

ARTICLE VI. - PLANNING AND ZONING<sup>4</sup>

Footnotes:

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**State Law reference**— Planning and zoning, V.T.C.A., Local Government Code § 211.001 et seq.

Section 6.01. - Planning and Zoning Commission.

The Council shall appoint a Planning and Zoning Commission which shall consist of seven (7) members. Each member shall be a qualified voter at the time of appointment and shall be a resident within the corporate limits of the City of Seabrook and shall have been a resident for a period of twelve (12) months prior to appointment. He or she shall hold no other position elective, appointive, or salaried in the City government, and shall serve without pay. The Mayor, the City Manager, the City Engineer and other ex officio members as the Council, by resolution, may provide, shall serve as nonvoting members of the Commission. All actions of this Commission shall be in accordance with Chapter 13 of Title 28 of the Revised Civil Statutes of Texas, 1925 [V.T.C.A., Local Government Code §§ 211.001 et seq., 212.001 et seq.], as now or hereafter amended.

(Election of 5-7-2005)

**State Law reference**— Planning and zoning commission, V.T.C.A., Local Government Code § 211.007.

Section 6.02. - Term of office.

Four (4) members appointed to the first commission under this Charter shall serve until January 1, 1982, and three (3) members shall serve until January 1, 1981. Thereafter, each member shall be appointed for a term of three (3) years, with four (4) terms commencing on January 1 of even-numbered years and three (3) terms commencing on January 1 of odd-numbered years. Vacancies occurring in the Commission, for whatever reason, shall be filled by appointment by the Council, for the remainder of the unexpired term.

Section 6.03. - Rules of procedure.

The Commission shall elect a Chairperson and Vice-Chairperson and shall establish its own rules of procedure. A quorum shall consist of four (4) members of the Commission qualified and serving. All meetings shall be open to the public and a record of all proceedings shall be kept. The record shall be filed with the City Secretary and shall be public record.

Section 6.04. - Powers and duties.

- (a) Formulate comprehensive planning guidelines containing the Commission's recommendations for criteria for growth, development, and beautification of the City. The planning guidelines shall be forwarded to the City Manager who shall submit the planning guidelines to the Council with his or her recommendations within ninety (90) days after receipt. The Council may adopt these planning guidelines as a whole or in parts and may amend the planning guidelines after at least one (1) public hearing on the proposed action. The Council shall act on the planning guidelines, or part thereof within ninety (90) days following its submission by the City Manager. If the planning guidelines, or part thereof, should be rejected by the Council, the Planning and Zoning Commission may modify the planning guidelines, or part thereof, and again forward it to the City Manager for submission to

the Council. All amendments to the comprehensive planning guidelines recommended by the Planning and Zoning Commission shall be submitted to the Council in the same manner as that outlined above, and all recommendations to the Council from any City department affecting the comprehensive planning guidelines must be accompanied by a recommendation from the Planning and Zoning Commission.

- (b) Approve or disapprove subdivision plats as provided by State law and City ordinance.
- (c) Draft and recommend to the Council for adoption an official map of the City. Said map to be updated or required to reflect previously approved changes authorized under provisions of this Charter.
- (d) Make and recommend to the Council for adoption a zoning plan and recommend or disapprove proposed changes in such plan.
- (e) Recommend to the Council for adoption a building code which shall include the minimum standards of construction of buildings, and the minimum standards for plumbing, wiring and gas piping.
- (f) Meet not less than once each month at City Hall unless prior notice of change of meeting place be given in accordance with Section 11.12.
- (g) Perform such other duties and be vested with such other powers as the Council shall from time to time prescribe.
- (h) The guidelines to be formulated shall be supplemental to the Comprehensive Master Plan which Master Plan and guidelines shall guide and assist the Commission and the Council in interpreting and enforcing the Zoning Ordinance.

(Charter Election of 5-8-2010)

Section 6.05. - Platting of property.

Hereafter, every owner of any tract of land situated within the corporate limits of the City and its extraterritorial jurisdiction who may divide the same in two (2) or more parts for the purpose of laying out any commercial, industrial, or residential subdivision or any addition to the City, shall comply with the provisions of the regulation of subdivisions subchapter of Chapter 212 of the Texas Local Government Code [V.T.C.A., Local Government Code § 212.001 et seq.] as now or hereafter amended.

**State Law reference**— Subdivision of land, V.T.C.A., Local Government Code § 212.001 et seq.

Section 6.06. - Development of property.

No expenditure of public funds shall be authorized by the Council for the development of privately owned property within or beyond the corporate limits of the City, except for the extension of utilities or service to such areas within the city limits.

Section 6.07. - Zoning ordinances, rules, and regulations.

The Council shall pass all ordinances, rules and regulations necessary to implement and govern the zoning of the City. Such zoning shall incorporate the zoning plan prepared by the Planning and Zoning Commission and approved by Council and all changes to the zoning plan prepared by the same Commission and approved by Council.

Section 6.08. - Board of Adjustment.

The Council shall appoint a Zoning Board of Adjustment of five (5) members and additional alternates as determined by Council. Each member shall be a qualified voter at the time of appointment and shall be a resident within the corporate limits of the City of Seabrook and shall have been a resident

for a period of twelve (12) months prior to appointment. He or she shall hold no other position in the City government other than the Building and Standards Commission or as allowed by law and shall serve without pay. Term of office shall be two (2) years and shall be filled in the manner described for Planning and Zoning Commission in Section 6.02 above. Rules of procedure shall be the same as those described in Section 6.03 above. The Board shall have all applicable powers granted in V.T.C.A., Local Government Code § 211.001 et seq., as now or hereafter amended, which shall include the power to hear and determine appeals from refusal of building permits, and to permit exceptions or variations from the zoning regulations in classes of cases or situations in accordance with the principles, conditions, and procedures specified in the zoning ordinance.

(Election of 5-7-2005; Charter Election of 5-8-2010)

**State Law reference**— Board of adjustment, V.T.C.A., Local Government Code §§ 211.008—211.011.