



Consider Approval of an Amendment to Chapter 15 Zoning for BOA

Mindy Teague

Director Planning and Zoning

Planning and Zoning Meeting

February 28, 2023

Summary

- **Question**

Consider Approval of An Amendment to Chapter 15 Zoning, Article 15.01 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

- **Options**

- Approve the amendment request
- Deny
- Other

- **Declaration**

- Staff recommends approval of the request

Purpose

- The purpose of this item is to consider a recommendation on an Ordinance amending the Leon Valley Code of Ordinances, Chapter 15 zoning, Article 15.01 Zoning Ordinance, Division 13. Section 15.02.722, to incorporate new Texas State laws.
- The Texas Legislature revised the regulations in the Texas Statutes, Local Government Code, Section 211.008 pertaining to the Zoning Board of Adjustment and these new regulations must be incorporated into the City's Zoning Code.

Staff Comments

- Revisions in the proposed amendment include the following:
 - Directs applicants to LVCC Appendix A Fee Schedule to locate the fees for application to the Board
 - Changes the name of the Zoning Commission to the Planning and Zoning Commission
 - Changes the minimum board members required for decisions from four to 75%
 - Adds RE-1, R-7, and Planned Development zoning districts, which had not been created when this portion of the Code was written

Staff Comments

- Revisions (con't):
 - Changes who is allowed to appeal the Zoning Administrator's decision to the Board to include anyone aggrieved by a decision of the Administrator
 - Changes the findings for proving an unnecessary hardship to include the financial costs for compliance, the potential loss of the area of a lot of by least 25%, that the decision places the property in conflict with other municipal codes, decision creates an unreasonable encroachment, and allows the Board to consider a decision by the administrator that a property is already in nonconformance.
 - Expands on the regulations for judicial review

Fiscal Impact

- N/A

Recommendation

- Staff recommends approval of these revised regulations

S.E.E. Statement

- Social Equity – Updating the regulatory codes protects the health, safety , and welfare of all citizens
- Economic Development – These new regulations consider the monetary effect of denying variances and appeals, which affect businesses and residents alike
- Environmental Stewardship – Careful consideration of requests for variances and appeals can have a great effect on the environment, depending on what is being requested