

ARTICLE 5: ZONING PROCEDURES

DIVISION 1: APPLICATION FOR ZONING MAP AMENDMENT

The property owner or the owner's authorized agent, the Planning and Development Services Director, the Planning and Zoning Commission, or the City Council on its own motion, may initiate an application for a zoning map amendment.

Section 2.5.1.1 Purpose, Applicability and Effect

- A. Purpose.** The purpose of an application for a zoning map amendment is to establish the initial zoning district classification of land, or to authorize a use of land, or to change the zoning district classification of land.
- B. Applicability.** The requirements of this division do not apply to land outside of the city limits. The requirements of this division do apply to land annexed to the City upon the effective date of the annexation.
- C. Effect.** Enactment of an ordinance approving an application for a zoning map amendment results in a change in zoning district classification for the property, and the use of the land thereafter is subject to all requirements of the new zoning district. Approval of an application for a zoning map amendment authorizes the property owner to establish any use authorized in the new zoning district, subject to the standards and requirements applicable within the zoning district, upon obtaining approval of all development applications required by this Development Code.

Section 2.5.1.2 Application Requirements

- A.** An application for a zoning map amendment shall be submitted in accordance with the universal application procedures in Section 2.3.1.1 except as otherwise provided in this Article 5.
- 2.** An application for zoning map amendment to any Neighborhood District described in Section 4.1.2.5 requires the approval of an existing neighborhood regulating plan overlay district described under Section 2.5.3.1.
- C.** A landowner or agent seeking approval of an application for a zoning map amendment shall pay or otherwise satisfy all delinquent taxes, paving assessments, impact fees, or any

other delinquent debts or obligations for the property to be rezoned at the time the application is submitted.

- D.** An application for a zoning map amendment shall include without limitation a statement of the preferred scenario map area of the property proposed to be re-zoned and that the requested zoning map amendment is consistent with the comprehensive plan as contemplated in Section 4.1.1.6.
- E.** **1.** An application for a zoning map amendment shall not be approved unless the following petitions, where applicable to the application, have been approved and remain in effect:
 - 1.** Any petition for a comprehensive plan amendment,
 - 2.** Any petition for a text amendment to this Development Code.
- F. Waiting Periods for Certain Amendments**
 - 1.** A request to change the zoning district designation for a tract of land shall not be considered by the Planning and Zoning Commission or the City Council within one year of any of the following:
 - a.** A City Council vote to deny the same requested change for all or any portion of the parcel;
 - b.** Withdrawal of the same requested change by the applicant after the City Council meeting at which the change is to be considered has been called to order; or
 - c.** A modification to the boundary of the same requested change by the applicant after the Planning and Zoning Commission has voted on the matter.
 - 2.** The one-year waiting period may be waived if the Planning and Zoning Commission and City Council each determine that there has been a substantial change in conditions surrounding the parcel since the initial request, and agree to reconsider the change by a three-fourths vote of the members present and voting.

Section 2.5.1.3 Approval Process


A. Responsible Official Action

- 1.** Upon acceptance or authorization of an application for a zoning map amendment, the Responsible Official

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shall schedule a neighborhood presentation meeting in accordance with Section 2.3.1.1.

2. Upon acceptance ~~1. authorization~~ of an application for a zoning map amendment the Responsible Official shall provide a notice of application in accordance with Section 2.3.2.1.
3. The Responsible Official shall provide posted notice and personal notice of all required public hearings ~~2. least 17 days before the hearing~~ in accordance with Section 2.3.2.1 ~~3. except for City Initiated changes where notice shall be provided in accordance with Section 2.1.1.2.~~
4. The Responsible Official shall review an application for zoning map amendment in accordance with the criteria in Section 2.5.1.4 and provide a report and recommendation to the Planning and Zoning Commission.
5. The Responsible Official shall also provide a report and any recommendations from the Planning and Zoning Commission to the City Council when the City Council considers the proposed zoning map amendment.

B. Planning and Zoning Commission Action.

1. The Planning and Zoning Commission shall hold a public hearing on the application in accordance with Section 2.3.3.1.
2. The Planning and Zoning Commission shall make a recommendation regarding the application for a zoning map amendment to the City Council.
3. The Planning and Zoning commission may recommend approval or denial of the application for a zoning map amendment.
4. The Planning and Zoning Commission may, on its own motion, or at the applicant's request, defer its recommendation or decision and table the request to a date certain that is not more than ninety (90) calendar days from the date of the public hearing, to consider other information or proposed modifications to the request which may have a direct bearing on the recommendation or decision.
5. If the Planning and Zoning Commission elects to table the request, the tabling shall specifically state the meeting

date at which the request shall reappear on the Planning and Zoning Commission agenda, and further notice in the newspaper, to the property owner, and to surrounding property owners shall not be required.

C. City Council Action


1. The City Council shall consider an application for a zoning map amendment at its public hearing no sooner than seven days after the date of the Planning and Zoning Commission's recommendation.
2. ~~4. The City Council should consider the criteria in Section 2.5.1.4~~ and may vote to approve or deny the specific proposed zoning map amendment.
3. A decision of the Council reclassifying land to a different zoning district shall be in the form of an ordinance that amends the City's official zoning map.
4. A zoning map amendment is subject to a super majority vote of the City Council when applicable in accordance with Section 2.2.4.2.
5. The City Council may, on its own motion, or at the applicant's request, defer its recommendation or decision and table the request for not more than ninety (90) calendar days from the date of the public hearing, to consider other information or proposed modifications to the request which may have a direct bearing on the recommendation or decision.
6. If the City Council elects to table the request, the tabling shall specifically state the meeting date at which the request shall reappear on the City Council agenda, and further notice in the newspaper, to the property owner, and to surrounding property owners shall not be required.

Section 2.5.1.4 Criteria for Approval

- A. In making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:
 1. Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map;

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2. Whether the proposed zoning map amendment is consistent with any adopted neighborhood character study for the area;
3. Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect;
4. Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses shall be appropriate in the immediate area of the land to be reclassified;
5. Whether the proposed zoning will reinforce the existing or planned character of the area;
6. Whether the site is appropriate for the development allowed in the proposed district;
7. Whether there are substantial reasons why the property cannot be used according to the existing zoning;
8. Whether there is a need for the proposed use at the proposed location;
9. Whether the City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, public safety, and emergency services, while maintaining sufficient levels of service to existing development;
10. Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property;
11. The impact the proposed amendment has with regard to the natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management; and
12. Any other factors which shall substantially affect the public health, safety, morals, or general welfare.

DIVISION 2: APPLICATION FOR OVERLAY DISTRICT

Section 2.5.2.1 Purposes and Effect

- A. **Purpose.** An overlay district is a district for which there are established regulations that combine with the regulations of an underlying base district. The purposes of an overlay district shall be to prohibit uses otherwise allowed in the base district, to establish additional or different conditions for uses, or to authorize special uses, together with standards for such uses, not otherwise allowed in the base district.
- B. **Effect.** Adoption of an overlay district does not repeal the base district, and all regulations in the base district shall remain applicable to the uses allowed in the overlay district, except as expressly modified by the regulations for the overlay district. In addition, any special standards set forth in the adopting ordinance shall apply to all development within the overlay district.

Section 2.5.2.2 Establishment of Overlay Districts

- A. **Creation.** An overlay district, other than an existing neighborhood regulating plan, shall be established as an amendment to the text of the zoning regulations in Chapter 4 and Chapter 5 of this Land Development Code in accordance with procedures in Section 2.4.1.1. Overlay zoning districts shall also be established on the Zoning Map in accordance with the procedures governing petitions for zoning map amendments in Section 2.5.1.1.
- B. **Enacting Ordinance.** In creating an overlay district other than an existing neighborhood regulating plan, the City Council shall specify the following standards:
 1. The intent and purpose of the district;
 2. The types of base districts with which the overlay district may be combined;
 3. Uses allowed by the overlay district which are not allowed in the base district and standards and conditions applicable to such uses;
 4. Uses otherwise permitted within the base district, which are prohibited, limited or restricted within the overlay district, and the standards and conditions constituting such limitations or restriction;

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5. Standards to be applied in the overlay which are intended to supersede conflicting standards in the base district; and
6. Special standards to be applied in the overlay district.

DIVISION 3: APPLICATION FOR AN EXISTING NEIGHBORHOOD REGULATING PLAN

Section 2.5.3.1 Purpose, Applicability and Effect

- A. **Purpose.** The purpose of an existing neighborhood regulating plan shall be to authorize a special overlay zoning district to ensure compatibility of the development with the surrounding neighborhood.
- B. **Applicability.** An approved existing neighborhood regulating plan shall be required for any property owner requested zoning map amendment to any of the Neighborhood Districts described under Section 4.1.2.5
- C. **Effect.** Approval of an existing neighborhood regulating plan authorizes the approval or issuance of subsequent requests and permits for the property subject to the regulating plan.

Section 2.5.3.2 Application Requirements

- A. An application for approval of an existing neighborhood regulating plan shall be submitted in accordance with the universal application procedures in Section 2.3.1.1 except as otherwise provided in this Division 5.
- B. **Existing neighborhood regulating plans shall consist of one or more maps showing the following:**
 1. The location of proposed base zoning districts;
 2. The location of existing zoning districts surrounding the subject property;
 3. The type, number, and location of all proposed building types under Section 4.4.6.1;
 4. The type, number, and location of all existing building types surrounding the subject property;
 5. The location of any required and proposed transitional protective yards under Section 7.2.2.1;
 6. The location of any required or proposed residential infill compatibility standard under Section 4.4.2.5;

1. The location and type of all required and proposed street types under Section 3.7.1.1;
8. The location of all proposed parking in accordance with Section 7.1.1.1;
9. The location and type of all proposed and existing streetscape types under Section 3.8.1.1; and
10. The location and type of all proposed and existing parkland under Section 3.10.1.1.

Section 2.5.3.3 Approval Process

- A. The approval process for an existing neighborhood regulating plan follows the procedures established for approval of a zoning map amendment under Section 2.5.1.3.

Section 2.5.3.4 Criteria for Approval

- A. The following criteria shall be used to determine whether the application for an existing neighborhood regulating plan shall be approved, conditionally approved or denied:
 1. The proposed regulating plan conforms with the compatibility of uses and density standards in Section 4.1.2.2.
 2. The existing neighborhood regulating plan is consistent with all applicable standards and requirements of the base zoning district and this development code;
 3. The existing neighborhood regulating plan is consistent with any adopted neighborhood character study for the area.
 4. The proposed provision and configuration of roads, electric, water, wastewater, drainage and park facilities conform to the Comprehensive Plan and any approved City Master Plans or Capital Improvement Plans;

Section 2.5.3.5 Amendments


- A. The Responsible Official may permit the applicant to make minor amendments to the existing neighborhood regulating plan without the necessity of amending the ordinance that established the existing neighborhood regulating plan.
- B. If the Director determines that proposed amendments substantially impact the nature of the approval, whether

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 Number: 2 Author: Gillfillan_Abigail Subject: Highlight Date: 12/22/2017 1:18:18 PM

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Old Text: Applicability. An approved existing neighborhood regulating plan shall be required when directed by the City Council during initial authorization of a zoning map amendment under Section 2.5.1.3.

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Old Text: Existing neighborhood regulating plans shall consist of one or more maps showing the following, in compliance with the standards described in Section 4.1.2.2.:

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1. Base zoning districts;
2. Building types;
3. Protective Yards;
4. Street Network;
5. Streetscape; and
6. Parkland.

individually or cumulatively, the Director will deny the request for approval of the modifications and provide the applicant with the opportunity to revise the proposed amendments to bring them into compliance with the existing neighborhood regulating plan.

- C. If an applicant wishes to make any amendments other than minor amendments approved by the Responsible Official, the amendments will be submitted for review and approval as a revised existing neighborhood regulating plan.
- D. Minor amendments shall be as follows:
 1. Corrections in spelling, distances and other labeling that do not affect the overall development concept;
 2. Changes in building position or layout that are less than ten feet or ten percent of the total building project or area; and
 3. Changes in proposed property lines as long as the original total project acreage is not exceeded, and the area of any base zoning district is not changed by more than five percent.
 4. Changes in parking layouts as long as the number of required spaces and general original design are maintained.

DIVISION 4: APPLICATION FOR HISTORIC DISTRICT OR HISTORIC LANDMARK

Section 2.5.4.1 Establishment and Expansion of Local Historic Districts or Historic Landmarks

- A. **General Procedures for Local Historic District.** Except as provided in this Section, an application to establish or expand a Historic District (HD) shall be processed and decided in accordance with the procedures governing an application for an overlay district under Section 2.5.2.2.
- B. **General Procedures for Historic Landmarks.** Except as provided in this Section, an application to establish a Historic Landmark shall be processed and decided in accordance with the procedures governing an application for a Zoning Map amendment under Section 2.5.1.1.

Section 2.5.4.2 Historic Preservation Commission Action.

Before considering a request for the establishment of a Historic District or Landmark, the Historic Preservation Commission shall carry out the following activities:

- A. The Historic Preservation Commission shall cause a report to be prepared for the commission's final review and approval that:
 1. Identifies the historic significance of the exteriors of buildings, structures, features, sites, objects and surroundings in the area of the proposed district or landmark;
 2. Reflects the current characteristics of the area of the proposed new Historic District or Landmark.
- B. After final approval of the report concerning the area subject to the request, the Historic Preservation Commission shall hold a public hearing on the request for the establishment of the proposed Historic District or Landmark. The report shall be presented at the public hearing.
- C. Personal notice and published notice of the public hearing shall be given in accordance with Section 2.3.2.1.
- D. After the public hearing the Historic Preservation Commission shall:
 1. Formulate a recommendation regarding the establishment of a historic district or landmark for the area subject to the request; and
 2. Forward the recommendation and report to the Planning and Zoning Commission for consideration.

Section 2.5.4.3 Planning and Zoning Commission Action

- A. The Planning and Zoning Commission shall schedule a public hearing on the establishment of a Historic District or Landmark upon receiving the final report and recommendations of the Historic Preservation Commission.
- B. The Planning and Zoning Commission shall take into consideration the report and recommendations of the Historic Preservation Commission at a public hearing.

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ARTICLE 1: GENERAL PROVISIONS AND ESTABLISHMENT OF DISTRICTS

DIVISION 1: PURPOSE AND INTENT

Section 4.1.1.1 Purpose and Intent

The zoning regulations and districts contained in this Chapter are established in accordance with the City's adopted Comprehensive Plan, as authorized by Chapter 211 of the Texas Local Government Code.

Section 4.1.1.2 Compliance

Except for non-conformances allowed pursuant to Section 1.5.1.1, all land, development, improvements, construction, structures, buildings, lots and appurtenances located within the City shall be made, constructed, occupied, used, erected, altered, removed, placed, demolished and/or converted in conformance with the regulations prescribed for the zoning district in which the same is located and the applicable standards, requirements and other provisions of this Development Code.

Violations of these regulations shall be subject to penalties as per Section 2.3.7.1 of this Development Code.

Section 4.1.1.3 Consistency with Comprehensive Plan

All requests for rezoning and development applications shall be consistent with the City's adopted Comprehensive Plan, as amended from time to time.

Section 4.1.1.4 Rules for Determining Consistency

- A. A legislative development application is consistent with the City's adopted Comprehensive Plan if the application is consistent with applicable policies in the Comprehensive Plan and applicable Comprehensive Plan maps.
 - 1. In determining whether a legislative development application is consistent with a Comprehensive Plan map, the City shall take into consideration the policies that govern interpretation of the map, as well as location or property specific designations on the map.
 - 2. The Preferred Scenario Map incorporated in the Comprehensive Plan is not a zoning or district map and shall not be construed as defining zoning or district

boundaries, but shall be used in making decisions regarding zoning.

- B. A quasi-judicial or administrative development application is consistent with the City's adopted Comprehensive Plan if the application conforms with regulations in this Development Code that implement the applicable policies of the Comprehensive Plan.

Section 4.1.1.5 Applicable Plans, Maps and Policies

The following Comprehensive Plan elements and approved master plans and maps apply to the analysis of legislative development applications:

- A. Comprehensive Plan and all addenda, as amended;
- B. Water, Wastewater and Drainage Master Plans;
- C. Preferred Scenario Map;
- D. Transportation Master Plan and Thoroughfare Map;
- E. Parks and Open Space Master Plan.

Section 4.1.1.6 Comprehensive Plan Preferred Scenario

- A. **Comprehensive Plan Preferred Scenario Designations.** To direct the intensity of, and development within, the various areas of the City, the Comprehensive Plan Preferred Scenario Map establishes the following Preferred Scenario areas:
 - 1. **Open Space/Agricultural Zone.** An area which is not developed and which is generally suitable for very limited residential or agricultural uses.
 - 2. **Land Preservation Area.** Land Preservation Areas are varied and diverse with respect to environmental sensitivity and development suitability of the land. They are generally made up of larger undeveloped tracts of land where the preservation of sensitive environmental areas, flood hazard areas and agricultural lands should be considered as part of any development proposal. Development in these areas should be guided by the Land Use Suitability Map of the Comprehensive Plan.
 - 3. **Existing Neighborhood Area.** Established, primarily residential areas intended to maintain their existing character and to follow development and redevelopment patterns that are compatible with the existing character.



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4. **Medium or High Intensity Zone.** An area of change intended to accommodate the City's future growth and expansion where people can meet their daily needs within a short walk, bike, transit trip or drive.
 5. **Employment Center.** An area intended to accommodate economic growth and the recruitment of major employers.
 6. **Corridors.** An area along a major transportation corridor where development should be consistent with and complement the preferred scenario designation and the corridor type from the Transportation Master Plan.
- B. Comprehensive Plan / District Translation Table.** Zoning map amendments shall be consistent with the intent and character of the preferred scenario designations on the Preferred Scenario Map.
1. **Considered (C).** Where a zoning map amendment is Considered on the table below, the amendment will be considered based on the Comprehensive Plan and the criteria in Section 2.5.1.4 and the district intent under Division 4 of this Chapter 4 Article 1.
 2. **Considered* (C*).** Where a property owner requested zoning map amendment to an Existing Neighborhood District is requested:
 - a. Further scrutiny may be required to determine consistency with the compatibility requirements in Section 4.1.2.2.
 2. **An existing neighborhood regulating plan under Section 2.5.3.1 is required.**
 3. **Not Preferred (NP).** Where a zoning map amendment is Not Preferred (NP) on the table below, further scrutiny is required to determine consistency with the Comprehensive Plan based on the criteria in Section 2.5.1.4 and the district intent under Division 4 of this Chapter 4 Article 1.
 4. **Not Allowed (--).** Where a zoning map amendment is not allowed on the table below, no zoning map amendment may be requested without an accompanying request for an amendment to the Preferred Scenario Map under Section 2.4.2.1.


District Classification	Open Space/ Agricultural	4 th and Preservation	Existing Neighborhood	Medium or High Intensity Zone	Employment Center	Corridor
Conventional Residential	NP	NP	5	--	--	--
Neighborhood Districts	NP	NP	6*	NP	NP	7
Character Districts	NP	8	--	9	NP	10
Special Districts	--	NP	NP	NP	C	11
Legend	-- = Not Allowed		NP=Not Preferred		12 = Considered	
* An Existing Neighborhood Regulating Plan is required for property owner requested zoning changes to a Neighborhood District.						


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	Author: Gillfillan_Abigail	Subject: Sticky Note	Date: 12/22/2017 1:39:28 PM	Old Text: Preferred* (P*). Where a zoning map amendment that is 1 acre or greater is requested in an existing neighborhood:
	Number: 2	Author: Gillfillan_Abigail	Subject: Highlight	Date: 12/22/2017 1:39:32 PM
	Author: Gillfillan_Abigail	Subject: Sticky Note	Date: 12/22/2017 1:40:07 PM	Old Text: Initial Authorization by City Council under Section 2.5.1.1 is required.
	Number: 3	Author: Gillfillan_Abigail	Subject: Highlight	Date: 12/22/2017 1:35:49 PM
	Author: Gillfillan_Abigail	Subject: Sticky Note	Date: 12/22/2017 1:37:29 PM	Old Text: Preferred (P). Where a zoning map amendment is preferred on the table below, the amendment is a preferred type of development based on the Comprehensive Plan and should be considered based on the criteria in Section 2.5.1.4 and the district intent under Division 4 of this Chapter 4 Article 1.
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	Author: Gillfillan_Abigail	Subject: Sticky Note	Date: 12/22/2017 1:44:03 PM	Old Text: Low Intensity
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	Author: Gillfillan_Abigail	Subject: Sticky Note	Date: 12/22/2017 1:42:28 PM	Old Text: P
	Number: 6	Author: Gillfillan_Abigail	Subject: Highlight	Date: 12/22/2017 1:43:14 PM
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	Number: 7	Author: Gillfillan_Abigail	Subject: Highlight	Date: 12/22/2017 1:42:02 PM
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	Number: 8	Author: Gillfillan_Abigail	Subject: Highlight	Date: 12/22/2017 1:41:52 PM
	Author: Gillfillan_Abigail	Subject: Sticky Note	Date: 12/22/2017 1:42:37 PM	Old Text: P
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	Author: Gillfillan_Abigail	Subject: Sticky Note	Date: 12/22/2017 1:42:43 PM	Old Text: P
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	Number: 12	Author: Gillfillan_Abigail	Subject: Highlight	Date: 12/22/2017 1:40:35 PM

4. **Medium or High Intensity Zone.** An area of change intended to accommodate the City's future growth and expansion where people can meet their daily needs within a short walk, bike, transit trip or drive.
 5. **Employment Center.** An area intended to accommodate economic growth and the recruitment of major employers.
 6. **Corridors.** An area along a major transportation corridor where development should be consistent with and complement the preferred scenario designation and the corridor type from the Transportation Master Plan.
- B. Comprehensive Plan / District Translation Table.** Zoning map amendments shall be consistent with the intent and character of the preferred scenario designations on the Preferred Scenario Map.
1. **Considered (C).** Where a zoning map amendment is Considered on the table below, the amendment will be considered based on the Comprehensive Plan and the criteria in Section 2.5.1.4 and the district intent under Division 4 of this Chapter 4 Article 1.
 2. **Considered*(C*).** Where a property owner requested zoning map amendment to an Existing Neighborhood District is requested:
 - a. Further scrutiny may be required to determine consistency with the compatibility requirements in Section 4.1.2.2.
 - b. An existing neighborhood regulating plan under Section 2.5.3.1 is required.
 3. **Not Preferred (NP).** Where a zoning map amendment is Not Preferred (NP) on the table below, further scrutiny is required to determine consistency with the Comprehensive Plan based on the criteria in Section 2.5.1.4 and the district intent under Division 4 of this Chapter 4 Article 1.
 4. **Not Allowed (--).** Where a zoning map amendment is not allowed on the table below, no zoning map amendment may be requested without an accompanying request for an amendment to the Preferred Scenario Map under Section 2.4.2.1.

DISTRICT CLASSIFICATION	OPEN SPACE/ AGRICULTURAL	LAND PRESERVATION	EXISTING NEIGHBORHOOD	MEDIUM OR HIGH INTENSITY ZONE	EMPLOYMENT CENTER	CORRIDOR
Conventional Residential	NP	NP	C	--	--	--
Neighborhood Districts	NP	NP	C*	NP	NP	C
Character Districts	NP	NP	--	C	NP	C
Special Districts	--	NP	NP	NP	C	C
Legend	-- = Not Allowed		NP=Not Preferred		C = Considered	
13 An Existing Neighborhood Regulating Plan is required for property owner requested zoning changes to a Neighborhood District.						

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 Number: 13 Author: Gillfillan_Abigail Subject: Highlight Date: 12/22/2017 1:40:56 PM

 Author: Gillfillan_Abigail Subject: Sticky Note Date: 12/22/2017 1:41:38 PM
Old Text: Initial Authorization required when a request is 1 acre or greater.
