

**To the Mayor and Members of the City Council****September 21, 2021**

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**SUBJECT: PROPOSED TEXT AMENDMENTS TO THE ZONING ORDINANCE TO ADDRESS CHANGES IN STATE LAW FOR SENATE BILL 1585 RELATED TO THE DESIGNATION OF HISTORIC PROPERTIES AND HOUSE BILL 1475 FOR THE BOARD OF ADJUSTMENT**

Staff is proposing two text amendments to the Zoning Ordinance to address changes from the last State legislative session by Senate Bill (S.B.) 1585 affecting the designation of historic properties and House Bill (H.B.) 1475 changing the authority of the Board of Adjustment related to variances.

Staff is proposing a Zoning Ordinance amendment to revise the powers and duties of the Historic and Cultural Landmarks and Zoning Commissions. The purpose of the amendment is to implement requirements in S.B. 1585, which became effective on September 1, 2021. The bill requires a municipality with more than one commission -- zoning, planning or historical -- to designate one of those commissions with the exclusive authority to review and recommend designations of properties as local historic landmarks and the inclusion of properties in a local historic district.

Currently, all historic overlay designations are first reviewed by the Historic and Cultural Landmarks Commission (HCLC) and then sent to the Zoning Commission for review and recommendation to the City Council. The designation of the HCLC as the entity with the exclusive authority to recommend approval of the designation will eliminate one of the current legislative steps.

Staff is also proposing a Zoning Ordinance amendment in conformance with H.B. 1475 to revise the authority of the Boards of Adjustment when considering variance requests to consider financial hardship when determining whether compliance with the Zoning Ordinance would result in an unnecessary hardship. H.B. 1475 provides that the Boards of Adjustment may consider the financial cost of compliance, encroachment on adjacent property and other factors. H.B. 1475 also became effective on September 1, 2021.

The remaining anticipated schedule for the amendment to the powers and duties of the HCLC is as follows:

- Historic & Cultural Landmarks Commission Briefing – October 11
- Zoning Commission Briefing – October 13
- Historic & Cultural Landmarks Commission Public Hearing – November 8
- Zoning Commission Public Hearing – November 10
- City Council Public Hearing – December 7

The anticipated schedule for the amendment to review procedures for a variance for the Boards of Adjustment (BOA) is as follows:

- Boards of Adjustment Briefing – September 15
- Zoning Commission Briefing and Public Hearing – October 13
- City Council Public Hearing – November 2

For questions about the HCLC amendment, please contact Justin Newhart, Historic Preservation Officer, Development Services, at 817-392-8037. For questions about the BOA amendment, please contact Melinda Ramos, Senior Assistant City Attorney, at 817-392-7631.

**David Cooke**  
**City Manager**