

PUBLIC HEARING  
ZONING ORDINANCE AMENDMENT


The Taylor City Council will hold a public hearing at 6:00 p.m. on Tuesday, September 24, 2002, in the Taylor City Hall Council Chambers, 400 Porter Street, Taylor, Texas to allow citizens an opportunity to express their views on amendments to the City's Zoning Ordinance No. 2001-17 to amend Chapter 7, Section 7.2.2 to include the appointment of three alternates to the Zoning Board of Adjustment for two year terms and to amend Chapter 3, Table 3.8 to add Funeral Home or Mortuary zoning to Central Business (B-3) District. Citizens unable to attend this public hearing may submit their comments in writing to City Clerk Barbara Belz, P.O. Box 810, Taylor, TX 76574 or for more information please call Community Development Director Bob van Til at 512-352-5990.

Posted the 10<sup>th</sup> day of September, 2002

Barbara Belz, City Clerk

## MEMORANDUM

TO: Frank Salvato,  
City Manager

FROM: Bob van Til, AICP   
Director of Community Development

RE: Zoning Ordinance Text Amendment  
Alternates for Zoning Board of Adjustments

DATE: September 17, 2002

A public hearing and first reading of the ordinance on this text amendment is scheduled for City Council on September 24, 2002.

Staff recommends that Zoning Ordinance be amended to add three alternates to the Zoning Board of Adjustments (ZBA). The alternates are needed to provide back up in the event that a member of the ZBA is unable to attend the meeting.

State law requires that "each case before the board must be heard by at least 75% of the members." The law also states: "the concurring vote of 75% of the members of the board is necessary to ..... authorize a variance from the terms of a zoning ordinance."

With only five members on the ZBA, the likelihood that a member may be ill or otherwise unable to attend the meeting and affect the outcome of the decision is high. For instance, if only four members attend the meeting and one member votes contrary to the motion, the motion will fail simply because of the "75%" rule assigned to the ZBA.

Attached is the policy statement as recommended by the Planning and Zoning Commission. A public hearing on this text amendment was held during the Commission's regularly scheduled meeting on September 10, 2002.

Please feel free to let me know if you have any questions by calling me at 512-352-5990 or contacting me via email at [bob.vantil@ci.taylor.tx.us](mailto:bob.vantil@ci.taylor.tx.us).

## **Recommended Code Amendments**

### 7.2.2 Membership

The Board shall consist of five (5) members and three (3) alternates, each to be appointed or re-appointed by the City ~~Commission Council~~, for staggered terms of two (2) years respectively. Each member of the Board shall be removable for just cause by City ~~Commission Council~~ upon written charges and after public hearing. Vacancies shall be filled by the City ~~Commission Council~~ for the un-expired term of any member whose term becomes vacant. The Board shall elect its own chairman, who shall serve for a period of one (1) year or until his successor is elected.

To determine which alternate member shall serve in the absence of a regular member, the Chair of the board shall draw lots at the beginning of the meeting.

**ORDINANCE NO. 2002-29**

**AN ORDINANCE OF THE CITY OF TAYLOR, TEXAS, AMENDING ZONING ORDINANCE NO. 2001-17 ADOPTED ON APRIL 24, 2001 AS HERETOFORE AMENDED BY CHANGING CHAPTER 7, ZONING BOARD OF ADJUSTMENT, SECTION 7.2.2, MEMBERSHIP, TO ADD THREE ALTERNATES TO THE ZONING BOARD OF ADJUSTMENTS**

**WHEREAS**, the City Council of the City of Taylor, Texas, passed Ordinance No. 2001-17 creating and establishing a Zoning Ordinance for the City of Taylor, Texas; and

**WHEREAS**, the City Council desires to amend Chapter 7, Zoning Board of Adjustment, Section 7.2.2, Membership, of Zoning Ordinance No. 2001-17, to add three alternates to the Zoning Board of Adjustments.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAYLOR, TEXAS, that:**

**SECTION 1.0** All of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.

**SECTION 2.0** Chapter 7, Zoning Board of Adjustment, Section 7.2.2, Membership, of Zoning Ordinance No. 2001-17 is amended as follows:

**7.2.2 Membership**

The Board shall consist of five (5) members and three (3) alternates, each to be appointed or re-appointed by the City Council, for staggered terms of two (2) years respectively. Each member of the Board shall be removable for just cause by City Council upon written charges and after a public hearing. Vacancies shall be filled by the City Council for the unexpired term of any member whose term becomes vacant. The Board shall elect its own Chairman, who shall serve for a period of one (1) year or until his successor is elected.

To determine which alternate member shall serve in the absence of a regular member, the Chairman of the Board shall draw lots at the beginning of the meeting.

**SECTION 3.0** All other provisions of the Zoning Ordinance No. 2001-17 of the City of Taylor, Texas, shall remain in full force and effect.

**SECTION 4.0** In accordance with Article VIII, Section 1 of the City Charter, this Ordinance was introduced before the City Council of the City of Taylor, Texas, on the 24<sup>th</sup> day of September, 2002.

**PASSED, APPROVED and ADOPTED** on the 10<sup>th</sup> day of October, 2002.

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Jeffrey M. Berger, Mayor  
City of Taylor

ATTEST:

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Barbara S. Belz, City Clerk