

Planning & Zoning Commission Role & Authority



STATE LAW – Chapter 211

§ 211.001. Purpose

The powers granted under this subchapter are for the purpose of promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance and significance.

STATE LAW

§ Sec. 211.007(a) To exercise the powers authorized by state law, City Council must appoint a planning and zoning commission. The City shall recommend boundaries for the original zoning districts and appropriate zoning regulations for each district.

§ Sec. 211.007(b) The planning and zoning commission shall make a preliminary report and hold public hearings on that report before submitting a recommendation to the City Council.

The City Council may not hold a public hearing or take action until it receives the recommendation of the planning and zoning commission.

City Charter Planning & Zoning

- Consistent with all applicable Federal and State laws with respect to land use, development and environmental protection, the City Council shall:
 - 1. Establish a Planning and Zoning Commission to carry out the planning function and such decision-making responsibilities as may be specified by ordinance;
 - 2. Adopt a comprehensive plan and determine to what extent zoning and other land use control ordinances must be consistent with the plan; and
 - 3. Adopt development regulations, to be specified by ordinance, to implement the plan.

Planning and Zoning Rules

- P&Z shall consist of at 9 members who are appointed by City Council.
- 3 year terms of 3 members are staggered and shall start in June.
- Chair is appointed by the Mayor and Vice Chair and Secretary are to be elected by the P&Z members each year at the first meeting in June.
- Regular meetings shall be on the first Monday of each month.
- Eligible members must reside within the City limits or within the extraterritorial jurisdiction of the City of Boerne. Members are subject to the City of Boerne's Ethics Ordinance. The commission shall comply with the Texas Open Meetings Act.

Conflict of Interest/Recusal

A member shall recuse himself/herself from voting whenever he/she finds the following conditions to exist:

- (1) A personal or monetary interest in the property under appeal;
- (2) He/she will be directly affected by the decision of the City ;
- (3) Whenever any applicant, or his/her agent, has sought to influence the vote of the member on his application, other than in the public hearing.

P&Z Duties & Powers

- Prepare and recommend adoption to the city council a city *masterplan* for the orderly growth and development of the city and, from time to time, recommend changes to the city plan.
- Prepare and recommend subdivision regulations and zoning *plan* to carry out the goals of the city *masterplan*;
- Hold public hearings and make recommendations to the city council relating to the creation, amendment, & implementation of zoning regulations & districts.
- Exercise all powers as to the approval or disapproval of plans, plats, or replats and vacations of plans, plats, or replats. As per Tex. Loc. Gov't Code Section 212.009.

P&Z Duties & Powers

- Prepare and recommend adoption of urban conservation, rehabilitation and redevelopment programs allowed by state law;
- Report on planning and zoning problems that are referred for review by the City Manager or the City Council.
- Prepare such surveys, reports and studies as are required for the above and other authorized purposes.
- Initiate for consideration at public hearing all proposals for the opening, vacating, or closing of public rights-of-way, parks, or other public places; zoning of annexed areas; and for the change of zoning district boundaries.

P&Z - Subdivision Regulations

- The municipal authority responsible for approving plats shall act on a plat within 30 days after the date it is filed (as per our ordinance complete submittal date is filing date) . If the municipal authority does not disapprove the plat within 30 days after it is filed, then it is considered approved. Tex. Loc. Gov't Code §212.009(a).
- The 30-day time limit for action by the planning commission means that a plat cannot simply be tabled or delayed by some other procedural device. If a plat is not disapproved within 30 days after it is filed, it is considered approved by operation of law.

Subdivision Regs. Cont.

- The municipal authority responsible for approving plats shall maintain a record of each application made by the authority, and the authority's action taken on it. On request of an owner of an affected tract, the authority shall certify the reasons for the action taken on the application. Tex. Loc. Gov't Code §212.009(e).
- **Caution:** There is no express statutory authority for a municipality to table or postpone action on a plat in a manner that exceeds the statutory deadlines described above. If a municipality is inclined to delay action on a plat so that certain details can be resolved, the municipality should ask the applicant if the applicant wants to seek postponement. If the applicant does not agree to postponement, the 30 day deadline applies.

City Masterplan



- Establish a masterplan for the orderly growth and development of the City.
(Should have public input)
- City Council with input from P&Z creates this masterplan.
- Includes:
 - Proposed zoning designations;
 - Descriptive uses
 - Include City and ETJ

City Masterplan



- If you have a masterplan, must adopt zoning regulations in accordance to plan. [Sec. 211.001](#)
- Zoning decisions are easier to defend if consistent w/masterplan.
- Masterplan should be updated periodically.
- City should look to staff to guide its determination that its official actions are consistent with the comprehensive plan and to “tie” the plan to individual zoning decisions.

Goals of Masterplan

- Lessen congestion
- Secure safety from fire, panic & other dangers
- Promote health & general welfare
- Adequate light and air
- Prevent overcrowding
- Provide for transportation, water, sewage, schools, parks & other public necessities [Sec. 211.004](#)

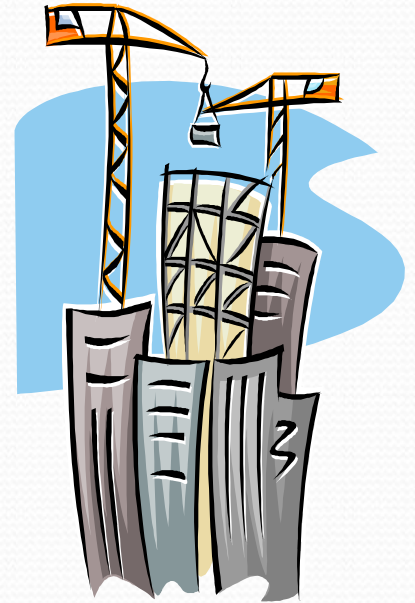
Zoning Regulations

- Zoning regulations must either promote public health, safety morals or general welfare or protect & preserve places of historical, cultural or architectural importance or significance.
- Evidence should be presented to show zoning rules further one of these purposes.

Zoning Regulations

Inside City Limits Can:

- Limit height of building
- Limit percentage of lot used
- Limit the amount of density
- Limit where manufacturing plants are located
- Limit alteration, reconstruction, razing of buildings in areas of historic importance



Avoiding Challenges

- Adopt and follow master plan
- Changes to plan are based on changed conditions which require amended plan
- Uniformly applied
- Notice & records of all hearings
- Limit the reduction of economic value
- No conflict of interest
- No discrimination
- Follow the law, statutes, ordinances!



QUESTIONS ?