

ORDINANCE 6016

Creating a planning and Zoning commission for the City of Nolanville, Texas. Providing for the appointment of its members, specifying the number of and qualification of its members, specifying their terms of office, providing for the removal from the office of a member and filing and resulting vacancy, specifying the powers, duties, and responsibilities of the commission, establishing extraterritorial powers, and providing a savings clause.

Be it ordained by the city of Nolanville:

Section 1. Creation of and composition of the Planning and Zoning Commission

- A. That there is hereby created and established the Nolanville planning and Zoning Commission. Hereinafter referred to as the Commission. It shall be composed of six (6) primary members and alternate members of any number the commission chooses. Each member both primary and alternate shall be a citizen, resident, property owner and qualified voter of the City of Nolanville.
- B. The Commission shall have;
 - One (1) Chairperson appointed by the City council. One (1) Vice Chairperson appointed by the Commission members. One (1) Secretary appointed by the Commission members.
- C. Each of the terms in section 1-B is for two (2) years. Anyone appointed to an un-expired term will only remain for the length of the original term.

Section 2. Application/Appointments to the Commission, terms of office

- A. Application to serve on the Planning and Zoning commission must be made through the existing Commission. The applicant's request must be by quorum majority vote. The Planning and Zoning Commission of Nolanville shall vote for approval or disapproval of the applicant's appointment. The appointment will be sent to the City Secretary for swearing in.
- B. the following list constitutes cause for the disapproval of application to be seated on the commission. This list is by no means all inclusive.

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Section 2-B (continued)

Not a legal resident of the City of Nolanville

Not a qualified voter of the City of Nolanville

Knowledge of any prior malfeasance

Conviction of a felony

Knowledge of any prior abuse of office

Perjury

Knowledge of accepting of or offering a bribe

- C. In the event the Planning and Zoning Commission membership falls below four (4) members (primary and alternate), the remaining members shall appoint members up to a quorum, to the commission. The appointment must be ratified by three fourth majority of the commission for the appointee to be seated.

- D. Terms of office shall run for two(2) years. In the case that complete reconstitution of the Commission is required, only then may the city council appoint members up to a quorum. Terms of office will be as follows:

One (1) member shall serve for one year

Two (2) members shall serve for two years

Two (2) members shall serve for three years

All alternate members shall serve for one year.

- E. All members shall be two (2) year terms and will commence on the year in the month of May that the Mayor of Nolanville is elected.

Section 3 Removal from office

- A. Members may be removed from office by a quorum majority vote of the Planning and Zoning Commission.
- B. Removed members may file an appeal to the Planning and Zoning Commission within 10 days at which a public hearing will be set.
- C. The member must be notified in writing, by certified mail 15 days prior to the public hearing to allow adequate time to respond. The member may at their own expense have a lawyer present to advise and /or represent the member.
- D. The following list constitutes cause for removal from the commission which has to be acted upon by the Planning and Zoning commission for removal from the commission. This list is by no means all inclusive.
 - With a vote of no confidence
 - Failure to attend meeting regularly, or missing 3 scheduled meetings in a row
 - No longer a resident of the City of Nolanville
 - No longer a qualified voter
 - Malfeasance
 - Conviction of a felony
 - Abuse of office
 - Perjury
 - Accepting of or offering a bribe
 - Written resignation
- E. Any member removed by vote shall be ineligible for re-appointment For a period of two (2) years.

- Section 4 Statutory authorization, powers et cetera
- A. Being a duly appointed member of the commission does not empower any person to knowingly trespass on private property without the owners or occupants specific permission or through due process of law or to knowingly violate the privacy of any person. Commission members shall not perform inspections for which they are not certified or licensed by the appropriate municipal, state, or federal agency to perform. Commission members have no special investigatory powers.
- Section 5 Duties of the Planning and Zoning Commission
- A. The commission shall have the power to make rules, regulation and by laws for it's own governing. These shall conform as close as possible to those governing the City Council.
- B. Governing rules, regulations, and by laws shall address:
- Regular meetings, open to the public
- Special meeting , open to the public
- A record of it's proceedings, open to public inspection
- Reports to the City Council
- Reports to the public
- The holding of public hearings
- C. The published agenda for each meeting shall include in the body a place for citizens of the community to address the commission. Each citizen has the right to request a place on the agenda to address the commission on any item before the commission.
- D. Make studies and project plans for improvement of the City with a view for future development and growth.
- E. Recommend to the City council all matter for the development and improvement of the City's facilities.

- F. Recommend plans of the whole or portion of the City of Nolanville and of land outside the city limits but located within the planning area, and any other area outside the city limits but located within the planning area and any other outside the City of Nolanville which in the opinion of the commission, bears a relation to the planning of the City and to make changes in the additions and extensions plans and maps within the City as it deems necessary.
- G. Plan and recommend the locations, scope, character, and standards for streets, roads, alley ways, viaducts, bridges, automobile parking spaces, utilities, public buildings, schools, parks, playgrounds, railroads, water, lights, sanitation, sewage, sewage disposal, drainage, flood control, transportation, transportation terminals, communications, marketing and shipping facilities, power and other facilities, and for the removal, relocation, widening, extension, narrowing, vacating, abandoning or changing the use of any of the aforesaid public places, facilities, and utilities.
- H. To recommend to the City Council routes of streets, avenues, and boulevards, including the opening, closing, widening, and abandoning the same or of any alley or the changing thereof to conform with the city's system, present and future with reference to the traffic, land use and public facilities.
- I. To recommend to the City council, plans for the clearance of slums and blighted areas, the prevention of the spread of blight and dilapidation and recommend improvement of housing conditions.
- J. To make any recommendations concerning future zoning plans.
- K. To recommend to the City council, from time to time, passage of such ordinances as may be necessary to carry out the commissions program.
- L. To make recommendations for ordinances.

Section 6 Final Decisions

- A. The City Council of the City of Nolanville will and shall make all final decisions on all matters passed by the commission other than appointment and removal of members.

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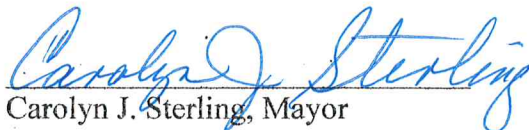
Section 7. Repeal prior ordinances

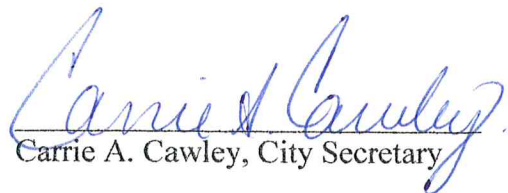
- A. Ordinance 6016 shall replace previous Planning and Zoning Ordinances in their entirety.

Section 8. Savings Clause

- A. Any part, subdivision, paragraph, clause, phrase or sentence of this ordinance or the application of the same to a particular set of persons or Circumstances should for any reason, be held invalid, such invalidity shall in no way affect the remaining portions of this ordinance and to such end the various division of this ordinance are declared to be server able.

Passed and approved this 1st day of NOVEMBER, 2007 by the City of Nolanville.


Carolyn J. Sterling, Mayor


Carrie A. Cawley, City Secretary

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