

Ord. 23-S-78

**Amendments to UDC Article 5, Section 21.5.4 Zone
Change/Zoning Map Amendment**

Samuel Haas | SENIOR PLANNER

Background

Zone Change Process:

- Applicant or City request for zone change
- Staff review
 - Set Planning and Zoning Commission Public Hearing date
- Written Notice of Public Hearing
 - Mailed to surrounding property owners
 - Within 200 feet
 - Min. 10 days before the meeting date
 - In conformance with LGC 211.007
- Planning and Zoning Public Hearing (recommendation)
- Newspaper Notification
 - Min 15 days before first City Council reading
 - In conformance with LGC 211.006
- City Council Public Hearing (first reading)
- City Council second reading

Written Notice



PLANNING & COMMUNITY
DEVELOPMENT

NOTICE OF PUBLIC HEARING

September 15, 2023

Dear Property Owner,

The Schertz Planning and Zoning Commission will conduct a public hearing on **Wednesday, September 27, 2023 at 6:30 p.m.**, located at the Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas to consider and make a recommendation on the following item:

PLPDD20230127 – A request to rezone approximately 2 acres of land from Neighborhood Services District (NS) and Planned Development District (PDD) to Planned Development District (PDD), known as Guadalupe County Parcel ID 31970, 31971, 31972, 31973, 31980, 31981, 31982, 31983, generally located northwest of the intersection between Schertz Parkway and Wiederstein Road, City of Schertz, Guadalupe County, Texas.

The Planning and Zoning Commission would like to hear how you feel about this request and invites you to attend the public hearing. *This form is used to calculate the percentage of landowners that support and oppose the request.* You may return the reply form below prior to the first public hearing date by mail or personal delivery to Samuel Haas, Senior Planner, 1400 Schertz Parkway, Schertz, Texas 78154, or by e-mail: planning@schertz.com. If you have any questions, please feel free to call Samuel Haas, Senior Planner at (210) 619-1783.

Sincerely,

Samuel Haas
Senior Planner

Reply Form

I am: in favor of opposed to neutral to the request for PLPDD20230127

COMMENTS: _____

NAME: _____ SIGNATURE _____
(PLEASE PRINT)

STREET ADDRESS: _____

DATE: _____

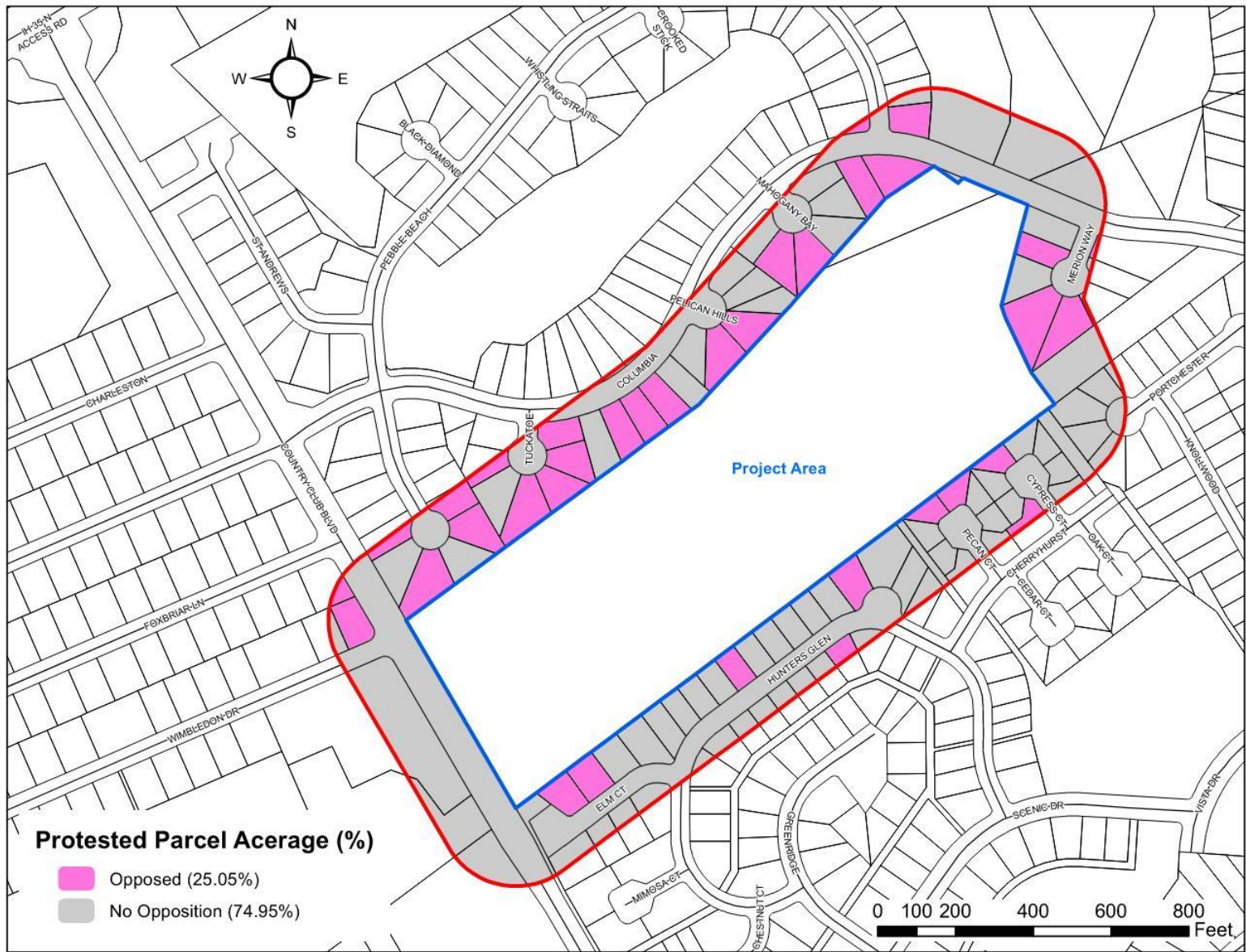
Written Notice

UDC 21.5.4.E.1:

- 1. If a proposed zoning change or zoning map amendment is protested in accordance with this section, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths ($\frac{3}{4}$) of all members of the City Council according to LGC, Local Government Code § 211.006(d). The protest must be written and signed by the owners of at least twenty percent (20%) of either*
- a. The area of the lots or land covered by the proposed zoning change or zoning map amendment; or
 - b. The area of the lots or land immediately adjoining the area covered by the proposed zoning change or zoning map amendment and extending 200 feet from that area

Referred to as the “super-majority” rule

Super Majority



In Practice...

- **No deadline for returning Written Notice**
 - **Can be returned up to the point of public hearing**
 - **Makes staff's job more difficult to accurately account for "super majority".**
- **How do we determine ownership?**
 - **County Appraisal District**
 - **"recently approved municipal tax roll" - LGC language**
- **Do renters count?**
 - **Not according to the LGC (state law)**
- **What happens if notified property has recently been sold?**

Current UDC is unclear or does not address these issues.

Proposal

- **New deadline(s) for returning Written Notice**
 - **First City Council Reading – 12pm (noon) the Friday before**
 - **Second City Council Reading – 12pm (noon) the Friday before**

This deadline was chosen so staff can compile and verify protest votes to send out with the posted agenda.

- **Most recent written protest counted**
 - **Only one per property**
 - **May change vote in-between readings**
- **Explicitly state:**
 - **County Appraisal District is how we determine “recently approved municipal tax roll”**
 - **Tenants and lessee protests are not counted**
 - **If notified property recently sold, and it is not reflected on County Appraisal District – burden of proof is on new property owner for protest to be counted**

P&Z Requests

- **At the September 27, 2023, Planning and Zoning Commission Meeting, the Commission requested the following items:**
- **Clarify what is being determined from the “municipal tax roll”**
 - **Staff added language that explicitly states that “property ownership” is determined from the municipal tax roll.**
- **Include provision for deadlines that fall on holiday**
 - **Staff provided a deadline extension for “next business day” in the event of a holiday and Written Notice deadline falling on the same day.**

Proposal

3. In determining property ownership under section 21.5.4.E.1 above, the property owner shall be the owner as indicated on the most recently approved municipal tax roll, unless the property has been bought or sold since the last approved municipal tax roll. The City Manager or his/her designee determines property ownership in the above-mentioned municipal tax roll from the County Appraisal District.

 - a. If a property has recently been purchased and the County Appraisal District has not updated their public records to reflect the now current property owner, the new property owner must submit proof of ownership with their written protest to demonstrate ownership for the protest to be counted under section 21.5.4.E.1.
 - b. In the event of a conflict in property ownership, the City Manager or his/her designee shall determine who the owner of the property is for the purposes of calculating written protest.
 - c. The written protest will only be counted if signed by the owner of the property. Written protests from tenants or lessees will not be counted toward the written protest calculations under section 21.5.4.E.1.
4. The following deadlines apply to the receipt and calculation of written protest:

 - a. *First Reading.* Written protest must be received before noon (12pm) on the Friday before the first reading of the proposed zoning change or zoning map amendment ordinance by the City Council, in order to be included in the calculation of written protest described by section 21.5.4.E.1.
 - b. *Second Reading.* Written protest must be received before noon (12pm) on the Friday before the second reading of the proposed zoning change or zoning map amendment ordinance by the City Council, in order to be included in the calculation of written protest described by section 21.5.4.E.1.
 - c. Written protest received prior to the First Reading deadline will also be included in the Second Reading written protest calculation.
 - d. In calculating the written protest described by section 21.5.4.E.1, only the most recent written protest received prior to the deadline above will be counted per property.
 - e. In the event a federal, state, or local holiday prevents staff from receiving votes on the Friday before the City Council reading, the deadline will be extended to noon (12pm) on the next business day.

Proposal



PROPOSED DRAFT

PLANNING & COMMUNITY
DEVELOPMENT

NOTICE OF PUBLIC HEARING

Month Day, 2023

Dear Property Owner,

The Schertz Planning and Zoning Commission will conduct a public hearing on **Wednesday, Month Day, 2023 at 6:00 p.m.** located at the Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas to consider and make a recommendation on the following item:

PLZC20240001 – A request to rezone approximately 53 acres of land from Public Use District (PUB) to General Business District (GB), known as Guadalupe County Parcel ID 148758, generally located east of the intersection of Schertz Parkway and Pecan Drive, City of Schertz, Guadalupe County, Texas.

The Planning and Zoning Commission would like to hear how you feel about this request and invites you to attend the public hearing. You may return the reply form below by mail or personal delivery to Samuel Haas, Senior Planner, 1400 Schertz Parkway, Schertz, Texas 78154, or by e-mail: planning@schertz.com. If you have any questions, please feel free to call Samuel Haas, Senior Planner at (210) 619-1783.

Sincerely,

Samuel Haas
Senior Planner

Reply Form:

City Council will have two readings on the request after the recommendation from the Planning and Zoning Commission. This form is used to calculate the protest in accordance with LGC, Local Government Code 211.006(d). **The written protest must be received by City no later than noon (central time) on the Friday before each reading by the City Council.** If the name of the person signing this form does not match the name listed as the owner on the appraisal district website, proof of ownership is required in order for this to count towards the protest.

I am: in favor of opposed to neutral to the request for PLZC20240001

COMMENTS: _____

NAME: _____ SIGNATURE _____
(PLEASE PRINT)

STREET ADDRESS: _____

DATE: _____

Proposal (with CC request)

Reply Form:

City Council will have two readings on the request after the recommendation from the Planning and Zoning Commission. This form is used to calculate the protest in accordance with LGC, Local Government Code 211.006(d). **The written protest must be received by City no later than noon (central time) on the Friday before each reading by the City Council.** If the name of the person signing this form does not match the name listed as the owner on the appraisal district website, proof of ownership is required in order for this to count towards the protest.

I am: in favor of opposed to neutral to the request for **PLZC20240001**

COMMENTS: _____

NAME: _____ SIGNATURE _____
(PLEASE PRINT)

STREET ADDRESS: _____

DATE: _____

Staff Recommendation

- **The amendments would help clarify the Protest process in the UDC by explicitly stating how the process works.**
- **The amendments would help staff calculate the Protest votes to better inform citizens and Council Members**
- **Staff recommends approval of the amendments to the Unified Development Code (UDC) as proposed and discussed.**
- **The Planning and Zoning Commission made a recommendation of approval (with included requests) at the September 27, 2023 meeting with a 7-0 vote**
- **At the October 17, 2023 regular meeting, City Council voted unanimously to approve the request with a 7-0 vote. City Council had requested modifications to the public hearing mailer, this request does not affect the ordinance itself, but the practice of staff.**

COMMENTS & QUESTIONS