

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MELISSA, TEXAS, AMENDING MELISSA'S CODE OF ORDINANCES, ORDINANCE NO. 92-04, AS AMENDED, CHAPTER 12 (PLANNING AND ZONING), ARTICLE 12.100 (PLANNING AND ZONING COMMISSION); MODIFYING CERTAIN PROVISIONS GOVERNING THE PLANNING AND ZONING COMMISSION; ADDRESSING THE COMMISSION'S POWERS AND DUTIES AND COMMISSION MEMBERS' QUALIFICATIONS, APPOINTMENT, TERMS, OFFICERS, MEETINGS AND OTHER MATTERS; PROVIDING A SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Melissa, Texas finds that it would be beneficial to the citizens of the City of Melissa, Texas, to amend Melissa's Code of Ordinances, Ordinance No. 92-04, as amended ("Code of Ordinances"), Chapter 12 (Planning and Zoning), Article 12.100 (Planning and Zoning Commission), to modify certain provisions governing the Planning and Zoning Commission, as set forth below.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to the Code of Ordinances, Chapter 12 (Planning and Zoning), Article 12.100 (Planning and Zoning Commission). Article 12.100 (Planning and Zoning Commission) is amended as follows¹:

"CHAPTER 12 – PLANNING AND ZONING

...

ARTICLE 12.100 – PLANNING ZONING COMMISSION

§ 12.101 – Establishment of Planning and Zoning Commission

There is hereby created and established within Melissa a Planning and Zoning Commission which shall be subject to the jurisdiction of the City Council of Melissa.

§ 12.102 – Number of Members; Qualifications

(a) The Planning and Zoning Commission shall be composed of seven (7) members appointed by the City Council. The City Council is entitled to

¹ Additions are underlined; deletions are evidenced by ~~strikethrough~~.

appoint as many alternate members as it deems necessary and appropriate. Alternate members shall serve in the absence of one or more regular members when requested. An alternate member serves on the same terms and conditions as a regular member.

(b) The qualifications for appointment to the Planning and Zoning Commission shall be as stated in Section 9.01 of the City Charter. In addition, candidates for appointment to the Planning and Zoning Commission must have resided continuously in Melissa for 12 months immediately preceding the date the appointment is made.

§ 12.103 – Term of Office

Members shall be designated as place numbers one (1) through seven (7). The term of office shall be for two (2) years. Places one (1), three (3), five (5) and seven (7) shall be appointed to two (2) year terms ending on September 30th in odd-numbered years. Place numbers two (2), four (4) and six (6) shall be appointed to two (2) year terms ending on September 30th in even-numbered years. The Planning and Zoning Commission shall serve without compensation.

§ 12.104 – Vacancies

Any vacancy occurring during the unexpired term of a member shall be filled by the City Council for the remainder of the unexpired term .

§ 12.105 – Officers

(a) In October of each year, the Planning and Zoning Commission shall appoint from its members the Chair, Vice Chair and Secretary of the Planning and Zoning Commission to serve for one (1) year beginning in that month. All officers shall be subject to removal from office at any time by a vote of a majority of the Planning and Zoning Commission or by a vote of the majority of the City Council. A vacancy in the office of any officer shall be filled for the remaining term by a vote of a majority of the appointing authority.

(b) The Chair shall be the presiding officer of the Planning and Zoning Commission with the following authority:

- (1) Shall preside over all meetings of the Board;
- (2) Shall vote on all matters coming before the Board;
- (3) Shall have the authority, upon reasonable notice to the members of the Planning and Zoning Commission, to call a special meeting of

the Planning and Zoning Commission when in the Chair's judgment such a meeting is required; and

(4) Shall report annually to the City Council concerning the Planning and Zoning Commission's activities and proposals.

(c) The Vice Chair shall assist the Chair in directing the affairs of the Planning and Zoning Commission. In the absence or the inability to act of the Chair, the Vice Chair shall exercise the powers of the Chair.

(d) The Secretary shall keep the minutes of all meetings of the Planning and Zoning Commission, and in the Secretary's absence, the Chair shall designate another member to act as Secretary. The Secretary may accept the assistance of City personnel in taking and transcribing minutes, when available, but shall sign before presenting the same to the Planning and Zoning Commission for approval.

§ 12.106 – Meetings/Attendance/Adherence to City Council Policies relating to Boards and Commissions

The Planning and Zoning Commission shall have its regular meeting on the second Thursday of each month or at such other times as the Planning and Zoning Commission and/or City Council deem necessary and appropriate. Special meetings of the Planning and Zoning Commission may be held at any time or place on proper notice. Special meetings may be called by the Chair, the City Manager, the staff liaison or on the request of three (3) members. The Planning and Zoning Commission shall keep minutes of its proceedings which shall be of public record. Board members are required to be in compliance with policies defined by the City Council for board members that are in existence or as modified in the future.

§ 12.107 – Removal from Office

Members of the Commission may be removed, without cause, by an affirmative vote of a majority of the full membership of the City Council.

§ 12.108 – Quorum/Voting

Four (4) members of the Planning and Zoning Commission shall constitute a quorum for the transaction of business. No action or recommendation of the Planning and Zoning Commission shall be valid or binding unless adopted by the affirmative vote of a majority of the Planning and Zoning Commission members present. The Chair shall be considered a voting member of the Planning and Zoning Commission.

§ 12.109 – Powers and Authority

- (a) The Planning and Zoning Commission shall be responsible to and act as an advisory board to the City Council. The Planning and Zoning Commission shall:
 - (1) Review all current and proposed ordinances and amendments pertaining to planning and zoning and make recommendations to the City Council for action to be taken;
 - (2) Make proposals to the City Council to amend, extend and add to the Comprehensive Plan for the physical development of the Melissa;
 - (3) Keep public records of its resolutions, findings and determinations; and
 - (4) Review zoning requests and make recommendations to the City Council for final adoption of same;
 - (5) Review and take final action on adoption of plats; and
 - (6) Perform all functions and duties required by law and such other and further duties requested of it by the City Council.
- (b) The Planning and Zoning Commission shall have full power to:
 - (1) Exercise the authority of the Planning and Zoning Commission as provided by state law and Melissa ordinances; and
 - (2) Make reports and recommendations relating to the Comprehensive Plan and development of Melissa.
- (c) The Planning and Zoning Commission's authority shall not include:
 - (1) The direction, supervision, employment or termination of employees of Melissa, including without limitation, the staff liaison; and
 - (2) The obligation of Melissa for any funds or expenditures or to incur any debt on behalf of Melissa.
- (d) All powers and duties prescribed and delegated herein are delegated to the Planning and Zoning Commission as a unit and all action hereunder shall be of the Planning and Zoning Commission acting as a whole. No action of an individual member is authorized except through the Planning and Zoning Commission.

§ 12.110 – Procedure

- (a) Any and all rules and regulations adopted by the Commission, if any, shall be forwarded in writing to the City Manager who shall submit them to the City Council with the City Manager's recommendations. The City Council may amend, adopt or reject any such rules or regulations. If any rules or regulations should be rejected, the Planning and Zoning Commission may modify them and submit such modified rules and recommendations to the City Council.
- (b) Should any person on the Planning and Zoning Commission have a conflict of interest, pursuant to any state laws and/or Melissa ordinances regulating conflicts of interest of municipal officers, with an agenda item then before the Planning and Zoning Commission, he/she shall openly declare same before discussion proceeds, and he/she is thereby prohibited from discussing the item or voting on the question, and is not considered as present and voting for the purposes of the tally.
- (c) Should any person on the Planning and Zoning Commission choose to abstain from voting on any question before the Planning and Zoning Commission, where no conflict of interest exists, the person's vote shall be recorded as a negative vote in the official minutes of the meeting.”

SECTION 3: Savings/Repealing. The Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof regardless of whether any one or more sections, subsections, sentences, clauses and/or phrases may be declared unconstitutional and/or invalid.

SECTION 5: Effective Date. This Ordinance shall become effective immediately after its adoption.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MELISSA, TEXAS on this 11th day of March, 2025.

Jay Northcut

Jay Northcut, Mayor

ATTESTED TO AND
CORRECTLY RECORDED BY:

Hope Baskin

Hope Baskin, City Secretary

