

Ord. 24-S-155

UDC Amendments to Article 4 - Procedures and Applications, and Article 5 - Zoning Districts.

Samuel Haas | Senior Planner

Background

- Criteria for Approval is across the UDC for a variety of applications
- Staff Analysis is based on Criteria for Approval
- Changes in practice, Target City research, and updates to UDC require amendments to certain sections:
 - Comprehensive Land Plan Amendment
 - UDC Amendments
 - Zone Changes
 - Specific Use Permits

Staff is also using this opportunity to simplify language and make items clearer

Comprehensive Plan Amendments Criteria For Approval 21.4.6.D

Current Text	Proposed
<ol style="list-style-type: none"> 1. The proposed amendment promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City; 2. An amendment to the text is consistent with other policies of the Comprehensive Land Plan, taking into account the nature of any proposed map amendment associated with the text amendment; 3. An amendment to the Future Land Use Map, Master Thoroughfare Plan or any other applicable maps contained in the Comprehensive Land Plan is consistent with the policies of the Comprehensive Land Plan that apply to the map being amended, taking into account the nature of any proposed land use associated with the map amendment; 4. Any proposed amendment is consistent with the goals and objectives of the Comprehensive Land Plan; 5. Any proposed amendment addresses circumstances that have changed since the last time the plan map or text was considered, implements plan policies better than the current plan map or text corrects a mapping error or addresses a deficiency in the plan; and 6. Other criteria which, at the discretion of the Planning and Zoning Commission and City Council, are deemed relevant and important in the consideration of the amendment 	<ol style="list-style-type: none"> 1. The proposed amendment promotes the health, safety, or general welfare of the City; 2. An amendment to the text is consistent with the goals, objectives, and other policies of the Comprehensive Land Plan; 3. An amendment to the Future Land Use Map, Master Thoroughfare Plan or any other applicable maps contained in the Comprehensive Land Plan is consistent with the policies of the Comprehensive Land Plan that apply to the map being amended; 4. Any proposed amendment addresses circumstances that have changed since the last time the plan map or text was considered, implements plan policies better than the current plan map or text corrects a mapping error or addresses a deficiency in the plan; and 5. Other factors which, are deemed relevant and important in the consideration of the amendment.

UDC Criteria For Approval 21.4.7.D

Current Text	Proposed
<ol style="list-style-type: none"><li data-bbox="180 319 1271 515">1. The proposed amendment promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City<li data-bbox="180 572 1271 665">2. An amendment to the text is consistent with other policies of this UDC and the City<li data-bbox="180 722 1271 815">3. Any proposed amendment is consistent with the goals and objectives of this UDC and the City; and<li data-bbox="180 872 1271 1068">4. Other criteria 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.	<ol style="list-style-type: none"><li data-bbox="1274 319 2359 412">1. The proposed amendment promotes the health, safety, and general welfare of the City;<li data-bbox="1274 469 2359 615">2. The proposed amendment is consistent with the goals, objectives, and policies of this UDC and the City;<li data-bbox="1274 672 2359 818">3. The proposed amendment corrects an error, meets the challenge of changing conditions, or is in response to changes in state law; and<li data-bbox="1274 875 2359 968">4. Other factors which are deemed relevant and important in the consideration of the amendment.

UDC Criteria For Approval 21.4.7.D

Current Text	Proposed
<ol style="list-style-type: none">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 taxed owed to the City have been paid in full (no application will receive final approval until all back taxes are paid in full); and8. 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.	<ol style="list-style-type: none">1. Whether the proposed zoning change implements the policies of the adopted Comprehensive Land Plan, or any other applicable adopted plans;2. Whether the proposed zoning change promotes the health, safety, and general welfare of the City.3. Whether the uses permitted by the proposed change will be consistent and appropriate with existing uses in the immediate area;4. Whether other factors are deemed relevant and important in the consideration of the amendment.

Zone Change 21.5.4.D

- Eliminated “zoning map amendment” from section.

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.

Zone Change 21.5.4.D

- “Back Taxes” possibly a hold-over from previous 2012-2013 Charter.

Section 6.07 Tax Assessor-Collector.

(a) Assessor-Collector. The City Manager shall appoint, and may remove, the City’s Assessor-Collector of taxes. The City Council may, in the interest of economy and efficiency and on the recommendation of the City Manager, authorize the City Manager to contract with an individual or another political subdivision as Assessor-Collector to handle the assessment and/or collection of taxes, and no separate Assessor-Collector need be appointed in such case. The Assessor-Collector shall give a surety bond for the faithful performance of his or her duties including compliance with all controlling provisions of the State law bearing upon the functions of his or her office in a sum which shall be fixed by the City Council, but in no event shall the amount be less than twenty thousand dollars, the cost to be borne by the City; provided, if the Assessor-Collector is an officer of another political subdivision providing services to the City by contract and if the City Council determines that the Assessor-Collector’s existing surety bond sufficiently protects the City, no further surety bond shall be required.

(b) Power to Levy, Assess and Collect Taxes. The City shall have the power to assess, levy and collect an annual tax upon taxable property within the City not to exceed the maximum provided by the Constitution and general laws of the State.

(c) Taxes, When Due and Payable. All taxes due the City shall be payable at the Office of the Assessor-Collector and may be paid at any time after the tax rolls for the year have been completed and approved, which shall be not later than October first. Taxes shall be paid before February 1, and all such taxes not paid prior to such date shall be deemed delinquent and shall be subject to such penalty and interest as authorized by applicable State law. The City Council may, by ordinance, provide a discount for prompt payment of current taxes. The City Council may contract with an attorney or attorneys for the collection of delinquent taxes as authorized by applicable State law.

UDC Criteria For Approval 21.5.11.D

Current Text	Proposed
<ol style="list-style-type: none">1. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Land Plan;2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;3. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as safety, traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;4. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;5. The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;	<ol style="list-style-type: none">1. The proposed use at the specified location is consistent with the policies of the adopted Comprehensive Land Plan, or any other applicable adopted plans.2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;3. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods;4. The proposed use will not adversely affect the overall health, safety or general welfare of the City;5. Whether other factors are deemed relevant and important in the consideration of the Specific Use Permit

UDC Criteria For Approval 21.5.11.D – cont.

Current Text	Proposed
<p>6. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed use on adjacent properties;</p> <p>7. The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood;</p> <p>8. The proposed [use] promotes the health, safety or general welfare of the City and the safe, orderly, efficient and healthful development of the City;</p> <p>9. No application made under these provisions will receive final approval until all back taxes owed to the City have been paid in full; and</p> <p>10. Other criteria which, at the discretion of the Planning and Zoning Commission and City Council are deemed relevant and important in the consideration of the Specific Use Permit.</p>	<ol style="list-style-type: none">1. The proposed use at the specified location is consistent with the policies of the adopted Comprehensive Land Plan, or any other applicable adopted plans.2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;3. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods;4. The proposed use will not adversely affect the overall health, safety or general welfare of the City;5. Whether other factors are deemed relevant and important in the consideration of the Specific Use Permit

Criteria for Approval 21.4.7.D

1. The proposed amendment promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City
 - The UDC functions better when it matches current city practices.
 - Better for the residents of Schertz, applicants, and Staff when there is continuity and clarity throughout the UDC.
 - Streamlining our criteria for approval will assist with the orderly and efficient development of the City

Criteria for Approval 21.4.7.D

2. An amendment to the text is consistent with other policies of this UDC and the City.

- Many of these proposed amendments are reflective of changes in the City Charter, adopted ordinances, and updated city practices.
- These amendments are consistent with the policies of the UDC and the City

Criteria for Approval 21.4.7.D

3. Any proposed amendment is consistent with the goals and objectives of this UDC and the City;

- The Strategic Plan stated goals for the Operational Values of the city.
 - Be proactive – "Proactive means initiating change by anticipating future situations in order to make things happen".
 - Responsibility of staff to be "continuously **improving** and evolving", "forward-thinking".
- These amendments would achieve these goals in the Strategic Plan

Criteria for Approval 21.4.7.D

4. Other criteria 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.
 - Staff has received no special considerations.
 - This public hearing provides the opportunity for City Council to determine this.

Recommendation

These amendments align with the goals, objectives, and policies of the UDC and the City.

Therefore, Staff is recommending approval of Ord. 24-S-155.

On September 4th, 2024, The Planning and Zoning Commission held a public hearing and recommended approval with a 6-0 vote.

COMMENTS AND QUESTIONS