

UDC Section 21.5.4 Zoning Map Amendment- Clean

Sec. 21.5.4. Zoning Change/Zoning Map Amendment.

A. *Applicability.*

1. The City Council may, from time to time, on its own motion, by request of the City Manager or his/her designee, or by application from a property owner, establish or amend the boundaries shown on the Official Zoning Map of the City. A zoning change or zoning map amendment is required to establish the use of land and the development associated with the proposed zoning classification for the purpose of establishing and maintaining sound, stable and desirable development within the City.
2. Approval of a zoning change or zoning map amendment authorizes a property owner to submit subsequent development applications consistent with the amendment.

B. *Application Requirements.*

1. *Application Required.* Any request for a zoning change or zoning map amendment shall be accompanied by an application and zoning exhibit prepared in accordance with the Development Manual.
2. *Accompanying Applications.* A request for a zoning change or zoning map amendment may be accompanied by an application for amendment of the Future Land Use Map or by a Subdivision Master Plan. Approval of a zoning change or zoning map amendment shall require all subsequent development applications to be consistent with the approved amendments.
3. *Tax Certificate Required.* All applications made as a request for a zoning change or zoning map amendment shall be accompanied by a copy of a Tax Certificate.

C. *Processing of Application and Decision.*

1. *Submittal.* An application for a zoning change or zoning map amendment shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with section 21.4.2. The City Manager or his/her designee may, at its option, request a recommendation from any other City Department or consultant. The City Manager or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager or his/her designee shall forward a written recommendation to the Planning and Zoning Commission for consideration.
2. *Notification Requirements.* An application for a zoning change or zoning map amendment requires the following notification in accordance with section 21.4.3:
 - a. written notice prior to consideration by the Planning and Zoning Commission; and
 - b. published notice prior to consideration by the City Council.
 - c. posted notice prior to consideration by the Planning and Zoning Commission and prior to consideration by the City Council.
3. *Commission Recommendation.* The Planning and Zoning Commission shall hold a public hearing in accordance with the Texas Open Meetings Act and section 21.4.4 and make a written recommendation regarding a proposed a zoning change or zoning map amendment to the City Council. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the amendment. The Planning and Zoning Commission may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the recommendation to the City Council.

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4. *Decision by City Council.* The City Council shall receive the written recommendation of the Planning and Zoning Commission regarding a proposed zoning change or zoning map amendment and shall hold a public hearing in accordance with the Texas Open Meetings Act and section 21.4.4. The City Council may vote to approve, approve with conditions, or deny the amendment. The City Council may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.
 5. *Consideration of Previously Denied Amendments.* A request for a zoning change or zoning map amendment for a tract of land shall not be considered by the Planning and Zoning Commission or the City Council within six (6) months after the Council's decision to deny the request unless the request is to a different zoning classification or there has been a substantial change in the conditions surrounding the parcel since the initial request. For the purpose of this section, a request may be considered substantially different if the change is to a different zoning classification, there is a change in conditions relating to zoning principles of the property or surrounding properties or there is a change in the nature of the development of the property or surrounding properties. The City Manager or his/her designee shall have the authority to determine whether the request is substantially different from the initial request.
- D. *Criteria for Approval.* The Planning and Zoning Commission, in making its recommendation, and the City Council, in considering final action on a zoning change or zoning map amendment, should consider the following criteria:
1. Whether the proposed zoning change or zoning map amendment implements the policies of the adopted Comprehensive Land Plan, including the land use classification of the property on the Future Land Use Map;
 2. Whether the proposed zoning change or zoning map amendment promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City;
 3. Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;
 4. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers or other public services and utilities to the area;
 5. Whether there have been environmental and/or economical changes which warrant the requested change;
 6. Whether there is an error in the original zoning of the property for which a change is requested;
 7. Whether all of the applicant's back taxes owed to the City have been paid in full (no application will receive final approval until all back taxes are paid in full); and,
 8. Whether other criteria are met, which, at the discretion of the Planning and Zoning Commission and the City Council, are deemed relevant and important in the consideration of the amendment.
- E. *Protests.*
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, as indicated by the most recently approved municipal tax roll, of at least twenty percent (20%) of either:

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- 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.
2. In computing the percentage of land area under section 21.5.4.E.1 above, the area of streets and alleys shall be included.
 3. The owner, as indicated by the most recently approved municipal tax roll, is determined by the City Manager or his/her designee from the County Appraisal District in which the property in question and the real property within 200 feet of the exterior boundary of the property in question resides.
 - a. The written protest will only be counted if signed by the owner of the property, as indicated by the most recently approved municipal tax roll. Tenants will not be counted and;
 - b. if a property within 200 feet of the exterior boundary of the property in question has recently been purchased and the County Appraisal District does not have said purchase listed, the new property owner must submit proof of ownership with their protest to demonstrate ownership for the protest vote to be counted.
 4. The written protest must be received by City no later than noon on the Friday before the first reading of the public hearing by the City Council for which the notice was published per Section 21.2.3 Notice Requirements to trigger the affirmative vote of at least three-fourths ($\frac{3}{4}$) of all members of the City Council. The written protest must be received by City no later than noon on the Friday before the final reading of the ordinance by the City Council to trigger the affirmative vote of at least three-fourths ($\frac{3}{4}$) of all members of the City Council.

(Ord. No. 17-S-42 , § 1(Exh. A), 10-24-2017; Ord. No. 18-S-04 , § 1(Exh. A), 1-23-2018)