

4/12

ORDINANCE NUMBER 2016-007

AN ORDINANCE BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERLIN, TEXAS ESTABLISHING STRUCTURE, DUTIES AND TERMS, AND SETTING A MISSION STATEMENT, GUIDELINES AND APPOINTMENT OF MEMBERS FOR THE PLANNING AND ZONING COMMISSION OF THE CITY OF NEW BERLIN, TEXAS. THIS ORDINANCE REPLACES ORDINANCE 99-004

WHEREAS, the City of New Berlin, Texas intends to ensure the orderly and coordinated development of the municipality, and

WHEREAS, the City of New Berlin Texas determines that it is necessary to establish a mission statement, guidelines, duties and structure for the Planning and Zoning Commission;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD ALDERMEN OF THE CITY OF NEW BERLIN, TEXAS:

Section 1. SHORT TITLE

This ordinance shall be known as the "PLANNING AND ZONING ORDINANCE."

Section 2. PURPOSE

A. Mission Statement.

The Planning and Zoning Commission; hereafter, known as the Commission; is responsible for planning, zoning and recommending to the Board of Aldermen future developments and related projects for the City of New Berlin, Texas.

B. Duties.

The Commission shall have and execute the following duties to the best of their ability in accordance with the City ordinances, resolutions and policies:

1. Members shall be familiar with the current ordinances, resolutions and policies of the City of New Berlin, Texas.
2. The Commission shall encourage and incentivize citizenship within the City of New Berlin, Texas.
3. The Commission shall review the following and make recommendations to the Board of Aldermen in accordance with the City ordinances, resolutions and policies:

AFTER RECORDING
RETURN TO

- i. Master Plan.
- ii. Road Projects.
- iii. Subdivision Requests.
- iv. Development Plats.
- v. Zoning.
- vi. Matters presented to it by the Mayor.

Any recommendation made by the Commission shall be subject to the approval of the Board of Aldermen.

4. The Commission may approve/disapprove or take other action, including but not limited to authorizing purchases and expenditures, without making further recommendation to the Board of Aldermen, ONLY when specifically authorized by City ordinance or resolution to take such action.

Nothing in this ordinance shall require the Commission to take any action other than making a recommendation to the Board of Aldermen.

Section 3. STRUCTURE

The Commission shall be structured within the following guidelines:

1. *Voting Members.*

The Commission shall consist of five (5) voting members; each appointed by an Alderman. Voting members shall reside on property located in whole or part within the corporate City limits of the City of New Berlin, Texas or within the Extraterritorial Jurisdiction of the City of New Berlin, Texas or within one-half (1/2) of a mile from the Extraterritorial Jurisdiction of the City of New Berlin; and be qualified voters of either Guadalupe County or Bexar County, Texas; and shall not reside within the incorporated City Limits or Extraterritorial Jurisdiction of any other City. Proof of residency shall be verified by voter registration.

2. *Non-Voting Members.*

The Mayor may serve as a non-voting member of the commission for the term the Mayor is elected to office.

An additional two (2) non-voting members may be appointed, as advisors, to the commission by the Mayor. These advisory members shall serve for the term the Mayor is elected to office. Non-voting members shall reside on property located in whole or part within either Bexar County or Guadalupe County, Texas and may not reside within the incorporated City Limits of any City in those counties other than the City of New Berlin, Texas. Proof of residency shall be verified by voter registration.

3. *Compensation.*

Members shall serve without compensation.

4. *Member Disqualification.*

Voting members may not be related within the second (2nd) degree of affinity to any other Planning and Zoning Commission member.

Voting members may not be related within the third (3rd) degree of consanguinity to any other Planning and Zoning Commission member.

5. *Officers.*

The Commission members will nominate and elect a Chairperson and Vice-Chairperson at the first (1st) Planning and Zoning Commission meeting in February of each year. Except for the beginning of the first meeting of each year, the Chairperson shall preside over each Planning and Zoning Commission meeting, and unless otherwise designated shall be the point of contact for the Commission to the Board of Aldermen and the public. The Vice-Chairperson shall serve in the same capacity as the Chairperson when the elected Chairperson is unable.

The Chairperson presiding over a Planning and Zoning Commission meeting may ONLY vote in the event to break a tie. At the first (1st) Planning and Zoning Commission meeting in February of each year the Mayor shall preside over the beginning of the meeting as honorary Chairperson until the election of a Chairperson. The Mayor nor any other non-voting member may not otherwise be elected or serve as Chairperson or Vice-Chairperson of the Commission.

6. *Quorum.*

Three (3) voting members of the Commission must be present to have a Quorum. The presence or absence of any non-voting member shall not be considered when determining a quorum.

Section 4. APPOINTMENT

Members of the Commission are appointed as stated above by the Board of Aldermen and the Mayor at the first (1st) Board of Aldermen meeting held in January of each year. Each Alderman and the Mayor, elected or re-elected to a full two (2) year term on the Board of Aldermen during the immediate prior election cycle of the January meeting, shall make their respective appoint(s) to the Commission.

Section 5. TERM

Commission members shall serve two (2) year terms; from the date of the first (1st) February Planning and Zoning Commission meeting after the December City Council meeting in which they could have been appointed through to the start of the first (1st) February Planning and Zoning Commission meeting at the expiration of two (2) years.

Upon passage of this Ordinance the current serving Aldermen and Mayor shall make their respective appointments or re-affirm their appointments to the Planning and Zoning Commission, and those appointees, the first serving Planning and Zoning Commission Members after the adoption of this Ordinance, shall serve through the end of their respective terms as designated herein based upon the term of the respective individual appointing them with the understanding that the initial appointments of members may be longer than the two (2) years as stated above, depending on when their respective appoint occurs, due to the moving of the election dates for the Board of Alderman from May to November. The initial officers of the Planning and Zoning Commission upon the passage of this Ordinance shall be nominated and elected at the first meeting of the Planning and Zoning Commission immediately following the passage of this Ordinance at which the Mayor shall preside over until the Officers are elected. See attached Exhibit A for initial appointments upon passage.

Section 6. VACANCY

Should a Commission member, during his/her term of appointment, vacate his/her position for any reason, except in the event of termination, or should there be an un-appointed Commission vacancy, the selecting Alderman or Mayor shall appoint a replacement as soon as possible to fill the vacancy on the Commission. The appointment shall occur at a Board of Aldermen meeting and the replacing Commission member shall serve from appointment through the remainder of the unexpired term. If the Alderman or Mayor who made or could have made the vacant Commission appointment is no longer in office, and there is no replacement Alderman or Mayor to make the appointment the Board of Aldermen shall appoint the replacement Commission member who shall serve through the remainder of the unexpired term.

Section 7. TERMINATION

Where a Commission member has not resigned, and does not attend three consecutive regularly scheduled monthly Commission Meetings in a row and does not notify the Commission Chairperson as to the reason(s) for non-attendance, or where a Commission member does not attend a majority of the Commission meetings in a rolling twelve (12) months the member's appointment to the Commission will be terminated in accordance with the following:

1. The Commission Chairperson shall notify, in writing, the Alderman or Mayor who appointed the member to the Commission; and
2. The Alderman or Mayor who appointed the member shall terminate the appointment of the Commission member by notifying the member and the Board of Aldermen in writing of the termination of appointment; and
3. The Alderman or Mayor who made the appointment shall appoint a new Commission member to fill the vacancy.

Ordinance 2016-007

Should the Alderman or Mayor who appointed the member take no action within forty-five (45) days after notification by the Commission Chairperson, the Chairperson shall notify the Board of Aldermen in writing and the Board of Aldermen shall terminate the appointment and may appoint a new member to fill the vacancy.

Section 8. CONFLICT

All Ordinances, Resolutions, Policies or parts thereof in conflict with the provisions of this Ordinance are hereby repealed. Any reference to either the Planning Commission or the Zoning Commission in any other Ordinance, Resolution or Policy shall be considered a reference to the Planning and Zoning Commission.

Section 9. SEVERABILITY

If any provision, section, paragraph, sub-paragraph, clause or phrase of this ordinance or the application of such to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications thereof which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 10. SAVINGS CLAUSE

This Ordinance shall remain in full force and effect, save and except as amended or repealed.

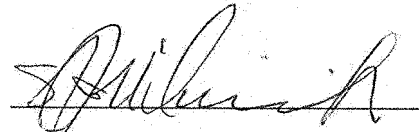
Section 11. MEETING OPEN TO PUBLIC

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

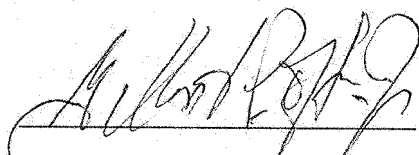
Section 12. EFFECTIVE DATE

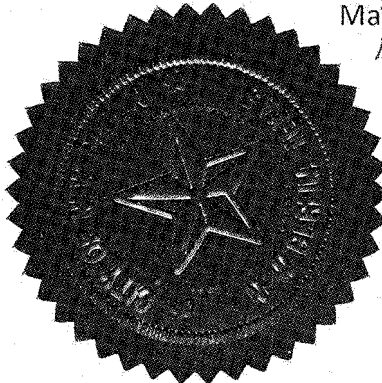
This Ordinance shall be effective upon passage as provided by law.

PASSED AND APPROVED this 17th day of October, 2016.


Mayor
NICHOLAS W. MILANDOVICH

ATTEST:

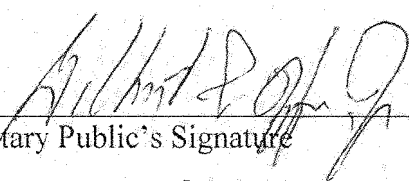

City Secretary
GILBERT P. OFFER W.R.



State of Texas
County of Guadalupe

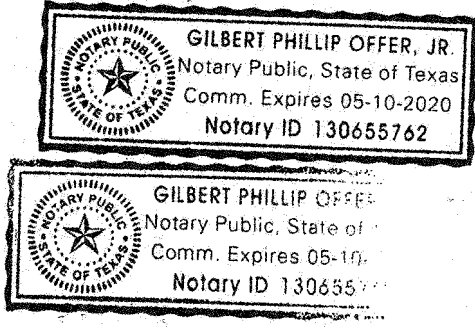
Before me, Gilbert P Offer, Jr, Notary Public, on this day personally appeared Nicholas J Milanovich, known to me, to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 17th day of October, 2016.



Notary Public's Signature

(Notary Seal)



2017002345
FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
01/30/2017 3:27:20 PM
PAGES: 6
TERESA KIEL, COUNTY CLERK
GUADALUPE COUNTY, TEXAS

 *Teresa Kiel*

Certificate of Acknowledgment
Ordinance Number - 2016-007

The following are Ordinances for the City of New Berlin to be posted in accordance with Section 52.012 of the Texas Local Government Code.

The Following are Annexation Ordinances

2014-007 Property located at 4753 Gin Rd

2015-001 Property located on FM 467

2016-002 Property located at 6779 Linne Rd

2016-003 Portion of Property located at 8270 Linne Rd

2016-004 Remainder of Property located at 8270 Linne Rd

2016-005 Property located at 7400 Linne Rd

2016-006 Property located at 7388 Linne Rd

Other Ordinances

2013-0026

AN ORDINANCE ESTABLISHING THE RULES AND REGULATION FOR DEVELOPMENT OF PROPERTY ADJOINING RECOGNIZED HISTORIC PROPERTIES IN THE CITY OF NEW BERLIN AND PROVIDING PENALTY FOR VIOLATIONS

15-003

AN ORDINANCE ESTABLISHING THE RULES AND REGULATIONS FOR PROPER DEVELOPMENT AND MANAGEMENT OF TRESS IN THE CITY OF NEW BERLIN AND PROVIDING A PENALTY FOR VIOLATIONS.

16-001

AN ORDINANCE REQUESTING A TAX ROLL FOR THE CITY OF NEW BERLIN, TEXAS, FOR THE PURPOSE OF SETTING A TAX RATE TO THE PLANNED EXPENSES THE CITY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017.

2016-007

AN ORDINANCE BY THE BOARD OF ALDERMAN OF THE CITY OF NEW BERLIN, TEXAS, ESTABLISHING STRUCTURE, DUTIES AND TERMS, AND SETTING A MISSION STATEMENT, GUIDELINES, AND APPOINTMENT OF MEMBERS FOR THE PLANNING AND ZONING COMMISSION OF THE CITY OF NEW BERLIN, TEXAS. THIS ORDINANCE REPLACES ORDINANCE 99-004.

2016-008

AN ORDINANCE BY THE BOARD OF ALDERMAN OF THE CITY OF NEW BERLIN, TEXAS, CHANGING THE DATE FOR THE GENERAL ELECTIONS OF NEW BERLIN ALDERMEN AND CITY OFFICERS TO THE UNIFORM ELECTION DATE; CHANGING THE TERM OF OFFICE FOR THE CITY MARSHAL, PROVIDING FOR THE EXTENSION OF CURRENT ELECTED CITY OFFICES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

NB VFD

POSTED ON THE 26th DAY OF JANUARY, 2017 AT 4 PM.

REMOVED

*1:30 PM
2/1/2017*

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9:05 PM 775

POSTED ON THE 26th DAY OF JANUARY, 2017 AT 6 PM.

REMOVED 12:45
2/1/2017

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9100 PM TTS
City Hall

POSTED ON THE 21st DAY OF JANUARY, 2017 AT 6 PM.

REMOVED 12 AM 2/1/2017