

## **ORDINANCE NO. 2023-43**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE 3, BOARDS, COMMITTEES AND COMMISSIONS, DIVISION 2, PLANNING AND ZONING COMMISSION, OF THE SAN MARCOS CITY CODE BY ADDING A NEW SECTION 2.092 THAT DESIGNATES THE PLANNING AND ZONING COMMISSION AS THE AIRPORT ZONING COMMISSION; INCLUDING PROCEDURAL PROVISIONS; AND DECLARING AN EFFECTIVE DATE.**

### **RECITALS:**

- 1.** Under Chapter 241 of the Texas Local Government Code, the City is authorized to establish boundaries of and zoning regulations for airport hazard areas.
- 2.** Section 241.016 of the Texas Local Government Code provides that:
  - a.** before airport zoning regulations may be adopted, a political subdivision must appoint an airport zoning commission and that, if the political subdivision has a planning commission or comprehensive zoning commission, that commission may be designated as the airport zoning commission; and
  - b.** upon its designation the commission shall recommend the boundaries of the zones to be established and the regulations for these zones.
- 3.** It is in the interest of the public health, safety and welfare to establish an airport zoning commission for the purposes set forth in Chapter 214 above.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:**

**SECTION 1.** Chapter 2, Administration, Article 3, Boards, Committees and Commissions, Division 2, Planning and Zoning Commission, of the San Marcos City Code is amended by adding a new Section 2.092 to read as set forth below. Underlining indicates added text. Strikeouts indicate deleted text.

### **DIVISION 2. PLANNING AND ZONING COMMISSION**

#### **Sec. 2.091. Membership; eligibility; term of office; training qualification requirements.**

- (a) The planning and zoning commission consists of nine members, appointed by city council.

(b) To be eligible for appointment and continued service on the commission, all of the 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 members must maintain residence in the city.

(c) The council will seek to ensure broad citizen representation and expertise among the membership which includes geographic, professional, gender, racial, and viewpoint diversity in making appointments to the planning and zoning commission.

(d) Three members of the planning and zoning commission are appointed each year for staggered three-year terms, with one-third to be appointed each year on a continuing basis.

(e) A newly appointed regular member, must attend an orientation meeting with the director of planning and development services, and must attend a seminar on land use, environmental and planning issues approved by the director. The director will advise newly appointed members who do not already meet these requirements of the date and location of approved seminars, and will facilitate their registration and attendance at the seminars. The members are entitled to reimbursement for reasonable costs of attendance. If a newly appointed member fails to fulfill these attendance requirements within six months of being appointed, the appointment is automatically rescinded and the city council will make a new appointment.

**Section 2.092. Planning and zoning commission designated as airport zoning commission.**

(a) The planning and zoning commission is designated as the airport zoning commission.

(b) Except as otherwise specifically provided by state law, ordinance, or duly approved bylaws governing the affairs of the airport zoning commission, the airport zoning commission shall follow the same meeting rules of procedure and decorum as applicable to the planning and zoning commission.

**SECTION 2.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION 3.** All ordinances or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION 4.** This ordinance shall become effective upon adoption on second reading.

**PASSED AND APPROVED** on first reading on June 6, 2023.

**PASSED, APPROVED, AND ADOPTED** on second reading on July 3, 2023.

Jane Hughson  
Mayor

Attest:

Approved:

Elizabeth Trevino  
City Clerk

Samuel J. Aguirre  
City Attorney