

## MAYOR AND COUNCIL COMMUNICATION

**DATE:** March 7, 2023

**TO:** Mayor and Council

**FROM:** Mindy Teague, Planning and Zoning Director

**THROUGH:** Crystal Caldera, City Manager

**SUBJECT:** Presentation and Discussion to Consider Approval of an Ordinance Amending 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 the Board of Adjustment as Mandated by the Texas Local Government Code (1<sup>st</sup> Read as Required by City Council) - M. Teague, Planning and Zoning Director

**SPONSOR(S):** City Council

### PURPOSE

The purpose of this item is to consider approving 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.
- Changes whom 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.

**SEE LEON VALLEY**

- 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.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

At their 2/28/23 meeting, Planning and Zoning recommended approval of this amendment.

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

APPROVED WITH THE FOLLOWING AMENDMENTS:

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ATTEST:

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**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary