BEAN, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Establishment of Planning and Zoning Commission. There is hereby created and established within Tom Bean a Planning and Zoning Commission which shall be a resident of the City or reside within ten (10) miles of the municipality's boundaries and active in the Tom Bean business community for at least one (1) year prior to appointment.

SECTION 3: Number of Members. The Planning and Zoning Commission shall be composed of five (5) members appointed by the City Council. No member of the City Council or any other person related within the second degree by affinity or the third degree by consanguinity to a member of the City Council shall be appointed to this Commission.

SECTION 4: Term of Office. The term of office of two (2) of the members shall expire on June 1st of each odd-numbered year and the terms of three (3) of the members shall expire on June 1st of each even numbered year. Newly appointed members shall be installed at the first regular Commission meeting after their appointment. The Planning and Zoning Commission shall serve without compensation.

SECTION 5: Vacancies. When vacancies occur on the Planning and Zoning Commission, the City Council shall appoint, by majority vote, a replacement to serve the remainder of that term.

SECTION 6: Officers. The Board shall have, at a minimum, a Chairman and Secretary whose terms shall be one (1) year and will be appointed at the first regular Commission meeting after their appointment June 1st.

SECTION 7: Meetings/Attendance/Adherence to City Council Policies relating to Boards and Commissions. The Planning and Zoning Commission shall meet at least four (4) times each year at such other times as the Chairman or the majority of the members of the Planning and Zoning Commission and/or City Council deem necessary and appropriate. The Planning and Zoning Commission shall keep minutes of its proceedings which shall be of public record. Board members are required to be in compliance with policies defined by the City Council for Board members that are in existence or as modified in the future.

SECTION 8: Removal From Office. Members of the Commission may be removed, without cause, by an affirmative vote of a majority of the full membership of the City Council.

SECTION 9: Quorum/Voting. Three (3) members of the Planning and Zoning Commission shall constitute a quorum for the transaction of business. No action or recommendation of the Planning and Zoning Commission shall be valid or binding unless adopted by the affirmative vote of a majority of the Planning and Zoning Commission members present. The Chairman shall be considered a voting member of the Planning and Zoning Commission.

SECTION 10: Powers and Authority.

(A) The Planning and Zoning Commission shall be responsible to and act as an advisory board to the City Council. The Planning and Zoning Commission shall:

- (1) Review all current and proposed ordinances and amendments pertaining to planning and zoning and make recommendations to the City Council for action to be taken;
 - (2) Make proposals to the City Council to amend, extend and add to the Comprehensive Plan for the physical development of the Tom Bean;
 - (3) Keep public records of its resolutions, findings and determinations; and
 - (4) Review plats and zoning requests and make recommendations to the City Council for final adoption of same; and
 - (5) Perform all functions and duties required by law and such other and further duties requested of it by the City Council.
- (B) The Planning and Zoning Commission shall have full power to:
- (1) Exercise the authority of the Planning and Zoning Commission as provided by state law and Tom Bean ordinances; and
 - (2) Make reports and recommendations relating to the Comprehensive Plan and development of Tom Bean.

SECTION 11: Procedure.

- (A) Any and all rules and regulations adopted by the Commission, if any, shall be forwarded in writing to the Mayor who shall submit them to the City Council with the Mayor's recommendations. The City Council may amend, adopt or reject any such rules or regulations. If any rules or regulations should be rejected, the Planning and Zoning Commission may modify them and submit such modified rules and recommendations to the City Council.
- (B) Should any person on the Planning and Zoning Commission have a conflict of interest, pursuant to any state laws and/or Tom Bean ordinances regulating conflicts of interest of municipal officers, with an agenda item then before the Planning and Zoning Commission, he/she shall openly declare same before discussion proceeds, and he/she is thereby prohibited from discussing the item or voting on the question, and is not considered as present and voting for the purposes of the tally.

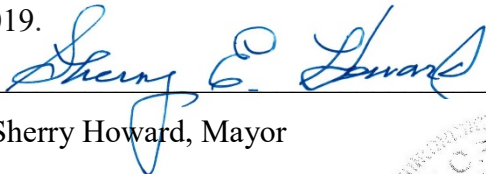
(C) Should any person on the Planning and Zoning Commission choose to abstain from voting on any question before the Planning and Zoning Commission, where no conflict of interest exists, the person's vote shall be recorded as a negative vote in the official minutes of the meeting.

SECTION 12: Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 13: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Tom Bean hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 14: Effective Date. This Ordinance shall become effective upon its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF TOM BEAN, TEXAS on this 13th day of May 2019.


Sherry Howard, Mayor

Attest:


Cathy Pugh, City Secretary

