

(c) *Authority.* The commission shall have the following powers and duties:

- (1) Review applications for zoning changes, hear public comments, and make recommendations to the Council regarding such applications.
- (2) Review applications for specific use permits, hear public comments, and grant, grant with modification, or deny such applications.
- (3) Review proposed preliminary subdivision plats, engineering plans, requested plat and plan variances, and proposed restrictive covenants in accordance with the Subdivision Ordinance.
- (4) Review proposed plats and plans for mobile home parks and for such other developments as may be required by ordinance and make recommendations to the Council pertaining to such.
- (5) Recommend to the Council amendments, extensions, and additions to the comprehensive master plan of the City, including the land use plan and the thoroughfare plan.
- (6) Recommend to the Council changes to the official zoning map of the City.
- (7) When appropriate, make a determination of appropriate zoning or use.
- (8) Perform such other duties as may be duly delegated to them from time to time by the Council.

[d] *Applications.* Application for all zoning districts changes, specific use permits, annexations, initial zonings, and zoning text amendments shall be submitted to the Planning and Zoning Commission. Any landowner or governmental agency may submit an application.

*Resubmittal of application.* An application for a zoning change or specific use permit on a parcel of land shall not be resubmitted or reconsidered for a period of one (1) year after it has been acted upon at a public hearing of the planning and zoning commission, except application may be made for a different zoning change or specific use permit on a parcel of land six (6) months after such a previous action has been taken. In addition, any reapplication for a different zoning district change shall be permitted if an additional double fee is charged.

[e] *Public hearing and notice requirements.* Upon receiving an application for a zoning district change, zoning text amendment, future land use plan change, specific use permit, annexation, or initial zoning, the plan commission shall review the application in conjunction with the standards set forth in this section. After due investigation and review, if the application is tentatively approved, a public hearing shall be authorized and conducted in the following manner: The commission shall hold a public hearing on the application within 60 days after its receipt.


(1) *Specific use application.* Written notice of the hearing shall be given to the applicant and to all persons who own property within 200 feet of a proposed specific use. A notice of the hearing shall be published at least

15 days prior to the hearing in a newspaper of general circulation in the City. All notices shall be at the applicant's expense. Within 30 days after the public hearing, the conditional use permit shall be granted or denied. In granting the specific use permit, the plan commission shall be authorized to permit the use applied for subject to such reasonable conditions as it may impose. These conditions may contain such requirements for improving, maintaining, operating, and screening the conditional use as will protect the character of the surrounding property and the legitimate interests of the City.


(d) *Appeal.* Any person aggrieved by any action of the commission shall bring such grievance to the Council at the next regularly scheduled meeting of the Council. The City Council shall have the power and authority to take such action as the Planning and Zoning Commission would have had the authority to take.

#### **Sec. 094. City Council.**

(a) The Council shall have the following authority under this Ordinance:

- (1) Appoint members, and alternate members when appropriate, to both the commission and the board.
- (2) Remove from office members of the commission and the board for cause when appropriate.
- (3) Adopt or reject, after public hearing, changes to any portion of this ordinance.
- (4) Repeal, after public hearing, this ordinance or any portion thereof.
- (5) Act upon recommendations of the commission concerning amendments, extensions, and additions to the comprehensive master plan of the City and to the official zoning map of the City.
-  (6) Receive applications for zoning changes that have been reviewed by the commission, hear public comments, and grant, grant with modification, or deny such applications.
- (7) Hear appeals from applicants concerning actions by the commission, hear public comment, and grant, grant with modification, or deny such appeals.
- (8) Establish a schedule of fees or charges for any application or action under this ordinance.

(b) To provide for control of development, the Council shall review and hear public comment concerning the following applications that have been reviewed by the commission:

- (1) Proposed preliminary subdivision plats, engineering plans, requested plat and plan variances, and proposed restrictive covenants.
-  (2) Proposed plats and plans for mobile home parks and such other developments as may be required by ordinance.

- (c) *Appeal.* Any person aggrieved by action of the Council may appeal to a court of competent jurisdiction for relief.

**Sec. 095. Board of Adjustment.**

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the building official, that such questions shall be presented to the Board only on appeal from the decision of the Building Official and that recourse from the decisions of the Zoning Board of Adjustment shall be to the courts as provided by the laws of the State of Texas. A Zoning Board of Adjustment is hereby reestablished in accordance with the provisions of Texas Local Government Code, 211.008, regarding the zoning of cities and with the powers and duties as provided in said Code. The Board of Adjustment, in appropriate cases and subject to appropriate conditions and safeguards, is authorized to make special exceptions to the terms of the zoning ordinance that are consistent with the general purpose and intent of the ordinance and in accordance with any applicable rules contained in the ordinance.

(a) The Board of Adjustment shall consist of five (5) members to be selected by the City Council for a term of two (2) years each. The City Council may elect up to three (3) alternate members to serve in the absence of one or more regular members when requested to do so by the Mayor. The City Council may authorize each member of the City Council to appoint one member to the Board. The City Council may remove a Board member for cause as found by the City Council on a written charge after a public hearing. A vacancy on the Board shall be filled for the unexpired term by vote of the City Council. An alternate member shall serve for the same period as a regular member and is subject to removal in the same manner as a regular member. A vacancy among the alternate members shall be filled in the same manner as a vacancy among the regular members.

(b) Each case before the Board of Adjustment must be heard by at least seventy-five *per cent* of the members.

(c) The members of the City Council may act as members of the Board of Adjustment upon majority vote by the City Council.

(d) The Board shall select a president at its first meeting after appointment. Meetings of the Board shall be held at the call of the president of the Board, at other times as determined by the Board or by the Mayor. All meetings of the Board shall be open to the public and notice shall be given in compliance with the Open Meetings Law. The president may administer oaths and compel the attendance of witnesses. The Board shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The Board shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the office of the City Secretary and are public records.

(e) The Board of Adjustment shall have the authority prescribed in Section 211.009 of the Local Government Code as it may be amended from time to time,

including the right to hear and decide an appeal from a decision of the zoning administrator, authorize in specific cases a variance from the terms of this ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this ordinance would result in unnecessary hardship and so that the spirit of this ordinance is observed and substantial justice is done and to hear and decide other matters authorized by this ordinance or any other ordinance of the City.

(f) The concurrent vote of seventy-five *per cent* of the members of the Board shall be necessary to:

- (1) Reverse an order, requirement, decision, or determination of the zoning administrator;
- (2) Decide in favor of an applicant on a matter on which the Board is required to pass under this ordinance; or
- (3) Authorize a variation from the terms of this ordinance.

(g) *Appeal* Any of the following persons may appeal to the Board a decision made by the zoning administrator:

- (1) A person aggrieved by the decision; or
- (2) Any officer, department or board of the City affected by the decision.

The appellant must file with the Board and the zoning administrator a notice of appeal specifying the grounds for the appeal. The appeal must be filed within a reasonable time as determined by the rules of the Board. Upon receiving the notice, the zoning administrator shall immediately transmit to the Board all the papers constituting the record of the action that is appealed. An appeal stays all proceedings and furtherance of the action that is appealed unless the zoning administrator certifies in writing to the Board facts supporting the opinion of the zoning administrator that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Board or a court of record on application, after notice to the zoning administrator, if due cause is shown.

The Board shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. A party may appear at the appeal hearing in person or by agent or attorney. The Board shall decide the appeal within a reasonable time. A member of the Council who serves on the Board of Adjustment may not bring an appeal.

(h) *Judicial review* Any of the following persons may present to a district court, county court or county court at law a verified petition stating that the decision of the Board is illegal in whole or in part and specifying the grounds of the illegality:

- (1) A person aggrieved by the decision of the Board;
- (2) A taxpayer; or
- (3) An officer, department, board or bureau of the City.

The procedures provided by §211.011 of the Local Government Code, as it may be amended from time to time, shall govern the judicial review of the Board's decision.

Secs. 096--126 Reserved.

**Sec. 127. Specific use permits.**

This section provides the Planning and Zoning Commission the opportunity to deny or to conditionally approve those uses for which specific use permits are required. These uses generally have unusual nuisance characteristics or are of a public or semipublic character often essential or desirable for the general convenience and welfare of the community. Because, however, of the nature of the use, the importance of the use's relationship to the comprehensive plan, or possible adverse impact of the use on neighboring properties, City services, and other municipal facilities, the Commission must review, evaluate and exercise planning judgment relative to the location and site plan of the proposed use. A building permit or certificate of occupancy shall not be issued for any use to be located in a zoning district which permits that use only as a conditional use unless a conditional use permit has first been issued in accordance with the provisions of this section.

(a) *Required.* To utilize a tract for those purposes which are permitted as specific uses within each zoning district, a specific use permit is required from the commission.

*Conditions of approval:* A specific use permit shall be issued only if all of the following conditions have been found:

- (1) The specific use will be compatible with and not injurious to the use and enjoyment of other property, nor significantly diminish or impair the normal and orderly development and improvement of surrounding property;
- (2) The use will not be detrimental to the public health, safety or welfare, or impair the adequate provision of transportation, schools, parks, and other public requirements;
- (3) Adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;
- (4) The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;
- (5) Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;
- (6) Directional lighting will be provided so as not to disturb or adversely affect neighboring properties;
- (7) There are sufficient landscaping and screening to insure harmony and compatibility with adjacent property;
- (8) The location and size of the use, the nature and intensity of the operations involved and the size of the site in relation to it shall be in harmony with the orderly development of the district;

- (9) The location, nature, and height of buildings, walls and fences shall be such as will not discourage the permitted use of adjacent land and buildings.
- (10) No specific use shall be more objectionable to nearby properties by reason of noise, fumes, vibrations, or lights than any other use allowable without permit under the provisions of this ordinance: and
- (11) The proposed use is in accordance with the comprehensive plan.

(b) *Application.*

- (1) The application for a specific use permit must be made by the title holder or their attorney in fact.
- (2) An application for a specific use permit shall be obtained from the City Secretary, and shall contain the following minimum information:
- a. Name, mailing address, and contact telephone number of the applicant.
  - b. Street address and legal description of the property for which the permit is to be obtained. The legal description, with recordation data, shall be determined from a copy of a deed presented by the applicant if there is any question on the part of the City as to the legal description or ownership.
  - c. Zoning district of the property for which the permit is to be obtained.
  - d. Statement of the use which will be made of the property and of proposed modification to the property or structures located thereon.
  - e. The application shall be accompanied by maps and plans as specified in section 131. Such maps and plans shall become a part of the application.
  - f. The applicant shall attest to the accuracy of all information given on or accompanying the application.

(c) *Processing.*

- (1) The application, accompanying information, and the nonrefundable filing fee shall be submitted after consultation with the zoning administrator.
- (2) The zoning administrator shall review the application for completeness and for compliance with this ordinance. Should additional information or modification to the application be necessary to provide compliance, the zoning administrator shall assist the applicant to make such changes.
- (3) Should the application be in obvious violation of this ordinance or should the applicant refuse to make necessary modifications to bring the application into compliance, the zoning administrator shall deny such application and provide the applicant with a written statement as to the reason or reasons for such denial. Upon such denial, the applicant may

appeal to the board in writing that the denial of the application for processing is contested, specifying reasons therefor, and requesting relief under the procedure outlined in Sec. 095(g).

(4) Upon completion of review of the application and finding the application to be correct, or upon receipt of a written order from the board setting aside such denial by the zoning administrator, the following actions shall be initiated:

a. The building official shall prepare a list, using the current tax appraisal map and the current City tax roll, of all owners of any portion of a tract that is within 200 feet of any portion of the property for which the permit is requested.

b. The zoning administrator shall determine the date of the next meeting of the commission, not less than three full weeks and not more than seven full weeks from the date of the application, place such request on the agenda of the commission, and schedule a public hearing thereon.

c. The City secretary shall send a letter to each of the property owners, as above and including the applicant, stating the purpose of the permit; street address of the property for which a permit is requested; date, time, and place of the public hearing before the commission; and that comment about the request must be made in writing or verbally before the commission. The notification letters deposited at the post office as ordinary mail not less than two weeks prior to the meeting of the commission shall constitute constructive notice.

d. The City secretary shall cause to appear in the public notice section of a local newspaper a notice of a meeting of the commission. This notice shall appear not less than ten calendar days prior to the meeting date. The notice shall contain the date, time, and place of the public hearing; street address of the property for which the permit is requested; purpose of the request; and a statement that any comment about the request must be made in writing or verbally before the commission.

e. The agenda of the commission which includes such public hearing shall be posted in a public location at City hall in accordance with the Texas Open Meetings Act (V.T.C.A., Government Code ch. 551).

(5) The zoning administrator shall prepare a statement for presentation at the public hearing before the commission. The statement shall contain as a minimum:

a. Any pertinent information bearing on the application that may not be evident from the application.

b. Impact of approval of the request upon utility service, streets and parking, and upon the local area.

- c. Any recommendations for modifications or any stipulations should the request be approved.
- (6) Commission action.
- a. The commission shall hold a public hearing pertaining to the application and shall receive comment in writing or verbally, including the staff recommendation.
  - b. The commission may establish reasonable conditions of approval such as:
    1. Requirements for special yards, lot sizes, open spaces, buffers, fences, walls, or screening;
    2. Requirements for installation and maintenance of landscaping or erosion control measures;
    3. Requirements for street improvements and dedications;
    4. Control of vehicular access, parking, and traffic circulation;
    5. Limits on signage;
    6. Limits on hours or other characteristics of operation;
    7. Establishment of development schedules or time limits for completion or for the duration of the permit; and
    8. Any other conditions the commission may deem necessary to ensure compatibility with surrounding uses and to preserve the public health, safety, and general welfare.
  - c. A specific use permit may be denied if:
    1. The proposed development or use does not conform with the applicable regulations and standards established in this ordinance;
    2. The proposed development or use fails to conform with the objectives and the purpose of the zoning district where it is located;
    3. The proposed development or use potentially creates greater unfavorable effects or impacts on other existing uses on abutting sites than those which reasonably may result from the use of the site by a use allowed by right;
    4. A written protest is received from the owners of at least 50 percent of the land area within 200 feet of the subject property; or
    5. The proposed development is contrary to the public health, safety, or general welfare.



d. The commission shall by majority vote approve, approve with modification and/or condition, or deny the application. Specific use permits shall remain in effect for the duration of the authorized development or use on the premises for which they are granted unless an expiration date or time limit is established by the commission at the time of approval in accordance with Subsection b, above.

e. Any person or persons, jointly or severally, aggrieved by the commission's denial, approval, or condition of approval of any application, may submit in writing a request for an appeal to City Council. Such request must be submitted to the zoning administrator within ten calendar days of the commission's action, and the same public hearing notice requirements shall apply to the appeal as applied to the original application. The appeal shall be forwarded to the Council together with a record of the commission hearing and decision.

f. The Council shall consider an appeal of the planning and zoning commission's decision at a public hearing scheduled at the earliest regular Council meeting for which all notification requirements can be met after the appeal is submitted. The Council shall uphold, modify, or reverse the decision of the commission. In authorizing a specific use permit, the City Council may impose additional reasonable conditions necessary to protect the public interest and welfare of the community.

(d) *Time limit.* A specific use permit issued under this section shall expire one year after its date of issuance if construction or use authorized thereunder is not substantially under way prior to the expiration of said one-year period; however, if, prior to the expiration of such one-year period, the owner of property to which a specific use permit requests, in writing, an extension thereof, the City Council, after recommendation from the planning and zoning commission, may approve such extension for not more than one additional year.

(e) *Revocation.*

A specific use permit may be revoked or modified, after notice and hearing, for either of the following reasons:

(1) The specific use permit was obtained or extended by fraud or deception;

(2) One or more of the conditions imposed by the permit has not been met or has been violated.

(f) *Amendments.* The procedure for amendment of a specific use permit shall be the same as for a new application, provided, however, that the zoning administrator may approve minor variations from the original permit which do not increase density, change traffic patterns or result in any increase in external impact on adjacent properties or neighborhoods.

(g) *District changes.* Specific Use Permits shall not be considered zoning district changes.

(h) *Expiration.* A specific permit shall be deemed to authorize only one particular use and shall expire if the specific use shall cease for more than six months for any reason.

(i) *Existing violations.* No specific use permit shall be issued for an existing building that is in violation of any provision of this ordinance.

(j) *Processing fee.* A processing fee shall be required for the processing of each specific use permit request.

**Sec. 128. Zoning change.**

(a) Action required to rezone one or more tracts of land from one or more zoning districts to another zoning district or districts may be initiated by any landowner or group of landowners, by the commission, or by the Council.

(1) Any individual landowner seeking to change the zoning of a tract to another zoning district shall make application with the zoning administrator as stipulated below.

(2) Any group of landowners seeking to have all tracts rezoned to the same zoning district shall select an agent to act in their behalf and petition the Council in writing for such rezoning. Upon receipt of such request, the Council shall proceed as if the action were initiated by the Council.

(3) Any group of landowners seeking to change the zoning of tracts or portions of tracts into various zoning districts must apply for such rezoning as individuals.

(4) The commission may initiate a change in zoning by making a request to the Council. Upon receipt of the request, the Council may proceed as if the application were initiated by the Council.

(5) The Council may initiate a change in zoning. The Council shall provide the zoning administrator with sufficient instructions to initiate the application including accurate determination of the tract, tracts, or area for which rezoning is desired, along with the appropriate zoning district or districts requested.

(b) Application.

(1) The application for a rezoning request must be made by the titleholders, their attorney in fact, an agent as in Subsection (a)(2), or the Council.

(2) An application for a rezoning request shall be obtained from the City Secretary, and shall contain the following minimum information:

a. Name, mailing address, and contact telephone number of the property owners, their attorney in fact, or an agent as in Subsection (a)(2).

- b. Legal description and street or mailing address, if any, of the property for which the rezoning is requested. A copy of the deed to the property, with recording data, and a copy of any power of attorney must be included as a part of the application.
  - c. The application shall be accompanied by maps and plans as specified in section 131.
  - d. Current zoning district or districts.
  - e. Requested zoning district or districts. Such district or the limits of various districts requested shall be shown on the accompanying maps and plans.
  - f. The applicant shall attest to the accuracy of all information given on or accompanying the application.
- (c) Processing.
- (1) Upon application by landowner:
    - a. After consultation with the zoning administrator, the application, accompanying information, and the nonrefundable filing fee shall be submitted by the applicant.
    - b. The zoning administrator shall review the application for completeness and compliance with this Ordinance. Should additional information or modification to the application be necessary, the zoning administrator shall assist the applicant to make such changes.
  - (2) Upon application by Council:
    - a. The zoning administrator shall have a map prepared to an appropriate scale which shall show the owner of each tract within the area to be rezoned as well as the current and the proposed zoning district or districts of each tract.
    - b. The zoning administrator shall verify with the agent of the several owners that the map is correct with respect to ownership and zoning district requested or with the mayor and/or commission chairman, as appropriate, as to delineation of the zoning districts shown thereon.
  - (3) The zoning administrator shall then initiate the following actions:
    - a. Preparation of a list, using a current tax appraisal map and the current City tax roll, of all owners of any property within the area to be considered for rezoning and within 200 feet of such area.
    - b. Determination of the date of the next meeting of the commission, not less than three full weeks and not more than seven full weeks from the date of the application, place such request on the agenda of the commission, and schedule a public hearing thereon.

c. Mailing a letter to each of the property owners, as above and including the applicant, stating the purpose of the request; street address of the property for which rezoning is requested; date, time, and place of the public hearing before the commission; and that comment about the request must be made in writing or verbally before the commission. The notification letters deposited at the post office as ordinary mail not less than two weeks prior to the meeting of the commission shall constitute constructive notice.

d. Publication of a notice in the public notice section of a local newspaper such that it will appear not less than ten calendar days prior to the meeting of the commission stating the date, time, and place of the public hearing; street address of the property for which the rezoning is requested; purpose of the request; and that comment about the request must be made in writing or verbally before the commission.

e. Posting of the commission agenda in a public location at City hall in accordance with the Texas Open Meetings Act (V.T.C.A., Government Code Ch. 551).

f. At least 15 days prior to the hearing a legible sign shall be placed at the front or in the front yard of the property, adjacent to a street. The sign shall read: "Zoning change requested for this property. For more information call City Hall" and shall list the telephone number. The applicant requesting the change shall authorize the City to install said sign by their written application. However, the placement, erection, or continued maintenance of the sign shall not be deemed a condition necessary for the holding of any public hearing or the granting or denial of any zoning change.

(4) The zoning administrator shall prepare a statement for presentation at the public hearing before the commission. The statement shall contain as a minimum:

a. Any information bearing upon the request that may not be evident from the application.

b. Impact of approval of the zoning change upon utility service, drainage, streets, schools, parking, police protection, and fire protection in the local area.

(5) Commission action.

a. The commission shall hold a public hearing pertaining to the rezoning request and shall receive comment in writing or verbally.

b. The commission shall consider the staff statement.

c. The commission shall recommend in writing to the Council that the rezoning request should be approved, approved with modification, or denied.

(6) Council action.

a. The City secretary shall include in the notification letters and newspaper announcement concerning the public hearing before the commission that a public hearing will also be held before the Council. The date, time, and place of such hearing before the Council will be given. The zoning administrator shall schedule such hearing to be an agenda item at the next regular Council meeting following action by the commission.

b. The Council shall hold a public hearing to receive comments in writing or verbally, shall consider the staff statement, shall review the minutes of the commission meeting concerning such request, and shall consider the recommendation of the commission.

c. The Council shall approve, approve with modification, or deny the request.

d. A majority vote of the Council members present shall enact the Council decision unless a proposed change in zoning is protested in written form and signed by the owners of at least 20 percent of either the area of the lots or land covered by the proposed change, or the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

e. A written protest must be on a form obtained from the City and entitled "written protest of proposed zoning change" or in a letter or petition containing the same information as required on the form, and must be completed, signed, and filed no later than two working days prior to the posted beginning of the City Council public hearing, as stated on the written notice. Protests totaling at least 20 percent of either the area of the lots or land covered by the proposed change, or the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area, shall require the proposed change to receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the City Council.

(7) Subsequent actions.

a. Should there be any objection to the Council action, the objecting parties must apply within ten days to a court of competent jurisdiction for relief and shall notify the zoning administrator that such action is being taken.

b. If notice has not been received of such an appeal within ten full days of the Council action, the zoning administrator shall have published in the public notice section of a local paper the action of the Council and the areas and zoning district provided for the areas, unless the provisions for areas and zoning districts are the

same as appeared in the announcement of the public hearings, in which case only the action and ordinance number are required.

c. The zoning administrator shall have the official zoning map amended as provided in section 031(h).

**Sec. 129. Variances.**

(a) A variance is an appeal by the applicant that a grant of relief be made from a specific requirement of this Zoning Ordinance where strict enforcement would result in unnecessary hardship and so that the spirit of this ordinance shall be observed and substantial justice done. The board of adjustment may grant a variance upon making findings that the evidence submitted by the applicant demonstrates that all of the following conditions exist:

(1) The variance arises from such condition that is unique to the property in question, where such condition was not created by an action of the property owner, occupant, or applicant.

(2) The particular physical surroundings, shape, or topographical condition within or adjacent to the property would result in a practical difficulty or unnecessary hardship or inequity upon or for the owner or occupant, as distinguished from a mere inconvenience, if the provision in question were literally enforced.

(3) The request for a variance is not based exclusively upon a desire of the owner or occupant for increased financial gain from the use of the property, or to reduce a personal financial hardship.

(4) The variance will not alter the essential character of the zoning district within which the property is located, and is in harmony with the intent and purposes of this Ordinance.

(5) The granting of the variance will not adversely affect the public health or safety, and will not substantially or permanently interfere with the appropriate use of adjacent conforming property in the same zoning district.

(6) The degree of variance requested is the minimum amount necessary to allow a reasonable use of the property.

(b) Variances may be granted only in the following instances:

(1) To vary the applicable lot area, lot width or frontage, and lot depth requirements, provided that such reduction shall not exceed 30 percent of the standard minimum for the zoning district within which the tract is located.

(2) To vary the minimum building setback requirements, lot coverage, or maximum permitted building height.

(3) To vary the regulations pertaining to required off-street parking or loading.

- (4) To vary the requirements pertaining to the restoration of damaged or destroyed nonconforming buildings.
  - (5) To vary the standards for manufactured homes.
  - (6) To vary the standards for sexually-oriented businesses.
  - (7) To vary the standards for wireless telecommunication facilities.
- (c) Procedures.

(1) Application.

- a. The application for a variance must be made by the property owner or their authorized agent.
- b. The application will contain the same minimum information as in section 131.
- c. The application will include the specific variance requested and the reason as to why adhering to the zoning ordinance and/or building codes will constitute an exceptional difficulty or hardship upon the owner of the property.

(2) Processing.

- a. After consultation with the zoning administrator, the application, accompanying information, and the nonrefundable filing fee shall be submitted.
- b. The zoning administrator shall review the application for completeness and for compliance with this Ordinance. Should additional information or modification to the application be necessary to provide compliance, the Zoning Administrator shall assist the applicant to make changes.
- c. Upon completion of review of the application and finding the application to be correct, the following actions shall be initiated:
  1. The building official shall prepare a list, using the current tax appraisal map and the current City tax roll, of all owners of any portion of a tract that is within 200 feet of any portion of the property for which the variation is requested.
  2. The zoning administrator shall determine the date of the next meeting of the board, not less than three full weeks and not more than seven full weeks from the date of the application, place such request on the agenda of the board, and schedule a public hearing.
  3. The City secretary shall send a letter to each of the property owners, as above and including the applicant, stating the purpose of the request; street address of the property for which a variance is requested; date, time, and place of the public hearing before the board; and that comment about the request must be made in writing or