

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, AMENDING SECTION 15.02.113, OF THE CITY OF LEON VALLEY CODE OF ORDINANCES, REGARDING NOTICING AND SCHEDULING REQUIREMENTS FOR PUBLIC HEARINGS BEFORE THE ZONING COMMISSION; PROVIDING FOR REPEALER, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, Chapter 15, Zoning Ordinance, of the City of Leon Valley Code of Ordinances establishes noticing requirements for public hearings involving zoning district and regulation changes; and

**WHEREAS**, state law requires that written notification be provided to all property owners within 200 feet of a property proposed for rezoning not less than 10 days before the date of the hearing by a zoning commission; and that notice be published in a local newspaper not less than 15 days before any public hearing before a city council for a zone change or a change to a zoning regulation; and

**WHEREAS**, Section 15.02.113 of the City Code of Ordinance also requires notice be published in a local newspaper not less than 15 days before any public hearing before the Zoning Commission;

**WHEREAS**, both the Zoning Commission and the City Council have determined that said published notice prior to public hearings before the Zoning Commission is unnecessary; and

**WHEREAS**, both the Zoning Commission and the City Council have also determined that the Code should be amended to require that signage be placed at the property subject to public hearing for a possible zone change 10 days before the public hearing before the Zoning Commission; and

**WHEREAS**, the City Council resolves to amend Section 15.02.113 to no longer require notice be published in a local newspaper not less than 15 days before any public hearing before the Zoning Commission and that signage be placed at the property subject to public hearing for a possible zone change 10 days before the public hearing before the Zoning Commission;

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

**SECTION 1.** The City of Leon Valley's Code of Municipal Ordinance, Chapter 15, (entitled "Zoning Ordinance") is hereby amended by revising Section 15.02.113 (entitled "Exhibit A") to add the language that is underlined (underlined) and deleting the language that is stricken (~~stricken~~) to Section 15.02.113 (a), (b), (c), and (d) as shown in

the italicized (*italicized*) text that follows:

**Sec. 15.02.113**      ~~Scheduled dates and notification~~ **Zoning map amendment applications**      Action by Planning and Zoning Commission

(a) *Applications must be submitted to the Zoning Administrator and all appropriate fees paid. Upon receipt of a complete application for a zoning map amendment (rezoning), and all outstanding issues having been resolved, the zoning officer(s) shall assign the application a docket number and set a date for a public hearing before the Planning and Zoning Commission and the city council.*

(b) ~~Not less than fifteen (15) days before the public hearing, notice of the hearing shall be published in an official newspaper or a newspaper of general circulation. Not less than ten (10) days before the public hearing before the Planning and Zoning Commission, written notice shall be sent to all owners of real property, as indicated on the most recently approved municipal tax roll, located within two hundred feet (200') of the property to be rezoned or as otherwise resolved by the city council. The notice may be served by its deposit in the United States mail, within the city, properly addressed with postage paid.~~

(c) ~~All applications received shall be heard at a public hearing within seventy (70) days of the date of assignment of docket numbers and decided at the same meeting, at the next regular meeting of the Commission, or at a special meeting prior to such regular meeting; but in any event, within thirty-six (36) days of the initial meeting at which the hearing on the particular case was first held. Not less than ten (10) days before the public hearing before the Zoning Commission, signage shall also be placed at the property subject to public hearing for a possible zone change, in a location visible to adjacent public streets, which states the date, time, location, and requested zoning action for the property.~~

(d) ~~From the date of recommendation by the Commission, application must be made for a public hearing shall be held before the City Council regarding the same matter within ninety (90) days of such Commission recommendation or the recommendation is void.~~

(e) ~~At his option, †~~*The applicant may choose to request public hearings before both the Commission and the city council by paying the total applicable fees for both hearings at the same time. If such option is elected, the date of the public hearing before the city council shall be set at the next regularly scheduled meeting of the city council following the public hearing at which a decision is made by the Commission.*

**SECTION 2.** The City Secretary is hereby authorized and directed to publish the amendments to the Code of Ordinances Zoning Code as provided herein, subject to the capitalization of the terms Planning and Zoning Commission, and City Council is intended throughout the revisions irrespective of the absence of editorial underlining or strike though of characters.

**SECTION 3.** 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 as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

**SECTION 4.** That it is hereby declared to be the intention of the City Council of the City of Leon Valley that phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, and section.

**SECTION 5.** The ordinance shall be effective upon passage and publication as required by law.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Leon Valley this the 3rd day of March 2020.

**APPROVED**

  
**CHRIS RILEY**  
MAYOR

Attest:

  
**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

Approved as to Form:

  
**HABIB H. ERKAN, JR.**  
City Attorney

