

ORDINANCE NO: 1215-01-20

AN ORDINANCE OF THE CITY OF HONDO AMENDING CHAPTER 3 OF THE UNIFIED DEVELOPMENT CODE TO CORRECT VARIOUS SCRIVENOR ERRORS AND TO COMPLY WITH REVISIONS TO STATE LAW; DELETING THE APPENDIX TO UNIFIED DEVELOPMENT CODE; APPENDING CHAPTER 11 OF THE UNIFIED DEVELOPMENT CODE TO INCLUDE A DEFINITION FOR DEVELOPMENT GUIDE; INCORPORATING RECITALS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Hondo ("City") is authorized to regulate the zoning of property pursuant to Texas Local Government Code Chapter 211; and

WHEREAS, the City is authorized to regulate the subdivision of property pursuant to Texas Local Government Code Chapter 212; and

WHEREAS, pursuant to such statutory authority, the City of Hondo City Council ("City Council") adopted the Unified Development Code on January 8, 2018, by Ordinance No. 1148-01-18 ("UDC"); and

WHEREAS, In accordance with UDC, Chapter 1, Section 1.6., City Staff has performed an annual review of the UDC and has made recommendations for certain revisions for consideration by Planning and Zoning Commission and City Council; and

WHEREAS, on the 21st day of January, 2020, after conducting a properly advertised public meeting, the Planning & Zoning Commission reviewed City Staff's proposed revisions to the UDC and made recommendations regarding those changes; and

WHEREAS, on the 27th day of January 2020, the City Council conducted a properly advertised public meeting regarding the proposed UDC revisions, and received and reviewed City Staff's and Planning and Zoning Commission's recommendations regarding the same.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HONDO, TEXAS THAT:

1. **Incorporation of Recitals.** The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.
2. **Amendments.**
 - a. Chapter 3 of the Unified Development Code is hereby amended as specified in "Exhibit A", attached hereto, which is incorporated by reference herein for all purposes.
 - b. The Appendix to the UDC is hereby deleted and repealed.
 - c. Chapter 11.2 "Defined Terms" is appended to include the following:

Development Guide

A publication consisting of general instructions, forms, and checklists to assist applicants in complying with UDC requirements. The City Manager is authorized to promulgate, edit, and periodically reissue the Development Guide.

3. **Repealing Ordinances in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.
4. **Effective Date.** This ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.
5. **Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.
6. **Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance

PASSED AND APPROVED this 27th day of January 2020.



JAMES W. DANNER, SR.
MAYOR

ATTEST:



Miguel Cantu
City Secretary



EXHIBIT A

AMENDMENT TO CERTAIN SECTIONS OF THE UNIFIED DEVELOPMENT CODE

The following sections of the Unified Development Code (UDC) are amended as detailed below.

NOTE: Changes are indicated **in red** below. Underlined italic language indicates an addition of text to the UDC (i.e. *underlined italics*). Strikethrough italic language indicates a deletion of text from the UDC (i.e. ~~*strikethrough italics*~~).

CHAPTER 3

Section 3.3 Zoning Map Amendment (Rezoning)

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3.3.2 Zoning on Newly Annexed Territory

- a. All territory hereafter annexed to the City of Hondo shall be temporarily classified as RE, Residential Estate Zoning District, until permanent zoning is established.
- ~~i. b.~~ Residential Districts Permanent or Temporary: RE Residential Estate Zoning District can be either a permanent zoning or temporary zoning category. If used when annexing new territory, it shall be considered temporary zoning. If, after public hearings, the Planning and Zoning Commission and City Council determine that RE is the proper zoning then that district is considered permanent zoning.
- ~~ii. c.~~ ~~*Other*~~ Permits *on Temporarily Zoned Property*: An application for a permit *on property which is temporarily zoned as described in the paragraph above* for any use ~~*other than that specified in the paragraph above which is not allowed in RE Residential Estate Zoning per the requirements of the UDC*~~ shall be made to the Development Officer and by him referred to the Planning and Zoning Commission for consideration and recommendation to the City Council. The Planning and Zoning Commission, in making its recommendation to the City Council concerning any such permit, shall take into consideration the appropriate land use for the area, as shown in the Comprehensive Master Plan. The City Council, after receiving and reviewing the recommendation of the Planning and Zoning Commission, may by majority vote, authorize the issuance of a building permit or certificate of occupancy or may disapprove the application.

~~b. 3.3.3~~ Questions Arising on Zoned Areas: Where physical features of the ground are at variance with information shown on the official Zoning Map, or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved, the property shall be considered as classified RE Residential Estate Zoning District, temporarily, in the same manner as newly annexed territory. The issuance of a building permit and the determination of permanent zoning shall be in accordance with the provisions prescribed in the UDC for temporarily zoned areas.

~~c. 3.3.4~~ Zoning Change Application:

- ~~i. a.~~ Any person, corporation, or group of persons having a proprietary interest in any property, upon proof of such interest, may petition for a change or amendment to the

provisions of this ordinance, or the Planning and Zoning Commission may, on its own motion, institute proposals for change and amendment in the public interest. A Zoning Change Application and Zoning Change Submittal must be presented for consideration of a zoning change (See Appendix for Zoning Change Submittal).

~~ii.~~ b. Applications for a rezoning may also be initiated by a majority vote of the City Council.

~~4.~~ 3.3.5 Public Hearing Requirement:

~~i.~~ a. In accordance with Chapter 211 of the Texas Local Government Code, the Planning and Zoning Commission shall hold a public hearing on any application for amendment, supplement, or change prior to making its recommendation and report to the City Council. Written notice of all public hearings before the Planning and Zoning Commission, on a proposed amendment, supplement or change shall be sent to all owners of real property lying within two hundred (200) feet of the property on which the change is requested. Such notice shall be given not less than ten (10) days before the date set for hearing, and may be served by depositing a notice properly addressed and postage paid in the United States Post Office to such property owners as the ownership appears on the last approved City Tax Roll.

~~ii.~~ b. Notice of Public Hearing: In accordance with Chapter 211 of the Texas Local Government Code, a public hearing shall be held by the City Council before adopting any proposed amendment, supplement, or change. At least fifteen (15) days' notice of the time and place of such hearing shall be published in the official newspaper of the City of Hondo.

~~3.3.3~~ 3.3.6 Review and Recommendation:

- a. Staff Review. Development Officer shall review each proposed rezoning and refer the application to other departments or entities as deemed necessary. Based on the results of those reviews, the Development Officer shall provide a report and recommendation to the Planning and Zoning Commission.
- b. After the public hearing, the Planning and Zoning Commission shall make a final report to the City Council.
- c. If the Planning and Zoning Commission fails to issue a final report after 60 days to the City Council, then the report is deemed to have a recommendation of denial. If the Planning and Zoning Commission makes a recommendation after the public hearing, then the proposal will move forward to the next regularly scheduled City Council meeting.

~~3.3.4~~ 3.3.7 Effect of Decision

- a. The City Council shall hold a public hearing on the proposed rezoning and, at the close of the hearing shall, based upon the recommendations of the Development Officer and Planning and Zoning Commission:
- b. Approve the rezoning by ordinance;
- c. Approve the rezoning by ordinance with conditions or modifications (e.g., change the zoning on a designated portion of the property or change the zoning to another designation);

- d. Deny the rezoning; or
- e. Refer the proposed rezoning back to the Planning and Zoning Commission for further consideration.

~~3.3.5~~ **3.3.8** No application for rezoning shall be considered within one year of denial of a request by the City Council for the same classification on the same property. This one-year limitation may be waived by City Council at their sole discretion.

3.4 Plat Review

3.4.1 Before any plan, plat, or replat of a subdivision of land inside the city, or within ~~one (1) mile of the city limits~~ the extraterritorial jurisdiction thereof shall be recorded with the County Clerk of Medina County, it shall first be approved by the Planning and Zoning Commission of the city, or by the Development Officer as applicable, in conformity with the provisions of this article [this chapter]. No transfer of land in the nature of a subdivision as defined herein shall be exempt from the provisions of this article even though the instrument or document of transfer may describe the land so subdivided by metes and bounds. The filing of any plan, plat, or replat without complying with the requirements of this article, or the transfer of land by filing of any instrument in the nature of a conveyance without having first complied with the requirements of this article, shall be deemed a violation of the provisions of the UDC.

3.4.2 Preliminary Plat

- a. All persons desiring to subdivide a tract of land within the jurisdiction of the UDC shall first prepare and submit to the ~~Planning and Zoning Commission~~ Development Officer a preliminary plat together with supplementary material as specified hereinafter (See ~~Appendix for Preliminary Plat Submittal~~ Development Guide). No final plat shall be approved until a preliminary plat is approved pursuant to this Section.
- b. ~~Four (4) copies~~ Two (2) full sized hard copies and one (1) electronic copy (in a format approved by the Development Officer) of the preliminary plat and supplementary materials shall be submitted to the ~~Planning and Zoning Commission~~ Development Officer with the written subdivision plat application ~~for conditional approval at least thirty (30) days prior to the meeting at which it is to be considered by the application deadlines as specified by the Development Officer. Development Officer may require additional copies as may be required for adequate review and processing of the preliminary plat.~~
- c. ~~On~~ Upon receipt of a preliminary plat application and along with other required information and supplementary materials, the Development Officer shall perform a technical review of the plat to determine that the plat is administratively complete and provides all information required by this ordinance, or as may be ~~requested by the Planning and Zoning Commission~~ required by the Development Officer.
 - i. Upon a determination that the plat is administratively complete, plat will be considered filed for purposes of Texas Local Government Code, Section 212.009. The Commission Development Officer shall ~~immediately~~ provide the subdivider written notice of such determination and shall forward the application and supplementary material to the Planning and Zoning Commission for their

consideration. The Planning and Zoning Commission shall render a decision thereon within thirty (30) days from the date notice of administrative completeness is provided to the applicant. The statutory review time limitations as required by the Texas Local Government Code shall not begin until the application and supplemental information is accepted as administratively complete in writing in accordance with this section.

ii. Upon a determination that the plat is administratively incomplete or if the Commission Development Officer requires additional information to determine compliance with the regulations of City Code and completeness of said application, the Commission Development Officer shall provide the subdivider written notice of same such incompleteness and specify in the notice the precise information needed for the plat to be considered administratively complete. The Planning and Zoning Commission shall not render a decision on any plat until it is deemed administratively complete.

d. The following data shall be shown on the preliminary plat. The content of the preliminary plat must also conform to the requirements of the Development Guide.

...

iii. Location of boundary or property lines width and location of platted streets, alleys, and easements within or adjacent to the property being subdivided. Existing easements and right-of-way shall reference the applicable dedication information (i.e. Existing Xft utility easement, dedicated by separate instrument recorded in Medina County Records, Volume X, Page Y). Proposed easements and right-of-way shall state that they are dedicated by the plat (i.e. X easement, dedicated by this plat).;

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v. Outline of any existing wooded areas and the location, species, and size of any important individual trees. If none exist on subject property, indicate with plat note.;

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viii. The street system design, location and width of proposed streets, easements, and alleys, building lots and other features and their relationship to streets, alleys, and easements in adjacent subdivision. Existing easements and right-of-way shall reference the applicable dedication information (i.e. Existing Xft utility easement, dedicated by separate instrument recorded in Medina County Records, Volume X, Page Y). Proposed easements and right-of-way shall state that they are dedicated by the plat (i.e. X easement, dedicated by this plat).;

...

d. e. When a preliminary plat has been approved, the developer may thereafter file a final plat or final plats of sections of the subdivision upon which approval of the preliminary plat has been obtained. ~~and u~~ Upon the filing of a final plat or plats covering only a portion of such subdivision, the remainder of the preliminary plat shall be ~~deemed as~~ considered ~~approved or~~ conditionally approved until such time that the final plat for the remaining

~~area has been approved and filed;~~ provided, however, that such ~~approval or~~ conditional approval of the remainder of the preliminary plat shall be limited to a two-year period; ~~provided further, h~~ However, ~~that~~ the Planning and Zoning Commission may, at its discretion, extend such period of validity. When a preliminary plat has been approved and thereafter the developer fails to file a final plat of the subdivision or a section thereof within a period of two years, the approval of the preliminary plat shall be void, ~~except, however, t~~ The Planning and Zoning Commission may, in its discretion, extend such period of validity.

- ~~e. f.~~ The action of the Planning and Zoning Commission shall be noted ~~on three (3) copies of the preliminary plat in writing and attached to a copy of the preliminary plat. The report shall reference any conditions determined by the Commission action, referenced and attached to any conditions determined. One (1) copy shall be returned to the developer, one (1) copy retained by the Planning and Zoning Commission, and the other copy shall be forwarded to the City Secretary.~~
- ~~f.~~ ~~A preliminary plat that has been approved and the subdivider fails to file a final plat of the subdivision or a section thereof within one year, the approval of the preliminary plat shall be void except, however, the City Council may, in its discretion extend such period~~

3.4.3 Final Plat

- a. The final plat shall conform substantially to the preliminary plat as approved and, if desired by the developer, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations. (See Appendix for Final Plat Submittal Development Guide)
- ~~b.~~ ~~Application for approval of the final plat shall be submitted in writing to the Planning and Zoning Commission at least thirty (30) days prior to the meeting at which it is to be considered.~~
- ~~e.~~ ~~Four (4) copies of the final plat and other exhibits required for approval shall be prepared, and shall be submitted to the Planning and Zoning Commission within one (1) year after approval of the preliminary plat; otherwise such approval shall become null and void unless an extension of time is applied for and granted by the Commission.~~
- ~~b.~~ Two (2) full sized hard copies and one (1) electronic copy (in a format approved by the Development Officer) of the final plat and supplementary material shall be submitted to the Development Officer by the application deadlines as specified by the Development Officer. Development Officer may require additional copies as may be required for adequate review and processing of the final plat.
- ~~c.~~ Upon receipt of a final plat application along with other required information and supplementary materials, the Development Officer shall perform a technical review of the plat to determine that the plat is administratively complete and provides all information required by this ordinance, or as may be required by the Development Officer.

- i. Upon a determination that the plat is administratively complete, the plat will be considered filed for purposes of Texas Local Government Code, Section 212.009. The Development Officer shall provide the subdivider written notice of such determination and shall forward the application and supplementary material to the Planning and Zoning Commission for their consideration. The Planning and Zoning Commission shall render a decision thereon within thirty (30) days from the date notice of administrative completeness is provided to the applicant. The statutory review time limitations as required by the Texas Local Government Code shall not begin until the application and supplemental information is accepted as administratively complete in writing in accordance with this section.
- ii. Upon a determination that the plat is administratively incomplete or if the Development Officer requires additional information to determine compliance with the regulations of City Code and completeness of said application, the Development Officer shall provide the subdivider written notice of such incompleteness and specify in the notice the precise information needed for the plat to be considered administratively complete. The Planning and Zoning Commission shall not render a decision on any plat until it is deemed administratively complete.
- d. The following data shall be shown on the final plat in addition to any items which were required to be shown on the preliminary plat. The content of the final plat must also conform to the requirements of the Development Guide:

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3.4.5 In accordance with Section 212.004, Plat Required, of the Tex. Local Gov't Code, the ~~Code Official~~ Development Officer will ensure all applicable requirements have been met prior to recording the plat with the Medina County Clerk. ~~within 30 days of the date of the final approval. Two copies of the recorded plat and one mylar sepia will be returned to the developer.~~

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3.4.7 Minor Plats

- a. In accordance with the authority granted under Texas Local Government Code, Section 212.0065, the City Council has delegated approval authority to the Development Officer ~~may approve for~~ the following which shall hereafter be collectively referred to as minor plat(s) for the purposes of this ordinance:
 - i. ~~The division of land involving four (4) or fewer lots with each having at least 50 feet fronting an existing street and not requiring the creation of any new street or the extension of municipal facilities (with a length of fifty (50) feet or greater) Amending plat as described by Texas Local Government Code, Section 212.016;~~
and
 - ii. ~~A replat that does not require the creation of any new street or the extension of municipal facilities~~ Minor plats or replats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities.

- iii. An applicant seeking approval under subsections i and ii above must adequately demonstrate that the division of land does not require the creation of any right-of-way, streets, drainage improvements, or utility extensions ~~or variances from the UDC.~~
- iv. The Development Officer may, for any reason, elect to present the minor plat for approval to the Planning and Zoning Commission. Any plat which is referred to the Planning and Zoning Commission by the Development Officer shall meet all the requirements of a Preliminary and Final Plat as described in other sections of this Chapter.
- v. The Development Officer shall not disapprove the plat and shall be required to refer any plat which the Development Officer denies approval, to the Planning and Zoning Commission.
- vi. At the time a minor plat application is presented to the ~~Planning and Zoning Commission~~ Development Officer, a filing fee shall be included with the application in accordance with the City's adopted Comprehensive Fee Schedule.
- vii. ~~Upon submission of an application, the required filing fee, and engineer's certificate, if required, in final form for a subdivision that qualifies under this section, the Commission shall, without further procedures, hear and finally approve such application at its next regularly scheduled monthly meeting after the same is filed and after a thirty-day review period or refer the application to the City Council. All persons desiring to subdivide a tract of land in accordance with this section shall first prepare and submit to the Development Officer a minor plat together with supplementary material as specified hereinafter (See Development Guide).~~
 - 1. Two (2) full sized hard copies and one (1) electronic copy (in a format approved by the Development Officer) of the minor plat and supplementary material shall be submitted to the Development Officer with written subdivision plat application. The Development Officer may require additional copies as may be required for adequate review and processing of the minor plat.
- viii. Upon receipt of a minor plat application along with other required information and supplementary materials, the Development Officer shall perform a technical review of the plat to determine that the plat is administratively complete and provides all information required by this ordinance, or as may be required by the Development Officer.
 - 1. Upon a determination that the plat is administratively complete, the plat will be considered filed for purposes of Texas Local Government Code, Section 212.009. The Development Officer shall provide the subdivider written notice of such determination and shall render a decision thereon within thirty (30) days from the date notice of administrative completeness is provided to the applicant. The statutory review time limitations as required by the Texas Local Government Code, Section 212.009 shall not

begin until the application and supplemental information is accepted as administratively complete in writing in accordance with this section.

2. Upon a determination that the plat is administratively incomplete or if the Development Officer requires additional information to determine compliance with the regulations of City Code and completeness of said application, the Development Officer shall provide the subdivider written notice of such incompleteness and specify in the notice the precise information needed for the plat to be considered administratively complete. The application would then be rejected as incomplete.

- b. ~~Procedure. Where land in an existing subdivision is to be resubdivided and where such land abuts upon a street or streets of adequate width and is so situated that no additional streets, alleys, easements or other public property is required, and where the proposed changes are in accordance with the zoning for the district in which such replat is located, an application for approval of such plat, together with four (4) copies of such plat shall be submitted to the Planning and Zoning Commission at least four (4) days prior to the meeting at which it is to be considered. The Planning and Zoning Commission shall have authority to approve or disapprove minor plats, subject to approval by the City Council (See Appendix for Minor Plat Submittal).~~

3.4.8 Replat

- a. Any person wishing to revise a subdivision plat which has been previously filed for record must make application ~~to the Planning and Zoning Commission in accordance with the preliminary plat and final plat requirements of the UDC.~~ The proposed replat shall meet all the requirements ~~for~~ of the UDC.
- b. ~~In the event the proposed replat involves property previously developed or zoned as single family or duplex residential use, the following shall be required: After application for a replat, the City Secretary shall give notice of the application to be published in the official newspaper of the city at least fifteen (15) days prior to the meeting of the Planning and Zoning Commission at which the application shall be considered. Such notice must include a statement of the time and place at which the Planning and Zoning Commission will meet to consider the replat and to hear protests thereto at a public hearing. Additionally, written notice must be sent to all owners of property located within two hundred feet (200') of the property upon which the replat is requested. Such notice may be served by depositing said notice, properly addressed and postage paid, at the local post office. In addition to compliance with the other requirements of this ordinance, a replat without vacation of the preceding plat (in accordance with TLCG, Section 212.014), must conform to the requirements of Texas Local Government Code, Section 212.015, if:~~
 - i. During the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
 - ii. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

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3.9 Building Permit

No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the ~~Development Officer~~ Building Official or their designee authorized to issue the same. No building permit shall be issued except in conformity with the provisions of this ordinance and all applicable building codes of the City.

3.13 Variance

3.13.1 Zoning

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- d. Appeal from Decision of Board: Any person aggrieved by any decision of the Board of Adjustment, or any officer, department or other board or Commission of the City, may appeal the decision or action of the Board of Adjustments by filing a petition for same in a court of competent jurisdiction, setting forth that such decision is illegal in whole or in part, and specifying the grounds for the alleged illegality. Such petition shall be filed with the court within ten (10) days from the day the Board renders its decision, and not thereafter. ~~The official day of Board decision shall be the day that the minutes, of the meeting in which the Board considered the appeal, are filed with the City Secretary. The time period set forth herein shall be deemed jurisdictional.~~

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3.15.4 Procedure

- a. ~~The Planning and Zoning Commission shall hold a public hearing. The procedure shall incorporate the following additional requirement:~~ Staff Review. The Development Officer shall review each proposed amendment in light of the approval criteria above, and refer the application to other departments or entities as deemed necessary. Based on the results of those reviews, the Development Officer shall provide a report and recommendation to the Planning and Zoning Commission.
- b. Planning and Zoning Commission Recommendation
 - i. The Planning and Zoning Commission shall hold a hearing on the proposed text amendment. Following the hearing, the Planning and Zoning Commission shall make a recommendation to the City Council.
 - ii. If no final report is made within 45 days of the Planning and Zoning Commission's hearing, then the Planning and Zoning Commission may request an extension of time from the City Council. Such request shall be within the 45-day period. If no final report is made and no extension is granted, the City Council may act on the proposed amendment without a recommendation from the Commission.
 - iii. Upon the Planning and Zoning Commission receiving the report for a proposed amendment and recommending a change, the Development Officer shall draft an ordinance, submit it to the City Attorney for approval as to form, and shall forward the ordinance to the City Council for consideration.

