

ORDINANCE 2025-08

AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS, AMENDING THE GATESVILLE CODE OF ORDINANCES BY ADDING CHAPTER 3, “PLANNING AND ZONING COMMISSION”; PROVIDING DUTIES AND POWERS; MEETINGS AND QUORUM; RULES AND PROCEDURES; APPLICATIONS; AND AMENDMENTS; REPEALING SECTION 4 OF ORDINANCE 1995-17; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING A SAVINGS CLAUSE.

WHEREAS, the City of Gatesville is a Home Rule Municipality operating under the laws of the State of Texas; and

WHEREAS, the City Council has determined that it would be advantageous and beneficial to the citizens and developers of the City of Gatesville to characterize the Planning and Zoning Commission; and

WHEREAS, defining duties and powers, meetings and quorums, procedures, applications, and amendments; and

WHEREAS, this ordinance is repealing Section 4 of Ordinance 1995-17;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS, THAT:

SECTION 1. The findings set forth in the above preamble to this Ordinance are true and correct and are hereby adopted and incorporated herein by this reference.

SECTION 2. The Code of Ordinances of the City of Gatesville, Texas is hereby amended adding a Chapter 3 “Planning and Zoning” which shall read in its entirety as follows:

ARTICLE I. PLANNING AND ZONING COMMISSION

Sec. 48-150. - GENERAL

This Chapter addresses the duties and responsibilities of the Planning and Zoning Commission, hereafter referred to as “the Commission”, and other such officials and agencies, with respect to the administration of this code. The establishment of the Commission shall be in accordance with the policies and procedures as set forth in state law.

Sec. 48-151. - ESTABLISHMENT OF THE COMMISSION

Terms for members

The Commission shall consist of seven members, for two-year terms each. The terms of office for the Commission members shall be staggered at intervals so as to provide continuity in policy and personnel.

1. The terms of four (4) of the members shall begin on May 1st of each odd-numbered year and expire on April 30th two years thereafter and the terms of three of the members shall begin on May 1st of each even-numbered year and shall expire on April 30th two years thereafter.
2. The members of the Commission shall be identified by place numbers one (1) through seven (7). The odd-numbered places shall expire in odd-numbered years and the even places shall expire in even-numbered years.

Compensation

Members of the Commission shall serve without compensation, except for reimbursement for authorized expenditure as attendant to the performance of their duties and shall not hold any other office or position with the City while serving on the Board.

Selection of Members

Members shall be appointed and approved by the City Council by Resolution.

- a) **Members shall have the following qualifications:**
 1. **Own property within the city limits and;**
 2. **Resident citizen or ETJ citizen within 5 miles of the city limits and;**
 3. **Not indebted to the City of Gatesville (taxes paid, no citations, no code violations, no liens).**
- b) The Council may appoint members to fill unexpired terms in the case of vacancies for any member whose term is not completed. A member shall continue to serve until a successor has been appointed and approved by the City Council.
- c) Appointments shall be made at the second council meeting during April or as soon thereafter as practical, and the terms of office shall commence on May first. No member shall be appointed for a single term in excess of two years. Newly appointed members shall be installed at the first regular Commission meeting after their appointment.

Removal

Members of the Commission shall be removed for cause by the Council upon written charges after a public hearing before the Council following reasonable notice of the charges. Members may be removed by City Council following three consecutive unexcused absences or more during their term. A vacancy on the Commission shall be filled for the unexpired term.

Commission Liaison

The Zoning Code Official shall serve as liaison to the Commission. The Zoning Code Official shall have the right to attend all meetings and take part in all discussions but shall not vote on Commission decisions.

Chairperson Election and Rules Adoption

The Commission shall hold an organizational meeting in May of each year and shall elect a Chairman and Vice-Chairman from among its members before proceeding to any other matters of business. The Commission shall meet regularly and shall designate the time and place of its meetings, as stipulated hereinafter. The Commission shall adopt its own rules of procedure and keep a public record of its proceedings consistent with the provisions of this ordinance and the requirements of the law.

Commission Secretary

A secretary to assist the Commission shall be appointed by the Zoning Code Official. The secretary shall keep minutes of the Commission meetings for public record and conduct all correspondence, including the notification of decision. The secretary shall certify records. The secretary shall prepare and submit the minutes of Commission meetings to the chairperson and the Commission.

Sec. 48-152. - DUTIES AND POWERS

Comprehensive Plan

It shall be the duty of the Commission, after holding public hearings, to recommend to the City Council with Staff recommendation a comprehensive plan for the development of the City, which shall be permitted to include areas outside of its boundaries that bear consideration to the planning jurisdiction. The Commission shall be permitted to recommend amendments to the comprehensive plan regarding the administration or maintenance of this code with Staff recommendation.

Zoning Code

It shall be the duty of the Commission to develop and recommend to the City Council for its adoption a zoning code, in accordance with the guidelines of the comprehensive plan, establishing zoning districts within the City with Staff recommendation. Such a code shall be made in regards to the character of each district and the most appropriate use of land within the City. The Commission shall make periodic reports and recommendations to the City Council with Staff recommendations.

Division of Land Regulations

It shall be the duty of the Commission to develop and certify regulations governing the division of land. Divisions of land shall be in accordance with the adopted regulations. The Commission shall also approve or disapprove plans, plats, or re-plats and vacating of plans, plats or re-plats set out in statutes of the State of Texas, and with consideration for the requirements of the City's Subdivision Ordinance, Standard Construction Specifications, and Design Criteria.

Conditional-Use Permits [Special Use Permits (SUP)]

It shall be the duty of the Commission to review all conditional-use permit applications and provide the City Council with a recommendation. The application shall be accompanied by maps, drawings, or other documentation in support of the request. The granting of a conditional-use permit shall not exempt the applicant from compliance with other relevant provisions of related ordinances. Each zoning district shall specify which conditional uses may be permitted upon review.

Official Zoning Map

The City Council shall adopt an official zoning map for all areas included within the City based upon the recommendation of the Commission. The Commission shall initiate for consideration at public hearings all proposals for the original zoning of annexed areas; and any change of zoning district boundaries on an area-wide basis with Staff recommendation.

Variances

To authorize upon appeal in specific cases such variance from the development controls set forth in this ordinance will not be contrary to the public interest. In reaching its decision the Board shall not grant the variance appeal if it finds:

1. That the literal enforcement of the controls will not create an unnecessary hardship or practical difficulty in the development of the affected property, or
2. That the situation causing the hardship or difficulty is neither financial in nature, not unique to the affected property or is self-imposed, or
3. That the relief sought will injure the permitted use of adjacent conforming property,
or

4. That the granting of the variance will not be in harmony with the spirit and purposes of this ordinance.

Other

It shall be the responsibility of the Commission to perform other duties as the City Council may designate.

Sec. 48-153. - MEETINGS AND QUORUM

General

A quorum for the conduct of business shall consist of four members of the Commission. The members shall regularly attend meetings and public hearings of the Commission and shall serve without compensation, except reimbursement of authorized expenses attendant to the performance of their duties. The Commission shall meet monthly, unless deemed not necessary, at a regularly scheduled time on regularly scheduled dates, and shall conduct special meetings and hearings as may be necessary. A minimum of four (4) votes shall be required for approval of any motion before the Commission.

Agenda

An agenda shall be prepared by the Secretary for each meeting of the Commission. A copy of the agenda shall be posted in the City Hall as required by law for a period of three full calendar days not counting the day of the meeting or the day of posting.

Regular Meetings

Regular meetings shall be held on the first Monday at the established time at a location designated by the Commission.

Special Meetings

Special meetings for any purpose may be held: on the call of the Chairman; or on request of two or more members having given written notice to all members deposited in the mail at least 72 hours before the meetings; or as may be scheduled by a majority of the Commission at any previous meeting. The time and place of the special meeting shall be determined by the convening authority.

Public Meetings

All meetings shall be held in full compliance with the provisions of State law, ordinances of the City and these Rules of Procedure. Any party in interest may appear in their own behalf or be represented by counsel or agent.

Planning Sessions

The Commission may be convened as a committee of the whole in the same manner as prescribed for the calling of a special meeting for the purpose of holding a planning session provided that no official action shall be taken there, and no quorum shall be required.

Sec. 48-154. - RULES AND PROCEDURE

Order of Business

The chairman shall call the Commission to order, and the members present and absent shall be recorded. The minutes of any proceeding meeting shall be submitted for approval. The public shall be advised of the procedures to be followed in the meeting. The Secretary shall publicly advise the Commission of any communications received pertaining to any matter before the Commission. The Commission shall then hear and act upon those proposals scheduled for consideration or public hearing together with such other matters of business and report as the Commission requires.

Procedure

First - The Commission shall call, or cause to be called by the secretary, each proposal in such order as to be in accord with the hearing time specified in the notice of public hearing.

Second - The Chairman shall next call on the staff for a factual summary and presentation relative to the proposal and shall afford the staff an opportunity to call to the attention of the Commission any additional pertinent communications.

Third - The Chairman shall then call on persons present who wish to speak for or against the proposal and shall direct that they speak in the following order:

1. The applicant and/or their representative,
2. Those persons in support,
3. Those persons in opposition. Whenever necessary the chairman shall direct that all remarks shall be germane to the proposal. No rebuttal shall be permitted by either side, but the Commission may direct questions to any speaker in order to clarify statements and facts presented.

Fourth - The Chairman shall then declare the public presentation or hearing closed, as to that proposal.

Disqualification from Voting

A member shall disqualify himself from voting whenever he or she finds that they have a personal interest in the property under appeal or will be directly affected by the decision of the Commission.

A member may disqualify themselves from voting whenever any applicant, or their agent, has sought to influence the vote of the member on their application, other than in the public hearing.

If a member does disqualify themselves, they must fill out and sign an Abstention Affidavit.

Rules of order

~~Roberts Rules of Order, the latest revision, shall be the Commission's final authority on all questions of procedure and parliamentary law not covered by this code.~~

Sustentation of Rules

~~Any provision of these rules not governed by City Ordinance may be temporarily suspended by a favorable two-thirds vote of all members of the Commission, which vote shall be entered upon the minutes.~~

Motions

- a) A motion may be made by any member except the presiding officer.
- b) A motion to approve any matter before the Commission or to recommend approval of any request requiring Council action shall require a minimum of four affirmative votes by the Commission.
- c) When fewer than all members are present for voting and when all motions to recommend on a given application fail to carry a majority of votes, consideration of the application shall be continued to the next regular meeting upon motion carried by a majority of those present.
- d) No request or application shall be continued under this rule beyond the next regular meeting; failure of the Commission to secure a majority of concurring votes to approve or recommend approval at said next regular meeting shall be recorded in the minutes as a denial of the proposal under this rule.

Action by the Commission

The concurring vote of four members of the Commission shall be necessary to decide in favor of the applicant on any matter upon which the Commission is required to pass or recommend under this ordinance.

Sec. 48-155. - APPLICATIONS

Applications

An application requiring Commission action or recommendation shall be made in writing using forms prescribed by the city and shall be accompanied by an application fee in

accordance with the City Council's adopted fee schedule, and any information as may be requested to properly review the application. Applications shall be complete in all respects before being accepted for filing.

Schedules and Instructions

Every proposal or request for Commission action or recommendation shall be filed, processed and considered in accordance with specific schedules and instructions adopted as Chapter 48 - Subdivisions Rules of Procedure, and to the pertinent requirements of the City's Subdivision Ordinance and Rules.

Submission of Supporting Information

Information supporting a request or recommendation to approve or disapprove any proposal before the Commission shall be submitted only through the City Secretary in writing or to the Commission in a public meeting.

Proposal Withdrawal

When any applicant desires to withdraw their proposal, they may do so by filing a written request to that effect with the City Secretary.

- a) Such request shall be effective upon the date of its official receipt, provided that no such request shall be valid after notices have been mailed, except on action of the Commission.
- b) Withdrawal of a proposal at any stage of its processing shall terminate all consideration of it by the City, and the case file shall then be closed.

Official Submission Date and Completeness of Application

The "official submission date" shall be the date on which a complete application of a zoning change request (that contains all elements and information required by this Code) is submitted to the Zoning Code Official.

- a) No application shall be considered officially submitted until the Zoning Code Official determines that the application is complete and the appropriate fee received.
- b) Failure by the Zoning Code Official to make a determination of incompleteness within 10 calendar days following the date on which the application was first received by the City shall result in the application being deemed complete and the official submission date shall become the 11th calendar day following initial receipt of the application by the City.
- c) Applications which do not include all required information shall be considered incomplete, shall not be accepted for official submission and shall not be scheduled

on the Commission agenda until the proper information is provided to the Zoning Code Official.

Repeat applications

No application for a request may be received or filed, if six months prior thereto, the same request has been denied.

Time limitations

Where a request is granted by the Commission under this ordinance and no action is taken within one year after the date of the hearing thereon, said request becomes null and void and of no force or effect.

Appeals

Any person with standing aggrieved by any decision of the Commission shall have the right to make such appeals as shall be permitted to be provided by this code or state law. Such appeals shall be based on the record.

Sec. 48-156. - AMENDMENTS

General

The City Council may from time to time, after receiving a final report thereon by the Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the Official Zoning Map. Any Ordinance regulations or Official Zoning Map amendments may be ordered for consideration by the City Council, the Commission, or requested by the owner of real property or the authorized representative of an owner of real property.

Application

Each application for a change to the Official Zoning Map or for an amendment or change to the existing regulations of this Zoning Ordinance shall be made in writing on an application form available at the City, filed with the City and shall be accompanied by payment of the appropriate fee as established by the City. Applications for a change to the Official Zoning Map must be signed by the owner of the property, when not initiated by the Commission or to the City Council.

Planning and Zoning Commission

The Planning and Zoning Commission shall hold a Public Hearing at which parties in interest and citizens have an opportunity to be heard. For Amendments to the regulations of the Zoning Ordinance notice of the Public Hearing shall be placed in the official

newspaper or a newspaper of general circulation in the City before the 15th day before the date of the hearing. For Amendments to the Official Zoning Map written notice of the Public Hearing shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property affected by the proposed change of zoning classification and real property owners within 200 feet of the property on which the change in classification is proposed. The notice may be served by its deposit in the City, properly addressed with postage paid, in the United States mail before the 10th day before the date of the hearing. After the Public Hearing the Commission shall submit a final report to the City Council for approval or disapproval of any proposed amendment.

Planning and Zoning Commission Consideration and Report

The Planning and Zoning Commission, after the public hearing is closed, shall prepare its report and recommendations on the proposed change stating its findings, its evaluation of the request and of the relationship of the request to the Comprehensive Plan.

City Council

After Planning and Zoning Commission consideration the amendment shall be presented to the City Council for final action. City Council shall hold a Public Hearing before acting on any amendment to the Zoning Ordinance or Official Zoning Map. Notice of the Public Hearing shall be placed in the official newspaper or a newspaper of general circulation in the City before the 15th day before the date of the hearing.

- a) The affirmative vote of three-fourths of all members of City Council is required for the approval of any proposed change to the Official Zoning Map when it is opposed in writing and signed by the owners of at least 20 percent of either: the area of the lots or land covered by the proposed change; or the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area. In computing the percentage of land area, the area of streets and alleys shall be included.
- b) The City Council may not hold a public hearing until it receives the final report of the Commission, unless the public hearing will be held jointly by the Commission. In either case, the City Council may not act on the matter until it receives the final report of the Commission.

Other Public Hearing Notice Considerations

If the City Council conducts a hearing, the City Council may, by a two-thirds vote, prescribe the type of notice to be given of the time and place of the public hearing.

- a) Notice requirements prescribed under this subsection are in addition to the notice requirements listed above.

- b) The City Council, by a two-thirds vote, may prescribe the type of notice to be given of the time and place of a public hearing held jointly by the City Council and the Commission.

SECTION 3. If any section, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance, or the application thereof to any person or under any circumstances is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council of the City of Gatesville, Texas, hereby declares it would have enacted such remaining portions despite any such invalidity.

SECTION 4. It is officially found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and public notice of the time, place and purpose of this meeting was given as required by law.

SECTION 5. This Ordinance shall become effective immediately upon its passage and approval.

The foregoing Ordinance No. 2025-08 was read the first time and passed to the second reading this ____ day of _____, 2025.

The foregoing Ordinance No. 2025-08 was read the second time and passed to the third reading this ____ day of _____, 2025.

The foregoing Ordinance No. 2025-08 was read the third time and was passed and adopted as an Ordinance to the City of Gatesville, Texas, this ____ day of _____, 2025.

BY: _____
GARY M. CHUMLEY, MAYOR

ATTESTED:

APPROVED AS TO FORM:

HOLLY OWENS, T.R.M.C.
CITY SECRETARY

VICTORIA THOMAS
CITY ATTORNEY