



City of Rockport
PLANNING AND ZONING COMMISSION REGULAR
MEETING AGENDA
MONDAY, FEBRUARY 17, 2025 - 5:30 PM
ROCKPORT SERVICE CENTER
2751 STATE HIGHWAY 35 BYPASS
ROCKPORT, TEXAS 78382

Notice is hereby given that the Rockport Planning and Zoning Commission will hold a Regular Meeting on Monday, February 17, 2025, at 5:30 PM. The meeting will be held in person at the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas. The live stream link to view the meeting is <https://rockporttx.portal.civicclerk.com/>.

Public participation is valued and citizens wishing to express their views on agenda items can electronically submit a citizen participation form in order to register to speak by going to <https://rockport.seamlessdocs.com/f/BoardsCitizenParticipation> or scanning the QR code to the right. Using the same form, citizens can also provide written comments to the Community Planner by 4:00 p.m. on the day of the meeting. The Chair will read the comments, and they will be summarized in the minutes of the meeting.

I. Opening Agenda

1. Call meeting to order. ()

II. Public Hearing

2. Conduct a Public Hearing to consider a request to rezone the property located at 1711-1715 Sixteenth St; also known as W PT of Lot 83 & E/2 of Lot 84, Blk 250, Swickheimer Subdivision to B-1 (General Business District), currently zoned R-1 (1st Single Family Dwelling District). ()

III. Regular Agenda

3. Deliberate and act on approval of the regular meeting minutes of January 6, 2025. ()
4. Deliberate and act on a request to consider a request to rezone the property located at 1711-1715 Sixteenth St; also known as W PT of Lot 83 & E/2 of Lot 84, Blk 250, Swickheimer Subdivision to B-1 (General Business District), currently zoned R-1 (1st Single Family Dwelling District) ()
5. Discussion and action regarding setting dates for some workshops to consider updating the Commercial Zoning allowances, requirements, and rules when abutting residential properties. ()
6. Discussion and action to discuss the process of updating the Comprehensive Master Plan and Future Land Use Map. ()
7. Adjourn ()

CERTIFICATION

I certify that the above notice of meeting was posted on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas on 2/14/2025, at 4:00pm and on the City's website

at www.cityofrockport.com. I further certify that the following News Media were properly notified of this meeting as stated above: The Rockport Pilot and Corpus Christi Caller Times.

A handwritten signature in black ink that reads "Carey Dietrich". The signature is written in a cursive style with a large initial 'C'.

Carey Dietrich
Director Building & Development



PUBLIC HEARING
Planning & Zoning Commission
and City Council

NOTICE is hereby given that the Planning & Zoning Commission will hold a Public Hearing on Monday, February 17, 2025, at 5:30 p.m. and the Rockport City Council will hold a Public Hearing on Tuesday, February 25, 2025, at 6:30 p.m., at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, to consider a request to rezone the property located at 1711-1715 Sixteenth St; also known as W PT of Lot 83 & E/2 of Lot 84, Blk 250, Swickheimer Subdivision to B-1 (General Business District), currently zoned R-1 (1st Single Family Dwelling District)

Members of the public can view the meeting remotely via live stream at the address that will be provided on the Planning & Zoning Commission Agenda of February 17, 2025, and the City Council Agenda of February 25, 2025, and posted on the City's website www.cityofrockport.com.

Public participation is valued and citizens wishing to express their views during the Public Hearing can electronically submit a Citizen Participation Form in order to register to speak by going to <https://rockporttx.gov/MyAccount/?from=Url&url=%2FFormCenter%2FCitizen-Participation-Form-7%2FBoard-and-Commission-Comment-Participati-56> or if attending the meeting in person register at the meeting before the meeting begins. Using the same form, citizens can also provide written comments to the City Planner by 3:00 p.m. on the day of the Planning & Zoning Commission meeting or to the City Secretary by 4:00 p.m. on the day of the City Council meeting. The comments will be read and summarized in the minutes of the meeting.

The City encourages citizens to participate and make their views known at the Public Hearings. For further information on this request, please contact the Building Department at (361) 790-1125.

POSTED the 24th day of January, 2025 on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, and on the website www.cityofrockport.com.

PUBLISHED in *The Rockport Pilot* in the Thursday, January 23, 2025, Edition, in accordance with the City of Rockport Code of Ordinances.

CITY OF ROCKPORT, TEXAS

Carey Dietrich, Director Building & Development

STAFF REPORT

Building & Development Services | Carey Dietrich, Community Planner
2751 SH 35 Bypass, Rockport, TX 78362
Phone: (361) 790-1125, x. 226 | Email: communityplanner@cityofrockport.com



PROPERTY ADDRESS/LOCATION

1711-1715 16th St

APPLICANT/PROPERTY OWNER

David Henderson, Owner

PUBLIC HEARING DATE

P&Z – Monday, February 17, 2025
CC – Tuesday, February 25, 2025

P&Z DATE

P&Z – Monday, February 17, 2025

CITY COUNCIL DATE(S)

1st Reading – Tuesday, February 25, 2025
2nd Reading – Tuesday, March 11, 2025,

BRIEF SUMMARY OF REQUEST

Property owner, David Henderson, wishes to rezone the property located at 1711-1715 16th St to B1 (General Business District) in order to construct a 7,000 square foot commercial building for commercial use. The property was inadvertently designated as an I-2 (Heavy Industrial District) on the City's zoning map.

A public notice regarding this item was published in The Rockport Pilot in the Thursday, January 23, 2025 edition and mailed out to nine (9) property owners within a 200-foot radius of the property. No letters For or Against the request have been received at this time.



MAP SOURCE: Pictometry

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R1 – 1 st Single Family Dwelling District	Vacant Land	N – R1 (1 st Single Family Dwelling District) S – R1 (1 st Single Family Dwelling District) E – B1 –(General Business District) W – R1 (1 st Single Family Dwelling District)	No Improvements	10.57 Acres 460,429.2 sq ft

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

COMPATIBILITY with the ZONING ORDINANCE	PROPERTY HISTORY
The Current Future Land Use Map suggests Commercial Use	This vacant property was incorrectly shown to be zoned I2 (Heavy Industrial District) on the City's 2022 Zoning Map. It is currently zoned R1 (1 st Single Family Dwelling District)

ATTACHMENTS (CIRCLE)

SUBMITTED PLANS

PUBLIC HEARING PETITION APPLICATION FORM

LEGAL NOTICE

LEGAL DESCRIPTION

OTHER (DESCRIBE)

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS

PLANNING AND ZONING COMMISSION MINUTES

On this the 6th day of January 2025, the Planning and Zoning Commission held a Meeting at 5:30 p.m., at Rockport Service Center, 2751 SH 35 Bypass, Rockport, Texas and notice of meeting giving time, date and subject having been posted as described in V.T.C.A., Government Code § 551.041.

Members Present

Ruth Davis - Chair
Warren Hassinger – Vice Chair
Kim Hesley – Secretary
Tom Blazek
Rocky Gudim

Members Absent

Ric Young
Josh Dowling

Staff Members Present

Carey Dietrich, Director Bldg. & Dev.
Belinda Garcia, Administrative Coordinator
Stacy Cantu, Bldg. & Dev Planning Technician
Robert Decker, Building Official
David Lowell, Inspector
Robert Argetsinger, IT Director

Guest(s) Present

One (1):

Open Meeting

1. Meeting called to order at 5:30 p.m.

Public Hearing

Open 5:31pm.

2. Conduct a Public Hearing to consider a request to rezone the property located at 2101, 2111, 2121 FM 3036; also known as Lot 122, Fulton Outlots and Lot 1, Block 1, The Oasis Subdivision, being 10.0972 acres, to PUD (Planned Unit Development), currently zoned B-1 (General Business District).

Kathaleen Lookadoo spoke in Favor of the request by way of a Zoom Link.

Regular Agenda

Close Public Hearing and Open Regular Meeting 5:33 pm.

3. Deliberate and act on approval of the regular meeting minutes of December 16, 2024.

Motion: Secretary Hesley made a motion to approve the December 16, 2024, minutes as presented. Member Gudim seconded. **Motion Passed Unanimously.**

3. Deliberate and act on a request to consider the request to rezone the property located at 2101, 2111, 2121 FM 3036; also known as Lot 122, Fulton Outlots and Lot 1, Block 1, The Oasis Subdivision, being 10.0972 acres, to PUD (Planned Unit Development), currently zoned B-1 (General Business District).

Motion: Vice-Chair Hassinger made a motion to approve the Rezone. Member Gudim seconded.

Motion Passed Unanimously.

4. Adjournment 5:40 pm

Motion: Member Blazek made a motion to adjourn. Chair Davis seconded.

Motion passed unanimously.

Prepared by:

Approved by:

Belinda Garcia Administrator Coordinator

Ruth Davis, Chair

Kim Hesley, Secretary

PLANNING & ZONING COMMISSION AGENDA
Regular Meeting: Monday, February 17, 2025

AGENDA ITEM: 4

Deliberate and act on a request to rezone the property located at 1711-1715 Sixteenth St; also known as W PT of Lot 83 & E/2 of Lot 84, Blk 250, Swickheimer Subdivision to B-1 (General Business District), currently zoned R-1 (1st Single Family Dwelling District)

SUBMITTED BY: Director Bldg & Development / Community Planner - Carey Dietrich

BACKGROUND: Property owner, David Henderson, wishes to rezone the property located at 1711-1715 16th St to B1 (General Business District) in order to construct a 7,000 square foot commercial building for commercial use. The property was inadvertently designated as an I-2 (Heavy Industrial District) on the City's zoning map.

A public notice regarding this item was published in The Rockport Pilot in the Thursday, January 23, 2025 edition and mailed out to nine (9) property owners within a 200-foot radius of the property. No letters For or Against the request have been received at this time.

Please see the accompanying zoning change request application and Section 118-15 of the Code of Ordinances for detail information.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends approval of a rezone the property located at 1711-1715 Sixteenth St; also known as W PT of Lot 83 & E/2 of Lot 84, Blk 250, Swickheimer Subdivision to B-1 (General Business District), currently zoned R-1 (1st Single Family Dwelling District).



CITY OF ROCKPORT
ZONING AND LAND DEVELOPMENT APPLICATION

INSTRUCTION: Please fill out completely. If more space is needed, attach additional pages. Please print or use typewriter.

- A. REQUESTING: Rezoning ☒ Conditional Permit ☐
Planned Unit Development (P.U.D.) by Conditional Permit ☐

B. ADDRESS AND LOCATION OF PROPERTY 1711-1715
14th St Rockport TX 78382

C. CURRENT ZONING OF PROPERTY: Residential R1

D. PRESENT USE OF PROPERTY: VACANT

E. ZONING DISTRICT REQUESTED: Commercial - B1

F. CONDITIONAL USE REQUESTED: 1000 sq ft building

G. LEGAL DESCRIPTION: (Fill in the one that applies)

- Lot or Tract W pt of 83 & E/2 Block 250
OF 84 Acres 10.57
- Tract _____ of the _____
Survey as per metes and bounds (field notes attached)

- If other, attach copy of survey or legal description from the Records of Aransas County or Appraisal District.

H. NAME OF PROPOSED DEVELOPMENT (if applicable) _____

I. TOTAL ACREAGE OR SQ. FT. OF SITE(S): 10 acres

J. REASON FOR REQUEST AND DESCRIPTION OF DEVELOPMENT:
(Please be specific)

Build 7000-8000 sq ft pre-fabricated
building for rental to commercial
company.

K. OWNER'S NAME: (Please print) David Henderson
ADDRESS: 245 Spanishwood Dr.
CITY, STATE, ZIP CODE: Rockport TX 78382
PHONE NO 361 463 1824

L. REPRESENTATIVE: (If Other Than Owner) _____
ADDRESS: _____
CITY, STATE, ZIP CODE: _____
PHONE NO _____

NOTE: Do you have property owner's permission for this request?
YES ☒ NO ☐

M. FILING FEE:

REZONING	\$150.00 + \$10.00 PER ACRE
PLANNED UNIT DEVELOPMENT	\$200.00 + \$10.00 PER ACRE
P.U.D. REVISION	\$200.00 + \$10.00 PER ACRE
CONDITIONAL PERMIT	\$150.00 + \$10.00 PER ACRE

(Make check payable to the City of Rockport)

- Submit application and filing fee to the Department of Building & Development, City of Rockport; 2751 S.H. 35 Bypass, Rockport, Texas 78382.

Signed: 
(Owner or Representative)

(FOR CITY USE)

Received by: Stacy Carter Date: _____ Fees Paid: \$ _____
Submitted Information (____ accepted) (____ rejected) by: _____
If rejected, reasons why: _____

Receipt No. _____

1/6 * per Carey charge for 10 Acres

\$150.00
X 10 Acres @ 10.00 = 100.00
~~\$100.00~~
\$250.00

Property ID	Property Owner	Situs Address	Mailing Address	City	State	ZIP
52882	Seng & monexay Chittarath	1151 S H Bypass	P O Box 1754	Rockport	Tx	78381
34462	William Wendland	1802 Eighteenth St	P O Box 2194	Rockport	Tx	78381
56479	Glenn McElroy	1725 Sixteenth St	1087 CR 3651	Sandia	Tx	78383
69887	Christopher Mace	1718 Sixteenth St	106 Breezy St	Rockport	Tx	78382
44628	Lenard Nelson	1716 Sixteenth St	P O Box 160	Rockport	Tx	78381
66709	Richard Wells	1710 Sixteenth St	1025 Holly Rd	Rockport	Tx	78382
66708	Richard Wells	1301-1339 S H Bypass	1025 Holly Rd	Rockport	Tx	78382
34442	State of Texas	IS S H 35 Bypass Rockport, Tx	1700 N Congress Ave	Austin	Tx	78701
71166	David Henderson	1711 - 1715 Sixteenth St.	118 Palo Pinto Dr.	Rockport	Tx	78382
	Josh Dowling	Planning and Zoning Commission	102 N Santa Clara Drive	Rockport	TX	78382
	Rocky Gudim	Planning and Zoning Commission	1016 S. Magnolia St.	Rockport	TX	78382
	Ruth Davis	Planning and Zoning Commission	P.O. Box 706	Fulton	TX	78358
	Ric Young	Planning and Zoning Commission	123 Royal Oaks Dr	Rockport	TX	78382
	Kim Hesley	Planning and Zoning Commission	2003 Tule Park Drive	Rockport	TX	78382
	Warren Hassinger	Planning and Zoning Commission	2517 Turkey Neck Circle	Rockport	TX	78382
	Thomas Blazek	Planning and Zoning Commission	102 St Andrews St	Rockport	TX	78382

Future Land Use Map



Legal Description: Swickheimer BLK 250 LOT W PT OF 83 & E/2 OF 84 ACRE 10.57

PLANNING & ZONING COMMISSION AGENDA
Regular Meeting: Monday, February 17, 2025

AGENDA ITEM: 5

Discussion and action regarding setting dates for some workshops to consider updating the Commercial Zoning allowances, requirements, and rules when abutting residential properties.

SUBMITTED BY: Director Bldg & Development / Community Planner - Carey Dietrich

BACKGROUND:

There has been discussion in the past regarding developing a Commercial Zoning District specifically for properties abutting Residential Districts in order to give some limitations on the type of commercial allowed abutting residential.

However, rather than create a new Commercial Zoning District, which will take a great deal of time and re-zoning of all properties abutting residential, Staff suggests we create some regulations specific to those commercial properties.

Please see the accompanying list of recommended regulations and Section 118-15 and 118-20 of the Code of Ordinances for detail information.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends setting at least two (2) workshop dates to discuss an Ordinance revision to create regulations specific to Commercial properties abutting residential properties.



<https://cityofrockport.com/>

"Success is not final, failure is not fatal: it is the courage to continue that counts."
- Winston Churchill

ATTENTION PUBLIC OFFICIALS!

A "Reply to All" of this e-mail could lead to violations of the Texas Open Meetings Act. Please reply only to the sender. Please note that any correspondence, such as e-mail or letters, sent to City staff or City officials may become a public record and made available for Public/media review.

From: kimhesley@reagan.com <kimhesley@reagan.com>
Sent: Friday, January 3, 2025 12:06 PM
To: Vanessa Shrauner <vshrauner@cityofrockport.com>; Carey Dietrich <communityplanner@cityofrockport.com>; Matt Anderson <ward2council@cityofrockport.com>; warrenhassinger@sbcglobal.net; Ruth Davis <scottyslock@icloud.com>
Subject: Updating zoning codes future land use map and comp plan

WARNING: This email is from an external source. Do not click links or open attachments without positive sender verification of purpose. Never enter Username, Password or sensitive information on linked pages from this email. If you are unsure about the message, please forward to itstaff@cityofrockport.com for assistance.

Carey, Vanessa, Ruth and Warren (Matt I'm including you since you are council liason),

As we have discussed previously, our B-1 zoning needs to be addressed to accommodate the rapid growth Rockport is experiencing. I've been reviewing our zoning ordinances and looking at the future land use map, current zoning and comp plan and have some ideas/suggestions that I am hoping we can bring to the full P&Z and council for discussion and implementation soon.

1. P&Z passed a 6-1 resolution about 2 years ago to return to Joint Public Hearings at Council instead of the current process of holding a hearing and immediately voting on the issue separately at P&Z meetings and at Council. At the time we changed to this process, it seemed reasonable to shorten the re-zoning time frame and make it easier on property owners. However, as we have been using this process, it is not as practical in reality. It forces the deliberative bodies to make quick decisions without time for more thought or research which sometimes facilitates bad decisions. Having 2 separate hearings opens the door to different comments from the public. P&Z, having to hear and vote first doesn't always have the benefit of sometimes different public comments that are given at Council and vice versa. I would like to re-visit this issue and return to Joint Public Hearings as soon as possible.

2. Currently living through having a commercial building being built directly behind my home due to what I believe to be a bad zoning decision 14 years ago is giving me new insight into how to protect residential properties when they abut business/commercial properties. I have the following suggestions:

- a. For any undeveloped areas that abut any R zone developed or undeveloped in a platted subdivision, there should be setbacks on the B-1 property of at least 10, possibly 20 or 25 feet.
- b. In lieu of setbacks, require a buffer of TBD space.

- c. Due to sanitary concerns, no food establishments abutting any R zoning.
- d. No businesses that operate after 9 p.m. or before 7 a.m. abutting any R zoning.
- e. Increase the current requirement for Privacy fencing to be a sound reducing, concrete barrier wall.

I would suggest that for all our current established businesses that abut R-zoning and would violate new codes, if the property (or any leased space in a multi use building) ceases use and becomes vacant, the new, updated codes would apply. I know there would need to be exceptions to this due to unique areas and those would have to be granted waivers through one of our commissions and council.

Annexed areas along the bypass would probably need some different or special considerations to these updates since there are multiple unique scenarios.

3. In looking at the current zoning and future land use map, I've identified several areas where we may need to fix the zoning and future land use map. Areas along the bypass where most of the lots were taken by TXDOT and there isn't enough left to comply with setbacks, we need to look at something special for those areas. I think R7 is not used enough and could be a solution to some of these buffer areas. That certainly would have been an option behind my house.

I'm hoping we can have a workshop to explore further and maybe some of these fixes can be done without having to engage a land use attorney at more expense.

Kim Hesley
361-230-5705
kimhesley@reagan.com

§ 118-15. B-1 General Business District.

15.1 Use Regulations.

The purpose of this district is to provide suitable locations for a wide variety of business and mercantile uses. In addition to the previous listed uses in R-1 through R-7 districts, land and premises may be used for:

1. Restaurants, cafes, food catering services.
2. Offices, banks, libraries, museums, etc.
3. Service stations, car washes, laundromats.
4. Malls, shopping centers, retail stores.
5. Shops (butcher shops, shoe shops, shell shops, etc., including pawn shops that have been licensed to transact business by the Consumer Credit Commissioner under Chapter 371, Finance Code).
6. Grocery stores, convenience stores, markets.
7. Retail markets (seafood/meat) and bait stands.
8. Entertainment facilities (theaters, bowling alleys, pool halls, clubs and lounges, etc.
9. Sales, service and repair shops (radio, television, shoe repair, tool repair and rental, lawn mower repair, auto and boat repair shops, etc).
10. Personal service shops (beauty salons, barber shops, tailoring and dressmaking shops, etc).
11. Storage buildings, auto storage yards.
12. Animal hospitals, boarding kennels and grooming shops.
13. Mortuaries and funeral homes.
14. Agricultural services, greenhouses and landscaping services.
15. Outdoor welding, fabricating operations, by CUP.
16. Permanent or long term (more than 30 days) public entertainment facilities or uses, by CUP. Such uses may include, but not be limited to, amusement parks, carnivals, circuses, marine life shows, dance/theatrical productions and natatoriums.
17. Fish houses, seafood processing plants, by CUP.
18. Adult entertainment, by CUP.

15.2 Area and Yard Regulations.

15.2.1 Area of the Lot. None required for non-dwelling uses. For dwelling uses, See [section 118-20] Table 20.

15.2.2 Width of the Lot. The minimum width of the lot shall be fifty (50) feet. See [section 118-20] Table 20.

15.2.3 Area of the Building. For a primary use structure, the minimum floor area shall be five hundred (500) square feet. See [section 118-20] Table 20.

15.2.4 Yard Area and Building Setbacks. See [section 118-20] Table 20

15.3 Height of the Building. No building shall exceed forty five (45) feet in height. See Article 3 [section 118-3] Definitions and Article 20 [section 118-20].

15.4 Parking Regulations. Parking regulations for permitted uses as contained in Article 21 [section 118-21].

15.5 Accessory Use Regulations. Accessory uses, which are auxiliary or incidental to the primary use of a building or premises, as contained in Article 22 [section 118-22].
(Ordinance 1027, art. 15, 4-9-96)

Commercial Zoning Abutting Residential Zoning:

- 1) The building setback from the adjoining property line between commercial and residential shall be 20';
- 2) Must provide a sound buffer by way of a privacy fence or garden wall with a minimum height of 6' and maximum height of 8' prior to the beginning of construction;
- 3) A 10' landscape barrier is required prior to issuance of the Certificate of Occupancy;
- 4) May not commence work, operate equipment, or create any noise prior to 7:00 am Monday through Friday and 8:00 am on Saturday and Sunday;
- 5) No work is to be performed on Sunday that requires the use of dirt moving equipment or equipment that creates a noise level that meets or exceeds ____ decibels;
- 6) Commercial properties abutting established residential neighborhoods may not have operating hours prior to 7:00 am opening time and after 9:00 pm closing time;
- 7) Food establishments must not allow the dumpster to be located within 100' of the adjoining property line in addition to the conditions set forth in Section 82-34;
- 8)

PLANNING & ZONING COMMISSION AGENDA
Regular Meeting: Monday, February 17, 2025

AGENDA ITEM: 6

Discussion and action to discuss the process of updating the Comprehensive Master Plan and Future Land Use Map.

SUBMITTED BY: Director Bldg & Development / Community Planner - Carey Dietrich

BACKGROUND:

There are some areas on the Future Land Use Map that need to be reviewed and possibly reassigned.

Please see the accompanying Future Land Use Map for details.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends reassigning all properties fronting Market Street between Hwy 35 Bypass and Business 35 to B1 (General Business District); Review all Industrial Zoning recommendations for possible reassignment; Review properties fronting Hwy 35 Bypass that are remnants of Lots that were allocated for the development of Hwy 35 Bypass.

**ARTICLE X
PLANNING AND ZONING COMMISSION**

Section 10.01. Organization.

- (1) There is hereby established a Planning and Zoning Commission which shall consist of seven (7) members who shall be appointed by the City Council for overlapping three (3) year terms. Each member shall be a qualified City voter. Any vacancy occurring during the unexpired term of a member shall be filled by the City Council for the remainder of the unexpired term. The Commission shall elect from its members a Chairman, Vice Chairman and Secretary to serve for one (1) year beginning in July of the year elected. The Commission shall meet at least once each month when practicable. The Council should strive to balance Commission membership to represent best each Ward and all major areas.

Section 10.02. Duties and Powers.

- (1) The Commission shall be responsible to act as an advisory board to the City Council. The Commission shall:
 - (a) Review all current and proposed ordinances and amendments pertaining to planning, zoning, platting and subdividing property and make recommendations to the City Council for action to be taken.
 - (b) Make, amend, extend and add to the Comprehensive Plan for the physical development of the City.
 - (c) Submit annually to the City Manager, not less than one hundred twenty (120) days prior to the beginning of the budget year, an annual update to any Capital Improvement Program as developed from the Comprehensive Plan regarding land use issues. The update may identify new or additional capital improvements as well as revisions of the project priorities by year.
 - (d) Keep public records of its findings and determinations.
- (2) The Commission shall have full power to:
 - (a) Exercise the authority of the Zoning Commission as provided by State law, this Charter and City ordinances.
 - (b) Administer rules and recommendations pertaining to subdivisions and to platting in territories within the City limits and its extraterritorial jurisdiction.

Section 10.03. The Comprehensive Plan.

- (1) The Comprehensive Plan for the physical development of the City including its ETJ shall contain the Commission's recommendations for the growth, development and beautification of the City. The Commission may recommend approval to the City Council the Comprehensive Plan as a whole or in parts and with any amendment thereto.

Section 10.04. Procedure.

- (1) All rules and regulations recommended for approval by the Planning & Zoning Commission for the Comprehensive Plan shall be forwarded to the City Manager who shall submit them to the Council with his recommendations if any. The Council may adopt or reject any such rules or regulations. If any rules or regulations should be rejected, the Planning & Zoning Commission may modify them and submit such modified rules and regulations to the City Manager. The City Manager shall again forward such changes to the Council. The adoption of the Plan or of any such part or amendment shall be by ordinance, but before adoption of the Plan or any such part or amendment, the City Council and the Commission shall hold at least one (1) joint public hearing on the proposed action.

Section 10.05. Legal Effect of the Comprehensive Plan.

- (1) Following adoption by the Council of the Comprehensive Plan, it shall serve as a guide to all future Council action concerning land use and development regulations and expenditures for capital improvements. Any proposal, which deviates from the Comprehensive Plan, shall not be authorized until and unless the location and extent thereof shall have been submitted to and accepted by the Commission. In case of disapproval, the Commission shall communicate its reasons to the Council, which shall have the power to overrule such disapproval and upon such overruling, the Council or the appropriate office, department or agency shall have authority to proceed. The failure of the Commission to act within thirty (30) days after the date of official submission to the Commission shall be deemed accepted, unless a longer period is granted by the Council or submitting official.