

**DISCUSSION ON AMENDING
SECTION 14.02.152(f)
OF THE CITY'S CODE OF ORDINANCES**

Sect. 14.02.152(f)

Planning and zoning commission consideration and report. The planning and zoning commission, after conducting a public hearing on a request to change a zoning regulation or boundary request, shall report its recommendations on the zoning said request to the city council for its consideration. In its report, the planning and zoning commission may recommend favorable approval of the request or that the request be denied, with or without prejudice. Every proposal which is recommended favorably by the planning and zoning commission shall automatically be forwarded to the city council for public hearing and consideration. When the planning and zoning commission determines that the proposal should be denied, it shall report the same to the city council and the applicant and state the reason(s) for the denial to City Council and applicant. A hearing before the city council shall be set on an application recommended for denial only when an appeal is filed by the applicant with the city administrator or his or her designated administrative official, provided the appeal is requested within 15 days of the planning and zoning commission's decision. to either approve or deny the request and shall state the reason for its recommendation. Should the recommendation be to deny the request, an affirmative vote of at least three-fourths of all of the City Council members is required to overrule said recommendation.

City Attorney Lowry indicated the above Section of the City's Code of Ordinances needs to be amended to come into conformance with Chapter 211 Municipal Zoning Authority of the Texas Local Government Code (TLGC). The appeal process triggered by a Planning and Zoning Commission denial of a request to change a zoning regulation or boundary isn't included in Chapter 211. Section 211.006(f) of the TLGC does include the following option for giving more weight to a decision by the P&Z to deny a request: *The governing body by ordinance may provide that the affirmative vote of at least three-fourths of all its members is required to overrule a recommendation of the municipality's zoning commission that a proposed change to a regulation or boundary be denied.*

The proposed change to Section 14.02.153(f) of the City's Code of Ordinance, as red-lined above, removes the appeal process, but adds the requirement that a three-fourths vote of the City Council is required to overrule a P&Z recommendation to deny a change to zoning regulations or boundaries.