

ORDINANCE NO. 010306 C

**AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE TO SPECIFY AND CLARIFY THE LAND DEVELOPMENT CODE'S APPLICABILITY TO THE CITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR SEVERABILITY.**

**WHEREAS**, the City Council of Sunset Valley finds that by its nature the City has different interests, duties and perspectives than developers and private individuals and entities acting within the municipal jurisdiction;

**WHEREAS**, the City Council of Sunset Valley finds that to the extent practical and consistent with the public health, safety, and general welfare, the City in its role as developer should abide by the Land Development Code;

**WHEREAS**, the City Council of Sunset Valley finds that with respect to the Land Development Code's applicability to the City as developer, certain amendments are necessary to clarify the Code and make its express terms consistent with its practical application;

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNSET VALLEY, TEXAS, THAT THE LAND DEVELOPMENT CODE BE AMENDED AS SET FORTH BELOW:**

**SECTION 1. SUBSECTION 1.201(276) REPEALED AND NEW SUBSECTION ADOPTED**

The current subsection 1.201(276) is hereby repealed and the following subsection 1.201(276) is hereby adopted in its place:

(276) **"Variance"**: An adjustment in the application of the specific requirements of this Land Development Code to a particular parcel of property under the procedures set forth in this Code.

**SECTION 2. DIVISION 1.5 ADOPTED**

The following Division 1.5 is hereby adopted:

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**SECTION 2. DIVISION 1.5 ADOPTED**

The following Division 1.5 is hereby adopted:

**Division 1.5: City of Sunset Valley as Developer**

**Sec. 1.500 Applicability of Land Development Code to City of Sunset Valley**

In those circumstances in which the City of Sunset Valley as a property owner is engaged in development, the Land Development Code applies to these development activities unless the City is otherwise exempted by provisions of this Code or by other Ordinance and except as set forth below.

- (a) The City does not have to pay itself any fees or post any fiscal security or bond.
- (b) None of the timetables and deadlines established herein apply to the City when the City is an applicant under this Land Development Code.
- (c) When the City is required to prepare a development application, the City Administrator on a case-by-case basis may waive specific elements or contents of the application when such elements or contents are not required by this Code and are unnecessary or wasteful.
- (d) The following Land Development Code provisions are inapplicable to the City when the City is an applicant or seeks to take action with regard to its own property or rights of way: §2.305(b), § 2.307(b)(1) & (c), § 2.406, § 2.504(b) & (c), § 2.514, § 3.102(g) & (h), § 3.103, § 3.104, § 3.200(e), § 3.201(b)(c)(d) & (f)(5) & (6), § 3.202(b)(6)(7)(11) & (12), § 3.203(b), § 3.204(d), § 3.309, § 3.311, § 3.312(l), § 3.314, § 4.106(c), § 4.106(f), § 4.106(g), § 4.106(h), § 4.402(c) & (e), § 5.303, § 6.801, § 6.802, § 6.803, § 6.804, § 6.805, § 6.806, § 8.106, § 9.104, § 9.304, § 9.305, § 9.307, § 9.308, § 9.310, § 11.108, § 11.114, § 11.115, § 12.107, § 13.102(c) & (d), § 13.103, § 13.204, Chapter 14, Chapter 15, § 16.300, § 16.301, and Chapter 17.
- (e) Except as to matters of zoning, the City Council may grant the City a variance from any provision in this Code for any of the reasons identified in Land Development Code Section 1.101 upon notice and hearing. No other substantive or procedural variance requirements apply to the City of Sunset Valley when it is an applicant on nonzoning matters.
  - (1) The Board of Adjustment decision on any variance requested when the City is an applicant shall be governed by the standards set forth in Section 1.01 of the Land Development Code.
- (f) Nothing in Division 1.5 shall prohibit the City from amending zoning law and reclassifying the zoning categories of particular property as otherwise provided for in this Land Development Code.

- (g) The imposition of any duty on the City of Sunset Valley in its role as developer or applicant under this Code does not bestow on any person any rights as against the City.

**SECTION 3. NEW SUBPARAGRAPH 4.102(h) ADOPTED**

The following subparagraph 4.102(h) is hereby adopted:

- (h) Section 4.102 is subject to and limited by Section 1.500 of this Land Development Code.

**SECTION 4. NEW SUBSECTION 4.103(e) ADOPTED**

The following subsection 4.103(e) is hereby adopted:

- (e) Section 4.103 is subject to and limited by Section 1.500 of this Land Development Code.

**SECTION 5. SEVERABILITY**

If any portion of this Ordinance or the application of this Ordinance to any person or set of circumstances is held to be invalid or unenforceable for any reason, then that holding shall not be construed to affect the validity of any other portion of this Ordinance, and all other portions shall remain in full force and effect. All provisions of this Ordinance are declared severable for that purpose.

**SECTION 6. EFFECTIVE DATE**

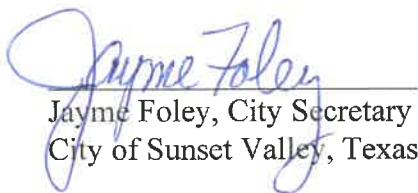
The provisions of this Ordinance shall be effective from the date of its adoption.

PASSED AND APPROVED this 6th day of March, 2001.



Terry Cowan, Mayor

ATTEST:



Jayme Foley, City Secretary  
City of Sunset Valley, Texas