



## City Council Agenda September 18, 2025

### Minutes Resolution

### Action Item

#### Agenda Description:

Public hearing on a request to consider an ordinance amending Subsections (C)(1), “Public Hearing and Notice,” and (D)(3), “Action of the City Council,” of Section 3.1.4, “Amendments, Changes and Administrative Procedures,” of Article 3, “Processes and Procedures,” of the City’s Zoning Ordinance, relative to zoning public notice, public hearings and zoning protests; and amending Section 5.8, “Home Occupations,” of Article 5, “Permitted Uses,” of the City’s Zoning Ordinance, to include the preemptive effect of Section 229.902 of the Texas Local Government Code, as amended.

- A. Staff Presentation
- B. Owner’s Presentation
- C. Those in Favor
- D. Those Against
- E. Owner’s Rebuttal

**Item Summary:** The proposed ordinance updates the City’s Zoning Ordinance to align with recent changes enacted by the 89th Texas Legislature. Specifically, the ordinance:

1. Amends procedures for **public hearings, notices, and zoning protests** under Section 3.1.4.
2. Updates **Home Occupation regulations** in Section 5.8 to incorporate the preemptive effect of Texas Local Government Code §229.902 regarding “no-impact” home-based businesses.

#### Background:

- **House Bill 24 (2025 Session):** Amended Chapter 211 of the Texas Local Government Code to revise procedures related to zoning protests, including definitions and voting thresholds when protests are filed.

- **House Bill 2464 (2025 Session):** Amended Chapter 229 of the Texas Local Government Code to establish uniform rules regarding regulation of no-impact home-based businesses, limiting municipal restrictions.

#### **Key Amendments:**

- **Public Hearing and Notice Requirements (Sec. 3.1.4(C)):**
  - Requires notice to property owners within 200 feet for boundary changes.
  - Establishes newspaper and website publication requirements for text amendments and comprehensive zoning changes.
  - Clarifies when written notices to individual property owners are not required.
- **Zoning Protest Procedures (Sec. 3.1.4(D)(3)):**
  - Defines conditions for valid protests (20% or 60% thresholds depending on case type).
  - Establishes filing deadlines, withdrawal procedures, and presumptions of signature validity.
  - Specifies Council voting requirements (3/4 or majority depending on type of protest).
- **Home Occupations (Sec. 5.8):**
  - Incorporates the **preemptive effect of Local Government Code §229.902**.
  - In case of conflict between local ordinance and state statute, state law controls.

#### **Staff Findings**

- The proposed ordinance is required to maintain compliance with state law.
- The changes provide clarity and consistency in handling zoning protests, ensuring due process for applicants and surrounding property owners.
- Updating the Home Occupations section avoids potential legal conflicts with state statute regarding no-impact home-based businesses.

#### **Financial Information:**

Only cost associated with the amending ordinance request is the publication expense of the public hearing as required by law.

#### **City Contact and Recommendations:**

Aaron Maldonado, Assistant City Manager- The Planning & Zoning Board has made their recommendation for approval on September 2<sup>nd</sup>.