

*Footnotes:*

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

Sec. 7.01. - Planning and zoning commission.

- (a) A city planning and zoning commission is established. The commission shall consist of nine members appointed for staggered three-year terms. Commission members shall be appointed by the council and serve without compensation. No action by the commission shall have any force or effect unless it is adopted by a vote of five or more of its members.
- (b) To be eligible for appointment to the commission, all commission members must have resided in the city for a period of five years before the date of appointment. To be eligible for continued service on the commission, the commission members must maintain residence in the city.
- (c) The council shall establish, by ordinance, the month in which appointments are made, and the month in which terms of office commence. The council may prescribe, by ordinance, educational requirements to be met after persons are appointed to the commission.
- (d) In making appointments to the commission, council shall seek to ensure broad citizen representation which includes geographic, professional, gender, racial, and viewpoint diversity. The commission shall establish bylaws to govern rules of procedure and the annual election of officers. All meetings of the commission shall be open to the public.

(Ord. No. 1981-51, Prop. 14, 7-6-81/8-8-81; Ord. No. 1990-8, Prop. 3, 2-12-90/5-5-90; Ord. No. 1994-16, Prop. 8, 3-22-94/5-7-94; Ord. No. 1998-7, Prop. 7, 2-9-98/5-5-98; Ord. No. 2000-12, Prop. 11, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 11, 5-9-00/5-6-00; Ord. No. 2004-10, Prop. 7, 2-23-04/5-15-04; Ord. No. 2008-29, § 2(22), 8-19-08/11-4-08; Ord. No. 2013-44, Props. 2—4, 25, 8-20-13/11-5-13; Ord. No. 2017-45, § 2(Prop. M), 8-15-17/11-7-17; Ord. No. 2021-61, § 3(Prop. L), 8-3-21/11-2-21; Ord. No. 2021-84, § 4(Prop. L), 9-29-21/11-2-21)

Sec. 7.02. - Powers and duties of the commission.

The commission shall have the power and be required to:

- (1) Be responsible to and act as an advisory body to the council on all matters related to the physical growth and development of the city. The planning and zoning staff shall follow all city ordinances, rules, and regulations and confer with the city attorney before making any recommendations to the planning and zoning commission. The planning and zoning commission shall follow all city ordinances, rules and regulations before making any recommendations to the city council.
- (2) Review and be the final approval authority for the subdivision and platting of land within the city and its extraterritorial jurisdiction. The council or the commission may expressly delegate authority to approve certain minor subdivision plats to the director of the planning and development services department in accordance with the provisions of state law.
- (3) Hold a public hearing and recommend to the city council the approval or disapproval of any proposed change to the city's official zoning map.
- (4) Hold public hearings and approve or deny conditional use permit applications made under the city's zoning ordinances, subject to an appeal of such decisions to the city council. The council, on appeal, may uphold, modify, or reverse the decision of the commission. The council may reverse a decision of the commission to deny a permit only by a vote of at least six members of the council in favor of reversal. Appeals to the council on conditional use permit applications will be based on the record before the planning and zoning commission, Texas and Federal laws, and San Marcos city ordinances and regulations. The decision on appeals before city council will be governed by the substantial evidence rule. Decisions of the commission to revoke or suspend conditional use permits will be final and may not be appealed to the council.

(5)

Submit annually to the city council, not less than one hundred and twenty days prior to the beginning of the fiscal year, a list of recommended capital improvements found necessary or desirable.

- (6) Hold an annual public hearing on the Land Development Code and recommend any necessary or desirable changes to the council.
- (7) Perform an ongoing review of the city's comprehensive plan to include:
  - (a) Holding an annual public hearing on the plan and recommend any necessary or desirable changes to the council;
  - (b) Holding public hearings and making recommendations to the council regarding updates to the land use and transportation elements of the plan at least once every three years; and
  - (c) Holding public hearings and making recommendations to the council regarding the update of the entire comprehensive plan document at least once every five years.
- (8) Perform such other duties and be vested with such other powers as the council may prescribe in accordance with state law.
- (9) Require information from the administrative units of city government in relation to the duties of the commission listed under this section.

(Ord. No. 1981-51, Prop. 14, 7-6-81/8-8-81; Ord. No. 1984-11, Prop. 12, 1-30-84/4-7-84; Ord. No. 1986-4, Prop. 17, 1-27-86/4-5-86; Ord. No. 1990-8, Prop. 4, 2-12-90/5-5-90; Ord. No. 1994-16, Prop. 8, 3-22-94/5-7-94; Ord. No. 2000-12, Prop. 11, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 11, 5-9-00/5-6-00; Ord. No. 2002-12, Prop. 5, 2-11-02/5-4-02; Ord. No. 2002-35, Prop. 5, 5-7-02/5-4-02; Ord. No. 2006-36, § 2(12), 8-15-06/11-7-06; Ord. No. 2013-44, Props. 5, 6, 8-20-13/11-5-13; Ord. No. 2017-45, § 2(Props. N, O), 8-15-17/11-7-17)

**Editor's note**— The amendment adopted in Ordinance Number 1994-16 created a planning and zoning commission and established this section which repealed sections 7.05 through 7.07 which contained the power and duties of both a planning commission and zoning commission.

#### Sec. 7.03. - The comprehensive plan.

- (a) The comprehensive plan for the City of San Marcos shall be used to guide the growth and development of the city. The comprehensive plan shall be adopted by ordinance. The city council will endeavor to ensure that city ordinances governing growth and development are consistent with the goals and policies contained in the comprehensive plan; however, land use maps and descriptions contained in the comprehensive plan do not constitute zoning, and do not entitle any property owner to any change in zoning.
- (b) The commission shall conduct an ongoing review of the plan in accordance with Section 7.02. The commission may recommend amendments to the comprehensive plan after at least one public hearing on the proposed action. The council may amend the comprehensive plan after at least one public hearing on the proposed action. The council shall not act on any amendment affecting the comprehensive plan unless and until a recommendation on the amendment is received from the commission.

(Ord. No. 1984-11, Prop. 14, 1-30-84/4-7-84; Ord. No. 1986-4, Prop. 18, 1-27-86/4-5-86; Ord. No. 1994-16, Prop. 8, 3-22-94/5-7-94; Ord. No. 1998-7, Prop. 8, 2-9-98/5-5-98; Ord. No. 2000-12, Prop. 11, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 11, 5-9-00/5-6-00; Ord. No. 2002-12, Prop. 6, 2-11-02/5-4-02; Ord. No. 2002-35, Prop. 6, 5-7-02/5-4-02; Ord. No. 2013-44, Prop. 6, 8-20-13/11-5-13)

**Editor's note**— The amendment adopted in Ordinance Number 1994-16 reenacted this section which was formerly Charter § 7.08.

#### Sec. 7.04. - Organization.

The commission shall elect a chair from its membership annually, and shall establish rules of procedure which shall include the following:

- (1) A quorum shall consist of a majority of the membership.
- (2) The chair shall be entitled to vote upon any question.
- (3) All meetings shall be open to the public.

(Res. No. 1977-7R, Prop. 1, 1-24-77/4-2-77; Res. No. 1979-2R, Prop. 10, 1-8-79/4-7-79; Ord. No. 1981-51, Prop. 14, 7-6-81/8-8-81; Ord. No. 1992-9, Prop. 9, 2-10-92/5-2-92; Ord. No. 1994-16, Prop. 8, 3-22-94/5-7-94; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2004-44, § 2, 8-9-04)