

THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.

AN ORDINANCE

AMENDING THE UNIFIED DEVELOPMENT CODE (UDC), CHAPTER 35 OF THE CITY CODE OF SAN ANTONIO, TEXAS, WITH CHANGES TO SECTION 35-801 RELATING TO THE COMPOSITION OF THE BOARD OF ADJUSTMENT (BOA) AND AUTHORIZING A CHANGE TO THE BOA RULES AND PROCEDURES DOCUMENT IN ORDER TO MODIFY THE BOA COMPOSITION.

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WHEREAS, Section 211.008.(c). of the Texas Local Government Code provides the governing body of a municipality to appoint alternate members of the Board of Adjustment to serve in the absence of one or more regular members; and

WHEREAS, due to long-term difficulties with attendance of members and alternates to the Board of Adjustment; and

WHEREAS, Section 211.008.(e). of the Texas Local Government Code requires that governing body of a municipality to approve changes to the Board of Adjustment Rules and Procedures

NOW THEREFORE;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS:

SECTION 1. Chapter 35 of the City Code of San Antonio, Texas, the Unified Development Code, is hereby amended by adding language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in this Ordinance.

SECTION 2. Chapter 35 of the City Code of San Antonio, Texas, is hereby amended as follows:

Sec. 35-801. - Board of Adjustment.

- (a) **Creation of Board of Adjustment.** There is hereby created a board of adjustment consisting of eleven (11) members and seven (7) ~~six (6)~~ alternate members to be appointed by the city council. Each member of the governing body, including the mayor, may nominate one (1) member to the board. All members, including alternates, must be residents of the City of San Antonio. Said board shall have all powers vested by the V.T.C.A. Local Government Code Ch. 211.

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SECTION 3. The Board of Adjustment is authorized to make a change to the Board of Adjustment Rules and Procedures document to reflect that the Board of Adjustment shall be authorized seven alternate members.

SECTION 4. All other provisions of Chapter 35 of the City Code of San Antonio, Texas, shall remain in full force and effect.

SECTION 5. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 6. The City Clerk is directed to publish notice of this ordinance amending City Code, Chapter 35. Publication shall be in a newspaper in the City in accordance with Section 17 of the City Charter.

SECTION 7. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 8. This ordinance shall become effective immediately on passage with eight affirmative votes; otherwise it shall become effective on November 24, 2019.

PASSED AND APPROVED this 14th day of November, 2019.

M A Y O R

Ron Nirenberg

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Andy Segovia, City Attorney