

Ordinance No. 2014.09B
Village of Salado
County of Bell
State of Texas

**PLANNING AND ZONING COMMISSION AND ZONING BOARD OF ADJUSTMENT
MEMBERSHIP AND AUTHORITY AMENDMENTS**

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, AMENDING ARTICLE II, SECTIONS 2.2 AND 2.3 OF ORDINANCE NO. 2013.08, ZONING ORDINANCE, TO REVISE THE PLANNING AND ZONING COMMISSION MEMBERSHIP REQUIRMENTS, AND TO ALLOW THE VILLAGE BOARD OF ALDERMEN TO ACT AS THE ZONING BOARD OF ADJUSTMENT; PROVIDING FOR FINDINGS OF FACT, ENACTMENT, SEVERABILITY, REPEALER, CODIFICATION, AND EFFECTIVE DATE.

WHEREAS, the Village of Salado (“Village”) seeks to establish efficient regulations for the development of land in the Village limits; and

WHEREAS, the Village finds that revising the membership of the Planning and Zoning Commission and the Zoning Board of Adjustment is necessary for fair and streamlined review of land development approvals; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, a general-law municipality, such as the Village, has the authority to establish a zoning commission and a board of adjustment; and

WHEREAS, pursuant to Chapter 51 of the Texas Local Government Code, the Board of Aldermen find that the amendments in this Ordinance are for the good government, peace, or order of the municipality.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Village of Salado, Texas:

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

Article II, Sections 2.2 and 2.3 of Ordinance No. 2013.08 are hereby amended, and after such amendment, shall read in accordance with *Attachment “A”*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be

inserted into the Code and any struck-through text shall be deleted from the Code, as stated on Attachment "A".

3. REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 11th day of December 2014, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the Board of Aldermen of the Village of Salado, Texas.

THE VILLAGE OF SALADO, TEXAS:

by: 
Mayor Skip Blancett

ATTEST:

Randy Stoneroad, City Secretary

VILLAGE OF SALADO

VILLAGE ORDINANCES

Zoning Ordinance, no. 2013.08

Article II: Zoning Procedures and Administration

Section 2.2: Planning and Zoning Commission

A. General:

1. The Planning and Zoning Commission (also referred to as the "Commission") shall function according to the following criteria that establish membership and operating procedures.

B. Created; Membership; Officers; Rules & Bylaws:

1. There is created, in accordance with Chapter 211 of the Texas Local Government Code, the "Planning and Zoning Commission", hereafter sometimes referred to as the "Commission", which shall consist of five (5) people residing within the Village of Salado or in the Village's ETJ. ~~At least three (3) members of the Commission must reside within the Village of Salado.~~ There shall may be two (2) alternates made up of residents who reside within the Village limits.
2. Members shall be nominated by the Aldermen of the Village of Salado, and each person so nominated must be approved by a simple majority vote of the Board of Aldermen before being appointed as a member of the Commission.
3. All appointments to the Commission shall serve as a member of the Commission for a term of office of two (2) three (3) years, except as noted below. Members may be reappointed for up to a total of two (2) with no limitation on the number of terms one member may serve. Upon adoption of this ordinance, the Board of Aldermen shall appoint two (2) members to two (2) year terms, and three (3) members to three (3) year terms. After the initial terms expire, all members shall serve three (3) year terms. Members may serve staggered 2-year terms.
4. Any vacancy(s) on the Commission shall be filled via appointment by a simple majority vote of the Board of Aldermen.

5. Members of the Planning and Zoning Commission may be removed from office at any time by a simple majority vote of the full Board of Aldermen either upon its own motion or upon recommendation of the Planning and Zoning Commission. Failure to attend three (3) consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control such as sickness of the member or someone within the member's immediate family. A vote to remove a Commission member shall be placed on the appropriate agenda as a regular item, and shall be voted upon accordingly.
6. The members of the Commission shall regularly attend meetings and public hearings of the Commission, shall serve without compensation, and shall not hold any other office within, or serve as an employee of, the Village while serving on the Commission. The Commission shall meet a minimum of once per month at a time established by the Board of Aldermen. If there have been no applications filed for review by the Commission and there is no other business to be discussed, the Village Administrator may direct the Village Secretary shall to notify the Chairman and no meeting shall will be required for that month.
7. The Chairperson and a Vice-Chairperson shall be appointed by the Commission membership, and each officer shall hold office for one (1) year or until replaced by a simple majority vote of the full ZBA Commission or full Board of Aldermen. The Mayor/Village Administrator's designee shall serve as Secretary to the Commission, and shall keep minutes of all meetings held by the Commission as well as the full record of all recommendations made by the Commission to the Board of Aldermen.
8. The Commission shall have the power to make rules, regulations and bylaws for its own governance, which shall conform with those set forth by the Board of Aldermen, and such rules, regulations and bylaws shall be subject to approval by the Board of Aldermen. Such rules and bylaws shall include, among other items, provisions for the following:
 - a. Regular and special meetings, open to the public;
 - b. A record of its proceedings, to be open for inspection by the public;
 - c. Reporting to the Board of Aldermen and the public, ~~from time to time and bi-~~ annually; ~~and~~
 - d. Reviewing the Comprehensive Plan annually with a full update every five years;
 - e. Reviewing Master Plans and Land Use and Development Ordinances; and
 - f. Required training in conformance with all laws.

Section 2.3: Zoning Board of Adjustments

A. Creation

1. There is hereby created a Zoning Board of Adjustments, hereafter referred to as the "ZBA", for the purpose, in appropriate cases and subject to appropriate conditions and

safeguards, to make special exceptions to the terms of this Ordinance that are consistent with the general purpose and intent of this Ordinance. The ZBA may be composed of the members of the Board of Aldermen of the Village of Salado as authorized by Chapter 211.008(g) of the Local Government Code.

B. Members; Terms of Office

1. The Zoning Board of Adjustments may consist of members of the Board of Aldermen, and shall operate in accordance with Sections 211.008 through 211.011 of the Texas Local Government Code, as amended. The Board of Aldermen may also choose by a simple majority vote to appoint Zoning Board of Adjustments members.

The ZBA shall consist of the five (5) people residing within the Village of Salado Board of Aldermen and the Mayor. Up to 4 alternate members may be appointed to serve in the absence of one or more of the regular board members on an Alternating basis such that all alternate members have equal opportunities to serve on the board. Alternate members shall be appointed in the same manner as regular members, by the Board of Aldermen by a simple majority vote. The city administrator may also designate alternate board of adjustment members to participate in a particular board of adjustment meeting in the absence of members of the board of adjustment. Alternate board of adjustment members shall count toward the establishment of a quorum, and have full voting rights during the meeting for which the alternate is designated.

- ~~2. Each person nominated by the Board of Aldermen to be a ZBA member must be approved by a simple majority vote of the Board of Aldermen before being appointed as a member of the Commission.~~

- ~~2. Members of All appointments to the ZBA shall serve as a member for a term of office of two (2) years. Members may be reappointed with no limitation on the number of terms one member may serve, to run concurrently with the member's term of office as members of the Board of Aldermen. The Zoning Board of Adjustments shall elect a Chairperson and a Vice-Chairperson from among its membership, and each officer shall hold office until replaced by a simple majority vote of the full ZBA. The Mayor/Village Administrator's designee shall serve as Secretary to the Zoning Board of Adjustments, and shall keep minutes of all meetings held by the ZBA.~~

- ~~3. The Zoning Board of Adjustments shall have the power to make the rules, regulations and bylaws for its own government.~~