

Consider Non-Specified Use Request New Use - Bail Bond Facility

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Summary

- Question – Should the City approve an Ordinance amending Chapter 15 Zoning, Article 15.02, Division 2 Definitions and Division 6 Table of Permitted Uses to include a definition and the use “Bail Bond Facility” with a Specific Use Permit and by right in certain zoning districts
- Options:
 - Approve proposed amendments to Chapter 15 Zoning, Division 2 Rules of Construction and Definitions and Division 6 Table of Permitted Uses to include this use
 - Deny proposed amendments
 - Other
- Declaration
 - The Zoning Code has a process by which applicants may propose new uses be included in the Zoning Code

Purpose

- The use “Bail Bond Facility” is currently not included in the permitted use table
- Applicant is proposing the use be included in the table as being allowed in the B-2 Retail Zoning district with a SUP, and in the B-3 Commercial and I-1 Industrial zoning districts without an SUP
- Will also need to revise Chapter 15, Article 15.02, Division 2 Rules of Construction and Definitions to include a definition of the use

Purpose

- Proposed definition: “Bail bond facility - a business that provides bail services, essentially acting as a surety. The business posts a bond with the courts, guaranteeing a defendant will appear for all scheduled court dates. In exchange for this guarantee, the company charges a fee. Business must provide proof of current license by the State of Texas.”
 - Bail Bond Companies and their agents are licensed and regulated by state insurance departments via the Occupations Code, Title 10. Occupations Related to Law Enforcement and Security, Chapter 1704. Regulation of Bail Bond Sureties
 - This type of use is typically located in an enclosed business office or stand-alone building, with no outside storage, and follow regular business hours with walk-in customers
 - Most customer inquiries and transactions take place over the phone and staff is on call to take calls 24 hours a day

Purpose

DIVISION 11. - NONSPECIFIED USES

Sec. 15.02.601 – Definition

A nonspecified use is a use which, according to the zoning administrator, does not fall into the categorization of zoning districts as listed in "Permitted Use Table" above and does not conform to the intent of the district description and purpose in which it is intended to be located.

Sec. 15.02.602 - Effect of provision

The provision for nonspecified use is intended to provide individuals with an administrative procedure:

Purpose

- (1) To propose new use(s) to be included in one or more of the various zoning districts;*
- (2) To propose that certain use(s) be allowed in a zoning district other than the district(s) in which said use or uses is now allowed; and*
- (3) To propose the addition or deletion of specific use permit requirements for a particular use in a particular zoning district.*

Sec. 15.02.603 - Hearings

A nonspecified use may be categorized by the Leon Valley planning and zoning commission, with commission's categorization being approved by city council, after application and public hearing as set out in the specific use permits sections of this article.



Proposed Amendment

Proposed

Use	O-1	B-1	B-2	B-3	I-1
Bail Bond Company	X	X	SUP	P	P

- P - Allowed by right
- X - Not allowed
- SUP - Specific use permit

Fiscal Impact

- These changes may encourage these types of business to relocate to Leon Valley, which would increase ad valorem taxes and/or sales taxes.

Staff Recommendation

- This use is not currently listed in the Permitted Use Table
- Staff recommends that the use “Bail Bond Facility” be defined and that zoning districts be assigned, to provide applicants with the necessary process and requirements for approval

Planning and Zoning Commission Recommendation

- The Planning and Zoning Commission recommended approval in a vote of 5 – 1