



City Council Memorandum

To: Honorable Mayor Burger and Members of the Fate City Council

Cc: *Michael Kovacs*, City Manager; *Justin Weiss*, Assistant City Manager; *Victoria Raduechel*, City Secretary; *Jessica Larson*, Deputy City Secretary; *Brenda McDonald*, City Attorney

From: Will Rugeley, Director of Planning & Development Services

Date: 15 July 2019

Agenda Item: Discuss, consider, and take any necessary action regarding an ordinance amending the Fate Code of Ordinances, Chapter 36, "Unified Development Ordinance", Article 2, "Procedures and Administration", Subsection 2.2.2., "Planning and Zoning Commission", amending the number of members serving on the Planning and Zoning Commission. (a) Staff report and presentation; (b) Public hearing; (c) Discuss, consider, and take any necessary action.

Staff Recommendation: NA.

Options: NA.

Overview and Background: As the City has continued to grow there's been a corresponding growth in the number of persons interested in serving the community via board membership. As it exists today, the Planning & Zoning Commission has 5-members and this ordinance seeks to change it to a 7-member board. Amending the ordinance accordingly will increase citizen participation and allow for more diverse opinions and recommendations related to City planning matters.

Financial Considerations: NA.

Citizen Notification: NA.

Supporting Documents (enclosed):

- **Exhibit A1.** Ordinance Approving a 7-Commissioner P&Z Committee.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FATE, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 36, UNIFIED DEVELOPMENT ORDINANCE, ARTICLE II – PROCEDURES AND ADMINISTRATION, SECTION 36-2.2, REVIEW AUTHORITIES, SUBSECTION 2.2.2, PLANNING AND ZONING COMMISSION, TO AMEND THE NUMBER OF MEMBERS SERVING ON THE PLANNING AND ZONING COMMISSION; PROVIDING SAVINGS, REPEALING AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Fate adopted Ordinance No. O-1767 on July 17, 2017; and

WHEREAS, the City Council desires to amend the Ordinance to modify the number of members serving on the Planning and Zoning Commission.

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

Section 1. The findings set forth above are incorporated as if fully set forth herein.

Section 2. Chapter 36, Unified Development Ordinance, Article II – Procedures and Administration, Section 36-2.2, Review Authorities, Subsection 2.2.2, Planning and Zoning Commission, is hereby amended to hereinafter read as follows:

2.2.2 Planning and Zoning Commission.

....

(2) ORGANIZATION AND MEMBERSHIP:

- (a) The Planning and Zoning Commission shall consist of seven members appointed by the City Council.

....

Section 3. Cumulative Clause. This Ordinance shall be cumulative of all provisions of state or federal law and other ordinances of the City of Fate, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 4. Severability Clause. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be

declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 5. Repealer Clause. Any provisions of any prior ordinance of the City whether codified or uncoded, which are in conflict with any provision of the Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED by the City Council, the City of Fate, on this the ____ day of _____, 2019.

Joe Burger
Mayor

ATTEST:

Victoria Raduechel, TRMC
City Secretary

APPROVED AS TO FORM:

Brenda N. McDonald
City Attorney