


From: Toni Milam [mailto:tmilam@cityofllano.com]
Sent: Thursday, June 13, 2013 11:29 AM
To: 'Marc Sewell'
Cc: 'Brenton Lewis'
Subject: RE: P&Z Meeting tonight

Marc,

In response to your question regarding property owners in the Ford St. Zoning District and those within 300 ft being notified by registered letter of tonight's P/Z public hearing:

According to the Code of Ordinances, "Changes in the Ordinance text which do not change zoning regulations and/or zoning district boundaries do not require written notification to individual property owners, but rather a notice of the public hearing and notice is required to be given, which was published in the Llano News. Only when an application has been made to the City on a proposed change in a zoning classification shall be sent to each owner. The Planning and Zoning Commission will be considering additional uses allowed in just the SF-1 Overlay District, which includes portions of Ford St. As you know, the newly created SF-1 Overlay District currently only allows for a Attorney Office, Dental Office, or Medical clinic or office, provided an application is made for a Specific Use Permit. Tonight's meeting is asking the Planning and Zoning Commission to consider other uses being allowed in this newly created SF-1 Overlay District with or without a Specific Use Permit. Whatever the P/Z's pleasure is tonight, then a recommendation will be made to the City Council after a public hearing is held, approving the recommendation from the P/Z is made.

Sec. 110-51. Authority to amend all zoning ordinances, districts and administrative procedures. 

(a)

The city council may from time to time amend, supplement or change the regulations provided in this chapter or the boundaries of the zoning districts specified on the zoning map after receiving a final report thereon by the planning and zoning commission and after public hearings required by law. Any ordinance regulations or zoning district boundary amendment may be ordered for consideration by the city council, be initiated by the planning and zoning commission, or be requested by the owner of real property, or the authorized representative of an owner of real property. In no case shall the city council act upon any zoning request prior to recommendation by the planning and zoning commission.

(b)

Consideration for a change in any district boundary line or special zoning regulation may be initiated only with written consent of the property owner, or by the planning and zoning commission or city council on its own motion when it finds that public benefit will be derived from consideration of such matter. If the ownership stated on

an application and shown on the city records are different, the applicant shall submit written proof of ownership.

(Ord. No. 735, § I(30.1), 7-21-1997)

Sec. 110-52. Application for amendment.

Each application for zoning or an amendment or change to the existing provisions of this chapter shall be made in writing, and filed on a form suitable to the city secretary, and shall be accompanied by payment of the appropriate fee established by the city.

(Ord. No. 735, § I(30.2), 7-21-1997)

Sec. 110-53. Public hearing and notice.

Prior to making its report to the city council, the planning and zoning commission shall hold at least one public hearing on each application. Before the tenth day before the hearing date before the planning and zoning commission, written notice of each public hearing before the planning and zoning commission on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of property within 300 feet of the property in which the change in classification is proposed. The notice shall be served by its deposit in the municipality, properly addressed with certified postage paid, return receipt requested in the United States Mail. Before the 15th day before the date of the hearing, notice of the time and place of the hearing must be published in an official newspaper or a newspaper of general circulation in the municipality. Before the 20th day before the date of the hearing, property subject to zoning action will be posted with notice of the time and place of the planning/zoning hearing and the time and place of the city council hearing. Sign shall be a minimum of 18 inches x 18 inches and posted to be visible from frontage street. Sign shall state in a minimum of two-inch letters, CITY OF LLANO NOTICE OF PUBLIC HEARING. Specifics regarding time, place and content of the public hearing shall be in at least 16 point type below. Notice shall include city staff contact and phone number if additional information is required. **Changes in the ordinance text which do not change zoning regulations and/or zoning district boundaries do not require written notification to individual property owners.** Notices for the public hearing for changes to the ordinance text before the city council will also be published at the same time notice of the planning and zoning commission meeting is published but before the 15th day before the date of the hearing, notice of the time and place of the hearing must be published in an official newspaper or a newspaper of general circulation in the municipality.

(Ord. No. 735, § I(30.3), 7-21-1997; Ord. No. 1037, § I, 5-1-2006; Ord. No. 1152, 12-21-2009)

State law reference— Hearing and notice, V.T.C.A., Local Government Code §§ 211.006, 211.007.

Sec. 110-54. Failure to appear.

The planning and zoning commission may deny a zoning application if the applicant or representative fail to appear at one or more hearings before the planning and zoning commission.

(Ord. No. 735, § I(30.4), 7-21-1997)

Sec. 110-55. Planning and zoning commission consideration and report. 

The planning and zoning commission, after the public hearing is closed, shall prepare its report and recommendations on the proposed change stating its findings, its evaluation of the request and of the relationship of the request to the comprehensive plan. In the event a motion cannot be passed, either recommending approval or denial, due to a tie vote, the planning commission may by motion defer the matter to the next scheduled planning commission meeting for consideration or may pass a motion to refer the matter to city council for consideration. In the event of referral to city council, council may approve the change or amendment with a two-thirds vote. The planning and zoning commission may defer its report for not more than 90 days from the time it is posted on the agenda until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. In making its determination, the planning and zoning commission shall consider the following factors:

- (1) Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the city as a whole.
- (2) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.
- (3) The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances which may make a substantial part of such vacant land, unavailable for development.
- (4) The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
- (5) How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.
- (6)

Any other factors which will substantially affect the health, safety, morals, or general welfare.

(Ord. No. 735, § I(30.5), (30.6), 7-21-1997; Ord. No. 1152, 12-21-2009)

Sec. 110-56. City council consideration.

(a)

Proposal recommended for approval by the planning and zoning commission. Every proposal which is recommended favorably by the planning and zoning commission shall be automatically forwarded to the city council for setting and holding of a public hearing on such proposal. No change, however, shall become effective until after the adoption of an ordinance for such change, and its publication, as required by law.

(b)

Proposal recommended for denial by the planning and zoning commission. When the planning and zoning commission determines that a proposal should be denied, it shall report and recommend such determination to the city council and notify the applicant. If the proposal is denied by the planning and zoning commission, the request shall not be forwarded to the city council unless the applicant requests an appeal to the city council or the request is sent for review by the planning and zoning commission by simple majority vote. When a proposed zoning request which was denied by the planning and zoning commission is heard by the city council, a three-fourths majority vote by the city council shall be required for approval. A request which has been denied by the planning and zoning commission and/or city council may be resubmitted at any time for reconsideration by the city, and a new filing fee must accompany the request. The city council may deny any request with prejudice. If a request has been denied with prejudice, the same request or a similar request may not be resubmitted to the city for a period of six months from the original date of denial.

(c)

City council hearing and notice. Notice of the city council hearing shall be given by publication in the official newspaper of the city, stating the time and place of such hearing, which shall be at least 15 days after the date of publication.

(d)

Three-fourths vote of city council required. If a protest against a proposed amendment, supplement or change to a zoning regulation or boundary has been filed with the city secretary, duly signed and acknowledged by the owners of 20 percent or more of either the area of the lots or land included in such a proposed change to a zoning regulation or boundary or the area of the lots or land immediately adjoining the area thereof, extending 200 feet therefrom, or of lots or land directly opposite thereto, extending 200 feet from the street frontage of such opposite lots, such

amendments shall not become effective, except by the affirmative vote of three-fourths of all members of the city council.

(Ord. No. 735, § I(30.7), 7-21-1997)

Sec. 110-57. Final approval and ordinance adoption. 

Upon submittal of a zoning request by the city council, the applicant shall submit to the city a metes and bounds description of the boundaries of the zoning request, and any zone contained therein, for the preparation of the amending ordinance. The amending ordinance shall be approved at the time the city council makes a decision to approve the request as submitted or as modified. The amending ordinance will not be approved until correct property description as described has been prepared for the amending ordinance.

Hopefully, this response is an answer to your question,

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