

AN ORDINANCE OF THE CITY OF LEON VALLEY, TEXAS, CITY COUNCIL, AMENDING LEON VALLEY CODE OF ORDINANCES CHAPTER 15 ZONING, ARTICLE 15.02 ZONING ORDINANCE, DIVISION 13. ORGANIZATION AND ENFORCEMENT, SECTION 15.02.722 GENERAL STATUTES, ORDINANCES, AND RULES APPLYING TO THE BOARD OF ADJUSTMENT TO INCORPORATE REGULATIONS REGARDING BOARD APPEALS AS MANDATED BY THE TEXAS LOCAL GOVERNMENT CODE; REPEALING ALL ORDINANCES IN CONFLICT THERWITH; PROVIDING FOR SEVERABILITY; PROVIDING A SAVING CLAUSE; PROVIDING AN EFFECTIVE DATE OF THE REVISION WITH PUBLICATION, AS REQUIRED BY LAW; PROVIDING NOTICE OF OPEN MEETING.

WHEREAS, the Texas Legislature revised regulations in the Texas Statutes, Local Government Code Section 211.008 pertaining to the Zoning Board of Adjustment and its ability to hear appeals not related to a specific application, address, or project and include judicial review proceedings; and

WHEREAS, the City Council wishes to adhere to the regulations as stipulated in the Local Government Code, Section 211.008; and

WHEREAS, Chapter 15 Zoning, Division 13, Section 15.02.722 has not been revised since 2019;

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

SECTION 1. Chapter 15 Zoning, Division 15.02 Organization and Enforcement, Section 15.02.722 General statutes, ordinances and rules applying to the board of adjustment is hereby amended as stated in the attached Exhibit A.

SECTION 2. REPEALER CLAUSE. The provisions of the Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent by any other ordinance.

SECTION 3. SEVERABILITY CLAUSE. If any provision, section, sentence, clause, or phrase of this ordinance or application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting, and the Mayor in approving this Ordinance, that no portion thereof or provisions or regulation contained herein shall become inoperative or fall by reason of any unconstitutionally or invalidity of any portion, provision, or regulation.

SECTION 4. SAVINGS CLAUSE. The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION 5. EFFECTIVE DATE. That this Ordinance shall take effect immediately from and after its passage and publication as required by law.

SECTION 6. NOTICE OF MEETING CLAUSE. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 21st day of March, 2023.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

NICOLE WARREN
City Attorney