**City of Port Lavaca Zoning Action Committee**

**May 15, 2019**

**Minutes**

In Attendance:

Valeria Keese

Bill Dilibero

Tim Dent

Jyoti Naik

Justin Weaver

Chad Dowell

Roshanda Gray

Jody Thorne

Maricela Gonzales

**I.  Welcome** - Guest Councilman Jim Ward introduced himself.

**II. A. Previous Meeting Recap** - Valeria did a recap of last meeting and provided the minutes.  No additions or changes made to minutes.

    **B. Time Line** - Valeria did a quick review of the modified timeline sent out in advance for review.

            -No changes to the timeline were suggested, but a healthy discussion ensued regarding meeting mechanics and the need to debate less and move forward more quickly in order to stay on schedule.  It was noted that once the committee completes the initial product, there will be time and it will be necessary to circle back and tweak/modify as needed before presenting to the Council and the public.

            - It was **agreed** to focus more on developing the basic form and concepts of the ordinance(s) instead of agreeing on every word line by line.  Final review will provide the word smithing necessary before publication.

            - Other discussion included recognition that members of the team approach zoning from different perspectives, from the minimal regulations required to a rigorous application and all points in-between and that Valeria, as our facilitator, is charged with moving the team to a consensus.

            - Discussion regarding scope of the team included a **decision** that the team is to work with the current Future Land Use Map as defined, is to define what the different designations entail, but is NOT charged or authorized with changing the map.  If, during the course of the work, the team sees designations that might benefit from a change in designation, the team agreed that they could be offered as suggestions in the final report.

    **C.  'Planning and Zoning Board Presentation'** - Valeria presented the history of zoning in the United States, how it came about, why cities would want to create a zoning ordinance and some of the structure of a zoning ordinance, including staff and board positions.

            - Administration Official - The first city person a citizen will see when presenting a platt/plan for approval.

                -  This position determines if the application is in line with current zoning ordinance.

                - If so, the process moves forward with permit, etc.

                - If not, then there was discussion on how much authority this position has to allow variance to the ordinance.  It was noted that it is common to allow de minimus authority, but no agreement on level of authority was made.

                - There was discussion on whether this position operates in practice (but not in admin) under the Planning and Zoning Board.  No decision made on this issue.

           - Zoning Board of Authority - Much discussion ensued regarding the need and makeup of this board.  It was noted that the Texas Local Government Code says that a council "MAY" create such board.  The primary concerns:

                    - If no ZBA is created, is there a mechanism that allows a city to grant variances to a zoning ordinance without having to go before public review.  An **ACTION ITEM** to determine if there is a mechanism for a city to allow for variances to a zoning ordinance (ie land use designation) if no formal ZBA is created was assigned to Valeria to bring to next meeting.

                    - If a ZBA is created, can the current Planning and Zoning Board Commission act in this authority, either directly, or as a separate board with same membership.  This solution had widespread approval if allowed, but there was concern that this does not allow a serious appeal to an independent board if a citizen has an actual appeal to a variance request.   More research on the entire process was required before this could be determined.

                    - If a ZBA is created, can the city council function in this capacity.  General discussion was that it is probably possible, and may provide for an independent appeal, but was not the recommended route and all members seemed to agree to this conclusion.  Not to say it could not be the final answer, but not the current recommended answer.

                    - If a ZBA must be created and it requires a completely independent makeup, or even if one or two Planning and Zoning Board members are on the ZBA, there was concern expressed by all present that the city would have difficulty finding qualified persons with the time to attend appeal meetings as well as time and dedication to become familiar with the zoning regulations.  This concern was based on comments that it is difficult for current boards to make quorum for current meetings and the fact that one board is short members and is having difficulty finding replacements.

                   - If a ZBA is created, then there was discussion on what would be the responsibilities of the Planning and Zoning Board commission.  After much discussion, agreed to table until ACTION ITEM to understand mechanism to create variances if no ZBA is created is provided.

                    - Below is a general flow chart as discussed during the "About Planning and Zoning Board Presentation'.  Nothing was agreed, but this is the general flow chart that discussion revolved around.

