

ORDINANCE NO. 2017-

AN ORDINANCE AMENDING 125 OF THE CODE OF ORDINANCES OF THE CITY OF LEAGUE CITY ENTITLED "ZONING" BY AMENDING SECTION 125-20.D ENTITLED "POWERS AND RESPONSIBILITIES" TO ALLOW MINOR DEVIATIONS TO THE ZONING ORDINANCE TO BE ADMINISTRATIVE ADJUSTMENTS TO BE PERMITTED BY THE CITY PLANNER

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. That the Code of Ordinances is hereby amended to AMEND Section 125-20.D. entitled *Powers and Responsibilities*, to add Subsection 4. to read as follows:

"Sec. 125-20.D. Powers and Responsibilities.

...

4. The City Planner is authorized to approve building permit applications, including a site plans associated therewith, that while do not exactly conform with all applicable provisions of the Zoning Ordinance do substantially comply to the Zoning Ordinance, provided that all of the following criteria are met:
 - a. The nonconformance is minor and is not contrary to the public interest nor the spirit of the Zoning Ordinance;
 - b. The nonconformance results from an inability to strictly comply which could not have been reasonably foreseen prior to the design of the project and submittal to the City of a building permit application;
 - c. Allowing the nonconformance would facilitate the meeting of an enhanced standard found in another provision of the Zoning Ordinance, resulting in an otherwise superior project;
 - d. The nonconformance is not related to: (1) a required building setback of five (5) feet or less; or (2) modifying or encroaching upon an easement unless written consent is obtained from all holders of interest therein; and
 - e. The nonconformance is not of a magnitude that would require a variance to allow under this Zoning Ordinance.

Any nonconformance in a building permit that is approved pursuant to this section shall be considered site specific and such approval shall have no precedential value in the consideration of other building permit applications.”

Section 2. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 5. Codification. It is the intent of the City Council of the City of League City, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 6. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. The Ordinance shall become effective ten (10) days after its passage.

PASSED first reading the ____ day of _____, 2017.

PASSED second reading the ____ day of _____, 2017.

PASSED AND ADOPTED the ____ day of _____, 2017.

PAT HALLISEY
Mayor

ATTEST:

DIANA M. STAPP
City Secretary

APPROVED AS TO FORM:

NGHIEM V. DOAN
City Attorney