Chapter 3 - APPLICATIONS AND PERMITS

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SECTION 3.15. - ZONING VARIANCE AND SPECIAL EXCEPTION

Sec. 3.15.010. - Applicability.

A. Zoning Variance.

In accordance with the provisions of the Texas Local Government Code chs. 211 and 231, the Zoning Board of Adjustment (Board) shall have the authority to hear and grant requests for a Variance from the zoning provisions and sign regulations of this Unified Development Code. A Variance to the development standards of this Code shall be considered an exception to the regulations, rather than a right.

A Zoning Variance differs from a Subdivision Variance, which applies to certain regulations pertaining to subdivision of land and must be requested from the Planning & Zoning Commission during the subdivision review process.

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Sec. 3.15.020. - Zoning Variance and Special Exception Process.

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E. Notice and Hearing.

1. The Zoning Board of Adjustment shall hold a public hearing for consideration of the Zoning Variance or Special Exception request no later than 45 calendar days on the next available regular scheduled meeting after the date of the application is filed.

2. Written notice of the public hearing for a Zoning Variance or Special Exception shall be provided as set forth in Sections 3.03 and 4.09.040 of this Code.

3. The applicant may appear at the hearing in person or by agent or attorney.

Sec. 3.15.030. - Criteria for Zoning Variance Review.

A. Required Findings.

The Zoning Board of Adjustment may authorize a Zoning Variance from the requirements of the zoning provisions and sign regulations of this Unified Development Code if the
Variance from the terms of the zoning provisions is not contrary to the public interest and, due to special conditions, a literal enforcement of the requirements would result in unnecessary hardship, so the spirit of this Code is preserved, and substantial justice done. No Zoning Variance shall be granted unless the ZBA finds all of the following:

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D. Limitation on Variances for Signs.

No Variance for a sign may increase the overall permitted area of a sign. Sign-related variances may only be granted, in accordance with this section, for height or other location restrictions. No Variance application(s) shall be accepted for prohibited signs listed in Section 10.04 ("Signs Prohibited Under this Code").

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Added language is underlined
Deleted language is strikethrough