

ORDINANCE NO. 26-0601

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSON CITY, TEXAS AMENDING MUNICIPAL CODE OF ORDINANCES CHAPTER 14 ZONING, ARTICLE 14.02 ZONING ORDINANCE, DIVISION 2 ZONING AUTHORITY, PART II ZONING BOARD OF ADJUSTMENT BY ADDING ALTERNATE MEMBERS AND QUALIFICATIONS TO THE ZONING BOARD OF ADJUSTMENT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the Commission and the City Council held Public Hearings on the matter on May 26, 2026 and June 2, 2026, respectively; and

WHEREAS, notice of Public Hearings was posted on the City's website and published in the Johnson City Record Courier on April 29, 2026; and

WHEREAS, having held Public Hearings, accepting recommendations from the Planning and Zoning Commission, and reviewing the Comprehensive Plan of the City, the City Council desires to amend Municipal Code of Ordinances Chapter 14 *Zoning* by adding alternate members and qualifications to the Zoning Board of Adjustment.

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

Section 1. Findings. The recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 2. Amendments. Municipal Code of Ordinances Chapter 14 *Zoning*, Article 14.02 *Zoning Ordinance*, Division 2 *Zoning Authority*, Part II *Zoning Board of Adjustment* is amended as prescribed in "**Attachment A**", attached hereto and incorporated fully herein for all intents and purposes.

Section 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance and the remainder of this Ordinance shall be enforced as written.

Section 4. The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City under any section or provisions of any ordinances in effect at the time of passage of this Ordinance.

Section 5. The provisions of this Ordinance shall be cumulative of all ordinances not repealed by this Ordinance and ordinances governing or regulating the same subject matter as that covered herein.

Section 6. That it is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 7. This ordinance shall take effect immediately from and after passage and publication as may be required by governing law.

INTRODUCED, READ and PASSED, by the affirmative vote of the City Council of the City of Johnson City this the 2nd day of June, 2026.


Stephanie Fisher, Mayor

ATTEST:


Whitney Walston, City Secretary

Attachment A

§ 14.02.061. Creation; authority.

There is hereby created a Zoning Board of Adjustment, "ZBOA." The City Council is granted the authority to act as the ZBOA.

§ 14.02.062. Powers and duties.

(a) Authority. The ZBOA shall have the authority to:

- (1) Administrative appeals. Hear and decide an appeal that alleges an error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this article;
- (2) Variances. Authorize, in specific cases, a variance from the terms of this article if the variance is not contrary to the public interest, and, due to special conditions, a literal enforcement of the Ordinance would result in unnecessary hardship, and so that the spirit of this article is observed and substantial justice is done;
- (3) Nonconforming uses. Hear and decide a request for a change to a nonconforming use; and
- (4) Special exceptions. Grant a Special Exception where authorized under this article.

(b) Appeals.

- (1) An appeal of an administrative decision must be filed within 10 business days after the decision has been rendered and shall be processed in accordance with Texas Local Government Code section 211.010, as amended. An appeal shall be heard within 60 calendar days of receipt of the notice of appeal. A request shall be automatically approved if no formal action is taken. The ZBOA may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken.

§ 14.02.063. Composition; governance.

(a) Officers. The ZBOA shall appoint a Chairperson, Vice-chairperson, and Secretary for one-year terms starting each June.

(b) Meetings; conduct.

- (1) Meetings shall be held in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551.
- (2) ZBOA and City Council meetings shall not be held concurrently. While ZBOA meetings or hearings may be held on the same day as City Council meetings, ZBOA meetings or hearings shall be clearly identified separately.
- (3) The board by majority vote shall adopt rules consistent with Chapter and those rules shall be approved by City Council.

§ 14.02.064. Alternates.

- (a) The ZBOA shall also consist of four alternate members, each of whom shall be a registered voter and reside within the City limits, and also be duly appointed for two-year terms and be removed for cause by the City Council, and which designated alternate members of the Board shall serve in the absence of one or more regular members when requested to do so

by the Mayor.

- (b) The City Council will consider for appointment as an alternate to the ZBOA only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, interest in planning and zoning, and availability to prepare for and attend meetings. It is the intent of the City Council that alternate members shall, by reason of diversity of their individual occupations, constitute a ZBOA which is broadly representative of the City.
- (c) The term of all alternate members shall run in conjunction with the Mayor's term. Alternate members shall be appointed and/or reappointed the first City Council meeting in June following the election of the Mayor in May. The alternate members of the ZBOA shall be identified by place numbers 1a through 4a. Alternate members may be appointed to succeed themselves, and all alternate members of the ZBOA shall remain in office after the expiration of their term until City Council appoints individuals to fill said positions. Duly appointed alternate members shall be installed at the first regular meeting after their appointment.

§ 14.02.065 through § 14.02.090. (Reserved)