

AN ORDINANCE **46466**

AMENDING CHAPTER 42 (ZONING) OF THE CITY CODE SO AS TO PROVIDE FOR A ZONING COMMISSION, ESTABLISHING ITS MEMBERSHIP, FUNCTIONS, AND DUTIES, AND DISTINGUISHING PLANNING COMMISSION FUNCTIONS FROM ZONING COMMISSION FUNCTIONS IN CONNECTION WITH PLANNED UNIT DEVELOPMENT APPROVALS.

\* \* \* \*

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Section 42-7 (Definitions) of the Zoning Chapter of the City Code is hereby amended so that the definition contained therein for "Commission" shall read as follows:

"Commission. The Zoning Commission of the City of the City of San Antonio."

SECTION 2. Section 42-26 (Appointment of Planning Commission) of the Zoning Chapter of the City Code is hereby amended to read as follows:

"Section 42-26 (The Zoning Commission)

Pursuant to Article 1011F of the Revised Civil Statutes of Texas, the Zoning Commission is established, consisting of nine members appointed by the City Council.

The nine members of the Zoning Commission shall serve for overlapping two year terms; provided, however, that, initially, five members of the Commission shall be appointed for terms of two years and four members shall be appointed for terms of only one year.

The Zoning Commission shall elect a chairman and a Vice-Chairman from its own membership who shall serve for one year terms, but no person shall serve as Chairman for more than two successive years. The Commission shall meet at least once a week.

The Chairman shall preside over meetings of the Commission. The Vice-Chairman shall preside in the absence of or at the request of the Chairman. An additional presiding officer pro tem may be selected by the Commission members to preside over meetings in absence of both the Chairman and the Vice Chairman.

A quorum shall consist of five members of the Commission. No final action shall be taken on any matter except pursuant to a majority vote. In no case shall less than five votes constitute a majority vote.

Regular meetings shall be held each Tuesday at 2:00 o'clock p.m. at City Hall, in San Antonio, and notice of each meeting shall be given in accordance with the Texas Open Meetings Law. Special meetings may be called by the Chairman, provided that written notice thereof is mailed to each member at least forty-eight hours prior to the time thereof. No approval or disapproval of any zoning application shall be given except at regular meetings and none shall be given or taken on other matters except at regular or special meetings as provided herein. All meetings of said commission shall be open to the public. The place, day and/or hour of meetings may be changed by vote of the Commission at any regular meeting. Notice of such action shall be published in the official city newspaper one time at least ten days prior to the effective date.

Any motion by a member shall require a second. After a motion has been made and duly seconded, discussion of the motion may be held for a reasonable time. Discussion by members, or by opponents or proponents, of a question before the commission, shall terminate whenever a member shall call for a vote upon the question or whenever the Chairman shall so rule.

Whenever any question of procedure or qualification may be raised at a commission meeting, the Chairman shall rule thereon. A member may move to overrule the Chairman's decision, which may be done only by a majority vote of the members present.

Voting on zoning applications shall be called by roll call vote. Voting on all other matters may be by voice vote, provided that roll call vote shall be taken upon demand of any member.

A member shall not vote or participate as a member in any matter before the commission if the member has any interest in this matter, whether such interest is direct or indirect, financial or otherwise. In any case, where the question of a member's interest is raised, the chairman shall rule on whether the member should be disqualified.

The commission shall take no final action on any matter before it without first obtaining a recommendation from the Director of Building & Zoning and reports from the other City departments concerned, as determined by the Commission.

Releases and statements to the public and press in the name of the commission shall be made only by the presiding officer.

Any question of order or procedure not covered by these rules shall be decided according to the latest edition of Robert's Rules of Order, insofar as that may be applicable."

SECTION 3. Section 42-27 (Duties of Planning Commission) of the Zoning Chapter of the City Code is hereby amended to read as follows:

"Section 42-27 (Duties of Zoning Commission)

The duties of the Zoning Commission are as follows:

- (1) To recommend the boundaries of original zoning districts and appropriate regulations to be enforced therein.
- (2) To hold public hearings and prepare a final report for the City Council on recommendations for change in zoning district boundaries or regulations in zoning districts.
- (3) To perform such other functions as are necessary or required by state law or city ordinance.

Wherever and whenever the term "Planning Commission", "Planning & Zoning Commission", or "Commission" is used in this Chapter (Chapter 42, Zoning) of the City Code, it shall, after the effective date of this ordinance (May 1, 1976) be deemed to mean the Zoning Commission established in the previous section and whose duties are set out in this section, except for those terms as they appear and are used in sections 42-106 through 42-111 (Article VI A Planned Unit Development). As used therein, the terms shall have the meanings as follows:

As used in 42-107 (d) the term "the Planning Commission" shall be deemed to mean and is hereby amended to read "both the Planning Commission and the Zoning Commission"

As used in 42-109(4) (first paragraph) the term "the Planning Commission" shall be deemed to mean and is hereby amended to read, "both

read, "both the Planning Commission and the Zoning Commission".

As used in 42-109(4) (second paragraph) the term "Planning Commission" shall be deemed to mean and is hereby amended to read "Zoning Commission."

All other references in these sections (42-106 through 42-111) to the "Commission", the "Planning Commission", or the "Planning and Zoning Commission" shall be deemed to mean the Planning Commission, as established in Section 117 of the City Charter."

SECTION 4. Chapter 42 (Zoning) of the City Code of the City of San Antonio, Section 42-109(5)(g) is hereby amended to read as follows:

"(g) Platting. The property proposed for PUD-1 shall be platted as required by the most current subdivision regulations and/or the provisions of this article. As platting requirements will in some cases be dictated by the proposed plan of development, the plan of development must be approved simultaneously with the approval of the plat."

SECTION 5. Chapter 42 (Zoning) of the City Code of the City of San Antonio, Section 42-111 (Procedure), subsection (2) is hereby amended to read as follows:

"(2) Zoning. The zoning classification required for a PUD-2 development shall be the P-2 district. Proper zoning, obtained as specified in section 42-109(4) of this article shall be a prerequisite to tentative approval."

SECTION 6. Members of the Zoning Commission shall be paid twenty dollars per meeting, but not to exceed \$1,040.00 per annum.

SECTION 7. This ordinance, and the amendments contained herein, shall become effective on May 1, 1976.

PASSED AND APPROVED this 25th day of March, 1976.

*Lela Cocke*  
M A Y O R

ATTEST:

*G. V. Jackson Jr.*  
City Clerk

APPROVED AS TO FORM:

*Tom Finlay*  
for City Attorney

76-14

DISTRIBUTION

ITEM NO. 29

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BUILDING & PLANNING ADMIN.	2
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<i>Legal</i>	1
<i>Man. Code</i>	1

MEETING OF THE CITY COUNCIL

DATE: MAR 25 1976

MOTION BY: *Pry*

SECONDED BY: *Ces*

**46466**

ORD. NO. \_\_\_\_\_

ZONING CASE \_\_\_\_\_

RESOL. \_\_\_\_\_

PETITION \_\_\_\_\_

COUNCIL MEMBER	ROLL CALL	AYE	NAY
PHIL PYNDUS PLACE 1		✓	
ROBERT P. "BOB" BILLA PLACE 2		✓	
HENRY G. CISNEROS PLACE 3		/	
REV. CLAUDE BLACK PLACE 4		/	
GLEN HARTMAN PLACE 5		/	
AL ROHDE PLACE 6		/	
RICHARD TENIENTE PLACE 7 (MAYOR PRO-TEM)		/	
DR. D. FORD NIELSEN PLACE 8		✓	
LILA COCKRELL PLACE 9 (MAYOR)		/	

**76-14**

# Affidavit of Publisher

THE STATE OF TEXAS, }

COUNTY OF BEXAR  
CITY OF SAN ANTONIO }

Before me, the undersigned authority, on this day personally appeared

Irene Palencia, who being by me duly sworn,

says on oath that she is Office Supervisor

of the Commerical Recorder, a newspaper of general circulation in the City of San

Antonio, in the State and County aforesaid, and that the Ordinance #46466

hereto attached has been published in every issue of said newspaper on the

following days, to-wit: March 29, 1976.

#### AN ORDINANCE 46466

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PASSED AND APPROVED this  
25th day of March, 1976.  
LILA COCKRELL  
Mayor

ATTEST:  
G. V. JACKSON, JR.  
City Clerk

Irene Palencia

Sworn to and subscribed before me this 29th Day of March, 1976.

Stella Orozco  
Notary Public in and for Bexar County, Texas