

ORDINANCE 2026.1.1

AN ORDINANCE OF THE CITY OF FLATONIA, TEXAS, AMENDING CERTAIN SECTIONS THE CITY OF FLATONIA'S CODE OF ORDINANCES, CHAPTER 14A, ZONING ORDINANCE, ARTICLE 2, SECTION C; ARTICLE IV, SECTION C (2); AND ARTICLE 5, SECTION 4; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR OPEN MEETINGS, EFFECTIVE DATE, AND OTHER RELATED MATTERS.

WHEREAS, Chapter 14A of the Code of Ordinances of the City of Flatonia contains provisions for establishing the powers and duties of the Planning and Zoning Commission; Supplementary Yard Regulations for reverse/corner lots; Administration of Zoning Regulations – Variance requests; and

WHEREAS, the City Council desires to clarify and/or amend certain sections of Chapter 14A that pertain to duties of the Planning and Zoning Commission; Supplementary Yard Regulations for reverse/corner lots; and Administration of Zoning Regulations – Variance request; and

WHEREAS, the City Council believes it is important to make these amendments/clarifications to these Sections of Chapter 14A – Zoning Ordinance; and

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amendment to Article II, Section 2(c) “Powers and Duties of the Planning and Zoning Commission. Section 2(c) – “Powers and Duties of the Planning and Zoning Commission, is hereby modified as follows:

C. Powers and Duties of the Planning and Zoning Commission

1. To prepare and recommend to City Council for adoption a comprehensive plan for the City;
2. To hold public hearings for land use considerations, including variances, and recommend plans of action to the City Council;
3. To prepare and recommend to City Council for adoption subdivision regulations and to approve or disapprove subdivision plats;
4. To prepare and recommend to City Council for adoption zoning regulations and to recommend zoning district boundaries, including the power to hold public hearings, enforce the regulations, and recommend changes in the regulations and district boundaries.

5. To prepare and recommend adoption of urban conservation, rehabilitation and redevelopment programs allowed by state law.
6. To report on planning and zoning problems that are referred to it for review by the City Manager or the City Council.
7. To prepare such surveys, reports and studies as are required for the above and other authorized purposes.

Section 3. Amendment to Article V, Section 4 – “Administration of Zoning Regulations – Variance Procedures. Section 4 – “Variance Procedure, is hereby modified as follows:

A. Purpose.

This procedure is intended to provide relief from the terms of the Zoning Property Development Regulations and Sign Ordinance when, because of special circumstances applicable to the property, the strict application of the Zoning Property Development Regulations and Sign Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, and to ensure that any adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the district in which such property is situated. A variance shall not allow a land use activity in a zoning district where it is specifically excluded by the terms of the zoning ordinance.

B. Application and Fees.

1. Application for a Variance shall be filed with the City Manager. The application shall include the following:

- a. Name and address of the owner or applicant.
- b. Address and legal description of the property.
- c. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner.
- d. A statement describing the Variance requested and the reasons why it complies with the criteria for Variances provided in SECTION 4.F.
- e. Site plans, preliminary building elevations, preliminary improvement plans or other maps or drawings, sufficiently dimensional as required to illustrate the following, to the extent related to the Variance application:
 - Existing and proposed location and arrangement of uses on the site, and on abutting sites within fifty (50) feet.
 - Existing and proposed site improvements, buildings and other structures on the site, and any off-site improvements related to or necessitated by the proposed use. Building elevations shall be sufficient to indicate the general height, bulk, scale and architectural character.
 - Existing and proposed topography, grading, landscaping, screening, irrigation facilities and erosion control measures.

- Existing and proposed parking, loading and traffic and pedestrian circulation features, both on the site and any off-site facilities or improvements related to or necessitated by the proposed use.
2. The City Manager may request additional information necessary to enable a complete analysis and evaluation of the variance request, and a determination as to whether the circumstances prescribed for the granting of a Variance exist.
 3. An application fee of \$100 shall accompany the application. (See SECTION 5 for more information on fees.)
 4. A single application may include requests for Variances for more than one regulation applicable to the same site, or for similar Variances on two or more adjacent parcels with similar characteristics.

C. Report of the City Manager.

The City Manager shall review and prepare a report on the application. The report shall be filed with the **Planning and Zoning Commission** and made available to the applicant at least five (5) days prior to the public hearings.

D. Public Hearing and Notice.

The Planning and Zoning Commission shall hold a public hearing within sixty (60) days on each application for a Variance. Notice shall be given as prescribed in SECTION 5.

E. Action by the Planning and Zoning Commission

1. The Planning and Zoning shall act upon the application not more than twenty (20) days following the close of the public hearing on a Variance. The Planning and Zoning Commission shall either recommend approval or denial of a variance request(s) to the City Council. The Planning and Zoning Commission's action shall be entered into the minutes of the Planning and Zoning Commission minutes, specifying the reason(s) which justified recommendation of approval or denial of the variance request(s). In the event of a recommendation of denial by the Planning and Zoning Commission the applicant shall have seven (7) days to notify the City Manager in writing that an appeal to the City Council shall be processed; otherwise, the denial becomes final.

F. Review and Evaluation Criteria.

1. Basic Criteria. The Planning and Zoning Commission may recommend approval of a variance request to the City Council if it makes affirmative findings of fact on each of the following criteria:
 - a. The Zoning Regulations applicable to the property do not allow for a reasonable use.

- b. The plight of the owner of the property is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial and are not due to or the result of general conditions in the zoning district in which the property is located.
 - c. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property and will not impair the purposes or regulations to the Zoning District in which the property is located.
2. Additional Criteria - Parking. The Planning and Zoning Commission may recommend approval of a variance request to the City Council to a regulation prescribed by this ordinance with respect to the number of off-street spaces or loading facilities required if it makes findings of fact that the following additional criteria are also satisfied:
- a. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretations and enforcement of the specific regulation.
 - b. The granting of the Variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets.
 - c. The granting of the Variance will not create a safety hazard or any other condition inconsistent with the objectives of this ordinance.
 - d. The Variance shall run with the use or uses to which it pertains and shall not run with the site.
3. Additional Criteria - Signs. The Planning and Zoning Commission may recommend approval of a variance request to the City Council to a regulation prescribed by the Sign Ordinance with respect to the placement of signs, the height of signs or the area of signs if it affirmatively finds each of the following:
- a. That a sign is being replaced. For the purposes of this Section, replacement shall include the erection of a new or different sign due to the removal of another sign for any reason, including the change of name of a business whether from change of ownership, business being conducted, or otherwise, the change of a sign for a continuing business containing the same or different information as the sign being replaced, and the replacement of signs due to damage or vandalism.
 - b. That it is impractical to abide by existing placement, height or area regulations due to the placement, size of construction of existing structures in relationship to the physical characteristics of the site. For purposes of illustration, physical characteristics may include topography of the site or surrounding sites, structures on surrounding sites, traffic conditions, street layouts and existing natural vegetation.
 - c. That the other types of signs that are permitted by this Ordinance cannot practically be used. In making this determination of practicality, the Planning and Zoning Commission may consider:
 - The undesirability of altering a historic site to accommodate a sign which would be permitted with no variance under this Ordinance; or

- * That alternatives permitted by this Ordinance would involve extensive reconstruction of structures; or
 - * That alternatives permitted by this Ordinance are prohibitively expensive; or
 - * That alternatives permitted by this Ordinance will not effectively identify the subject of the sign.
- d. that the proposed sign has been reviewed by the Historic Review Board if applicable.
 - e. that the proposed variance is as close to the requirements of the sign ordinance as is feasible.

G. Lapse of Variance. Where a variance is recommended for approval by the Planning and Zoning Commission and granted by the Council and no building or structure is started pursuant to such variance within six months after the date of the hearing, thereon said variance becomes null and void and of no force or effect.

H. Revocation. Upon violation of any applicable provision of this ordinance, or, if granted subject to conditions, a Variance shall be revoked after thirty (30) days' written notification to the owner of the use or property to the Variance.

I. Variance to Run With Land or Structure. Unless pertaining to off-street parking and loading regulations or otherwise specified at the time a Variance is granted, a Variance shall run with the land and shall continue to be valid upon a change of ownership of the site or structure to which it applies.

Section 4. Repeal of Conflicting Ordinances. All parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City, the terms and provisions of the most restrictive ordinance shall govern.

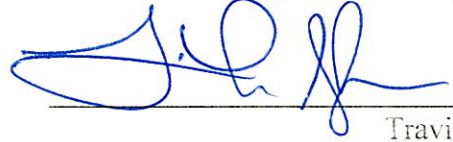
Section 5. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code.

Section 6. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the City Council would have enacted the same without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chap. 551, Tex. Gov't. Code.*

PASSED and APPROVED on the 13th day of January 2026.

City of Flatonia, Texas



Travis Seale
Mayor

Attest:



Jacqueline Ott, TRMC
City Secretary

