



Legislation Text

File #: 2023-179, **Version:** 1

Consider public testimony regarding, and an ordinance amending the Zoning and Development Code, Chapter 10, Article V, Sections 10-2 and 10-30, Code of Ordinances (2018 Edition), regarding notice requirements for replats. (First Reading)*

The City's Zoning and Development Code requires a public hearing for any replat prior to action by the Planning and Zoning Commission. Public hearings are required for both residential and non-residential replats, and the Code has been consistent with public hearing requirements for residential replats set forth by the Texas Local Government Code. However, the Code deviates from state requirements by requiring a public hearing for non-residential replats, which is not mandated by Local Government Code.

With the approval of HB 3314 in 2019, the Local Government Code was amended to remove public hearing requirements for residential replats, too, unless the replat is associated with a variance or exception. The proposed Code amendment will align the City's Code with state replat noticing and public hearing requirements. Specifically, the amendment proposes to remove public hearing requirements for both non-residential and residential replats unless a residential replat is associated with a request for variance or exception.

If a proposed residential replat does not require a variance or exception, written notice of Planning and Zoning Commission action will be mailed to property owners within 300 feet of the replatted lot within 15 days of Commission action. Residential replats that seek a variance or exception will require advance public notice and a public hearing prior to Planning and Zoning Commission action. Non-residential replats will no longer require public hearings nor require any public notice.

The Commission has no authority to deny a subdivision application that meets the requirements of the Code. Unlike subdivision review, a zoning decision is a discretionary authority and public comment is an essential part of the process. When replat public hearings are held, the public comments are commonly about the land use and/or zoning of the property and are not related to the subdivision of land. Once speakers realize their comments are not related to the action being taken by the Commission, they express frustration with the process because they find they have no tangible recourse related to the replat.

The Planning and Zoning Commission held a public hearing at their meeting on May 3, 2023, and voted 7-0 to recommend approval of the code amendment with an increased written notification boundary from 200' (the minimum mandated by statute) to 300' (to match other city noticing guidelines). There was no public testimony.

