ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BALCONES HEIGHTS, TEXAS AMENDING CODE OF ORDINANCES TITLE XV: LAND USAGE, AMENDING SEC. 153.2.1.3. BOARD OF ADJUSTMENT AND APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT; DECLARING A PUBLIC PURPOSE; PROVIDING A REPEALER; INCORPORATING RECITALS; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Balcones Heights, Texas has adopted Article 153: Zoning Code in the manner provided by Article 211.006 Local Government Code; and

WHEREAS, the City of Balcones Heights, Texas has created a Board of Adjustment in the manner provided Article 211.008 Local Government Code; and

WHEREAS, the Board of Adjustment has been made up of members from the City Council and Mayor, and the Planning & Zoning Commission and City Council desires to appoint new members and alternates to the Board of Adjustment; and

WHEREAS, a board large enough to contain all six (6) members of Council and the Mayor is no longer necessary, therefore a five (5) member Board of Adjustment is appropriate and allowed under Article 211.008 Local Government Code; and

WHEREAS, the City Council has determined that the individuals listed who were serving as alternate members shall be appointed as regular members of the Board of Adjustment to serve out their remaining terms; and

WHEREAS, after public hearing before the Planning & Zoning Commission and the City Council in the manner prescribed by law, the City has added Title XV: Land Usage, AMENDING Sec. 153.2.1.3. BOARD OF ADJUSTMENT to its Code of Ordinances as follows.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BALCONES HEIGHTS:

SECTION 1. AMENDMENT. The City of Balcones Heights, Texas, Code of Ordinances Title XV: Land Usage, Sec. 153.2.1.3. BOARD OF ADJUSTMENT as referenced below, shall be amended to wit:

Sec. 153.2.1.3. BOARD OF ADJUSTMENT:

(1) <u>Creation of Board of Adjustment.</u>

(a) There is hereby created a Board of Adjustment which shall be composed of five (5) qualified electors of the city appointed by the City Council. The City Council will consider for appointment to the Commission persons who have demonstrated their civic interest, general knowledge of

the community, independent judgment and availability to prepare for and attend meetings. It is the intent of the City Council that members shall, by reason of diversity of their individual occupations, constitute a board which is broadly representative of the community. The City Council may remove a board member for cause, as found by the City Council, on a written charge after a public hearing.

(b) Two (2) alternate members may also be appointed by the City Council to serve when one or more regular members are absent. Alternate members serve in the absence of regular members when requested to serve by the mayor or the City Manager. An alternate member serves for the same period as a regular member and is subject to removal in the same manner as a regular member. A vacancy among the alternate members is filled in the same manner as a vacancy among the regular members, with the addition that alternate members may include the Mayor and/or City Council members who terms run concurrently with their term on Council.

(c) Each of the five (5) members of the Board shall be entitled to one vote in all deliberations of the Board.

(2) Terms. Each member of the Board shall serve a two-year term.

SECTION 2. APPOINTMENT. The City Council of Balcones Heights, Texas hereby appoints the following individuals as regular and alternate members of the Board of Adjustments:

Member	Type	Term Expires
Henry Hannasch	Member 1	June 2020
Bennie F. Cass	Member 2	June 2019
Shana Halpin	Member 3	June 2020
Donovon J. Rodriguez	Member 4	June 2019
David Sellars	Member 5	June 2020
VACANT	Alternate 1	June 2020
VACANT	Alternate 2	June 2019

All provisions not amended herein, shall remain unchanged.

SECTION 3. PUBLIC PURPOSE. The City Council declares that the amendments to the zoning code are in the public interest and are necessary for the good government, peace, and order of the municipality.

SECTION 4. REPEALER. All ordinances, code sections, ordinances, or parts thereof, in conflict herewith are repealed to the extent of such conflict.

SECTION 5. INCORPORATION OF RECITALS. The City Council finds the recitals contained in the preamble to this ordinance are true and correct and incorporates them as findings of fact.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect

DRAFT

the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void; and that in lieu of each clause or provision of this ordinance that is invalid, illegal, or unenforceable there be added by the Mayor as necessary with the approval of the City Attorney as to form, and the City Council as to substance, and as a part of the ordinance a clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be possible, legal, valid and enforceable.

SECTION 7. EFFECTIVE DATE. The ordinance shall be effective after approval by the City Council.

PASSED AND APPROVED this _____ day of _____, 2018.

By: _____
Suzanne de Leon
Mayor

ATTEST:

_____
Delia Sanchez
City Secretary

DRAFT