

November 21, 2017

ORDINANCE NO. 2017-11-160

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING CHAPTER 12 “PLANNING AND DEVELOPMENT,” EXHIBIT “C” “LAND DEVELOPMENT AND SUBDIVISION ORDINANCE,” CHAPTER 1 “GENERAL PROVISIONS,” SECTION IV “VARIANCES,” AND CHAPTER 12 “PLANNING AND DEVELOPMENT,” EXHIBIT “C” “LAND DEVELOPMENT AND SUBDIVISION ORDINANCE,” CHAPTER 5 “PROCEDURAL REQUIREMENTS FOR PROCESSING SUBDIVISIONS,” SECTION III “STAGES OF DEVELOPMENT REVIEW,”; PROVIDING FOR SEVERABILITY; AND, PROVIDING AN EFFECTIVE DATE

WHEREAS, the Land Development and Subdivision ordinance provides for appeal by the developer to City Council from action of the Planning Commission on developer’s request for variance and approval of a major subdivision; and,

WHEREAS, the language of the Land Development and Subdivision Ordinance is not standardized which leaves the provisions unnecessarily open to interpretation; and,

WHEREAS, the interest of the public is served by standardizing the language delineating the overall votes of the City Council required for reversing or modifying such actions of the Planning Commission.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF SAN ANGELO, TEXAS:

Section 1. That Chapter 12 “Planning and Development,” Exhibit “C” “Land Development and Subdivision Ordinance,” Chapter 1 “General Provisions,” Section IV “Variances” is hereby amended:

C. Appeal to City Council. Action taken by the Planning Commission on a requested variance from the terms of this Ordinance shall be considered the final decision on said request, unless that decision is appealed to City Council by the developer or city, in which case the City Council is authorized to reverse, modify or affirm any such decision of the Planning Commission. Notwithstanding procedural requirements of the City Charter, a **simple** majority vote of City Council members present shall be necessary to reverse or modify such decision of the Planning Commission.

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Section 2. That Chapter 12 “Planning and Development,” Exhibit “C” “Land Development and Subdivision Ordinance,” Chapter 5 “Procedural Requirements for Processing Subdivisions,” Section III “Stages of Development Review” is hereby amended:

(5) The Planning Commission’s action shall be considered final, not requiring subsequent consideration by the City Council, unless that decision is appealed to City Council which is hereby authorized to reverse, modify or affirm any decision made by the Planning Commission, on a preliminary plat. Notwithstanding procedural requirements of the City Charter, a **simple** majority vote of the City Council members present shall be necessary to reverse or modify such decision made by the Planning Commission.

Section 3. The remaining provisions of the Code of Ordinances, not amended hereby shall remain in full force and effect.


Section 4. The terms and provisions of this ordinance shall be deemed to be severable in that if any portion of this ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this ordinance.


Section 5. This Ordinance shall be effective on, from and after the date of adoption and publication as required by law.

INTRODUCED on the 7th day of November, 2017, and finally **PASSED, APPROVED AND ADOPTED** on this the 21st day of November, 2017.


ATTEST:

THE CITY OF SAN ANGELO

DocuSigned by:

EE8995EDAFA1475...
Bryan Kendrick, City Clerk

DocuSigned by:

65CC121DADBB40E...
Brenda Gunter, Mayor

APPROVED AS TO FORM

DocuSigned by:

E822428D610A4D4...
Theresa James, City Attorney