1. P&Z Agenda
   Documents:  PZ JUNE 7, 2016 AGENDA.PDF

2. P&Z Meeting Packet
   Documents:  PZ JUNE 7, 2016 PACKET.PDF
CITY OF HORSESHOE BAY

PLANNING AND ZONING COMMISSION
NOTICE OF WORKSHOP AND REGULAR PUBLIC MEETING

June 7, 2016

Notice is hereby given to all interested members of the public that the Horseshoe Bay Planning and Zoning Commission will hold a Workshop and Public Meeting beginning at 1:30 p.m., on Tuesday, June 7, 2016, in the City Council Chambers at City Hall, #1 Community Drive, Horseshoe Bay, Llano County, Texas. The agenda for the Regular Public Meeting is to discuss and/or act on the following:

1. Call the Meeting to Order and Establish a Quorum
2. Public Comments (those speaking are asked to limit their comments to three minutes)
3. Workshop on the roles and responsibilities in the development review process
4. Approval of Minutes of the May 3, 2016 Regular Meeting
5. Public hearing, discuss, consider and take action regarding an Ordinance Amendment changing the Public Notice requirements for planning and zoning and other matters
6. Discuss, consider and take action regarding when P&Z packets are made available to the Commission
7. Adjournment

[Signature]
Eric W. Winter, Development Services Dir.

The Planning and Zoning Commission may go into closed session, if necessary and appropriate, pursuant to the applicable section of the Texas Open Meetings Act, Texas Government Code, Chapter 551, Subchapter D, on any matter that may come before the Commission that is listed on the Agenda and for which a closed session is authorized. No final action, decision, or vote will be taken by the Commission on any subject or matter while in closed session. Any action, decision or vote will be taken by the Commission only in open meeting.
To: Planning & Zoning Commission
Thru: Stan R. Farmer, City Manager
From: Eric W. Winter, Development Services Manager
RE: Two Items for the 1:30 PM Workshop on Roles and Responsibilities in the Development Review Process

Attached are:

1. A copy of an e-mail exchange between Stan Farmer and Council Member Jerry Gray regarding planning and zoning issues; and

Dear Council,

FYI...Jerry Gray and the Mayor asked that I share this discussion with all of you as a learning exercise. Please start at the bottom and read up.

Thanks,
Stan

Stan R. Farmer, CPM, AICP, ICMA-CM
City Manager
City of Horseshoe Bay, Texas
830.598.9940 Office
www.horseshoe-bay-tx.gov

-----Original Message-----
From: Steve Jordan [mailto:stevejordan10@gmail.com]
Sent: Friday, May 20, 2016 2:16 PM
To: Stan Farmer
Cc: Jerry Gray; Steve Jordan; Eric Winter
Subject: Re: Planning & Zoning

Stan
I made it to Dallas and have reviewed your responses of Jerry's questions. Notice needs to be sent to the Council regarding the P&Z workshop 6/7. As Jerry mentioned this has been a good exercise for all members of P&Z and the Council to learn from. With Jerry's permission I recommend sharing the exchange of Question & Answers.

Steve
Sent from my iPhone

> On May 20, 2016, at 1:38 PM, Stan Farmer <sfarmer@horseshoe-bay-tx.gov> wrote:
> 
> Hello Jerry,
> 
> We are just glad to help, Jerry.
> 
> 1. Correct. Eric will include all pertinent info you point out in the P&Z Workshop session/packet etc. We will share with council too, and will give it some thought as to best way.
> 
> 2. No - a PDO is a rezoning with the types of zones spelled out, and are one and the same, so the two should not be separated. The request can come from either the seller or buyer of
the property. If it is by the buyer, he needs to submit proof that the seller approves of the rezoning request, and that he is acting as the seller's agent.

3. In actually there is no "reverting" taking place because it never changes to new designation until requirement is met. So for example, absent LCRA approval Sam Boyd has not gotten any rezoning for parcel as of right now still. Only when he gets LCRA approval and proof to us etc does PDO go into effect.

Have a wonderful weekend,

Stan

Stan R. Farmer, CPM, AICP, ICMA-CM
City Manager
City of Horseshoe Bay, Texas
830.598.9940 Office
www.horseshoe-bay-tx.gov

---Original Message-----
From: Jerry Gray [mailto:jgray@horseshoe-bay-tx.gov]
Sent: Friday, May 20, 2016 11:26 AM
To: Stan Farmer
Cc: sjordan@horseshoe-bay-tx.gov; Eric Winter
Subject: Re: Planning & Zoning

Now that's what I call a thorough response!!!

OK, so then some questions / thoughts about the process:
1. It appears we shouldn't even concern ourselves with LCRA, ACC or ATS approvals when considering a re-zoning or PDO. Bottom line for us is simply - does the request comply with all applicable City ordinances. If we approve based on compliance with City ordinances then the other entities can do there thing - no concern of ours. I'm OK with that but think we need to make sure every member of the Council and P&Z understand that fact. Also, all need to know that only ordinances in effect at the time an application is filed apply. We can't apply a revised ordinance retro-actively per Rex at Tuesday's meeting..
2. Should we consider rezoning separate from PDO's rather than a part there of? Should the rezoning request come from the seller or the buyer of a property?
3. If we approve a PDO or rezoning with the contingency of approval being received from LCRA, ACC, etc. and one or more denies the request, does the rezoning revert to original status if the applicant refuses to meet the requirements of that entity and bail's on the project?

Sent from my iPad

On May 19, 2016, at 10:12 AM, Stan Farmer <sfarmer@horseshoe-bay-tx.gov> wrote:

Hello Jerry,
I can sense your frustration. But I do not believe it is entirely warranted. Any time the Council faces the public with valid or invalid concerns and a developer it puts any Council in a slightly uncomfortable position. When you add a healthy dose of NIMBY and "close the gates behind me" it make for a weird concoction. First, of all we should all take a little pride that HSB has one of the fastest and most streamlined processes for developers—that still takes into consideration public input and comment. This matter is a classic example of the pendulum swinging back and forth. Eight years ago the pendulum was on the side that this process "takes too long and is not developer friendly" and now Lynette and others are convinced we move too quickly. Finding that balance is always the goal.

If we waited for another entity to provide approval until HSB gives approval I can easily see the "other side" questioning that "logic" in holding up the developers project etc etc. I believe there is still a lack of understanding by some that the PDO as important of an instrument as it is—is not the end all governing authority and lose sight that it is a concept plan that sets boundaries and some details/landscapes are defined by other entities and ordinances all supplying as other P&Z members have said, "the proper redundancy, duplication and protection." This allows the developer to move forward but not given carte blanche to anything and everything under the sun. LCRA, ATS, ACC and City Ordinances all have proper roles and actions after any PDO approval. THE PDO is the a very important FIRST step not the ONLY step. I am probably preaching to the choir and not telling you anything new, but rest assured no one should feel "foolish."

We will always together strive to improve and each PDO is a different animal and product with different challenges and voices against. Below are some finer points with regards to your numbered points.

1. We currently don’t require LCRA approval prior to action by the City because that approval, like others from the ACC, ATS and any other involved entity, is a second or third phase of approval after the City’s approval. Why hold up our process and hold hostage to another entity when Council can simply say "Approved contingent on LCRA approval."

2. For commercial PD projects, we usually require a landscape plan and a drainage plan. Developers must submit drainage plans to LCRA to meet their water quality requirements. Landscape permits are the ACC’s responsibility. For residential projects, including the Hidden Coves PDO, a landscape plan was not required, because the individual residential lots will have to get approval of a landscape plan as part of the ACC approval for their residence. The two Hidden Coves lots with boat slips will also have to get ACC approval of a landscape plan as part of approval of the boat slips. We can ask/require this in the future, however it would just be another redundant requirement potentially and needlessly slowing down a project such as Hidden Coves that is not commercial in nature where a detailed landscape plan is more pertinent to ask for in PDO process.

3. The way the approval process has worked, the conditions required by P&Z are sent to the Council as part of P&Z’s recommendation, and are also usually included as conditions for approval by the Council. Developers must meet those conditions, as reviewed and approved by staff, before any permits will be issued. This is similar to #1 above, why wait for approval for all items when conditional approval can accomplish the same goal for all concerned and the process is streamlined in the meantime.
The bottom line is Mr. Boyd still has a lot of hoops to jump through by other entities playing their proper bureaucratic role exercising oversight. So why slow down our process and open ourselves up to the charge of "they are needlessly slow and are more like Marble Falls that takes months" and frustrates many developers that I hear from first hand. Like any matter, you are hearing from one-side while the other side is happy and impressed with the process. Either way we can never make everyone happy although we will always aim for that. But please don't feel foolish by any means.

Eric and I are working on some improvements such as a checklist mentioned Tuesday.

Stan R. Farmer, CPM, AICP, ICMA-CM
City Manager
City of Horseshoe Bay, Texas
830.598.9940 Office
www.horseshoe-bay-tx.gov

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-----Original Message-----
From: Jerry Gray [mailto:jgray@horseshoe-bay-tx.gov]
Sent: Wednesday, May 18, 2016 5:43 PM
To: Steve Jordan; Stan Farmer
Subject: Planning & Zoning

Steve / Stan - following our meeting yesterday, the handling of the Hidden Cove PDO and a post meeting conversation with Cynthia Clinesmith, I believe we need to reassess our approach to the handling of PDO's and other development request for approval. We seem to attach an apparent and unnecessary sense of urgency to these request by developers. This results in our looking a bit foolish and likely approving request before they are complete enough. For example:

1. Why don't we require a developer to have LCRA approvals in hand before coming to the City?
2. Why shouldn't we have a landscaping plan and a drainage plan?
3. Why shouldn't the conditional items listed in P&Z's approval for forwarding to the Council have been met / resolved?
I'm not exactly sure how we should go about the process of reviewing our process but I do believe it needs to be done fairly soon.

Sent from my iPad
Parliamentary Procedure for Meetings

*Robert's Rules of Order* is the standard for facilitating discussions and group decision-making. Copies of the rules are available at most bookstores. Although they may seem long and involved, having an agreed-upon set of rules makes meetings run easier. *Robert's Rules* will help your group have better meetings, not make them more difficult. Your group is free to modify them or find another suitable process that encourages fairness and participation, unless your bylaws state otherwise.

Here are the basic elements of *Robert's Rules*, used by most organizations:

1. **Motion:** To introduce a new piece of business or propose a decision or action, a motion must be made by a group member ("I move that......") A second motion must then also be made (raise your hand and say, "I second it."). After limited discussion the group then votes on the motion. A majority vote is required for the motion to pass (or quorum as specified in your bylaws.)
2. **Postpone Indefinitely:** This tactic is used to kill a motion. When passed, the motion cannot be reintroduced at that meeting. It may be brought up again at a later date. This is made as a motion ("I move to postpone indefinitely..."). A second is required. A majority vote is required to postpone the motion under consideration.
3. **Amend:** This is the process used to change a motion under consideration. Perhaps you like the idea proposed but not exactly as offered. Raise your hand and make the following motion: "I move to amend the motion on the floor." This also requires a second. After the motion to amend is seconded, a majority vote is needed to decide whether the amendment is accepted. Then a vote is taken on the amended motion. In some organizations, a "friendly amendment" is made. If the person who made the original motion agrees with the suggested changes, the amended motion may be voted on without a separate vote to approve the amendment.
4. **Commit:** This is used to place a motion in committee. It requires a second. A majority vote must rule to carry it. At the next meeting the committee is required to prepare a report on the motion committed. If an appropriate committee exists, the motion goes to that committee. If not, a new committee is established.
5. **Question:** To end a debate immediately, the question is called (say "I call the question") and needs a second. A vote is held immediately (no further discussion is allowed). A two-thirds vote is required for passage. If it is passed, the motion on the floor is voted on immediately.
6. **Table:** To table a discussion is to lay aside the business at hand in such a manner that it will be considered later in the meeting or at another time ("I make a motion to table this discussion until the next meeting. In the meantime, we will get more information so we can better discuss the issue.") A second is needed and a majority vote required to table the item being discussed.
7. **Adjourn:** A motion is made to end the meeting. A second motion is required. A majority vote is then required for the meeting to be adjourned (ended).

*Note:* If more than one motion is proposed, the most recent takes precedence over the ones preceding it. For example if #6, a motion to table the discussion, is proposed, it must be voted on before #3, a motion to amend, can be decided.

In a smaller meeting, like a committee or board meeting, often only four motions are used:

- To introduce (motion.)
- To change a motion (amend.)
- To adopt (accept a report without discussion.)
- To adjourn (end the meeting.)
Remember, these processes are designed to ensure that everyone has a chance to participate and to share ideas in an orderly manner. Parliamentary procedure should not be used to prevent discussion of important issues.

Board and committee chairpersons and other leaders may want to get some training in meeting facilitation and in using parliamentary procedure. Additional information on meeting processes, dealing with difficult people, and using Robert's Rules is available from district office staff and community resources such as the League of Women Voters, United Way and other technical assistance providers. Parliamentary Procedure at a Glance, by O. Garfield Jones, is an excellent and useful guide for neighborhood association chairs.

**Tips in Parliamentary Procedure**

The following summary will help you determine when to use the actions described in Robert's Rules.

- A main motion must be moved, seconded, and stated by the chair before it can be discussed.
- If you want to move, second, or speak to a motion, stand and address the chair.
- If you approve the motion as is, vote for it.
- If you disapprove the motion, vote against it.
- If you approve the idea of the motion but want to change it, amend it or submit a substitute for it.
- If you want advice or information to help you make your decision, move to refer the motion to an appropriate quorum or committee with instructions to report back.
- If you feel they can handle it better than the assembly, move to refer the motion to a quorum or committee with power to act.
- If you feel that there the pending question(s) should be delayed so more urgent business can be considered, move to lay the motion on the table.
- If you want time to think the motion over, move that consideration be deferred to a certain time.
- If you think that further discussion is unnecessary, move the previous question.
- If you think that the assembly should give further consideration to a motion referred to a quorum or committee, move the motion be recalled.
- If you think that the assembly should give further consideration to a matter already voted upon, move that it be reconsidered.
- If you do not agree with a decision rendered by the chair, appeal the decision to the assembly.
- If you think that a matter introduced is not germane to the matter at hand, a point of order may be raised.
- If you think that too much time is being consumed by speakers, you can move a time limit on such speeches.
- If a motion has several parts, and you wish to vote differently on these parts, move to divide the motion.
# Parliamentary Procedure at a Glance

<table>
<thead>
<tr>
<th>To Do This</th>
<th>You Say This</th>
<th>May You Interrupt Speaker</th>
<th>Must You Be Seconded</th>
<th>Is Motion Debatable</th>
<th>What Vote Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjourn meeting*</td>
<td>I move that we adjourn</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Majority</td>
</tr>
<tr>
<td>Recess meeting</td>
<td>I move that we recess until...</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Majority</td>
</tr>
<tr>
<td>Complain about noise, room temperature, etc.*</td>
<td>Point of privilege</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No vote</td>
</tr>
<tr>
<td>Suspend further consideration of something*</td>
<td>I move we table it</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Majority</td>
</tr>
<tr>
<td>End debate</td>
<td>I move the previous question</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>2/3 vote</td>
</tr>
<tr>
<td>Postpone consideration of something</td>
<td>I move we postpone this matter until...</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>Have something studied further</td>
<td>I move we refer this matter to committee</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>Amend a motion</td>
<td>I move this motion be amended by...</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>Introduce business (a primary motion)</td>
<td>I move that...</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>Object to procedure or personal affront*</td>
<td>Point of order</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No vote, Chair decides</td>
</tr>
<tr>
<td>Request information</td>
<td>Point of information</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No vote</td>
</tr>
<tr>
<td>Ask for actual count to verify voice vote</td>
<td>I call for a division of the house</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No vote</td>
</tr>
<tr>
<td>Object consideration of undiplomatic vote*</td>
<td>I object to consideration of this question</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>2/3 vote</td>
</tr>
<tr>
<td>Take up a matter previously tabled*</td>
<td>I move to take from the table...</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Majority</td>
</tr>
<tr>
<td>Reconsider something already disposed of*</td>
<td>I move we reconsider our action relative to...</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>Consider something already out of its schedule*</td>
<td>I move we suspend the rules and consider</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>2/3 vote</td>
</tr>
<tr>
<td>Vote on a ruling by the Chair</td>
<td>I appeal the Chair’s decision</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
</tbody>
</table>

*Not amendable
# Parliamentary Procedure at a Glance

<table>
<thead>
<tr>
<th>Privileged Motions</th>
<th>Debatable</th>
<th>Amendable</th>
<th>Can Be Reconsidered</th>
<th>Requires 2/3 Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fix Time at Which to Adjourn</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Adjourn</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Question of Privilege</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Call for Order of Day</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Incidental Motions</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Appeal</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Objection to Consideration of a Question</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Point of Information</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Point of Order</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Read Papers</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Suspend the Rules</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Withdraw a Motion</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subsidiary Motions</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lay on the Table</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>The Previous Question</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>(close debate)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Limit or Extend Debate</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Postpone to a Definite Time</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Refer to Committee</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Amend the Amendment</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Amendment</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Postpone Indefinitely</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

| Main Motion                             | Main or Procedural Motion | Yes | Yes | Yes | No |

This table presents the motions in order of precedence. Each motion takes precedence over (i.e. can be considered ahead of) the motions listed below it. No motion can supersede (i.e. be considered before) any of the motions listed above it.

**PLEASE NOTE:** many organizations use only the Main Motion and Subsidiary Motions, handling other matters on an informal basis.
IN THE MEETING

TO INTRODUCE A MOTION:

Stand when no one else has the floor.
Address the Chair by the proper title.
Wait until the chair recognizes you.

• Now that you have the floor and can proceed with your motion say "I move that...," state your motion clearly and sit down.
• Another member may second your motion. A second merely implies that the seconder agrees that the motion should come before the assembly and not that he/she is in favor of the motion.
• If there is no second, the Chair says, "The motion is not before you at this time." The motion is not lost, as there has been no vote taken.
• If there is a second, the Chair states the question by saying "It has been moved and seconded that ... (state the motion). ... is there any discussion?"

DEBATE OR DISCUSSING THE MOTION:

• The member who made the motion is entitled to speak first.
• Every member has the right to speak in debate.
• The Chair should alternate between those "for" the motion and those "against" the motion.
• The discussion should be related to the pending motion.
• Avoid using a person's name in debate.
• All questions should be directed to the Chair.
• Unless there is a special rule providing otherwise, a member is limited to speak once to a motion.
• Asking a question or a brief suggestion is not counted in debate.
• A person may speak a second time in debate with the assembly's permission.

VOTING ON A MOTION:

• Before a vote is taken, the Chair puts the question by saying "Those in favor of the motion that ... (repeat the motion) ... say "Aye." Those opposed say "No." Wait, then say "The motion is carried," or "The motion is lost."
• Some motions require a 2/3 vote. A 2/3 vote is obtained by standing
• If a member is in doubt about the vote, he may call out "division." A division is a demand for a standing vote.
• A majority vote is more than half of the votes cast by persons legally entitled to vote.
• A 2/3 vote means at least 2/3 of the votes cast by persons legally entitled to vote.
• A tie vote is a lost vote, since it is not a majority.
AMENDMENTS ILLUSTRATED

Any main motion or resolution may be amended by:

1. Adding at the end
2. Striking out a word or words
3. Inserting a word or words
4. Striking out and inserting a word or words
5. Substitution

A member rises, addresses the chair, receives recognition, and states the motion:

"I move that..."

Another member seconds the motion.

The Chair repeats the motion and says, "Is there any discussion?"

To improve the motion, a member rises, receives recognition and says, "I move to amend the motion by..."

Another member seconds the amendment.

The Chair repeats the amendment and says, "Is there any discussion on the amendment?"

To improve the amendment, a member rises, receives recognition, and says, "I move to amend the amendment by..."

Another member seconds the amendment.

The Chair repeats the amendment to the amendment and says, "Is there any discussion on the amendment to the amendment?"

- When discussion ceases, the Chair says, "Those in favor of the amendment to the amendment say 'Aye.' Those opposed say 'No.'"
- If the vote was in the affirmative, the amendment is included in the primary amendment. The Chair then says, "Is there any discussion on the amended amendment?"
- If there is no discussion, a vote is taken on the amended amendment. If the vote in the affirmative, the amendment is included in the main motion. The chair then says, "Is there any discussion on the amended motion?"
- At this place, the motion can again be amended.
- If there is no further discussion, a vote is taken on the amended motion.
- Even though the amendments carried in the affirmative, the main motion as amended can be defeated.
CITY OF HORSESHOE BAY

PLANNING AND ZONING COMMISSION
MINUTES OF REGULAR MEETING

May 3, 2016

The Planning and Zoning Commission of the City of Horseshoe Bay held a Regular Meeting at City Hall, in the City Council Chambers located at #1 Community Drive, Horseshoe Bay, Llano County, Texas, on May 3, 2016, in accordance with duly posted notice of said meeting.

The posted agenda for this meeting is made a part of these minutes by attachment and the minutes are herewith recorded in the order the agenda items were considered, with the agenda subject and item number shown preceding the applicable paragraph.

1. **Call to Order and Establish a Quorum:** Chairman Norm Long called the meeting to order at 3:00 p.m. with a quorum of Commission members present as follows:
   - Chairman: Norm Long
   - Vice Chairman: Neil Andrew
   - Commission Member: Pat Bouchard
   - Commission Member: Wayne Anderson
   - Commission Member: Lynette Morrison

2. **Public Comments:** Public in attendance included Mayor Steve Jordan, Tommy Wendell, Sam Boyd, Don Sherman and Tony Plumlee, but no one asked to speak.

3. **Approval of the Minutes of the April 5, 2016 Regular Meeting:** Wayne Anderson made a motion to approve the minutes as submitted, seconded by Pat Bouchard. The motion passed unanimously (5-0).

4. **Public hearing, discuss, consider and take action regarding the proposed Exhibit K Hidden Coves Planned Development, rezoning the 10.43 acre Hidden Coves Subdivision from C-2 General Commercial, R-4 Multi-Family Residential and A-1 Recreational to Mixed Use Garden Home Lake Area Planned Development (MU-GH-LA PD). The project consists of a total of 21 lots, 18 of which will have single family garden homes, two that will have a total of 19 boat slips, and one for a possible 18 additional units in a possible second phase based on market demand for a total of 36 units:** Chairman Norm Long asked Eric Winter to present summary information on this request. Chairman Long opened the public hearing at 3:10 PM. Tommy Wendell stated that he did not want to look at the back of boat docks on Lot 21, and also stated that there was too little parking for the condos on Diagonal Drive. Sam Boyd provided general information on the project and said that his project should not have to suffer for the lack of parking on another project. He said that like any lakefront property, the lots on his project should be allowed to have covered boat slips and/or boat houses, which will not have any water-related equipment visible to the street. He said that there is an 18 foot elevation difference between Fault Line Drive and Lot 21 and about all anyone would see would be the roof of the boat house. He also agreed to provide a solid wall of shrubs on Lot 21 to buffer the view from the street.
Pat Bouchard stated he understood there would be no excavation into the embankment on Lot 21 and although the boathouses would be over the water they would be recessed into the land. Pat asked who the 7 slips on this lot will benefit, to which Sam Boyd said they were for Lots 1 and 2, as they most likely will not be able to have slips on them. Regarding Pat’s questions about an HOA for construction, Sam stated that it is his plan to create the HOA when all lots are sold. Sam Boyd also said he has had conversations with everyone he was aware of that was opposed to the project. He met with Jim Long who was also concerned about not wanting to see the back of boat slips from Fault Line Drive. Sam said the boat house would not be typical in that it would be closed in on three sides. He also said the final number of slips could be less than 7, and maybe only five. Tommy Wendell said that in the original plan shown there were no boat houses on Lots 1 and 2 and there are 4 on the two lots now. Chairman Norm Long closed the public hearing at 3:35 PM.

After additional discussion and questions by the Commission Members, Lynette Morrison brought up a number of items in the proposed PD Ordinance that were incorrect or needed to be changed. Chairman Long then asked for a motion. Wayne Anderson made a motion to recommend that Council approve the PD Ordinance with staff’s recommendation, with a total of 35 boat slips, with all garden homes being a minimum of 2,400 square feet, with the boathouse on Lot 21 having three sides, staff to define a major modification, that all of the items stated by Commission Member Lynette Morrison and recorded by Eric Winter be included and that additional landscaping is required on Lot 21 to mitigate the view of the boat house from Fault Line Drive, seconded by Pat Bouchard. Lynette Morrison asked for the Commission to consider tabling this item until an Ordinance with all of the items is brought back for Commission review. There was no action on this request. The motion was approved 4 – 1, with Commission Member Lynette Morrison voting no.

5. **Discuss, consider and take action regarding an Ordinance Amendment changing the Public Notice requirements for planning and zoning matters**: Chairman Long asked Eric Winter to summarize this item. Eric Winter stated that this was an effort to add a second public hearing notice 30 days prior to the state-mandated notice of 16 days and to make all public notice requirements consistent. He recommended that the Commission request staff to prepare an Ordinance Amendment to change all of the public notice requirements as shown on the public notice matrix and bring it back to the Commission at the June 7 meeting. The Commission was in consensus to request staff to prepare an Ordinance Amendment for the next meeting that adds 30 days notice to all public notices for planning and zoning and Council hearings in addition to 16 days, and increases the distance for mailed notices from 200 feet to 500 feet.

6. **Adjournment**: The meeting was adjourned at 3:40 P.M.

APPROVED this 7th day of June, 2016.

**City of Horseshoe Bay, Texas**

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Norm Long, Chairman
ATTEST:

__________________________
Eric W. Winter, Development Services Manager
The attached Ordinance Amendment establishes consistent public hearing notice requirements for replats, rezonings, text amendments, comprehensive plan amendments and variances, as well as building code article amendments, antenna permits, and subdivision preliminary plats and final plats, the last three of which currently do not have any specific public hearing notice requirements.

The amendment:

1. Keeps the current State mandated notice of no less than 16 days and we are adding no more than 29 days notice to it for the applications that require it;
2. Changes the current notice for Variances from a time period that is not stated to no sooner than 16 days;
3. Changes the current 10 days notice for Conditional Use Permits to no less than 16 days; and
4. Requires that subdivision preliminary and final plats also provide no less than 16 days public notice before both the Planning and Zoning Commission and City Council.
5. Adds a second public hearing notice requirement to the applicable applications above, which needs to be published in both The Highlander and the Horseshoe Bay Beacon more than 30 days prior to the date of the hearing before both the Planning and Zoning Commission and City Council.
6. Adds mailing a second notice to the applicable applications above to property owners within 500 feet more than 30 days prior to the date of the hearing before both the Planning and Zoning Commission and City Council.

The second notice being required for no less than 30 days is to reinforce the public notice for all of these applications. The addition of no more than 29 days to the no less than 16 day state-mandated requirement is an attempt to prevent applicants from publishing both notices 30 or more days in advance of the meeting, which might cause citizens to forget about the public hearing.

Staff is not aware of any objections to this request and recommends that the Commission recommend approval of the Amendment to City Council.

Enclosures: Public Hearing Notices Amendment
Public Hearing Notice Spreadsheet
CITY OF HORSESHOE BAY

ORDINANCE NO. ORD

AMENDMENT TO CODE OF ORDINANCES TO CHANGE REQUIREMENTS FOR
PUBLIC HEARING NOTICES

AN ORDINANCE OF THE CITY OF HORSESHOE BAY AMENDING
THE PUBLIC NOTICE REQUIREMENTS FOR THE FOLLOWING:
ARTICLE 10 SUBDIVISION REGULATIONS, SECTION 10.03.202(B)(2)
NOTICE REQUIREMENT FOR REPLATS; ARTICLE 14.02 ZONING
ORDINANCE, SECTION 14.02.157 JOINT MEETINGS, SECTION
14.02.225(C) VARIANCE NOTICE AND PUBLIC HEARINGS, SECTION
14.02.265 ZONING AND REZONING PUBLIC HEARING AND NOTICE
AND SECTION 14.02.305 PROCEDURES FOR APPROVAL OF
CONDITIONAL USE PERMITS; ARTICLE 3.02 BUILDING CODES,
SECTION 3.02.008 BUILDING CODE ARTICLE VARIANCES; ARTICLE
4.04 WIRELESS COMMUNICATIONS, SECTION 4.04.039 ANTENNA
PERMIT (COMMUNICATION TOWER) APPLICATION PROCESS AND
REVIEW FEES; ARTICLE 10 SUBDIVISION ORDINANCE, SECTION
10.03.081(h) SUBDIVISION PLAT PROCEDURE; AND PROVIDING FOR
REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City’s Code of Ordinances includes requirements for the types of public
hearing notices and the amount of time for them to be published or mailed before
public hearings are held by both the City Council and the Planning and Zoning
Commission; and

WHEREAS, the City Council desires to provide additional information to the public by adding
additional notices to existing notice requirements; and

WHEREAS, the City Council desires to provide additional information to the public by
requiring public notices for applications considered by City Council and the
Planning and Zoning Commission that have not required public hearing notices;
and

WHEREAS, the City Council desires to apply uniform public hearing notice requirements for
all applications requiring public hearings before the City Council and the Planning
and Zoning Commission; and

WHEREAS, the City Council, in the exercise of its legislative discretion finds that these
amendments are in the best interests of the City of Horseshoe Bay and the City’s
Code of Ordinances should be amended as hereinafter described.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
HORSESHOE BAY:

Horseshoe Bay Planning & Zoning Commission
June 7, 2016

Amendment Public Hearing Notices
Page 1 of 7
I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. AMENDMENT TO CHAPTER 10 SUBDIVISION REGULATIONS, SECTION 10.03.202(B)(2) NOTICE REQUIREMENT FOR REPLATS

Section 10.03.202(B)(2) is hereby amended to read as follows:

(2) Notice requirement for replats. Two notices of a replat public hearing shall be published by the applicant in the official newspaper of the city and in such other publication as the city council may require. The notice of the public hearing shall include the purpose of the replat request with sufficient information to identify the street address, the size of the property and the details of the proposed development, and the time and the place of the public hearing. The applicant shall provide a copy of the public notice prior to publication and mailing for review by the development services director to determine that sufficient information is provided. The public notice must be approved by the development services director prior to publication in the two newspapers and mailing. Notices that are not approved by the development services director for publication and mailing will not be considered as valid legal notices for this section. The first notice shall be published more than thirty (30) days before the date set for the hearing and the second notice shall be published between sixteen (16) days and twenty-nine (29) days before the date set for the hearing. In addition, two sets of written notices meeting the two time requirements above shall be mailed by the applicant by first class mail to the owners of property within five hundred feet (500') of the replat boundaries, as indicated by the County Appraisal District that the property is located in. The development services department will post public hearing notice sign(s) as required on the affected property.

III. AMENDMENT TO CHAPTER 14 ZONING, SECTION 14.02.157 JOINT MEETINGS

Section 14.02.157 is hereby amended to read as follows:

Sec. 14.02.157 Joint meetings

Whenever the city council and the P&Z are required by the laws of the State of Texas to conduct public hearings in matters pertaining to planning, zoning or subdividing property, and at other times when it is in the best interest of the city to do so, the city council and the P&Z are hereby authorized, after publishing two notices in the official newspaper of the city and in such other publication as the city council may require. The first notice shall be published more than thirty (30) days before the date set for the hearing and the second notice shall be published between sixteen (16) days and twenty-nine (29) days before the date set for the hearing to hold joint meetings and to conduct joint public hearings.
IV. AMENDMENT TO CHAPTER 14 ZONING, SECTION 14.02.225(C) VARIANCE NOTICE AND PUBLIC HEARINGS

Section 14.02.225(C) is hereby amended to read as follows:

(C) Notice and public hearings. The BOA shall hold a public hearing for consideration of the written variance request. Two notices of a variance public hearing shall be published by the applicant in the official newspaper of the city and in such other publication as the city council may require. The notice of the public hearing shall include the purpose of the variance request with sufficient information to identify the street address, the size of the property and the details of the proposed development, and the time and the place of the public hearing in the official newspaper of the city and in such other publication as the city council may require. The applicant shall provide a copy of the public notice prior to publication and mailing for review by the development services director to determine that sufficient information is provided. The public notice must be approved by the development services director prior to publication in the two newspapers and mailing. Notices that are not approved by the development services director for publication and mailing will not be considered as valid legal notices for this section. The first notice shall be published more than thirty (30) days before the date set for the hearing and the second notice shall be published between sixteen (16) days and twenty-nine (29) days before the date set for the hearing. In addition, two sets of written notices meeting the two time requirements above shall be mailed by the applicant by first class mail to the owners of property within five hundred feet (500') of the replat boundaries, as indicated by the County Appraisal District that the property is located in. The development services department will post public hearing notice sign(s) as required on the affected property.

V. AMENDMENT TO CHAPTER 14 ZONING, SECTION 14.02.265 ZONING AND REZONING PUBLIC HEARING AND NOTICE

Section 14.02.265 is hereby amended to read as follows:

Sec. 14.02.265 Public hearing and notice

For zoning or rezoning requests, the planning and zoning commission and the city council each shall hold at least one public hearing on each zoning application. Two notices of a zoning or rezoning public hearing shall be published by the applicant in the official newspaper of the city and in such other publication as the city council may require. The notice of the public hearing shall include the purpose of the zoning or rezoning request with sufficient information to identify the street address, the size of the property and the details of the proposed development, and the time and the place of the public hearing. The applicant shall provide a copy of the public notice prior to publication and mailing for review by the development services director to determine that sufficient information is provided. The public notice must be approved by the development services director prior to publication in the two newspapers and mailing. Notices that are not approved by the development services director for publication and mailing will not be considered as valid legal notices for this section. The first notice shall be published more than thirty (30) days before the date set for the hearing and the second notice shall be published between sixteen (16) days and twenty-nine (29) days before the date set for the hearing. In addition, two sets of written notices meeting the two time requirements above shall be mailed by the applicant by first class mail to the owners of property within five hundred feet (500') of the replat boundaries, as
indicated by the County Appraisal District that the property is located in. The development services department will post public hearing notice sign(s) as required on the affected property.

VI. AMENDMENT TO CHAPTER 14 ZONING, SECTION 14.02.305 PROCEDURES FOR APPROVAL OF CONDITIONAL USE PERMITS

Section 14.02.305 is hereby amended to read as follows:

Sec. 14.02.305 Procedures for approval of conditional use permits

Upon receipt of the recommendation from the development services director, the council shall conduct a public hearing, after which the council shall approve, approve subject to modification, or deny the application. If the appropriateness of the use cannot be assured at the location, the council shall deny the application and provide the reasons for such denial. Two notices of a conditional use permit public hearing shall be published by the applicant in the official newspaper of the city and in such other publication as the city council may require. The notice of the public hearing shall include the purpose of the conditional use permit request with sufficient information to identify the street address, the size of the property and the details of the proposed development, and the time and the place of the public hearing. The applicant shall provide a copy of the public notice prior to publication and mailing for review by the development services director to determine that sufficient information is provided. The public notice must be approved by the development services director prior to publication in the two newspapers and mailing. Notices that are not approved by the development services director for publication and mailing will not be considered as valid legal notices for this section. The first notice shall be published more than thirty (30) days before the date set for the hearing and the second notice shall be published between sixteen (16) days and twenty-nine (29) days before the date set for the hearing. In addition, two sets of written notices meeting the two time requirements above shall be mailed by the applicant by first class mail to the owners of property within five hundred feet (500') of the replat boundaries, as indicated by the County Appraisal District that the property is located in. The development services department will post public hearing notice sign(s) as required on the affected property.

VII. AMENDMENT TO OTHER CODE OF ORDINANCES SECTIONS TO PROVIDE PUBLIC HEARING NOTICE REQUIREMENTS

a. Section 3.02.008 Building Code Article Variances is hereby amended to read as follows:

Sec. 3.02.008 Variances

(a) Authority to grant variance. The city council is hereby authorized to approve variances from this article and the codes adopted herein.

(b) Public hearing. No variance shall be granted without first having given public notice and having held a public hearing on the written variance request in accordance with this article. Two notices of a variance public hearing shall be published by the applicant in the official newspaper of the city and in such other publication as the city council may require. The notice of the public hearing shall include the purpose of the variance request, and shall have sufficient information to identify the street address, and the details of the proposed building project and the time and the
place of the public hearing. The applicant shall provide a copy of the public notice prior to publication and mailing for review by the development services director to determine that sufficient information is provided. The public notice must be approved by the development services director prior to publication in the two newspapers and mailing. Notices that are not approved by the development services director for publication and mailing will not be considered as valid legal notices for this section. The first notice shall be published more than thirty (30) days before the date set for the hearing and the second notice shall be published between sixteen (16) days and twenty-nine (29) days before the date set for the hearing. In order to grant a variance, the city council must first find:

b. Section 4.04.039 Antenna Permit (Communication Tower) Application process and review fees is hereby amended to read as follows:

Sec. 4.04.039 Application process and review fees

Permit applications shall be filed with the development services department of the city. The city shall review all permit applications within fifteen (15) days of submittal to determine whether the application is administratively complete. Two notices of an antenna permit public hearing shall be published by the applicant in the official newspaper of the city and in such other publication as the city council may require. The notice of the public hearing shall include the purpose of the antenna permit request with sufficient information to identify the street address, the size of the property and the details of the proposed antenna, and the time and the place of the public hearing. The applicant shall provide a copy of the public notice prior to publication and mailing for review by the development services director to determine that sufficient information is provided. The public notice must be approved by the development services director prior to publication in the two newspapers and mailing. Notices that are not approved by the development services director for publication and mailing will not be considered as valid legal notices for this section. The first notice shall be published more than thirty (30) days before the date set for the hearing and the second notice shall be published between sixteen (16) days and twenty-nine (29) days before the date set for the hearing. In addition, two sets of written notices meeting the two time requirements above shall be mailed by the applicant by first class mail to the owners of property within five hundred feet (500') of the replat boundaries, as indicated by the County Appraisal District that the property is located in. The development services department will post public hearing notice sign(s) as required on the affected property.

After proper notice has been documented, the city development services staff will forward a recommendation to the city council whether to grant or deny a permit application at the city council meeting for which notice has been provided. The city council shall, after receipt of a recommendation from the city staff, approve or deny an application for a permit along with written findings. If the permit is denied, the written findings will be supported by substantial evidence contained in a written record, including, but not limited to information provided by the expert review.

c. Section 10.03.081(h) Subdivision Plat Procedure is hereby amended to read as follows:

(h) Applications for subdivision preliminary plats and final plats shall each require one public hearing by the Planning and Zoning Commission and one public hearing by City Council, and if both are to be considered at the same time, only one public hearing is required by P&Z and one
public hearing City Council for both. Two notices of a preliminary plat public hearing and two notices of a final plat public hearing shall be published by the applicant in the official newspaper of the city and in such other publication as the city council may require. The notice of the public hearing shall include the purpose of the request with sufficient information to identify the street address, the size of the property and the details of the proposed development, and the time and the place of the public hearing. The applicant shall provide a copy of the public notice prior to publication and mailing for review by the development services director to determine that sufficient information is provided. The public notice must be approved by the development services director prior to publication in the two newspapers and mailing. Notices that are not approved by the development services director for publication and mailing will not be considered as valid legal notices for this section. The first notice shall be published more than thirty (30) days before the date set for the hearing and the second notice shall be published between sixteen (16) days and twenty-nine (29) days before the date set for the hearing. In addition, two sets of written notices meeting the two time requirements above shall be mailed by the applicant by first class mail to the owners of property within five hundred feet (500') of the replat boundaries, as indicated by the County Appraisal District that the property is located in. The development services department will post public hearing notice sign(s) as required on the affected property. When a final plat is approved by the city council, the signed final plat shall be submitted by the applicant for recording with the appropriate county clerk.

VIII. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

IX. SEVERABILITY

If any section, subsection, sentence, phrase, word, paragraph or provision of this Ordinance be found to be illegal, invalid or unconstitutional, for any reason whatsoever, the adjudication shall not affect any other section, subsection, sentence, phrase, word, paragraph or provision of this Ordinance or the application of any other section, subsection, sentence, phrase, word, paragraph or provision of any other Ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this Ordinance, and as to this end the provisions of this Ordinance are declared to be severable.

X. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its date of passage, in accordance with law.

ADOPTED AND APPROVED on this 21st day of June, 2016 by a vote of the City Council of the City of Horseshoe Bay, Texas
CITY OF HORSESHOE BAY, TEXAS

Stephen T. Jordan, Mayor

ATTEST:

______________________________

Teresa L. Moore, City Secretary
# SUMMARY OF PUBLIC HEARING NOTICE REQUIREMENTS

## Requires Both Newspaper and Mailed Notices

<table>
<thead>
<tr>
<th>No.</th>
<th>Code Citation</th>
<th>For</th>
<th>Public Hearing Before</th>
<th>Current City &amp; State Requirement</th>
<th>Proposed Added City Requirement</th>
<th>To Owners Within</th>
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<tbody>
<tr>
<td>1</td>
<td>Sec. 3.02.008</td>
<td>Building Code Article Variances</td>
<td>City Council</td>
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<td>3</td>
<td>Sec. 14.02.157</td>
<td>Joint Meetings of P&amp;Z and City Council</td>
<td>Both Together</td>
<td>16</td>
<td>16</td>
<td>&gt;30 &amp; 16-29</td>
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<td>4</td>
<td>Sec. 14.02.265</td>
<td>Zoning Text Amendment, Rezonings, Comprehensive Plan Amendments</td>
<td>P&amp;Z and City Council Separately</td>
<td>16</td>
<td>16</td>
<td>&gt;30 &amp; 16-29</td>
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<td>5</td>
<td>Sec. 14.02.225(c)</td>
<td>Zoning Variance</td>
<td>City Council</td>
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<td>16</td>
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<td>6</td>
<td>Sec. 14.02.305</td>
<td>Conditional Use Permit</td>
<td>City Council</td>
<td>10</td>
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**Requires Newspaper Notices Only**

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<th>No.</th>
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<tr>
<td>7</td>
<td>Sec. 212.134(b) LGC</td>
<td>Moratorium/Extension</td>
<td>City Council</td>
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**Requires Mailed Notices Only**

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<tr>
<td>8</td>
<td>Sec. 4.04.039</td>
<td>Antenna Permit (Communication Tower)</td>
<td>City Council</td>
<td>N/A</td>
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<td>&gt;30 &amp; 16-29</td>
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**Requires City Council Action But No Notices**

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<tr>
<td>9</td>
<td>Sec. 10.03.081</td>
<td>Subdivision Plat - Both Preliminary Plat and Final Plat</td>
<td>N/A</td>
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<td>Sec. 3.06.009</td>
<td>Sign Variance</td>
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<td>11</td>
<td>Sec. 3.05.034</td>
<td>Floodplain Variance or Appeal of Floodplain Administrator's Decision</td>
<td>N/A</td>
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<td>12</td>
<td>Sec. 10.03.003</td>
<td>Appeal of City Manager Decision of Appeal of DS Director's Subdivision Ordinance Decision</td>
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<td>Sec. 3.08.004(d)(3) &amp; (4)</td>
<td>Appeal of Decision of C5 Director's Denial of a Blasting Permit</td>
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<td>14</td>
<td>Sec. 14.02.192(a)</td>
<td>Council Acting as Board of Adjustment Decide Appeal of Zoning Administrator's Decision</td>
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**Requires Both Newspaper and Mailed Notices for Municipal Court**

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<td>Sec. 3.04.006(c)(3)</td>
<td>Substandard Building</td>
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