

**To the Mayor and Members of the City Council****March 3, 2015**

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SUBJECT: PROPOSED ZONING ORDINANCE TEXT AMENDMENTS FOR CERTAIN DEFINITIONS AND FOR INTERPRETATION APPEALS

This report provides information concerning proposed text amendments to the Zoning Ordinance. The amendments are provided to revise and add certain definitions and to revise the procedural requirements for appeals of zoning interpretations to the Board of Adjustment.

Four definitions are proposed to be revised: Restaurant, Community Home, Family, and Boarding House or Lodging House.

- The definition of Restaurant will be revised to clarify that no less than 50% of the income can be from food sales, in order to be consistent with the regulations of the Texas Alcoholic Beverage Commission category of a Supper Club.
- Community Home will be revised to allow resident supervisors to live in the home, consistent with the Texas Human Resources Code, and to be counted toward the eight maximum residents.
- Family will be revised to allow persons related by guardianship to be considered related, in addition to persons related by blood, adoption, or marriage.
- Boarding House or Lodging House will be revised to remove "single housekeeping unit", since that term is used in the definition of Family. The definition will further be revised to incorporate existing supplemental standards in Section 5.107A Boarding Houses. That section will be revised to remove language incorporated into the definition.

Three definitions are proposed to be added: Single Housekeeping Unit, Transient or Short Term Resident, and Data Center.

- Single Housekeeping Unit will be added to clarify that individuals in a residential dwelling unit must have established ties and familiarity with each other, share a lease agreement or own the property, jointly use common areas, interact with each other, and share household expenses.
- Transient or Short Term Resident will be added to clarify the difference between short term (< 30 days) and long term (\geq 30 days) tenancy in a residential unit, since transient or short term tenancy is not allowed in residential zoning districts.
- Data Center is being added upon request of the Economic Development Department. The land use chart will also be amended to add the use as permitted by right in the I, J, and K Industrial Districts.

The procedures for appealing Zoning Ordinance interpretations to the Board of Adjustment would be revised to require that the applicant identify the specific provision of the Zoning Ordinance at issue and identify the addresses of the specific property(ies) affected by the Zoning Administrator's interpretation.

The proposed amendments will be presented to the Zoning Commission on March 11, and the interpretation appeal requirements will be presented to the Board of Adjustment on March 18. The Zoning Commission public hearing is scheduled for April 8, and the City Council hearing on May 6. The Data Center amendments will be processed one month earlier, since they have previously been presented to the Zoning Commission. The Zoning Commission hearing for the Data Center amendment is scheduled for March 11, and the City Council hearing on April 7.

If you have any questions, please contact Jocelyn Murphy, Planning Manager, Planning and Development Department, at 817-392-6226.

**David Cooke
City Manager**